



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION MEETING HELD ON THURSDAY, MARCH 16, 2017.

Please be advised that in keeping with a 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.

I. CALL TO ORDER

Mr. Cooney called the meeting to order at 9:31 a.m.

II. ROLL CALL

Edward Austin Cooney, Chairman	PRESENT
Richard Rene Silvin, Vice Chairman	PRESENT
Jacqueline Albarran, Member	PRESENT
Page Lee Hufty, Member	PRESENT
Anne Fairfax, Member	PRESENT
Patrick Segraves, Member	PRESENT
John T. Gannon, Member	PRESENT
Jacqueline Weld Drake, Alternate Member	PRESENT
Kim Coleman, Alternate Member	PRESENT
Sue Patterson, Alternate Member	PRESENT

Staff Members present were:

John S. Page, Director of Planning, Zoning & Building

John Lindgren, Planning Administrator

Kelly Churney, Secretary to the Landmarks Preservation Commission

III. PLEDGE OF ALLEGIANCE

Mr. Cooney led the Pledge of Allegiance.

Mr. Cooney welcomed new and reappointed members.

IV. ELECTION OF OFFICERS

Mr. Silvin nominated Ted Cooney for Chairman. Ms. Albarran seconded the nomination. There were no other nominations. Motion carried with all in favor to approve the nomination for Mr. Cooney to remain as Chairman.

Ms. Albarran nominated Rene Silvin for Vice Chairman. Ms. Hufty seconded the nomination. There were no other nominations. Motion carried with all in favor to approve the nomination for Mr. Silvin to remain as Vice Chairman.

V. APPROVAL OF THE MINUTES OF THE FEBRUARY 16, 2017 MEETING

Motion made by Ms. Albarran and seconded by Mr. Silvin to approve the minutes of the February 16, 2017 meeting. Motion carried with all in favor.

VI. APPROVAL OF THE AGENDA

Motion made by Ms. Albarran and seconded by Mr. Silvin to approve the agenda as amended. Motion carried with all in favor.

VII. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY

Ms. Churney administered the oath at this time and throughout the meeting as necessary.

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

There were no comments from the public at this time.

Mr. Page stated that Ms. Albarran declared a continuing conflict for this project, 323 Chilean Ave., at the February 16, 2017 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Page also stated that Ms. Albarran declared a second continuing conflict for this project, 17 Golfview Rd., at the February 16, 2017 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Page informed the Commissioners about a time restraint they were facing and stated they must end their meeting at 12:30 p.m. He stated if the meeting was not concluded at 12:30 p.m., the Council Chambers were reserved for Friday morning at 9 a.m. the following day to finish their agenda.

IX. DESIGNATION HEARINGS

Item 1: 210 Dunbar Rd.

Owner: Dukceovich, Vlado R.

Call for disclosure of ex parte communication: None.

Mr. Cooney asked for confirmation that the Town had proof of publication and notice with regard to this landmark designation hearing. Ms. Churney provided confirmation.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for this Mediterranean Revival style, 1930 Julius Jacobs home. Ms. Murphy pointed out the design features, some of which include the home's front façade with plate glass, drop sash windows, ornate stone columns with heavy stone cornices, the front door with ornate wood spindles, a balcony with carved wooden details and the home's asymmetrical massing. Ms. Murphy testified that the building meets the following criteria for designation as a landmark:

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of 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 who influenced his age.

Motion made by Mr. Silvin and second by Mr. Gannon that the designation report be made part of the record. Motion carried with all in favor.

Mr. Cooney asked for public comment and there was none.

Mr. Silvin asked Ms. Murphy if she had contacted the owners. Ms. Murphy stated she met with the owners and believed they were in favor of the Landmark Designation. She reviewed the home's alternations, in which she witnessed on her visit to the home.

Ms. Hufty asked about the other homes on Palm Beach that were designed by Jacobs. Ms. Murphy reviewed the homes for the Commission.

Ms. Fairfax asked if the other Jacobs designed homes were landmarked. Ms. Murphy stated that they were landmarked.

