

070196

Legistar #070196 (Historic Preservation Board Appeal by The Wheelbarrow & the Car)

Recommendation: At the request of the appellant and city staff, send this item back to a regularly scheduled meeting of the Historic Preservation Board for further consideration and continue this appeal until such time as the Historic Preservation Board has heard the item.

Smith, Nicolle M.

From: Sidney F. Ansbacher [SAnsbacher@Gray-robinson.com]
Sent: Monday, August 27, 2007 10:20 AM
To: Smith, Nicolle M.
Cc: Paula L. Delaney; hpa007@aol.com; rfogler@cox.net
Subject: RE: The Wheelbarrow & the Car - Historic Preservation Board appeal (item #070196)

I agree.

ps--best regards to m.r.

Sidney F. Ansbacher

Shareholder

GrayRobinson, P.A.

50 North Laura Street, Suite 1100

Jacksonville, Florida 32202

Main: 904-598-9929 | Fax: 904-598-9109

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ATTORNEYS AT LAW

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From: Smith, Nicolle M. [mailto:smithnm@cityofgainesville.org]
Sent: Monday, August 27, 2007 10:13 AM
To: Sidney F. Ansbacher
Subject: The Wheelbarrow & the Car - Historic Preservation Board appeal (item #070196)

Good Morning Mr. Ansbacher -- As we discussed this morning, I wish to confirm our mutual understanding of how the above appeal will proceed:

- (1) Today, your client and city staff are requesting the City Commission send this item back to a regularly scheduled Historic Preservation Board (HPB) meeting (recognizing advertising/notice requirements) for further consideration and to continue the appeal hearing until such time as the matter has been heard by the HPB.
- (2) In the event the HPB hears your client's submission and grants a mutually acceptable Certificate of Appropriateness (COA), your client will withdraw the appeal.
- (3) In the event the HPB hears your client's submission and denies a COA or approves a COA with conditions that are not acceptable to your client, the appeal will be scheduled for the next possible

8/27/2007

(recognizing advertising/notice requirements) CCOM meeting after the HPB hearing.

Your client has voluntarily agreed to this procedure (as evidenced by your letter dated August 24, 2007 and the letter signed by Mr. Bredfeldt and Mr. Fogler dated August 24, 2007) and will not assert same against the City Commission as a failure to "render its decision promptly."

If you would kindly send a quick email in response to confirm our understanding, I will provide a copy to the City Commission and Clerk at or before the meeting at 1pm today.

Thank you -- Nicolle

Nicolle M. Smith

Assistant City Attorney II

City of Gainesville

PO Box 1110

Gainesville, Florida 32602

(352) 334-5011

Fax: (352) 334-2229

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CITY OF GAINESVILLE

Department of Economic Development

August 23, 2007

Reid Fogler
Wheelbarrow & the Car, Inc
235 SE 11 Place
Gainesville, FL 32601

Dear Mr Fogler:

As you know, per City Commission direction on July 16, 2007, we have been working together in order to come to an accommodation regarding the proposed project to be located on SW 6th Avenue, between SW 10th Street and SW 12th Street in the University Heights - South Historic District. This has been pursued in the context of an appeal of denial by the Historic Preservation Board on your proposed project. The appeal was continued by the City Commission to Monday, August 27, 2007.

Recently, you provided staff with a modified version of the original project indicating a lower building profile along SW 6th Avenue consisting of two and 3 story buildings with increased setbacks and a four story building to the north along the alley separated from the SW 6th Avenue buildings. The buildings along SW 6th Avenue contained architectural features emphasizing horizontal elements and are compatible with the adjacent contributing historic structures.

We appreciate the steps you have taken to modify the original project and believe them to be a significant step in the right direction. In addition to these steps, staff recommends that you lower the building located in the northwest corner of the subject property along the alley from four stories to three stories in order to improve perimeter compatibility.

If this modification, in addition to the aforementioned modifications you have proposed, can be included within context of the modified project design, then staff can recommend approval of the project at the next meeting of the Historic Preservation Board. We ask further that you agree to a continuance of the appeal scheduled to be heard on Monday, August 27 to allow this item to come to the Historic Preservation Board for review. Furthermore, we ask that you provide all appropriate materials to staff in order to schedule your appearance before the next Historic Preservation Board.

Staff believes that this approach allows consideration of the modified project proposal by the appropriate entity and represents a reasonable and balanced resolution to this specific case.

If you concur with this approach, we ask that you signify by signing below. Upon receiving this concurrence, we will recommend to the City Commission through the City Clerk's Office that this item be continued and staff will schedule your modified project to be heard by the Historic Preservation Board at its next meeting.

Sincerely,

Erik A. Bredfeldt
Director

Concurred to by:

Reid Fogler, Wheelbarrow & the Car, Inc

Date

8-24-07

GRAY ROBINSON

ATTORNEYS AT LAW

SUITE 1100
50 NORTH LAURA STREET
JACKSONVILLE, FL 32202-3664
TEL 904-598-9929
FAX 904-598-9109
gray-robinson.com

CLERMONT
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MELBOURNE
NAPLES
ORLANDO
TALLAHASSEE
TAMPA

Sidney F. Ansbacher
Attorney At Law
904-598-9929

SANSBACHER@GRAY-ROBINSON.COM

August 24, 2007

VIA FACSIMILE (352) 334-2036

The Honorable Pegeen Hanrahan
Mayor, City of Gainesville
P.O. Box 490
Station 19
Gainesville, FL 32601-0490

Re: The Wheelbarrow & The Car
Client-Matter No. 734003-1

Dear Mayor Hanrahan:

The Wheelbarrow & The Car consents to a continuance of the appeal scheduled to be heard on Monday, August 27, 2007, to allow the potential item that my clients negotiated preliminarily with City staff - - to go to the Historic Preservation Board for review.

This is with all reservation of rights regarding the pending matter.

I remain,

Sincerely,



Sidney F. Ansbacher

SFA/pd

Cc (via fax): Reid Fogler
Brik A. Bredfeldt
Marion Radson, Esquire