

**MINUTES OF THE LANDMARKS PRESERVATION COMMISSION
AT THE CITY OF WEST PALM BECH CITY CENTER
401 CLEMATIS STREET, WEST PALM BEACH**

THURSDAY, JUNE 18, 2009, 9:30 a.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town’s website at www.townofpalmbeach.com or may obtain an audio recording (CD) of the meeting by contacting 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: (9:30:08 a.m.)

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

II. ROLL CALL: (9:30:18 a.m.)

Mrs. Delp called the roll. All members and alternate members were present excepting Robert Eigelberger, Member, whose absence was excused per Mr. Elwell.

Staff members present were John Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, Jane Day, Staff Historic Preservation Consultant, and Cynthia Delp, Secretary to the Landmarks Preservation Commission.

III. APPROVAL OF THE MINUTES OF THE MAY 20, 2009 MEETING:

**MOTION BY MR. HANLEY FOR APPROVAL FO THE MINUTES.
MOTION SECONDED BY MR. ROBERTS.
MOTION CARRIED UNANIMOUSLY.**

**IV. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:
(9:31:08 a.m.)**

By Mrs. Delp

V. **COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (9:31:10 a.m.)**

(Please limit comments to 3 minutes)

None

VI. **APPROVAL OF THE AGENDA: (9:31:43 a.m.)**

MOTION BY MR. HANLEY FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MR. COOLEY.

MOTION CARRIED UNANIMOUSLY.

VII. **PUBLIC HEARINGS:**

A. Application for Certificate of Appropriateness #6-09,

Windows and Doors

Owner: Charles R. Roberts Fund OAR, LLC

and Charles S. Roberts Fund PP, L.P.

Applicant: James B. Patterson

Address: 710 S. Ocean Boulevard

Architect: Bridges, Marsh & Associates, Inc.

Project Description: Request approval for modification of previously approved windows and doors which is further described as: This application for Certificate of Appropriateness involves only the modification of the previously approved plans for reconstruction and restoration. The submitted plans show the proposed modification to the windows and doors. Other associated changes as presented.

(PLEASE NOTE THAT THIS PROJECT REPRESENTS A VOTING
CONFLICT FOR MR. ROBERTS.)

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION

Mr. Roberts declared a Voting Conflict with regard to this agenda item as he is the current owner of the property. (Please note that Ms. Willis and Mr. Moore will vote on this matter.)

Commission members declared ex parte communications.

Attorney Tim Hanlon addressed the LPC on behalf of the contract purchaser, Mr. Patterson. Mr. Hanlon explained that the contract purchaser is anxious to restore the home to its original grandeur and maximize ocean views. As such, the applicant requests approval to change the fenestration. There will be no change to the size or shape of the windows, but a style change is requested. The applicant

also plans to restore four tall chimneys, second floor balcony, arched windows, and re-creation of ironwork and limestone around several of the windows. Mr. Hanlon noted that Mr. Roberts and Mr. Patterson, the contract purchaser, have agreed to withdraw the tax abatement for this project if this project is approved.

Mark Marsh, Architect, presented original photos of the home, as well as approved and proposed elevations of the home. As Mr. Hanlon previously stated, the contract purchaser wants clear ocean views from the primary rooms of the house. During historical research, the Dining Room was found to have a transomed window unit with a trifold (3 panel) element, and it is this window which is chosen for the lower level window replacements of this project. Replacement windows and doors will be impact resistant. Window replacements also include Zeluck casement windows without muntin bars, and a sample of such a window was brought to the meeting. At the master bedroom wing, a new picture window will be introduced and will be flanked by a pair of French doors. Other changes include re-creating the original iron work; re-doing the stone work around the windows; re-creating the original balcony; and, re-establishing the importance of the North wing and chimneys.

Mrs. Day felt that the project presented a good solution for the applicant; that the house had been in a state of disrepair in 2006, and a full restoration is proposed; that there is precedence for this style of window on other landmarks; that the new owners are not asking to change the size of the openings; that the former windows were not original to the house; and, that the new owner has agreed to give up the tax abatement for more interior freedom, and this will benefit the Town in tough economic times. Mrs. Day noted that it is appropriate, on a Mediterranean Revival home, to have a mixture of window styles on the same home, and on the same facade.

After comments by the members, the following motion was made:

MOTION BY MR. HANLEY FOR APPROVAL OF THE PROJECT AS PRESENTED.

MOTION SECONDED BY MS. WILLIS.

MOTION CARRIED UNANIMOUSLY.

B. [Application for Certificate of Appropriateness # 7-09.](#)

Exterior Color Change

Owner/Applicant: Sterling Palm Beach, LLC (Lessee) and
Sidney Spiegel TR #31520371 and Island Properties of Palm Beach, Inc.

