TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES
LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, OCTOBER 18, 2006 AT 9:00 A.M.
AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I **CALL TO ORDER**: Chairman Pandula called the meeting to order at 9:03 a.m.

II **ROLL CALL:**

PRESENT:
Eugene Pandula, Chairman
William Lee Hanley, Vice Chairman
Wendy Victor, Secretary
Patrick Segraves, Member
Robert T. Eigelberger, Member
Eileen L. Bresnan, Member
Gail L. Coniglio, Alternate Member (Voting member today)
Hazel Rubin, Alternate Member
D. Imogene Willis, Alternate Member
Stirling Clarke Halversen, seated as Town Attorney
Veronica B. Close, Director of Planning Zoning & Building
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

ABSENT: Judy Wells Hoffman, Member (Excused)

III **APPROVAL OF THE MINUTES OF THE SEPTEMBER 20, 2006 MEETING:**

MOTION BY MR. EIGELBERGER TO APPROVE THE MINUTES.
MOTION SECONDED SIMULTANEOUSLY BY MR. HANLEY AND MRS. CONIGLIO.
MOTION CARRIED UNANIMOUSLY.

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

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480 • (561) 838-5430

V **PUBLIC HEARINGS:**

A. Application for Certificate of Appropriateness #24-2006,
Site wall and foundations
Owner/Applicant: Mr. and Mrs. David Koch
Address: 150 South Ocean Boulevard
Architect: Thomas M. Kirchhoff
Project Description: Request approval for the following;

1. Update the LPC on progress with the moving of existing structure, a new foundation, and associated work
2. Construct a new 3 ft. tall site wall and hedge at perimeter of 158 property to match existing at 150 property.
3. Construct foundations for existing dependency buildings (which requires pick up and replacement of structures onto new foundations.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATIONS: None declared

Architect Tom Kirchhoff presented this request. The applicant wishes to continue the existing wall at 150 South Ocean Boulevard around the 158 South Ocean Boulevard property. Secondly, the existing two dependency buildings have no foundations under them. The proposal is to lift the two buildings, pour foundations, and then re-set the buildings on top of the new foundations.

As for the continuation of the wall, it is a 2 ft. 8" tall masonry wall with a gunited stucco face. A three tiered ficus, silver buttonwood and seagrape hedge will be planted behind the wall. There is a 5 ft. chainlink fence within the seagrape portion of the hedge. The proposal would require the removal of the existing wall at 158 South Ocean together with continuing the 150 South Ocean Spanish wall. Mr. Kirchhoff noted that very little of the wall will be seen due to the hedge.

Mr. Eigelberger was firmly against changing the style of the wall, as he felt one style wall was appropriate for 150 South Ocean, but another was appropriate for 158 South Ocean. Basically, he felt that the proposal would place a Mizner wall on a Howard Major house, and was totally against it.

Mr. Hanley liked the unity of having the same style wall around the entirety of the two parcels. Mr. Segraves agreed.

Mrs. Day commented that only the east arches of 158 South Ocean Boulevard are landmarked. She noted there was never a wall around the 158 South Ocean Boulevard property when it was built. Mrs. Day indicated very little concern relative to the proposed wall change.

Mr. Eigelberger remarked that this is a neighborhood of small houses. He objected to this proposal which he felt would homogenize the entire block. Doing this would not be in keeping with the Clarke and Barton neighborhood. Furthermore, he was not in favor of yet another triple hedge row.

Mr. Pandula advised that the commission focus on the important aspects of the property. He stated that there is nothing historic or redeeming about the existing wall. He reminded the members that the landmarking of 158 South Ocean Boulevard began with saving three arches, and through coordinated effort between the architect, owner and the commission, an entire building is being saved. He felt that the proposed wall, together with the landscaping would be acceptable.

MOTION BY MR. HANLEY TO APPROVE THE WALL AS PRESENTED.

Mr. Eigelberger objected to approving the wall without having seen a landscape plan first. Mr. Hanley stated he was comfortable with the wall and the three tiered hedge. Mr. Kirchhoff clarified that the hedges along the south (Clarke Avenue) side of the property will not be as tall as those along South Ocean Boulevard.

Mrs. Victor agreed with Mr. Eigelberger that the continuous wall is not in keeping with the neighborhood feel which is prominent in this area. Mr. Segraves felt that the wall is so diminutive that the landscaping at the wall is the primary issue of the two. Mrs. Coniglio saw no point to having two different walls in this case. She recommended keeping the hedge lower on the Clarke Avenue side so the 158 South Ocean house can be seen and read as a separate house.

