

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., WEDNESDAY, DECEMBER 18, 1996

AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I. Call to Order: The meeting was called to order at 9:03 a.m. by Chairman Jeffery W. Smith.

II. Roll Call:

PRESENT: Jeffery W. Smith, Chairman
Joanna Frost-Golino, Vice Chairman
Eugene Pandula, Secretary
Jacqueline Albarran de Mendoza, Member
Harrison M. Robertson Jr., Member
Jane R. Grace, Alternate Member
Elizabeth Shields, Alternate Member
Sari M. Wilkey, Alternate Member
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator
John C. Randolph, Town Attorney (arrived 9:25 a.m.)

ABSENT: Arthur Silverman, Member
Lindley M.F. Hoffman, Member

RECORDING SECRETARY: Cynthia M. Delp

Please note that the absences of Mr. Silverman and Mr. Hoffman are excused due to illness.

III. Approval of the Minutes of the November 21, 1996 Meeting:

Mr. Robertson noted a correction to the date listed on Page 7 of the Minutes. The date should read February 11, 1997 rather than February 11, 1996.

MOTION BY MR. ROBERTSON TO APPROVE THE MINUTES AS AMENDED.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

Mr. Smith re-stated his conflict with respect to Items A, B & C for The Mar-a-Lago Club, and passed the gavel to Mrs. Frost-Golino.

A. Application for Certificate of Appropriateness No. 44-96.

Lighting: roof over utility pad

Owner/Applicant: The Mar-a-Lago Club

Address: 1100 South Ocean Boulevard

Architect: REG Architects, Mr. Rick Gonzalez

Project Description: Request approval of lighting of landscape islands of the northern parking area, construction of free-standing roof over utility pad, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared.

AT THE OCTOBER MEETING: MOTION BY MR. HOFFMAN TO APPROVE THE FREE STANDING ROOF OVER UTILITY PAD AS PRESENTED. ALSO, MOTION FOR DEFERRAL OF LIGHTING OF LANDSCAPE ISLANDS OF THE NORTHERN PARKING AREA. AT THE NOVEMBER MEETING, THIS ITEM WAS DEFERRED TO THE DECEMBER MEETING.

Mr. Wes Blackman, Director of Projects at the Mar-a-Lago Club, stated that they are still not satisfied with the plan for lighting the parking area. As such, he requested that this portion of the application be withdrawn.

MOTION BY MRS. ALBARRAN DE MENDOZA TO REMOVE THE "LIGHTING OF THE LANDSCAPE ISLANDS OF THE NORTHERN PARKING AREA" FROM THE REQUEST.

MOTION SECONDED BY MR. ROBERTSON.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #51-96

Landscaping & wall

Owner/Applicant: The Mar-a-Lago Club

Address: 1100 South Ocean Boulevard

Architect: REG Architects

Project Description: Request approval of the following:

1. Landscaping plans for utility areas in north parking area
2. Construction of 42" wall surrounding pool equipment
3. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared.

AT THE NOVEMBER MEETING: MOTION FOR DEFERRAL TO THE DECEMBER MEETING, PURSUANT TO THE APPLICANT'S REQUEST.

Mr. Wes Blackman called Cliff Leisinger, Landscape architect, to assist him in this presentation.. The electrical utility wall for the spa is desired as this equipment occurs in a very visible area. Mr. Leisinger discussed the landscape plan for the wall to include crotons and loriope in front of the wall, a ficus vine clinging to the wall, and silver buttonwoods behind the wall. The plan is designed to have the wall blend into the landscape rather than call attention to the wall.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL OF THE LANDSCAPE PLAN FOR THE UTILITY AREAS OF THE NORTH PARKING LOT AS PRESENTED, WITH ATTEMPTS TO HIDE THE ENTRANCE WITH LANDSCAPING, AS MUCH AS POSSIBLE, LEAVING THE MINIMUM FOR ACCESS.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

Regarding Item #2, "Construction of 42" wall surrounding pool equipment", Mr. Blackman stated that the request for the 42" wall no longer is necessary, as an underground vault was created instead. The vault is surrounded by landscaping.

MOTION BY MRS. ALBARRAN DE MENDOZA TO REMOVE THIS ITEM FROM THE AGENDA.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #52-96,
Modifications to tennis pavilion

Owner/Applicant: The Mar-a-Lago Club

Address: 1100 South Ocean Boulevard

Architect: REG Architects

Project Description: Request approval of modifications to tennis pavilion - replace wood columns at west end with pre-cast columns, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared.

