

## **TOWN OF PALM BEACH**

### **PLANNING, ZONING AND BUILDING DEPARTMENT**

#### **MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, JANUARY 29, 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](http://www.townofpalmbeach.com).

I. **CALL TO ORDER**

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

II. **ROLL CALL**

|                                    |         |
|------------------------------------|---------|
| Robert J. Vila, Chairman           | PRESENT |
| Michael B. Small, Vice Chairman    | PRESENT |
| Robert N. Garrison, Member         | PRESENT |
| Alexander C. Ives, Member          | PRESENT |
| Maisie Grace, Member               | PRESENT |
| John David Corey, Member           | PRESENT |
| Nikita Zukov, Member               | PRESENT |
| Betsy Shiverick, Alternate Member  | PRESENT |
| Katherine Catlin, Alternate Member | PRESENT |
| Dan Floersheimer, Alternate Member | PRESENT |

Staff Members present were:

Josh Martin, Director of Planning, Zoning and Building

Kelly Churney, Secretary to the Architectural Review Commission

III. **PLEDGE OF ALLEGIANCE**

Chair Vila led the Pledge of Allegiance.

IV. **APPROVAL OF THE MINUTES FROM THE DECEMBER 13, 2019 MEETING**

Motion made by Mr. Small and seconded by Mr. Garrison to approve the minutes from the December 13, 2019 meeting. Motion carried unanimously.

V. **APPROVAL OF THE AGENDA**

Motion made by Mr. Ives and seconded by Mr. Corey to approve the agenda as presented. Motion carried unanimously.

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

Ms. Churney administered the oath at this time and throughout the meeting as necessary.

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

Harvey Kinzelberg, 260 N. Ocean Blvd., expressed his concerns and frustrations regarding the elimination of the fence and wall between his property and 111 Atlantic Avenue. Mr. Kinzelberg also expressed frustrations for the many staff approvals that had been granted but were not reviewed by the Commission, particularly since they affected his property.

Mr. Martin stated staff had been working with both neighbors on a compromise and recommended that the Commission allow staff to continue the discussions to find a resolution. Mr. Martin stated that staff would update the Commission at their February meeting.

Mr. Garrison sympathized with Mr. Kinzelberg and stated he is living between two construction sites. He questioned why the construction continued when the item had been eliminated from the approved ARCOM plan. Mr. Martin responded. Mr. Garrison inquired why the changes were staff approved and did not return to the Commission. Mr. Martin stated all changes are reviewed on a case by case basis. Mr. Garrison stated he firmly believed a wall between two properties should return to the Commission for review.

Mr. Vila agreed with Mr. Garrison.

**Motion made by Mr. Small and seconded by Mr. Garrison that staff will thoroughly review this item and will report back to the Commission, with the item on the agenda for action at the February 26, 2020 meeting.**

Mr. Kinzelberg disagreed with Mr. Martin's assessment. Mr. Martin stated he would be happy to review the plans with Mr. Kinzelberg.

**Motion carried unanimously.**

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

Mr. Ives requested staff look into the different colored street lights on Royal Poinciana Way.

Mr. Small thanked Mr. Martin for his service to the Town and wished him the best in his new position.

Mr. Floersheimer expressed concern for sight visibility leaving Seabreeze Avenue onto S. County Road and requested that staff look into this issue.

IX. **PROJECT REVIEW**

A. **DEMOLITIONS AND TIME EXTENSIONS**

B-005-2020 Demolition

Address: 425 Seabreeze Avenue

Applicant: Henry and Mary Wulsin

Professional: Roger Hansrote

Project Description: Demolition of single family residence.

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

Mr. Hansrote presented the demolition plans for the existing residence.

Mr. Vila inquired if a new replacement home had been designed. Mr. Hansrote stated the owners were still considering their options but nothing had been finalized.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Jamie Crowley, attorney for the applicant, agreed to the easement.

