TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES
LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, MARCH 20, 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 9:00 a.m. by Chairman Eugene Pandula.

II **Roll Call**:

PRESENT: Eugene Pandula, Chairman
Elizabeth Dowdle, Vice Chairman
Ann Blades, Secretary
Sari M. Wilkey, Member
Ann Vanneck, Member
Jack Pyms, Member
Judy Hoffman, Member
Laurel Baker, Alternate Member (arrived at 9:06 a.m.)
Wendy Victor, Alternate Member
Patrick Segraves, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator
Jane Day, Staff Preservation Consultant

ABSENT: None

RECORDING SECRETARY: Cynthia M. Delp

III **Election of Officers**

Mr. Randolph took the gavel for purposes of the election.

MOTION BY MRS. WILKEY TO RETAIN THE PRESENT OFFICERS.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

IV **Approval of the Minutes of the February 20, 2002 meeting**:

MOTION BY MR. PYMS FOR APPROVAL OF THE MINUTES AS MAILED.
MOTION SECONDED BY MRS. BLADES AND MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

V **Administration of the Oath to all persons who wish to testify**: By Mrs. Delp

VI **Public Hearings**:

A. **Application for Certificate of Appropriateness #32-2001** ***(deferred from Dec.2001 and January and February of 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

THE ARCHITECT HAS REQUESTED DEFERRAL TO THE APRIL MEETING.

MOTION BY MRS. VANNECK FOR DEFERRAL TO THE APRIL MEETING.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

B. **Application for Certificate of Appropriateness #4-2002** ***(deferred from February)*** **New Ballroom**

Owner/Applicant: The Mar-a-Lago Club, L.C.
Address: 1100 South Ocean Boulevard
Architect: REG Architects Inc.
Project Description: Request approval to construct a new, one story, CBS, detached ballroom building on the south side of the property, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

Mrs. Hoffman and Mrs. Victor stated that they had visited the site.

Wes Blackman, Director of Projects at the Mar-a-Lago Club, stated that since the last meeting, revisions have been made to the plans, including a tower addition to create more asymmetry. Mr. Blackman had met with Paul Castro with regard to the imposed limitations on a re-design of the project. Mr. Castro had stated that adding the tower would require Town Council approval as the original approval of the design did not include the tower element; thus, a size change. As such, the applicant decided to delete the tower element as recently as last Friday. The drawing shown today still showed the tower addition, but Mr. Blackman asked the LPC to review the re-design as

if the tower was not included. As for other changes to the design, right angles have been added to the west end where a radius existed previously. The roof garden, once contemplated, has been deleted. The volume remains the same, but it has been re-distributed, allowing the facades to be pushed in and out, as the LPC had requested.

Mr. Blackman commented that the National Trust has visited the property since the last meeting, and they want to be an integral part of the decision making for Mar-a-Lago. The National Trust, according to Mr. Blackman is happy with the changes to date; i.e, the tennis pavilion and the beach cabanas.

Robert Moore, Director of Planning, Zoning & Building, and Rick Gonzalez, Architect for the project, were sworn. Mr. Gonzalez had just arrived.

Attention was drawn to the difference in size of the main house (75,000 square feet) and the ballroom building (17,500 square feet). Mr. Gonzalez showed a colored rendering of the south elevation of the building with, and without, the existing landscaping along South Ocean Boulevard.

Mrs. Vanneck commented that it would be a mistake to remove the tower. Mr. Moore stated that he would take another look at the tower, if the LPC believes it should be a part of the design, to make a determination whether the project would have to return to the Town Council. Mrs. Vanneck asked whether the rooftop covered walk would be deleted. Several members spoke in favor of keeping it as part of the design. Mr. Gonzalez said it was necessary to allow the tower to be 10' higher than the highest roof, which would maintain satisfactory proportion in the design. Mr. Blackman stated that the tower would be accessible to their maintenance staff, and perhaps, later, to the club guests. Mr. Moore stated, for the record, that if the tower is accessible to guests, there is a zoning issue. If it is simply an architectural element, there is no zoning issue. There cannot be any steps or elevator to the tower, only a ladder for maintenance personnel. Air conditioning units will be located on the roof behind the mansard roof. Later in the discussion, after Mr. Moore had spoken with Mr. Castro, he clarified that the height of the tower is not a zoning issue and would not cause the matter to return to the Town Council for approval. The use of the tower must remain for maintenance personnel only. The greater issue is the size of the building. The architect has the freedom to redistribute the volume as long as the size of the building remains the same.

