



TOWN OF PALM BEACH

Building and Zoning Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, JUNE 15, 1990

AT 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 Dr. Donald W. Curl, Vice Chairman.

II. Roll Call:

PRESENT: Donald W. Curl, Ph.D, Vice Chairman and Acting
Chairman
Elise P. Mackintosh, Secretary
Jane Volk, Member
William S. Gubelmann, Member
Sally Gingras, Member
Jacqueline Albarran de Mendoza, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning &
Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: James V. Sullivan, Chairman, (Leave of absence)
Anne G. Metzger, Member
Arthur Silverman, Alternate Member
Wilmer J. Thomas Jr., Alternate Member

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that Mrs. Mackintosh arrived at 9:15 a.m.

III. Approval of the Minutes of the May 18, 1990 Meeting

MOTION BY MRS. GINGRAS TO APPROVE THE MINUTES AS MAILED.

MOTION SECONDED BY MR. GUBELMANN.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

A. Application for Certificate of Appropriateness No. 17-90, Utility Building

Applicant: Mr. Gerald Tsai

Owner: Mr. Gerald Tsai

Address: 702 North County Road

Architect: John B. Gosman

Project Description: Request approval to construct a utility building to be located west of the existing service yard and south of the existing drive.

(Please note that this item has been deferred from the April 20, 1990 and May 18, 1990 Meetings.)

Mr. Frank reported that the previous two deferrals of this item by the Commission prompted the applicant to take this matter before the Town Council in an appeal form. The Town Council, at their June 12, 1990 meeting, voted on behalf of the applicant, and the project design stands approved as last shown to the Commission. Mr. Frank noted that Staff will be monitoring this project to ensure that architectural consistency is maintained.

Dr. Curl commented that he did not understand this action at all because justifying a building's design by the fact that it is "hidden by vines" indicates that the design is in need of revision. He stated he was very sorry that the Town Council approved this.

B. Application for Certificate of Appropriateness No. 21-90, Exterior lighting

Applicant: Palm Beach Historic Inn, Inc. - Franklin Frank
Owner: Franklin L. Frank
Address: 365 South County Road
Architect: Smith Architectural Group
Project Description: Request approval to change storefront configuration on the east end of the south elevation, change building colors, and replace removed exterior lighting.

(Please note that this item has been deferred from the May 18, 1990 Meeting.)

Mr. Frank stated that the Architect, Mr. Jeff Smith, has requested a deferral to the July meeting for the exterior lighting, which is the only remaining yet to be approved portion of this application.

MOTION BY MRS. VOLK TO DEFER THE EXTERIOR LIGHTING TO THE JULY MEETING.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness No. 22-90,
Miscellaneous Changes

Applicant: Mr. and Mrs. Louis D. Root
 c/o Robert T. Eigelberger
Owner: Mr. and Mrs. Louis D. Root
 c/o Robert T. Eigelberger
Address: 61 Middle Road
Designer: S.D.A. Management, M.J. Ackerman
Project Description: Request approval to remove hot tub
 in southeast corner of property
 along with shed roof overhang across
 entire east elevation for re-opening
 existing circleheads; change railing
 and flooring on balcony located on
 the northeast corner of residence on
 second floor; re-open second floor
 interior loggia to open into
 courtyard; create a circular drive
 in front of residence; add french
 doors to study to create access to
 driveway; demolish rear addition to
 garage and create open loggia and
 outside stairs using space from
 existing garage apartment; locate a
 tea house/loggia and pool in the
 northeast corner of the property and
 add courtyards to provide access;
 convert storage building to bath and
 dressing room on south side of pool;
 change north entrance to residence
 to french doors with lights; and add
 caps to all chimneys.

(Please note that this item was deferred from the May 18,
1990 Meeting.)

Mrs. Michelle Ackerman of S.D.A. Management came before
the Commission requesting approval for only the demolition
portions of the application. This request is put forward
so that post demolition studies can be done to determine
actual available space for the new construction and/or
renovations.

1) In 1984, a one story loggia addition was added across
the back rear of the house. This addition has hidden the
circlehead arched doors that Mr. Wyeth had originally
placed on the main structure. The removal of the addition
is desired to expose the circleheads and thereby permit
more light to enter the main structure.

2) Secondly, they would like to remove the curved portion
of the existing retaining wall, a large portion of the
brick motorcourt, the aluminum carport structure and
the paver area. A pool is planned for this location in
the future, and available space must be determined.

