MINUTES
LANDMARKS PRESERVATION COMMISSION
AT THE
EMERGENCY OPERATIONS CENTER
355 SOUTH COUNTY ROAD, PALM BEACH

WEDNESDAY, MARCH 17, 2010, 9:30 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 (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:(9:30:00 a.m.)

Chairman Pandula called the meeting to order at 9:35 a.m.

II. ROLL CALL:(9:30:00 a.m.)

All regular members and all alternate members of the Landmarks Preservation Commission were present, excepting Mrs. Golino (unexcused). Staff members present were John C. Randolph, Town Attorney, John S. Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Landmarks Preservation Commission.

Mr. Pandula welcomed and congratulated the two new members, Mr. Cooney and Mr. Feldkamp.

Mr. Pandula and Mrs. Day, in light of the passing of Lillian Jane Volk, expressed condolences to the family and praised Mrs. Volk for her "leadership, citizenship, and humanity and contribution that she made over the many years to this commission." Mrs. Volk had served on the commission for many years, and served as Chairman for several of those.

III. ADMINISTRATION OF OATH OF SERVICE TO LANDMARKS PRESERVATION COMMISSION MEMBERS:(9:30:12 a.m.)

Mrs. Delp administered the Oath of Service to all of the members present today.

IV. ELECTION OF OFFICERS:(9:34:31 a.m.)

Attorney Randolph presided over the elections.

Office of Chairman: Mr. Hanley nominated Mr. Pandula as Chairman, and extolled his great service to the commission and to preservation efforts in the Town. Ms. Willis seconded this nomination. There were no other nominations for Chairman.

MOTION BY MR. ROBERTS TO DECLARE A UNANIMOUS BALLOT FOR MR. PANDULA AS CHAIRMAN.
MOTION SECONDED BY MR. COOLEY.
MOTION CARRIED UNANIMOUSLY.

Office of Vice-Chairman: Mr. Cooley nominated Lee Hanley as Vice Chairman. Ms. Willis seconded this nomination. There were no other nominations. Mr. Hanley, by unanimous ballot (no motion) was declared the Vice Chairman.

Office of Secretary: Mr. Hanley nominated Mr. Cooley as Secretary. Ms. Willis seconded this nomination. There were no other nominations for Secretary. Mr. Cooley, by unanimous ballot (no motion) was declared the Secretary.

V. APPROVAL OF THE MINUTES OF THE FEBRUARY 17, 2010 MEETING:(9:37:06 a.m.)

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

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:37:27 a.m.)

By Mrs. Delp

VII. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes)(9:38:37 a.m.)

Patrick Flynn, Palm Beach Theatre Guild, likewise remembered Mrs. Lillian Jane Volk fondly in his remarks. On other subjects, Mr. Flynn expressed his opinion that the treatment of the LPC members by some Town Council members was wrong and unfair. He congratulated the LPC members for their service and prudent actions. Secondly, he referred to a book entitled, *Memories to the Future,* a book about the Royal Poinciana Playhouse, and promised that each member would be provided a copy of same.

John Lindgren reminded all those present to complete the Census form, stressing the importance of compliance and explaining the financial ramifications of non-compliance.

VIII. APPROVAL OF THE AGENDA:(9:42:33 a.m.)

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

IX. PUBLIC HEARINGS:(9:42:42 a.m.)

A. Application for Certificate of Appropriateness #4-10
Owner/Applicant: 640 So. Ocean Blvd., LLC
Address: 640 S. Ocean Blvd.
Architect: Smith Architectural Group Inc.
Project Description: Request approval for addition to historic structure, landscape/hardscape, and demolition (exterior) which is further described as: New 132 sq. ft., one-story addition. Delete one-story pool cabana that was previously approved. Add a new via and one-story pool cabana attached to previously approved loggia addition. Proposed hardscape and planting plans. Other associated changes as presented.

At the January 20, 2010 meeting, there was a motion for approval of the architecture. There was also a motion for approval of the landscape/hardscape, conditioned upon seeing any gates, fountains, and paving, along with samples of same (which was treated as a deferral to the February meeting.) At the February meeting, the project was deferred to the March meeting at the request of the landscape architect.

Call for disclosure of ex parte communication: There were no ex parte declarations.

