# MINUTES
## LANDMARKS PRESERVATION COMMISSION
## IN THE TOWN COUNCIL CHAMBERS
## 2ND FLOOR, TOWN HALL
## 360 SOUTH COUNTY ROAD, PALM BEACH

**WEDNESDAY, AUGUST 18, 2010, 9:30 a.m.**

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording (CD) of the meeting by contacting Cynthia M. Delp, Secretary to the Landmarks Preservation Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

**I. CALL TO ORDER:(9:30:21 a.m.)**

Chairman Pandula called the meeting to order at 9:30 a.m.

**II. ROLL CALL:(9:30:22 a.m.)**

The following members of the Landmarks Preservation Commission were present: Eugene Pandula, Chairman, William O. Cooley, Secretary, Charles S. Roberts, Member, Dudley L. Moore Jr., Member, Edward Austin Cooney, Member, and Alternate Members - D. Imogene Willis, Wallace Rogers, and William P. Feldkamp. William Lee Hanley Jr., Vice Chairman, was absent (unexcused).

Staff members present were John Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, Jane S. Day, Ph.D., Staff Preservation Consultant, and Cynthia Delp, Secretary to the Landmarks Preservation Commission. John C. Randolph, Town Attorney, was absent.

**III. APPROVAL OF THE MINUTES OF THE JULY 21, 2010 MEETING:(9:30:40 a.m.)**

**MOTION BY MR. ROBERTS FOR APPROVAL OF THE MINUTES.**
**MOTION SECONDED BY MR. MOORE.**
**MOTION CARRIED UNANIMOUSLY.**

**IV. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:31:09 a.m.)**

By Mrs. Delp

**V. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes)(9:31:11 a.m.)**

None

**VI. APPROVAL OF THE AGENDA:(9:31:19 a.m.)**

**MOTION BY MR. COOLEY FOR APPROVAL OF THE AGENDA.**
**MOTION SECONDED BY MR. MOORE.**
**MOTION CARRIED UNANIMOUSLY.**

**VII. PUBLIC HEARINGS:(9:31:32 a.m.)**

A. Application for Certificate of Appropriateness #COA-016-2010
Storefront modifications
Owner/Applicant: Investors Warranty of America Inc.
Address: 205 Royal Palm Way
Architect: Glidden Spina & Partners
Project Description: Request approval for restoration, rehabilitation, and awning which is further described as: Replace existing aluminum storefront with new aluminum storefront with tinted glass; replace existing awnings (fabric & frame) with new fabric awnings and aluminum frame; replace existing guardrail with new painted steel guardrail; replace existing metal windows with matching aluminum framed windows with tinted glass; replace existing metal and wood doors with aluminum/glass French doors with tinted glass and flush faced hollow metal doors at Mechanical Rooms. Other associated changes as presented.

Call for disclosure of ex parte communication: Several members made ex parte communications.

Architect Keith Spina presented this request for the replacement of all windows/doors with impact windows/doors. The current windows/doors are deteriorated. There will be no change to the number or size of the openings, however, because of the size of the windows and the change to impact windows, there is a change in the division of the windows (Existing -3 panels; proposed -4 panels). Muntins will be high profile and the glass will be clear. Some windows on the south elevation will be updated to have divided lites. Beige awnings will be replaced with blue awnings on steel frames. Railings will be replaced with a new design.

The members asked for some historical information relative to the building which was provided by Dr. Day. She indicated her support for this project.

**MOTION BY MR. ROBERTS FOR APPROVAL AS PRESENTED.**
**MOTION SECONDED BY MS. WILLIS.**

Though there was some discussion relative to 3 panel windows vs. 4 panel windows, Mr. Spina explained that the preferred impact windows require 4 panels. Mr. Spina stated that the tenant has requested impact windows; the tenant is paying for these improvements; and, the tenant is going above and beyond to improve their tenant space and the building, in general. It was noted that this building had been in foreclosure at one time, so the tenant improvements are very welcomed for this building located on a prominent corner of town. In addition, the commission recognized that in some future renovation, the windows might return to three panel windows.

