



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

WEDNESDAY, JANUARY 16, 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: (9:33:07 a.m.)

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

II. ROLL CALL: (9:33:17 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
Leslie Diver, Member	PRESENT
Elizabeth S. Murphy, Member	PRESENT
Jorge Sanchez, Alternate Member	PRESENT
Elizabeth Marshall, Alternate Member	PRESENT
Anne Fairfax, Alternate Member	PRESENT

Staff members present: John S. Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, John C. Randolph, Town Attorney, Emily Stillings and Janet Murphy, Staff Historic Preservation Consultants, and Cynthia Delp, Secretary to the Landmarks Preservation Commission.

III. APPROVAL OF THE MINUTES OF THE DECEMBER 19, 2012 MEETING: (9:33:40 a.m.)

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MR. MOORE, AND CARRIED UNANIMOUSLY.

IV. APPROVAL OF THE AGENDA: (9:33:50 a.m.)

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MS. DIVER, AND CARRIED UNANIMOUSLY.

V. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:34:00 a.m.)

Mrs. Delp administered the oath at this time to all those who wished to speak today.

VI. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes): (9:34:15 a.m.)

Mr. Page referenced voting conflicts filed last month by Mrs. Albarran and Mr. Sanchez.

Lory Volk offered a testimonial to Patrick Henry Flynn, who had recently passed, extolling his work toward landmarking of the Royal Poinciana Plaza and the Royal Poinciana Playhouse.

VII. PUBLIC HEARINGS: (9:36:17 a.m.)

A. Application for Certificate of Appropriateness #023-2012

Restoration/Rehabilitation

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.

REVISED PROJECT DESCRIPTION: Request approval for restoration, rehabilitation, interior demolition, sign and awning which is further described as: New restaurant of approximately 7,700 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 replace with new French doors. New awnings and signage will be put in as allowed by Code. A door has been added on the north wall to replace an existing window. The second story space will be restored back to a single story space in order to maintain the high ceiling which existed previously. The second floor space at the east end will remain unchanged as existing (space not included in this proposed submittal.)

Please be advised that this project was heard only informally at the August meeting though it had been advertised as a Certificate of Appropriateness at that time. After review, the matter was deferred to the October meeting. At the October meeting, since the matter was deferred by the Town Council to the November Town Council meeting, the matter was deferred to the December LPC meeting. At the December meeting, the project was heard and deferred to the January meeting.

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

ARCHITECTURAL PRESENTATION BY: Keith Spina, Glidden Spina & Partners

OTHERS WHO TESTIFIED: Adam Munder, Sterling Palm Beach, Lory Volk, John L. Volk Foundation, Anita Seltzer, 44 Coconut Row

① First, staff addressed the question of whether it was proper for the commission to hear this project, as that question had been raised by others. Mr. Page stated that on November 16, 2012, the Town Council approved a special exception to allow a restaurant at the site for Del Frisco's. The applicant had also applied for a parking variance at that time, but that was not approved by the Town Council. On January 9, 2013, the Town Council considered a site plan for the Royal Poinciana Plaza because the parking lot of the Plaza is being diminished in size. A "cure plan" was submitted showing a proposed reconfiguration of the lot. The Town Council considered that plan, but deferred the matter to next month. Mr. Page stated that it is the opinion of staff, pursuant to consultation with the Town Attorney, that this application can be heard today. Mr. Randolph confirmed his approval to move forward with the hearing and offered justification for his ruling.

① Mr. Spina addressed specific items which were to be re-studied as of the last meeting. First, relative to the east awnings, the plans have been revised to include traditional metal awning posts. Commission members were pleased with this change. Secondly, graphic inaccuracies noted last month were corrected. A third issue concerned measures to block certain windows with colored film (black or white) or some type of window treatment. After discussion, the commission agreed that white louvered blinds are the preferred treatment. Mr. Spina made a point of noting that he had "done his homework" since the last meeting to research original plans for the Plaza. Pursuant to that research he presented revised elevations to mimic the original plans as closely as possible. Impact glass is proposed negating the need for shutters. Upon review of the proposed south elevation, the commission requested changes to the bays, preferring 3 segments to 5. The 3 segment plan includes two large panes of glass flanking either a central large pane of glass or a set of double doors. This commission preference was suggested during the course of the meeting, was quickly sketched by the Glidden Spina design team, and was then projected onto the Elmo projector for view by all.

