MINUTES
LANDMARKS PRESERVATION COMMISSION
TOWN COUNCIL CHAMBERS
SECOND FLOOR, TOWN HALL
360 SOUTH COUNTY ROAD, PALM BEACH

THURSDAY, AUGUST 16, 2012
9:00 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 sss.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

I. **CALL TO ORDER**: Chairman Cooney called the meeting to order at 9:06 a.m.

II. **ROLL CALL**:

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	ABSENT (unexcused)
Leslie Diver, Member	PRESENT
Elizabeth S. Murphy, Member	PRESENT
Jorge Sanchez, Alternate Member	ABSENT (unexcused)
Elizabeth Marshall, Alternate Member	PRESENT
Anne Fairfax, Alternate Member	PRESENT

Let the record show that Ms. Marshall will be a voting member for this meeting.

Staff members present: John C. Randolph, Town Attorney (for part of the meeting), John S. Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, Jane S. Day, Ph.D., Staff Historic Preservation Consultant, and Cynthia M. Delp, Secretary to the Landmarks Preservation Commission.

Court Reporter present: Sara Storey, US Legal Support, hired by Lory Volk

III. **APPROVAL OF THE MINUTES OF THE JULY 18, 2012 MEETING**:
MOTION BY MR. FELDKAMP FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. MOORE.
MOTION CARRIED UNANIMOUSLY.

IV. **APPROVAL OF THE AGENDA**:

Mr. Cooney stated that several members had expressed an interest in moving Item VII. to the end of the agenda to allow the hearings for Certificate of Appropriateness first.

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

V. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**:

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

VI. **COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes):**

Mr. Page reminded the commission members that due to changes in meeting schedules, the Chambers was scheduled for both the LPC and the CEB today. As such, the LPC meeting needs to conclude by 1:00 p.m.

Patrick Flynn offered comments relative to the purchase and/or lease of the Royal Poinciana Theatre and distributed a copy of the 1979 agreement concerning the Royal Poinciana Plaza.

VII. **REVIEW OF PROPERTIES CATEGORIZED AS "POTENTIALLY ELIGIBLE FOR THE LOCAL REGISTER" [Edward Austin Cooney and Jane S. Day, Ph.D.]:**

Moved to the end of the agenda.

VIII. **PUBLIC HEARINGS**:

Please be advised that the commission elected to hear Items A. and B. together, as they had done last month also.

A. Application for Certificate of Appropriateness #020 - 2012
Storefront
Owner/Applicant: Power Love Associates
Address: 252 Worth Avenue
Architect: Glidden Spina & Partners
Project Description: Request approval for new storefront entry system, interior demolition and sign which is further described as: New storefront elevation for A. Lange & Sohne jewelry store, and other associated changes as presented

Please be advised that this matter was heard informally at the July meeting. Formal action is scheduled for the August meeting.

Call for disclosure of ex parte communication: Disclosure by Mr. Cooney

B. Application for Certificate of Appropriateness #021 - 2012
Storefront
Owner/Applicant: Power Love Associates
Address: 254 Worth Avenue
Architect: Glidden Spina & Partners
Request approval for new storefront entry system, interior demolition, and sign which is further described as: New storefront elevation for future jewelry store tenant (tenant pending)

Please be advised that this matter was heard informally at the July meeting. Formal action is scheduled for the August meeting.

Call for disclosure of ex parte communication: Disclosure by Mr. Cooney

ARCHITECTURAL PRESENTATION BY: Keith Spina, Glidden Spina & Partners

Mr. Spina presented a revised proposal in response to commission comments made at the July meeting. The new proposal includes retaining the existing wood arch and horizontal member, a thin aluminum storefront with narrow door, and signage for both tenant spaces. The existing wood arch will be sanded down and stained if possible, and/or painted if necessary. The new aluminum storefront will be stained or painted to match the wood. Mr. Spina noted that the plans indicate a logo on the door handle of the Jaeger tenant space, but that logo will be removed from the project. He indicated that these storefront renovations will set precedent for future tenant spaces in the building.

While most members were pleased with the plans as revised, Mr. Moore requested that the owner be made aware that there are maintenance concerns relative to this building, particularly with the second floor windows. Mr. Spina will pass this information to the owner. The retention of the existing Bougainvillea was stressed, acknowledging that proper manicuring may be in order.

