TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES
LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, JULY 16, 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 9:02 a.m.

II **ROLL CALL:**

PRESENT:
Eugene Pandula, Chairman
Patrick Segraves, Secretary
Robert Eigelberger, Member
Hazel Rubin, Member
Charles S. Roberts, Member
D. Imogene Willis, Alternate Member (Voting today)
Dudley L. Moore, Jr., Alternate Member (Voting today)
Wallace Rogers, Alternate Member
Matthew T. Ramenda, seated as Town Attorney
Veronica Close, Assistant Director of Planning, Zoning & Building
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

ABSENT:
William Lee Hanley, Vice Chairman (unexcused)
Eileen Bresnan, Member (unexcused)
John S. Page, Director of Planning Zoning & Building
Timothy M. Frank, Planning Administrator

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III **<u>APPROVAL OF THE MINUTES OF THE JUNE 18, 2008 MEETING:</u> (0:01:11.0)**
MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. MOORE.
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> (0:01:33.0)**
MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MS. WILLIS.
MOTION CARRIED UNANIMOUSLY.

VI **<u>COMMENTS FROM THE PUBLIC</u>**: None **(0:01:43.0)**

VII **<u>PUBLIC HEARINGS:</u>**

A. <u>Application for Certificate of Appropriateness #7-2008, **(deferred from May & June)** Details</u> **(0:01:51.0)**
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: None declared.

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.

Michael Perry, on behalf of Mario Nievera, addressed the LPC to request another deferral, to the August meeting, because the Morgans have been traveling and have been unable to make final decisions related to this matter.

MOTION BY MR. EIGELBERGER FOR DEFERRAL TO AUGUST.
MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #9-2008, **(deferred from May & June)** Addition to historic structure **(0:03:02.0)**
Owner/Applicant: The Breakers Palm Beach Inc.
Address: 1 South County Road
Engineer: Mactec Engineering
Project Description: Request approval of addition to historic structure which is further described as: T-Mobile proposes to install a wireless support facility at the Breakers Hotel that will consist of antennas to be installed by concealing them behind concealment panels similar in appearance to panels that are part of the existing architecture/design of the hotel. The associated electronic equipment for the installation is to be placed in a leased 207 sq ft area in the equipment room specifically designed for such installations, and located on the attic floor level of the hotel. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared.

Please note that this matter was deferred from the May meeting to the June meeting for lack of approval from the State Historic Preservation Office. At the June meeting, the project was deferred to the July meeting at the request of the applicant.

Betty Tufford, representing T-Mobile, was present to request that this matter be moved to the end of the agenda as she was waiting to be advised of the results of the conference call between her office and SHPO. The call was taking place at another location, but was happening concurrently with this LPC meeting.

MOTION BY MR. EIGELBERGER TO DEFER TO THE END OF THE AGENDA.
MOTION SECONDED BY MS. WILLIS.
MOTION CARRIED UNANIMOUSLY.

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(0:45:15.0)
When the item was re-called, later in the agenda, Mr. Eigelberger commented that none of this work is visible, and projects like this have been approved previously. Mrs. Day asked Ms. Tufford about the result of the conference call with SHPO. Ms. Tufford indicated that SHPO has given a verbal approval, pending receipt of a new set of plans. With that verbal approval, Ms. Day advised the LPC that they could approve the project. Mr. Pandula requested that any motion for approval should be contingent upon receiving written confirmation of SHPO approval.

MOTION BY MR. EIGELBERGER TO APPROVE THE PROJECT, CONTINGENT UPON RECEIPT OF APPROVAL DOCUMENTATION FROM SHPO.

MOTION SECONDED SIMULTANEOUSLY BY MS. RUBIN AND MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #11-2008, **(0:04:39.0)**
Addition
Owner/Applicant: Lamont Harris
Address: 235 Phipps Plaza
Architect: Bridges & Marsh, Mr. Mark Marsh
Project Description: Request approval for addition to historic structure which is further described as: Addition of a 164 square foot bedroom on the second floor with a covered open loggia below. The addition will enclose the stairway that was remodeled in 1979 and will remove a window that was also added in 1979 that is out of context with the original house. The addition will be completed using the same materials and color scheme as the existing house and will be detailed in an architectural style that complements the original. This addition is in the rear of the house and will not be visible from the street. (In association with Variance #7-2008)

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Mark Marsh, Architect, reviewed the presentation for a small addition on the south side of the residence. This request had been presented last month on an informal basis as it was related to a variance request. At that time, the LPC had raised concerns over the first floor supports at the open loggia. Mr. Marsh had submitted revised drawings prior to the meeting, but after further study, additional changes were made and those were presented today. (Note: The Town had not been given a copy of the updated drawings being presented.) New changes include a new raised stucco band at the second floor level with new stucco panels and louvered panels under the second floor windows. The first floor supports at the loggia will be stucco columns with corbel detailing.

After some discussion regarding the revised design, the following motion was made:

MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE REVISED DESIGN WITHOUT THE HORIZONTAL BANDING, AND WITH THE LOUVERED PANELS UNDER THE WINDOWS.

MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #12-2008, **(0:10:48.5)**
Access Platform
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

It was noted that the address on the plans was 250 Worth Avenue, but the project address is actually 256 Worth Avenue. The architect supplied a corrected set of drawings.

Architect James Paine presented this request for grade level changes and tower changes. The applicant wishes to incorporate Chicago bricks into the paving of the courtyard to replace paving areas where materials are broken. A landscape strip will replace an old, non-functioning, aluminum trench drain on the west side of the courtyard. The tower has two issues: the addition of a platform with railing to enable safer servicing of the elevator equipment, and the addition of a decorative element, an antique shutter, on the east side of the tower. The platform will be painted to match the building so it is as unobtrusive as possible.

Mr. Segraves proposed a different, darker brick like St. Louis brick, as a better alternative. Mr. Paine was amenable to that suggestion. Mr. Eigelberger stated his preference for Chicago brick. Mr. Eigelberger suggested placing the access door on the west face of the tower instead, and then placing the shutter over the access door, thus eliminating the need for a platform. He felt this was better architecturally and would be less expensive to the owner. Mr. Paine will investigate this.

MOTION BY MR. ROBERTS TO DEFER THE COURTYARD PAVING AND ACCESS PLATFORM FOR A MONTH.
MOTION SECONDED BY MS. WILLIS.

Mr. Paine asked if he could have approval on the decorative shutter. Mr. Pandula suggested that perhaps a balcony should be placed under the shutter. Others preferred a plain facade. Mr. Eigelberger attempted to point out the maintenance issues associated with the wood shutters.

MOTION AMENDED BY MR. ROBERTS FOR A DEFERRAL OF THE FULL PROJECT TO AUGUST.
MOTION SECONDED BY MS. WILLIS.
MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness #13-2008, **(0:26:00.0)**
Guesthouse & landscape/hardscape
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: None declared

Mrs. Delp administered the oath to Architect Tom Kirchhoff who was not previously sworn. Prior to beginning the presentation, Mr. Kirchhoff indicated that he has revised the plans since his last submission to the Town. (Substitute set given to Mrs. Delp.) Mr. Kirchhoff stated that the two lots in question, which will be joined by Unity of Title, have a strange shape. The clients, in planning the guesthouse, want a party room included in the design. The original concept included an oval shaped room exteriorly clad in stone. The revised design shows a building which is not as tall as the first concept, and one with a street facade mimicking the details of the main house. The party room will have 9 ft. tall French doors with arch topped transom windows. The exterior will be clad in coral stone, and the oval party room bows out from the structure. As for the site and landscape/hardscape changes, Mr. Kirchhoff requested deferral since the landscaping requires more study and Mr. Nievera was not available for today's meeting.

Mrs. Day noted, for the record, that both a Unity of Title and a kitchen agreement need to be completed for this project; and, the pool, as drawn, would require a variance. Ms. Close added that an easement agreement might be necessary as well.

John Mashek, of the Preservation Foundation, testified that the owner has done a great job restoring the main house. He commented that the guest house will be an enhancement to the landmark property.

MOTION BY MR. EIGELBERGER TO APPROVE THE GUESTHOUSE TOGETHER WITH A DEFERRAL OF THE LANDSCAPE/HARDSCAPE AND POOL.

MOTION SECONDED BY MS. WILLIS.

Under discussion, Mr. Pandula stated that although he liked the design of the building, he was troubled by the relationships on the property, i.e., that it "doesn't look like they talk to each other"; that they look like two separate houses; that they are "too close together to not be hooked together, but too far apart to be connected." In short, he felt that the guesthouse was too massive and overpowering. Mr. Kirchhoff responded that it is the sweep of the seawall with balustrade that ties the two together. The members are very interested in seeing the landscape/hardscape plans next month.

MOTION CARRIED 6-1, WITH MR. PANDULA VOTING AGAINST.

VIII **<u>OTHER BUSINESS:</u>** **(O:47:56.0)**

A. Informational update regarding 144 Wells Road.

Ms. Close reported that the Town Council heard the applicant's appeal relative to both the ARCOM and LPC actions regarding 144 Wells Road. As a result, the former "under consideration" status for this property has been removed.

John Ripley, Preservation Foundation, stated that he was sorry that the appeal was upheld, and he felt it was a dangerous precedent to set, i.e., that the "under consideration" status placed by the LPC was removed by the Town Council. He made several comments about errors in a letter from the Editor, regarding this subject, which appeared in last Sunday's newspaper. Mr. Ripley commented that, in this matter, the LPC acted appropriately and within its jurisdiction. He discussed the ARCOM procedure known as the demolition report, and the fact that, with or without that report, ARCOM can only deny a demolition request if the building is a landmark. On other matters, Mr. Ripley asked for fund-raising assistance in their Palm Tree project for County Road. He also stated that due to the passing of Mr. Anthony Baker, the Preservation Foundation is moving toward a summer internship in his name. Mr. Ripley was interested hearing any ideas from the LPC members or staff regarding the internship.

Mr. Pandula commented that neither a 50 years of age requirement, nor owner consent are required in the Town's landmark ordinance. In practice, however, under various Town Councils, the LPC has been given different directions to follow related to these two issues. Mr. Pandula felt it was important that the Landmarks Preservation Commission move forward with efforts to landmark, regardless of the outcome at the Town Council level. He also noted a need to "give teeth" to the ARCOM demolition report and process for demolitions.

Mr. Roberts wanted it stated for the record that the LPC can and will consider buildings which are less than 50 years of age. He stated that a precedent for this had been set when the LPC discussed a 12-15 year old home which had been designed by Architect Jeffery W. Smith, and was proposed for demolition at ARCOM.

Mr. Moore noted that the Landmarks Preservation Commission is only advisory to the Town Council.

Let the record show that Messrs. Eigelberger and Rogers left the meeting at this point.

Mr. Ripley added that the LPC should not be limited to landmark just because a property is already in process with other Town boards/commissions.

Ms. Close echoed the fact that ARCOM is extremely limited in its ability to deny a request for demolition. ARCOM has instituted the policy of the "demolition report" to document the structure prior to any demolition approval. She noted that Mr. Randolph had advised the LPC, prior to the action to place 144 Wells Road "under consideration", that there would likely be a challenge because of a previous court case with similar circumstances. Ms. Close only knew of two instances when the Town Council overturned a property's "under consideration" status, 144 Wells Road and the property which was the subject of the court case. As such, she felt there was good legal precedent for the Town Council's action regarding 144 Wells Road. To clarify, Ms. Close also added that properties are only protected if landmarked or placed "under consideration" for landmarking. Staff is working with ARCOM on a program to recognize outstanding architecture without regard to age of the structure.

Jane Day appreciated the support of the Preservation Foundation in the matter related to 144 Wells Road. She commented that 144 Wells Road was lost due to a problem with the process. She encouraged the LPC to move to landmark a property if it meets the designation criteria, regardless of age or owner consent. Ms. Day asked the LPC members to contact her with any properties they feel are worthy of study. There is an overall list of properties, over 1000 properties, which have been documented with Florida Master Site Files. This is in keeping with the requirements of the Town's Comprehensive Plan which requires an evaluation of historic architectural resources every five (5) years, with the next review in 2009/2010. (It should be noted that a property is not landmarked or "under consideration" for landmarking until the LPC makes a motion to that effect. So, the appearance of an address on the list of 1000 properties does not mean it is landmarked or "under consideration" for landmarking.) The list of 1000 properties provides an inventory of possible future landmarks. Ms. Day clarified that the Landmarks Preservation Commission is the commission which should be proactive regarding landmarking, and is the only commission which places a property "under consideration", thereby protecting it until the designation hearings at the Landmarks Preservation Commission and the ratification hearings at the Town Council take place.

Mr. Mashek expressed the need for all of us to work together to suggest candidates for possible landmarking, but the Landmarks Preservation Commission is the body to take action to place a property "under consideration". Mr. Mashek noted that over the years, Town Councils have taken a different approach to landmarking than the current Town Council, which is more favorable to landmarking. He also encouraged further education of the public regarding misconceptions associated with landmarking.

Mr. Roberts spoke once more in favor of moving forward with landmarking worthy properties regardless of age or owner consent. He attributed the high property values in the Town at least partially to its historic structures. Mr. Roberts called attention to his own residence, which was landmarked in 1996 against the owner's consent, as an example of setting precedence for the commission to act over an owner's wishes.

