

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, OCTOBER 28, 2020

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Mr. Small called the meeting to order at 9:00 a.m. All members participated via Zoom Webinar due to the COVID-19 situation.

II. ROLL CALL

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

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
Laura Groves van Onna, Historic Preservation Planner
Kelly Churney, Secretary to the Architectural Review Commission
Bradley Falco, Zoning Technician
John Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Small asked Jay Boodheshwar, Deputy Town Manager, to speak on the in-person meetings that will begin November and the safety measures that have been put in place.

Mr. Boodheshwar provided a tour of the Council Chambers and explained the protective measures that have been implemented in the room. Mr. Boodheshwar answered all of the questions posed by the Commissioners.

Mr. Small reviewed the administrative procedures for the meeting.

Mr. Small updated the Commission on a presentation to the Town Council on the topic of demolition and his portion of the presentation.

V. **APPROVAL OF THE MINUTES FROM THE SEPTEMBER 23, 2020 MEETING**
Motion made by Mr. Garrison and seconded by Mr. Smith to approve the minutes from the September 23, 2020 meeting. Motion carried unanimously.

VI. **APPROVAL OF THE AGENDA**

Mr. Bergman announced the following changes to the agenda:

Removal of B-062-2020, 127 Root Trail from the agenda

Withdrawal of B-034-2020, 2730 S. Ocean Blvd.

Deferral of B-056-2020, 756 Hi Mount Road to the November 20, 2020 Meeting

Deferral of B-059-2020, 125 El Bravo Way to the November 20, 2020 Meeting

Withdrawal of A-017-2020, 225 Worth Ave.

Deferral of A-024-2020, 159 Seaspray Ave. to the November 20, 2020 Meeting

Deferral of A-032-2020, 149 East Inlet Dr. to the November 20, 2020 Meeting

Deferral of A-040-2020, 130 Sunrise Ave. PH 1, to the November 20, 2020 Meeting

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

VII. **PROJECT REVIEW**

A. **CONSENT AGENDA**

1. **A-053-2020 Landscape/Hardscape**

Address: 415 Hibiscus Ave.

Applicant: Fortress Investment Group (Andrew Osborne)

Professional: Dustin Mizell/Environment Design Group

Project Description: Hardscape and landscape changes to the previously approved third floor terrace.

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

2. **A-056-2020 Modifications**

Address: 302 Atlantic Ave.

Applicant: Robb and Elizabeth Maass

Professional: Fernando Wong Outdoor Living Design

Project Description: Minor project containing the following: resurfacing pool deck over existing, replace existing fencing (matching color & style), refinish pool

plaster, replace and augment hedges and accent planting. All large plant material to remain. Add new gates, trellis with pool fountain.

3. A-057-2020 Modifications

Address: 1960 S. Ocean Blvd.

Applicant: 1960 LLC

Professional: Daniel Downey, Architect

Project Description: Provide new stair handrails at main entrance to the house.

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

B. ITEMS PULLED FROM CONSENT AGENDA

1. A-053-2020 Landscape/Hardscape

Address: 415 Hibiscus Ave.

Applicant: Fortress Investment Group (Andrew Osborne)

Professional: Dustin Mizell/Environment Design Group

Project Description: Hardscape and landscape changes to the previously approved third floor terrace.

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

Mr. Mizell presented the landscape and hardscape modifications proposed for the commercial building.

Ms. Groves van Onna provided staff comments.

Mr. Corey questioned the address change of the building in the project listing. Ms. Groves van Onna and Mr. Bergman made a comment on the address. Mr. Corey thought the project should be deferred and brought back with the previous address so that all of the public was aware of the changes.

Mr. Mizell addressed the comments made by Mr. Corey. Mr. Corey inquired about the specific changes requested. Mr. Mizell responded. A short discussion continued. Mr. Mizell stated that only landscape and hardscape changes were proposed in this application.

Mr. Smith was not opposed to the landscape and hardscape changes but was not happy that the changes could be seen from the street when the professional indicated that it would not be seen from the street.

Mr. Floersheimer expressed concern about the size of the spa and the amount of water that would add the weight on the roof. He also expressed concern for the artificial turf proposed rather than the previously presented grass. He also was not in favor of the palm trees proposed that would be seen from the street. Mr. Mizell

responded to the comments. Mr. Mizell stated he would be happy to switch the palms to a smaller palm species.

Mr. Cooney stated he had the same concerns as what had been previously stated. Mr. Cooney expressed concern for the artificial turf.

Motion made by Mr. Corey and seconded by Mr. Smith to defer the project to the November 20, 2020 meeting, with the caveat that the project would return on the agenda with the Worth Avenue address and that the project would be noticed to the neighbors.

Mr. Floersheimer asked Mr. Corey to include the Commissioners comments in his motion. Mr. Corey stated that he believed the comments of the Commissioners were implied.

Motion carried unanimously.

It was noted after the motion by staff that the applicant could not return to the November 20, 2020 meeting if notice was to be provided. The applicant would need to return to the December 18, 2020 meeting.

C. DEMOLITIONS AND TIME EXTENSIONS

1. B-062-2020 Demolition

Address: 127 Root Trail

Applicant: Michele C. White

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: Demolition of three two-story structures.

Motion carried at the September meeting to approve the demolition as presented with the exception of the main structure (Papa Bear) and to defer the consideration of the main structure to the October 28, 2020 meeting with the expectation that the professional will bring a more detailed landscaping plan.

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

D. MAJOR PROJECTS – OLD BUSINESS

1. B-027-2020 Demolition/New Construction

Address: 335 Seabreeze Ave.

Applicant: 65 Kimberly Place LLC

Professional: MP Design and Architecture Inc.

Project Description: Demolition of existing two-story residence, one car garage and pool. Renovation of existing two-story guest house. New four car garage. Existing site wall and motor court to remain. New Landscape.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting. A motion carried at the May meeting to defer the entire project for one month, to the June 24, 2020 meeting, to allow the professional to return with renderings, more history on the current home and a more thorough demolition plan. A motion carried at the June meeting to defer the project to the July 29, 2020 meeting at the request of the professional. A motion carried at the July meeting defer the project to the August 26, 2020 meeting to allow the professionals to return with a clear plan for the guesthouse to remain. A motion carried at the August meeting to defer the project to the September 23, 2020 meeting to allow the professional to address the zoning issue. A motion carried at the September meeting to defer the project to the October 28, 2020 meeting due to concerns for the landscape plan, the proposed project did not enhance the beauty of the street, and the garage did not fit aesthetically into the neighborhood and the siting of the garage/guest house.

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

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

Michael Perry, MP Design and Architecture Inc., presented the architectural plans for the demolition request.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans in relation to the demolition request.

Ms. Groves van Onna provided staff comments.

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

Mr. Ives thought that the doorway to remain was a bit unusual. However, he stated he had been supportive of the project from the beginning.

Ms. Grace stated she had reservations about the wall that would remain.

Mr. Corey questioned what was included in the demolition request. A short discussion ensued on this. Mr. Perry and Mr. Mizell further explained the request.

Ms. Shiverick was in favor of the demolition but questioned the purpose of the existing front entrance arch and door. However, she was in favor of the proposed garden.

Mr. Smith was not in favor of the garage/guest house. He believed that structure should be removed along with the main house.

Ms. Catlin was in favor of the butterfly garden but questioned the proposed front door to remain. She added with the small amount of the front entrance proposed to remain, it would be better if it was completely removed.

Mr. Floersheimer expressed concern for the landscape items to be removed. Mr. Mizell responded.

Mr. Small thought the existing home was historic and recalled the history of the home when it was presented at the Landmarks Preservation Commission.

Mr. Corey asked the professionals to see the demolition plan as presented. Mr. Perry responded.

Motion made by Mr. Ives to approve the demolition request as presented with the following caveats: sod and irrigate the property within 30 days, all elements on the property are to be maintained prior to demolition.

Mr. Small stated that the demolition request included the retaining and maintaining of the front door and the request of the utility easement.

Mr. Garrison seconded the motion. Motion carried 4-3, with Messrs. Corey, Small and Ms. Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Mr. Perry presented the architectural plans proposed for the remaining structure.

Mr. Mizell presented the landscape and hardscape plans proposed for the site after demolition. He presented the existing door and archway that was proposed to remain. He then presented an alternate option with the door removed.

Mr. Small questioned if the remaining structure met the zoning requirements. Ms. Groves van Onna responded. Mr. Perry further explained the request related to the zoning requirements.

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

Mr. Garrison was in favor of the bird bath proposed rather than keeping the existing door.

Mr. Ives inquired the preference of the applicant on what they would request. Mr. Perry stated that he believed the applicant would rather have option A, the bird bath.

Ms. Grace stated she thought the demolition request included keeping the door. Mr. Perry responded to her question. Ms. Grace was not in favor of keeping the door as it seemed free floating.

Mr. Corey was in favor of the greenspace proposed post demolition. He was also in favor of the bird bath proposed.

Ms. Shiverick was also in favor of the bird bath proposed but thought it may need to be a bit bigger. Ms. Shiverick suggested using the front door on the guest house. Mr. Perry was in favor of that idea.

Mr. Smith stated he could not support the garage structure in the rear of the property.

Ms. Catlin was in favor of the garden. She was in favor of the bird bath since she believed more of the house should have been kept to be successful.

Mr. Floersheimer was in favor of the door proposed. He was also in favor of the landscaping plan.

Mr. Small was in favor of the landscape plan proposed and was in favor of keeping the door. He agreed with Mr. Smith and thought the garage structure should be demolished along with the main house.

Motion made by Ms. Shiverick and seconded by Mr. Ives to approve the project as presented with option A, the bird bath, and reusing the front entrance door on the guest house. Motion failed 3-4, with Messrs. Small, Smith, Corey and Ms. Grace.

Motion made by Ms. Grace and seconded by Mr. Corey to approve the landscape and hardscape plans with option A, to include the bird bath.

Mr. Ives thought some direction should be given for the architecture since the project had been ongoing for several months. A discussion ensued on the motion.

Motion carried unanimously.

Motion made by Mr. Smith and seconded by Ms. Grace to deny the architectural changes as presented, based on Section 18-205, criteria 4, 6 and 8. Motion carried 4-3, with Messrs. Ives, Garrison and Ms. Shiverick opposed.

Please note: A short break was taken at 10:58 a.m. The meeting resumed at 11:10 a.m.

2. B-034-2020 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Address: 2730 S. Ocean Blvd.

Applicant: The Ambassador Hotel Cooperative Apartment Corp., A Florida Corporation. (Richard Schlesinger, President)

Professional: Richard Sammons/Fairfax, Sammons and Partners

Project Description: Additions and interior and exterior renovations to the buildings at 2730 S. Ocean Blvd. Landscape and hardscape changes included.

ZONING INFORMATION: The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District. 2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor).

A motion carried at the June meeting to defer the project to the July 29, 2020 meeting at the request of the professional. A motion carried at the July meeting to defer the project to the August 26, 2020 meeting at the request of the attorney.

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

3. B-037-2020 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW

Address: 110 Seagate Road

Applicant: Carlos Musso, Sr.

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Demolition of existing residence, landscape, hardscape and pool. Construction of a new two story residence, landscape, hardscape and pool.

ZONING INFORMATION: Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new residence on non-confirming portions of platted lots with a depth of 96.12 feet In lieu of the 100 foot minimum depth required In the R-B Zoning District.

This project was approved at the August 26, 2020 meeting. It was then appealed to the Town Council who remanded the project back to the Commission for reconsideration, specifically asking the Commission to re-review criteria 4, 6 and 8 in Section 18-205.

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

Please note: Mr. Smith declared a conflict of interest for this project. Ms. Catlin voted in the absence of Mr. Smith.

Mr. Floersheimer requested to hear the criteria to be considered when reviewing the proposed project. Mr. Small read the Section 18-205, criteria 4, 6 and 8.

Ms. Grace inquired about the motion with respect to the criteria. Town Attorney Randolph responded.

Mr. Janssen addressed the issues raised in the appeal relating to the architecture previously approved. Mr. Janssen presented the architectural plans that were previously approved.

Maura Ziska, attorney for the owner, requested the Commission to re-approve the project and advocated for the previously approved design.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments.

Joanne Paladino, 148 Seagate Road, expressed her objections to the project.

Ms. Shiverick asked Ms. Paladino about the changes she would like to see in the architecture. Ms. Paladino responded.

Mr. Janssen responded and stated that he believed he addressed Ms. Paladino's concerns during the second presentation to the Commission.

Tim Hanlon, attorney on behalf of Joanne Paladino and Jeff and Katy Amling, indicated the reasons he believed the home did not meet the criteria of Section 18-205, criteria 4, 6 and 8.

Mr. Janssen provided rebuttal to the arguments made by Mr. Hanlon.

Ms. Grace asked if Mr. Hanlon had any architectural changes that his client recommended. Mr. Hanlon responded.

A discussion ensued about the homes within the 200 and 250 foot radius of the home proposed. Mr. Hanlon and Mr. Janssen showed photos of the surrounding homes.

Mr. Garrison thought all of the homes shown by Mr. Hanlon were all different styles of architecture, which he believed was good and created harmony. He was in favor of the project.

Mr. Ives thought the proposed home was different but not excessively different. He thought the proposed was in keeping with other homes in Palm Beach.

Ms. Grace stated she was swayed by the landscaping when she voted for the project. She thought some changes could be made to the architecture to make the design a bit warmer.

Mr. Corey thought the professional did a good job in letting the Commission know how the proposed home could fit into the Code. Mr. Corey stated he did not believe the home was that dissimilar to the other homes on the street and stated he would still support the project.

Ms. Shiverick felt the home was unfairly branded by some of the comments made. She believed that the home could be charming with the proper materials, which were included in the proposal. She thought the home's dissimilarity is what gave the home its charm. She thought the proposed would be a nice addition to the street.

Ms. Catlin thought the home was a beautiful design but felt that it did not fit on the street.

Mr. Floersheimer agreed with Messrs. Ives, Garrison and Ms. Shiverick. He felt the massing and fenestration were consistent with the other homes on the street. He was in favor of the materials proposed. He thought it could be softened but otherwise was in favor of the home.

Mr. Small thought that Seagate was an evolving street. He thought the street had many diverse, one and two story homes. He thought the proposed exuded both charm and beauty. Mr. Small did not believe the home was excessively dissimilar and was still in favor of the proposed.

Mr. Randolph discussed the possible motions for this project.

Motion made by Mr. Corey and seconded by Mr. Garrison that based upon the competence substantial evidence presented, I move that the project, at 110 Seagate Road, be approved as it is in compliance with all of the criteria set forth in the code, Section 18-205(a), including but not limited to sections 4, 6 and 8. Motion carried 5-2, with Mses. Grace and Catlin opposed.

Mr. Janssen asked a question about the motion. Messrs. Corey and Garrison responded.

4. B-048-2020 New Construction

Address: 257 Sanford Ave.

Applicant: Mary Bryant McCourt

Professional: Patrick Ryan O'Connell/Patrick Ryan O'Connell Architect, LLC

Project Description: Construction of a new two-story single family residence, landscape, hardscape and pool.

A motion carried at the August meeting to defer the project to the October 28, 2020 meeting in accordance of the comments from the Commissioners, which included concerns for scale and the way the sections related to each other, the fenestration, details needed restudied, too busy for the street, not in harmony with the rest of the homes.

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. O'Connell agreed to the easement.

Mr. O'Connell provided an overview of the changes made since the last meeting. He then introduced Rafael Portuondo, who assisted him in the architectural changes.

Mr. Portuondo presented the architectural modifications proposed for the new home.

Adam Mills, Environment Design Group, presented the landscape and hardscape modifications proposed for the new residence.

Ms. Groves van Onna provided staff comments.

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

Mr. Garrison was in favor of the improvements however, he questioned the color proposed for the body of the home. He thought a lighter color was more appropriate.

Mr. Ives questioned whether this home fit on the street. He also questioned if the design was losing identity and character.

Ms. Grace was in favor of most of the changes. She felt the portico was still heavy. She questioned the detailing above the windows on the first floor. Mr.

Portuondo responded. She questioned the black window frames as well as some of the fenestration.

Mr. Corey believed the changes were leading the home in a better direction. He felt the portico was a bit bombastic. He felt the home was more vertical than horizontal. He thought the home was not as charming as its potential. He also questioned the home on Sanford.

Ms. Shiverick thought the massing had improved. She questioned if the style was in line with other homes on the street.

Ms. Catlin liked many of the revisions made by the professionals. She stated the front entry felt too important for the home. She did not feel that the house had the charm that some of the other homes had on Sanford. However, she felt it was still a good home and it would fit on Sanford.

Mr. Floersheimer expressed concern about the verticality and tallness of the home. Mr. O'Connell responded.

Mr. Smith supported the home and thought the changes were positive.

Mr. Portuondo responded to some of the comments made by the Commissioners. He pointed out the positive architectural features in the design.

Motion made by Mr. Garrison and seconded by Mr. Smith to approve the project as presented and that the project has met the criteria for approval listed in section 18-205 of the Town's code of ordinances with a restudy of the colors presented. Motion failed 3-4, with Ms. Grace, Shiverick and Messrs. Ives and Corey opposed.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project to the November 20, 2020 meeting. Motion carried unanimously.

Please note: A lunch break was taken at 1:10 p.m. The meeting resumed at 1:46 p.m.

5. B-055-2020 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
- DONE

Address: 117 El Mirasol

Applicant: Road PB LLC (Maura Ziska, Manager)

Professional: Peter Papadopoulos & Taylor Smith/Smith and Moore Architects

Project Description: Demolition of existing one-story residence and accessory building, pool, hardscape elements and landscape. New two-story residence. New swimming pool. Final landscape and hardscape.

Motions were carried at the September meeting to approve the demolition as requested, that implementation of the proposed variance will not cause negative architectural impact to the subject property and to approve the project with the caveat that the two roofs with the standing seam roof would return to the October 28, 2020 meeting with a slight alteration.

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. Smith agreed to the easement.

Mr. Smith presented the modifications to the proposed roof.

Ms. Groves van Onna provided staff comments.

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

Mr. Corey thought that the house was special.

Ms. Shiverick was happy with the change in the roof. She questioned if the owner would consider a bronze window rather than the black proposed. Mr. Smith stated he would ask the owners.

Motion made by Ms. Shiverick and seconded by Mr. Corey to approve the project as presented and that the project has met the criteria for approval listed in section 18-205 of the Town's code of ordinances with the caveat that the window trim color be changed to a lighter gray or bronze color. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

6. B-056-2020 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 756 Hi Mount Road

Applicant: Hi Mount LLC (Maura Ziska)

Professional: Ken Tate/Ken Tate Architect

Project Description: New one and two story plus sub-basement Mediterranean Revival Style single family residence with raised rear landscape terrace and fountain.

A motion carried at the September meeting to defer the project to the October 28, 2020 meeting in accordance with the comments from the Commissioners, which

included how massive the home appeared from the Lake Trail, questioned the tower element, and a restudy of the gable on the northwest portion.

ZONING INFORMATION: The applicant is proposing a new 8,327 square foot, two story residence on the subject property that will require the following variances: 1) Section 134-895(1): A chimney with a height of 13.56 feet in lieu of the 8.8 foot maximum allowed; 2) Section 134-8893(11): A lot coverage of 33% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District; 3) Section 134-1: The proposed sub-basement is under the confines of the building above it and also below the lowest grade of the public street (HI Mount Road) in front of the lot, however, it is not completely underground. A variance is being requested to allow a proposed sub-basement where a portion is not completely underground as there is a substantial change of grade from HI Mount Road to Lake Trail. 4) Section 134-1670(c): A height of the retaining wall along the north property line to be 11.03 at its maximum height in lieu of the 7 foot maximum allowed. 5) Section 134-1670(c): A retaining wall at the northwest corner of the house, in the side yard within 10 feet of the property line that is at 14 feet in height in lieu of the 10 foot maximum from adjacent grade.

Please note: This item was deferred to the November 20, 2020 meeting at the Approval of the Agenda, Item VI.

7. **B-057-2020 Additions/Modifications**

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 202 Plantation Rd.

Applicant: Our Palm Beach Home LLC & Frances B. Terwilliger

Professional: Keith Spina/Spina O'Rourke

Project Description: Modification of the existing two-story residence to include: The addition of 425 SF one-story master bedroom addition on the west side, the demolition of a 183 sf open air trellis and addition of a 183 SF covered porch in the same location on the south side of the existing two-story residence, associated landscape and hardscape.

A motion carried at the September meeting to defer the project for one month for a restudy of the design so that the variances were reduced or not required.

ZONING INFORMATION: The applicant is proposing to renovate the two-story single family residence by constructing a 425 square foot master bedroom addition and replacement of a 183 square foot open air trellis with a 183 square foot covered porch. The following variances are being requested: 1. Section 134-893(6): an angle of vision of 114 degrees in lieu of 108 degrees existing and 108 degrees maximum allowed. 2. Section 134-893(13): a cubic content ratio of 3.99 in lieu of 3.83 existing and 3.94 maximum allowed.

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. Freijomel agreed to the easement.

Nelo Freijomel, Spina O'Rourke, presented the architectural modifications proposed for the exiting home.

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

Ms. Groves van Onna provided staff comments.

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

Mr. Garrison stated the changes were good.

Ms. Grace recommended changing the shape of the front door to a rectangular shape. She also recommended a lighter color for the shutters.

Mr. Corey supported all of the changes and was in favor of the project.

Ms. Shiverick thought the changes were an improvement.

Mr. Smith stated he was in full support.

Mr. Floersheimer inquired about the height of the proposed Clusia hedge. Mr. Nievera responded.

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented and that the project has met the criteria for approval listed in section 18-205 of the Town's code of ordinances. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

8. B-059-2020 New Construction

Address: 125 El Bravo Way

Applicant: 125 El Bravo Way LLC (Braden Smith, Manager)

Professional: MP Design and Architecture Inc.

Project Description: New two-story residence with three car garage on a vacant lot. New landscape, hardscape and pool.

A motion carried at the September meeting to defer the project to the October 28, 2020 meeting due to concerns such as the front entrance was too massive, the fenestration, the house was too bulky, lack of charm, the garages on the front of the home, not in harmony with the neighborhood.

Please note: This item was deferred to the November 20, 2020 meeting at the Approval of the Agenda, Item VI.

9. B-060-2020 New Construction

Address: 261 Nightingale Trail

Applicant: 261 Nightingale, LLC (contract purchaser) (Carl Sabatello, Manager)

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: New two story residence with pool, final hardscape and landscape.

A motion carried at the September meeting approve the project as presented, including the change in the pilasters, roof and rear windows with the following caveat that the front urns and the Date palms to return to the October 28, 2020 meeting.

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

Steve West, Parker-Yannette Design Group, Inc., presented the landscape and hardscape modifications proposed for the new home.

Ms. Groves van Onna provided staff comments.

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. West agreed to the easement.

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

Many of the Commissioners supported the changes proposed.

Motion made by Mr. Smith and seconded by Mr. Garrison to approve the project as presented and that the project has met the criteria for approval listed in section 18-205 of the Town's code of ordinances. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: The next project from New Business was moved up in the agenda at this time:

1. B-061-2020 Additions/Modifications

Address: 165 Seaspray Ave.

Applicant: M2B Properties LLC (Gregory L. Palmer, Agent)

Professional: Gregory L. Palmer/Harrison Design

Project Description: New Construction of a single family residence on an open lot.

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.

Mr. Palmer presented the architectural plans proposed for the new residence.

Steve West, Parker-Yannette Design Group, Inc., presented the landscape and hardscape plans proposed for the new home.

Ms. Groves van Onna and Mr. Falco provided staff comments.

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

Mr. Garrison thought the home would be an asset to the street. He asked if a generator would be proposed for the home. Mr. Palmer responded. Mr. Garrison inquired if some of the home was built in the easement. Mr. West responded.

Mr. Ives thought that the house was not very welcoming and lacked warmth. Mr. Ives thought the design needed reconsideration for character, identity and uniqueness.

Ms. Grace thought the proposed home needed more charm. She thought the home was bigger than other homes in the area. She questioned the front door and some of the fenestration proposed.

Mr. Corey liked that much of the massing could not be seen from the street and thought the home had some charm. He suggested breaking some of the volume off as a cottage. He was supportive of the home but thought some of the home could be separated into a cottage. He was in favor of the landscape plan but requested a few more native species.

Mr. Smith supported the home.

Ms. Catlin supported the home as well but requested a bit more whimsy and charm in the details.

Mr. Floersheimer agreed with Ms. Grace that the footprint of the proposed home looked bigger than the surrounding homes. He was in favor of Mr. Corey's idea of separating the mass. He thought the overall massing should be reduced. Mr. Floersheimer thought the entry way looked secondary to the garage entrance.

Mr. Cooney thought it was a simple home on the street.

Mr. Small agreed with Mr. Floersheimer in the protrusion of the garage and how it took away from the front entry. Mr. Small agreed with Mr. Corey's suggestion to breaking up the mass of the home.

Mr. Palmer addressed some of the comments made by the Commissioners.

Motion made by Ms. Grace and seconded by Mr. Ives to defer the project for one month, to the November 20, 2020 meeting, in accordance with the comments from the Commissioners. Motion carried unanimously.

Please note: Ms. Shiverick lost internet connection at 2:50 p.m. Ms. Catlin voted in her absence.

10. B-063-2020 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Address: 160 Royal Palm Way

Applicant: LR Palm House LLC (Maura Ziska)

Professional: Michael Sean McLendon/Cooper Carry

Project Description: The existing Palm House hotel is located at 160 Royal Palm Way. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The proposed new work for the hotel includes completion and conversion of guest rooms for a total of 79 keys. A new pool deck will be constructed adjacent to the existing Function Room. Other exterior improvements will include re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors.

A motion carried at the September meeting to defer the project to the October 28, 2020 meeting in accordance with the comments of the Commissioners, which included concern for the gazebo-typed dome structure in the courtyard, the structure for existing the lobby on the interior south elevation, the curtains on the front of the structure, the crowding of elements in the courtyard, the trash location needed resolution, and improvements needed in the porte cochère element.

ZONING INFORMATION: Section 134-1304 (5): Request to modify Site Plan Review # 1-2016 with Special Exception to change the approved use from condo-hotel to hotel; modify the previously approved site plan; and amend the conditions of approval in the Declaration of Use Agreement, as identified in the proposed Third Amendment to the Declaration of Use which Is Exhibit "F") of this application. The proposed site modifications being requested as follows: Section 134-1304(5): The existing Palm House hotel is located at 160 Royal Palm Way, Palm Beach, Florida. it is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The hotel is 84,495 gross square feet in total. There is an East and West guest wing, and these wings are connected by a central core containing the Main Entrance and other partially completed public functions. A separate conference and events "Function Room" and partial pool deck was also constructed at the south east portion of the property. Section 134-227. 326 & 329 1729(2)(c): (Site Plan Review) The new owner/applicant is proposing new work for the hotel which includes the following site plan modifications: 1) Completion and conversion of guest rooms for a total of 79 keys. Two new

presidential suites will be constructed within the building core, each with private outdoor balconies. 2) Completion of the Lower Level for back-of-house, administrative and housekeeping functions for the hotel. The interior modifications for the lower level includes renovation of partially completed areas including kitchen, food storage, housekeeping, staff areas and hotel administrative offices. The Owner is requesting an additional 148 SF to provide a new service stair from the lower Level to support the Pool Area. Additional areas for renovation include spaces for MEP Infrastructure such as electrical, hot water, and elevator systems. The proposed modifications remove all Hotel Guest program areas from the lower level. The Lower Level renovation includes restoration of parking area for 60 parking spaces including three accessible parking spaces. Two parking spaces which includes on Van Accessible parking space is located behind the existing function room. All parking will be Valet only per the Declaration of Use Amendment Three. Total on-site parking provided is 62 spaces. 3) A new pool deck will be constructed adjacent to the existing Function Room, with various amenities that include chaise lounges and outdoor seating, shade umbrellas, toilets, a towel/concierge stand, open-air bar with enclosed pantry behind, water features, lush native plantings, and Event Lawn to be used as a pre-function space, or for small wedding and/or overflow sun bathing; 4) The first level lobby and public spaces will be completed to include fine dining and lobby bar, with 88 Indoor seats as well as 36 outdoor seating facing the new pool deck. The second floor dining that was previously approved has been eliminated to make room for the reconfigured hotel suites which include the new presidential suites; 5) The Function Room construction will be completed and the seating plan in the Function Room is being revised to add 50 more seats for a total of 200 seats (the total overall number of seats throughout the hotel that was previously approved is being reduced from 336 to 324); 6) A small 556 square foot banquet prep kitchen is proposed to be constructed adjacent to and on the east side of the existing Function Room. 7) Replace a 250 RW generator in the basement with the same size that exists today. - Other exterior Improvements will include new third floor railings, re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors. Addition of a small 61 square foot pool service building; enclosing the 679 square foot function room pre-function space on the west side of the Function Room; addition of 588 square foot restroom for Function Room, addition of 556 square foot prep kitchen for Function Room and addition of 148 square foot stairwell to access Function Room prep kitchen. The following is a list of the proposed special exceptions and variances being requested for the hotel project: 1) Section 134-226 & 229: A special exception request to modify the approved special exception by converting from a condominium hotel to hotel use and make the site modifications and change to the conditions of approval as identified in this application. 2) Section 134-1305: A special exception request to allow 36 seats for outdoor dining on the first floor on the north side of the pool deck; and 3) Section 134-1308(9): A variance for lot coverage to be 63.8% in lieu of the 62.8% existing and the 50% maximum allowed in the C-B Zoning District; 4) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel above the second floor where only a two story building is allowed in the C-B Zoning District; 5) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel with a height of 31.83 feet in lieu of the 25 foot maximum allowed; 6) Section 134-1669: A variance for the height of the wall enclosing the dumpster located at the southeast corner of the property to be 13.25 feet tall in lieu of the 7 foot maximum height allowed from the neighbor's grade; 7) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with a height of 33.58 feet in lieu of the 25 foot maximum allowed in the C-B Zoning District; 8) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with an overall height of 42 feet in lieu of the 35 foot maximum allowed in the C-B Zoning District; 9) Section 134-1669: A variance for the height of the wall along the rear property line to be 8.5 feet in lieu of the 7 foot maximum allowed from the neighbor's grade; 10) Section 134-1669: A variance for the height of the wall enclosing the existing chiller at the south west corner of the property to be 12 feet tall in lieu of the 7 foot maximum allowed from the neighbor's grade; 11) Section 134-1308(7): A variance for a rear yard setback for the chiller to be 2.25 feet in lieu of the 10 foot minimum required in the C-B Zoning District; 12) Section 134-1308(6): A variance for a west side yard setback for the chiller to be 5.8 feet in lieu of the 10 foot minimum required in the C-B Zoning District

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

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

Maura Ziska, attorney for the applicant, introduced the project, addressed some of the written comments by other attorneys, explained the zoning requests and advocated for a positive recommendation to the Town council.

Mr. McLendon and Manny Dominguez, Cooper Carry Architects, presented the architectural modifications proposed for the existing hotel.

Josh Daniel, Cooper Carry Architects, presented the landscape and hardscape modifications proposed for the existing hotel.

Ms. Groves van Onna and Mr. Falco provided staff comments.

Mr. Small called for public comments.

John Eubanks, attorney representing Thomas McCarthy at 140 Brazilian Avenue and the DeVries at 141 and 149 Brazilian Avenue, expressed objections and concerns to some of the aspects of the project.

Donald Lunny, attorney on behalf of Virginia Simmons at 133 Brazilian Avenue, expressed objections and concerns to the project.

Ms. Ziska provided rebuttal arguments to both Mr. Eubanks and Mr. Lunny.

Mr. Garrison thought most of the changes were fine and thought the project should be moved. He suggested deferring the landscaping so that more scrutiny could be given to the buffering between neighbors.

Mr. Ives thought more attention should be given to the hotel rooms and balconies. He suggested using different detailing or fenestration so that they read a bit differently in the outdoor courtyard section.

Ms. Grace thought the changes were positive. Ms. Grace inquired about the material proposed for the front arch and the courtyard arch. Mr. McLendon responded. Ms. Grace suggested using a bronze finish on the windows rather than the black shown. Mr. Dominguez responded.

Mr. Corey inquired about the width of the service drive on the east side of the property. Mr. McLendon responded. Mr. Corey suggested the addition of a gate at this location. Mr. Corey inquired about the balustrades over the ballroom. Mr. McLendon responded. Mr. Corey thought the south and east landscape buffers should come back for a restudy.

Ms. Shiverick thought the architecture was good. She was in favor of the additional vines on the front at the west end. She asked for more coquina to be used in the water feature.

Mr. Smith thought the professionals did a good job of listening to the comments from the Commissioners. He inquired about the proposed signage for the hotel. Mr. McLendon responded.

Ms. Catlin thought the architectural changes were good. She recommended that the neighbors and the hotel work together to come up with a solution for the landscape buffers.

Mr. Floersheimer questioned the balustrades over the ballroom. Mr. McLendon responded. Mr. Floersheimer inquired about the location of the water feature in the setback. Mr. McLendon responded and explained the design.

Mr. Cooney requested that the Coconut Palms on the street would be of the same scale of the other palms.

Mr. Small thought this building was far from dissimilar to other buildings in the area. He stated his concerns had to do with the landscape screening for the east and south buffers. He also expressed concern for the small easement and requested more clarification for the pathway, setback and landscape buffers.

Mr. Eubanks stated that Ms. Ziska stated that they project had been previously approved and rebutted her statement.

Mr. Lunny agreed with Mr. Eubanks and provided further objections.

Ms. Ziska spoke on the variances requested.

Mr. Randolph asked Chairman Small to clarify why he believed the building was not dissimilar. Chairman Small replied.

Motion made by Mr. Garrison and seconded by Mr. Ives that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion made by Mr. Corey and seconded by Mr. Garrison that the proposed project at 160 Royal Palm Way has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented with the caveat that the landscape, service gate and paint colors would return to the November 20, 2020 meeting in accordance with the comments from the Commissioners. Motion carried 6-1, with Mr. Ives 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.

E. MAJOR PROJECTS – NEW BUSINESS

1. B-043-2020 Additions/Modifications

Address: 1045 S. Ocean Blvd.

Applicant: Kerry Vickar (Lionel Kerrin Vickar)

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: New construction of a two story addition with basement.

New pool and pool deck. New hardscape and landscape, including civil/storm water management.

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

Mr. Janssen presented the architectural plans proposed for the new addition to the existing home.

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

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.

Ms. Groves van Onna and Mr. Falco provided staff comments.

Mr. Small called for public comments.

Frank Lynch, attorney for the owners at 1020 and 1030 S. Ocean Blvd., stated his concerns for the proposed project.

Ms. Ziska provided rebuttal arguments to the arguments made by Mr. Lynch.

Kerry Vickar, owner, spoke about the proposal and some of the issues raised by the neighbors.

Mr. Janssen and Ms. Ziska provided further rebuttal to arguments raised by Mr. Lynch.

Mr. Garrison thought the landscape proposed was better than existing. He thought the addition would look like it had always been there once built. He was supportive of the project.

Mr. Ives questioned the aluminum panels on the second floor but otherwise supported the project.

Ms. Grace was concerned about the view when driving down S. Ocean Blvd but thought the architecture was acceptable.

Mr. Corey expressed concern that the existing home had some warmth and the proposed was rather harsh. He stated he could not support the aluminum panels proposed. He also thought the addition was competing with the main house and thought it should be more subservient. He thought the proposed design needed more charm and warmth. He was in favor of the landscape and hardscape proposal.

Ms. Shiverick was in favor of the eyebrow over the front door. She liked the clear glass walkway on the second floor and liked how the addition was stepped back. She supported the home.

Mr. Smith thought that Mr. Janssen did a good job. He was in favor of the addition. He was not in favor of the existing front door.

Ms. Catlin was in favor of the addition and of the project.

Mr. Floersheimer thought Mr. Janssen did an excellent job. Mr. Floersheimer inquired about the height plane issue raised by Mr. Lynch. Mr. Janssen responded and stated that he addressed the issue with the Town. Mr. Floersheimer inquired about the front site wall and its heights. Messrs. Janssen and Mizell responded.

Mr. Cooney was supportive of much of the project. He agreed with Mr. Smith and thought the front doors could be restudied.

Mr. Smith thought the addition was architectural compatible with the area.

Mr. Lynch responded to a comment about the length of the homes of the owners he represented.

Motion made by Ms. Shiverick and seconded by Mr. Garrison that the proposed project at 1045 S. Ocean Blvd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented with the caveat that the existing front doors would return to the November 20, 2020 meeting. Motion carried 5-2, with Mr. Corey and Ms. Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: The Commission broke for the evening at 5:57 p.m. The meeting resumed on October 29, 2020 at 9:00 a.m.

Upon roll call, all Commissioners were present, with the exception of Mr. Garrison and Ms. Shiverick. It was noted that Ms. Catlin and Mr. Floersheimer would be voting in their absence.

2. B-061-2020 Additions/Modifications

Address: 165 Seaspray Ave.

Applicant: M2B Properties LLC (Gregory L. Palmer, Agent)

Professional: Gregory L. Palmer/Harrison Design

Project Description: New Construction of a single family residence on an open lot.

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

Please note: This project was heard earlier in the agenda.

3. B-067-2020 Additions/Modifications

Address: 675 N. Lake Way

Applicant: William Gilbane

Professional: Scott Hughes/Hughes Umbanhowe Architects

Project Description: The applicant proposed the following at 675 N. Lake Way: Replacement of all existing windows with new impact windows, the addition of a new entry foyer, the exterior painting of the entire structure, the installation of new landscaping for the property.

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

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

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

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

Ms. Groves van Onna provided staff comments.

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

Mr. Ives expressed concern with the pyramid roof pitch and the windows proposed. He was in favor of the landscape plans.

Ms. Grace was in favor with the changes.

Mr. Corey questioned the plate glass windows and suggested a restudy of the back façade. He was in favor of the landscaping proposed. He suggested the possibility of a larger tree in the corner rather than the Pigeon Plum proposed. Mr. Nievera responded.

Mr. Smith suggested a stepped roof of different material for the front entry, as in a Ziggurat or Bermudian Buttery roof. Mr. Hughes agreed.

Ms. Catlin was in favor of the landscaping proposed but expressed concern with the entry foyer.

Mr. Floersheimer was in favor of the foyer and liked Mr. Smith's recommendation of the roof pitch. He was in favor of the landscaping.

Mr. Cooney was in favor of the project.

Mr. Small was in agreement with the other Commissioners.

Mr. Corey suggested using divided lights in the windows on the rear of the home.

Motion made by Ms. Catlin and seconded by Mr. Ives to defer the project to the November 20, 2020 meeting with the adjustments based on the comments of the Commissioners. Motion failed 3-4, with Messrs. Floersheimer, Smith, Corey and Ms. Grace opposed.

Motion made by Mr. Smith and seconded by Mr. Floersheimer that the proposed project at 675 N. Lake Way has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented with the caveat that the entry foyer has a stepped Ziggurat as show in photo on sheet A2.01. 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.

F. MINOR PROJECTS – OLD BUSINESS

1. A-017-2020 Modifications

Address: 225 Worth Avenue

Applicant: Love is Next Door, LLC (Burton Handelsman, Manager)

Professional: Jerome Baumoehl/Jerome Baumoehl Architect, Inc.

Project Description: Propose to remove center section of existing storefront and approximately 1,200 square feet of existing rentable retail space to create a new courtyard and up to seven individual retail suites. Design of new custom retractable iron gate/grille in a black finish will be closed when the building is not open.

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

2. A-024-2020 Solar Panels

Address: 159 Seaspray Ave.

Applicant: Eric Leiner

Professional: Manuel Siques/Go Solar Power

Project Description: Solar PV System Roof Mount and Interconnection.

A motion carried at the August meeting to defer the project to the October 28, 2020 meeting due to lack of detailed plans and no notice to the neighbors.

Please note: This item was deferred to the November 20, 2020 meeting at the Approval of the Agenda, Item VI.

3. A-032-2020 Modifications

Address: 149 East Inlet Drive

Applicant: Myron Miller

Professional: Don Skowron

Project Description: Minor landscape and hardscape adjustments to a previously approved ARCOM project.

A motion carried at the September meeting to approve the project as presented with the caveat that the Coconut palm design to the east of the home is restudied and returned to the Commission, with a strong recommendation to return what was originally approved.

Please note: This item was deferred to the November 20, 2020 meeting at the Approval of the Agenda, Item VI.

4. A-035-2020 Modifications

Address: 238 Via Las Brisas

Applicant: Frederick and Lisabeth Lane

Professional: LaBerge and Menard Inc.

Project Description: Replace existing single front entry wood door, glass sidelights and transom with an impact rated French type glass door and transom.

A motion carried at the September meeting to defer the project for one month, to the October 28, 2020 meeting, with a plan for a door that swings inward and clarification of the finish color.

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

Please note: This project was heard at the end of the agenda at the request of the professional.

5. A-037-2020 Modifications

Address: 137 Dunbar Rd.

Applicant: Ken and Cheryl Endelson

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Proposed changes include modification of landscape, hardscape, entry door color, fenestration changes, modification of trellis design and color.

A motion carried at the September meeting to approve the landscaping plan with the original lighting but to defer the architectural plans for one month, to the October 28, 2020 meeting, specifically looking at changes to the windows, door and hardscape.

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

Mr. Janssen presented the architectural modifications proposed for the existing home.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments. There were not comments heard at this time.

Ms. Grace suggested a lighter color front door but was in favor of the project.

Mr. Corey expressed concern with the fenestration on the front façade. He was also in favor of the original front door rather than the proposed. He was in favor of the project but thought the front façade should remain as previously proposed.

Mr. Floersheimer inquired about the trellis and asked if the professional had an inspirational photo or a rendering. Mr. Janssen responded.

Mr. Small agreed with Mr. Corey regarding the front fenestration and front door.

Mr. Corey inquired about a cross section of the front door. Mr. Janssen responded.

Motion made by Ms. Grace and seconded by Mr. Smith that the proposed project at 137 Dunbar Rd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

G. MINOR PROJECTS – NEW BUSINESS

1. A-039-2020 Modifications

Address: 214 Jamaica Ln.

Applicant: James Freney

Professional: Roger Hansrote/ACI

Project Description: Replace existing concrete driveway with new stone pavers and add new stone paver walkway at the northeast corner of the property. New walkway pavers to match driveway pavers.

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

Mr. Hansrote presented the landscape and hardscape modifications proposed for the existing site.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments. There were not comments heard at this time.

Many of the Commissioners were in favor of the project.

Motion made by Mr. Smith and seconded by Mr. Ives that the proposed project at 214 Jamaica Ln. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

2. A-040-2020 Awnings

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW AND VARIANCE(S)

Address: 130 Sunrise Ave., PH 1

Applicant: Elaine Hirsch

Professional: Jeffrey Brasseur/Brasseur & Drobot Architects

Project Description: Add a 30' x 12'-2" fixed awning to 7th floor, penthouse 1, Northwest side of 130 Sunrise Ave.

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

Please note: This item was deferred to the November 20, 2020 meeting at the Approval of the Agenda, Item VI.

3. A-041-2020 Modifications

Address: 1214 N. Ocean Blvd.

Applicant: Mr. & Mrs. John Sculley

Professional: MP Design and Architecture

Project Description: Change roof material from wood shingles to white cement tiles. Change color of shutters and front door.

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

Mr. Perry presented the architectural modifications proposed for the existing site.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments. There were not comments heard at this time.

Many of the Commissioners were in favor of the project.

A question arose about the undergrounding easement. Mr. Perry stated that the owners would agree to the easement.

Motion made by Mr. Smith and seconded by Mr. Ives that the proposed project at 1214 N. Ocean Blvd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

4. A-043-2020 Awnings

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW AND VARIANCE(S)

Address: 100 Sunset Ave.

Applicant: Sally Morris (GM Palm Beach Biltmore)

Professional: Jeffrey Brasseur/Brasseur & Drobot Architects

Project Description: Add a fixed awning to the East and South side of the Biltmore Beach Club covered patio.

ZONING INFORMATION: 1) Section 134-326: A site plan modification with variances to allow a 728 square foot fixed awning addition to the covered patio that currently exists at the Beach Club. The following variances are being requested to construct the following: 2) Section 134-948(9): To allow the awning which will increase the lot coverage to 38.2% in lieu of the 33.3% existing and the 30% maximum allowed. 3) Section 134-948(7): To allow an east street-side yard setback of 14.83 feet in lieu of the 25 foot minimum required.

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

Maura Ziska, attorney for the applicant, introduced the project and explained the zoning requested. She advocated for a positive recommendation to the Town Council.

Mr. Brasseur presented the plans for the proposed awning to be installed on the existing building.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments. There were not comments heard at this time.

Many of the Commissioners were in favor of the project.

Mr. Smith suggested that the awning should be a solid color rather than the striped proposed. He recommended the champagne color.

Ms. Catlin and Messrs. Floersheimer and Small agreed with Mr. Smith.

Mr. Small inquired if the owner would change the awning to a champagne color. Mr. Brasseur confirmed that the awning would be changed.

Motion made by Mr. Ives and seconded by Mr. Smith that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion made by Mr. Ives and seconded by Mr. Smith that the proposed project at 100 Sunset Avenue has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

5. A-044-2020 Landscape/Hardscape

Address: 1332 N. Ocean Blvd.

Applicant: 1332 Ocean Trust (Guy Rabideau, Trustee)

Professional: Jorge Sanchez & Claudia Visconti/SMI Landscape Architecture

Project Description: New hardscape and landscape on accessory beach lot.

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

Ms. Visconti presented the landscape and hardscape modifications proposed for the beach lot.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments. There were not comments heard at this time.

Many of the Commissioners were in favor of the project.

Mr. Corey inquired why the changes were the main home were not shown. Ms. Visconti responded. Mr. Corey stated he could not support the project as he would like to see the project as a whole, including the main house.

Mr. Floersheimer inquired about the site wall changes. Ms. Visconti responded.

Motion made by Mr. Smith and seconded by Mr. Ives that the proposed project at 1332 N. Ocean Blvd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried 6-1, with Mr. Corey opposed.

Please note: Mr. Garrison joined the meeting at approximately 10:05 a.m. Mr. Smith left the meeting at 10:25 a.m. Alternates Catlin and Floersheimer continued to vote in the absence of Mr. Smith and Ms. Shiverick.

6. A-045-2020 Modifications

Address: 1465 Laurie Ln.

Applicant: Cyril Ryan and Louise Carter

Professional: Stephen Roy/Roy and Posey

Project Description: Master suite addition and modifications to the sitting room.

Modifications to landscape and hardscape to include modifications to an existing pool.

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

Mr. Roy presented the architectural modifications proposed for the existing home.

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

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments.

Maria Drelich and Javier Cabrera, 215 Onondaga Ave., showed a copy of the owner's survey and expressed concern that the survey did not convey an accurate representation of the existing site. They expressed concern regarding a fence on the south side of the property.

Mr. Mizell responded and explain the intent was to place a new fence on the border of the property.

Mr. Cabrera expressed further concern of the tall palm to be relocated. He requested that the palm was not planted close to their home. Mr. Mizell stated he had no problem relocating the palm to a different location.

Mr. Cabrera expressed concern for the bridal veil tree proposed for the southeastern corner and felt it would grow over their swimming pool. Mr. Mizell stated he would relocate that tree as well.

Many of the Commissioners were in favor of the project.

Ms. Grace inquired about the Banyan tree raised by another neighbor. Mr. Mizell stated there was no Banyan tree on the property.

Mr. Corey inquired about the Ficus Nitida on the plans. Mr. Mizell stated it would remain. Mr. Corey inquired about the fence material that would be replaced. Mr. Mizell responded. Mr. Corey thought the landscaping needed to be resolved.

Ms. Catlin requested that the architectural truck logistics plan and routes would match the landscaping truck logistics plan and routes. Mr. Mizell agreed.

Mr. Floersheimer inquired about the paint for the brick. Mr. Roy responded.

Mr. Small was in favor of the plan but thought the landscaping needed some resolution.

Mr. Falco stated that Ms. Drelich and Mr. Cabrera requested a chain link fence rather than a solid fence. Mr. Corey thought this was acceptable.

Motion made by Mr. Corey and seconded by Ms. Catlin that the proposed project at 1465 Laurie Ln. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented with the following caveats: the movement of the trees discussed, to include the palm and the bridal veil tree, the new fencing material is chain link and the truck logistics plans to be used for the entire project would match the landscape logistics plan. Motion carried 6-1, with Ms. Grace opposed.

7. A-046-2020 Landscape Lighting

Address: 1020 S. Ocean Blvd.

Applicant: Heliane Steden

Professional: Fernando Wong Outdoor Living Design

Project Description: Proposed landscape lighting design.

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

Che Wei Kuo, Fernando Wong Outdoor Living Design, presented the proposed landscape lighting design.

Ms. Groves van Onna provided staff comments.

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

Many of the Commissioners were in favor of the project.

Motion made by Mr. Garrison and seconded by Mr. Corey that the proposed project at 1020 S. Ocean Blvd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

8. A-047-2020 Landscape/Hardscape

Address: 142 S. County Rd.

Applicant: NH Palm Beach, LLC (Armando Alvares, Owner)

Professional: Don Skowron

Project Description: Minor landscape and hardscape adjustments to a previously approved ARCOM project. Driveway color change, addition of CMU wall (to screen pool equipment within 5' of PL), adjustments to hardscape and landscape and fence (adjustments, additions and locations) screened by landscape.

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

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

Ms. Groves van Onna provided staff comments.

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

Ms. Grace inquired if the professional was meeting the native requirements. Mr. Skowron responded.

Many of the Commissioners were in favor of the project.

Motion made by Mr. Corey and seconded by Ms. Catlin that the proposed project at 142 S. County Rd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

9. A-049-2020 Hardscape

Address: 322 Pendleton Ln.

Applicant: William Bone

Professional: Chad M. Gruber, P.E.

Project Description: Owner needs to repair existing basket-weave red brick tile on concrete driveway, broken area drain grates and poorly functioning drain system.

Owner is proposing cast stone diamond and sod joint pattern with red brick border and has agreed to upgrade drainage system to meet current town standards.

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

Bill Bone, owner, advocated for his project.

Dustin Mizell, Environment Design Group, presented the proposed driveway material change.

Ms. Groves van Onna provided staff comments.

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

Many of the Commissioners were in favor of the project.

Motion made by Mr. Corey and seconded by Mr. Ives that the proposed project at 322 Pendleton Lane has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

Please note: The following project was moved to this location in the agenda.

6. A-035-2020 Modifications

Address: 238 Via Las Brisas

Applicant: Frederick and Lisabeth Lane

Professional: LaBerge and Menard Inc.

Project Description: Replace existing single front entry wood door, glass sidelights and transom with an impact rated French type glass door and transom.

A motion carried at the September meeting to defer the project for one month, to the October 28, 2020 meeting, with a plan for a door that swings inward and clarification of the finish color.

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

Daniel Menard, LaBerge and Menard, Inc. presented the architectural modifications proposed for the existing home.

Ms. Groves van Onna provided staff comments.

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

Ms. Grace thought the front entry appeared a bit heavy and suggested a lighter colored front door.

Many of the Commissioners were in favor of the project.

Motion made by Mr. Garrison and seconded by Ms. Catlin that the proposed project at 238 Via Las Brisas has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

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

There were no comments heard at this time.

IX. **COMMENTS FROM THE ARCHITECTURAL COMMISSION MEMBERS**

Mr Ives thought there were some minor projects that could eventually be moved into the staff approval category on the project designation guide.

Ms. Grace inquired about the native plant expert. Mr Bergman responded and stated that the matter was being discussed at ORS and anticipated this item returning after January 2021.

Ms. Catlin thought attorney comments should be limited, especially since many of the comments were not under the purview of ARCOM.

Mr. Floersheimer thanked staff for the new format on the staff approvals.

Mr. Corey stated that the Code called out a specific list regarding native plantings.

X. **STAFF APPROVALS**

There were no inquiries of staff approvals.

XI. **UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)**

1. Commission
None.

2. Staff

Mr. Bergman stated that Mr. Small conflict of interest

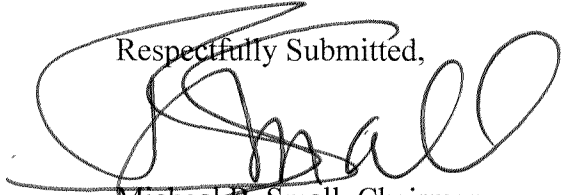
3. Public
None.

XII. **ADJOURNMENT**

Motion made by Mr. Ives and seconded by Mr. Garrison to adjourn the meeting at 11:07 a.m. Motion carried unanimously.

The next meeting will be held on Friday, November 20, 2020 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 "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: B-027-2020 Demolition/New Construction

Address: 335 Seabreeze Ave.

Applicant: 65 Kimberly Place LLC

Architect: MP Design and Architecture Inc.

Project Description: Demolition of existing two-story residence, one car garage and pool. Renovation of existing two-story guesthouse. New four car garage. Existing

The above request has been denied by the Architectural Review Commission for the following reasons: *site wall and motor court to remain. New landscape.*

- ☐ (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 of 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.

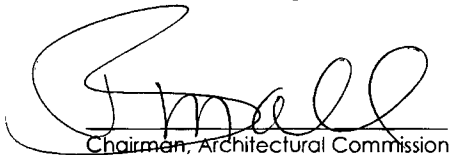
The applicant is advised that appeals must be filed with the Town Clerk within 10 days in accordance with Article III, Section 18-177 of the Town Code of Ordinances.

*The architecture was denied
but the landscape/hardscape and
demolition requested was approved.*

CERTIFICATION:

The above denial was issued by the Architectural Review Commission at their meeting on 10/28/20

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 Smith, Jeffrey W.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Architectural Review Commission	
MAILING ADDRESS 241 Sanford Avenue		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Palm Beach	COUNTY Palm Beach	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED October 28, 2020		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jeffrey W. Smith, hereby disclose that on October 28, 20 20 :

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

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____ , by
whom I am retained; or
- ☐ inured to the special gain or loss of _____ , which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

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

B-037-2020 Demolition/New Construction

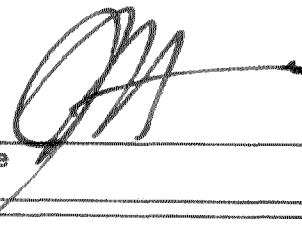
110 Seagate Road

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

Date Filed

10-29-2020

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.