

**MINUTES OF THE LANDMARKS PRESERVATION COMMISSION
AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH**

WEDNESDAY, MARCH 18, 2009, 9:00 a.m.

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

All regular members and all alternate members of the Landmarks Preservation Commission were present, excepting Mrs. Golino (absence excused).

Staff members present were Veronica Close (arrived at 9:12 a.m.), Assistant Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, Jane Day, Staff Historic Preservation Consultant, and Cynthia M. Delp, Recording Secretary.

Chairman Pandula welcomed Mr. Cooley to service on the commission.

III. ELECTION OF OFFICERS: (9:00:44 a.m.)

Mrs. Delp, upon the request of Mr. Lindgren, explained the process for Election of Officers. Mr. Lindgren then called for nominations for Chairman, Vice Chairman, and Secretary.

MR. HANLEY NOMINATED MR. PANDULA AS CHAIRMAN, AND ATTESTED TO HIS EXCELLENT QUALIFICATIONS FOR THE POSITION. THE NOMINATION WAS SECONDED BY MR. ROBERTS AND MS. WILLIS SIMULTANEOUSLY. HEARING NO OTHER NOMINATIONS FOR CHAIRMAN, THE NOMINATIONS WERE CLOSED. MR. PANDULA WAS ELECTED CHAIRMAN.

MR. PANDULA NOMINATED MR. HANLEY AS VICE CHAIRMAN. THE NOMINATION WAS SECONDED BY MRS. RUBIN. HEARING NO OTHER NOMINATIONS FOR VICE CHAIRMAN, THE NOMINATIONS WERE CLOSED. MR. HANLEY WAS ELECTED VICE CHAIRMAN.

MRS. RUBIN NOMINATED MR. ROBERTS AS SECRETARY, THE NOMINATION

WAS SECONDED BY MR. HANLEY. HEARING NO OTHER NOMINATIONS FOR SECRETARY, THE NOMINATIONS WERE CLOSED. MR. ROBERTS WAS ELECTED SECRETARY.

IV. APPROVAL OF THE MINUTES OF THE FEBRUARY 18, 2009 MEETING:(9:03:27 a.m.)

Mr. Hanley requested that there be an addition to the February 18, 2009 Minutes reflecting that he had expressed concern that if the LPC heard the matter of the Royal Poinciana Plaza as a Certificate of Appropriateness, based upon an application which was considered incomplete, the LPC might be subject to legal challenges. He felt this was the main reason that the LPC voted to hear the application informally, and not as a Certificate of Appropriateness.

**MOTION BY MR. ROBERTS FOR APPROVAL OF THE MINUTES AS AMENDED.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.**

V. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:05:09 a.m.)

The oath was administered by Mrs. Delp.

VI. COMMENTS FROM THE PUBLIC: (Please limit comments to 3 minutes)(9:05:24 a.m.)

Patrick Flynn, Palm Beach Theatre Guild, recalled when the LPC voted to landmark the Royal Poinciana Plaza despite opposition. He asked the LPC to find that courage and purpose again. He commented that he was shocked at the developers' presentation last month and also with the response given it by the LPC. He cautioned the LPC not to stray too far from its mission. Mr. Flynn introduced the Artistic Director of the Cape Playhouse in Cape Cod, Evans Haile.

Mr. Haile stated that he is the producer at the Cape Playhouse which is another historic theater (600 seats) which has been operating for the past 83 years. It is, in fact, the oldest professional summer theater in America. Mr. Haile drew parallels between his theatre and the Royal Poinciana Playhouse. He noted that his theatre is on 26 acres of prime Cape Cod property which is within a 10 minute walk to the beach. He commented that "if ever there was a place for people to want to build condos or cottages, it's our property, but the one thing that has always been recognized is what this brings to the community and what it represents to the nation as the Cape Playhouse." He felt that the Royal Poinciana Playhouse, a sister theatre, holds the same significance. Mr. Haile noted that the 800 seats at the Royal Poinciana Playhouse fills a niche that a larger theatre or smaller theatre cannot satisfy. He spoke in support of the Playhouse for its "good bones" and "great potential", and encouraged the LPC to continue to support the theatre.

Lory Volk, Vice President of the John L. Volk Foundation, commented that it is exciting that the Playhouse has "staved off the wrecking ball one more time," at least until season when, by

ordinance, such matters can be heard. She submitted a packet of information to the members for their review.

