

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, DECEMBER 17, 2008 AT 9:00 A.M.

AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

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 or may obtain an audio recording (tape or CD) of the meeting by contacting Cindy 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:** Chairman Pandula called the meeting to order at 9:00 a.m.

II **ROLL CALL:**

PRESENT: Eugene Pandula, Chairman
William Lee Hanley, Vice Chairman
Patrick Segraves, Secretary
Robert Eigelberger, Member
Eileen Bresnan, Member
Hazel Rubin, Member
Charles S. Roberts, Member
D. Imogene Willis, Alternate Member
Wallace Rogers, Alternate Member
John C. Randolph, Town Attorney
John S. Page, Director of Planning Zoning & Building
John C. Lindgren, Planning Administrator
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

ABSENT: Dudley L. Moore, Jr., Alternate Member (Pending classification)

III **APPROVAL OF THE MINUTES OF THE NOVEMBER 19, 2008 MEETING:**
MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

IV **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:**
By Mrs. Delp

V **APPROVAL OF THE AGENDA:**
MOTION BY MR. HANLEY FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.

VI **COMMENTS FROM THE PUBLIC: (0:01:17.3)**
Patrick Flynn of the Palm Beach Theatre Guild offered some comments. He was accompanied by Greg Lewis of Conkling & Lewis, General Contractors. He praised the LPC for recommending, to the Town Council, that the Royal Poinciana Plaza be landmarked, and the Town Council for upholding that recommendation. He noted his fear that the playhouse may be targeted for "demolition by neglect", and urged the LPC to intervene. Mr. Flynn, attempting to continue his remarks and present documents to the LPC, was interrupted by Mr. Randolph. Mr. Randolph noted that the subject of the playhouse is not an agenda item, and asked the Chairman to reconsider allowing further discussion. Mr. Flynn noted that his group wishes to gain access to the building, but they were denied access. Mr. Pandula responded that this is between the theatre group and the property owner, and the LPC cannot enter into this dispute. He offered to inform Code Enforcement to keep an eye on the playhouse to ensure that "demolition by neglect" was not a reality. Mr. Roberts called for a point of order stating that the commission was out of order in discussing this issue. Mr. Pandula stated that he had allowed Mr. Flynn to speak as a courtesy. No other comments were made by Mr. Flynn or Mr. Lewis.

VII **PUBLIC HEARINGS:**

- A. **Application for Certificate of Appropriateness #24-2008, (0:08:46.7)**
Accessory Structure
(In conjunction with Site Plan Review #11-2008 with Variance)
Owner/Applicant: Palm Beach Biltmore Condominium Association, Inc.
Address: 150 Bradley Place
Architect: The Pandula Architects Inc.
Project Description: Request approval to construct a 1,480 square foot building to enclose a 1,500 kilowatt generator on the south side of the subject property, and other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION.

Please note that the variance for this project was denied by the Town Council. As such, the project will not be heard by the Landmarks Preservation Commission.

THE PROJECT WAS REMOVED FROM THE AGENDA WITHOUT A MOTION.

VIII **DESIGNATION HEARINGS: (0:09:26.0)**

Item 1: 236 Worth Avenue Facade (within 224 Worth Avenue parcel)

Owner: Palm V. Assoc. Ltd.

Jane Day, Town Historic Preservation Consultant, testified that this property meets the following criteria for landmark designation:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

(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.

Mrs. Day testified to the information included in the Designation Report for the property. She noted that at one time, the LPC had requested an historic district on Worth Avenue, but because many of the commercial buildings on Worth Avenue have been greatly altered over time, which might pose difficulty in trying to prove architectural integrity at a designation hearing, the decision was made to landmark the best of the buildings on an individual basis. This particular storefront at 236 Worth Avenue was done in the Moderne style, and is a "jewel" on Worth Avenue. Staff proposes to landmark the "facade only" of the building. The facade, with its canopy, black granite panels, stainless steel elements, and recessed front door flanked by display windows, represents one of the rare examples of the Moderne style in Palm Beach. Mrs. Day stated that landmarking the facade does not mean that the tenant space must remain a jewelry store, as it is now, but a different type of tenant may need to be creative with the available display space. She noted that it is not the intent of landmarking to take away from the usefulness of the buildings.

