TOWN OF PALM BEACH
PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON FRIDAY, DECEMBER 18, 2020

Please be advised that in keeping with a recent 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**
Mr. Small called the meeting to order at 9:00 a.m. All members participated via Zoom Webinar due to the COVID-19 situation.

II. **ROLL CALL**

Michael B. Small, Chairman	PRESENT
Robert N. Garrison, Vice Chairman	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Jeffrey Smith, Interim Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT (arrived 9:04 a.m.)
Edward A. Cooney, Alternate Member	PRESENT

Staff Members present were:
Wayne Bergman, Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Laura Groves van Onna, Historic Preservation Planner
Kelly Churney, Secretary to the Architectural Review Commission
Bradley Falco, Zoning Technician
John Randolph, Town Attorney

III. **PLEDGE OF ALLEGIANCE**
Chairman Small led the Pledge of Allegiance.

IV. **RULES OF ORDER AND PROCEDURE**
Mr. Small thanked the Town Council for allowing the Commission to meet virtually.

Mr. Small congratulated Betsy Shiverick on becoming the Chairwoman of the Preservation Foundation of Palm Beach.

Mr. Small reviewed the administrative procedures for the meeting.

Mr. Small stated that the Town Council had deferred the conversation regarding the demolitions to the February 10, 2020 meeting.

V. **APPROVAL OF THE MINUTES FROM THE NOVEMBER 20, 2020 MEETING**
Motion made by Mr. Garrison and seconded by Mr. Corey to approve the minutes from the November 20, 2020 meeting. Motion carried unanimously.

VI. **APPROVAL OF THE AGENDA**
Mr. Small announced the following changes to the agenda:

Deferral of B-073-2020, 1015 S. Ocean Blvd to the January 27, 2021 meeting
Deferral of A-024-2020, 159 Seaspray Ave. to the January 27, 2021 meeting
Deferral of A-040-2020, 130 Sunrise Ave., PH 1 to the January 27, 2021 meeting
Withdrawal of A-053-2020, 415 Hibiscus Ave. from the agenda
Withdrawal of A-070-2020, 870 S. Ocean Blvd. from the agenda
Deferral of A-072-2020, 355 Hibiscus Ave. to the January 27, 2021 meeting

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the agenda as amended. Motion carried unanimously.

VII. **PROJECT REVIEW**

A. CONSENT AGENDA OF MINOR PROJECTS

1. A-051-2020 Landscape/Hardscape
Address: 1285 N. Lake Way
Applicant: Farley Rehtschler
Professional: Dustin Mizell/Environment Design Group
Project Description: Addition of a pool in the rear yard. Modified hardscape and landscape within areas associated with pool addition.

2. A-063-2020 Modifications
Address: 111 Atlantic Ave.
Applicant: PB Beach House Trust (Justin McInerney, Trustee)
Professional: Keith Williams/Nievera Williams Design
Project Description: Driveway Addition; new curb cut to be added along Atlantic Ave. Proposed material for driveway additional/grass pavers.

Call for disclosure of ex parte communication.

3. A-066-2020 Modifications
Address: 200 El Vedado
Applicant: Joseph Allen

Professional: Dustin Mizell/Environment Design Group
Project Description: Existing gravel driveway apron and garage entrance to be replaced with Chicago brick paving in herringbone pattern with border.

Call for disclosure of ex parte communication.

4. A-068-2020 Landscape/Hardscape/Modifications
Address: 225 Mockingbird Trail
Applicant: Dan Castro
Professional: Claudia Visconti/SMI Landscape Architecture
Project Description: New pool, spa and water features in rear. New hardscape in rear garden. New landscaping throughout. New front door.

Call for disclosure of ex parte communication.

5. A-073-2020 Landscape/Hardscape
Address: 1744 S. Ocean Blvd.
Applicant: 1744SOL LLC (Che Wei Kuo, Agent)
Professional: Che Wei Kuo/Fernando Wong
Project Description: Site work, including the addition of a spa to the pool area. Terracing of the steps in the back of the residence. Updating landscaping in those areas with the addition of a fountain.

6. A-074-2020 Flag Pole
Address: 4 Via Los Incas
Applicant: Janet Tigges
Professional: Mario Nievera/Nievera Williams Design
Project Description: Proposed flagpole at front entrance

Please note: This item was pulled from the consent agenda.

7. A-075-2020 Landscape/Hardscape
Address: 120 Algoma Rd.
Applicant: M. Weldon "Sandy" Rogers, IV
Professional: Nievera Williams Design
Project Description: Adjustment of previously ARCOM approved plan. Proposed change in materials for driveway and rear yard terraces. Minor adjustment to layout of rear terraces. Proposed minor changes in planting materials.

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the consent agenda as amended. Motion carried unanimously.

B. ITEMS PULLED FROM CONSENT AGENDA

A-074-2020 Flag Pole
Address: 4 Via Los Incas
Applicant: Janet Tigges

Professional: Mario Nievera/Nievera Williams Design
Project Description: Proposed flagpole at front entrance

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

Cory Meyer, Nievera Williams Design, presented the proposed flag pole.

Mr. Small inquired about the size of the flag. Mr. Meyer responded.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comments. Ms. Van Onna stated that staff did not have any comments.

Ms. Shiverick thought the pole was tall compared to the residence. She suggested reducing the pole to the height of the pediment over the front entrance.

Mr. Meyer stated he could reduce the pole so that the pole would be more in line with the pediment.

Mr. Floersheimer inquired if the flag would be raised and lowered as well as if the flag would be lit. Mr. Meyer confirmed it would be raised and lowered and would not be lit.

Ms. Grace inquired if the flag pole would be better located in the center of the property. Ms. Shiverick clarified her comment.

Motion made by Ms. Shiverick and seconded by Ms. Grace to approve the project as presented with the condition that the pole height is reduced to the height of the front entrance pediment. Motion carried unanimously.

C. DEMOLITIONS AND TIME EXTENSIONS

1. B-077-2020 Demolition
   Address: 358 El Brillo Way
   Applicant: Laurel Inc., A U.S. Virgin Islands Corporation (Darren K. Indyke, Secretary)
   Professional: Daniel Menard/LaBerge & Menard, Inc.
   Project Description: The applicant proposes the demolition of the existing structures at 358 El Brillo Way.

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

   Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Menard agreed to the easement.

Mr. Menard presented the architectural plans as well as the landscape and hardscape plans for the proposed demolition.

Mr. Small inquired about the screening and the debris removal. Mr. Menard responded and stated the owner confirmed that the debris would be removed from El Brillo Way.

Mr. Small called for public comments.

Harold Smith, representing Virginia Mortara, owner of 319 El Vedado Road, stated the concerns of Ms. Mortara and requested that the approval of the demolition include the five conditions stated in her letter that she sent to the Town. Mr. Smith requested that some specific vegetation could remain for the privacy of Ms. Mortara.

Mr. Small called for staff comments. Ms. Van Onna stated that staff did not have any comments.

Ms. Grace inquired about Ms. Mortara's request to keep the specific vegetation. Mr. Menard stated that the owner would agree to all of Ms. Mortara's conditions, including keeping the specific vegetation.

