

**Historic Preservation Board
City of Fort Lauderdale
Monday, August 6, 2007 - 5:00 P.M.
City Hall
First Floor Conference Room
100 North Andrews Avenue
Fort Lauderdale, Florida**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u>	
		<u>Present</u>	<u>Absent</u>
Nolan Haan, Chair	P	6	0
Daryl Jolly, Vice Chair	A	4	2
Jay Adams	P	3	2
Andy Cole	P	2	0
Carolyn Dandy	P	4	2
Mary-Jane Graff	P	6	0
Pat Hale	P	5	0
Marie Harrison	A	0	1
Joanne Johnsen	P	6	0
Susan Jordan	P	5	1
Clay Wieland	P	5	0

City Staff

Michael Ceisielski, Staff Liaison to the HPB
Assistant City Attorney Sharon Miller
Pat Garbe Morillo, Staff Liaison to the HPB
Stacey Hines Ramsey
Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB
Liz Rivera, Recording Secretary

Guests

Barbara Hall	Scott Lamont, EDSA
Anthony Abbate	Karen Beard, CEO of Bonnet House
Walter Batcheller	Bob Parker
Ricardo Caganap	Art Bengochea
Alyssa Plummer	Paul Boggus
John Francavilla	Don Hall
Toby Brigham	Leigh Kerr
Andy Adams	Lucy Wayne
Bob Carr	Tucker Gibbs
L. Thomas Chancey	Gregory Saldana
Barbara Keith	Tom Tatum
Charles Jordan	

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For the Good of the City

Call to Order

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

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

Approval of Minutes of July 2007 Meeting

Motion made by Ms. Johnsen, seconded by Mr. Wieland, to approve the minutes of the July 2007 meeting. In a voice vote, the motion was approved unanimously.

Ms. Barbara Hall, representative of FL Sunrise Propco, LLC, requested that their presentation be heard first because their architectural consultant must leave early. The Board had no objection.

I. Cases

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1. **Applicant:** **Walter Batcheller** **Case No. 12-H-07 (SB)**
[See 4-H-00 (SB)]
- Owner:** **The Salvation Army**
- Location:** **100 SW 9th Ave.**
- Request:** Certificate of Appropriateness for Alteration:
- Installation of one wall sign and one freestanding monument sign.
- Zoned:** B-1
- Legal:** TOWN OF FORT LAUDERDALE P.B. "B" P. 40 (D)
Block 20, Portions of Lots 4 & 6 together with a
Portion of Lots 11 & 13 and all of Lots 12 & 14.
KELLY AND OLIVER SUBDIVISION P.B. 3, P. 15 (D)
Block 20, Lot 4
TOWN OF FORT LAUDERDALE P.B. 3, P. 15 (D)
together with HAZEL ESTATES, P.B. 42, P. 4

Lots 1, 2, 3, and 14

Ms. Morillo stated this was a request for a Certificate of Appropriateness (COA) for Alteration for the installation of one wall sign and one freestanding monument sign. She advised the Board that in addition to considering the SBHD Material and Design Guidelines as indicated in Section 47-17.7. of the ULDR, the HPB shall consider both the General criteria for a COA in Section 47-24.11.C.3.c.i. a-f and the additional guidelines for alterations in Section 47-24.11.C.3.c.ii.a-h.

Ms. Rathbun explained that the design for the Helen and Festus Stacy Memorial Chapel, a contemporary building, was reviewed by the HPB 5 years ago and found compatible in the SBHD. The applicant was now requesting a COA for two signs, a non-illuminated single-face wall sign and a two sided, illuminated, free-standing monument sign. The wall sign would be installed on the north elevation of the building facing Broward Boulevard. The monument sign would be placed at the northwest corner of the lot so as to be visible from Broward Boulevard and Southwest 9th Avenue.

Sec. 47-24.11. Historic designation of landmarks, landmark site or buildings and certificate of appropriateness.

C. Certificate of appropriateness.

3. Alterations, new construction or relocation.

c. Criteria.

i. General. In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the historic preservation board shall use the following general criteria and additional guidelines for alterations, new construction, relocations and demolitions as provided in subsections C.3.c.ii, iii, and iv, and C.4:

- a) The effect of the proposed work on the landmark or the property upon which such work is to be done;
- b) The relationship between such work and other structures on the landmark site or other property in the historic district;
- c) The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected;

Ms. Rathbun stated the monument sign and the single-face wall sign were appropriate to the contemporary design of the building and were appropriate in the district.

Mr. Walter Batcheller, representative of the Salvation Army, displayed a rendering of the wall sign, and explained how it would be possible to change the wording on it if needed by replacing one panel. He stated the sign met the square footage, height and set back requirements.

Mr. Batcheller then showed a rendering of the freestanding sign and described it.

Ms. Rathbun stated the house was part of Victoria Courts, an historic landmark site, designated by the City of Fort Lauderdale in 1996 comprising a group of eight wood frame houses, ca. 1927-28, located on the South half of the 700 block, between NE 17th Avenue and NE 17th Road. The houses, when first built, faced an alleyway that ran down the center of the block at the rear of the lots with secondary entrances facing the streets. Today the main entrances were on the street facades. The houses may have been built as rentals for the winter season or for sale as second (i.e. winter) homes.

Ms. Rathbun said this house featured a hipped roof with clipped gables at the side elevations, wood siding and one over one lights windows. She informed the Board the applicant was requesting a COA for the installation of a backyard in-ground swimming pool.

Section 47-24.11.C.3.c.i, General Criteria

- f) Whether the plans comply with the "United States Secretary of the Interior's Standards Rehabilitation of Historic Buildings.

BUILDING SITE: The relationship between a historic building or buildings and landscape features within a property's boundaries- or the building site- help to define the historic character and should be considered an integral part of overall planning for rehabilitation work.

Recommended

Identifying, retaining and preserving buildings and their features as well as features of the site that are important in defining its overall historic character...

Retaining the historic relationship between buildings, landscape features and open space.

Not Recommended

Removing or radically changing buildings and their features or site features which are important in defining the overall historic character of the building so that, as a result, the character is diminished

Removing or relocating historic buildings or landscape features, thus destroying the historic relationship between buildings, landscape features, and open space.

