



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, MAY 15, 2002 AT 9:00 A.M.

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

I Call to Order: The meeting was called to order at 9:05 a.m. by Chairman Eugene Pandula.

II Roll Call:

PRESENT: Eugene Pandula, Chairman
Elizabeth Dowdle, Vice Chairman
Ann Blades, Secretary (arrived at 9:08 a.m.)
Sari Wilkey, Member
Judy Hoffman, Member
Jack Pyms, Member
Laurel Baker, Alternate Member
Wendy Victor, Alternate Member
Patrick Segraves, Alternate Member
John C. Randolph, Town Attorney
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant

Recording Secretary: Cynthia M. Delp

ABSENT: Ann Vanneck, Member (Unexcused)
Robert L. Moore, Director of Planning, Zoning & Building

III Approval of the Minutes of the April 17, 2002 meeting:

MOTION BY MR. PYMS FOR APPROVAL OF THE MINUTES AS MAILED.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

IV Administration of the Oath to all persons who wish to testify: Oath administered by Mrs. Delp.

V **Public Hearings:**

A. Application for Certificate of Appropriateness #32-2001 (deferred from Dec.2001 and Jan., Feb., March & April 2002) Miscellaneous changes

Owner/Applicant: Brazilian Court, Inc.

Address: 301 Australian Avenue

Architect: The Lawrence Group

Project Description: Request approval of the following...

1. Re-pave surfaces of the north and south courtyards with a combination of keystone and brick
2. Replace glazing of bay windows with fixed french doors in the center panel and full height single hung windows in the two sides
3. Cover the ceiling of the connecting walk between the two courtyards with pecky cypress
4. Remove all handrails not required by code
5. Other associated changes as presented

December 2001 meeting: Approved handrails, pecky cypress, and re-paving in cast stone only. The re-glazing of the bays was deferred for more research.

January 2002 meeting: Motion for deferral to February

February 2002 meeting: Motion for deferral to March

March 2002 meeting: Motion for deferral to April

April 2002 meeting: Motion for deferral to May

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mr. Pandula spoke to the consultant hired by the Brazilian Court Hotel, Mr. Paul Weaver.

Architect Eugene Lawrence presented this request together with the consultant, Paul Weaver of Historic Properties Associates, Tallahassee. The subject of today's meeting was the glazing of the bay windows. The LPC had previously determined that the re-glazing had to be in keeping with the Secretary of the Interior's Standards to maintain the existing tax abatement benefitting the Brazilian Court. Mr. Lawrence introduced Mr. Paul Weaver, briefly describing his expertise in this area and providing Mr. Weaver's curriculum vitae for the record. Mr. Weaver had been retained by the Hotel to research the glazing issue.

Mr. Weaver indicated that twelve (12) fixed bay windows are affected in the re-glazing proposal. There was a 1925 addition to the building by Rosario Candella and a 1935 addition by Treanor and Fatio. Mr. Weaver indicated that he reviewed plan drawings for the Brazilian Court Hotel up through 1979, and the bays were not present on the drawings. His point was that they were not historic elements. He stated that in 1983 drawings, 9 of the 12 bays were present. He referred to the existing glazing as "circa 1980 windows" which are out of character with the building. He mentioned three options: (1) Restore to the 1935 addition; (2) Do nothing; (3) Rehabilitate the feature, under the Secretary of the Interior's Standards, to come up with a compatible contemporary design (Mr. Weaver's preference).

Mr. Lawrence showed drawings of the windows as they exist now. They are fixed in the center and one of the two side panels hinges. The proposal would replace the fixed centers with operable windows which would function as doors. They will serve as emergency doors if necessary.

Mrs. Victor commented that it is very bothersome when an opening is used as a door when it is

actually a window.

Mrs. Jane Day, Staff Preservation Consultant, stated that the Designation Report was written in 1994, and the interior courtyards are of primary importance to this landmark. The Brazilian Court Hotel was one of the first tax abatement projects in the town. This property owner signed a covenant that they would not negatively impact the building during the period of the abatement. Mrs. Day reported, from her research, that in 1945, there was a permit pulled for bay windows, and a variance was granted for a bay window on the south elevation. Mrs. Day believes that the bay window from the Fatio addition was replicated around the hotel. The bays are clearly visible in the brochures from the 1960's and 1970's. Mrs. Day felt that before any decision can be made on this issue, the LPC should see full elevations of the interior courtyards. Mrs. Day did not feel the bays were original to 1925 addition, but she did feel they were added sometime after Fatio's design for the south courtyard, perhaps aging them to 1945, or perhaps saying that the 1945 bays were replicated in the 1970's. "They did take an historic feature and put them on this courtyard." She questioned why the bays needed to be changed at all since egress is not an issue.

Mr. Frank stated that although the bays are not part of the original building, why introduce another new type of fenestration, especially fenestration in the form of windows that function as doors? He admitted that the existing bays do differ from the original windows on the structure, but that, in itself, abides by the Secretary of the Interior's Standards. He maintained that all of the windows should not be changed to doors. There is historic precedent for a mixture of doors and windows.

Mr. Pandula preferred to keep the bays as they exist. He also felt that there should not be an attempt to unite the Fatio and Candella portions architecturally.

Mr. Lawrence requested a deferral of the project to offer him an opportunity to submit full elevations of the courtyards and to meet with staff.

**MOTION BY MRS. DOWDLE TO DEFER THIS PROJECT TO THE JUNE MEETING.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.**

- B. Application for Certificate of Appropriateness #7-2002
 Demolition (deferred from April 2002)
 Owner/Applicant: First Allied Jacksonville Corporation
 Address: 1200 South Ocean Boulevard
 Project Description: Request approval for demolition of a landmarked structure located at 1200 South Ocean Boulevard, and other associated changes as presented

PLEASE NOTE: THE APPLICANT HAS REQUESTED DEFERRAL TO THE JUNE MEETING.

**MOTION BY MRS. WILKEY FOR DEFERRAL TO THE JUNE MEETING.
MOTION SECONDED BY MRS. DOWDLE.**

Mr. Randolph commented that while the matter had already been deferred from April to May, he did not feel it would be appropriate to defer to June (out of the season) as this involves a demolition. Applications for demolition are to be heard from November through April. So, Mr. Randolph recommended that if the matter was to be deferred, it should be deferred to November. Mr. Frank added that to date, nothing has been submitted to staff to enable staff to evaluate this matter. As such, he called the application incomplete. The LPC discussed deferral to November vs. removal from the agenda. Mr. Frank felt that removal from the agenda might be more appropriate, so that when the matter is heard during the season, it will be re-noticed to the public as a new application.

MOTION BY MRS. WILKEY TO REMOVE THIS ITEM FROM THE AGENDA.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #8-2002

Site issues

Owner/Applicant: James H. Clark, James H. Clark & Nancy Rutter Clark
Revocable Living Trust

Address: 1500 South Ocean Boulevard

Architect: Bridges, Marsh & Carmo

Project Description: Request approval of the following:

- A. Decorative Lighting Fixtures - Building
- B. Decorative Lighting Fixtures - Site
- C. Landscape
- D. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Architects Mark Marsh and Digby Bridges, together with Jackie Nishimura of Robert Truskowski Landscape Architect, presented this request. Mr. Marsh brought the LPC up to date relative to the project as it stands today. The plan presented today is approximately 98% true to the original LPC approval. Since the original approval, a variance was secured to re-create the historic gates which are above the required height. The gates can now be moved back five more feet from the right of way. The driveway apron, approved in concrete, is requested now in cast stone. Once one is through the driveway gates, the surface will be gravel as was previously approved. The west grand stair will be modified to change the curve of the stair to alleviate the awkward and cumbersome condition there. At the Meditation Garden and pool, coquina hardscape had been planned. Instead of the coquina, there is a proposal for grass in-lay with a coquina border.

Mrs. Victor inquired whether the amount of paving is now increased on the site. Mr. Marsh responded that the site is approximately 60%-65% pervious. The only feature added is the guest house, so there will be about 2,000 - 3,000 more square feet of hardscape than existed previously.

Light fixtures for the building (pendant fixtures, sconce fixtures, post fixtures) will be solid cast bronze to replicate the style seen on photos of the period. Mrs. Victor expressed her concern

about over-lighting the site, at which point Mr. Marsh turned the presentation over to Ms. Nishimura for further details. She explained that they have gone to great lengths NOT to over-light the site. There are four lighting schemes, which will not all be operated simultaneously. The majority of the site lighting is up lighting about 1' off the ground, with some flush with the ground. Downlighting will be used for access into the house and pool. The maximum wattage used is 75 watts, but the majority are 50 watts. If lights are located in trees, they will be hidden with foliage. Lighting will be incandescent, not halogen. Lighting near the perimeter has been minimized to prevent overflow contamination. Ms. Nishimura commented that the DEP has already given approval for the lighting of the beach parcel.

MOTION BY MRS. WILKEY FOR APPROVAL OF THE LIGHTING FOR THE BUILDING AND SITE.

MOTION SECONDED BY MRS. DOWDLE.

MOTION WITHDRAWN TO HEAR THE REMAINDER OF THE PROJECT.

As for landscaping, the west side of the property will be planted prior to the east side. Ms. Nishimura reviewed the plant material on the site, and described the various gardens: Jungle Garden, Lagoon Garden, Arboretum Garden, etc. Arecas will be planted on the north side to continue the neighbor's planting.

Mr. Marsh stated that they are looking for approval with the option to change the hardscape to lawn panels in the Meditation Garden, approval for Ligustrum vs. Pigeon Plums for the center courtyard, and to allow cast stone in lieu of concrete at the main entry.

MOTION BY MRS. WILKEY TO APPROVE THE LANDSCAPE, IRRIGATION, NEW DRIVEWAY ENTRANCE AND LIGHTING AS PRESENTED.

MOTION SECONDED BY MRS. DOWDLE.

MOTION CARRIED UNANIMOUSLY.

The applicant asked to be placed on the agenda for the June meeting, under Other Business, for a DVD presentation of the project to date.

- D. Application for Certificate of Appropriateness #9-2002
New exterior doors and windows
Owner/Applicant: New Ventures of Palm Beach County, LLC
Address: 181 Clarendon Avenue
Architect: NXG Architects
Project Description: Request approval for the use of new exterior windows and doors (meeting SBCCI 2002 hurricane impact requirements) to replace the existing windows and doors and for use on the approved addition, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Architect Noe Guerra made this presentation subsequent to an informal review a few months ago. Mr. Guerra proposed single swing casement impact windows as a preference to double swing casement impact windows, so the windows look more like the original. Similarly, on the second floor, single swing casement impact french doors were shown as a preference to a pair of casement impact swinging doors, to resemble the original door more closely. Mr. Guerra mentioned three other openings where the original fenestration is being replaced: (1) double hung window in kitchen area, (2) French door with transom above, and (3) Moorish arched openings off the entry foyer.

There was some difference of preference within the LPC members when considering single swing doors vs. double swing doors. Mrs. Day noted that this is a tax abatement project. This applicant is trying to maintain the historic fabric of the windows and doors while at the same time modernizing them to add impact resistance. That is why they are opting for the single swing, so the fenestration looks the same. Mr. Pandula reminded the LPC that Mr. Guerra was asked a few months ago to look into single swing options.

Mr. Mark Mahar, Construction Consultant for the project, stated that the double swing fenestration would give very little light. The single swing type is preferable for light, security, and noise control.

MOTION BY MRS. DOWDLE FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

VI Other Business:

A. Discussion relative to tax abatement issues

Mrs. Jane Day reported that she and Mr. Frank were asked to make a presentation to ORS, as there was concern about how the tax abatement issues are being handled. The Preservation Foundation also spoke. In the end, ORS approved that staff will meet more closely with applicants before a project ever comes to the LPC, if it is a tax abatement project. Also, Part 2 of the application will require contractors to do a cost breakdown of those items within the project which are truly tax abatement appropriate. The Town Council wants the LPC to be responsible, not necessarily lenient, in these matters. Staff will be offering comments on every tax abatement project. Mr. Randolph added that the Town Council, at their meeting yesterday, approved the recommendation of the ORS.

B. Discussion relative to voting conflicts

Mr. Randolph commented that the LPC members have received a copy of his letter to Mr. Elwell relative to this subject. After two years, Mr. Randolph has finally received an answer from the State's Ethics Commission. Mr. Randolph stated, "It was determined that it was not inappropriate for an architect to represent before his own commission because of the fact that the town has an ordinance which requires architects to be on the board. And even if we didn't have that in place, they indicated that Title 36, Part 61 of the Code of Federal Regulations has a

similar provision which requires architects to be on the board and therefore, they held that it was not inappropriate for an architect to make a presentation before the board. So, I think we can rely upon that and move forward in that regard."

Any Other Items for Discussion

The Munn House- 455 North County Road

Mr. Frank stated that he has met with several persons who are interested in purchasing this property, and has explained the previous LPC approvals to those individuals. Mr. Pandula asked whether the property was stabilized against the weather? Mr. Frank felt that it was not stabilized and Code Enforcement would most likely have to become involved. Mrs. Victor stated that the existing structure is being affected by the weather already.

1200 South Ocean Boulevard

Mr. Frank has already cautioned the owner/contractor that work has gone on there without benefit of a permit. He will seek some sort of action against the contractor.

VII Adjournment:

THE MEETING ADJOURNED AT 10:50 A.M. BASED UPON A MOTION SPONSORED BY MRS. WILKEY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, June 19, 2002 at 9:00 a.m. in the Town Council Chambers, 2nd Floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,



Ann Blades, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION

ATTENDANCE RECORD 2002

MEMBERS	1/02	2/02	3/02	4/02	5/02	6/02	7/02	8/02	9/02	10/02	11/02	12/02
Eugene Pandula	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____
Elizabeth Dowdle	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____
Sari M. Wilkey	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____
Jacqueline Albarran de Mendoza	<u> P </u>	<u> P </u>	(N/A- declined re-appointment)									
Ann Vanneck	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> U </u>	_____	_____	_____	_____	_____	_____	_____
Ann Blades	<u> P </u>	<u> U </u>	<u> P </u>	<u> E </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____
Jack Pyms	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____
Judy Hoffman	See below		<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____

ALTERNATE MEMBERS	1/02	2/02	3/02	4/02	5/02	6/02	7/02	8/02	9/02	10/02	11/02	12/02
Judy Hoffman	<u> P </u>	<u> P </u>	(See above-appointed as regular member 3/02)									
Laurel Baker	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____
Wendy Victor	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____
Patrick Segraves			<u> P </u>	<u> E </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____

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 2002

MEMBERS	1/02	2/02	3/02	4/02	5/02	6/02	7/02	8/02	9/02	10/02	11//02	12/02
Eugene Pandula	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Elizabeth Dowdle	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Sari M. Wilkey	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Jacqueline Albarran de Mendoza	<u>_V2_</u>	<u>VPD1</u> (N/A - declined re-appointment)										
Ann Vanneck	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Ann Blades	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Jack Pyms	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Judy Hoffman	See below		_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

ALTERNATE MEMBERS	1/02	2/02	3/02	4/02	5/02	6/02	7/02	8/02	9/02	10/02	11/02	12/02
Judy Hoffman	_____	_____	(See above -appointed as regular member 3/02)									
Laurel Baker	_____	_____	_____	<u>_V_</u>	_____	_____	_____	_____	_____	_____	_____	_____
Wendy Victor	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Patrick Segraves	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

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