Motion made by Mr. Silvin and second by Ms. Albarran that 210 Dunbar Road be recommended to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 3 and 4 in Section 54-161. Motion carried with all in favor.

[Item 2: 125 Australian Ave.](#)

Owner: Chambers, Ingeburg R., Kubon, Christopher, Kubon, Horst

Call for disclosure of ex parte communication: None.

Mr. Cooney asked for confirmation that the Town had proof of publication and notice with regard to this landmark designation hearing. Ms. Churney provided confirmation.

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this Mediterranean Revival style, 1924 E.B. Walton home and additions by Marion Sims Wyeth. Ms. Stillings pointed out the design features, some of which include the home's asymmetrical massing, tile covered roofs with exposed rafter tails, tall arched windows with cast stone surrounds, French doors and balconies with railings. Ms. Stillings testified that the building meets the following criteria for designation as a landmark:

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 of 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 who influenced his age.

Motion made by Mr. Silvin and second by Ms. Albarran that the designation report be made part of the record. Motion carried with all in favor.

Mr. Cooney asked for public comment and there was none.

Mr. Silvin asked Ms. Stillings if she had contacted the owners. Ms. Stillings stated she attempted to contact the owners but was unsuccessful.

Mr. Lindgren stated he spoke to the owner, Ms. Chambers, on the phone and she indicated that she was not opposed to the Landmark Designation.

Ms. Hufty asked whether the breezeway changed the entrance. Ms. Stillings stated it did not.

Mr. Cooney stated he thought the additions complimented and enhanced the main house. He pointed out some interesting design features.

Ms. Albarran also pointed out some of the design features and thought the house was very charming.

Motion made by Ms. Hufty and second by Mr. Silvin that 125 Australian Avenue be recommended to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161. Motion carried with all in favor.

Ms. Albarran stated that Nadine Levy at 315 Seaspray Avenue that approached her to inquire about potentially landmarking her home. Ms. Albarran said she discovered that Jane Day had included this property in her list to consider for future study. She said that she and Ms. Murphy met Ms. Levy at her home to discuss the possibility. Ms. Murphy put a photo of 315 Seaspray Avenue on the overhead for the Commissioners.

Ms. Murphy stated she toured the interior of the home. She said the home was built in 1924 and provided some history on the home.

Motion made by Ms. Albarran to place 315 Seaspray Avenue under consideration for landmarking.

Ms. Hufty asked a question about the order in which the hearings will occur for the properties under consideration. Mr. Cooney answered her question.

Motion seconded by Mr. Gannon. Motion carried with all in favor.

X. PUBLIC HEARINGS

A. Application for Certificate of Appropriateness #012-2017

Address: 365 N. County Rd.

Owner/Applicant: Frank Strausser

Architect: Jacqueline Albarran/SKA Architect + Planner, Inc.

Project Description: Extend existing second story in the rear of the structure and revise previously approved front entry and new landscape plans. Other associated changes as proposed.

Call for disclosure of ex parte communication: Disclosure by several members.

Ms. Albarran declared this project as a continuing conflict at this time.

Ms. Albarran presented the proposed modifications to the previously approved project. She showed the Commissioners a site plan, existing photos, elevations and renderings. Ms. Albarran reviewed the new proposed door that can be viewed through the landmarked arch. She put additional plans of the entrance way on the overhead.

Mr. Williams presented the modifications to the landscape. He showed the Commissioners a site plan and rendered elevations of the home. Mr. Williams put additional plans of the front façade on the overhead.

Ms. Coleman asked about the bus stop in front of the home.

Ms. Fairfax was in favor of the project and complimented the architect for stopping the project to redesign the entrance way.

Motion made by Ms. Fairfax to approve the project as presented.

Mr. Cooney noted that Ms. Drake would be voting in the absence of Ms. Albarran.

Motion seconded by Mr. Silvin. Motion carried with all in favor.

B. [Application for Certificate of Appropriateness #003-2017](#)

***LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)* - Done 1/18/17**

Address: 101 El Brillo Way

Owner/Applicant: The Palm Trust, c/o Maura Ziska Trustee

Architect: Jose Luis Gonzalez-Perotti/Portuondo Perotti Architects, Inc.

Landscape Architect: Fernando Wong/Fernando Wong Outdoor Living Design

Project Description: Proposed improvements include demolition of existing two-story kitchen, staff and laundry portion of residence. This area will be replaced with proposed two-story kitchen, family room and guest wing as well as basement storage. The existing residence will also be remodeled in interiors. Landscape improvements are also proposed.

Other associated changes as proposed. *****Please note: this is a tax abatement project*****

VARIANCE INFORMATION: The applicant is renovating a Landmarked residence which includes a proposal to add a 7,873 square foot, two story addition with a basement to the west side of the residence for a new kitchen and guest wing and a 252 square foot two story addition to the east side of the residence to enlarge the existing office/den. The following variances are being requested: 1) a rear yard setback of 8.25 feet in lieu of the 15 foot minimum required for the guest wing addition on the west side of the residence (268 square feet is encroaching in the setback); 2) a rear yard setback of 10.33 in lieu of the 15 foot minimum required for the office/den addition to the east side of the residence (70 square feet is encroaching in the setback).

At the January meeting, a motion carried that the implementation of the proposed variance would not cause negative architectural impact to the subject landmarked property. At the February meeting, a motion carried to defer the project for one month to the March, 16, 2017 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Portuondo presented the modification to the home. He showed the Commissioners a site map, sketches, photos, historic photos, historic, existing and proposed elevations, floor plans, inspirational photos, diagrams for landscapes and drawings.

Mr. Wong presented the proposed plans for the landscape and hardscape. He presented a site plan and landscape plan for the property.

Ms. Hufty asked about specific specimens. Mr. Wong answered her questions.

Mr. Cooney asked about the fountain details. Mr. Wong responded.

Mr. Lindgren stated that the Commission should look at the interior photographs since the owner has requested a tax abatement for the project. Mr. Cooney explained the tax abatement process to the new Commissioners.

Mr. Portuondo showed the Commissioners the interior photos of the project and indicated the proposed restoration to each space.

Ms. Murphy asked about an interior bench and whether or not it would be removed. Mr. Portuondo stated he would keep it. Ms. Murphy asked him to amend the tax abatement application to reflect this change. Ms. Murphy asked Mr. Portuondo to add the intended changes to the dining room section on the tax abatement application as well.

Ms. Fairfax cautioned the Commission that a higher standard needed to be held with the project now that a tax abatement application had been filed and said it should conform to the Secretary of Interior's Standards. She stated that any previous comments or reviews from the Commissioners may need to be modified in light of the newly applied tax abatement.

Mr. Cooney asked Ms. Fairfax if there were any specific changes in which she had reservations now with the tax abatement filed. Ms. Fairfax questioned the proposed addition but specifically questioned the east façade, which has significant changes proposed.

Ms. Albarran stated she has only had one tax abatement project because she did not want the extra jurisdiction, especially on the interior spaces.

Mr. Segraves asked about the tax abatement and when it was filed. Mr. Cooney provided some history on the project.

Ms. Stillings and Mr. Lindgren provided a further review of the tax abatement process.

Mr. Silvin was in favor of the proposed design but asked Mr. Portuondo to preserve the loggia bench. He also stated his concern about the changes to the east façade.

Mr. Cooney stated that he believed the newly proposed addition fit in with the Standards but questioned the changes to east façade.

Ms. Drake stated she felt the proposed changes do conform to the Secretary of Interior's Standards and was in favor of approving the project.

Mr. Cooney asked Ms. Albarran how she felt about the proposed changes to the east façade. Ms. Albarran stated she was in favor of the changes.

Ms. Fairfax asked Mr. Portuondo to review the changes proposed for the east façade and expressed her concern about the major fenestration changes. Mr. Portuondo reviewed the changes and provided the reasons for the design. Mr. Cooney stated that the changes seem appropriate but do not follow the Secretary of Interior's Standards.

Kim Davis, owner, reviewed the original floor plan and discussed her reasons for filing the tax abatement for the project. She advocated for the proposed fenestration changes.