MOTION SECONDED BY MR. SEGRAVES.

MOTION AMENDED BY MR. HANLEY TO APPROVE THE WALL (2'8" IN HEIGHT)AS PRESENTED WITH THE LANDSCAPING PLAN FOR WHAT IS BEHIND THE WALL TO RETURN TO THE LPC IN THE FUTURE.

MOTION SECONDED BY MR. SEGRAVES.

MOTION CARRIED 4-3, WITH MRS. VICTOR, MR. EIGELBERGER, AND MRS. BRESNAN VOTING AGAINST THE MOTION. *(Mrs. Bresnan clarified that she voted against the motion because she would have preferred that the motion include the landscaping.)*

MOTION BY MR. EIGELBERGER TO APPROVE THE FOUNDATIONS FOR THE DEPENDENCY BUILDINGS.

MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #25-2006,
Rehabilitation and Exterior Color Change
Owner/Applicant: 700 North Lake Way, LLC
Address: 700 North Lake Way
Architect: Smith Architectural Group
Project Description: Request approval of the following:

1. Renovate and add to existing staff houses (2). (This area is outside of the Landmark designation for this property, and it is requested this be reviewed under ARCOM standards.)
2. Propose new color for exterior walls and trim. Propose new roof tile due to the fact that existing Ludowici roof tile is no longer manufactured.

Please note that the following items were authorized for staff approval at the September meeting:

1. North Service Porch: Propose to remove existing sliding glass doors and railing and replace with new impact windows
2. Propose to reduce one horizontal muntin from each window and french door unit due to the fact that wood window muntin profile is larger than existing steel window muntin profile.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATIONS: None declared

Architect Jeffery W. Smith returned to the commission in response to the comments heard at last month's informal review of this request. At that time, Mr. Smith was asked to modify the roofs, as presented, since they appeared to be too high in comparison to the height of the walls of the homes. Mr. Smith stated that in meeting with Mr. Castro, Zoning Administrator, the roofs, as originally drawn, would have required a variance. As such, Mr. Smith was happy to make the modification requested by the LPC to lower the roof heights. The roofs, as now re-designed, are lower and meet the code.

MOTION BY MR. EIGELBERGER FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

Mr. Smith noted that the staff house which is lower on the hill may ultimately be a tear down. He is leaving that to the discretion of the contractor.

The other issue relates to color of the building and roof. The colors will be China White for the walls with white roof tiles (matte white).

MOTION BY MR. EIGELBERGER TO APPROVE THE COLORS AS PRESENTED.
MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

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Please note that **448 North Lake Way** had been legally advertised for hearing today, but the architect has obtained staff approval for the changes. As such, the project was not included for review on this agenda.

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VI **OTHER BUSINESS:**

A. Informal Review: 290 Sunset Avenue
(In conjunction with application for Special Exception #10-2006 w/Site Plan Review and Variance(s): Addition of a 14' x 33' waterproofed canvas temporary tent at west side of courtyard for outdoor dining. This tent will be installed during the season and it is totally detached from the building. Canvas will be striped in white and dark green.

Attorney Maura Ziska, Architect Dario Giacomelli, and Sumner Kaye, Coco's representative, presented this request in advance of Town Council review. Ms. Ziska stated that a variance was needed for lot coverage for the tent. (The project started as an awning which received unfavorable staff/commission member opinions, and then evolved into a temporary tent erected for the season.) More currently however, the request is for that temporary tent, or for two or three umbrellas, which will only be up for a few hours every night to better use the outdoor space. The tent/umbrellas would offer protection from the elements, seating for smokers, and would promote the use of better linens, tableware and furniture.

Dario Giacomelli noted that this proposal is for the west half of the courtyard space. The original proposal, one large detached awning, was abandoned for two split umbrellas (15'x15'). Today's presentation is for 3 (10'x12') rectangular umbrellas (striped dark green and white; fire resistant fabric; with marine-grade aluminum) to be used from November through April.

Mr. Hanley asked if the applicant had considered wood members as opposed to aluminum. Mr. Giacomelli responded that they would consider wood, but the aluminum is more hearty. Mr. Segraves questioned if the LPC really has to approve these umbrellas. Ms. Close stated that this is a modification of a special exception for outdoor seating, and LPC review is requested.

Ms. Willis felt that regardless of whether an awning or umbrellas are used, they will alter the architecture of this landmarked hotel, as they dominate the entranceway and this lovely courtyard. Ms. Ziska noted that the umbrellas will only be up at dinner time.

