

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, FEBRUARY 23, 2022

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

I. CALL TO ORDER

Mr. Small called the meeting to order at 9:00 a.m.

II. ROLL CALL

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

Staff Members present were:

James G. Murphy, Assistant Director of Planning, Zoning and Building
Sarah Pardue, Historic Preservation Planner
Jordan Hodges, Planner II
Kelly Churney, Secretary to the Architectural Review Commission
John Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Small acknowledged the Town Council's decision to return in person for this month's meeting. Mr. Small continued with procedural information and comments regarding the upcoming meeting.

V. **APPROVAL OF THE MINUTES FROM THE JANUARY 26, 2022 MEETING**

Mr. Ives stated he misunderstood the motion made at the last meeting regarding the project ARC-22-035, 726 Hi-Mount Road, specifically the portion of the motion that dealt with the metal roof over the pergola. He requested to bring the item up for a discussion and questioned if there was an appetite to re-open the motion.

Mr. Small indicated that since he was on the prevailing side of the motion, he could re-open the motion.

Mr. Corey inquired about the actual motion. Ms. Churney read the motion from the minutes.

Town Attorney Randolph indicated that the motion could be opened for reconsideration, however the item would have to be discussed at the next agenda so that the parties involved could receive notice of the discussion.

Motion made by Mr. Ives to reconsider the motion for ARC-22-035, 726 Hi-Mount Road.

Both Ms. Shiverick and Mr. Small asked for clarification on the motion.

Mr. Small clarified that the motion by Mr. Ives was to re-open the motion for ARC-22-035, 726 Hi-Mount Road. There was no second to the motion.

Motion failed for lack of a second.

Motion made by Ms. Grace and seconded by Mr. Corey to approve the minutes from the January 26, 2022 meeting as amended. Motion carried 6-1, with Mr. Ives opposed.

VI. **APPROVAL OF THE AGENDA**

Mr. Small announced the following changes to the agenda:

Move ARC-22-038, 225 Indian Road to Major Projects/New Business
Deferral of B-063-2021, 280 Via Marila to the March 23, 2022 Meeting
Deferral of ARC-21-064, 120 Seagate Road to the March 23, 2022 Meeting
Deferral of ARC-21-077, 991 N. Lake Way to the March 23, 2022 Meeting
Withdrawal of ARC-21-093 (ZON-22-002), 150 Worth Ave., Ste 234
Deferral of ARC-21-101, 425 Chilean Avenue to the March 23, 2022 Meeting
Deferral of ARC-22-006, 215 Arabian Rd. to the March 23, 2022 Meeting
Move ARC-22-011 233 Bahama Lane to the Consent Agenda
Deferral of ARC-22-040, 60/70 Blossom Way to the March 23, 2022 Meeting
Move ARC-21-046, 237 Brazilian Avenue to the Consent Agenda
Deferral of ARC-21-062, 327 Barton Ave. to the March 23, 2022 Meeting

Motion made by Mr. Corey and seconded by Mr. Kirchhoff to approve the agenda as amended. Motion carried 6-1, with Mr. Ives opposed.

Mayor Moore thanked Messrs. Ives and Small for their years of service on the Architectural Review Commission and of their service to the Town.

Town Council President Maggie Zeidman thanked Messrs. Ives and Small for their hard work and service on the Architectural Review Commission and especially the entire Commission's commitment for the past two years during the COVID epidemic.

VII. **PROJECT REVIEW**

A. **CONSENT AGENDA OF MINOR PROJECTS**

1. **ARC-22-047 288 SANDPIPER DR (minor project)** The applicant, Mr. & Mrs. Forsyth-Williams, has filed an application requesting Architectural Commission approval for modifications to windows, doors, and paint trim on guest house, to match main house.

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

2. **ARC-22-038 (ZON-22-027) 225 INDIAN ROAD (COMBO)** The applicant, White Oak, LLC, a Wyoming LLC, as Trustee for 225 Trust u/a/d 12/13/2019 (Dennis Walsh, Trust Officer), has filed an application requesting Architectural Commission review and approval for a driveway hardscape addition and a 226 sq. ft. loggia expansion with staircase to access the existing 2nd floor open terrace including variances from the setback requirements. The variance portion of the application will be reviewed by Town Council.

Please note: This item was moved from consent to Major Projects – New Business at Item V., Approval of the Agenda.

3. **ARC-22-011 233 BAHAMA LN.** The applicant, Richard and Lori Jabara, has filed an application requesting Architectural Commission review and approval for exterior modifications to the landscape and hardscape plan.

Please note: This item was pulled from consent and was not approved with the consent agenda.

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

Motion made by Mr. Corey and seconded by Ms. Grace to approve the consent agenda as amended. Motion carried unanimously, 7-0. Please note: This approval did not include the following projects: ARC-22-011, 233 Bahama Lane and ARC-22-038, 225 Indian Road.

B. **DEMOLITIONS AND TIME EXTENSIONS**

None

C. MAJOR PROJECTS – OLD BUSINESS

1. B-063-2021, 280 VIA MARILA

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

Professional: MP Design & Architecture, Inc.

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

A motion carried at the June meeting to approve the demolition of the existing home as requested. A second motion carried to defer the project to the July 28, 2021 meeting to address the comments of the commissioners. A motion carried to defer the project to the September 29, 2021 meeting with a clear understanding that a complete redesign of the home was highly requested. A motion carried at the September meeting to defer the project to the November 19, 2021 meeting for a restudy in accordance with the comments from the Commissioners, particularly with the scale and mass of the proposed home. A motion carried at the November meeting to defer the project to the December 17, 2021 meeting. A motion carried at the December meeting to defer the project to the February 23, 2022 meeting.

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

- 2. ARC-21-038 (ZON-21-002) 218 ROYAL PALM WAY (COMBO)** The applicant, 218 Holdings LLC (Susan Hudson, Manager) has filed an application requesting Architectural Commission review and approval for the expansion of a third floor to an existing three-story building including variances from the parking, generator and wall height, and setback requirements. Town Council shall review the variance portion of the application. The application will require special exception and site plan reviewed by Town Council.