Ms. Rathbun explained the requested swimming pool would be installed in ground, in the backyard at the rear of the historic house, and should have no appreciable effect on the historic character of the building.

Ms. Rathbun recommended approval.

Mr. Ricardo Caganap, applicant, described the pool and requested the Board's approval.

Chair Haan open to public hearing. There being no members of the public wishing to address this item, Chair Haan closed the public hearing and brought the discussion back to the Board.

Chair Haan asked that swimming pools be added to the list of items that could be approved administratively. Board members agreed.

Motion made by Ms. Jordan, seconded by Mr. Wieland, to approve per Section 47-24.11.C.3.c.1.f. In a roll call vote, Board unanimously approved 9 - 0.

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- 4. Applicant: Art Bengochea Case No. 15-H-07 (SB)**
Owner: John Francavilla
Address: 1009 SW 4th Street
Request: Certificate of Appropriateness for Relocation:
 - 2 historic buildings (house and carriage house) on the same lot.Certificate of Appropriateness for Alteration:
 - Rehabilitation of house and carriage house, including Replacement wood siding
New impact windows and French doors
New metal roofCertificate of Appropriateness for Demolition
 - Lean-to attached to carriage houseZoned: RML-25
Legal: Lots 1, 3, and 5, Block 107 "Waverly Place," P.B. 2, P. 19.

Ms. Morillo stated this was a request for 3 Certificates of Appropriateness [COAs]. 1) COA for the relocation of 2 historic buildings (house and carriage house) to be relocated on the same lot. 2) COA for alteration that involves rehabilitation of house and carriage house, including replacement of wood siding, new impact windows, French doors and new metal roofs. 3) COA for demolition of the Lean-to addition on the carriage house.

Ms. Morillo advised the Board in addition to considering the SBHD Material and Design Guidelines as indicated in Section 47-17.7. of the ULDR, the HPB shall consider General criteria for a COA Section 47-24.11.C.3.c.i. as well as the Additional criteria for alterations Section 47-24.11.C.3.c.ii, and Section 47-24.11.C.3.c.i.a-f when deciding whether to grant a COA for Alteration.

Regarding the request for demolition, Ms. Morillo advised the Board to consider the criteria for demolition as listed in Section 47-24.11.C.4.c.i.-iii when determining whether to grant a COA.

Ms. Rathbun explained that the two-story house, the carriage house, on Lot 3, 1009 Southwest 4th Street was shown on the 1924 Sanborn map. She read the description from the Master Site File.

Ms. Rathbun said the structure was probably built ca. 1925. The second house at 1009 SW 4th Street (lot 5) was shown on the 1924 Sanborn Fire Insurance Map for the City of Fort Lauderdale. According to the Master Site File record the house was built ca. 1918-1920 for Joseph Fritsch, the owner of a local garage. She read the Site File description of the building.

Ms. Rathbun stated the applicant was requesting a COA to move both houses east to Lot 1. The procedure for the one-story house was a simple lateral move to the southeast corner of Block 107, but the applicant stated that he would move the two-story house to the north portion of Lot 1 and reposition it 180 degrees. The repositioning of the two-story house would result in the front door facing the alley.

Ms. Rathbun said once moved, the applicant intended to restore the two houses; and requested the following materials

Section 47-17.7 Material and design guidelines

B. Materials and designs

1. Exterior building walls
 - a. Materials and finish.
 - ii. wood – clapboard, three and one-half (3 ½) inches to (7) inches to the weather.
2. Windows and doors
 - a. Materials
 - i. glass (...non-reflective, tinted
 - iv. aluminum
 - b. Configurations
 - i. doors: garage nine (9) feet maximum width. Other;
 - ii. windows rectangular,
 - c.. Operations
 - i. windows; single hung;
3. Roofs and gutters
 - a. Roof materials
 - v. 5-V crimp.
 - c. Configurations
 - i. Roof: The pitch of new roofs may be matched to the pitch of the roof of existing structures on the lot. Simple hip, pitch no less than 3:12 and no more than 8:12.

Ms. Rathbun advised the Board to consider the following:

Section 47-24.11. Historic designation of landmarks, landmark site or buildings and certificate of appropriateness.

C. Certificate of appropriateness.

3. Alterations, new construction or relocation.

c. Criteria.

i. General. In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the historic preservation board shall use the following general criteria and additional guidelines for alterations, new construction, relocations and demolitions as provided in subsections C.3.c.ii, iii, and iv, and C.4:

- a) *The effect of the proposed work on the landmark or the property upon which such work is to be done;*
- b) *The relationship between such work and other structures on the landmark site or other property in the historic district;*
- c) *The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected;*
- f) *Whether the plans comply with the "United States Secretary of the Interior's Standards Rehabilitation of Historic Buildings."*

Ms. Rathbun said the City's ULDR did not allow two principle residences on a single lot. The applicant proposed to address this by demolishing a non-historic lean-to attached to the west side of the two-story house prior to moving the house, and opening up the second story porch by removing the metal jalousies. This would reduce the square footage of the house sufficiently so that it may be considered an accessory structure

Section 47-24.11.

C. Certificate of appropriateness.

4. Demolition

c. Criteria—Demolition

- i. The designated property no longer contributes to a Historic District
- ii. The property or building no longer has significance as a historic architectural or archeological landmark; or
- iii. The demolition or redevelopment project is of major benefit to a historic district

Ms. Rathbun stated that in this case, criterion iii applied.

Mr. Art Bengochea, the owner's agent and architect, presented photos of the property, comprising three lots. He presented a site plan of the property, and described how they wanted to reposition the buildings on the site. He noted they were not requesting any modifications to the yards. Mr. Bengochea presented photos of the carriage house and described work to be done on that building.

On the main building, Mr. Bengochea said they would replace the windows, replace the asbestos shingles with Hardy Plank siding, and install a metal roof. He presented a photo of the side elevation, and explained the new windows would be the original zero over zero style.