Mr. Pandula asked whether proof of publication and proper legal service were achieved relative to this designation hearing. Mrs. Day responded that the green card (certified mail card) had not been received back by the Town, but the fact that the property owner and counsel were present today, and had contacted Mrs. Day in advance of today's meeting, would indicate that legal service had been achieved.

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

MOTION SECONDED BY MR. HANLEY.

MOTION CARRIED UNANIMOUSLY.

Attorney Jane Rankin testified that the property owner opposes the designation. She introduced the other members of her team, Burt Handelsman, Managing Partner of Palm V Associates, Ltd., Joe Price of Calloway and Price, Tony Hollis, Realtor, James Paine, Architect, Greg Batten of Batten Construction, and Richard Burke, Chief Site Manager, each of whom offered testimony which is briefly outlined below.

Burt Handelsman: Likes the facade as it exists, but it would be a serious error to landmark it; it limits the use of the tenant space to only jewelry stores; with the existing configuration of the display area on the facade, the tenant space will be unattractive to high quality tenants who are seeking lots of glass and visibility; the facade does not invite people into a store...it is the merchandise on display; "once you go ahead and you landmark it, you're actually almost

condemning it.”

Joe Price: If you landmark this commercial property, you remove one of the owner’s bundle of rights: it is a “taking”; it diminishes the value; it is a loss of freedom.

Tony Hollis: The Town is lucky to have Mr. Handelsman serving to protect Worth Avenue; landmarking the facade will negatively impact the ability to lease the tenant space in the future; landmarking the facade would limit the store to a jewelry store, more of which are not needed on the avenue; high end retailers will not be attracted to the limitations of this facade.

James Paine: Agrees that the facade is unique and attractive, but it is limiting and inflexible; the tenant spaces on Worth Avenue need to be able to adjust to the needs of new tenants, all of whom want more glass; this is a big limitation on the usefulness of the building.

Greg Batten: Testified that he would be able to remove the entire facade and move it to another location in order to preserve it.

Richard Burke: Based on his previous experience in another community, it is not in good taste to landmark a retail store, since each store wants its own identity; landmarking “handcuffs the landlord and limits the retail use”; suggests that a museum could be established to preserve beautiful old facades.

Burt Handelsman: Landmarking the facade would take away the usefulness of the building; “we don’t make these determinations, the merchant makes the determination, the merchant makes the street, he decides how he’s going to pay his rent, and how he’s going to sell his product, and I think you must take that into consideration.”

Staff and Commission Comments:

Mr. Pandula: ARCOM does not favor “all glass” storefronts, and is opting for the more traditional storefront design, so there is no guarantee that if the facade was not landmarked, that ARCOM would approve any significant change to the facade.

Mrs. Day: Without landmarking this building, ARCOM would have to approve changes to these windows. Such a change could not be staff approved. With landmarking, approval is likewise required, but it is possible to alter a facade, including changing windows, as was approved for the Chanel building. This is “a little timepiece of the Moderne era”, and is representative of the mix of architectural styles present in the Town of Palm Beach.

Mr. Roberts: This is a very important and serious decision; personally dislikes “all glass” storefronts; understands Mr. Handelsman’s concerns; in favor of landmarking the storefront and saving it; acknowledges that landmarking it will limit the use of the building because of the small display windows, but it does meet the criteria for designation; “we can’t let our avenue be driven by retailers who want it to be all glass.”

Mr. Segraves: In a way, it has almost landmarked itself, having remained the same for almost 65 years; it is a unique facade which is leasable because of its unique qualities; the LPC tries to be considerate of owner’s rights and has been flexible, as in the Chanel example; landmarked houses on a given street help the value of non-landmarked houses, and it may work this way on Worth Avenue also.