3) Circa 1986, a huge addition was added onto the existing carriage house. They plan to remove this addition completely and utilize just the original carriage house space, and will come back to the Commission at a later date with a stair and loggia to access the second floor of the carriage house. This addition had just been tacked onto the existing carriage house structure, and the proposed demolition will keep the original carriage house walls in tact.

4) The existing front door is lovely, however, there is an aluminum awning over the door at present which is to be removed.

In summary, the demolition plan includes the demolition of all structures added on since 1984.

MOTION BY MRS. GINGRAS TO APPROVED THE DEMOLITION PORTION OF THIS APPLICATION.

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

and

MOTION TO DEFER THE REMAINDER OF THIS APPLICATION BY MRS. GINGRAS.

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness No. 24-90, Miscellaneous Changes

Applicant: Mr. and Mrs. E. Burke Ross

Owner: Mr. and Mrs. E. Burke Ross

Address: 172 South Ocean Boulevard

Contractor: Beems Construction Company

Project Description: Request approval for fenestration changes to loggia; new doors and stucco arches on the east garage elevation; new door leading to covered patio; new landscape plan; new driveway and center planter; new front yard wall and pecky cypress gate; rework front steps; and other site and facade changes.

(Please note that some of the changes described above were discussed and approved at the May 18, 1990 Meeting, but were not advertised for that meeting; and others were included on the May 18, 1990 submitted plans, but were not mentioned at the meeting. Consequently, all of the above will require action at today's hearing.)

Mr. Gene Beems and Mr. Mark Beems presented the project, and reviewed the proposed changes referencing the plans as follows:

Site Plan: Remove a four foot section of the four foot high northeast garden wall to allow for a new gate.

Sheet 1, 2, & 3: Refers to the enclosed loggia or breezeway as it was discussed at the May meeting. The plan includes making the east and west elevations of the enclosed breezeway symmetrical via the installation of two glass doors with aluminum frames on its east elevation. Existing windows on the east and west elevations will be replaced with new fixed glass windows with aluminum frames. The shine of the aluminum will be appropriately treated to make it appear as wood.

Sheet 4: On the east garage and rec room elevation, two new french doors with applied stucco arch and a new applied stucco arch with bench will be added. The french doors will give access from the pool to the rec room. Also on this elevation, a new wood paneled door will be installed at the end of a hall leading out to a covered patio.

Sheet 5: Refers to the front driveway which is currently in disrepair. The existing driveway and front steps are covered with chatahoochee. The plans indicate a patterned driveway using precast off-white 2' x 2' textured imitation coquina paver stones and a contrasting modular brick, all over a 4" slab. The driveway will be in a "U" shape.

At this point, Mr. Beems made a comment regarding the Town being upset with this driveway encroaching onto the public right of way. Mr. Moore will respond to this comment later in this record.

Sheet 6: Refers to the front steps which will be widened. The existing chatahoochee will be replaced with simulated coquina. Two steps will be created with bullnose edges.

Sheet 7: Refers to the new front yard gate and wall. An existing column will be moved and a new garden wall portion will be created for more security. A pecky cypress gate will be inserted in this wall and will be flanked by gate posts topped with real coquina cast balls. The new gate will be just under five feet in height, and Mr. Frank noted that this height is within the Town's Code limitations.

Sheet 8: Referring to the landscape plan, and presented by Jorge Sanchez and Phil Maddux, Landscape Architects. They explained that most of the vegetation that will be used is native to Florida, and almost 100% is drought resistant plant material. The garden on the beach side

will be opened up to the pool garden to make it into one large area. Gates will be installed for security for young children and to maintain privacy from beachgoers. At the east edge of the property an attempt will be made to shield the property from the public view, and soften the rectangular edges of the property by creating a Florida hammock effect at the north and south corners of the property. Paths will lead to the beach and to the childrens' play area. Formalized planting areas will occur at the pool terrace. A romantic garden will occur toward the northwest edge of the property implementing six large citrus trees, three on each side of a resurfaced pathway leading to a fountain.

Mrs. Volk complimented the gentlemen on the wide variety of plant materials chosen for the site.

Mr. Moore then commented on Mr. Beems earlier statement regarding the proposed driveway with respect to the Town's right-of-way. Mr. Moore reminded the Commission and the property owner that if the owner would like to take the driveway surfacing materials out to the street, it is possible via the filing of a driveway agreement at the County Court House. This agreement releases the Town from having to replace any portion of the driveway approach, in the event the Town must take up any portion of the approach, with any material other than plain concrete or asphalt. The vehicle, "the driveway agreement", has been in effect for many years. Mr. Sanchez noted that it is the owner's wish to stop the decorative driveway at the south side of the Clarke Avenue sidewalk. Mr. Moore responded further that if such is the case, the record should reflect that the Town is not restricting the property owner in any way regarding the driveway.