Mr. Smith requested to see the landscape demolition plan so that he could confirm the vegetation to remain. Mr. Menard presented the landscape demolition plan. Mr. Smith confirmed that this was the plan that had been agreed upon on the site with Ms. Mortara.

Ms. Shiverick expressed a concern for one of Ms. Mortara's conditions that related to the request that no vibrating machinery would be used. Mr. Smith responded.

Motion made by Mr. Corey and seconded by Ms. Grace that the proposed demolition at 358 El Brillo Way has met the conditions listed in Sec. 18-206 of the Town's code of ordinances and to approve the project as presented with the conditions that all of Ms. Mortara's requests in the letter sent to the Town are met. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

D. <u>MAJOR PROJECTS – OLD BUSINESS</u>

1. <u>B-074-2019 Additions & Modifications</u> – ***INFORMAL PRESENTATION***
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)
Address: 125 Worth Avenue

Applicant: 125 Worth Partners LLC
Professional: Jose Luis Gonzalez Perotti/Portuondo Perotti Architects
Project Description: The project consists of the façade renovation and addition to an existing four-story 1970's building. The fourth-floor structure will be removed and replaced with four new luxury residential apartments, and trellis gardens. The façade will be renovated with new architectural screens, white brick veneer and exposed concrete accents that will enhance the aesthetic of the building for its users and pedestrians alike. The addition component consists of a new one-story commercial structure with a roof top trellised courtyard and a two-story elevator tower.

ZONING INFORMATION: A request for Site Plan Review modification approval for revitalization, renovation and expansion of the 45-year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two-story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth-story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53 feet in lieu of the 49 feet 2 inches existing and the 25-foot maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63 feet 4 inches in lieu of the 53 feet 8 inches existing and the 35-foot maximum allowed by current code. 5. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing air-conditioned floor area of the fourth story to 13,212.9 square-feet from 3,448.75 square-feet existing. An open fourth story trellis of 5,433 square-feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 square-feet in addition to the existing air-conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1-foot 1 inch for portions of the building in lieu of the 5 feet existing and the 5 feet minimum required on the private property. The sidewalk is required to be a minimum of 10 feet wide and this proposal is a minimum of 8 feet 2 inches in the area where the sidewalk is only 1 foot 1 inch wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 66% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story. 9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code.

Project history:
December 2020 – Deferred to February 26, 2020 at request of applicant.
February 2020 – Deferred to March 25, 2020 at request of attorney & (neighbors).
March 2020 – Deferred to April 29, 2020 due to COVID-19
April 2020 – Deferred to May 27, 2020 due to COVID-19
May 2020 – Deferred to June 24, 2020 at request of attorney (neighbors request).
June 2020 – Deferred to July 29, 2020 at request of attorney (neighbors request).
July 2020 – Deferred to November 20, 2020 at request of attorney.
November 2020 – Deferred to December 18, 2020 at recommendation of staff.

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

Mr. Small stated that while the presentation would move forward, there would be no vote on the project.

James Crowley, attorney for the applicant, provided a brief history of the project and provided an explanation of the variances that were now being requested.

Rafael Portuondo, Portuondo Perotti Architects, presented the architectural modifications proposed for the existing commercial building.

Chuck Yannette, Parker Yannette Design Group, Inc., presented the landscape and hardscape plans modifications proposed for the existing commercial building.

Robert Frisbie, owner, stated that the he had been trying to work hard with the neighbors to meet their requests.

Mr. Small called for public comments.

Ellyn Bogdanoff, attorney representing The Kirkland House, reviewed the objections of The Kirkland House, particularly the previously proposed restaurant on the east end of the building.

M. Tim Hanlon, attorney representing The Winthrop House, reviewed the concerns of The Winthrop House, particularly the proposed height and parking issues.

Mr. Small called for staff comments. Mr. Castro provided staff comments regarding the zoning requests.

Mr. Crowley discussed how they planned to address the traffic and parking issues.

Mr. Frisbie addressed Mr. Hanlon's comments regarding the building height.

Mr. Castro stated that the parking issues were not under the purview of the Commission but added that staff would address the parking with the Town Council Members.

Mr. Garrison was in favor of the addition of the residential units on the top of the building. He inquired about the criteria for increasing the usage of the space. He thought the trash location and collection should be addressed. He thought the improvements would enhance the building. He also inquired about the ADA access for the building.

Mr. Portuondo explained the proposed ADA access for the building.

Mr. Ives stated that he could not support the project because he thought the bones of the structure did not align with a mixed use building.

Ms. Grace asked Mr. Castro to explain the variances. Mr. Castro addressed Ms. Grace's questions about the variances. Ms. Grace agreed with Mr. Garrison and requested to see the plans for the garbage and garbage collection. She thought there was a disconnect between the first floor and the floors above. She was in favor of how the professionals tried to soften the upper floors but thought the first floor remained cold and commercial. She questioned the dark wood on the eastern end of Worth Avenue, where she believed the area had a more Mediterranean feel. She recommended the possibility of using a lighter wood.

Mr. Corey inquired if the Worth Avenue Guidelines would apply to this project. Ms. Van Onna stated they would apply to the project. He thought the Commission should have the Guidelines when reviewing the project. Mr. Corey pointed out how the original front elevation massing was broken up into five sections while the proposed was not and felt very horizontal. He questioned the proposed detailing as well as the dark wood balconies and windows. He questioned the coral base and its relationship to the dark wood balconies. He was not in favor of the bay windows as well as the fire escape on the rear of the building. He requested to see the location of the mechanical equipment. He liked the garden in the back northwest corner but requested that it be more connected to the street. He also made suggestions for the southeast hardscape plan.

Mr. Smith questioned the fact that they indicated that the top floor would not be seen from the street. He thought the detailing was dark and heavy and did not belong in Palm Beach. He was not in favor of the fire escape. He questioned the windows proposed. He thought the building could use a facelift but did not believe that this was the solution.

Ms. Catlin thought the character of the building was totally lost with the proposed changes. She thought the surrounding buildings were simpler in their design while the proposed was too busy. She liked some of the ideas but thought the proposed had gone overboard in the design.

Mr. Floersheimer agreed with the comments of the fire escape, how the building fit into the area, the balconies, whether the top floor would be seen, and the proposed reduction of the sidewalk. He suggested moving the water feature to the northeast corner.

Mr. Cooney thought the 100 block of Worth Avenue has always been out of step of Worth Avenue. He was in favor of the changes.

Mr. Small questioned the fourth floor and asked why the second and third floor were not expanded into residential. He was not in favor of the fire escape in the rear. He also questioned the garbage location on the east side and thought it should be moved to the west side.

Ms. Shiverick appreciated the changes but agreed with Mr. Ives and Ms. Grace that the balconies and railings appeared very heavy. She recommended a lighter wood, perhaps cypress. She stated that she appreciated the influences in the design inspiration. She recommended using high end materials. In general, she thought with a few modifications, she could support the design.

Mr. Portuondo responded to the comments of the Commissioners.

Motion made by Mr. Smith and seconded by Ms. Shiverick to defer the project for two months, to the February 24, 2021 meeting. Motion carried 6-1, with Mr. Ives opposed.

