

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, FEBRUARY 21, 2007 AT 9:00 A.M.

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

I **CALL TO ORDER:** Chairman Pandula called the meeting to order at 9:03 a.m.

II **ROLL CALL:**

PRESENT: Eugene Pandula, Chairman
William Lee Hanley, Vice Chairman
Wendy Victor, Secretary
Judy Wells Hoffman, Member
Patrick Segraves, Member
Robert T. Eigelberger, Member (arrived at 9:05 a.m.)
Eileen L. Bresnan, Member
Hazel Rubin, Alternate Member
D. Imogene Willis, Alternate Member
John C. Randolph, Town Attorney
Veronica B. Close, Director of Planning Zoning & Building
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

**Court Reporter, Jane Pastor, was present for Mr. Brindell for the Designation Hearing for the Royal Poinciana Plaza*

ABSENT: None

III **APPROVAL OF THE MINUTES OF THE JANUARY 17, 2007 MEETING:**

MOTION BY MRS. BRESNAN FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MRS. VICTOR.

MOTION CARRIED UNANIMOUSLY.

IV **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:**

By Mrs. Delp

V **COMMENTS FROM THE PUBLIC:**

Town Councilman, Dennis Coleman, 662 Island Drive, addressed the LPC. He urged the Commission, when hearing the Royal Poinciana Plaza matter, to hear from residents first, as opposed to non-residents, since the residents are the taxpayers in Palm Beach.



VI **PUBLIC HEARINGS:**

- A. Application for Certificate of Appropriateness # 1-2007,(deferred from Jan.)
Owner/Applicant: Bath and Tennis Club Inc.
Address: 1170 South Ocean Boulevard
Architect: Brower Architectural Associates
Project Description: Request approval of new parking lot poles and lights which is further described as: The Bath and Tennis Club respectfully request approval from the Landmarks Preservation Commission to install twelve (12) new light poles within its south parking lot. The new light poles will improve parking lot safety and security for the Bath and Tennis Club members and their guests. The light poles will be spaced approximately 20 feet on center and are approximately 10 feet in height. Eight (8) light poles will be placed in the lower section of the south parking lot and four (4) light poles will be placed in the upper section of the south parking lot. Other associated changes as presented

PLEASE NOTE THAT THIS MATTER WAS DEFERRED FROM THE JANUARY MEETING TO THE FEBRUARY MEETING AT THE REQUEST OF THE APPLICANT.

Mr. Frank announced that staff had received a letter from James R. Brindell, Attorney with the law firm of Gunster Yoakley, to withdraw this application for Certificate of Appropriateness as the Bath and Tennis Club is re-evaluating its plans in this regard. The applicant plans to re-submit an application after those plans are finalized. As such, staff recommended removal from the agenda.

**MOTION BY MR. HANLEY TO REMOVE THIS ITEM FROM THE AGENDA.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.**

- B. Application for Certificate of Appropriateness #2-2007,
New Accessory Structure, retaining walls, awning
Owner/Applicant: Mr. James Harpel
Address: 1102 North Ocean Boulevard
Architect: Smith Architectural Group, Inc.
Project Description: Request approval for interior demolition and new accessory structure which is further described as:
1. New beach cabana with brick facade, clay tiles and french doors to match the existing residence
 2. New site retaining walls and new awning structure at main residence.
 3. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION:

Mr. Hanley stated that he met with the architect.
Mr. Pandula, Mrs. Victor, Mr. Eigelberger, Mrs. Bresnan, Mrs. S. Rubin, and Mrs. Willis met with the architect several months ago.
Mrs. Hoffman met with the architect recently..

Architect Jeffery W. Smith and Laura DiGregorio of Smith Architectural Group

presented this request, subsequent to last month's informal review of the variances requested. Mr. Smith reported that the Town Council granted the requested variances without placing any conditions for approval. He stated that there have been no changes to the plans since he presented the plans last month. Mr. Smith noted that his firm has pledged that the property will be properly landscaped in consideration of the neighbors.

MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE PROJECT.

MOTION SECONDED BY MR. SEGRAVES.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #4-2007

Landscape/Hardscape

Owner/Applicant: 700 North Lake Way, LLC

Address: 700 North Lake Way

Architect: Smith Architectural Group

Project Description: Request approval of landscape/hardscape which is further described as: Revised landscape/hardscape plans with associated changes, including, but not limited to, the following:

1. Revised planting plan based on loss of material due to storm damage and assessment of availability and viability of proposed species.
2. Steps added at the terrace west of the house.
3. Revised scope of trees to be removed, based on horticulturist's report showing progressive effects of prior storm damage to trees.
4. Gate details for Lake Trail, compost area and service gates.
5. Fence and hedge replacement (perimeter of property) based on assessment of condition and quality of existing.
6. Proposed planting at Lake Trail.
7. Revisions to equipment layout at Staff House No. 2.
8. Placement of pool equipment next to existing compost area and revisions to hedges to conceal this equipment.
9. Other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION:

Mr. Hanley, Mrs. Hoffman, and Mrs. Rubin stated that they had met with the architect a long time ago relative to this project.

Architect Jeffery W. Smith of Smith Architectural Group, and Landscape Architect, Peter Wirtz of Wirtz International, Belgium, presented this request. Mr. Eigelberger questioned whether Mr. Wirtz or his firm were licensed in the State of Florida. Mr. Frank responded that the landscape plans were prepared under the supervision of a licensed architect. Mr. Smith assured the LPC that he has worked very closely with the landscape architect to coordinate all details. Mr. Eigelberger was concerned about whether Wirtz International had experience in working in tropical/sub-tropical climates. Mr. Wirtz attested to his experience, and the presentation continued.

1. Revised planting plan based on loss of material due to storm damage and assessment of availability and viability of proposed species.

Mr. Wirtz reviewed the landscape plans for the Commission. Due to the storm damage experienced in the latest hurricanes and as a result of some aesthetic changes, the planting plan has been revised. It was noted that the site is currently almost naked. Mr. Wirtz referred to the

planting plan as "a small arboretum, a gigantic collection of interesting tropical trees" Some elements of the plan include: flowering trees, fruit trees, a labyrinth, grass mounds, swirling hedges, "table top" trees for shaded dining spaces, and replacement of the perimeter hedges. Mr. Wirtz remarked that from the air, the gardens will appear as an "organic brain". Mr. Wirtz indicated that he has been able to locate the plant material chosen for the site, and he has given consideration to watering requirements. Some hardscape materials include beige gravel and a brick driveway. Mr. Smith explained that the garden land on this property is not part of the landmarked area, but the applicant has chosen to submit for review by the Landmarks Preservation Commission to avoid a dual commission review. Mr. Eigelberger questioned how many kinds of palms are being used on the site. Mr. Wirtz responded that no palms will be used in the planting plan.

2. Steps added at the terrace west of the house.

These will be grass steps with an edge of blue limestone.

3. Revised scope of trees to be removed, based on horticulturist's report showing progressive effects of prior storm damage to trees.

(Covered under #1)

4. Gate details for Lake Trail, compost area and service gates.

All of the gates (main gate, service gate, and the more narrow Lake Trail gate) will be natural slatted wood. Mr. Eigelberger questioned the use of wood for the main gate, preferring metal instead. Mr. Smith reminded the LPC that the gates had been approved by the LPC last June or July. Mr. Wirtz commented that he felt that the existing gate was too flashy, and the wooden gates will be much more discreet.

5. Fence and hedge replacement (perimeter of property) based on assessment of condition and quality of existing.

Mr. Wirtz explained that some new planting will be done at the 300 ft. long seawall along the Lake Trail. New hedges (approx. 5 feet in height, will be planted against the seawall. Mr. Eigelberger felt that this would create a tunnel effect for users of the Lake Trail, and that children, in particular, would lose their views of the water. Mr. Wirtz responded that the hedges could be brought down to a height of 3 feet instead, which Mr. Eigelberger liked much better. Six (6) trees will be planted along the walkway. Mr. Segraves objected to having one even height at the seawall and suggested that the height vary along the length of the wall. Mr. Wirtz stated he could accommodate that request.

The existing wire mesh fencing was severely damaged in the storms. The plans include replacing the fencing with new black fence which would be invisible as it would be integrated between two hedges. The same type of fencing would be used on the foot path down to the Lake Trail. Fencing closer to the house will be less transparent, but will be likewise integrated into the existing planting.

6. Proposed planting at Lake Trail.

(Described above.)

7. Revisions to equipment layout at Staff House No. 2.

The mechanical equipment for the pool will occur at the existing compost area and will be set on a concrete slab. The mechanical equipment for the air conditioning will be hidden behind a high hedge at the staff house and the generator. Mr. Smith assured the LPC that this equipment was located far enough away from the surrounding neighbors.

