MINUTES
LANDMARKS PRESERVATION COMMISSION
AT THE
EMERGENCY OPERATIONS CENTER
3RD FLOOR
355 SOUTH COUNTY ROAD

WEDNESDAY, JANUARY 20, 2010, 9:30 a.m.

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

I. CALL TO ORDER: (9:30:00 a.m.)

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

II. ROLL CALL: (9:30:10 a.m.)

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

Let the record show that a court reporter, Louanne Rawls of Esquire Deposition Solutions, was present for the Royal Poinciana Plaza agenda item.

Mr. Pandula gave some direction to the audience regarding room capacity, seating in the EOC and in the fire bays downstairs, and information for those testifying in today's proceedings.

III. APPROVAL OF THE MINUTES OF THE DECEMBER 15, 2009 MEETING: (9:31:35 a.m.)

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

IV. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:32:17 a.m.)

Mrs. Delp administered the oath to all those who wished to testify today. This was done throughout the course of the meeting as necessary.

VI. APPROVAL OF THE AGENDA:(9:33:19 a.m.)

At this point, Mrs. Golino asked the Chairman if the Approval of the Agenda could be handled prior to Comments from the Public and Commission Members.

MOTION BY MRS. GOLINO TO REVISE THE AGENDA TO ALLOW THE APPROVAL OF THE AGENDA PRIOR TO COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS.

MOTION SECONDED BY MRS. RUBIN.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. GOLINO TO REMOVE ITEM B, APPLICATION FOR CERTIFICATE OF APPROPRIATENESS #1-10, BECAUSE IT IS IN VIOLATION OF THE ZONING ORDINANCES OF THE TOWN OF PALM BEACH, AND THEREFORE, SETS AN UNTENABLE PRECEDENT FOR THE LPC TO ACT UPON AN APPROVAL OR DENIAL OF SUCH AN APPLICATION.

Prior to any second of this motion, Mrs. Golino read a prepared statement to illustrate her objection to considering this application when proper procedure has not been followed, i.e., meetings with and approvals from the Zoning Commission, the Town Council, and the necessary Comp Plan changes. She advocated, if the project could not be removed from the agenda, that it be placed at the end of the agenda as an informal review with comments focused on the architecture and historic preservation.

MOTION SECONDED BY MRS. WILLIS. (Let the record show that Mrs. Rubin recused herself regarding the Royal Poinciana Plaza agenda item later in the meeting.)

Mr. Randolph was asked for advice, at which time he read a prepared statement into the record in which he attempted to address the following questions: 1) How this application can be before the LPC for consideration, 2) whether the LPC, by ordinance, has the jurisdiction to consider the application, despite it being referred by the Town Council, and 3) whether the Town Council had the authority to refer this matter to the LPC when the application is inconsistent with the Town's Comp Plan, Zoning Code, and the 1979 Agreement. Mr. Randolph went on to explain that "there will be no Certificate of Appropriateness issued as a result of any conditional approvals which may come from the Commission, nor will any permits be granted, nor will any construction take place prior to all conditions being met." He addressed the issue of the LPC placing conditions on an approval, discussed whether any approval would place the 1979 Agreement in jeopardy, and mentioned that the LPC might seek an independent legal opinion as to the ability of the LPC to entertain the application.

A lengthy discussion took place wherein the Commission members offered their opinions on whether to hear the matter, not to hear the matter, and/or to hear the matter as a Certificate of Appropriateness or an informal review. Some members were in favor of hearing the application in order to take a step forward toward ultimate resolution of the matter, while other members were reluctant to proceed. Mr. Page read a motion into the record which was made at the May 11, 2009 Town Council meeting addressing review of this application: "Motion made by President Pro Tem Coniglio that the Landmarks Preservation Commission be the first Town body to consider, in its fullness, the application of the Sterling Group and that Landmarks Preservation Commission consider that application without regard to potential future changes to the 1979 Agreement, the Comprehensive Plan, of the Zoning Ordinance of the Town, but rather focus on the architectural and historic preservation consideration that was within their jurisdiction. Council Member Kleid seconded the motion. On roll call, the motion carried unanimously."