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

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

Nelo Freijomel, Spina O'Rourke + Partners, presented the architectural and landscape modifications proposed for the existing building.

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

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

Mr. Corey supported the aesthetics of the third floor. Mr. Corey inquired about the changes to the front façade. Mr. Freijomel responded and explained the

reason for the change. Mr. Corey inquired about the elimination of the egress of the outside stair to the third floor. Mr. Freijomel responded and explained why the staircase was eliminated. Mr. Corey recommended eliminating the exterior staircase and including it in the interior of the building. He recommended studying this suggestion. Mr. Corey indicated his support for the project but felt the fenestration and front façade could still be restudied. Mr. Freijomel responded and indicated the reasons the exterior stair could not be relocated within the interior of the building.

Ms. Shiverick agreed with Mr. Corey's assessment of the fenestration. She recommended a restudy of the fenestration and thought the addition of muntins would be helpful. Ms. Shiverick recommended an awning for the third floor, north façade to help with the abruptness of the eave and would soften the front of the building. Ms. Shiverick inquired about the color of the building. Mr. Freijomel responded. She asked about the material proposed for the east side of the building. Mr. Freijomel responded and further explained the proposed.

Mr. Sammons recognized that the windows had been narrowed. He made suggestions for the detailing on the windows and portico. He thought the front façade was a bit massive and suggested the addition of an awning. He also questioned the proposed cornices. Mr. Freijomel responded.

Ms. Grace appreciated the changes and thought it was improved. However, she questioned the addition of the third floor, due to the existing mass of the building. She thought it would detract from the street.

Ms. Catlin thought the changes had improved the building. She believed this type of development was a national trend. She thought this was a good building to expand, especially since residential already existed in the building. She supported the request.

Mr. Floersheimer thought the setback on the east was very tight and thought the existing fire escape was very narrow. He acknowledged that the east side was not feasible for a staircase; however, he questioned if the staircase could be moved to the south side. Mr. Freijomel responded and indicated that the suggestion was studied but explained why it was not feasible.

Mr. Kirchhoff thought the changes were a dramatic improvement. He still was not in favor of the overhang on the second floor and thought the classical cornice should continue around to the street side. He agreed with Ms. Shiverick that an awning would be nice on the second floor. He liked the step back of the third story and recommended a restudy of the window surrounds on the second floor. He thought the supports of the Porte cochere should be increased.

Mr. Small was generally supportive of the project. However, he still could not support the east side staircase. There was a short discussion on the requirements of the egress from the second floor. He thought the east side

staircase was still a distraction for the street. He thought the possibility of the staircase on the south side should be restudied.

Mr. Floersheimer wondered if the staircase could be reworked somehow within the lobby. Mr. Freijomel responded.

Mr. Sammons thought the similar staircases were located all over town. He thought the design was successful since one exterior staircase was removed. He also stated another building would eventually be built and the proposed would not be seen.

Mr. Corey inquired if the staircase needed a variance. Mr. Freijomel responded and explained the proportion of the staircase needed a variance.

Mr. Small requested that the applicant outline the variance requests.

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

Christian Rollins, representing the owner, explained the importance of the project and advocated for an approval of the project.

Motion made by Ms. Grace and seconded by Ms. Shiverick to defer the project to the March 23, 2022 meeting in accordance with the comments of the Commissioners. Motion carried 4-3, with Messrs. Smith, Kirchhoff and Small opposed.

Discussion ensued on the motion.

Motion made by Mr. Corey and seconded by Mr. Ives to reconsider the previous motion for the project. Motion carried 5-2, with Mses. Shiverick and Grace opposed.

Motion made by Mr. Corey and seconded by Mr. Ives to approve the project with the condition that the following items shall return to the March 23, 2022 meeting: the second and third floor fenestration (including the proportions, muntins and surrounds), the entablature over the portico, and the projecting roof over the north and south side. Motion carried 4-3, with Mses. Grace, Shiverick and Mr. Small opposed.

Motion made by Mr. Corey and seconded by Mr. Ives that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 4-3, with Mses. Grace, Shiverick and Mr. Small opposed.

3. **ARC-21-040 (ZON-21-006) 164 SEASPRAY AVE (COMBO) – VARIANCES.** The applicant, Hayati Banastey, has filed an application

requesting Architectural Commission review and approval for the construction of a new two-story home designed in the Classical Style and related site improvements, including variances for side yard setbacks as they pertain to the new residence on a nonconforming lot. Town Council shall review the variance portion of the application. The application will require special exception and site plan reviewed by Town Council.

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. Segraves agreed to the easement.

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

Patrick Segraves, SKA Architect + Planner, presented an overview of the changes to the design.

Daniel Clavijo, SKA Architect + Planner, showed the Commission why the current design no longer needed any variances.

Mr. Segraves presented the architectural plans proposed for the new home.

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

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

Mr. Sammons thought the changes were a big improvement. He inquired about the two windows on the east side of the home; he thought they were too narrow.

Ms. Grace appreciated the changes in bringing the home down in height. She appreciated the elimination of variances. She did not believe the front façade had any charm. She also believed that that home did not fit into the streetscape and recommended adding more charm to the home.

Ms. Catlin had an issue with the front façade of the home. She did not believe the home was in harmony with the streetscape.

Mr. Kirchhoff agreed with Ms. Catlin and Grace; he did not understand the number of French doors facing the front street. He believed the proposed was not in character with the street. He questioned the lack of garden space or terraces that was in front of the proposed French doors. He thought the doors should be changed to windows.

Mr. Corey agreed with Mr. Kirchhoff and was not in favor of the French doors facing the front driveway; he thought it decreased the charm of the home. He questioned the rafter tails and closed eaves; he recommended an open eave to increase the charm. He believed the home worked in size and scale but agreed the home lacked charm. Mr. Corey inquired about the percentage of native plantings proposed and wondered if the percentage was correct.

Mr. Smith thought the front façade needed work and lacked charm.