Mr. Blackman explained that the existing approval for the columns is for cypress columns, whereas the proposed columns would be done in cast stone with a whimsical vine pattern, including animal designs, spiraling around the columns. Mr. Blackman stated there is precedent within the house for such columns, and it is the owner's desire to make this change. Mrs. Frost-Golino commented that it would be odd for the approved wooden elements of the tennis pavilion to lead to cast stone columns, and therefore advocated the original approval. Mr. Pandula stated that by introducing cast stone elements now, the originally approved "feeling" of the structure would be lost, as attempts at that time were made to eliminate the heavier elements of the design.

MOTION BY MR. PANDULA TO DEFER THIS ITEM TO THE JANUARY MEETING, WITH THE IDEA THAT THE EXISTING APPROVAL FOR WOOD STANDS.

MOTION SECONDED BY MR. ROBERTSON.

MOTION CARRIED UNANIMOUSLY.

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Mr. Blackman requested that the LPC offer some feedback related to an additional item, the Watchman's house, and introduced Mr. Harold Smith of Smith and Moore Architects to present the matter. Mr. Smith explained that this structure, built in 1959 as a staff house with carport underneath, is in need of repair. The Watchman's house is located at the northwest end of the property. Photos of the structure were passed to the members to illustrate the existing condition of the structure. Plans include the conversion of the carport to an enclosed four car garage with openings facing east, and the extension of the garage structure to the west by four feet. Existing jalousies will be replaced with true divided light wooden casements and french doors. Exterior stairs will be added with a decorative feature at the top landing. Wood raised panel garage doors will be used. Pilasters and a planter box, both in cast stone, are incorporated into the plans as well.

The general opinion expressed by members of the LPC was that the design, as presented, was too ornate for this simple structure. The matter will return to the LPC for review in January.

D. Application for Certificate of Appropriateness #50-96,
Miscellaneous changes

Owner/Applicant: Brazilian Court, Inc. c/o James R. Brindell, Esq.

Address: 301 Australian Avenue

Architect: Eugene Lawrence, The Lawrence Group

Project Description: Request approval of the following:

1. **Replace and upgrade landscaping along south building elevation**
2. Second floor pedestrian connector for access to the dining room
3. Roof over patios at Hibiscus Room of southwest wing
4. Screened patios at Hibiscus Room of southwest wing
5. Roofs over five patios on the northwest side of northwest wing
6. Five screened patios on the northwest side of the northwest wing
7. Extension of main entrance canopy
8. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared.

PLEASE NOTE THAT ITEM #1 REGARDING LANDSCAPING WAS DEFERRED FROM THE NOVEMBER MEETING. THE REMAINDER OF THE PROJECT WAS REVIEWED AND APPROVED WITH CONDITIONS AT THE NOVEMBER MEETING.

Architect Eugene Lawrence introduced Mr. Rick Bartlett, Landscape Architect, to present the landscaping along the south building elevation, with minor revisions to the version presented previously. Mr. Lawrence stated that they were also prepared to present a landscaping plan for

the rest of the property, and requested the LPC's indulgence to hear same. The LPC agreed to hear this matter.

The south elevation landscaping had been very heavily vegetated. In an effort to do a basic clean up of this area, old and brittle plants, melaleuca, and ficus hedges were removed. Aztec grass will be changed to boxwood grass, and annuals will be added. Mature trees will remain intact. The resulting landscape, then, will have a nice tiered look with views into the building.

Mr. Bartlett moved on to discuss the north and south courtyard landscaping, where attempts were made to incorporate the tropical with the formal to produce a formal, open look. Boxwoods and annuals will border the courtyards, actually creating walls, 18" to 24" high.. Existing palms will remain. Unfortunately, the wishing well proved to be termite ridden and collapsed. Mr. Smith felt that a wishing well should be reconstructed.

Ms. Shields questioned the precedent for formal boxwoods at the site. Mrs. Frost-Golino commented that this landscaping plan represents a different look for the changed courtyards. She and Mr. Smith felt that although the landscaping is now changed from its previous style, landscaping could always be changed back again, should the owner desire.

Mr. Robertson stated that the courtyard landscaping was not on the agenda, and therefore, he did not go look at it. He did not feel comfortable reviewing this portion of the landscaping today.

MOTION BY MRS. ALBARRAN DE MENDOZA TO APPROVE THE LANDSCAPING ON THE SOUTH ELEVATION, AND THE COURTYARDS, AS PRESENTED, WITH THE PROVISIO THAT A WISHING WELL IS REPLACED AT THE SITE IN THE STIPULATED LOCATION..

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED 6-1-0, WITH MR. ROBERTSON CASTING THE NEGATIVE VOTE FOR THE AFOREMENTIONED REASONS.