Address: 340 Royal Poinciana Way, Royal Poinciana Plaza

Architect: Ann Beha Architects

Project Description: Request approval for exterior color change which is further described as: Repaint Royal Poinciana Plaza. Color to be determined by the Commission. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION

There were no ex parte communications declared.

Brian Kosoy, of the Sterling Group, indicated that the color samples had been submitted to the Town and were forwarded to the members, but Mrs. Delp clarified that they had only been submitted within the last week, at the request of the staff. The two colors preferred by the applicant are Benjamin Moore Hawthorne Yellow (applicant's first choice) and Benjamin Moore Putnam Ivory. Mr. Kosoy stated that the Putnam Ivory is the closest to the original color of the Plaza, but some pink should be added to it to achieve the correct color. Trim color will be white or off-white, depending on the base color chosen.

Mr. Pandula and Mrs. Day stated their preference for the Putnam Ivory with white trim as it is closest to the original color. Mrs. Day felt the yellow appears like Flagler Yellow, and the Plaza building was not of the Flagler period. Mrs. Day noted that paint color can always be changed; that it doesn't have to exactly match the original color; and, that paint color will always fade in the South Florida sun. Mr. Pandula suggested that some samples be placed on the building which was acceptable to Mr. Kosoy.

MOTION BY MR. HANLEY TO DEFER THE COLOR APPROVAL TO THE JULY MEETING PENDING VIEWING LARGE COLOR SAMPLES ON THE BUILDING.

MOTION SECONDED BY MR. ROBERTS.

Lori Volk, President of the John L. Volk Foundation and John Volk Restoration Inc., stated that the historic rendering of the Plaza does not accurately depict the original color of the Plaza. She stated that the original color was named "John Volk Special", a taupe color which had been made by Porter paint. She recommended against Benjamin Moore paints, and in favor of Porter paints in a color which is 20% darker than the desired color due to eventual fading due to the sun. Mr. Kosoy invited the assistance of Jane Volk and Lori Volk to arrive at the best color.

MOTION CARRIED UNANIMOUSLY.

VIII. OTHER BUSINESS: (10:11:51 a.m.)

- A. Informal Review: 440 Brazilian Avenue
(In conjunction with a request for Variance #10-2009)
(Deferred from the May LPC meeting)
Removal of existing awnings on West and South side; New loggia addition with partial

master terrace above (match existing cast stone columns, stucco & barrel tile)

There were no ex parte communication declared.

Attorney Maura Ziska explained that since the project has been re-designed, since last month's meeting, one of the variance requests has been removed and the size of the addition has been reduced. The applicant is still requesting one side yard setback. Michael Perry of MPerry Design, Inc. reviewed the revised plans. Commission members felt that the design was much improved since the May presentation, but took issue with the height of the chimney, scale of the columns, and symmetry. Ms. Ziska remarked that these architectural concerns have no affect on the requested variance.

MOTION BY MR. ROBERTS THAT THE IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.

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

B. [Monthly update regarding conditions at the Royal Poinciana Plaza](#)

Mr. Page reported that Code Enforcement and the Building Official have inspected the Plaza property. Members had been e-mailed a letter from the Sterling Group, a letter written in response to receiving a letter from Code Enforcement regarding conditions at the Plaza. Some problem areas have already been corrected, while others are scheduled for correction. Code Enforcement has reported to Mr. Page that the owner is being cooperative in addressing the areas of concern.

Jeff Taylor, Building Official, testified that upon inspection of the property with Mr. Kosoy over a month ago, three items were noted: 1) a gas meter needed to be secured; 2) two alarm boxes are rusting out; and, 3) lights in the trees which have been there for many years are being used for parking lot lights. Mr. Taylor felt that the property owner is being responsive to the Town's requests to make any necessary repairs. The LPC would like to keep this item on the agenda for the next few months.

C. [Monthly update regarding conditions at Publix Parking Lot](#)

Staff reported that the landscaping concerns at Publix have been addressed to the satisfaction of staff and the LPC, and it will no longer appear on the LPC agenda.

D. [Discussion regarding buildings of significance on Royal Poinciana Way, North County Road and Sunset Avenue:](#)

279 Royal Poinciana Way
265 Royal Poinciana Way
255/257 Royal Poinciana Way
221 Royal Poinciana Way
215 Royal Poinciana Way
207 Royal Poinciana Way
201 Royal Poinciana Way
Via Testa on Sunset

Mrs. Day presented a PowerPoint presentation relative to the buildings which were suggested for possible study as an historic district on Royal Poinciana Way, North County Road and Sunset Avenue. She had researched the Town's microfiche records for the subject properties. Mrs. Day presented the results of this preliminary review of each of the buildings providing information relative to history, architect, architecture, and changes to the buildings over time. She discussed previous attempts to create historic districts in the Town, many of which were unsuccessful. Of the properties researched, the best of them is the property at 201 Royal Poinciana Way, Evelyn and Arthur. Mrs. Day did not feel that these properties constitute an historic district and most of them are not individually eligible for landmarking. Too many changes have occurred to the buildings over time, and the buildings as a unit, are not architecturally cohesive.