**MOTION CARRIED UNANIMOUSLY.**

B. Application for Certificate of Appropriatness #COA-019-2010

New breakfast room

Owner/Applicant: Harriet Cohen, James S. Cohen & Robert B. Cohen

Address: 691 N. County Road

Project Description: Request approval for rehabilitation, addition to historic structure, and demolition (interior and exterior) which is further described as: Modify existing northwest area of main house currently housing garage and staff. This area of the home is not original. It is a 2 story flat roofed structure. The modification proposes enclosing the existing courtyard area for a new breakfast room. The ocean facing breakfast room defines the entry forecourt and is consistent with the original Tuscan Villa character. Other associated changes as presented.

Call for disclosure of ex parte communication: There were no ex parte declarations.

Architect Tom Kirchhoff presented this tax abatement project for this Fatio designed home. A new breakfast room will be placed in the area of the former drying yard. The kitchen will be returned back to the original floor plan. After Mr. Kirchhoff made his presentation, which included original photos and original plans, there was some discussion relative to window spacing on the garage elevation, ceiling heights, and choice of window style and size for the service wing.

**MOTION BY MR. ROBERTS FOR APPROVAL OF THE PROJECT AS PRESENTED.**
**MOTION SECONDED BY MS. WILLIS.**
**MOTION CARRIED UNANIMOUSLY.**

C. Application for Certificate of Appropriateness #COA-022-2010

Landscape/Hardscape

Owner/Applicant: The Palm Beach Biltmore Condominium Association

Address: 150 Bradley Place

Architect: Robert Michael Kolany

Project Description: Request approval for landscape/hardscape which is further described as: The proposed change to the Palm Beach Biltmore Condominium Association Inc. is to change the roof of the Cabana. The change includes installation of fill, and cement brick pavers placed as the final layer on the Cabana Roof. The installation will consist of adding 8 ½” of fill, 1 ½”of concrete screenings, and surfaced with 2 3/8” cement brick pavers. The Cabana roof will be laid in a basket weave pattern with a two course border, and brick paver design inserts. Brick pavers style to be Holland, sized 3 7/8” x 7 1/8” x 2 3/8”. Paver colors to be Harvest Blend and Chestnut, and are manufactured by Oldcastle Coastal. Brick pavers will be installed according to The Interlocking Concrete Pavement Institute. The installation design for the pavers has been provided by Architect Robert Michael Kolany. In addition, nine planter bowls will be added.

The planter location is indicated on the architect's drawing. Plant material to be added to bowls after their installation by Palm Beach Biltmore Condominium Association. After installation, pavers will be cleaned and sealed.

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Robert Kolany, Architect, and Jamie Sanders, Contractor with Precision Cast Stone, provided the presentation for this project. Rob Allen, President of the Palm Beach Biltmore Condo Association was also present. As a result of multiple water leaks into the cabanas, this project seeks to replace 7000 sq. ft. of grass with two different color/style pavers in a decorative pattern. Nine planter bowls are planned on top of the paving material at specific locations.

After Mr. Kolany's presentation, Dr. Day suggested that paving this area may present some life/safety issues as there are no railings to prevent persons who might walk upon the paved area from falling off the side. Mr. Lindgren added that staff had consulted with the Building Official relative to this issue. Now that a change is proposed, code requirements must be met to prevent persons from stepping up there and possibly falling off. (In some areas there is a 10-12 ft. drop off.) Some commission comments: Not happy to lose the grass, but this brick work matches other brick work on site; this does not harm the landmark quality of the building; pavers invite people to walk upon them; serious life/safety issue; deferral recommended to iron out code issues; not happy with the look of the standard house pavers; it's just a matter of time until people walk on the paved areas; some railing will be needed...this modification will cause the code to have to be met; none of the decking is original; the condo residents will be disappointed looking down on the paving; and, grass is the right solution environmentally provided the right membrane is installed to prevent leaks.

Mr. Allen commented that there has never been a resident on that roof in 30 years; that they would like to avoided maintenance workers (working on grass) from having to go there as well; that they have not looked into potted grass (as was suggested); and, that if they are required to build a wall, they will withdraw the application.