Mr. Pandula commented that all members agree that the tower is very important to the design. The free floating roof pavilion is important, as well, although it may need some design tweaking at the edges. Mr. Segraves suggested that some more trim work be added to the gabled roof on the north elevation. It was noted, during discussion, that the applicant has met the parking requirements for the site, including the ballroom use, and that on site parking is adequate. Mrs. Dowdle commented that she was very pleased with the changes to the ballroom entrance. Mr. Blackman stated that today's presentation was a status report for an evolving design, and good feedback was made available today. He will return to the next meeting with new plans.

MOTION BY MRS. VANNECK FOR DEFERRAL TO THE APRIL MEETING.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

VII **Designation Hearings**

Item 1: Royal Poinciana Theatre Building (Discussions)
Owner: Sidney Spiegel TR #31520371

Please note that on the owner's behalf, his representative, Attorney James Brindell, has requested a deferral of this matter to the April, 2002 meeting.

MOTION BY MRS. BLADES FOR DEFERRAL TO THE APRIL MEETING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

Mr. Randolph indicated that staff would make some comments relative to this item. He called on Mrs. Jane Day, Staff Preservation Consultant, and her comments are as follows:

"Mr. Chairman and Members of the Commission: It has been brought to my attention by Robert Moore and Town Attorney, John Randolph, that my distinct and separate roles as the Town of Palm Beach Consultant to the Landmarks Preservation Commission and as a Trustee of the John L. Volk Foundation, Inc. may, in fact, create the potential for a perceived conflict of interest. Although I am personally sure that my election to the Board of Trustees of the John L. Volk Foundation on December 8, 2001, and my attendance at only that one meeting has not compromised my scholarly opinions, the mere suggestion of that possibility must be removed for both the good of the Town and the good of the Foundation. The preservation and protection of the Town of Palm Beach, which for ten years has been my main goal as your consultant, can only be accomplished through a strong legal ordinance enacted and enforced by local government. No private preservation organization in this town or any other has that power. It is therefore imperative that all actions taken by this Commission be reviewed without bias, treating all petitioners and projects objectively and with reasoned and informed deliberations. My advice to you in the future, as it always has in the past, must use that objectivity. My educated opinions must continue to be made and given without any perceived or imagined secondary agenda. Therefore, in order to remove any potential conflict, I would like to inform the Landmarks Commission that I have resigned my position as a Trustee of the John L. Volk Foundation, Inc. effective March 18, 2002. I would also like to thank Jane Volk, who used to serve as your chairman, and who graciously and with deep understanding of all of the issues involved, accepted my resignation. Thank you."

Mr. Randolph stated, that the LPC must decide how to move forward with regard to the Designation Report which has been prepared by Mrs. Day. While he had no reason to believe that the report is not Ms. Day's objective opinion, he recommended that the LPC **not** give consideration to that report in any Designation Hearings which may be held for this property.. Furthermore, the LPC must decide if another consultant should be hired to complete a new Designation Report, or seek some other alternative.

Mrs. Wilkey stated that after reading the report and the legal covenant discovered by Mrs. Day relative to this property, it seems that the property is, by virtue of that covenant, protected such that the property is always to be used for cultural events. In light of this fact, she felt that it would not be as crucial to pursue the landmarking at this time; however, she was also not in favor of taking the designation "off the table" at this time because she did not want the LPC to be prohibited from considering this matter again.

