TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES
LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, AUGUST 20, 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 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 (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
Hazel Rubin, Member
Charles S. Roberts, Member
D. Imogene Willis, Alternate Member (Voting Member today)
Dudley L. Moore, Jr., Alternate Member
Wallace Rogers, Alternate Member
John S. Page, Director of Planning Zoning & Building
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

ABSENT:
Eileen Bresnan, Member (Excused)
John C. Randolph, Town Attorney

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III **<u>APPROVAL OF THE MINUTES OF THE JULY 16, 2008 MEETING:</u>**
Please note a correction to Page 8, as follows: Under Item B, the name of Marcella Campbell shall be corrected to Marcella Camblor.

MOTION BY MR. EIGELBERGER FOR APPROVAL AS AMENDED.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

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

V **<u>APPROVAL OF THE AGENDA:</u>**
MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

VI **<u>COMMENTS FROM THE PUBLIC</u>**: None

VII **<u>PUBLIC HEARINGS:</u>** (0:01:22.2)

A. <u>Application for Certificate of Appropriateness #7-2008, **(deferred from May & June & July)** Details</u>
Owner/Applicant: Mitchell & Hilarie Morgan
Address: 343 El Bravo Way
Architect: Mario Nievera Design Inc.
Project Description: Request approval of the following:
1. Proposed wing wall(s) details
2. Driveway gates details
3. East wall fountain details
4. Other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: Mr. Eigelberger went to Mr. Nievera's office; Mr. Segraves met with the landscape architect at his office and discussed the project; and, Mrs. Rubin met with the landscape architect at his office.

Please note that this matter was approved at the May meeting, but the applicant was to return with the ornamental tile for the fountain, a lighting plan, and the modification of the driveway apron. At the June meeting, the project was deferred to the July meeting at the applicant's request. At the July meeting, the project was deferred to the August meeting at the applicant's request.

Keith Williams of Mario Nievera Design, Inc. noted the following proposals for the project:
1. The originally proposed brick, main driveway apron and motorcourt is now proposed to be coral stone in a staggered pattern. The service drive will remain brick.
2. Ornamental tile for the motorcourt fountain backsplash (handpainted Tunesian terra cotta tile in a diagonal pattern). Fountain surround, coping and bowl to be coral.
3. Landscape lighting: Uplights (75w), pathlights (50w), recessed well lights (50w), and some downlights at the motorcourt area.

MOTION BY MR. EIGELBERGER FOR APPROVAL.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #12-2008, (0:05:48.6)
Access Platform **(deferred from July)**
Owner/Applicant: Power Love Associates
Address: 256 Worth Avenue
Architect: James C. Paine, Jr. P.A.
Project Description: Request approval to add maintenance access platform and decorative element to existing elevator tower which is further described as: Changes to Gucci courtyard - 1) At west side of courtyard, remove existing trench drain-replace with 20" wide landscape strip and landscaping to match existing 20" wide landscape strip on east side of courtyard; 2) Install Chicago brick as pavers in place of existing concrete pavers in specified areas - see plan; 3) Install new painted metal elevator maintenance access platform on west and south side of existing elevator tower at southwest corner of Gucci courtyard; and 4) Install decorative wood element on east side of elevator tower. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Please note that at the July meeting, there was a motion for deferral of the entire project to the August meeting.

Architect James Paine returned to the LPC subsequent to last month's deferral of the project. The major elements of the project are as follows:

1. Replace landscape on the west side of the courtyard to match that on the east side of the courtyard, together with the removal of a non-functional drain system.
2. Chicago brick pavers for the courtyard. Chicago bricks are still the applicant's preferred choice.
3. Access platform for the tower to allow for equipment maintenance: Although it had been suggested to possibly place the platform on the west side of the tower, a very old, large pulley in that area would have to be moved to facilitate the west placement. As such, the applicant is still requesting that the platform be placed on the south side of the tower. The platform will be made of aluminum, will be painted to match the building and is important for safety.
4. Decorative element on the tower: This element was restudied and the proposal is now for an antique Mediterranean window shutter set inside a sandstone border.

Mr. Eigelberger did not like the decorative shutter; saw no point in adorning the simple tower facade; and, viewed the decorative shutters as a maintenance headache. Other members agreed.

MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE PROJECT AS PRESENTED, WITH THE PROVISO THAT THE BRICKS BE TURNED "NAME DOWN", AND WITH THE EXCEPTION OF THE DECORATIVE TOWER ELEMENT WHICH IS NOT APPROVED.

MOTION SECONDED BY MR. ROBERTS.
MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #13-2008, (0:18:44.6)
Guesthouse & landscape/hardscape **(deferred from July)**
Owner/Applicant: Wilbur L. Ross, Jr.
Address: 328 El Vedado Road
Architect: Thomas M. Kirchhoff, AIA, P.A.
Project Description: Request approval for landscape/hardscape and new one story guesthouse which is further described as: The existing home, known as Windsong, is the 2004 Ballinger Award recipient. Windsong will not be altered. The proposed improvements include a new one-story guest house. This is possible due to the recent acquisition of the adjacent south lot. The guest house is conceived as a structure to complement the existing home. The focus of the guest house will be of the garden and pool. The existing landscaping and hardscape will be modified accordingly. The guest house will have a separate entry off of Pelican Way. The existing pool will be removed and a new pool will be constructed to relate to the guest house. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION.: Mrs. Rubin met with the landscape architect at his office. Mr. Segraves met with the landscape architect at his office.

Please note that at the July meeting, there was a motion for approval of the guesthouse together with a deferral of the landscape/hardscape and pool.

Keith Williams of Mario Nievera Design, Inc. returned to the LPC subsequent to last month's deferral. Since last month, the applicant proposes to leave the existing pool in the same size and main house location, but create a vanishing edge. The pool will have a border of solid colored tiles. Some elements of the landscape/hardscape plan include: a new driveway on the southeast corner to serve the guesthouse, new walkways, new garden gate on axis with the front door of the guesthouse, grass and cast stone steps leading from the guesthouse to the lawn, and, balustrade along the entire length of the seawall together with some precise breaks in the wall to allow for views and access. Mr. Williams outlined landscape elements of the project.

MOTION BY MR. SEGRAVES FOR APPROVAL OF THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #14-2008, (0:26:53.7)
Restoration, Rehabilitation, Reconstruction, Addition
Owner/Applicant: Charles S. Roberts
Address: 710 South Ocean Boulevard
Architect: Portuondo Perotti Architects
Project Description: Request approval for restoration, rehabilitation, reconstruction, and addition to historic structure which is further described as:

1. Garage Structure: Fireplace and two round top windows are added to structure on north face.
2. Via: Remove side lights and add round top door; Add trellis structure from auto court to via and remove windows in garage and gym adjacent to trellis
3. West facade of south wing: First floor family room goes from two double windows to two single windows; Second floor goes from 3 single windows to 2 single windows

4. North facade of south wing: Adding back the porch as a breakfast room and keeping the secondary stair in its original location; Adding a terrace on the second level above the breakfast room; Add bar at ground level below breakfast room; New breakfast room does not encroach into garden terrace as much as the previously approved open terrace; and, elevator is made longer to fit standard cab.
5. Two sets of double windows on second floor change from double windows to single windows
6. North facade of north wing: Pool loggia is changed from two large flat openings to four arched openings to match existing west terrace
7. East facade of north wing changes from two balconies to one connected balcony
8. Main stair on east facade is being kept as the original design; the three windows are being eliminated and the original balcony will be brought back
9. Fountain was added on the wall below stair (original to the existing house).
10. Other associated changes as presented.

As Mr. Roberts owns this property, he recused himself. (Voting Conflict form on file.)

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: Mr. Segraves met with the architect to discuss the project. Mrs. Rubin spoke with the architect and saw the plans. Mr. Pandula met with the architect at Mr. Pandula's office to review the updated plans.

Rafael Portuondo of Portuondo Perotti Architects presented this request. Staff had asked Mr. Portuondo to present the changes referencing the original structure rather than the previously LPC approved plans which had been presented by Smith Architectural Group some time ago.

Mr. Portuondo identified this project as a tax abatement project. He discussed the various aspects of the project as listed above. The goal of the project is to restore the house more closely to the original design of the original owner. It must be noted that several other changes were presented today, but those changes had not been advertised since they were not included on the Application for Certificate of Appropriateness. Although the LPC reviewed those additional changes today, they will have to be advertised for the September meeting.