Mr. Bengochea informed Chair Haan that under the front cottage's asbestos siding there was specialty siding. Chair Haan reminded Mr. Bengochea that the Secretary of the Interior's guidelines for rehabilitation recommended replacing like with like materials, and recommended not replacing at all when there was any possibility of rehabilitation. Mr. Bengochea reported that the asbestos siding was not in good condition, and they would probably be forced to cover it. Mr. Bengochea said the siding on the carriage house was salvageable and agreed to retain it.

Chair Haan open to public hearing.

Ms. Alyssa Plummer, Sailboat Bend resident and Sailboat Bend Civic Association member, said she had reservations about using Hardy Board instead of wooden siding. Ms. Plummer said she also had serious reservations about turning the two-story building to face an alleyway. She felt this was an example of an owner considering the historic guidelines as something to be surmounted. She asked the Board to consider the appropriateness of repositioning that two-story building on a lot, destroying the streetscape, the landscape and the historic integrity of that area.

Mr. Paul Boggus, Sailboat Bend resident, said relocating buildings endangered the historical integrity of the building and the historical district. Mr. Boggus wished that the architect had come before the Sailboat Bend historical district board, but he had not.

Dr. John Francavilla, the owner, said he did not object to moving the house so it faced the alleyway. He said it would cost \$250,000 to move and renovate it. Dr. Francavilla said the house was falling down, and even if it stayed in its current location, he needed to replace the foundation. Dr. Francavilla stated, "it's cheaper for me to tear down this house than to build a new house. But in keeping with the guidelines...I'm spending a quarter million dollars to move two houses that are going to probably hold a value of about \$125,000..."

Dr. Francavilla said he had the right to build 14 townhouses, which he was not doing. He said he wanted to eventually build six townhouses that looked like houses. Chair Haan asked Dr. Francavilla if he knew he was buying into an historic district when he purchased this property. Dr. Francavilla said, "I knew exactly what I was doing getting in the historic district."

Mr. Bengochea said he could reorient the carriage house if the Board desired, so the garage doors faced Southwest 9th Avenue.

There being no other members of the public wishing to address this item, Chair Haan closed the public hearing and brought the discussion back to the Board.

Chair Haan said he agreed with Ms. Plummer regarding relocating the building, and asked Ms. Morillo's opinion.

Ms. Morillo stated historic preservationists must comply with the Secretary of the Interior's standards, which generally did not approve of moving structures in an historic district, because this disrupted the ambience and rhythm of the streetscapes.

Chair Haan quoted from the Secretary of the Interior's standards regarding retaining and preserving the historic character of a property, including the special relationships between buildings. The guidelines indicated that the location and setting of the property were particularly important in capturing the sense of history, and the relationship between a property and its historic associations was destroyed if the property was moved. A property's positioning in its environment could reflect the designer's concept of nature, and aesthetic preferences.

Chair Haan felt that moving the cottage 10 feet would be acceptable, but the proposal to move the carriage house from its current setting, to "hide" it behind the first structure and to alter it to incorporate two garage doors, "you might as well demolish it, because you are completely changing everything historical about that property, and this is what ...this Board is here to protect against."

Chair Haan said, "We have a historic district, and people who buy into it have to realize that they are buying into a historic district, and there are certain limitations and things are more expensive." Chair Haan said he was currently renovating a home and it was costing him more than it would to build new. He pointed out that this was what historic preservation was all about.

Ms. Jordan agreed with Chair Haan. She said moving the building would destroy the characteristic of the neighborhood and take away from the building's historic value.

Ms. Hale asked about the original purpose of the carriage house. Mr. Boggus said he had served on the committee that developed the original Sailboat Bend historic district, and he explained that the carriage house had been a blacksmith shop - perhaps the first one in the City - and he felt they must preserve it.

Mr. Adams said he agreed with Chair Haan, and he felt the Town and the culture was forgetting about green space, and how buildings worked with green space and trees.

Ms. Hale felt the carriage house might be a more noteworthy structure than just someone's carriage house on his estate. Chair Haan asked if Ms. Rathbun had any additional information on the carriage house. Ms. Rathbun said she could not provide any additional information.

Mr. Bengochea asked the Board to table the carriage house item, so he could do additional research. Ms. Miller advised the items could be separated as the Board wished.

Motion made by Ms. Jordan, seconded by Ms. Hale, to approve the Certificate of Appropriateness for relocation for only the historic house, building "C". In a roll call vote, Board unanimously approved 9 - 0.

Motion made by Ms. Jordan, seconded by Ms. Hale, to approve a Certificate of Appropriateness for alteration for building "C", and those aspects, which apply to the rehabilitation of that structure. In a roll call vote, Board unanimously approved 9 - 0.

Chair Haan confirmed with Mr. Bengochea that the Board was granting no permissions for the carriage house and they expected this to be kept in a good condition, and not allowed to deteriorate in any way.

Motion made by Ms. Hale, seconded by Ms. Johnsen, to defer hearing the requests for the certificates of appropriateness for relocation, alteration and demolition regarding the carriage house to the Board's October meeting. In a roll call vote, Board unanimously approved 9 - 0.

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5. **Applicant:** **Gunster, Yoakley & Stewart, P.A.** **Case No. 18-H-07**
 Owner: **Las Olas Yacht Club Associates, Ltd** **(see also 1-H-07)**
 Location: **500 E. Las Olas Blvd.**
 Request: Certificate of Appropriateness for New Construction
 • Forty-two (42) story, two hundred and seventy-two
 (272) multi-family condominiums building with ground
 floor retail.

 Zoned: RAC-CC
 Legal: Tracts 4 and 5 and portions of Tracts 1, 2, and 3 of "Burnham's
 Subdivision, " Section 10, Township 50 South, Range 42 East,
 According to the plat thereof, as recorded in P.B. 15, P. 29, of the
 Public Records of Broward County, Florida.

Ms. Morillo stated this was a request for a Certificate of Appropriateness (COA) for New Construction of a 42 story, 272 multi-family condominium building with ground floor retail. She advised the Board to consider the General Criteria for COAs as stated in Section 47-24.11.C. 3.c.1.a.-f. when deciding whether to grant a COA for new construction.