Ms. Drake restated that she felt the changes do conform to the Secretary of Interior's Standards and was in favor of approving the project.

Ms. Fairfax talked more about the tax abatement requirements and how this should change the review of the project.

Ms. Patterson expressed her appreciation that the owner was restoring the home.

Ms. Hufty stated she was in favor of the project.

Mr. Gannon thought the changes were complimentary, thought the tax abatement project should not overrule the objectives and added he was in favor of the project.

Ms. Fairfax stated that if the project was approved, this would set a precedent for the Landmarks Preservation Commission.

Ms. Coleman asked whether the issue with the tax abatement was in the original design or the façade. Ms. Fairfax responded.

Ms. Drake stated they should be looking at the intent in the statute and provision when considering the Secretary of Interior's Standards. Some discussion ensued on this topic.

Mr. Silvin stated he was in favor of the changes but agreed with Ms. Fairfax. He felt should be approved without the tax abatement.

Mr. Cooney stated he shared the same views of Ms. Fairfax and Mr. Silvin.

Ms. Hufty noted that the tax abatement for this property size would be a huge benefit.

Motion made by Mr. Gannon and seconded by Ms. Hufty to approve the project as presented with the caveat for the architect to bring back details for the gates and fountains. Motion carried 4-3 with Ms. Fairfax and Messrs. Silvin and Cooney.

C. [Application for Certificate of Appropriateness #006-2017](#)

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S) - Done 2/16/17

Address: 130 Brazilian Ave.

Owner/Applicant: David and Zoya Soane

Architect: Jason P. Drobot/Brasseur & Drobot Architects, P.A.

Project Description: The proposed project is a 499 square foot two story addition to the southwest corner of the existing three story residence. The first floor included a 249.5 square foot air conditioned family room. The second floor includes a 249.5 square foot uncovered balcony off of an existing bedroom. A portion of the existing concrete patio will be removed to provide more grass area. The existing pool shall be modified to be one third smaller in width. Other associated changes as proposed.

VARIANCE INFORMATION: The applicant is requesting a variance for cubic content ratio ("CCR") to construct a two story 499 square foot addition to the rear of the landmarked residence that will result in a CCR of 4.31 in lieu of the 4.11 existing and the 3.97 maximum allowed. The addition is a one story with an open balcony above.

At the February meeting, a motion carried that the implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Drobot stated the project received a favorable approval from the Town Council for the variance that had been requested.

Mr. Cooney asked if the client and the neighbor were now agreeable to the proposed design. Mr. Drobot stated they were now in agreement since the balcony addition was removed and changed to a hip roof.

Mr. Drobot stated the drawings had not changed since his last presentation. He noted that the client does not want to keep the tile on the parapet wall. He showed the Commissioners the existing and proposed elevations of the addition and historic drawings.

There was a short discussion about the tile on the parapet wall being removed.

Ms. Albarran thought the new addition was good and was in favor of the project.

Motion made by Ms. Albarran and seconded by Ms. Hufty to approve the project as presented. Motion carried with all in favor.

D. [Application for Certificate of Appropriateness #007-2017](#)

Address: 350 Worth Ave.

Owner/Applicant: Everglades Club Inc. (Scott Lese, General Manager)

Architect: Jason P. Drobot/Brasseur & Drobot Architects, P.A.

Project Description: Removal of interior partitions and floor slab in order to make structural improvements to the existing foundation. New floor slab and kitchen layout to be added in order to complete the 4th phase of the kitchen renovation. One existing exterior door on the west side of the staff dining room to be removed and relocated in order to accommodate the new kitchen layout. One existing overhead door on the west side of the existing kitchen used for receiving to be removed, relocated and replaced with a pair of solid core metal swing doors. Other associated changes as proposed. *****Please note: this is a tax abatement project*****

At the February meeting, a motion carried to defer the project for one month to the March 16, 2017 meeting.

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

Mr. Drobot stated this was a continuation of a kitchen renovation. He showed the Commissioners a site plan, elevations and photos. He reviewed the proposed changes for the project.

Mr. Cooney stated these changes were behind landscaping and were fully screened.

Motion made by Ms. Albarran and seconded by Mr. Segraves to approve the project as presented. Motion carried with all in favor.

E. [Application for Certificate of Appropriateness #008-2017](#)

***LPC TO MAKE RECOMMENDATION RELATIVE TO SPECIAL EXCEPTION AND SITE PLAN REVIEW* - Done 2/16/17**

Address: 1 S. County Rd.

Owner/Applicant: The Breakers Palm Beach, Inc.

Architect: Steve Pollio/Peacock and Lewis AIA

Landscape Architect: Jon Schmidt/Jon E. Schmidt and Associates

Project Description: Resubmittal of the front lawn pavilions – two accessory buildings to be constructed on the front croquet lawn. The south building will be utilized to plate food for events and the north building will have restrooms to serve the area. The lawn is located on the west side of the hotel. Revisions have been made based on previous landmark comments. Engine room diesel tank and pad – installation of a housekeeping pad and 3000-gallon diesel tank to support a new generator. It will be situated in a utility area on the north end of the property surrounded by landscape. Other associated changes as proposed.

SPECIAL EXCEPTION AND SITE PLAN REVIEW INFORMATION: The applicant is requesting a special exception with site plan review approval for the following modifications to The Breakers Hotel: Diesel fuel tank at engine room service court. Add 3,000-gallon diesel fuel tank on concrete slab just north of service court in previously-approved engine room expansion area on the north side of the main hotel. This fuel tank is 18.16 feet long, 5.91 feet wide and 5.91 feet high. Its purpose is to provide fuel to the new emergency generator. Front Lawn Service Buildings. Two one-story accessory buildings, known as pavilions will be constructed on the front/croquet lawn. The south building (755 square feet) will be utilized to plate food for outdoor events and the north building (446 square feet) will contain restrooms to serve the area. The lawn is located southwest of the hotel. While The Breakers has been using the lawn for events and functions for many years, Town Council approval is required to continue using the lawn for events.

At the February meeting, a motion carried that the implementation of the proposed special exception and site plan will not cause negative architectural impact to the subject landmarked property.

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

Jamie Crowley, attorney for the owner, stated they had made one change since the last presentation, which was at the request of Ms. Albarran to add a hedge. He stated he was also requesting approval to change a pavilion window detail on the east elevation to match their proposed west elevation. He put a rendering of the change on the overhead.

Many of the Commissioners were in favor of the new, proposed change. Mr. Cooney asked about the details for the new windows. Mr. Pollio stated they propose to add a grill to the windows to mimic the historic grills on the hotel.

Motion made by Ms. Albarran and seconded by Mr. Silvin to approve the project as presented, to include the addition of the hedge and windows on the east elevation of the pavilions.

Mr. Crowley stated that all of the trees to be removed will be relocated.

Ms. Albarran amended her motion to include the removed trees would be relocated on the property. Mr. Silvin agreed to the addition. Motion carried 6-1 with Mr. Cooney opposed.

F. [Application for Certificate of Appropriateness #009-2017](#)

Address: 340 Royal Poinciana Way

Owner/Applicant: RPP Palm Beach Property, LP, A DE Limited Partnership

Architect: Keith Spina/Glidden Spina + Partners

Project Description: Proposed Landmark Preservation Commission approval for a menu of storefronts that tenants at The Royal Poinciana Plaza can choose from. As previously discussed with the Commission, in order to simplify the process and reduce the burden on future tenants at the Plaza, Up Markets proposed to include a menu of four storefront options that tenants may choose from. With the Landmark Preservation Commission approval of the storefront options, tenants may choose one of the four options in a black mullion finish and not be required to come before the Commission for individual approvals. Approval of a menu of storefront options will significantly ease the approval process so that tenants can open their doors as soon as possible and breathe new life into The Royal Poinciana Plaza.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Cooney explained the reason for the application and indicated the intent was to streamline the approval process for the potential tenants.