MOTION BY MRS. MACKINTOSH TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MRS. GINGRAS.

Mr. Gubelmann commented that it appears as though this restoration will be very nicely done and is a very nice restoration.

MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness No. 23-90, and 25-90, Miscellaneous Changes

Applicant: Mr. and Mrs. J. Switzer
c/o Robert T. Eigelberger
Owner: Mr. and Mrs. J. Switzer
c/o Robert T. Eigelberger
Address: 10 South Lake Trail
Designer: S.D.A. Management, M. J. Ackerman

CoA #23-90 (Deferred from May 18, 1990)

Project Description: Request approval to change existing front entrance to have a curved two story portico with columns and windows; relocate the pool from the southwest corner of the property to the center of the west elevation, between existing Royal Palms; add a pool cabana/loggia in the location of the existing pool, and extend coquina patio around entire west side of house and partially on north elevation to provide access from existing doors.

CoA #25-90

Project Description: Request approval for exterior color change; landscape plan; restore rear column deterioration; replace west balcony jalousie door with casement door; replace south sunporch french doors with casement windows; remove a small 20' roof overhang on the south elevation; fill in recesses in stucco on the south elevation; and other site plan and facade changes.

Mrs. Ackerman returned with a rendering of a newly designed one story portico, still semi-circular with twisted columns, a design more in keeping with the Italian Mission Style of the house.

The color rendering of the residence indicated the use of the following Benjamin Moore paints:

- #890: White - for the fascia, trim, window bends and columns
- #022: Pinky-peach - for the residence
- #623: Green - for the window muntins (to match the green of the roof tiles - a custom match)

The following portion of the record is a verbatim account:

Mrs. Polly Earl: Polly Earl, Director of the Preservation Foundation. I just wondered if I could ask a couple of questions to perhaps clarify one or two things because I have had so much...so many calls from Residents in the area who are very concerned about this house, and concerned, I think, about a situation that goes back to previous owners, and voicing a good deal of concern that this not turn into the kind of situation that recently occurred at 1800 South Ocean, both in terms of, perhaps, exaggerated changes that altered the character of the house and also in terms of some previous supposed

restoration that I think really was not according to what the Commission had approved. I'm speaking specifically of the south side where there are now red roof tiles. Are these going to be removed?

Mrs. Ackerman: That is in the next application. They did approve that last month which was not advertised so we're having to come back with that again.

Mrs. Mackintosh: The red is being taken off.

Mrs. Ackerman: Everything is being taken off. The recesses are being filled in as the application states.

Mrs. Earl: And, as nearly as I can tell from the drawings that you've presented, you said you're using the twisted columns, keying off what is on the other side.

Mrs. Ackerman: Yes, what is on the rear.

Mrs. Earl: I think that the Landmarks Commission has seen how much impact changes in the front entrance can have on a building, and I just, I'm not really sure that I have any specific criticism of this design, but I think in general, it's just good to make sure that this kind of alteration is really in keeping with the scale and the tone of the overall structure, and doesn't really produce a trend or something that you don't want it to become. I have a question about the color also. Initially, there was some request for a brown color? Is that still ... (indiscernible)?

Dr. Curl: Polly, let me say that your concerns are concerns that were definitely taken up at the last meeting. But first, and I suppose foremost was in the record...was to in a sense, say something nice about Mrs. Ackerman's proposal because it was a comprehensive proposal that told us everything they wish to do. The Commission specifically did not like the entrance and we had asked that they come back with a different design...nor the color, and they have done that. I mean I can't speak for the Commission as to whether or not they are going to vote for this new one, but certainly it is more in keeping with the house and it has...it's a very major and good change, as far as I'm concerned.

Mr. Frank: I'd like to mention along that same line, because I was saving a comment for later, but Mrs. Ackerman made a statement to me at Town Hall a couple of weeks ago, and I think it is important to re-state what she said. Some of the things that were on the presentation drawings are not, as I understand it, planned to be implemented right away.

Mrs. Ackerman: Right. Exactly. We were trying to give you ...

Mr. Frank: And the Landmark Commission has asked several presenters in the past that they would like to see what the overall plan and development scheme is for a site and I think that this is very good here in view of the fact that this presentation does include all of those future elements that are being considered at this time. That's why certain things are located in certain places and so forth, even though they are not being implemented right away. This is not a piecemeal presentation.