Ms. Rathbun explained that the Stranahan Campsite had been designated as an historic landmark site in June 2007. Under the City's ULDR, when evaluating applications for COAs affecting historically designated properties, the Historic

Preservation Board should refer to the Secretary of the Interior's Standards for the Treatment of Historic Properties. These Standards, based on the federal government's 100 years of experience with historic preservation, delineate the principles of best preservation practice.

Sec. 47-24.11. Historic designation of landmarks, landmark site or buildings and certificate of appropriateness.

C. Certificate of appropriateness.

3. Alterations, new construction or relocation.

c. Criteria.

i. General. In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the historic preservation board shall use the following general criteria and additional guidelines for alterations, new construction, relocations and demolitions as provided in subsections C.3.c.ii, iii, and iv, and C.4:

- a) The effect of the proposed work on the landmark or the property upon which such work is to be done;
- b) The relationship between such work and other structures on the landmark site or other property in the historic district;
- c) The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected;
- d) Whether the denial of a certificate of appropriateness would deprive the property owner of all reasonable beneficial use of his property;
- e) Whether the plans may be reasonably carried out by the applicant;
- f) Whether the plans comply with the "United States Secretary of the Interior's Standards Rehabilitation of Historic Buildings.

Ms. Rathbun explained that Section 47-24.11.C.3.c.i.f) quoted above referred to an earlier version of the Secretary of the Interior's Standards that probably dated from 1990 when the City's historic preservation ordinance was adopted. Over the past seventeen years the document had been revised many times. The updated 2007 version was properly titled The Secretary of the interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings.

Ms. Rathbun continued that as the title suggested, the Standards were divided into two sections; the first states the main principles for the treatment of historic properties and the second discusses types of treatments for aspects of historic properties and gives examples. For the purposes of her memorandum, everything following referred to the current (2007) version of the Standards.

The U.S. Department of the Interior through the National Parks Service provided extensive explanatory materials for the interpretation of the Standards. Ms. Rathbun provided a brief overview of the Standards from a National Park Service website:

“The Standards may be applied to all properties listed in the National Register of Historic Places: buildings, sites, structures, objects, and districts.”

Ms. Rathbun explained that the Standards referred to National Register properties but under the City’s ordinance, it applied to locally designated properties.

Ms. Rathbun informed the Board that when considering applications for new construction on designated sites, including this application, both “location” and “setting” of the subject property should be examined.

From the Secretary of the Interior’s Standards:

“The setting is the area or environment in which a historic property is found. It may be an urban or suburban neighborhood or a natural landscape in which a building has been constructed. The elements of setting, such as the relationship of buildings to each other, setbacks, fence patterns, views, driveways and walkways, and street trees together create the character of a district or neighborhood. In some instances, many individual building sites may form a neighborhood or setting”.

Ms. Rathbun explained that the Stranahan Campsite formed a setting. She recited the following expanded definition of “setting” from the National Park Service Bulletin No. 15 which is also explanatory material for the interpretation of the Standards from NPS:

Setting is the physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its relationship to surrounding features and open space.

Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. In addition, the way in which a property is positioned in its environment can reflect the designer’s concept of nature and aesthetic preferences.

The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as:

- Topographic features (a gorge or the crest of a hill);
- Vegetation;
- Simple manmade features (paths or fences); and
- Relationships between buildings and other features or open space.

These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its surroundings. This is particularly important for districts.”

Ms. Rathbun noted that when historians and preservationists used the term “historic context” in reference to the evaluation of historic properties, they meant that a property’s significance was determined by information about trends, events, peoples and personages associated with the property, and the importance of this information in the history or pre-history of a community. The historic context of the Stranahan Campsite, the developer’s building site, was established in the application for historic designation and designation memorandum presented to the HPB and the City Commission. Ms. Rathbun said the campsite had periods of significance, set out in the historic context, in both pre-history and history, but for the purposes of her report we were concerned with the period 1893 to ca. 1928-29.

Ms. Rathbun related that the applicant proposed to construct a forty-two story condominium tower on the site. The 1928 City of Fort Lauderdale Sanborn Fire Insurance Map showed the Stranahan lot nearly bisected by a canalized natural slough; the developer’s building site was located west of this slough and the developer intended to donate the northeast corner, which in the 1930s was the site of a Sinclair Products service station, to the City for a park site.

Ms. Rathbun stated the proposed building had a base rising to eight levels (75’ 3.5” in height), which was oriented north to south and took up the largest portion of the site. The tower, also oriented north to south, although with a smaller footprint than the base, rose to an overall height of 484’ 4.5”. The width of the base was two hundred and eighty feet north to south and the width of the tower was two hundred and seventy feet north to south.

Ms. Rathbun remarked that while the design for this project’s north and south elevations was relatively narrow, the east elevation - at 280’ at the base - was massive.

Ms. Rathbun stated that the last structure to be introduced to the site, the Hyde Park Market, while massive, was only one story. The physical setting in the historic context and period of significance was a large lot with open space, structures and accessory buildings sited primarily along the riverfront. Even after the market was built, Ms. Rathbun noted that there had been some sense of the historic dimensions of the setting, as there was nothing jutting into the airspace over the lot. In the developer’s proposal, even the height of the condominium base, at 75’, was well above the height of earlier structures on the property and the proposed condominium tower would encroach into the lot’s airspace rising over 484’ at its highest point.

Ms. Rathbun read from the Secretary of the Interior’s Standards:

2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

Identify, Retain and Preserve
Site

Retaining the historic relationship between buildings and the landscape.

Setting

Retaining the historic relationship between buildings and landscape features of the setting. For example, preserving the relationship between a town common and its adjacent historic houses, municipal buildings, historic roads, and landscape features.

Ms. Rathbun said in this case, the above quotations referred to the landscape, i.e. the topographic features, and open spaces of the designated landmark site, the Stranahan Campsite.

Ms. Rathbun stated this project was inappropriate for the designated property, Stranahan's Campsite, which included the developer's building site because it would essentially destroy the historic setting.

The application should be denied.

Chair Haan stated the applicant had requested one hour to make his presentation.

