

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, SEPTEMBER 23, 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 (left at 12:20 on 9/25 excused)
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 (left at 4:55 on 9/23) ABSENT (9/25 excused)
Edward A. Cooney, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Laura Groves van Onna, Historic Preservation Planner
Kelly Churney, Secretary to the Architectural Review Commission

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Small reviewed the administrative procedures for the meeting.

- V. **APPROVAL OF THE MINUTES FROM THE AUGUST 26, 2020 MEETING**
Motion made by Mr. Garrison and seconded by Ms. Grace to approve the minutes from the August 26, 2020 meeting. Motion carried unanimously.
- VI. **APPROVAL OF THE AGENDA**
Motion made by Mr. Smith and seconded by Mr. Corey to approve the agenda as presented. Motion carried unanimously.
- VII. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**
Mr. Small announced that Ms. Churney would be administering the oath at the beginning of each project.
- 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. Corey welcomed Mr. Smith to the meeting. He then discussed how demolitions are handled in Boston, which allowed for a 90 day waiting period.
- Mr. Small stated that the topic of demolitions will be presented at the October 14, 2020 Town Council Development Review meeting and he planned to be there to speak on the topic.
- Mr. Floersheimer discussed a letter from Anne Pepper regarding fallow lots in the town.
- X. **PROJECT REVIEW**
- A. **DEMOLITIONS AND TIME EXTENSIONS**
1. **B-047-2020 Demolition**
Address: 110 Seaspray Ave.
Applicant: Manoogian Armen A Trust (Jose A. Gonzalez, Owner's Agent)
Professional: Jose A. Gonzalez/Gonzalez Architects
Project Description: Request for demolition of existing house, covered loggia, guest house, pool and paved drive, walks and decks. The above mentioned areas will be filled and the lot will be sodded and irrigated.
- A motion carried at the August meeting to defer the project to the September 23, 2020 meeting due to a notice issue.
- 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. Gonzalez agreed to the easement.
- Mr. Gonzalez presented the plans for the proposed demolition.

Ms. Groves van Onna provided staff comments.

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

Mr. Garrison inquired about the west and south property buffers during demolition. Mr. Gonzalez responded.

Mr. Ives inquired if anyone had reached out to Mr. Pandula to see if he had any historical knowledge on the property. Mr. Gonzalez responded. Mr. Ives thought the home had worth.

Ms. Grace thought the home had historic value and consideration should be given to preserve the main home.

Mr. Corey implored the owners to work with a local architect to restore some of the original features of the home.

Mr. Smith agreed with Mr. Corey. He thought the demolition request was premature.

Ms. Catlin stated she would be sad to demolish this home. She thought a unity of title should occur if they planned to use this property as a backyard. She thought the empty lot would be very unappealing.

Mr. Floersheimer inquired if there was a plan to unite the property. Mr. Gonzalez confirmed there would be a unity of title.

Mr. Gonzalez suggested allowing him to move forward to demolish the pool, gazebo and the two story building in the back, while the original structure would remain while he developed a plan for a site.

Many of the Commissioners were in favor of this suggestion.

Motion made by Mr. Corey and second by Ms. Grace to approve the demolition as presented, with the caveat that the original two story residence will remain. Motion carried unanimously. This motion was approved with the condition that the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

2. B-054-2020 Demolition

Address: 254 N. Woods Rd.

Applicant: 254 North Woods Road LLC (Charles Fabrikant, Member)

Professional: Caroline Forrest/MHK Architecture & Planning

Project Description: Demolition to existing one story residence. Removal of existing pool and partial hardscape removal.

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. Forrest agreed to the easement.

Ms. Forrest presented the plans for the proposed demolition.

Ms. Groves van Onna provided staff comments.

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

Mr. Corey inquired if the native cabbage palm in the front could be retained. Ms. Forrest responded.

Mr. Smith inquired about a certified survey. Ms. Forrest responded.

Mr. Floersheimer inquired if the owner would get a unity of title. Ms. Forrest responded.

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the demolition as presented with a request to save the native Cabbage palm in the front of the residence. Motion carried unanimously. This motion was approved with the condition that the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

3. 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.

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

Maura Ziska, attorney for the owner, explained the request of the applicant and the future plan for the site.

Mr. Segraves presented the plans for the proposed demolition and also provided future plans for the property.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comment.

Amanda Skier, Preservation Foundation of Palm Beach, stated she was initially going to support the request but now had concern that the applicant was seeking full demolition. She hoped that there could be a compromise in the request.

Ms. Ziska explained the request and the reasons they were seeking full demolition. She further explained the intent to keep Papa Bear and incorporate it into the new home.

Ms. Catlin inquired why the contingency could not be changed in the sales contract.

Mr. Ives had hope that the path forward included the plans laid out by Mr. Segraves.

Ms. Grace was uncomfortable the way the project was being presented.

Mr. Corey struggled with the lack of landscape plans for the request. He recommended a deferral of the project so that the Commission could review the landscape plans. Mr. Segraves responded. A short discussion ensued.

Ms. Shiverick indicated that she could not support the request and explained the reasons. She also believed the project should be deferred.

Mr. Smith agreed with Ms. Shiverick and suggested that the Commission defer the project and allow the applicant to come back with a firm plan.

Ms. Catlin was uncomfortable with the request and also thought a landscape demolition plan was needed.

Mr. Floersheimer inquired about the small land north of the land. Ms. Ziska responded.

Mr. Cooney had concerns but was encouraged that the contract purchasers were considering keeping Papa Bear.

Ms. Ziska further explained the request and stated that the applicant was entitled to a full demolition but the new owner would be saving Papa Bear.

Cathy Brooker, contract purchaser of 127 Root Trail, explained her intent on moving forward with the property, which included keeping and adding on to Papa Bear.

Motion made by Mr. Corey and seconded by Mr. Ives 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. Motion carried 5-2, with Ms. Shiverick and Grace opposed.

Ms. Churney noted that the Commission did not request a utility easement.

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

This motion was approved with the condition that the contract purchaser did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B. MAJOR PROJECTS – OLD BUSINESS

1. B-069-2019 Demolition/New Construction

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

Address: 977 South Ocean Boulevard

Applicant: 195 PHESTEN ASSOCIATES, LLC (RUSTY & ASHLEY HOLZER)

Professional: Studio SR Architecture

Project Description: Demolition of existing 1-story wood frame house, and construction of a contemporary 1 & 2-story residence.

ZONING INFORMATION: A request for Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two-story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district (Section 134-840 & 134-893(c)). The following variances are also being requested:

1. Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 21.2 feet in lieu of the 35-foot minimum required in the R-A Zoning District.
2. Section 134-843(a)(5) and (9): A request for a variance to allow the proposed residence to have a rear setback of 9 feet in lieu of the 15 foot minimum required in the R-A Zoning District which includes the balconies which extend 3 feet from the building in lieu of the 2' foot maximum allowed.
3. Section 134-1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10-foot minimum required in the R-A Zoning District.
4. Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25% percent maximum allowed in the R-A Zoning District.
5. Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District.
6. Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house.

At the October 30, 2019 ARCOM meeting, the demolition of the existing home was approved; however, the proposed new home was deferred to the December 13, 2019 meeting with direction to restudy the project per the comments made by the Commission members. A motion carried at the December meeting to defer the project to the January 29, 2020 meeting at the request of the applicant. A motion carried at the January meeting to defer the project to the March 25, 2020 meeting for a significant restudy with consideration of the comments from the Commissioners. A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. 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 project to the July 29, 2020 meeting at the request of the applicant. A motion carried at the July meeting to defer the project to the September 23, 2020 meeting.

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. Saladrigas agreed to the easement.

Maura Ziska, attorney for the applicant, explained the reduction in variance requests, explain the current zoning requests and advocated for a positive recommendation to the Town Council.

Mr. Saladrigas presented the architectural modifications proposed for the new residence.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the new residence. Mr. Williams presented a slight modification to the plans that was suggested by Ms. Conrad.

Mr. Castro informed Mr. Williams that the grass strips were unable to be counted in the landscape open space calculations. Mr. Williams stated that those strips were not included in the calculations.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments.

John Eubanks, representing on behalf of neighbor Mr. Koch, stated he was in favor of the plan but requested a more opaque landscape on the boarder of Mr. Koch's property.

Phillip James Dodd, architect for 1020 S. Ocean Blvd., expressed his client's concerns for the proposal.

Frank Lynch, on behalf of 1020 S. Ocean Blvd., expressed concerns for the proposed residence.

Rusty Holzer, 977 S. Ocean Blvd., thanked the Commission for their time in reviewing his home.

Messrs. Saladrigas and Williams responded to the criticisms from Mr. Dodd.

Mr. Garrison was in favor of the design and thought the new home would be an asset to the street.

Mr. Ives agreed with Mr. Garrison and thought the home fit on the street very well. He was also in favor of the landscaping proposed.

Ms. Grace thought the current design had made tremendous progress since it first appeared in front of the Commission. She was also in favor of the flat roof proposed and thought it fit into the neighborhood.

Mr. Corey was in favor of the home and the design elements. He also thought the landscape proposed was excellent.

Ms. Shiverick was in favor of the project.

Mr. Smith thought the design was good and was supportive of the project.

Ms. Catlin was in favor of the project.

Mr. Floersheimer inquired about the grass strips and meeting the 25% native requirements. Mr. Saladrigas responded. Mr. Floersheimer inquired if the beach access stairs needed to comply with the ADA requirements. Ms. Ziska stated it was a private beach access.

Mr. Cooney supported the project.

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

A second motion made by Mr. Corey and seconded by Mr. Ives to approve the project as presented. Motion carried unanimously. This motion was approved with the condition that the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

Mr. Floersheimer questioned whether the solar panels proposed were approved. A discussion ensued on whether they were included in the first motion.

A third motion made by Mr. Ives and seconded by Mr. Garrison to approve the entire project as presented, to include the solar panels. Motion carried unanimously. This motion was approved with the condition that the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

Please note: A short break was taken at 11:20 a.m. The meeting resumed at 11:30 a.m.

2. B-020-2020 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 171 Via Bellaria

Applicant: John Robert Tomisch Trust (M. Tim Hanlon, Attorney)

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: New 8,468 sq. ft. two-story house painted cream with clay tile roof, stone trim. New landscape and hardscape.

ZONING INFORMATION: Section 134-843 (7): The Applicant is proposing a new 9,416 square foot two story residence on Via Bellaria that would have a building height plane setback of 37 feet in lieu of the required minimum setback ranging from 51.2 to 69.5 feet.

A motion carried at the May meeting to defer the project for one month, to the June 24, 2020 meeting, for a massive restudy with every aspect of the design. 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 for to the August 26, 2020 meeting in accordance with the comments from the commissioners as well as to allow proper notice for the required variance. A motion carried at the August meeting to defer the project to the September 23, 2020 meeting.

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

Mr. Small asked if the owner confirmed that he would voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Segraves agreed to the easement.

Mr. Segraves reviewed the architectural modifications proposed for the new residence.

Carol Perez, AGT Land Landscape Architecture, 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 thought the changes were an improvement and he stated he would support the project.

Mr. Ives thought the changes were acceptable. While he would like to have seen some changes on the back of the home, he stated he would support the owner's wishes and the project.

Ms. Grace was happy with the changes and stated she would support the project.

Mr. Corey still questioned the proposed home and whether it fit on to the street. He explained the reasons for his belief. Mr. Corey thought the landscape changes were more successful but questioned the Date palms around the service entrance. He stated he could not support the project at this time.

Ms. Shiverick inquired about the front door change. Mr. Segraves responded. Ms. Shiverick still thought the home appeared boxy and questioned the sliding doors in the rear of the home.

Mr. Smith thought the home fit onto the street and would support the project.

Ms. Catlin suggested adding dividers in the sliding doors. Mr. Segraves responded.

Mr. Floersheimer was supportive of the project but questioned the columns on for the pergola.

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

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

A second motion made by Mr. Garrison and seconded by Ms. Grace to approve the project as presented. Motion carried 5-2, with Mr. Corey and Ms. Shiverick opposed. This motion was approved with the condition that the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

3. 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.

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

Mr. Small asked if the owner confirmed that he would 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, reviewed the architectural modifications proposed for the existing accessory structure.

Mr. Castro provided staff comments relating to the roof overhang.

Ms. Groves van Onna provided staff comments.

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

Mr. Garrison expressed concern for the entire project.

Mr. Ives thought that while the request was unusual, it was not uncommon. He stated he would accept the project.

Ms. Grace questioned the run off indicated by staff, the motor court proposed and the guest house sitting on the back of the site.

Mr. Corey agreed with Mr. Garrison and questioned how the Commission could approve the proposed plan. He stated he could not support the request.

Ms. Shiverick agreed with Mr. Ives and thought the site could be renovated to be a useful space for the owner.

Mr. Smith did not believe that the garage aesthetically fit into the neighborhood and added that he could not support the project.

Ms. Catlin wished the owner had a unity of title and a better landscape plan. However, she added that the original request was to keep the non-conforming building.

Mr. Floersheimer stated with proper landscaping, he thought the structure in the back of the proper would not be seen.

Mr. Cooney agreed with Ms. Shiverick and Mr. Ives. He stated that with proper landscaping, he thought the demolition should be approved as the structure is not landmarked.

Mr. Small thought there was nothing about the proposal that enhances the beauty of the street.

Paul Queally, owner of the property, discussed his intentions for the property.

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

A discussion ensued about the application, whether it was appropriate for the neighborhood and a possible solution.

Anne Pepper, 333 Seaspray Avenue, stated her objections to the proposal.

Mr. Perry provided rebuttal and follow up comments to some of the Commissioners comments.

Motion made by Mr. Corey and seconded by Mr. Smith to defer the project for one month, to the October 28, 2020 meeting. Motion carried unanimously.

4. B-032-2020 Additions/Modifications

Address: 220 El Vedado Rd.

Applicant: Robb Turner

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: Addition of approx. 675 sq. ft. loggia and a stand-alone gym of approx. 840 sq. ft. Final landscape and hardscape to be included.

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 approve the landscape and hardscape plans and to defer the architectural plans for the pavilion to the August 26, 2020 meeting. A motion carried at the August meeting to defer the project to the September 23, 2020 meeting.

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

Mr. Small asked if the owner confirmed that he would voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Segraves agreed to the easement.

Mr. Segraves presented the architectural modifications proposed for the existing accessory building.

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. Garrison to approve the project as presented. Motion carried unanimously. This motion was approved with the condition that the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

Please note: A break for lunch was taken at 12:48 p.m. The meeting resumed at 1:20 p.m.

5. B-038-2020 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 755 N. Lake Way

Applicant: Slope Trail Development LLC (Lee Fensterstock, Manager)

Professional: Pat Segraves/SKA Architect + Planner

Project Description: Renovation of existing one-story home. Addition of approximately 600 sq. ft. for a total of 3,910 sq. ft. plus 260 sq. ft. loggia. Change to island style home, raising floor elevation and replacing roof. Final landscape and hardscape to be included.

A motion was made at the July meeting to defer the project to the September 23, 2020 meeting to address zoning issues.

ZONING INFORMATION: The Applicant is proposing to demolish more than 50% of the cubic footage of an existing 4,200 square foot, one story residence and raise the finished floor elevation and rebuild to meet the new FEMA requirement of 7 feet NAVD. The current residence has non-conforming setbacks and demolishing more than 50% cubic footage by replacing the roof requires the following variances to be requested: 1) Section 134-893(9): a rear yard setback of 7.33 feet in lieu of the 10 foot minimum required; 2) Section 134-893(5): a front yard setback of 24.5 in lieu of the 25 foot minimum required; 3) Section 134-893(7): a north side yard setback of 5 feet in lieu of the 15 foot minimum required; 4) Section 134-893(5): a street side yard setback of 24.83 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, explained the zoning requests and advocated for a positive recommendation to the Town Council.

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

Mr. Segraves presented the architectural plans for the proposed renovation of the existing residence.

Chris Simon, 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. Garrison was supportive of the renovation.

Ms. Grace was happy that the owners were renovating the home but questioned the colors of the driveway, the roof and the shutters. She believed they were too dark and preferred a lighter material.

Mr. Corey was supportive of the project. He requested to see a material sample for the driveway. Mr. Simon responded and discussed the pavers proposed. A short discussion ensued. Mr. Corey requested to seeing the paver material so that the Commission could give their approval.

Ms. Shiverick was happy for the renovation but questioned the gray color. She suggested using brick for the driveway material and suggested changing the front door and garage door to a white color. She also suggested changing the roof to a white color. She was in favor of Mr. Corey's suggestion of seeing the paver material to give an approval.

Mr. Smith stated he supported the project.

Mr. Floersheimer agreed with Ms. Shiverick.

Ms. Grace inquired about the color of the shutters. Mr. Clavijo responded. Mr. Clavijo stated that the owner would agree to the white roof, garage door and front door changes.

Mr. Cooney was in favor of the project.

Mr. Segraves stated that the owner agreed to use brick for the driveway material.

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

A second motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented with the caveat that the roof and doors would be lighter and a brick would be used for the driveway material. Motion carried unanimously. This motion was approved with the condition that the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

Mr. Simon inquired what type of brick the Commission would prefer. The Commission stated they would prefer Chicago brick.

6. B-050-2020 New Construction

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

Address: 2315 Ibis Isle Road

Applicant: Diana and Owen Sanderson

Professional: Stephen Roy/Roy & Posey

Project Description: Construction of a new 6,772 s.f. two story residence to include: new landscaping, new pool and new hardscape.

A motion made at the August meeting to recommend the variances to the Town council. A second motion carried at the August meeting to approve the project as presented with the conditions that the following items would return to the September 23, 2020 meeting: a restudy of the front gable, the portico, topiaries and Jamaican capers on the front elevation and to confirm that the landscaping meets the native requirements.

Call for disclosure of ex parte communication: Disclosure by several members.
Please note: Mr. Small declared a conflict of interest for the project and left the meeting at this time. Ms. Catlin voted in Mr. Small's absence.

Mr. Roy presented the architectural modifications proposed for the new residence.

Mr. Posey presented the landscape modifications proposed for the new residence.

Ms. Groves van Onna provided staff comments.

Many of the Commissioners were in favor of the project and were appreciative of the changes.

Ms. Shiverick inquired about the color of the proposed gutters. Mr. Posey responded.

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

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

7. B-051-2020 Demolition/New Construction

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

Address: 1742 S. Ocean Blvd.

Applicant: 1742 LLC (Robert Simmons, President)

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

Project Description: Demolition of an existing two-story residence and construction of a new two-story residence with pool.

A motion carried at the August meeting to approve the demolition request. A second motion carried at the August meeting to defer the project to the September 23, 2020 meeting.

ZONING INFORMATION: Section 134-843(a) and (b) Special Exception with Site Plan Review to allow the construction of a new 9,604 square foot, two-story residence on an unplatted non-conforming lot that has an area of 19,918 square feet in lieu of the 20,000 square feet minimum and a depth of 97.52 in lieu of the 150 foot minimum depth required in the R-A Zoning District.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Smith agreed to the easement and stated it had already been undergrounded.

Mr. Smith presented the architectural modifications proposed for the new residence.

John Lang, Lang Design Group, presented the landscape and hardscape modifications 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 inquired about the shutter design. Mr. Smith stated the intent was for all of the shutters to be louvered.

Mr. Corey thought the fenestrations were better. He questioned the surround around the front door but was supportive of the project.

Many of the Commissioners were in favor of the project.

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented. Motion carried unanimously. This motion was approved with the condition that the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

C. MAJOR PROJECTS – NEW BUSINESS

1. B-055-2020 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

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.

ZONING INFORMATION: Section 134-2: A variance request to allow construction of a new 8,707 square foot two story residence with a point of measurement (for cubic content ratio, building height, and building overall height) of 13.5 feet North American Vertical Datum ("NAVD") in lieu of the 11.79 foot NAVD point of measurement required by the Town Code.

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

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

Mr. Papadopoulos presented the proposed demolition of the existing residence.

Keith Williams, Nievera Williams Design, presented the proposed landscape and hardscape plans for the existing items to be demolished.

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

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the demolition 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, an opaque screening fence will be added to the entire perimeter during demolition and the items remaining after demolition to be maintained until new construction commences. Motion carried unanimously. This motion was approved with the condition that the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

Mr. Papadopoulos and Taylor Smith presented the architectural plans proposed for the new residence.

Mr. Williams presented the landscape and hardscape plans proposed for the new residence.

Ms. Groves van Onna provided staff comments. Mr. Papadopoulos responded to staff comments.

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

Mr. Garrison thought the entrance was a clever design. Mr. Garrison questioned the functionality of the chimneys. Mr. Papadopoulos responded. Mr. Garrison did not believe a height reduction was necessary and thought the proportions were great.

Mr. Ives was in favor of the home.

Ms. Grace liked the formal design of the home. She expressed some reservation for the black windows and suggested changing them to white. She questioned the need for the pedestrian gate.

Mr. Corey thought the detailing on the home was good. He questioned whether this house was too big but thought the house was handsome. Mr. Corey inquired about the heights of the gates. Mr. Williams responded. Mr. Corey inquired about the gate material. Mr. Williams responded. Mr. Corey inquired about the variance request. Mr. Papadopoulos responded and described the condition that warranted the variance.

Mr. Shiverick inquired about the standing seam roof heights. Mr. Papadopoulos responded. Ms. Shiverick thought she would like to see more roof from the street. Ms. Shiverick inquired about the inspiration photographs. She also thought the main house was a tad too massive.

Mr. Smith was in support of the project. Ms. Catlin agreed and thought the home was refreshing and worked well on the street.

Motion made by Mr. Corey and seconded by Ms. Shiverick that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion made by Mr. Corey and seconded by Mr. Smith to approve the project as presented with the caveat that the two roofs with the standing seam roof would return to the October 28, 2020 meeting with a slight alteration. Motion carried unanimously.

2. 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.

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.

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

Mr. Small called on staff to address the issue of whether the notice was sufficient and if the Commission could proceed.

Maura Ziska, attorney for the applicant, addressed the issue of the sub-basement and the fact that it was not included in the square footage of the home.

Attorney Randolph suggested that the Commission hear Mr. Castro on the issue.

Mr. Castro stated that the floor area of the house does not need to include a basement or sub-basement. Mr. Castro believed that the notice was valid.

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 and stated it had already been undergrounded.

Mr. Castro asked Ms. Ziska to confirm the square footage of the proposed home.

Mr. Tate reviewed the square footage of the home.

Mr. Castro expressed a concern that the notice contained a different square footage than what was just stated by Mr. Tate.

Mr. Small asked Mr. Crowley to speak since he raised the issue of the correct notice.

Jamie Crowley, Attorney on behalf of the Bakers at 766 Hi-Mount Road, expressed concern with the notice for three reasons; the square footage was incorrectly stated, the sub-basement is not underground and incorrect code sections listed. Mr. Crowley asked that the items are resolved prior to the project moving forward.

Ms. Ziska stated that she would be happy to re-notice the project but thought the Commission should review the project.

A discussion ensued on whether the project could move forward with the Commission. After a lengthy discussion, Mr. Randolph thought the Commission could proceed.

Mr. Castro provided his thoughts on the sections of the code that was referenced in the application.

A discussion ensued on the sub-basement and Town Council's review.

It was decided that the Commission would hear the project.

Ms. Ziska explained the zoning requests and advocated for a positive recommendation to the Town Council.

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

Brian Vertesch, SMI Landscape Architecture, presented the landscape and hardscape plans for the new residence.

Mr. Small inquired about the floor plan of the sub-basement. Mr. Tate responded.

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

Mr. Small called for public comment.

Jamie Crowley, on behalf of the Bakers, expressed his concern for the proposed project.

Mr. Garrison was conflicted. He liked the home but expressed concern about how massive the home would look from the Lake Trail.

Mr. Ives thought this proposed home was nicely sited. He thought the landscape plan was excellent. Mr. Ives thought the home was a nice project and added that he could support the project.

Ms. Grace thought the design was nice and did not have a problem with the style of the design. She questioned the size of the home and thought it was very large.

Mr. Corey thought some of the elements of the home were successful. He expressed concern for the height of the home, especially from the Lake view. She suggested changing the chimneys on the main section to flat tops to help mitigate the height of the home. He thought the north wing should be more subservient to the main block of the home. He suggested eliminating the tower element. He thought the gable on the northwest portion was unsuccessful and needed restudy.

Ms. Shiverick thought the material and the details were good. She suggested reducing some of the living spaces on the second floor which, would reduce the overall scale of the home.

Mr. Smith agreed with Mr. Corey. Mr. Smith suggested eliminating the balustrades on the Lake Trail, which he thought would help to eliminate the busyness. He agreed the gable should be stepped down and that the tower should be removed. He thought the awnings were too busy. He suggested changing the morning room into a garage.

Ms. Catlin agreed with much of Mr. Corey's comments. She thought the back of the house was enchanting and thought overall the home had an old world feel.

Mr. Floersheimer thought the house was fighting the typography. He suggested having the public spaces on the one story facing Hi-Mount and the private spaces down the hill. He thought the home needed to be restudied.

Mr. Cooney was in favor of the home.

Mr. Small inquired about the purpose of the flat roof. Mr. Tate responded. Mr. Small asked about the water on the plan. Mr. Vertesch responded. Mr. Small stated he agreed with many of Mr. Corey's comments.

Mr. Small called for public comment.

It was noted that Gene Pandula wanted to speak. He was unable to speak at this time.

Motion made by Mr. Corey and seconded by Mr. Garrison to defer the project for one month, to the October 28, 2020 meeting, in accordance with the comments from the Commissioners. Motion carried unanimously.

Clerk's note: A short break was taken at 4:42 p.m. The meeting resumed at 4:55 p.m. It was also noted that Mr. Floersheimer would not return. Ms. Shiverick returned at 5:06 p.m.

3. 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.

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.

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

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 existing residence.

Matt Jackman, Nievera Williams Design, presented the landscape and hardscape modifications proposed.

Ms. Groves van Onna provided staff comments.

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

Mr. Freijomel stated he spoke to Mr. and Mrs. Ainslie, who were supportive of the project.

Ms. Grace thought the home was already too large and was not in favor of the addition.

Mr. Corey was in favor of the house but made a few suggestions to reduce the need for the variances.

Ms. Shiverick agreed and stated she made that recommendation to Mr. Freijomel.

Mr. Smith inquired about the single shutters proposed. Mr. Freijomel responded. Mr. Smith was in favor of the project, especially if they could make changes to remove the need for the variances.

Ms. Catlin thought the addition could be designed without the need for the variances. She agreed with Mr. Smith on the single shutters.

Mr. Cooney agreed that the addition could be design without the need for the variances. He also questioned the amount of fenestration on the front of the home.

Motion made by Mr. Corey to defer the project for one month, to the October 28, 2020 meeting for a restudy of the design.

Mr. Smith provided a suggestion for the addition.

Mr. Freijomel requested the Commission approve a portion of the project. The Commission felt that the project should return to the Commission as a whole.

Mr. Smith seconded the motion. Motion carried 5-2, with Messrs. Garrison and Ives opposed.

4. B-058-2020 New Construction

Address: 225 Tangier Ave.

Applicant: Paul and Karen Levy

Professional: Daniel Kahan/Smith and Moore Architects

Project Description: New two-story Colonial residence. Final landscape, hardscape and pool.

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

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

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

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

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

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

Mr. Garrison thought the house was nicely sited and was in favor of the design. He made a suggestion for the shutters.

Mr. Ives thought the home would bring charm to the area.

Ms. Grace was in favor of the way it looked like it evolved over time. She questioned the window material proposed.

Mr. Corey agreed with Ms. Grace regarding the fenestration but thought the house was interesting. He was in favor of the landscape plan but thought the landscape could have a higher percentage of native plantings. Mr. Williams stated he would increase the native plantings.

Ms. Shiverick thought the house was nicely sited and aesthetically pleasing.

Mr. Smith was not in favor of the home and the many different look of additions. Mr. Smith inquired about the wood to be used for the siding. Mr. Kahan responded.

Ms. Catlin was in favor of the design.

Mr. Cooney thought the design was successful and interesting.

Mr. Small thought the design was interesting but shared some of Mr. Smith's concerns.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented. Motion carried 6-1, with Mr. Smith opposed. This motion was approved with the condition that the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

Please note: The meeting stopped at 5:47 p.m. It was announced that the meeting would resume on Friday, September 25, 2020 at 9:30 a.m.

The meeting resumed on September 25, 2020 at 9:30 a.m. After roll call, all Commissioners were present with the exception of Mr. Floersheimer. Both Mses. Grace and Catlin left the meeting at 12:20 p.m. and returned at 2:14 p.m.)

5. 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.

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 proposed project.

Matt Jackman, Nievera Williams Design, presented the landscape and hardscape plans for the proposed project.

Ms. Groves van Onna provided staff comments.

Mr. Garrison questioned if the overhang over the front door entrance was too massive. However, he thought the house was well sited and fit into the neighborhood.

Ms. Grace expressed concern for the size of the front entry. She thought it was too large and too high. She also questioned some of the fenestration. Overall, she thought it was a good project.

Mr. Corey found the house too massive, bulky, fat and tall. He questioned the design of the garage and second story to the left of the front entrance. Mr. Corey thought the home lacked charm, especially the darker concrete tile and the proposed color. He questioned the front door and portico and thought it was too tall and heavy. Mr. Corey thought the three master bedrooms could be scaled down. He recommended a restudy of the home.

Ms. Shiverick agreed with many of the points made by Mr. Corey. She thought the design felt clunky, the front entry is a detriment to the home. She recommended placing the garage in the back. She questioned the chimney caps and added the Bahamian shutters had no vertical divisions.

Mr. Smith was not in favor of the home. He did not believe that the style of the house fit into the estate section as he felt it had a very suburban feel with the garage on the front. He recommended placing the garage in the rear of the home.

Mr. Small agreed with the other Commissioners. He felt the front entry and the style of the home were not in harmony with the neighborhood. Mr. Small had concerns with the window to the left of the front entrance on the second floor. He also questioned the other fenestration. He thought a deferral was in order.

Mr. Perry responded to the Commissioners comments.

Motion made by Mr. Corey and seconded by Mr. Smith to defer the project to the October 28, 2020 meeting. Motion carried 6-1, with Mr. Garrison opposed.

6. 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.

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 architectural plans for the proposed project.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape plans for the proposed project.

Ms. Groves van Onna provided staff comments.

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

Mr. Garrison stated that the changes were an improvement. He thought the home was well done. He expressed some concern for the neighbors, since the house would be raised with steps, and they would be looking at a plain stucco wall in the back. However he thought the home was fine. Mr. Ives agreed with Mr. Garrison.

Ms. Grace thought the house was attractive but wondered if the home was too formal for the neighborhood. She suggested warming up the front entry and possibly changing the colors of the main body and shutters to give the home more warmth. She preferred the change in the roof that the professional presented and asked about the possibility of reducing the height of the house.

Mr. Corey thought the home was charming and fit on the site and neighborhood. He expressed concern about the two Date palms that flanked the entry way at the street as he believed they were too grand. He also was not in favor of the two Italian Cypress as well. He suggested adding a fun pop of color in the shutters.

Ms. Shiverick liked the simplicity of the house and gardens. She thought it would fit nicely onto the street. She preferred the soft colors of the home. She was in favor of the Cypress trees and thought they were whimsical and fun. Ms.

Shiverick agreed with Mr. Corey on the Date palm and thought that could be restudied.

Mr. Smith suggested a change to the columns on the front porch. He thought it was disturbing that pool and hardscape was off-center. Mr. West commented that the owners preferred more landscaping around the house. Mr. Smith also thought the urns at street did not stylistically match the design.

Ms. Catlin liked the home but agreed with Ms. Grace that it may be too formal for the street. She also preferred something other than the urns.

Mr. Cooney stated most of his concerns have to do with landscaping site elements. He thought the Cypress columns were out of character and too massive. He added that the urns at the entry were out of scale.

Mr. Small felt the house fits into the neighborhood and was in harmony with the street and neighborhood. However, he did share some of the comments of the other Commissioners.

Mr. Smith stated he was willing to remove the columns that wrapped around portico.

Mr. West stated he would restudy some of the comments. He added he would not mind eliminating the columns or scale down with the owner's approval. He inquired if the Date palms should be changed to a tree with a larger canopy.

Mr. Corey added that the Date palms were a little flashy for the home. He requested a looser tree around the garage.

Mr. Cooney suggested a J shaped Coconut palm to replace the Date palm.

There was a short discussion about what material would be appropriate rather than the Date palm.

Motion made by Mr. Corey and seconded by Mr. Garrison to 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. Motion carried unanimously. This motion was approved with the condition that the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

Please note: A short break was taken at 10:43 a.m. The meeting resumed at 10:50 a.m.

7. 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.

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 form 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 outlined the scope to be reviewed by the Commission.

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.

Attorney Randolph stated that an issued was raised regarding the notice of the application. Mr. Small asked staff if appropriate notice had been given, to which Mr. Bergman replied it had been noticed correctly.

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

Sean McLendon, Cooper Carry Architects, introduced the overall project.

Manny Dominguez, Cooper Carry Architects, presented the architectural plans for the proposed renovation.

Josh Daniel, Cooper Carry Architects, presented landscape and hardscape plans for the proposed renovation.

Laura Groves van Onna provided staff comments.

Mr. Small called for public comment and stated each party would be limited to three minutes.

Don Lunny, attorney representing an interested party, expressed his concern with the proposed renovation, particularly with respect to compatibility and non-conformity.

John Eubanks, attorney representing Tom McCarthy on Brazilian, expressed his concerns for some of the elements in the proposed renovation.

Mr. Garrison was in favor of the renovation and thought the world class project would be an asset in the Town. He thought the improvements were good and he hoped the Town Council would approve the project.

Mr. Ives wholeheartedly agreed with Mr. Garrison. He pointed out that this commercial building was existing and understood the professionals were working with the existing conditions. He expressed concern with the structure for exiting the lobby on the interior, south elevation. He also thought the gazebo-typed domed structure was not cohesive. He recommended greater consistency to the overall structure in the detailing.

Ms. Grace was in favor of some of these changes. She recommended adding a tower element on the west elevation to break up the long horizontal space. She was not in favor of the curtains on the front as well as the domed element in the pool area. She recommended changing the balconies to more of a med-rev style.

Mr. Corey thought there was a great opportunities to bring this project back to life. Mr. Corey expressed concerns for the courtyard and thought it looked crowded. He suggested simplifying the space. He thought the trash on the corner needed to be resolved. He wondered if the garage space needed to be mitigated. He suggested enhancing the Porte Cochere.

Mr. Small thought Mr. Corey's comments were excellent. He thought if the project were to return to the Commission, it would be helpful to see what was approved and proposed.

Ms. Shiverick thought the color seemed too bright. She suggested mimicking the color on a wall that runs along the beach to Gulfstream Road. She thought the railings on the proposed balconies were too big. She thought some improvements were needed in the Porte Cochere element. She also thought the pavilion and connecting awnings needed a restudy. She also thought the landscaping needed to be lush. She recommended adding Jasmine or Bougainvillea to soften the garage area. She requested to see a sample of the glass proposed.

Mr. Smith did not think the building was attractive and thought it had been an eyesore for years. He expressed concern for the color proposed. He expressed concern for the gazebo. He was in favor of the idea of the water feature to mitigate noise for the neighbors.

Ms. Catlin agreed with many of the other Commissioners, especially regarding the domed element and garbage area.

Mr. Cooney stated his biggest concern were the unpermitted plantings of other palms other than Coconut palms.

Mr. Smith suggested refrigerating the garbage as other commercial businesses do in town.

Mr. Small shared some of the same concerns but also the hop to restore this unsightly property. He was not in favor of the curtains and did not believe the fit in the area. He was concerned about the garage wall and entry. He shared Mr. Cooney's comments regarding the Coconut palms. He questioned if the screening landscaping could continue from east to west for the neighbors. He addressed the garbage area and thought the gazebo and the two new buildings were a distraction.

Ms. Ziska stated that the two buildings in the back met the setbacks.

Motion made by Mr. Ives and seconded by Mr. Garrison to defer the project for one month, to the October 28, 2020 meeting, in accordance with the comments for the Commissioners. Motion carried unanimously.

Please note: A lunch break was taken at 12:20 p.m. The meeting resumed at 12:50 p.m. It should also be noted that Mr. Garrison left the meeting. Mr. Smith, Mses. Catlin and Grace also left the meeting. It was noted that Mr. Cooney would be voting in the absence of Mr. Smith.

D. MINOR PROJECTS – OLD BUSINESS

1. A-019-2020 Modifications

Address: 520 S. Ocean Blvd.

Applicant: Harrison McCarthy

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: Front balcony addition and narrowing of front entry. Window modification.

A motion carried at the August meeting to defer the project to the September 23, 2020 meeting for a restudy in accordance with the comments from the Commissioners.

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

Daniel Clavijo, SKA Architect + Planner, presented the architectural modifications proposed for the project.

Laura Groves van Onna provided staff comments.

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

Mr. Ives thought the project was simple and addressed the previous comments from the Commissioners.

Mr. Corey was in favor of the changes.

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

2. A-025-2020 Modifications

Address: 201 Via Linda

Applicant: Tom Roush

Professional: Stephen Roy/Roy & Posey

Project Description: Selective modifications to a previously approved ARCOM submission.

A motion carried at the August meeting to defer the project to the September 23, 2020 meeting for a restudy in accordance with the comments from the Commissioners.

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

Laura Groves van Onna provided staff comments.

Stephen Roy, Roy & Posey Architects, presented the architectural modifications for the proposed project.

Devon Roush, owner, indicated that their intent was to modify their home so it would be a compliment to the street.

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

Mr. Ives was supportive of the project.

Mr. Corey thought the modifications were an improvement.

Ms. Shiverick was in favor of the old version of the home. She thought the new home was more contemporary and the old one had more charm. She felt the old home fit onto the street a little better.

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

E. MINOR PROJECTS – NEW BUSINESS

1. A-027-2020 Modifications

Address: 1191 N. Lake Way

Applicant: Mr. and Mrs. John Copeland

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: Driveway change, front entry change, railing change.

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

Daniel Clavijo, SKA Architect + Planner, presented the architectural modifications proposed for the project.

Laura Groves van Onna provided staff comments.

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

Mr. Ives stated he preferred the existing railings. He questioned the design of the grass design in the driveway and thought the item should be restudied. He was ok with the rest of the project. Mr. Clavijo responded.

Mr. Corey questioned if the doors above the main door were changing. Mr. Clavijo responded.

Ms. Shiverick suggested enlarging the grass area in the driveway by a few feet all the way around.

Mr. Small agreed with the comment to increase the grass area in the driveway.

Motion made by Mr. Ives and seconded by Ms. Shiverick to approve the project with the caveat that the grassy center section in the driveway in enlarged by 5 feet on all sides. Motion carried unanimously.

2. 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.

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

Don Skowron, Don Skowron Incorporated, presented the landscape and hardscape modifications proposed for the new home.

Laura Groves van Onna provided staff comments.

Mr. Ives did not have any issues with the proposed changes.

Mr. Corey was not in favor of the palm trees so close to the home. He did not find them attractive. He was not in favor of the relocation of the Coconut palms.

Ms. Shiverick agreed with Mr. Corey and was not in favor of the palms next to the house and in the front part of the door.

Mr. Small expressed concern for two items; the as built plans that were not approved but were already installed and the black chain link fence across the front of the home. He wished the Coconut palms were placed more to the east as to create a natural setting.

Mr. Skowron responded.

Motion made by Mr. Cooney and seconded by Mr. Ives to approve the project as presented. Motion failed 3-3, with Messrs. Small, Corey and Ms. Shiverick opposed.

Motion made by Mr. Corey and seconded by Ms. Shiverick 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 to what was originally approved. Motion carried 4-2, with Messrs. Ives and Cooney opposed.

A-033-2020 Modifications

Address: 320 Barton Ave.

Applicant: David J. Martinelli

Professional: Fernando Wong Outdoor Living Design

Project Description: Renew the current gravel driveway with stone pavers, upgrade site grading and drainage.

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

Che Wei Kuo, Fernando Wong Outdoor Living Design, presented the landscape and hardscape changes proposed for the home.

Mr. Small inquired if the plan included two sets of pavers at the entrance, to which Mr. Kuo replied yes.

Laura Groves van Onna provided staff comments.

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

Mr. Small was not in favor of keeping the brick pavers and thought they seemed to be a distraction.

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

3. A-034-2020 Modifications

Address: 149 Australian Ave.

Applicant: Lynn Lattanzio

Professional: Garabar, Inc.

Project Description: Tile re-roof, barrel tile to Spanish S-tile.

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

Bob Wightman, Garabar, Inc., presented the change in materials for the roof.

Laura Groves van Onna provided staff comments.

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

Mr. Ives stated he could not support the proposed material.

Mr. Corey agreed with Mr. Ives. He did not believe the proposed material was appropriate for the home. He suggested using a different color mortar and added that he could not support the request.

Ms. Shiverick agreed with Messrs. Ives and Corey. She stated she would not support a white roof and liked Mr. Corey's suggestion of using a different color mortar.

Mr. Smith stated that ARCOM decided years ago that the proposed material would not be supported in the town anywhere. He also would not support a white material. He suggested using a Roman tile along with the barrel.

Messrs. Cooney and Small agreed with their fellow Commissioners.

Motion made by Mr. Cooney and seconded by Ms. Shiverick to deny the project based on Section 18-205(a)(1) and Section 18-205(a)(3). Motion carried unanimously.

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.

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

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

Laura Groves van Onna provided staff comments.

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

Mr. Corey stated he could not support the French doors swinging outward.

Ms. Shiverick inquired about the color of the wood frame. Mr. Menard responded. Ms. Shiverick stated she had a hard time supporting the door opening outward. Mr. Menard responded.

Mr. Smith agreed with Ms. Shiverick that the door should swing inward. Mr. Smith stated that Peetz doors swing inward.

Motion made by Ms. Shiverick and seconded by Mr. Corey 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. Motion carried unanimously.

5. A-036-2020 Modifications

Address: 1020 N. Ocean Blvd.

Applicant: 1020 N. Ocean Trust (Guy Rabideau, Trustee)

Professional: LaBerge and Menard Inc.

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

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

Please note: Mses. Grace and Catlin returned at 2:14 p.m.

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

Laura Groves van Onna provided staff comments.

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

Ms. Grace stated she preferred the existing doors.

Mr. Corey thought the proposed doors were acceptable. He did believe the doors should swing inward.

Ms. Shiverick inquired about the door color. Mr. Menard responded. Ms. Shiverick thought the door should swing inward.

Mr. Smith thought the door should swing inward.

Ms. Catlin was in favor of the new door and thought it lightened up the front of the home.

Motion made by Mr. Smith and seconded by Mr. Corey to approve the door with the caveat that the door swings inward. Motion carried 6-1, with Ms. Grace opposed.

6. 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.

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

Molly Mitchell, Dailey Janssen Architects, presented the architectural modifications for the existing home.

Matt Jackman, Nievera Williams Design, presented the landscape and hardscape modifications for the home.

Laura Groves van Onna provided staff comments.

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

Mr. Ives questioned whether the changes to the architecture were an improvement. He also was not completely in favor of the colors proposed. He inquired about the size of the lighting fixtures on the piers. Mr. Ives stated he could accept the lights.

Ms. Grace could accept the changes to the architecture. She stated she preferred the solid painted front door and was in favor of the new pool. She added that she preferred the previously approved columns and lights.

Mr. Corey was not in favor of the architectural changes and added they were a detriment to the home. He thought the changes in the driveway were fine but thought the lanterns on the piers would cast a glare and the piers seemed heavy.

Ms. Shiverick urged the owners to give serious consideration to get the right changes. She was not in favor of the door color change. She was in favor of the change in the pool and the tabby concrete. She liked the previously approved piers and lanterns.

Mr. Smith agreed with his fellow commissioners. He accepted the pool change and the solid front door. He was not in favor of the lights on the piers. He suggested to up-light the piers.

Mr. Cooney stated he preferred the previously approved piers.

Ms. Catlin was not in favor of any of the fenestration changes. She was in favor of the changes to the door, driveway and pool but she was not in favor of the proposed color for the door. She thought the piers were fine but thought the lighting should be mounted on the face rather than the top of the piers.

Mr. Small agreed with his fellow commissioners and was not in favor of the lighting on the piers and the change to the door color.

Mr. Jackman suggested a compromise to keep the new piers with the lighting on the face of the piers.

Ms. Mitchell stated that the owners would accept the lighting to revert to the previously approved lighting.

Motion made by Mr. Ives and seconded by Mr. Corey to approve the landscaping plan with the original lighting but to defer the architectural plans for one month, to the October 28, 2020 meeting. Motion carried unanimously.

7. A-038-2020 Landscape/Hardscape

Address: 168 Seabreeze Ave.

Applicant: Sam Mizrahi

Professional: Keith Williams/Nievera Williams Design

Project Description: Adjustment of previously ARCOM approved driveway.

Minor hardscape adjustments and planting species adjustments.

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 existing home.

Laura Groves van Onna provided staff comments.

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

The consensus of the Commission was that they were in favor of the project.

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

Don Skowron, professional for 149 E. Inlet Drive, asked to hear the vote for his project at 149 E. Inlet Drive since he had left the meeting. Ms. Moody repeated the motion and vote.

XI. **DISCUSSION ITEM**

1. Quasi-Judicial and Sunshine Law – Town Attorney Randolph

Attorney Randolph addressed the Commission speaking on sunshine law, records law, quasi-judicial proceedings, ex parte communications and conflicts of interest. He addressed all questions from the Commissioners.

XII. **STAFF APPROVALS**

Mr. Bergman stated that staff provided the commission a list of staff approvals done over the last 30 days. This report was generated by the Town's archaic software system. Those staff approvals either pending or denied do not appear on this list. Staff will send this out on a monthly basis with both the Architectural Review Commission and the Landmarks Preservation Commission.

XIII. **ADDITIONAL COMMUNICATION FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

Mosey Miller, 149 E Inlet Dr., inquired if the decision on his project could be denied so that he could take his issue to the Town Council. He discussed his issue with moving the Coconut palms.

A discussion ensued on whether any action could be taken on the matter at hand. Attorney Randolph weighed in on the issue.

The Commission stated that Mr. Miller could return to the next ARCOM meeting with a new plan.

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

1. Commission

Mr. Ives thought a close eye should be given to staff approvals for commercial areas since these areas are heavily trafficked. He also inquired about the new plantings near the Palm Beach Country Club. Finally, he added that he did not believe a home needed to be over 50 years old to have historic and architectural value.

Mr. Bergman stated he would research the item to see if there was an approval. Mr. Cooney stated that the plan went to Town Council. Mr. Cooney added that Public Works presented it to the Town Council within the last few months.

Ms. Catlin stated that the pump station near garden road has a hedge that is in major disarray and needed to be addressed. She also mentioned a situation of lots that have a small space between two walls and added there is a perfect example between Garden Road and Eden Road.

Julie Araskog, 1490 Via Manana, inquired if experts providing their opinions should only be given three minutes. Attorney Randolph responded.

2. Staff

Mr. Bergman stated that Mr. Sammons declared a conflict for his project at 1550 N. Ocean Blvd. at the August 26, 2020 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman stated that Mr. Sammons declared a conflict for his project at 2730 S. Ocean Blvd. at the August 26, 2020 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman stated that Mr. Sammons declared a conflict for his project at 240 Royal Palm Way at the August 26, 2020 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman stated that Ms. Shiverick declared a conflict for his project at 1500 N. Ocean Blvd. at the August 26, 2020 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman stated that Ms. Shiverick declared a conflict for his project at 2730 S. Ocean Blvd. at the August 26, 2020 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman stated that Mr. Small declared a conflict for his project at 2315 Ibis Isle Road at the August 26, 2020 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman stated it was staff's goal to have a consultant help with the landscaping review. He added that staff was working with the Town Council and ORS to resolve a few issues with the native requirements.

Mr. Bergman also suggested placing the minor projects without notice on a consent agenda to assist in reducing the length of the meetings. The Commissioners agreed with this suggestion.

3. Public

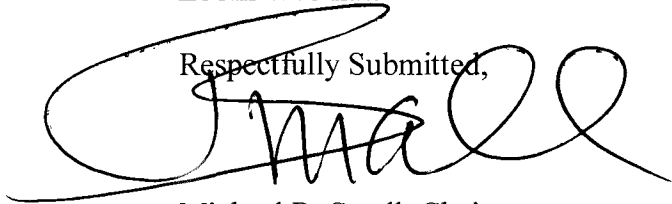
There were no other public comments at this time.

XV. **ADJOURNMENT**

Motion made by Mr. Smith and seconded by Mr. Ives to adjourn the meeting at 3:34 p.m. Motion carried unanimously.

The next meeting will be held on Wednesday, October 28, 2020 at 9:00 a.m. virtually on Zoom Webinar.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to read 'M. Small', is written over the text 'Respectfully Submitted,'.

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: A-034-2020 149 Australian Ave.

Address: 149 Australian Ave.

Applicant: Lynn Lattanzio

Architect: Gorebar, Inc.

Project Description: Tile re-roof, barrel tile to Spanish S-tile

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

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

features of exterior design and appearance:

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

___ (6) The proposed building or structure is excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

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

___ (7) The proposed building or structure is not appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any

public or private way (except alleys).

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

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

CERTIFICATION:

The above denial was issued by the Architectural Review Commission at their meeting on 9/25/2020 (Day 2 of Regularly Scheduled meeting on 9/23/2020)

TOWN OF PALM BEACH


Chairman, Architectural Commission

DENIALcriteriaFORM

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

LAST NAME—FIRST NAME—MIDDLE NAME Small, Michael		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Architectural Review Commission	
MAILING ADDRESS P.O. Box 2375		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 September 23, 2020		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach MY POSITION IS: ☐ ELECTIVE ☒ 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, Michael Small, hereby disclose that on September 23, 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:

Continuing Conflict of Interest /
Recusal
B-050-2020 2315 Isis Isle Road

See attached in
Response to Recusal
Request

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.

9/24/2020
Date Filed

Small
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.

In response to a request for recusal, I confirmed that our law firm had sued and obtained a Judgment (ORB 12657 ,Page 1407) against the Applicants, Owen Mark Sanderson and Frederica Sanderson, aka Freddi Sanderson, approximately 20 years ago. As a result, I have recused myself from hearing the Applicants' application (B-050-2020)

A handwritten signature in black ink, appearing to be a stylized 'S' or 'B' with a flourish.