VI. Designation Hearings:

Please note that the transcription of the Designation Hearings is partially verbatim and partially in paraphrase. Verbatim portions are noted by the speaker's name at the left margin.

Mr. Randolph reviewed the necessity to make a declaration of exparte communications, even for landmark designation hearings.

ITEM 1: 2 GOLF ROAD
OWNER: Mr. Daniel H. & Sylvia James

Declaration of Exparte Communication:

Mr. Robertson: Telephoned by John Henderson, reporter for Palm Beach Daily News, but did not speak to him; visited the site.

Mrs. Wilkey: Visited the site.

Mr. Pandula: Visited the site, and telephoned by same reporter, but did not speak to him.

Mrs. Frost-Golino: Telephoned by same reporter, but did not speak to him.

Mr. Smith: Telephoned by same reporter

Mrs. Delp administered the oath to Mr. Timothy Frank, Planner/Projects Coordinator, Mr. Robert Moore, Director of Planning, Zoning & Building, and Mrs. Jane Day, Staff Preservation Consultant.

Mr. Frank verified that proof of publication and proper legal service were obtained relative to this property.

Mr. Frank stated, for the record, that 2 Golf Road meets the following criteria for designation as a landmark of the Town of Palm Beach:

- (a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (c) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (d) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

MRS. JANE DAY: Mr. Chairman, Members of the Commission, Good morning. Three of the properties that we have this morning have the same developmental history. I'll give a brief overview of that and then we'll talk about each individual house as it comes along. The reason

for that is that the early 1920's architect, Marion Sims Wyeth, along with Harry Raymond Corwin, developer, formed the Golfview Road Development Company to construct luxury estates on land adjacent to Paris Singer's Everglades Club. This partnership developed in 1921, during the construction of the E.F. Hutton house on Golf Road. It is believed, although there is no definite proof, that Hutton financed the development of this street. The plans are interesting. The Sanborn fire insurance maps that are included in your reports are also interesting.

The street was originally developed, although they were houses built on speculation, that they built on adjacent lots...not adjacent...built on every other lot so that houses that were purchased could then be expanded on or could have a garden directly adjacent to the property. Because of that, we see a lot of additions and alterations to what was originally built in 1922. It does not, however, take away from the architectural integrity of the property. As you see before you, most of the properties on this street now are in the Mediterranean Revival style. This is the original style that Marion Sims Wyeth developed for the street and was carried out in the boomtime era of the 1920's.

2 Golf Road is the first property that we have before you. It is constructed of hollow clay tile with stucco over the outside, and it is a good example of the Mediterranean Revival style. The entrance to the house is on the southeast corner of the property and this is the entrance (referring to slides). As you can see, all these properties are heavily landscaped. They are difficult not only to photograph but also to view from public access, which is all we have on this. But you can see a lot of the good features, and we have consulted all of the Marion Sims Wyeth original plans at the Preservation Foundation to do these reports. This particular house has a rooftop patio. There is extensive tile and cast stone detailing on the house, but as I told you before, a lot of landscaping precludes looking at either side of the property. It does, however, represent criteria (a) the developmental history of the Town.; a good example of the work of Marion Sims Wyeth, and a good example of the Mediterranean Revival style. This particular house was originally built for the Steele family, who were listed in the Social Register in 1926. Are there any questions on the report or things that you would like to ask about the development?

MR. ROBERTSON: What is the owner's position?

MRS. DAY: Mrs. James, the present owner, was here this morning. She is in favor of designation. She could not stay for the meeting.

MOTION BY MRS. FROST-GOLINO THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. FROST-GOLINO THAT 2 GOLF ROAD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

ITEM 2: 8 GOLF ROAD
OWNER: Mr. W.W. & Ellen Geyer

Mr. Frank stated that the Town was in receipt of a letter from Mr. Charles H. Warwick, III, Esquire, attorney for Mr. and Mrs. Geyer, the property owners, wherein he states the owners' objection to the landmark designation. (See attached). This objection was largely based upon the fact that the property had been previously considered as part of an attempted historic district.

Mr. Robertson asked Mr. Randolph for his legal opinion as to whether the Town has legal grounds to pursue this landmarking.

MR. RANDOLPH: I'd be happy to give an opinion. I'm a little bit surprised at the procedure here. I had thought that an arrangement had been made, on the basis of the letter, with the applicant for a continuance of the matter to the next meeting so that the matter could be explored by staff, and I thought that there was going to be a request made for a continuance today so that this could be looked into, and there would really be nothing further to discuss, but I'd be happy to give my legal opinion in regard to the letter. I'd like to hear first whether or not arrangements have been made between staff and the applicant for a continuance.

