

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, MARCH 27, 2019

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. 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 (left at 5:10 p.m.)
Betsy Shiverick, Alternate Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT

Staff Members present were:

John Lindgren, Planning Administrator
Josh Martin, Director of Planning, Zoning and Building
Kelly Churney, Secretary to the Architectural Review Commission
Paul Castro, Zoning Administrator
John Randolph, Town Attorney

III. ELECTION OF OFFICERS

Mr. Small nominated Mr. Vila for Chairman and Mr. Ives seconded the nomination. Mr. Corey nominated Mr. Small for Chairman. Mr. Small declined the nomination. **After a unanimous vote, Mr. Vila was elected as Chairman.**

Mr. Garrison nominated Mr. Small as Vice Chairman and Mr. Corey seconded the nomination. **After a unanimous vote, Mr. Small was elected as Vice Chairman.**

IV. **PLEDGE OF ALLEGIANCE**

Chairman Vila led the Pledge of Allegiance.

V. **APPROVAL OF THE MINUTES FROM THE FEBRUARY 27, 2019 MEETING**

Motion made by Mr. Ives and seconded by Mr. Corey to approve the minutes from the February 27, 2019 meeting. Motion carried unanimously.

VI. **APPROVAL OF THE AGENDA**

Mr. Small inquired about the renovation of the property at 288 S County Rd. He further asked if the Architectural Review Commission had any jurisdiction over the renovations. Mr. Lindgren stated that the building was a landmarked building and the renovations had been heard at the Landmarks Preservation Commission. Mr. Small expressed his concerns about the unsightly western façade, the second story was not proposed to be clad as well as the overall disrepair of the building. He advocated for the Commission to have a voice in the renovations. Mr. Lindgren stated he would take Mr. Small's concerns to the Landmarks Preservation Commission.

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

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

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

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

There were no public comments heard at this time.

IX. **PROJECT REVIEW**

A. **DEMOLITIONS AND TIME EXTENSIONS**

B-016-2019 Demolition

Address: 280 El Pueblo Way

Applicant: Thomas Frankel

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Demolition of two-story residence, one story guesthouse, landscape, hardscape, spa and pool.

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

Molly Mitchell, Dailey Janssen Architects, presented the proposed demolition for the buildings.

Mr. Ives expressed disappointment in the proposed demolition and thought the home could have been landmarked. Mr. Vila agreed.

Ms. Catlin thought it was a shame to see a charming piece of history demolished.

Dustin Mizell, Environment Design Group, presented the proposed demolition plan for the existing landscape and hardscape.

Mr. Corey expressed concern for the condition of the Ficus and suggested placing a condition on the motion to remove the material within a set timeframe. Mr. Corey also asked the architect to respect the size and scale of the neighborhood when designing the new residence.

Mr. Garrison stated he agreed with Mr. Corey's assessment on the Ficus and requested a guarantee that the hedge would be maintained. Mr. Mizell stated he would maintain the hedge.

Mr. Floersheimer inquired about the Banyan trees. Mr. Mizell responded.

Mr. Corey asked about the proposed Banyan trees and their species. Mr. Mizell responded.

Mr. Lindgren requested that the Commission ask the owner if they would be amenable to dedicate a utility easement. He also stated that the proposed landscape plan would be the plan that would buffer the other properties during demolition. Mr. Lindgren added that staff would be bringing a new landscape demolition ordinance to the Commission and that this ordinance would be a requirement for future demolition requests.

Mr. Vila asked the professionals if the owner would be willing to accept the conditions stated by staff. Mr. Mizell stated that they would accept the conditions.

Motion made by Mr. Zukov and seconded by Mr. Garrison to approve the project as presented with the following conditions: maintain the existing Ficus hedge during demolition, remove all exotic and invasive plant species, sod and irrigate the property within 30 days and all elements on the property are to be maintained prior to demolition, with the items remaining after demolition to be maintained until new construction commences. 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. Motion carried 5-2, with Messrs. Ives and Corey opposed.

B-020-2019 Demolition

Address: 980 N. Ocean Blvd.

Applicant: Edward T. Holt, Trustee of Mary Hulitar Trust Agreement Dated 7/3/1968 as amended and restated

Professional: Keith Williams/Nievera Williams Design

Project Description: Demolition of existing residence and associated accessory structures and swimming pool and associated landscaping.

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

Mr. Williams presented the proposed demolition for the buildings.

Mr. Ives stated he was sad to see the residence proposed for demolition.

Mr. Floersheimer expressed concern for the potential location of a new residence.

Mr. Small asked about the landscape buffer to remain along N. Ocean Blvd. Mr. Williams responded. Mr. Small expressed his concern for the lack of buffering for the neighbors along N. Ocean Blvd.

Mr. Vila asked if the professional if they would consider a chain link and mesh fence to buffer the demolition. A discussion ensued about a possible condition of approval.

Mr. Corey thought the Commission should ask for a Clusia hedge for screening in conjunction with a tall silt screen when the construction commences.

Ms. Grace stated she was disappointed that the house was to be demolished. She also thought a vegetation buffer should be installed.

Greg Kino, attorney representing the trustee of the home, indicated that the home was for sale for one year and did not sell. He requested that the Commission approve the demolition request.

Ms. Shiverick recommended relocating the holding area for the trees to North Ocean Blvd. as a buffer. Mr. Williams agreed with the suggestion.

Ms. Catlin agreed with Mr. Corey and expressed concern for the length of time that the property could be in transition and under construction.

Mr. Lindgren 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. Williams agreed to the easement agreement.

Motion made by Mr. Corey and seconded by Mr. Zukov to approve the demolition as requested with the following conditions: the holding area for the salvage vegetation is to be located along N. Ocean Blvd., additional sand and dirt barriers are installed, remove all exotic and invasive plant species, sod and irrigate the property within 30 days and all elements on the property are to be maintained prior to demolition, with the items remaining after demolition to be maintained until new construction commences. 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. Motion carried 6-1, with Mr. Ives opposed.

B. MAJOR PROJECTS – OLD BUSINESS

B-008-2019 Demolition/New Construction

Address: 320 S. Lake Dr. (a.k.a. Australian Ave.)

Applicant: Town of Palm Beach

Professional: Gordon Thomson/W.F. Baird & Associates Ltd.

Project Description: The Town of Palm Beach is proposing to demolish the existing Town Docks and three accessory buildings, expand the dock structures, construct a new bulkhead, and reconstruct the accessory buildings. The proposed project follows the Master Plan approved by Town Council on March 20, 2018. Building “A” is located at the Australian Dock. It is currently a two-story building and located west (waterward) of the bulkhead. The building has 496 s.f. of interior space but sits on a 640 s.f. concrete pad, which is pile supported. It is proposed to demolish the building, the pad and the piles due to deterioration of the concrete and poor condition and layout of the building. A new building will be constructed on an identically shaped 640 s.f. concrete pad will be installed 24 feet north of the existing pad. The new building will be reduced to one story and have 474 s.f. of interior space. It will have two toilets, a lounge and a storage area. It will have a Mediterranean Revival style architecture.

Building “B” is located at the Brazilian Dock. It is currently a one-story building and located west (waterward) of the bulkhead. The building sits on a 528 s.f. concrete pad, which is pile supported, and has 505 s.f. of interior space. It is proposed to demolish the building, the pad and the piles due to deterioration of the concrete and poor condition of the building. A new 528 s.f. concrete pad will be installed 5 feet north of the existing pad. There will be 550 s.f. of interior space. The new building will house the Dock Masters office, general office, police office, two toilets, and a storage area. It will have a Mediterranean Revival style architecture.

Building “C” is located at the Peruvian Dock. It is currently a one-story building and located east (landward) of the bulkhead. The building is 160 s.f. There is a sitting area to the north of the building with a metal framed canopy, and garbage storage area to the east. It is proposed to demolish the building due to the poor condition of the building and replace it with a 558 s.f. building that has 255 s.f. of interior space. The remainder of the building will be a covered patio to replace the metal canopy. The new building will have a toilet, storage area and mechanical room. It will have a Mediterranean Revival style architecture.

