



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON FRIDAY, DECEMBER 17, 2021

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.

II. ROLL CALL

Michael B. Small, Chairman	PRESENT
John David Corey, Vice Chairman	ABSENT (Excused)
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Jeffrey Smith, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Richard F. Sammons, Alternate Member	PRESENT

Staff Members present were:

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

Sarah Pardue, Historic Preservation Planner

Jordan Hodges, Planner II

Kelly Churney, Secretary to the Architectural Review Commission

John Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Small acknowledged the Town Council's decision to return to in-person meeting. He discussed the required masks while in the meeting. Mr. Small continued with procedural information and comments regarding the upcoming meeting.

- V. **APPROVAL OF THE MINUTES FROM THE NOVEMBER 19, 2021 MEETING**
Motion made by Ms. Shiverick and seconded by Mr. Smith to approve the minutes from the November 19, 2021 meeting. Motion carried unanimously.

VI. **APPROVAL OF THE AGENDA**

Mr. Small announced the following changes to the agenda:

Move ARC-21-104, 456 S. Ocean Blvd. under Minor Projects – New Business
Move ARC-22-003, 3474 S. Ocean Blvd. under Minor Projects – New Business
Move ARC-21-036, 323 Arabian Ave. to Time Extensions/Demolitions
Deferral of B-063-2021, 280 Via Marila to the February 23, 2022 Meeting
Deferral of B-072-2021, 224 La Puerta Way to the March 23, 2022 Meeting
Deferral of ARC-21-040, 164 Seaspray Avenue to the January 26, 2022 Meeting
Deferral of ARC-21-050, 1090 S. Ocean Blvd. to the January 26, 2022 Meeting
Withdrawal of ARC-21-082, 594 N. County Road
Deferral of ARC-21-044, 1800 S. Ocean Blvd. to the January 26, 2022 Meeting
Move ARC-21-092, 130 Banyan Road under Minor Projects – New Business
Deferral of ARC-21-046, 237 Brazilian Ave. to the January 26, 2022 Meeting

Motion made by Ms. Shiverick and seconded by Mr. Ives to approve the agenda as amended. Motion carried unanimously, 7-0.

VII. **PROJECT REVIEW**

A. **CONSENT AGENDA OF MINOR PROJECTS**

1. ARC-21-088 281 LIST RD (minor project) The applicant, Brooke McKernan, has filed an application requesting Architectural Commission review and approval for a new driveway configuration and material changes.

Please refer to staff memo for additional information on this project.

2. ARC-21-091 137 DUNBAR RD (minor project) The applicant, Kenneth Endelson, has filed an application requesting Architectural Commission review and approval for exterior modifications including site wall, pedestrian gate and landscape.

Please refer to staff memo for additional information on this project.

3. ARC-21-097 240 VIA LAS BRISAS (minor project) The applicant, Environmental Design Group (Dustin Mizell), has filed an application requesting Architectural Commission review and approval for minor modifications to the interior and perimeter landscaping and changes to the hardscape on a site containing an existing two-story residence.

Please refer to staff memo for additional information on this project.

4. ARC-21-098 1930 S OCEAN BLVD (minor project) The applicant, Coral House Land Trust (Russel Hernandez), has filed an application requesting Architectural Commission review and approval for modifications to a site containing an existing two-story residence including alterations to the motor court, installation of new entry columns and vehicular gate, construction of a new pergola and other site improvements.

Please refer to staff memo for additional information on this project.

5. ARC-21-104 456 S OCEAN BLVD (minor project) The applicant, Robert Frisbee, has filed an application requesting Architectural Commission review and approval for exterior design changes to an existing rooftop parapet wall.

Please note: This item was pulled from consent and was not approved with the consent agenda. This was moved to Minor Projects – New Business.

6. ARC-22-003 3474 S OCEAN BLVD (minor project) The applicant, Aastro Roofing, has filed an application requesting Architectural Commission review and approval for the installation of an in kind S-tile roof replacement to an existing multi-building townhouse development.

Please note: This item was pulled from consent and was not approved with the consent agenda. This was moved to Minor Projects – New Business.

7. ARC-21-036 323 ARABIAN AVE. The applicant, Sunshine Properties Palm Beach LLC (M. Timothy Hanlon), has filed an application requesting Architectural Commission approval for the demolition of an existing two-story residence.

Please note: This item was pulled from consent and was not approved with the consent agenda. This was moved to Minor Projects – New Business.

Motion made by Mr. Ives and seconded by Ms. Catlin to approve the consent agenda as amended. Motion carried unanimously, 7-0. Please note: This approval did not include the following projects: ARC-21-104, 456 S. Ocean Blvd., ARC-22-003, 3474 S. Ocean Blvd. and ARC-21-036, 323 Arabian Avenue.

B. TIME EXTENSIONS/DEMOLITIONS

1. ARC-21-036 323 ARABIAN AVE. The applicant, Sunshine Properties Palm Beach LLC (M. Timothy Hanlon), has filed an application requesting Architectural Commission approval for the demolition of an existing two-story residence.

Please refer to staff memo for additional information on this project.

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. Mizell agreed to the easement.

Dustin Mizell, Environment Design Group, presented the proposed demolition of the existing residence, landscape and hardscape.

Mr. Small inquired about the architect for the existing residence. He believed the home had charm and beauty. Mr. Mizell responded. Mr. Small inquired about the protection for the east side of the property. Mr. Mizell responded.

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

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

Mr. Floersheimer also thought the home had charm and beauty. Mr. Floersheimer inquired about an existing retaining wall. Mr. Mizell responded and explained the landscaping proposed for that area.

Motion made by Ms. Shiverick and seconded by Mr. Smith that the proposed demolition of 323 Arabian Avenue has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented. Motion carried unanimously, 7-0. 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.

C. MAJOR PROJECTS – OLD BUSINESS

1. B-063-2021, 280 VIA MARILA

Applicant: CJN P Holdings LLC (Daniel Pergola, Managing Member)

Professional: MP Design & Architecture, Inc.

Project Description: Demolition of an existing two-story structure. Proposal of a new two-story residence with rear facing two-car garage, new pool, hardscape and landscape.

A motion carried at the June meeting to approve the demolition of the existing home as requested. A second motion carried to defer the project to the July 28, 2021 meeting to address the comments of the commissioners. A motion carried to defer the project to the September 29, 2021 meeting with a clear understanding that a complete redesign of the home was highly requested. A motion carried at the September meeting to defer the project to the November 19, 2021 meeting for a restudy in accordance with the comments from the Commissioners, particularly

with the scale and mass of the proposed home. A motion carried at the November meeting to defer the project to the December 17, 2021 meeting.

Please note: This project was deferred to the February 23, 2022 meeting at the Approval of the Agenda, Item VI.

2. B-072-2021 224 LA PUERTA WAY (COMBO –VARIANCES)

Applicant: Mr. & Mrs. Gray

Professional: David J. Gengler/Gengler Architects, Inc.

Project Description: A major renovation of an existing single-story single family home which includes a two-story addition on the front of the home, a second floor addition over a portion of the existing first floor, and a two-story loggia addition on the rear of the home.

ZONING INFORMATION: The applicant is requesting four variances in order to build a two-story addition which includes a 315 square foot one-story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony, and two bathrooms. The requested variances are as follows: Section 134-893(b)(7)a: Request for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R-B Zoning District. Section 134-893(b)(7)a: Request for an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony in the R-8 Zoning District. Section 134-895(1): Request for an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor in the R-B Zoning District. Section 134-895(1): Request for an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District.

At the August 25, 2021 meeting a motion carried to defer the project to the September 29, 2021 meeting with a clear direction for a restudy of the entire project. A motion carried at the September meeting to defer the project to the October 27, 2021 meeting. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting. A motion carried at the November meeting to defer the project to the December 17, 2021 meeting.

Please note: This project was deferred to the March 23, 2022 meeting at the Approval of the Agenda, Item VI.

3. ARC-21-040 (ZON-21-006) 164 SEASPRAY AVE. (COMBO –VARIANCES)

The applicant, Hayati Banastey, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story home designed in the Classical Style and related site improvements, including variances for side yard setbacks as they pertain to the new residence on a nonconforming lot. The variance portion of the application shall be reviewed by Town Council.

The application will require special exception and site plan reviewed by Town Council.

Please note: This project was deferred to the January 26, 2022 meeting at the Approval of the Agenda, Item VI.

4. ARC-21-048 216 TRADEWIND DR. The applicant, 216 Tradewind Trust (Michael S. Kehoe, Trustee) has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in a Bermuda Vernacular style with associated site improvements, hardscape, pool and spa.

Please refer to staff memo for additional information on this project.

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.

Roger Janssen, Dailey Janssen Architects, presented the architectural modifications proposed for the new residence.

