

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, JULY 26, 2023

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

II. ROLL CALL

Jeffrey W. Smith, Chairman	PRESENT
Richard F. Sammons, Vice Chairman	PRESENT
John David Corey, Member	ABSENT (Excused)
Betsy Shiverick, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Kenn Karakul, Member	PRESENT (Arrived at 9:06 a.m.)
Elizabeth Connaughton, Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Joshua L. Martin, Alternate Member	ABSENT (Excused)
Katherine "KT" Catlin, Alternate Member	PRESENT

Staff Members present were:
Sarah Pardue, Design & Preservation Planner
Jordan Hodges, Design & Preservation Planner
Kelly Churney, Acting Town Clerk
John C. Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Smith led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

Motion made by Ms. Shiverick and seconded by Mr. Floersheimer to approve the minutes of the June 28, 2023, meeting as presented. Motion carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

Ms. Pardue asked to modify the agenda with the following changes:

*The removal of ARC-23-096, 150 Worth Ave., Suite 137 from the consent agenda.
Deferral of ARC-23-066, 1421 N. Lake Way to the August 23, 2023, meeting.*

Motion made by Mr. Floersheimer and seconded by Mr. Sammons to approve the agenda as amended. Motion carried unanimously, 7-0.

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

Ms. Shiverick inquired if playground equipment would fall under the review of the Commission. Ms. Pardue stated that the Commission does not review these items since they were temporary structures; however, they would review the height of these items if they were over a certain height. Mr. Smith asked staff to investigate Ms. Shiverick's concerns.

Ms. Catlin asked if COVID was still a valid excuse for time extensions on projects. She stated she was unaware of material delays. Ms. Pardue discussed two different time extension requests that staff had been receiving and explained how they were handling these requests.

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

There were no comments heard at this time.

IX. **PROJECT REVIEW**

A. **CONSENT AGENDA**

1. **ARC-22-091 256 MOCKINGBIRD TRL – TIME EXTENSION** The applicant, M2B Properties LLC, has filed an application requesting an Extension of Time for a previously issued Architectural Commission Approval for the construction of a new single-family residence designed in a "Cottage" style, with associated pool, hardscape, and landscape improvement. (ORIGINALLY APPROVED AT THE JUNE 29, 2022 ARCOM MEETING)
2. **ARC-23-077 241 FAIRVIEW RD.** The applicant, Antonio & Ayla Farnos, has filed an application requesting Architectural Commission review and approval for replacement of a vehicular driveway and landscape approvals to an existing two-story residence.
3. **ARC-23-096 (ZON-23-073) 150 WORTH AVE, STE 137 (COMBO)** The applicant, Lugano Diamonds, has filed an application requesting Architectural Commission review and approval for modifications to the exterior storefront including window glazing, exterior façade changes to materials and finishes, change to the existing door storefronts, and new tenant signage including an illuminated sign. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Clerk's Note: This item was pulled from the consent agenda under Item V., Approval of the Agenda, and was subsequently heard under IX. Project Review, B. Projects Pulled from Consent Agenda

4. **ARC-23-087 (ZON-23-085) 4 LA COSTA WAY (COMBO)** The applicant, LCW Trust (Geoffrey and Maureen Squibb), has filed an application

requesting Architectural Commission review and approval for the installation of a new 60kW generator with screening walls requiring a front yard landscape open space variance. The Town Council shall review the application as it pertains to the zoning relief/approval.

5. **ARC-23-067 1600 S. OCEAN BLVD.** The applicant, Ninety 9798 Canada Inc, has filed an application requesting Architectural Commission review and approval for modifications to a previously approved single-family residence including fenestration changes and a second-floor addition.

Motion made by Mr. Floersheimer and seconded by Ms. Shiverick to approve the consent agenda as presented. Motion carried unanimously, 7-0.

B. PROJECTS PULLED FROM CONSENT AGENDA

ARC-23-096 (ZON-23-073) 150 WORTH AVE, STE 137 (COMBO) The applicant, Lugano Diamonds, has filed an application requesting Architectural Commission review and approval for modifications to the exterior storefront including window glazing, exterior façade changes to materials and finishes, change to the existing door storefronts, and new tenant signage including an illuminated sign. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Ms. Catlin and Mr. Floersheimer. *Clerk's Note: Mr. Sammons declared a conflict of interest for the project and left the dais.*

Mr. Floersheimer asked staff to explain why they pulled the item from the consent agenda. Ms. Pardue responded.

