TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES
LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, FEBRUARY 18, 2004 AT 9:00 A.M.
AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I **Call to Order**: The meeting was called to order at 9:08 a.m. by Chairman Pandula.

II **Roll Call**:

PRESENT: Eugene Pandula, Chairman
Sari Wilkey, Vice Chairman
Ann Blades, Secretary
Ann Vanneck, Member
Jack Pyms, Member
Judy Hoffman, Member
Patrick Segraves, Member
Wendy Victor, Alternate Member
William Lee Hanley Jr., Alternate Member
Robert T. Eigelberger, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Jane Day, Staff Preservation Consultant

ABSENT: None

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that Elaine V. Williams, Court Reporter with Ley & Marsha Court Reporters Inc., was present to transcribe the Undesignation Hearing for 1695 North Ocean Way.

III **Approval of the Minutes of the January 21, 2004 Meeting**
MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

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

**Let the record show that the Chairman directed that Item B, under Other Business would be heard next to allow for Mr. Ugi of Public Works to return to his regular duties.

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VII **Other Business**:

B. Report relative to Wells Road Scenic Vista relative to tree trimming

In response to concerns mentioned during last month's meeting, Mr. Joe Ugi, Facilities Maintenance Manager with the Public Works Department, addressed the LPC regarding the previously performed trimming of the Australian Pines which form the Wells Road Scenic Vista. He explained that the trees are trimmed every year in late October, and it takes approximately five weeks to complete the trimming. He noted that the trees are getting older, and this is their dormant time. New growth should start to appear soon, and despite their appearance now, Mr. Ugi assured the LPC that the health of the trees, as a result of the trimming, is fine. The Town has used the same tree trimmers for the past 15 years.

Mr. Eigelberger suggested that the trees be trimmed in February and August, rather than the existing schedule of April and October, so they are not barren for such a long time period. Mr. Ugi stated that he can look into changing the trimming cycle. Mr. Eigelberger also offered the assistance of the horticultural consultant from the Mounts Botanical Garden to assist Mr. Ugi and the LPC in selecting a replacement species for the Australian Pines if and when they die.

V **Public Hearings**:

A. Application for Certificate of Appropriateness #1-2004, (deferred from February)
Mechanical enclosure, relocate cooling tower
Owner: George and Susan Levin
Applicant: Coco Palm Beach, LLC
Address: 280 Sunset Avenue
Architect: Giacomelli Architecture, Inc.
Project Description: Request approval of the following:

1. Addition of a 10.5' x 20.5' CBS mechanical enclosure at parking lot to contain a new electrostatic precipitator (scrubber) for kitchen exhaust system.
2. Installation of ventilation duct along south wall of building from kitchen to mechanical enclosure
3. Relocation of cooling tower and concrete pad for dumpsters.
4. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared.

Please note that there was a motion at the January meeting for deferral to the February meeting.

Mr. Frank stated that staff recommends removal from the agenda. He noted that there is a standing LPC approval for this equipment in another location, and the applicant will no longer seek to move the equipment to the parking lot. Mrs. Blades inquired about the time schedule for this project.

Attorney Frank Lynch, present on behalf of Coco's, stated that the restaurant is planning to be open in mid-April. The green barrier must be removed by the end of February. If that deadline is

not met, the job will be shut down. Mrs. Victor noted other unsightly conditions at the property, and inquired who is supervising the maintenance of the whole project. She also stated that there appear to be too many construction vehicles using all available spaces in the area.

Mr. Moore responded that the Chief Code Compliance Officer, Mr. Rob Walton, is policing the job as much as possible. Mr. Moore was not aware of the parking issues, but right of way permits would be required. Construction vehicles parking without such a permit are parking at their own risk and may be ticketed. Regarding the Bradley House portion of the project, the work has been stopped for no permits, and the attorney, Mr. Ron Kolins, has been advised that LPC approval and permits are required prior to construction beginning. Failure to comply would cause the matter to be referred to the Code Enforcement Board for action and possible fines.

MOTION BY MRS. WILKEY THAT THIS ITEM BE REMOVED FROM THE AGENDA.

MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

B. Continued Public Hearing for 455 North County Road relative to Deterioration by Neglect
Owner: 123 LLC
Address: 455 North County Road

Please note that this matter was heard at the September 17, 2003 regular meeting, the additional September 25, 2003 meeting, and the November 19, 2003 regular meeting of the Landmarks Preservation Commission. At the November 19, 2003 meeting, there was a motion to defer this public hearing to the February 2004 LPC meeting at which time a job status update will be given, together with a request for pictures to illustrate the progress of the job.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Attorney Frank Lynch was present to offer the job status update for 455 North County Road. He provided photos of the job site as it exists today. Mr. Lynch explained that at the point that he last appeared before the LPC, an environmental consultant's report was pending relative to the condition of the wood at the property. That report, indeed, revealed that all the wood was rotten and needed to be removed. That wood removal has been accomplished, and the construction team is in the process of closing up the building by placing the roof back on the house, a process which should be completed by the end of February. Since many of the floor joists and the flooring were likewise rotted and moldy, they have been replaced with poured concrete. Basically, the home is now a poured concrete structure in the same format as the original landmarked house. Mr. Lynch assured the LPC that they are making progress at the site, having 15-20 contractors working together to accomplish the task. The house has been cleaned up, and there is a fence around it which is secured daily. The tentative completion date will be this time next year. It was noted that a plan to subdivide the property, once contemplated to create a separate lot abutting North County Road, has been abandoned.

MOTION BY MRS. VANNECK TO ACCEPT THE OWNER'S REPORT TODAY, AND TO RETURN TO THE LPC IN 3 MONTHS FOR ANOTHER UPDATE.

MOTION SECONDED BY MRS. WILKEY AND MRS. BLADES SIMULTANEOUSLY.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #2-2004
Fire Sprinkler System
Owner/Applicant: Breakers Palm Beach Inc.
Address: 1 South County Road
Architect: Rolf Jensen & Associates, Inc., Mr. Renato Molina
Project Description: Request approval (in conjunction with tax abatement project) for a new installation of a wet-type, fire sprinkler system in order to provide for life safety and property protection in the main lobby, north loggia, Florentine Room (including Tapestry Bar and L'Escalier Restaurant), Celebrity Isle, and Circle Dining Room, and other associated changes as presented

Per the applicant, the new fire sprinkler system will have a minimal visual impact on landmark building features, as much of the actual piping will be concealed in mechanical rooms and mechanical chases. The actual visual impact in interior building spaces will be a concealed-type sprinkler head with covers to match existing ceiling colors. In some areas, a concealed-type sprinkler head cannot be installed. These locations will have a wall-mounted sprinkler head in a bronze tone to blend with existing architecture and paint color.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Jane Day, Staff Preservation Consultant, stated that the Breakers, as a result of their current tax abatement, had to bring this to the LPC for formal approval, rather than seek a staff approval.

Mr. Ken Wise, Director of Facilities Management at the Breakers Hotel, distributed some photos of the affected areas, within the Breakers, demonstrating the location of the new sprinklers which will be installed and concealed as listed above. He explained the various applications.

Mr. Moore offered some historical information relative to sprinkling the building. While the State of Florida now requires that all hotels be sprinkled, an old agreement between the Breakers and the Town provided that only certain areas of the hotel were sprinkled in an effort to preserve the architecture. Now, however, the State law supercedes any previous agreements, and the entire building is being sprinkled.

MOTION BY MRS. WILKEY FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

VI **Designation/Undesignation Hearings:**

Item 1: 1695 North Ocean Way (Undesignation Hearing)
Owners: Marcia L. Smythe and Estate of Daniel Smythe, Keybank National Association

Please note that the Undesignation Hearing was transcribed by a court reporter, and that transcription, when submitted by the owner's legal representative, will be distributed as a supplement to these minutes. The following is a very brief summary of the hearing.

Declaration of Exparte Communication: Mrs. Victor stated that she visited the site. Mr. Pandula stated that he had one or two calls from Mr. Brindell, the owner's legal representative.

Attorney James Brindell, on behalf of the owners, presented his case for undesignation of 1695 North Ocean Way. He presented twelve (12) exhibits into the record. These exhibits were accepted into the record by Chairman Pandula, and they are as follows:

1. 2004 Undesignation Report by Dr. John Garner and Charles Harrison Pawley, Fellow AIA
2. Landmark standards, Section 16-38, now Section 54-161, Town Code
3. Letter of September 17, 1993 from Lillian Jane Volk to Mr. D.S. and Marcia L. Smythe
4. 1994 Designation Report
5. Minutes of March 16, 1994 Landmarks Commission Meeting
6. Minutes of May 10, 1994 Town Council
7. Letter of December 4, 1993 from James R. Brindell to Eugene Pandula
8. Letter of January 30, 2004 from John C. Randolph to James R. Brindell
9. Dr. John Garner's Vita
10. Charles Harrison Pawley's Vita
11. Photos of ranch houses
12. Excerpts from John L. Volk Palm Beach Architect (John L. Volk Foundation, Inc., 2001)

The Landmarks Preservation Commission heard the testimony of Attorney James Brindell, Dr. John Garner, expert witness, and Attorney Doug Merrick, another attorney for the Smythes, in support of the undesignation.

MOTION BY MRS. VANNECK TO MAKE THE UNDESIGNATION REPORT PART OF THE RECORD.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

The Landmarks Preservation Commission heard the testimony of Ms. Jane Day, Staff Preservation Consultant, Mr. Timothy Frank, Planning Administrator, Mr. Robert Moore, Director of Planning, Zoning & Building, and Ms. Maia Gaillard of the Preservation Foundation in opposition to the undesignation.

The Town Attorney, John C. Randolph, and the members of the Landmarks Preservation Commission offered testimony throughout the hearing.

Ultimately, the following motion was made:

MOTION BY MRS. WILKEY TO NOT ACCEPT THE UNDESIGNATION REPORT FOR 1695 NORTH OCEAN WAY AS THE PROPERTY CONTINUES TO MEET CRITERIA (c) AND (d).

MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

VII **Other Business**:

A. Placement of the Town Hall on the National Register of Historic Places

Mrs. Day stated that staff is requesting LPC approval of the State sponsored suggestion to place the Town Hall on the National Register of Historic Places. The Town Manager's Office is in favor of the national designation. Mrs. Day presented a short, historical slide presentation of the Town Hall and distributed copies of the National Register Designation Report to the members. She will present this report to the National Register Review Board in Tallahassee on March 23, 2004. Mr. Frank stated that this item will be on the Town Council's March Consent Agenda.

MOTION BY MR. PYMS TO PLACE THE TOWN HALL ON THE NATIONAL REGISTER OF HISTORIC PLACES.

MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

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Mrs. Day notified the LPC that March 24, 2004 is Historic Preservation Day in Tallahassee. Mrs. Day will be lobbying with State legislators relative to the desired approval of the grant application for the Palm Beach Public School. She urged members to also contact their legislators to advocate the historic preservation budget/grant approval.

B. Report relative to Wells Road Scenic Vista relative to tree trimming
(See transcription of this item early in these minutes)

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Comments by Ms. Maia Gaillard
The Preservation Foundation will host a Landmarks Workshop on Friday, April 23, 2004. All LPC members will receive a formal invitation. She requested commissioners to suggest topics for discussion. Two speakers have already been scheduled. Mr. Pandula suggested that there be a discussion relative to how much change is too much with regard to landmarks.

Comments relative to upcoming application for Four Winds, 1768 South Ocean Boulevard
As this will be a large scale renovation, Mrs. Hoffman requested that the architect present not only a model of the proposed design, but also a model of the existing design of the landmark. Staff will make this request of the architect.

Farewell to Mrs. Sari Wilkey
This was Mrs. Wilkey's last meeting on the LPC, as she has served the maximum number of terms allowed. Mrs. Wilkey stated that she enjoyed working with the commission members and staff. Mr. Pandula thanked Mrs. Wilkey for being an "excellent compatriot" and for all her wisdom and participation on the LPC.

Comment by Mr. Eigelberger
Mr. Eigelberger advocated that the LPC and the Preservation Foundation should lobby the Town Council, in person or in written form, for town-wide underground utilities. He stated that if this would be an extremely significant improvement in the town.

VIII **Adjournment:**

MOTION BY MRS. WILKEY TO ADJOURN THE MEETING AT 12:10 P.M.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, March 17, 2004 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Ann Blades

Ann Blades, Secretary
LANDMARKS PRESERVATION COMMISSION

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TOWN OF PALM BEACH **ATTENDANCE RECORD 2004**
LANDMARKS PRESERVATION COMMISSION

MEMBERS	1/04	2/04	3/04	4/04	5/04	6/04	7/04	8/04	9/04	10/04	11//04	12/04
Eugene Pandula	P	P										
Sari M. Wilkey	E	P										
Ann Vanneck	P	P										
Ann Blades	P	P										
Jack Pyms	P	P										
Judy Hoffman	P	P										
Patrick Segraves	P	P										
ALTERNATE MEMBERS	**1/04**	**2/04**	**3/04**	**4/04**	**5/04**	**6/04**	**7/04**	**8/04**	**9/04**	**10/04**	**11/04**	**12/04**
Wendy Victor	P	P										
William Lee Hanley Jr.	P	P										
Robert T. Eigelberger	P	P										

LEGEND:

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

TOWN OF PALM BEACH **RECORD OF VOTING CONFLICTS 2004**

LANDMARKS PRESERVATION COMMISSION

MEMBERS	1/04	2/04	3/04	4/04	5/04	6/04	7/04	8/04	9/04	10/04	11/04	12/04
Eugene Pandula												
Sari M. Wilkey												
Ann Vanneck												
Ann Blades												
Jack Pyms												
Judy Hoffman												
Patrick Segraves												

ALTERNATE MEMBERS	1/04	2/04	3/04	4/04	5/04	6/04	7/04	8/04	9/04	10/04	11/04	12/04
Wendy Victor												
William Lee Hanley Jr.												
Robert T. Eigelberger												

LEGEND:

V	=	One Voting Conflict during a meeting	
V2	=	Two Voting Conflicts during a meeting	
V3	=	Three Voting Conflicts during a meeting	
VPD	=	Voting Conflict Previously Declared (This category to be used when a conflict has Been declared at a previous meeting, and the Changes being reviewed are part of an ongoing project. ONLY COUNT ORIGINALDECLARED CONFLICT PER JCR, TOWN ATTORNEY)	