MR. FRANK: Mr. Chairman, this matter has been discussed yesterday, and staff's opinion and recommendation to this commission would be that this item be deferred for one month in view of the fact that the...although it seems like the letter was dated in a timely manner, it didn't get to our attention until yesterday, and we would recommend deferral just for staff to study what we are talking about. Since it was noticed, and so forth, we do have to carry it on the agenda today, but we do recommend deferral. In this case, though, it is necessary for the applicant to waive his rights to be heard on this matter within 30 days. I believe Mr. Warwick is here, and I believe he can waive that right if he agrees to the deferral.

MR. WARWICK: I told you yesterday that we would agree to that.

MOTION BY MRS. ALBARRAN DE MENDOZA THAT LANDMARKING CONSIDERATION OF 8 GOLF ROAD BE DEFERRED TO THE JANUARY MEETING, WITH THE PROVISIO THAT THE OWNER RECOGNIZES THAT HE IS WAIVING HIS RIGHTS BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MRS. FROST-GOLINO.
MOTION CARRIED UNANIMOUSLY.

MR. RANDOLPH: Well, I don't know if there is any further study that needs to be done in regard to it at the staff level or not. I have a legal opinion in regard to this on the basis of the face of the letter, and I'd be happy to give my opinion on that now, if you wish. I don't know if anything further needs to be done by staff in regard to this matter that would change my opinion. I think that this home was considered as part of a district. I take that back. This home was not considered as a part of a district. Consideration was given to districting the area around this property on a previous occasion. I've looked at this kind of an issue before and have researched it thoroughly. It is my opinion that you are not precluded as a result of a previous consideration of a district from going forward with consideration of a single home. I think the two are substantially different. The principle that we are talking about is administrative res judicata, and indeed, where someone has been previously heard and the facts and circumstances and the owners of the parties are identical, then there may be a problem subject to several other considerations which we don't need to go into now as far as administrative res judicata. I think the facts in this particular case are so substantially different that the principle of administrative res judicata would not apply, and that is because you have not given consideration in the past to the designation of this property individually.

ITEM 3: 10 GOLF ROAD
OWNER: Mr. Leigh R. & Catherine M. Duemler

Mr. Frank verified that proof of publication and proper legal service were obtained with regard to this designation hearing.
Mr. Frank continued, stating that this property meets the following criteria for designation as a landmark.

(a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(c) is correct, minutes amended & approved at 1/97 mtg. and
~~(b) Is identified with historic personages or with important events in national, state or local history.~~

(d) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

MRS. JANE DAY: Like the previous property we looked at, 10 Golf Road is also part of the original development of Golf Road that was started in the early 1920's. Although this style is extremely different than the other house we looked at, it is also a good example of the Mediterranean Revival style and has many of the characteristics of that style. You can see the barrel tile roof on either wing of the property, but also note that there is a flat roof on the central entryway section of the house. Again, like the other house that we looked at, it's extensively landscaped so that much of the report has been written by original plans, both by Marion Sims Wyeth and John Volk. This particular section of the house was altered by Volk in 1956 when the Stockard family bought the property. He added windows on the second floor and enclosed this which was originally a sleeping porch. Below this there is a bay window with a metal roof that was also added in 1956. When the house was originally built, it did not have this extension that goes from the east of the main block of the house toward the ocean. This was added in the 1920's by Marion Sims Wyeth, but originally was open. Volk enclosed it in the 1950's. This is the pool that is on the east side of the property. And the other architect that we have on this house, Ames Bennett, did work on the house in 1985. All of the work that Mr. Bennett did is in the rear of the property in the garage area and none of that was visible from the street, so I couldn't take a picture. However, the house does represent criteria (a) as a good example of the developmental history of the Town, the Mediterranean Revival style of architecture, and the work of three prominent Palm Beach architects, Marion Sims Wyeth, John Volk and Ames Bennett. Are there any questions on 10 Golf Road? And as Mrs. Grace said, I spoke briefly to the owner in front of the property when we were taking pictures, and she indicated that she was in favor of it.

MOTION BY MRS. FROST-GOLINO THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.
MOTION SECONDED BY MR. ROBERTSON.
MOTION CARRIED UNANIMOUSLY

MOTION BY MR. PANDULA THAT THE PROPERTY AT 10 GOLF ROAD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. ROBERTSON.
MOTION CARRIED UNANIMOUSLY.

ITEM 4: 145 ROOT TRAIL
OWNER: Mr. John J. Farrell

Mr. Frank verified that proof of publication and proper legal service had been obtained with regard to this designation hearing.