Keith Williams with Mario Nievera Design Inc. was present to request another deferral of this project because the design has not been completed.

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

B. Application for Certificate of Appropriateness #7-10
Owner/Applicant: Terry Taylor
Address: 780 South Ocean Boulevard
Architect: Brasseur & Drobot Architects, P.A.
Project Description: Request approval for addition to historic structure which is further described as: The project consists of a proposed 1,976 sq. ft., two-story addition to the northeast corner of the existing, historic, two-story residence. The first floor of the addition shall consist of a summer kitchen, patio, fireplace, and wine room accessed from the existing residence via a covered loggia. The second floor of the new addition shall consist of an open sun deck. Existing fabric awnings located at the northeast corner of the existing residence will be replaced with the new covered loggia with detailing to match the existing loggia on the north side of the existing residence. The plate height of a small structure housing an exterior stair shall be raised to match the new loggia. Existing landscaping and hardscaping shall to removed to accommodate. Other associated changes as presented.

Call for disclosure of ex parte communication: Several members made ex parte declarations. Mr. Randolph reminded the members that they need to disclose who they spoke to as well as the nature of the discussion.

Mr. Lindgren stated that staff is requesting deferral of this project to ensure proper notice due to the accompanying request for dimensional waiver. Mr. Lindgren distributed a copy of the code language relative to dimensional waivers to the members in preparation for the April meeting.

Attorney Peter Broberg explained that a dimensional waiver is a "streamlined variance process." He requested that the architect be permitted to make the presentation so the commission could offer feedback and the applicant could make a determination as to whether they wish to move forward with an application for the dimensional waiver. The LPC allowed the presentation as an informal review.

Architect Jason Drobot gave a brief history of this Mizner-designed residence, Casa Nana, and then explained the details of the project as listed in the Project Description. The project also includes the removal of a path, a canvas awning, and a low wall.

Mr. Lindgren read a letter into the record from neighbors, Mr. and Mrs. Alan Curtis, 720 South Ocean Boulevard, listing several objections to the project.

Commission comments: Problem with an 800 sq. ft. party deck on the front of a Mizner home on South Ocean Boulevard; the addition is too massive and too high; the addition disrupts the sight line of the home as one drives into the property; scale it back; one story at best; absolutely eliminate the party deck; the connection to the house is good, but the constant repetition of the design elements on the addition makes it look more commercial than residential; this addition impacts the other Mizner houses next to it; problem with the raised deck surrounding the addition; problem with design details of the loggia entering the addition; with the second floor deck removed, minimize the chimney height; the stairway will become unnecessary when the second floor deck is deleted; look at the beach cabana and the south elevation of the solarium as a design guide; this is the service wing of the house and it is not supposed to be visually dominant.

Mrs. Day's comments: One of the most important Mizner houses left standing; the scale and design details overshadow the original architecture; make it simpler; perhaps, do not replicate the original house details in the addition; suggest a tiled hip roof over the summer kitchen, with no deck.

Daryl McCann with Gregory Lombardi Design, Landscape Architects, testified that the location of the addition only faces onto the garage of the neighboring structure, and does not obstruct any views of the house.

Mr. Moore complimented the architect on an excellent presentation which was complete and easy to understand. In general, the commission's comments were meant to encourage the architect to proceed, but to revise the design.

MOTION BY MR. HANLEY FOR DEFERRAL TO THE APRIL MEETING.
MOTION SECONDED BY MR. COONEY.
MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #8-10
Owner/Applicant: James E. Niedel
Address: 115 Via La Selva
Architect: Mario Nievera Design Inc.
Project Description: Request approval for landscape hardscape which is further described as: Proposed hardscape and landscape plans. Modify wall layout at pool area and southeast property. Remove existing motorcourt and add a new motorcourt with coral and salvaged brick paving. Add a small breakfast terrace at east end of pool. Add coral and grass paving at pool terrace. Redesign the courtyard layout. Modify pool interiors. Modify service court layout and reduce paving. Other associated changes as presented

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Keith Williams of Mario Nievera Inc. presented the landscape/hardscape elements of this project as listed in the Project Description above and according to the submitted plans. Additional notes about the project are as follows: The driveway has been re-configured to be longer and wider to accommodate better access in and out of the property; the front walkway from the main house to the street has been extended (material-coral) and is positioned mid-way between two main courtyard areas paved in salvaged Chicago brick in a herringbone pattern; one bay of the garage will be turned into an office or exercise room; and, the existing courtyard fountain will be moved so it is on axis with the front door.

Mrs. Day commented in support of the project.

MOTION BY MR. ROBERTS FOR APPROVAL AS PRESENTED. MOTION SECONDED BY MR. HANLEY.

Under discussion, staff mentioned the piers, included in the plan set, which were not mentioned by Mr. Williams. Mr. Williams apologized noting that the modified walls on the north and south will have columns to terminate the radius and 90 degree sections of the walls, simple stucco columns with a coral cap and base.

Mr. Cooney disagreed with moving the courtyard fountain, opting instead for leaving it in its current position and adding a new water element on axis with the front door.

MOTION CARRIED 6-1, WITH MR. COONEY VOTING AGAINST THE MOTION.

X. DESIGNATION HEARINGS:(10:30:48 a.m.)

Let the record show that although the item for the Designation Hearings was called, the commission elected to hear the Informal Review relative to the Flagler Statue instead. That record follows later in this document.

Item 1: Casa Bendita Pavilion
Owner: Town of Palm Beach

Mrs. Day testified that this pavilion had been placed "under consideration" because it was in poor condition. After study, Mrs. Day testified that there is little evidence that this pavilion was part of the original Phipps Estate, and since it was re-built in 1989, it does not retain a lot of its historic fabric. She testified that the only possible criteria which might apply in this case is: (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town. She stated that this is a weak designation report and it is rare for the LPC to designate properties which meet only one of the criteria for designation. Mrs. Day noted that the pavilion is owned by the Town, and, as such, the Town Council is looking for direction.

Mrs. Day verified that proof of publication and proper legal service were achieved with regard to this designation hearing.

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

MOTION SECONDED BY MS. WILLIS.
MOTION CARRIED UNANIMOUSLY.

Alex Ives of the Preservation Foundation stated that the Preservation Foundation would like the pavilion to be repaired, but not necessarily landmarked.

Bill Diamond, 220 Wells Road, questioned how much this would cost the Town to repair the pavilion. Mr. Page stated that Public Works is now trying to determine that cost estimate, but is waiting to hear whether the LPC recommends for designation or not. Mr. Moore wondered if the residents on the street would be willing to pay for the repairs.

Mr. Roberts commented that in consideration of the integrity of the LPC program, this may not be a worthy structure. Mrs. Day re-stated her position that this pavilion is not a landmark quality structure, but the neighbors may want to pool their resources to repair the pavilion, or perhaps persons might want to donate their services to repair the pavilion.

MOTION BY MR. ROBERTS AGAINST LANDMARKING THE CASA BENDITA PAVILION BASED UPON MR. DIAMOND'S BUDGET CONCERNS, AND BASED UPON MRS. DAY'S TESTIMONY, AND HIS OWN DESIRE TO SEE THE LPC BE AS PURE AS THEY CAN BE ON LANDMARKING.

MOTION SECONDED BY MR. HANLEY.

Mr. Randolph advised that the motion against the landmarking should not be based on budgetary concerns; that it be based on the fact that it does not meet the criteria.

MR. ROBERTS AMENDED HIS MOTION TO VOTE AGAINST THE LANDMARKING, TO DENY DESIGNATION, BECAUSE THIS ONLY MEETS ONE OF THE CRITERIA FOR DESIGNATION; AND

BASED ON OUR CONSULTANT'S TESTIMONY THAT WE ARE UNSURE WHEN IT WAS BUILT.

MOTION SECONDED BY MR. HANLEY.

Some members felt that the pavilion was a "charming relic from the past." Mr. Cooley commented that the pavilion should be preserved and the cost for the repairs should be the obligation of the residents on the street. Mr. Pandula noted that he has heard that there are contractors who are willing to donate their time and service to its repair. Mr. Moore saw this as an excellent opportunity for the Preservation Foundation to communicate with the neighbors. Mr. Randolph clarified that whether designated or not, the pavilion is still the Town 's responsibility, and the Town Council will have to decide how to proceed.

MOTION CARRIED 6-1, WITH MR. COONEY VOTING AGAINST THE MOTION.

Item 2: 347 Worth Avenue (Service Building 1)
Owner: Everglades Club Inc.

Mrs. Day verified that proof of publication and proper legal service has been achieved with regard to this designation hearing.

Prior to proceeding with this hearing, Mr. Moore expressed a concern about only landmarking a property if it is truly worthy of landmarking, especially in consideration of the tax abatement benefit which is available to landmark property owners. Mrs. Day provided an explanation regarding the tax abatement process...that it is not automatically granted; that it improves landmarked buildings and extends their lives. Mr. Pandula added that renovating a building is now often more expensive than new construction, so the tax abatement benefit encourages proper restorations. Regarding the three (3) Everglades Club buildings scheduled for hearing today, Mrs. Day noted that they are situated in a major block on Worth Avenue, next to landmarked properties, and jurisdiction over changes to the buildings would rest with the LPC, rather than ARCOM, if they, too, are landmarked.

Returning to the Designation Hearing for 347 Worth Avenue, Mrs. Day testified to the architect (Addison Mizner), architectural history and general history related to this parcel, as included in the designation report for this property. [It should be noted, for the record, that the following street addresses would be landmarked under this hearing, as these addresses are included within this parcel of land: 347 Worth Avenue, 355 Worth Avenue, and 413 Cocoanut Row. The building known as 351 Worth Avenue (Mary Mahoney) was previously landmarked.]

She testified that these buildings meet 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.

MOTION BY MR. MOORE THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. ROBERTS THAT THE PROPERTY AT 347 WORTH AVENUE BE "MOVED FORWARD TO THE TOWN COUNCIL," WHICH IS INTENDED TO MEAN THAT IT BE RECOMMENDED TO THE TOWN COUNCIL AS A LANDMARK OF THE TOWN OF PALM BEACH.

MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

Item 3: 350 Worth Avenue (Arcade Shops)
Owner: Everglades Club Inc.

Mrs. Day verified that proof of publication and proper legal service were achieved with regard to this designation hearing.

Mrs. Day testified to the architect (Volk), architectural history and general history related to these buildings, known as the Arcade Shops, as included in the designation report for the property. She testified that these buildings meet 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.

MOTION BY MR. MOORE THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.
MOTION SECONDED BY MR. COONEY.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. HANLEY THAT THE PROPERTY AT 350 WORTH AVENUE BE RECOMMENDED TO THE TOWN COUNCIL 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. COOLEY.
MOTION CARRIED UNANIMOUSLY.

Item 4: 405 Cocoanut Row (Service Buildings 2 & 3)
Owner: Everglades Club Inc.

Mrs. Day verified that proof of publication and proper legal service were achieved with regard to this designation hearing.

Mrs. Day testified to the architects (Addison Mizner and John Volk), architectural history and general history related to this parcel, as included in the designation report for this property. [It should be noted, for the record, that there are two buildings on this parcel which would be landmarked under this hearing, Service Buildings 2 & 3).

She testified that these buildings meet 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.

MOTION BY MR. HANLEY THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.
MOTION SECONDED BY MR. MOORE.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. ROBERTS THAT THE TWO BUILDINGS ON THE PROPERTY AT 405 COCOANUT ROW BE RECOMMENDED TO THE TOWN COUNCIL 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 MS. WILLIS.
MOTION CARRIED UNANIMOUSLY.

Mrs. Day thanked the Everglades Club for their continued participation in the Town's Landmark Preservation program.

XI. OTHER BUSINESS:(10:31:14 a.m.)

Informal Review
Flagler Memorial Bridge Historic District: Flagler Statue

Recreation Director Jay Boodheshwar who also serves as the staff facilitator for the Centennial Planning Commission returned to the LPC with a revised proposal for the placement of the statue of Henry Flagler in the median on Royal Poinciana Way. He indicated that the donor and the Centennial Commission are agreeable to placement of the statue in that location. Today a request is being made to permit temporary placement, as of December 2010, in the westernmost median of Royal Poinciana Way in honor of the Centennial Celebration, and to have it remain there until bridge construction begins, at which time the statue would be stored. The second request is to have LPC support for having the Flagler Bridge Aesthetics Committee (bridge committee) help to determine the permanent placement of the statue as part of the new Flagler Memorial Bridge reconstruction project. Mr. Boodheshwar also gave a long list of other groups and civic organizations which support the Royal Poinciana Way placement and the requests being made today.