Mrs. Earl: We are aware of the changes in the drawing and I personally think it certainly is moving in a good direction, and we are all aware of the comprehensiveness of the plans presented, and I think all of us are correct. That's what you need to see, and my comments are really offered, I think, in a spirit of helpfulness because I think it's distressing to everybody given the kind of cooperation the Commission has to offer to owners, to see a situation where things don't turn out as hoped for, and our concern is that the Commission can arrive at some procedures, or techniques, or approaches, or whatever you want followed that will give you the necessary oversight and the necessary kinds of review so you'll be able to be sure that when people really give their homes into your safekeeping, and your neighborhoods, that you can preserve the kind of thing you want to keep preserved.

Mrs. Mackintosh: Polly, we've had our spanking.

Mr. Moore: I'd like to speak to that now if I might now too

And I appreciate Mrs. Earl's comments, and more onto the "spanking", as Mrs. Mackintosh spoke to. This Commission has always tried to consider the Preservation Foundation's concerns and wishes. In fact, most recently, in the Town Hall Square District, they were major advocates in an entire district from Royal Palm Way to Worth Avenue. The Town expended great time and effort in that area, and I think this Commission and the Staff went through a great learning experience with the subject property that Mrs. Earl has brought up and I intended to speak under this matter at the end of the agenda, but since it's been raised, Staff has initiated more tighter controls on the stopping of work. I think that the Commission, itself, entered in good faith with the designer, Mr. Lawrence, into the approval for that subject property, and unfortunately unauthorized changes occurred from a residential designer employed by the owners and I think everyone has come through this with a learning experience that will be beneficial to all, but a public spanking of this Commission...I'm just...I just, as a Staff member, find that very tough to take, especially when this Commission considered requests made by the Chairman, Mr. Eigelberger, but certainly supported by the Preservation Foundation, to study a district that was at the last minute after...after the consideration, the time and

effort, and the Town's money was spent, was withdrawn support for that district. So, I think that a public spanking is in fine in one respect, Mrs. Mackintosh, but I also think that defense of this Commission is in order too, and I have so done so.

Mrs. Mackintosh: Well, I do too. I think we have all done a marvelous job. I think we have to read the fine print now. I think we've done a magnificent job.

Mrs. Earl: I want to say again that our comments are offered in the spirit of helpfulness and we support anything that you feel you can do to make sure that these things turn out as everybody wants them to do, and we are, as I think you know, behind the spirit of landmarking and behind what you do, and if there are some differences in opinion about details or exact proposals, well, you know, that is sometimes the nature of the beast, but we support what you're doing and support the measures you are taking to make sure that it's all done right.

Mrs. Mackintosh: May I add to this. I just wish somehow that we could get together before it has gone too far. I think very often we think you agree when you've asked us to do something and we break our necks trying to do it, and it turns out that you don't support us.

Mrs. Earl: I'm not sure that we aren't together. We support the Landmark Ordinance in the Town. We support it's enforcement which, as I understand it, is the mission of the Town Landmarks Commission, and you have always had that support. If we differ from you in details or procedure, or some other point, we are two separate organizations, composed of separate leadership, and we are not subject to the Town. You are. We are a public charity. You aren't. We are different organizations.

Mrs. Mackintosh: Yes, I know.

Mrs. Earl: I think that the whole progress and acceptance of landmarking as an important part of protecting this Town can really only advance from having two points of view about it, because I think out of two points of view sometimes you can emerge into a stronger and a clearer situation. And I really don't think that the Landmark Commission should always ask us to go down the line 100% with you.

Mrs. Mackintosh: Yes, but I think that sometimes we think we're agreeing or we're complying with your (indiscernible) original wooden houses.

Mrs. Volk: Bungalows

Mrs. Mackintosh: That's what they're called...bungalows. We really went on your suggestion. And we went very

deeply into this, and then, when we were finally faced with this, you didn't back us.

Mrs. Earl: I'm not..I, ah,...

Mrs. Mackintosh: Well, I think we should have some understanding before we go so far. That's what I'm trying to tell you.