Mr. Robertson stated that he spoke with a gentleman at the property yesterday.

Mrs. Delp administered the oath to Mr. John Farrell, the property owner, who was in the audience. Mr. Farrell addressed the LPC regarding this designation. He stated he has owned the home since 1951, and that the house was previously owned by his mother-in-law who lived in the house for approximately 30 years. He stated he was married from the house in 1957, and has vacationed in it quite often. When his mother-in-law passed, he became the recipient of the house. He stated he was very pleased with the attention the house is getting. He indicated no plans to alter the front facade, but stated that the major work needed at the house would be window replacements.

Mr. Frank stated that this property meets the following criteria for landmark designation:

- (a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (c) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

MRS. JANE DAY: 145 Root Trail is, as you can see, a completely different type of architecture than the ones we just looked at on Golf Road. Whereas the Golf Road properties were developed during the boomtime years of the 1920's, this is one of the oldest houses that we can document in Palm Beach. The County Tax Assessor says this house was built in 1900. We don't have any building permits for the property until the 1920's, and that was for a \$250 repair at the property at that time. It is a good example of a frame vernacular style. Frame vernacular is probably one of the most popular widely spread styles throughout Florida and the United States. People built frame vernacular houses with the materials available and the knowledge that they had rather than with a formal architect. One of the things that we thought was interesting when researching this report was that this was originally part of an agricultural property that was Root's Pineapple Field. It is difficult in this day and age to think of agricultural fields in the Town of Palm Beach, but in fact these very early structures represent that, and Root Trail itself does. As you can see from the photograph, the typical features of the style are a gable roof, double hung sash windows, the wood on the outside....again some of these wood windows and shutters. There are shingles on the front of this particular house. The doorway is recessed with a screened porch that goes to the western part of the house. And again, here's a photograph of the whole street facade. It's a good example of the style. I think it's important to keep this type of architecture in Palm Beach because it's relatively rare compared to the other things that we landmark, and I'm very happy that the owner is here in support of this landmarking. Are there any questions about the report?

MR. ROBERTSON: I think he is to be commended for the mint condition in which the house appears.

MOTION BY MRS. FROST-GOLINO TO MAKE THE DESIGNATION REPORT A PART OF THE RECORD.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. ALBARRAN DE MENDOZA THAT 145 ROOT TRAIL BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. ROBERTSON.

MOTION CARRIED UNANIMOUSLY.

ITEM 5: 219 CLARKE AVENUE
OWNER: 54 Clarke Limited Co. c/o Mr. Stanley Franks

Mr. Frank explained that this request is a request to undesignate part of a parcel that was originally designated.

MRS. JANE DAY: I believe that we did a lot of work on 217 Clarke Avenue last season. There were numerous plans that came in. 217 Clarke is a 1924 Mediterranean Revival structure. In 1976, the owners of that property, that was not yet landmarked, purchased the lot adjacent to it to the west. That lot was #54 on Clarke Avenue, and the original address for that was 225 Clarke Avenue. They built a one story addition to the west of the 1924 house in 1976. In 1982, they requested landmarking of the entire parcel because the owner sat on the Landmark Commission. It was voluntary. They were given that designation to landmark the entire parcel. The 1976 inappropriate addition to the 1924 house was already in place. That was ratified by the Town Council. Since that time, the Town Council has given permission to divide the lot, the parcel, again so that now there are two individual buildable lots. The restoration and renovation of 217 Clarke has proceeded with the approval of this Landmark Commission. The 1976 addition on the western lot has been demolished, and there is now a vacant lot there. For

legal reasons, and for the County record, we need to undesignate that parcel so that it will no longer have to come to this board for approval, and will instead go the Architectural Review Commission.

Mr. Pandula felt he should declare a conflict with respect to this matter, as he is currently the architect of record for 217 Clarke Avenue. Mr. Randolph ruled, however, that Mr. Pandula has no need to declare a conflict as 217 Clarke Avenue and 219 Clarke Avenue are not owned by the same person.

MOTION BY MRS. FROST-GOLINO THAT THE UNDESIGNATION REPORT, AS GIVEN IN TESTIMONY TODAY, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. PANDULA.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. ALBARRAN DE MENDOZA THAT 219 CLARKE AVENUE BE UNDESIGNATED AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MS. SHIELDS.

Under discussion, Mr. Moore requested that the verbiage signifying 219 Clarke as "Vacant land" be added to the motion.

MOTION AMENDED BY MAKER AND ACCEPTED BY SECONDER AS SUCH: THAT THE VACANT LAND KNOWN AS 219 CLARKE AVENUE BE UNDESIGNATED AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION CARRIED UNANIMOUSLY.