Mr. Randolph advised that if the property remains "under consideration," the LPC should direct staff to ask for another consultant to prepare a new Designation Report for consideration at a subsequent meeting. Mrs. Wilkey inquired whether it could be dismissed without prejudice so the LPC could bring the matter back to the table. Mr. Randolph responded that if the LPC goes forward with a recommendation for landmark designation now, and that decision fails to be ratified by the Town Council, it would be difficult to re-visit the matter due to administrative res judicata. If the LPC feels the deed restriction protects the property, the LPC could remove the property's "under consideration" status without prejudice to allow it to be considered in the future. At this point, the report has been done, but will not be considered. No hearing has taken place to date. Mr. Randolph outlined the alternatives: 1) To continue the property's "under consideration" status with a new Designation Report; or 2) In light of the deed restriction and the need for a new Designation Report, remove the property from "under consideration" status without prejudice. It was noted that it would take at least until next Designation Season for a new consultant to be hired and prepared with a new Designation Report.

Mr. Randolph was asked if the discovered covenant is binding. He responded that he believes it is binding on the property owner, with no guarantee that it is fully protective of the property. Despite the motion made earlier, the LPC continued to discuss other options for how to proceed with this matter, and other actions which could be taken today. There was a good bit of discussion relative to ordinance imposed time restrictions placed upon the LPC which would force them to take action. Mr. Randolph noted that no hearing has taken place to date. His concern was that once the hearing has taken place, then there are time limitations imposed requiring both LPC and Town Council action. He felt that by taking action now, the LPC might be prejudicing themselves from considering this matter in the future. He reminded the LPC that the owner's representative has requested a deferral to the April meeting, and that motion has already been made and approved, and that could stand until next month, offering the LPC another month to consider their course of action.

Mrs. Victor mentioned that the building is under 50 years old and has owner objection. Knowing how the Town Council feels about owner objection, she felt it would be preferable to remove it from "under consideration" status without prejudice now, and re-visit the matter later if the need arises. Mr. Frank stated that there is no 50 year rule in the Landmark Ordinance now, and that the LPC should not try to second guess what the Town Council will do. Mrs. Victor referred to an e-mail from Heather Mitchell, Executive Director of the Florida Trust, wherein Ms. Mitchell states that since the building is not 50 years old, the LPC could use this fact as a reason not to landmark the property in the face of owner opposition. She goes on to say that the criteria must be very strongly proven when the building is not 50 years old. Mrs. Victor felt the LPC should take every measure possible to make the strongest case possible for landmark designation whenever it is pursued. Mr. Randolph stated that the Town Council was very strong in their direction that they

do not want properties brought to them which are less than 50 years old. They considered adding this provision to the ordinance, but decided to simply advise the LPC of same instead. Mr. Moore added that the Town Council does not want to see properties coming to them for designation consideration if there is owner opposition. Mr. Moore felt that the LPC's best strategic move was to remove the property from "under consideration" status without prejudice, and rely upon the deed restriction for protection of the building.

Mrs. Vanneck thanked Mrs. Day for all her work and for discovering the deed restriction.

MOTION BY MRS. VANNECK THAT THE ROYAL POINCIANA THEATRE BUILDING BE REMOVED FROM CONSIDERATION WITHOUT PREJUDICE AT THIS TIME, AND THAT IN THE FUTURE, IT WOULD BE TAKEN UP AGAIN, AND TAKE THE PROPERTY IN ITS ENTIRETY FOR LANDMARK CONSIDERATION.

Mrs. Wilkey spoke in favor of the motion. Mrs. Blades stressed the goals and objectives of the Landmarks Preserervation Commission to protect historic buildings. Mrs. Baker cautioned the LPC to take appropriate action relative to this matter to insure the future credibility of the LPC and community support for the program. Mr. Pandula reminded the members that there has already been a motion for deferral to the April and no further action is necessary today. The extra month will afford everyone additional time to contemplate this matter.

THERE WAS NO SECOND TO THIS MOTION. MOTION LATER WITHDRAWN BY MRS. VANNECK.

Mrs. Laurie Volk offered some remarks. She commented that the 50 year rule should not be considered in this matter, and that the conflict being associated with Mrs. Day is merely "perceived." She urged the LPC to do nothing more than let the motion for deferral stand.

