TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, JANUARY 17TH, 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 9:05 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
Gail L. Coniglio, Alternate 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

ABSENT: Eileen L. Bresnan, Member (Unexcused)

III **APPROVAL OF THE MINUTES OF THE DECEMBER 20, 2006 MEETING:**
MOTION BY MRS. VICTOR FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.

IV **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:**
By Mrs. Delp

V **PUBLIC HEARINGS:**

A. Application for Certificate of Appropriateness #28-2006, (deferred from Dec.)
Minor Modification
Owner/Applicant: Mr. Stephen A. Schwarzman
Address: 1768 South Ocean Boulevard
Architect: Ferguson & Shamamian Architects LLP
Project Description: Request approval of minor modifications to approved house

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design which is further described as: The structural design of the chimneys at the west loggia calls for additional lateral support that cannot be provided by the chimneys themselves. We propose a single one inch diameter steel rod at each chimney, anchored to the adjacent roofs, to provide this support. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Mr. Mark Ferguson, of Ferguson & Shamamian Architects, presented this request. Mr. Ferguson showed a site plan of the west elevation of the house to the Commission. Mr. Ferguson stated that the house has nine chimneys; eight on the main house and one at the guest wing. Two of the chimneys are eleven feet tall. They are the only two chimneys that appear on a one story flat roof. Mr. Ferguson explained that the chimneys are too high to resist the wind load, and the support provided at the base of the chimneys is inadequate for such a height. The proposed request is to add a one inch diameter steel rod to the chimneys which brace the chimneys back down to the roof, along with a strap which embraces the chimneys, in the same color. Mr. Ferguson felt that the rods would be invisible to the eye.

Mr. Segraves stated that he has no problem with the addition of the rods, but asked whether the heights were the same as previously approved. Mr. Ferguson answered that the elevation is exactly the same as previously approved.

MOTION MADE BY MR. EIGELBERGER TO APPROVE THE ADDITION OF THE STEEL RODS.

MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness # 1-2007,
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

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION

PLEASE NOTE THAT THE OWNER/APPLICANT HAS REQUESTED DEFERRAL OF THIS MATTER TO THE FEBRUARY 2007 MEETING.

Mr. Frank verified that a letter had been submitted requesting the deferral to February.

MOTION MADE BY MR. HANLEY FOR DEFERRAL TO THE FEBRUARY MEETING.
MOTION SECONDED BY MRS. CONIGLIO.
MOTION CARRIED UNANIMOUSLY.

VI **OTHER BUSINESS:**

A. Informal Review: 1102 North Ocean Boulevard

(In conjunction with Special Exception #2-2007 with Site Plan Review and Variances for: New beach cabana with brick facade, clay tiles and French doors to match existing residence; new site retaining walls and new awning structure at main residence.)

Mrs. Coniglio met with architect at her house and walked the property.
Mr. Eigelberger met at the architect's office.
Mrs. Victor met at the site with the architect and his assistant.
Mr. Hanley met with the architect at his office.
Mrs. Hoffman met with the architect at his office.
Mr. Segraves met with the architect at his office.
Mrs. Rubin met at the site with the architect's assistant.
Mr. Pandula met with architect at his office.

Mr. Jeff Smith, Architect, and Laura DiGregorio of Smith Architectural Group, and Keith Williams, from Mario Nievera Design, presented this informal review item. Mr. Smith stated that the purpose of today's meeting is to seek the LPC's recommendation relative to the variances requested from the Town Council.

Mr. Smith explained that an addition was constructed to the existing beach cabana in the early 1990's. The existing cabana has 213 square feet, with 13 feet along North Ocean Boulevard. The proposal is to demolish the current beach cabana and reconstruct a new beach cabana with 200 square feet, but keep the 13 feet along North Ocean Boulevard. This would reduce the projection eastward by about 2.5 feet. The new cabana will have a brick veneer with brick quoins and a flat clay tile roof, all to match the existing main house. Mr. Smith showed the existing and proposed elevations of the cabana. Mr. Smith noted that the existing jacuzzi will be moved 5 feet closer to the cabana to satisfy the requests of the property owners along Queens Lane.

Within the site wall, the gate to the beach cabana will be moved as far north as possible to reduce the amount of walking needed to cross North Ocean Boulevard. The site wall remains the same architecturally, but the piers will be moved to accommodate the move of the gate. A variance is required because of the requirement to retain a vista along North Ocean Boulevard.

Mr. Eigelberger suggested that it might be preferable that the cabana windows face north and south, but left it to the discretion of the owner and architect.

Mr. Smith stated that the owner is also requesting a variance regarding two site walls, one at the breakfast room terrace and another at the service court, both needed for grading.

The third request is for an awning structure that will be fifteen feet off the property line. This awning structure was originally 15 x 20 feet, however, the Queens Lane neighbors requested that it be reduced to 14 x 18 feet, which is the size presented today. The awning structure will be striped in either green/white or black/white.

Chairman Pandula asked for comments from the staff. Mr. Frank stated that there are no comments from the staff other than to state that this project is in the informal portion of the agenda. The Town Council has been asked to review variances, and is seeking an opinion from the LPC. A list of recommended reasons for support or denial was passed out to the LPC to be used as a guide for a motion. Mr. Frank advised the LPC that they should not address the hardship or any special circumstances. The project must be reviewed as to how it affects the landmark character of the structure and property.

Ms. Hoffman asked Mr. Smith if the neighbor to the north of the property (the Coniglios) had any opinions regarding this proposal.

Mrs. Coniglio stated that she had met with Mr. Smith, and Mr. Smith has satisfied the requests which she had made. She noted her support of this change because the cabana is in serious need of repair. Mr. Smith had assured her that the pool house will be adequately landscaped. Lastly, she recused herself from voting on this matter upon the advice of the Town Attorney.

MOTION BY MR. EIGELBERGER THAT THE IMPLEMENTATION OF THIS PROPOSED VARIANCE WILL ENHANCE THE ARCHITECTURAL AND HISTORICAL IMPACTS OF THE SUBJECT PROPERTY.

MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

B. <u>Informal Review: 340 Royal Poinciana Way a.k.a. Royal Poinciana Plaza</u>

(In conjunction with Site Plan Review #5-2007 with Special Exception and Variances 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 theater for Florida Stage.)

After reading the project description, Mr. Pandula advised that there would be a short recess to allow for setup of presentation materials.

Attorney Randolph stated that this property is under consideration for landmarking, however, it is not designated as a landmark property yet. Mr. Randolph explained that the staff has procedures in place which provide the opportunity for members of ARCOM or the LPC to review applications for variances in an advisory capacity to the Town Council, prior to them being reviewed by the Town Council. Mr. Randolph stated that this property presents a unique circumstance because it is not a designated property, but is only "under consideration" for landmarking. The project is on today's agenda only so the LPC can provide advice to the Town

Council, and not for issues related to the landmarking of the property.

Mrs. Victor asked if the LPC needs to be careful with the types of questions they ask today, so there is no impact to the Designation Hearing next month. Mr. Randolph advised that such care be taken, and deferred to Ms. Close who, together with staff, had prepared a recommended procedure for review of this matter.

At this point, Mr. Pandula asked if there were any ex parte communications relative to this project. None were declared.

Ms. Close reminded the LPC that this is an informal review, like so many others which the LPC has done and for which they have rendered an advisory opinion to the Town Council. Scripts were provided to the members to use as reference in making motions. She explained that the Designation Report for this property will be distributed to the LPC later in the agenda, in preparation for the Designation Hearing next month. Ms. Close clarified that this informal review does not address designation; it addresses the zoning application. Staff outlined the following procedure for the LPC:

1. The applicant makes a presentation.
2. Staff makes any comments, if necessary
3. Questions from the LPC to staff or the applicant
4. Public comments
5. LPC executive session

Ms. Close stated that although demolition is listed on the application, a Certificate of Appropriateness is needed for demolition. That hearing will be held at a later time, after proper advertising. The proposal also includes new construction.

Ms. Close explained that this informal review should treat the proposal as if it sits on vacant land, since the Certificate of Appropriateness for demolition is not being considered today . She recommended that the LPC focus their recommendations on how well that proposal relates to the rest of the property, as if it were a designated landmark. As with all informal hearings, if the LPC chooses not to give any recommendation, the applicant may move on to the Town Council hearing, but that would occur without the benefit of any LPC recommendation.

Mr. Randolph added that today's informal review is not about the 1979 Agreement, and the Agreement should not be part of the discussion since there is ongoing litigation relative to this matter.

Mrs. Victor asked Ms. Close what type of questions can by posed by the LPC. Ms. Close advised the LPC to stay away from the 1979 Agreement, and issues relating to designation. Acceptable questions would relate to review of the variance request and how they fit in with the rest of the site in terms of architecture and historic preservation.

In response to a question by Mrs. Victor, Mr. Randolph advised that the LPC should not discuss any Unity of Title issues relative to the property.

Mr. Eigelberger suggested that he make a motion to postpone this hearing for thirty days to allow the property to be recommended for landmarking first, instead of reviewing the project informally today. He felt that by reviewing the project informally today, it "would be putting the cart before the horse," so to speak. Ms. Close stated that the Commission has the right to do this, but that would mean that the applicant would move forward to the Town Council for consideration of the variances, etc.

Mr. Randolph clarified that the LPC can postpone the informal review "until a determination has been made as to whether or not this will be a landmark property," but that would not postpone the Town Council's consideration of the variances, etc.

MOTION BY MR. EIGELBERGER TO POSTPONE THIS MATTER FOR 30 DAYS UNTIL SUCH TIME THAT THE LPC HAS MORE TIME TO STUDY THE MATTER.

Mr. Segraves asked Mr. Randolph to verify that this would mean that the matter would move on to the Town Council without any LPC recommendation, which Mr. Randolph affirmed. Mrs. Victor wondered if this would weaken or strengthen the LPC's position in this matter.

Mr. Eigelberger felt that by making a motion, the Town Council is, indeed, hearing from the LPC, especially if the motion is made in the spirit that " the Landmark Commission has recommended that the Designation Report be written; and the Landmark Commission was unanimous on the vote that we requested that the report be written." Mr. Eigelberger maintained that the LPC considers this a very important property, as important as the Town Hall itself. He felt that it was premature for the LPC to examine this project when there is a Designation Report ready to be issued, reviewed by the LPC, and then forwarded to the Town Council for action.

Mrs. Coniglio recalled that Ms. Close's direction to the LPC was to treat the site as if it was vacant land, which was then followed by looking at the property as if it were a landmark. Mrs. Coniglio commented that one does not equal the other. It is either vacant land, or it is a landmark.

Mr. Hanley stated that a vacant piece of property can be landmarked and treated as such. Mr. Hanley agreed with Mr. Eigelberger's request to postpone the voting. Mr. Hanley stated that the LPC should not be reviewing this project without first having been able to study and consider the Designation Report.

MOTION SECONDED BY MR. HANLEY.

Mr. Pandula cautioned the commission to avoid a position where it appears that the LPC is abdicating its responsibility which was given by the Town Council. Mr. Pandula felt that if action is not taken on this project, the LPC will lose its opportunity to give advice. He stated that it should be obvious to all that the LPC feels very strongly about the project; hence, it was nominated for designation. The question is how to proceed today, and he wanted to make sure the matter does not move to the next level without meaningful input by the commission. As such, he felt it would be more powerful for the LPC to tackle the review today, to place some opinion on the table.

Mrs. Victor agreed with Mr. Pandula. Mrs. Victor felt that the LPC can provide overview and guidance to the Town Council.

Mr. Eigelberger disagreed. He felt that the LPC does not have enough information to vote accordingly.

Mrs. Victor noted that it is obvious that there is Regency architecture in one part of the design and Mediterranean Revival in another. The LPC can render an opinion on this, as well as massing, without having seen the Designation Report. Mr. Randolph reminded the LPC that they are here to render an opinion on the variances, not on landmark issues.

Mrs. Coniglio stated that while she agreed with Messrs. Eigelberger and Hanley, she felt the LPC was diluting its opinion by not listening to the applicant and failing to give a response regarding the variances.

Mr. Pandula responded to comments by stating that the property is already under the jurisdiction of the LPC. The LPC can look at the proposal from an architectural standpoint to determine if it is architecturally compatible; whether the site plan, green space, massing, and/or articulation are appropriate considering the existing buildings which are to remain. This can be done, he felt, whether the building is technically landmarked or not. He recommended that the LPC hear the proposal.

Mr. Bill Diamond of 220 Wells Road commented that the current application is inconsistent with the LPC's former recommendation to the Town Council that the property be landmarked.

Mrs. Victor questioned how the LPC can do its job in the best way in this situation.

Mr. Eigelberger re-stated his position recommending waiting 30 days before proceeding.

UPON A ROLL CALL VOTE, MOTION CARRIED 5-2, WITH MRS. VICTOR AND MR. PANDULA VOTING AGAINST THE MOTION. (Please note that Ms. Rubin voted in Mrs. Coniglio's stead.)

C. Distribution of Designation Report for Royal Poinciana Plaza

Mrs. Jane Day distributed the Designation Report for the Royal Poinciana Plaza to the Commission, and asked the members to read and study the report in preparation for the February Designation Hearing. At that time, the LPC will make a recommendation relative to designation which will be forwarded to the Town Council for further action.

VII <u>COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR:</u>

Mrs. Victor stated that at yesterday's Town Council meeting, the Council was discussing parking issues. She stated that the Council discussed adding nine (9) more parking spaces around the 400 block of Worth Avenue, which is an area where several landmarked homes are located. Mrs. Victor felt that inserting additional parking spaces would negatively impact the unique and beautiful qualities of this area. She also noted that the existing narrow roadway in this area would be even further narrowed as a result of adding parking spaces. As such, she asked the LPC to voice their concerns to the Council regarding this particular block in an effort to save the ambience of the area.

Mr. Eigelberger asked if Worth Avenue is an historic district. It has not been designated as such. Mrs. Victor stated that while it may not be a district, there are four landmarked houses situated right on the corner.

MOTION BY MR. EIGELBERGER THAT WORTH AVENUE, FROM COUNTY ROAD WEST, BE PLACED "UNDER CONSIDERATION" FOR STUDY AS AN HISTORIC DISTRICT, AND THAT A DESIGNATION REPORT IS REQUESTED.

MOTION SECONDED BY MRS. VICTOR.

MOTION CARRIED UNANIMOUSLY.

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Ms. Close stated that DOT appeared before the Town Council regarding proposed construction on the two bridges (Flagler Memorial Bridge and Southern Boulevard Bridge). DOT is planning to work on the two bridges within the same time frame, but they indicated to the Town Council that they will not let the work on the bridges overlap by more than a year during construction. DOT also indicated that both bridges will be open to full lane passage during that one year of construction. Ms. Close stated that DOT is looking toward 2010 and 2011 for the bridge projects.

Mrs. Victor asked if DOT will change the footprint of the exit from the (Flagler) bridge on the south side so that it potentially comes into the Royal Poinciana Plaza. Ms. Close stated that DOT is considering options regarding the bridge layout, and how service will continue during construction. She assured the commission that DOT will actively seek public and community input relative to the bridges. The DOT will work together with the LPC on the bridges, just as they did on the Royal Park Bridge.

Later in the meeting, Mrs. Coniglio asked what portions of the two bridges are landmarked, and if the ingress/egress in and out of Palm Beach is changed, how much would that encroach on Town right of way. Ms. Close stated that the details are not available at the moment, however, DOT indicated that it might be as much as one line of parking within the plaza. DOT is looking at other options.

Mr. Frank responded that the entire right of way of the bridge, from the center (or the Town of Palm Beach line) all the way to the Post Office, including the median, i.e., the entire vista, is landmarked.

Mr. Eigelberger expressed more concern over the Southern Boulevard Bridge, and asked whether it would remain a two lane bridge or become a four lane bridge. Ms. Close responded that it will be left as a two lane bridge. He suggested that the State should know that the LPC is vehemently opposed to a four lane bridge at Southern Boulevard.

MOTION BY MR. EIGELBERGER THAT THE LANDMARKS PRESERVATION COMMISSION WRITE A LETTER THAT THE COMMISSION IS 100% OPPOSED TO THE FACT OF BROADENING THE SOUTHERN BOULEVARD BRIDGE AND SOUTHERN BOULEVARD INTO THE TOWN.

MOTION FAILED FOR LACK OF A SECOND.

VIII **COMMENTS FROM THE PUBLIC**:

Mr. Bill Diamond stated that the bridges will have to be wider due to the fact that they do not meet the current requirements of lanes. He stated that the bridge will be 100 feet wider to accommodate bike and pedestrian lanes, even though no additional car lanes may necessarily be added. He advised that DOT presentations be attended.

Mr. Patrick Flynn, Palm Beach Theatre Guild, stated that his group is asking the Citizens' Association and Civic Association to form special committees to review the details of the bridges. He suggested that the Citizens' Association review the Southern Boulevard Bridge, and the Civic Association review the Flagler Memorial Bridge. Mr. Flynn stated that this is a very important issue and needs to be monitored very closely. Mrs. Victor stated that it is her understanding that the Civic Association committee is taking a "the bigger or higher, the better" approach to the bridges, so they do not have to open as often, and that is in direct contrast to LPC goals for the bridges. Mr. Flynn simply asked that DOT be monitored at every stage of development and construction, as they are an outside interest.

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Mr. John Mashek of the Preservation Foundation expressed his delight over the motion to establish an historic district on Worth Avenue. He offered the support of the Preservation Foundation in this regard.

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Mr. Flynn stated that the 600 members of the Palm Beach Theatre Guild support landmarking. He noted that the Palm Beach Theatre Guild has hired a historical consultant to testify regarding the Royal Poinciana Plaza and Theatre at the February meeting. He asked that the Guild and its consultant be given time to speak next month.

IX **ADJOURNMENT:**

MOTION BY MR. EIGELBERGER TO ADJOURN AT 10:07 A.M.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, February 21, 2007 in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Wendy Victor, Secretary

Wendy Victor, Secretary
LANDMARKS PRESERVATION COMMISSION

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TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION

ATTENDANCE RECORD 2007

MEMBERS	1/07	2/07	3/07	4/07	5/07	6/07	7/07	8/07	9/07	10/07	11//07	12/07
Eugene Pandula	P											
Judy Hoffman	P											
Patrick Segraves	P											
Wendy Victor	P											
William Lee Hanley Jr.	P											
Robert Eigelberger	P											
Eileen Bresnan	U											

ALTERNATE MEMBERS	1/07	2/07	3/07	4/07	5/07	6/07	7/07	8/07	9/07	10/07	11//07	12/07
Gail L. Coniglio	P	(Elected to the Town Council)										
Hazel Rubin	P											
D. Imogene Willis	P											

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

TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION

RECORD OF VOTING CONFLICTS 2007

MEMBERS	1/07	2/07	3/07	4/07	5/07	6/07	7/07	8/07	9/07	10/07	11//07	12/07
Eugene Pandula												
Judy Hoffman												
Patrick Segraves												
Wendy Victor												
William Lee Hanley Jr.												
Robert Eigelberger												
Eileen Bresnan												

ALTERNATE MEMBERS	1/07	2/07	3/07	4/07	5/07	6/07	7/07	8/07	9/07	10/07	11//07	12/07
Gail L. Coniglio		(Elected to the Town Council)										
Hazel Rubin												
D. Imogene Willis												

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)