MINUTES
LANDMARKS PRESERVATION COMMISSION
IN THE
TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 S. COUNTY ROAD, PALM BEACH, FL

WEDNESDAY, SEPTEMBER 18, 2013, 9:30 a.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording (CD) of the meeting by contacting Cynthia M. Delp, Secretary to the Landmarks Preservation Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER: (9:33:24 a.m.)

Chairman Cooney called the meeting to order at 9:33 a.m.

II. ROLL CALL: (9:33:51 a.m.)

Edward Austin Cooney, Chairman	PRESENT
William P. Feldkamp, Vice Chairman	PRESENT
Dudley L. Moore, Jr., Member	PRESENT
Jacqueline Albarran, Member	PRESENT
William J. Strawbridge Jr., Member	PRESENT
Elizabeth S. Murphy, Member	PRESENT
Penelope D. Townsend, Member	PRESENT
Elizabeth "Libby" Marshall, Alternate Member	PRESENT
Anne Fairfax, Alternate Member	ABSENT (excused)
Patrick Killian, Alternate Member	PRESENT

Staff members present: John S. Page, Director of Planning, Zoning and Building, John Lindgren, Planning Administrator, Paul Castro, Zoning Administrator (for part of meeting), William Bucklew, Acting Building Official (for part of meeting), John C. Randolph, Town Attorney, and Cynthia Delp, Secretary to the Landmarks Preservation Commission.

III. APPROVAL OF THE MINUTES OF THE AUGUST 21, 2013 MEETING:(9:33:54 a.m.)
MOTION BY MR. FELDKAMP FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MS. TOWNSEND.
MOTION CARRIED UNANIMOUSLY.

IV. <u>APPROVAL OF THE AGENDA:</u> (9:34:43 a.m.)

Mr. Cooney adjusted the agenda to allow Item F. for 235 Sunrise Avenue to be heard first.

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE AGENDA AS AMENDED.
MOTION SECONDED BY MS. MURPHY.
MOTION CARRIED UNANIMOUSLY.

V. <u>ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:</u> (9:34:46 a.m.)

Mrs. Delp administered the oath at this time and as needed throughout the meeting.

VI. <u>COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes):</u> (9:34:48 a.m.) None

VII. <u>PUBLIC HEARINGS:</u> (9:34:58 a.m.)

F. <u>Application for Certificate of Appropriateness #044 - 2013</u>
<u>Rehabilitation and Reconstruction</u>
Owner/Applicant: Palm Beach Hotel Condominium Association Inc.
Address: 235 Sunrise Avenue
Engineer: Summit Engineering Inc., Brian Maskol
Project Description: Request approval for rehabilitation and reconstruction which is further described as: Repair or replace structural steel elements supporting the front entry section of the building and any other problems uncovered. Exterior finishes to be restored. Other associated changes as presented. ***Please be advised that this is a tax abatement project.***

Call for disclosure of ex parte communication: Disclosure by Mrs. Albarran

ARCHITECTURAL PRESENTATION BY: Brian Maskol, Summit Engineering Inc.
OTHERS WHO TESTIFIED: Dr. Rhonda Nasser, 214 Park Avenue, and Celia Terenzio, (address not stated)

Mr. Maskol showed photographic evidence of the deterioration and corrosion encountered at the Palm Beach Hotel. The project is being done in phases. Phases 1 and 2 are scheduled for completion by November 1, 2013. This phase (Phase 4) is limited to the front entry, where structural repairs are required, and is scheduled for completion by December 1, 2013. The repairs will result in no change to the appearance of the building. Some commission members were interested in the full scope of what needs to be done and the establishment of a calendar for it. Mr. Maskol indicated that after the completion of Phases 1, 2, and 4, there will be a building study done which is anticipated to take a few months. Any additional construction is pending additional funding.

MOTION BY MR. FELDKAMP FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS #044-2013 AS PRESENTED.
MOTION SECONDED BY MS. MURPHY.
MOTION CARRIED UNANIMOUSLY.

Just after the vote, Dr. Rhonda Nasser and Ms. Celia Terenzio expressed their concerns relative to the impact of this construction on the neighbors as it relates to staging, delivery of construction materials, garbage and debris pick-up, and inadequate information relative to the construction progress.