VIII **Other Business**:

A. Discussion relative to 400 South Ocean Boulevard (deferred from February)

Mr. Frank stated that this building is under 50 years of age, and will be undertaking major restorative concrete work. Some of the unit owners, approximately 2/3 of the owners, are in favor of landmarking the building. Others are firmly opposed to any landmark designation. The condominium association is still debating as to who may speak for the condominium. Mr. Frank attended a recent annual meeting of the condominium association. At this time, there is no official request from the condominium to landmark the building. Any further discussion is premature at this time.

Mr. John Curry, a unit owner at the condominium, reminded the LPC that a number of the unit owners do object to landmarking the building and have retained legal counsel in this regard. He agreed that any further discussion relative to this matter is premature.

B. Distribution of Designation Report(s) for April meeting

A Designation Report for 222 El Brillo Way was distributed to the members.

C. Discussion relative to new Fire Facility

Mr. Moore reported that at the last Town Council meeting, the Town Council authorized the administration to go forward with the final plans for the new Fire Facility at the Beaumont Lot. As such, there will be a study done to determine where to relocate the existing parking on the Beaumont Lot. Digby Bridges Marsh will develop final concepts for the building and those plans will return to the Town Council for review. Special Exception and variance approval will need to be obtained from the Town Council for the new construction. The Landmarks Preservation Commission will review the project after the Town Council has done its review.

Mr. Pandula inquired as to the status of the Town Center plan. Mr. Moore had no information in that regard. Mr. Moore added that the Planning, Zoning & Building Department, due to the heavy traffic and parking needs that are generated by the department, may be undergoing some change in location for the short term, possibly to an off-island location.

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Mr. Pandula welcomed Mr. Patrick Segraves, and thanked him for his willingness to serve.

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Mrs. Victor gave two copies of the agenda for the Florida Trust meeting, in St. Petersburg, to Mr. Pandula, for anyone on the LPC who might be interested in attending.

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Mrs. Blades brought up the subject of the Bradley House, wondering if the site was being monitored for changes, as it looks terrible, in her opinion. Mr. Frank stated that he had personally visited the site some time ago and red tagged the work at that time for working without a permit. Aside from a building color issue, since that time, no new project has been brought forward to the LPC for review. Mrs. Blades commented further that the painting that was done was a sloppy paint job, and the building is already cracking, all appalling on a landmark building. Mr. Frank stated that he will go to the site to do another inspection.
Mr. Moore will likewise do some investigation on the matter. Mrs. Victor referenced Section 54-123 (b) of the Landmarks Ordinance which may offer some leverage to handle the Bradley House problem.

Mrs. Vanneck asked for a status report on the Il Palmetto project and the former Munn house at the next meeting.

IX **Adjournment**:

MOTION BY MRS. BLADES TO ADJOURN AT 10:30 A.M.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on WEDNESDAY, APRIL 17, 2002 in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach at 9:00 a.m.

Respectfully submitted,

Ann Blades

Ann Blades, Secretary
LANDMARKS PRESERVATION COMMISSION

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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	P	P	P									
Elizabeth Dowdle	P	P	P									
Sari M. Wilkey	P	P	P									
Jacqueline Albarran de Mendoza	P	P	(N/A- declined re-appointment)									
Ann Vanneck	P	P	P									
Ann Blades	P	U	P									
Jack Pyms	P	P	P									
Judy Hoffman	See below		P									

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	P	P	(See above-appointed as regular member 3/02)									
Laurel Baker	P	P	P									
Wendy Victor	P	P	P									
Patrick Segraves			P									

LEGEND:
P = Present
E = Excused
U = Unexcused
A = Absence Pending Classification as "excused" or "unexcused"

TOWN OF PALM BEACH **RECORD OF VOTING CONFLICTS 2002**
LANDMARKS PRESERVATION COMMISSION

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	_V2_	VPD1 (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	___	___	___	___	___	___	___	___	___	___	___	___
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	