Alexandra Patterson, Project Manager on behalf of Up Markets, reviewed the recent history of the changes at the Plaza and explained the reasons for the application. She presented a site plan, four proposed storefront options, elevations, existing photos and altered photos to show the potential changes. Ms. Patterson reviewed all of the proposed options for the Commissioners. She also stated that the proposed options would be for interior courtyard only and the exterior changes would be chosen from the approved Smith and Moore elevations.

Ms. Hufty stated she was in favor of the different choices.

Mr. Segraves inquired about the change in finish on the mullions. Ms. Patterson responded and explained how the storefronts will evolve. Mr. Cooney added more explanation on the proposed evolution. Mr. Segraves was in favor of the different choices as well.

Mr. Gannon complimented Mr. Cooney on suggesting the menu of storefront options.

Motion made by Mr. Fairfax and seconded by Mr. Silvin to approve the project as presented. Motion carried with all in favor.

G. [Application for Certificate of Appropriateness #010-2017](#)

Address: 340 Royal Poinciana Way, Suite 337A

Owner/Applicant: RPP Palm Beach Property, LP, A DE Limited Partnership

Architect: Keith Spina/Glidden Spina + Partners

Project Description: Proposed Landmark Preservation Commission approval for modifications at Suite 337A at The Royal Poinciana Plaza. Coyo Taco request that in order to facilitate customer traffic through their courtyard facing restaurant, that they install a second door on the courtyard side. The existing entrance facing the west will remain as an ingress/egress location, but the addition of the new door facing the north will allow for a smoother flow of pedestrian traffic. The courtyard storefront will remain in the same configuration as it is today, with the addition of the door, and consist of a black mullion color to match all new storefronts. Coyo Taco will not deviate from previous Landmarks Preservation Commission approval on the south side façade. Coyo Taco very much looks forward to activating the courtyard with a family friendly, pedestrian focused, high quality Mexican dining experience.

Call for disclosure of ex parte communication: Disclosure by several members.

Alexandra Patterson, Project Manager on behalf of Up Markets, stated the restaurant received Town Council approval for their special exception request. She provided a history of Coyo Taco for the Commissioners. She showed the Commissioners a site plan, existing and proposed floor plans, elevations and existing photos while explaining the proposed changes.

Mr. Cooney was in favor of the changes and complimented Up Markets for the new tenant.

Mr. Silvin reviewed the debate that occurred at the Town Council meeting over the addition of this new tenant. He complimented Ms. Patterson on the way she handled the debate.

Motion by Ms. Albarran and second by Mr. Gannon to approve the project as presented. Motion carried with all in favor.

H. [Application for Certificate of Appropriateness #013-2017](#)

Address: 9 Golfview Rd.

Owner/Applicant: Acroterium Group LLC

Architect: Richard Sammons/Fairfax Sammons & Partners

Project Description: New site wall, piers and urns on Golfview Rd. side of the property. Planting to be included. Wall will be a continuation of the existing wall on the adjacent property to the west. Other associated changes as proposed

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

Ms. Fairfax declared a conflict of interest for the project and recused herself. Mr. Page noted that Ms. Drake would be voting in the absence of Ms. Fairfax.

Mr. Sammons presented the proposed plans for the project. He showed the Commissioners an aerial photo, a colored rendering, surrounding photos of the neighboring homes, previously proposed and currently proposed landscape and hardscape plans, detail sheets, and material selections.

Mr. Cooney asked about the grade change. Mr. Sammons responded.

Mr. Segraves asked a question about the brick columns and urns. Mr. Sammons responded.

Ms. Albarran was in favor of the changes.

Motion by Ms. Albarran and seconded by Mr. Silvin to approve the project as presented. Motion carried with all in favor.