A. Application for Certificate of Appropriateness #038 - 2013
Rehabilitation, Reconstruction, Interior & Exterior Demolition and Modifications
Owner/Applicant: Bath & Tennis Club Inc.
Address: 1170 South Ocean Boulevard
Architect: Glidden Spina & Partners
Project Description: Request approval for rehabilitation, reconstruction, interior and exterior demolition, awning, and landscape/hardscape which is further described as: The project consists of the reconstruction of the north pool, removal of the upper level walkway along the north facade of the adjacent south cabana building, expansion of the pool deck, removal of two cabanas of the adjacent west cabana building and the addition/reconfiguration of the adjacent pool deck landscaping. Other associated changes as presented. ***Please be advised that this is a tax abatement project.***

Call for disclosure of ex parte communication: Disclosures by Ms. Townsend and Mr. Moore

ARCHITECTURAL PRESENTATION BY: Keith Spina, Glidden Spina & Partners
LANDSCAPE PRESENTATION BY: Alan Stopek, Efflorescence
OTHERS WHO TESTIFIED: Nancy Murray, 249 Monterey Road and Lory Volk (address not stated)

Mr. Spina presented the project in accordance with the submitted plans and as described above. In addition to the project description listed, the project includes: Increasing the green space by approximately 800 sq. ft.; addition of an awning to provide some shade at the pool area; add planter at east end; remove the kiddie pool; new, lowered pool coping; and, test some new landscaping in the pool area. Mr. Stopek elaborated on the landscape. He noted that this area is very susceptible to wind, salt, and cold. New landscaping proposed: Additional Coconut Palms, maintain Garcinia, underplanting (in planters) to protect from salt water, and add some architectural-type plant material.

There were some comments relative to the Town perhaps becoming "too perfect and that the shabby chic is disappearing at the Club. Nancy Murray, speaking for the Bath and Tennis Club, justified the project noting that the pool has been in poor condition for at least 20 years; that the kiddie pool has to be removed per code; that shade and additional landscaping are needed; and, that the project will bring the pool up to the status of the Club.

MOTION BY MR. FELDKAMP FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS #038-2013 AS PRESENTED.
MOTION SECONDED BY MRS. ALBARRAN.

Lory Volk offered her support of the comments made against the "perfection" of historic structures.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #040 - 2013
Addition
LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Owner: Palm V Associates Limited Partnership (Burt Handelsman)
Applicant: Hermes of Paris
Address: 240 Worth Avenue
Architect: James C. Paine, Jr. P.A.
Project Description: Request approval for addition to historic structure which is further described as: The existing building is occupied by Hermes retail on the first floor (2,790 sf) and Hermes support space (1,066 sf) on the second floor. An existing stair from the second floor has a ground level landing which is within a few feet from an existing rear door serving the first floor space. The proposed project is to construct a ground level enclosure of 37 sf at the existing landing so that the existing first and second floors have an interior connection. This allows Hermes' employees to move from floor to floor in secure interior space. The first floor stair landing enclosure will be finished with stucco walls and terra cotta barrel tile roof material to match the existing structure. Other associated changes as presented.

This project was heard informally at the August meeting. At that time, a motion carried recommending to the Town Council that the implementation of the proposed variance will not cause negative architectural impacts to the subject property.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: James C. Paine, Jr., Architect

Mr. Cooney noted that the Town Council has approved the variances necessary for this project. Mr. Paine presented the revised project which incorporates the LPC's suggestions from the August meeting to change the slope of the roof and to change the door to a round top door. He noted that the door material will be wood. Commission members noticed that one of the recommended changes was not shown on the floor plan, and Mr. Paine stated he will fix it.

MOTION BY MR. FELDKAMP FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS #040-2013, WITH THE PROVISO THAT THE DOOR BE RECESSED A FEW INCHES FROM THE FACE OF THE ADDITION.
MOTION SECONDED BY MS. TOWNSEND.
MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #041 - 2013
Landscape/Hardscape
Owner/Applicant: 700 North Lake Way, LLC
Address: 700 North Lake Way
Architect: Smith Architectural Group
Project Description: Request approval for landscape/hardscape which is further described as: The landscaping of 700 North Lake Way shall be expanded onto the new parcel (324 Cherry Lane) to unify the property. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosure by Ms. Marshall

LANDSCAPE PRESENTATION BY: Bill Boyle, Smith Architectural Group

Mr. Boyle presented the project on behalf of Mr. Peter Wirtz, the landscape architect from Belgium, in accordance with the submitted plans and as described above. Mr. Boyle read a prepared statement from Mr. Wirtz into the record. The design intention is to unify the properties with landscaping so that the landscaping of the new parcel is just a continuation of the landscaping at the main house. Similar landscaping will continue onto the strip of land on the west side of the Lake Trail. Prior to making the motion below, Mr. Feldkamp once again expressed his displeasure with the "pill box" type air conditioning units on top of the two pavilions located on this parcel.

