



**TOWN OF PALM BEACH
PLANNING, ZONING AND BUILDING
DEPARTMENT**

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, OCTOBER 16, 2024.**

Please be advised that in keeping with a 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.

I. CALL TO ORDER

Chair Patterson called the meeting to order at 9:30 a.m.

II. ROLL CALL

Sue Patterson, Chair	PRESENT
Brittain Damgard, Vice Chair	PRESENT
Jacqueline Albarran, Member	PRESENT
Anne Fairfax, Member	PRESENT (Arrived at 9:40 a.m.)
Julie Herzig Desnick, Member	PRESENT
Alexander Hufty Griswold, Member	PRESENT
Alexander Ives, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Catherine Brooker, Alternate Member	PRESENT

Staff Members present were:

Friederike Mittner, Design and Preservation Manager
Abraham Fogel, Design and Preservation Planner
Pat Gayle-Gordon, Deputy Town Clerk
Assistant Town Attorney Lainey Francisco

III. PLEDGE OF ALLEGIANCE

Chair Patterson led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A. Minutes of the Landmarks Preservation Commission Meeting of September 18, 2024

A motion was made by Ms. Damgard and seconded by Ms. Albarran to approve the minutes of the September 18, 2024, meeting as presented. The motion was carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

Ms. Mittner requested that LPCS-24-0075, 0 Royal Poinciana Way Medians, be removed from consent and heard under Item C. Certificates of Appropriateness – New Business.

A motion was made by Ms. Damgard and seconded by Ms. Albarran to approve the amended agenda. The motion was carried unanimously, 7-0.

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY

Ms. Churney swore in all those intending to speak and continued to do so throughout the meeting, as necessary.

VII. COMMENTS FROM THE LANDMARKS PRESERVATION COMMISSION MEMBERS

No one indicated a desire to speak at this time.

VIII. COMMENTS OF THE PLANNING, ZONING AND BUILDING STAFF

Ms. Mittner stated that the Town Council heard the appeal for 70 Middle Road and, after a lengthy discussion, overturned the Commission's decision. She also noted that the Preservation Foundation of Palm Beach was preparing for their upcoming Commission Assistance Mentoring Program (CAMP) training on November 18, 2024; she asked the Commissioners to hold the date on their calendar.

A. Administrative Review Monthly Update

Ms. Mittner stated that staff had reviewed 14 administrative applications within the last month.

B. Overview of Past Projects

Mr. Fogel presented two past projects at 236 and 238 Phipps Plaza. Ms. Damgard asked about the approval of the railing on 236 Phipps Plaza. Mr. Fogel stated that the intent was to replicate the historic railing.

IX. COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3-MINUTE LIMIT, PLEASE)

There were no comments at this time.

X. PROJECT REVIEW

A. CONSENT AGENDA

- 1. LPCS-24-0075 (ZON-24-0036) 0 ROYAL POINCIANA WAY MEDIANS - SITE PLAN REVIEW** The applicant, the Town of Palm Beach, in conjunction with the Garden Club of Palm Beach, has filed a site plan review application requesting Town Council review and approval for landscape and gravel path improvements to the medians for this historic vista. [The Town Council approved the Site Plan Review at the September 11, 2024, meeting and required additional review by the Landmarks Preservation Commission].

This item was pulled by staff and heard under C. Certificates of Appropriateness – New Business.

B. CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS

No items were discussed under this topic.

C. CERTIFICATES OF APPROPRIATENESS - NEW BUSINESS

1. **LPCS-24-0075 (ZON-24-0036) 0 ROYAL POINCIANA WAY MEDIANS - SITE PLAN REVIEW** The applicant, the Town of Palm Beach, in conjunction with the Garden Club of Palm Beach, has filed a site plan review application requesting Town Council review and approval for landscape and gravel path improvements to the medians for this historic vista. [The Town Council approved the Site Plan Review at the September 11, 2024, meeting and required additional review by the Landmarks Preservation Commission].

Ms. Mittner provided staff comments for this project.

Several members disclosed ex-parte communications.

Claudia Visconti of SMI Landscape Architecture presented the site's landscape and hardscape plans on behalf of the Palm Beach Garden Club members.