Mr. Donald Hall, representative of the applicant, said the site plan had been approved December 6, 2005. Mr. Hall referred to a report created for the City by Janus Research analyzing the impacts of the development on Stranahan house, which indicated adverse impact had been addressed in the second site plan and the project was compatible with Stranahan house. Mr. Hall stated the site plan and impact issues had already been heard and decided.

Mr. Hall said that according to the ULDR, the City Commission's previous decision governed site plan issues. Mr. Hall said this hearing was to determine whether this project should be granted a certificate of appropriateness per the general criteria cited by Ms. Rathbun. Mr. Hall said his narrative analyzed each of the five criteria, and the only one arguably applicable was criterion F. He noted that this particular criterion did not discuss properties that were not zoned historical or properties upon which there was no historic building.

Mr. Hall stated per the original site plan, his client would construct a public park plaza of approximately 11,000 square feet at his own expense, which would be dedicated to the City. He said this would provide Stranahan House a view to Las Olas, and was also large enough to allow the City to commemorate the site.

Mr. Hall said that his client would also continue and complete to Riverwalk from its terminus to the public park, and 14,922 square foot of retail restaurant use would be constructed on Las Olas and the riverfront.

Mr. Toby Brigham, representative of the applicant, presented a notebook to each Board member, and explained he was an eminent domain and property rights attorney. Mr. Brigham said there were three matters to be considered in this case: the first was existing and future plans for the City of Fort Lauderdale. He pointed out that the purpose of the Historic Preservation Board related to the preservation and protection of historically or architecturally worthy structures, and noted that this was a site.

Mr. Brigham said the second matter to be considered was judicially acknowledged or constitutionally protected private property rights. Mr. Brigham said, "The significance of the birthplace of the City, the significance of Frank and Ivy Stranahan, was that they were the founders of the City. But if the City had not progressed, there wouldn't be any celebration of that significance; it wouldn't be that significant." He said the City had progressed because of private property rights. Mr. Brigham said decisions in this case must be sensitive to the fundamental civil right of private ownership.

The third matter Mr. Brigham felt should be considered was the general criteria Ms. Rathbun had summarized.

Mr. Brigham stated the development plan approved by the City Commission on December 6, 2005 was appropriate to all three considerations.

Mr. Brigham said in 1998, the zoning for the site was made even more intense to provide housing in the downtown area. The RAC-CC zoning allowed unlimited height and 95% lot coverage; the development plan approved by the City Commission was less than 95%, and had requested no variances.

Mr. Brigham said their opponents had appealed to the circuit court in Broward County to decide whether the campsite on the new River was an historic resource, and they had failed to prove there was an historic resource. After losing this court case, the City said the taking was in the best interest of preserving sites and buildings of significance to the City's history. This was the City's resolution to take the property. The resolution also stated the site was needed for an urban park, public open space, public recreational use, public river access, preservation of an historical and archaeological resource.

Mr. Brigham said the development approved by the City Commission had been judicially acknowledged, and the City agreed in the settlement agreement that the development of the property, according to the revised site plan submitted March 13, 2000 complied with all applicable requirements and performance standards of the ULDR existing in September 1999 when the defendants filed for site plan approval.

Mr. Brigham said these owners had always been as sensitive as possible to the Stranahan House and to the historic significance of the birthplace of the City, which the property adjoined.

Mr. Brigham asked the Board to find that the December 6, 2005 approved plan was appropriate regarding respecting property rights and the existing and future plans for the growth of the City of Fort Lauderdale, and that it preserved the significance of the campsite next to the Stranahan House.

Mr. Leigh Kerr, land planning consultant, said he was a certified planner, a past president of the Florida Planning and Zoning Association and a member of the steering committee for the City's downtown master plan. He reiterated that this area had been designated as regional activity center, the highest land use category available. Mr. Kerr reminded the Board that the developer would be providing the 11,000 square foot area that could be used for historic designation or commemoration, and they had reoriented the buildings to provide Stranahan house a better view from Las Olas.

Mr. Kerr said his review had determined that the project was consistent with the consolidated downtown master plan, the comprehensive plan, and the zoning. According to his analysis, the plan was consistent with the goals, objectives and policies of the existing and future plans of the City of Fort Lauderdale, and it was appropriate to offer a certificate of appropriateness for the site.

Ms. Ann Adams, architectural historian, said she was qualified as an expert in architectural history and historic preservation. Ms. Adams reported she had studied the revised plan, and she believed it was appropriate for the Board to approve a certificate of appropriateness. Ms. Adams noted that the most recent plan had changed significantly from the first plan. The building had been moved farther from Stranahan House and the garage had been removed from Las Olas so Stranahan House now had space around it.

Ms. Adams said the City's staff report had included standards which did not apply here. She said the Secretary of the Interior's standards all assumed the existence of a building as a subject of rehabilitation. The staff report also referred to the National Register Bulletin 15 regarding how to evaluate properties for their inclusion in the National Register of Historic Places, but had no bearing on the Board's consideration of whether a construction project was appropriate.

Ms. Adams said if the zoning had been a concern when the current zoning was enacted because of the project's proximity to the Stranahan House, these concerns could have been raised to them, and at any time since then, but to her knowledge there had never been discussion regarding this.

Ms. Adams said the standards could not be adopted in a vacuum; they must be considered within the context of the rest of that legislation. She said the standards were

interpreted differently depending upon context, and were also interpreted and applied differently by different bodies; they were not absolutes.

Ms. Adams pointed out that any development on the site would have the same physical effect as this building. As the site existed today, it did not convey any historical significance, but the 11,000 square foot space would provide an area where the campsite could be commemorated.

Ms. Adams felt the design was interesting and exciting, and from a preservation point of view, in addition to the legal and zoning points of view, it was absolutely reasonable for the Board to grant a certificate of appropriateness and she urged the Board to do so.

Mr. Bob Carr, director of the Archaeological and Historical Conservancy [AHC], read a letter he had written regarding the archaeological assessment he had performed. Mr. Carr said the actual building footprint had very little extant archaeological materials. The AHC had promised to provide a final report of the results of their analysis by February 15, 2008, and they anticipated the results would not alter the conclusions made in the draft report regarding site significance and boundaries.

