

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, JUNE 21, 1991

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

I. Call to Order: The meeting was called to order at 9:03 a.m. by Chairman Lillian Jane Volk.

II. Roll Call:

PRESENT: Lillian Jane Volk, Chairman
Elise P. Mackintosh, Vice Chairman
Sally Gingras, Secretary
William S. Gubelmann, Member
Anne G. Metzger, Member
Jacqueline Albarran de Mendoza, Member
Leslie Divoll, Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning &
Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: Arthur Silverman, Alternate Member
Wilmer J. Thomas Jr., Alternate Member
Jane R. Grace, Alternate Member

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that Mrs. Albarran de Mendoza arrived at 9:04 a.m., just after the roll call.

Let the record show that Court Reporters were present for the hearing regarding the application for Certificate of Appropriateness #15-91, the subdivision request for 1100 South Ocean Boulevard. Denise Cupelli of Mudrick and Witt was the court reporter for the morning session, and Laurie Mazur, from the same firm, was the court reporter for the afternoon session.

III. Approval of the Minutes of the May 17, 1991 Meeting:

Mrs. Volk read the distributed correction to the May Minutes, correcting the name of "Lee" Massey to "Alyne" Massey. (See Attached.)

Mrs. Divoll stated that she did not receive a copy of the Minutes, though they were mailed.

MOTION TO APPROVE THE MINUTES AS CORRECTED, BY MR. GUBELMANN.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED 6-0-1, WITH MRS. DIVOLL ABSTAINING.

IV. Public Hearings:

A. Application for Certificate of Appropriateness No. 16-91, Fence & Gate

Applicant/Owner: Ms. Sheila Waugh

Address: 215-1 Phipps Plaza

Contractor: American Wood Fence, Inc.

Project Description: Request approval to install 61 linear feet of 6' high vertical shadowbox wooden fence with lattice top and 6' x 44" curved gate

Mr. Bill McGee from American Wood Fence presented this project. He brought a sample of the vertical open-bottom shadowbox fence with lattice top, which, on the site, will be 6' in height. The fencing will be placed on the west side of the building, in the area of the side entrance. Mrs. Volk stated that fencing in the area takes an unusable space and creates a nice private patio area, which is a "logical" solution. The fencing will be painted white. Staff assured the Commission that this fence height is allowable in its desired location.

MOTION BY MRS. DIVOLL TO APPROVE THE FENCE AS SHOWN IN THE WHITE COLOR ALONG THE PERIMETER AS MARKED ON THE SITE PLAN.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness No. 17-91, Glass Solarium

Applicant/Owner: Ms. Tauni De Lesseps

Address: 452 Worth Avenue

Architect: Steven J. Bruh

Project Description: Request approval for the addition of a 13' x 18' glass solarium on the south elevation

Architect Steven J. Bruh presented the project to add a glass solarium in the rear of the house overlooking the lake. Mrs. De Lesseps is requesting this addition to protect her from the elements, particularly the winds blowing in off the lake. The solarium will be constructed of clear glass with green metal, the green matching the

green trim on the house. The solarium will fit under an existing awning, and will be smaller than the footprint of the existing awning. The solarium will not be air-conditioned, as Mr. Bruh stated that it is quite cool in this location.

Mrs. Divoll suggested that the solarium be vented on the top to allow for the escape of heat. Mr. Bruh stated that there are windows and sliding glass doors on the solarium. Mrs. Albarran de Mendoza expressed serious concerns over the comfort and usability of the solarium if it does not include a ventilation system.

Mrs. Metzger asked whether the solarium could be designed more in keeping with the style of the house. Mr. Bruh replied that there is a similar solarium on the other side of the house, but it has a hard roof.

Mrs. Divoll asked Staff whether the removal of the existing awning, which would cover the proposed solarium, would have to be approved by the LPC. Mr. Moore responded that awnings are considered to be permanent structures, and as such, would have to be approved by the Commission.

Mrs. Volk, in light of the various concerns expressed by the Commission, suggested that each of the Commissioners contact Mr. Bruh to set up a time to go view the proposed site of the solarium, and that the matter be deferred to the next meeting.

MOTION BY MRS. METZGER TO DEFER CERTIFICATE OF APPROPRIATENESS #17-91 TO THE JULY MEETING.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness No. 18-91, Fountain

Applicant/Owner: Mr. A. Alfred Taubman

Address: 1820 South Ocean Boulevard

Architect: John F. Colamarino

Project Description: Request approval for the installation of an antique fountain, to be situated in the entry court, where a planter previously existed.

Mr. John F. Colamarino explained that this house has been undergoing restorative construction, and is scheduled for completion this summer. The proposal calls for a fountain in the entry court. The fountain will replace an original planter area with a seagrape tree. The planter area was 9 feet long, as opposed to this fountain which is 12 feet in

diameter. The walls of the fountain will be tiled and will come up 18" from the base. An antique fountain will sit in the center. The fountain is 6'5" in height. The fountain, set on a concrete curb painted to match the driveway curb, will be made of cast metal, possibly bronze. The fountain will be tiled as follows: Solid blue for the base and cap, and multi-colored tiles for the walls and floor. This cascading "bubbler" fountain will be illuminated from each of the four corners.

MOTION BY MRS. METZGER TO APPROVE THE FOUNTAIN AS SUBMITTED.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness No. 15-91,
Subdivision Request

Applicant/Owner: Mr. Donald J. Trump

Address: 1100 South Ocean Boulevard

Architect: Mr. Gene Lawrence, The Lawrence Group Architects

Attorney: Mr. Peter Broberg, Esquire

Project Description: Request approval of subdivision of the property, providing for the addition of eight single family lots of at least 60,000 square feet, while retaining 196,548 square feet (approximately 4.5 acres) for the principal residence, Mar-a-Lago. No modifications, alterations, or additions are involved in the principal residence or ancillary structures, except for the elimination of several greenhouses, some above-ground tanks, and other service structures located on or near the north and south tree line. The primary entrance would remain in its present location, with no new entrance on Southern Boulevard, and the vista to the Lake would remain open.

(Please note that this item has been deferred from the May 17, 1991 meeting.)

Mr. Frank referenced various correspondence which was received since the last meeting. He did not read them into the record, but notice was given that they are available at the Planning, Zoning & Building Department. A listing of this correspondence follows:

1. Letter from Mrs. Jane Grace - May 17
2. Letter from Mrs. Jane Downs Carter, President of Studio 7, Education through Art - May 20
3. Letter from Mrs. Polly Earl, Preservation Foundation - May 21
4. Letter from Mrs. Thomas J. Thompson - May 21
5. Letter from Mrs. Beatrice Tollman - May 14 rec'd May 31
6. Letter from Mrs. Polly Earl, Preservation Foundation -

- May 24 with Dean Costonis Statement - May 20
7. Letter from the Unification Church - May 31 with letter from Dr. James A. Baughman - May 25
 8. Letter from Florida Department of State, Division of Historical Resources, George W. Percy - June 7
 9. Letter from the Lawrence Group Architects - June 17
 10. Letter from Caldwell & Pacetti, B. Allen Heeke Jr. - June 19
 11. Memo to LPC Members from Elise P. Mackintosh - June 20
 12. Letter from Mrs. Metzger - May 21
 13. Letter from Mrs. Albarran de Mendoza - May 23
 14. Memo from Mrs. Volk - May 23
 15. Letter from Mrs. Divoll - May 22

MR. PETER S. BROBERG, ESQUIRE: Stated that subsequent to last month's deferral, the Commissioners submitted lists of their concerns or requests for additional information to the Town Staff. Mr. Frank then compiled these lists and presented a composite list to Mr. Lawrence, dated May 30, 1991, for review and response. However, at 4:30 p.m. on June 20, 1991, an additional list of concerns was submitted to Mr. Lawrence from Mrs. Mackintosh. Today's presentation will respond not only to the May 30th list, but also to Mrs. Mackintosh's recent list of concerns.