MOTION BY MR. HANLEY TO APPROVE THE PROJECT AS PRESENTED, WITH THE PROVISO THAT THE APPLICANT RETURNS NEXT MONTH FOR APPROVAL OF THE UNADVERTISED PORTION OF THE PROJECT, AND THE GUESTHOUSE AND LANDSCAPING PLANS.

MOTION SECONDED BY MRS. RUBIN.

It should be noted that there was some discussion about the appropriateness of the newly proposed balcony on the east elevation. It was suggested that perhaps two smaller balconies would be preferable.

Mrs. Day asked the LPC to remember that this is a tax abatement project, and as such, no staff approvals should be granted. Changes must be approved via a Certificate of Appropriateness. Regarding the balcony, Mrs. Day stated that there was no balcony on the original house since the house was originally a stark early Mediterranean Revival structure. When considering the Secretary of the Interior's Standards with regard to the balcony, Mrs. Day noted that the balcony could be removed in the future without negative impact to the original structure.

MOTION CARRIED UNANIMOUSLY.

Mr. Moore complimented the architect on a fine and complete presentation.

VIII **OTHER BUSINESS:** (1:04:21.0)

A. Informal Review: 150 Bradley Place, Biltmore Condominium
(In association with Site Plan Review #04-2008

Site Plan Approval with Variances for emergency power generator

Please note that the applicant requests deferral of this informal review to the September 17, 2008 LPC meeting.

MOTION BY MR. EIGELBERGER FOR DEFERRAL OF THE INFORMAL REVIEW TO THE SEPTEMBER LPC MEETING.

MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

B. Informal Review: 301 Australian Avenue, Brazilian Court Hotel
(In association with Site Plan Review #7-2008 with Variances)
(1:04:45.4)
Addition of nineteen (19) white awnings at the first and second floors, various locations including the interior courtyard and the north, east, and west facades

Richard Leja of the Lawrence Group presented this informal request in conjunction with the applicant's request for Town Council approval of Site Plan Review #7-2008 with Variances. Mr. Leja stated that the awnings will serve to protect persons from weather conditions and to protect furnishings from sun bleaching. He reviewed the various locations for the proposed awnings. Variances are required for lot coverage due to awning overhangs and for setback encroachments.

The LPC questioned the shape, size and style of the awnings, preferring smaller awnings which fit the size of the openings they serve, and preferring softer awnings with scalloped edges. Mr. Pandula questioned the appropriateness of adding yet another awning into the open space of the courtyard to facilitate outdoor dining. The LPC would not offer an opinion on the variances today, since re-study of the awnings was requested.

MOTION BY MR. ROBERTS FOR DEFERRAL OF THIS INFORMAL HEARING FOR RE-STUDY OF THE AWNINGS, AND THAT THE APPLICANT SHALL RETURN TO THE LPC BEFORE GOING TO THE TOWN COUNCIL.

MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

C. Informal Review: 1170 South Ocean Blvd., Bath & Tennis Club (1:23.06.2)
For feedback related to proposed further changes to central courtyard, lighting, awnings, tennis locker rooms, and the arch on the west elevation

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: Mr. Eigelberger stated that he has spoken with persons regarding this matter and has been to the site. Mr. Hanley has spoken with persons about the situation and receives the minutes of the meetings. Mr. Pandula met with Mr. Sanchez at Mr. Pandula's office. Mr. Segraves met with Mr. Sanchez at Mr. Sanchez's office and reviewed the plans. Mr. Roberts spoke with the architect, with Mr. Sanchez, and with Hedrick Brothers. Mrs. Rubin met with Mr. Sanchez in his office. Mr. Moore spoke with Nancy Murray, and stated that he is a member of the Club.

Architect Keith Spina presented this informal review for this project which he declared as a tax abatement project. The LPC had previously reviewed and approved the renovations at the Bath & Tennis Club, but during construction, several unexpected conditions were discovered which now require additional changes. (Please note that today's review was informal only for the purposes of obtaining LPC feedback. The matter will be formally presented at the September meeting.) Mr. Spina noted that the project is on schedule, with approximately 62 days left before the completion date goal. He stated that the proposed changes involve landscape/hardscape issues, with the net effect yielding an increase of about 60 sq. ft. of green space. At the men's and women's tennis locker rooms, the discovery of load bearing walls and steel columns during demolition now requires the re-design of those locker rooms. The result of the changes was to decrease some office space in favor of more shower area in both locker rooms. At the central arch on the west elevation, a change is proposed which actually reduces the size of the opening to match the original opening. A new wood spindled gate is proposed in this arch location. The previously approved green awning is proposed to be changed to a tan color to assist with heat issues. The plan to install four cocoanut palms on the west elevation has been abandoned due to interference from utility lines, but other landscape material will be used instead. At the central courtyard, during demolition, the soil was found to be unstable largely due to pools and ponds which were improperly infilled. As such, the courtyard must be re-done. The proposed courtyard will have a terrazzo floor, a small central fountain, cast stone and brick borders, and associated landscaping, large Seagrapes and potted plants.

LPC feedback and commentary:
- Would prefer scalloped awnings, perhaps striped, with softer ends
- The smaller central arch is preferred
- Study the service area for possible major improvements
- Perhaps consider a barrel tile roof with cypress ceiling underneath instead of the awning at the tennis court elevation
- Striped, scalloped awnings would be more authentic.
- More palm trees would be preferable.

Mrs. Day noted that since this is a tax abatement project, the awning solution is preferable to a fixed barrel tile roof.

Let the record show that Mr. Pandula left the meeting at 11:00 a.m. and passed the gavel to Mr. Hanley. There was a short recess, and the meeting reconvened at 11:05 a.m. Upon reconvening, Mr. Hanley indicated that Item E would be heard next.

E. Staff update relative to Town Hall renovation (1:54.30.0)

Paul Brazil, Director of Public Works, and Eric Brown, Assistant Director of Public Works, and Architect Mark Marsh were present for this update.

Mr. Marsh discussed the following proposed changes to Town Hall:

1. Replace flat roof areas on the north and south ends of the building. This will require removing and relocating air conditioning equipment and screening that equipment with 4 ft. high aluminum terra cotta fish scale designed aluminum screening. The LPC thought this was a very clever solution to screen the units.
2. Window replacement: Replace existing operable windows with Tischler fixed windows to match the existing windows in size and style. The windows will be painted green exteriorly and white interiorly. (Operable windows are not required on the Town Hall building.)
3. Replace existing light fixtures with custom historical fixtures; quantity - 11; Size: 16" x 33"; Black (dull matte finish powder coated) wall bracketed lights with frosted glass.
4. Restore the existing skin of the building due to deterioration

Mr. Page noted that as the Town Hall building is being renovated, all Town meetings which normally occur in the Council Chambers will be moved to a yet undetermined location.

Mr. Frank asked for a motion from the LPC since the changes need to be approved by the State as the Town Hall is on the National Register, and due to requirements of an ongoing grant project.

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

D. Discussion relative to the Landmarks Preservation Commission's (2:14:31.0) Recommendations for Development of the Royal Poinciana Area District.

Mr. Page explained that the Treasure Coast Regional Planning Council had produced a Draft Citizen's Master Plan and the Preservation Foundation together with the University of Miami produced a similar draft report for the Royal Poinciana Area in their Preservation Studio. Both reports were made available to the members of the Planning and Zoning Commission, Architectural Commission and Landmarks Preservation Commission, and all three commissions gathered together in a joint meeting for presentations of both plans on June 18, 2008. The Town Council has requested recommendations from each of the commissions relative to the two reports. Mr. Page referenced his memorandum, dated July 10, 2008, to the members of the three commissions wherein he summarized the two development plans to assist the members in their evaluations of the two plans. At the July LPC meeting, the LPC was asked to review the memorandum in preparation for discussion at today's meeting. The responses of the three commissions will be forwarded to the Town Council for action at their September 8, 2008 meeting.

Mr. Moore prepared his comments regarding the two plans in a written response entitled, "Talking Points for Royal Poinciana Master Plan". These comments were copied and distributed to the LPC members today for discussion. No other members submitted any written comments for discussion. Since the other members had not had the opportunity to review Mr. Moore's written report in advance of today's meeting, and since no other member had prepared his/her own comments in preparation for today's meeting, there was quite a bit of discussion about either postponing action on this item to the September LPC meeting, or, scheduling another LPC meeting between today's date and the Town Council meeting date of September 8, 2008. Town Council President, Richard Kleid, offered some comments and indicated that the Town Council expects to have the LPC's comments and recommendations regarding the two plans as backup material for their September 8, 2008 meeting at which time this matter will be discussed. Due to scheduling issues and requirements for proper notice of meetings, after much discussion, Mr. Page suggested using his memorandum as a guide to facilitate having the LPC make their comments and recommendations today, while still convened, so that their input could be passed on to the Town Council in a timely fashion for action at the September 8, 2008 Town Council meeting. The LPC opted to deal with the issues at this meeting, and the following comments/recommendations/motions were made:

(Let the record show that Mr. Hanley left the meeting at 11:50 a.m. and passed the gavel to Mr. Segraves. It should be noted that due to the absence of Mrs. Bresnan, Mr. Pandula, and Mr. Hanley, all Alternate Members were voting members for the following motions.)

- Mr. Moore: Certain aspects of the plans should be done immediately, like the bike path under the bridge, improving traffic issues at the bridge, and addressing zoning in the defined area to fit preservation and desired uses.

- Mr. Roberts: Noted that the new owners of the Plaza are eager to participate in this process and to propose their own plan for their property.

- Mr. Roberts: The Town Council should landmark the entire area as an historic district, but reduce the size of the district to just Royal Poinciana Way, and make it town-serving, and should use the 1928 Plan as a guide. "Actually Landmarks gives an owner more flexibility in not quite coming up to Code, or modifying, or compromises, because when it's landmarked, it is where it is as it is today, versus ARCOM or a new zoning where it has to come up to all the Codes." (It should be noted that after Mr. Robert's comments, Mr. Frank spoke against the district concept, but spoke in support of landmarking individual properties. Later in the meeting, Mr. Roberts likewise agreed with landmarking individual properties.)

- Mr. Eigelberger: Look at what is on the table right now: primarily, the landmarking of the Plaza, the Breakers PUD, but also traffic congestion, a future Testa's proposal, and, the bridge reconstruction. Look at each part of the proposal individually.

- Mr. Roberts: Adamantly against the proposed cut-through street from Royal Poinciana Way to Sunset Avenue.

1. Regarding "**Announcing Arrival: A Dignified Entrance to the District**": (Includes replacing the Flagler Memorial Bridge, extension of the path beneath and south of the bridge; and improvements to Bradley Park)

   MOTION BY MR. EIGELBERGER THAT THE LPC SUPPORTS THIS PORTION OF THE PROPOSAL.
   MOTION SECONDED BY MS. WILLIS.
   MOTION CARRIED UNANIMOUSLY.

2. Regarding **"Transportation Analysis" Improving Vehicular Flow, Enhancing the Pedestrian Realm"**

MOTION BY MR. EIGELBERGER THAT THE LPC SUPPORTS THIS PORTION OF THE PROPOSAL. (To improve the right of way without adding more lanes or capacity.)
MOTION SECONDED BY MR. ROBERTS.
MOTION CARRIED UNANIMOUSLY.

And

MOTION BY MR. EIGELBERGER <u>NOT</u> TO APPROVE THE NEW CUT THROUGH STREET FROM ROYAL POINCIANA WAY TO SUNSET AVENUE.

MOTION SECONDED BY MS. WILLIS.
MOTION CARRIED UNANIMOUSLY.

3. Regarding **"Royal Poinciana Plaza: Honoring the Past, Adapting for the Future"**

MOTION BY MR. EIGELBERGER THAT THE LANDMARKS PRESERVATION COMMISSION MAKES NO RECOMMENDATION FOR THE PLAZA UNTIL THE NEW OWNERS OF THE PLAZA HAVE PRESENTED THEIR PLAN FOR THE PLAZA TO THE LANDMARKS PRESERVATION COMMISSION.

MOTION SECONDED BY MR. ROBERTS.
MOTION CARRIED UNANIMOUSLY.

4. Regarding **"Royal Poinciana Way: The Town's Commercial District"**

- Consider re-zoning Royal Poinciana Way
- Consider the 1928 Plan to create a town-serving shopping district, including upgrades, the landmarking of individual properties, and redevelopment

MOTION BY MR. ROBERTS THAT THE LANDMARKS PRESERVATION COMMISSION SUPPORTS THE PROPOSAL FOR THE COMMERCIAL DISTRICT KEEPING THE 1928 PLAN IN MIND, RECOGNIZING THAT CHANGE IS NEEDED, RECOGNIZING THAT RE-ZONING IS REQUIRED, THAT SOME BUILDINGS OF HISTORICAL SIGNIFICANCE SHOULD BE KEPT AND BUILDINGS SHOULD BE LANDMARKED ON AN INDIVIDUAL BASIS, THAT "NO CHANGE" IS THE WORST THING THAT CAN HAPPEN TO THE STREET, AND TO ENCOURAGE IMMEDIACY.

MR. EIGELBERGER WAS AGAINST EXPANDING THE SIDEWALKS AND SUGGESTED THAT THE MOTION BE AMENDED TO INCLUDE LESS CONCRETE AND MORE LANDSCAPING. MR. ROBERTS ACCEPTED THIS AMENDMENT TO HIS MOTION.

MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.

5. Regarding "**Parking: A District-Wide Plan**"

- Mr. Moore: Concentrated parking is not the answer.
- Mr. Segraves: Allow for increased parking needs, especially for Publix and especially in season. Moving Publix to the west is a good idea.
- Mr. Roberts: A parking deck is a good idea because there is not enough parking on Royal Poinciana Way. The deck could be connected to the street by a via to the street.

MOTION BY MR. ROBERTS TO ENCOURAGE DECK PARKING AS LONG AS IT IS LANDSCAPED AND BUILT IN A WAY THAT IT IS NOT SEEN AND THAT IT BE CONNECTED BY A VIA SO PERSONS CAN COME THROUGH TO THE STREET.

MOTION SECONDED BY MR. MOORE.
MOTION CARRIED UNANIMOUSLY.

It was clarified that the deck parking of the motion refers to deck parking near Publix, and should not be construed to apply to the Royal Poinciana Plaza.

6. Regarding "**Breakers' Planned Unit Development (PUD): Providing Certainty**"

Mr. Moore: The Breakers should know what the Town prefers for this area. The corner should not be "loaded up" with condo units.

MOTION BY MR. MOORE TO ENCOURAGE THE TOWN COUNCIL TO INTERNALIZE THE DENSITY AS MUCH AS POSSIBLE, OR NOT CONCENTRATE IT ON ROYAL POINCIANA WAY.

MOTION SECONDED BY MRS. RUBIN.
MOTION CARRIED UNANIMOUSLY.

7. Regarding "**On Retail: A complete and Healthy Environment**"

- Mrs. Rubin: Most businesses cannot survive due to the seasonal nature of the Town. Franchises which might survive are not desired.
- Mr. Roberts: We do not support a substantial increase in retail area; Maintain the 1928 plan and keep businesses town-serving.

MOTION BY MR. ROBERTS THAT THE LANDMARKS PRESERVATION COMMISSION DOES NOT SUPPORT AN INCREASING AND ENLARGING RETAIL DISTRICT, AND TO BE SURE THAT IT IS ALL TOWN -SERVING AND CONSISTENT WITH THE 1928 PLAN.

MOTION SECONDED BY MR. MOORE.

MOTION AMENDED/CLARIFIED BY MR. ROBERTS TO ALLOW NO MORE RETAIL THAN ALREADY EXISTS ON THE STREETS AND IN THE PLAZA. BECAUSE THERE IS ALREADY SUFFICIENT RETAIL SQUARE FOOTAGE, BUT THOSE SPACES NEED IMPROVEMENT.

MOTION CARRIED UNANIMOUSLY.

8. Regarding **"Zoning: Analysis and Preliminary Recommendations"**

MOTION BY MR. EIGELBERGER FOR SUPPORT OF CHANGES IN ZONING.
MOTION SECONDED BY MRS. RUBIN.
MOTION CARRIED UNANIMOUSLY.

9. Regarding **"Implementation"**

MOTION BY MR. ROBERTS IN SUPPORT OF IMPLEMENTATION AND USE OF THE TREASURE COAST REGIONAL PLANNING COUNCIL.

MOTION SECONDED BY MR. EIGELBERGER AND MS. WILLIS.
MOTION CARRIED UNANIMOUSLY.

10. Regarding the **concept of an open air market:**

MOTION BY MR. ROBERTS THAT THE LANDMARKS PRESERVATION COMMISSION ADAMANTLY OPPOSES ANY OPEN AIR MARKET.

MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.

Members of the LPC asked for a copy of the 1928 Plan. Mr. Moore asked to see a copy of the draft report that Mr. Page will prepare for submission to the Town Council with regard to the recommendations made by the LPC today regarding the Royal Poinciana Area.

IX <u>COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR:</u>

Mr. Page re-stated that the north bridge is due to be replaced. The Department of Transportation is going to re-work the design process, giving an opportunity for local persons to participate. The Mayor has named an ad hoc group of three persons to serve in this capacity. Those persons are Gene Pandula, John Ripley, and Lisa Kaye.

X <u>ADJOURNMENT:</u>

The meeting adjourned at 12:45 p.m. upon a motion by Mr. Eigelberger which was unanimously supported.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, September 17, 2008 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Patrick Segraves

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	P	P	P	P	P	P	P	P				
William Lee Hanley Jr.	P	P	P	P	P	P	U	P				
Patrick Segraves	P	P	P	P	P	P	P	P				
Robert Eigelberger	P	P	E	U	P	P	P	P				
Eileen Bresnan	P	P	P	P	P	P	U	E				
Hazel Rubin	P	P	P	P	U	P	P	P				
Charles S. Roberts	P	P	P	P	P	P	P	P				

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	P	P	P	P	P	P	P	P				
Dudley L. Moore	P	P	P	P	P	P	P	P				
Wallace Rogers	P	P	P	P	P	P	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 <u>2008</u>

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												
William Lee Hanley Jr.												
Patrick Segraves												
Robert Eigelberger												
Eileen Bresnan												
Hazel Rubin												
Charles S. Roberts								V				

<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>
D. Imogene Willis												
Dudley L. Moore												
Wallace Rogers												

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)

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

LAST NAME—FIRST NAME—MIDDLE NAME ROBERTS CHARLES	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION
MAILING ADDRESS 710 SOUTH OCEAN BLVD.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: [✓] CITY [ ] COUNTY [ ] OTHER LOCAL AGENCY
CITY / COUNTY PALM BEACH, FL 33480	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED 8/20/08	MY POSITION IS: [ ] ELECTIVE [✓] APPOINTIVE

Minutes

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. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with 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

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should 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:

A person holding appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

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

- You should 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.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

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

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minute of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Charles S. Roberts, hereby disclose that on 8-20-08, 19 08

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

✓ inured to my special private gain; or

____ inured to the special gain of ____________________, by whom I am retained

(b) The measure before my agency and the nature of my interest in the measure is as follows: Member Of LANDmark Comm. & 710 S. Ocean is my Home AND Nature Of Conflict! I have had NO Contact with Any Comm. or Communication!

8-20-08
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), 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 $5,000.

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

LAST NAME—FIRST NAME—MIDDLE NAME ROBERTS CHARLES	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION
MAILING ADDRESS 710 SOUTH OCEAN BLVD.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: PALM BEACH, FL 33480 COUNTY	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED 8/20/08	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

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- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

RECEIVED
SEP - 3 2008
TOWN CLERK

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

- You should disclose orally the nature of your conflict in the measure before participating.
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DISCLOSURE OF STATE OFFICER'S INTEREST

I, Charles S. Roberts, hereby disclose that on 8-20-08, 19 08:

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____ inured to the special gain of ________________, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows: Member of Landmark Comm. & 710 S. Ocean is my Home and Nature of Conflict! I have had no contact with any Comm. or communication!

8-20-08

Date Filed

Signature

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

LAST NAME—FIRST NAME—MIDDLE NAME ROBERTS CHARLES	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION
MAILING ADDRESS 710 SOUTH OCEAN BLVD.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: [X] CITY [ ] COUNTY [ ] OTHER LOCAL AGENCY
CITY / COUNTY PALM BEACH, FL 33480	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED 8/20/08 & 9/17/08	MY POSITION IS: ~~[ ] ELECTIVE~~ [X] APPOINTIVE Clerk Member

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. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

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DISCLOSURE OF STATE OFFICER'S INTEREST

I, Charles S. Roberts, hereby disclose that on 8-20-08, 1908

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✓ inured to my special private gain; or

___ inured to the special gain of ______, by whom I am retained

(b) The measure before my agency and the nature of my interest in the measure is as follows: Member of LANDmark Comm. & 710 S. Ocean is my Home AND Nature Of Conflict! I have had NO Contact with Any Comm. or Communication!

8-20-08

Date Filed + 9/17/08

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), 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 $5,000.