XI. OTHER BUSINESS

A. Informal Review – Application for Certificate of Appropriateness #011-2017

LPC TO MAKE RECOMMENDATION RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN

Address: 340 Royal Poinciana Way, Suite 304

Owner/Applicant: RPP Palm Beach Property, LP, A DE Limited Partnership

Architect: Keith Spina/Glidden Spina + Partners

Project Description: Proposed Landmark Preservation Commission approval for outdoor dining at Sant Ambroeus in The Royal Poinciana Plaza. Outdoor dining is a part of The Royal Poinciana Plaza's history, as generations of Palm Beach residents visited the courtyards, they were met with colorful umbrellas and inviting furniture. John Volk's courtyards were designed with the intent that guests would visit and linger and that is exactly what Sant Ambroeus wishes to accomplish by re-introducing outdoor dining. The restaurant will relocate 20 seats from within their dining room to the fountain patio in an effort to restore an activity to the Plaza that has been missing for many years. Sant Ambroeus looks forward to serving their delicious food, in beautiful weather, among magnificent gardens and the wonderful company of friends.

SPECIAL EXCEPTION INFORMATION: The applicant is requesting a special exception with site plan approval to allow twenty (20) seats to be shifted from inside Sant Ambroeus and relocated around the fountain for outdoor dining when weather permits. The proposed restaurant is located in the northeast corner of the Plaza and the outdoor dining will be adjacent to the restaurant on the newly created patio around the east fountain. The outdoor dining will share the same hours as the restaurant: Sunday through Thursday – Breakfast, Lunch and Dinner – 8 a.m. to 10 p.m., Friday and Saturday – Breakfast, Lunch and Dinner – 8 a.m. to 11 p.m.

Call for disclosure of ex parte communication: Disclosure by several members.

Alexandra Patterson, Project Manager on behalf of Up Markets, explained the request for the outdoor dining for Sant Ambroeus. She presented a site plan, an indoor and outdoor seating plan, an exterior photos of the proposed dining space and a photo of the proposed furniture. Ms. Patterson stated that they would be requesting this approval from the Town Council as well.

Mr. Cooney reviewed the outdoor seating approval process in the Town. He stated he was in favor of the request.

Ms. Hufty inquired about restaurants utilizing more outdoor dining space by transferring some of their interior seats. Mr. Cooney and Ms. Patterson responded.

Mr. Gannon asked about the process of procuring more seats for a restaurant. Mr. Lindgren responded. He thought it was a detriment that Sant Ambroeus had to use their interior seats for their exterior space.

Motion by Ms. Albarran and seconded by Mr. Silvin that the implementation of the proposed special exception and site plan review will not cause negative architectural impact to the subject landmarked property. Motion carried with all in favor.

XII. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR

Mr. Page welcomed all of the new members to the Commission. He stated that he would be inviting them to an Orientation session soon.

Mr. Cooney recommended that the new members review the Ordinance and also to talk with the Town's consultants and staff get answers to any of their questions.

Mr. Silvin reviewed some of the projects that were heard the last Town Council meeting for his fellow Commissioners. There was some discussion on this topic.

Mr. Cooney thanked Mr. Zukov, Mr. Sánchez and Mr. Strawbridge for their service on the Landmarks Preservation Commission.

XIII. ADJOURNMENT

Motion made by Ms. Albarran and seconded by Mr. Silvin to adjourn the meeting at 12:30 p.m. Motion carried with all in favor.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, April 19, 2017 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Rd. Palm Beach.

Respectfully submitted,



Edward A. Cooney, Chairman
LANDMARKS PRESERVATION COMMISSION

kmc

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>3/16/17</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 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) 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 are not prohibited by Section 112.3143 from otherwise participating 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 page 2)

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 3/16, 20 17:

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

- ☒ 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 subsidiary, or sibling 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:

CoA Hearing #12-2017
365 N. County Rd.
Continuing Conflict

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

3/16/17
Date Filed

[Signature]
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.

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Fairfax, Anne</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmarks Preservation Commission</i>	
MAILING ADDRESS <i>455 Worth Ave. #303</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <i>Town</i>	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>March 2017</i>		NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</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 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) 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 are not prohibited by Section 112.3143 from otherwise participating 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 page 2)

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, Anne Fairfax, hereby disclose that on March, 20 17:

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

- ☒ 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 subsidiary, or sibling 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:

COA Hearing #9-2017
9 Golzview Rd.
continuing conflict

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

3 17/17

Signature

Anne Fairfax

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