



# TOWN OF PALM BEACH

## PLANNING, ZONING AND BUILDING DEPARTMENT

### MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON FRIDAY, DECEMBER 15, 2023

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting once it has concluded may access the audio of that item via the Town's website at [www.townofpalmbeach.com](http://www.townofpalmbeach.com).

#### I. **CALL TO ORDER**

Mr. Smith called the meeting to order at 9:01 a.m.

#### II. **ROLL CALL**

|                                         |                  |
|-----------------------------------------|------------------|
| Jeffrey W. Smith, Chairman              | PRESENT          |
| Richard F. Sammons, Vice Chairman       | PRESENT          |
| John David Corey, Member                | PRESENT          |
| Betsy Shiverick, Member                 | PRESENT          |
| Thomas Kirchhoff, Member                | ABSENT (Excused) |
| Kenn Karakul, Member                    | ABSENT (Excused) |
| Elizabeth Connaughton, Member           | PRESENT          |
| Dan Floersheimer, Alternate Member      | PRESENT          |
| Joshua L. Martin, Alternate Member      | ABSENT (Excused) |
| Katherine "KT" Catlin, Alternate Member | PRESENT          |

*Clerk's note: It was noted that Mr. Floersheimer and Ms. Catlin would be voting in the absence of Messrs. Kirchhoff and Karakul.*

Staff Members present were:

Friederike Mittner, Design and Preservation Manager  
Sarah Pardue, Design & Preservation Planner  
Bradley Falco, Planner II  
Kelly Churney, Acting Town Clerk

#### III. **PLEDGE OF ALLEGIANCE**

Chairman Smith led the Pledge of Allegiance.

#### IV. **APPROVAL OF MINUTES**

A motion was made by Mr. Floersheimer and seconded by Ms. Catlin to approve the minutes of the November 20, 2023, meeting as presented. The motion was carried unanimously, 7-0.

Town Attorney Skip Randolph told members of the Architectural Commission (ARCOM) that he would be retiring from his position after serving the town for more than forty years. He said

this would be his last opportunity to serve ARCOM, and it had been a pleasure. Mr. Randolph advised the Commission that Ms. Joanne O'Connor would be the new town attorney and that she was already familiar with ARCOM. He also said that Lainey Francisco, another attorney from Jones Foster, would be serving ARCOM in his absence.

Mr. Randolph reminded the ARCOM members that they were a quasi-judicial body and that they should apply the facts presented to the law. He advised that the commissioners were tasked with listening to facts presented to them and that the law would be the criteria set forth in the Town of Palm Beach Code of Ordinances. He advised that decisions made by ARCOM should not be based on likes and dislikes. Additionally, Mr. Randolph advised that the ARCOM members should not have any pre-determined decisions with regard to any project prior to hearing the facts presented to them. He also informed the ARCOM members that they should never state their opinion or any intent to vote on any project when meeting with architects or other people about a project. Mr. Randolph told the commissioners that if any one of them were a participant in any discussion or correspondence prior to an ARCOM public hearing, they must publicly disclose those communications during the opportunity meeting.

Members of the ARCOM took an opportunity to share their appreciation with Mr. Randolph, and they wished him well on his retirement.

V. **APPROVAL OF THE AGENDA**

Ms. Pardue advised the ARCOM that ARC-23-140 (ZON-23-118) at 2278 Ibis Isle Road was deferred to a date certain of today. The item was deferred and should have been placed on today's agenda as a deferral to the January meeting. The item would be on the January agenda.

**A motion was made by Mr. Floersheimer and seconded by Mr. Sammons to approve the agenda as presented. The motion was carried unanimously, 7-0.**

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

Ms. Churney administered the oath and continued to do so throughout the meeting, as necessary.

VII. **COMMENTS FROM THE ARCHITECTURAL REVIEW COMMISSION MEMBERS**

No comments were heard at this time.

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

No comments were heard at this time.

IX. **PROJECT REVIEW**

A. **MAJOR PROJECTS-OLDBUSINESS**

1. **ARC-23-090 (ZON-23-068) 206 CARIBBEAN RD (COMBO)** The applicant, Walter Wick, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with landscape, hardscape, and pool on a nonconforming parcel. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project. He noted that one letter of opposition was received.

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

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

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans proposed for the site. He touched on the concerns of the neighbors. He stated that in response to the one letter of objection, Mr. Mizell said that he would be meeting with the neighbors to work out everyone's concerns. Mr. Smith suggested not approving the landscaping until the issues are resolved between neighbors.

Mr. Smith called for public comment.

Richard Card, 207 Mediterranean Road, thanked the owners for the changes that had been made to the plans. He expressed concerns about the placement of the mechanical equipment, the timing of the landscaping replacement, and the number of up-lights proposed.

Mr. Smith asked about the new site walls. Mr. Janssen responded and discussed the new site walls. Mr. Smith cautioned that he had seen Mr. Mizell's work on site walls that totally destroyed the neighbor's existing vegetation.

Mr. Sammons thought the new front façade was improved. He agreed that light pollution was a real issue. He suggested moving the one-story portion of the home to the east. He expressed objections to the fenestration as proposed. He felt that every door seemed to be a different width, and he was displeased with the proposed glazing. He suggested lowering the roof and reducing the mass of the rear portion of the home.

Mr. Corey asked about the site wall and its location in relation to the property line.

Lauren Urquhart, Dailey Janssen Architects, discussed the location of the site wall. Mr. Corey asked to see the location of the mechanical equipment because he thought it was spread out. Mr. Janssen reviewed the plans. Mr. Corey asked why the pool equipment was not going to be enclosed. Mr. Janssen said that would be a structure, and the setbacks would not allow enough space.

Mr. Falco discussed pool equipment in a setback and when it was required to be housed. He said this equipment was not required to be enclosed because it is outside the ten-foot rear setback.

Mr. Corey expressed concern with the design of the front elevation and thought it was cold and foreboding.

Ms. Catlin agreed with Mr. Sammons' comments. She thought the home had charm and curb appeal. She acknowledged that the home was designed without variances.

Ms. Connaughton liked the garage element on the front façade pushed back. She thought the front façade was improved. She agreed that Mr. Sammons had good comments. She recommended reducing the floorplan on the west elevation. Mr. Janssen discussed why he would rather reduce the height than take space out of the living room.

Mr. Floersheimer agreed with Mr. Corey's comments, particularly with his comments on the balcony. Mr. Floersheimer asked about the detail on the front façade. Mr. Janssen responded. Mr. Floersheimer asked about the step down to the second floor. Mr. Janssen explained the design element.

Ms. Shiverick asked about the potential changes in the landscaping due to the neighbor's comments. Mr. Mizell discussed the items that would change.

Mr. Corey wondered if the porch should be opened over the garage element.

Mr. Smith agreed with the comments of his fellow Commissioners.

Discussion ensued about a future direction.

Mrs. Wick advocated for the size of the living room as presented.

**A motion was made by Mr. Corey to approve the project with the following conditions: restore the balcony over the garage, revise the fenestration on the west elevation and to defer the landscape plan to the January 24, 2024, meeting. The motion failed for a lack of a second.**

**A motion was made by Ms. Connaughton and was seconded by Ms. Shiverick to defer the project to the January 24, 2024, meeting in accordance with the comments from the Commissioners.**

Mr. Floersheimer asked about the parapet over the front door.

**The motion was carried unanimously, 7-0.**

2. **ARC-23-123 (ZON-23-105) 1186 N OCEAN WAY (COMBO)** The applicant, Martha Lee Johnson 2012 Exempt Trust (Stan Johnson), has filed an application requesting Architectural Commission review and approval for the design of a new two-story residence with sitewide landscape and hardscape improvements, requiring setback and separation distance variances for the location of the pool equipment and a variance to exceed allowable chimney height. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project. He noted that the project will only require one variance.

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

Mr. Smith called for public comment.

Lore Smith, 256 Nightingale Trail, felt the home was contextually incongruous and thought the height of the home needed to be reduced.

Greg Tankersley, McAlpine, presented the architectural plans proposed for the new residence. He addressed comments from the previous meeting and included details of what had been changed and simplified on the elements of the façade.

Cory Meyer, Nievera Williams Design, presented the landscape and hardscape modifications for the site.

Ms. Shiverick thought the reduction of the details made a difference. She thought the home still had too much mass. She recommended eliminating the terrace on the side and stepping back to the front entrance. She questioned the scale of the lantern on the front entrance.

Mr. Corey thought the home was simplified; however, he thought the home still had too much mass for the site. He thought the front three gables exacerbated the massing issue. He thought the home was too big and fat. He recommended looking at designing a main house with a carriage house. He noted that the east elevation was the most successful. He was also concerned that the house did not fit into the streetscape.

Ms. Catlin agreed with Mr. Corey and thought the home was too large for the street. She stated she could not warm up to the design and felt like it occurred as a townhome. She thought the scale needed to be significantly reduced. She questioned if the home could be revised to fit into the neighborhood. Ms. Catlin noted that oversized lots do not always translate inside the neighborhood context to an oversized home related to that neighborhood.

Mr. Sammons questioned the home's structural design and the glass wall on the east and south elevations. He questioned whether a reduction would improve the design. He questioned if the design was a good fit for a tropical climate. He pointed out that there was no shade for the windows.

Ms. Connaughton asked about the interior spaces of the design. She agreed the home felt more northern but thought it could fit into the area. She wondered if the design could be changed into a courtyard home.

Mr. Floersheimer thought the professional listened to the Commissioners' comments. However, he expressed concern about the massing of the home. He wondered if the Commissioners should request story poles for this design.

Mr. Smith asked about the variances that had been eliminated. Mr. Falco responded that variances were previously requested for the height of the chimney and the pool setback and to exceed the proximity of the pool equipment from the swimming pool. The plan has been redesigned to eliminate the need for variances.

Mr. Smith asked about the elevations of the home. Kevin LaFerriere, McAlpine, discussed the streetscape produced for the project. Mr. Smith thought the house was too massive on the street and the landscaping was weak.

Mr. Corey questioned whether the home could be approved with the ARCOM ordinance. He listed the reasons he could not support the project.

**A motion was made by Ms. Shiverick and was seconded by Mr. Floersheimer to defer the project to the February 28, 2024, meeting in accordance with the comments of the Commissioners. The motion was carried 5-2, with Mr. Corey and Ms. Catlin dissenting.**

3. **ARC-23-135 225 WELLS RD.** The applicant, LLPB Trust (Andrea Lenczner, Trustee), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape, landscape, and swimming pool.

Mr. Falco provided staff comments on the project.

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

Mr. Smith called for public comment. No one indicated a desire to speak.

Daniel Menard, LaBerge & Menard, presented the architectural modifications proposed for the new two-story residence. He addressed comments from the previous meeting.

Todd MacLean, Todd MacLean Outdoors, presented the landscape and hardscape modifications proposed for the site.

Mr. Smith called for public comment. No one indicated a desire to speak.

Ms. Connaughton thought the changes to the front helped the design. She recommended reducing the two bays next to the front door.

Mr. Sammons was pleased with the front façade. He questioned the planters on the second floor. He wondered if the terrace on the rear could be reduced. He also asked if the middle section of the home could be reduced.

Ms. Shiverick wondered if a stucco staircase would be better than the proposed contemporary-looking metal staircase. Mr. Menard discussed a ribbon stucco staircase that he had proposed and would be open to doing as opposed to metal.

Mr. Floersheimer asked about the parapets over the garage. He liked the barrel tile roof but did not feel the parapet was necessary. Mr. Menard responded and explained the design.

Mr. Corey agreed that the staircase could be a feature rather than a simple design. He wished the home had been as wide as designed. He thought the front middle section could be slightly reduced.

Mr. Smith thought the parapet over the garage was too much. He did not favor the spiral staircase; he did not believe a staircase was necessary. He thought the terrace was too large.

Mr. Floersheimer wondered if the railings complied with the code.

**A motion was made by Ms. Catlin and was seconded by Mr. Corey to defer the project to the January 24, 2024, meeting.**

Mr. Corey requested that the rear landscaping provide privacy as appropriate for neighboring properties.

**The motion was carried unanimously, 7-0.**

4. **ARC-23-137 (ZON-23-104) 310 CLARKE AVE (COMBO)** The applicant, Mark & Patricia Davies, has filed an application requesting Architectural Commission review and approval for changes to an approved new two-story residence including changes to architectural details, hardscape/landscape, and arrangement of equipment yards, requiring variances for equipment location and screening wall heights. This is a combination project that shall be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project.

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

Mr. Smith called for public comment. No one indicated a desire to speak.

Michael Perry, MP Design and Architecture, presented the architectural modifications proposed for the new residence. He explained the variance requests for the project.

Mr. Floersheimer stated that the owner was pleasant and desired to comply with the Code. Mr. Floersheimer asked if the water heaters counted as equipment. Mr. Falco responded that the code is silent on exterior water heaters; therefore, they were not counted as equipment. Mr. Floersheimer thought keeping all the equipment in one area made sense. Mr. Floersheimer discussed the cover to be placed over the pumps in the yard. Mr. Perry explained the cover and stated that they were in compliance with the code. Mr. Floersheimer thought the plantings on the west side should be tall enough to screen the neighbors. Mr. Perry stated that Mr. Horgan had requested a taller wall on the west side.

Mr. Corey asked for a further explanation of the variances. Mr. Perry described the variance requests. Mr. Corey wondered if any of the equipment could be placed in the house; he discussed different areas where the equipment could be placed. He stated he would support raising the height of the wall but could not support the variances that would allow for equipment within the setbacks.

Mr. Shiverick asked about the location of the transfer switch. Mr. Perry showed Ms. Shiverick the location. She wondered if the switch could be painted. Ms. Shiverick asked about the railings on the east elevation. Mr. Perry showed Ms. Shiverick the new design.

Ms. Catlin thought keeping all the equipment in one enclosure made sense. She wondered if this would be a trend with the larger equipment. Mr. Falco responded.

Mr. Smith did not support the variances and thought the professional hoodwinked the Commission.

**A motion was made by Mr. Corey and was seconded by Ms. Shiverick to approve the site walls to be raised on the east and west sides, the architectural elements of the project, and the direction to move the pool heater and the a/c unit out of the setback. The motion was carried 6-1, with Ms. Connaughton dissenting.**

**A motion was made by Mr. Corey and was seconded by Ms. Shiverick that implementation of the proposed variances will not cause negative architectural impact to the subject property. The motion was carried 6-1, with Mr. Floersheimer dissenting.**

5. **ARC-23-146 (ZON-23-146) 995 S OCEAN BLVD.** The applicant, Mary S. Conrad, has filed an application requesting Architectural Commission review and approval of a second-story addition requiring variances to build within the required setbacks. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

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

Mr. Smith called for public comment. No one indicated a desire to speak.

Jacqueline Albarran, SKA Architect + Planner, presented the architectural modifications for the proposed addition to the existing residence.

Mr. Floersheimer had trouble supporting the addition due to the requested variances. He felt that the town's residents' light and air were being impinged by additional construction. He reiterated that he thought an artist's studio on the other side of the home over the master bedroom would have made much more sense.

Mr. Corey asked why the balcony was designed as a solid balcony. Ms. Albarran stated she was matching the balcony on the rear. He thought the addition improved the architecture.

Ms. Catlin wondered if the variances existed regardless of the addition. Ms. Pardue said the house was already nonconforming. Ms. Catlin thought the house's charm had been significantly improved with the addition.

Ms. Connaughton wondered about the parapet wall on the balcony; she recommended a more open balcony.

Mr. Smith thought the addition was unnecessary.

Ms. Shiverick agreed with Mr. Floersheimer and thought the home was close to the street. She wondered if the home would add to the overbuilt nature of the street.

Mr. Sammons thought the addition was minimal and would not impact the street.

**A motion was made by Mr. Corey and was seconded by Mr. Sammons to approve the project as presented. The motion was carried 4-3, with Ms. Shiverick and Messrs. Floersheimer and Smith dissenting.**

**A motion was made by Mr. Corey and was seconded by Ms. Connaughton that implementation of the proposed variances will not cause negative architectural impact on the subject property. The motion was carried 4-3, with Ms. Shiverick and Messrs. Floersheimer and Smith dissenting.**

6. **ARC-23-145 (ZON-23-113) 123 CHILEAN AVE (COMBO)** The applicant, Robert & Perri Bishop, has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence and one-story accessory cabana structure with final hardscape, landscape and swimming pool, requiring Special Exception approval to develop a nonconforming parcel and variances to reduce the required side setbacks and to exceed the maximum cubic content ratio (CCR) permitted. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Maura Ziska, the attorney for the applicant, requested a one-month deferral to continue working with the neighbors.

**A motion was made by Mr. Floersheimer and seconded by Ms. Connaughton to defer the project to the meeting on January 24, 2024. The motion was carried unanimously, 7-0.**

7. **ARC-23-092 (ZON-23-070) 217 BAHAMA LN (COMBO)** The applicant, James, and Sarah McCann, have filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence and associated landscape and hardscape on a lot substandard in lot depth in the R-B zoning district. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

*Clerk's note: This item was deferred to the January 24, 2024, meeting at Item V., Approval of the Agenda.*

8. **ARC-23-109 (ZON-23-084) 600 TARPON WAY (COMBO)** The applicants, Frank and Annie Falk, have filed an application requesting Architectural Commission review and approval for the construction of a new

two-story single-family residence over 10,000 SF with sitewide landscape and hardscape improvements, requiring variances for mechanical equipment placement, building height plane, and site wall height, and a Special Exception for vehicular gate placement. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

*Clerk's note: This item was deferred to the January 24, 2024, meeting at Item V., Approval of the Agenda.*

## **B. MAJOR PROJECTS-NEW BUSINESS**

1. **ARC-23-094 (ZON-23-072) 247-251 WORTH AVE (COMBO)** The applicant, Holbrook Real Estate LLC, has filed an application requesting Architectural Commission review and approval for a two-story addition to an existing one-story commercial building under the Special Allowances in accordance with the Worth Avenue Design Guidelines, including several variances from lot coverage, floor area square footage, commercial and residential use locations, parking requirements, landscape open space, and loading space requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments on the project.

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

*Clerk's note: Ms. Catlin and Mr. Floersheimer declared a conflict of interest with the project and left the dais during the discussion.*

Maura Ziska, the attorney for the applicant, provided an overview of the project and advocated for a positive recommendation to the Town Council. She said the Town Council had looked at the project for two months and found it had merit. Subsequently, they referred the project to ARCOM to vote on the design and make recommendations to them prior to their approval.

Mr. Janssen noted that the owners, Jayne and Rusty Holzer and Mindy Schwab from Dailey Janssen Architects, were present.

Roger Janssen, Dailey Janssen Architects, presented the architectural plans proposed for the existing commercial structure. He noted that the proposal was for a second story component that would supplement the existing retailers out of their need for their operations and retail functions. The third level would be a residence for the owners of the building. Mr. Janssen stated that through studying the Worth Avenue Guidelines, working with the Preservation Foundation and the owners, and studying Worth Avenue, he believed this addition could be a harmonious addition for Worth Avenue. He reviewed the varied architectural styles along Worth Avenue. Mr. Janssen spoke about the facades that had been altered over the years. He said the idea would be in elevation and massing, given the urban context, to take the second story from property line to property line to continue the appropriate urban context but still step it back five feet to create and isolate the recreated parapet wall from the original wall. It would not be a continuation of that first-story plane. In addition, the residence would be stepped back another ten feet to relieve the mass off the street, even though some three stories go full vertical across the street. The original Jacobs design was used as a spring point for the deco motif.

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

Mr. Smith called for public comment.

Anita Setzer, 44 Cocoanut Row, expressed concern about the process of ARCOM hearing the project before approval by the Town Council.

Aimee Sunny, Preservation Foundation of Palm Beach, provided some background information and historical drawings of the building. She stressed the importance of respecting the Art Deco character of the building and, to every extent possible, restoring every detail that is missing from the building. She offered some advice to ARCOM for consideration when looking at the additions to the building.

Anne Pepper, 333 Seaspray Avenue, expressed concern about the process of hearing the project prior to the approval of the Town Council.

Mr. Corey wondered about the Town Council's decision to send the project to the Architectural Commission. Ms. Mittner responded that the Town Council asked the Commission to look at the project regarding the architecture and the Worth Avenue Design Guidelines.

Mr. Sammons wondered if the ground floor would be restored. Mr. Janssen responded. Mr. Sammons thought it was critical to restore the building, and the Art Deco details were important. He thought the second story could be lowered. He supported the idea of the project but thought the ground façade needed to be restored with the art deco elements. He thought that returning some of the Art Deco details would give the building enough scale to "talk" to the other side of the street. He thought that the landscaping should provide more shade in the area. He provided a suggestion for the third-floor concrete walkway; he suggested adding piers below. He recommended changing the design of the new stairway.

Ms. Shiverick agreed with Mr. Sammons that the first floor needed to be changed to match the rest of the building. She was not in favor of the awning in Le Bilboquet. Ms. Shiverick felt the awning was a genuine Art Deco feature, and she wanted to see that restudied and changed to reflect a truer Art Deco feel. Mr. Janssen responded. She thought the Art Deco elements tied in nicely on the street. She thought tiering of the building would work, even though it was not an Art Deco element. She also thought the third-floor walkway could be improved.

Ms. Connaughton thought the building needed to be reduced in height. She recommended showing an aerial view of the building from the east. She thought the courtyard would be very dark and cavernous. She recommended restudying the design of the new staircase. Mr. Janssen responded about the shade in the courtyard.

Mr. Corey thought the structure dominated the street. He thought the project should be dropped down, moving east. He recommended removing the third floor.

He also expressed concern for the courtyard with adding a third floor. He agreed that a restoration of the first floor would be important.

Mr. Smith was in favor of the first-floor restoration. However, he did not favor the remainder of the upper floors. He was not supportive of the five-foot setback.

Mr. Corey questioned if the Commission was to opine on the special exceptions. Mr. Bergman responded and explained the Commission's purview.

Ms. Connaughton requested street views.

Mr. Corey asked staff to make a presentation on the Worth Avenue Design Guidelines and what the Commission should be reviewing.

Ms. Shiverick asked if a third floor was allowable if the architecture complied with the Worth Avenue Design Guidelines. Mr. Bergman said the Town Council needs some help understanding whether or not this proposed project meets Worth Avenue Guidelines. If the project does meet those guidelines, a special allowance may be provided to the owner. The Town Council would approve that special allowance through the Special Exception Use process.

Mr. Corey thought it was good to hear the presentation in order to determine what additional information would be needed before any further consideration.

**A motion was made by Mr. Corey and was seconded by Mr. Sammons to defer the project to the January 24, 2024, meeting. The motion was carried unanimously, 5-0.**

2. **ARC-23-052 (ZON-23-092) 300 COLONIAL LN (COMBO)** The applicants, Dragana & Richard Connaughton, have filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence requiring (2) variances from east side yard setback and (1) variance from mechanical equipment regulations and construction of a detached accessory structure requiring (2) setback variances, (1) lot coverage variance and (1) angle of vision variance, together with final hardscape, landscape, and swimming pool. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project.

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

*Clerk's note: Ms. Connaughton declared a conflict of interest with the project and left the dais during the discussion.*

Patrick O'Connell, Patrick Ryan O'Connell Architects, presented the architectural plans proposed for the new residence.

Dustin Mizell, Environment Design, presented the landscape and hardscape plans proposed for the site.

Mr. Sammons recommended dropping the second floor down a few inches. He questioned the slat house design and the rear porch; he recommended a masonry-constructed porch. Other than reducing the height, he thought it was a nice project.

Mr. Corey thought the first floor was more successful than the second floor. He thought the roof pitch might need to be restudied. He recommended trying to eliminate some of the variances; however, he supported the variances for the slat house. He questioned the variance for the equipment and wondered if it could be moved toward the street.

Ms. Catlin thought the home had curb appeal and charm. She agreed that the height could be reduced and agreed with Mr. Corey that the variances for the home could be eliminated. She wondered if the design for the slat house could be changed to eliminate the variance. Maura Ziska, the owner's attorney, stated she could investigate the suggestion.

Ms. Shiverick had struggled with the roof pitch from the beginning and was not fond of the long pitch of the garage roof. She felt the chimney was in the way of the design and recommended moving it to a different location.

Mr. Smith recommended removing the slat house and returning with the design later. He also recommended eliminating the variances for the house.

Mr. O'Connell noted that the variances are necessary for the side yard to make the side-living garage functional. He said a very important part of the design and to the street was to get the garages off the front of the homes.

Mr. Floersheimer agreed with the comments made by his fellow Commissioners. He liked the whimsical and Bermuda design of the home. He was unsure about the scale of everything based on the renderings provided. He asked if the current house is ten and a half feet off the east lot line, and given the restrictions of a corner lot with twenty-five-foot setbacks on the north and west, he might support recommending that variance to the town council. However, he had issues with the slat house.

Mr. Smith called for public comment.

Susan Leas, 292 Colonial Lane, expressed her objections to the proposed home.

Ken Franklin, 1105 N. Lake Way, expressed his objections to the proposed home.

David Kelso, 245 Monterey Road, expressed his objections to the proposed home.

Richard Connaughton, owner of 300 Colonial Lane, advocated for the proposed design.

Dragana Connaughton, owner of 300 Colonial Lane, advocated for the proposed design.

Leigh Dunston, 282 Monterey Road, expressed his objections to the proposed home.

Mr. Corey suggested flipping the orientation of the home so that the two-story portion was adjacent to N. Lake Way.

**A motion was made by Mr. Corey and was seconded by Mr. Sammons to defer the project to the January 24, 2024, meeting. The motion was carried unanimously, 6-0.**

*Clerk's note: A lunch break was taken at 1:11 p.m. The meeting resumed at 2:14 p.m.*

3. **ARC-23-075 389 S LAKE DR.** The applicant, Cooperative Apartments of Three Eighty-Nine Corporation, has filed an application requesting Architectural Commission review and approval for the permanent removal of the decorative concrete brise soleil architectural feature of an existing six-story residential building, and other exterior building modifications including window opening enhancements and the addition of a new decorative metal grilles and associated improvements.

Ms. Mittner provided staff comments on the project.

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

Jamie Gavigan, the applicant's attorney, provided an overview of the project and advocated for approval.

David Miller, David Miller & Associates, PA, presented the architectural modifications proposed for the existing condominium.

Tim Marshall, Engineer, discussed the removal of the decorative concrete element and the safety issues that go along with the removal.

Mr. Smith called for public comment.

Lorraine Tuohy, 389 S. Lake Drive, spoke in favor of the proposed changes.

Carey O'Donnell, 389 S. Lake Drive, spoke about the old windows behind the concrete element; she highlighted what it was like to live with the windows. She said the windows allow dirt, grime, and water intrusion into the structure.

Jane Scott, 389 S. Lake Drive, spoke about the issues with the apartment building. She said it was impossible to clean the windows, and the mold was terrible.

Robin Roberts, 389 S. Lake Drive, thought public policy should dictate the safety of citizens, and that should be more important than aesthetics.

Jim Diack, 389 S. Lake Drive, 1C, advocated for the proposed changes.

Charles Wittman, 389 S. Lake Drive, advocated for the proposed changes.

Aimee Sunny, Preservation Foundation of Palm Beach, provided some historical information about the building and design. She noted the decorative breezeway used was an important mid-century modern character-defining feature. She added that the proposed railings would be atypical to the character of the style.

Ms. Mittner stressed that life safety is taken very seriously, hence the allowance for removal with the intention of it being replaced in a similar design but with new materials.

Mr. Floersheimer thought it was sad to see a historical element of the building disappear; however, he sympathized with the residents. He liked the trim around the windows but did not favor the railing.

Ms. Catlin lamented when a historical element was in direct conflict with the structural integrity of a building. Unfortunately, she noted that what was is not always the right path forward.

Mr. Corey wondered if there was a life safety issue with the concrete element in front of the master bedroom. Ms. Mittner responded. Mr. Miller stated that since 29 of the 32 balconies on the master bedrooms had been filled in, there was no egress from these rooms. Mr. Corey was not supportive of the proposed railing in front of the bedroom window. He suggested a texture on the solid concrete elements to bring back some verticality. He asked about the original color of the building. Mr. Miller responded it was a blue color that faded over time. The color was changed to yellow in 2008. Mr. Corey asked about changing the railings. Mr. Miller responded that the railings were changed in approximately 2008 and were approved by the town.

Ms. Shiverick asked about the vote taken by the residents of the building to have the Brise soleil removed but with the intention of it being replaced. Mr. Miller responded that the building owner had applied for a reconstruction permit to address their concrete needs to preserve and protect the building. Ms. Shiverick asked if the intention was to replace the Brise soleil, but Mr. Miller said the understanding when the permit was applied was that the screen wall would remain. He did not think there was a vote. Mr. Marshall discussed the safety issues and recommended the removal of the Brise soleil to the owner. He said he knew that removing all the railings and screen walls at one time and not being able to put them back would attract the attention of the board. However, this had to be done because of the integrity issue. He said there would be a season where no pre-cast railings would be in place. Ms. Shiverick thought the building was not aesthetically pleasing without the screens and with the addition of railings.

Mr. Floersheimer wondered how permits were obtained to fill in the balconies.

Mr. Corey asked if the proposed railings below the windows were for code. Mr. Miller responded that the client desired more texture than a plain banded window. In addition, the windows are low, and another code requirement is for windows to have a guardrail once higher than the first floor. Mr. Corey provided a design suggestion for the balcony and the concrete space around the windows.

Ms. Shiverick wondered if the block could be added back to the building around the windows to provide elements of the original building but without egress issues. Mr. Miller was concerned that the same situation would be created and would be unable to be maintained.

Mr. Smith thought the verticality of the building had been lost, making the building monotonous. He recommended concentrating on bringing the verticality back.

**A motion was made by Ms. Shiverick and was seconded by Mr. Floersheimer to defer the project to the January 24, 2024, meeting. The motion was carried unanimously, 7-0.**

4. **ARC-23-154 (ZON-23-120) 1356 N OCEAN BLVD (COMBO)** The applicant, Gary & Kelly Pohrer, has filed an application requesting Architectural Commission review and approval for expansion of a previously approved swimming pool on the beachside parcel, requiring a setback variance. This is a combination project that shall be reviewed by Town Council as it pertains to the zoning relief/approval.

Ms. Pardue provided staff comments on the project. She noted that staff would be asking for an extension on the development order. She outlined the variance request.

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

Gary Pohrer, the owner, presented the revision to the plans proposed for the site.

Mr. Smith asked if any landscaping would be lost, and Mr. Pohrer said no.

Mr. Sammons had no objection to the request.

Mr. Floersheimer said that when he visited the property, there seemed to be a lot of vegetation from the ocean side that encroached onto the property. He said that on the plan there was a bulkhead wall, but upon visiting the property, he could not see it. Ms. Pardue said there is no landscape area being addressed today; the landscaping was vetted through the previous application submitted by Smith & Moore and the homeowner, in which the parcel was being revamped for the cabana and the pool. The variances did not impact open space. Today, the site is waiting to be worked on so the previously approved structures can be constructed. There has been a long process with DEP, and the delay allowed an opportunity for the owner to request the addition of a sun shelf to the swimming pool.

Mr. Corey asked if the application with DEP had been modified for a larger pool (addition of the sun shelf).

Ms. Catlin expressed concern about the request. She said the Commission has been asking for a swimming pool without a variance. Mr. Pohrer said the pool was granted a variance, and Ms. Catlin was concerned that the applicant was asking for even more.

**A motion was made by Mr. Floersheimer and was seconded by Mr. Sammons to approve the project as presented. The motion was carried 5-2, with Ms. Catlin and Mr. Corey dissenting.**

**A motion was made by Mr. Floersheimer and was seconded by Mr. Sammons that implementation of the proposed variances will not cause negative architectural impact to the subject property. The motion was carried 5-2, with Ms. Catlin and Mr. Corey dissenting.**

**A motion was made by Mr. Floersheimer and seconded by Ms. Connaughton to extend the approval of ARC-22-143, 1356 N. Ocean Blvd., for one year. The motion was carried unanimously, 7-0.**

5. **ARC-23-159 (ZON-24-005) 288 SANDPIPER DR (COMBO)** The applicant, Kelly M Williams TR TITL HLDR (Rep. Maura Ziska), has filed an application requesting Architectural Commission review and approval for exterior alterations to an existing detached guest house, including window and door replacement and the construction of enclosed additions, requiring a rear setback variance. This is a combination project that shall be reviewed by Town Council as it pertains to the zoning relief/approval.

Mr. Falco provided staff comments on the project.

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

Maura Ziska, the attorney for the applicant, provided an overview of the project and advocated for a positive recommendation to the Town Council.

Michael Perry, MP Design & Architecture, presented the architectural plans proposed for the existing guest house.

Mr. Smith called for public comment. No one indicated a desire to speak.

Mr. Floersheimer supported the infill and addition but did not believe the seating area should be removed. Mr. Perry responded.

Ms. Catlin also liked the project.

Ms. Shiverick agreed but wondered if some of the glass blocks could be added to a different spot. Mr. Perry responded.

Ms. Connaughton agreed with Ms. Shiverick's comments on the glass block. She thought it made the home charming.

Mr. Corey asked about the remaining glass block and wondered if it compromised the rest of the structure. Mr. Perry said it stays where it is, but everything else is being replaced.

Mr. Sammons said two fiberglass rods and joints could be added, but he said they did not have to be rated because it was masonry, not a window.

Mr. Perry stated he could leave the glass block on the east elevation, and the only area that would have to be replaced would be at the radius.

**A motion was made by Mr. Floersheimer and was seconded by Ms. Shiverick to approve the infill addition, the dining room addition, and the conditions that the glass wall on the east side, as well as the glass strip, shall remain. The lanai addition was not approved. The motion was carried 4-3, with Mses. Catlin, Connaughton and Mr. Smith dissenting.**

**A motion was made by Mr. Floersheimer and was seconded by Ms. Shiverick that implementation of the proposed variances will not cause negative architectural impact to the subject property. The motion was carried 6-1, with Mr. Smith dissenting.**

6. **ARC-23-165 (ZON-24-008) 161 VIA PALMA (COMBO)** The applicant, Sam and Vicki Hunt, has filed an application requesting Architectural Commission review and approval for construction of a new two-story addition, requiring a west side-yard setback variance. This is a combination project that shall be reviewed by Town Council as it pertains to the zoning relief/approval.

Mr. Falco provided staff comments on the project.

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

Maura Ziska, the attorney for the applicant, provided an overview of the project and advocated for a positive recommendation to the Town Council.

Harold Smith, Smith and Moore, presented the architectural plans proposed for the addition to the existing residence.

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

Mr. Smith called for public comment. No one indicated a desire to speak.

Mr. Corey thought the existing home was very charming. He asked about the shed on the west side. Mr. Smith did not have the history of the shed. He agreed that the garage doors were narrow. Mr. Corey wondered if the shed could be incorporated into the garage. Mr. Smith responded. Mr. Corey wondered if the west neighbor had any objection to the project. Mr. Smith stated that he had not spoken to the neighbor.

Ms. Connaughton thought the project was fine.

Mr. Sammons thought the project was minor.

Mr. Corey was concerned about the house to the west being at a slightly lower elevation. Mr. Perry said it was slightly lower but covered more of the lot than the proposed home.

**A motion was made by Ms. Catlin and was seconded by Mr. Sammons to approve the project as presented. The motion was carried unanimously, 7-0.**

**A motion was made by Ms. Catlin and was seconded by Ms. Shiverick that implementation of the proposed variances will not cause negative architectural impact to the subject property. The motion was carried unanimously, 7-0.**

7. **ARC-23-167 (ZON-24-009) 350 SEABREEZE AVE (COMBO)** The applicant, Judith Goodman (Contract Purchaser, Justin Besikof / Rep. Maura Ziska), has filed an application requesting Architectural Commission review and approval for the design of a new two-story single-family residence and sitewide landscape and hardscape improvements, requiring a variance to not provide garage parking. This is a combination project that shall also be reviewed by Town Council as it pertains to the zoning relief/approval.

Ms. Mittner provided staff comments on the project.

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

Maura Ziska, the attorney for the applicant, provided an overview of the project and advocated for a positive recommendation to the Town Council.

Pat Segraves, SKA Architect + Planner, presented the architectural plans proposed for the new residence.

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

Mr. Smith called for public comment.

Anne Pepper, 333 Seaspray Avenue, stated she thought the new residence was an enhancement. She advocated supporting the variance for the Porte-cochere. She also recommended eliminating some of the hardscape.

Mr. Sammons asked about the width of the curb cuts. Mr. Mizell responded. Mr. Sammons thought the home was tall, particularly from the first floor. He expressed concern about the design of the column as proposed. He recommended restudying the detailing. He recommended lowering the parapet on the second floor of the front elevation. He thought the portion of the home with the gable was a bit thin.

Mr. Corey thought the home was charming. He did not believe the home was too tall. He thought the home fit onto the street. He asked to see a sample of the roof. He recommended removing the columns on the carport. He supported the design. He also supported the landscape plan.

Mr. Floersheimer was glad that there were no requests for variances. Mr. Floersheimer asked about the easement in the rear of the home once the undergrounding had been completed. Mr. Segraves responded. Mr. Floersheimer thought there was a lot of hardscape material; he questioned the greenspace calculations. Mr. Mizell responded. Discussion ensued. Mr. Floersheimer asked if one of the curb cuts could be eliminated. Mr. Mizell responded.

Ms. Shiverick thought a few more details could be added to the home. She recommended removing the mahogany windows; she thought a painted window would be more appropriate. She recommended adding a stone around the Porte Cochere rather than the columns proposed. Mr. Segraves responded.

Ms. Catlin agreed that the home, as proposed, was too tall. She liked the design of the home but expressed concern about the elimination of the garage; she pointed out that there was no space for storage.

Ms. Connaughton supported the Porte Cochere. She also recommended a study of the details. She thought the second story could come down a little.

Mr. Corey did not believe the home was excessively tall. He also thought removing the columns would help ground the home.

Mr. Corey wondered if some of the hardscape could be eliminated in the rear of the home.

**A motion was made by Mr. Corey and was seconded by Ms. Connaughton to defer the project to the January 24, 2024, meeting. The motion was carried unanimously, 7-0.**

### **C. MINOR PROJECTS - OLD BUSINESS**

1. **ARC-23-152 11 VIA VIZCAYA** The applicant, Johnathan Clay, has filed an application requesting Architectural Commission review and approval for modifications to existing landscape and hardscape on a site improved with an existing single-family residence.

Mr. Falco provided staff comments on the project.

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

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

Mr. Smith called for public comment. No one indicated a desire to speak.

Mr. Floersheimer asked for clarification on the proposed gates.

Mr. Corey confirmed that the chain fence would be buried in the landscaping. Mr. Mizell affirmed.

**A motion was made by Mr. Floersheimer and was seconded by Mr. Corey to approve the project as presented. The motion was carried unanimously, 7-0.**

2. **ARC-23-153 12 VIA VIZCAYA** The applicant, County Down Trust (Andrew W. Regan, Trustee), has filed an application requesting Architectural Commission review and approval for modifications to landscape and addition of a fence on a vacant parcel of land.

There was no further discussion on this project, as the details were discussed with ARC-23-152, 11 Via Vizcaya.

**A motion was made by Mr. Floersheimer and was seconded by Ms. Connaughton to approve the project as presented. The motion was carried unanimously, 7-0.**

#### **D. MINOR PROJECTS-NEW BUSINESS**

1. **ARC-23-136 1350 N LAKE WAY** The applicant, 1350 North Lake Way Acquisitions LLC, has filed an application requesting Architectural Commission review and approval for replacement of a vehicular gate, front door and balcony railings and landscape and hardscape modifications.

Ms. Pardue provided staff comments on the project.

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

Cory Meyer, Nievera Williams Design, provided an overview of the project.

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

Mr. Meyer presented the landscape and hardscape modifications proposed for the site.

Mr. Smith called for public comment. No one indicated a desire to speak.

Mr. Sammons thought some of the changes were fine; however, he did not favor the plate glass window between the windows. He said it was a jump in scale and was not consistent with the rest of the house. In addition, he said the glass on the back side of the spa was not in keeping with the rest of the house. He questioned why they would want to change the front door but keep the portico when that was the real problem. He was okay with the front gate, but he did not like the cap on the post.

Mr. Floersheimer liked the balustrade but did not like the bedroom window or the balcony railings. He agreed that the master bedroom window was not in keeping with the rest of the house. He noted that the current gate was a sliding gate, but a swing gate was being proposed. Mr. Smith responded that the gate would remain

a sliding gate. Mr. Floersheimer was okay with the change to the spa and plunge pool.

Ms. Shiverick asked about the change to the railings; she questioned the pattern around the home. She also did not like the master bedroom plate glass or the glass around the spa.

Mr. Smith did not favor the plate glass window in the bedroom. He asked about the bronze-colored driveway gate. He also commented about the glass around the pool. He had no objection to changing the balustrade and railings because he did not feel they were right for the house.

**A motion was made by Mr. Floersheimer and was seconded by Ms. Catlin to defer the project to the January 24, 2024, meeting. The motion was carried 6-1, with Mr. Corey dissenting.**

Discussion ensued.

**A motion was made by Ms. Connaughton and was seconded by Mr. Corey to reopen the previous motion. The motion was carried 6-1, with Mr. Smith dissenting.**

**A motion was made by Mr. Corey to approve the project as presented with the condition that the finials over the front door, the glass railing in the spa, and the plate glass in the master bedroom should be removed. The motion died for lack of a second.**

**A motion was made by Mr. Corey and was seconded by Mr. Floersheimer to defer the project to the January 24, 2024, meeting. The motion was carried unanimously, 7-0.**

2. **ARC-23-156 125 WELLS RD.** The applicant, Amy Baier, has filed an application requesting Architectural Commission review and approval for installation of vehicular gates and modifications to the front entry door of an existing two-story residence.

Ms. Pardue provided staff comments on the project.

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

Keith Williams, Nievera Williams Design presented the proposed vehicular gates for the existing residence.

Mr. Sammons supported the gates but thought there could be nicer details on the gate. He explained what he thought could be changed to make the gate better.

**A motion was made by Mr. Floersheimer and was seconded by Ms. Shiverick to approve the project as presented.**

Mr. Smith called for public comment. No one indicated a desire to speak.

**The motion was carried unanimously, 6-0. (Mr. Corey was not in the room during the vote)**

3. **ARC-23-158 152 CHILEAN AVE.** The applicants, William and Molly McKenna, have filed an application requesting Architectural Commission review and approval for the construction of a new driveway and associated landscape modifications.

Ms. Pardue provided staff comments on the project.

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

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

Mr. Floersheimer asked about the calculations for greenspace. He thought there was a lot of hardscape material and asked if some of it could be removed. Mr. Meyer noted that the driveway space was being removed. He said they were trying to keep the cars off the street but would look at the hardscape again.

Mr. Sammons thought the curb cut was too large.

Mr. Smith called for public comment. No one indicated a desire to speak.

**A motion was made by Mr. Sammons and was seconded by Ms. Catlin to approve the project as presented with the condition that the curb cut be reduced to 11 feet. The motion was carried unanimously, 7-0.**

4. **ARC-23-160 1246 N LAKE WAY** The applicants, Myron M. Miller, have filed an application requesting Architectural Commission review and approval for the site-wide landscape and hardscape improvements to an existing residence.

Ms. Pardue provided staff comments on the project.

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

Don Skowron, BGS Landscape Architecture & Engineering, presented the landscape and hardscape modifications proposed for the site.

Mr. Floersheimer thought the property was interesting and would be better if it was cleaned up. He asked about the change to the wall height. Mr. Skowron responded that it was all measured from the crown of the road, and it followed the town code. He referred to the existing pool equipment in the front yard against the existing garage. He noted that the wood fence was marked as being retained. Mr. Skowron explained the existing condition and how the landscape would be utilized to hide that condition. He said the pool equipment was in the front yard, but it would not be a setback. Mr. Floersheimer asked if the pool equipment would be

enclosed, and Mr. Skowron said there were no plans to enclose the pool, which he did not believe would be visible.

Mr. Sammons was happy about the reduction of the hardscape. He wondered if there could be more shade trees added in the front of the property. Mr. Skowron thought the existing Sea grape trees were sufficient. He wondered if the curb cut could be reduced.

Ms. Connaughton asked about the pruning of the tree and how it would be modified. She wondered about the reduction of hardscape in the courtyard area. Mr. Skowron responded.

Mr. Floersheimer questioned why the windows were not being replaced with hurricane-proof windows.

Mr. Corey wondered about the Sabal palms on the south side; he thought this area had more potential. Mr. Skowron responded. Mr. Corey asked about the removal of the Gumbo Limbo trees. Mr. Skowron responded.

**A motion was made by Mr. Floersheimer and was seconded by Mr. Corey to approve the project as presented. The motion was carried 5-1, with Ms. Connaughton dissenting.**

*Clerk's note: Ms. Catlin left at 5:00 p.m. Mr. Corey left at 5:03 p.m.*

5. **ARC-23-164 (ZON-24-010) 1616 N OCEAN BLVD.** The applicants, Joan Eigen, Wendy Haigney and Devid Eigen, have filed an application requesting Architectural Commission review and approval for the installation of vehicular gates to an existing single-family residence and a variance for the required driveway area. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Floersheimer and Ms. Connaughton.

Maura Ziska, the applicant's attorney, provided an overview of the project and advocated for approval.

Harold Smith, Smith and Moore Architects, presented the architectural plans for the gates proposed for the existing residence.

Mr. Floersheimer stated he did not support the gates but would approve them under the circumstances.

Mr. Smith called for public comment. No one indicated a desire to speak.

**A motion was made by Ms. Shiverick and was seconded by Mr. Sammons to approve the project as presented. The motion was carried unanimously,**

5-0.

X. **Unscheduled Items**

A. **Public**

No comments were heard at this time.

B. **Staff**

No comments were heard at this time.

C. **Commission**

Mr. Sammons asked about chimneys. He also asked about parapets on a flat roof versus on a pitched roof.

Roger Janssen, Dailey Janssen Architects, asked for a reconsideration of the motion on his project at 206 Caribbean Road.

**A motion was made by Mr. Floersheimer and was seconded by Ms. Connaughton to reconsider the motion for ARC-23-090, 206 Caribbean Road. The motion was carried 4-1, with Mr. Smith dissenting.**

Mr. Janssen presented the changes he had made since the morning presentation. There were still many questions among the Commissioners.

**A motion was made by Mr. Floersheimer and was seconded by Mr. Sammons to defer the project to the January 24, 2024, meeting. The motion was carried unanimously, 5-0.**

XI. **NEXT MEETING DATE:** Wednesday, January 24, 2024

XII. **ADJOURNMENT**

**A motion was made by Mr. Floersheimer and seconded by Mr. Sammons to adjourn the meeting at 5:17 p.m. The motion was carried unanimously, 7-0.**

The next meeting will be held on Wednesday, January 24, 2024, at 9:00 a.m. in the Town Council Chambers, 2<sup>nd</sup> floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Jeffrey W. Smith, Chairman  
ARCHITECTURAL COMMISSION

kmc

Vice Chairman for  
Jeffrey Smith

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

|                                                                   |                             |                                                                                                                      |  |
|-------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><b>Connaughton, Elizabeth</b> |                             | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><b>Architectural Commission</b>                       |  |
| MAILING ADDRESS<br><b>226 Brazilian Ave, Apt 3C</b>               |                             | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:                                |  |
| CITY<br><b>Palm Beach</b>                                         | COUNTY<br><b>Palm Beach</b> | <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY |  |
| DATE ON WHICH VOTE OCCURRED<br><b>December 15, 2023</b>           |                             | NAME OF POLITICAL SUBDIVISION:<br><b>Town of Palm Beach</b>                                                          |  |
|                                                                   |                             | MY POSITION IS:<br><input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> 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, Elizabeth Connaughton, hereby disclose that on December 15, 20 23:

(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, Parents \_\_\_\_\_;
- ☐ 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:

ARC-23-052 (20N-23-092)

300 Colonial Lane

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.

Dec 15, 2023  
Date Filed

Elizabeth Connaughton  
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.

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

|                                                              |                             |                                                                                                                                                                                                               |  |
|--------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><b>Floersheimer, Dan</b> |                             | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><b>Architectural Commission</b>                                                                                                                |  |
| MAILING ADDRESS<br><b>125 Chateaux Dr.</b>                   |                             | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br><input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY |  |
| CITY<br><b>Palm Beach</b>                                    | COUNTY<br><b>Palm Beach</b> | NAME OF POLITICAL SUBDIVISION:<br><b>Town of Palm Beach</b>                                                                                                                                                   |  |
| DATE ON WHICH VOTE OCCURRED<br><b>December 15, 2023</b>      |                             | MY POSITION IS:<br><input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE                                                                                                            |  |

## 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, Dan Floersheimer, hereby disclose that on December 15, 20 23:

(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:

\* I WROTE A LETTER TO TOWN COUNCIL PRIOR TO THE PRESENTATION OF THIS PROJECT TO ARCON OBJECTING TO THE MULTIPLE REQUESTS TO VARY CCR + SPECIAL EXCEPTIONS.  
ARC-23-094 (ZON-23-072)  
247-251 Worth Avenue

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

Date Filed

12 / 15 / 2023

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.

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

|                                                         |                                                                                                                                                                                                               |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><b>Catlen, KT</b>   | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><b>Architectural Commission</b>                                                                                                                |
| MAILING ADDRESS<br><b>246 Fairview Road</b>             | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br><input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY |
| CITY<br><b>Palm Beach</b>                               | NAME OF POLITICAL SUBDIVISION:<br><b>Town of Palm Beach</b>                                                                                                                                                   |
| DATE ON WHICH VOTE OCCURRED<br><b>December 15, 2023</b> | MY POSITION IS:<br><input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> 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, KT Catlin, hereby disclose that on December 15, 20 23:

(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.
- NONE of these apply! I have NO potential gain nor does anyone I know or am related to*

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

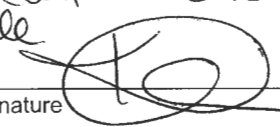
AKC-23-094 (ZON-23-072)  
247-251 Worth Avenue

Told to recuse myself due to minutes of TC meeting stating I said Project did not meet Comp Plan - I did not state that what I said was the increase in retail space

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.

Would cause an increase in revenue that is driven by increase in customers. I have copy of my statement which I can provide

Date Filed 12/15/23

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.