Ms. Patterson called for public comment.

Anita Seltzer, 44 Cocoanut Row, expressed concern about the proposed project and submitted backup items for the overhead projector.

Ms. Visconti stated that the design did not propose crosswalks since the Florida Department of Transportation (FDOT) governed the road. She added that the scope of the project was contained within the medians.

Mr. Ives stated that while the design was fantastic, he wondered if the commission should consider a simpler historical design.

Ms. Brooker asked about the maintenance of the area and if it would be more expensive for the Town to take care of the site. Ms. Visconti did not believe that the plan was high maintenance. She discussed the items that would need maintenance.

Ms. Herzig-Desnick thought the designs were beautiful but worried about the crosswalks in the median. She suggested that pedestrian crosswalks be added in the middle. Ms. Visconti stated that the road was under FDOT and could be a future project. Ms. Herzig-Desnick thought the crosswalks should be addressed while all the changes were being made.

Jorge Sanchez, SMI Landscape Architecture, described the pathway around the entire median and added that the design did not encourage pedestrians to cross the street, but they would continue to do so.

Ms. Albarran agreed that pedestrians would continue to cross the street. She thought the design was beautiful.

Ms. Fairfax thought it was too bad that the design could not be comprehensive with FDOT as she believed the west lane was treated like a raceway. Ms. Visconti stated that the design, including the crosswalks, had been reviewed by Public Works.

Mr. Griswold wondered why rock trails were not proposed for walkways. He also requested a connection between the east and west medians.

Ms. Damgard wondered about the height of the trees in the vistas and if they would impede the view. Ms. Visconti responded and described the proposed trees.

Mr. Ives asked about the height of the small hedges, to which Ms. Visconti responded. Mr. Ives thought the hedges would contain the walkways. Mr. Ives thought the area should maintain a more modest identity than Worth Avenue.

Ms. Damgard wondered if there was a rush or if it would be possible to take the project to FDOT to ask if they could add the crosswalks. Mr. Sanchez thought the time to address the crosswalks would be when The Breakers expanded their PUD across the street. He thought the street had remained safe for many years and was not an accident-prone area. He noted that the members of the Garden Club were donating approximately \$600,000 for this project.

Ms. Patterson thought the project was beautiful. She agreed with Ms. Seltzer's comment about adding more color to the design.

Ms. Fairfax asked the professionals to consider Mr. Griswold's suggestion to add a break in the east median to connect both medians. Mr. Sanchez agreed to the change.

A motion was made by Mr. Griswold and seconded by Ms. Fairfax to approve the project as presented with the condition of adding a connection between the east and west medians. The motion was carried 6-1, with Ms. Herzig-Desnick dissenting.

D. HISTORICALLY SIGNIFICANT BUILDINGS - OLD BUSINESS

1. HSB-24-0005 (ZON-24-0035) 854 SOUTH COUNTY ROAD (COMBO)

The applicant, Dustin Mizell, with Environmental Design Group on behalf of owner Andrew Unanue, has filed an application requesting review and approval of a guest house, gazebo, driveway, as well as hardscape and landscape modifications, including a variance to allow an additional guest house. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval. *This item has been deferred to the November 20, 2024, meeting.*

Clerk's Note: This item was deferred to the meeting on November 20, 2024, at Item V. Approval of the Agenda.

E. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS

1. **HSB-24-0008 10 TARPON ISLE** The applicant, Jacqueline Bayliss, on behalf of Fernando Wong Outdoor Living Design, has filed an application requesting the review and approval of landscape and hardscape modifications to the property containing a Historically Significant Structure (HSB).

Mr. Fogel provided staff comments for this project.

Several members disclosed ex-parte communications.

Jacqueline Bayliss of Fernando Wong Outdoor Living Design presented the landscape and hardscape plans for the site.

Ms. Patterson called for public comment. No one indicated a desire to speak.

Ms. Damgard thought the property was overdeveloped but the proposed landscape was softening the site.

Mr. Griswold thought the landscaping was very nice. However, he expressed concern about the black mesh that would be noticeable to many neighbors. He also worried about the maintenance of Bougainvillea. He thought the owners should be looking at the black mesh or it should be screened from the neighbors' view.

Ms. Herzig-Desnick expressed concern about the artificial turf. Ms. Bayliss discussed how the turf would be added to the tennis court and described the condition. Ms. Damgard discussed how she had a tennis court with the same material.

Mr. Ives acknowledged how artificial turf has advanced over the years and acknowledged the sustainability issue worldwide. He thought the turf was acceptable. He agreed with Mr. Griswold's assessment of the black mesh on the outside of the fence and expressed his concern about the fence.

Ms. Fairfax asked the staff about artificial turf and wondered if the Town

allowed the material. Ms. Mittner responded. Ms. Fairfax expressed her concern for the material. She wondered if the design was too formal in some of the areas. Ms. Fairfax wondered if a white fence with the black mesh would be more appealing. Ms. Bayliss responded. Ms. Fairfax suggested creating a mockup of the fencing.

Ms. Damgard suggested adding the mesh on the inside of the fence rather than the outside.

Ms. Patterson suggested using Green Island Ficus around the property with the fence inside the hedge. Ms. Bayliss responded and spoke about the maintenance. Ms. Patterson thought the proposed landscaping would require constant maintenance.

Ms. Brooker asked about the landscape lighting and wondered how visible the lighting would be. Ms. Bayliss responded. Ms. Damgard wondered how much of the lighting would be noticeable to the neighbors.

Mr. Griswold thought the fence should be similar to the fencing on the bridge. He expressed concern about the condition of the fence and mesh after years of wind and salt exposure and thought the fence should be mostly screened and softened for the neighbors.

Ms. Herzig-Desnick asked if other colors had been considered for the fence. Ms. Bayliss responded and stated that they would consider dark green.

Ms. Patterson thought the design and needs were competing against each other. She expressed concern about maintaining the design's appearance and did not believe the fencing needed to be visible on four sides of the property.

Ms. Herzig-Desnick thought the existing white fence faded more than the proposed fence.

Ms. Fairfax asked about the owners' intent for visibility and use of fencing. Ms. Bayliss responded and described the intent. Ms. Fairfax expressed concern about the proposed fence and thought it needed more study.

Mr. Ives agreed that the fence and the tennis court material needed more study.

A motion was made by Mr. Ives and seconded by Ms. Damgard to defer the project to the meeting on November 20, 2024, for a restudy of the fencing and tennis court materials. The motion was carried unanimously, 7-0.

XI. UNSCHEDULED ITEMS (3-MINUTE LIMIT, PLEASE)

Ms. Churney stated that Jacqueline Albarran had declared a conflict of interest for 860 S. Ocean Blvd. at the September 18, 2024, meeting and correctly filled out the forms required by the State.

Ms. Mittner and Mr. Fogel presented potential plaques for the historically significant buildings.

XII. **NEXT MEETING DATE:** Wednesday, November 20, 2024

XIII. **ADJOURNMENT**

A motion was made by Mr. Ives and seconded by Ms. Albarran to adjourn the meeting at 11:03 a.m. The motion was carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, November 20, 2024, at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully submitted,

A handwritten signature in blue ink that reads "Sue Patterson". The signature is stylized, with the first name "Sue" written in a cursive-like script and the last name "Patterson" in a more formal, slightly cursive script. There is a horizontal line drawn through the middle of the signature.

Sue Patterson, Chair
LANDMARKS PRESERVATION COMMISSION

kmc

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Albarran, Jacqueline</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmarks Preservation Commission</i>
MAILING ADDRESS <i>324 Royal Palm Way #227</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY <i>Palm Beach</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>
DATE ON WHICH VOTE OCCURRED <i>October 16, 2024</i>	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

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 to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on 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 and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must 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:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

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

- You must 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. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

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

- You must disclose orally the nature of your conflict in the measure before participating.
- You must 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 must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jaqueline Albarran, hereby disclose that on October 16, 20 24:

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

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

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

HSB-24-0008

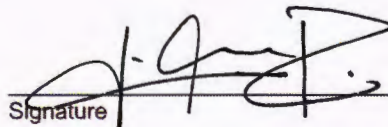
10 Tarpon Isle

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

11/16/24

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.