Matt Spade, Lugano Diamonds, presented the architectural plans for the proposed modifications to the commercial space.

Mr. Smith thought the lighting was not objectionable but more likely, it was the backlighting of the sign.

Mr. Floersheimer asked for confirmation that the fireplace had been removed; Mr. Spade confirmed the removal. Mr. Floersheimer asked about the wooden façade proposed and asked about the material to be used. Mr. Spade stated that the item would be replaced with a metal material.

Mr. Karakul asked if the company's logo would be placed on the wooden façade. Mr. Spade responded. Mr. Karakul asked about the usage of the light boards in the courtyard space. Mr. Spade responded.

Ms. Shiverick wondered if the signage was needed on the corner piece of the balcony since the streetside signage was more prominent. Mr. Spade stated that

the streetside signage would be stainless steel and added that he would remove the signage on the balcony perpendicular to the building.

Mr. Smith stated that he was confused about what was proposed, especially with the last-minute handouts. Mr. Spade explained the material changes proposed. Mr. Smith expressed concern about some of the materials and asked if there was a sample. Mr. Spade passed out a sample of the materials.

Ms. Shiverick asked for further explanation of the material replacement. Mr. Spade responded and discussed the addition of mullions on the windows. Mr. Smith asked for further clarification of the mullions. Mr. Spade provided further explanation of the horizontal mullions and talked about similar mullions on Worth Avenue. Mr. Smith asked if further fenestration replacement would occur in 2024, to which Mr. Spade replied no.

Ms. Connaughton asked about the visible columns in the Esplanade. Mr. Spade stated that the feature in question was existing, and they were not proposing any additional columns.

Motion made by Ms. Shiverick and seconded by Mr. Karakul to defer the project with a request to restudy the front windows without the horizontal mullions, and to remove the eastern signage on the balcony. Motion carried 6-1, with Ms. Catlin dissenting.

Maura Ziska, attorney for the project, inquired if the project could be approved with the removal of the mullions and south side signage.

Motion made by Mr. Floersheimer and seconded by Ms. Catlin to reconsider the previous motion. Motion carried unanimously, 7-0.

Motion made by Ms. Catlin and seconded by Mr. Floersheimer to approve the project without the horizontal mullions and the removal of the east-facing signage on the balcony perpendicular to the space. Motion carried unanimously, 7-0.

C. MAJOR PROJECTS-OLDBUSINESS

1. **ARC-23-036 (ZON-23-050) 243 SEASPRAY AVE (COMBO)** The applicant, 243 Seaspray LLC (Larry Meyer, Manager), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape, landscape and pool, requiring setback variances. This is a combination project that shall be reviewed by Town Council as it relates to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

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

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

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications proposed for the site. He addressed how he had worked with the neighbors on their concerns.

Mr. Sammons asked about the casement windows with the proposal of shutters. He also thought there was a way to disguise the large mass of the garage.

Ms. Catlin thought the removal of the arches around the front door removed the character of the home. She thought the home was plain and boxy. She liked the fact that the garage door was broken in two. She recommended adding some details to the home, such as textured stucco.

Mr. Kirchhoff did not believe the home responded well to the property. He thought the home needed to be more open and transparent. He thought the proposed windows were very cold. He also thought the element on the front that went back to the garage was very odd.

Ms. Connaughton questioned the changes to the fenestration. She agreed with Mr. Kirchhoff and did not believe the home respected the fabric of the Sea streets.

Mr. Floersheimer agreed with the previous comments. He requested to see the buildings on the south side of the street; he thought those homes were important in lending to the types of homes on the street. He discussed the neighbor's concerns and offered a solution to a site wall. Mr. Mizell responded and stated he would be happy to work with the neighbor on a solution.

Ms. Shiverick agreed with Ms. Pepper's letter and her assessment of the proposed home. She questioned the site plan and thought there should be breezeways added between the components of the home.

Ms. Smith stated he preferred the arched-top windows in the living room. He also did not believe the proposed windows were appropriate.

Mr. Smith called for public comment.

Maisie Grace, 247 Seaspray Avenue, stated she had worked with Environment Design Group; however, it was very difficult to include a site wall on the border between the two homes. She thought the Town could research the requirement.

Allison Wright, 235 Seaspray Avenue, stated she had not been contacted about the proposed changes.

Motion made by Ms. Shiverick and seconded by Ms. Connaughton to deny the project, based on Section 18-205(a), 1. Motion carried 5-2, with Messrs. Floersheimer and Smith dissenting.

Mr. Randolph asked the Commissioners to be more complete when declaring their ex parte communication.

2. **ARC-22-022 (ZON-22-021) 160 SEAVIEW AVE. (COMBO)** The applicant, Coral Beach Corporation (Angela Feldman, President) (160 Seaview Ave) and Seaview Holdings, Inc. (David Feldman, Director) (170 Seaview Ave), has filed an application requesting Architectural Commission review and approval of the construction of a new two-story guest house including variances from setback and point of measurement requirements on a unified site of 160 and 170 Seaview Avenue. Town Council will review the variance portion of the application.

Clerk's note: This item was deferred to the August 23, 2023, meeting at Item V., Approval of the Agenda.

3. **ARC-22-243 (ZON-23-014) 302 SEABREEZE AVE (COMBO)** The applicant, Sean Rooney, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements, requiring Site Plan Review due to deficient lot width and area, and variances to provide one garage parking space in lieu of the two required and to install air conditioning condensing units and a generator in the rear yard setback without being completely screened from the adjacent property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

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

Peter Papadopoulos, Smith and Moore Architects, presented the architectural modifications for the newly proposed residence.

John Lang, Lang Design Group, stated there were no changes proposed to the landscape and hardscape plans.

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

Mr. Sammons stated he thought the home looked as if it had always been on the site.

Mr. Kirchhoff agreed and thought the home was nice. He provided a suggestion to add a louver on the south elevation where the sleeping porches were proposed.

Ms. Shiverick asked about the color proposed for the home; she recommended a faint pink color for the body of the home, along with the green shutters. Mr. Papadopoulos stated that the homeowner requested the white paint color.

Motion made by Mr. Karakul and seconded by Mr. Floersheimer to approve the project as presented, with the condition that louvers shall be

added to the sleeping porch feature on the south side of the home. Motion carried unanimously, 7-0.

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

4. **ARC-22-241 (ZON-23-002) 624 ISLAND DR (COMBO)** The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Architectural Commission review and approval for the construction of a new rooftop clerestory projection enclosing an existing open-air interior courtyard to an existing two-story residence including variances from building height, lot coverage and Cubic Content Ratio (CCR). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Clerk's note: This item was deferred to the August 23, 2023, meeting at Item V., Approval of the Agenda.

5. **ARC-23-039 (ZON-23-063) 599 S. COUNTY RD (COMBO)** The applicant, SAS Realty Enterprises LLC (Greg Simonian, President), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence and related landscape, hardscape and pool. The application shall be reviewed by Town Council as it pertains to zoning relief/approval.

Clerk's note: This item was deferred to the August 23, 2023, meeting at Item V., Approval of the Agenda.

6. **ARC-23-047 269 JAMAICA LN.** The applicant, Marrano Holdings 2022 LLC. (Maura Ziska), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mses. Shiverick Catlin and Mr. Floersheimer. *Clerk's Note: Mr. Sammons declared a conflict of interest for the project and left the dais.*

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

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

Mr. Floersheimer liked the changes to the front walkway. He liked the previous proposal with the grass but understood the Commissioners' request for the change.

Ms. Catlin was in favor of the changes. Mr. Karakul agreed.

Mr. Kirchhoff was in favor of the changes.

Ms. Shiverick was in favor of the changes and liked the change of the Clusia.

Motion made by Mr. Karakul and seconded by Mr. Kirchhoff to approve the project as presented. Motion carried unanimously, 7-0.

7. **ARC-23-033 1440 S. OCEAN BLVD.** The applicant, 1440 South Ocean Trust (Ronald Kochman, Trustee), has filed an application requesting Architectural Commission review and approval for a new 2-story residence over 10,000 square feet and accompanying hardscape, landscape, pool, site walls and gates.

Clerk's note: This item was deferred to the August 23, 2023, meeting at Item V., Approval of the Agenda.

8. **ARC-23-015 (ZON-23-021) 320 CHILEAN AVE (COMBO)** The applicants, Valentin and Yaz Hernandez, have filed an application requesting Architectural Commission review and approval for changes to the overall site plan of an existing two-story condominium building, including landscape and hardscape improvements including the addition of artificial turf joints in a motor court and the installation of a pool in the side yard requiring variances from parking, equipment distances, setback requirements and open space. This is a combination project that shall also be reviewed by Town Council as it pertains to the zoning code relief/approval.

Ms. Pardue provided staff comments on the project.

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

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

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

Mr. Floersheimer thought the professional did a good job in addressing the Commissioners' comments. He inquired about the impervious space in the front of the lot. Mr. Mizell responded.

Mr. Karakul was in favor of the project.

Motion made by Mr. Karakul and seconded by Ms. Shiverick to approve the project as presented. Motion carried unanimously, 7-0.

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

9. **ARC-23-063 (ZON-23-059) 1265 N LAKE WAY (COMBO)** The applicant, 1265 N Lake Way LLC (Maura Ziska, Manager), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape and landscape on a nonconforming lot. The application shall be reviewed by the Town Council as it pertains to zoning relief/approval.

Clerk's note: This item was deferred to the August 23, 2023, meeting at Item V., Approval of the Agenda.

D. MAJOR PROJECTS-NEWBUSINESS

1. **ARC-23-066 1421 N. LAKE WAY** The applicant, Reef Road LLC, has filed an application requesting Architectural Commission review and approval construction of a new two-story residence with associated landscape and hardscape.

Clerk's note: This item was deferred to the August 23, 2023, meeting at Item V., Approval of the Agenda.

2. **ARC-23-099 274 MONTEREY RD.** The applicant, Morton Pierce, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with sitewide landscape and hardscape improvements.

Mr. Hodges provided staff comments on the project.

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

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

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

Mr. Floersheimer thought the plan generally worked. He did believe the house was too massive and could be slightly reduced. He questioned the fenestration, particularly the muntin pattern, and thought it needed a restudy. He recommended a different body color for the home, and possibly a different color roof. Mr. Perry responded, explained the size of the home and the proposed muntin patterns.

Ms. Shiverick wondered about the existing Loquat tree on the property and where it would be relocated. Mr. Mizell responded and stated he would investigate the specimen with an arborist. Ms. Shiverick thought the house would be a nice addition to the street; however, she did recommend a 10 percent reduction in the mass. She recommended upgrading some of the materials, possibly using clapboard, and thought it would give the home more character. She recommended a different color for the body and the shutters.

Mr. Kirchhoff asked about the allowable cubic content. Mr. Perry responded with the calculations. Mr. Kirchhoff thought the rooms in the home were nicely sized and was in favor of the lower roof height. He was in favor of the home but

was not in favor of the fenestration as proposed; he proposed a double-hung window. He also was not in favor of the railings and rafter tails.

Mr. Sammons thought the home sat well on the site but thought the detailing was incomplete. He thought the massing could be solved by equalizing the two bay windows on the front. He provided suggestions on how to reduce the massing. He recommended making the balcony steeper. He provided a solution to eliminate the fake window. He recommended different heights for the eave and out lookers and the addition of a cornice on the bay window. He asked for the roof to be changed as well.

Ms. Catlin asked that the truck logistics plan include County Road rather than North Lake Way. She agreed with the comments from Messrs. Sammons and Kirchhoff. She thought the style of the home was nice for the street and did not believe the home was oversized. She empathized with the neighbors and understood the pain of many homes under construction on one street.

Mr. Perry stated that the neighbors requested a different ingress and egress to the property, as well as the construction of the pool.

Mr. Smith called for public comment.

David Kelso, 255 Monterey Road, requested a denial for the proposed home.

Mr. Perry explained why he sent a late email, which was to address the five conversations he had with the Dunstons.

Motion made by Mr. Sammons and seconded by Mr. Floersheimer to defer the project for one month to the August 23, 2023, meeting to address the comments from the Commissioners, and with the strong recommendation that the Loquat specimen tree in the front of the property is not removed. Motion carried unanimously, 7-0.

3. **ARC-23-088 (ZON-23-086) 292 ORANGE GROVE RD (COMBO)**

The applicants, Stephen and Kerri Meyers, have filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with sitewide landscape and hardscape improvements, requiring (1) variance for Cubic Content Ratio (CCR). The Town Council shall review the application as it pertains to the zoning relief/approval.

Clerk's note: This item was deferred to the August 23, 2023, meeting at Item V., Approval of the Agenda.

4. **ARC-23-064 (ZON-23-054) 1473 N OCEAN BLVD (COMBO)**

The applicants, William C. Powers & Marianne Elaine Elmasri, have filed an application requesting Architectural Commission review and approval for renovations and additions to an existing one-story residence, requiring setback variances. This is a combination project that shall be reviewed by Town Council as it pertains to zoning relief/approval.