- ① 8. Placement of pool equipment next to existing compost area and revisions to hedges to conceal this equipment.

(Described above)

9. Other associated changes as presented

Mr. Pandula commented that the project was "very nicely done" and is 99.9% the same as was originally presented to the LPC several months ago. He agreed with other members that the hedge along the lakefront needs to be either modulated or lowered. All of the garden area is outside of the boundaries of the landmarked area. Mrs. Hoffman congratulated the landscape architect for his use of so many shade trees.

Mr. Smith presented various hardscape samples: the bluestone for the pool deck, stone coping for the pool deck, very dark tiles for the reflecting pool, brick for the round brick columns at the pool, and earthtone bricks for the brick herringbone driveway. Mr. Smith confirmed that the house will be painted white with a white Ludowici roof.

Mr. Eigelberger commented about the planting plan; that while it is wonderful and elaborate, it is also a high maintenance plan. The plan also divorces itself of the tropical elements of palm trees. "It is a very northern landscape in a very southern place." Mr. Smith responded that there are currently no palms on the property. Mr. Wirtz commented that he does not like to mix palms with the types of plants which were selected for the site. Since the palms are so vertical, Mr. Wirtz felt they would make the plan look "restless." He felt he could achieve a tropical look without using palms, and it was the client's choice to avoid the use of palm trees.

① **MOTION BY MR. EIGELBERGER TO APPROVE THE PLAN AS PRESENTED, WITH THE CONDITION THAT THE HEDGES ALONG THE LAKEFRONT BE LOWERED OR MODULATED TO PRESERVE VIEWS OF THE WATER.**

MOTION SECONDED BY MRS. BRESNAN.

MOTION CARRIED UNANIMOUSLY.

- D. Application for Certificate of Appropriateness #5-2007,
Reconstruction, landscape/hardscape, driveway relocation
Owner/Applicant: Mr. and Mrs. David Koch
Address: 150/158 South Ocean Boulevard
Architect: Thomas M. Kirchhoff, AIA, P.A.
Project Description: Request approval for reconstruction, landscape/hardscape, and driveway relocation which is further described as:
1. Driveway Relocation: Relocate driveway to service court from alley to Clarke Ave. Relocated driveway will simplify access to gated service court.
 2. Reconstruction: Reconstruct (and/or reinforce) existing relocated two story house. This is required in order to reinforce the hollow clay structure to meet current building codes. The perimeter walls, porch and roof will be addressed.
 3. Landscaping: Planting plan by Sanchez & Maddux, Inc.
 4. Other associated changes as presented
- ①

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION:

Mrs. Bresnan, Mr. Segraves, Mrs. Hoffman, Mrs. Victor, and Mrs. Rubin met with the architect, individually, on the site to discuss the changes.

Mr. Hanley met with the architect on the site, and he has had several conversations and correspondence with the owner across the street.

Mrs. Delp administered the oath to architect, Tom Kirchhoff, and landscape architect, Jorge Sanchez, who presented this project.

With regard to the driveway relocation (#1 above), Mr. Kirchhoff requested deferral of this facet of the project to the next meeting.

MOTION BY MR. SEGRAVES TO DEFER THE DRIVEWAY RELOCATION TO THE MARCH MEETING..

MOTION SECONDED BY MRS. VICTOR.

MOTION CARRIED UNANIMOUSLY.

Mr. Kirchhoff stated that nearly a year ago, the applicant had been given approval for some demolition of portions of the structure, to move the house back on the property, and to construct the foundations necessary for the project to continue. All of this work has been completed, and they are constructing some basement walls, and will soon be ready for the new construction to commence. He explained that the construction plans are essentially the same as previously approved, but there is an additional change to present today. He explained, to re-cap, that the two structures (150 and 158 South Ocean Boulevard) are now tied together via unity of title, and they are physically joined by a one story element and trellis. He reminded the LPC that the five (5) arches on the east facade are the only portion of the 158 South Ocean Boulevard property which are landmarked. Mr. Kirchhoff noted, however, that he views the Clarke Avenue facade as quite architecturally important as well. As such, that elevation will be restored, with one exception; that being, moving the door up one foot for interior convenience. Mr. Kirchhoff reviewed the portions of the house which have been saved, and continued by reviewing the floor plans. One change from the previous plans is the insertion of french doors at the courtyard, creating additional air conditioned space. In response to the LPC's question regarding the changes being proposed today, Mr. Kirchhoff stated that these plans are exactly what was presented before, except for the french doors at the courtyard.

MOTION BY MRS. VICTOR FOR APPROVAL OF THE ARCHITECTURE.

MOTION SECONDED BY MR. EIGELBERGER.

MOTION CARRIED UNANIMOUSLY.

Regarding the landscape, Mr. Sanchez stated that not much has changed from a year ago. Since the neighbor wanted less traffic on the Clarke Avenue side of the building, the Clarke Avenue driveway was removed, and a gated garden area was installed instead. The only other change occurs in the interior courtyard where a new 10'x10' shallow quatrefoil fountain is planned. Mrs. Victor commented that the LPC felt very strongly about preserving the interior courtyard, and she wondered if the fountain would overpower the courtyard. Mr. Sanchez responded that previously the courtyard was just coquina stone, and the owner wants a fountain in this open air courtyard. Likewise, this courtyard will be very green with plant materials which are both shade and sun tolerant. Mrs. Bresnan questioned the wall on the Clarke Avenue side of the property. Mr. Kirchhoff indicated that it was previously approved at a height of 2 ft.-8 in. with a three-

tiered hedge behind it. Mr. Eigelberger expressed some concern about the survival of the plantings in the southeast corner of the property in the winter. Mr. Sanchez acknowledged that this will be a maintenance issue.

MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE LANDSCAPE PLAN AS PRESENTED.

MOTION SECONDED BY MRS. BRESNAN.

Mr. Pandula confirmed that an approval today would include the auto drive on the alley. Mr. Sanchez noted that some additional changes may be forthcoming in this area, but he first wants to meet with the neighbor.

MOTION CARRIED UNANIMOUSLY.

Please note that at this point in the agenda, the LPC heard the item under Other Business concerning 455 North County Road.

VIII OTHER BUSINESS:

- A. 455 North County Road - Continuation of quarterly reports relative to deterioration by neglect

Attorney Frank Lynch presented photos, taken yesterday, of the subject property. He stated that the interior work is well under way; the woodwork, trim, and flooring is being installed; the pool shell is formed; and, some of the outbuildings have been formed. Some of the landscaping is on site. Informationally, Mr. Lynch reported that the building permit for the job will expire next month. As such, he will return to the Town Council in March for an extension. Completion of the project is expected by the end of 2007.

Mrs. Victor re-stated her previous concern about the safety issues related to the south driveway. She asked that the construction vehicles exit the property using the north driveway. Mr. Lynch responded that he will make sure the contractors are aware of that.

Mr. Lynch will return to the LPC at the May meeting for the next update.

VII DESIGNATION HEARING:

- Item #1: Royal Poinciana Plaza
Owner: Sidney Spiegel, as Trustee #31520371

Please note that portions of this Designation Hearing will be verbatim transcriptions and the remainder will be done in paraphrase. Verbatim portions will be noted by the speaker's name at the left margin.

Mr. Pandula announced the methodology for the hearing: Staff presentation followed by a motion related to the Designation Report, followed by an opportunity for the owner's representatives to speak, followed by public input, residents and then non-residents, followed by final staff comments, any owner rebuttal, and then the LPC will go into Executive Session.

Mr. Frank testified that the subject property, the Royal Poinciana Plaza, meets the following criteria for designation as a landmark of the Town of Palm Beach:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town;
- (2) Is identified with historic personages or with important events in national, state or local history;
- (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.

Mr. Frank noted that the architect is John L. Volk, and asked Mrs. Day to continue with the presentation. Mr. Frank verified that there was proof of publication and proper legal service related to this hearing.

Mr. Pandula called for **declarations of ex parte communications**. Mr. Randolph clarified what types of communications should be declared as this is a quasi-judicial hearing. He explained that all decisions made by the LPC must be based on the evidence heard at today's hearing.

Mrs. Bresnan stated she had spoken with many persons regarding this matter, some of whom were unknown to her by name. She estimated that a dozen persons had spoken to her in favor of designation of the property, and she felt she could make a decision based upon the evidence heard today. Some of the persons whom Mrs. Bresnan could name, with whom she spoke relative to this matter are Frank Bresnan, the Telesco family, Rachel Lorentzen, and Patrick Flynn.

