



MINUTES
LANDMARKS PRESERVATION COMMISSION
AT THE
EMERGENCY OPERATIONS CENTER
355 SOUTH COUNTY ROAD, PALM BEACH
WEDNESDAY, FEBRUARY 17, 2010, 9:30 a.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town’s website at www.townofpalmbeach.com or may obtain an audio recording (CD) of the meeting by contacting Cindy Delp, Secretary to the Landmarks Preservation Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER:

Chairman Pandula called the meeting to order at 9:30 a.m.

II. ROLL CALL:(9:30:15 a.m.)

All regular members and all alternate members of the Landmarks Preservation Commission were present. Staff members present were John C. Randolph, Town Attorney, John Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, Jane Day, Staff Preservation Consultant, and Cynthia M. Delp, Secretary to the Landmarks Preservation Commission.

III. APPROVAL OF THE MINUTES OF THE JANUARY 20, 2010 MEETING:

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

IV. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:30:48 a.m.)

By Mrs. Delp

V. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes)(9:30:49 a.m.)

Patrick Flynn of the Palm Beach Theatre Guild made some comments regarding the revised business plan for the Royal Poinciana Playhouse, and distributed copies of same to the members. He also brought the galley copy of a book regarding the history of the Royal Poinciana Playhouse which will be published in March.

VI. APPROVAL OF THE AGENDA:(9:33:48 a.m.)

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

VII. PUBLIC HEARINGS:(9:34:00 a.m.)

A. Application for Certificate of Appropriateness #1-10

Owner/Applicant: Sterling Palm Beach, LLC (Lessee) and Sidney Spiegel TR #31520371 and Island Properties of Palm Beach, Inc.

Address: 340 Royal Poinciana Way, The Royal Poinciana Plaza

Architect: Ann Beha Architects

Project Description: Request approval for restoration, rehabilitation, landscape/hardscape, construction of new buildings, interior demolition, and exterior demolition which is further described as: Demolition: Based upon the existing site plan, we intend to demolish: (i) all but the eastern decorative façade of the Theatre; (ii) the Celebrity Room; (iii) the Hibel building; (iv) the Slat House* and (v) the Gucci building. *The Cupola on the Slat House will be saved and used on a gazebo elsewhere on the property. Construction: We intend to build in the location of the Theatre, Celebrity Room and Hibel buildings the following: (i) a waterfront park that will be accessible via the Volk Playhouse Gateway which utilizes the eastern façade of the existing theatre; (ii) two-five story crescent-shaped residential buildings (one of which will contain a ground level waterfront restaurant and (iii) a Banyan residential building overlooking the new Banyan Park designed around the historic Banyan tree (Mysore Fig). In the location of the Slat House, we intend to build (i) a new 350 seat performing arts venue with office space above, (ii) a multi-level parking garage with underground parking and (iii) the mixed-use Golf View building (also with underground parking). The Gucci building will be replaced with a fountain in connection with upgrading the landscape area between the two parallel buildings. The two parallel buildings will remain intact and be restored and revitalized. Applicant requests a Certificate of Appropriateness for the above-described project with conditions as referenced in the Town Attorney's memoranda to the Mayor and Town Council dated April 9, 2009 and May 7, 2009.

Please note that at the January 20, 2010 meeting, this project was deferred to the February meeting, and it was moved that the LPC approach the Town Council and ask for funds to hire an attorney, or that the LPC be allowed, under the provisions of the LPC ordinance, to raise money to hire the attorney.

PLEASE BE ADVISED THAT THE APPLICANT HAS REQUESTED DEFERRAL TO THE MARCH 17, 2010 MEETING.

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

Mr. Pandula announced that the applicant has requested deferral to the March 17, 2010 meeting. Mr. Page read a letter from Attorney Jeffrey Bercow, dated February 12, 2010, into the record requesting the aforementioned deferral to the March 17, 2010 meeting. Architect Keith Spina, on behalf of the applicant, was present to confirm that request.