① There was also discussion relative to the proposed addition of a fifth French door planned for the curved wall. Members, along with staff's historic preservation consultants, objected to the insertion of this additional opening. As such, the applicant agreed to remove that fifth opening from the plans. Mr. Sanchez stressed the importance of landscaping at the Plaza, recalling the history of landscaping at the site, but other members felt it was not appropriate to attempt to require landscaping changes with review of this application. Adam Munder, partner of Sterling Palm Beach LLC, stated that he would be happy to walk the property with any of the members and discuss landscaping for the site.

Lory Volk agreed regarding the importance of landscaping at the Plaza. She voiced her disappointment that it has taken so long for the applicant to produce original plans. She presented Samuel Gottscho photos of the Plaza as a long available reference material as well. Mrs. Volk was likewise disappointed that this has resulted in drawings being done "on the fly" for the south elevation at this meeting. She requested that the applicant be asked to return with proper drawings for the south elevation.

MOTION BY MR. MOORE THAT WE PROCEED AS PROPOSED AND AGREED WITH DRAWINGS "ON THE FLY".

① **MOTION RE-STATED BY MR. FELDKAMP TO APPROVE APPLICATION #023-2012 AS SUBMITTED WITH THE CHANGES ONLY TO THE SOUTH ELEVATION, THE THREE BAYS, EACH LABELED "A" ON DRAWING A-1.1...THE LEFT BAY WILL HAVE A DOUBLE DOOR IN THE CENTER SURROUNDED BY, CENTERED IN THE**

BAY; THE MIDDLE BAY WILL HAVE A 6 FT. PIECE OF GLASS IN THE CENTER WITH TWO EQUALLY DIVIDED LITES ON THE LEFT AND RIGHT (EACH OF THOSE LIGHTS WOULD BE ROUGHLY 4 FT. WIDE); AND THE EASTERNMOST OF THE 3 BAYS WOULD BE LIKE THE CENTER BAY WITH A 6 FT. PIECE OF GLASS IN THE CENTER AND EQUALLY DIVIDED LITES ON THE LEFT AND RIGHT; THE SECOND CHANGE WOULD BE...THE WINDOWS ON THE NORTH FACADE, WHICH NEED TO BE BLOCKED FOR PLAN REASONS, SHOULD RECEIVE LOUVERS AND BEHIND CLEAR GLASS...WHITE LOUVERS; AND GETTING BACK TO THE THREE SOUTH FACADE BAYS, THE TRANSOM LITES WOULD BE 3-PART, A CENTER SECTION AND EQUAL LEFT AND RIGHT SECTIONS, AS SHOWN IN A SKETCH WHICH WILL BE PART OF THIS TRANSMITTAL; AND THE LAST PROVISIO IS THAT THE CENTER FRENCH DOOR IN THE CURVED PORTION BE ELIMINATED AND REMAIN AS WALL.
MOTION SECONDED BY MR. MOORE.

Anita Seltzer expressed her agreement with Mrs. Volk's comments and her equal displeasure at the applicant being allowed to provide an "on the fly" design today. She stressed the requirements of procedure for applications for Certificate of Appropriateness, and questioned the accuracy of this particular application. She cautioned against the commission being placed in a position to approve something even though code compliance and sufficiency has not been met. Mr. Moore responded that the Town Attorney, earlier this morning, had opined that the application was not insufficient.

MOTION CARRIED UNANIMOUSLY.

Let the record show that there was a five-minute recess at 11:00 a.m. Ms. Murphy left the meeting at this time as she was not feeling well.

B. Application for Certificate of Appropriateness #001-2013

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Addition and New Accessory Structure

Owner/Applicant: Pnina Apolonia Weisfisch

Address: 280 North Ocean Boulevard

Architect: SKA Architect + Planner, Jacqueline Albarran

Project Description: Request approval for addition to historic structure and new accessory structure which is further described as: Extension of existing courtyard loggia and addition of a new pool loggia. All columns, roof, and detailing to match existing loggia. New beach cabana and pool in beach parcel. Cabana to have windows, doors, roofing, stucco, and detailing to match existing main house. Lower south 50% of existing beach wall to 30" in height as required by code. Other associated changes as presented.

This matter was heard informally at the December meeting for a recommendation relative to the variances. Please note that both Mrs. Albarran and Mr. Sanchez had previously declared a voting conflict with regard to this project. Ms. Marshall and Ms. Fairfax will be voting.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Jacqueline Albarran, SKA Architect & Planner

Mrs. Albarran testified that since the informal review, the Town Council has approved the variance(s). Since there have been no changes to the project since it was heard informally at the December meeting, Mrs. Albarran just provided a brief recap of the project, focusing on the elevations.

**MOTION BY MR. FELDKAMP TO APPROVE COA-001-2013 AS PRESENTED.
MOTION SECONDED BY MS. MARSHALL.
MOTION CARRIED UNANIMOUSLY.**

C. Application for Certificate of Appropriateness #002-2013
Reconstruction, Addition, New Accessory Structure

Owner/Applicant: Allan and Susan Kauffman

Address: 159 Australian Avenue

Architect: Thomas M. Kirchhoff, AIA, PA

Project Description: Request approval for reconstruction, addition to historic structure, new accessory structure, and interior/exterior demolition which is further described as: The property includes an existing 2-story bungalow style residence, a 2-story garage/guesthouse, and a porte-cochere. The owner proposed to demolish the existing garage/guesthouse and replace it with a new garage/guesthouse. The owner also proposes to demolish the existing porte-cochere and replace it with a new porte-cochere more consistent with the bungalow style. The main house is to have additions to the first and second floors, and interior renovations. The addition to the first floor includes a new loggia connecting the main house to the garage/guesthouse. The master bedroom suite will be enlarged on the first floor and the second floor will be increased to allow for a larger office on the second floor. Most importantly, the street view of the house will not reflect any increase in size. All doors and windows will be replaced with impact rated windows and doors. New landscape and hardscape for final approval. Other associated changes as presented. **Please note that this is a tax abatement project.**

This project had been heard informally last month for an opinion on the variances, and also formally for a designation hearing. Since that time, the Town Council approved the variances and ratified the LPC's decision to landmark the property.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Kirchhoff testified that the plans have not changed since the property was heard informally last month. As such, he provided a brief review of the project, focusing on the elevations.

Mr. Page noted that when this project was reviewed by the Town Council, the Mayor expressed her concern about the height of the proposed guesthouse.

Mr. Williams continued with the landscape/hardscape as this was the first presentation of same. Design elements include: Removal of concrete walkways and much concrete in the rear; removal of existing Ficus on the west property line; removal and/or re-use of various palms; maintaining Gumbo Limbo with Fern; no pool, allowing for more green space; Emerald Coast tumbled pavers; reconfigured walkways; garden gate; fountain in east lawn; and, a clean and simple planting palette.

Under commission comments, it was recommended that the gate height be decreased and the fountain pool be increased.

**MOTION BY MR. SANCHEZ TO ACCEPT COA-002-2013 AS PRESENTED, WITH A LOWER GATE AND THE OPTION FOR A LARGER POND (SIZE OF POND TO BE AT THE DISCRETION OF THE LANDSCAPE ARCHITECT AND THE OWNER.)
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.**

D. Application for Certificate of Appropriateness #003-2013 (formerly CoA#038-2012)
Rehabilitation

Owner/Applicant: Bethesda-By-The-Sea Episcopal Church

Address: 141 South County Road

Architect: Lewis & Associates

Project Description: Renovation of the "Tea House" by enclosing it with a new moveable glass wall system; installation of fixed glass in south arched openings and gable ends; installation of air conditioning; installation of new handicap ramp; other associated changes as presented

Please note that this project had originally been on the November 2012 agenda, but the project was not heard at that time because it had been determined that Town Council approvals were necessary. At that time, the project was deferred from the November 2012 meeting to the January LPC meeting.

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

Ms. Marshall declared a conflict of interest with regard to this project and stated her reasons for same.

ARCHITECTURAL PRESENTATION BY: Hap Lewis, Lewis & Associates

ATTORNEY PRESENT: Peter Broberg for the applicant

OTHERS WHO TESTIFIED: Lory Volk

Mr. Broberg indicated that the Town Council approved the site plan review for this project. He turned the presentation over to Mr. Lewis. Both Mr. Lewis and Mr. Broberg explained that the church needs to utilize this space for various recurring needs, but the space is so hot that it is often rendered unusable. As such, the project would enclose the space with a moveable wall, Nana system, air condition the space, and include other changes as listed above.

Under commission comments, it was noted that only one elevation of the tea house was submitted; details of the installation were missing; and there was no information relative to the other openings on other facades. Of unanimous greater concern, however, was the general concept of the enclosure of the tea house. Commission members asked the applicant to seek other design alternatives to accomplish a cooled tea house, and to also include a relocated proposed ramp.

Lory Volk, member of Bethesda-By-The Sea Church, encouraged the LPC to work with this applicant to allow this landmarked structure to continue to flourish for existing uses and potential

uses. She maintained that the Nana wall system could easily be removed at some point in the future.

MOTION BY MR. STRAWBRIDGE TO DEFER THE PROJECT WITH THE PROVISIO THAT THE APPLICANT COMES BACK AND EXPLORES OTHER SOLUTIONS FOR THIS SPACE INCLUDING PLACING THE RAMP AT THE REAR, AND SOME INVISIBLE WAY OF COOLING THE SPACE, EITHER WITH AIR CONDITIONING FROM THE TOP OR ROLL DOWN SCREEN, OR SOMETHING, SO WHEN YOU WALK IN THERE, AND YOU WALK AROUND, YOU CANNOT SEE THE SOLUTION THAT YOU WILL IMPLEMENT WHEN YOU NEED TO...IN OTHER WORDS, YOU DON'T HAVE TO LOOK AT NANA DOORS HIDING BEHIND THE CORNER. MOTION SECONDED BY MR. SANCHEZ. MOTION CARRIED UNANIMOUSLY.

There was some discussion relative to this project having been already approved by the Town Council prior to this LPC hearing. Staff responded that this was a site plan review, not the typical variance(s) review which would trigger a "combo" project review. Some members stated their desire to have more projects reviewed by the LPC first, prior to them moving on to the Town Council, even though they may not meet the criteria to be deemed a "combo" project.

E. Application for Certificate of Appropriateness #004-2013
Reconstruction

Owner: Sterling Palm Beach LLC/Sidney Spiegel, Trustee

Applicant: Sterling Palm Beach LLC

Address: 340 Royal Poinciana Way, Ste. 329

Architect: Glidden Spina & Partners

Project Description: Request approval for reconstruction which is further described as: Create a new entry with access from covered walkway that faces the interior courtyard. Replace existing storefront opening that consists of 3 fixed glass panels with single entry door at center and one fixed panel on both sides. Other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Keith Spina, Glidden Spina & Partners

OTHERS WHO TESTIFIED: Lory Volk, John L. Volk Foundation, Anita Seltzer, 44 Coconut Row

Mr. Spina, in light of the discussion held earlier in the previous item for the Royal Poinciana Plaza and with a desire to establish consistency at the Plaza, was prepared with a new sketch to be applicable for this Certificate of Appropriateness request, and one which should be substituted for the plans which had been submitted for this project. That new sketch was displayed on the Elmo projector for view by all. The commission was pleased with the sketched plan, and asked that the sketch be dimensioned.

Lory Volk, John L. Volk Foundation, stated that she was "shocked" to see another "on the fly" drawing being acceptable to the commission, and encouraged adherence to procedure. Commission members offered comments to explain and justify their determinations in regard to this project and other projects today. Anita Seltzer expressed concerns in concert with those of

Mrs. Volk and stated that she found it very troubling that this precedent was provided for this applicant a second time today.

John C. Randolph, Town Attorney, responded: "I'd like to comment on that for the record because the applicant came to you as required with certain plans. You asked, on that first application, for those plans to be modified. In regard to this particular application, he also came to you with certain plans, as required, but because of what you did on the first application, he anticipated that you might have the same comments in regard to this application as the prior application. So, he has submitted to the Town what he was required to submit, but what you are doing is, you are modifying what he has submitted based upon...and you've done it before, and it's totally within your discretion, if you feel you have enough information, to make modifications before you, and if you don't feel you have enough, you normally will defer it. So, I just wanted to make that clear for the record."

Mr. Lindgren stated that it is commonplace for both ARCOM and the LPC to make approvals with certain conditions, and that is, in essence, what has happened here, except in this case, the applicant has also submitted something on paper. Chairman Cooney referenced Chapter 54 of the Town Code of Ordinances, specifically Section 54-95, and read same into the record relative to modifications.

**MOTION BY MR. STRAWBRIDGE TO APPROVE AS REVISED IN THE HAND DRAWING PRESENTED, WITH DIMENSIONS, SHOWING THAT THE DOOR IS CENTERED, AND THAT HAND DRAWING IS LABELED A-1 AND DATED TODAY.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

VIII. OTHER BUSINESS: (12:18:49 a.m.)

Informal Review: 240 Cocoanut Row

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Project Description: Request approval of exterior signage as follows: East elevation entry: "The Society of the Four Arts Fitz Eugene Education Building"; North elevation entry: "The Society of the Four Arts" "Donor Name Playhouse" (Donor name to be determined); and, Southwest elevation entry: "Fitz Eugene Dixon Education Building"; other associated changes as presented. (3) variances requested relative to size, number of signs, and allowable signage.

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

ARCHITECTURAL PRESENTATION BY: Keith Spina, Glidden Spina & Partners

Mr. Spina reviewed the various signs in accordance with the submitted plans and as described above. The commission requested that the east elevation entry sign be modified so that "The Society of the Four Arts" letter size was greater than the second line "Fitz Eugene Education Building".

**MOTION BY MR. STRAWBRIDGE FOR APPROVAL AS PRESENTED, BUT REDUCE THE LETTERS OF THE SECOND LINE TO 4".
MOTION DIED FOR LACK OF A SECOND.**

① **MOTION BY MR. FELDKAMP THAT IMPLEMENTATION OF THE PROPOSED THREE VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY, AND THAT THE SIGNAGE FACING COCOANUT ROW WOULD BE SLIGHTLY RE-DESIGNED SUCH THAT THE UPPER LINE MIGHT INCREASE TO APPROXIMATELY 8".**
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

Mr. Lindgren, returning to the previous project, COA-004-2013 for 340 Royal Poinciana Way, Ste. 329, reported that dimensions had been added to the approved sketch. The revised sketch was displayed on the Elmo equipment for view by all. The commission noted their approval of the revised sketch.

Let the record show that there was a recess for lunch from 12:40 p.m. to 1:30 p.m.

Members who returned to the meeting after the lunch break at 1:39 p.m.: Mr. Cooney, Mr. Feldkamp, Mrs. Albarran, Mr. Moore, Mr. Sanchez, and Ms. Marshall. Mr. Strawbridge and Ms. Diver returned shortly thereafter.

Chairman Cooney elected to hear Item 2 of the Designation Hearings first.

IX. DESIGNATION HEARINGS:

① Item 2: 127 Dunbar Road

Owner: John H. Eberhardt, John H. Eberhardt TR, John Eberhardt TR TITL HLDR

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

Let the record show that Mr. Feldkamp left the meeting.

Janet Murphy, Murphy Stillings LLC, Staff Preservation Consultant, testified to the history, architecture, contractor and architect involved with this 1920 residence designed and built by Cooper C. Lightbown, Contractor, with later additions by Maurice Fatio. Ms. Murphy 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;

Sec. 54-161 (2) Is identified with historic personages or with important events in national, state or local history;

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 craftsmen; and,

① Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Mrs. Delp verified proof of publication and proper legal service.

MOTION BY MR. FELDKAMP THAT THE DESIGNATION REPORT BE MADE PART OF THE RECORD.

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED UNANIMOUSLY.

Ms. Murphy entered the curriculum vitae for herself and for Emily Stillings into the record.

Attorney James Crowley with Gunster Yoakley, attorney for the property owner, stated that their expert witness, Dr. John Garner, would testify as to the changes to this house and how those changes have impacted the function of the house as it was originally intended. Mr. Crowley also testified regarding the property owner, Mr. Eberhardt, who is a very talented artist and set designer. He explained that the house bears Mr. Eberhardt's artistic flair in many areas. The house, according to Mr. Crowley, is in a state of disrepair. The owner, who objects to the designation, is concerned about the effect of landmarking on his property values, and fears the imposition of "deterioration by neglect" due to the condition of his home. Mr. Crowley introduced Dr. Garner, testified to his vitae, and submitted Dr. Garner's report entitled, 127 Dunbar Road, The Eberhardt Residence, Response to the Landmark Designation Report into the record.

Dr. John Garner provided his presentation to refute the Town's Designation Report, and the designation criteria upon which it was based. He stressed his opinion that the house, as it exists today, bears the stamp of the current owner, and would not be recognized by the original builder or subsequent owner, and that certain additions and material changes have negatively impacted the property.

Under commission comments, most members felt that the property retains its integrity despite the changes which have been made. As to the owner's concern regarding property values, it was stated that property values increase anywhere from 5% to 35% when a property is landmarked. Commission members responded in support of the designation and responded to Dr. Garner's comments.

