# TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES
LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, MAY 21, 2008 AT 9:00 A.M.
AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

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

I **CALL TO ORDER:** Chairman Pandula called the meeting to order at 9:00 a.m.

II **ROLL CALL:**

**PRESENT:** Eugene Pandula, Chairman
William Lee Hanley, Vice Chairman
Patrick Segraves, Secretary
Robert Eigelberger, Member
Eileen Bresnan, Member
Charles S. Roberts, Member
D. Imogene Willis, Alternate Member (Voting today)
Dudley L. Moore, Jr., Alternate Member
Wallace Rogers, Alternate Member
John C. Randolph, Town Attorney
John S. Page, Director of Planning Zoning & Building
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

**ABSENT:** Hazel Rubin, Member (unexcused)

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III **<u>APPROVAL OF THE MINUTES OF THE APRIL 16, 2008 MEETING:</u>**
**MOTION BY MRS. BRESNAN FOR APPROVAL OF THE MINUTES.**
**MOTION SECONDED BY MR. HANLEY.**
**MOTION CARRIED UNANIMOUSLY.**

IV **<u>ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:</u>**
By Mrs. Delp

V **<u>APPROVAL OF THE AGENDA:</u> (0:00:55.0)**
**MOTION BY MR. HANLEY FOR APPROVAL OF THE AGENDA.**

Mr. Pandula noted that the item under Other Business (A) [found on page 6] for 442 Seaspray Avenue will be removed from the agenda as it needs to be advertised.

**MOTION SECONDED BY MRS. BRESNAN.**
**MOTION CARRIED UNANIMOUSLY.**

VI **<u>COMMENTS FROM THE PUBLIC</u>**: None **(0:01:21.5)**

VII **<u>OTHER BUSINESS:</u> (0:01:27.5)**

A. <u>Informal Review: 350 Worth Avenue, The Everglades Club</u> **(deferred from April)**
(In conjunction with Special Exception #6-2008 with Site Plan Review and Variance)
<u>In four phases, from May 1 to Nov. 1 of calendar years 2009 to 2012, demolish existing one-story 14,072 sq. ft. kitchen additions. Construct corresponding portions of proposed 30,496 sq. ft. two-story kitchen addition</u>. **Phase I** to house new vertical circulation, exterior access, Dish Room, Electrical/Mechanical Rooms, Bathrooms. **Phase II** to house Main Kitchen facilities, Elevator, Bake Shop, removal and reconstruction of existing unreinforced masonry Bell Tower. **Phase III** to house Main Kitchen facilities, Bathrooms, Loading Dock slips, Freight Elevator, exterior access, Issue Office, Mechanical Room. **Phase IV** to house vertical circulation, exterior access, Elevators, Bathrooms, Wine Cellar, Flower Shop, Trash, Electrical/Mechanical Rooms, Employee Dining, Pedestrian Arcade, Future Offices, Future Laundry. Massing, ornamentation, and materials palate to be drawn from the original elements of the existing building. Existing kitchen additions extend into Worth Avenue right-of-way, offer no sidewalk along Worth Avenue, and are architecturally inconsistent with the style and massing of the original building that is to remain. Right-of-way encroachments to be eliminated, sidewalk and landscaping along Worth Avenue to be added to complement new construction. Multiple existing rooftop a/c systems to be replaced with freestanding enclosed cooling tower adjacent to existing generator enclosure.

**Please note that at the April meeting there was a motion to defer this <u>informal</u> review project to the May meeting for re-study to make the bell tower more visible, and to re-visit the second floor office space; and that the architect shall bring back the model for use during the presentation.**

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION.

****See action found after Public Hearings, Item A.****

VIII **PUBLIC HEARINGS:** **(0:01:48.9)**

A. Application for Certificate of Appropriateness #6-2008, Reconstruction, addition, demolition, landscape/hardscape
Owner/Applicant: Everglades Club, Inc.
Address: 356 Worth Avenue
Project Description: In four phases, from May 1 to Nov. 1 of calendar years 2009 to 2012, demolish existing one-story 14,072 sq. ft. kitchen additions. Construct corresponding portions of proposed 30,496 sq. ft. two-story kitchen addition.
**Phase I** to house new vertical circulation, exterior access, Dish Room, Electrical/Mechanical Rooms, Bathrooms. **Phase II** to house Main Kitchen facilities, Elevator, Bake Shop, removal and reconstruction of existing unreinforced masonry Bell Tower. **Phase III** to house Main Kitchen facilities, Bathrooms, Loading Dock slips, Freight Elevator, exterior access, Issue Office, Mechanical Room. **Phase IV** to house vertical circulation, exterior access, Elevators, Bathrooms, Wine Cellar, Flower Shop, Trash, Electrical/Mechanical Rooms, Employee Dining, Pedestrian Arcade, Future Offices, Future Laundry. Massing, ornamentation, and materials palate to be drawn from the original elements of the existing building. Existing kitchen additions extend into Worth Avenue right-of-way, offer no sidewalk along Worth Avenue, and are architecturally inconsistent with the style and massing of the original building that is to remain. Right-of-way encroachments to be eliminated, sidewalk and landscaping along Worth Avenue to be added to complement new construction. Multiple existing rooftop a/c systems to be replaced with freestanding enclosed cooling tower adjacent to existing generator enclosure.

**Please note that this formal review of this item will have to be deferred. The Town Council is awaiting the result of the LPC's informal review of the matter.**

Mr. Pandula stated that the Town was in receipt of a written request from the applicant's architect requesting deferral of both the informal hearing (listed under Other Business A. above) and Item A. (Listed under Public Hearings) to the June meeting.

**MOTION BY MR. EIGELBERGER FOR DEFERRAL OF BOTH ITEMS CONCERNING THE EVERGLADES CLUB TO THE JUNE MEETING.**

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

B. Application for Certificate of Appropriateness #7-2008, Details **(0:02:18.7)**
Owner/Applicant: Mitchell & Hilarie Morgan
Address: 343 El Bravo Way
Architect: Mario Nievera Design Inc.
Project Description: Request approval of the following:

1. Proposed wing wall(s) details
2. Driveway gates details
3. East wall fountain details
4. Other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared.

Mr. Keith Williams of Mario Nievera Design Inc. presented this request which is in furtherance of and in combination with earlier Certificates of Appropriateness for this property. This presentation deals with details (not previously presented) of certain aspects of the project.

Wing walls: Low walls with decorative stucco piers, flanking the main entrance to the property. Tall hedges appear behind the wall with lower plantings in the front of the wall.
Service entry gate: Located on the east side of the property: a 12 ft. wide double leaf gate swinging inward; made of solid aluminum; painted to match the existing gates; design incorporating some design elements of the main gate.
Wall Fountain: Located in the motorcourt area; a free standing wall fountain on axis with the front door; ornamental tiles and coral design accents.
Steps to pool: Necessary due to grade change from main loggia to pool; new steps on either side of pool with low wall and decorative railing between.

There was some difference of opinion about the design of the service gate, with some members preferring the more ornate presented design and others preferring a simple wood gate. Mr. Roberts stated that the neighbor across the street indicated a preference for the more ornate gate. Some members felt that something needed to be done to further distinguish and identify the main gate from the service gate. A change in the paving pattern of the Chicago brick, i.e., taking the Chicago brick all the way out to the street, was suggested as a remedy.

**MOTION BY MR. EIGELBERGER TO APPROVE THE PROJECT, TOGETHER WITH THE REQUIREMENT THAT THE APPLICANT RETURN WITH THE ORNAMENTAL TILES FOR THE FOUNTAIN, THE MODIFICATION OF THE DRIVEWAY APRON AND A SITE LIGHTING PLAN.**

**MOTION SECONDED BY MS. WILLIS.**
**MOTION CARRIED UNANIMOUSLY.**

C. Application for Certificate of Appropriateness #8-2008, **(0:18:19.9)**
Restoration/Rehabilitation
Owner/Applicant: The Breakers Palm Beach, Inc.
Address: 1 South County Road
Architect: Peacock and Lewis
Project Description: Request approval for restoration and rehabilitation which is further described as: Guest room renovation of 125 rooms at Southwest tower to include bathrooms, window replacement and South lobby elevator cab renovations, and other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Steve Pollio of Peacock and Lewis presented this request for continuing room renovations at the Breakers Hotel. Mr. Pollio announced that this is a tax abatement project. Mr. Pandula noted that this is simply a continuation of the work that was approved a year or so ago for a different section of the building. The new windows will be aluminum impact windows and will match the previously approved windows. Mrs. Day stated that staff is in favor of the project, but because it is a tax abatement project, the LPC must make a determination as to whether the interior changes also meet the Secretary of the Interior's Standards. Mr. Frank suggested that staff perform the inspection of the interiors, and then report back to the LPC.

**MOTION BY MR. EIGELBERGER FOR APPROVAL WITH THE CONTINGENCY THAT AFTER COMPLETION, STAFF WILL INSPECT THE INTERIOR RENOVATIONS.**

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

**Mr. Pandula asked that the applicant submit complete before and after drawings for the interior and exteriorchanges including floor plans. Mr. Pollio agreed to this requirement.**

D. <u>Application for Certificate of Appropriateness #9-2008,</u> (0:24:58.7)
<u>Addition to historic structure</u>
Owner/Applicant: The Breakers Palm Beach Inc.
Address: 1 South County Road
Engineer: Mactec Engineering
Project Description: Request approval of addition to historic structure which is further described as: T-Mobile proposes to install a wireless support facility at the Breakers Hotel that will consist of antennas to be installed by concealing them behind concealment panels similar in appearance to panels that are part of the existing architecture/design of the hotel. The associated electronic equipment for the installation is to be placed in a leased 207 sq ft area in the equipment room specifically designed for such installations, and located on the attic floor level of the hotel. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Mr. Frank noted that there is a problem with this application. The proposed installation was supposed to be a co-location with the other previously approved antenna installations at the Breakers. The problem is that the State Historic Preservation Office (SHPO) has not yet approved this application, and that approval is a requirement which must be satisfied prior to any LPC approval. While some members were in favor of hearing the presentation pending SHPO approval, Mrs. Day recommended in favor of deferral of the matter so the LPC does not act prior to SHPO approval.

**MOTION BY MR. ROBERTS FOR DEFERRAL TO THE JUNE MEETING.**
**MOTION SECONDED BY MR. EIGELBERGER.**
**MOTION CARRIED UNANIMOUSLY.**

Mr. Pandula added that since this is not a co-location, it may involve removal of a portion of the original fabric of the building. Amy O'Rourke of T-Mobile stated that the project originated as a co-location with AT&T and Verizon equipment, but the Breakers felt this would result in too many antennas in one location. As such, the Breakers would not allow the co-location. In fact, the Breakers determined the location for the equipment which is now part of the proposal.

Mr. Eigelberger expressed concern about repeated requests to locate cellular antenna equipment at the Breakers, expressing the opinion that surely higher non-landmarked buildings in West Palm Beach would provide better signals than the lower Breakers.
Ms. O'Rourke testified that Palm Beach reception is actually better when the equipment in located on the Town's beachfront.

VII **OTHER BUSINESS:** (Continued) (0:31:24.5)

A. 442 Seaspray Avenue (Informal discussion)
Landscape: Landscape plan for previously approved Phase Two scope of work (CoA#28-2007)

For LPC's acceptance of Mr. Frank's proposed staff approval

Please note that this item was removed from the agenda earlier, under Approval of the Agenda.

IX **COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR:**

Royal Poinciana Plaza (0:31:28.3)
Mr. Hanley asked Mr. Randolph if he had been able to review the lease for the Royal Poinciana Plaza. Mr. Randolph responded that the entire lease was not provided to the Town as it contains private information between the parties that is not relevant to the Town and is not a matter of public record. The Town Council has directed Mr. Randolph to contact the attorney involved to obtain additional information relative to the lease, without actually receiving a copy of it. Some members expressed their opinion about whether it was appropriate that the lease be released for examination. Mr. Hanley said his only concern about the lease was as it relates to changes to the building. Mr. Randolph stated that the Town Council has requested that the new lessees come before the LPC at the July meeting with their tentative plans for the property. "The other thing that was asked is that we receive a legal opinion from the drafter of the lease in regard to the ability of the lessee to deal with the property exclusive of the owner of the property, Sidney Spiegel, which is an important consideration, and the other consideration is the ability of the lessee to be able to place encroachments, excuse me, encumbrances, on the property, such as mortgages, which would need to be placed on it in order to do reconstruction, and perhaps provide easements. And we were advised in a letter from the attorney for the developers that they had the ability, under the lease, to do both of those things..."

Mr. Bill Diamond, 220 Wells Road, questioned whether the lease could be subpoenaed by the Town. Mr. Randolph responded that the Town could only subpoena the lease to the extent that it is relevant to a particular quasi-judicial proceeding where someone is before the Commission or the Town Council asking for approval of something.

Gumbo Limbo Trees - Phipps Plaza (0:38:50.0)
Mr. Segraves reported that several Gumbo Limbo trees in Phipps Plaza were nearly cut down a few weeks ago. The trees are in the plaza area, and Phipps Plaza is a landmark district, even though the trees, themselves, have not been designated as specimen trees. The trees actually appear in Mizner's 1928 book. When it was reported that this was happening, Code Enforcement and the police stopped the removal of the trees. Mr. Segraves questioned the remedy or the enforcement in situations like this, since the trees in question have been left in a "butchered" state. After some discussion, Mr. Randolph stated that staff will have to look into this. Mr. Frank indicated he had not yet inspected the site. He questioned whether the trees are actually on public or private property in the plaza, and if on the public property, he questioned why private contractors had been hired by someone other than the Town to remove the trees. Staff will look into this matter.

Comments by Mr. Page (0:43:50.0)
Mr. Page stated that the LPC members will soon be invited, pursuant to the Town Council's direction to staff, to attend a joint meeting with the members of ARCOM and the Planning and Zoning Commission to hear a presentation from the students from the University of Miami's School of Architecture relative to suggestions for the Royal Poinciana Area. The Town Council is interested in obtaining feedback from the commissions relative to the presentation. Mr. Page will attempt to schedule the joint meeting in the near future, and members will be advised of the date.

Members supplied their e-mail addresses to enable more timely notifications.

July meeting date (0:47:46.0)
Mr. Rogers noted that on Channel 19 or 20, the July LPC meeting date was noted as July 23, 2008, which is incorrect. The July meeting date is July 16, 2008.

Discussion relative to hurricane shutters (0:48:10.0)
Mr. Eigelberger brought up the site of the recent fire on Brazilian Avenue. He indicated that apparently the hurricane shutters were still in place when the fire occurred, which, of course, presented an additional safety hazard during the fire. He questioned whether there is an existing ordinance which specifies how long shutters are permitted to remain in place when a building is occupied. Mr. Eigelberger mentioned that the north Post Office has been shuttered for years. Mr. Frank reported that the shutters on the Post Office are now down, but he did not believe that there is an ordinance on the books relative to hurricane shutters in this regard. Staff will look into this matter.

Mr. Eigelberger stated that he has heard that the north Post Office is up for sale. Mrs. Day reminded the members that the Post Office is "under consideration" for landmark designation.

Ms. Willis asked whether the same rule applies to private houses as public buildings, stating that she was cited for her hurricane shutters being up after a hurricane.

X **ADJOURNMENT:**

**THE MEETING WAS ADJOURNED AT 9:55 A.M. BY UNANIMOUS AGREEMENT.**

**The next meeting of the Landmarks Preservation Commission will be held on Wednesday, June 18, 2008 in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.**

Sincerely,

Patrick Segraves, Secretary
LANDMARKS PRESERVATION COMMISSION

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TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION

ATTENDANCE RECORD 2008

| MEMBERS | 1/08 | 2/08 | 3/08 | 4/08 | 5/08 | 6/08 | 7/08 | 8/08 | 9/08 | 10/08 | 11//08 | 12/08 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Eugene Pandula | P | P | P | P | P | | | | | | | |
| William Lee Hanley Jr. | P | P | P | P | P | | | | | | | |
| Patrick Segraves | P | P | P | P | P | | | | | | | |
| Robert Eigelberger | P | P | E | U | P | | | | | | | |
| Eileen Bresnan | P | P | P | P | P | | | | | | | |
| Hazel Rubin | P | P | P | P | E | | | | | | | |
| Charles S. Roberts | P | P | P | P | P | | | | | | | |

| ALTERNATE MEMBERS | 1/08 | 2/08 | 3/08 | 4/08 | 5/08 | 6/08 | 7/08 | 8/08 | 9/08 | 10/08 | 11//08 | 12/08 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| D. Imogene Willis | P | P | P | P | P | | | | | | | |
| Dudley L. Moore | P | P | P | P | P | | | | | | | |
| Wallace Rogers | P | P | P | P | P | | | | | | | |

LEGEND: P=Present. E=Excused, U=Unexcused,A=Absence Pending Classification as “excused” or “unexcused”

TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION

RECORD OF VOTING CONFLICTS 2008

| MEMBERS | 1/08 | 2/08 | 3/08 | 4/08 | 5/08 | 6/08 | 7/08 | 8/08 | 9/08 | 10/08 | 11//08 | 12/08 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Eugene Pandula | | | | | | | | | | | | |
| William Lee Hanley Jr. | | | | | | | | | | | | |
| Patrick Segraves | | | | | | | | | | | | |
| Robert Eigelberger | | | | | | | | | | | | |
| Eileen Bresnan | | | | | | | | | | | | |
| Hazel Rubin | | | | | | | | | | | | |
| Charles S. Roberts | | | | | | | | | | | | |

| ALTERNATE MEMBERS | 1/08 | 2/08 | 3/08 | 4/08 | 5/08 | 6/08 | 7/08 | 8/08 | 9/08 | 10/08 | 11/08 | 12/08 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| D. Imogene Willis | | | | | | | | | | | | |
| Dudley L. Moore | | | | | | | | | | | | |
| Wallace Rogers | | | | | | | | | | | | |

LEGEND:

V = One Voting Conflict during a meeting
V2 = Two Voting Conflicts during a meeting
V3 = Three Voting Conflicts during a meeting

VPD = Voting Conflict Previously Declared (This category to be used when a conflict has Been declared at a previous meeting, and the Changes being reviewed are part of an ongoing project. ONLY COUNT ORIGINALDECLARED CONFLICT PER JCR, TOWN ATTORNEY)