**MOTION BY MR. ROBERTS FOR DEFERRAL TO THE AUGUST MEETING.**
**MOTION SECONDED BY MR. COOLEY AND MR. MOORE.**
**MOTION CARRIED UNANIMOUSLY.**

Mr. Kolany stated that the applicant wishes to withdraw the project.

**MOTION BY MR. ROBERTS TO WITHDRAW THE PROJECT.**
**MOTION SECONDED BY MR. COOLEY.**
**MOTION CARRIED UNANIMOUSLY.**

## VIII. OTHER BUSINESS:(10:31:51 a.m.)

A. Informal Review: 456 Worth Avenue (In conjunction with Variance #16-2010)
Project Description: New second story infill addition of 42 square feet. New fenestration at front entry.

Several members made ex parte declarations a bit later during this hearing. Architects Jeffery Smith and Leslie Pierce from Smith Architectural Group presented this informal review. Mr. Smith provided history relative to this house. He explained that a variance is needed for side yard setback. The project would construct an infill addition and re-design the front door area so it is more appropriate for this house. Members gave very positive comments relative to the design, but in one comment, there was a request to scale down the size of the crests.

**MOTION BY MR. MOORE THAT THE LANDMARKS PRESERVATION COMMISSION BELIEVES THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL OR HISTORICAL IMPACTS ON THE SUBJECT PROPERTY.**

**MOTION SECONDED BY MR. COOLEY.**

Mrs. Day provided some additional history relative to this property and spoke in support of the project. She agreed with Mr. Pandula relative to the size of the crests.

**MOTION CARRIED UNANIMOUSLY.**

B. Update relative to Memorial Fountain

Mr. Page reported that staff is pursuing a grant for the fountain, and that application is due by the end of this month. If approved, the money would be available next year, but a local match up to one-half may be required. Mrs. Day indicated that estimates thus far have been for replication rather than renovation. She was unsure whether the State would approve a replication. The Town received a grant in the 1990's to do minor repairs to the fountain. She noted that landscaping cannot be part of the grant project. Mrs. Day discussed the history related to the fountain and stated that this fountain memorializes U.S. servicemen as well as the Town in general. This is the only park that Addison Mizner ever designed and he donated his services to the project. Mrs. Day will look into Federal grants as well, if available. Mr. Cooney remarked that the fountain has been subjected to deferred maintenance for a long period of time and now needs to move forward.

C. Informal Review: Historic Marker for Cocoanut Grove House

Mrs. Sue Comerford, Regent and Historical Preservation Chairman for the Seminole Chapter of the DAR, presented a proposal for a historic marker to mark the first hotel in Palm Beach. Originally, it was the home of Elisha Newton Dimick, also known as Captain Dimmick, and later became the Cocoanut Grove House Hotel, the first hotel in Palm Beach. The marker is proposed to be placed at the western end of Pendleton Avenue. She noted that hotel guests arrived at the hotel via boats. There was no segregation at that time so the hotel served persons of all races. Mrs. Comerford testified to the numerous contributions of Captain Dimmick.

Mr. Lindgren indicated that in order to avoid creation of a hazardous condition, the marker would best be placed on private property rather than on the public bike trail. To date, there had been no discussion with the property owner relative to the placement of the marker. Mr. Lindgren explained that this matter was first brought to the LPC for informal review, prior to review by the Town Council, if necessary.

**MOTION BY MR. MOORE TO APPROVE THE MARKER AND THE DESIGNATION WITH THE STIPULATION THAT IT BE DONE IN THE APPROPRIATE LEGAL MANNER, WITH CORRECT WORDING ON THE MARKER.**

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

## IX. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:(11:01:33 a.m.)

Mr. Roberts brought up the subject of the Brazilian Court Hotel. He is a resident there and commented that people are unhappy about the fact that there are no gates at the loading dock. It has become a smoking area, a working area, and delivery trucks are often on the sidewalk. He asked staff to look into this, and suggested that it should be Town code that all loading docks/trash areas of commercial properties be hidden with gates. Mr. Page responded that staff has looked into this matter and has found that in 2003, in the midst of several piecemeal improvements to the Brazilian Court, the issue of screening the loading dock was discussed. The motion for approval in March 2003 "required rolling doors to enclose the dumpsters" at that loading area. Staff located the 2003 plans which clearly indicated the rolling gates. As such, staff will contact the property owner to request the installation of the gates. He also added that staff will add the requirement for such gates to the workload of the Planning and Zoning Commission as it reviews the code.

Mr. Page reported relative to the North Fire Station (in response to a question at a previous meeting) that the windows were recently replaced, and the question was whether the shutter boxes could be removed. Having checked on this with Public Works, it has been determined that the boxes cannot be removed because the walls are not reinforced. So for structural purposes, the boxes should remain.

Regarding the beach cabana at 1102 North Ocean Boulevard, Mr. Page reported that the large main house has undergone an extensive renovation. It is true that the cabana could use some repair, but it is not in structural danger. Mr. Page felt the Town should not be too punitive with this owner since they have done such a fine renovation on the main house across the street. Staff will make contact with the owner to encourage repairs/improvement of the cabana so it does not deteriorate further. Mr. Cooney remarked that a general clean up/maintenance of the cabana site would be beneficial.

Regarding the North Pump Station at North Lake Way and Country Club Road, Mr. Lindgren has contacted the City of West Palm Beach, the property owner. He received correspondence from the City of West Palm Beach Public Utilities Director which outlined what has been done at the site and what is yet planned. This was read into the record. Mr. Moore asked staff to ask the Town's Public Works Department to monitor the site routinely so problems can be detected early. Mr. Moore also asked that when all of the work is finished, staff should write a thank you letter to the City of West Palm Beach asking for and encouraging continued maintenance.

Mr. Roberts commented that our landmarked homes get a lot of attention, but the same is not true for landmarked commercial properties. He suggested that LPC members take the lead to shoulder more responsibility in monitoring the commercial buildings, many of which might be falling into demolition by neglect. He also asked that the Town Council give Code Enforcement the necessary power to address these issues. Mr. Roberts felt that it would be helpful to owners to have such issues called to their attention, in that it is better to fix/repair earlier than later. Alex Ives of the Preservation Foundation agreed with Mr. Roberts concerns and recommendations. Mr. Page stated that he will make sure that Code Enforcement is aware of these concerns. Members asked that Code Enforcement personnel come to the next LPC meeting. Chairman Pandula requested that if and when members discover problems with landmarked buildings, that the member contact staff to look into the matter rather than criticizing the buildings in public meetings. He reminded the members that it has taken many years for landmarking efforts within the Town and the public relations concerning landmarking to arrive at the level we appreciate today. He did not want the commission or Code Enforcement to be too heavy handed in its monitoring of buildings now, if it would place the many years of the LPC's good work and public relations into jeopardy. Mr. Roberts and Mr. Moore agreed with the Chairman, that in no way does the LPC want Code Enforcement to convey harassment when the LPC's intentions are only to help property owners. Alex Ives added that he would not want the LPC to get bogged down with maintenance issues.

*Let the record show that Mr. Feldkamp left the meeting at 11:33 a.m.*

Alex Ives of the Preservation Foundation and Chairman Pandula provided an update relative to the proposed new Flagler Memorial Bridge. Both stressed that it has been made clear by the DOT to the five, short-listed prospective bridge design teams that the aesthetics of the design are very important and should be adequately addressed in their bid submittals. Chairman Pandula reminded that the Bradley Park fountain needs to be relocated elsewhere in Bradley Park as a result of the bridge project.

**X. <u>ADJOURNMENT</u>:**

**MOTION BY MR. COOLEY TO ADJOURN THE MEETING AT 11:38 A.M.**
**MOTION SECONDED BY MR. COONEY.**
**MOTION CARRIED UNANIMOUSLY.**

The next meeting of the Landmarks Preservation Commission will be held on **THURSDAY, SEPTEMBER 16, 2010** at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

William O. Cooley, Secretary
**LANDMARKS PRESERVATION COMMISSION**

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