Mrs. Bresnan: Appreciates all of Mr. Handelsman’s efforts on Worth Avenue; the LPC does not wish to take away an owner’s rights; landmarking actually increases property values; this building

is "masculine to the nth degree" and could easily be leased to a men's shop or a shoes/handbag shop; this shop is clearly more attractive than others on the avenue which are "all glass".

Mr. Eigelberger: "This (the facade) is a picture"; move the facade, if necessary, but preserve it; the LPC's job is to determine whether this facade is important to the Town of Palm Beach and to protect it; agrees with the designation report.

Mr. Handelsman was permitted to address the LPC again. He offered to compromise his position by offering to preserve the facade by relocating it elsewhere, if necessary, perhaps in one of the smaller vias.

Mr. Pandula: The LPC will deal with moving the facade if and when that time comes. The issue today is to landmark the facade.

MOTION BY MR. EIGELBERGER THAT THE PROPERTY AT 236 WORTH AVENUE 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. HANLEY.
MOTION CARRIED UNANIMOUSLY.**

Item 2: County Road Post Office a/k/a 95 North County Road (0:50.55.8)
Owner: United States Postal Service

Mr. Eigelberger asked whether the Town was able to landmark this building, since it is federally owned. Mrs. Day stated that she had contacted Karl Shiver from the State Historic Preservation Office. Mr. Shiver encouraged Mrs. Day to move forward with the local landmark designation so that any changes to the building in the future would be under the jurisdiction of the LPC. If the building were sold and proposed for demolition, for example, the LPC would review any plans for new development, rather than ARCOM.

Jane Day, Town Historic Preservation Consultant, testified that this property meets the following criteria for landmark designation:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

(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.

Mrs. Day testified to the information included in the Designation Report for this 1936 simple, Mediterranean Revival, 1.5 story building on a property which is located at the terminus of the Royal Poinciana corridor, an area which is currently under study for all future development. "This building does represent the change in our history of the Town from the 20's to the Depression Era, from the Flagler Era to taking out the railroad tracks, to the expanding year round population that needed more postal service, and is a good representative of a Federal building during that period in the Mediterranean Revival style."

Mr. Segraves stated that the interior of this building, with its architecture and the WPA paintings, is even more impressive than the exterior, and questioned whether the interior could be protected

via landmarking as well. Mrs. Day replied that the interiors only come into play in the case of tax abatement projects.

Mr. Pandula verified that proof of publication and proper legal service were achieved with respect to this public hearing.

MOTION BY MR. EIGELBERGER THAT THE PROPERTY LOCATED AT 95 NORTH COUNTY ROAD, THE PALM BEACH POST OFFICE, 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. HANLEY.

AND

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

MOTION SECONDED BY MRS. BRESNAN.

BOTH MOTIONS CARRIED UNANIMOUSLY, WITH ONE VOTE.

IX OTHER BUSINESS:

- A. Informal Review: 403 Seabreeze Avenue (1:00:32.0)
(In conjunction with Variance #1-2009)

Partial demolition of existing Garage Accessory Structure (292 sq. ft. removed from existing 517.5 sq. ft.) New 12 ft. x 20 ft. pool with rear yard setback of 5 ft.

Attorney Maura Ziska and Designer/Architect Michael Perry presented this informal request. Ms. Ziska described the variances requested for the project: Variances to keep the existing non-conforming structure with non-conforming setbacks, and rear yard setback for the swimming pool, and a technical variance request to eliminate a parking space which was allegedly contained in this garage accessory structure, despite the fact that it has not been used for a car.

Mr. Perry testified that the existing house will remain intact. The garage is currently used for storage, and the proposal would remove the center portion of it to allow for placement of a new swimming pool.

After discussion, the following motion was made:

MOTION BY MR. SEGRAVES THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.

**MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.**

X **COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND
PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR: (1:08:04.4)**

Mr. Eigelberger complained about the appearance of the Publix site because the hedge material is either dead or sparse, not well planted, not properly irrigated or maintained, and allows clear visibility into the parking lot, thus creating an eyesore. Mr. Page will look into this to determine if any violations exist. He noted, in addition, that Publix is planning to build a new store at the same location in 2010.