VII. Other Business:

A. 765 Hi-Mount Road - Discussion relative to re-consideration of landmark status

Mrs. Day explained that the LPC was hearing this only informally today, as she just became aware of this issue, and a full report was not yet prepared. The matter will be heard formally at the January meeting. To offer some background, she stated that the property was originally designated in 1989. In 1990, the Town Council was approached for stipulations to that landmarking. Ultimately, the Town Council did give approval for the house to be relocated on the property, for the original wings to be removed, and for a new structure to be built which did not have to reflect the original architecture. In researching, Mrs. Day found that the house was very important for the Town, fulfilling many of the criteria for designation. Fatio had designed the structure in the 1930's for an artist, and reportedly traded the plans for a portrait of his daughter, Alexandra. Mrs. Day quoted from the original Designation Report written by James Sved, "765 Hi-Mount Road is perhaps the purest form of Classical Revival architecture built in the wood frame tradition still standing in Palm Beach today." It models a 1794 bath house in Virginia. She showed slides of the current condition of the property with the wings removed and with the house having been moved to a subsidiary portion of the lot. She also showed slides of the new house built on the property, and the original octagon pool which still remains, but with a lap pool extension now added. Although the interior of the octagon structure is quite nice, it was too dark inside to take any photos. Mrs. Day stated, in her opinion, that the house no longer retains its architectural integrity, and it is a shame to have lost it. Such octagon structures, she stated, are extremely rare, especially in this part of the country. Mrs. Day had contacted Mr. Broberg, attorney for the owner, regarding any efforts made to donate the structure, as that was one possible avenue available to the current owner.

Mr. Smith felt that despite the stipulations granted with the designation, the present owner of the property has permitted the structure to deteriorate. Mr. Moore stated that the original owner of the property passed away just before the landmarking of the property. The estate and heirs, in an agreement with the Town, succeeded in obtaining permission to move the house anywhere on the lot, to remove the wings, and to move the house anywhere else in the Town of Palm Beach, should another property owner express interest in same. The new owner, who subsequently built a new house at the property, came to the Town Council for variances for the home to be built in a specific location, which resulted in the moving of the octagon structure, with appropriate screening required. The owner was to restore the octagon as part of the agreement. After that, the owner sought relief from the Town, and attempted to find someone else in the Town to accept the structure. They did proceed with negotiations toward this aim, and asked for an extension from the Town relative to the completion of the restoration/repairs which would make the structure "habitable." The extension was granted, and the applicant continued to try to find someone to accept the property. There was an assumption that undesignating the structure may now be proposed rather than going forward with the completion of the repairs.

Mrs. Frost-Golino commented that she sat on ARCOM when the new house came up for review. ARCOM was quite concerned that the new house was not harmonious with the octagon structure and requested that the new house be completed screened. Mr. Smith felt that the new

owner has no respect for the landmarked property which he purchased.

Let the record show that Mrs. Albarran de Mendoza left the meeting at this point at 10:50 a.m.

① Mrs. Day suggested that perhaps donating the octagon structure to another Town of Palm Beach owner and property may be too restrictive. She felt that there may be other county groups or persons, outside the Town, who might be interested in obtaining and restoring the structure.

Mr. Frank read a letter into the record from Mr. Paul Castro to Mr. Peter Broberg, Esquire, wherein Mr. Broberg was advised of the granting of an extension for his client to perform the required repairs to the structure, and the direction to the Landmarks Preservation Commission to review this matter. The matter will be reviewed, subject to proper advertising, at the January meeting.

Mr. Broberg stated there are three options here: to move the structure to someone else's property, to restore the property at its existing location, or to demolish the structure. The owner would like the structure moved. To that aim, Mr. Broberg has already spoken to a few organizations in hopes of moving the structure. He stated that he will contact the Preservation Foundation as well.

Mrs. Day was asked to research whether this structure could be landmarked today, and whether other octagon structures exist without wings.

B. 780 South Ocean Boulevard - Informal Review - Landscape lighting

Mr. Smith re-stated his conflict with respect to this property, and passed the gavel to Mrs. Frost-Golino.

Mrs. Frost-Golino questioned why the LPC has to do informal reviews. Mr. Randolph stated that informal reviews are simply an accommodation to the applicant, but the LPC is not "required" to do informal reviews. This informal review was prompted by a permit having been submitted to the Town for the landscape lighting, and it was noted, by staff, that no landmark review had been done.