MR. GENE LAWRENCE, THE LAWRENCE GROUP ARCHITECTS: Addressed the aforementioned May 30th composite list of concerns, as follows:

1. Vegetation Survey: Mr. Lawrence stated that they had retained the firm of Blakely and Associates, registered Landscape Architects to make an inventory of the existing landscape, make recommendations, and offer opinions and design guidelines. On June 17, 1991, Mr. Blakely's findings were submitted to the Town inventorying each of the lots and the accompanying vegetation, and presenting photos of same. Although Mr. Blakely was not present today, Mr. Steve Crawford, from his office, was in the audience and available for comment. Mr. Lawrence emphasized the following points from Mr. Blakely's presentation: The original landscaping was done by the Lewis & Valentine Nursery, during a time when landscape architects were not "registered". Then in 1926 and 1928, hurricanes knocked down most of the landscaping. Lethal yellowing has damaged over 300 of the original 500 cocoanut palms on the site. The most healthy landscape material was around the main estate. The landscaping as a whole was established more as "screening" rather than ornamental or for horticultural purposes. He quoted a section from the Conclusion of the Blakely report: "The landscape, landforms, and planted areas are not of sufficient design quality or in a suitable condition to be considered of significant historical importance." Mr. Blakely commented in the report on the Australian pines, which are a prohibited species in the County, although the applicant would like to retain some of them. Mr. Blakely

included some recommendations for future plantings in conjunction with any future development. Mr. Lawrence quoted the report - "With sensitive development and construction practices, buffering and screening of properties, and preservation activities new, and regulated development can foster this parklike setting." Mr. Lawrence called attention to the National Register Inventory Form where "landscaping" was not one of the factors of significance used when the National Register Nomination for Mar-a-Lago was submitted. "Architecture" was the only area of significance noted. Also, on the National Register of Historic Places Building Inventory, only two comments regarding the landscape were noted, neither of which indicate that the landscape is of historic significance. He stated that their landscape architect agrees the landscape is not historically significant.

Mrs. Divoll commented that she would like to study the landscape report further, although it seems to be complete. She stated that she is interested in seeing a continuation of the original "screening" concept of the landscaping using tropical landscape materials. Mr. Lawrence assured Mrs. Divoll that landscaping will be an important integral part of any development plan for the site. He added that no historic or specimen trees are listed in the Town's records for Mar-a-Lago.

Mrs. Divoll, attesting to her familiarity with the National Register Inventory Form which Mr. Lawrence had mentioned, stated that it would have been inappropriate for the "landscaping" to be chosen as a significant criterion in the nomination of the property. She explained that when "landscaping" is selected, it is intended for parks and for sites where the principal value of the National Register nomination is found in the landscape.

Mrs. Volk commented that at the time Mar-a-Lago was landscaped, Landscape Architects, per se, were not found. The estate was planted very lush, as was done at that time on large estates, and the landscape does have its charm and importance, despite the fact that many of the plantings have been lost.

2. Inventory of Buildings: At the May 17, 1991 meeting, Mr. Jim Griffin, Resident Caretaker, described the structures scheduled for demolition, and photos of same were shown to the Commission. The June 17, 1991 submission to the Town included catalogued photographs and descriptions of these structures. Mr. Lawrence asked Mr. Griffin to step forward again to answer two of Mrs. Mackintosh's concerns. Regarding her concern over the elimination of the greenhouse, Mr. Griffin stated that originally, there were two greenhouses with two full time gardeners who raised flowers for the cloisters, patios, and houses. These have not been used in that fashion since Mrs. Post's death. The existing greenhouse is just used for plant overflow for potted plants removed from the patios. Regarding the above ground tanks on the south side, Mr. Griffin explained

that these were used primarily to boost the pressure of the sprinkler system, when the pressure system was very low years ago. These have not been used perhaps for 17 years, and they are now completely obsolete.

3. Viewshed Analysis: In an attempt to develop a tool to assist the Commission in evaluating what the impact of the proposed development would have on the property, various alternatives were considered. They chose to create a model of the site as they felt it would be the most effective of the alternatives. Prior to viewing the model, a videotape was shown, showing the perspective of one driving around the site by car, heading south along Flagler Drive, east across the Southern Boulevard Bridge, and then north on South Ocean Boulevard; and then back the opposite way. Mr. Lawrence noted that the video was shot with a 50 mm lens, which is closest to the human eye. He commented regarding a view from the water, that the water is very, very shallow in front of Mar-a-Lago, prohibiting boats from getting very close. He confirmed that the houses proposed for the site will be able to be seen from some perspectives. Mr. Gubelmann asked whether Mr. Lawrence intends for the lakefront lots to be able to dock boats. Mr. Lawrence replied that this proposal does not address that, although he seriously doubted that it could occur because the water is so shallow and there are so many rocks in the water. Mr. Lawrence also noted that the grade of the road is significantly lower than the grade of the land.

After the video presentation, Mr. Lawrence continued with the presentation of the "model". First, he began with a contour map which assimilated the various elevations of land on the site. He distributed copies of the Zoning Regulations regarding the R-AA Zoning District pertinent to Mar-a-Lago. These Zoning Regulations represent the first layer of design controls for any development on the site. The Zoning Code requires, for example, that lots have a minimum of 60,000 square feet, 150 feet in width and depth, and a density of .667 units per acre. Setbacks are specified, as well as an "angle of vision" or "cone of vision". The "cone of vision" specifies that structures built must lie within a 100 degree angle when viewed from a center point on the front property line. The "cone of vision" was put in effect to prevent massive structures from being built too close to the road. Similarly, the further back the house is from the road, the larger it can be, provided all other regulations are met. Mr. Lawrence then requested to see the model which was presented at the May 17, 1991 meeting by the Preservation Foundation, which attempted to show the impact of construction on the site. This model, though requested by Mr. Frank, was not delivered to the meeting today. Mr. Lawrence stated the setbacks as 35 feet for the front yard, 30 feet for the side yard, and 15 feet for the rear yard. As to height, buildings can be two stories, with a maximum height of 35 feet, including the roof. Mr. Lawrence thought that the Preservation Foundation's model, referenced

earlier, used heights of 40 feet, which could not become reality. Mr. Lawrence stated that according to existing regulations, a 60,000 square foot lot would permit a 30,000 square foot house. They feel, however, that this size house is too large and is not appropriate. To prevent this, they will institute a land cover criteria to reduce the size of houses. Mr. Lawrence then distributed a tabulation of each lot with its square footage, its area less the open vista, 25% of the lot area less the open vista, a suggested reasonable size house and a maximum size house allowed. (See attached) These tabulations indicate a maximum size footprint, the first floor, and allow for 75% of the area of the first floor on the second floor. The size of the houses will be limited via deed restrictions.

Mr. Lawrence proceeded with the model, adding an overlay showing the proposed road and parking areas. Model houses, in two sizes - one being a suggested size and the other being the maximum allowable size, were added, as well as models of the portions of the existing vegetation which will remain. The object of this application is approval of a site plan and to establish criteria for the houses. The object of the model is to test different approaches, allowing for the various constraints in place regarding the site. (For the benefit of those who did not attend the meeting, the model was displayed on a swiveling table, allowing the Commission to view the site from all different angles, as well as from above, and at eye level.)