Mr. Segraves stated that he had spoken with Tim Frank about this, and has had minor discussions with other persons relative to this matter, but cannot recall the names of those persons. Mr. Segraves felt he could make judgement based on what he hears today.

Mrs. Hoffman stated she has discussed this with her husband, Lindley Hoffman; that she had a brief discussion with both Mrs. Volks last week regarding saving the theatre; that she spoke with Mr. Mashek of the Preservation Foundation; that she has spoken to various persons in the Save the Theatre Group at parties; and, that she can make a decision based on the Designation Report and the evidence presented today.

Mr. Hanley stated he had spoken with various persons at cocktail parties over the past year, but he cannot recall the names of those persons; and he has no problem making a decision based on the evidence heard today.

Mr. Pandula stated that he accepted several phone calls from Mr. Flynn where Mr. Flynn expressed the urgency to move this matter forward; and he stated he will base his decision today on the evidence heard today.

Mrs. Victor stated she will base her decision on the report and the evidence heard; that she has spoken with Councilman Kleid, Councilman Brooks, and Councilwomen Markin and Coniglio regarding the aesthetics and how the architecture fits into the criteria and the LPC's charge to

uphold the ordinance. She has been through the archives at the Preservation Foundation. She has asked questions of people "how they perceive the Plaza fitting into the Town, and exactly what landmarking it would mean in terms of architectural control, demolition of buildings, restoration, renovation, and cultural history."

Mr. Eigelberger stated he has had many phone calls from Mr. Flynn, from Etonella Christlieb, from former Mayor Marix; that he has not discussed the report with anyone; and, that he feels qualified to make a recommendation on the report today.

Mrs. Rubin stated she had spoken with someone involved with Florida Stage, whose name she cannot recall, and with Mr. Kleid; and; she felt she could make an unbiased decision on the information presented today and the Designation Report.

Mrs. Willis stated that she has not had lengthy discussion with anyone regarding this; and, that she feels qualified, in having read the report, to make a decision.

Mrs. Delp administered the oath to others who had not been previously sworn.

JANE DAY: Good morning, Mr. Pandula, Members of the Landmarks Commission, everyone in the room, Good morning. I am bringing forward, this morning, a Designation Report on the Royal Poinciana Plaza. This has been an interesting process and it's also unique in my affiliation with the Town of Palm Beach because since I have been here as the Landmark Consultant in 1992, this is the only designation report that I have written that the property fulfills all four of the criteria under our ordinance for landmarking. It's an important project. It's an important property not only because of who designed it, what it is, the architecture, the history, but also because of where it is at the entrance to the north bridge of the Town. When John S. Phipps of Bessemer Properties hired John L. Volk in 1957 to design the Royal Poinciana Plaza and Playhouse, what the Bessemer people got was a vacant lot. This was because...it wasn't a completely vacant lot....but it was the original site of the Royal Poinciana Hotel. I think that you can see in this picture which is dated sometime in the 1950's....we don't have an exact date...that the Slat House is on the property, but other than that, the property has been sodded, and there is some landscaping there. The first building permit in the Town of Palm Beach file for this property once the Bessemer and Phipps people took it over was for the seawall. That was on September 4, 1951. I'm going to start with the Playhouse because I think that the Playhouse is the building that not only has an important architectural element, but also brings in many of the historical elements that are important in the Designation Report. The building permit for the Playhouse was pulled on September 24, 1957. John Volk had decided, after John Phipps gave him a completely blank slate as to what architectural style to use for this project, to use the Regency style of architecture. This style of architecture goes back to the reign of George IV in England. It was used by John Nash, the famous 19th Century architect who used it for the Royal Pavilion in Brighton and other projects in England, and it also echoes back to Andrea Palladio, the famous Italian Renaissance architect who really brought the Classical forms from antiquity up into the modern era, and are the basis for a lot of architecture for the 17th, 18th, and 19th Century. Volk saw the importance of using a form of architecture that was timeless. Phipps had said to him...and I'm paraphrasing here...John, use whatever type of architecture you want. Just make sure it lasts and doesn't look

outdated within 50 years. Well, it was the Regency style that Volk decided to use. The entrance to the theatre is to the South of that bay that we saw. This is a recent picture of it. A few years ago when I visited the site, there was a canvas awning that was over this so that you really didn't see the doors, but these are typical theatre doors of the mid-1950s. We always show an entrance in all of the designation reports that I write, so I thought it was important to show you exactly what the main entrance to the theatre was. However, the main design detail is not that entrance. It's this bowed center section with the five Palladian windows. The statues above are sometimes called the Four Muses. They are sometimes called the Four Seasons. I haven't found which one is true, and I've not been able to get closer, close enough to either of them, any of them, to look at the attributes that these statues are carrying, but they were part of the design, and as part of the reference that Volk is making to the Classical architecture of antiquity, bringing the idea of the theatre form up into the mid-20th Century. There is another photograph of that. Also, the railings at the base of those add some delicate details to it, and if we go back, the scoring underneath those windows, adds a design element that is at once Classical, but also gives a form of harmony to the central section of the building. One of the important things about this building is that it was technically very advanced for its age in the mid-20th Century. Volk paid attention to how a working theatre should be designed. He had had experience with theatres in New York, and this theatre was so well received when it opened in November, no, February 3rd of 1958, that Mr. Parker from Ft. Lauderdale liked the theatre so much, and it got such renown immediately in the local and national press, that Dr. Parker asked John Volk to come to Ft. Lauderdale to design the Parker Playhouse. One of the elements of the theatre to the South again was the Celebrity Room. This was a public gathering space that allowed the public, when they were going to the theatre, to look out onto Lake Worth and the beautiful views there. This is an original photograph of that view. One of the other important things about this room was a painting that was on the ceiling. This was done by Robert Bushnell. It had 125 celebrities hanging over a Venetian style railing hanging over the diners. It was put up in the theatre in the Celebrity Room in 1958. Someone covered it in 1973 with a red canopy, and when it was re-found in 1991, right before I started working for the Town, it got great press that the painting had been found, and was received with warm affection by people in the Town, by the local press, and those who know the work of John Bushnell. He had also done work in the Everglades Club, and was a renown artist of the mid-20th Century. Besides the Slat House, the earliest of the mid-century buildings on the site, is what we now call the Hibel building. This building was originally designed for Dr. Edwin Davis, and it was a medical clinic. It was designed in 1954 by Wyeth, King and Johnson. Now, Marion Sims Wyeth is another one of our important architects in the Town of Palm Beach. It's also in the Regency style, and although the architecture is very practical and perhaps unremarkable, the building still retains its architectural integrity despite the fact that it was remodeled in 1968, and then in 1976 when it became the Hibel Museum. Now, this is a recent photograph, and it is Designer to You. The Slat House is a reference to the Royal Poinciana Hotel and to Flagler's first and largest hotel on the island of Palm Beach. That hotel was built in 1922, and in 1922, the Slat House area and conservatory was changed into a dancing pavilion for the hotel. Before the Bessemer people took over the property, there was a theatre that was on this site. That was the Palm Beach Theatre. It had 250 seats, and the building also housed WPTV, Channel 5. When Volk got the commission to do the Royal Poinciana Plaza, he was asked to upgrade the theatre at the Slat House site, but because he wanted to upgrade it to a condition that was easier with new construction rather than the adaptive re-use of the Slat House, he asked Phipps and John Riley if it would be alright if he would design a new theatre which is the building that I just took you through. The Slat House, however, was kept. The television station remained. The part that was the theatre was used for storage. In 1974, Volk was hired again to remodel the Slat House, and put a Regency face on the exterior of the building so it would relate better to the Plaza and the