MOTION BY MR. FELDKAMP FOR APPROVAL OF BOTH APPLICATIONS (CoA#020-2012 and CoA#021-2012) AS PRESENTED, WITH THE REDUCTION OF THE DOOR HANDLE TO BE WITHOUT THE LOGO.
MOTION SECONDED BY MR. MOORE.
MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #023 - 2012
Restoration/Rehabilitation/Sign/Awning
Owner/Applicant: Sterling Palm Beach LLC
Address: 340 Royal Poinciana Way, Suites 300-308
Architect: Glidden Spina & Partners
Project Description: Request approval for restoration, rehabilitation, interior demolition, sign and awning which is further described as: New restaurant of approximately 8,400 square footage going into the northeast end of Royal Poinciana Plaza. The majority of the existing windows and doors will remain as they are now, except for the curved wall at the southeast end of the building. We would like to remove the existing windows and wall and replace with a new operable Nana Wall system. New awnings and signage will be put in as allowed by Code. On the interior, some portions of the 2nd floor space will be converted to one story space to restore the high ceilings that existed previously. The 2nd floor space will remain as existing at the east end. 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: Attorney John Eubanks representing Palm Beach Towers, Adam Munder, Sterling Palm Beach LLC, Jeff Taylor, Building Official, and Lory Volk, The Volk Foundation

Attorney Eubanks objected to the application as filed. He felt it was insufficient as to proper signatures and did not believe the application could be heard today.

Mr. Lindgren stated, for the record, that this project is only being heard informally. This had been mentioned earlier in the meeting by Mr. Page, as well, and is due to the deferral action for this project by the Town Council at yesterday's meeting. Though it is being heard only informally today, it should be noted that it had been advertised as a hearing for Certificate of Appropriateness. Mr. Randolph stated, with regard to the application; that the Sterling Group has a Power of Attorney from Mr. Spiegel (the property owner), and on that basis, the application could go forward without Mr. Spiegel signing on the application; that the project was deferred yesterday at the Town Council meeting, to the October Town Council meeting; that staff felt it was fair to hear the project informally only today; and, that only feedback from individual commission members could be given today.

MOTION BY MR. MOORE TO HEAR THE PRESENTATION ON AN INFORMAL BASIS TODAY.
MOTION SECONDED BY MR. FELDKAMP.
MOTION CARRIED UNANIMOUSLY.

Adam Munder, Sterling Palm Beach, confirmed that they have a full Power of Attorney signed by Mr. Spiegel, related to matters before the Town Council, Landmarks Preservation Commission, issues related to the new north bridge, etc. Mr. Cooney asked staff to insure that the application, when heard formally, is properly signed.

Mr. Spina presented the architectural plans pursuant to the submitted plans. He noted, however, that the proposed Nana Wall system has been removed from the project. This project, on the northeast corner of the Plaza, will combine several spaces (which have been vacant for some time) for a renovation to facilitate the new tenant. He noted that the project will reduce square footage by 2500 sq. ft. by removing some second floor area to restore the one-story building design. All openings will remain, with the exception of one, though some reconfiguration of doors and windows is anticipated. Mr. Spina showed a photo of the recent U.S. Post Office renovation at the Plaza, indicating it was their intent to copy that storefront in the restaurant design. Mr. Spina requested the commission's opinion for a treatment to block out interior views where large expanses of glass occur. Dr. Day offered her opinion that in these cases, a wall (painted a dark color) be erected interiorly to block views.

Mr. Moore noted correctly that the referenced Post Office renovation was not reviewed or approved by the LPC, and should not be used as a basis to approve the proposed restaurant renovation. It was recommended that the renovation design return to the architect's original intent wherever possible. Mr. Spina agreed to consult with the Volk Foundation relative to the original plans, to perhaps set a precedent for this and future tenant spaces, and then return with a revised proposal. There was a good deal of discussion regarding the proposed 5th opening (French doors) at the proposed bar area. Dr. Day was opposed to changing the rhythm of the openings. Other aspects of the project: Awnings – color to be determined (black, khaki, bright colors mentioned); removal of existing accordion shutters; retention of clear glass; retention of exterior paint color, and signage.