During the review of the model, Mr. Lawrence discussed the prepared Architectural Guidelines for Mar-a-Lago, which establish goals and intent for the site. Then individual lot owners who will come before the LPC must indicate how they will comply with these goals and intent. The intent of the subdivision is to create an enclave, not eight new and separate sites. All attempts will be made to prevent individual owners from erecting walls and hedges between the properties. The only allowable walls will be 10' screened walls around tennis courts and the required 4' screened walls around the pool. He read from the Architectural Guidelines as follows: "Fences are required around swimming pool by Town Ordinance. (He noted that fencing around tennis courts will need to be added here as well.) No other fences, garden walls or topiary hedges are allowed at or generally following the configuration of the individual property boundaries. No straight line configurations shall follow a property line for more than twenty five percent of that boundary in a single segment nor fifty percent of that boundary in total." The purpose in this is to remove elements that would not make it an integrated setting, lot boundary identifications, and to instead, by eliminating same, construct the new houses in a parklike atmosphere.

Mrs. Albarran de Mendoza felt that since the houses will most

probably want to be oriented to the open vista area, owners will have a tendency to want to build out as close to the open vista line as possible. Mr. Lawrence suggested, to avoid the resulting problem of structures being lined up in a row along the vista line, that the building lines be staggered.

Mr. Gubelmann questioned whether individual lot owners will be able to choose their own architect for the construction of their house, or whether a specific architect will design all of the houses. Mr. Lawrence replied that he was asked whether he would like to be the architect for all of the houses, and he respectfully declined. He stated that certainly he would like to be the architect for some of the houses, but feels that by incorporating the designs of various architects, the site will be more interesting, architecturally speaking. He added that regardless of the architect(s) chosen, all of the houses must be Mediterranean in design.

Mr. Lawrence then addressed one of Mrs. Mackintosh's concerns regarding outdoor lighting, which he feels are addressed in the Architectural Guidelines for the site..."Outdoor lighting shall be either from concealed sources or decorative sources such as gate posts, lamp posts, hanging lanterns or similar period pieces. Indirect lighting is encouraged to reduce glare or the visibility of a direct light source on the Drive or neighbors."

Mrs. Divoll brought up the subject of "buffering" using plant materials, particularly on the Proposed Lot 9 which is closest to the main house. Mr. Lawrence responded that the required buffering will be "lot specific", different from one lot to the next, as needed.

Mrs. Mackintosh asked how high the hedges between properties will be permitted to be. Mr. Lawrence replied that this has not been specified in the proposed guidelines. Mrs. Mackintosh felt that this was very important and should be addressed.

Mr. Gubelmann interrupted the presentation to enter the following remarks for the record: "I think it's very important. I was in Miami a couple of weeks ago, and for the first time ever went around the James Deering house in Vizcaya. I'd never been around it before. And if we were to look ahead to the future, be it fifteen years, twenty-five years, fifty years, a hundred years, we've got to realize the eventual disposition of Mar-a-Lago has to be as a museum. So eventually, in a matter of time, no one's going to be able to afford the kind of lifestyle and the sort of staff necessary to run the estate, and we cannot tie the hands of future landmarks commissioners in the future of the Town of Palm Beach by removing any and all necessary parking that a museum would require. Otherwise, you'll have to tear the house down, because it can't function as a museum without a place for people

to come in and park their cars. I think that's something that should be very much addressed."

Mrs. Divoll, using the model and a pointer, attempted to establish the view corridor as seen by someone on the terrace of Mar-a-Lago. By doing this, Mrs. Divoll confirmed that instead of seeing a mass of trees, views of houses would dominate the view. Mr. Lawrence replied that again landscape buffering could be employed.

Mr. Gubelmann asked how many acres would be left after the lots would be sold. Mr. Lawrence replied that Mar-a-Lago comprises about 5 acres and the vista, about 3 acres, so about 8 acres would remain.

Mrs. Divoll pointed out the Mr. Trump, like the other lot owners, will need to erect a fence around his pool as well.

Regarding the entrance gate matter, Mr. Lawrence stated that the existing main entrance will be used for Mar-a-Lago itself, whereas the north entrance will be the two-way entrance for all of the other lot owners, and will function as the service entrance for the other lots as well as the main house. Mrs. Mackintosh maintained that the value of the site would be diminished and cheapened if the north entrance were used as a main entrance for the other lots as well as a service entrance for all of the lots. She felt there should be a separate third entrance which would just be for service.

4. Design Guidelines: Discussed above, and submitted in hard copy which is available at the Planning, Zoning and Building Department - "Architectural Design Guidelines".

5. Landscape Guidelines: Discussed earlier, and included in the inventory of plant materials prepared by the landscape architects, Blakely and Associates. Copy available at the Planning, Zoning and Building Department - "Mar-a-Lago - An Inventory, Analysis and Assessment of the Estates Landscape"

6. Appurtenant Structures - Design Guidelines: Included in the "Architectural Design Guidelines" referenced earlier.

7. Civil Engineering Design Parameters: These were submitted as part of the subdivision application. Mr. Lawrence stated the only physical structure on the property now is an above ground pump house. They will move this function to an identical structure at another location on the property as part of the proposal.

Mr. Bob Pitchford of Hutcheon Engineers addressed the Commission regarding the engineering for the site. He assured the Commission that according to their calculations, the existing

size of the outfall pipe will fully accommodate not only Mar-a-Lago, but the new construction as well. He stated, "The system is designed as a retention system in the center of the property which is about 9/10 of an acre. The designed storm is contained between that normal green swale area. That retention is held there through the storm again and is percolated out. So, only an excess, I think, of a ten year storm would exit the property, and by our calculation, the existing outfall into the lake would be adequate." The proposal calls for "scooping out" 9/10 of an acre in two separate areas, one going into the second one. The depths of these "scooped out" areas would be 1-4 feet, depending on the location. It was noted that these two areas will fall within the view easement.

Mrs. Divoll asked how long the water would be retained in these two areas. Mr. Pitchford stated, based on the soil borings, the soil is a very porous material and nothing detected in the testing would cause them to believe that there would be a lack of percolation in the ground water tables. He stated that it would take about 3 days to discharge the water subsequent to the designed storm, a ten year storm. Of course, lesser rains would not be retained as long.

Mrs. Volk mentioned that on one of the engineering drawings, there was a comment about the seawall at the northwest, that the wall might be in jeopardy at that point if additional building was done on the site. Though he stated he is not a structural engineer, Mr. Pitchford answered that a structural evaluation of the wall was done at the request of Town officials. The result was that the wall was stable, except that some areas behind the wall need to be filled in, and they recommend that this be done. They do not feel that any additional loading will be applied to the wall, and they feel the wall is substantially "O.K."

Mr. Pitchford, in response to Mrs. Divoll's question about what portion of this system would be visible, explained that the retention area is split by the road into two parts or inlets. The water running off will enter the inlets, and both sides will fill up at the same time. These are connected to the pipe under the road, an "equalizer pipe", which then leads down the property to the last inlet structure near the wall, and will then flow out the outfall. "The two structures, from a visual standpoint, will be at ground level, and we have tried to design and scallop the outline of the retention areas, so it cannot be visible from the mansion, but it would be visible, one side of it, from say, one side of the lots, I think, on the south side. The future houses would see a concrete structure at the same level of the ground where the ground is scalloped down to the bottom of the retention area. So there would be that wall of that structure, and it's about three feet high, but it's the same level as the ground."

Mrs. Divoll commented that this does not describe the structures

which she visualized per the submitted plans showing drainage control structures, or "boxes" of approximately 5.5' x 5.5', as she referred to them. Mr. Pitchford replied that there are three of these boxes, one on either side of the road, the equalizers, and as you proceed to the wall, there is an overflow structure which allows only a predetermined amount of water to be discharged through the existing pipes in the present wall. The structures are all about the same size, approximately 5.5' x 5.5', and are at ground level in the upper part of the retention area. He has recommended that the structures be painted green or that they use a colored concrete to match the grass. The retention areas will occur in the view easement or open vista.

Mr. Pitchford stated that some of the existing landscaping in these retention areas would need to be removed and relocated. Trees could be planted around the retention areas provided they would be able to sustain very wet conditions for time periods of a few days.

It was noted that of course, any new construction would need to abide by current flood elevation standards, the minimum being 7.5'. Mrs. Metzger questioned how much of a depth of water could actually lay in a retention area. Mr. Pitchford replied that since the bottom retention area is at elevation 3', and the storm vent overflows at elevation 4.5', water with a depth of 1.5 feet could lay in the retention area. Mrs. Metzger was concerned about small children falling into this depth of water. Mr. Pitchford replied that measures will be taken regarding the slope of the land to lessen the likelihood of persons falling or slipping into the water.

Mrs. Albarran de Mendoza questioned whether individual drainage systems would be constructed for the new houses, in addition to the aforementioned system. Mr. Pitchford replied that drainage pipes will exist on all the roadways. The back of the lots will flow on the surface to the retention areas. There is presently a pipe system that runs from Mar-a-Lago all the way down the property. This piping will be intercepted and will be discharged into the retention areas. Mrs. Albarran de Mendoza again questioned whether each of the houses could operate more independently regarding their site drainage. Mr. Pitchford stated that the best solution is to have one facility that works, is easy to maintain, and is easy to control. The best engineering system is to have a common system run and maintained by the Homeowner's Association.

Mr. Lawrence added that the green area really will not look any different than it looks now. Further, when the construction is added to the site, only 1/10 less area will be impervious. So, virtually the site will remain as it is now, in his opinion. Mr. Pitchford stated that the retention system is suggested not only

to accommodate the new construction, making up for, if you will, less available drainage area. It is also being suggested to bring the entire site up to code, as Mar-a-Lago's current drainage is now sub-standard.

8. Traffic Analysis: Mr. Lawrence stated that this had been submitted previously, and demonstrates that they are in compliance with the County's standards.

9. Topographic Survey: Mr. Lawrence stated that this was addressed via the model as well as in the engineering drawings.

10. Alternate Schemes: "Studies of alternate schemes were not developed to presentation level drawings. The scheme we have presented is the scheme we wish to have considered."

11. Negative Impacts: Mr. Lawrence stated that they have attempted to respond to each of the concerns relayed by the Commission. "We believe that the presentation we have made and the issues we have discussed are solutions to what might be considered negative impacts."

12. Mitigation Plan: Refers to Item 11, as above.

13. Financial Impact: Mr. Lawrence referenced a letter from Mr. Edgar Maxwell, the former tax assessor, an appraiser, a consultant, and real estate broker, who was requested by the applicant to provide an analysis of financial impact of the subdivision. Mr. Lawrence stated, "In his analysis, he estimates that the additional value of buildings on the property, not including land, because the land is currently being taxed, would be an additional \$ 22,000,000.00, very conservatively, and at the 1990 millage for the Town of Palm Beach, which is 4.7871 mils, this would generate to the Town...\$ 105,699.17. To the County...\$ 357,700.42." Mr. Lawrence felt that the amount of the land area and the value of the homes would be "disproportionately high" considering other properties, and there should be some mitigation. He stated that there will be a security force which will reduce some need for police services on the site. Mr. Lawrence was not prepared to answer what expenses and the cost of same which would be incurred by the Town due to the subdivision. He said this information would need to come from the Town.

14. Comprehensive Plan Criteria: Mr. Broberg addressed how this subdivision complies with the Town's Comprehensive Plan at the May meeting. In their opinion, it complies fully.

15. Lake Worth setbacks: Originally, a 15 foot setback was shown for lots 3 and 4, along the lake. Mr. Lawrence stated that they would have no problem with changing the setback to 25' or 30' in these instances. Additionally, they would like to create a 30' rear yard setback for lots 8 and 9 to get them further away from

the main house.

16. Property sale: "The applicant has stated his intent to retain Mar-a-Lago for his own use. The application is made in order to make the property more manageable, not to dispose of the property."

The Commissioners brought up some additional questions regarding the traffic study. Mr. Lawrence stated that though they have allotted for ten trips per house per day, that figure could be doubled and nearly tripled to 27 trips per house per day, and still be within the allowable County standards. The Commission, however, asked what sort of impact these additional trips would have on the traffic in the Town, as the Town is near "build-out and maximum traffic levels", and as this project would take or use a certain portion of the remaining allowable trips. Mrs. Divoll asked Mr. Frank what portion of the remainder would be used by Mar-a-Lago and its proposed new construction. Mr. Frank could not offer a quantitative answer, but did say that the Town has assigned the analysis of this very subject to Adley & Associates, Sarasota consultants to the Town. He stated with respect to the Town's traffic conditions, "In my opinion, I think it is fair to say that we are rapidly approaching a level which may be deemed unacceptable." He stated that this is a very complex issue, and the additional traffic spurred by the eight additional lots may or may not be considered significant in comparison to the whole traffic picture. Mrs. Divoll noted that at 27 trips per day per house, an additional 216 trips would be generated. She hoped that the Commission would be able to determine, from the Adley report, how much of the remaining allowable traffic would be used by The Mansions at Mar-a-Lago.

Although various Commissioners expressed opinions about the already aggravating traffic situation, especially involving South Ocean Boulevard, Mr. Gubelmann stated, "I think the point that's being made though, by the gentlemen, is that the amount of traffic that will generated by the eight houses at Mar-a-Lago will not substantially alter the problem that already exists." Mr. Gubelmann thanked Mr. Lawrence for the "very nice working model."

COMMENTS FROM THE PUBLIC

Mr. Tersh Boasberg: Identified himself as an attorney from Washington, D.C., and a representative of Preservation Action, Inc., a national citizens' preservation organization. Please note that Mr. Boasberg distributed copies of his statement for today's meeting. This statement is available in the Planning, Zoning & Building Department. Highlights of his presentation follow:

1. To ensure "due process" by performance of a deliberate and

careful review of all information. The Commission, not the applicant, dictates what information is necessary for the decision-making process to take place. Timely submittal of information for review must be a matter of course of the applicant to allow Staff, the Commission and the public an adequate review period. He referred to National Park Register #18 as a tool to assist in the evaluation of the historic landscape. Further, he stated his desire to have their own landscape architects enter the site to do their own evaluation, for the Preservation Foundation.

2. The Commission should retain staff or consultant expertise to assist it in the evaluation of the application, organization of the submitted materials, and a summarization of the data. The Commission should request funding from the Town to hire such a consultant. The consultant should help lead one or more workshops to discuss the matter with all parties concerned.

3. The consultant should work with the Commission to devise a preservation/development plan for the property as a whole. Such a plan would develop guidelines for any and all development which might be proposed for this site now, or in the future. It would save a great deal of time and money to be able to follow established guidelines when the next proposal for this site is put before the Commission for review.

4. The application should be evaluated against the preservation/development plan which the Commission has adopted, and then should be either approved or rejected.

He stated, "If you allow eight large mansions to crawl on the property, what happens to the main mansion of Mar-a-Lago itself? Is somebody really going to spend that kind of money to buy Mar-a-Lago with eight mansions, eight tennis courts, eight swimming pools, a huge ponded area, and a narrow, little view of the lake? Is somebody going to buy that? If not, what's going to happen to that property? That property is going to either be condominiumized itself or it's going to be allowed to fall down and a couple of other houses put up."

He commended the Commission for their efforts thus far in the review of this matter.

At this time, 12:00 p.m., the meeting adjourned for lunch. The meeting re-convened at 1:10 p.m. Mrs. Mackintosh returned at 1:13 p.m.

Mr. John Mashek, President of the Preservation Foundation of Palm Beach: He thanked the members of the Landmarks Preservation Commission for the time and effort expended in the review of this application. He stated, however, that there has not been sufficient time for the Commission, interested preservationist groups, and the public to be able to review the submittals. "The Foundation believes it is of the utmost importance for the Landmarks Commission to evaluate this application in a deliberate, orderly fashion. Both the Town and the applicant will be best served, in terms of time and money expended, by an orderly process of deliberation on this matter." He felt that in light of the recent Town Council decision to uphold the previous deferral of this matter, the Town Council also wants an orderly review process to occur. "The Preservation Foundation urges the Commission to use the legal framework of the Town's Landmarks Ordinance, which empowers the Commission to request information, to request expert's assistance, to set its own workshop dates, and indeed, to devise its own guidelines when necessary. Only through such an orderly process will equitable judgement be reached for the applicant, the Town, and for our only national landmark."

Mrs. Earl E. T. Smith: Stated she is speaking for the Garden Club of Palm Beach and their concern over the subdivision of Mar-a-Lago due to its historical input and importance, and as "every tree, every blade of grass has been covered by the historic Landmarks Ordinance". The Garden Club is particularly concerned with the "loss of the green canopy" to the Town. Mrs. Smith stated that she studied Mr. Blakely's landscape report, and arrived at various questions. The report addresses relocation of trees. She questioned when such would be performed...before the subdivision, after the subdivision, or would it be left to the discretion of individual lot owners. In listening to the testimony today with respect to the retention ponds, she commented that "This made us think of mosquitoes. So, it seems that in addition to mansions at Mar-a-Lago, we're going to have mosquitoes at Mar-a-Lago." The Garden Club agrees with a statement in Mr. Blakely's report that a landscape architect should review the property. She pledged the Garden Club's willingness to assist the Commission with this project. Next, she introduced Mr. Gary Clay from Edward D. Stone Jr. & Associates in Fort Lauderdale. He stated that they have prepared a computer enhanced visualization which will show various views of the property, and a proposed visualization showing what could happen if redevelopment occurs in that area. (Please note that this was prepared in video form, and was shown three to four times consecutively.) He explained that in order to prepare the video, they took aerial photos of the site, and rear elevations of the site. Then using video computer techniques, they did simple animations where they inserted the plan as presented by the Palm Beach Preservation Foundation, and then manipulated it into the aerial photograph to achieve a scaled value of where the

new buildings might be placed. Then, using footprints from other houses in Palm Beach, they inserted these onto the site in approximately the right position and size. Also, they inserted typical Palm Beach lakefront homes onto the rear elevation of Mar-a-Lago to simulate the impact of houses on the site. They superimposed a variety of building styles and sizes, just to view what a mass or form might look like in accordance with the development plan. He stated, however, that the simulation did not take into account the removal of any plant materials on the periphery of a building as a result of construction plans.

Mrs. Smith stated, "Obviously this is just an approximation of what could be placed on the property, because we did not have access to the information that was presented this morning. So, it's merely a working study to show with the canopy out, with landscaping out, what could or might be visible on the property, particularly on the lakefront lots."

There was some question from the Commission as to the footprint size of the structures which they imposed onto the site. Mr. Clay stated, "In simulation, we did not look for an exacting footprint that would conform to, I believe, 25% of the lot. We did, however, though, visually approximate that, and it is fairly close."

Mr. Clay, in response to questions from the Commission, stated that his firm could, in four to five days, produce a computerized simulation which would be highly accurate in size and scale, in accordance with exact specifications. Mrs. Volk stated that she understands that such a simulation is very expensive. Mrs. Smith replied affirmatively. The Garden Club was happy to provide this initial presentation, but did not feel they could fund a more in depth analysis on their own, considering the cost.

She commented further that particularly on the lakefront lots, a certain amount of fill will be required to bring the land up to acceptable flood elevation standards. So, she maintained, that the houses, as depicted on the video, are "not overly tall" (since the land would need to be built up). "They are in perspective with the lots that will take some fill, and then the 7.5 feet for the flood, so that might bring up again the question of the sturdiness of the seawall." Further, the Garden Club is concerned with what will happen to the plants and trees on those lots when the lots are filled.

Mr. Lawrence, in response to the video, asked whether the presentation complies with the current Code (Zoning). Mr. Clay replied that he did not know whether it exactly complied with the Code. Mr. Lawrence asked whether it complied with the "cone of vision" provision. Mr. Clay's reply was, "As far as the drawings that we were given, we kept in accordance with the site lines, and view areas with the drawings from the Preservation

Foundation." Mr. Lawrence stated his desire to be able to review and study this tape further. Mrs. Smith stated that the Garden Club undertook this level of presentation to demonstrate this type of tool which might be used to evaluate the subdivision request. Mr. Lawrence expressed his doubts about the presentation's accuracy with respect to current Code, as he did not want to mislead the Commission or the audience. He was particularly concerned with the heights of the buildings shown.

Mrs. Smith: "We need to remember that the Garden Club, here, is displaying a technique that can be used in a workshop."

Mr. Lawrence: "You are not presenting this as what might happen to this property?"

Mrs. Smith: "We are presenting that as a visual display of how the houses can be seen from Southern Boulevard, and as I understand it, unless you're putting into the subdivision, under the form of a deed restriction, the types of houses and the size of houses and the placement on the lots, you, yourself, don't know what houses will be built on those lots. Your guess is as good as ours."

Mr. Lawrence: "We've got a much better guess than this."

Mrs. Smith: "We're not supposed to be guessing. We're here for specifics, and you can't say that they won't look like that."

Mr. Lawrence: "Oh, yes I can. Absolutely."

Mrs. Smith: "How can you?"

Mr. Lawrence: "Because they're totally out of scale."

Mrs. Smith: "Well they're out of scale perhaps in the drawings, but we're talking about lot coverage, and that will all be covered in the subdivision plan."

Mr. Lawrence: "It's already been presented, and as a matter of code, what's being presented here doesn't even come close."

In the outcome of this discussion, Mr. Lawrence stated that he certainly has no objection to this technique being used to review the project, but stipulated that it must be accurate. Mrs. Smith, however, maintained that this is a simulation of what the public will see as they drive across the Southern Boulevard Bridge.

Mr. Ron Kolins, Esquire: Identified himself as an attorney with the Moore, Flanigan law firm in West Palm Beach who was present today representing Mrs. Alyne Massey, the Mar-a-Lago neighbor living directly across South Ocean Boulevard from the site. He

emphasized the direct impact that this subdivision will have on his client. He stated that the threshold issue before the Commission is not computer techniques, not trees, not setbacks, not models, but instead, is "whether or not to allow the desecration of Mar-a-Lago in the first place". He stated that if the answer to that question is "no", all of the other factors are superfluous, and a Certificate of Appropriateness will not be issued. If, however, it is "yes", the information is relevant. Once again, he urged the Commission to "Just say No!" He suggested that Mar-a-Lago is the best symbol of the special qualities of Palm Beach. "If you allow anything to be done to that property, that's the end of that symbol. That's the end for all time of the statement that it makes, the end of what it represents for this Town, and in some respect, I would think, it is a diminishment of your Town for all time." Lastly, he said, "I told you the last time I was here, that Mar-a-Lago means "from the sea to the lake". That's what it's name means. And it will no longer be from the sea to the lake. It will be from the sea, through a subdivision, to the lake."

Mr. B. Allen Heeke Jr., Esquire: Identified himself as an attorney representing Mrs. Loomis who lives at 136 Woodbridge Road. Like Mr. Kolins before him, Mr. Heeke maintained that his client is also directly affected by the proposal. He stated that the rear of his client's property is adjacent to Mar-a-Lago. His client's concern is whether this historical landmark should in any way be diminished at this time. It has existed in its current state for over 60 years, however, the Commission's decision will have a direct effect over what the fate of Mar-a-Lago will be. The model presented is just that, a model, and is not representative of how the site will actually look. The view, of course, will be changed with any construction. With the proposed retention areas, mosquitoes may become a problem. He reminded the Commission that even according to a previous statement of Mr. Trump, the best use of Mar-a-Lago is keeping it as one residence. This is how he got the taxes lowered for the property. Mr. Heeke questioned why Mr. Trump is now trying to subdivide the property. He also brought up the point of the noise factor created by the additional proposed 216 additional vehicular trips per day, which will certainly affect his client. Mr. Trump is vehemently opposed to the air traffic noise, so why would he want to add to it with vehicular noise.

Mr. Adrian Winterfield: Identified himself as a Resident of the Town from 445 Brazilian Avenue. Mr. Winterfield referred to some previous remarks of Mr. Broberg, wherein he stated that the Post Foundation attempted to sell the property for five years and then unable to sell, agreed to a subdivision. Mr. Winterfield stated that Mr. Broberg commented that it would be unfair to ask Mr. Trump to wait five years. Mr. Winterfield stated of the applicant, "He wants to have his cake and eat it too". He commented that not only should the additional traffic external to

Mar-a-Lago be considered, but the additional internal traffic on the site must be considered. He questioned how the view could be maintained with a road right across the center of the view shed, especially during construction phases. He questioned the safety factor of the site for children and pets. He felt the biggest risk is that if the subdivision is approved, it will be very difficult to find a purchaser for the main house. He wondered what the LPC will do then. He was also concerned about the closeness of the easternmost houses to the main residence, and suggested that the LPC stipulate how close they should be. He stated that a Certificate of Appropriateness (CoA) is the least appropriate of three possible methods of handling this problem: the PUD-4, the creation of a historical district, or the requested CoA. He questioned Mr. Maxwell's financial assessment of the proposed subdivision, with regard to the value of the land with or without structures other than Mar-a-Lago upon it.

Mr. Peter Broberg, Esquire: Offered his comments about the testimony given today...regarding Mr. Gubelmann's statement that Mar-a-Lago would eventually become a museum, Mr. Broberg stated that when the National Parks Commission owned Mar-a-Lago, the initial intent of Mrs. Post was to make it a Presidential retreat. That, however, was put aside as the site was felt to be a security risk. Their next idea was to turn it into a museum, which was not allowed by the Town. Then, it was deeded back to the Post Foundation. Mr. Broberg maintained that turning Mar-a-Lago into a museum would require a zoning change to a commercial district. In his opinion, he stated, the Town Council would not be in favor of this change which would enhance the idea of "creeping commercialism". Further, a museum would have a tremendous amount of vehicular traffic, certainly more than the possible additional 216 trips mentioned earlier.

Regarding the May 17, 1991 deferral of this application by the Landmarks Preservation Commission, which was subsequently appealed by the applicant, and upheld by the Town Council, Mr. Broberg read Section 16-40 (d) of the Ordinance. He read..."Within not more than thirty days after the hearing on an application", which was last month, "the Commission shall act upon it, either approving, denying, or deferring action until the next meeting of the Commission, giving consideration to the factors set forth in Section 16-41 hereof." He stated that in reading the Code, the only time it provides for a time limit is when it's asking you to do something within a time limit. In this instance, it is mandating that a decision be made within 30 days. The Town Council upheld last month's deferral, and now it is in front of the Commission again. He stated that they have responded to each of the concerns put forth by the Commissioners to date, and asked that the Commission make a decision today, even if it is made with conditions, i.e., subject to specific guidelines.

Regarding scheduling a workshop, Mr. Broberg felt it would be a waste of time. He stated, "It's nothing more than what we did here today, but you can't vote." He maintained that the Commission had all of the information required and requested, and has heard from many preservationist groups and private individuals. He stated that the Commission cannot, in all fairness to the applicant, continue to defer the matter over and over again. He asked what else the Commission needs to see, if it is felt that they do not have enough information.

Mr. Gubelmann: Questioned Staff and Mr. Randolph as to the normal length of time between application and approval of a subdivision request, not only in Palm Beach, but in other communities as well.

Mr. Randolph: Stated that there is no "normal" time frame. In his experience in this Town, some applications for subdivision have taken as long as eighteen months, and not unusually, at least several months. He stated that this is not purely a subdivision request, as it also involves the granting of a Certificate of Appropriateness. In instances such as this in the past, the Commission has given consideration to the views for the main house, and has applied certain restrictions and regulations on the subdivision to preserve the integrity of the existing main house.

Mrs. Volk: Stated the Commission's appreciation for the detailed presentation made today by the applicant's representatives. As a wealth of information was given to the Commission on this date and some of it, on Monday of this week, she stated that the Commission did not have adequate time to study it intensely as needs to be done. She felt that hiring an expert would save the Town a lot of time and money, and asked for a motion to request funding from the Town Council for the expert and to apply for a grant, perhaps from the National Trust.

Mr. Randolph: Explained that Mr. Moore, at the last Town Council meeting, asked the Council for authority to hire an expert to assist Staff with the review of this application. Mr. Randolph stated that his office is presently involved in attempting to engage this person.

Mrs. Volk: Stressed the importance of the preliminary review stages for any construction, much less, the review of eight new homes on a subdivided Mar-a-Lago. She commented that superseding all other Ordinances, the Comprehensive Plan charges the Town with protecting its historic resources, and the Commission must abide by it. Again, she spoke in favor of hiring an expert to review this matter as a means to save time and public funds, as this is the second time a subdivision has been proposed for Mar-a-Lago.

Mr. Gubelmann: Commented that any decision made today will "tie the hands" of any future Landmark Commissioners. They, as Landmark Commissioners, must be very careful not to do something that they or others will later regret.

Mrs. Volk: Stated that so many organizations have offered their expertise to the Town and the Commission, and the Commission would be remiss in not taking advantage of same. She maintained that there is no urgency in the decision of this matter. She reminded Mr. Broberg that Mr. Trump as a devout preservationist, having been a member of the Municipal Arts Society, understands the length of time which might be involved when considering such a proposal. Further, after an expert is on staff, and subsequent to a workshop(s), details will be discussed and deliberated, a process which will best serve the preservation of this national landmark.

Mr. Moore: Elaborated on the hiring of the expert. He stated that the degree of complexity of the information presented to Staff and the Commission at the May meeting and today's meeting is beyond the expertise of Staff, and neither he nor Mr. Frank felt capable in giving a complete staff evaluation. He felt it was appropriate to ask the Town Council for funding for an expert, and having been given the authority, engaged Mr. Randolph's office to search nationally for an expert with a background in planning and landmarking, as related to subdivisions. The expert would offer an independent and objective opinion regarding the matter, after review of all of the data submitted.

In response to Mr. Gubelmann's earlier question regarding length of time of subdivision applications, Mr. Moore commented that the other subdivisions heard by the Commission were the Cerf Ross Subdivision request for Mar-a-Lago, and the Ballinger Subdivision, which was a lot split.

Mr. Broberg: Still maintained that the Landmarks Ordinance demands that the Commission vote on the issue today, and asked for Mr. Randolph to address this matter.

Mr. Randolph: Re-read the Section of the Ordinance referencing appropriate Commission actions, approval, denial or deferral. He stated, in his interpretation of the Ordinance, "I do not believe that it can be deferred only once." He did believe, however, that "this has to be looked at from the standpoint of reasonableness, and I believe that a court, in some point in time, could look at this and interpret it to make a determination as to whether or not the number of deferrals and the time involved in consideration of a project was unreasonable. But I do not believe that the language, as stated, prevents this from being deferred more than once, and I do not believe that, on the basis of the information, the wealth of the information, and the

weight of the information that has been provided, that a second deferral would be looked at by anyone as being unreasonable."

Mr. Broberg: "And for the record, just as a follow-up, so it's clear, my position is as a statutory interpretation, it would not say "within not more than 30 days after a hearing on an application"...that language would not be in there if it wasn't there for a specific purpose. Mr. Randolph's interpretation says deferrals are acceptable if done in a reasonable basis. It doesn't say that." "This says, very simply, "within thirty days", and for my statement on the record, I just want that to be clear."

Mrs. Divoll: Asked Mr. Randolph to describe the timely submission of materials for review.

Mr. Randolph: Stated that the Ordinance does not specify a certain number of days in advance of a meeting that the materials should be submitted. The intent of all of the meetings is that they are public hearings and offer the public an opportunity to understand and comment on all the materials presented. He stated that the proposal was properly advertised and the public has had an opportunity to be present. However, the persons who are involved in the hearing process thus far should have an ample opportunity to review all of the information.

Mr. Gubelmann: Questioned Mr. Randolph whether the Commission had to, if they chose to allow a subdivision, accept it just as it was presented, or could they, for example, allow a subdivision with only three lots.

Mr. Randolph: Stated that the Commission could accept the proposal with whatever conditions they deem reasonable to preserve the integrity of the landmark, but those conditions must be very specific for the record. Mr. Randolph stated that what Mr. Broberg is asking is that the Commission either deny the proposal as presented, or conversely, approve it as presented or approve it subject to conditions, but to make some sort of decision today. Further, if the Commission feels that there are yet unanswered questions, the applicant is entitled to know what these questions are, so they have an opportunity to respond.

Mrs. Albarran de Mendoza: Stated it would be very important, in her opinion, to see the worst case scenario for the site, for example, placing the maximum size houses as close to the setback as possible.

Mrs. Metzger: Wondered whether the proposed Homeowner's Association could, as a group at some future date, vote to change the initial rules for development.

Mr. Randolph: "I would suggest that if declarations, covenants,

and restrictions are drawn, that they inure to the benefit of the Town as well as the Homeowners, so that the approval of the Town would have to be obtained before anything was changed."

Mrs. Mackintosh: Commented that "This is, as we all know, very serious. We are really making history." She urged the Commission to take all the time they need before rendering a decision on this matter.

Mr. Randolph: "One point that I would like to make, because there is so much information in regard to this, the applicant has submitted a great deal of information, which is really a part of the record, and I'm sure the applicant would have no objection to having it available for persons to examine, but I think the same thing should apply to anyone else who has comment in regard to this, and evidence in regard to this. I think that information should also be made available to the applicant so that the applicant will have an opportunity to address it and explain it before this body."

Mr. Boasberg: Commented that because of the influx of the most recent submittals by the applicant, and the date they were submitted, there was no way that he could be prepared to respond to it today. Regarding suggested deed restrictions to be imposed on the lot owners, Mr. Boasberg stated they should be set forth in writing and submitted to the Commission for review. He called for the establishment of a schedule of dates for timely submission of data, a schedule to be made available to the public.

Mr. Broberg: Hastened to remind the Commission, after hearing Mr. Boasberg's remarks, that today's submission, in concept, is no different than that which was seen one month ago.

Mrs. Volk: Called for a motion to give the consultant or expert the opportunity to arrive, and review the information, and then meet with the Commissioners to discuss the material.

Mr. Randolph: Stated that the matter must be deferred to a time certain, if the Commission elects to defer the matter. In the meantime, Staff will hire the consultant and he will study the information.

Mrs. Volk: Stated the Commission's desire to take part in the selection of the expert.

Mr. Randolph: Cautioned the Commission that such participation in the selection of the consultant would require the authorization of the Town Council to allow the LPC to be involved in the selection process, and proper legal notice of the public meetings to interview the applicants would need to be given, to abide by the Sunshine Law. Mr. Randolph felt that this would be

a very cumbersome process.

Mr. Moore: Reiterated the authorization from the Town Council to allow Staff to hire an expert to review this subdivision application independently and objectively. Mr. Moore stated that the Commission, as Mr. Randolph said, can take part in the interview of the applicants, however, the only authority given by the Council to date is to search for the expert and hire him. There are some budgetary concerns involved. Mr. Moore felt that the budget would allow for the expert for the next three to four meetings, but beyond that, alternative funding would have to be sought.

Mrs. Albarran de Mendoza: Questioned whether a workshop could be scheduled in about two weeks, provided that the required notice was given for such a meeting. She felt this would be very valuable and fruitful.

Mr. Randolph: Workshops can be scheduled by the Commission, but at least a fifteen day notice must be given to the public. These would be public meetings, just like the regular LPC meetings, but no vote could occur.

MOTION BY MR. GUBELMANN FOR DEFERRAL OF CERTIFICATE OF APPROPRIATENESS #15-91 TO THE NEXT SCHEDULED COMMISSION MEETING OF THE LANDMARKS PRESERVATION COMMISSION, WHICH IS JULY 19TH.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

Mr. Randolph anticipated that an expert could be found and hired within a week. Mrs. Volk stated that the Commission owes it to the Town, to the applicant, and to the public to take as much time as is necessary to review this project. She maintained that this is the most important item that has come before this Town to date, and the Commission should not be hurried.

Mr. Broberg stated that the matter has been deferred, but the Commission has not given the applicant any direction for any additional desired information. He requested that the Commissioners set forth their questions and concerns in writing. Mr. Moore suggested that the Commissioners deliver their concerns in writing to the Planning, Zoning and Building Department, just as they did last month, and then these will be forwarded to Mr. Broberg for action. Mr. Randolph commented for the record, "This will not necessarily be an exhaustive list. It will just be a list of those things that come to your mind on the basis of what you've seen here today, and what has been presented."

Mr. Moore strongly suggested that if a workshop is to occur, that it be scheduled for the afternoon of July 19th, giving an

appropriate amount of time for selection of the consultant and the consultant sufficient time to review all of the materials. Mr. Boasberg felt that July 19th was too soon for a workshop because there would not be adequate time for all parties concerned to review all of the information. Mr. Randolph commented that there is no need to split up July 19th into a regular meeting and then a workshop. All that will be discussed can occur during the regular meeting. Further, he maintained that no one should, at this date, pre-judge whether a workshop will be needed after the next meeting.

Mr. Gubelmann stated that if the Commission gives any approval on this application, he was sure that it would be given with various conditions or guidelines which would need to be specified in quasi-legal terms. Mr. Randolph replied that the Commission should give direction to Staff as to the types of conditions they want included in the approval. Before a Certificate of Appropriateness would be granted, the Commission should direct the applicant as to the terms of the approval. The applicant would then prepare the documentation, which would then be submitted to Staff for review, and Staff would determine whether the applicant's documentation met the terms of the Commission.