Mr. Bill Bone, (322 Pendleton Lane), Chairman of the Centennial Commission expressed the commission's excitement about the prospect of this new plan for the statue to be placed at this historic gateway to the Town. This current proposal would allow the LPC to have control over the ultimate placement of the statue along with any associated landscaping as it would be placed within the Flagler Memorial Bridge Historic District.

Mr. Page and Mr. Pandula, member of the bridge committee, confirmed that the LPC will have ultimate jurisdiction over the placement of the statue, as well as the bridge design itself. An application for Certificate of Appropriateness for the new bridge design has not yet been filed with the Town, but the State DOT has been reminded that such an application must be filed.

Mr. Cooley and Mr. Cooney expressed concern about the existing Bicentennial Eagle getting lost in the shadow of the statue. The "Eagle" has been in place in the median at Royal Poinciana Way since July of 1976.

MOTION BY MR. ROBERTS APPROVING THE TEMPORARY LOCATION OF THE STATUE IN THE WESTERNMOST MEDIAN ON ROYAL POINCIANA WAY, AS THE STATUE IS CURRENTLY DESIGNED, WITH THE UNDERSTANDING THAT THIS IS A WORK IN PROGRESS WITH FINAL PLACEMENT, HEIGHT AND MATERIALS TO BE DETERMINED BY THE LPC IN THE FUTURE AS PART OF AN APPLICATION FOR CERTIFICATE OF APPROPRIATENESS FOR THE LARGER BRIDGE PROJECT.

MOTION SECONDED BY MS. WILLIS.
PLEASE NOTE THERE WAS NO VOTE ON THIS MOTION, BUT AN INFORMAL POLLING OF THE MEMBERS FOLLOWS LATER IN THIS RECORD.

Mr. Pandula stressed the importance of the LPC being able to see the next design scheme for the median area, as it will most definitely be changed as part of the bridge project.

Mr. Cooley felt that the "Eagle" should be the first to greet visitors crossing the Flagler Memorial Bridge, and that the Flagler Statue should be placed at the Flagler Museum. Mr. Cooney accepted the Royal Poinciana Way placement of the statue, but thought the Eagle should be situated to the west of the Flagler statue. It was noted that the statue, as currently designed, is bronze on a black granite base.

Mr. Pandula asked for a polling of the members (including all alternate members) regarding a recommendation to the Town Council approving the temporary location of the statue, together with the ultimate placement of the statue to be decided during review of the larger bridge project. All members and alternate members supported the project, excepting Messrs. Hanley, Cooney and Cooley. Both Mr. Hanley and Mr. Cooney explained that they approve of a Royal Poinciana Way median location for the statue, but not in front of the Eagle. Mr. Cooley, as previously stated, feels the statue should be located at the Flagler Museum. Mr. Moore noted that he feels similarly about the Eagle being located westward of the statue, though he voted yes in the poll. Mr. Bone stated, for the record, that his group is totally accepting of the fact that the LPC will decide the final placement of the statue on Royal Poinciana Way.

XII. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:(11:42:01 a.m.)

Mr. Cooney inquired about the condition of the Memorial Fountain. Mr. Page responded briefly that the Public Works Department has indicated that it needs extensive work and a plan of action is being developed. Mr. Page reminded the members about the e-mail which he had sent to the members regarding this subject.

Mrs. Day distributed two of the three designation reports for the April meeting. The other one will be forwarded to the members soon. The three properties to be considered at the April meeting are: 105 Banyan Rd., 290 S. County Rd., and 977 N. Ocean Blvd.

XIII. ADJOURNMENT:(11:44:03 a.m.)

MOTION BY MR. HANLEY TO ADJOURN THE MEETING AT 11:50 A.M.
MOTION SECONDED BY MR. ROBERTS.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, April 21, 2010 at 9:30 a.m. in the Emergency Operations Center, 3rd floor, 355 South County Road, Palm Beach, Florida.

Respectfully submitted,

William O. Cooley, Secretary
LANDMARKS PRESERVATION COMMISSION

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