Mr. Pandula agreed with Ms. Willis that these umbrellas will be a permanent fixture, during the season, at a landmarked building. The awnings/umbrellas are features in the courtyard which will alter the architecture of the courtyard and building, and change the entry sequence to the building.

Mr. Paul Castro, Zoning Administrator, stated that this item is before the LPC because they were asking for a variance for the temporary tent. Since they now want to modify the application, here at the LPC meeting, the Town Council application will have to be re-advertised. In addition, even though a variance is no longer required, Mr. Castro stated that it was his opinion that "any modifications that would change the appearance of a landmarked building would require Landmark Commission approval."

Mr. Pandula reminded the applicant that there had been outdoor covered dining at this location, but the outdoor area was enclosed during the Coco's renovation. Now, the function of outside dining is attempting to be transferred to the landmarked courtyard.

Mr. Frank urged the commission to make a strong recommendation to the Town Council that the current proposal impacts the building aesthetically. Ms. Ziska noted that 28 outdoor seats for dinner were approved for Coco's . She stated that if they go forward with the umbrellas, no variances are required. She questioned the need for LPC review of the umbrellas at all since they are outdoor furniture, and are temporary and removable. Mr. Castro reiterated that the applicant needs Town Council approval as it is a modification of a special exception use.

Mr. Eigelberger stated that he would rather see the proposal effected, than continue to see what is there in the courtyard now. He, personally, would like to see more outdoor dining in Palm Beach.

Mr. Eigelberger commented that regulating this type of outdoor furniture is a "grey area, " but Mr. Castro responded that for the Town Council and staff, this is not a grey area as outdoor seating affects the appearance of the streets and the buildings, and the "walkability" of sidewalks.

Mr. Segraves acknowledged that the umbrellas will be a help to Coco's restaurant, but the greater concern is for the integrity of the landmark building, the Bradley House.

Mr. Hanley also liked the idea of outside dining, but felt that the 10' x 12' umbrellas proposed are too large. He advocated 8' x 8' square umbrellas, similar to the ones at Bice.

Mr. Sumner Kaye, representing the Coco owners, stated that the umbrellas are very important to the success of the restaurant, and noted that the property owner fully supports the request for the umbrellas. Mr. Kaye had no problem with decreasing the size of the umbrellas.

Mr. Hanley commented that the smaller umbrellas are preferable, as they are more flexible and moveable, and they allow more of the building to be seen. He suggested that perhaps a solid tan color be considered rather than the proposed stripes, so the umbrellas blend into the background more easily.

In response to a question from Mrs. Bresnan, Mr. Giacomelli answered that with the proposed 10'x 12' umbrellas, 4' of awning height (fabric) would be visible. With the suggested smaller awnings, of course, there will be less fabric height. Mr. Giacomelli noted that if 8'x8' umbrellas are used, four (4) of those umbrellas will be needed.

Mrs. Victor saw merit to both sides of this situation. She maintained that preservation is the job of the LPC, and in this case, the landmarked building is being "pushed around by the restaurant." She felt it is the job of the LPC to micro-manage these landmark properties; that this courtyard should look lovely; and, that if the LPC insists that the courtyard be brought back to its former glory, without being cluttered by tables and chairs, this will enhance the property for the restaurant.

Mr. Pandula asked the members to focus on the application before the LPC, that is, the request for a 14' x 33' tent. He commented that it is clear that the commission does not favor one-half of the landmarked courtyard being enclosed by a tent.

Let the record show that a letter from Afsaneh Kooros, 150 Bradley Place, was distributed to the members. The author wrote to "object in the strongest terms to the application of New Bradley House/Coco Palm Beach Restaurant to erect a "temporary tent" in the courtyard of the Bradley House building."

Let the record show that Mr. Eigelberger declared that he had met with the attorney relative to this matter.

MOTION BY MR. EIGELBERGER THAT THE LPC DOES NOT APPROVE OF THE 14' X 33' TENT, AS PROPOSED.

MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

Ms. Ziska stated that they clearly understand the position of the LPC in this matter, and acknowledge the request for 8' x 8' umbrellas.

B. Distribution of Designation Report for 221 Seaspray Avenue

Mrs. Day stated that the property at 221 Seaspray Avenue came before the LPC a few months ago as a tax abatement project. The owner is restoring it to its 1936 Gustav Maass condition. She felt this house really contributes to the value of the street and the neighborhood.

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PALM BEACH HOTEL, 235 SUNRISE AVENUE
Mr. Pandula passed the gavel to Mr. Hanley, and made the following motion:

MOTION BY MR. PANDULA TO PLACE THE PALM BEACH HOTEL, 235 SUNRISE AVE, BUILT IN 1925 BY MORTIMER METCALFE (WHO ALSO DID ST. EDWARD'S CHURCH) "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.

MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.

Mr. Pandula noted that there were persons in the audience from the Board of Directors of the Palm Beach Hotel who are interested in volunteering this building for landmark designation. Mr. Pandula stated that although the windows and some materials have been changed, the building retains its character. He commented that the Palm Beach Hotel building is the perfect neighborhood link between the landmarked Biltmore, the landmarked church and the landmarked Paramount.

Mrs. Darlene Blanchard, Board of Directors of the Palm Beach Hotel and Mr. Wallace Rogers, Head of the Building Committee, addressed the commission thanking them for placing the building "under consideration." She stated that the building has been neglected for some time, and pledged that the Board of Directors will work hard to restore the building.

VII **COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR:**

Mr. Hanley commented regarding the **American flag at Mar-a-Lago**, stating that it "looks like we have an Okeechobee car dealer down at Mar-a-Lago, and while I love the American flag, I think the size of the flag, and the size of the pole actually mocks the flag." He felt the flag, at that size, is inappropriate for Mar-a-Lago, in addition to violating the Town's zoning codes.

Ms. Close responded that the flag requires approval from the LPC and from zoning, and also requires a building permit. The property owner will receive a letter shortly advising him of that, and instituting Code Enforcement action if they do not respond.

VIII COMMENTS FROM THE PUBLIC

Mr. Patrick Flynn of the Palm Beach Theatre Guild stated that his group is applying for a feasibility business study grant from the National Trust. He requested that the LPC write a letter to the National Trust acknowledging that the property is "under consideration" for landmarking. He listed many of the prominent persons who are becoming involved with the efforts to save the theatre. Mr. Flynn repeated the Guild's continuing concern relative to ongoing lawsuits relative to the property. He urged the LPC to act to recommend designation of the property in November, and then give the Town Council 90 days to act to ratify the designation.

Ms. Close responded that staff will be happy to advise the National Trust of the "under consideration" status which is applicable to the Royal Poinciana Plaza and Theatre.

IX ADJOURNMENT:

MOTION BY MR. EIGELBERGER TO ADJOURN AT 10:20 A.M.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on **Wednesday, November 15, 2006** at 9:00 a.m. in the Town Council Chambers, second floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Wendy Victor, Secretary

Wendy Victor, Secretary
LANDMARKS PRESERVATION COMMISSION

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TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION

ATTENDANCE RECORD 2006

MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11//06	12/06
Eugene Pandula	P	P	P	P	P	P	P	U	P	P		
Ann Blades	P	P	(Term maximum reached)									
Judy Hoffman	P	P	E	P	E	E	P	P	A	E		
Patrick Segraves	P	P	P	P	P	P	P	E	P	P		
Wendy Victor	P	P	P	P	P	U	P	P	P	P		
William Lee Hanley Jr.	P	P	P	P	P	P	P	P	P	P		
Robert Eigelberger	P	P	P	P	P	A	U	P	P	P		
Eileen Bresnan			P	P	P	P	U	P	P	P		

ALTERNATE MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11//06	12/06
Eileen L. (Morris) Bresnan	P	P	(Promoted to regular member)									
Gail L. Coniglio	P	P	P	P	P	U	P	P	P	P		
Hazel Rubin	P	P	P	P	P	P	U	P	P	P		
D. Imogene Willis			P	P	P	P	P	U	P	P		

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 2006

MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11/06	12/06
Eugene Pandula	V						V		V VPD1			
Ann Blades			(Term maximum reached)									
Judy Hoffman												
Patrick Segraves	V	VPD1					V					
Wendy Victor												
William Lee Hanley Jr.												
Robert T. Eigelberger												
Eileen Bresnan												

ALTERNATE MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11/06	12/06
Robert T. Eigelberger				(promoted to regular member)								
Eileen L. (Morris) Bresnan			(Promoted to regular member)									
Gail L. Coniglio												
Hazel Rubin												
D. Imogene Willis												

LEGEND:

- V = One Voting Conflict during a meeting
- V2 = Two Voting Conflicts during a meeting
- V3 = Three Voting Conflicts during a meeting
- VPD = Voting Conflict Previously Declared (This category to be used when a conflict has 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)