Attorney Frank Lynch, representing the Testas, stated that his client, who is proposing redevelopment of the property, previously researched landmarking of the Testa property and any other properties on the block prior to commencing the redevelopment project. Mr. Lynch maintained that creating an historic district at this juncture would negatively impact the Testa application, which is still on the table and will be considered by the Planning and Zoning Commission this fall. According to Mr. Lynch, Testa's, as an applicant, has proceeded slowly and according to the Town's requests over time, so the prospect of creating an historic district now after so much time and money have been put into the Testa application, (for 3 years), is very disturbing.

LPC members were concerned about what will happen to this very important area of the town, potential changes to scale and massing, and a fear of bulldozing and increased density.

John Ripley of the Preservation Foundation, commented that scale and massing are critical in this area of Town, together with green space and the traffic pattern. Later in discussion, he recommended against creation of an historic district in this area at this time.

Leslie Evans, owner of 249, 251, and 253 Royal Poinciana Way, testified that these commercial spaces are suffering economically, that maintenance costs for these older buildings are high, and designating the area as an historic district

would make conditions worse for property owners and tenants. Mr. Evans spoke in support of redevelopment on Royal Poinciana Way as a means to revitalize the area.

Mr. Page reported that the Planning and Zoning Commission and the Town Council are looking at this area. Staff will work with the Treasure Coast Regional Planning Council to develop Zoning Code Amendments and Comp Plan Amendments to allow for change in this area, while still maintaining the neighborhood character.

LPC members spoke in support of being involved in the process concerning any plans for future changes to this important street. Mrs. Day responded that, as citizens, members can participate in any of the Town meetings concerning this subject. Councilman Diamond, who was in the audience, encouraged such participation from the LPC members. Chairman Pandula likewise encouraged the LPC members to remain engaged in the process and to voice their opinions. He reiterated that districts have been unattainable in the past; and, the architectural quality of these buildings is not good. As such, he did not feel that the LPC should move toward districting this area.

It should be noted that the Flagler Memorial Bridge Historic District already exists and protects all of the right of way known as Royal Poinciana Way, starting at the Flagler Memorial Bridge and ending at North County Road, including all improvements and appurtenances in said right of way.

Let the record show that Mr. Rogers left the meeting at 11:45 a.m.

MOTION BY MR. ROBERTS, BASED UPON THE LENGTHY DISCUSSION WHICH HAS TAKEN PLACE, THE STAFF/CONSULTANT'S REPORT AND EVALUATION OF THESE BUILDINGS AND THE INFORMATION AVAILABLE AT THIS TIME, AND THE FACT THAT MANY ATTEMPTS AT DISTRICTING HAVE FAILED, THAT THE LANDMARKS PRESERVATION COMMISSION DOES NOT SUPPORT AN HISTORIC DISTRICT ON ROYAL POINCIANA WAY, BUT THIS DOES NOT PRECLUDE AN INDIVIDUAL BUILDING ON THE STREET FROM BEING CONSIDERED FOR LANDMARKING.

**MOTION SECONDED BY MRS. GOLINO.
MOTION CARRIED 6-1, WITH MR. COOLEY OPPOSED.**

IX. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR: (11:51:02 a.m.)

Mr. Page stated that since the Town's Emergency Operations Center (EOC) is available on the dates that the LPC was scheduled to meet for the remainder of 2009, the meetings

will be held in that location. The meeting dates or time will not be changed, but the location will be changed. Staff will forward an updated list of the LPC meeting dates, times, and location to the LPC members.

X. **ADJOURNMENT:**

**MOTION BY MR. HANLEY TO ADJOURN THE MEETING AT 11:57 A.M.
MOTION SECONDED BY MRS. GOLINO.
MOTION CARRIED UNANIMOUSLY.**

**THE NEXT MEETING OF THE LANDMARKS PRESERVATION
COMMISSION WILL BE HELD ON THURSDAY, JULY 16, 2009 AT 9:30 A.M.
AT THE TOWN'S EMERGENCY OPERATIONS CENTER, 3RD FLOOR, 355
SOUTH COUNTY ROAD, PALM BEACH.**

Respectfully submitted,

Charles S. Roberts, Secretary
LANDMARKS PRESERVATION COMMISSION

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