Please note: A short break was taken at 11:24 a.m. The meeting resumed at 11:32 a.m. Mr. Corey returned at 11:40 a.m.

2. B-043-2020 Addition
Address: 1045 S. Ocean Blvd.
Applicant: Kerry Vickar (Lionel Kerrin Vickar)
Professional: Roger Janssen/Dailey Janssen Architects
Project Description: New construction of a two story addition with basement. New pool and pool deck. New hardscape and landscape, including civil/storm water management.

A motion carried at the October meeting to approve the project as presented with the caveat that the existing front doors would return to the November 20, 2020 meeting. A motion carried at the November meeting to defer the project to the December 18, 2020 meeting at the request of the professional.

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

Mr. Janssen presented the modifications to the existing front doors.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comments. Ms. Van Onna provided staff comments.

Ms. Grace suggested changing the doors to eliminate the arches.

Many of the Commissioners were supportive of the changes.

Motion made by Mr. Garrison and seconded by Ms. Shiverick that the project at 1045 S. Ocean Blvd has met the criteria for approval listed in Sec. 18-205 of

the Town's Code of Ordinances and to approve the project as presented. Motion carried unanimously.

3. B-059-2020 New Construction
   Address: 125 El Bravo Way
   Applicant: 125 El Bravo Way LLC (Braden Smith, Manager)
   Professional: MP Design and Architecture Inc.
   Project Description: New two-story residence with three car garage on a vacant lot. New landscape, hardscape and pool.

   A motion carried at the September meeting to defer the project to the October 28, 2020 meeting due to concerns such as the front entrance was too massive, the fenestration, the house was too bulky, lack of charm, the garages on the front of the home, not in harmony with the neighborhood. A motion carried at the October meeting to defer the project to the November 20, 2020 meeting at the request of the professional. A motion carried at the November meeting to defer the project to the December 18, 2020 meeting with a restudy of the front entrance pediment, the windows, the roof material, the garage design and the roof over the pergola.

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

   Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

   Mr. Perry reviewed the modifications to the architectural plans proposed for the new residence.

   Keith Williams, Nievera Williams Design, stated that the landscape plan had not changed since the last presentation.

   Mr. Small called for public comments. There were no comments heard at this time.

   Mr. Small called for staff comments. Ms. Van Onna provided staff comments.

   Messrs. Garrison and Ives were in favor of the home.

   Ms. Grace questioned the muntins in the doors over the balcony. Mr. Perry responded. Ms. Grace also questioned the piers over the doors on the balcony on the rear of the home. Mr. Perry stated he could remove the piers on the balcony to leave only a railing.

   Mr. Corey thought that many of the homes on El Bravo Way were very charming. He thought the proposed design was too large and questioned the front garage. He also questioned the layout of the home. He was not in favor of the current design.

Ms. Shiverick was happy with the changes but questioned the style of the home. She thought the home could use some more interest.

Ms. Catlin was in favor of the home and thought the changes were good.

Mr. Floersheimer was in favor of the changes but thought there was nothing remarkable about the home. He questioned if the professional considered removing the loggia from the main home. Mr. Perry responded.

Mr. Small stated he was in favor of the home but questioned if it was in harmony with the other homes in the neighborhood.

Motion made by Mr. Garrison and seconded by Mr. Ives that the project at 125 El Bravo Way has met the criteria for approval listed in Sec. 18-205 of the Town's Code of Ordinances and to approve the project as presented with the condition that the piers on the rear balcony are removed and replaced with a railing. Motion carried 4-3, with Messrs. Corey, Small and Ms. Shiverick opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

4. <u>B-063-2020 Modifications</u>
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) - DONE 10/28
Address: 160 Royal Palm Way
Applicant: LR Palm House LLC (Maura Ziska)
Professional: Michael Sean McLendon/Cooper Carry
Project Description: The existing Palm House hotel is located at 160 Royal Palm Way. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The proposed new work for the hotel includes completion and conversion of guest rooms for a total of 79 keys. A new pool deck will be constructed adjacent to the existing Function Room. Other exterior improvements will include re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors.

A motion carried at the September meeting to defer the project to the October 28, 2020 meeting in accordance with the comments of the Commissioners, which included concern for the gazebo-typed dome structure in the courtyard, the structure for existing the lobby on the interior south elevation, the curtains on the front of the structure, the crowding of elements in the courtyard, the trash location needed resolution, and improvements needed in the porte cochère element. A motion carried at the October meeting that implementation of the proposed variances will not cause negative architectural impact to the subject property. A second meeting carried to approve the project as presented with the caveat that the landscape, service gate and paint colors would return to the November 20, 2020 meeting in accordance with the comments from the Commissioners. A motion carried at the November meeting to defer the project to the December 18, 2020 meeting at the request of the attorney.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Maura Ziska agreed to the easement.

Sean McLendon, Cooper Carry, presented the architectural modifications made to the hotel since the last presentation to the Commission.

Josh Daniel, Cooper Carry, presented the landscape and hardscape modifications made to the hotel since the last presentation to the Commission.

Maura Ziska, attorney for the owners, stated she would need to amend her zoning application to add two variances and outlined all of the variances requested for the project.

Mr. Castro stated that the new variances would need to return to the Commission for a recommendation to the Town Council.

Mr. Small called for public comments.

Donald Lunny, attorney representing Virginia Simmons at 133 Brazilian Avenue, asked for confirmation of the change from the double door to a single door on the southeast side of the building. Mr. McLendon responded. Mr. Lunny stated that his client now supports the plan as well as all zoning requests.

Mr. Small inquired if his client's appeal would be dismissed. Mr. Lunny responded and stated it would be dismissed once an agreement has been reached.

John Eubanks, attorney representing Timothy and Gayle DeVries at 141 Brazilian Ave., stated his client was happy with the changes and would support the plan.

Ms. Ziska asked Town Attorney Randolph if the Commission could weigh in on the variances that are a result of the neighbors' request.

Mr. Castro stated that the zoning requests needed to be legally noticed and advertised.

Mr. Small called for staff comments. Ms. Van Onna stated that staff did not have any comments.

Mr. Garrison was pleased that the neighbors and the professionals worked together to come up with a compromised solution.

Ms. Grace requested a more attractive service gate.

Mr. Corey inquired about the size and functionality of the service gate. He also inquired about the design and screening potential of the gate. Mr. McLendon responded. Mr. Corey inquired about the 7-foot gate and wondered if the gate should be slightly lower. Mr. McLendon stated he would support lowering the gate.

Ms. Shiverick was in favor of the color of the body of the building but questioned the black doors and windows. She recommended changing the door and window trim colors to white. She also recommended changing the railing color from jet black to a dark gray.

Ms. Catlin liked the changes and agreed with Ms. Shiverick but thought the windows were existing.

Mr. Floersheimer questioned the procedure since he did not receive some of the drawings.

Mr. Cooney stated his only concern was the service gate and thought an opaque gate would be better suited.

Mr. Small applauded all parties for reaching an agreement. He also agreed with Ms. Shiverick's suggestions.

Ms. Grace was also in agreement with Ms. Shiverick's suggestion for the colors as well as suggested a wood material for the service gate.

Motion made by Mr. Corey and seconded by Mr. Garrison that the project at 160 Royal Palm Way has met the criteria for approval listed in Sec. 18-205 of the Town's Code of Ordinances and to approve the project as presented with the condition that the service gate is reduced from 7 feet to 6 feet in height, the doors in the banquet kitchen are changed from two doors to a single door and the colors for the doors, windows and railings will return to the Commission at the January 27, 2021 meeting. Motion carried 6-1, with Ms. Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

5. <u>B-065-2020 Modifications</u>
   Address: 223 Monterey Road
   Applicant: Michael Peacock
   Professional: Roger Hansrote/ACI
   Project Description: Remove and replace all exterior windows and doors with impact rated assemblies. Add new windows at front entry and add doors at various locations. Add a new entry with new roof. New generator located to the northeast and replace existing cement tile roof with cedar shingle roof. Newly proposed hardscape and landscape improvements.

   A motion carried at the November meeting to defer the project to the December 18, 2020 meeting to allow the professional to respond to the comments made by the Commissioners and with the direction that no further work is to be done to the property.

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

   Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Hansrote agreed to the easement.

   Mr. Hansrote presented the architectural modifications proposed for the existing residence.

   Mr. Small called for public comments. There were no comments heard at this time.

   Mr. Small called for staff comments. Ms. Van Onna provided staff comments.

   Ms. Grace was in favor of the front door proposed rather than the previously proposed door. She was in favor of the existing roof compared to the proposed roof.

   Ms. Catlin did not believe the changes were an improvement to the home. Mr. Small agreed.

   Motion made by Ms. Grace to defer the project. Motion died for lack of a second.

   Ms. Shiverick inquired about the railings at the front entrance. Mr. Hansrote stated that railings were not proposed for the front door.

   Mr. Garrison inquired about the existing and proposed roof design. Mr. Hansrote provided explanation about the roof designs.

Motion made by Mr. Smith and seconded by Mr. Ives to approve the project as presented with the condition to replace the iron railings at the front entrance. Motion carried 6-1, with Ms. Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: A lunch break was taken at 12:57 p.m. The meeting resumed at 1:30 p.m. Mr. Floersheimer returned at 1:39 p.m. Ms. Grace returned at 1:47 p.m.

E. MAJOR PROJECTS – NEW BUSINESS

1. B-066-2020 Modifications
   Address: 243 Merrain Road
   Applicant: Bradley Van Hoek
   Professional: Daniel Kahan/Smith and Moore Architects
   Project Description: Modifications to an existing residence, to include: a new roof, new entry detailing, new front door and other associated detail and material changes to the front façade.

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

   Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Kahan agreed to the easement.

   Mr. Kahan presented an overview of the changes proposed for the existing residence.

   Vivienne Bruno, Smith and Moore Architects, presented the architectural changes to the existing residence.

   Mr. Small called for public comments. There were no comments heard at this time.

   Mr. Small called for staff comments. Ms. Van Onna stated that staff did not have any comments.

   Ms. Shiverick thought the gate and fence between the entrance and the garage was a bit too much.

   Mr. Smith agreed with Ms. Shiverick but thought it was a nice project overall.

   Many of the Commissioners were in favor with the project.

   Mr. Small agreed with Mr. Smith and Ms. Shiverick.

Ms. Catlin suggested removing the top of the gate so it aligned with the height of the fence.

Motion made by Mr. Corey and seconded by Mr. Ives that the project at 243 Merrain Road has met the criteria for approval listed in Sec. 18-205 of the Town's Code of Ordinances and to approve the project as presented with the condition that the height of the front gate is reduced to align with the height of the fence. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

2. B-068-2020 Demolition/New Construction
   Address: 1165 N. Lake Way
   Applicant: Belton Family US Trust & Eaton Lisa TR (Gregory Belton)
   Professional: Roger Janssen/Dailey Janssen Architects, PA
   Project Description: Demolition of existing one-story residence, pool, hardscape and landscape. Construction of a new two-story residence, pool, hardscape and landscape.

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

   Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

   Mr. Janssen presented the architectural plans proposed for the demolition proposed for the existing residence.

   Motion made by Mr. Garrison and seconded by Mr. Ives that the proposed demolition at 1165 N. Lake Way has met the conditions listed in Sec. 18-206 of the Town's code of ordinances and to approve the project as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

   Mr. Janssen presented the architectural plans proposed for the new, two-story residence.

   Chuck Yannette, Parker Yannette Design Group, Inc., presented the landscape and hardscape plans proposed for the new residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comments. Mr. Castro provided staff comments.

Mr. Garrison was in favor of the home but was not in favor of the cedar shakes on the second floor. He thought they detracted from the home.

Mr. Ives thought the home fit into the area. He recommended making the columns on the first floor more modest so that it was more congruent with the cedar shakes on the second floor. He suggested adding some fun into the landscaping plan to play on the old Florida design.

Ms. Grace thought the home was in keeping with the neighborhood. She was in favor of the cedar shakes on the second floor. She questioned the floor to ceiling windows and wondered if they were in the old Florida style.

Mr. Corey thought the home was great and was in favor of the front façade. He thought the home was very successful. He inquired about the proposed cedar material. Mr. Janssen responded. He inquired about the functionality of the shutters on the lower floor. Mr. Janssen responded. He suggested adding an eyebrow window on the east elevation in her closet.

Ms. Shiverick thought this was a fun house. She agreed with Mr. Ives' comment about the columns and thought they could be square columns. She thought Mr. Corey's suggestion for the eyebrow over the garage was interesting.

Ms. Catlin thought the overall design was nice. She thought it appeared a bit boxy. She requested that the truck plan did not include the trucks using North Lake Way.

Mr. Floersheimer thought the design had charm and whimsy.

Motion made by Mr. Corey and seconded by Mr. Garrison that the proposed project at 1165 N. Lake Way has met the conditions listed in Sec. 18-205 of the Town's code of ordinances and to approve the project as presented with the condition that the truck logistics plan is submitted and approve by the Town. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

3. <u>B-072-2020 Additions/Modifications</u>
   Address: 256 Ridgeview Drive
   Applicant: The Rotman Property Partnership (M. Timothy Hanlon, Agent)
   Professional: Patrick R. O'Connell/PRO Architect

Project Description: 66.5 sq. ft. one-story bathroom addition on eastern end of existing home, together with associated changes. Colors, style and materials to match existing home.

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

M. Timothy Hanlon, attorney for the owner, provided information on the variances that received approval by the Town Council.

A discussion ensued with Messrs. Small and Castro regarding the Commissions' action in regard to the variance request.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Hanlon agreed to the easement.

Mr. O'Connell presented the architectural plans for the proposed one story addition.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comments. Ms. Van Onna stated that staff did not have any comments.

Many of the Commissioners were in favor of the addition.

Ms. Shiverick suggested adding an espalier vine on the front wall of the addition. Mr. O'Connell agreed to the condition.

Motion made by Ms. Shiverick and seconded by Ms. Grace that the proposed project at 256 Ridgeview Drive has met the conditions listed in Sec. 18-205 of the Town's code of ordinances and to approve the project as presented with the condition that an espalier vine will be added to the front bare wall of the addition. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

4. B-073-2020 Demolition/New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 1015 S. Ocean Blvd.

Applicant: 1015 South Ocean Boulevard LLC (Maura Ziska)
Professional: Harold Smith/Smith and Moore Architects
Project Description: Demolition of an existing single family residence, pool, hardscape and landscape.

ZONING INFORMATION: 1) Section 134-840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two-story residence on a non-conforming lot that is 97. 97 feet In depth in lieu of the 150 foot minimum required In the R-A Zoning District.
2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 16 feet 7.5 inches in lieu of the 35 foot minimum required in the R-A Zoning District.
3) Section 134-843(a)(9): A request for a variance to allow the proposed residence to have a rear setback of 2 feet 7 inches in lieu of the 15 foot minimum required in the R-A Zoning District.
4) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R-A Zoning District. 5) Section 134-843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two-story element) in lieu of the minimum 35 foot (one story element) to 47.6 foot (two-story element) required by Code in the R-A Zoning District.

Please note: Staff is requesting the deferral of this project to the January 27, 2021 meeting due to a notice issue.

5. B-078-2020 Modifications
Address: 201 W. Indies Rd.
Applicant: Lorraine Odasso
Professional: Claudia Visconti/SMI Landscaping
Project Description: Reduction of existing driveway, extension of front walking path, addition of motor court gate, new pedestrian gate and modified front landscaping.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Jorge Sanchez did not agreed to the easement but indicated that he believed there was a plan for the equipment.

Ms. Visconti presented the plans for the new gates and modified landscaping.

Mr. Small inquired about the dimensions of the driveway gate. Ms. Visconti responded.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comments. Mr. Castro provided staff comments.

Many of the Commissioners were supportive of the project.

Mr. Floersheimer inquired about the material to be used with the sod on the driveway. Ms. Visconti responded.

Mr. Small stated that he did not see any other gate on the street with the exception of one other home. He thought the gate was not in harmony with the neighborhood and could not support the request.

Motion made by Mr. Ives and seconded by Ms. Shiverick that the proposed project at 201 W. Indies Road has met the conditions listed in Sec. 18-205 of the Town's code of ordinances and to approve the project as presented. Motion carried 6-1, with Mr. Small opposed.

6. B-079-2020 New Construction
   ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW
   Address: 310 Clarke Avenue
   Applicant: Mark and Patricia Davies
   Professional: MP Design and Architecture, Inc.
   Project Description: New two-story residence with two car garage on a vacant lot. New landscape, hardscape and pool.

   ZONING INFORMATION: Section 134-893: Site Plan Review to allow the construction of a 7,256 square foot two-story, single family residence on a non-conforming platted lot which is 85.08 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.

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

   Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

   Michael Perry, MP Design and Architecture, Inc., presented the architectural plans proposed for the new residence.

   Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the new residence.

   Mr. Small called for public comments. There were no comments heard at this time.

   Mr. Small called for staff comments. Ms. Van Onna and Mr. Castro provided staff comments.

   Mr. Garrison thought the proposed house fit into the neighborhood. He also stated he was in favor of the blue shutters opposed to the black shutters.

Mr. Ives was in favor of the landscape plan and thought it was a nice plan. Mr. Ives agreed with Mr. Garrison and supported the project. He asked Mr. Perry to look at the upper story windows as they appeared tight next to the roof.

Ms. Grace thought the proposed was nice and preferred the blue shutters. She inquired about the drainage for the rear of the home. Mr. Perry responded and explained the drainage plan. Mr. Perry stated he would add a drainage curb in the rear of property. Mr. Williams stated a wall was proposed in the rear of the home.

Mr. Corey inquired if the professional had a cross section for east west and north south. Mr. Williams responded. He thought the home was very successful. He questioned the volume area of the garage and kitchen area but thought the design was successful.

Ms. Shiverick inquired about the existing front wall and if it had any significance. Mr. Perry responded. Ms. Shiverick was in favor of the project but suggested two oval windows on the second floor on the front entrance. She stated she was the one who recommended the black shutters because she thought the house and street were formal.

Ms. Catlin was in favor of the home and preferred the blue shutters. She thought the new home would improve the drainage issue.

Mr. Floersheimer was in favor of the home and preferred the blue shutters.

Mr. Small thought the home exuded beauty and charm. He was in favor of the oval windows and lanterns as shown.

Motion made by Ms. Shiverick and seconded by Mr. Corey that the proposed project at 310 Clarke Avenue has met the conditions listed in Sec. 18-205 of the Town's code of ordinances and to approve the project as presented with the condition that oval windows are added on the second floor above the front entrance. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

7. B-080-2020 Additions/Modifications
Address: 1230 S. Ocean Blvd.
Applicant: 1230 LLC (Staci J. Rutman)
Professional: MP Design and Architecture, Inc.
Project Description: Renovations and additions to existing one and two story residence including: new loggia, pool, landscape and hardscape.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design and Architecture, Inc., presented the architectural plans proposed for the renovation of the existing residence.

Fernando Wong and Che Wei Kuo, Fernando Wong Outdoor Living Design, presented the landscape and hardscape plans proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comments. Ms. Van Onna provided staff comments.

Mr. Garrison was thought the landscaping plan was outstanding. He was in favor of the project.

Mr. Ives was supportive of the landscape plan and architectural plan. He questioned the proposed front door and wondered if it was too heavy for the design.

Ms. Grace agreed with Mr. Ives and also questioned the front door. She also questioned the rear parapet and urns.

Mr. Corey thought the project was very successful as well as the layout of the interiors was well done. He was in support of the project.

Ms. Shiverick thought the home was very pretty as was the landscaping. She inquired if there were any shade trees in the middle of the property.

Mr. Smith questioned the entrance and access to the pool but otherwise supported the project. Ms. Catlin agreed.

Mr. Floersheimer expressed concern for the three curb cuts into the property. Mr. Floersheimer inquired about the curb cut off of S. Ocean Blvd. Mr. Perry addressed the question. Mr. Floersheimer was supportive of the project.

Messrs. Cooney and Small were both supportive of the project.

Motion made by Mr. Garrison and seconded by Mr. Ives that the proposed project at 1230 S. Ocean Blvd. has met the conditions listed in Sec. 18-205 of the Town's code of ordinances and to approve the project as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall

either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

8. B-081-2020 Additions/Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION, SITE PLAN REVIEW AND VARIANCE(S)
Address: 250 Queens Lane
Applicant: John Mendel and Mara Raphael
Professional: Studio SR Architecture
Project Description: Alternations and additions to existing single story stucco and wood frame cottage. Modifications include mitered white concrete tile roof, rear yard expansion of family and pool rooms, addition of shutters, rafter tails and associated changes.

ZONING INFORMATION: 1) Section 134-229; Section 134-329 and Section 134-893(b): Special Exception with Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic on a lot with a width of 77 feet in lieu of the 100 foot minimum required, a depth of 94 feet in lieu of the 100 foot minimum required, and an area of 7,238 square feet in lieu of the 10,000 square foot minimum required in the R-B Zoning District. Additionally, the applicant is proposing to construct a 409 square foot one story master bedroom addition and add a cabana and swimming pool that will require the following variances to be requested:
2) Section 134-893(7): to allow a west side yard setback for the addition and to allow the house to remain non-conforming with both having a setback of 5.3 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District. 3) Section 134-893(12): to allow the non-conforming landscape open space to remain at 28.5% in lieu of the 45% minimum required.
4) Section 134-1757: to allow a swimming pool with a 5.2 foot rear yard setback in lieu of the 10 foot minimum required. 5) Section 134-2179: To eliminate the requirement for the two car garage that is required for a demolition of more than 50% cubic footage of a house on a lot over 75 feet wide.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Maura Ziska agreed to the easement.

Maura Ziska, attorney for the owner, reviewed the zoning requests and advocated for a positive recommendation to the Town Council.

Rafael Saladrigas, Studio SR Architecture, presented the architectural alterations proposed for the existing residence.

Derek Suhre, Nievera Williams Design, presented the landscape and hardscape plans proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comments. Ms. Van Onna stated she did not have any comments at this time.

Mr. Garrison was in favor of the repurpose of the home and was happy to see the changes.

Mr. Ives complimented Mr. Saladrigas for the renovation.

Ms. Grace was happy to see the owners renovating the home. She suggested a change in the orientation to the pool to mitigate the neighbor's concern but understood a wall would be built. Mr. Saladrigas confirmed the details of the wall to be built in the rear. She thought that the windows, without muntins, lost a bit of charm.

Mr. Corey thought the home could be designed without variances three and four. He also thought some of the charm had been lost with the plate glass windows. He questioned the lack of trees and shade in the landscape plan.

Ms. Shiverick agreed that the muntins should be added to the windows. She was supportive of the project.

Ms. Catlin agreed with the comments regarding the muntins. She also agreed with Mr. Corey and thought the pool could be pulled in to avoid the variance. She thought the landscaping was very stiff and low, nothing of the feel of a beach house.

Mr. Floersheimer was supportive of the home. He questioned the variance regarding the landscape open space and thought it should be addressed.

Mr. Cooney agreed that the muntins should be added to the windows. Otherwise, he was supportive of the project.

Mr. Small thought the muntins should be added to the windows. He questioned the lack of shade in the front of the property.

Mr. Saladrigas discussed the reasons that he removed the muntins from the windows. He stated that he did not object to adding the muntins back in.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project for one month, to the January 27, 2021 meeting, to address the comments of the Commissioners. Motion carried 5-2, with Messrs. Garrison and Ives opposed.

9. <u>B-082-2020 Additions/Modifications</u>
   ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
   Address: 1118 N. Lake Way

Applicant: Edith Schaeffer
Professional: Jeffrey Smith/Smith Architectural Group
Project Description: Renovation to a two-story regency style home. Replace existing 500 sq. ft. second story addition totaling 3150 sq. ft. New hip roof and modifications to the façade. Final landscape, hardscape and new pool.

ZONING INFORMATION: Section 134-417: The applicant is proposing to construct a 3, 153 square foot, second floor addition onto an existing one-story home and which will result in a demolition in excess of 50% of its cubic volume. The following variances are being requested: 1. Section 134-843(7): a 9.9 foot south side yard setback in lieu of the 15 foot minimum required In the R-B Zoning District; 2. Section 134-843(7): a 10.29 foot north side yard setback in lieu of the 15 foot minimum required in the R-B Zoning District. 3. Section 134-895(1): A chimney on the south side of the house with a height of 27.27 feet in lieu of the 19.5 foot maximum allowed;

Call for disclosure of ex parte communication: Disclosure by several members. *Please note: Jeffrey Smith declared a conflict of interest for the project. John David Corey stated he needed to leave the meeting at 4:25 p.m. It was noted that Ms. Catlin and Mr. Floersheimer would be voting in their absences.*

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Maura Ziska agreed to the easement.

Maura Ziska, attorney for the owner, reviewed the zoning requests and advocated for a positive recommendation to the Town Council.

Leslie Pierce, Smith Architectural Group, presented the architectural alterations proposed for the existing residence.

Mario Nievera, Nievera Williams Design, presented the landscape and hardscape plans proposed for the existing residence.

Mr. Small called for public comments.

Tim Hullihan, architect representing the neighbor to the south, addressed the request for variances, particularly with respect to the nonconformities and added that the nonconformity should not continue.

Harvey Oyer, attorney representing the neighbor to the south, also expressed objection to the expansion of the nonconformity on the south side.

Mr. Small called for staff comments. Ms. Van Onna stated she did not have any comments at this time.

Mr. Garrison was supportive of the home and of the variance request. Mr. Ives was in agreement.

Mr. Ives thought this was an elegant home.

Ms. Grace was sympathetic to the neighbor. She wished the revised design had more of a Regency feel to it. She made a suggestion for the front entrance and portico. She also questioned the landscape design.

Ms. Shiverick thought the home was nicely sited. She wished the home could be renovated without the nonconformity but understood and supported the request.

Ms. Catlin was not in favor to increase the nonconformity for a white, Colonial-style home. She also did not want the trucks to use North Lake Way.

Mr. Floersheimer agreed with Mr. Garrison.

Mr. Small thought the changes were a vast improvement. He thought the variance requests were minimal and supported the requests.

Motion made by Mr. Garrison and seconded by Mr. Ives that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 6-1, with Ms. Catlin opposed.

A second motion made by Mr. Garrison and seconded by Mr. Ives that the proposed project at 1118 N. Lake Way has met the conditions listed in Sec. 18-205 of the Town's code of ordinances and to approve the project as presented with the condition that the truck logistics plan would be revised to use County Road instead of North Lake Way. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

10. B-083-2020 Demolition/New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION, SITE PLAN REVIEW AND VARIANCE(S)
Address: 310 Mediterranean Ave.
Applicant: 310 Mediterranean Rd, LLC (John Shaw, Manager)
Professional: Pat Segraves/SKA Architect + Planner
Project Description: Partial demolition and new construction of island style single family home. Additional 1,660 sq. ft. for a grand total of 9,980 sq. ft. Final landscape and hardscape included.

ZONING INFORMATION: Sections 134, 229,134-329, and 134-843(b): Special Exception and Site Plan Review to allow the renovation of a two-story, single family house, including raising the existing house to 7.0 NAVD and demolishing more than 50% of the house by cubic square footage, on a non-conforming lot, comprised of a portion of platted lots, which is 113.5 feet in depth in lieu of the 150-foot depth required in the R-A Zoning District. In connection with the renovation, the following variances are being requested: 1. Section 134-843(a)(5): Request for redevelopment of a single-family home with a front yard setback of 26.0 feet in lieu of the 35-foot minimum required in R-A Zoning District. 2. Section 134-1757: Request for installation of a swimming pool with a rear setback of 4.0 feet in lieu of the 10-foot minimum requirement. 3. Section 134-843(a)(7): Request for redevelopment of the house with a building height plane setback ranging from 26.0 to 32.35 feet in lieu of the range of 30.5 to 43.0 feet minimum required in R-A Zoning District.

Call for disclosure of ex parte communication: Disclosure by several members. *Please note: Mr. Corey returned for the presentation of this project.*

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Segraves stated that the undergrounding had been completed in the area.

Mr. Segraves presented the architectural modifications proposed for the existing residence.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comments. Ms. Van Onna provided staff comments.

Mr. Garrison questioned the scale of the center portion that connected the two wings of the home. He thought the center portion was oversized and needed to be restudied. Mr. Segraves addressed the comment from Mr. Garrison.

Mr. Ives agreed with Mr. Garrison's assessment of the front entrance. He thought the home was static and did not believe there was a flow to the different sections of the home. He also thought there was a scale issue. He recommended an aggressive restudy.

Ms. Grace thought the two side portions of the home interfaced very well with the center portion of the home. She questioned the roof design and thought the windows were very large. Ms. Grace thought the home needed more charm. She questioned the roof material. She suggested working more landscape into the design, particularly around the pool area.

Mr. Corey thought the scale was bombastic and thought the two wings could be tied in together. He questioned the height plane variance. Mr. Segraves responded. He thought the landscape plan was acceptable. He thought the plan should return to the Commission after the center portion of the home was restudied.

Ms. Shiverick thought the center portion was too tall and thought the length of the home rambled without purpose. She also thought there was too much hardscape in the front and back. She also expressed concern for the amount of fenestration on the rear of the home.

Mr. Smith thought the proposed design had a scale issue.

Ms. Catlin thought the proposed design added charm to the existing home.

Mr. Floersheimer thought three variances for building height plane was excessive. He also thought there was too much hardscape in the rear of the home.

Mr. Cooney's concern was the scale in the design.

Mr. Small had the same concerns as his fellow Commissioners.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for one month, to the January 27, 2021 meeting, to address the comments of the Commissioners, particularly relating to scale, massing and hardscape and how they related to the variances. Motion carried unanimously.

F. <u>MINOR PROJECTS – OLD BUSINESS</u>

1. <u>A-024-2020 Solar Panels</u>
   Address: 159 Seaspray Ave.
   Applicant: Eric Leiner
   Professional: Manuel Siques/Go Solar Power
   Project Description: Solar PV System Roof Mount and Interconnection.

   A motion carried at the August meeting to defer the project to the October 28, 2020 meeting due to lack of detailed plans and no notice to the neighbors. A motion carried at the October meeting to defer the project to the November 20, 2020 meeting as no presentation and mini-set were received. A motion carried at the November meeting to defer the project to the December 18, 2020 meeting for a restudy of the solar panels to be placed only on the flat sections of the roof and that the panels are not visible from the street and/or neighbors regardless of landscaping.

   Please note: This project was deferred to the January 27, 2021 meeting at the Approval of the Agenda, Item VI.

2. <u>A-040-2020 Awnings</u>
   ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW AND VARIANCE(S)
   Address: 130 Sunrise Ave., PH 1
   Applicant: Elaine Hirsch
   Professional: Jeffrey Brasseur/Brasseur & Drobot Architects
   Project Description: Add a 30' x 12'-2" fixed awning to 7th floor, penthouse 1, Northwest side of 130 Sunrise Ave.

A motion carried at the October meeting to defer the project to the November 20, 2020 meeting at the request of the attorney. A motion carried at the November meeting to defer the project to the December 18, 2020 meeting at the request of the attorney.

ZONING INFORMATION: A site plan modification with variances to allow a 365 square foot fixed awning over the terrace on the seventh floor of a seven story condominium building. The following variances are being requested: 1. Section 134-948(8): To allow the awning at a height of 61.5 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. Section 134-948(8): To allow the awning at an overall height of 63.66 feet in lieu of the 26 1/2 foot maximum height allowed in the R-C Zoning District. Section 134-948(8): To allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed in the R-C Zoning District. Section 134-948(6): To allow a west side yard setback of 50.1 feet in lieu of the 61.5 foot minimum allowed. Section 134-948(7): To allow a rear street yard setback of 106.5 feet in lieu of the 123.16 foot minimum allowed.

Please note: This project was deferred to the January 27, 2021 meeting at the Approval of the Agenda, Item VI.

Please note: Mr. Ives left the meeting at 5:33 p.m. It was noted that Ms. Catlin would vote in the absence of Mr. Ives.

3. A-048-2020 Modifications
   Address: 230 Atlantic Ave.
   Applicant: Linda Saligman
   Professional: Stephen A. Yeckes
   Project Description: Interior and exterior remodel as deferred in the November ARCOM meeting. To present new front elevation, new waterfall and new front retaining wall.

   Motion carried at the November meeting to defer the project to the December 18, 2020 meeting for a restudy in accordance with the comments from the Commissioners, which many questioned the proposed changes to the front façade.

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

   Mr. Yeckes presented the architectural modifications proposed for the existing residence.

   Mr. Small called for public comments. There were no comments heard at this time.

   Mr. Small called for staff comments. Mr. Castro provided staff comments.

   Mr. Garrison thought the modifications were an improvement.

Ms. Grace thought the plans were an improvement from last month. She inquired about the trim around the windows. Mr. Yeckes responded. She inquired about the material for the doors on the second floor. Mr. Yeckes responded.

Mr. Corey did not object to the proposed design.

Ms. Shiverick thought the changes were an improvement. She recommended trimming down the driveway to allow for more greenspace. She thought the lanterns on the second floor seemed extraneous. She suggested adding landscape around the home.

Mr. Smith thought the lanterns on the second floor were not complimentary. He made a suggestion for the sills on the front entrance.

Ms. Catlin agreed with Ms. Shiverick on the driveway. She also suggested breaking up the garage door to make it look like two doors to improve the design.

Mr. Floersheimer agreed with the lanterns on the second floor. He was not in favor of the vertical stones around the front entrance.

Mr. Cooney questioned the front entrance design.

Mr. Small agreed with the comments by Ms. Catlin and Mr. Smith.

Mr. Yeckes addressed the comments relating to the driveway and the front door entrance.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project for one month, to the January 27, 2021 meeting, to address the comments of the Commissioners. Motion carried unanimously.

4. A-053-2020 Landscape/Hardscape
   Address: 415 Hibiscus Ave.
   Applicant: Fortress Investment Group (Andrew Osborne)
   Professional: Dustin Mizell/Environment Design Group
   Project Description: Hardscape and landscape changes to the previously approved third floor terrace.

   A motion carried at the October meeting that the project would return with the Worth Avenue Address and would be noticed to the neighbors.

   Please note: This project was withdrawn from the agenda at the Approval of the Agenda, Item VI.

5. A-062-2020 Signage

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION
Address: 227 Suite A and 223 Royal Poinciana Way
Applicant: Flagler Holdings North Carolina, Inc. (Alex Gilmurray, Executive VP)
Professional: RGE Associates
Project Description: Illuminated building signage and vinyl for tenant space in building 1 and building 2 at Via Flagler.

A motion carried at the November meeting to approve the signage on the glazing but to defer the signage on the building for one month due to the size, location and lighting of the proposed signage.

ZONING INFORMATION: Pursuant to Section 134-2373(13) of the Town Code, the applicant is requesting special exception approval to allow an internally illuminated, backlit business identification sign for Main Street by The Breakers, a new retail facility to be located at 223 Royal Poinciana Way. The applicant is also requesting an additional special exception to allow the same type of internally illuminated, backlit business identification sign for Shan, a retail clothing store to be located at 227 Royal Poinciana Way, Suite A. Both of these buildings are located at Via Flagler (221 Royal Poinciana Way) in the C-TS zoning district, and the signs will be consistent with the backlit business identification sign that was approved by ARCOM and the Town Council for Henry's. Other than the special exception for an illuminated sign, no other special exceptions or variances are requested or required.

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

James Crowley, attorney for the applicant, presented the modifications for the proposed signage.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comments. Ms. Van Onna provided staff comments.

Ms. Shiverick thought the Shan signage was too big. She thought it should be reduced to be more aligned with the Main Street sign.

Ms. Grace thought the Main Street signage was still too large and did not see its purpose. She agreed with Ms. Shiverick that the Shan signage was still too large.

Mr. Corey thought the Main Street signage was acceptable but was not in favor of the Shan signage.

Mr. Smith did not believe the Shan sign should be illuminated. He thought the Main Street sign was too bold and thick.

Ms. Catlin agreed with Mr. Smith that the Main Street signage was still too thick and questioned the hours of the signage on the glazing.

Mr. Floersheimer thought the Main Street signage was acceptable but was not in favor of the Shan signage.

Mr. Cooney did not believe the Shan sign should be illuminated but thought the Main Street signage was acceptable.

Mr. Small agreed with Mr. Cooney and thought the Shan signage was too large.

Mr. Crowley addressed the comments of the Commissioners.

Motion made by Mr. Garrison and seconded by Ms. Shiverick that to approve the plans with the condition that the Shan signage is reduced to the same size and scale as the Main Street signage with no illumination. Motion carried 6-1, with Ms. Grace opposed.

6. A-069-2020 Landscape/Hardscape
   Address: 1055 North Ocean Blvd.
   Applicant: William Rickman, Jr.
   Professional: Mario Nievera/Nievera Williams Design
   Project Description: Landscape as built plans and related hardscape adjustments.

   A motion carried at the November meeting to defer the project to the December 18, 2020 meeting with the caveat that full approved and proposed renderings and correct plans are submitted and that the native calculations are provided.

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

   Grace Walton, Nievera Williams Design, presented the landscape and hardscape modifications proposed to the existing home.

   Mr. Small called for public comments. There were no comments heard at this time.

   Mr. Small called for staff comments. Mr. Castro provided staff comments.

   Ms. Grace inquired about the missing vegetation from the previously approved plans. Ms. Walton and Mr. Rickman responded and explained the proposed change. A short discussion ensued.

   Mr. Corey thought the north and south elevation should be beefed up with more landscaping. He also thought the east elevation should be softened up with more landscaping. A short discussion ensued. Mr. Rickman stated that he would concede to plant Sable palms on the east elevation.

   Ms. Shiverick agreed with Mr. Corey and Ms. Grace. She questioned the synthetic turf proposed. Mr. Rickman stated his choices were either hardscape or synthetic turf and he preferred the turf. Ms. Shiverick thought native plantings would be a better option.

Ms. Catlin stated the improvements to the beach access were wonderful and inviting. She stated she would prefer palms over other trees. She recognized the challenge and understood the synthetic turf request.

Mr. Floersheimer inquired if the beach pathway could be changed into a grass pathway.

Mr. Cooney was supportive of the project, particularly if some of the perimeter landscaping could be increased.

Mr. Small agreed with Mr. Cooney.

Ms. Grace stated there were many homes next to the ocean that did not have artificial turf. She believed it would be setting a bad precedent to allow the turf.

Mr. Castro provided further staff comments and discussed his site visit.

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented with the condition that more Sabal palms are planted on the north, south and east elevations. Motion carried 4-3, with Mses. Grace, Shiverick and Mr. Corey opposed.

<u>A-070-2020 Modifications</u>
Address: 870 S. Ocean Blvd.
Applicant: Invest Komfort, LLC
Professional: Pat Segraves/SKA Architect + Planner
Project Description: Revising two facades to previously existing windows and doors neither changed nor replaced from ARCOM approval in 2016.

A motion carried at the November meeting to defer the project to the December 18, 2020 meeting at the request of the owner.

Please note: This project was withdrawn from the agenda at the Approval of the Agenda, Item VI.

G. <u>MINOR PROJECTS – NEW BUSINESS</u>

1. <u>A-050-2020 Modifications</u>
Address: 121 Woodbridge Rd.
Applicant: Elizabeth Trump Grau
Professional: Patrick Ryan O'Connell/PRO Architect
Project Description: Replace two existing garage doors with single new impact rated garage door in existing location. Replace existing French doors and transoms with new impact rated units to match existing in two locations.

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

Mr. O'Connell presented the architectural changes proposed for the existing home.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comments. Ms. Van Onna stated that staff did not have any comments.

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously.

2. A-072-2020 Generator
   ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
   Address: 355 Hibiscus Ave.
   Applicant: Samuel M. Lehrman
   Professional: Gerard Beekman/Gramatan Corporation
   Project Description: Addition of a new electric backup generator to an existing non-conforming corner lot property.

   ZONING INFORMATION: 1. Section 134-1729(1): A request for a variance to allow a 38 KW generator to be placed in the street side yard setback (Australian Avenue) at 5.6 feet in lieu of the 25 foot minimum required on a corner lot. 2) Section 134-1667: A request for a variance for the required wing wall for the generator located in the street side yard setback with a height of 8.58 feet above the crown of the road (on Australian Avenue) in lieu of the 6 feet allowed. 3) Section 134-1667: A request for a variance for the required wing wall for the generator located in the rear yard setback at a height of 8.46 feet above the neighboring property owner's grade to the east in lieu of the 6 feet allowed.

   Please note: This project was deferred to the January 27, 2021 meeting at the Approval of the Agenda, Item VI.

VIII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

1. Public
   There were no public comments at this time.

2. Staff
   Mr. Bergman stated that Jeffrey Smith declared a conflict for a project at 110 Seagate Road at the October 28, 2020 meeting and had correctly completed the 8B form in accordance with State Law.

   Mr. Bergman reviewed the Town Council's decision on the board commission sizes.

   Mr. Bergman addressed the future review of docks and boat lifts.

3. Commission

There were no public comments at this time.

IX. **<u>ADJOURNMENT</u>**

Motion made by Mr. Garrison and seconded by Mr. Corey to adjourn the meeting at 6:39 p.m. Motion carried unanimously.

The next meeting will be held virtually on Wednesday, January 27, 2021 at 9:00 a.m. via the Zoom platform.

Respectfully Submitted,

Michael B. Small, Chairman
ARCHITECTURAL COMMISSION

kmc

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

LAST NAME—FIRST NAME—MIDDLE NAME Smith, Jeffrey W.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Architectural Review Commission
MAILING ADDRESS 241 Sanford Avenue	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 December 18, 2020	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, Jeffrey W. Smith, hereby disclose that on December 18, 20 20:

(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:

B-082-2020 Additions / Modifications
1118 N Rake Way

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.

1-12-21
Date Filed

[signature]
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.