



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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION  
MEETING HELD ON WEDNESDAY, OCTOBER 19, 2022.**

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](http://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
Kim Coleman, Vice Chair	PRESENT
Jacqueline Albarran, Member	PRESENT
Patrick Segraves, Member	PRESENT
Anne Fairfax, Member	ABSENT (Unexcused)
Brittain Damgard, Member	PRESENT
Bridget Moran, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Fernando Wong, Alternate Member	PRESENT
Julie Herzig Desnick, Alternate Member	PRESENT

*Please note: Ms. Metzger voted in the absence of Ms. Fairfax.*

Staff Members present were:

Sarah C. Pardue, Design & Preservation Planner  
Jordan Hodges, Design & Preservation Planner  
Kelly Churney, Deputy Town Clerk  
Janet Murphy, Preservation Consultant  
Emily Stillings, Preservation Consultant

**III. PLEDGE OF ALLEGIANCE**

Chair Patterson led the Pledge of Allegiance.

**IV. APPROVAL OF THE MINUTES OF THE SEPTEMBER 21, 2022 MEETING**

**Motion made by Ms. Coleman and seconded by Ms. Metzger to approve the minutes of the September 21, 2022 meeting. Motion carried unanimously, 7-0.**

**V. APPROVAL OF THE AGENDA**

Motion made by Ms. Coleman and seconded by Ms. Moran to approve the agenda as presented. Motion 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. COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)**

No one indicated a desire to speak.

**VIII. COMMENTS OF THE LANDMARK COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT**

No one indicated a desire to speak.

**IX. PROJECT REVIEW**

**A. DEMOLITIONS AND TIME EXTENSIONS**

NONE

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

1. **COA-22-042 (ZON-22-123) 218 PHIPPS PLZ (COMBO)** The applicant, Bruce Leeds, Trustee of the Bruce Leeds, Declaration of Trust, dated May 30, 2007, has filed an application requesting a Certificate of Appropriateness for renovation to an existing landmarked property including a small addition, modifications to fenestration, demolition of an accessory structure, and construction of a new garage with 2nd floor habitable space requiring a rear yard setback variance, and a new pergola. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. (contd. from the 08/17/22 LPC meeting).

Mr. Hodges provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by Mr. Segraves and Ms. Metzger and Herzig-Desnick.

Patrick O'Connell, Patrick Ryan O'Connell Architects, indicated that the plans for the accessory structure would return in December 2022. The modifications shown represented the changes to the main residence. Mr. O'Connell provided a handout, which showed a change to the rear elevation.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, stated the architect had taken comments from the Landmark Preservation Commission into consideration to change and construct an addition. The area of the building being proposed for change was not originally enclosed. It was two separate buildings and not part of the original historic section of the buildings. The proposal was compatible and preserved the character of the property. She

added they were proposing to infill a window on the second floor on each side of the north and south elevations. On occasion in the past, the Preservation Commission had asked applicants to consider keeping the window as either a false window or a blank window.

Ms. Coleman asked to see the elevation for the existing north elevation. After seeing the elevation, she asked if the proposed window to be removed could be changed to a blind window. She also inquired about other changes to the fenestration. Mr. O'Connell agreed to change the window to a blind window on the north elevation.

Ms. Moran was in favor of the fenestration changes on the rear elevation. Ms. Moran stated that the blind window was unimportant to her.

Ms. Albarran was fine with the changes in the rear of the home. She noted if the window was painted in black, it would appear as if there were no light in the room.

Ms. Herzig-Desnick was in favor of the rear elevation changes. She inquired about the window materials to be used. Mr. O'Connell responded. She then inquired about the color of the windows. He said the existing windows would be matched.

Mr. Seagraves noted the balcony helps on the center section since it covered the door walking outside. He commented that it looked like the balcony had been removed with the two sidelights and the door in the middle. He usually agreed with leaving windows as before, but the pattern seemed odd. Mr. Seagraves was fine with either change.

Ms. Damgard was in favor of the changes. She was supportive of a balcony but was supportive of not including a balcony as well.

**Motion made by Ms. Moran and seconded by Ms. Damgard to approve the project as presented, to include the alternate plan of the west elevation, which shows the elimination of the balcony and new side light windows on the second floor, and approval of the blind windows on both the north and south elevations. Motion carried unanimously, 7-0.**

2. **COA-22-0461100SOCEANBLVD.** The applicant, Mar A Lago Inc., has filed an application requesting a Certificate of Appropriateness review and approval for modifications to existing landscaping on the south side of the property, including the removal of existing Australian Pines and Seagrape shrubs along Southern Boulevard. (contd. from the 09/21/22 LPC meeting)

Mr. Pardue provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by several members.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications for this site.

Ms. Coleman inquired if the planting had been finished on the east side of Mar-a-Lago. Mr. Mizell stated it had been concluded. Ms. Coleman thought the plantings allowed for more exposure than before. Mr. Mizell said most of the landscaping was done, but with the southern court quadrant, the landscaping would be refined. Ms. Coleman asked if there were mid-level

height palms before. Mr. Mizell said the landscaping was a little taller, but there were no mid-level height palms.

Mr. Segraves was initially concerned about the removal of Australian Pine trees but acknowledged the ballroom could only be seen through the gate. He complimented the modifications to the site wall. He thought the plans were nice, especially when the wall was to be covered in plantings.

Ms. Albarran mentioned historical plans that had been Florida friendly landscaping plan.

Mr. Wong asked if the professional could redesign the entrance in accordance with the original Marjorie Merriweather Post design. He also asked if the crotons could be replaced with a more native planting. He expressed the importance of maintaining historical integrity, although he did like the design presented.

Ms. Moran was not in favor of the Palm trees as proposed, and felt the look was cleaner without the palms. She preferred more linear and cleaner landscaping.

Ms. Herzig-Desnick suggested the professional review old photographs of the entrance, which were available online. She thought the original design was quite beautiful.

Ms. Coleman asked why the Commission would be looking at the project in stages. Mr. Mizell responded the project he mentioned earlier to the Landmarks Preservation Commission had nothing to do with the project being discussed.

Mr. Wong recommended bringing back the Sea grape plantings while keeping the Palm trees.

Discussion ensued about a potential motion.

Ms. Churney read the motion for the project made at the September 19, 2022 meeting.

*Please note: There was no motion made as the project had been approved at the September 19, 2022 meeting.*

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

NONE

**D. HISTORICALLY SIGNIFICANT BUILDINGS - OLD BUSINESS**

NONE

**E. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS**

NONE

**X. OTHER BUSINESS**

- A. Discussion Regarding Authority to Grant Flood Plain Variances  
Wayne Bergman, Director of Planning, Zoning & Building

Mr. Bergman discussed the historical approval of flood plain variances. The purpose of the discussion was to talk about Chapter 50 and transitioning from the Town Council reviewing these various requests pertaining to flood plain variances, to the Landmarks Preservation Commission reviewing the variance requests. There are three different general categories of flood zones in the Town of Palm Beach. He further reviewed the guidelines for flood plain variances, as well as the levels of flood zone and what the role of the Landmarks Preservation Commission would be in hearing flood plain variances.

Staff has spoken to the State of Florida Emergency Management Department about transferring the responsibility of the variance review and approval from the Town Council to the Landmarks Preservation Commission and they agreed. Ordinance 01-2022 has been drafted, amending Chapter 50. This would streamline the process for applicants. The Landmarks Preservation Commission would only be looking at the design application for historic preservation and now also for the ability, if requested, to grant a flood plain variance. Staff would provide recommendations and would assist as necessary.

Mr. Bergman stated the Landmarks Preservation Commission would be reviewing request for flood variance applications under Chapter 50, sections 50-116 and 50-117. This change in process would significantly improve time and efficiency.

*Please Note: There was no motion made on this item. Discussion only.*

B. Informal Presentation on Phipps Ocean Park Project  
Aimee Sunny, Preservation Foundation, presenting.

Aimee Sunny, Preservation Foundation of Palm Beach, presented several options to mitigate floodwaters.

Ms. Sunny noted follow-up information from a discussion held last month on the flood adaptation strategies. Ms. Sunny brought some photographs of various options that may be available for projects that may be of a concern for flooding. The strategies discussed included elevation, floodproofing the exterior walls, temporary flood gates, wet flood proofing, landscape insight, floodgate system and a hydraulic lift system.

Ms. Damgard inquired about homes on the Sea streets had had been elevated with repercussions from weather and run-off to the neighbors.

Mr. Hodges responded and indicated that the properties where the visual difference was vast, had been the impetus for the fill ordinance, which implemented limitations.

Ms. Sunny made an informal presentation of the plans for Phipps Ocean Park.

Ms. Sunny said as the last vestige of public land in Palm Beach that stretches from the lake to the ocean, the proposed transformation offers an opportunity to rebuild the varied ecosystems that used to exist on the barrier island, and to better preserve and protect the little red schoolhouse, which was a significantly important cultural and historical asset in the town. She indicated that the project would be presented to the Commission in

November and was hopeful for construction to begin in summer of 2023 with a projected completion date of spring 2024.

Ms. Sunny encouraged Commission members to write down any questions they may have for when this item comes back to them for review. She added that the Preservation Foundation would be in touch with the Commissioners to coordinate a tour of the park.

Mr. Segraves asked if there are any plans for the west side. Ms. Sunny responded and said there are plantings in that area and there would be mangrove restoration. Generally, it would remain a passive space.

The estimated cost of the project will be approximately \$20 million with an endowment being established for perpetual maintenance of the park.

C. I Legislate Visual Update

Jess Savidge, Administrative Manager, provided a visual demonstration of the new software called iLegislate, which will allow Commissioners to see all their backup digitally.

D. Present Landmarks 2023 Meeting Schedule

James Murphy, Assistant Director of Planning, Zoning and Building,

Mr. Murphy stated that the Town Council would approve their meetings for 2023, subsequently the Landmarks Preservation Commission would approve their meeting schedule. He indicated that the meeting dates for next year would be sent to the commissioners. There were some deviations from the typical scheduled days due to holiday schedules.

**XI. ADDITIONAL COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

Town Attorney Randolph discussed his conversation with Attorney James Green about three properties under consideration for landmark designation.

Mr. Randolph spoke regarding his conversation with Attorney James Green, regarding three clients he represented, each of whose properties were up for designation at the next meeting. Each of the three clients object to the designation because they did not wish to give up their opportunity to demolish their property in the future. Mr. Green, to help the presentations move along more smoothly at the next meeting, had asked for a stipulation in which it would be agreed upon that the property owners would be able to demolish their properties if they did not consent to the designation. In number two of the stipulation, Mr. Green stated the town and LPC acknowledged and agreed that the property was among those for which the town may not deny the right to demolish under Florida Statute, regardless of landmark status. In stipulation number three, Mr. Green stated if the property was designated as a landmark over objection of the owner and Florida Statutes are later amended to restrict or prohibit demolition of such landmark properties, the property owner, or his successors, would retain the same right to demolish the structure on the property, as he currently had under the Florida Statutes.

Mr. Randolph has advised Mr. Green that it was not appropriate for the Landmarks Commission to entertain such a stipulation. However, it may be something the Town

Council could consider. Mr. Randolph believed this would be interpreted as a matter of law rather than stipulation.

Ms. Coleman noted some flood insurance companies cancelled insurance in areas such as Palm Beach. She asked if Mr. Randolph was aware of this, as her insurance company renewed her insurance after she had engaged another insurance company.

Ms. Metzger stated she is confused regarding House Bill 423. She spoke with Mike Caruso recently as the negative effects of the bill were explained to Mr. Caruso. He said he would review the negative effects because he was in favor of historic preservation. Mr. Caruso seemed unclear and could perhaps use some education on this subject. Mr. Randolph said the Town had a lobbyist who would be engaged to deal with the legislature. The unfairness of this bill was for communities who have had these programs in effect for many years were seriously impacted. The ask would be to be grandfathered in, rather than asking for the legislation to be cancelled entirely.

**XII. COMMENTS OF THE LANDMARK COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT**

No one indicated a desire to speak.

**X. ADJOURNMENT**

**Motion made by Mr. Segraves and seconded by Ms. Coleman to adjourn the meeting at 11:11 a.m. Motion carried unanimously, 7-0.**

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, November 16, 2022, 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