Mr. Small asked if the applicant was aware of the screening requirements during demolition. Mr. Crowley stated they would comply with the requirements.

Adam Mills, Environment Design Group, discussed the landscape and hardscape plans proposed for demolition.

Mr. Vila asked about the tree on the southeast corner of the property. Mr. Mills stated he did not know the species of the tree. Mr. Vila suggested keeping the tree.

Mr. Corey agreed with Mr. Vila and thought the tree should remain. He added that the tree was mislabeled on the plans. Mr. Corey suggested speaking to the University of Florida to determine the species of the tree.

Mr. Floersheimer inquired about the addition of fill proposed. Mr. Mills provided an explanation for the fill.

Mr. Ives asked for the percentage of lot coverage of the existing home. Mr. Hansrote responded.

Mr. Corey suggested adding a nicer landscaped border if the lot would sit empty for several months. Mr. Crowley stated there was no plans for immediate demolition but he would consider Mr. Corey's suggestion.

Mr. Vila expressed concern for the loss of the older homes with gardens in which they are replaced with large homes that cover the majority of the lot.

Ms. Catlin expressed a sadness for the loss of the home.

Mr. Floersheimer pointed out that with the demolition, the owner would lose the ability to build the guest house in the same location without a variance.

**Motion made by Mr. Corey and seconded by Mr. Garrison to defer the project for one month to allow the professionals to return with a landscape plan that shows a nice, vegetated border.**

Mr. Crowley stated that he believed that they met all of the requirements for the demolition application. He added that he did not believe the application should be deferred.

**Motion carried 6-1, with Mr. Vila opposed.**

A discussion ensued about the motion.

Mr. Vila stated he would like to change his vote and vote in favor of the motion.

**Motion carried 7-0.**

**B. MAJOR PROJECTS – OLD BUSINESS**

**B-063-2019 New Construction**

Address: 220 Brazilian Avenue

Applicant: PBROC Limited Partnership

Professional: Patrick Ryan O'Connell Architect, LLC

Project Description: Proposed construction of a new two-story, two-family residential structure, including new pools, hardscape and landscape.

At the September 25, 2019 ARCOM, meeting the project was deferred for one month to October 30, 2019 for restudy. At the October 30, 2019 meeting, the project was deferred to the November 22, 2019 meeting, for a restudy in accordance with the comments of the Commissioners, specifically the comments relating to the mass of the structure. A motion carried at the November 22, 2019 meeting to approve the project with the caveat that the following items would return to the January 29, 2020 meeting: the colors for the residences, the lanterns, the front site walls and vehicular gates.

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

Mr. O'Connell presented the colors and materials that were requested to return at the November meeting.

Ms. Grace stated she preferred a gate that allowed more interaction with the street. She also thought the colors were drab and unfriendly and thought a brighter color would add to the overall look of the home.

Mr. Corey agreed with Ms. Grace wholeheartedly. He expressed concern with the gates and thought they vehicular gates were too wide. He added the only new item that he could support were the new lanterns.

Ms. Shiverick agreed with Ms. Grace and Mr. Corey. She recommended a pale pink for the body of the building. She also was not in favor of the gate.

Mr. Vila agreed with all of the other Commissioners. He thought the street could use some color.

**Motion made by Mr. Corey and seconded by Mr. Small to approve the new lanterns proposed but to defer the gate and color of the home for one month, to the February 26, 2020 meeting. Motion carried unanimously.**

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.

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

Maura Ziska, attorney for the owners, stated that many of the variances had been eliminated or reduced and thought that was important to note. She stated that the architects would review these changes during their presentation.

Rafael Saladrigas, Studio SR Architecture, presented the architectural changes proposed for the new residence. He presented alternate renderings on the overhead projector.

Ms. Ziska further addressed the changes to the zoning requests and how they had worked to address the concerns of all of the neighbors. She advocated for an approval of the project.

Mr. Vila inquired about the approach to the garage. Mr. Saladrigas asked Keith Williams respond to the question.

Keith Williams, Nievera Williams Design, presented the modified plans for the landscape and hardscape. He presented alternate plans and renderings on the overhead projector.

Frank Lynch, attorney for the owners at 1020 S. Ocean Blvd., expressed concerns and objections to the proposed new residence.

John Eubanks, attorney for Bill Koch at 960 S. Ocean Blvd., acknowledged that the revised plans were substantially improved. However, he discussed some remaining concerns for the proposed new residence.

Bill Rollnick, 980 S. Ocean Blvd., stated that they had not seen any of the new plans proposed for the new residence.

Stephania Conrad, 995 S. Ocean Blvd., requested to see the new plans but had not seen anything before the meeting. She also requested that the palms on the beach side were saved.

Mr. Saladrigas stated that he tried on three occasions to reach out to Ms. Conrad but was unsuccessful. Mr. Saladrigas stated Mr. and Mrs. Rollnick had retained Attorney Harvey Oyer, who had been updated with all of the changes.

Mr. Vila inquired about the plan for the palms raised by Ms. Conrad. Mr. Williams stated he would keep and relocate them on the property.

Mr. Corey inquired about Mr. Saladrigas' statement that they would build the house to Code. Mr. Saladrigas stated that statement applied to the finished floor. Mr. Corey thought the proposed home did not look like a beach house. He thought the home was too tall, too wide, too close to the road and water. He added that the home should be built without any variances.

Mr. Small thought with more time, some of the issues raised by the neighbors could be resolved. Mr. Small stated he had problems with the loggia. He also agreed with Mr. Corey that a beach house style would be more appropriate. He thought the house would appear too tall from both the ocean and the street. Mr. Small also expressed concern with the driveway layout.

Mr. Garrison's concerns were the driveway entrance and exit. He asked for clarification on the two motor courts proposed. He stated he was also troubled by the number of variances requested.

Ms. Shiverick agreed with Mr. Corey and thought the application should be denied. She thought the owner and architect should comply with the restrictions of the lot.

Mr. Saladrigas was startled that the Commission did not acknowledge that the existing lot was non-conforming.

Ms. Catlin was in favor of the house but not on the proposed lot. She also expressed concern for the number of variances proposed. She thought the new home should be designed for the lot, with minimal variances if any.

Ms. Grace appreciated the changes that had been made. She requested more changes to comply with the zoning restrictions.

Mr. Floersheimer agreed with Mr. Corey and Ms. Shiverick. He appreciated the changes that had been made but thought the variances requested were too substantial.

Mr. Saladrigas stated he wished these comments had been raised at the last meeting in November before considerable work on the project had been completed.

**Motion made by Mr. Small to defer the project for two months, to the March 25, 2020 meeting, for significant restudy with consideration of the comments from the Commissioners.**

Mr. Vila suggested that the architect consider a possible remodel of the existing home since it would potentially offer different circumstances and possibilities.

**Motion restated by Mr. Small and seconded by Ms. Grace to defer the project for two months, to the March 25, 2020 meeting, for significant restudy with consideration of the comments from the Commissioners and to work with the neighbors and their concerns. Motion carried 6-1, with Mr. Corey opposed.**

Mr. Saladrigas asked for clarification on the motion. Mr. Small stated that he should review all of the comments stated in the record.

*Clerk's note: A short break was taken at 10:39 a.m. The meeting resumed at 10:54 a.m.*

B-076-2019 Additions & Modifications

**\*ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)\***

Address: 1305 North Ocean Way

Applicant: 1305 N Ocean Way LLC

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: Approximately 700 square-foot master bedroom second-story addition and 200 square-foot first floor loggia. Some fenestration changes. Final landscape and hardscape to be included. All other associated changes.

ZONING INFORMATION: A request for variance approval to construct a 700 square-foot second floor addition on the northeast side of the existing house with a side yard setback of 13.58 feet in lieu of the 15 feet minimum required.

A motion carried at the December 13, 2019 meeting to defer the project to the January 29, 2020 meeting for restudy.

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

Mr. Segraves presented the architectural changes proposed for the existing residence. Mr. Segraves presented samples of the proposed materials.

Che Wei Kuo, Fernando Wong Outdoor Living Design, presented the proposed landscape and hardscape plans for the existing residence. He presented a sample of the proposed materials.

Ms. Shiverick inquired about the interior stairs leading to the master bedroom and wondered if the bedroom could be on one level. Mr. Segraves explained the multiple levels in the existing home and explained the design.

Mr. Small inquired if the area had underground utilities. Mr. Segraves indicated there was a designated spot for the transformer on the plans.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Segraves agreed to the easement.

Mr. Corey stated he thought a cross section through the garage and kitchen of the addition as well as a 3D image of the addition would have been helpful to the Commission. He added that he believed the variance was minor and could support the request. Mr. Corey suggested cleaning up the windows on second floor but added he could support the project.

Ms. Grace was thankful the owner was renovating the home rather than building a new home. She thought the changes were positive.

Ms. Catlin thought the changes were nice and was also in favor of the renovation rather than demolishing the home. She thought the proposal had charm and the beach house feel remained.

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

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

Mr. Corey added that he was very in favor of the landscape and hardscape plan.

**C. MAJOR PROJECTS – NEW BUSINESS**

**B-002-2020 Demolition/New Construction**

Address: 217 Mockingbird Trail

Applicant: Kathleen Carbonara & John Verbockel

Professional: Donald Stanley Dixon/S. Stanley Dixon Architect

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

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

Mr. Dixon presented the plans and photos of the existing residence proposed for demolition.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Dixon agreed to the easement.

**Motion made Mr. Small and seconded by Mr. Garrison 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 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. Dixon presented the architectural plans proposed for the new residence. He presented material samples proposed for the new residence.

Mr. Zukov expressed concern with the number of items proposed for the front façade. Mr. Dixon explained the reason for the design. Mr. Zukov inquired about the balcony design on the second floor, north elevation. Mr. Dixon confirmed it would meet Code.

Ms. Catlin was happy to see that the charming, existing home would be replaced with a new home that had whimsy and charm as well. She was in favor of the proposal.

Mr. Floersheimer inquired about the door on the second floor (art room). Mr. Dixon explained the reason for the design.

Mr. Vila thought the home was charming and a great scale.

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

Mr. Small asked about the amount of landscaping to be saved and inquired about the plan for the existing landscape. Mr. Nievera explained his plan to save the existing vegetation.

Ms. Grace stated that the home was very charming. She inquired about the native landscaping proposed. Mr. Nievera confirmed that they were meeting the native requirement. Ms. Grace thought that the stone wall detracted from the beauty of the home. She also recommended using ground cover that did not require fertilizer.

Mr. Floersheimer thought the coral wall would be appropriate.

Mr. Corey asked to see the location of the native plant locations. Matt Jackman, Nievera Williams Design, explained how the native plants were calculated. A

discussion ensued on the native plants and their locations. Mr. Corey stated he could not support the landscape plan without reconsideration of the native component.

Ms. Shiverick thought the project was very successful and a wonderful collaborative effort.

Mr. Vila agreed with Ms. Shiverick. He thought the landscaped trellis proposed on the chimney on the front wall of the home was superfluous. He requested more clarification on the native landscaping.

Mr. Garrison commended the architect on the project on a great project. He agreed with Mr. Vila that the trellis proposed on the front façade chimney detracted from the design.

**A second motion made by Mr. Garrison and seconded by Mr. Small to approve the project as presented with the following caveats: the native landscape list is submitted to staff who will verify that the native requirement will be met and that the trellis proposed for the front façade chimney is removed. Motion carried unanimously.**

B-004-2020 Demolition/New Construction

\*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)\*

Address: 137 Dunbar Road

Applicant: Cheryl and Ken Endelson

Professional: Roger Janssen/Dailey Jansen Architects

Project Description: Demolition of a two-story residence, guest house, pool, landscape and hardscape. New construction of a two-story residence, pool, hardscape and landscape.

ZONING INFORMATION: A request to build a 7,873 square foot (under air) two (2) story single family home with a variance to allow the point of measurement for calculating the maximum cubic content ratio (CCR) to be at 12.7' NAVD in lieu of 11.7' NAVD required by code.

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

Mr. Janssen explained the proposed plans for the demolition of the existing residence, guest house, landscape and hardscape.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Janssen agreed to the easement.

**Motion made by Mr. Small and seconded by Mr. Garrison 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 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. Janssen explained the proposed variance and the reason for the request.

Mr. Small requested to see the architectural plans proposed for the new residence before any motion was made on the variance request.

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

Ms. Grace thought the style proposed for the new home did not fit into the neighborhood. She expressed concerns for some of the design elements, such as the windows and roof. She inquired about the lot coverage proposed. Mr. Janssen responded. She thought the proposed home was boxy and did not fit into the neighborhood.

Ms. Shiverick stated she liked much of the design but suggested adding more perforation in the front entrance design. She also suggested using a lighter roof color and a lighter trim.

Mr. Ives agreed with Ms. Shiverick and was in favor of much of the design. He questioned the overhangs proposed in the Newell Jacobsen style chosen. Mr. Janssen further explained his design.

Mr. Garrison was in favor of the home but agreed with Mr. Shiverick on the colors for the roof and thought it should be lighter.

Ms. Catlin also agreed with Ms. Shiverick and added that she was in favor of the way the home was positioned on the site.

Mr. Corey thought many elements of the home were successful but expressed concern for the front façade and front door, which he believed were too heavy. He expressed concern for the dark metal roof and glass railings. He stated he wished the home had some of the details from the surrounding homes and thought the colors were cold for the area.

Mr. Small agreed with Mr. Corey and Ms. Grace. He questioned whether the home was in harmony and in character with the other homes in the area.

Mr. Floersheimer was in favor of the design. He asked for clarification on the pergola design. Mr. Janssen provided clarification on the design.

Mr. Vila thought the design was too dissimilar for the area. He was not in favor of the black roof proposed and thought the home was stark. He did not feel the design was befitting in Palm Beach.

Mr. Janssen provided further explanation for the design style proposed.

Ms. Grace thought the proposed overhangs detracted from the style and questioned whether some of the design elements were befitting of the area.

A discussion ensued about whether the style would fit in the area and what style was appropriate for the area.

Robert Harvey, 160 Dunbar Rd. and speaking on behalf of some of the neighbors on Dunbar Road, expressed concern that the proposed home was dissimilar to the others on the street. He also requested that the home would not increase in size.

**Motion made by Mr. Zukov to approve the project as presented with the caveat that the roof and gate color is lighter than the proposed.**

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

Mr. Corey thought the architecture should be deferred as well as the landscape plan. Mr. Corey suggested adding variety to the landscape plan.

Mr. Zukov thought the landscaping added to the uniqueness of the architecture and was in favor of both of the plans.

**Motion seconded by Mr. Garrison. Motion failed 2-5, with Messrs. Small, Vila, Ives, Corey and Ms. Grace opposed.**

Mr. Corey added that the gate design should be restudied.

**Motion made by Mr. Corey and seconded by Mr. Small to defer the project for one month, to the February 26, 2020, for restudy. Motion carried unanimously.**

Mr. Janssen inquired if the variance request could be addressed. Mr. Vila stated that it would be addressed next month.

**D. MINOR PROJECTS – OLD BUSINESS**

**A-031-2019 Signage**

Address: 221-231 Royal Poinciana Way & 216 Sunset Avenue

Applicant: Flagler Holdings North Carolina, Inc.

Professional: RGE Associates/Breakers

Project Description: Plaza directional and wayfinding signage for Via Flagler at The Breakers, including building signage for building 3 restaurant.

A motion carried at the December 13, 2019 meeting to defer the project to the January 29, 2020 meeting for restudy.

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

Paul Leone, Chief Executive for The Breakers, presented the modifications made to the proposed signage for Via Flagler. He stated that Mr. Zukov suggested changes to the Henry's signage, which he agreed with and added he would follow through with those changes.

Ms. Grace inquired if the number of signs were reduced. Mr. Leone stated that one of the signs had been eliminated. Ms. Grace was not in favor of the back lighting.

Ms. Catlin thanked Mr. Leone for the changes to the signage. She agreed with Mr. Zukov's suggested. She appreciated most of the changes but stated she was not in favor of the wrought iron signage that connected the buildings.

Mr. Ives asked for clarification on the lighting proposed for the signage.

Rebecca Porter, RGE Associates, explained the proposed lighting for the signage.

Mr. Ives was in favor of the project.

**Motion made by Mr. Garrison to approve the project as presented.**

Mr. Corey asked for clarification of the lighting. Ms. Porter responded.

**Motion seconded by Mr. Small. Motion carried unanimously.**

Mr. Leone requested approval of the temporary signage. He showed the Commission the temporary signage proposed.

**A second motion made by Mr. Garrison and seconded by Mr. Ives to approve the temporary signage proposed. Motion carried unanimously.**

Ms. Shiverick asked Mr. Leone for further clarification on the directional signage. Mr. Leone responded.

A-033-2019 Statue with Lighting  
Address: 1960 South Ocean Boulevard  
Applicant: 1960, LLC  
Professional: Daniel Downey Architect

Project Description: To install a stature of a horse 8'-0" and 9'-0" long on the east lawn 35 feet behind the existing east property line.

A motion carried at the December 13, 2019 meeting to defer the project to the January 29, 2020 meeting to restudy the placement of the statue.

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

Maura Ziska, attorney for the owner, explained the project, including the installation of the horse statue, the increase in the site wall, the exterior lighting and the Padel court.

Mr. Small expressed concern that the horse statue would be a distraction for the public as they drive past the residence.

Mr. Downey stated that the owner was willing to make the necessary changes to allow the statue while accommodating the Commissions' wishes.

Ms. Catlin stated she had the same concern for the distraction that the statue may cause. She asked about the location of the Padel court and the setbacks. Mr. Downey explained the location of the Padel ball court. Ms. Catlin thought the site was tight in the proposed location of the court. Ms. Catlin inquired if the Commission was willing to approve faux turf. She questioned whether the lighting would be a distraction for the public as well as the turtles.

Mr. Martin stated that the Code was silent on Padel courts but the Commissioners could follow the standards of tennis courts. He also stated that if the Commission would like to apply new standards to Padel courts, they should do so with this proposal.

Ron Rickert, Intelae Architecture, explained the design of the Padel court. He also stated an additional hedge could be added in front of the court to provide a buffer to the street.

Mr. Ives shared the concerns of Ms. Catlin regarding the tightness of the location with the addition of the proposed Padel court. Mr. Ives expressed some concern with the location of the proposed statue. He inquired about the lighting scheme proposed. Mr. Downey responded.

Mr. Vila clarified the exterior lighting proposal.

Mr. Corey thought the exterior lighting and horse statue were acceptable. He stated he would like to see a landscape plan, screening plan and setback plan for the Padel court brought back.

Ms. Shiverick stated she agreed with Mr. Corey and would like more information on the Padel court.

Ms. Grace suggested moving the statue on the lake side of the home. Mr. Downey stated the owner preferred the statue in the proposed location.

Mr. Floersheimer thought if the wall was raised by one foot and additional planting was installed, the screening would be acceptable.

Ms. Catlin stated she would like the Commission to weigh in on the proposed faux turf for the Padel court. Mr. Vila questioned if the Commission had a right to weigh in on the issue since the Padel court was an enclosed space.

Ms. Ziska stated that they would review other options and locations for the Padel court.

**Motion made by Mr. Small and seconded by Mr. Garrison to approve the installation of the proposed horse statue, subject to the statue being completely screened from the roadway with an elevated wall and/or hedge, with the material to be maintained while the statue is in place, and with any changes returning to the Commission, approval of the proposed lighting and a deferral of the Padel court to the February 26, 2020 meeting. Motion carried 5-2, with Mr. Ives and Ms. Grace opposed.**

#### **E. MINOR PROJECTS – NEW BUSINESS**

##### **A-001-2020 Modifications**

Address: 221 Ocean Terrace

Applicant: Amin Khoury

Professional: Rex Nichols/Rex Nichols Architects Inc.

Project Description: 183 square feet is being added to the master bedroom. The summer kitchen is being updated. Some new doors and windows will be replaced. The roof over the garage shall be converted to a flat roof deck.

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

Mr. Nichols explained the proposed architectural changes to the existing residence.

Mr. Corey thought that the character was being removed from the home with the proposed changes. Mr. Nichols responded.

Ms. Shiverick wished the architect brought photographs of the existing home and thought the changes were dramatic. She stated she could not make a decision without seeing the existing home.

Mr. Vila said the existing home had no defining features and he was in favor of modernizing the home.

Ms. Catlin stated she preferred the existing over what was being proposed. She was in favor of updating the home but liked the charm of the existing home. She added that the changes removed the detail from the home. Mr. Nichols responded. Ms. Catlin stated there was not enough information on the changes to make a determination.

Mr. Vila stated that he could support the fenestration changes but took issue with the redwood stained fencing around the proposed.

Mr. Zukov thought the presentation was a schematically preliminary presentation. He stated that there was not enough details in the presentation to make a decision.

Mr. Nichols stated that the fencing had been staff approved. He was only seeking an approval of the renovation of the home.

Mr. Martin recommended bringing all of the items back as a major project so that the neighbors were served notice of the project. The Commission agreed with Mr. Martin's recommendation.

**Motion made by Mr. Small and seconded by Mr. Corey to defer the project for restudy and that all of the aspects of the renovation, to include more details, were brought back as a major project. Motion carried unanimously.**

Ms. Grace stated she liked the direction that of the changes.

X. **DISCUSSION ITEM**

1. Historic Building Ordinances – Wayne Bergman

Mr. Martin stated that staff would like to defer this item to the February 26, 2020 meeting.

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

There were no comments heard at this time.

XII. **COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT**

Mr. Martin stated that Ms. Shiverick declared a conflict for the project B-075-2019, 120 Algoma Road at the December 13, 2019 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Vila thanked Mr. Martin and expressed regret that he would no longer be working in the Town.

Mr. Small planned a luncheon during the February 26, 2020 meeting to honor the outgoing Architectural Review Commissioners.

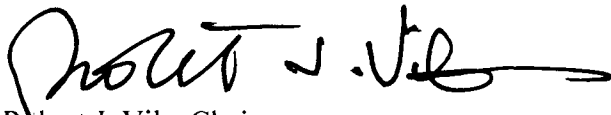
Ms. Catlin discussed some upcoming changes in the ICC 2020 Code. She also announced some upcoming CEU opportunities on February 27, 2020.

XIII. **ADJOURNMENT**

**Motion made by Mr. Ives and seconded by Mr. Small to adjourn the meeting at 1:25 p.m. Motion carried unanimously.**

The next meeting will be held on Wednesday, February 26, 2020 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert J. Vila", with a long horizontal flourish extending to the right.

Robert J. Vila, Chairman  
ARCHITECTURAL COMMISSION

kmc