Mrs. Golino stated her concern about deferring this project to the March meeting. She noted that due to term expirations of four of the members, there is the potential that four of the existing members may not be re-appointed. As such, that could potentially place four new members into service at the March meeting. Since this project involves such a large amount of information, and since there is only approximately one week between the Town Council appointments and the March 17, 2010 LPC meeting, she felt it would be advisable to defer to April rather than March.

MOTION BY MRS. GOLINO FOR DEFERRAL TO THE APRIL MEETING TO GIVE ANY NEW COMMISSIONERS AN ADDITIONAL MONTH AND A WEEK TO MEET WITH PEOPLE, AND REVIEW, AND BASICALLY COME UP TO SPEED ON THIS.

MOTION SECONDED BY MR. HANLEY.

Mr. Pandula asked staff if there was any reason that the LPC could not consider such a motion. Mr. Randolph responded that the motion is acceptable, but the LPC should keep in mind that the summer is fast approaching. Later, during discussion, Mr. Randolph explained that the "season", during which applications for demolition (included as part of this Certificate of Appropriateness request) can be heard, will be over at the end of April. As such, any demolition portion of the request could not be deferred to May, for example. The "season" for such actions runs from November through April. Secondly, he reminded that the LPC hearings are quasi-judicial hearings, and any newly appointed members would have the opportunity to hear the presentation within the confines of a given meeting.

Mr. Spina clarified that the applicant's request is for a one month deferral, not a two month deferral.

Mrs. Golino countered that in fairness to all parties, new members should be provided with some additional time to "do their homework" regarding this issue. Other members disagreed feeling that new members have to be willing to do the homework within that week between their appointment date and the date of the LPC meeting.

Mr. Roberts commented that the LPC's deferral of the matter last month was damaging to the applicant. Mr. Hanley responded that the LPC did not hear the application because "they did not come in playing by the rules that everybody else does before this commission." Mrs. Golino added that the delays in hearing the project have been productive and beneficial because now the applicant has consented to sign an agreement that an LPC approval of the project will not be considered a development order, and secondly, that the project will return to the LPC after all of the other requirements have been met.

Let the record show that Mrs. Rubin recused herself from voting on this issue. (Voting Conflict form previously filed.)

Mr. Pandula, while agreeing that the delays in hearing this project have been justified and beneficial, stated that he could not recall a time when the LPC denied a legitimate request for a deferral.

MOTION CARRIED 4-3, WITH MESSRS. ROBERTS, EIGELBERGER, AND PANDULA VOTING AGAINST THE MOTION.

B. [Application for Certificate of Appropriateness #4-10](#)

Owner/Applicant: 640 So. Ocean Blvd., LLC

Address: 640 S. Ocean Blvd.

Architect: Smith Architectural Group Inc.

Project Description: Request approval for addition to historic structure, landscape/hardscape, and demolition (exterior) which is further described as: New 132 sq. ft., one-story addition. Delete one-story pool cabana that was previously approved. Add a new via and one-story pool cabana attached to previously approved loggia addition. Proposed hardscape and planting plans. Other associated changes as presented.

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

PLEASE BE ADVISED THAT THE LANDSCAPE ARCHITECT HAS REQUESTED DEFERRAL TO THE MARCH MEETING.

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

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

C. [Application for Certificate of Appropriateness #6-10](#)

Owner/Applicant: Jeffrey Greene

Address: 1200 South Ocean Boulevard

Architect: Portuondo Perotti Architects, Rafael Portuondo

Project Description: Request approval for addition to historic structure which is further described as: We are working with Landmarks to restore the main structure of La Bellucia to its original glory. The existing staff quarters will be remodeled to work and look more like the existing villa. The structure to the west closer to the street (guest house) will be demolished. We will remove the attached elevator which was not part of the original residence. The new construction will showcase the historic home by creating an autocourt which proudly displays the existing entrance as the main entrance of the home. The connection to the existing is a minimal, a 13'-6" Gallery which connects the new wing to the existing villa. The new wing has the larger public spaces: living room, office, wine cellar, gymnasium and guest suite. At the second floor a gallery also connects the historic portion of the second floor to the new master suite wing. The second floor of the historic villa will be remodeled, but all the existing exterior fenestration will be maintained. We are adding a courtyard to the west of the historic structure so as not to damage or encroach on this most beautiful façade. The new construction that completes this courtyard is the extension at the kitchen storage, family room, pool and further west the relocation of the tennis court

At the January 20, 2010 meeting, there was a motion for approval of the project, with the understanding that the applicant returns next month with changes to the porte cocheres, and a re-study of the balcony details, which was otherwise stated that there was an approval of the project, as submitted, other than the bedroom wing and the porte cochere.

Call for disclosure of ex parte communication: Members made ex parte declarations relative to communications which occurred since the last LPC meeting.

Architect Rafael Portuondo returned to the LPC with design options A (owner preferred), B, & C relative to the porte cocheres and the rear balcony carried across the east elevation with the new design showing both double and single columns. He also presented a striped awning (beige & cream) for the rear, restoring an awning which was once destroyed in a hurricane.

Jane Day questioned whether the porte cocheres were too narrow. She stated that this new construction, in its scale and detailing, should be compatible with the original Mizner design. She supported the request for the awning.

**MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE PROJECT. (IT WAS CLARIFIED THAT DESIGN OPTION "A" WAS APPROVED.)
MOTION SECONDED BY MR. ROBERTS.**

Mr. Lindgren read a letter into the record from the Bath and Tennis Club relative to this project, wherein the Club hoped for the removal of a row of Australian Pines, located on the north edge of the Greene estate, which intrude over to the Club property. Mr. Portuondo saw no problem in honoring that request. He was advised to address this issue when the landscape plan is brought to the LPC for approval.

MOTION CARRIED UNANIMOUSLY.

VIII. OTHER BUSINESS:(10:11:37 a.m.)

Informal Review: Memorial Park and Fountain: Flagler Statue

Mr. Pandula made an ex parte communication declaration with regard to this informal review.

Recreation Director Jay Boodheshwar, serving as staff facilitator for the Centennial planning process, gave a brief presentation relative to erecting a donated statue of Henry Flagler at the north end of the Memorial Park which is located to the north of Town Hall. The donor will underwrite all expenses related to the statue and its placement. At the February 9, 2010 Town Council meeting, the Town Council directed staff to present this issue to the LPC for feedback prior to the Town Council's March 9th meeting. Ultimately, the matter would have to be heard formally by the LPC in the form of an application for Certificate of Appropriateness. The statue is nearly 11 feet tall (base included) and it will be cast in bronze with a black granite base with solar uplighting.

John McDonough, President of the Palm Beach Historical Society, provided a history of the Mizner designed Memorial Park and Fountain. He particularly noted that the name of Henry Flagler is the first name to be listed on the bronze tablet located in the park which "honored his service in making Palm Beach the premier resort in the world".

It should be noted, for the record, that none of the commissioners who offered feedback comments regarding the statue were in support of the statue in that location. Alternate locations such as the Flagler Museum, the Breakers Hotel, the Earl E.T. Smith Park, and Pan's Garden were suggested. Mrs. Day agreed that this is not the right location for this statue, and stated that in terms of preservation, it does not add anything to the original design of the park.

Mr. Roberts questioned why the fountain is not working, and why there is some evidence of deterioration.

