



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 27, 2024

Agenda Item No. _____

Agenda Title:

TOWN COMMISSION CONSIDERATION OF AN APPEAL, UNDER TOWN CODE CHAPTER 66, SECTION 66-14, OF THE DECISION BY THE HISTORIC PRESERVATION BOARD TO DENY A PETITION TO RESCIND THE LOCAL HISTORIC DESIGNATION OF THE ARNOLD BUILDING LOCATED AT 918 PARK AVENUE, FILED BY THE PROPERTY OWNER THE ADLER AT LAKE PARK.

[] SPECIAL PRESENTATION/REPORTS [] CONSENT AGENDA
[] BOARD APPOINTMENT [] OLD BUSINESS
[] PUBLIC HEARING ORDINANCE ON FIRST READING
[] NEW BUSINESS
[X] OTHER: Appeal

Approved by Town Manager Bambi McKibbon-Turner

Digitally signed by Bambi McKibbon-Turner
DN: cn=Bambi McKibbon-Turner, o=Town of Lake
Park, ou=Assistant Town Manager/Human Resources
Director, email=bturner@lakeparkflorida.gov, c=US
Date: 2024.02.23 09:47:09 -05'00'

Name/Title: _____

Originating Department: COMMUNITY DEVELOPMENT	Costs: \$ 3,400 Historic Architecture consultant Funding Source: GF/CD consultant services Acct. # 001-52-524-500-3400 [] Finance <u>Barbara A. Gould</u> <small>Digitally signed by Barbara A. Gould DN: cn=Barbara A. Gould, o=Town of Lake Park, ou=Assistant Town Manager/Human Resources Director, email=bturner@lakeparkflorida.gov, c=US Date: 2024.02.23 09:42:25 -05'00'</small>	<u>Attachments</u> 1. Town Attorney Response to Appeal 2. Petitioner's Letter of Appeal 3. Signed Order of the HPB denying the Petition to Rescind 4. Minutes of the 10/2/23 HPB Meeting ALL written record submitted, included in this order: 5. Original Staff report 6. Town Consultant Analysis 7. Petitioner's Application 8. Petitioner's architectural consultant's report and 9. Engineer's report 10. Transcript of HPB meeting
Advertised: Date [x] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone or Not applicable in this case <u>KJG</u> Please initial one.

Summary Explanation/Background:

Role of the Town Commission

The Town Commission will consider an Appeal by the petitioner/property owner “The Adler at Lake Park LLC” of the Historic Preservation Board’s (HPB) denial of a petition to rescind the local historic designation for 918 Park Avenue. Town Code section 66-14 provides for a process to appeal a decision of the Historic Preservation Board, which would otherwise serve as a final decision.

The Item will be presented by Town Attorney Baird, who will provide the Town’s response to the petitioner’s appeal. The Town Attorney’s response is attached as Exhibit 1. The Petitioner’s Appeal is attached as Exhibit 2.

Attorney Baird will be representing staff, therefore he has engaged Keith Davis Esq. to represent the Commission for the limited purpose of hearing the appeal. Immediately attached is a letter from Mr. Davis which describes the procedure that will be followed for the appeal.

The role of the Commission is to consider the presentations of both parties and any answers to questions posed, review the record from the HPB Meeting, and base their decision solely on that information. No new public input will be taken. However, the Commission may ask questions of the parties and seek additional information before rendering a verdict.

The record from the HPB for the Town Commission to review consists of the documents listed below, which are attached and labeled as exhibits. Please refer to Exhibit 5 for the staff report to the HPB, which provides background on the request to rescind the historic designation.

- Exhibit 3. Signed Order of the HPB denying the Petition to Rescind
- Exhibit 4. Minutes of the 10/2/23 HPB Meeting
- Exhibit 5. Staff Report for HPB (includes Chapter 66 Historic Preservation as attachment)
- Exhibit 6. Report of Town’s historic architecture consultant –RJ Heisenbottle
- Exhibit 7. Petitioner’s Application
- Exhibit 8. Petitioner’s architectural consultant’s report- REG Architects
- Exhibit 9. Petitioner’s Engineer’s report
- Exhibit 10. Transcript of HPB Meeting

Background

HPB Decision

On October 2, 2023 the Historic Preservation Board (HPB) held a Public Hearing to consider the petition filed by the Adler at Lake Park LLC to **rescind the local historic designation** granted in 1998, for the Arnold building located at 918 Park Avenue and to remove it from the Town’s historic designation survey and Florida master site file.

Following hearing presentations by the applicant and staff, and their respective historic preservation architects and consultants, the HPB voted unanimously (4-0) to **deny** the request for de-designation.

The Board's reasons for denial are contained in the Board's Order (Exhibit 3)

Town Commission Action

At the meeting's conclusion the Commission may affirm, modify, or reverse the HPB decision.

If dissatisfied with the decision, the petitioner has the option to appeal to the Palm Beach County Circuit Court.

THE COMMISSION HAS THE OPTION OF 3 MOTIONS:

- I MOVE TO **AFFIRM** THE DECISION OF THE HISTORIC PRESERVATION BOARD
OR
- I MOVE TO **REVERSE** THE DECISION OF THE HISTORIC PRESERVATION BOARD
OR
- I MOVE TO **MODIFY** THE DECISION OF THE HISTORIC PRESERVATION BOARD
AS FOLLOWS...