Mr. Lindgren read Mr. Eberhardt's letter into the record wherein he objected to the landmarking.

Alexander Ives, Executive Director of the Preservation Foundation of Palm Beach, testified that properties change over time, but the important issue is whether a property's architectural integrity remains. He added that when a property is landmarked, it also serves to preserve the character of a neighborhood.

MOTION BY MRS. ALBARRAN THAT THE PROPERTY AT 127 DUNBAR RD. 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 A PART OF THE RECORD.

MOTION SECONDED BY MR. SANCHEZ.

MOTION CARRIED UNANIMOUSLY.

Item 1: 256 South Ocean Boulevard

Owner: Lauri K. Weltroth

Call for disclosure of ex parte communication: No disclosures

Emily Stillings, Murphy Stillings LLC, Staff Preservation Consultant, testified to the history, architecture, and architect involved with this Mediterranean Revival style residence which had alterations and additions by Volk and Maass in 1928. Ms. Stillings stated that this property meets the following criteria for landmark designation:

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 craftsmen; 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 who influenced his age.

Mrs. Delp verified proof of publication and proper legal service.

MOTION BY MRS. ALBARRAN THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. STRAWBRIDGE.

MOTION CARRIED UNANIMOUSLY.

Ms. Stillings stated that she had attempted to contact with the owner several times, but was not successful.

MOTION BY MS. DIVER THAT THE PROPERTY AT 256 SOUTH OCEAN BOULEVARD 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 A PART OF THE RECORD.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

X. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR: (2:30:07 a.m.)

There was a brief discussion relative to future presentations by staff's preservation consultants.

XI. ADJOURNMENT:

MOTION BY MR. MOORE TO ADJOURN THE MEETING AT 3:35 P.M.

MOTION SECONDED BY MR. SANCHEZ.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, February 20, 2013 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,



Edward Austin Cooney, Chairman

LANDMARKS PRESERVATION COMMISSION

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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SANCHEZ JORGE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION	
MAILING ADDRESS 239 SOUTHLAND RD		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY TOWN	
CITY PALM BEACH	COUNTY PALM BEACH	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 1/16/13		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JORGE SANCHEZ, hereby disclose that on 1/10, 20 13

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

RE: CoA # 001-2013
280 N. OCEAN BLVD

landscape arch. firm for project

Date Filed

1/16/13

Signature

[Handwritten Signature]

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

* CONTINUING CONFLICT

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>ALBARRAN JACQUELINE</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>LANDMARKS PRESERVATION Commission</i>	
MAILING ADDRESS <i>324 ROYAL PALM WAY #227</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY <i>TOWN</i>	
CITY <i>PALM BEACH</i>	COUNTY <i>PALM BEACH</i>	NAME OF POLITICAL SUBDIVISION: <i>TOWN OF PALM BEACH</i>	
DATE ON WHICH VOTE OCCURRED <i>1/16/13</i>		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JACQUELINE ALBARRAN, hereby disclose that on 1/16, 20 13:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ___ inured to the special gain or loss of my business associate, _____;
- ___ inured to the special gain or loss of my relative, _____;
- ___ inured to the special gain or loss of _____, by
whom I am retained; or
- ___ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

RE: COA # 001-2013
880 N. OCEAN BLVD
ARCHITECT FOR PROJECT

Date Filed

1/16/13

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

* Continuing Conflict

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>MARSHALL, ELIZABETH</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>LANDMARKS PRESERVATION COMMISSION</i>	
MAILING ADDRESS <i>275 SOUTHERN BLVD., STE 100</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ <i>Town</i> OTHER LOCAL AGENCY	
CITY <i>WEST PALM BEACH</i>	COUNTY <i>PAUM BEACH</i>	NAME OF POLITICAL SUBDIVISION: <i>TOWN OF PALM BEACH</i>	
DATE ON WHICH VOTE OCCURRED <i>1/16/13</i>		MY POSITION IS: ☐ ELECTIVE ☒ <i>APPOINTIVE</i>	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

Elizabeth 'Libby' Marshall hereby disclose that on 1/16, 20 13:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

RE: CDA # 003-2013 141 S. COUNTY ROAD

Historic Research

Architect of Project Record is Landlord

Date Filed

January 16 2013

Signature

Elizabeth 'Libby' Marshall

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.