Mr. Pandula called for improved coordination between the LPC and ARCOM, and an improved demolition process and report. He noted an error in the updated demolition study for 144 Wells Road.

B. Presentation relative to the Royal Poinciana Plaza (presentation by lessee) **(0:89:36:.0)**

Mr. Munder, lessee and partner regarding the Royal Poinciana Plaza, offered a progress report since the April 8, 2008 Town Council meeting during which the lessees were given time to create a development plan for the Plaza. Since then, a website has been created for interested persons to ask questions and make comments regarding the Plaza, and to provide monthly updates on progress. The Playhouse roof and air conditioning have been repaired at the request of the Town Council. Numerous architects, designers and planners were interviewed. Ultimately, Ann Beha Architects, with expertise in historic preservation and the performing arts, and Morgan Wheelock were hired as the design team. A theatre consultant, a cost management consultant, and an acoustician have also been retained. The lessees have met with the Chamber of Commerce, the Civic Association, the Citizens' Association, Palm Beach Towers residents, John Ripley of the Preservation Foundation and Marcella Campbell of the Treasure Coast Regional Planning Council. They have also met with Patrick Flynn and other members of the Theatre Guild. Plans will be presented as soon as they are available.

C. 1. Approval of the Minutes of the June 18, 2008 Joint Commission Meeting of the Planning & Zoning Commission, Architectural Commission and Landmarks Preservation Commission **(0:93:01.0)**

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

2. Discussion relative to the Landmarks Preservation Commission's Recommendations for Development of the Royal Poinciana Area District. **(0:93:46.0)**

Ms. Close stated that the Town Council asked that each of the commissions make recommendations, subsequent to having attended the June 18, 2008 Joint Commission Meeting. To facilitate this, Mr. Page completed a summary of the two proposals which was e-mailed to the members on Monday, and a hard copy was provided for today's meeting. The summary is only to be used as a guide.

MOTION BY MR. ROBERTS FOR THE LPC TO REVIEW THE MATERIALS AND TO PLACE THIS ITEM ON THE AGENDA FOR THE AUGUST MEETING FOR DISCUSSION AND FORMAL RECOMMENDATIONS TO BE SENT TO THE TOWN COUNCIL

MOTION SECONDED BY MS. WILLIS.

Mr. Ripley encouraged the LPC to be free with making recommendations to the Town Council, even for non-landmarked areas within the study area. He offered to meet with the LPC members individually to discuss the issue. Mr. Roberts applauded the Town Council for seeking the input and ideas of all interested parties.

AFTER DISCUSSION, THE MOTION CARRIED UNANIMOUSLY.

Members were advised to forward their individual comments to staff in three weeks so staff can collate them for discussion at the August meeting.

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

(1:49:26.5)

Ms. Close announced that the Planning Zoning & Building Department is implementing a new computer system. At this point, the department will be closed half days in the afternoons of the last two weeks in August.

Mr. Moore commented that he has a rough time following presentations when the plans presented are not the same as the handouts from the applicant. He asked for a strict requirement to make them the same. Mr. Pandula stated that while we try to accommodate people, then we will have to take a harder line with such matters.

MOTION BY MR. MOORE TO REQUIRE 11" X 17" REDUCED PLANS FOR DISTRIBUTION TO STAFF AND THE LPC MEMBERS AT THE MEETING.

MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY

Mr. Paine returned to the LPC meeting to ask that the LPC consider approving the landscape changes he presented earlier. After brief discussion, the LPC decided to hold to the earlier decision to defer the entire project for re-study.

X <u>ADJOURNMENT:</u>

MOTION BY MR. MOORE TO ADJOURN THE MEETING AT 11:00 A.M.
MOTION SECONDED BY MS. RUBIN.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, August 20, 2008 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

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	P	P	P	P	P	P	P					
William Lee Hanley Jr.	P	P	P	P	P	P	A					
Patrick Segraves	P	P	P	P	P	P	P					
Robert Eigelberger	P	P	E	U	P	P	P					
Eileen Bresnan	P	P	P	P	P	P	U					
Hazel Rubin	P	P	P	P	U	P	P					
Charles S. Roberts	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					
Dudley L. Moore	P	P	P	P	P	P	P					
Wallace Rogers	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 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												
William Lee Hanley Jr.												
Patrick Segraves												
Robert Eigelberger												
Eileen Bresnan												
Hazel Rubin												
Charles S. Roberts												

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												
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)