Anthony J. Palmerio, 229 Orange Grove Road, stressed the fact that size of a theatre does not equate to quality in the theatre, and cited several examples of smaller, successful theatres in other parts of the country. He maintained that the Theater Guild should not refuse the Sterling Group's offer as it will result in the construction of a new, state of the art theatre in Palm Beach which should be appreciated.

VII. APPROVAL OF THE AGENDA: (9:18:04 a.m.)

**MOTION BY MR. HANLEY FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.**

VIII. PUBLIC HEARINGS: (9:18:14 a.m.)

A. Application for Certificate of Appropriateness #3-09,

Restoration and Rehabilitation

Owner/Applicant: The Breakers Palm Beach, Inc.

Project Description: Request approval for restoration and rehabilitation which is further described as: Rooms renovation 2009 consists of a renovation of approximately 115 guest rooms within the main hotel building, located on the south side of the hotel, in a wing of rooms that run east to west. The scope of work is identical to the renovations approved and completed over the last two years in Phases I & II. This project includes guest bathroom renovations, guest room window replacement, south lobby elevator modernization, south mezzanine restroom renovations and main hotel building infrastructure. Restoration and renovation. Other associated changes as presented.

Address: 1 South County Road

Architect: Peacock and Lewis

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION

Mr. Roberts stated that over the last year, he has met with the architect and has visited the building.

Architect Steve Pollio, Peacock and Lewis Architects, announced that this is a tax abatement project, and is a continuation of the rooms renovation projects which have been ongoing at the Breakers Hotel. It is identical in scope to Phases I and II which were previously approved by the LPC, and includes replacement of existing windows with impact windows.

**MOTION BY MR. ROBERTS FOR APPROVAL OF THE PROJECT AS PRESENTED
AS IT IS CONSISTENT WITH THE ONGOING RENOVATION WORK.**

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

IX. DESIGNATION HEARINGS:(9:21:27 a.m.)

1. 150 Chilean Avenue

Owner: John Tonelli

Mr. Lindgren read a letter from the property owner into the record wherein Mr. Tonelli requested deferral of this hearing to the April LPC meeting as he was not available to attend today's hearing. It should be noted that within the body of the owner's letter, he waived his right by ordinance requiring the LPC to act within 30 days.

**MOTION BY MR. EIGELBERGER FOR DEFERRAL TO THE APRIL MEETING.
MOTION SECONDED BY MR. HANLEY AND MS. WILLIS.
MOTION CARRIED UNANIMOUSLY.**

2. 300 Royal Palm Way

Owner: Rehabilitation Center For

Mrs. Day testified regarding the Samuel E. Paley Pavilion at 300 Royal Palm Way. The Rehabilitation Center is in favor of the landmark designation. This 1965 Volk design meets the following criteria for designation:

Sec. 54-161 (1) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town"; and

(3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen;" and,

(4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

Mrs. Day testified to the history of the Rehabilitation Center, the architect for the Pavilion, John L. Volk, and the architecture of the Rehabilitation Center and its Paley Pavilion, as outlined in the Designation Report for the property.

Mr. Pandula asked if the area to be designated stops at some point beyond the Paley Pavilion. Mrs. Day responded that the entire property will be subject to review by the Landmarks Preservation Commission, which is supported by the Rehabilitation Center as property owner.

MOTION BY MR. HANLEY THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

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

MOTION BY MR. EIGELBERGER THAT THE PROPERTY AT 300 ROYAL PALM

WAY BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

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

Mrs. Day recognized Ms. Pamela Henderson from the Rehabilitation Center(seated in the audience) as she had been very helpful to Mrs. Day in assembling the information for the Designation Report.

3. [958 North Lake Way](#)

Owner: Sondra and David S. Mack

Mr. Lindgren read a letter from Robert E. Deziel, Attorney for the Property Owner, into the record requesting deferral to the April LPC meeting, together with a statement that the owner waives his right by ordinance requiring the LPC to act within 30 days after a public hearing.

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

X. OTHER BUSINESS:

A. [Informal Review: 150 South Ocean Boulevard](#)

(In conjunction with Variance #5-2009)

Increase a 67 ft - 10" length of the existing alley site wall, located at the southwest corner of the property, from 5 ft. 10" tall to 9 ft. 0" tall, for additional screening and privacy on the alley side of the residence

Attorney Maura Ziska and Architect Tom Kirchhoff presented this informal request. Ms. Ziska stated that during the renovation process at this site, the alley wall had been removed to allow for the construction, and then was built back at a lower height. The property owner would like to increase the height of that wall to provide more privacy and security. A variance for approximately 2 feet has been requested from the Town Council.