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

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Grace appreciated the changes made in trying to reduce the appearance of mass; however, she still felt the massing was out of scale. She was not in favor of the garage design. She felt the design needed more individualistic character to fit into the neighborhood. She recommended adding additional open space to the program.

Ms. Shiverick agreed with Ms. Grace and thought the home did not fit into the streetscape. She felt the home was too dissimilar on the street. She felt the issues had to do with the massing and garage design.

Mr. Janssen disagreed with the comments on the design of the garage and explained how the garage was set further back than other front facing garages.

Anthony Beyer, 200 Tradewind Drive, expressed his objections to the proposed design.

Ms. Catlin appreciated the changes that were made to the plans. However, she felt that larger lots in the north end created issues, such as larger homes, which

were problematic for the neighbors. She did not believe the garage section was successful and compounded the issues in the design. She recommended reworking the garage section of the home.

Mr. Kirchhoff agreed with Ms. Shiverick. He thought the main mass of the home was too big for the street.

Mr. Smith thought the hip roof worked but had issues with the overall massing of the home. Mr. Smith added that he was not in favor of the garage doors facing the street, the area between the garage and the main mass of the home, the pitched roof with the dormers on the garage and the massiveness of the home on the streetscape. He indicated that he would not be able to support the design.

Mr. Ives did not have an issue with the main section of the home but did question the garage section of the home. He thought that some of the sections of the home, particularly the connection between the main house and garage were fighting themselves and needed to be resolved.

Mr. Sammons thought the overall elevation was frenetic. He thought the connection between the main home and the garage was too large. He believed the main portion of the home was too vertical. He made a suggestion for columns to be added to the rear of the home. He objected to the smoke stacks on the home. He thought the home was too tall and wide.

Mr. Small thought the home was excessively dissimilar and too massive for the street. He stated he would support a motion to deny the project.

Mr. Janssen requested a motion to defer the project rather than to deny the project.

Ms. Grace stated she would support a motion to deny the project. She stated the previous comments were clear that the home was too massive and needed substantial changes.

Motion made by Ms. Shiverick and seconded by Ms. Grace to deny the project at 216 Tradewind Drive as presented, based on the failure to comply with Section 18-205 of the Code, paragraph a (6c), (6e) and (6f).

Carl Sabatello, representing the owner, stated he understood the concerns and requested an opportunity to make changes to the design. He added that he respected the Commission's time but felt they deserved the opportunity.

Motion carried 5-2, with Mr. Ives and Ms. Catlin opposed.

5. ARC-21-050 (ZON-21-011) 1090 S OCEAN BLVD. (COMBO) The applicant, 1090SOCEAN LLC (Brad McPherson), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in the traditional Georgian style. The application will require special exception and site plan reviewed by Town Council. The application will require special exception and site plan reviewed by Town Council.

Please note: This project was deferred to the January 26, 2022 meeting at the Approval of the Agenda, Item VI.

6. ARC-21-074 225 WELLS RD. The applicant, M2B Properties LLC, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in a Mediterranean style of approximately 6,300 SF in size with associated site improvements, hardscape, pool and spa.

Please refer to staff memo for additional information on this project.

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. Palmer agreed to the easement.

Gregory Palmer, Harrison Design, presented the architectural modifications for the proposed new residence.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape modifications proposed for the site.

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

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

Ms. Shiverick thought the house had a nice simplicity and thought the changes were nice and responsive to the Commissioners' comments. She recommended using an espalier on the front and rear elevation but particularly on the east side of the home.

Ms. Catlin was in favor of the home but questioned the increase of the two story on the west section of the home. However, she did not oppose the change.

Mr. Floersheimer agreed with Ms. Catlin and thought the increase of the second story made the home look a more massive on the street side.

Mr. Sammons questioned the windows in the garage. He recommended increasing the entablature. He made suggestions for the arches in the courtyard. He questioned the louvers on the shutters.

Motion made by Ms. Catlin to defer the project for one month, to the January 26, 2022 meeting in accordance with the comments of the Commissioners. Motion failed for lack of a second.

Motion made by Ms. Shiverick and seconded by Ms. Grace to approve the project as presented. Motion carried unanimously, 7-0. 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. ARC-21-077 991 N LAKE WAY The applicant, Michael Rapp, has filed an application requesting Architectural Commission review and approval for exterior modifications to a previously approved two-story residence, including the demolition of portions of the existing structure and the construction of a new detached accessory structure, architectural changes and modifications to the site plan and landscaping.