Mr. Tucker Gibbs, representing Stranahan House, and Friends of the Park at Stranahan House, informed the Board that the proposed plan was the creation of the developer and the City, with no input from the adjacent historic resource, the Stranahan House. Mr. Gibbs referred to a scale model of the Stranahan house and the project and drew the Board's attention to the fact that while parts of the project had been moved away from the Stranahan House, other parts had been moved closer. Mr. Gibbs and others were worried about what would happen during construction.

Mr. Gibbs pointed out that the certificate of appropriateness process allowed for input, and he stressed that Stranahan House and the neighbors were never permitted input in the development of the project plan.

Regarding Mr. Brigham's claim that denial of the certificate appropriateness would deny his client the reasonable use of his land, Mr. Gibbs said nothing could be further from the truth. He said the denial would actually tell the property owner to go back and create a plan that was better, something that met the requirements of the code and fit in with the community.

Regarding Mr. Brigham's statement that the property was zoned RAC-CC, and that the property was not listed on the comprehensive plan, Mr. Gibbs stated the applicant was referring to the property at 500 East Las Olas, and ignoring the application the Board had voted on in March 2007, when they approved the designation of both parcels as historic properties as part of one designation application. This was an effort to evade the effect of the designation that was in place as of today.

Mr. Brigham had stated that the issue had been decided by a judge, but Mr. Gibbs reminded the Board that his clients had applied for the historic designation of this property in 2005, one month prior to the application for this project. The City had not allowed the Historic Preservation Board to hear their application and his clients had gone to court. It had taken until June 2006 for the fourth District Court of Appeals to determine that the Historic Preservation Board was obligated to hear the historic designation request despite what was determined in the eminent domain action.

After a full public hearing, Mr. Gibbs stated the Historic Preservation Board and the City Commission had both made their determinations, and had designated the property. That designation required this project to come back to the Board for the certificate of appropriateness. He explained that when anyone stated that consent final judgment or summary judgment orders from the court superseded the City's code and the Board's ability to exercise their responsibilities to issue a certificate of appropriateness, that was "absolutely and utterly untrue."

Mr. Gibbs said there had been problems with the original project design, and the 2005 Janus report had pointed out four areas where the project was not compatible.

Mr. Gibbs stated Stranahan House did not object to RAC-CC development next-door: it had a problem with this project. They had asked the developers several times to come back with a new design but had been told that this building design was off-limits.

Mr. Gibbs reminded the Board that this was about the certificate of appropriateness criteria, not about the land-use designation. He added there was no exclusion to historic designation or certificate of appropriateness in RAC-CC zoning. Mr. Gibbs pointed out that the RAC-CC language talked about neighborhood compatibility and transitions.

Mr. Gibbs informed the Board that the original plan had been 534,928 gross square feet, and the new plan was 828,681 gross square feet. Mr. Gibbs wondered how this project could be considered better than the original.

Mr. Gibbs referred to renderings in Mr. Brigham's notebook, and noted how difficult it was to locate Stranahan House, as it was overwhelmed by this project.

Mr. Gibbs explained that this project would have a profound impact on this historic resource: the Stranahan House, trading post and campsite, and ignoring the impacts would essentially nullify the Board's and City Commission's decision to designate this as a landmark site.

Mr. Gibbs said the staff had noted that historic context was established in the application for designation and the designation staff report, which Mr. Gibbs incorporated by reference, as well as all testimony in that hearing to show the applicability of the entire site.

Mr. Gibbs said the project, as proposed, did not meet the criteria. He asked the Board to listen to the consultant's recommendation, apply the criteria, and deny the certificate of appropriateness request.

Mr. Gregory Saldana, historic preservation consultant, said he was familiar with the certificate of appropriateness process and the City's historic resources, particularly the Stranahan House. Mr. Saldana said he had referred to Mr. Carr's archaeological report and to the Seeger Suarez architectural documents to familiarize himself with the application. Mr. Carr's report had indicated there were artifacts uncovered at the site, and that the site was potentially eligible for listing on the National Register of Historic Places, based on criterion D.: the site contained information that could contribute to a scientific understanding of the area and regional prehistory.

Mr. Saldana wanted the Board to understand that the shadow this building would cast on the Stranahan House would alter the house's environment and its function.

Mr. Saldana said setting was very important, and included topographical features, the creek, vegetation, simple man-made features, and most importantly, relationships between buildings and other features or open spaces. The project was incompatible in terms of the historic use of the property.

Mr. Saldana introduced his report, which explored the inconsistencies of the two Janus reports.

Mr. Hall said it was their contention that the campsite or the Icon site was one distinct parcel and the Stranahan House was a separate, distinct parcel of property. Mr. Hall said no one would argue about the Stranahan house, but he believed this site should never have been designated. Mr. Hall said the City Commission had designated the sites for different reasons, and urged a Board member to solicit the Assistant City Attorney's opinion "as to whether or not this is one separate, distinct site, or is it, as Mr. Gibbs suggests, one combined site." Chair Haan wondered if this was relevant, and Mr. Hall said it was, concerning an argument he would make regarding setting and the national standards. Ms. Miller confirmed the property was designated with two separate resolutions by the City Commission as two separate sites.

Mr. Hall said Mr. Gibbs had argued the Board should ignore the decisions of the court and the City when it went into the consent final judgment. Mr. Gibbs had also stated the application for designation was made prior to the developer's request, but Mr. Hall said their request had been in process for some time prior to this.

Mr. Hall reiterated that the national standards were meant to be applied to rehabilitating buildings only. He agreed that when rehabilitating a building, such things as setting should be considered. Mr. Hall, read this standards' description of setting: "... the larger area or environment in which a historic property is located." Mr. Hall said this property was not an island, and its setting was the urban core of the City. Mr. Hall felt this was

the key to applying the urban standards, and this was why it was important to consider the properties as two distinct sites.

Mr. Hall referred to the criteria, which he said all presumed the land was in an historic district or had an historic building, neither of which was the case here.

Mr. Brigham said Mr. Gibbs had overlooked Section 47-25.1 of the ULDR. When he stated RACs should scale down to neighboring properties, because section b.2 stated that neighborhood compatibility requirements did not apply to the downtown RAC District.