MOTION BY MR. FELDKAMP FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS #041-2013 AS PRESENTED.
MOTION SECONDED BY MS. MURPHY.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #042 - 2013
Rehabilitation/Addition
Owner/Applicant: Sterling Palm Beach LLC/Sidney Spiegel Trustee
Address: 340 Royal Poinciana Way, Ste. 300
Architect: Glidden Spina & Partners
Project Description: Request approval for rehabilitation and addition to historic structure which is further described as: A change in the material of the previously approved roof mounted HVAC screen wall from perforated aluminum panel louvers to stucco. A 16" reduction in height of the previously approved HVAC screen wall. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Keith Spina, Glidden Spina & Partners
OTHERS WHO TESTIFIED: Lory Volk

Mr. Spina presented the project in accordance with the submitted plans and as described above. Mr. Spina explained that it is a building code requirement, which is being enforced, that air conditioning equipment on top of a building must be screened "in so far as possible.". That requirement was anticipated by the applicant, resulting in a previous approval of perforated metal panel screening when the Del Frisco project was approved. When construction of the screen wall began, the design team did not like it. At that point, the architect consulted with staff and Mrs. Albarran to brainstorm possible design alternatives. Staff determined that removing the screen wall totally was not an option as it would violate code. Lowering the screen wall and/or changing the material of the screen wall, however, might be possible. The architect consulted with the client resulting in today's request to change the screen wall to stucco, lower it just to the height of the equipment, but increase its length across the roof to screen all equipment.

Under commission comments: the importance of maintaining proportions on the Plaza building was stressed; look for a solution that can be applied from this point forward; we need to think about the rest of the building also; other tenants will run into the same screening requirement;

stucco looks better than grill work; it is sad that the building code makes this requirement for screening; you have to go almost to Royal Poinciana Way to see the a/c equipment, yet this wall would be very visible; perhaps an exemption from this code provision should be available to landmarked buildings, perhaps consider a variance; this adds a half-story to the building; you really notice the screening, but do not notice the equipment (without the screening); this changes the massing and takes away from the building; by the time the entire Plaza is renovated, a half story will be added to the entire building; and, let the code wording "in so far as possible" allow some modification to the screening.

Staff noted that the applicant would have to apply for a variance to totally remove the screening, but Mr. Spina responded that his client would not be willing to do that. Staff also noted that the code, as worded, does allow for some flexibility. Mr. Castro testified to the intent of the code, and opined that the equipment does not have to be totally screened...the LPC can make a compromise. This prompted a lengthy exchange relative to possible design alternatives especially related to the height of the wall.

It must be noted that during this hearing, there was testimony to the fact that a stucco wall had already been constructed. Staff became aware of the wall on August 30, 2013, after it was constructed. The wall was constructed without LPC approval and at the applicant's own risk. The wall was constructed to allow LPC members to actually see the stucco wall design alternative prior to this meeting. Mr. Spina stated that he was interested, today, in receiving approval for changing the material of the wall to stucco, and then he would go back to his client about the height of the wall. He mentioned a cost factor to his client associated with reducing the height of the wall.

Mr. Randolph testified to the history of the code provision for screening equipment, and to the flexibility that the code verbiage allows. He stated that the applicant, in this case, has taken the risk of erecting the wall, so now if the wall has to be reduced in height, cost is really not a factor. He stated that the LPC has every right to make a determination as to what kind of screening should go there, under the circumstances, to preserve the historic character of the building.

There was discussion relative to the options available to the applicant. Mr. Lindgren added that the applicant may not erect the metal screen wall over the unapproved existing stucco wall. On August 30, 2013, when staff saw the wall in place, the applicant was advised that he could leave it in place until the meeting today, or remove it and erect the metal screen wall.

Lory Volk offered her comments relative to this subject and submitted various exhibits into the record. Some of her points are as follows: The specific screening should have been discussed within the original approval of the project; that Del Frisco's could have re-positioned their equipment further to the east on the roof; that a stop work order should have been issued for the wall being erected without approval; that the submission for this project is not correct; and, that other screening possibilities exist. Also, she voiced her displeasure with staff's response to her concerns. Mr. Randolph offered several comments in response.

Mr. Spina had previously expressed his concern that his client needs to be able to open the restaurant. Bill Bucklew, Acting Building Official, testified that the issue of the screening wall will not hold up the opening and use of the restaurant, but may delay the completion of the overall Certificate of Occupancy.

MOTION BY MRS. ALBARRAN TO APPROVE EITHER OF TWO OPTIONS: (1) GO BACK TO WHAT WAS APPROVED, BUT WHAT WAS APPROVED DID NOT HAVE STUCCO BEHIND IT OR DRYWALL BEHIND IT OR ANYTHING BEHIND IT…JUST THE METAL MESH AT THE APPROVED HEIGHT; AND THE OTHER OPTION (2) WHICH WE HOPE YOU WILL DO, THE PREFERRED OPTION, IS TO HAVE THE STUCCO WALL AS YOU WERE HOPING FOR, BUT TO LOWER IT TO THE BOTTOM OF THE LARGER CORNICE; AND STILL HAVE THE BAND AT THE TOP; AND, NOTING THAT THE COLOR OF THE BUILDING IS MOST LIKELY THE BEST CHOICE.
MOTION SECONDED BY MR. MOORE.

SUBSTITUTE MOTION BY MR. STRAWBRIDGE THAT OPTION 2 IS THE ONLY OPTION TO CONSIDER.
SUBSTITUTE MOTION DIED FOR LACK OF A SECOND.

THE FIRST MOTION CARRIED UNANIMOUSLY.

Let the record show that there was a short recess at 11:25 a.m.

E. Application for Certificate of Appropriateness #043 - 2013
Landscape/Hardscape
Owner/Applicant: 456 WA, LLC
Address: 456 Worth Avenue
Architect: Nievera Williams Design
Project Description: Request approval for landscape/hardscape which is further described as: Hardscape revisions that include the driveway entrance gate and lighting. Removal of the fountain in the south garden (replaced with a terrace centered in the space). Replace existing landscape as needed based on construction. Front door details, exterior house color, awning material, and loggia details. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Daniel Menard, LaBerge & Menard
LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design
OTHERS WHO TESTIFIED: Robert Moore, for the applicant

Mr. Williams presented the project in accordance with the submitted plans and as described above. Design elements in addition to those listed above: Remove existing aluminum gate and replace with wrought iron gate in a light and simple design…gate height to match existing height, and width and opening remain the same; add pedestrian gate to lead into the garden; the light fixtures shown flanking the gates are not part of this project (Mr. Williams will return to the LPC in the future, if necessary, for approval of appropriate lights); and, some landscape species substitutions.

Mr. Menard presented exterior details and a proposed color change. Details include: Ceiling of loggia (north side of property) done in honey colored patterned pecky cypress; floor layout of loggia: red brick and coquina; blue tiles on loggia walls; house color: traditional pink; awning color: off-white; front door: bronze and clear glass door without previously approved elaborate filigree.

Under commission comments: The glass door is probably not appropriate…try to reduce the amount of filigree; they won't be happy with an all glass door…decrease the amount of filigree; do not like the gate design…make it lighter; tone down or dull down the pink; like the gate design…quirky; perhaps wipe out the middle design element of the gate; and, take off the curlicues on the top and the bottom and leave the fleur de lis shape.

MOTION BY MR. FELDKAMP FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS #043-2013 WITH THE FOLLOWING PROVISOS: (1) THE CURLICUES ON THE FRONT GATE ABOVE AND BELOW THE CENTRAL QUATREFOILS SHOULD BE ELIMINATED; (2) THE PAINT COLOR SHOULD BE TONED DOWN; AND, (3) THE APPLICANT WILL COME BACK FOR CHANGES TO THE FRONT DOOR GRILL.

Robert Moore, 318 Bunker Ranch Road, spoke on behalf of the applicant. He stated that the owner's choices for the front door were the original door as approved or the door as presented today, with no other options. If the LPC does not like the glass door option, the owners will stay with the original approved door.

MOTION BY MR. FELDKAMP REVISED TO OMIT THE 3^RD^ ITEM AND REPLACE IT WITH THE FRONT DOOR WILL REMAIN AS ORIGINALLY APPROVED.
MOTION SECONDED BY MS. MURPHY AND MRS. ALBARRAN SIMULTANEOUSLY.
MOTION CARRIED UNANIMOUSLY.