theatre he had designed in 1957, but in 1980, an architect named Christopher Jones was hired to do more renovations, and today, the building bears little resemblance to how Volk upgraded it in 1974, and also to its original structure as part of the Royal Poinciana Hotel. It is, however, important because the Slat House is one of the only remaining portions of that hotel, and it is important that the tower element of this, not the whole building, would be kept and is contributing to the overall history of the site. Now, for the shopping center...again we're back to Andrea Palladio. This is a Classical pediment that is on the South side of the building, Corinthian columns, the pediment above...it shows you how Volk took the large openings of these Classical designs and was able to integrate them into the concept of a shopping plaza that was so popular in the 1950s. Remember the 1950s was the era after the war when because of inexpensive loans, there are strip malls that are going on all over the nation. John Volk knew that, because this was Palm Beach, that the site was important next to the Flagler Memorial Bridge, and because of the architecture in the Town of Palm Beach, that he needed to step up the design for a shopping plaza, and give the Town of Palm Beach something that was compatible with the rest of the architecture on this island. One of the important things that John Volk uses in many of his commissions throughout his long career was to bring the outdoors in. He was very keen on giving the viewer, whether it was in a private house or in a public space, that the gardens were extremely important, and he did that in the Royal Poinciana Plaza by having green space between two parallel shopping buildings. He also worried, however, about the automobile, and how the visitor to this site was going to view the stores, the green space, and how the shopping plaza was going to work for the pedestrian. He did that by creating these covered walkways that, on the north building, are to the South of that, and to the south building, they are to the North, so that these porticos parallel each other with green space in the middle and give a nice covered walkway so that any pedestrians were out of inclement weather. Automobiles were parked on the back sides of the buildings. Many people have told me, when I talked to them about it, that in the 50s and 60s, people were often dropped off at the terminus of the walkways and then could go and shop. Volk did not want the automobile to be in front of the major entrances to the stores or businesses that were in the Plaza, so he achieved that by having parking in the rear, and by having all of the occupants of the Plaza face the interior green space. One more thing...these terrazzo floors are original to the Plaza and are part of the overall original design...again, back to the Regency style and Palladio age. Now, one of the things that John Volk also thought was for the comfort of people that were at this shopping mall that there should be some place for folks to sit and converse and have a real experience when they went to the Royal Poinciana Plaza. He did this by small bump outs along the walkway. They are copper covered cupolas. They are not all the same, but this is what it looks like from the center of the courtyard looking at the cupola, and then the interior of that are these benches where you could stop and sit and rest and chat, and I think that this was a wonderful way of bringing the public out into the garden, and the garden back into the shopping plaza. This is not what we see in many of our shopping experiences today. There were reflecting pools and fountains, colonnaded loggias on the terminus points of the shopping plaza. Here's another one that echoes back to Palladio with the arched openings, the urns above, and the fountain areas. In 1984, the Official Guide to Palm Beach noted that "the Royal Poinciana Plaza, designed by famous Palm Beach architect, John L. Volk, with its Regency style architecture, copper cupolas, polished terrazzo walkways, bubbly fountains and lush sculptured gardens is an established Palm Beach landmark". Well, it wasn't officially a landmark yet. Our landmark program had just started in 1979, but it certainly was a destination for visitors. It was in the guide book for people who visited Palm Beach during the season, and for folks who lived here, it was a destination that included shopping experiences like Hattie Carnegie, FAO Schwartz, Mark Fore & Strike, Abercrombie & Fitch and Gucci. Originally, John Volk's design had the gardens in the middle on an axis with the theatre, and this is what it originally looked like. In

1963, however, the shopping plaza was so popular and space was at a premium that the owners put a connecting portion between the two shopping...the two parts of the shopping plaza. That destroyed the original view up to the Playhouse, but Volk's original concept was to be able to stand in the middle and look up and see the Royal Poinciana Theatre on the lakeside. That ends my slide show. The other thing that I want to say to you is that it's important for you when looking at this Designation Report to look only at the evidence that is in your Designation Report, the highlights that I've given you with the illustrations that I've shown you today, and then see how this collection of building fulfills the criteria for your ordinance. Criteria 1: Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and I have written, *"The building of the Royal Poinciana Playhouse and the Royal Poinciana Plaza reflect the change of Palm Beach from the Flagler era and the Boom Times of the 1920s to the fashions and times of the mid-twentieth century. Built in 1957, the Royal Poinciana Plaza is a balance between "modern" concepts of shopping and gathering spaces and traditional architectural forms. Furthermore, the Royal Poinciana Playhouse added to the cultural life of the island, bringing top rated legitimate theatre to Palm Beach, while preserving a public gathering spot along the lakefront."* Criteria 2: Is identified with historic personages or with important events in national, state or local history. Again from the Designation Report: *"The Royal Poinciana Playhouse has long been associated with a multitude of celebrities and theatrical stars. Helen Hayes, Bob Cummings, Arlene Dahl, Eva Gabor, Celeste Holm, Christopher Plummer, and Dame Judith Anderson are just a few of the award winning stars to have performed in this theatre. It is also associated with important playwrights like Edward Albee and Tennessee Williams. More than any one personality, however, the theatre is important because it was the first legitimate theatre built in the United States after the Adelphia was completed in New York in 1928 and was reviewed as the most beautiful theatre in American after its opening in 1958."* Criteria 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. From the Designation Report: *"The entire Royal Poinciana Plaza is a good example of the Regency style of architecture as interpreted by John L. Volk in 1957. Bessemer Properties, the developers, gave Volk the freedom to design the project in any architectural type he desired. Using traditional styling and a sophisticated knowledge of theatrical requirements and urban planning, Volk took an important Palm Beach location, that had previously been occupied by Henry M. Flagler's Royal Poinciana Hotel, and transformed the site into a modern destination for cultural, commercial, and entertainment activities. As such it is extremely important for study and clearly fulfills criteria (3)."* Finally, Criteria 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. *"John Volk has been recognized as one of the most important architects to have practiced in the Town of Palm Beach. His Palm Beach career started in the Town in 1924 and lasted until his death in 1984. During that sixty year time period, Volk designed many homes and individual properties, but it is his "public" projects that shaped how citizens of Palm Beach live, work, and play. The Royal Poinciana Playhouse and Plaza is one of these works. It should also be noted that although the Playhouse is the only theatre Volk designed for Palm Beach, the work acted as a prototype for future theatre projects in the region, and deserves protection under the Landmarks Preservation Ordinance."* I'd be happy to entertain any questions you might have about either the slides, the Designation Report, or my presentation. Thank you.

Mrs. Day provided her credentials in testimony. She started working for the Town in 1992, and has served as a part-time preservation consultant since that time. She graduated from Goucher College in Towson, Maryland with a degree in Fine Arts in 1968. She graduated with a Masters

Degree in History from Florida Atlantic University in 1994, and she is presently, all but dissertation, in a Ph.D. program at Florida Atlantic University in the Public Intellectual Program. She has lectured all over South Florida. Mrs. Day founded her company in 1989, and she is currently also working for the Bahamian government in a project there, as well as performing other historical preservation projects all over South Florida and in the Bahamas.

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

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

ATTORNEY JAMES BRINDELL: Let me just ask Mrs. Day one clarification about a couple of the photographs that you put up there...the interior photographs of the Celebrity Room showing the scene configuration and all of the design. Is that what's there today?

JANE DAY: No. It's not.

ATTORNEY JAMES BRINDELL: We appreciate the opportunity to appear here today. I do have to start with a few procedural issues which we want to raise because we believe that they should result in the dismissal with prejudice of this proceeding. The first one has to do with owner consent. Now I want to make it clear that the owner does not consent to the landmarking of this property. When the Poinciana Plaza was placed under consideration by you in June, 2005, the Town Council's longstanding policy required the owner's consent before a property was landmarked. Placing the property under consideration was the same as the property owner filing a land use application with the Town. It started the Town's review and approval process, in this case, for limiting the property owner's rights to use his or her property, especially with respect to modifications and demolition. The Council's owner consent policy was not changed until April 10, 2006. Pursuant to the Town's general policy and general case law, a project for which an application is filed prior to the change in a Town policy is entitled to be reviewed by the policy in place at the time of filing. In this case, the proposed Plaza designation should be subject to the owner consent which was the policy in place at the time you placed it under consideration, and thereby removed it from ARCOM's jurisdiction and placed it under your jurisdiction. The 50 year rule is another issue. The Town administers...follows that 50 year rule...in fact there was a discussion in April 2006 by the Council regarding whether that rule should no longer be followed, and there was not a decision to reject following that rule. So, it still is the rule that is followed. The Report says that the date of construction here was 1957, but that can only be correct with regard to the two long retail office buildings. However, the building permit for those two buildings was not issued until April of 1957, and no completion date is provided in your Report. Obviously, those buildings are not yet 50 years old because we're not even to 50 years of issuance of the building permit. The theatre/club building was not completed until February of 1958. Clearly, 50 years hasn't elapsed there. The Slat House building that you see, that you saw in those photographs was not constructed until the early 1980s, so, clearly, 50 years hasn't applied there. The only building on the property that is 50 years or older today is the Hibbel building, but it is not a John Volk building, and this is a landmarking based on John Volk's work. We believe that until the 50 years has run, in fact, a property should not even be placed under consideration, and consequently, we believe that the placing of this property under consideration, and your further consideration of it today, violates that policy. Thirdly, we think there's been a violation of due process here. Placing a property under consideration has a substantive impact on

a specific property. It removes that property from the jurisdiction of ARCOM, and effectively precludes demolition and modification of the subject structures, a fundamental property right, which, by the way, ARCOM doesn't deny; that is your right to demolish a building. They want to see what plans you're going to put up there. They may want to make sure you have an irrigation and sodding plan, but they don't deny a property owner's right to demolish a building. Clearly, you're not going to issue a demolition permit for structures that you have under consideration. That would be totally contradictory to the point of putting it under consideration. The Landmarks Ordinance, in that regard, we think, is defective in this sense. It provides no time limit during which a property can remain under consideration without action being taken by the Town. Placing a property under consideration is an ad hoc action aimed at a specific property that takes away or suspends fundamental property rights of that particular owner for an indeterminate period of time, and so is a quasi-judicial action requiring notice and hearing, but such notice and hearing is not provided for in the ordinance, and was not, in fact, provided by the Landmarks Commission or the Town in this case. You only notify people after you decide to place it under consideration and that action has occurred. We think that's a clear violation of due process. The designation criteria in Section 54-161 of the Code, the four that Ms. Day addressed, we believe are so vague and subjective that a property owner cannot reasonably discern whether an unlandmarked structure qualifies for landmarking and therefore whether it may be subjected by the Town to the severe limitations regarding demolition and modification if placed under consideration and landmarked. Your standards have to be such that the average person in Town can understand whether they apply to them. I can't look at your criteria and tell, for sure, what they mean. They are not clear. They do not provide a property owner with sufficient notice about whether they will now have to come under that code requirement and those limitations. We also think there has been an abuse of the police power here. In the first quarter of 2005, our client was preparing a land use application for filing with the Town which among other things would have involved demolition of the theatre/club building. A month later, actually in May of 2005, we were informed by the Town staff they would not accept an application which involved demolition of the theatre/club building because of the famous 1979 agreement. In June of 2005, one month later, we filed a Declaratory Judgement Action seeking a clarification of various issues involving the 1979 agreement. That's the process you have available if you have a disagreement with the other party on an agreement. The agreement was an agreement with the Town and with our clients, predecessors in title. A declaratory judgement is the way you do that, and there was clearly a dispute and a difference of opinion about what that agreement meant at that point. Ironically, the very next month, July of 2005, this Commission placed the entire property under consideration. Now, the 2002 Designation Report that was prepared on the Playhouse was issued within two months of being placed under consideration, December of 2001. It was then distributed two months later in February of 2002. The 2007 Report that is before you today wasn't issued until eighteen months after placing the property under consideration, and only after the property owner filed a land use application with the Town. The 2007 Report also ironically was issued on the same day as our client's project, that's the one we filed an application for with the Town, was to be reviewed informally by this Landmarks Commission. That was last month, pursuant to the Town's policy, the Council's policy, whereby you or ARCOM, if you're under the jurisdiction of ARCOM, propose to review informally the application request made by an applicant in formal application to the Town. You then refused to do that, and the Report then, and the fact that there was going to be a designation hearing was used as a reason for not having that informal review. Now, we've reviewed the Landmarks files from January 1998 through December of 2006 and found that the average time for placing a property under consideration to the issuance of a designation report was 7.5 months, as opposed to the 18.2 months it took in this case. And we compared the 2002 Report with the current one, and there are only four pages of

new material in the 2007 Report out of 24, with only one additional source reference. And they primarily address the non-theatre components of the Plaza. It's hard to believe it took 18 months to generate those four additional pages. That's especially apparent since in 2005 and 2006, only four other properties were placed under consideration, and four reports were issued, and during that period, it took an average of 7.1 months to issue the report, and I presume that didn't even have an earlier report to start with. That's again compared to the 18.2 months it took for this report to be issued. So, we believe this is clearly a case where the police power of the Town has been used to freeze this property in an attempt to meet the 50 year rule, and it's also, we believe, that the Landmarks authority has been used, or is attempted to have you use it for the benefit of Mr. Flynn and the Theatre Guild, who desire to basically force the Town to have Mr. Flynn and his group as a tenant of our client. Mr. Flynn, in fact, appeared before this Landmarks Commission no fewer than seven occasions urging the Commission to use its power for those objectives. In fact, he's met with Mrs. Day on at least six occasions. So, we believe that those are fundamental defects procedurally that we believe should result in this designation process being terminated with prejudice.

TOWN ATTORNEY, JOHN RANDOLPH: Mr. Chairman, these fundamental defects that have been alleged have been alleged as part of a Declaratory Relief Action that was filed by the plaintiff on Friday of last week, which they went before the Court yesterday morning to attempt to preclude this hearing from going forward. I doubt that you are in a position today to be able to analyze everything that Mr. Brindell has said to make a determination on your own as to whether or not these deficiencies he alleges are valid. I would recommend that those particular issues be left to the Court in regard to the lawsuit that has been filed. I would like to add, as you know from having dealt with your Ordinance for as long as you have, that there is nothing in your Ordinance that requires owner consent in regard to landmarking, and there is nothing in your Ordinance that requires that a property be 50 years old prior to it being landmarked.

ATTORNEY JAMES BRINDELL: Now I'll go to some substantive issues now that we've addressed those procedural issues. Again, I'm not going to argue about the criteria because we think they're defective, but I think there are some more fundamental facts here that need to be considered in the context of this proposed designation. Now, I've got some exhibits I need to put out here if you'll just give me a minute. The purpose of these exhibits is to make sure that we all pay attention to what we're all actually looking at. We tend to edit out things we don't like about sites over time. For example, I always find it interesting how I never see the ugly telephone pole lines when I go down the street unless I actually look at them, and when I look at them, I'm horrified at how bad they look, and then I realize that for some reason, I do edit those out normally and think the rest of it may be OK. So, this is a starting point. You can see on the board of the easel here, the large board, a narrow photograph of the site. You can see in the other photographs the general relationship of the buildings to asphalt out there, and also to the relationship of the theatre building to the waterfront. The Poinciana Plaza is a suburban style strip shopping center. It has long, linear expanses of buildings. The two main buildings are 526 feet in length. The hardscape on this 11.96 acre site predominates the site. 86%, or 10.3 acres of this site is building or asphalt or some other hardscape. 14% landscaped. That's all. The Plaza is, I suggest, a disjointed collection of buildings separated by fields of asphalt areas and driveways, and let me tell you why I think this is important. The proposal is to landmark the entire site as a worthy site for landmarking. You cannot edit out the entire site plan down to specific pieces of buildings, or to specific buildings. You have to look at the entire site, and you have to look at the quality of the site plan in addition to the buildings. The driveways, parking areas and driveways, comprise 7.06 acres of the site. That is 59.1%. Another important aspect about this site is that

the buildings do not abut the adjacent public streets as do the venerable buildings on Worth Avenue or the other buildings across the way on Royal Poinciana, or on County Road. They all abut the street, and that's what creates the charm of those commercial areas in this town. This property, first of all, I think, as Ms. Day suggested, turns the backs of the buildings to the public. As she said, the backs of the building are where the cars are parked. There are five rows of parking between Royal Poinciana and the first building. This is a strip center, a suburban strip center, that is not Palm Beach, and Mr. Volk may have tried to do his best with the buildings, but it doesn't change what the property is. Now, I want to show you a couple of concept drawings...(setting up the drawings)...we have two concept boards here. Let's start with this one. This is a concept plan for the site done by Mr. Volk. There are some very important aspects of this plan. First of all, you'll notice that there was an entire open visual axis from Coconut all the way to the buildings on the waterfront. You'll notice that the building on the waterfront was basically a pre-element building. This is aMrs. Day used the John Volk book and this is a drawing concept out of that book. Now, let's go back to the first one. You'll notice here that there is a very substantial difference in the size and shapes of the elements of the buildings designed to look like different buildings along this pedestrian promenade...different building heights, different roof designs, different...totally different configurations. And then notice that at the end, at the west end of this axis, is this three element building with pitched roof and a lot of nice architectural detail. Now, let's look at the other concept plan from the Volk book. The two eastern end buildings look somewhat like what's there today, but notice again this visual axis all the way to the lake, down to the three element building at the lakefront. Notice again there are very different roof pitches and designs. Notice that the fronts jut in and out; that's the fronts that face out from the courtyard face in and out, again, to try to create some illusion that there were different buildings here. Now, what was built is not at all like that. First of all, the ax...the view axis no longer exists, and I understand Ms. Day tried to rehabilitate that by attributing to Mr. Volk's thinking that that was OK to cut that off because you could still see it from the center. I don't know where that comes from, but that's a good try, but that's not in the plan in either of these cases. The buildings that exist out there have basically one uniform facade that is one line and all flat roofs. There are two elevation changes in the roofs of those two long buildings...two, as opposed to what you see in both of these plans. There is no suggestion that there is an effort to have a look of different buildings out there to try to capture what is the typical in Palm Beach, which is a series of buildings developed over time that look different and that front the street. Well, they couldn't deal with fronting the street because they had to end up with five rows of parking. This actually only shows about three rows, but it ended up being five rows of parking. The building at the end, the theatre building, doesn't look a bit like what's in either of these concept plans. There is one piece of architecture in that building that has any arguable merit, and that's the curved wall. The rest of that building is a warehouse design backed right up to the waterfront. Here is a series of photographs that show the back side of that building. That's the back side that this building turns to people coming over the bridge. There's no public access space there that's of any value. It's the back of a warehouse building. It is not a bit what was shown here on these concept plans. So, my point is that what's built out there today does not reflect what these concept plans show. This project was put up in a quick period of time. We know that the theatre was up in about four months, so you know it didn't have time to have a lot of nice detail work done on it. It had to be done quickly, and it was. Although we don't know exactly when these long buildings were finished, it is estimated it was probably somewhere by the end of the summer...again, a pretty short project...again, not a project that lends itself to the kind of detail and difference in construction of heights and shapes and in building roof pitches that these concept plans suggest. Now, the Slat House building was built in the early 80s, as I said before. I don't think there is a serious suggestion that the Slat House building is reflective of