Mr. Ives agreed with Mr. Smith and thought a few changes should be made to the home, particularly relating to charm and whimsy. He thought that while the proposal was fine, it lacked the special charm and identity of the Sea Streets, which he believed was slowly eroding over time.

Ms. Grace thought the idea of an addition of a porch could add some charm to the home.

Ms. Shiverick agreed that the home lacked the charm that currently existed on the street.

Motion made by Mr. Corey and seconded by Mr. Kirchhoff to defer the project to the March 23, 2022 meeting in accordance with the comments of the Commissioners. Motion carried 6-1, with Ms. Grace opposed.

Please note: A short break was taken at 10:42 a.m. The meeting resumed at 11:10 a.m.

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

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. Beekman agreed to the easement.

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

Gerard Beekman, Madison Worth Architecture, Inc. presented the architectural modifications proposed for the new residence.

Tim Johnson, Fernando Wong Outdoor Living Design, presented the landscape and hardscape modifications for the site.

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

Ms. Shiverick thought the improvements were terrific. She was in favor of the additional street level gardens. She wondered if the pagoda tops were a bit too short and suggested they be slightly increased.

Ms. Grace felt the changes to the front façade, the windows and moving the home back were very successful. She thought the project was a nice project. She wondered if front hedge could be changed a bit so that the home could be seen more front the street.

Mr. Corey agreed with Ms. Grace and Shiverick. He inquired about the hedge material in the front. Mr. Wong responded. Mr. Corey inquired about the roof pitch shown on the west elevation. Mr. Beekman responded. Mr. Corey inquired about the previous roof pitch and the reason the new pitch has increased. A short discussion ensued on the roof pitch. Mr. Corey thought the previously proposed roof height enhanced the vernacular style.

Mr. Kirchhoff agreed with Ms. Shiverick that the roofs on the pagodas should be slightly increased. He also thought a 7/12 or 8/12 roof pitch was superior to a 9/12 roof pitch. He also liked the previous detailing on the windows in front of the exercise room.

Ms. Catlin thought the design was extraordinary. She agreed with Ms. Shiverick and thought the pagoda roofs should be a bit taller. She thought the home was romantic and the landscaping was superb.

Mr. Ives recognized that the design team listened to the critiques and added that the home would be a great addition to the community. He was in full support of the project.

Mr. Smith was supportive of the changes. Mr. Smith inquired about the white flowering tree material in the plan. Mr. Wong responded.

Mr. Small was supportive of the project and as happy to vote in support of the project.

Mr. Floersheimer inquired about the finished floor height. Mr. Beekman responded.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project with the following conditions: the roof heights of the two pagoda

elements shall be increased and the main roof height pitch shall be reduced to 8/12.

Mr. Sammons defended the applicants' roof pitch of 9/12.

Motion carried 6-1, with Mr. Smith opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

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

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. Harold Smith agreed to the easement.

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

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

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

Mr. Corey thought the changes addressed all the comments of the Commissioners. He thanked the professional for the changes. Mr. Corey inquired about the material for the proposed railings. He recommended the possibility that all of the railings should be in cast stone.

Ms. Shiverick thought the changes and the landscaping were very nice. She questioned the two projecting bays. She preferred the cantilevered balconies that were previously proposed. If the professional decided to change the balconies to cantilevered, she thought the two different railings were acceptable.

Mr. Sammons thought the front door was too big and questioned the proportions. He also stated he preferred the single window over the front door as previously proposed. Mr. Sammons thought the bays were too large.

Mr. Kirchhoff agreed that a return to the cantilevered balconies would be preferred. He provided a suggestion for the eave. Mr. Kirchhoff inquired about the height of a door in the pool area. Mr. Smith responded.

Ms. Grace thought the changes to the garage and windows were successful. She was in favor of the change to the cantilevered balconies. She questioned the color of the proposed limestone.

Mr. Smith thought the changes to the front door were an improvement. He agreed that the projecting bays were not successful and preferred the cantilevered balconies.

Ms. Grace was not in favor of the sconces by the front door.

Mr. Sammons inquired about an increase in width to one of the bays. Mr. Smith responded.

Motion made by Mr. Kirchhoff and seconded by Mr. Smith to approve the project with the following conditions: the projecting bays on the two flanking wings shall be changed to cantilevered balconies and the roof over the front door shall be lowered to match the cornice. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

6. **ARC-21-064 120 SEAGATE RD.** The applicant, Tracey Hirt, has filed an application requesting Architectural Commission review and approval for modifications to an existing two-story residence including the addition of new front entry, the enclosure of a second floor terrace and ground floor patio, the construction of a new one-story addition totaling approximately 600SF in area, a new pool, spa and pool deck, new landscaping, and other exterior modifications.

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

7. **ARC-21-077 991 N LAKE WAY** The applicant, Michael Rapp, has filed an application requesting Architectural Commission review and approval for exterior modifications to a previously approved two-story residence, including the demolition of portions of the existing structure and the construction of a new detached accessory structure, architectural changes and modifications to the site plan and landscaping.

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

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

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

9. **ARC-21-095 (ZON-22-006) 432 SEABREEZE AVE (COMBO)** The applicant, Bijon Memar, has filed an application requesting Architectural Commission review and approval for modifications to the existing residence including window and door replacements, roof changes, and new covered loggia, including variances from lot coverage and setback requirements. The variance portion of the application will require review and approval by town council.

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. Visconti agreed to the easement.

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

Claudia Visconti, SMI Landscape Architecture, Inc. presented the landscape modifications proposed for the site.

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

Motion made by Mr. Corey and seconded by Mr. Ives to approve the project as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

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

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

11. **ARC-22-005 225 EL PUEBLO WAY** The applicant, 225 El Pueblo Way LLC, has filed an application requesting Architectural Commission review and approval for the demolition of an existing one-story residence and the construction of a new 5,006 SF two-story residence designed in a Regency-inspired style.

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. Asbacher agreed to the easement.

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

Kevin Asbacher, Asbacher Architecture Inc. presented the architectural modifications proposed for the new residence.

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

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

Mr. Kirchhoff thought the changes were a vast improvement from the prior presentation. He expressed concern for the projections with the flat roofs and thought they were a bit boxy. He recommended a change in the railing. Mr. Kirchhoff was not in favor of the flat roof over the master bath. He pointed out the two different transoms above the front door. Mr. Asbacher addressed the change to the transom and responded to the comments.

Ms. Catlin thought the proposed home was still wider than the other surrounding homes. She recommended creating a visual to hide this aspect of the home.

Ms. Grace appreciated the change to the French doors on the rear of the home. She thought the one-story projections on the front façade appeared boxy and heavy. She recommended restudying these elements. She was not in favor of the black railings proposed; she recommended using white railings.

Ms. Shiverick thought the front elements were a bit boxy. She recommended continuing the jasmine on the east wall over to the west. She also recommended an espalier on the west wall next to the garage. Mr. Nievera agreed to the recommendation.

Mr. Smith thought the changes were better, particularly with the massing. He agreed the projecting bays were a bit heavy. He liked the idea of the aluminum railings. He thought the window above the front door a bit too large.

Ms. Catlin inquired about the trucks logistic plan. Mr. Asbacher responded.

Mr. Corey thought the site placement was good. He liked the roof pitch and thought it was acceptable. He expressed concern for the front façade, particularly with the projecting bays. He made some suggestions for the pediment and cornice and questioned some of the elements in this front façade design. He recommended a restudy of the front façade.

Mr. Sammons recommended adding a projecting cornice to break up the projecting bays. He also suggested improving the proportions.

Mr. Small thanked the professional for being responsive to the Commissioners' comments.

Motion made by Ms. Grace and seconded by Ms. Shiverick to defer the project to the March 23, 2022 meeting in accordance with the comments of the Commissioners. Motion carried unanimously, 7-0.

12. **ARC-22-006 215 ARABIAN RD.** The applicant, 215 Arabian LLC, has filed an application requesting Architectural Commission review and approval for new construction of a 7,400 SF two story residence designed in the Regency style, detached cabana, swimming pool and associated hardscape and landscape.

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

13. **ARC-22-009 (ZON-22-013) 215 SEABREEZE AVE. (COMBO)** The applicant, Edward & Margot Mehm, has filed an application requesting Architectural Commission review and approval for construction of an unenclosed pergola structure in the rear of the property, including a setback variance. Town Council will review the variance portion of this application.

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

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

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

Dustin Mizell, Environment Design Group, presented modifications proposed for the existing residence.

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

Mr. Kirchhoff inquired about the height of the pergola. Mr. Mizell responded. Mr. Kirchhoff thought the height should be lowered by one foot.

Motion made by Ms. Grace and seconded by Ms. Shiverick to approve the project with the condition that the pergola shall be lowered to 8 feet. Motion carried 6-1, with Mr. Corey opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

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

Please note: A lunch break was taken at 12:46 p.m. The meeting resumed at 1:34 p.m.

At the return of the lunch break, Ms. Shiverick stated she was confused about the motion to reconsider the previous motion for ARC-22-035, 726 Hi-Mount Road this morning and explained that she thought she had seconded Mr. Ives's motion. Mr. Ives stated he would be happy to make the motion again.

Motion made by Mr. Ives and seconded by Ms. Shiverick to reopen the motion for ARC-22-035, 726 Hi-Mount Road, solely to discuss the metal roof over the pergola, noting that the remainder of the motion would stand.

Staff indicated that if four affirming votes were received, the project would return to the March 23, 2022 meeting, solely to discuss the metal roof over the pergola.

Motion carried 6-1, with Mr. Corey opposed.

14. **ARC-22-011 233 BAHAMA LN.** The applicant, Richard and Lori Jabara, has filed an application requesting Architectural Commission review and approval for exterior modifications to the landscape and hardscape plan.

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

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

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

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

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

Ms. Grace expressed concern that the proposed was not consistent with the other homes on the street. She also thought the proposed was too formal for the Bahamian style home.

Ms. Shiverick inquired about the location of the generator. Mr. Mizell confirmed the location. Ms. Shiverick asked if any letters opposing the project had been sent by the neighbors. Mr. Mizell responded.

Mr. Floersheimer inquired about the step exiting the rear of the home. Mr. Mizell responded. Mr. Floersheimer inquired about the new railing. Mr. Mizell responded.

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

15. **ARC-22-016 625 CREST RD.** The applicant, Crest Road LLC, has filed an application requesting Architectural Commission review and approval for the construction of a new 10,518 SF two story main house and a 576 SF one story pool pavilion designed in the Anglo-Caribbean style.

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. Torres-Cruz agreed to the easement.

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

Jaime Torres-Cruz, Fairfax and Sammons, presented the architectural modifications proposed for the new residence.

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

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

Mr. Corey thought the landscaping looked much better. Mr. Corey inquired about the change to the garage element. Mr. Torres-Cruz responded. Mr. Corey thought the follies on the front of the home belonged on the rear of the home. He expressed concern for the size of the home and the break in the roof on the south side of the home. Mr. Corey thought the massing was too tall on the south side of the home. Mr. Torres-Cruz responded and explained the design. Mr. Corey recommended separating the garage from the home with the breezeway. Mr. Torres-Cruz responded and explained the design on the front.

Ms. Catlin was torn on the design. She liked the home and thought it had warmth and charm. However, she feared that the proposed would overpower the other homes on the street. Mr. Torres-Cruz responded.

Ms. Shiverick thought the home was nice, especially from the rear of the home. She expressed concern for the flat roof portions on the front of the home. She wondered if the elements could be changed with an addition of a breezeway as Mr. Corey suggested. Mr. Torres-Cruz responded.

Mr. Smith was in favor of the home and liked the changes. He supported the project.

Mr. Kirchhoff thanked the professional for the changes. He recommended changing the south wing as it was previously proposed; he also recommended a change for the north portion of the home.

Ms. Grace thought that the changes were good.

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

16. **ARC-22-020 120 CLARENDON AVE.** The applicant, 120 Clarendon Ave LLC, has filed an application requesting Architectural Commission review and approval for the second story addition and renovation of existing detached cabana.

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. Harold Smith agreed to the easement.

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

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

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

Ms. Shiverick thought the cabana was more graceful as a one-story building. She thought the second story overpowered the lot. She expressed concern for the massing of the proposed cabana.

Mr. Floersheimer appreciated the changes but agreed with Ms. Shiverick. He was in favor of the one-story cabana. He also was appalled with the amount of artificial turf in the rear of the home.

Mr. Corey thought the proposed was better but did not believe it was reduced enough in scale. He thought the proposed was too tall up against the property line. He thought the front entablature was too much for the simple and clean façade that currently existed. He suggested designing it as an old carriage house or with dormers.

Mr. Small agreed with Mr. Corey and Ms. Shiverick. Mr. Small recommending looking at putting the extra space in an additional building or expanding the one-story portion. He thought the existing building would lose its beauty if changed.

Ms. Grace thought the arched walls were problematic.

Mr. Smith thought the design was better but provided some suggestions for the bedroom wings and roof of the building. He thought the number of balustrades needed to be reduced.

Motion made by Mr. Corey to defer the project to the March 23, 2022 meeting in accordance with the comments of the Commissioners.

A discussion ensued on the possible changes the professional could make to the cabana.

Motion seconded by Ms. Shiverick. Motion carries 6-1, with Mr. Ives opposed.

17. **ARC-22-026 170 N OCEAN BLVD.** The applicant, The Condominium Association of Ocean Towers, Inc., has filed an application requesting Architectural Commission review and approval for the installation of a metal railing along the entirety of an existing rooftop penthouse terrace/balcony.

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

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

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

Roger Janssen, Dailey Janssen Architects, presented the architectural modifications proposed for the existing condominium.

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

Ms. Grace thought that all railings should be replaced at the same time.

Ms. Shiverick thought the old railings provided some character, while the proposed railings were a bit sterile. She thought the proposed was too severe of a change from what existed today. Mr. Janssen responded.

Mr. Corey inquired about the historic drawing of the railing. Mr. Janssen responded. Mr. Corey agreed with Ms. Shiverick and thought the old railings helped define Palm Beach with a certain character. He thought the proposed was stripping the building of its charm.

Mr. Kirchhoff agreed with Ms. Shiverick and Mr. Corey. He thought a more appropriate railing should be proposed.

Ms. Catlin thought the proposed helped the building feel light and airy. She wondered if a similar railing, more of a middle ground, could be found to be used rather than the proposed.

Mr. Floersheimer agreed with Ms. Catlin and thought the proposed railings worked rather well. He thought it cleaned up the building. He added that he understood the huge undertaking it was to replace all the balconies.

Mr. Ives recognized that the building was not landmarked and saw no detriment to the proposed railings. He stated he would support the application. However, he did believe it would be problematic to piecemeal the replacements.

Ms. Grace suggested that a similar style railing would be easier to install in separate projects.

Mr. Smith agreed with Ms. Catlin. He found the railings acceptable and did believe the concrete railings could be problematic. He also thought the replacements should include the entire building and the condominium should

come back with a timeline of the replacement. Mr. Janssen reassured the Commission that the board of the condominium planned to replace all the balcony railings within one to two years.

Mr. Corey wondered about the age of the building. Mr. Janssen responded. Discussion ensued about the railings. Mr. Corey thought the new railings should pay respects to the existing building.

Ellen Goldfarb, board member of the condominium, stated that the railings were not the original. She believed what was proposed resembled more of the original railings.

Mr. Small agreed with the other Commissioners. He expressed his concern that the project should be completed in its entirety rather than a piecemeal approach. He also thought the new railings should be more decorative than what was being proposed.

Ms. Goldfarb explained that the board unanimously approved the proposed modern railings. The board also agreed that all the railings should be replaced.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project for further study, given the comments of the Commissioners, which included adding more charm to the railings.

Mr. Janssen stated that the concrete restoration was an emergency repair due to the water penetration issues.

A discussion ensued about a possible motion and water remediation issues.

Town Attorney Randolph recommended that the project return with plans and a proposed timeline for the entire project.

Mr. Murphy discussed the history of staff's involvement to assist the condominium with the water issues.

More discussion ensued on the path forward.

Motion amended by Ms. Shiverick and seconded by Mr. Corey to defer the project to the March 23, 2022 meeting for further study, given the comments of the Commissioners, which included adding more charm to the railings. Motion carried 6-1, with Mr. Ives opposed.

Town Attorney Randolph recommended that the professional return in March with a plan and timeline of the railing replacements.

Mr. Murphy recommended outlining all the phases of railing replacements.

18. **ARC-22-027 (ZON-22-034) 127 EL BRAVO WAY (COMBO)** The applicant, 127 El Bravo Trust (Guy Rabideau, Trustee), has filed an application requesting Architectural Commission review and approval for construction of a new residence and guest house designed in a Mediterranean Revival style and landscaping. Town Council will review the variance portion of the application.

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

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

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

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

John Lang, Lang Design Group, presented the landscape and hardscape modifications proposed for the site.

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

Ms. Grace was in favor of the changes. She pointed out the light divisions that were made but wondered why these same changes were not made on the French doors on the north elevation. Mr. Janssen responded and explained the design. She added that she preferred a slightly larger tower. She thought the hedge material on the front elevation was too high. Mr. Janssen responded and explained the tower design.

Mr. Kirchhoff thought there were a few too many windows on the front elevation. Mr. Kirchhoff inquired about the front door design. Mr. Janssen responded.

Mr. Corey thought the professional listened to the comments of the commission and added it was a fantastic project. He recommended removing the windows on the east and west of the south elevation.

Mr. Small agreed with Mr. Corey's comments.

Motion made by Mr. Corey and seconded by Mr. Kirchhoff to approve the project with the changes to the two windows on the east and west side of the south elevation. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

A second motion by Mr. Corey and seconded by Mr. Kirchhoff that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

19. **ARC-22-031 2285 IBIS ISLE RD.** The applicant, Global 1 Investment Group LLC, has filed an application requesting Architectural Commission review and approval for the renovation and major additions to an existing one-story residence.

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. Segraves agreed to the easement.

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

Patrick Segraves, SKA Architect + Planner, presented the architectural modifications proposed for the existing residence.

Keith Williams, Nievera Williams Design, discussed the gate request and the reason for the gate.

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

Mr. Sammons inquired about the reduction of the pitch of the roof; he made a few suggestions for the roof design. Mr. Segraves agreed with Mr. Sammons's suggestions.

Ms. Shiverick inquired about the color proposed for the home. Mr. Segraves responded and indicated the proposed colors for the home. Ms. Shiverick inquired about the roof material and color. Mr. Segraves responded and stated he would show the Commission a sample. Ms. Shiverick recommended using double hung windows and thought it would add charm. Ms. Shiverick recommended a grass checkerboard driveway. Mr. Williams stated he could change the apron.

Mr. Segraves presented a material sample of the roof.

Mr. Corey agreed with Ms. Shiverick's recommendation on the change to the windows.

Mr. Kirchhoff agreed with the other Commissioners but stated he did not believe the bay window on the front could be changed due to the egress requirement.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project with the following conditions: the roof pitch shall be changed to a 6/12 roof pitch; and the windows, which will return to the March 23, 2022 meeting, shall be changed to a colonial style. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

20. **ARC-22-033 (ZON-22-019) 200 OCEAN TERRACE (COMBO)** The applicant, Mr. & Mrs. Timothy Davidson, has filed an application requesting Architectural Commission review and approval for the demolition of an existing one-story residence (201 Osceola Way) and construction of a new one-story guest residence of approximately 2400 SF with new hardscape, landscape, and pool. Town Council will review the variance portion of this application.

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

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

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

Michael Perry, MP Design & Architecture Inc. presented the architectural modifications proposed for the new residence.

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

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

Ms. Shiverick inquired if the planting material on Osceola Way matched the material on Ocean Terrace. Mr. Mills responded.

Motion made by Mr. Corey and seconded by Mr. Smith to approve the project as presented with the following condition: the Clusia hedge on Osceola Way shall be increased to 12 feet. Motion carried unanimously, 7-0.

A second motion made by Mr. Corey and seconded by Mr. Kirchhoff that implementation of the proposed variances will not cause negative

architectural impact to the subject property. Motion carried unanimously, 7-0.

Please note: A short break was taken at 3:32 p.m. The meeting resumed at 3:45 p.m.

D. MAJOR PROJECTS – NEW BUSINESS

1. **ARC-21-039 (ZON-21-003) 380 SOUTH COUNTY ROAD (COMBO)** The applicant, 380 S County LLC (Phillip Norcross, Manager) has filed an application requesting Architectural Commission review and approval for the construction of new one- and two-story additions to an existing two-story building including variances from setbacks, rooftop mechanical equipment height, and to reduce the existing parking in order to expand an existing food and beverage serving lounge and office use. The variance portion of the application shall be reviewed by Town Council. The application will require special exception and site plan reviewed by Town Council.

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

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

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

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

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

Nelo Freijomel, Spina O'Rourke + Partners, presented the architectural plans proposed for the existing building.

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

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

Mr. Small called for staff comment.

Frank Lynch, on behalf of two neighboring residents, spoke about the parking deficient for the proposed building and the additional dining.

Ms. Shiverick thought the proposed would help clean up the disorganized outdoor seating that currently existed. She thought the south side of the building felt extremely wide. She also questioned the hedge proposed for the south side.

Ms. Catlin inquired about the loss of parking. She inquired if the parking would solely rely on valet services. She also inquired if there would be any screening on the outdoor patio.

Mr. Corey inquired if the ground floor plan was to be approved by the Commission. Ms. Ziska responded and discussed the seating for the establishment. Mr. Freijomel explained the proposed seating. Mr. Corey was not supportive of the beam across the parking lot on the south side. Mr. Corey recommended changing some of the details on the addition to demonstrate that the building was an addition.

Mr. Ives was supportive of the application; however, he was not in favor of the beam that spanned the parking in the rear of the building.

Ms. Grace supported the covered dining area; however, she added that she generally did not support the increase of mass on the existing building.

Mr. Freijomel indicated that his client would be willing to pull in the second story overhang by 5 feet on the west side.

Mr. Corey requested to see the rooftop equipment and the proposed screening.

Mr. Smith requested to hear the requested variances. Ms. Ziska explained each requested variance. Mr. Smith requested to see the scrubber on all the renderings, as he believed it would be seen from all sides of the building. Mr. Smith stated he could not support the addition.

Mr. Murphy reviewed the previous approval of this building and restaurant.

Mr. Corey wondered if Town Council should review the application prior to the review of the Architectural Review Commission.

Mr. Small inquired if the outdoor dining would remove any of the sidewalk space. Mr. Freijomel responded.

Ms. Grace inquired about the west elevation and how it would change in the expansion. Mr. Freijomel stated that the new addition would store some of the items that were currently exposed on the west side.

Mr. Sammons thought the addition to the west improved the aesthetics of the building; however, he recommended bringing out the addition to match the façade above. He was not in favor of the beam that spanned the parking lot.

Town Attorney Randolph reminded the Commission to focus only on the proposed architecture.

Motion made by Mr. Corey to defer the project to the March 23, 2022 meeting to allow the professional to restudy the following items: the roof top equipment, the overhang over the exterior parking on the west, the massing of the building with the cantilever addition, and return with renderings showing the equipment from all angles.

Ms. Shiverick inquired if the outdoor dining area could be added as an approval in the motion. Mr. Corey considered the suggestion.

Town Attorney Randolph stated that the Town Council would consider the outdoor dining; the Commission was to consider the architecture.

Ms. Grace seconded the motion.

Mr. Floersheimer recommended making a motion that suggested the variances did cause a negative architectural impact to the property. Mr. Corey stated that he thought the professional should have an opportunity to restudy the project.

Motion failed 3-4, with Messrs. Ives, Kirchhoff, Smith, and Ms. Shiverick opposed.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the outdoor dining structure to the south and to defer the remainder of the project to the March 23, 2022 meeting. Motion failed 3-4, with Messrs. Ives, Smith, Kirchhoff, and Ms. Grace opposed.

A discussion ensued about a possible motion.

Motion made by Mr. Smith and seconded by Mr. Kirchhoff that implementation of the proposed variances will cause negative architectural impact to the subject property. Motion carried 6-1, with Mr. Ives opposed.

Ms. Ziska inquired about how the applicant should proceed forward.

Ann Des Ruisseaux, owner, discussed the process and asked for the Commissioners feedback on how to move forward.

Motion made by Mr. Ives and seconded by Mr. Corey to defer the entire project to the March 23, 2022 meeting in accordance with the comments of the Commissioners. Motion carried unanimously, 7-0.

2. **ARC-22-028 (ZON-22-024) 1540 S OCEAN BLVD (COMBO)** The applicant, 1540SOcean LLC (Steven Kirsch, Managing Director), has filed an application requesting Architectural Commission review and approval for changes to an existing beach cabana and for construction of beach tunnel with related site modifications. The variance portion of the application will be reviewed by Town Council.

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

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

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

Roger Janssen, Dailey Janssen Architects, presented the architectural plans proposed for the beach cabana and tunnel.

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

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

Ms. Grace stated she wished she could have seen photographs of the main house. Mr. Janssen responded and explained why the existing cabana was being renovated. Ms. Ziska responded and discussed the construction of a tunnel.

Mr. Small inquired if all the variances related to the tunnel. Ms. Ziska confirmed that the requested variances related to the their request for the tunnel.

Mr. Corey thought the cabana worked fine in its location.

Ms. Shiverick thought it would have been nice to see the main house, even in plan.

Mr. Floersheimer thought the existing cabana was precarious and wondered if it should just be replaced. Mr. Janssen responded. Mr. Murphy discussed the application presented to staff. Mr. Floersheimer inquired about the depth of the floor of the tunnel. Mr. Murphy responded.

Mr. Small stated he could support the tunnel and variances if the cabana was removed to expose more views to the water.

Motion made by Mr. Kirchhoff and seconded by Mr. Corey to approve the project as presented. Motion carried 5-2, with Ms. Grace and Mr.

Small opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

A second motion made by Ms. Shiverick and seconded by Mr. Smith that implementation of the proposed variances will not cause negative architectural impact to the subject project. Motion carried unanimously, 7-0.

3. **ARC-22-029 411 BRAZILIAN AVE.** The applicant, Holy Union PB Limited (Sean Sheridan), has filed an application requesting Architectural Commission review and approval for the construction of a new approximately 3700 SF two story residence designed in a mix of modern and classical style architecture.

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

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

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

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

Daniel Clavijo, SKA Architect + Planner, presented the architectural plans proposed for the new residence.

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

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

Mr. Corey thought the previous home had some charm and romance. He stated he could not support any portion of the proposed home. He recommended referencing the previous home as inspiration when designing the new home.

Ms. Catlin agreed with Mr. Corey. She thought the proposed home was static, had no character and proposed too much hardscape in the front entrance. She thought the home would not fit on the street.

Mr. Small agreed with Mr. Corey and Ms. Catlin. He agreed that the house did not fit onto the street.

Ms. Shiverick thought the previous home should be an inspiration in providing direction in the future design.

Ms. Grace agreed.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project to the April 27, 2022 meeting for a complete restudy. Motion carried unanimously, 7-0.

4. **ARC-22-032 (ZON-22-017) 1237 N LAKE WAY (COMBO)** The applicant, Frank H. Pearl and Geryl T. Pearl, has filed an application requesting Architectural Commission review and approval for construction of a new 5800 SF two story residence and two-story accessory structure in the modern/classical style of architecture including variances for a two-story accessory structure to replace an existing two-story residence to be demolished. The variance portion of the application will be reviewed by Town Council.

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

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

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

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

Daniel Clavijo, SKA Architect + Planner, presented the proposed demolition of the existing residence.

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

Motion made by Ms. Grace and seconded by Mr. Kirchhoff that the proposed demolition of 1237 N. Lake Way has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

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

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

Pat Segraves, SKA Architect + Planner, discussed the owner's wishes for garden space.

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

Ms. Grace thought the proposed looked like a townhome and did not belong on North Lake Way. She was not in favor of the two garage doors facing the front of the home as well as the heavy, front entrance.

Ms. Catlin questioned the distance between the two proposed buildings. Mr. Clavijo responded. Ms. Catlin stated she was struggling with the building on the front of the home; she thought something like this belonged on an estate property. She was not in favor of the front façade of the front building. She also expressed concern about the truck logistics plan.

Mr. Kirchhoff liked the idea of the two structures and the gardens between them. He stated he could support the variances. He thought the front building was too complicated and offered design suggestions for this element. He expressed concern for the fenestration on the west elevation; he suggested a loggia on this façade. He recommended restudying the detailing.

Ms. Shiverick agreed with Mr. Kirchhoff and liked the idea of the two buildings. She recommended simplifying the front building and the front entrance. She recommended adding some shade trees in the courtyard. She thought the garage doors were too tall and questioned the pattern of the garage doors. She thought the fenestration on the guest house needed some restudy.

Mr. Smith agreed with Mr. Kirchhoff. He liked the idea of the carriage house and liked the gardens. He recommended the addition of a balcony on the second floor of the guest house.

Mr. Corey thought the front needed more shade but was in favor of the gardens. He thought the front façade was too stoic and symmetrical. He suggested adding some charm on the front façade.

Mr. Floersheimer thought the garage and front building needed to be subservient to the main house. He also thought there was too much glass on the west side.

Mr. Small agreed with the other Commissioners. He expressed concern for the front entrance. He inquired if the professional considered opening the garage to the north or south sides, rather than the west side. Mr. Clavijo responded.

Motion made by Ms. Shiverick and seconded by Mr. Ives to defer the project to the April 27, 2022 meeting in accordance with the comments of the Commissioners. Motion carried unanimously, 7-0.

5. **ARC-22-037 (ZON-22-025) 247 MIRAFLORES DR (COMBO)** The applicant, Laetitia Oppenheim, has filed an application requesting Architectural Commission review and approval for the installation of a generator and associated required site wall screening. The variance portion of the application will be reviewed by Town Council.

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

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Lynch stated that the easement was granted at the previous approval of the project.

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

Frank Lynch, attorney for the applicant, indicated the purpose for the application was to increase the height of the site wall and generator. He indicated that conversations that occurred between the applicant and the neighbors.

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

Motion made by Mr. Smith and seconded by Mr. Ives to approve the project as presented.

Mr. Floersheimer inquired about the location of the generator and suggested the possibility of a new location. Mr. Lynch responded. Mr. Floersheimer thought that the proposed location created architectural issues and inquired about an alternate location. Mr. Lynch responded.

Mr. Small inquired if the professionals considered placing the generator on the west side of property. Mr. Lynch responded.

Motion carried unanimously, 7-0.

Motion made by Mr. Corey and seconded by Mr. Ives that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

6. **ARC-22-040 (ZON-22-037) 60-70 BLOSSOM WAY (COMBO)** The applicant, Blossom Way Holdings LLC and Providencia Partners LLC (Maura Ziska, Authorized Representative), has filed an application requesting Architectural Commission review and approval for construction of a combined 50,000+ sq. ft two-story main house and two-story guest house with associated hardscape, landscape and site improvements. Town Council will perform Site Plan Review for the installation of a generator.

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

Please note: Mr. Smith left the meeting at 5:32 p.m. It was noted that Ms. Catlin would be voting in his absence.

7. **ARC-22-038 (ZON-22-027) 225 INDIAN ROAD (COMBO)** The applicant, White Oak, LLC, a Wyoming LLC, as Trustee for 225 Trust u/a/d 12/13/2019 (Dennis Walsh, Trust Officer), has filed an application requesting Architectural Commission review and approval for a driveway hardscape addition and a 226 sq. ft. loggia expansion with staircase to access the existing 2nd floor open terrace including variances from the setback requirements. The variance portion of the application will be reviewed by Town Council.

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

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

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

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

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

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

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

Ms. Grace inquired about the need for the staircase and the variance required for the staircase. She stated she did not believe the staircase was architecturally pleasing. Mr. Janssen responded and added that the staircase was 140 feet from the street.

Mr. Kirchhoff somewhat agreed with Ms. Grace and did not believe the staircase was appropriate. He wondered why the staircase was not integrated into the home. Mr. Kirchhoff provided a few suggestions for the design of the staircase. Mr. Janssen responded and further explained the design.

Mr. Floersheimer agreed with Ms. Grace and Mr. Kirchhoff. He added that he could not support the project.

Motion made by Mr. Corey and seconded by Mr. Ives to approve the project as presented except for the stairs and the deck. Motion carried 7-0.

Ms. Ziska asked for a deferral for the stairs and the deck.

Motion amended by Mr. Corey and seconded by Mr. Ives to defer the entire project to the March 23, 2022 meeting in accordance with the comments of the Commission. Motion carried unanimously, 7-0.

E. MINOR PROJECTS – OLD BUSINESS

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

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

Please note: This project was moved to the Consent Agenda at the Approval of the Agenda, Item VI.

2. **ARC-21-062 327 BARTON AVE (minor project)** The applicant, Brian and Laura Carr, has filed an application requesting Architectural Commission review and approval of modifications to an existing landscape and hardscape plan as well as a driveway opening increase of 2 feet.

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

F. MINOR PROJECTS – NEW BUSINESS

None

VIII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

1. Public
There were no comments heard at this time.
2. Staff

Ms. Churney stated that Richard Sammons declared a conflict for a project at 625 Crest Road at the January 27, 2022 meeting and had correctly completed the 8B form in accordance with State Law.

3. Commission

Alexander Ives thanked his fellow Commissioners and staff for their support during his time on the Commission.

Michael Small also thanked his fellow Commissioners and staff for their support and indicated it was a privilege to serve on the Commission and to serve his Town.

Mr. Corey discussed his recent trip to Guatemala, particularly the city of Antigua. He discussed Addison Mizner's influence on the city of Antigua. He asked what his fellow Commissioners thought about the possibility of Antigua, Guatemala as the sister city of Palm Beach.

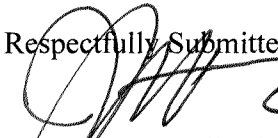
IX. **NEXT MEETING DATE:** Wednesday, March 23, 2022

X. **ADJOURNMENT**

Motion made by Mr. Ives and seconded by Mr. Kirchhoff to adjourn the meeting at 6:00 p.m. on Wednesday, February 23, 2022. Motion carried unanimously, 7-0.

The next meeting will be held on Wednesday, February 23, 2022 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,


Michael B. Small, Chairman
ARCHITECTURAL COMMISSION

CURRENT CHAIR JEFFERY SMITH

kmc

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Simmons, Richard</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Architectural Review Commission</i>	
MAILING ADDRESS <i>455 Worth Ave</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>February 23, 2022</i>		NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Richard Sammons, hereby disclose that on February 23, 2022:

(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 Crest Road LLC, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

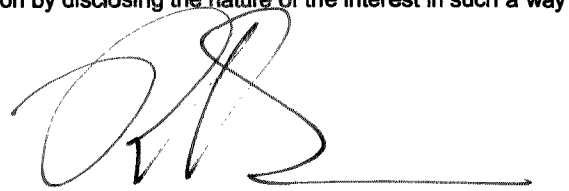
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ARC-22-016
625 Crest Road
continuing conflict

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.

Feb 22, 22

Date Filed



Signature

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