Jeffrey Taylor, Building Official, addressed the issue of the recent renovation of the U.S. Post Office at the Plaza. He stated that the Post Office is not required to pull building permits, or obtain Landmarks or ARCOM approvals. The Town can hope for cooperation, but cannot demand it.

Let the record show that there was a short recess at 10:35 a.m. until 10:45 a.m.

Chairman Cooney called for public comments on the previous agenda item. Lory Volk, 206 Phipps Plaza, and Vice Chairman of the John L. Volk Foundation, claimed that today's informal review was not based on the application as submitted. She spoke in favor of retaining the rhythm of the openings as they exist.

There was further discussion as to how this project would proceed at the LPC in the future...as a new application for Certificate of Appropriateness or as a deferral of this application. It should be noted that although the matter was only heard informally today, it was advertised as a Certificate of Appropriateness. After discussion, it was determined that deferral to a time certain was in order.

MOTION BY MS. DIVER FOR DEFERRAL TO THE OCTOBER 17, 2012 LPC MEETING.
MOTION SECONDED BY MR. MOORE.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #024-2012
Landscape/Hardscape
Owner/Applicant: Marc P. Schappell and Thomas B. Anderson
Address: 234 El Brillo Way
Architect: John M. Foster, A.I.A.
Project Description: Request approval for landscape/hardscape, relocate swimming pool, new patio area and on-site drainage which is further described as: Relocate swimming pool approximately 20 feet to the east of current location; provide root barrier for "historic" Ficus tree; increase green space, modify pool deck and patio area with cultured stone and provide adequate onsite drainage. Other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Steve Parker, Parker-Yannette Design Group
OTHERS WHO TESTIFIED: Marc P. Schappell, Property Owner

Mr. Parker presented the project in accordance with the submitted plans and as described above. He reviewed the landscape material, both existing and proposed. Some hardscape elements include: changing the shape of the main driveway, demolition of the existing pool and patio in favor of a more formal rectangular pool, a wall fountain at the end of the pool, various patios and, a reduction of hardscape. Mr. Schappell indicated that the existing generator, located in the middle of the driveway, will be removed as well as various air conditioning equipment. Cast stone is the material of choice for the patios and wall fountain.

Under commission comments, an objection was raised to the proposed Ficus Benjamina. After discussion, Mr. Parker stated that he will use Ficus Nitida instead.

MOTION BY MR. FELDKAMP FOR APPROVAL OF APPLICATION #024-2012 AT 234 EL BRILLO WAY AS PROPOSED.
MOTION SECONDED BY MS. MURPHY.
MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness #025-2012
Landscape/Hardscape
Owner/Applicant: William L. Hanley Jr.
Address: 250 Jungle Road
Architect: Nievera Williams Design
Project Description: Request approval for landscape/hardscape which is further described as: Rear terrace revisions; reduced paving surrounding swimming pool; and, front walkway revisions. Other associated changes as presented.

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

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Williams presented the project in accordance with the submitted plans and as described above. Design elements include: new front walkway with pebble inlay, extension of family room terrace and change material to coral; sod treads with brick risers down to pool area; reduced coping at pool; and, widen terrace at loggia. Mr. Williams noted that there are no changes to the landscape, and the driveway columns, originally proposed to change, will be retained.

MOTION BY MR. FELDKAMP FOR APPROVAL OF COA #025-2012 AT 250 JUNGLE ROAD AS SUBMITTED.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness #026 -2012
Landscape/Hardscape
Owner/Applicant: Peter T. Grauer
Address: 201 El Bravo Way
Architect: Nievera Williams Design
Project Description: Request approval for landscape/hardscape which is further described as: Hardscape changes: rear terrace (existing swimming pool to remain); proposed site walls; and, main driveway changes

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

LANDSCAPE PRESENTATION BY: Keith Williams. Nievera Williams Design

Mr. Williams presented the project in accordance with the submitted plans and as described above. Design elements include: Re-design motor court and change driveway to Chicago brick with pebble details; 3 fountains; reconfigure master bedroom terrace wall & garden; change service drive to Chicago brick; more grass at pool area; and, landscape as presented.

Under commission comments, some members took issue with the design of the fountain with the two pillars which is located in the motor court, although the concept of a fountain there was acceptable. Re-study of this fountain was encouraged.