Mr. Brian Curtis, who handles estate management at the Paxson residence, apologized for neglecting to file for LPC review related to this lighting issue. At the estate, efforts are being made to stay on schedule in preparation for a February wedding. Mr. Curtis wanted to proceed with the presentation to get some feedback from the LPC. Mr. Curtis questioned whether the contractor would be able to run conduit underground in anticipation of the lighting, prior to the LPC review, so they could at least get started. If the conduit was permitted to be run, it would be run at the applicant's risk.

① Mr. Robertson expressed a strenuous objection to hearing this matter as it had not been advertised, and had not appeared on the original copy of the agenda he received by mail, (though it did appear on the revised agenda dated 12/17/96) and as such, he had not had an opportunity to look at the property. He felt that to review this matter would be procedurally incorrect.

Mr. Moore stated that the applicant is admitting that he made a mistake in not filing properly and in a timely manner. Likewise, the applicant is attempting to have construction complete by the February wedding date. In a spirit of courtesy and consideration to this property owner, who has not, to date, abused the system, Mr. Moore felt that the matter should be looked at informally, if the LPC agrees with the merits of his plea.

Mr. Moore stated that to avoid such occurrences in the future, the commission members could be telephoned if any item is added to the agenda after it is mailed, or, at the beginning of each meeting, the LPC can vote as to whether they will hear any additional items. Mrs. Frost-Golino requested that the members be telephoned regarding the addition of informal review items, and that the LPC might also vote to hear or not to hear such matters, on an individual basis, at each meeting.

MOTION BY MS. SHIELDS TO HEAR THE INFORMAL REVIEW OF 780 SOUTH OCEAN BOULEVARD.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED 5-1-0, WITH MR. ROBERTSON CASTING THE NEGATIVE VOTE FOR THE AFOREMENTIONED REASONS.

The electrical contractor, Burkhart and Birdsong, proceeded with the review of the lighting, uplighting and downlighting to enhance the landscaping, and create a moonlighting effect. The fixtures will be 25" high in verde green.

Let the record show that no action was taken with regard to this matter. The applicant may, however, proceed to run the conduit underground at his own risk.

VIII. Adjournment:

The meeting was adjourned at 11:20 a.m. with a motion sponsored by Mr. Pandula.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, January 15, 1997 at 9:00 a.m. in the Town Council Chambers, second floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,


Eugene Pandula, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

WARWICK & BANISTER, P.A.

LAWYERS

140 ROYAL PALM WAY

P.O. BOX 2735

PALM BEACH, FLORIDA 33480

JOHN A. BANISTER
CHARLES H. WARWICK, III

December 5, 1996

TELEPHONE 655 - 7776
TELECOPIER 655 - 2271
AREA CODE 561

PLEASE REFER TO:

Town of Palm Beach
Planning, Zoning & Building Department
P.O. Box 2029
Palm Beach, FL 33480

Attn: Timothy M. Frank, AICP

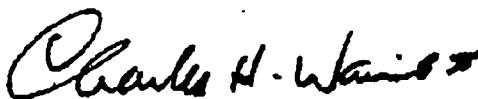
Re: W. W. Geyer and Ellen Geyer

Dear Tim:

We represent Mr. and Mrs. W. W. Geyer who own a home located at 8 Golf Road, Palm Beach, Florida. This home has been the subject of the Town's attempt to landmark it at least 12 to 14 years ago even though, at that time, it was being considered as a part of the district. It is my recollection that the Town Council did not feel that the district was worth landmarking. I notice in the report that the classification is "one element of a small, harmonious street" is grade C. It is also stated "it is an important element in the Golf View subdivision".

I do not believe that the law permits one to do something indirectly that cannot be done directly--namely, landmarking individual houses on Golf Road, until the entire road is landmarked when, initially, landmarking the area as a district was turned down. The Geyers' property, in my opinion, has been placed in jeopardy by the Town in its attempt to landmark this property and others as a district. To now consider it individually would place the property in double jeopardy. We, therefore, object to such an attempt and ask that you notify me immediately whether or not you will abandon this attempt to landmark this property. If not, we will have to take such action to protect the Geyers in this matter from being considered again by the Town, under the circumstances. I sincerely hope you will not put them to that expense and trouble.