Mr. Brigham argued that Stranahan House's lobbyist had indeed had great input in this plan for the past eight years, and he wondered why Stranahan House had never gone to the City Commission to have the comprehensive plan amended.

Mr. Brigham stated Stranahan House had tried to borrow the City's power of eminent domain to seize the property and were still trying to do this with House Bill 3021 seeking to have the federal government take it. Mr. Brigham said Stranahan House intended to prevent any development on this property contrary to law and contrary to the future plans of the City, and the guidelines of criteria would indicate that it was appropriate.

Regarding the ability of Stranahan House to have input on the plan, Mr. Gibbs said they had been informed at every stage - the Planning and Zoning Board, the City Commission, and DRC, that the current plan was untouchable. He said they had been warned that if they did not approve this plan they would be stuck with the original plan.

Ms. Jordan wondered how the City could have approved this site plan. Mr. Hall described the legal process by which the plan had been approved. Ms. Jordan said her question had been rhetorical, and Chair Haan said she had wanted to know, in theory, why the City had approved it, not legally why they had to do it.

Chair Haan opened the public hearing.

Mr. L. Thomas Chancey, landscape architect, consulting arborist and tree preservationist, stated there were only six trees remaining in the City designated as protected. One of these was an oak tree planted by Ms. Stranahan around 1905. Mr. Chancey stated the shadow cast on the site would hurt the tree, and the buildings' positions would create a wind tunnel, which would affect the house and the tree.

Mr. Chancey informed Mr. Brigham he had not analyzed their shadow studies, and that Stranahan House was now shaded until approximately 10 a.m.

Ms. Barbara Keith, executive director of Stranahan House, said she did not oppose development; she opposed harming the historical campsite, the grounds, and the Stranahan House. Ms. Keith said she had four very strong concerns: how would the

House be protected while the building was being constructed and in the future; how could they continue to work at the property while construction was continuing; what would happen to Stranahan House and its historical items, if it must be closed for a period of time; and what would happen if someone threw something from the building and hit the Stranahan House property.

Mr. Brigham wanted to cross-examine Ms. Keith, but Mr. Gibbs stated she had not testified to facts, but had expressed concerns, and this did not warrant cross-examination, but amounted to harassment. Ms. Miller agreed that cross-examination was not appropriate.

Mr. Tom Tatum, resident, former Chair of the Historic Preservation Board, and member of the Stranahan House board, urged the Board to reject Mr. Brigham's suggestion that their hands were somehow tied regarding this. Mr. Tatum said the Board's task was simply to apply the criteria to what they had heard this evening. He felt this would result in their deciding that this project was not appropriate.

Mr. Charles Jordan, Sailboat Bend resident, and former Chair of the Historic Preservation Board, said he had been the president of the Broward Trust for Historic Preservation when it had been an applicant to designate this property. Mr. Jordan said the developer had tried to in every way to avoid public scrutiny of this project, and the reason was because the building was clearly inappropriate to locate next to an important historic building.

Mr. Jordan said Mr. Brigham had presented an eminent domain case this evening, not a certificate of appropriateness application. The certificate of appropriateness had nothing to do with the process that had removed the project from the public purview and brought it back with directives for how public boards should deal with it. Mr. Jordan said the process had been flawed from the beginning, but the site finally was having its day in court. Mr. Jordan felt the project was incompatible with the Stranahan House and the campsite and urged the Board to deny the application.

Ms. Alyssa Plummer, Sailboat Bend resident, said it might be true that there were two distinct properties with two distinct owners, but history united them, and she urged the Board to consider this, and to deny the certificate of appropriateness.

There being no other members of the public wishing to address this item, Chair Haan closed the public hearing and brought the discussion back to the Board.

Ms. Jordan said her view of what was occurring was that: the Board was being asked to grant a certificate of appropriateness to allow the owner to erect a building already approved by the City on a piece of property that was not a historic landmark when the owner purchased it.

Ms. Jordan felt that the physical setting of the Stranahan House and the campsite had been destroyed years ago by downtown development. She felt once this had been lost, it could not be recaptured, and so she felt physical setting considerations did not apply here.

Board members disclosed communications they had regarding this case.

Mr. Adams felt that there had been an array of mistakes committed prior to this evening, and now they were trying to right these mistakes. He was amazed that the Stranahan House had not previously been designated historic; he felt it was the City's most historic building. Mr. Adams said the proposed project was not even close to appropriate for something that should be located next to the Stranahan House.

Mr. Adams reminded the Board that their task was to protect the historic nature of the City. The Commission's decisions concerned land use, and this was not the Board's purview.

Ms. Miller explained that if the Board denied the certificate of appropriateness, the applicant had a right to appeal, and regardless of whether the Board approved or denied the certificate of appropriateness, there was a City Commission request for review.

Chair Haan said Mr. Hall had made the case that this plan should not be brought to the Board for a certificate of appropriateness, but chair Haan believed any application for a building permit on an historic property must come before the Historic Preservation Board for certificate of appropriateness.

Ms. Hale asked if permits had been issued for the project. Mr. Hall said the permit for phase one had been issued, which included tearing down the vent to open up the view to the river.

Mr. Gibbs clarified that the permit was pertinent to the developer's agreement not to the construction of this project, and it was over the tunnel, not on this site.

Chair Haan said this was a perfect example of a conflict between zoning and historic preservation, and there should never be RAC-CC zoning next to an historic designated building. Chair Haan felt "... all the legal ramifications that you state aren't really relative to us..." and their decision would boil down to whether this related visually to the Stranahan House, which he believed it did not.

Chair Haan admitted he had not voted in favor of designating the property, but tonight's question was whether this building was appropriate next to the Stranahan House, and he felt it was not, by any stretch of the imagination.

Chair Haan felt the Janus report was highly flawed. He agreed with Mr. Chancey about the consequences the shadows would have on the trees. Chair Haan said it was not just the house; it was the environment, the setting they must consider, and he would vote against it.

Ms. Hale felt many mistakes have been made on this project, starting with the downtown master plan. She said she had always considered the property the Hyde Park market site, not an historic site. Ms. Hale said she was appalled that Stranahan House had never been historically designated, until development began around it. Then the grocery store site had become an historical site. Ms. Hale felt Fort Lauderdale had entered into the battle to preserve its historical sites a little late.

Ms Hale admitted that the City's historical sites might not be very old, but they still represented the City's history. She felt they must do a better job of protecting their historical resources and not wait until the City's master plan gave permission to build to take action.

Ms. Hale felt that this project was inappropriate, and did not belong on this site or within the City of Fort Lauderdale, but the City had granted permission to build it, and now they were trying to play catch-up. Ms. Hale felt they had learned a lesson here: that they must think ahead of the developers.

Ms. Graff agreed they were behind in finding and designating sites, and they must try to preserve what they had and preserve the environment of the few historic sites they had. She felt erecting this building would destroy Stranahan House's environment.

Ms. Jordan said the Board's purpose was to determine whether sites, properties and structures were historically worthy, not to thwart development. Mr. Adams agreed.

Chair Haan referred to Section 42-24.C.3.c.iii: "...when new construction is required to be visually related to or compatible with adjacent buildings" and said adjacent buildings by the section's definition referred to historic buildings where the site was located or in the historic district. He said they must consider this.

Mr. Hall stated this was not the criteria staff had told the Board to apply. Chair Haan said the Board was not bound by the staff report. Mr. Hall wanted to address this section of the criteria now.

Ms. Miller said the opinion of the city attorney's office was that the additional criteria, which included Section 42-24.C.3.c.iii, did not apply. Chair Haan asked Ms. Rathbun to restate the specific criteria she had advised the Board to apply. Ms. Rathbun said she referred to criterion F of the Secretary of the Interior's standards, referring to the setting of historic properties. She quoted from the Standard.

Regarding Mr. Hall's assertion that this did not apply because they were not talking about an existing historic structure, Ms. Rathbun said the Secretary of the Interior's standards stated they could be applied to "...buildings, sites, structures, objects and districts." The standards referred to National Register properties, but under the City's ordinance, it applied to locally designated properties.

Chair Haan reminded the Board that they must vote on what had been presented to them this evening.

Motion made by Mr. Adams, seconded by Ms. Graff, to approve the certificate of appropriateness. In a roll call vote, the vote was as follows: Mr. Cole, no; Ms. Dandy, yes; Mr. Wieland, no; Mr. Adams, no; Ms. Johnsen, no; Ms. Graff, no; Ms. Hale, yes; Ms. Jordan, yes; Chair Haan, no. Motion failed 3 – 6.

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II. Other Business

Presentation of the proposed "Sunrise Lane Parking Facility (Stay Social)" Project and its potential impact on the Bonnet House and Bartlett Estate, 900 Birch Road.

FL Sunrise Propco, LLC

DRC Case No. 132-R-06

Zoned: SLA (Sunrise Lane District)

Location: 999 N. Fort Lauderdale Beach Blvd

[This item was taken out of order]

Ms. Morillo stated pursuant to Objective 11, Policy 11,3. of the Historic Preservation Element in the Comprehensive Plan, all proposed impact to historic resources shall be reported to the HPB for review and comment. She informed the Board that FL Sunrise Propco, LLC would present their site plan and proposed "Sunrise Lane Parking Facility (Stay Social)" Project and its potential impact on the historic Bonnet House and solicit the Board's comments. The record of this meeting and the Board's comments would be forwarded to the Planning and Zoning Board for its consideration when this application came before that board.

Ms. Rathbun explained the location of the parking facility and gave a brief history of The Bonnet House and its gardens. She pointed out that Mr. Bartlett had tailored the natural landscape features to augment his garden design, and had designed and situated several architectural features as focal points to enhance the aesthetic experience of the garden visitors.

Ms. Rathbun felt it was necessary to consider two of these focal points for possible impact by the proposed project. The first was the Thatch Bridge Gazebo, and the second was the Island Theatre. Ms. Rathbun stated the City of Fort Lauderdale's

ULDR, Neighborhood compatibility requirements clearly stated the necessity of preserving the Bonnet House view corridors.

Ms. Rathbun explained that the proposed parking facility would be located about 213 feet from the Island Theatre, 596 feet from the Thatch Bridge Gazebo and 620 feet from the main house. The new building was only three stories and fifty (50) feet in height at its tallest point. The southern elevation, which faced the Bartlett estate, was one of the narrower elevations at 136 feet. Ms. Rathbun thought it unlikely that the building would be seen from Bonnet House itself, and the bridge and theatre would be protected by the intervening landscaping and tree cover from the sight of and any adverse impact of the proposed project.

Ms. Rathbun concluded there would be no serious impact on the Bonnet House and Gardens by the Sunrise Lane Parking Facility.

Ms. Barbara Hall, representative of the applicant, introduced Scott Lamont from EDSA, their planning and landscape consultant, who displayed views of the building from various angles. Ms. Hall remarked that the existing greenery on the north side of the Bonnet House significantly screened the building, indicating there would be very little impact to the Bonnet House from the new construction.

Ms. Hall reported that they had been in touch with the Bonnet House board, which had provided them with a letter stating a building of this height would not be a problem.

Mr. Anthony Abbate, architect, said he concurred with Ms. Rathbun's report.

Ms. Karen Beard, CEO of Bonnet House Museum and Gardens, confirmed Ms. Hall's statement, and said they had no objection to the plans as presented.

Chair Haan open to public hearing. There being no members of the public wishing to address this item, Chair Haan closed the public hearing and brought the discussion back to the Board.

Ms. Hall explained to Mr. Wieland that the building was three structured levels above the ground level.

Mr. Adams said the building was well-designed, with no significant impact.

Chair Haan remarked that the building was rather benign. He appreciated the communication and cooperation between the applicant and Bonnet House.

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III. For the Good of the City

There being no further business to come before the Board, the meeting was adjourned at 9:31 p.m.

Chairman,

Nolan Haan, Chair

Attest:

ProtoTYPE Inc, Recording Secretary

The City of Fort Lauderdale maintains a Website for the Historic Preservation Board Meeting Agendas and Results: <http://ci.ftlaud.fl.us/documents/hpb/hpbagenda.htm>