Please refer to staff memo for additional information on this project.

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. Ms. Ford Taylor agreed to the easement.

Meghan Ford Taylor, Tralongo & Taylor, presented the architectural modifications proposed for the existing residence.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the existing site.

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

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

Ms. Catlin was in favor of the changes, especially opening up the yard.

Mr. Kirchhoff agreed with Ms. Catlin. He was in favor of removing the cabana. He questioned the south wing's alignment with the loggia wall. Ms. Ford Taylor responded and explained the design.

Mr. Ives thought the project was nice and would be a good addition to the street.

Ms. Grace thought the back looked very cramped. She thought the renderings were not consistent with the existing conditions. She thought the columns were a bit small.

Mr. Floersheimer appreciated the changes. He wondered if the professional addressed the staff comments. Ms. Ford Taylor responded.

Mr. Sammons was not in favor of the front door and provided some design suggestions for this section. He questioned the end posts on the rear of the home. However, he supported the rest of the design.

Motion made by Ms. Shiverick and seconded by Ms. Grace to approve the project as presented with the exception of the front door and rear columns, which shall be restudied by the professional and will return to the January 26, 2022 meeting with these elements. Motion carried unanimously, 7-0. 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. ARC-21-082 (ZON-21-020) 594 N COUNTY RD. (COMBO – VARIANCES)
The applicant, George and Sandra Marucci, has filed an application requesting Architectural Commission review and approval for the construction of three additions totaling approximately 430SF to an existing one-story residence, including variances from both side setback requirements. The variance portion of the application shall be reviewed by Town Council.

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

D. MAJOR PROJECTS – NEW BUSINESS

1. ARC-21-044 (ZON-21-013) 1800 SOUTH OCEAN BOULEVARD (COMBO)
The applicant, Gerard Beekman, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in the Traditional Anglo Caribbean-Georgian style of architecture over 20,000 sf in size, multiple accessory buildings, generator and padel court on a vacant site. The application will require Special Exception request and Site Plan Review by Town Council.

Please note: This project was deferred to the January 26, 2022 meeting at the Approval of the Agenda, Item VI.

2. ARC-21-092 130 BANYAN RD. The applicant, 130 Banyan LLC (Maura Ziska, Manager), has filed an application requesting Architectural Commission review and approval for alterations to previously approved plans including changes to building fenestration and rooflines and including hardscape and landscape changes.

Please note: This project has been moved to Minor Projects – New Business under the approval of the agenda, Item VI.

3. ARC-21-093 (ZON-22-002) 150 WORTH AVE, STE 234 (COMBO) The applicant, Cojimar Palm Beach (Joseph Hernandez and Charles Masson) has filed an application requesting Architectural Commission review and approval for outdoor furniture associated with proposed exterior seating in association with a new second floor restaurant in The Esplanade (Cojimar). The outdoor seating will require a Special Exception Review w/Site Plan Review by the Town Council.

Please refer to staff memo for additional information on this project.

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

Jason Drobot, Brasseur and Drobot Architects, presented the modifications proposed for the new restaurant.

Mr. Small called for staff comment. Mr. Murphy provided staff comments

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

Mr. Ives thought it was a nice project.

Ms. Grace thought the tables and chairs detracted from the shopping in this location. She did not believe the tables and chairs were attractive. She thought a different umbrella would be more appropriate. Mr. Drobot responded. Ms. Grace preferred a different planter.

Ms. Shiverick inquired about the manufacturer was for the tables and chairs. Mr. Drobot responded. Ms. Shiverick agreed with Ms. Grace and thought the umbrellas were a bit overwhelming and too big. She did not have issues with the tables, chairs and outdoor seating request.

Ms. Catlin thought the furniture was a bit sterile and thought the umbrellas were too large for the area. She thought it was an interruption to the area and did not add to the ambiance to the space.

Mr. Kirchhoff inquired about the method of serving the first floor space. He also thought the furniture was a bit sterile and recommended furniture in an oil rubbed bronze finish.

Mr. Floersheimer agreed with the other Commissioners. He questioned the furniture choice and the serving methods. He did not believe the request met the Code.

Mr. Small stated that the Commission was to review the architectural and aesthetical aspects of the project. Mr. Murphy provided confirmation. Mr. Small inquired why the seating could not be solely located on the second floor. Mr. Drobot responded. Mr. Small asked about the serving methods for the first floor tables. Mr. Drobot responded. Mr. Small inquired if the tables could be placed on the second level in the open area to the east of the restaurant.