Mr. Cooley expressed concern about the potential for legal action against the LPC, and suggested amending the motion to allow for deferral of the matter so the LPC could ask the Town Council to obtain independent legal counsel for the LPC, or give authorization for the LPC to raise the funds to hire independent legal counsel. He warned that if the LPC makes mistakes, the Town will have to spend much money in legal fees, and much time in court. Other members expressed the opinion that the LPC would be attacked legally regardless of whether they voted for or against the project.

Mr. Pandula, having been involved with landmarking in the Town since 1979, was concerned about the LPC and its integrity, as an action today, either for or against the project, would be clouded with procedural issues. He did not want to see the good history of the LPC, as a group of people who work to find good architectural solutions for property owners, "go up in flames."

Mrs. Golino spoke as an advocate for her motion since an informal review of the project would avoid the legal issues of procedure.

MOTION AMENDED BY MRS. GOLINO TO PUT THIS AT THE END OF THE AGENDA AS AN INFORMAL REVIEW, AND GIVE A VERY THOROUGH WORKING OUT OF OUR THOUGHTS IN A FIX-IT KIND OF WAY, TO MAKE CONSTRUCTIVE SUGGESTIONS, AND PUT OUR OPINION ON WHETHER WE SHOULD DEMOLISH THE THEATRE OR NOT ON THE RECORD, AND LET OUR OPINIONS FROM THE INFORMAL REVIEW BE HEARD BY THE TOWN COUNCIL, AND THAT IS A WAY TO MOVE FORWARD WITHOUT THE LEGAL PROBLEMS.

At this point, Mrs. Rubin recused herself since she is a realtor who has listed, sold, and leased units at the Palm Beach Towers. (Voting Conflict form on file.)
With Mrs. Rubin's recusal, Ms. Willis became a voting member for this application.

Before the motion was seconded, Attorney John Eubanks, representing Palm Beach Towers Condominium Association, addressed the commission. He referred to and read from a document entitled "*LPC May Not Rely Upon Improper May 11, 2009 "Motion"* wherein he argued against the LPC hearing the application. Mr. Eubanks also suggested that by hearing this application, the Town may be sued by other development applicants whose applications have been handled according to regular procedure.

In addition to his earlier remarks which were read into the record, let the record show that Mr. Randolph interjected explanations and rebuttal responses as needed and as requested throughout this lengthy discussion.

MRS. GOLINO AMENDED HER MOTION AGAIN TO SAY THAT THE LPC WOULD HEAR THIS ITEM AS AN INFORMAL REVIEW TODAY WITH THE IDEA THAT IT WOULD BE A COMPLETE AND THOROUGH REVIEW OF ALL OF THE ARCHITECTURAL AND HISTORIC DETAILS, EVERYTHING IN TERMS OF THE ARCHITECTURE.

AMENDED MOTION SECONDED BY MR. HANLEY.

Attorney Jeffrey Bercow, on behalf of the Sterling Group, responded to a number of the issues which have been raised. He gave his arguments that the application should be heard as a Certificate of Appropriateness today, as the Town Council had instructed. He maintained that the applicant has abided by the instructions of the Town Council as directed in May 2009; has hired consultants; has met with stakeholders; has expended much time and money to develop plans for review; has filed an application for review by the LPC; has paid the associated fees for such an application; and, now expects a full review of the application as a Certificate of Appropriateness. Further, Mr. Bercow advised that the applicant will not engage in an informal review of the matter.

Lee Munder, with the Sterling Group, testified that they have never requested any special treatment from the Town; that the last attempt to have a hearing for Certificate of Appropriateness was turned into an informal review; that they were encouraged by the LPC's comments regarding the proposal reviewed informally in February 2009, and as a result, moved forward as directed by the Town. He stated that "your town wants a decision." "If you don't act today, we will not sit for an informal review."

