



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

WEDNESDAY, FEBRUARY 18, 2015, 09:30 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: (09:30:05 AM)

II. ROLL CALL:

William O. Cooley, Chairman	PRESENT
Nikita Zukov, Vice Chairman	PRESENT
Jacqueline Albarran, Member	PRESENT
Edward Austin Cooney, Member	PRESENT
John T. Gannon, Member	PRESENT
Page Lee Hufty, Member	PRESENT
Rachel Lorentzen, Member	PRESENT
Richard Rene Silvin, Alternate Member	PRESENT
Carol N. Wyett, Alternate Member	PRESENT
William J. Strawbridge, Jr., Alternate Member	PRESENT

Staff Members Present: John S. Page, Director of Planning, Zoning and Building, John Lindgren, Planning Administrator, Janet Murphy and Emily Stillings, Staff Historic Preservation Consultants, Bill Bucklew, Building Official (for part of meeting), and John C. Randolph, Town Attorney.

Let the record show that a court reporter, Paula McGuirk, was present for the matter related to the Tew and Taylor audit.

III. PLEDGE OF ALLEGIANCE:

IV. APPROVAL OF THE MINUTES OF THE JANUARY 21, 2015 MEETING: (09:30:51 AM)
MOTION BY MR. ZUKOV FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. GANNON.
MOTION CARRIED UNANIMOUSLY.

V. APPROVAL OF THE AGENDA: (09:31:46 AM)
MOTION BY MRS. ALBARRAN FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (09:31:48 AM)
Mrs. Delp administered the oath at this time and as necessary throughout the meeting.

Mr. Page referenced the voting conflicts filed by Mrs. Albarran at the January meeting.

VII. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes): (09:32:26 AM)

Andrew Roddy, 231 Kenlyn Road and owner of 332 S. County Road, offered his comments relative to the improvements to the Memorial Fountain, particularly with regard to the landscaping proposed for the South County Road sidewalks. He felt that the proposed Coconut Palms and/or Royal Palms would be overpowering, too tall, and too large for the room available on the sidewalk. Other concerns: damage from dropping palm fronds; having to block off parking spaces for tree maintenance; and, trees blocking architectural details of buildings. He advocated for Foxtails, Montgomery Palms and/or shade trees.

Mr. Page informed that a plan for the remaining aspects of the project will come to the LPC in the future for approval. He noted that the Memorial Park is in the C-TS zoning district. The park, itself, is a non-conforming use within the district and cannot be expanded without zoning approval. He explained that the zoning ordinance will have to be amended, and those plans are underway. After that issue is resolved, the matter will come to the LPC for further approvals.

VIII. PUBLIC HEARINGS: None (09:39:50 AM)

IX. DESIGNATION HEARINGS: (09:39:53 AM)

A. Item 1: 233 Clarke Avenue
Owner: Millicent Calicchio

At the January meeting, a motion carried to defer this hearing to the February meeting at the request of the owner's attorney.

Call for disclosure of ex parte communication: Disclosures by several members. Mr. Randolph instructed the members on making proper disclosures. As such, disclosures were re-done.

Emily Stillings, Staff Historic Preservation Consultant, testified to the architecture, architectural history, and architects involved with this two-story asymmetrical Mediterranean Revival style home built in the mid-1920s. She stated that this property meets the following criteria for landmark designation:

- Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,
- Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

MOTION BY MRS. LORENTZEN TO ACCEPT THE DESIGNATION REPORT AS A PART OF THE RECORD.

MOTION SECONDED BY MR. COONEY.

MOTION CARRIED UNANIMOUSLY.

Mrs. Delp verified that proof of publication and proper legal service were achieved with regard to this hearing.

Attorney Ronald K. Kolins represented the property owner and testified to the owner's opposition to the proposed designation. Elements of his testimony include: This property does not satisfy any of the criteria for designation; this property is not special or unique; designating this house would devalue the LPC program; the reasons not to designate this house can be found in the Town's Designation Report; the house has had many alterations over time; this is a "generic" home in terms of its style; and, his refuting of the two designation criteria listed in the report.

Mr. Kolins read a letter from Cristina Condon, realtor with Sotheby's International Realty, in opposition to the landmark designation.

Mr. Kolins called upon his expert witness, David Miller, Architect, 319 Clematis Street (office) who testified first to his own credentials. He addressed the architecture of this home and the reasons why he feels that this property is not worthy of landmark designation: this property has been changed so much over the years, and it does not meet any of the designation criteria.

Mr. Kolins added that when an owner, with property rights, objects to a designation, the property should not be designated unless it serves an over-riding public purpose to do so, which is not the case with 233 Clarke Avenue.

Alexander Ives, President of the Preservation Foundation of Palm Beach, spoke in support of the designation. He noted that owner consent is not addressed in the landmark ordinance, that property value is affected positively when a property is designated a landmark; and, just because the property has evolved over time, with more than one architect working on it, the integrity of the building is not negatively affected.

During the commission's comments to follow, Ms. Stillings stated that she stands by the designation report and the two designation criteria listed.

Commission Comments: We approve landmarking without owner consent; this house is not an example of good landmarking; this house is historically significant; there is not another doorway like this one; it has a character all its own...it speaks entirely of the period; this is a piece of the Town's character; lovely home; happy that it was placed under consideration; agree it's a wonderful house, but with regard to landmarking...keep it special; it is part of the line of history in this town; if this house was demolished, the new house will not have this charm or detail; it is

not our job to do ARCOM's job for new houses; does it fit our tough criteria?; it is charming as it is....would hate to see it go away; it's an example of a whole age; it's a very special house which contributes to the history of this town; the LPC tries to work with owners to permit changes/additions, so this property having been changed over time is not a bad thing; owners should not have a fear of retroactive landmarking, after owning a property for years; our consultants believe and stand by the designation report as written.

Mr. Kolins offered his further comments in response to those of the Commission. Again, he stressed the importance of following the criteria in the code to justify a home being called a Palm Beach landmark.

MOTION BY MR. COONEY THAT 233 CLARKE AVE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE PART OF THE RECORD.

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED 4-3, WITH MR. GANNON, MS. HUFTY, AND MR. ZUKOV OPPOSED.

B. Item 2: 311 S. County Road
Owner: Margrit Bessenroth

Mrs. Delp verified that proof of publication and proper legal service were achieved with regard to this hearing.

Emily Stillings, Staff Preservation Consultant, testified to the architecture, architectural history, and architect for this Tudor Revival style commercial building designed in 1928 by architect, Clarke J. Lawrence. She testified that this property meets the following criteria for landmark designation:

- | | |
|-----------------|---|
| Sec. 54-161 (1) | Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and, |
| Sec. 54-161 (3) | Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship; and |
| Sec. 54-161 (4) | Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or has influenced his age. |

Commission Comments: This is the opposite of "charming"...it's very unique architecture.

MOTION BY MR. COONEY TO MAKE THE DESIGNATION REPORT PART OF THE RECORD.

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED UNANIMOUSLY.

Call for disclosure of ex parte communication: No disclosures

Alexander Ives, President of the Preservation Foundation of Palm Beach, encouraged the LPC to landmark this Tudor building. He noted that there are a few other Tudor style buildings in town, but those are residences.

It was noted that the property owner, though notified of this hearing, has not communicated with the Town relative to the proposed designation.

MOTION BY MR. ZUKOV THAT 311 SOUTH COUNTY ROAD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. LORENTZEN.

MOTION CARRIED UNANIMOUSLY.

C. Item 3: 255 Royal Poinciana Way

Owner: 255 Royal Poinciana

Please be advised that the attorney for the property owner has requested deferral to the April meeting.

MOTION BY MR. ZUKOV TO DEFER 255 ROYAL POINCIANA TO THE APRIL 16TH MEETING.

MOTION SECONDED BY MRS. ALBARRAN.

Mr. Cooney advised that the language of the motion should be corrected.

MOTION AMENDED BY MR. ZUKOV THAT LANDMARKING CONSIDERATION OF 255 ROYAL POINCIANA WAY BE DEFERRED TO THE APRIL 16TH MEETING, WITH THE PROVISIO THAT THE OWNER RECOGNIZES HE/SHE IS WAIVING HIS/HER RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

AMENDED MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED UNANIMOUSLY.

D. Item 4: 211 Royal Poinciana Way

Owner: Vesenaz Holding Corp. c/o Brenner Real Estate Group Inc.

Please be advised that the attorney for the property owner has requested deferral to the April meeting.

MOTION BY MR. COONEY THAT LANDMARKING CONSIDERATION OF 211 ROYAL POINCIANA WAY BE DEFERRED TO THE APRIL 16TH MEETING, WITH THE PROVISIO THAT THE OWNER RECOGNIZES HE/SHE IS WAIVING HIS/HER RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

X. OTHER BUSINESS:(10:51:05 AM)

A. Review of Tew & Taylor Audit relative to 105 Clarendon Avenue

Mr. Page reminded that the LPC had requested an audit of Tew & Taylor last fall. Mr. Bill Bucklew, Building Official, was responsible for performing that audit, and he was present today to reveal his findings. He stated that he performed the audit under the authority provided in Florida Statute 553.791, using the definition of "audit" as provided in that statute...that the minimum mandatory inspections required under the Building Code have been performed and properly recorded. He referenced the various sections of his audit report, concluding with seven (7) pertinent questions posed at the beginning of the audit and the answers to those questions, which he read into the record. Mr. Bucklew stated, "It appears from the inspection records presented, and the stated requirements for private providers in the Florida Statutes, that the private provider firm, Tew & Taylor, is operating within the requirements of the statutes and did not violate any statutes regarding the work at 105 Clarendon." He also noted that the Town, before issuing a Certificate of Occupancy or Completion, is responsible to ensure that all other government approvals required by law are obtained. The Town retains control as to when and if a Certificate of Occupancy or Completion is issued. The report also includes some recommendations for the future, some of which have already been approved and will be implemented soon, and others which are suggested. One suggestion for large jobs on landmarked buildings is to have an engineer perform a forensic analysis on the building to determine what is really going on behind the walls. Mr. Bucklew stated that he is attempting to bring the Town's policies more in line with the Florida Statutes as they relate to any private provider. He commented that he had visited the site at 105 Clarendon, and it was his opinion that due to the deteriorated condition of the building, the building would be "on the ground" regardless of what measures may have been taken.

There were considerable questions and discussion following Mr. Bucklew's comments. Mrs. Lorentzen recalled that a new roof and a new basement room were constructed at this site without approvals. Attorney James Green responded that the roof issue happened prior to Tew & Taylor being on the job. Mr. Page stated that with the newly approved procedures relative to demolition at landmarked structures, a pre-construction meeting will be required and the contractor and owner have to sign an agreement that the Town must be notified of any imminent or actual collapse at a property. Punitive actions are planned for violations of the new requirements.

Attorney James Green, 222 Lakeview Avenue, West Palm Beach, representing Tew & Taylor, stated that his client is committed to working with Town staff and cooperating in any way possible. He commented that the new procedures may require additional Town staff.

Commission members were concerned with a statement made by Mr. Bucklew that if a building has not been built according to the approved LPC, ARCOM or zoning plans on a private provider jobsite, lack of adherence to those approved plans may only be caught at the end of the job. Finding such issues is not the responsibility of private providers. Several members voiced their concerns that things will be missed, and regulations for private providers may need to be changed on the State level.

B. Discussion Relative to Royal Poinciana Way Historic District National Register Nomination

This item was deferred from the last meeting. Members wanted to wait to discuss this issue until they had had an opportunity to review our staff consultants' report relative to this matter. That report had been mailed to the members.

Mr. Page recapped that last spring, the Town Council members wanted to determine the feasibility to establish, primarily, the 200 block of Royal Poinciana Way as an historic district on the National Register of Historic Places. Monies were allocated for this study. Staff's consultants have reported the results of this study back to the Town Council, and the Town Council confirmed that staff should proceed with measures to secure such a designation.

Emily Stillings, Staff Historic Preservation Consultant, stated that the State is seeking LPC approval of the district concept for Royal Poinciana Way because the Town is a CLG (Certified Local Government). She testified that the Royal Poinciana Way Historic District qualifies for National Register designation under two criteria, (a) That the property is associated with events that have made a significant contribution to the broad patterns of history; and (c) that the property embodies the distinctive characteristic of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction. The State's National Register Review Board is scheduled to hear this matter at their March 12, 2015 meeting. Ms. Stillings showed the specific area included in the report. The district includes the entire block bordered by Royal Poinciana Way, Bradley Place, Sunset Avenue and North County Road, including the commercial structures on the east side of North County Road from the old Post Office northerly to Sunset Avenue. Ms. Stillings noted that these properties do not have to be locally landmarked to be included; that these properties are eligible for the Town's tax abatement program even though not locally designated, and they are also eligible for Federal tax credits; and, that there are no added regulations included with the National Register designation.

Alexander Ives commented that this National Register designation was one of the recommendations of the Royal Poinciana Way Committee as a way to provide economic incentives for these property owners.

**MOTION BY MRS. LORENTZEN THAT WE RECOMMEND THIS FOR
DESIGNATION AS A NATIONAL HISTORIC LANDMARK.
MOTION SECONDED BY MR. COONEY.
MOTION CARRIED UNANIMOUSLY.**

**XI. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING
ZONING & BUILDING DEPARTMENT DIRECTOR: (11:36:03 AM)**

Mr. Page provided several updates:

1. At the last Town Council meeting, 17 Middle Road and 133 Seaspray Avenue were ratified as landmarks. 165 Seaspray Avenue was not ratified.
2. The Town Council approved new staff procedures for demolition at landmarked properties.
3. The LPC had recommended that the Memorial Park also be listed on the National Register of Historic Places. The Town Council has placed this on indefinite hold as they want the improvements to the Park completed first.
4. There is a scheduling conflict with the July LPC meeting due to a newly scheduled Town Council meeting. The original date had been Thursday, July 16, 2015.

**MOTION BY MR. ZUKOV TO HOLD THE JULY LPC MEETING ON MONDAY,
JULY 13, 2015.
MOTION SECONDED BY MR. GANNON.
MOTION CARRIED UNANIMOUSLY.**

Mr. Cooley announced that this was his last meeting as a member of the Landmarks Preservation Commission, and he delivered his farewell remarks thanking the Town Council, the LPC members, Town staff. He stated that it has been an honor and a privilege to serve the Town and to serve as Chairman of the Landmarks Preservation Commission. He spoke to the value of the Landmarks Preservation Commission within the Town of Palm Beach. Several members thanked Mr. Cooley for his service and leadership in his role as Chairman of the Landmarks Preservation Commission.

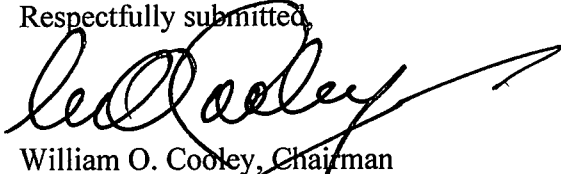
XII. ADJOURNMENT: (11:47:12 AM)

MOTION BY MR. COONEY TO ADJOURN THE MEETING AT 11:47 A.M.

MOTION SECONDED BY MR. GANNON.

MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,



William O. Cooley, Chairman

LANDMARKS PRESERVATION COMMISSION

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