

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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, FEBRUARY 19, 2025.**

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
Julie Herzig Desnick, Member	PRESENT
Alexander Hufty Griswold, Member	PRESENT
Alexander Ives, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT (Arrived at 9:35 a.m.)
Catherine Brooker, Alternate Member	PRESENT
Kim Coleman, Alternate Member	PRESENT

Staff Members present were:

Friederike Mittner, Design and Preservation Manager
Abraham Fogel, Design and Preservation Planner
Kelly Churney, 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 January 22, 2025

A motion was made by Mr. Ives and seconded by Ms. Albarran to approve the minutes of the January 22, 2025, meeting as presented. The motion was carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

A motion was made by Ms. Damgard and seconded by Mr. Ives to approve

the agenda presented. 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**

Ms. Coleman discussed the locations in town that would benefit from having a gate, specifically the alley next to Buccan Sandwich Shop and the alley near La Goulue on South County Road.

Ms. Fairfax wondered how to obtain submitted drawings on the northeast corner of Cocanut and Peruvian Avenues. Ms. Mittner stated she would get the plans for Ms. Fairfax.

Mr. Ives noticed the lighting at the location mentioned by Ms. Fairfax. He thought the commission had approved the lights but urged the members to visit the site. Ms. Mittner verified that the Commission approved the installed lights.

VIII. **COMMENTS OF THE DIRECTOR & STAFF OF THE PLANNING, ZONING, AND BUILDING DEPARTMENT**

A. **Administrative Review Monthly Update**

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

B. **Overview of Past Projects**

Ms. Mittner stated that three properties had been reviewed, but all three needed modifications, so they would be presented at an upcoming meeting.

Mr. Murphy provided two avenues to access approved plans within the last year.

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

There were no comments at this time.

X. **PROJECT REVIEW**

A. **CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS**

None

B. **CERTIFICATES OF APPROPRIATENESS - NEW BUSINESS**

1. **COA-24-0032 (ZON-24-0087) 1 S COUNTY RD – THE BREAKERS (COMBO)**

The applicant, Breakers Palm Beach Inc., has filed an application requesting a Certificate of Appropriateness for review and approval of a new parking structure consisting of one level of subterranean parking and one at-grade surface-level parking area to replace an existing

surface parking lot requiring a variance to allow tandem spaces. Additional improvements include support buildings, realignments of North Breakers Row, golf course changes, and landscape and hardscape modifications. These improvements are generally located where there is an existing surface parking lot and a golf course within the designated Landmarked vista from the original hotel building to South County Road. The application requires the approval of a separate resolution to modify the PUD and variance approval to be reviewed by Town Council.

Mr. Fogel provided staff comments for this project.

Wayne Bergman, Director of Planning, Zoning, and Building, explained the typical process for reviewing a project by multiple boards. He explained that since these projects were PUD projects and a PUD amendment, the Planning and Zoning Commission first reviewed them and recommended to the Town Council whether the PUD should be amended. The Town Council requested that the design review boards review the projects before they return to the Planning and Zoning Commission and, ultimately, the Town Council.

Several members disclosed ex-parte communications. *Please note: Alexander Griswold declared a conflict of interest and left the dais during the discussion.*

Clerk's note: Ms. Fairfax left the meeting at 10:00 a.m. and returned at 10:49 a.m.

Attorney Jamie Crowley, representing The Breakers, provided an overview of the original PUD and project. Paul Leone, CEO of The Breakers, further explained the project, the reasons for the underground garage, and the areas that would be turned into green space. David Rau of Hart Howerton presented the project's architectural, landscape, and hardscape plans.

Mr. Bergman stated that the applicant could not apply for a building permit for the underground garage without the oversight and approval of the Landmarks Preservation Commission and the Town Council.

Ms. Patterson called for public comment.

Martin Klein, 1060 N. Ocean Blvd., recognized the Town's goal of removing cars from the street and advocated for the proposed project. He did not believe the improvements would negatively impact the landmarked vista.

Aimee Sunny of The Preservation Foundation of Palm Beach pointed out the large number of native plantings proposed to replace the surface parking lots. She noted that The Breakers team has also committed to removing the invasive species material. She questioned whether the garage could be seen from different locations.

Mr. Rau stated that the garage entrance would be screened by

landscaping.