Mr. Sammons did not believe the existing space had any ambiance. He thought anything to activate the space was a good change.

Mr. Floersheimer inquired if the planters would be moved at the end of the evening or if they would remain. Mr. Drobot responded.

Motion made by Ms. Catlin and seconded by Ms. Grace to defer the project to the January 26, 2022 meeting with direction that the professional restudy the plan to eliminate the first floor seating and potentially place all seating on the second floor, and to consider all other comments of the Commissioners. Motion carried 5-2, with Mr. Ives and Ms. Shiverick opposed.

Please note: The Commission took a short break at 10:42 a.m. The meeting resumed at 10:56 a.m.

4. ARC-21-096 (ZON-22-008) 3450 S OCEAN BLVD (COMBO) The applicant, the Patrician Condominium, has filed an application requesting Architectural Commission review and approval for the construction of a new restroom and covered shade structure on top of an existing elevated pool deck and landscape modifications. The project requires Site Plan Review to be reviewed by Town Council.

Please refer to staff memo for additional information on this project.

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. Mizell agreed to the easement.

Dustin Mizell, Environment Design Group, presented the architectural modifications as well as the landscape and hardscape modifications proposed for the pool deck.

Tricia Schuldenfrei, speaking on behalf of The Patrician as the President of the Association and a resident, requested that The Halcyon work with The Patrician to plant a border between the two properties.

Abe Fenster, 3450 S. Ocean Blvd., agreed with Ms. Schuldenfrei and hoped to work with The Halcyon to come up with a solution for the plant material to be planted between the two properties.

John Eubanks, attorney on behalf of The Halcyon, discussed the reasons his owners wanted the Australian pine border, particularly due to the lights that shine into the condominium from the neighboring condominium.

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

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Ms. Shiverick expressed concern for the eastern most shade structure and suggested a different location for this structure. She provided the reasons she believed this should be moved. She inquired about planters proposed for the deck. Mr. Mizell responded and explained the intension for the design. She inquired about the umbrellas proposed. Mr. Mizell responded and stated the umbrellas had not been chosen.

Mr. Murphy questioned whether the Commission should review movable furniture.

Ms. Grace agreed with Ms. Shiverick on the eastern shade structure. She would support to move the structure. Ms. Grace inquired about the addition of the trees. Mr. Mizell responded. Ms. Grace inquired about the decking material. Mr. Mizell stated that the decking had already been approved. She requested pausing on the request for the materials between the two condominiums until they both could work out a solution.

Ms. Catlin was in favor of the decking and understood Ms. Shiverick's suggestion to move the eastern shade structure. She thought the north border material proposed was appropriate. She suggested looking at the lighting to possibly changing it so that it does not project over to the adjacent property. Mr. Mizell responded.

Mr. Floersheimer was satisfied with the gazebos proposed for the pool deck. He did not believe The Halcyon was maintaining the Australian Pines very well on the north border. He did not believe the pines were acting as a hedge. However, he did not believe the Sabal palms proposed would be sufficient. He provided suggestions for a different planting material.

Mr. Sammons recommended cutting some of the asphalt to increase the planting space on the north border.

Mr. Small shared Mr. Floersheimer's comments regarding the Australian Pines. He found them to be unkept.

Ms. Schuldenfrei stated that the shade area proposed is exactly where the existing shade structures are now. She explained why moving the structure would be problematic.

Motion made by Ms. Grace and seconded by Mr. Smith to approve the project as presented with the condition that the plantings for the north buffer is removed from the application until a mutual solution has been determined. Motion carried 6-1, with Ms. Catlin 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. ARC-21-099 1025 N LAKE WAY The applicant, David and Jennifer Fischer, has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story residence and the construction of a new two-story residence in the Moorish Revival style.

Please refer to staff memo for additional information on this project.

Call for disclosure of ex parte communication: Disclosure by several members. *Please note: Jeffrey Smith declared a conflict of interest for the project and immediately left the dais. It was noted that Mr. Floersheimer would be voting in place of Mr. Smith.*

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. Ms. Pierce agreed to the easement.

Leslie Pierce, Smith Architectural Group, presented the proposed demolition request for the existing two-story residence.

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

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

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

Motion made by Mr. Kirchhoff and seconded by Mr. Floersheimer that the proposed demolition of 1025 N. Lake Way has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented. Motion carried unanimously, 7-0. 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.