VIII. <u>OTHER BUSINESS:</u> (11:51:58 a.m.)

A. <u>153 Cocoanut Row: Consultant's Preliminary Report</u>
Janet Murphy, Town Historic Preservation Consultant, stated that the property owner has requested that the property be placed "under consideration" for landmark designation. The home was designed in 1950 by Caler & Plockelman in the Bermuda style. Ms. Murphy provided a brief presentation relative to the architecture, history, and architects of the home. The Commission was very pleased that the owner is interested in landmarking this house and commented very positively relative to this house.

MOTION BY MR. FELDKAMP THAT 153 COCOANUT ROW BE PLACED "UNDER CONSIDERATION" FOR LANDMARK STATUS.
MOTION SECONDED BY MS. MURPHY.
MOTION CARRIED UNANIMOUSLY.

B. <u>Discussion relative to Historic Districts</u>
Mr. Strawbridge opened this conversation with the subject of possibly creating an historic district on Worth Avenue. He noted that years ago, a district was previously attempted for Worth Avenue, from Peruvian to Golfview Road, but that was not successful. Legally, the same district cannot be reconsidered unless conditions or circumstances have changed. He suggested that the district only include the commercial addresses on Worth Avenue, excluding properties on Peruvian and Golfview. Boundaries would have to be established, but are not defined at this time.

Mr. Randolph reminded the Commission about administrative res judicata because a Worth Avenue district had been previously considered. However, if the circumstances have changed or the boundaries are redefined, a strong argument could be made that the proposal is not the same as was previously considered. He cautioned that before it is placed "under consideration", the boundaries/circumstances of the original attempt should be examined, and the new request should be substantially narrowed or different.

Under commission comments: Perhaps place the boundary at the 5 ft. easement running between Worth Avenue and Peruvian; it would be preferable for the Worth Avenue owners to approach the LPC to create a district, rather than the reverse; other areas are suitable for districting, like Pendleton and Polmer Park; what can be done to encourage owners to embrace the districting concept?; education and personal outreach is effective; one owner of a landmarked property within a (district-worthy) neighborhood might inspire others toward the districting concept; the streetscape of Worth Avenue is now changed; and, there will be contributing and con-contributing buildings, but together, a certain ambience is created.

Chairman Cooney asked for an update at next month's meeting relative to what was considered under the previous district attempt for Worth Avenue vs. what might be considered now, and what types of structures might be contributing vs. con-contributing.

Mr. Strawbridge brought up 137 Seaspray Avenue for discussion relative to being placed "under consideration" for landmark designation. Emily Stillings, Town Historic Preservation Consultant, provided a brief presentation relative to the architecture, history, and architects of the home. It is a Moorish Revival home built in 1924 and designed by Theodore Rowley. It had been placed "under consideration" in 1992, but it was removed from consideration without prejudice. As such, it can be considered again.

MOTION BY MR. MOORE TO PLACE 137 SEASPRAY AVENUE "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.
MOTION SECONDED BY MR. FELDKAMP.
MOTION CARRIED UNANIMOUSLY.

IX. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR: (12:22:07 a.m.)

Mr. Page reported that on Tuesday, November 19, 2013, Stephen Mouzon is tentatively scheduled to present a workshop to the Planning and Zoning Commission relative to the design guidelines that he developed for the Royal Poinciana Way area. This was pursuant to the Town's study of the area for possible zoning changes. Those changes have been approved by the Planning & Zoning Commission and are now pending before the Town Council at the October and November meetings. Mr. Page encouraged LPC members to attend because with approval of the zoning changes, any future PUD-5 development projects on Royal Poinciana Way will come to the LPC for feedback prior to moving forward to the Town Council.

Mr. Moore commented that the letter which is sent to property owners when a property is placed "under consideration" for landmarking, as revised, should be "softer" as it contains too much legalese, and is too lengthy. He asked staff to reconsider the letter content. Mr. Randolph responded that he can review the letter with staff.

This is Ms. Marshall's last meeting on the Landmarks Preservation Commission. The Commission thanked her for her service.

X. ADJOURNMENT:

The meeting adjourned with benefit of a motion at 12:27 p.m.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, October 16, 2013 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Edward Austin Cooney

Edward Austin Cooney, Chairman
LANDMARKS PRESERVATION COMMISSION

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