anything meritorious from an architectural point of view. The only thing that one points to is the remnant of the Slat House cupola that is there. Again, we talked about the theatre/club building, that curved facade that is really the only architecture on that prop...on that building. It represents 5% , only 5% of the lineal footage of the theatre/club building and only 5% of the area, of the facade area of that building. And by the way, in the plan that our clients had proposed, the proposal is to incorporate that curved element into a new building. Also, it's proposed to re-open the visual axis through the...down the center of the property...with a three element building, if you will, at the end...much more similar to what these concepts by Volk show. The plan which you all didn't want to review executes much better and much closer to what Volk had in mind than what got built out there, and would have certainly more merit than what's out there. Now, if you were to take the site plan that's reflected by the aerial photograph, that's what's out there today, if you brought that into this town today, I'm not sure there's an architect in this town, or even a lawyer like me, who would tell a client to bring that site plan into this town because we know how it would be received...badly. It does not reflect either the policy of this town relative to lush landscaping...again only 14% out of 11.96 acres....and it does not reflect the relationship of commercial spaces to the streets in this town that are characteristic of this town. What it reflects is a suburban shopping strip center somewhere else in Palm Beach County, for example, but not Palm Beach. Everything that was done over time wasn't good. We shouldn't preserve the things that weren't good. Our client has been trying to make changes that will ameliorate, as much as possible, the negatives of a strip center, and bring back this property to something that is much more akin to what Mr. Volk had in mind and what his concept plans show. The Hibel building was, of course, never part of the Plaza originally. It was a separate piece of property until a few years ago. It was never designed as part of the Plaza, and I don't think there is any suggestion that it, by itself, has any merit for protection. Now, the theatre building...I want to talk about that in a couple of respects. The Report, the Report devotes several pages with photographs to the interior of the theatre and the club. You are precluded, under your ordinance, from dealing with the interiors of buildings, but that was put in there, I think pretty clearly, because there wasn't any good architecture to talk about, about the building. So, that was an attempt to get you to place more value on the theatre, from a structural point of view, than it merits. Also, the theatre, itself, is a special purpose, a special use building, and we believe that as a result, one of the things that the Town should have to evaluate in the designation process is the reasonable re-adaptive use of that space, because again, you have no authority, and I know the Guild and Mr. Flynn hope that the net result of all this will be that the only thing that can happen there is that our client will have to lease to him or some other people for theatre purposes, but you don't have the authority to make that happen. We believe that because it is a special use building, you should have to evaluate, as part of the...evaluate the designation process....for the reasonable re-adaptive use of that building for other commercially viable and reasonably practicable uses from a fiscal and economic point of view. Otherwise, by designating it, you may well be condemning it only to one use, and we have data and report that shows that that use is not viable anymore. That's why it hasn't been used. The world changed since 1958 when that theatre opened. In 1958, it was the Kravis Center, but this town, primarily, has invested, I think, pretty close to eighty or \$100,000,000...people from this town....into the Kravis Center and its various venues. There are now 4,700 theatre seats in downtown West Palm Beach. There were none then. So, we believe you have an obligation to evaluate that re-adaptive use before you impose the very severe limitations through designation on what that property can become. Secondly, as a re-adaptive use, who would want to have a building sitting there that is 10 feet along the waterfront with no real public access to the water with a warehouse design on 95% of it. It doesn't make, frankly, sense. I mentioned about landscaping. The Strategic Plan provides that "we see Palm Beach remaining a Mediterranean style mecca of stunning architecture"...I don't think you can contend

that the theatre, for example, is stunning architecture...."and natural beauty"....and I don't think you can take the 11.96 acre site with 14% landscaping on it, and say that that is lush landscaping. It clearly isn't. The proposal, by the way, is to re-landscape it, and to get the amount of landscaping increased on this property by getting rid of some of these surface parking spaces and putting them underground, and then landscaping it right above that, and creating some connecting plazas between the long buildings and the western building, and some public space and gardens around those buildings that people could actually enjoy, as opposed to what you can see in the photographs of the back side of that theatre building. The Town's Comprehensive Plan provides that one objective of the Town is to manage growth and development to maintain and enhance the Town's unique physical and historic character with emphasis on its visual qualities. Well, this site lacks an awful lot in visual qualities. I don't think this site, as it sits today, satisfies that Comprehensive Plan objective. We believe that to landmark a form of development, and again, I don't think that you can edit out the site plan when talking about designating this entire property from what exists there. We don't believe that to landmark this form of development is out of character with the Town's architectural history and with the standards with respect to the use of sites and the landscaping of sites, and certainly placing a building at the water's edge with its back to it is not a good plan and use of the site. Acres of parking is not a Palm Beach image, particularly between the building and the street frontage. Let's talk about, just for a moment, preserving the history of the theatre, that is, what went on inside the theatre, primarily between when it opened in 1958 to the mid, early 80s. There are an awful lot of people here today who were never around here then. Preserving this building won't give a clue to those people about what went on in that building. The best thing to do for the historic preservation about what went on in the building during that period is an archival project with an appropriate display area so people can actually see what went on there that made it so important at that period of time. The building, itself, doesn't do that at all. Our client has proposed to do a professional archival project with an appropriate display location on the Plaza so people can actually see it and understand what went on there. That's the appropriate thing to do. So, for those general reasons we believe that the proposed landmarking of the Plaza should be rejected. Thank you.

ATTORNEY JOHN RANDOLPH: Mr. Chair, Mr. Brindell, I am assuming you have no other presentation or no witnesses.

ATTORNEY JAMES BRINDELL: Not today, no.

ATTORNEY JOHN RANDOLPH: So, what you presented was legal argument as opposed to expert testimony. Correct?

ATTORNEY JAMES BRINDELL: Well, I stated facts. I don't think that's just legal argument because the facts are the facts. Those facts are revealed in records of the Town, essentially. They are revealed on these exhibits I provided. What I have tried to do here is to focus on the facts and talk about what I believe are the implications of those facts relative to the landmarking criteria and process.

ATTORNEY JOHN RANDOLPH: OK, but obviously you don't claim to have any expertise in historic landmark preservation.

ATTORNEY JAMES BRINDELL: Well, I have been the subject of this process a number of times. I think if anybody in my position does, I probably do.

ATTORNEY JOHN RANDOLPH: Thank you.

Let the record show that Chairman Pandula announced that Public Comment would be next, but he responded to a request for a short recess, from 11:20 a.m. to 11:30 a.m.

PUBLIC COMMENTS:

Mr. Pandula stated that each person would be given an opportunity to speak for 3 minutes, with Residents speaking first. He asked the public to "stay on task" (architectural and historical information) without discussing any legal issues or future development plans for the site.

Mr. John Ripley, Executive Director of the Preservation Foundation of Palm Beach, stated that the Preservation Foundation supports landmarking of the Royal Poinciana Plaza.

Mrs. Lillian Jane Volk stated she has been a resident of the Town of Palm Beach for 60 years, and she is Mrs. John Volk. Mrs. Volk found Mr. Brindell's criticisms amazing and she questioned where he studied architecture, and where he learned criticism of architecture. Mrs. Volk noted that architects develop many concepts for a single project before the final one is adopted, and she found it inappropriate to dwell on the concepts which were obviously abandoned. The LPC does not speak to owner's approval. Mrs. Volk commented that the Royal Poinciana Plaza has experienced a great deal of neglect, and it was her opinion that it was deliberate. She referred to the beautiful ceiling at the club, which was mentioned in earlier testimony, stating that it began to "fall in " since Mr. Spiegel purchased the property. Per Mrs. Volk, "there really was a place for dancing and the theatre, but it's gone." She stated that the building is solid. Regarding Mr. Brindell's opinions, she felt they should be overlooked as "he speaks from nothingness...no personal experience...I don't know where he got his opinions from or where he got that drawing (the concept drawing) from. I have never seen it, and I've seen every drawing, and I knew what my husband was thinking about because we were together at that time. We were married in 1947."

Mrs. Rachel Lorentzen of Garden Road made several points: That 50 years of age and owner's approval are not necessary to landmark a property; that the redevelopment plans and the court matter do not need to be considered when discussing the historical and architectural merit of the property; that the importance of the building does not only lie in the view which can be seen when driving by; that buildings should not be torn down because parking is a required use today; persons who would like to use the building now have been denied access; and, she hoped that the LPC would landmark the property today.

Mrs. Maria Bacinich, Resident, read a poem into the record from the Florida Preservationist magazine, called *Build or Tear Down*.

Mr. Patrick Henry Flynn of the Palm Beach Theatre Guild offered his comments, representing the 600 members of the guild. First, he clarified that he had only met with Mrs. Day in the Town Council Chambers on meeting dates, and at no other time. He stated that Mr. Brindell had brought up the subject of re-adaptive use of the Playhouse. In response, Mr. Flynn referred to the Playhouse as a "middle house," with its 850 seat capacity, and stated that it should be run as such. He presented a subscription list which he felt validated the adaptive re-use of the property as a subscription house which would also be used for music and dance and other attractions. Secondly, he presented *The Local Historic Designation of the Royal Poinciana Playhouse and the*

Royal Poinciana Plaza, a document by Ellen Yuguccione, an Architectural Historian of merit. He asked the LPC to consider the document in their deliberations.

Mrs. Laurie Volk addressed the LPC on behalf of the John Volk Foundation. She referenced the John L. Volk book which was printed by the foundation in 2001. Within this book, the Royal Poinciana Plaza commission is noted as Commission #930. She noted that the LPC is "clearly not landmarking a concept"; and, that it "this is an important parcel...we don't want to lose it." She noted that John Volk left a manuscript behind, and she read from that manuscript to refute Mr. Brindell's claim that the building is "boxy or like a warehouse." As for a lack of landscaping on the site, she suggested that the current owner could add additional landscaping. "True good architecture and the merits of your five founding architects should be respected. The parcel, itself, respects the delineation of what was there, and we certainly, as a foundation, support and thank all of you, as well as those members who have been so supportive of saving their town from over-development. Thank you. Please do landmark the Plaza and Playhouse."

Ms. Vivian Eiberg from Forest Hill Boulevard in West Palm Beach stated, "It is respectfully requested that in your consideration of this landmarking, please keep in mind what Mrs. Day said, that this is one of the only few applications that meet all four of the criteria for landmarking."

Public Comment Closed

JANE DAY: Thank you. Just a couple of things. Jane Day, for the record. Photographs of the interior of the theatre were placed in your Designation Report to stress the historical importance, and whenever we have historical photos, we do that. It was not suggesting that your designation would give you, then, any jurisdiction over the interiors of the theatre. Also I found it very interesting that Mr. Brindell brought up a former concept plan for the theatre; that that, in effect, really only emphasized the importance of criteria (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. Because we have other concepts, before the theatre was built and the Plaza was built, it gives the architectural historian the chance to study the design process and the thought process, and in fact, makes it more valuable. The other thing I'd like to say is since 1992, when I came to the Town and started researching designation reports, I've always used the first building permit date as the date of construction. Although the building isn't up then, the design concept, for the most part, is finished, and only needs alterations as it goes along. So I've used that 1957 date of the building permit the same way I have used it in every other designation report, and I think there are over 70 of them that I have done since 1992. Also, I'd just like to make sure that for the record, the staff has indicated that they would like me to have my resume as part of the record. We can't put our fingers on it right now, but as soon as this report...this hearing is done, I'd like that to be made part of the record, if I can do that, Mr. Randolph. My resume.

ATTORNEY JOHN RANDOLPH: Yes.

Mr. Pandula asked Mr. Brindell if he would care to have a final word. Mr. Brindell declined.

EXECUTIVE SESSION

MOTION BY MRS. BRESNAN THAT IN ACCORDANCE WITH THE LANDMARKS PRESERVATION ORDINANCE OF THE TOWN OF PALM BEACH, TO RECOMMEND TO THE TOWN COUNCIL THAT THE ROYAL POINCIANA PLAZA BE DESIGNATED 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. EIGELBERGER.

Mrs. Victor commented regarding designation criteria (3) regarding the architecture and aesthetics of the Royal Poinciana Plaza. Her point was that if the property is landmarked today, it will be landmarked as it looks today, and she questioned that. She noted that the function of the Playhouse cannot be landmarked; only the architecture can be landmarked. From the LPC ordinance, she quoted the LPC's charge to "stabilize and improve property values", and wondered if landmarking the Plaza would accomplish this. She wondered if it would "foster civic pride in the beauty and notable accomplishments of the past;" whether it would "protect and enhance the town's attractions to residents and visitors;" and, will it serve to "strengthen the economy of the town." Personally, she was in favor of less asphalt, and underground parking, as Mr. Brindell had stated was included in his client's proposal for redevelopment. She wondered if these types of improvements could be considered if the Plaza was landmarked.

Mr. Eigelberger responded that the LPC has always allowed partial demolition, renovations, etc. and has always been adaptable. "Landmarking is not a dead process." It merely freezes, in time, the structure and its architecture. He stated that the property has "gone far enough." Mr. Eigelberger testified that in 1979, the property was beautifully landscaped. He noted that it is very easy for any owner of any property to allow it to deteriorate. The LPC has always been flexible in its preservation efforts, so there would be nothing to prohibit an owner from requesting approval of improvements to a property.

Mrs. Hoffman stated that it is the LPC's job to preserve architecture and sites. She noted that "this is the only town from here to Ft. Lauderdale that has a feeling of scale and togetherness, and when I came back, it made me appreciate this town even more so, even though I've seen lots of changes since the 30s." Mrs. Hoffman felt that the entire Plaza has a sense of scale which is integral to good architecture, and its location across from Bradley Park is very important. "We have a real town, and I think it is really important to preserve it."

Mr. Pandula commented that "this project is a 1950s equivalent and is every bit as good a piece of urban design that the Town has as Via Mizner or Via Parigi. It was constructed in the 50s, not the 20s, and it represents, I think, very well what society and life was in the Town at that point in time. I think it's very interesting to take a look at the aerial photograph of the empty lot from the early 1950s, upon which this building was placed. The perimeter parking is there. An alley and a cross axis is existing on the site. These buildings were constructed to honor whatever remnants of the past were there before, and I think it's been carried up to this point in time. The cupola of the Slat House is in its original location. All the parts and pieces are here, and I think that a landmark designation has never precluded anyone from coming to the Town to request a Certificate of Appropriateness. Nor will this one. And I think that to a certain extent, the landmarking process for this property has already been successful. The proposal that we refused to hear last month that was submitted to us had a driveway put through the middle of this property and the demolition of

the theatre building. Somehow, magically, within the last month we're talking about a reconstruction or a re-adaptation of the original courtyards and gardens and the theatre building, now proposed to remain in some altered function. So, there's been huge progress already in the conversation of what this possibly could become should it change, and I think it's important that this project become a landmark for the Town. It meets every criteria, and I would wholeheartedly support it."

MOTION TO RECOMMEND FOR DESIGNATION CARRIED UNANIMOUSLY.

VI PUBLIC HEARINGS (CONTINUED):

E. Application for Certificate of Appropriateness #3-2007

Demolition and New Construction

Owner: Sidney Spiegel, as Trustee #31520371

Applicant: Dawsco (PB) Realty Corporation

Address: Royal Poinciana Plaza, 340 Royal Poinciana Way

Architect: Portuondo Perotti URBS Architects, Mr. Raphael Portuondo

Project Description: Request approval for interior and exterior demolition which is further described as: **Demolition of:**

1) **Hibel Building**: Earliest available Town records show that there was an existing art gallery on the site. No architect is listed on the 1972 building permit for renovations to this building. The building is 2,774 sq. ft. on one story. It is Regency in style.

2) **Royal Poinciana Theatre & Supper Club**: Building permits were issued for the theatre in 1957 and it opened in 1958. The Architect was John L. Volk and Associates. The building consists of 878 seat theatre in 27,000 sq. ft. and a 330 seat supper club in 10,000 sq. ft. The theatre is just over 50 ft. tall at its highest point. The style is Regency.

3) **Poinciana Plaza Shopping Center**: The retail space to be demolished is in the center of the Plaza between the two wings. A building permit was issued for Poinciana Plaza in 1957. The architect was John Volk. The retail space to be torn down totals 4,397 sq. ft. The architectural style is Regency, but the space to be demolished is entirely inside the existing buildings so it has no separate architectural presentation.

New Construction Request approval to build a new 74 unit (2 & 3 story) hotel with underground parking (190 spaces) and associated amenities including dining room, bar and spa, and construct a new 10,495 sq. ft., 299 seat theatre for Florida Stage. The hotel will consist of 3 buildings connected by covered pedestrian arcade. Other improvements include central driveway between existing plaza retail buildings and some surface parking.

PLEASE BE ADVISED THAT STAFF IS RECOMMENDING REMOVAL OF THIS ITEM FROM THE AGENDA IN LIGHT OF THE ACTION TAKEN BY THE TOWN COUNCIL ON FEBRUARY 13, 2007.

Attorney James Brindell asked the LPC, regardless of staff's recommendation for removal from the agenda (as stated above), to at least allow him to present his client's proposal for the site to

encourage more conversation about how to improve the site.

Mr. Frank stated that staff has not seen (prior to this meeting) the plans which Mr. Brindell wishes to present. Staff had seen a previous draft of plans for the site. Staff review of plans, prior to the LPC meeting, is part of normal procedure. Ms. Close reiterated that staff has not seen these plans. Mr. Brindell responded that they were seen at the recent Town Council meeting. Ms. Close re-stated that staff saw them at the Town Council meeting, but did not have an opportunity to give them proper staff review.

Ms. Close reported that at the last Town Council meeting, they voted to "hold in abeyance any consideration of this project in light of the litigation." Mr. Pandula recommended that the project be put off for one month. Mr. Brindell maintained that the set of plans he had at the LPC hearing today was the same plan shown to the Town Council at its recent meeting. Mr. Pandula re-stated his recommendation to follow staff's recommendation. Ms. Close stated that staff recommends that the LPC not consider this application, either today, or in the future, based on the Town Council's action of holding it in abeyance.

MOTION BY MR. EIGELBERGER FOR REMOVAL OF THIS ITEM FROM THE AGENDA (APPLIES TO ITEM "E" FOR CERTIFICATE OF APPROPRIATENESS, AND ITEM "B", THE INFORMAL REVIEW UNDER "OTHER BUSINESS.")

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

VIII OTHER BUSINESS:

- A. 455 North County Road - Continuation of quarterly reports relative to deterioration by neglect

(Heard earlier in this meeting. See record on Page 7.)

- B. Informal Review: 340 Royal Poinciana Way a.k.a. Royal Poinciana Plaza
(Deferred from the January meeting)

(In conjunction with Site Plan Review #5-2007 with Special Exception and Variances (to be heard at 2/13/07 Town Council meeting) to: Demolish Hibel Building, Royal Poinciana Theatre and club, and 4,397 square feet of retail space, and replace with a 74-unit, 2 and 3 story hotel and a new 10,495 square foot, 299-seat theatre for Florida Stage.)

PLEASE BE ADVISED THAT STAFF IS RECOMMENDING REMOVAL OF THIS ITEM FROM THE AGENDA IN LIGHT OF THE ACTION TAKEN BY THE TOWN COUNCIL ON FEBRUARY 13, 2007.

(REMOVED FROM THE AGENDA PER THE MOTION STATED ABOVE.)

C. Informal Review: 545 & 561 North Lake Trail and 549 North Lake Way

(In conjunction with Variance #6-2007 to be heard at the 3/13/2007 Town Council meeting) : Applicant is proposing to subdivide 4.83 Palm Beach acres of land (the "Maddock Compound") into 6 lots with a cul de sac side street. The proposed subdivision will create a separate lot for each of the two landmarked structures on the property. (Proposed Lot 1 "Ducks Nest" and Proposed Lot 2 "Old Church")

Mr. Segraves recused himself from voting on this matter due to his involvement with the project. Mr. Eigelberger stated that he met with Mr. Maddock relative to this project.

Attorney Peter Broberg, Engineer Tom McCarthy, and property owner, Paul L. Maddock Jr. presented this request for subdivision to the LPC. Mr. Broberg explained that two landmarked structures are located on this parcel of land, namely Duck's Nest and Old Bethesda Church. The applicant proposes a six lot subdivision (total of 4.83 acres) with three lots on the lake, two of which are the lots for Duck's Nest and the Old Bethesda Church. All six lots will be very large lots. The project requires the approval of five variances by the Town Council, and Mr. Broberg proceeded to outline those. One of those variances is for Lot 2, the old church, where there is no garage for the building. A variance has been requested to maintain that condition of being without a garage at this time, but Mr. Broberg anticipated that a garage would most likely be requested in the future for this lot.

Mr. Maddock explained that none of the property is protected by homestead exemptions, so the tax concerns are great. He felt this subdivision will "protect and enhance" by creating something very pretty on the land with the six, very large lots. Mr. Maddock noted, regarding the landmarked buildings, that while their building taxable values are approximately \$ 200,000, the land, in both cases, is worth \$ 7,000,000 to \$8,000,000. As such, he anticipated that the LPC will most likely see applications for changes to those buildings to modernize them.

Mr. Eigelberger viewed the subdivision plan as a great plan, and the best way to preserve the two landmarks. Mr. Pandula was still a bit concerned about the lot divisions, as drawn, without the request for a garage for Lot 2. He wondered if one of the lot lines should be adjusted at this early juncture to allow for the garage. Mr. Maddock did not want to make any adjustments to the lot lines at this time. Mr. Eigelberger noted that these properties are only visible from the lake anyway, so, if a garage needs to be added, they will have to find a way at that time.

Mr. Frank commented regarding the layout of the subdivision that typically in a subdivision, the lot lines are perpendicular to the cul de sac, but he stated that staff is generally pleased with subdivision. Mr. Paul Castro, Zoning Administrator, agreed that usually the lines are perpendicular to the cul de sac, and staff has made that comment before when reviewing this plan. Mr. Maddock stated the lot lines are drawn as such due to an abundance of specimen trees. Mr. Castro noted that all of the lots are substantially larger than the Code requires. He stated that there is an island in the traffic circle which may have to be re-designed to meet Fire Rescue requirements. Staff also believes that safe site visibility triangles should be created at Maddock Way. The subdivision documents provide that Lake Trail is an easement, but that it be maintained by the Town. Staff believes that perhaps the Town should own that 10 feet of right of way, if they are going to maintain it.

Mrs. Hoffman questioned whether the new homes built will be under ARCOM or LPC

jurisdiction. Ms. Close recommended that they come under LPC jurisdiction.

MOTION BY MR. EIGELBERGER THAT THE LPC FEELS THAT THE VARIANCES ARE JUSTIFIED, AND WILL NOT HARM THE LANDMARKED PROPERTIES, ALSO THAT THE NEW HOUSES TO BE BUILT COME UNDER LPC JURISDICTION.

MOTION SECONDED BY MRS. VICTOR.

MOTION CARRIED UNANIMOUSLY.

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

200 VIA BELLARIA

MOTION BY MRS. BRESNAN TO PLACE 200 VIA BELLARIA UNDER CONSIDERATION FOR LANDMARK DESIGNATION, A HOME DESIGNED BY MAURICE FATIO.

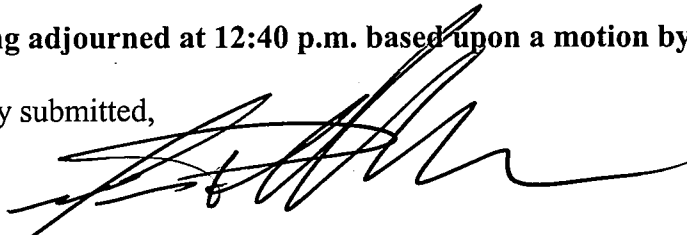
**MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.**

X ADJOURNMENT:

Just prior to adjournment, the Commission gave Mrs. Hoffman a round of applause for her service on the Landmarks Preservation Commission.

The meeting adjourned at 12:40 p.m. based upon a motion by Mr. Eigelberger.

Respectfully submitted,


Eugene Pandula, Chairman
LANDMARKS PRESERVATION COMMISSION

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