Change of 2009 meeting dates (April and July)

Due to the Town Council changing their meeting dates for 2009 to Tuesday and Wednesday, there is a meeting date conflict with the LPC meeting dates in April and July. Mr. Page and Mr. Pandula suggested that the LPC meet the following day in those two months. Members were in agreement. The meetings will be held at 9:00 a.m. on Thursday, April 16, 2009 and Thursday, July 16, 2009.

Mr. Page introduced the Town's new Planning Administrator, John Lindgren. Mr. Lindgren has over 20 years experience in both public and private planning and has a Masters degree in Planning.

Mrs. Day distributed copies of the Designation Report for 450 Royal Palm Way, which will be heard at the January 2009 meeting.

XI **ADJOURNMENT:**

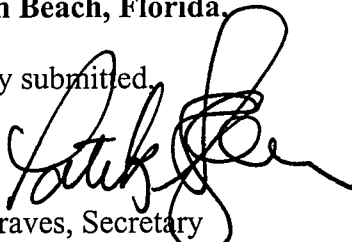
MOTION BY MR. EIGELBERGER FOR ADJOURNMENT AT 10:15 A.M.

MOTION SECONDED BY MRS. BRESNAN.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, January 21, 2009 in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,



Patrick Segraves, Secretary
LANDMARKS PRESERVATION COMMISSION

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**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2008

MEMBERS	1/08	2/08	3/08	4/08	5/08	6/08	7/08	8/08	9/08	10/08	11//08	12/08
Eugene Pandula	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
William Lee Hanley Jr.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Patrick Segraves	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>P</u>
Robert Eigelberger	<u>P</u>	<u>P</u>	<u>E</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>P</u>
Eileen Bresnan	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Hazel Rubin	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Charles S. Roberts	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
ALTERNATE MEMBERS	1/08	2/08	3/08	4/08	5/08	6/08	7/08	8/08	9/08	10/08	11//08	12/08
D. Imogene Willis	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Dudley L. Moore	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>
Wallace Rogers	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

LEGEND: P=Present. E=Excused, U=Unexcused, A=Absence Pending Classification as "excused" or "unexcused"

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

RECORD OF VOTING CONFLICTS 2008

MEMBERS	1/08	2/08	3/08	4/08	5/08	6/08	7/08	8/08	9/08	10/08	11/08	12/08
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Eugene Pandula	___	___	___	___	___	___	___	___	___	___	<u>V</u>	___
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William Lee Hanley Jr.	___	___	___	___	___	___	___	___	___	___	___	___
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Patrick Segraves	___	___	___	___	___	___	___	___	___	___	___	___
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Robert Eigelberger	___	___	___	___	___	___	___	___	___	___	___	___
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Eileen Bresnan	___	___	___	___	___	___	___	___	___	___	___	___
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Hazel Rubin	___	___	___	___	___	___	___	___	___	___	___	___
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Charles S. Roberts	___	___	___	___	___	___	___	<u>V</u>	VPD	___	___	___
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<u>ALTERNATE MEMBERS</u>	<u>1/08</u>	<u>2/08</u>	<u>3/08</u>	<u>4/08</u>	<u>5/08</u>	<u>6/08</u>	<u>7/08</u>	<u>8/08</u>	<u>9/08</u>	<u>10/08</u>	<u>11/08</u>	<u>12/08</u>
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D. Imogene Willis	___	___	___	___	___	___	___	___	___	___	___	___
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Dudley L. Moore	___	___	___	___	___	___	___	___	___	___	___	___
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Wallace Rogers	___	___	___	___	___	___	___	___	___	___	___	___
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LEGEND:

V	=	One Voting Conflict during a meeting	VPD	=	Voting Conflict Previously Declared
V2	=	Two Voting Conflicts during a meeting			(This category to be used when a conflict has
V3	=	Three Voting Conflicts during a meeting			Been declared at a previous meeting, and the
					Changes being reviewed are part of an ongoing
					project. ONLY COUNT ORIGINALDECLARED
					CONFLICT PER JCR, TOWN ATTORNEY)