The following persons spoke in support of the statue being placed in Memorial Park: Patty Sands, President of the Greater South County Road Association, Betsy Matthews, representing the Garden Club of Palm Beach, and Bill Bone, member of the Palm Beach Centennial Commission. In addition to her comments in support of the statue placement, Mrs. Matthews stated that the Town put chlorine in the reflecting pond, which is causing the deterioration referenced by Mr. Roberts. This resulted in the water being turned off to facilitate the removal of the chlorine. The Garden Club is working with the Town (Public Works) to address these issues.

Edward Cooney, 495 North Lake Way, agreed with the LPC and suggested that a better place for the statue might be between Cocoanut and Bradley on Royal Poinciana Way.

Mr. Roberts encouraged staff to ensure that the fountain be restored and working properly as this is an historic landmark which has been "going way downhill for five or six years".

IX. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:(10:35:26 a.m.)

In light of the motion for deferral made earlier relative to the Royal Poinciana Plaza project, Mr. Randolph reminded the commission about Section 54-94 of the code: "Within not more than 30 days after a hearing on an application for a certificate of appropriateness, the commission shall act upon it, either approving, denying or deferring action until the next meeting of the commission..." The demolition portion of the application can only be heard from November through April, so it cannot be deferred to the May meeting. It is possible that the applicant could waive this provision, however. In response to a member's question, Mr. Randolph stated that there would be nothing to prohibit the LPC from scheduling another meeting in April, after the regularly scheduled meeting, to continue deliberations.

Mr. Cooley asked whether historic trees come under the purview of the Landmarks Preservation Commission. It was clarified that historic specimen trees are handled by the Public Works Department and ultimately the Town Council. It was later clarified by Mr. Randolph that the care of historic specimen trees is the responsibility of the property owner and the Town.

Regarding conditions at the Memorial Park and fountain, Mr. Moore stated that "it is sinful that we're having to call somebody's attention to the fact that this fountain is in the condition that it is." He maintained that someone or some department must be accountable for the maintenance of Town owned properties and asked staff and/or the Town Council to look into this location and

other Town owned locations to ensure that proper maintenance is being done. Mr. Page promised that he will look into the fountain issue, checking with Public Works, and will report back to the commission. Councilman Bill Diamond suggested that this matter be placed on the Town Council's agenda for a status report relative to repairs on the fountain. Status reports on other Town properties could be given in the future.

Mr. Page reported on three separate issues:

- 1) A copy of an e-mail from Bill Metzger was distributed to the members. Mr. Metzger re-stated his desire to serve as a volunteer to collect information relative to the Royal Poinciana Playhouse.
- 2) The Town Council has voted to have commission members take an oath of office at the beginning of their service on a given board or commission.
- 3) Mr. Page presented revised language to the members regarding persons who are qualified to present at the Landmarks Preservation Commission.

**MOTION BY MRS. GOLINO TO ADOPT THE NEW LANGUAGE.
MOTION SECONDED BY MR. COOLEY.
MOTION CARRIED UNANIMOUSLY.**

Mr. Pandula called attention to the fact that this was Mr. Eigelberger's last meeting, thanking him and recognizing his many years of excellent memory, experience, and service. Mr. Eigelberger received a round of applause. Robert Moore, former Director of Planning, Zoning & Building, provided an anecdotal story regarding when he first met Mr. Eigelberger, which led to another round of applause for Mr. Eigelberger.

Mrs. Day distributed designation reports for the March 17, 2010 designation hearings for 347 Worth Avenue, 350 Worth Avenue, 405 Cocconut Row, and the Casa Bendita Pavilion.

X. **ADJOURNMENT:(10:49:52 a.m.)**

**MOTION BY MR. HANLEY TO ADJOURN AT 10:50 A.M.
MOTION SECONDED BY MR. ROBERTS.
MOTION CARRIED UNANIMOUSLY.**

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, March 17, 2010 at 9:30 a.m. in the Emergency Operations Center, 3rd floor, 355 South County Road, Palm Beach.

Respectfully submitted,

Charles S. Roberts, Secretary
LANDMARKS PRESERVATION COMMISSION

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