Mrs. Earl: The Preservation Foundation has tried to stay out of comment about individual designations of individual houses because we feel that that's the responsibility of the Landmarks Commission. I think that may be where some of the confusion about the Town Hall District occurred. We really felt that setting the exact limits of that is the responsibility of the Commission. I think it's a proud thing that we have accomplished, a Town Hall District, and we feel that those definitions in the Landmark Ordinance definitely need clarification, particularly if the district is going to encompass that extent, and as Mr. Chopin said, we really, until we got into studying the thing, until we got into the real public phase of it, we really were not aware that those definitions weren't nailed down in the Ordinance, or we weren't clearly aware of it. I think that, and again, sometimes our comments are based on, we try to base our comments more on general principles and to stay out of the individual issues. And my comments today I just meant to be really more general. This house is a good example of the same kind of some of the problems that you've faced before, and that's why I got up at this particular moment, but in general, we try to stay away from the individual structures. There's no doubt that you spoke of the bungalow architecture. There's no doubt that it's fast vanishing. It's an important part of our history, but we just have really tried not to leap into every individual case because we are two different and entirely separate organizations, and you are the ones who are charged with the execution of this Ordinance, and we are not. And we do many other things besides our support of the Town's Ordinances.

Mrs. Mackintosh: But I just wish we could...maybe we don't communicate really well. I personally hope that the next time you make a suggestion, that you go into deep, deep detail, so we don't go running down the wrong garden path because it's time consuming, and frustrating and embarrassing and very disappointing if we're not backed up.

Mrs. Earl: Well, as I say, I think everybody can be pleased about the Town Square District and we want to help provide that clarification in the Ordinance and it will give better support for the inclusion of some of these buildings in districts.

Mrs. Mackintosh: Well, from now on, we'll work together better.

Mrs. Earl: We want to do that, and again, I think that we just have to remember that we are two completely separate organizations with somewhat different goals, and certainly different personnel, but we support the Town's Ordinances and what you're trying to do to execute the product.

Mrs. Mackintosh: We all love Palm Beach.

Mrs. Earl: Yes, that's right. That's the bottom line.

(End of Verbatim Record)

Mrs. Albarran de Mendoza suggested that a small parapet might be used to top the portico so the entry does not have a "squat" appearance

MOTION BY MRS. GINGRAS TO APPROVE THE ONE STORY ENTRY PORTICO AND THE COLOR PALETTE FOR THE HOUSE.

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

and

MOTION BY MRS. GINGRAS TO DEFER THE LANDSCAPE PLAN AND CABANA/LOGGIA PLAN TO A DATE UNCERTAIN.

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

(LET THE RECORD INDICATE THAT BOTH THE LANDSCAPE PLAN AND THE CABANA/LOGGIA PLAN WILL HAVE TO BE RE-ADVERTISED AS THEY WERE DEFERRED TO A DATE UNCERTAIN.)

and

MOTION BY MRS. VOLK TO APPROVE THE REMAINDER OF CoA# 25-90 AS LISTED ON THE AGENDA AND AS PRESENTED AT THE MAY MEETING.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness No. 26-90, Hurricane Shutters

Applicant: Mrs. Jane Volk

Owner: Mrs. Jane Volk.

Address: 206 Phipps Plaza

Contractor: Hurricane Service

Project Description: Request approval for electric rolling hurricane shutters for second floor rear openings and manually operated shutters on six front openings.

(Please note that this item was heard informally at the May 18, 1990 Meeting.)

Let the record show that Mrs. Volk presented this item and did not vote because of the obvious conflict of interest. (Voting Conflict form on file.)

Mrs. Volk stated that in addition to the shutters listed above, she also needs to shutter six additional windows on the second floor.

MOTION TO APPROVE THE HURRICANE SHUTTERS AS PRESENTED AT THE MAY AND JUNE MEETINGS.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness No. 27-90, Identification Signage

Applicant: Florida National Bank/First Union

Owner: Florida National Bank/First Union

Address: 411 South County Road

Contractor: Don Bell & Company

Project Description: Request approval for changes in identification signage on the west and south facades.

(Please note that this item had been heard informally at the May meeting, at which time the Commission approved the signage as presented.)

MOTION BY MRS. GINGRAS TO APPROVE THE IDENTIFICATION SIGNAGE AS PRESENTED.

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

Mr. Frank noted that this signage had been reviewed by the Commission last month as, at that time, this property was included within the Town Hall Square District. The Landmark Preservation Commission took informal action in the form of an approval of the signage, and because of

that initial approval, the Commission was appropriate in taking final action on the item even though the property has since been eliminated from the District.

H. Application for Certificate of Appropriateness No. 28-90, Miscellaneous Changes

Applicant: Mr. and Mrs. Jose Fanjul

Owner: Mr. and Mrs. Jose Fanjul

Address: 105 Jungle Road

Landscape Architect: Sanchez & Maddux, Inc.

Project Description: Request approval to reduce opening of garden gate, add two pillars, add roof tile over new gate and wall, landscape renovation and additions.

Landscape architects, Mr. Jorge Sanchez and Mr. Phil Maddux, presented the new landscape plan for this property. Mr. Sanchez explained that it is particularly difficult for women to walk upon the existing walkway in the evening hours. The plan indicates resurfacing this walkway with simulated coquina with a very small, tight grouting, making pedestrian traffic easier. Additionally, the walkway to the pool area will be made slightly serpentine for a more graceful appearance. Stepping down from the pool area, a quite formal large garden area will be surrounded by a perfectly rectangular walkway. At the end of these formal gardens, a new gate will be installed to replace the existing poor quality eight foot wide gate. The new gate will be a six foot wide pecky cypress gate which will be kept in a natural finish. The gate will be embellished with a barrel tile roof and cypress beams. The existing gate hardware will be used on the new gate.

Mrs. Albarran de Mendoza suggested that the rafter tails at the gate roof match the rafter tails of the house.

In agreement with this suggestion, the following motion...

MOTION BY MR. GUBELMANN TO APPROVE THE PLANS AS PRESENTED WITH THE STIPULATION THAT THE RAFTER TAILS OF THE GATE ROOF MATCH THE RAFTER TAILS OF THE HOUSE.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

I. Application for Certificate of Appropriateness No. 29-90,
Doors, windows and awnings

Applicant: Skipper's Ice Cream Cafe (tenant)

Owner: I.F.P. Inc. c/o Grosvenor Int'l

Address: 412 South County Road

Architect: William Honner

Project Description: Request approval for removal of
existing aluminum and glass
storefront, doors and awning;
provide new aluminum and glass
hinged type french doors and new
awning.

Let the record show that as this property is no longer
included within the Town Hall Square Historic District,
and therefore, review of this item has been transferred to
the Architectural Commission at their June 27, 1990
Meeting.

J. Application for Certificate of Appropriateness No. 30-90,
Paving

Applicant: Mary Philpit for Major Alley Property Owners

Owners: Russell and Mary Philpit

Paul Sowers

Jean Mahoney

Donald Findlay

Josephine Doelger

Wendy Davenport

Address: 417 Peruvian Avenue - Major Alley

Project Description: Request approval to repair broken
concrete and repave 85 ft. x 10 ft.
of alleyway with brick pavers

Mrs. Mary Philpit, Major Alley property owner, came before
the Commission to present this application. First, she
corrected one of owner's names above from Wendy Davenport
to Wendy Dunaway and Marjorie Childress. She explained
that Major Alley has been in disrepair for some time now,
and she has been lobbying among her fellow property owners
for years in an attempt to resurface Major Alley.
Presently, the concrete surfacing is broken and is very
dangerous. As of last month, the property owners have
agreed that the broken concrete should be taken up and a
new surface, stamped concrete or Bomanite, in a light gray
color will be applied topped with a sealer. Mrs. Albarran
raised some questions regarding the Bomanite as the
surfacing material chosen. She commented that the end
product when using bomanite is very often not what is
desired, as it often looks too contemporary and definite
color shades are difficult to attain. Mrs. Albarran de
Mendoza felt that she could not justifiably approve this
material selection without seeing an exact color sample.
The Commission suggested that perhaps Mrs. Albarran de
Mendoza might work with the property owners to satisfy the
color issue.

As an alternative, Mrs. Albarran de Mendoza and Mrs. Gingras suggested using a scored keystone or scored cool deck which is textured concrete. They explained that first a slab is poured. Then approximately one-quarter inch concrete material is poured over the slab. This topping is then scored or patterned. The advantage of this material choice is that it is less expensive than the Bomanite and no glossy sealers, which are usually landmark inappropriate, are needed.

Mrs. Philpitt was quite pleased with this alternative as cost is a very important factor being considered by the property owners.

MOTION BY MRS. GINGRAS TO APPROVE THE RESURFACING OF MAJOR ALLEY WITH A PATTERNED OR SCORED KEYSTONE FINISH.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

The Commission did note, however, that if the keystone alternative was not possible for some reason, Mrs. Albarran de Mendoza would work with the property owners to achieve a solution that would mutually satisfy both the property owners and the Commission.

K. Application for Certificate of Appropriateness No. 31-90, Hurricane shutters

Owner/Applicant: Town of Palm Beach
Address: 300 North County Road
Project Description: Request approval for installation of housings for rolling hurricane shutters.

Mr. Moore stated that the Commission has seen this proposal previously when it was presented by Mr. Bowser. Mr. Al Dusey, Director of Public Works, came before the Commission on this date. He reiterated that Mr. Bowser had presented this earlier on an informal basis, and the Commission's response was that more investigation should be done before shutter boxes are implemented. The Public Works Department has abided by the Commission's wishes and has investigated shuttering the windows from the inside, and applying a glass strengthening film to the windows, but none of these alternatives seem adequate to protect the building. Mr. Dusey reported that in hurricanes, shuttered structures have fared very well, and he is, in light of another hurricane season's arrival, concerned about the safety of the North Fire Station. He added that it would take approximately sixteen hours to shutter the building with panels, and that is too long a time period. Consequently, the proposal is once again the boxes over the windows with roll down type shutters. These same shutters are used on the Police Station, with the boxes painted to match the exterior facade.

Mr. Moore pointed out that the Fire Department is responsible for shuttering the Town Hall in a hurricane situation, as the Town Hall is a command center and therefore, must be shuttered first. The Town is asking for some leniency here so that this practical matter of protecting the North Fire Station can be handled.

Mrs. Volk commented that she saw no alternative to shuttering the Fire Station in the proposed fashion. In the event of a storm, there is just not enough time and manpower available to shutter buildings as was done in the past. Safety and convenience must predominate design here.

Mr. Gubelmann pointed out that a great deal of money was spent in restoring the Fire Station and the Landmark Commission was the chief proponent in its restoration.

MOTION BY MR. GUBELMANN TO APPROVE THE ROLLING SHUTTERS FOR THE NORTH FIRE STATION WITH THE SHUTTER BOXES PAINTED TO MATCH THE EXTERIOR WALL COLOR.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

V. Other Business

A. Informal Review

1. 290 South County Road
Owner: Thomas Campaniello
Tenant: Doherty's Restaurant
Architect - Smith & Paine Architects

Informal review requested for addition of windows on north facade of the building where windows originally existed; also, awnings over the new windows to match the awnings on the east facade.

Let the record show that the review of this item has transferred to the Architectural Commission as this property is no longer considered part of the Town Hall Square Historic District.

B. Notification of Staff Approval given

700 North Lake Way
Owner: Mr. and Mrs. Robert Fisher
Contractor: B. K. Pavers

Staff approval given to resurface existing chatahoochee driveway with octagonal brick pavers.

Mr. Frank noted that this proposal pre-dated the

ratification of this property as a landmark. The work proposed is certainly considered an upgrade, and a portion of the area to be resurfaced is not in the landmarked area. As a result, Mr. Frank gave a Staff approval to proceed with this work.

C. Staff Comments

Mr. Moore congratulated the Commission on their landmarking efforts put forth during this past designation season.

Regarding the Montgomery house at 1800 South Ocean Boulevard, the Town Council was divided on this issue. There was mixed feeling as to whether stripping the landmark designation would be deemed as a "reward" or as "punitive". It was ultimately decided that this action would be punitive. Mr. Moore stated that he supported this action because a landmark designation, in his opinion, is an honor, carries prestige and is something to be sought. He did not support having 400 or 500 "marginal" buildings included as landmarks. Continuing, he stated that this house was "atypical" of a landmarked property under construction, in that the owners showed wanton disregard of the Town's Ordinances. Staff was "spanked" by the Town Council for not stopping this work sooner and with more vigilance. Henceforth, Mr. Frank and also, Mr. Sved, still retained as our consultant, will visit every landmarked jobsite where an active Certificate of Appropriateness is in effect at a frequency of at least every ten days, without fail. The Town Council was also very clear that the Commission should be very careful when they are approving major changes to landmarked sites, that the changes will not put the site into a situation where the changes begin to destroy the qualities of the structure which initially inspired the landmarking of it.

Regarding the Town Hall Square District issue, Mr. Moore commented that this is a very "sore subject". He explained that through the efforts, coercion, and direct requests of others, Staff engaged in studying an area for the District which was beyond the scope of study as recommended by the Town Council. During this Designation Season, Staff and the LPC have cooperated 100% with the Preservation Foundation in looking at certain types of houses for designation, and in studying the Town Hall Square District from Royal Palm Way to Worth Avenue. Mr. Moore stated that Dr. Curl's comments from the May meeting were right "on point" when Mr. Chopin, on behalf of the Preservation Foundation during the Designation Hearing, supported significantly reducing the boundaries of the District. The Preservation Foundation, obviously, changed their minds. Mr. Moore cautioned the Commission to carefully evaluate the future requests put forth by the Preservation Foundation as to whether the Commission wants to undertake them, as Preservation Foundation support for same may not be sustained after the Commission and Staff are through expending time and effort

on a given request. Mr. Moore stated that the Town fully realizes that the Preservation Foundation and the Landmarks Preservation Commission are two different entities, and frankly, the Town Landmark Commission does not wish to be construed as the Preservation Foundation.

Various Commissioners expressed their disappointment at the lack of support given by the Preservation Foundation with respect to the designation of the Town Hall Square Historic District and the designation of bungalow type structures in the Town.

Mr. Moore suggested that the Commission consider, perhaps as an agenda item next month, a yearly visitation to every landmarked structure in the Town to be performed by either past or present Commissioners in an effort to review these properties and be sure that situations of "demolition by neglect" are not occurring.

Regarding changing the Landmark Ordinance to include the terms "contributory" and "non-contributory" as has been suggested by the Preservation Foundation and others during this Designation Season, Mr. Moore commented that Staff and Mr. Randolph, Town Attorney, have resisted changing the Ordinance as it is such a lengthy process. Mr. Randolph stated that of course the Ordinance can be amended, but in his opinion, it may not be necessary because the Ordinance was drafted such that structures within a district that are not necessarily landmarks themselves shall be in harmony with the rest of the district; and he felt that was sufficient verbiage. Mr. Moore reiterated that at this time, Staff is not recommending a change to the Ordinance.

Mrs. Mackintosh questioned the definition of "harmony" as it surely has different meanings to different persons. Dr. Curl responded that harmony can be defined in terms of proportion and style.

Mrs. Mackintosh further questioned how they can prevent more instances like 1800 South Ocean Boulevard. Mr. Moore responded that Staff will issue "red tags" or stop work orders to cover all work on a site, both interior and exterior so that no work at all can proceed until any infractions have been remedied. The Town Council wants these matters to go before the Code Enforcement Board immediately. A citation program just went into effect whereby a ticket can be issued on the spot for violations by a contractor.

Mrs. Volk stated that she assumed that architects, as a rule, supervise their projects to ensure that there are no problems of this sort at the site. Mr. Moore responded that there is a cost factor to be considered when contemplating such architect supervision, and put forth the idea that the Commission could make this type of supervision a requirement of issuance of a Certificate of Appropriateness, especially

on more complicated projects, but this would produce additional costs to the owner...a potential source of owner objection.

D. Discussion of Priority List

Mr. Frank stated that based upon the structure selections he has already received from some of the Commissioners, the student interns are starting to work on the Designation Reports for these. Approximately twenty to twenty-five structures are contemplated for designation next year.

A discussion ensued as to whether to attempt to landmark individual buildings as opposed to more historic districts. Staff's opinion was that although it may be more difficult in a sense to landmark a particular structure, the attempted designation of a historic district invites class action lawsuits from one or more of the included property owners who can combine their forces and resources, thereby reducing individual property owner time and expense. If the district cannot be sustained, then that type of opposition is invited. This very nearly occurred with the Town Hall Square District per its original boundaries. So, Staff will concentrate on individual designations in the upcoming year.

The Commission thanked Staff for a job well done during this Designation Season. Mr. Gubelmann stated that he is seeing a slow reversal of opposition to landmarking. Mr. Moore tended to agree with this view, and attributed much of this change to the fine lobbying of Staff and especially, Mr. Sullivan. The property appraiser's report has substantiated that landmark properties increase in value, and this is, of course, a positive influence toward landmarking.

Mr. Gubelmann suggested that when properties are landmarked, the Town could give the owner a landmark plaque, rather than having them buy one. Mr. Moore stated he will investigate this with respect to the budget.

VI. Adjournment

MOTION TO ADJOURN THE MEETING AT 11:20 A.M. BY MRS. MACKINTOSH.

The next meeting of the Landmarks Preservation Commission will be held on Friday, July 20, 1990 at 9:00 a.m. in the TOWN COUNCIL CHAMBERS, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,

Elise P. Mackintosh

Elise P. Mackintosh
Secretary

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

LAST NAME—FIRST NAME—MIDDLE NAME VOLK LILLIAN JANE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Preservation Commission	
HOME ADDRESS 206 PHIPPS PLAZA		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PALM BEACH, FL.	COUNTY 33480	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 6/15/90		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

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

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

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

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

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

You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.

A copy of the form should be provided immediately to the other members of the agency.

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

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

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

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Lillian Jane Volk, hereby disclose that on June 15, 1990.

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

☒ inured to my special private gain; or

☐ inured to the special gain of _____, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

An item was discussed regarding hurricane shutters on my private residence.

6/15/90

Date Filed

Signature

Lillian Jane Volk

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.