Clerk's note: This item was deferred to the August 23, 2023, meeting at

Item V., Approval of the Agenda.

E. MINOR PROJECTS - OLD BUSINESS

1. **ARC-23-002 (ZON-23-015) 160 ROYAL PALM WAY – THE PALM HOUSE HOTEL (COMBO)** The applicant, LR PALM HOUSE, LLC., has filed an application requesting Architectural Commission review and approval for modifications to previously approved improvements at the site, including the relocation of mechanical equipment to the roof, the construction of new site walls, parapet alterations, and pool deck lighting, requiring a variance for rooftop air conditioning equipment height and requiring Site Plan Review. This is a combination project that shall also be reviewed by Town Council as it relates to the zoning relief/approval.

Clerk's note: This item was deferred to the August 23, 2023, meeting at Item V., Approval of the Agenda.

2. **ARC-23-070 60 BLOSSOM WAY** The applicant, Blossom Way Holdings LLC and Providencia Partners (Maura Ziska, Authorized Rep.), has filed an application requesting Architectural Commission review and approval for modifications to a previously approved project for new construction, including on-grade garage expansion, relocation of previously approved utility building, and new service entry and parking with associated hardscape and landscape modifications.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Messrs. Kirchhoff, Floersheimer, and Ms. Catlin.

Daniel Kahan, Smith and Moore Architects, presented the architectural proposed modifications proposed for the new residence.

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

Ms. Catlin liked the changes; however, she was not in favor of the parking and the service building; she thought it felt very commercial. She wondered if the area could be softened. Mr. Kahan responded and explained how the building would be screened. Ms. Catlin asked about the material used for parking in the service area. Mr. Kahan stated that the material would be asphalt; he added that he could study the material if requested.

Mr. Sammons thought some trees should be added to the service parking area.

Mr. Floersheimer thought the area was so well screened that it would not be seen. He agreed that the addition of trees in the parking area would be nice.

Mr. Smith thought the paving should be changed to something more appropriate for a residential home.

Motion made by Mr. Karakul and seconded by Mr. Floersheimer to approve the project as presented, with the request that the pavement on the

service driveway shall be changed to a more appropriate material, shade trees shall be added to the service parking area, and both items could be approved at the staff level. Motion carried unanimously, 7-0.

3. **ARC-23-086 1230 S OCEAN BLVD.** The applicant, 1230 LLC, has filed an application requesting Architectural Commission review and approval for incorporation of driveway and pedestrian gates to a previously approved landscape plan.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Messrs. Karakul, Floersheimer, and Ms. Catlin.

Mr. Smith noted that the professional was not present. He asked for a deferral of the item to the end of the agenda.

Motion made by Ms. Shiverick and seconded by Mr. Karakul to defer the project to the end of the agenda. Motion carried unanimously, 7-0.

Clerk's note: This project was presented at the end of the meeting at 11:32 a.m.

Jacqueline Bayliss, Fernando Outdoor Living Design, presented the landscape and hardscape plans proposed for the existing site. She showed an alternate drawing of the front door.

Mr. Sammons asked if there would be an increase in hardscape, to which Ms. Bayliss confirmed there would not be an increase.

Ms. Catlin asked if the northeast pedestrian gate was set inside the hedging material, to which Ms. Bayliss provided confirmation.

Ms. Shiverick was in favor of the gates and the pickets; however, she thought the piece at the bottom of the fence was a bit repetitive. She recommended a solid piece at the bottom for both gates.

Mr. Floersheimer thought the new pickets were a nice addition to the property. Mr. Floersheimer questioned the various sizes of the gates. Ms. Bayliss responded. Mr. Floersheimer thought the side gate was a bit tall. He also asked about the use of the different driveways.

Tim Johnson, Fernando Outdoor Living Design, explained how both driveways would be used.

Mr. Sammons thought the transparency on the gate was nice. He suggested reducing the side yard gate height to 6 feet.

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

Motion made by Mr. Sammons and seconded by Mr. Karakul to approve the project as presented, with a condition that the side yard pedestrian gate shall be reduced to 6 feet. Motion carried unanimously, 7-0.

F. MINOR PROJECTS-NEW BUSINESS

1. **ARC-23-095 870 S OCEAN BLVD.** The applicant, K&M Douglas Trust, has filed an application requesting Architectural Commission review and approval for modifications to an existing two-story residence with associated landscape and hardscape.

Ms. Pardue provided staff comments on the project.

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

Taylor Smith, Smith Kellogg Architecture, Inc., provided an overview of the project.

Christopher Cawley, Christopher Cawley Landscape Architecture, presented the plans for the proposed modifications to the site.

Mr. Floersheimer was happy with the removal of the driveway gates. He questioned the solid pedestrian gate; he recommended something less commercial. Mr. Floersheimer asked about the large number of security cameras on the home. He asked if those could be relocated to less obvious areas on the home.

Mr. Karakul thought the changes were a vast improvement. He wondered if additional Coconut Palms could be added to the east side of the pool. Mr. Cawley responded in the affirmative.

Ms. Shiverick asked about the trees on Via Vizcaya and wondered if they were the same on the side of South Ocean Blvd. Mr. Cawley responded. Ms. Shiverick asked about the proposed hedge. Mr. Cawley responded and explained the proposed material. Ms. Shiverick recommended mixing up the material on different streets.

Mr. Kirchhoff asked about the wall on the south side of the home. Mr. Smith responded. Mr. Kirchhoff asked if the hedge would be planted on the Town's property. Mr. Cawley explained the comment he received from the Public Works department on the proposal.

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

Motion made by Mr. Sammons and seconded by Ms. Shiverick to approve the project as presented with the change of the Madagascar hedge to a Clusia hedge, and the addition of Coconut palms on S. Ocean Blvd. Motion carried 6-1, with Mr. Floersheimer dissenting.

X. UNSCHEDULED ITEMS

A. Public

There were no comments heard at this time.

B. Staff

There were no comments heard at this time.

C. Commission

There were no comments heard at this time.

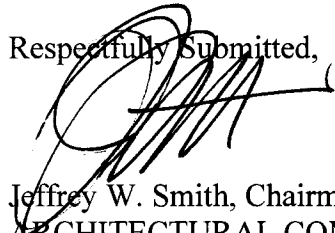
XI. **NEXT MEETING DATE** - Wednesday, August 23, 2023

XII. **ADJOURNMENT**

Motion made by Mr. Floersheimer and seconded by Mr. Karakul to adjourn the meeting at 11:45 a.m. Motion carried unanimously, 7-0.

The next meeting will be held on Wednesday, August 23, 2023, at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,



Jeffrey W. Smith, Chairman
ARCHITECTURAL COMMISSION

kmc

CERTIFICATION OF ACTION BY THE ARCHITECTURAL REVIEW COMMISSION

The Architectural Review Commission has denied the following request as it is not in accordance with the criteria set forth in Article III. ARCHITECTURAL REVIEW AND PROCEDURE, Section 18-205 Criteria.

Application Number and Title: ARC-23-036 (ZON-23-050) 243 Seaspray Ave.

Address: 243 Seaspray Avenue

Applicant: 243 Seaspray ~~Inc~~ LLC (Larry Meyer, Manager)

Architect: Kevin Asbacher, Asbacher Architecture

Project Description: New two-story home

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

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

features of exterior design and appearance:

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

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

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

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

public or private way (except alleys).

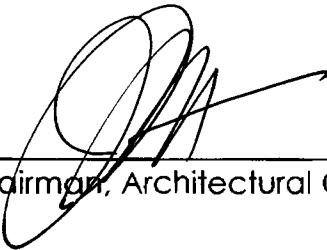
- ___ (8) The proposed development is not in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
- ___ (9) The project's location and design does not adequately protect unique site characteristics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

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

CERTIFICATION:

The above denial was issued by the Architectural Review Commission at their meeting on July 26, 2023

TOWN OF PALM BEACH



Chairman, Architectural Commission

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Sammons, Richard</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Architectural Review Commission</i>	
MAILING ADDRESS <i>455 Worth Avenue</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>July 26, 2023</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 July 26, 2023:

(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 Marrano Holdings 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-23-047
269 Jamaica Lane
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.

Date Filed

July 26, 23

Signature



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

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Sammons, 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 ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>
DATE ON WHICH VOTE OCCURRED <i>July 26, 2023</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.

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* * * * *

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:

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APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
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I, Richard Sammons, hereby disclose that on July 26, 20 23:

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

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

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

ARC-23-096
(ZON-23-073)
150 Worth Ave., Ste 137

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.

July 26 23
Date Filed

[Signature]
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.