Ms. Coleman thought The Breakers did everything well and supported the project. She asked for clarification on Mr. Leone's comment regarding employee parking and a tunnel from the hotel to the parking garage. Mr. Leone responded.

Ms. Albarran asked about the surface parking above the parking garage. Mr. Rau provided further information on the design.

Ms. Herzig-Desnick asked about the excavation of the underground parking structure, the amount of natural light in the structure, and the height of the whole structure. Mr. Rau provided further information on the design. Mr. Crowley stated that the entire parking structure would be underground.

Ms. Patterson asked about the elevation of the current and the proposed parking lots. Mr. Rau responded.

Ms. Brooker confirmed that the finishings would be consistent with the other buildings, which Mr. Rau confirmed. She supported the green space that would be added to their property. She applauded The Breakers for setting the standard and raising the bar for design and development for preservation.

Mr. Ives agreed with Ms. Brooker. He favored the additional green space and acknowledged that the public would not regularly engage with the area. He applauded The Breakers for their stewardship and thought they were open and transparent about their plans. He was in favor of the project.

Ms. Damgard thought the project was beautiful. However, she also thought it needed to go to the Town Council and the Planning and Zoning Commission to understand the code section under which it should be reviewed. Until that was decided, she did not believe the commission should act until the PUD was amended. Mr. Crowley stated they made the same argument and were told this was the proper path. He stated that the section of code to use for this project was 54-122 for a Certificate of Appropriateness, which is unrelated to the PUD. He also explained that the Architectural Commission would review a separate project.

Ms. Coleman wondered if the surface parking would be sufficient for the events. Mr. Rau responded. Ms. Coleman asked about the number of employees at The Breakers, to which Mr. Leone responded and explained the number of employees and shifts covered.

Ms. Patterson thought The Breakers always did things very well.

A motion was made by Mr. Ives and seconded by Ms. Albarran to approve the project as presented, as it is in keeping with the landmarked ordinance. The motion carried unanimously, 7-0.

A motion was made by Mr. Ives and seconded by Ms. Albarran that the implementation of the proposed variance will not cause a negative architectural impact on the subject landmarked property. The motion was carried unanimously, 7-0.

Mr. Leone discussed the restoration of the Old Post Office building and other restoration projects that would be coming to the commission.

C. 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 854 SO COUNTY RD LLC, 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 Town Council as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments for this project.

Several members disclosed ex-parte communications.

Brian Bullock of The Benedict Bullock Group, PA, presented the architectural plans for the project.

Ms. Patterson called for public comment.

Aimee Sunny of The Preservation Foundation of Palm Beach thought the guest house had improved over the several iterations she reviewed and that the project was moving in the right direction. However, she pointed out a few areas that could still be refined, specifically the columns and the entablature.

Mr. Bullock clarified his comments on the previous approval.

Ms. Albarran acknowledged that the current proposal was much better than the previous proposal. She favored the current design and wondered if the professional would agree to meet with Ms. Sunny on the column detailing.

Ms. Patterson thought the proposal still needed some details from the main house. She wondered if the guesthouse could have some of the whimsy of the main house.

Ms. Damgard asked if the main house's classical charm could be

incorporated into the design. Mr. Bullock responded.

Ms. Fairfax questioned the classical elements and thought they needed refinement. She stated she could not support the project at this time.

Ms. Metzger requested that the quoins be beveled.

A motion was made by Ms. Damgard and was seconded by Ms. Albarran to defer the project to the March 19, 2025, meeting. The motion was carried unanimously, 7-0.

D. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS

None

XI. DESIGNATION HEARINGS

1. ITEM 1: 126 ROOT TRAIL

Owner: Sheila McHenry and William McHenry

Several members disclosed ex-parte communications.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history of the Frame Vernacular residence. Ms. Murphy pointed out the design features of the residence. Ms. Murphy testified that the residence met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction, or use of Indigenous materials or craftsmanship.

A motion was made by Mr. Ives and was seconded by Ms. Damgard to make the designation report for 126 Root Trail part of the record. The motion was carried unanimously, 7-0.

Ms. Patterson asked for confirmation on proof of publication. Ms. Mittner provided confirmation.

Ms. Patterson called for public comment.