Mrs. Earl of the Preservation Foundation expressed some confusion over the role of the consultant, when he or she is hired. Mr. Randolph agreed with her that the consultant will review all the materials, determine whether all of the Commission's concerns have been addressed, or whether there are questions yet to be answered. Mr. Randolph stated that it would be very likely that the consultant will meet with each of the Commissioners on an individual basis prior to the next meeting. He anticipated that the consultant would report his findings to date at the July meeting. She inquired as to the areas of expertise which are being sought in the consultant. Mr. Moore replied that Mr. Randolph's office will search for an individual with expertise in planning and historic preservation. Any additional areas of expertise such as a degree in architecture or landscape architecture might also be possessed by the individual, but will not be the criteria for the search. Mr. Boasberg commented that the Commission should be indicating to Staff the types of qualities they want in the consultant, and to date, this has not happened. Mr. Randolph responded that they certainly do have the right to specify desired qualities of the consultant, but if what they desire is beyond the scope of the request which has already been put before the Town Council, the matter will have to be brought before the Town Council at the next meeting, which will delay the selection process.

Mr. Adrian Winterfield remarked that if each of the Commissioners meets with the consultant, this presents a "latent Sunshine problem", (referring to the Sunshine Law). He felt that one Commissioner's concerns may be discussed with a subsequent

Commissioner, and that this might present the aforementioned "Sunshine problem". He stated that when the function of the expert has been established, perhaps one package of all the information and Commissioner comments could be sent to him for review and initial assessment, without him actually coming to the Town. Mr. Randolph stated, "That was the intention of the direction that we received from the Council...was to hire someone who could examine the documentation that has come in and be able to assist Staff, in order to advise the Commission. That is the limited purpose, which has, to this date, been approved by the Town Council. If there is something beyond that...in fact, I would not advise that a consultant be hired who would in any way invade the providence of this Commission in making its decision. I would not want to hire a consultant who would tell you...yes, this is what you should approve, and have you act on that basis. I see this consultant as being to assist the Staff in reviewing all the information that has come in, and being able to assist the Staff in answering your questions and in examining this project. So, if it's going to be beyond that, and you are seeking a consultant for your own benefit, I think that we're going to...will have to have specific direction from you. I disagree with much of what Mr. Boasberg has presented in regard to the consultant, himself, and you designing this project. I think this project is coming in from the applicant, and I think you are being asked to act upon it in that fashion. The Architectural Commission does not design houses, and I don't think we're asking a consultant to come in and design a project. We're asking the consultant to come in and assist Staff. If there is anything more that this Commission requests, you would have to outline that for us, and we'll have to present it to the Town Council, and if it gets to the point of having to submit RFD's and that sort of thing, we will do that, but it will be a lengthy process. We had not intended in going in that regard." Mr. Moore commented that this is the first time since his employment with the Town that an application has come before the Commission which is clearly beyond the expertise of Staff.

(Let the record show that Mr. Randolph had to leave the meeting at this point.)

Mrs. Albarran de Mendoza stated that the opinion of an unbiased landscape architect is needed on this matter. Mr. Moore commented that if the consultant is also a landscape architect, this would certainly be a plus. Mr. Gubelmann asked whether the Commission might solicit the services of a citizen of the Town who might be a landscape architect. Mrs. Lesly Smith, stated that in the interest of fairness, the landscape architect should be an independent, not a local person. Mrs. Smith stated, "As I said earlier, the Garden Club would be willing to help in the funding of this expert to make a survey of the property."

Mr. Broberg commented that they have already submitted a

landscape architect's survey of the property. He stated, "I don't recall anybody saying we need an independent landscape survey. This is brought up by the Garden Club, saying one should be done. I don't recall anybody up here saying that. We have presented a very detailed vegetation survey which is very objective. It did not call for another landscape architect to get involved. It simply said in there that this could be used in setting guidelines for the property."

Mr. Moore commented that if the Commission does, in fact, want to employ the services of an independent landscape architect, this should be presented in writing to him, for delivery to Mr. Broberg. He stated that, if so, he will work with Mrs. Smith to discuss funding, and if necessary, request additional funding from the Town Council.

Mr. Boasberg declared that the garden, as well as the house, is a national landmark. He maintained that what is needed is a detailed survey, the history of the design, and how it occurred. "This garden is just as famous as the house." He stated that an expert must visit the site and perform the type of survey which is prescribed in National Register Bulletin #18, which speaks of historic design landscapes. Mr. Broberg, however, maintained that this information has already been supplied by the applicant. Mrs. Smith stated that on Page 29 of Mr. Blakely's report, under Recommendations, "it is further recommended as part of each lot's architectural plan, an inventory of the existing plant materials, their location prior to construction, and future inclusion in any lot development be illustrated. This illustration will be in the form of a landscape inventory and planting plan prepared by a Florida Registered Landscape Architect, specific for each lot. Any tree greater than 3" in caliber should be required to appear on the inventory with a description of the general quality and suitability of the species, for re-use in preservation." She stated that she assumes that this information will be presented before the Commission votes on the subdivision.

Let the record show that the discussion regarding Mar-a-Lago ended at 3:15 p.m.

VI. Other Business

A. Approval of priority list for 91/92 Designation Season

Mr. Frank referred to the distributed list of properties which are remaining for study for landmark designation during the upcoming designation season. He stated that a motion is required to permit Staff to notify the affected property owners and commence with the preparation of designation reports, and/or study, and/or deletion. He explained that these properties are the only properties yet remaining for action from the Commission's earlier

established priority list, which had been taken from the most recent survey listing 450 worthy structures in the Town.

MOTION BY MRS. GINGRAS TO DIRECT STAFF TO ESTABLISH THE AFOREMENTIONED LIST AS A LIST OF PROPERTIES TO STUDY WITH RESPECT TO LANDMARK DESIGNATION.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

VII. Adjournment

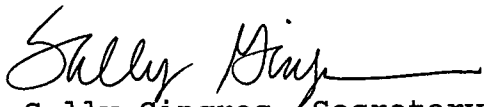
MOTION TO ADJOURN BY MRS. GINGRAS AT 3:20 P.M.

MOTION SECONDED BY MR. GUBELMANN.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Friday, July 19, 1991 at 9:00 a.m. in the TOWN COUNCIL CHAMBERS, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,


Sally Gingras, Secretary

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Please note the following correction, as noted by Mrs. Volk, to the Minutes of the May 17, 1991 Landmarks Preservation Commission meeting:

Page 18: "Lee" Massey should read "Alyne" Massey.

Please add this correction to your copy of the May Minutes. Thank you.

M A R A L A G O
SQUARE FOOTAGE CALCULATIONS

<u>LOT NUMBER</u>	<u>S.F.-LOT AREA</u>	<u>LOT AREA LESS OPEN VISTA</u>	<u>25% LOT AREA LESS OPEN VISTA</u>	<u>MODEL HOUSE PROPOSED</u>	<u>MODEL HOUSE- MAXIMUM</u>
LOT 2	62,475 S.F.	39,975 S.F.	9,993 S.F.	5,376 S.F.	9,050 S.F.
LOT 3	60,475 S.F.	39,975 S.F.	9,993 S.F.	5,504 S.F.	9,050 S.F.
LOT 4	64,815 S.F.	40,815 S.F.	10,205 S.F.	6,298 S.F.	10,000 S.F.
LOT 5	68,627 S.F.	52,867 S.F.	13,216 S.F.	7,117 S.F.	12,000 S.F.
LOT 6	63,079 S.F.	47,079 S.F.	11,770 S.F.	5,248 S.F.	10,500 S.F.
LOT 7	63,003 S.F.	47,003 S.F.	11,750 S.F.	5,939 S.F.	10,500 S.F.
LOT 8	65,904 S.F.	59,904 S.F.	14,976 S.F.	6,451 S.F.	11,600 S.F.
LOT 9	68,415 S.F.	68,415 S.F.	17,103 S.F.	6,656 S.F.	12,100 S.F.

Ref: 21 June 1991
9033-Zoning