Mr. Kirchhoff announced that he had not met with any of the LPC members regarding this particular request for this property. He described the architectural aspects of the request. Mr. Roberts spoke in favor of the project as a whole, and in support of the requested change to the wall height.

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

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

B. [Staff update: Conditions at Publix parking lot](#)

Mr. Lindgren distributed copies of the latest correspondence, a March 4, 2009 Code Violation Warning which was sent to Publix regarding the condition of parking lot and its landscaping, and requested compliance by March 23, 2009. Mr. Lindgren stated that Publix has started to take action in response to the Town's violation notice. This matter will continue to be monitored, and an update will be provided at the April meeting.

C. [Staff update: Conditions at West Palm Beach Pumping Station at Coral Cut](#)

Mr. Lindgren stated that he had found the last approved landscape plan, which he has now field verified that all plantings have been done. All was done according to plan except one palm tree which was moved to replace another tree. Some trash and weeds were noticed upon inspection, and Mr. Lindgren has contacted the City of West Palm Beach to remedy the situation. Mr. Eduardo Balbis, Assistant City Administrator, will investigate the situation and get back to Mr. Lindgren. (Copy of e-mails distributed to members).

XI. [COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR:\(9:43:42 a.m.\)](#)

Veronica Close, Assistant Director of Planning, Zoning & Building, reminded the LPC that the next meeting of the Landmarks Preservation Commission will be held on **THURSDAY, APRIL 16, 2009 AT 9:30 A.M. AT THE PRESERVATION FOUNDATION, 311 PERUVIAN AVENUE, PALM BEACH**. The Preservation Foundation has asked that meeting attendees not park in the Preservation Foundation parking lot as parking is very limited there.

Ms. Close cautioned the LPC members to be careful about comments they make regarding projects which may come before them in the future. All comments regarding a project must be made within a quasi-judicial hearing.

Mrs. Day reported that the LPC was invited by the Royal Poinciana Chapel to tour the progress at the Seagull Cottage. This site visit will take place after the April meeting.

Ms. Willis commented regarding a viability plan for the Royal Poinciana Playhouse. She noted that many different artistic organizations, such as Ballet Florida, Palm Beach Opera, and the Kravis Center, are reported to have financial difficulties. She questioned whether the supporters of the Playhouse really have a viable plan when other established organizations are having trouble.

Mr. Hanley commented that the LPC needs to insist upon receiving all necessary documentation to facilitate review of projects, i.e., existing and proposed elevations, site plan and survey (noting public land vs. private land), and full architectural plans. This pertains to all projects, but

particularly to a project such as the Royal Poinciana Plaza project which involves multiple issues like density, zoning, and adaptive re-use, etc. For projects such as these, he cautioned that the LPC cannot move forward on the basis of review of attractive renderings. He cited an example from Greenwich, CT, where a model and pictures were used for presentation purposes, and the project was approved, but when the project was constructed it had no resemblance to the presented model. He cautioned the members of the LPC, as well as the Town Council, to be mindful to look beyond models and renderings, and not to proceed with recommendations for change without seeing all of the information. Mr. Pandula acknowledged that this was precisely why the LPC gave only an informal review to the Royal Poinciana Plaza at the February meeting.

Ms. Close asked the LPC if they had made it a formal policy to require that reduced copies of presentation plans be given to each member. Mr. Pandula responded that it was practiced, but was not a formal policy.

MOTION BY MR. HANLEY TO REQUIRE THE APPLICANT TO PROVIDE REDUCED COPIES OF THE PRESENTATION PLANS FOR DISTRIBUTION TO EACH MEMBER.

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

XII. ADJOURNMENT: (9:53:20 a.m.)

MOTION BY MR. EIGELBERGER TO ADJOURN THE MEETING AT APPROXIMATELY 9:55 A.M.

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

THE NEXT MEETING OF THE LANDMARKS PRESERVATION COMMISSION WILL BE HELD ON THURSDAY, APRIL 16, 2009 AT 9:30 A.M. AT THE PRESERVATION FOUNDATION, 311 PERUVIAN AVENUE, PALM BEACH, FL

Respectfully submitted,

Charles S. Roberts, Secretary
LANDMARKS PRESERVATION COMMISSION

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