Attorney Ron Weaver, representing neighbors who are directly affected, stressed the point that by law, the Comp Plan must be amended prior to any other approvals of this project. He referenced the Attorney General's opinion of July 15, 1996 to support his point. Mr. Randolph offered some statements of rebuttal in the discussion that followed.

Mr. Page announced that Staff has prepared a list of seventeen (17) recommended conditions which would have to be satisfied prior to the issuance of any Certificate of Appropriateness for approval of the project.

Mr. Randolph, in light of the motion on the floor, advised the members that it is not appropriate to hear the matter informally unless the LPC has the consent of the applicant. Mr. Bercow reiterated that the applicant will not accept an informal review.

MRS. GOLINO STATED THAT ONCE WE BEGIN TO HEAR THIS APPLICATION, WE SANCTION THE PROCESS OF HEARING IT**, AND AS SUCH, SHE WITHDREW HER MOTION FOR INFORMAL HEARING** AND DEFERRED TO MR. COOLEY THAT PERHAPS THE LPC NEEDS FURTHER LEGAL ADVICE ON HOW TO PROCEED.

MOTION BY MR. COOLEY FOR DEFERRAL FOR ONE MONTH; THAT THE LPC APPROACH THE TOWN COUNCIL AND ASK FOR FUNDS TO HIRE AN ATTORNEY, AND IF THEY DON'T WANT TO APPROPRIATE THE FUNDS, ASK THEM, UNDER THE PROVISIONS OF OUR ORDINANCE, THAT WE BE ALLOWED, WITH THEIR PERMISSION, TO RAISE OUR OWN MONEY TO HIRE THE LAWYER.

MOTION SECONDED BY MRS. GOLINO.
MOTION CARRIED UNANIMOUSLY.

At this point, there was a brief recess, and the meeting reconvened at 11:24 a.m.

VI. APPROVAL OF THE AGENDA:(11:11:49 a.m.)

MOTION BY MRS. GOLINO FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. ROBERTS.
MOTION CARRIED UNANIMOUSLY.

V. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes) (11:12:04 a.m.)

Mrs. Jane Day, Staff Preservation Consultant, and Alex Ives of the Preservation Foundation announced that a new Landmark Manual has been produced, the graphics for which had been underwritten by the Preservation Foundation. Mrs. Day had worked on the revised manual during the summer with the assistance of interns at the Preservation Foundation. Mrs. Day thanked the Preservation Foundation for their assistance with this important project.

VII. PUBLIC HEARINGS:

A. Application for Certificate of Appropriateness #16-09
Restoration
Owner/Applicant: Paramount Church Inc.
Address: 139 North County Road
Architect: The Lawrence Group Architects
Project Description: Request approval for restoration which is further described as: The handrails on the roof of the first floor have been cited by the Code Enforcement officer. There are numerous code violations in these railings. It is intended that the need for this railing in the exit system be eliminated by closing the access to the area as shown on the second floor plan. The rails would then be repaired as they are by replacing any rotted wood, screwing the balustrades through the top railing, removing the metal brackets and repainting the rail. Other associated changes as presented.

PLEASE NOTE THAT AT THE OCTOBER 20, 2009 MEETING, THERE WAS AN APPROVAL OF THE TEMPORARY REMEDY, WITH THE CONDITION

THAT THE APPLICANT RETURNS TO THE LPC WITH A PLAN TO RESTORE THE ORIGINAL HANDRAILS WITHIN 60 DAYS. AT THE DECEMBER MEETING, THERE WAS A MOTION FOR DEFERRAL TO THE JANUARY MEETING.

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

Architect Eugene Lawrence testified that at the last meeting, two railing design options were presented and the matter was deferred to allow for consultation with the Town's Building Official as to code requirements. One design option shows balustrades 4" on center, and the other with them 2" on center. Building Official Jeff Taylor testified that the Florida Building Code, addressing historic buildings. states that any restoration must maintain the character, but any code violation should be corrected and not be allowed to continue. He stated that the railing is required to be 42" in height with a maximum spacing of 4" on center, and a point load of 200 lbs, and a per lineal foot load of 50 lbs.

MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE "LOWER ONE" WHICH WAS CLARIFIED TO BE THE DESIGN OPTION WITH THE 4" ON CENTER SPACING.

MOTION SECONDED BY MRS. GOLINO.

Mr. Lawrence added that these will be cast aluminum, and will be abraded to remove shine. Mrs. Day spoke in support of the motion.

MOTION CARRIED UNANIMOUSLY.

B. 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.

Call for disclosure of ex parte communication

Let the record show that the commission did not hear the presentation of the architect relative to this project, and in discussions heard earlier in the agenda, made a motion for deferral of the project to the February meeting.

C. Application for Certificate of Appropriateness #2-10
Owner/Applicant: Palm Beach Orthodox Synagogue, Inc.
Address: 120 North County Road
Architect: Arthur Chabon Architect P.C. and SKA Architect & Planner, Jacqueline Albarran
Project Description: Request approval for addition to historic structure and sign which is further described as: Addition of gabled parapet located at the center of existing building on East façade. New barrel tile gable roof behind proposed parapet to attach to existing barrel tile roof. New barrel tile shed roof on North end of building to match existing barrel tile roof on South end of building. New signage and symbol to be added below new center parapet. All details to match existing. Other associated changes as presented.

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

Mr. Cooley stated that he attended the Town Council meeting where the variances associated with this project were reviewed, and he heard no mention by staff or others relative to the LPC's desire that there be no donor name as part of the signage. He stated that the variance was approved by the Town Council without reference to the LPC's recommendation. Mr. Page recalled the discussions which took place during the informal review of this matter at a previous meeting of the LPC, in response to Mr. Cooley's comment.

Attorney Maura Ziska, and Architects Arthur Chabon and Jacqueline Albarran presented this request on behalf of the synagogue. She recalled that the issue of the donor name was discussed at the Town Council meeting, and specifically mentioned a comment by Mr. Wildrick to the effect that he has seen precedence for a donor's name to be part of building signage on other buildings in Town, and as such, had no problem with approving it in this case. She advised that the applicant, subsequent to the LPC's informal review, had the right to present the signage to the Town Council, with the donor's name included and let the Town Council make the ultimate decision. As such, the Town Council approved all of the variances, and allowed the donor's name to be included in the signage. Mrs. Albarran recalled that when the matter was heard informally at the LPC, not all of the members were against the donor line.

Commission members expressed a variety of opinions regarding the signage, particularly the donor line. Mr. Pandula requested two motions: one for the architectural elements of the project, and one for the signage.

MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE ARCHITECTURAL ASPECTS OF THE BUILDING.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

Mr. Cooley recalled that at the informal review of this matter, the LPC asked if the corner sign was coming down, leaving only one sign on the building, and at that time the answer was yes. Ms. Ziska responded that the applicant is requesting approval of the two signs today.

MOTION BY MR. EIGELBERGER THAT WE ALLOW TWO SIGNS ON THE BUILDING, ONE ON THE CORNER THAT SAYS THE STAR WITH THE PALM BEACH SYNAGOGUE IN 3 LINES, I PRESUME; AND, ON THE FACE OF THE BUILDING ON THE NEW DORMER WE WOULD HAVE THE STAR AND WE HAVE PALM BEACH SYNAGOGUE IDENTICAL TO THE ONE ON THE CORNER, WITH NO NAME (DONOR NAME) BELOW IT.

MOTION SECONDED BY MRS. GOLINO.

During discussion, Mr. Eigelberger stated that he would approve of the donor's name on a small plaque.

Paul Castro, Zoning Administrator, testified that the applicant is allowed 20 sq. ft. for a **building** identification sign on both street frontages, and 20 sq. ft. of **business** identification sign on both sides of the building as well. There is no zoning issue related to content; and, there is nothing in the code that would preclude someone adding a name to a building identification sign; and, there are other buildings with person's names included in the signage, such as the Flagler Museum which is a landmark.

Architect Arthur Chabon clarified that the donor name shown on the plans is not the actual donor name, but merely text to show possible sign dimensions. He also noted that there is no space on the facade for a plaque since the windows are so close together.

Let the record show that Mrs. Rubin returned to the meeting at this time, 11:47 a.m.

Commission members grappled with whether to allow the donor name or not.
If allowed, it was suggested that the size of the donor name lettering be reduced from 6 inches to 4 inches. Commission members discussed various conditions that

might be applied to the donor line.

Mr. Eigelberger remarked that the landmarked buildings which bear the name of a person in signage were landmarked with that signage already in place, and that to approve this would change established precedence.

MOTION FAILED 3-4, WITH MR. HANLEY, MRS. RUBIN, MR. ROBERTS AND MR. PANDULA VOTING AGAINST.

MOTION BY MR. ROBERTS TO DO THE THINGS WE DISCUSSED; YOU CAN HAVE THE SYNAGOGUE'S NAME ON BOTH FACES BECAUSE YOU'RE ALLOWED TO DO THAT UNDER THE CODE; YOU'RE NOT EXCEEDING THE CODE ON SQUARE FOOTAGE; AND, WHILE WE HAVEN'T DONE IT IN THE PAST, WE DO THINGS EVERY MONTH THAT MAYBE WE DIDN'T DO IN THE PAST, AND I THINK IT'S A GREAT BUILDING, AND YOU'VE DONE A GREAT JOB...YOU NEED TO RAISE SOME MONEY...THE DONOR NO BIGGER THAN 4", AND IF THAT'S A COMPLICATION, I'M GOING TO CHANGE MY VOTE, SO GO FOR THOSE 4" LETTERS, AND MAKE IT THE SAME.

MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED 5-2, WITH MR. EIGELBERGER AND MR. COOLEY VOTING AGAINST THE MOTION.

Mr. Cooley requested that staff faithfully report the LPC motions and what was approved to the Town Council. Mr. Page responded that he relays this information as he meets with Council members prior to the meeting, and at the meetings.

Let the record show that while hearing the ex parte communications of the next agenda item, Mr. Roberts re-opened discussions regarding the signage at the synagogue. The applicant was asked to return to the EOC.

MOTION BY MR. ROBERTS FOR APPROVAL OF THE SIGNAGE ON BOTH FACES OF THE BUILDING, WITH THE DONOR'S NAME IN 4" (MAXIMUM) LETTERING, AND NO LONGER THAN THE "PLACEHOLDER" SHOWN ON THE PLANS, I.E., HAVING A MAXIMUM LENGTH OF 12 FT. AND A MAXIMUM OF 4 WORDS IN THE DONOR LINE.

MOTION SECONDED BY MR. EIGELBERGER.

Mr. Randolph asked for a motion to reconsider the application.

MOTION BY MR. ROBERTS TO RECONSIDER THE APPLICATION FOR THE SYNAGOGUE TO GET A NEW VOTE TO INCLUDE ALL THE POINTS WHICH HAVE BEEN DISCUSSED.

MOTION SECONDED BY MRS. RUBIN.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. ROBERTS THAT YOU BE ALLOWED TO HAVE THE PALM BEACH SYNAGOGUE ON BOTH FACES, AND THAT WE USE YOUR APPLICATION AND YOUR ARCHITECTURAL DRAWING TO DEFINE SIZE, LENGTH, AND LOCATION OF WHERE THE SIGN IS GOING, AND IN NO EVENT WILL THERE BE MORE THAN 4 WORDS (IN THE DONOR'S NAME LINE) AND IN NO EVENT WILL THE LETTERS OF THE DONOR'S NAME BE BIGGER THAN 4", AND THAT THEY BE THE SAME MATERIALS AS THE PALM BEACH SYNAGOGUE, AND THE SAME COLOR.

MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #3-10
Owner: 134 LLC
Applicant: Mr. and Mrs. Myron Miller
Address: 134 El Vedado Road
Architect: Mario Nievera Design Inc.
Project Description: Request approval for landscape/hardscape which is further described as: Proposed new tennis court, service court, and motor courts design. Proposed new planting for the new tennis court and front entry. Other associated changes as presented.

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

Keith Williams of Mario Nievera Design presented the request. Mr. Williams stated that this proposal is only for the front of the house and the west gardens, with the remainder of the property to be handled under a different and future request. He explained how the existing plant material will be either removed, relocated, or maintained as is, and indicated new plant material to be installed. The existing main driveway and service drive material will be removed and resurfaced. The new driveway material for the main drive will be gravel with coral brick edging and aprons, and the service drive will be done in an aggregate gravel with coral banding. An existing low retaining wall on the west will be removed and replaced with a 6 ft. tall retaining/privacy wall on the west perimeter. A new tennis court (50 ft. wide x 100 ft. long) is proposed, with a chainlink fence around it to be covered in Confederate Jasmine. It was noted that this tennis court is smaller than the typical tennis court. Mr. Williams reviewed the associated drainage plan. He noted that this project does not include piers and gates, though they are shown on the plans.

MOTION BY MR. EIGELBERGER FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. GOLINO.
MOTION CARRIED UNANIMOUSLY.

E. [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.

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

Architect Jeffery Smith presented this request for changes to the previously approved plans. In development of the landscape plan, it was noticed that the new outbuilding stopped the expanse of the gardens. As such, the plans have been modified to swing the building around, adding it to the south end of the home, resulting in a larger garden expanse. Another change concerns the lean to building attached to the garage. The proposal would change the roof on it, widen the building, and thereby create a fourth bay of the garage. At the new loggia wing with via connection, the connection will be matched on the other side of the loggia to create a via entrance into the guesthouse. The fireplace has been relocated.

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

Mario Nievera presented the landscape/hardscape aspect of the project. He stated that with the architectural changes, it has become possible to create a symmetrical entrance with entry court off the center line of the front door, along with two symmetrically placed pedestrian gates leading to each side of the entry court. Mr. Nievera reviewed the existing and proposed landscape material, including, but not limited to random groves of Cocoanut Palms, Seagrapes, and Ficus, and described various terraces and garden areas, including a tropical garden on the South side of the property. Mr. Nievera discussed the drainage plan for the site.

MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE PROJECT, AS PRESENTED, CONDITIONED UPON SEEING ANY GATES, FOUNTAINS, AND PAVING, ALONG WITH SAMPLES OF SAME. (Note: This will be treated like a deferral to the February meeting.)

MOTION SECONDED BY MR. ROBERTS.
MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness #5-10

Owner/Applicant: David Wetherell and Elizabeth Wetherell
Address: 222 El Brillo Way
Architect: SKA Architect & Planner, Patrick W. Segraves, A.I.A.
Project Description: Request approval for rehabilitation which is further described as: Enclose a portion of existing second floor covered patio adding one pair of doors to the South elevation and two windows to the East elevation. Other associated changes as presented.

Call for disclosure of ex parte communication: Mr. Pandula made an ex parte declaration.

Architect Pat Segraves presented this request. The proposal would enclose a portion of an upper balcony to create a study off the master bedroom. The design, as proposed, would add a pair of French doors with sidelites and a pair of casement windows. After review, some modifications were suggested.

MOTION BY MR. EIGELBERGER FOR APPROVAL WITH THE CONDITIONS THAT THE PROPOSED FRENCH DOORS BE CHANGED TO A SET OF THREE SEPARATE DOORS OF THE SAME SIZE (NO SIDELITES), AND THAT THE NEW CASEMENT WINDOWS HAVE THE SAME HEADER AND SILL HEIGHT AS THE OTHER WINDOWS ON THE EAST FADADE.

MOTION SECONDED BY MRS. GOLINO.
MOTION CARRIED UNANIMOUSLY.

G. 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

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

Architect Rafael Portuondo and Jorge Sanchez of Sanchez & Maddux Landscape Architects presented this request. Mr. Portuondo differentiated between the historic and non-historic portions of the structure. He asked Mr. Sanchez to outline the landscape/hardscape plans prior to continuing with the house architecture. The new owners want to place a tennis court back on the property. To facilitate this, the main entrance from South Ocean Boulevard will be moved to the north (approved by Public Works) to create a parkway leading up to the main house. The entrance drive will hug the north side of the property, and will meander through a tunnel of Seagrapes. When one approaches the house, the road will split and lead into a new porte cochere and then to the parking court. One leaves the parking court through the other porte cochere which accesses the main driveway. A service drive branches off the main drive leading to the south edge of the property and to the garage levels. An elongated pool and two small reflecting pools (one - a spa, and the other, a children's' pool or tanning pool) on either end will be built to the east of the house. Plans include courtyards with fountains, and another pool and pergola between the tennis court and the house. Mr. Sanchez stated that the landscape plan will create a much better buffer between the Bath & Tennis Club and this residence.

Mr. Portuondo continued with the architectural aspects of the presentation, noting that the existing historic structures will be retained. He reviewed the existing and proposed floor plans and elevations, illustrating the additions being made to the historic structure. Let the record show that Mr. Portuondo referred to a model of the proposed house throughout the course of the presentation. He indicated that after discussions with Mrs. Day, he was careful to keep the front door in the same location, and to design the new construction so that it does not match the existing exactly. Mrs. Day, when asked for her comments, stated that she likes the proposal because it could all be stripped away, and the historic structure would still be there, and that is good preservation.

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

Under discussion, commission members questioned how parking for large parties would be accommodated, the configuration of the service drive, the two new porte cocheres, columns at the second story balcony facing the ocean, and some fenestration.

MOTION AMENDED BY MR. ROBERTS 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 WE APPROVE EVERYTHING AS SUBMITTED OTHER THAN THIS BEDROOM WING AND THE PORTE COCHERE.

MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.

Let the record show that Mr. Rogers left the meeting at 1:30 p.m.

VIII. OTHER BUSINESS:(1:24:35 a.m.)

Mr. Cooley suggested that, if the Town Council allows the hiring of a special attorney for the LPC, a special meeting of the LPC be scheduled to consider that appointment and perhaps participate in the selection of that attorney.

MOTION BY MR. COOLEY TO HOLD A SPECIAL MEETING OF THE LANDMARKS PRESERVATION COMMISSION ON FEBRUARY 11, 2010 AT 9:30 A.M. TO CONSIDER THE RECOMMENDATION OF THE TOWN COUNCIL REGARDING HIRING AN ATTORNEY FOR THE LPC.

MOTION SECONDED BY MRS. GOLINO.
MOTION CARRIED UNANIMOUSLY.

After further discussion regarding the hiring of an attorney, all LPC members were encouraged to attend the Town Council meeting at which this item will be discussed, and Mr. Pandula stated that he will definitely attend the meeting.

IX. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:(1:24:47 a.m.)

Mr. Page brought up the subject once more regarding who is authorized to present projects at the LPC and ARCOM. He had revised the proposed language since the last ARCOM meeting when this subject was discussed, and asked the LPC for feedback. The LPC noted that projects should not be presented by an attorney, unless that attorney is accompanied by a licensed design professional. Mr. Page will revise the language again for review at the next meeting.

X. ADJOURNMENT:(1:42:10 a.m.)

MOTION BY MRS. GOLINO TO ADJOURN THE MEETING AT 1:55 P.M.
MOTION SECONDED BY MR. COOLEY.
MOTION CARRIED UNANIMOUSLY.

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

Respectfully submitted,

Charles S. Roberts, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd