



MINUTES
LANDMARKS PRESERVATION COMMISSION
IN THE TOWN COUNCIL CHAMBERS
360 S. COUNTY ROAD, PALM BEACH

WEDNESDAY, JANUARY 19, 2011, 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 Cynthia M. 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:(9:33:49 a.m.)

Chairman Pandula called the meeting to order at 9:33 a.m.

II. ROLL CALL:(9:33:51 a.m.)

PRESENT: Eugene Pandula, Chairman
William O. Cooley, Secretary
Dudley L. Moore, Jr., Member
Edward Austin Cooney, Member
William P. Feldkamp, Member
D. Imogene Willis, Alternate Member (*Voting Member today*)
Wallace Rogers, Alternate Member (*Voting Member today*)
Rachel Lorentzen, Alternate Member

ABSENT: William Lee Hanley, Jr., Vice Chairman (Absence pending classification)

Staff members present were John C. Randolph, Town Attorney, John Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, Dr. Jane S. Day, Ph.D., Staff Historic Preservation Consultant, and Cynthia M. Delp, Secretary to the Landmarks Preservation Commission.

III. APPROVAL OF THE MINUTES OF THE DECEMBER 16, 2010 MEETING:(9:34:07 a.m.)

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. COOLEY.
MOTION CARRIED UNANIMOUSLY.

IV. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:34:09 a.m.) By Mrs. Delp

V. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes) None

VI. APPROVAL OF THE AGENDA:(9:34:13 a.m.)

MOTION BY MR. COOLEY FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MR. FELDKAMP.

MOTION CARRIED UNANIMOUSLY.

VII. PUBLIC HEARINGS:(9:34:29 a.m.)

None

VIII. OTHER BUSINESS:(9:34:36 a.m.)

A. Commission Feedback to Staff: "Potentially Eligible" Properties that might be considered for designation as landmarks

Prior to discussion relative to the “potentially eligible” properties, Chairman Pandula stated that the owner of 300 Barton Avenue has volunteered the property for designation. 300 Barton was one of the properties listed in Dr. Day’s survey. Chairman Pandula passed the gavel to Mr. Cooley.

MOTION BY MR. PANDULA TO NOMINATE THE RESIDENCE AT 300 BARTON AVENUE TO BE PLACED “UNDER CONSIDERATION” AS A LANDMARK OF THE TOWN OF PALM BEACH.

MOTION SECONDED BY MR. COONEY.

Mr. Pandula explained that this is a 1935 John Volk design. Though the building requires maintenance, architecturally speaking, it is pristine. Members expressed their appreciation for the voluntary designation.

UPON A ROLL CALL VOTE, MOTION CARRIED UNANIMOUSLY.

Dr. Day expressed her appreciation to the members for their work to prioritize the list of 90 “potentially eligible” structures. Mr. Lindgren had collated the members’ individual prioritized lists, and those results were revealed today. Dr. Day projected today’s goal to arrive at a smaller list of approximately ten properties to place “under consideration” for landmark designation, taking into account budget and time constraints for staff and Dr. Day.

Dr. Day began her presentation by discussing her survey methods, mentioning data from previous historic surveys, noting (photos shown) demolitions that have occurred since the last historic survey in 2004, and then listing those structures which were prioritized by the members.

Chairman Pandula thanked Dr. Day for all of her excellent work to produce the 2010 Historic Sites Survey. Having done this type of work before, Chairman Pandula noted his full appreciation for the phenomenal amount of work which was involved in the survey. Dr. Day received a round of applause in recognition of this work product.

Chairman Pandula made a statement to inform the community that if a particular building among the 90 structures was not part of the prioritized smaller group, it is a worthy structure nonetheless.

Since the Breakers Cottages were part of the prioritized list, and the owner has objected to their inclusion, and has legal representation here today, Town Attorney Randolph was asked to render his opinion as to whether the cottages should be considered. He indicated that he had reviewed a large amount of documents related to the cottages back to 1980 when a notice was mailed to the then owner, Flagler Systems, Inc., relative to the hotel and its property, including the property where the cottage sit. Mr. Randolph explained the landmark issue as it related to the Breakers PUD amendment which was also taking place at this time. The PUD process resulted in an agreement establishing the uses that could be put to the property, noting that something other than the cottages was approved where the cottages now sit. After the designation hearing for the Breakers and its property, only the hotel façade and the view from County Road were designated. He explained some legal principles which could come into play if the Town moves forward to attempt to designate the cottages. On this basis, Mr. Randolph's opinion was that a strong argument could be raised that the cottages had previously been considered, were not designated and should not be considered again.

Mr. Randolph noted, however, that the Breakers has applied for tax abatement on parts of the hotel which are not landmarked. He stated that he has not been able to review the tax abatement issue in detail.

MOTION BY MR. MOORE TO EXCLUDE THE BREAKERS COTTAGES FROM CONSIDERATION TODAY.

MOTION SECONDED BY MR. FELDKAMP.

Attorney Randolph advised against the motion at this time.

SECOND WITHDRAWN BY MR. FELDKAMP.

Members on both sides of this issue continued to discuss this matter at length. Attorney James Brindell testified for his client, the Breakers. Chairman Pandula asked whether there is an opportunity to meet with the Breakers to discuss the cottages. Mr. Brindell will inform his client of the commission's desire to discuss options for the cottages. As such, the commission agreed to exclude the cottages from consideration for the purposes of today's meeting.

Dr. Day continued with discussion of the other prioritized properties,

accompanying her presentation with photos of each site together with bytes of information on each. She noted that 656 North County Road was just approved by ARCOM for a large renovation and suggested that it not be considered at this time. Likewise, she suggested that 400 South Ocean Boulevard not be considered since she will be meeting with persons at the condominium later this week. Members reviewed the list of properties and the photo documentation thoroughly. Some members explained their individual rationale for making their prioritized selections. After this review and substantial discussion, the following motions were made:

MOTION BY MR. FELDKAMP TO PLACE THE FOLLOWING PROPERTIES “UNDER CONSIDERATION” FOR LANDMARK DESIGNATION, AND TO HAVE STAFF PREPARE A DESIGNATION REPORT FOR THESE PROPERTIES: 100 EL BRAVO WAY, 240 JUNGLE ROAD, 256 SOUTH OCEAN BOULEVARD, 220 VIA BELLARIA, 125 VIA DEL LAGO, AND 10 TARPON ISLAND.

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

MOTION BY MR. FELDKAMP TO PLACE THE FOLLOWING PROPERTIES “UNDER CONSIDERATION” FOR LANDMARK DESIGNATION AND TO DIRECT STAFF TO STUDY THE PROPERTIES: 1070 SOUTH OCEAN BOULEVARD, 350 ISLAND ROAD, 127 DUNBAR ROAD, AND 272 WELLS ROAD.

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

It was noted that staff will speak with both the Colony Hotel and with persons at the 400 South Ocean Boulevard condominium building relative to landmarking. Dr. Day credited Alex Ives and the Preservation Foundation with re-starting the landmarking conversation with the 400 South Ocean Boulevard condominium. Dr. Day will meet with them on Friday.

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

Mr. Cooney commented that this was a very productive meeting and thanked his fellow members and Dr. Day for their efforts.

Mr. Page reported that President Rosow has asked the LPC and Dr. Day to give further consideration to the possibility of landmarking the former Kennedy Estate (1095 North Ocean Boulevard) which is now owned by the Castles. Dr. Day explained that prior to her service to the Town, there was an effort to landmark this property. The designation report at that time focused upon the importance of the Kennedy family. The Town Council decided against designation at that time. When Dr. Day came to the Town in 1992, she looked at the property again, focusing upon its former owner, John Wanamaker, the Philadelphia department store magnet who actually built the home. The Kennedy family

opposed the designation. Ultimately, it was decided that the only portion to be designated was the famous doorway and gate where the famous Easter photos were taken of President and Mrs. John F. Kennedy and the two children. The other provision that was made was that in five (5) years, the property could be re-visited for landmarking in its entirety, and any changes to the property would come to the LPC. The property was sold to the Castles and the LPC reviewed those changes. Dr. Day stated that the LPC at that time was eager to compromise with the Castles, which unfortunately lead to the architecture being compromised to some degree. The LPC did not move forward to designate the entire property because of the changes to the architecture. Dr. Day offered her opinion that without owner consent, and considering the circumstances, the LPC should not move forward now to designate the property. Dr. Day confirmed that she is trying to contact the owners regarding possible designation on the basis of historical connection. Chairman Pandula weighed in that he did not believe that the home was terribly compromised architecturally as it was primarily the oceanfront façade that changed. The main entrance via and the western courtyard remain intact. Dr. Day recommended against placing the property “under consideration” today.

X. **ADJOURNMENT:(11:21:23 a.m.)**

MOTION BY MR. MOORE TO ADJOURN AT 11:20 A.M.

MOTION SECONDED BY MR. FELDKAMP.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, February 9, 2011 at 9:30 a.m. in the Town Council Chambers, 2nd Floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

William O. Cooley, Secretary

LANDMARKS PRESERVATION COMMISSION

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