

## Landmarks: Royal Poinciana Playhouse not experiencing demolition by neglect

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By an unanimous vote, the Landmarks Preservation Commission declared Wednesday that the Royal Poinciana Playhouse is not experiencing demolition by neglect.

Town Attorney John Randolph suggested the move to investigate the physical condition of the Playhouse was premature considering no member of the board nor any building official/code enforcement officer had viewed first-hand any deterioration that might indicate a problem.

The board voted last month to have town staff inspect the structure, on the Royal Poinciana Plaza property, at the request of Commissioner William Cooley.

Planning, Building and Zoning Director John Page presented a report completed by building official Jeff Taylor. In that report, Taylor wrote that he found no conditions that would qualify as deterioration by neglect. Taylor made the same finding in 2009 when he inspected the building after Cooley raised the same questions.

Randolph, as he did last month, stated that it is within the board's purview to trigger an investigation but that action typically occurs after evidence of deterioration, such as structural cracks, is discovered.

"Normally you would not be the first entity that looks at a property to make a determination as to whether there's deterioration by neglect. It would come from code enforcement or perhaps by some visible determination as you walk down a street and see a roof caving in," Randolph said. "Your step was a bit premature."

"I believe you go a little bit far when you suspect that there may be deterioration on the inside of the building and you say, let's go inside that building and see if there is deterioration by neglect," Randolph said. That falls outside the board's jurisdiction, the town attorney said.

"I think you are a little bit on dangerous ground when you just suspect there might be demolition by neglect on the interior of a building and you say we want the town building department to go inside that building and tell us if there is."

Doing that, Randolph said, borders on an invasion of property rights.

A number of landmarks members said the inspection closes the matter.

"I'd like to agree with Ms. [Jacqueline] Albarran that we've done everything we were asked to do, and code enforcement did everything they were asked to do," said Commissioner William Feldkamp. "We are making a mountain out of a molehill. There seems to be no issue of deterioration. In fact, I think we owe the owners an apology for operating on a hunch."

Member Dudley Moore appeared frustrated about the matter. At one point he asked Cooley, "Why are you pursuing this?"

Cooley, however, repeated his sentiment that he's "tickled pink" that the inspection determined the Playhouse is in good shape.

“Being a landmark structure and being in such good shape, we know it will be there for another 50 years,” Cooley said.

A redevelopment plan for the plaza, which was withdrawn in March 2010, called for demolishing all but the eastern façade of the John Volk-designed structure.

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