Very truly yours,



Charles H. Warwick, III

CHW/kc

cc: Mr. and Mrs. W. W. Geyer
G:\CHW-CLIENT\MISC\TOWN-PB.LER

TOWN OF PALM BEACH

ATTENDANCE RECORD (1996)
With New Members

MEMBERS	1/96	2/96	3/96	4/96	5/96	6/96	7/96	8/96	9/96	10/96	11/96	12/96
Jeffery W. Smith	P	P	P	P	P	P	P	P	P	P	P	P
Joanna Frost-Golino	P	P	P	P	P	E	/X U	P	P	P	P	P
Eugène Pandula	P	P	P	P	P	P	P	P	P	P	P	P
J. Albarran de Mendoza	P	P	P	P	P	P	P	P	P	P	P	P
Arthur Silverman	P	P	P	P	P	P	P	E	P	P	P	E
Lindley Hoffman	n/a	n/a	P	P	P	P	P	P	P	P	P	E
Harrison Robertson	n/a	n/a	P	U	P	P	P	P	U	P	P	P

ALTERNATES	1/96	2/96	3/96	4/96	5/96	6/96	7/96	8/96	9/96	10/96	11/96	12/96
Jane R. Grace	E	P	P	P	P	P	U	U	P	P	P	P
Elizabeth Shields	U	P	P	P	P	P	P	P	P	P	P	P
Sari M. Wilkey	n/a	n/a	P	P	P	P	P	P	P	P	P	P

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

TOWN OF PALM BEACH

RECORD OF VOTING CONFLICTS (1996)
With new members

MEMBERS	1/96	2/96	3/96	4/96	5/96	6/96	7/96	8/96	9/96	10/96	11/96	12/96
Jeffery W. Smith	V3	VPD1 V2	VPD4	VPD3	VPD4	VPD1	VPD1	VPD1	VPD2	VPD2	VPD2	VPD4
Joanna Frost-Golino												
Eugene Pandula	V1	VPD1	VPD1	VPD1	VPD1							
J. Albarran de Mendoza		V1	VPD1		V1	VPD1	VPD1					
Arthur Silverman												
Lindley Hoffman												
Harrison Robertson												

ALTERNATES	1/96	2/96	3/96	4/96	5/96	6/96	7/96	8/96	9/96	10/96	11/96	12/96
Jane R. Grace		V1									V1	
Elizabeth Shields												
Sari M. Wilkey												

LEGEND: V = One Voting Conflict during a meeting
V2 = Two Voting Conflicts during a meeting
V3 = Three Voting Conflicts during a meeting
And so on...

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 renovation project. ONLY COUNT ORIGIN DECLARED CONFLICT FOR ONGOING PROJECTS PER JOHN C. RANDOLPH, TOWN ATTORNEY)

FORM 8B MEMORANDUM OF YOUR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SMITH, JEFFERY		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARK PRESERVATION COMMISSION	
MAILING ADDRESS 241 SANFORD AVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY PALM BEACH	COUNTY PALM BEACH	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 8/21/96 / 9/21/96		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

Minutes Member

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.



INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.

A copy of the form should be provided immediately to the other members of the agency.

The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

JEFFERY W. SMITH, hereby disclose that on 8/21/, 19 96:

a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain; or

☒ inured to the special gain of MR & MRS LOWELL PAXSON, by whom I ^{was} ~~am~~ retained.

b) The measure before my agency and the nature of my interest in the measure is as follows:

Conflict re-stated at 9/21/96 meeting regarding CoA #39-96.

Conflict re-stated at the 12/18/96 meeting regarding an informal review for 780 S. Ocean Blvd.

8/21/96
to Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: PEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN

FORM 8B MEMORANDUM OF YOUR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

NAME—FIRST NAME—MIDDLE NAME SMITH JEFFERY		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARK'S PRES. COMMISSION	
MAILING ADDRESS 241 SANFORD AVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY PALM BEACH	COUNTY P.B.	NAME OF POLITICAL SUBDIVISION: TOWN-OF P.B.	
DATE ON WHICH VOTE OCCURRED 3.20.96 / 9/21/96 / 10/16/96		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	
11/21/96, 12/18/96		<i>Minutes Attached</i>	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

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INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

1100 S. Ocean Blvd

CoA #18-96

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

JEFFERY W. SMITH

hereby disclose that on

3-20

19 96

1 A measure came or will come before my agency which (check one)

☐ inured to my special private gain; or

☐ inured to the special gain of _____, by whom I am retained.

2 The measure before my agency and the nature of my interest in the measure is as follows:

I AM RETAINED BY MRS. A. DE MOSS WHO OBJECTS TO THE PARKING AND TENNIS COURTS AT MAR A LAGO.

Conflict re-stated at 9/21/96 meeting regarding CoA#42-96.

Conflict re-stated at 10/16/96 meeting regarding CoA #42-96 and CoA#44-96.

Conflict re-stated at 11/21/96 meeting regarding CoA #44-96 and #51-96.

Conflict re-stated at 12/18/96 meeting regarding CoA#44-96, CoA#51-96 and CoA#52-96.

3-20-96

Filed

Signature

[Signature]

ICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED CLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: