

**HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, OCTOBER 5, 2009 - 5:00 P.M.
CITY HALL FIRST FLOOR COMMISSION CHAMBER
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

<u>Board Members</u>	<u>Attendance</u>	Cumulative Attendance 6/2009 through 5/2010	
		<u>Present</u>	<u>Absent</u>
Nolan Haan, Chair	P	4	0
Susan McClellan, Vice Chair	P	4	0
Jay Adams	A	1	3
Beauregard Cummings	P	3	1
Joyce Gardner	P	3	1
Marie Harrison	P	3	1
Daryl Jolly	P	2	2
Robert Prager	P	3	1
Robert Rojas	P	2	0

City Staff

Assistant City Attorney Carrie Sarver
Pat Garbe-Morillo, Planning and Zoning Department
Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB
Yvonne Blackman, secretary
J. Opperlee, ProtoType Recording Secretary

Communication to the City Commission

None

Index

	Case Number	Applicant	Page
1.	2-H-09 [SB]	Stephen Tilbrook, Dr. Kennedy Homes	<u>3</u>
2.	4-H- 09 [SB]	Nolan Haan	<u>22</u>
		For the Good of the City	<u>23</u>

Purpose: Implement the City's historic preservation regulations, which promote the cultural, economic, educational and general welfare of the people of the City and of the

public generally through the preservation and protection of historically or architecturally worthy structures.

Call to Order

Mr. Haan called the meeting of the Historic Preservation Board to order at 5:03 p.m.

Chair Haan explained the Board would wait and approve the minutes of the 9/14 and 10/5 meetings together.

Chair Haan announced item 2 on the agenda had been withdrawn.

Chair Haan entered into the record a letter from Mr. Steve Tilbrook, attorney for the Housing Authority, which had been sent to the City Attorney and members of the Historic Preservation Board. Chair Haan had been advised by the City Attorney not to address any of the issues in the letter except recusal. The City Attorney had indicated Chair Haan was the only judge of whether or not he could render a fair, impartial decision in this case, and Chair Haan's reply to this was to examine his record.

In his five years of service on the Board, Chair Haan said he had consistently voted based on the merits of each application, with regard to the historic ordinance. Chair Haan stated his manner was assertive and he always asked a lot of questions. He remarked that he had taken an oath to examine each application to determine whether it satisfied the criteria set forth in the ordinance. Every question he asked was driven by a specific criterion. Chair Haan said he was an advocate for the historic ordinance as set forth in the Historic Preservation Board's mission statement:

The purpose of the Historic Preservation Board is to implement the City's Historic Preservation regulations, which promote the cultural, economic, educational and general welfare of the people of the City and of the public, through the preservation and protection of historically or architecturally worthy structures.

Chair Haan stated he would not benefit financially from the outcome of this application and he was confident he could render a fair and impartial decision based upon the evidence and testimony presented. He therefore refused to recuse himself.

Ms. Sarver explained the proper conduct of a quasi-judicial hearing and stated the procedures were intended to ensure the applicants' due process rights. She reminded the Board to base their decisions on evidence presented and the criteria.

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

I. Cases

[Index](#)

1. Applicant: Stephen Tilbrook, Dr. Kennedy Homes **2 H 09 (SB)**

Owner: Housing Authority of the City of Fort Lauderdale

- Request: ** Certificate of Appropriateness for Demolition**
- **Demolition of forty-two (42) structures**
- Deferred from August 3, 2009 to September 14, 2009**
- Certificate of Appropriateness for Alteration**
- **Rehabilitation of three (3) structures**
- Certificate of Appropriateness for New Construction**
- **Construct eight (8) new two to four (2-5) story buildings with a total of one hundred and thirty two (132) residential units.**

Legal Description Block 1 of the Dr. Kennedy Homes Project, PB 15, P 70.

Address: 1004 West Broward Blvd.

General Location: South side of W. Broward Blvd. between SW 11th and SW 9th Avenues

District: 4

Board members disclosed communications they had regarding this application. Ms. Gardner stated she had received an email from the pastor of the Baptist Church; she had received a phone call from Fort Lauderdale District 4 Commissioner Romney Rodgers and she had received the letter from Mr. Tilbrook.

Ms. McClellan said she had received emails from Tony Abbate, Scott Strawbridge, the pastor of the Mount Olive Baptist Church; she had received a phone call from Margie Nothard from Glavovic Studio; she had made a site visit to the Dixie Court and Dr. Kennedy Homes sites with Dave Baber from the Broward County Historical Commission. Ms. McClellan said she had not received the letter from Mr. Tilbrook.

Mr. Jolly stated he had received the email from the pastor of the Mount Olive Baptist Church and he had received a Fedex package from Mr. Tilbrook. Mr. Jolly mentioned that he had lived at Dr. Kennedy Homes until he was 6 years old.

Mr. Rojas had received no correspondence regarding this application.

Chair Haan had made a site visit, met with someone from the Carlisle Development Group, attended meetings with Scott Strawbridge and Mr. Tilbrook, and participated in civic functions.

Mr. Prager had received the Fedex from Mr. Tilbrook, the letter from the Mount Olive Baptist Church and the invitation to tour Dixie Court; he had made site visits to Dixie Court and Dr. Kennedy Homes.

Mr. Cummings had received the Fedex from Mr. Tilbrook. He stated he was not biased, and he was impressed by the preparation of the application because this indicated the applicant's respect for the Board.

Ms. Harrison stated she had not received any communication regarding this application.

Mr. Steven Tilbrook attorney for the applicant, gave a brief summary of his presentation from the previous meeting. He explained the Housing Authority of the City of Fort Lauderdale was established in 1936 to help provide clean, safe, decent, affordable housing for residents of Fort Lauderdale. The Housing Authority was governed by a Board of Commissioners who were appointed by the Mayor of the City of Fort Lauderdale. The Commissioners set policy and made decisions regarding the Housing Authority's housing.

Mr. Tilbrook displayed an aerial photo of the Dr. Kennedy Homes site and described the existing buildings, which had been constructed in the early 1940s. He stated because of the funding sources, there had been very little renovation to Dr. Kennedy Homes over the years.

Mr. Tilbrook had submitted engineers' and contractors' reports describing the code issues on the property: zoning setbacks; lack of fire and emergency vehicle access; lack of ADA compliance; inadequate parking and loading; non-compliance with hurricane standards; electrical, plumbing and structural systems not up to code; fire prevention and life safety systems not up to date; lighting, landscaping, drainage, flood elevation and flood prevention not up to code; minimum standards not met.

Mr. Tilbrook explained that many of the code deficiencies could not be cured through renovation. If the buildings were moved to accommodate the newer setbacks, they would lose a significant number of the buildings. If they renovated buildings to meet current size standards, they could only create 91 units in the existing buildings.

Mr. Tilbrook said the Housing Authority commissioners had determined that based upon funding availability and feasibility, redevelopment was the best option. Their goals for the redevelopment were: provide new, modern housing, achieve compatibility with the

Sailboat Bend Historic District [SBHD], provide sufficient parking and amenities, preserve trees and green space to the greatest extent possible, increase setbacks and create a safe environment.

Mr. Tilbrook explained the project would not increase density. He remarked that zoning permitted 25 units per acre and 55 feet in height; the proposed redevelopment was 16.5 units per acre and the height was less than 55 feet. The project would more than double the existing parking and setbacks would increase to 25 to 50 feet. The average unit would increase in size by 25%. Mr. Tilbrook stated the project would respect the historical integrity of the site. The three buildings they intended to preserve met the Secretary of the Interior's standards for adaptive reuse.

Regarding the criteria for a Certificate of Appropriateness for Demolition, Mr. Tilbrook said the first criterion applied to this site: the designated landmark or site within the historic district no longer contributes to the historic district.

Regarding whether or not this site was ever contributing and should have been included in the historic district, Mr. Tilbrook reminded the Board that the site was constructed after the period of significance for the SBHD; it was located outside the original historic district boundaries as identified by the original survey of homes; the repetitive design was not consistent with the diverse, eclectic styles of the SBHD; the site was a multi-family, public housing development and SBHD was a working-class, single-family oriented neighborhood. Mr. Tilbrook acknowledged the Dr. Kennedy Homes site had value, but it did not contribute to the SBHD.

Mr. Tilbrook argued the Certificate of Appropriateness for Alteration should be approved because the buildings met the national standards for historic preservation and the restored buildings would maintain their relationship with the historic district.

Mr. Tilbrook stated the Certificate of Appropriateness for New Construction should be granted because the project was visually and architecturally compatible with the adjacent structures.

Mr. Tilbrook stated demolition and redevelopment was considered an acceptable resolution for upgrading public housing, provided there was sufficient mitigation. The following mitigation measures were proposed for this site: the site would remain an affordable housing site; the site would maintain its relationship to the Housing Authority; three representative structures would be preserved on site; there would be an historical marker and the Housing Authority would display an exhibit about the history of Dr. Kennedy Homes.

Mr. Tilbrook acknowledged this was a difficult decision for the Board to make. He stated the project met the City's criteria for the Certificates of Appropriateness and met

the objectives of federal laws for mitigation. He contended that this project was about people, not just buildings. The people at Dr. Kennedy Homes deserved a better place to live, and it was the Housing Authority's mission to determine the best way to achieve this objective.

Ms. Rathbun gave a brief summary of her conclusions from the previous meeting. Regarding the Certificate of Appropriateness for Demolition, Ms. Rathbun said the Dr. Kennedy Homes were part of the SBHD and were considered contributing. She did not agree that the property no longer contributed, but that it retained its original historic character. Ms. Rathbun added that removal of 42 historically-worthy structures would not be a major benefit to the district.

As to the Certificates of Appropriateness for Alteration and New Construction, Ms. Rathbun stated the existing homes were compatible in size and mass with the vernacular homes of the SBHD. The proposed project would lead to an increased and detrimental structural mass in a designated historic district, a sensitive cultural resource the City was pledged by ordinance to protect. The propose site plan would create an intrusion in the neighborhood that was not compatible with the SBHD. Ms. Rathbun stated the Certificates of Appropriateness for Alteration and New Construction should therefore be denied.

Mr. Mark Dickerman, member of the Sailboat Bend Civic Association, thanked the Board for their service. He read excerpts from the Cultural Resource Assessment Survey [CRASS] conducted by Janus Research. Mr. Dickerman said the Dr. Kennedy homes were designed by prominent South Florida architects, exemplified the modern architectural trends of the time period and were in good condition.

The report indicated that Dr. Kennedy Homes appeared to retain its essential physical features and integrity required for inclusion in the National Register. The primary architectural significance was not for their architectural styles, but as an example of a planned residential community. The report stated the site plan reflected a "superblock" concept with limited traffic flow, pedestrian walkways, park-like open spaces and the exclusion of automobile traffic within the complex. The report also said the repetition of the buildings' design was used to create a sense of community identity and to distinguish the development from the surrounding neighborhoods.

Mr. Dickerman said the Dr. Kennedy Homes was significant for its association with the Fort Lauderdale Housing Authority and the community's early efforts to develop well-planned, low-cost housing, and was considered potentially eligible for listing in the National Register. The report indicated the historic value was derived from the project as a whole, and the structures were not considered eligible on an individual basis. Under National Registry criterion A, the district was potentially eligible at the local level in the areas of politics and government and social history.

Mr. Dickerman stated he opposed demolition.

Mr. James Karras, Victoria Park resident, stated he was a consultant in community and economic development and affordable housing and he was in favor of the proposal. He reported 58% of people living in the Miami Dade and Broward Counties paid more than 30% of their gross income for housing; 29% of people living in the Miami Dade and Broward Counties paid more than 50% of their gross income for housing. He remarked this was the worst in the country. Mr. Karras said the waiting lists for affordable housing were significant and proved the need for affordable housing. He believed the Housing Authority's goal of increasing the number of affordable housing units was a very important function. Mr. Karras said he was strongly in favor of the proposal.

Dr. Randy Atlas said he opposed the new development. He said he was both an architect and criminologist and his area of expertise was in Crime Prevention Through Environmental Design [CPTED]. Dr. Atlas performed risk and security assessments for HUD. Regarding the proposed development, Dr. Atlas said the replacement of one and two-story housing with up to five-story housing on a smaller footprint would change the use of the housing from elderly residents who were engaged in their neighborhood to families with kids. Dr. Atlas stated mixing elderly residents with young families with children historically did not work and would "upset the balance of power of the surrounding neighborhood."

Dr. Atlas continued that the existing footprint worked well for elderly housing; the new footprint revealed an open perimeter, which was not preferable for an elderly population. Dr. Atlas stated the photometric lighting plan showed insufficient lighting, which would provide an open invitation to "thugs and drug dealers and problem people."

Dr. Atlas stated, "Tearing down a functional and safe residential community to only replace the same number of units is essentially dysfunctional; you're not getting more bang for the buck." Dr. Atlas believed the homes could be renovated and improved instead of rebuilt.

Mr. Prager stated the new units would be 25% larger than the existing units and all the current tenants would be invited back after redevelopment. He asked why Dr. Atlas felt the demographics would change. Dr. Atlas stated the architecture and site planning was not conducive to older residents. He feared that the Housing Authority would "open up the books to who applies for that and they may start mixing young families with children into that gentrified population." Dr. Atlas added that tenants would be lost to people moving away or dying before redevelopment was complete.

Mr. Prager asked if Dr. Atlas felt open space was bad. Dr. Atlas said open space was a problem regarding property security. He said when people were housed in a mid-rise building they were less involved with activity on their property.

Regarding the elevators, Dr. Atlas said in buildings that housed families with children, these were targets for vandalism. In buildings inhabited mainly by an older population, this was not an issue.

Mr. John Atkinson, neighbor, said he was unsure where he stood on this issue, but he was well aware of the condition of Dr. Kennedy Homes, which he felt was "no way for anyone to be able to live." Mr. Atkinson said there were many children already living at Dr. Kennedy Homes, and they had nowhere to play on the property, resulting in their playing in the street. Mr. Atkinson added that people were living on the porches because of the lack of air conditioning in the units. He stated there was also a significant parking problem on the property. Regarding integration into the rest of the neighborhood, Mr. Atkinson said Southwest 2nd Street was not part of Sailboat Bend, and the street had been blocked off from Himmarshee.

Ms. Laronda Ware, president of Dorsey Riverbend Civic Association, said she understood people's concern, but change was needed at Dr. Kennedy Homes. Ms. Ware remarked that so far, the new development at Dixie Court was better managed than it was previously. Ms. Ware did not understand that there could be disagreement that change was needed at Dr. Kennedy Homes. She added that District 3 in general looked different from the rest of the City and was deprived.

John Baker, neighboring business owner, stated he supported the new Dr. Kennedy Homes. He said the things he saw taking place at Dr. Kennedy Homes ruined his day. He invited anyone to visit his shop and witness what happened at Dr. Kennedy Homes every day.

Dr. Ralph Johnson, professor of architecture at FAU and Director of the FAU Center for the Conservation of Architectural and Cultural Heritage, submitted his resume for the record. He pointed out that there were reasons conditions had gotten to this point at Dr. Kennedy Homes. He said the Housing Authority was responsible for the conditions on the property. Dr. Johnson supported the restoration of Dr. Kennedy Homes. He had spent time with residents, and said the porches were "the eyes on your community."

Dr. Johnson stated the property should not be in the condition it was in right now and it should be restored to the original units, not the efficiencies. Dr. Johnson said they should demand that this property be restored, not torn down. He reminded everyone that the SBHD boundary had been expanded to include the Dr. Kennedy Homes and Westside School. Dr. Johnson stated the units were not livable now, and it was up to

the administration to make them livable. He asked that these buildings not be removed from the historic district.

Mr. Prager pointed out that restoring the buildings to their original configuration would displace many residents. Ms. McClellan pointed out that a portion of the property heretofore unused could be utilized for new units when the existing buildings were restored to their original configuration. The, there would then be no reduction in the total number of units.

Chair Haan asked Dr. Johnson to comment on the appropriateness of constructing a five-story building in this historic neighborhood. Dr. Johnson noted that the surrounding residential neighborhood was one or two stories; a five-story building would change the character of the district. The proposed development would also have more space between the buildings, which would serve to amplify the buildings' height. Dr. Johnson said the proposed project would not be compatible in the historic district of which it was a contributing part.

Ms. McClellan explained that Dr. Kennedy had begun helping the community during a yellow fever epidemic and had successfully treated residents even though he had no medical license. He had been paid by the government for his services and used the money to attend medical school in Tennessee, returning to Fort Lauderdale in 1900 to practice medicine.

Mr. Squire Allen, Dr. Kennedy Homes resident, said he saw nothing historic about a dump, and it was an eyesore that needed to be torn down. Mr. Allen took issue with what Dr. Atlas had said earlier regarding the elevators and agreed with Mr. Atkinson that there was no place on the property for children to play. Mr. Allen felt the existing homes were beyond repair and must be replaced.

Dr. Rosalind Osgood, Associate Minister at New Mount Olive Baptist Church and President of the Mount Olive Development Corporation, said she had attended the pre-previous meeting and felt that Chair Haan had already made up his mind. Dr. Osgood was upset that a representative of the Sailboat Bend Civic Association had spoken of his opposition to the redevelopment, and indicated his belief that residents of Dr. Kennedy Homes were happy, because the Sailboat Bend Civic Association had "published derogatory remarks about these same residents... on the front page of their December 2006 newsletter." Dr. Osgood read from the article, which quoted a board member as stating, "Minimal plans have been made to relocate dysfunctional tenants." The article also indicated that Dixie Court "environs are not safe for walking." Dr. Osgood felt these were "ungodly and despairing comments to describe people."

Dr. Osgood said there had not been a dialogue with the residents of the Dr. Kennedy Homes. She remarked that a group of residents had submitted applications to become

members of the Sailboat Bend Civic Association, but the residents had still not heard about the status of their applications. In meetings the Housing Authority had held with Dr. Kennedy Homes residents, Dr. Osgood said no one from the Sailboat Bend Civic Association had shown up.

Dr. Osgood stated announcements for meetings of the Sailboat Bend Civic Association were not posted where Dr. Kennedy Homes residents would see them, and the Civic Association no longer had a newsletter or website to make residents aware of the meeting dates and times.

Mr. Cummings explained the Board must determine whether they would be “preserving the integrity of the project by not demolishing” or destroying the historical value by allowing demolition. Mr. Cummings said he supported the proposed project but was struggling with his responsibility to preserve historical value; he wondered if preserving three of the structures was enough.

Ms. McClellan wondered why buildings could not be rehabilitated instead of torn down. She felt that the true value of the project was as a unified site, not as individual buildings; total redevelopment would ruin the property’s historical value. Ms. McClellan believed there was a way to rehabilitate the buildings and maintain their historical integrity.

Ms. McClellan wanted to know if the architects had ever been asked to consider restoring the property instead of redeveloping it. She believed the buildings could be restored using LEED principles, and everyone would be proud to live there.

Dr. Osgood said she had originally opposed demolition and redevelopment of Dixie Court, but residents had supported it, so she had changed her mind. She had likewise interacted with residents of Dr. Kennedy Homes, and supported redevelopment there.

Mr. Cummings reminded everyone that the Board was responsible for historic preservation and this must guide their decisions. Chair Haan said the Board had very specific criteria they must consider for each application. Dr. Osgood appreciated that there were rules and guidelines the Board must follow, but said they could not leave out “the element called people.”

Mr. Prager said he was considering one criterion: “The demolition or redevelopment project is of major benefit to a historic district.” He noted when considering the good of the historic district, they must consider what was good for the people in the historic district.

Mr. David Parker, President of the Sailboat Bend Civic Association, responded to some of the statements made by Dr. Osgood, and presented a letter he had written in reply.

Mr. Parker said the Sailboat Bend Civic Association had tried for two years to work with the Housing Authority, which has never expressed interest in rehabilitating the homes but focused on demolition and redevelopment. During a meeting earlier this year, members of the Civic Association had expressed strong feelings, particularly opposing the massing and height of the proposed buildings. Mr. Parker said the Civic Association had been a strong advocate for creating a three-story building on the corner of the property that was currently unused. Mr. Parker noted none of the buildings in Sailboat Bend were as tall as the proposed buildings, which he felt would be destructive to the historic neighborhood.

Regarding statements made by Dr. Osgood, Mr. Parker said Dr. Kennedy Homes residents had paid their dues to join the Civic Association, and were welcome to attend meetings. He explained they had stopped creating a newsletter after December 2008 because they could no longer afford it. They were investigating how to create a newsletter they could email to members. Mr. Parker said there were eight signs they used to announce Civic Association meetings including one on Palm Avenue, which bordered Dr. Kennedy Homes. Mr. Parker said the Civic Association also had a functioning website that announced their meeting dates.

Mr. Parker stated they were concerned that the proposed redevelopment would change the neighborhood. They wanted the Dr. Kennedy Homes to be restored to provide the quality of life residents deserved.

Mr. Mitchell Lambert said he had invested in property in Sailboat Bend because it was an historic district and he assumed the charm and unique character of the neighborhood would be protected by the historic ordinance and the integrity of the Historic Preservation Board. Mr. Lambert said there was "nothing charming about a five-story building measuring 190 feet x 200 feet." He felt the proposed redevelopment was "grossly inappropriate" in this neighborhood. Mr. Lambert stated it would be unfair to allow this applicant to demolish this property when previous applicants had been denied demolition requests. He felt the homes deserved restoration, not demolition, which he felt would decimate the historic district.

Mr. Wilbert Ponder, Vice President of the Dr. Kennedy Homes Tenant Committee, said he was present to represent residents who could not attend. Mr. Ponder stated Dr. Kennedy Homes needed to be torn down because this was a gateway to Fort Lauderdale. Mr. Ponder said they wanted decent housing for the residents of Dr. Kennedy Homes. He reported that building floors, building walls and sidewalks were cracked and had mildew. Mr. Ponder stated the proposed buildings would provide more laundry facilities than the existing complex, as well as areas for kids to play.

Mr. Ponder agreed the property was historic, and that one building could be preserved, but felt the rest of the buildings should be torn down and rebuilt.

Mr. Robert Thomas Jr. stated he had lived at Dr. Kennedy Homes almost 50 years, and explained his building was “breaking down, cracked, mildewed.” He said the buildings had repeatedly been patched and repainted and residents were tired of this. Mr. Thomas believed that lead in the walls had contributed to his diminishing eyesight.

Mr. Paul Bogges stated it was the Housing Authority's fault the homes were in this condition. Mr. Bogges submitted his resume into the record. He explained the original boundaries of the historic district had been dictated by the City, and the Sailboat Bend Civic Association had paid for a study to show that the rest of sailboat Bend was historical. Mr. Bogges said the existing buildings fit in with the historic district, but four and five-story buildings would not. He felt the existing buildings could be renovated and would become a jewel of Sailboat Bend and the City. Mr. Bogges showed photos of some of the buildings in Dr. Kennedy Homes depicting gardens, and said these would not exist at a five-story building.

Ms. Gardner wondered why the Housing Authority had not done something to keep these buildings up to code. She said she would love to see these buildings rehabilitated and the large trees left on the site.

Mr. Tilbrook explained that HUD, which financed the site, had reduced the amount of funding every year. He said this occurred at virtually all public housing projects in the country. The model they were proposing was tax credit financed and did not rely on HUD funding. This new model would allow for proper upkeep, maintenance and management.

Ms. Gardner felt the proposed redevelopment was ugly and made her think of World War II barracks or a penitentiary that did not blend in with the historic district.