Leslie Pierce, Smith Architectural Group, presented the architectural plans proposed for the new residence.

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

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

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

Ms. Shiverick thought the design was a beautiful oasis. She was in favor of the design. She questioned the green window and door trim. She recommended matching the green to the roof color, which was a bit more of emerald green.

Mr. Ives inquired about the design and size of the starburst windows. Ms. Pierce responded. He agreed with Ms. Shiverick and thought this home was wonderful and the garden was astounding.

Ms. Grace was in favor of the home. She liked the dark color for the window and door trim. She inquired about the steps that lead to N. Lake Way. Mr. Williams responded. She hoped that some views of the architecture would be seen from the street. Mr. Williams responded. She inquired about the wood material proposed. Ms. Pierce responded. Ms. Grace asked about the parking for the home. Mr. Williams responded and explained the intention.

Ms. Catlin thought the lot was prominent for the area. She was in favor of the home. She thought the home was beautiful and appropriately scaled.

Mr. Kirchhoff thought the design was executed well and the landscaping was beautiful.

Mr. Sammons applauded the use of the style. He thought some of the detailing needed to be improved. He provided some suggestions and recommended studying the detailing further.

Mr. Floersheimer agreed with the other Commissioners and was supportive of the home. He inquired about the pathway of arrival to the front entrance of the home. Mr. Williams responded.

Mr. Small thought the home was designed well and would enhance the beauty of the north end.

Motion made by Mr. Ives and seconded by Mr. Floersheimer to approve the project as presented. Motion carried unanimously, 7-0. 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.

6. ARC-21-101 425 CHILEAN AVE. The applicant, Loraine Charman, has filed an application requesting Architectural Commission review and approval for the modification of a previously approved landscape plan to include the removal of two trees to be replaced with hedge material.

Please refer to staff memo for additional information on this project.

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. Lynch stated he believed the property owner had already granted the easement.

Frank Lynch, Attorney for the owner, explained the removal of two trees from the approved landscape plan. He indicated that the owner accepted responsibility for the removal of the two trees and explained the reasons they were removed. He indicated that the matter was a Code Enforcement issue.

Dustin Mizell, Environment Design Group, presented the landscape plan that indicated the removal of the two trees at the front of the property. He also presented further landscaping modifications.

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

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

Mr. Kirchhoff thought a taller material was needed to break up the garage façade.

Ms. Grace thought more screening of the garage was needed.

Ms. Catlin wondered if there a better solution for a taller material rather than the proposed. Mr. Mizell responded.

Ms. Shiverick agreed with Ms. Catlin. She did not believe the proposed addressed the issue. She thought a circular driveway would be a better solution for this particular home. She also inquired about the statues mentioned in the letter of opposition. Mr. Lynch stated that the statues were staff approved. Ms. Shiverick thought there were better design solutions for the driveway.

Mr. Smith thought raising the hedge would exasperate the issue. Mr. Smith agreed with Ms. Catlin's suggestion of taller, pleached trees. He also suggested installing a crescent driveway.

Ms. Grace asked about the issue of the trees that were removed. Mr. Lynch responded.

Mr. Floersheimer thought there was sufficient room maneuver a car around so that the owner would not need to back out into the street. He thought the hedge should be taller and an archway should be created over the driveway.

Mr. Small thought there was a sparsity of landscaping and the mass of the home needed some screening.

Motion made by Ms. Catlin and seconded by Ms. Grace to defer the project to the January 26, 2022 meeting. Motion carried unanimously, 7-0.

E. MINOR PROJECTS – OLD BUSINESS

1. ARC-21-046 237 BRAZILIAN AVE. (minor project) The applicant, Brazilian PB Land Trust, has filed an application requesting Architectural Commission review and approval for the installation of two new side entry gates.

Please note: This project was deferred to the January 26, 2022 meeting at the Approval of the Agenda, Item VI.

2. ARC-21-057 125 EL BRAVO WAY (minor project) The applicant, Jim Sawky, has filed an application requesting Architectural Commission review and approval for exterior and interior modifications to a previously approved two-story residence, specifically alterations to all elevations with window, door and other detail adjustments.

Please refer to staff memo for additional information on this project.

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

Michael Perry, MP Design & Architecture, 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 comment. There were no comments heard at this time.

Motion made by Ms. Catlin and seconded by Mr. Kirchhoff to approve the project as presented. Motion carried unanimously, 7-0.

3. ARC-21-065 446 N. LAKE WAY (minor project) The applicant, Robert and Suzanne Johnson, has filed an application requesting Architectural Commission review and approval for the installation of a new vehicular driveway gate.

Please refer to staff memo for additional information on this project.

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

Cory Meyer, Nievera Williams Design Group, presented the plans for the alternate vehicular driveway gate.

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

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

Ms. Grace thought the gate proposed was responsive to the comments of the Commissioners.

Mr. Floersheimer thought this gate was much better and wished the main gate would be changed to match the proposed.

Motion made by Ms. Grace and seconded by Ms. Shiverick to approve the project as presented. Motion carried unanimously, 7-0.

F. MINOR PROJECTS – NEW BUSINESS

1. ARC-21-102 200 EVERGLADE AVE, UNIT A-2 (minor project) The applicant, Robert Satterfield, has filed an application requesting Architectural Commission review and approval for the installation of solar panels on the shared existing flat roof on a town house building.

Please refer to staff memo for additional information on this project.

At this time, the professional was not present to explain the project to the Commission. The Commission passed the project and moved to the next project.

2. ARC-21-103 225 SEABREEZE AVE (minor project) The applicant, Robert Berg, has filed an application requesting Architectural Commission review and approval for the installation of solar panels on the existing roof of a two-story single family residence.

Please refer to staff memo for additional information on this project.

At this time, the professional was not present to explain the project to the Commission.

Sabrina Ivey, daughter of the owner at 212 Clarke Avenue, stated her father would be the main person who would see the proposed solar panels. She stated her objections to the panels.

Motion made by Mr. Smith and seconded by Ms. Shiverick to defer both ARC-21-102, 200 Everglade Avenue and ARC-21-103, 225 Seabreeze Avenue to the January 26, 2022 meeting. Motion carried unanimously, 7-0.

There were comments from the Commissioners requesting photos of the home and existing roofs.

3. ARC-21-104 456 S OCEAN BLVD (minor project) The applicant, Robert Frisbee, has filed an application requesting Architectural Commission review and approval for exterior design changes to an existing rooftop parapet wall.

Please refer to staff memo for additional information on this project.

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

Roger Janssen, Dailey Janssen Architects, presented the architectural plans to change the panels of the existing parapet wall.

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

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Mr. Ives inquired if the panels would be consistent within the unit. Mr. Janssen responded.

Ms. Grace remembered that the Commission asked for a distinction between the units when it was first approved. She asked if the applicant would be open to removing the parapets, as she believed the Commission did not approve them. Mr. Janssen stated that the parapets were staff approved and built as approved.

Ms. Catlin thought the Commission had approved the item as she remembers discussing the need for the parapets. She did not believe the panels would be seen or noticed.

Mr. Floersheimer confirmed that the panels on unit three would not change. Mr. Janssen provided confirmation.

Motion made by Ms. Catlin and seconded by Mr. Ives to approve the project as presented. Motion carried 6-1, with Ms. Grace opposed.

4. ARC-22-003 3474 S OCEAN BLVD (minor project) The applicant, Aastro Roofing, has filed an application requesting Architectural Commission review and approval for the installation of an in kind S-tile roof replacement to an existing multi-building townhouse development.

Please refer to staff memo for additional information on this project.

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

Robin Turner, President of Ocean Cay Condominium, presented the replacement of the roof tile.

Mr. Small asked Ms. Turner if the owners would consider making a switch to barrel tile.

Ms. Turner discussed how the owners had ordered the tile and did not believe they would have an issue replacing a like for like roof material. She discussed the need for a quick approval.

Rick Wilson, Aastro Roofing, presented the material sample proposed for the roofing replacement.

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

Dr. Paul Vallone, 3474 S. Ocean Blvd., advocated for the roofing tile proposed.

Mr. Small called for staff comment. There were no additional comments heard at this time.

Mr. Ives appreciated the applicants' presentation but thought the Commission should uphold the criteria set forth in the Code with the understanding that an appeal could be made to the Town Council.

Ms. Catlin asked Mr. Sammons his thoughts on S-tile roofing material.

Mr. Sammons thought there were good and bad S-tile. He also thought it was the area of Town where the tile was proposed should be considered. He did not believe that the tile would detract from the neighborhood and added in this case, the material should be grandfathered.

Ms. Grace inquired if the tile was on site. Ms. Turner stated the tile had already been purchased.

Mr. Kirchhoff thought the tile was appropriate for the building and thought the Commission should approve the tile.

Mr. Smith thought since the tile was clay and was not located near the historic section of the Town, he would support the request.

Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff to approve the project as presented. Motion carried 4-3, with Messrs. Ives, Small and Ms. Grace opposed.

5. ARC-21-092 130 BANYAN RD. The applicant, 130 Banyan LLC (Maura Ziska, Manager), has filed an application requesting Architectural Commission review and approval for alterations to previously approved plans including changes to building fenestration and rooflines and including hardscape and landscape changes.

Please refer to staff memo for additional information on this project.

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

Peter Papadopoulos, Smith and Moore Architects, presented the architectural modifications proposed for the existing residence.

Mario Nievera, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the site.

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

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Ms. Grace thought the changes improved the project.

Motion made by Ms. Catlin and seconded by Ms. Shiverick to approve the project as presented. Motion carried unanimously, 7-0.

VIII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

1. Public

There were no comments heard at this time.

2. Staff

Ms. Churney stated that Jeffrey Smith declared a conflict for a project at 300 N. Lake Way at the November 19, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

Ms. Churney stated that Thomas Kirchhoff declared a conflict for a project at 147 Dunbar Road at the November 19, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

3. Commission

Ms. Grace inquired about guidance for solar panels from either staff and/or Town Council. Mr. Murphy responded and provided what he believed the Commission should consider in the proposal.

IX. NEXT MEETING DATE: Wednesday, January 26, 2022

X. ADJOURNMENT

Motion made by Mr. Smith and seconded by Ms. Grace to adjourn the meeting at 1:03 p.m. on Friday, December 17, 2021. Motion carried unanimously, 7-0.

The next meeting will be held on Wednesday, January 26, 2021 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "M. Small", written over a horizontal line.

Michael B. Small, Chairman
ARCHITECTURAL COMMISSION

kmc

CERTIFICATION OF ACTION BY THE ARCHITECTURAL REVIEW COMMISSION

The Architectural Review Commission has denied the following request as it is not in accordance with the criteria set forth in Article III. ARCHITECTURAL REVIEW AND PROCEDURE, Section 18-205 Criteria.

Application Number and Title: ARC-21-048 216 Tradewind Dr.

Address: 216 Tradewind Dr.

Applicant: Michael S. Kehoe, Trustee of 216 Tradewind Trust

Architect: Dailey Janssen Architect

Project Description: The applicant, 216 Trade Wind Trust (Michael S. Kehoe) has filed an application requesting Architectural Commission Review and

The above request has been denied by the Architectural Review Commission for the following reasons:

- approval for the construction of a new two-story residence designed in a Bermuda Vernacular style with associated site improvements, hardscape, pool and spa.
- ___ (1) The plan for the proposed building or structure is not in conformity with good taste and design and in general does not contribute to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.
 - ___ (2) The plan for the proposed building or structure does not indicate the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment more desirable.
 - ___ (3) The proposed building or structure is, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.
 - ___ (4) The proposed building or structure is not in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the Comprehensive Plan.
 - ___ (5) The proposed building or structure is excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following

features of exterior design and appearance:

- a. Apparently visibly identical front or side elevations;
- b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
- c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

✓
— (6)

The proposed building or structure is excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

- a. Height of building or height of roof.
- b. Other significant design features including, but not limited to, materials or quality of architectural design.
- c. Architectural compatibility.
- d. Arrangement of the components of the structure.
- e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
- f. Diversity of design that is complimentary with size and massing of adjacent properties.
- g. Design features that will avoid the appearance of mass through improper proportions.
- h. Design elements that protect the privacy of neighboring property.

— (7)

The proposed building or structure is not appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any

public or private way (except alleys).

- ___ (8) The proposed development is not in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
- ___ (9) The project's location and design does not adequately protect unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

The applicant is advised that appeals must be filed with the Town Clerk within 10 days in accordance with Article III. Section 18-177 of the Town Code of Ordinances.

CERTIFICATION:

The above denial was issued by the Architectural Review Commission at their meeting on December 17, 2021

TOWN OF PALM BEACH


Chairman, Architectural Commission

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Smith, Jeffrey W.</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Architectural Review Commission</i>	
MAILING ADDRESS <i>241 Sanford Ave</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>December 17, 2021</i>		NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

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

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

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

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

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

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jeffrey W. Smith, hereby disclose that on December 17, 20 21:

(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 MR AND MRS. DAVID FISCHER, 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:

ARC-21-099
1025 N. Lake 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.

December 17, 2021

Date Filed

Signature

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