Aimee Sunny of the Preservation Foundation of Palm Beach advocated for the property's designation. She acknowledged the addition to the structure but thought the front retained much of the original Frame Vernacular character. She thought it met the criteria outlined by the consultants and was worthy of becoming a landmark, even with the alterations made.

Mr. Ives applauded the designation report. He thought it provided all the property details and helped the commission understand why the property met

the criteria for landmarking. He further indicated that the property met the criteria in section 54-161 and added his support for the designation.

Ms. Damgard agreed with Mr. Ives. She thought that Root Trail was an important street in the Town.

Ms. Brooker explained one of the neighbors' concerns with the designation: the inability to rebuild their home if it was lost to a storm. She thought that landmarking the home allowed the home to be rebuilt as it was. That said, she did not believe the house was in danger since the owners loved their home and the street. Ms. Brooker supported the designation.

Ms. Fairfax wondered how many homes on Root Trail were landmarked and how many were not; she thought Root Trail was significant to the Town. Ms. Murphy stated that she believed there were six current landmarked homes and acknowledged that others could be reviewed.

A motion was made by Ms. Damgard and was seconded by Mr. Ives to recommend 126 Root Trail to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 3 in Section 54-161 and with the acknowledgment that the owners of the home object to the designation. The motion was carried unanimously, 7-0.

2. ITEM 2: 220 EDEN ROAD

Owner: Clara Urbahn and Jason Briggs, Co-Trustees of 220 Eden Road Trust

Ms. Mittner stated that the owner requested a deferral for this item to the meeting in April.

A motion was made by Mr. Ives and was seconded by Mr. Griswold to defer the project to the April 16, 2025, meeting at the owner's request. The motion was carried unanimously, 7-0.

3. ITEM 3: 201 WORTH AVE

Owner: Lendan, Inc.

Clerk's note: This item was deferred to the November 19, 2025, meeting at Item V. Approval of the Agenda.

4. ITEM 4: 303 PENDLETON LANE

Owner: Thomas Hunt and Linda Hunt

Clerk's note: This item was deferred to the April 16, 2025, meeting at Item V. Approval of the Agenda.

5. ITEM 5: 750 SOUTH COUNTY ROAD

Owner: 750 S County Rd.

Clerk's note: This item was deferred to the April 16, 2025, meeting at Item V. Approval of the Agenda.

XII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

Mr. Ives noted many landmarked buildings in the Root Trail area and wondered if a historic district could be considered.

Ms. Fairfax agreed and thought similar initiatives of landmarking districts should be considered. Ms. Mittner stated that the staff could explore areas of high concentration of landmarked properties and return to the commission with the information. Ms. Fairfax discussed the façade easement program and thought that could make the initiative more enticing to homeowners.

Aimee Sunny of The Preservation Foundation of Palm Beach discussed their conservation and easement program. She also discussed other easement programs with organizations like the Florida Trust. Ms. Fairfax discussed the financial benefit that she received with an easement program in New York. Ms. Mittner discussed the Federal Tax Credit program and indicated that it differed from an easement program. Ms. Sunny also added that incentives are important to include in any preservation code; she thought it was important to consider during code reform.

Ms. Brooker pointed out many misrepresentations of landmarking in the community. Ms. Patterson thought that the narrative about a landmark designation should change so that it was positively viewed.

Ms. Churney stated that Jacqueline Albarran had declared a conflict of interest for the project at 448 N. Lake Way, COA-24-0030, at the January 22, 2025, meeting and correctly filled out the forms required by the State.

XIII. NEXT MEETING DATE: Wednesday, March 19, 2025

XIV. ADJOURNMENT

A motion was made by Ms. Damgard and seconded by Mr. Griswold to adjourn the meeting at 11:33 a.m. The motion was carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, March 19, 2025, at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully submitted,



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 Griswold Alexander	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Preservation Commission
MAILING ADDRESS 161 Main Street	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
DATE ON WHICH VOTE OCCURRED February 19, 2025	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach
	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, Alexander Gnsward, hereby disclose that on February 19, 20 25:

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

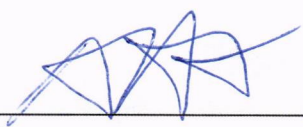
- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, 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:

COA-24-0032 (20N-24-0087)
1 South County Road

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.

2/19/25
Date Filed


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.