Ms. McClellan asked when rent for the tenants would increase with this new funding model. Mr. Tam English, Executive Director of the Housing Authority of the City of Fort Lauderdale, explained that in traditional public housing, shortfalls between the rents paid and the costs to operate were supposed to be paid by HUD per their contract with the Housing Authority. Over the past five years HUD had paid 80% of that contract, and paid less than 80% in the capital funds they invested in public housing nationally.

Mr. English said with tax credit financing, tenants were charged rent equivalent to approximately 90% of the market rate and were provided with a Section 8 voucher for the difference between 30% of their income and the rent they should be paying. This took the income model to a level that would allow the building owner to afford to maintain the buildings and to set aside reserves for large-scale repairs. Mr. English explained this was the model currently being used at Dixie Courts.

Mr. Cummings asked what arrangements had been made to relocate the tenants. Mr. English said the plan had not yet been devised, but advised that for every other site they had temporarily shut down to renovate, they had relocated every tenant in other housing. Mr. English estimated that approximately 50% of the residents had returned to Dixie Court.

Ms. Diane Smart, President of the Broward Trust for Historic Preservation, stated their mission was to preserve significant architecture in Broward County. She indicated the Broward Trust supported the efforts of the Sailboat Bend Civic Association in its effort to rehabilitate the existing housing at Dr. Kennedy Homes. At the Civic Association's request, the Broward Trust had submitted an application to the Florida Trust, Department of State Division of Historic Resources for Dr. Kennedy Homes to receive national registration. She submitted into the record an email she had received from Dr. Carl Shiver regarding the application, which indicated it was under review prior to its submission to the national review board. It was Dr. Shriver's opinion that the property should be considered for listing on the National Register of Historic Places.

Mr. Warren Adams described his lengthy background in historic preservation and said he had been asked to speak on behalf of some of the residents of Sailboat Bend. Mr. Adams pointed out that the Dr. Kennedy Homes were a contributing resource in the historic district and this had never been contested. He reminded the Board that they were the custodians of the City's historic resources, and were bound to follow the ordinances and City code that were intended to protect against destruction of or encroachment upon these areas.

Mr. Adams advised that in order to qualify for demolition, one of three criteria must be met. The first criterion was that the designated property no longer contributed to the historic district, and Mr. Adams pointed out that the Dr. Kennedy Homes were obviously contributing structures in the historic district. The second criterion was that the property or building no longer had significance as an historic, architectural archaeological landmark. Mr. Adams stated the homes were relatively unaltered on the exterior. The third criterion was that the demolition or redevelopment project was of major benefit to the historic district. Mr. Adams noted that the loss of over 40 contributing buildings from an historic district would not be a major benefit. He believed the buildings were not beyond repair.

Mr. Adams informed the Board that a property very similar to the Dr. Kennedy Homes - Griffin Park in Orlando - was already on the National Register of Historic Places. He displayed photos of Griffith Park buildings and Dr. Kennedy Homes buildings and noted they were very similar.

In Mr. Adams opinion, not one of the criteria for demolition had been met. He believed the Dr. Kennedy Homes was a site of local and potentially national importance which the City should repair and restore appropriately and protect for the future.

Chair Haan asked Mr. Adams' opinion whether a five-story building was appropriate for an historic neighborhood. Mr. Adams said he had not studied the proposed development, but in general, new construction in an historic area should be appropriate regarding scale, orientation and style, so constructing a five-story building in an historic area that was predominantly one and two story was inappropriate.

Ms. Patricia Brooks, City of Fort Lauderdale employee and Dr. Kennedy Homes resident, said she had a very large air-conditioning unit in her living room, but her apartment was still extremely hot. She said there were roots coming out of the walls on the porch, she did not allow her children to play outside and parking was a problem. Ms. Brooks believed the project should be torn down.

Ms. Stella Marshall, Dr. Kennedy Homes resident and President, said it was a nice place to live, and she was there for the tenants. She said she heard her building cracking every night, her walls were lopsided, there was not enough parking and it was time for Dr. Kennedy Homes to be rebuilt. Ms. Marshall stated this was what the tenants wanted.

Mr. Rojas asked Ms. Marshall if she had seen the plans for renovating the three buildings the developer intended to keep. Ms. Marshall said it would be fine to keep one or two buildings but this would not be good enough for tenants.

Ms. Alysa Plummer, Sailboat Bend resident, described her experience in historic preservation and said her property had been scheduled for demolition twice and she had renovated it pursuant to the City's guidelines. Ms. Plummer said there were many tax incentives available for renovation and rehabilitation.

Ms. Plummer was pleased that residents of Dr. Kennedy Homes were airing their grievances and identifying issues at the property that indicated demolition by neglect. She said she wanted the conditions to change, but did not feel the buildings needed to be destroyed to create a better quality of life. She said, "We can do new and improved and we can save history at the same time."

Ms. Plummer stated they were now at a point of being stonewalled by the Housing Authority and the developer, who had never responded to repeated requests to show the community the financial analysis showing why demolition was the only option. She noted that at the previous meeting Mr. Tilbrook had said the costs to renovate would be "astonishing" but had never provided an analysis showing specific figures.

Ms. Plummer informed the Board that an assessment of the condition of the homes had been performed for the Housing Authority by Blue Stream Builders, a company for which Scott Strawbridge had worked. She remarked, "If that's not the fox watching the henhouse, I don't know what is."

Ms. Plummer had been on the Dr. Kennedy Homes property several times and reported she had never been approached by anyone offering her drugs. She said the drug problem was the Broward Addiction Recovery Center [BARC], which she wanted removed from the neighborhood. She suggested the BARC facility could be converted to additional senior citizen housing.

Ms. Plummer asked the Board to deny this application and to hold the Housing Authority responsible to save the historic district and to provide residents of the Dr. Kennedy Homes the housing they deserved.

Mr. Charles Jordan, Sailboat Bend resident, described his experience with historic preservation and with the Sailboat Bend Civic Association, the Fort Lauderdale Historic Preservation Board and the Broward Trust for Historic Preservation. He felt the need to correct the record regarding the creation of the historic district. He said Ms. Uggucione had testified that the seminal question was whether or not the Dr. Kennedy Homes were part of the historic district. He stated the homes had been an integral part of the Sailboat Bend Historic District since its inception.

Mr. Jordan reminded the Board that Sailboat Bend had hired a consultant to study the neighborhood and create the zoning ordinance. He recalled that when touring the neighborhood with the consultant, she had remarked that the Dr. Kennedy Homes had the elements of proper scale and planning, an abundance of pedestrian and social spaces and a total absence of automobile dominance, which was critical in new urbanist thought. She had indicated this development pattern was something they should emulate in the code.

Mr. Jordan pointed out that the Dr. Kennedy Homes had never had the type of maintenance and repair that was needed. He questioned why the Housing Authority had stopped seeking additional funding sources and decided the site must be demolished.

Mr. Jordan referred to a page in the Sailboat Bend Historic District study, which indicated the Dr. Kennedy homes were an integral part of the district. He explained to Chair Haan that in 1989, the City had informed those working on the Sailboat Bend Historic District study that they must prove they had enough 50-year or older buildings to qualify as an historic district, per the Department of the Interior guidelines. This had been interpreted as a "period of significance" but was never stated in the study or in the ordinance. Instead, Mr. Jordan said every building must apply to the Historic

Preservation Board for Certificates of Appropriateness for Demolition, because they knew there were buildings younger than 40 that should be evaluated for preservation by criteria other than age.

Mr. Jordan referred to the criteria the Board must consider in order to grant the Certificates of Appropriateness. The first was that the new construction must be visually related to or compatible with adjacent buildings. He showed a graphic depicting the mass of the proposed project, and said the mass was not compatible with the Sailboat Bend Historic District. The next criterion referred to the height of the buildings, which should be visually compatible with adjacent buildings. Mr. Jordan pointed out that one of the proposed buildings would be 51 feet in height, more than double the height of the tallest historic residential building in Sailboat Bend.

The next two criteria referred to the relationship of the width of the new buildings to the height of the front elevation and the size and mass of the new buildings, and Mr. Jordan pointed out that they were not compatible with other historic buildings in the district.

Mr. Jordan observed that not only was the mass of the proposed development incompatible with the massing of the existing district, this was also the gateway to the historic district, and would have virtually no relationship to it. He explained that this would be a "stand-alone project for a suburban location: it's not Sailboat Bend."

Mr. Jordan reminded the Board that no matter how much they might like the proposed project, they were responsible to apply the criteria to the property and this project did not meet the criteria.

Mr. Jordan had noticed that elevations of the three buildings the developer intended to preserve had changed since the last meeting. The pictures shown at the previous meeting had shown improper windows installed. Mr. Jordan pointed out that this was not in keeping with the ordinance especially since these were intended to be the representative surviving examples of the buildings.

Mr. Jordan asked the Board to deny this application. He suggested the Housing Authority do what needed to be done to make these buildings functional instead of demolishing them.

Ms. Karisha Charlton, Dr. Kennedy Homes property manager, said she was speaking on behalf of the residents, and stated these were not livable units. Ms. Charlton remarked that there was not proper access for handicapped residents. She did not believe Sailboat Bend representatives had sat down with the developer and discussed the facilities and programs that would be built. Ms. Charlton felt the residents should have a better quality of life.

Mr. Kona Gray, land Planner with EDSA and Sailboat Bend resident, said he liked “old things that are well taken care of.” He felt it important to preserve things that were important to history, and he had noticed that Fort Lauderdale did not do this. Mr. Gray believed there must be consensus regarding what was being proposed, and they should keep working until they found a project on which they could agree. Mr. Gray said the one thing that could have been done better in Dixie Court was to preserve more of the existing trees. Chair Haan reminded everyone that Dixie Court was two and three stories high, not five.

There being no other members of the public wishing to address the Board, Chair Haan closed the public hearing.

Mr. Tilbrook thanked everyone for the input they had provided. He explained that the idea of restoration had been given a full vetting by the Housing Authority board and there had been analyses of all of the deficiencies in Dr. Kennedy Homes, which were included in the backup. Mr. Tilbrook said anything could be restored, but in this case, the restoration would result in 91 units [not 132] at a cost of approximately \$15 million. He informed the Board that there was not adequate funding available to perform a full restoration.

Mr. Tilbrook explained that in Griffin Park in Orlando, the Housing Authority had made the decision to fully demolish the project and rebuild with Hope 6 financing, but it had taken so long to get through the site plan approval process that they had lost the Hope 6 funding and the buildings were in even worse condition than those at Dr. Kennedy Homes and there was no prospect of providing new housing. The model being proposed for Dr. Kennedy Homes was finance-able and sustainable.

Regarding whether or not the project met the criteria for the Certificates of Appropriateness, Mr. Tilbrook said the question was not whether or not Dr. Kennedy Homes had value, and it was not whether or not it was eligible for the National Register. The question was whether or not Dr. Kennedy Homes was contributing to the Sailboat Bend Historic District. The applicant’s experts had testified that it was sufficiently different from the contributing buildings in the Sailboat Bend Historic District and did not fit within the period of historic significance. Mr. Tilbrook said whether the Board liked it or not, every approved historic district had a period of significance.

Regarding building heights and compatibility, Mr. Tilbrook pointed out that the buildings on the northeastern section of the site were intended to be the most dense, with six units on the fifth floor. This was done for funding and community purposes, and was designed to accommodate elderly residents. The rest of the site was identified for family housing, and the buildings had a pinwheel design affording exposure on every side of the building and porches overlooking green space. Mr. Tilbrook pointed out that code permitted adjacent buildings on Broward Boulevard to be 150 feet tall and on the

Dr. Kennedy Homes site to be 55 feet tall. The Sailboat Bend Neighborhood Master Plan also encouraged a 50-foot height along Broward Boulevard. Mr. Tilbrook noted that according to the City's code and Master Plan, the buildings along Broward Boulevard were intended to be "urban" in scale and character. He explained that the project scaled down toward the community to two and three stories, and commented that there were currently many three-story buildings in Sailboat Bend.

Mr. Tilbrook had been affected by the comments made by Dr. Kennedy Homes residents. He said this was a community unto itself, and whether or not it was part of Sailboat Bend was exemplified by the way it had been treated: the roads had been blocked off and it was segregated from the rest of the community. It struck Mr. Tilbrook as odd that Sailboat Bend was "imposing its will onto Dr. Kennedy Homes." Mr. Tilbrook stated, "People do matter" and the people who lived in Dr. Kennedy Homes had spoken this evening.

Mr. Tilbrook summarized that the project met the criteria, was well planned, was compatible with the City of Fort Lauderdale's vision for Broward Boulevard, was finance-able and fundable, and he encouraged Board to support it.

Ms. Gardner asked what the project cost was versus rehabilitating the existing homes. Mr. Tilbrook estimated the project as presented would cost \$13.5 million; restoration of the existing buildings [back to 91 units] would cost \$14.5 million. He added the caveat that they could obtain the \$13.5 funding for demolition and rebuilding; this funding was not available for restoration. Restoration would include no new buildings, and turning the unused portion of the site into a parking lot.

Ms. McClellan asked to see the drawings for a possible restoration. She said she assumed that there were engineers and architects involved in creating a package for restoration that the Board could see. She pointed out that the Janus survey showed that the most valuable thing about the property was the unit as a whole, and the applicant was asking the Board to throw this away in favor of a study that indicated a mistake had been made and Dr. Kennedy Homes was not actually part of the historic district. Ms. McClellan commented that some of Mr. Tilbrook's exhibits were contradictory. He had indicated that the Certificate of Appropriateness for Alteration should be granted because the buildings to be restored would maintain a relationship with other buildings in the historic district.

Mr. Tilbrook explained that the restoration of the three buildings was intended to maintain compatibility with the historic district. Ms. McClellan said this confirmed that the site had a relationship to the historic district. Mr. Tilbrook said that this component of the project met the criteria by maintaining compatibility. They were not saying the site had no value; they were saying the site had value as a whole and as it was related to the Housing Authority and for its role in the City's development history. The project

as presented included the restoration because they had been asked to perform the restoration.

Mr. Tilbrook said, "So we've got some restoration, we have maintaining the relationship with the Housing Authority, which is where the foundation is for the value of this site, and maintaining the site as [an] affordable housing site - that's the other main value of this site - we feel that we have achieved our objective of meeting the historic value of this site and preserving that value through restoration and new construction for the new era."

Ms. McClellan asked again for documentation regarding rehabilitation and Mr. Tilbrook said, "With all due respect, that is not our application; there's a lot of assertions about what we could do and what we should do. Our application is to restore three buildings and to build new construction." They had evaluated the cost to restore the existing buildings, and this was public record at the Housing Authority. Mr. Tilbrook reiterated that funding was not available to restore the buildings, and even if they had the funding, they could not meet the code; the buildings must be moved back from Broward Boulevard.

Chair Haan reminded the Board that they could not ask for additional evidence now; they must make their decision based upon the evidence presented. Regarding zoning and setback issues, Chair Haan said there had always been a "competition" between the allowed zoning in the historic overlay and what was compatible in the historic district. He remarked that they were not really compatible and this presented a problem, but the Board had the ability to determine whether or not the buildings were visually compatible with other historic buildings in the neighborhood.

Mr. Tilbrook explained to Mr. Rojas that the three buildings they would rehabilitate required a variance to remain in their present location. He did not believe it would be possible to obtain a variance for family-oriented housing located so close to Broward Boulevard. Mr. Rojas referred to a section of A1A between Oakland Park Boulevard and Sunrise Boulevard where the houses were 5 feet from A1A. These homeowners had all received variances for renovating their homes because they were already there.

Chair Haan said historic buildings were grandfathered in; owners were not expected to bring historic buildings up to current code regarding the setbacks.

Mr. Tilbrook explained that if the cost of renovation exceeded 50% of the value of the structure, legal nonconforming status was lost and a variance was required. Chair Haan said this was up for debate.

Motion made by Mr. Prager, seconded by Mr. Cummings, to approve the Certificate of Appropriateness for Demolition of 42 structures.

Mr. Cummings explained his vote would be based upon the years of deficiencies, the condition of neglect of the structures and the hardships to the current residents. He said he welcomed the proposed new setbacks, because he had always been fearful that a car on Broward Boulevard would run into one of the buildings.

Chair Haan reminded the Board that there were three criteria for demolition; setbacks were not included in the criteria. Mr. Prager felt this could be considered under the criterion that the demolition or redevelopment project was of major benefit to the historic district. Mr. Prager thought Mr. Cummings felt it was not a major benefit to the people living in these homes to be 5 feet from Broward Boulevard. Mr. Cummings agreed.

Chair Haan quoted from the minutes of the previous meeting, when Mr. Tilbrook reminded the Board of the standard of review according to Brevard County versus Snyder: The Board's actions must be confined to the facts and supported by competent substantial evidence regarding whether or not the applicant had met the burden of his request.

Regarding competent substantial evidence, Chair Haan took issue with Ms. Uguccione's report, and noted that experts who had testified this evening refuted that report. He would therefore not consider this evidence. Regarding the project design, Chair Haan said unfortunately, the entire project design had been based upon an incorrect assumption, and the architect had neglected to reference historic buildings in the neighborhood. In Chair Haan's opinion, the entire design was built on a faulty premise.

Chair Haan said his vote would be based upon Ms. Rathbun's report and the testimony of Dr. Johnson, Ms. Plummer, Ms. Smart, Mr. Jordan, Mr. Adams and Mr. Dickerman, as well as the CRASS report. He said these people had provided expert testimony, their résumés were substantial, and every one had indicated that demolition was inappropriate. Mr. Cummings wanted the record to show that even though experts had indicated the buildings did not need to be demolished, they had also heard from "experts" who lived in the units who had testified they should be demolished.

Chair Haan pointed out that residents had discussed living conditions, but they were not expert witnesses, and they had not commented on the historic nature of the buildings. Mr. Prager referred again to the criteria he had cited earlier, and he felt they had the right to consider whether the project was good for the people who lived in the community. Mr. Prager stated he would vote in favor of the demolition for that reason.

Motion made by Mr. Gardner, seconded by Mr. Cummings, to call the question. In a roll call vote, motion passed 6 –2 with Ms. McClellan and Chair Haan opposed.

On the **motion** to approve the Certificate of Appropriateness for Demolition of 42 structures, the vote was as follows: Mr. Cummings – yes; Mr. Jolly – no; Ms. Gardner – no; Ms. Harrison – no; Mr. Prager – yes; Mr. Rojas – no; Ms. McClellan – no; Chair Haan - no. Motion **failed** 2 – 6.

Ms. Sarver explained that even though the Board had denied the demolition request, a motion was required regarding the other Certificates of Appropriateness for appeal purposes; this would prevent the application from having to go through the entire process again.

Motion made by Mr. Prager, seconded by Mr. Jolly, to approve the Certificate of Appropriateness for Alteration for rehabilitation of 3 structures.

Chair Haan felt the restoration had become lost in the application. He agreed the buildings should be restored, but disagree with the change in the fenestration, and wondered if this precluded the building from being included in the National Register. He therefore opposed the restoration as presented because he believed it included too many changes.

Ms. McClellan said the CRASS survey stated that “in the National Register if they look at the things done to the existing property and are later removed, if it maintains its historic significance even after that, then it should stand. And because of the fact that the individual buildings are not significant architecturally on their own, I'm inclined to think that there is some surgical things that could be done to the buildings to alter them and therefore would be in favor of a restoration.”

Ms. Sarver explained that if the applicant appealed this to the City Commission and the Commission determined that there was a deviation from essential requirements of law or that competent substantial evidence did not exist in the Board's decision, they would hold a de novo hearing at which the applicant would make his presentation and the public, including Board members, could attend. The Commission would decide whether to uphold the Board's decision or to deny it. The Commission would only hear the portions of the application the Board had denied.

Ms. McClellan said because the case that had been presented was geared toward the demolition of the majority of the buildings, and the alterations were done in such a manner as to somehow complement them, she would not be in favor of rehabilitation.

Ms. Sarver explained to Mr. Rojas that if the Commission reversed the Board's decision regarding one component of the plan and the Board had approved the other two components, the project as presented would go through. Ms. Sarver believed this was outlined in the code, and she could not speak with 100% certainty, but this had been their procedure in the past.

On the **motion** to approve Certificate of Appropriateness for Alteration for rehabilitation of 3 structures, the vote was as follows: Mr. Cummings – yes; Mr. Jolly – no; Ms. Gardner – no; Ms. Harrison – no; Mr. Prager – yes; Mr. Rojas – no; Ms. McClellan – no; Chair Haan - no. Motion **failed** 2 – 6.

Motion made by Mr. Prager, seconded by Mr. Cummings, to approve the Certificate of Appropriateness for New Construction to construct 8 new 2-5 story buildings with a total of 132 residential units.

Chair Haan believed the new construction was not visually compatible with the neighborhood; the buildings were too tall and the mass too great. He felt the proposed project failed at least four of the criteria. He reminded the Board that they were voting on something that was historic and had been around for several generations. Chair Haan stated he would vote against the project based upon Ms. Rathbun's report and the testimony of Dr. Jordan, Dr. Atlas, Mr. Jordan and Mr. Adams, who had all spoken directly to the height, mass, scale and appropriateness issues.

Mr. Cummings said his vote and would be based upon the deterioration of the structures and the testimonies of the residents.

Ms. McClellan said she understood how the tenants felt about the project, but this was not something that the Board could address. She said she could not vote in favor of the project because it did not satisfy the real value to the history of the City and of the history of the neighborhood.

Mr. Rojas agreed, noting that the current condition of the property was not the Board's responsibility. He understood how the residents must feel, but pointed out that the project must be for the good of the entire historic district. Mr. Rojas said the Board's goal was to continue to create an historic district that was worthy of Fort Lauderdale and to preserve history. He said this project had “nothing to do with the essence of Sailboat Bend.”

Ms. McClellan wondered if the consultant and architect had been presented with the project as an historic property that was potentially eligible for the National Register, and if they had been asked to look at it for potential restoration that would make it into something that was forward thinking for the community who lived there and that would be a model for other communities to look up to. Ms. McClellan thought it sad that the committee who had made this proposal all had ties to the Historic Preservation Board and the current Board members were being made to look like the bad guys for opposing the project.

Chair Haan advised Board members that there was a danger in voting “with one's gut” instead of by referencing the criteria. A future applicant who had his request denied by

the Board would point to the Board member's voting record. Mr. Cummings stated the "people aspect" was killing him and he was voting his conscience.

On the **Motion** to approve the Certificate of Appropriateness for New Construction to construct 8 new 2-5 story buildings with a total of 132 residential units, the vote was as follows: Mr. Cummings – yes; Mr. Jolly – no; Ms. Gardner – no; Ms. Harrison – no; Mr. Prager – yes; Mr. Rojas – no; Ms. McClellan – no; Chair Haan - no. Motion **failed** 2 – 6.

[Index](#)

2. Applicant: Nolan Haan

4 H 09 (SB)

Owner: Nolan Haan

Request: ** * Certificate of Appropriateness for Demolition

- **To demolish a single family residence**

Legal Description: Bryant Subdivision. Block 22, Lot 14, PB 1, P. 29.

Address: 725 SW 2nd Court

General Location: Between SW 7th and 8th Avenues

District: 4

Withdrawn.

II. For the Good of the City

[Index](#)

III. Communication to the City Commission

There being no further business to come before the Board, the meeting was adjourned at 9:46 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>

Minutes prepared by: J. Opperlee, ProtoType Services