MOTION BY MRS. ALBARRAN FOR APPROVAL AS PRESENTED, EXCEPT FOR THE FRONT FOUNTAIN TO COME BACK .
MOTION SECONDED BY MS. MARSHALL ALSO REQUESTING RE-STUDY OF THE TILE BACKSPLASH PROPOSED FOR THE DOLPHIN FOUNTAIN.
MOTION CARRIED UNANIMOUSLY.

MOTION RE-STATED BY MRS. ALBARRAN FOR APPROVAL OF THE PROJECT, WITH A DEFERRAL OF THE FRONT FOUNTAIN (TO THE SEPTEMBER MEETING).
MOTION SECONDED BY MS. MARSHALL.
MOTION CARRIED UNANIMOUSLY.

IX. **OTHER BUSINESS**:

Explanation regarding "Combo" projects [John S. Page, Director of Planning, Zoning & Building] Mr. Page asked Mr. Castro to provide an explanation as to what conditions must exist to classify a project as a "combo" project. To clarify, a "combo" project requires the LPC or ARCOM to provide an opinion (relative to a variance request) to the Town Council in advance of the Town Council meeting where such a development review request is heard.

Informal Review: 1,2,3,& 4 Four Arts Plaza and 240 Cocoanut Row
LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Install 14 foot bronze sculpture in Sculpture Garden, "Recovery Wing"

Let the record show that during this informal review, Mr. Cooney called for disclosure of ex parte communication. There were no disclosures.

ARCHITECTURAL PRESENTATION BY: Keith Spina, Glidden Spina & Partners

There was considerable deliberation and comment relative to this matter, largely because it was unclear whether the 14 ft. height dimension included a 2 ft. base, or whether the statue, itself, was 14 ft. tall on top of a 2 ft. base, for a total height of 16 ft. Most members were in favor of the placement of the statue and the statue itself, but were not in favor of the base, as presented. The LPC also wanted to send a message to the applicant that even though the property contains a sculpture garden, sculptures which are regarded as too tall may be considered inappropriate. Chairman Cooney and Dr. Day asked the LPC to focus on whether the sculpture will negatively impact the historic landmark.

MOTION BY MR. FELDKAMP THAT IMPLEMENTATION OF THE PROPOSED VARIANCE FOR A SCULPTURE, NOT TO EXCEED AN OVERALL HEIGHT OF 16 FT., INCLUDING THE BASE, WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.
MOTION SECONDED BY MR. MOORE.
MOTION CARRIED 6-1, WITH MS. DIVER OPPOSED.

X. **<u>COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR</u>**:

Ms. Marshall brought up the subject of changes which are viewed as "temporary", and therefore somehow acceptable on that basis. She brought a newspaper article of a very large sign installed at a historic park in Trenton, a sign which Trenton's mayor called "temporary". Other members acknowledged that this "temporary"concept has been coming up more frequently. Members agreed that they need to be consistent in their review and deliberation in this regard. Dr. Day commented that as an example, she views fenestration as more important than a fountain, and signage can always be removed. Some members voiced their opinion that no changes should be regarded as temporary.

VII. **<u>REVIEW OF PROPERTIES CATEGORIZED AS "POTENTIALLY ELIGIBLE FOR THE LOCAL REGISTER" [Edward Austin Cooney and Jane S. Day, Ph.D.]:</u>**

Dr. Day referred to the Historic Sites Survey as a planning tool which is a systematic and detailed reporting of historic resources. Over the years, various surveys have been done, and in each one, the information is updated. Historic Sites Surveys were performed in 1981, 1988, 1997, 2004 and most recently in 2010. Dr. Day provided a presentation today relative to historic sites surveys in general, and relative to a listing of properties which are "potentially eligible" for landmarking which was provided to the members. Dr. Day asked the members to review those properties and to individually establish a prioritized list of ten (10) properties. Those lists are to be submitted to John Lindgren by September 10, 2012. Mr. Lindgren will collate the lists to establish the LPC's prioritized list for focus during the next designation season.

VIII. **<u>ADJOURNMENT</u>**:

MOTION BY MR. FELDKAMP TO ADJOURN THE MEETING AT 12:50 P.M.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, September 19, 2012 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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