We request a special exception from Sec 134-1697 that restricts the construction of structures, except docks, west of the established bulkhead.

The existing docks are fixed and will be replaced with floating docks. The existing docks have 80 slips and 606 feet of marginal side tie (equivalent to 3 slips). The proposed docks will have 83 slips and 1,611 feet of marginal side tie (equivalent to 7 slips). The parking lots will be repaved and striped to follow the

existing layout. FOB operated arm gates will be installed to better control parking.

A motion carried at the February meeting to approve the demolition of the Town docks as requested. A second motion carried to defer the project for one month to the March 27, 2019 meeting.

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

Mr. Martin introduced the project and stated that the architects had addressed the comments from the Commissioners since the last meeting. He told the Commission that the Town Council approved the site plan at their last meeting.

Rick Gonzalez, REG Architects, presented the proposed modifications for the three accessory buildings.

Mr. Vila inquired about the grate material. Mr. Gonzalez responded.

Mr. Zukov asked about the size of the columns. Mr. Gonzalez responded.

Mr. Corey stated that the pilasters and columns at the Peruvian dock were too heavy and suggested changing them to pecky cypress columns.

Ms. Grace agreed with Mr. Corey and preferred the pecky cypress columns at the Peruvian dock. Ms. Grace also suggested using a color other than black for the window frames. Mr. Gonzales stated that the color was actually bronze.

Mr. Vila made a suggestion for the columns. Mr. Gonzales responded.

Ms. Catlin stated she preferred the pecky cypress but added she was not offended with one building different from the other two.

Mr. Zukov suggested adding a third column in the middle of the two columns. Mr. Gonzales responded and stated he would change the columns to whatever the Commission preferred.

A discussion ensued about the options for the columns.

Motion made by Mr. Zukov to approve the project as presented with the following condition: change the columns on the Peruvian dock building to pecky cypress; add an additional column in the middle of the two columns.

Ms. Shiverick thought the changes were a great improvement.

Motion seconded by Mr. Corey. Motion carries 5-2, with Messrs. Ives and Garrison opposed.

Mr. Thompson presented the proposed landscape and hardscape plans for the site.

Mr. Vila asked if *Clusia* could be used in place of the *Podocarpus* proposed. Mr. Thompson agreed.

Mr. Corey confirmed that the *Clusia* would be consistent throughout all three dock locations. Mr. Thompson provided confirmation. Mr. Corey asked about the ADA handrails. Mr. Thompson responded.

Mr. Small inquired if any of the walls, fences or landscaping would hinder the view of the docks from the lake trail. Mr. Thompson responded.

A second motion made by Mr. Corey and seconded by Mr. Zukov to approve the landscaping as presented with the following condition: all of the proposed *Podocarpus* are replaced with a 6-foot *Clusia* hedge. Motion carried unanimously.

B-046-2017 Modifications

Address: 1236 S. Ocean Blvd.

Applicant: John L. and Margaret B. Thornton

Professional: Dustin Mizell/Environment Design Group

Project Description: Addition of two tennis courts. One court will be a hard court and the other a grass court. The courts will be surrounded by a fence approximately 10' tall and various landscaping at or above the height of the fence. Additional landscaping will be provided to buffer courts accordingly. Separate staff parking area is also included.

A motion carried at the June 2017 meeting to approve the project as presented. This project was brought back to the January meeting for reconsideration due to a court ruling. A motion carried at the January meeting to defer the project to the March 27, 2019 meeting to allow the Town Council to make their decision on the administrative appeal.

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

Mr. Randolph provided an explanation to the Commission on the court's rulings to remand the project back to them for review and asked them to make a new decision based on the criteria in the Code. Mr. Randolph answered all of the questions asked by the Commissioners.

M. Timothy Hanlon, attorneys for Mr. and Mrs. Thornton, told the Commission that the Town Council denied the three appeals submitted at their March 19, 2019 meeting by the opposing attorney. These denials were based on Mr. Castro's decisions that no special exceptions were required for the tennis court or the parking area and that no variances were required for the screening or the fencing

for the tennis court. Mr. Hanlon advocated for an approval from the Commission.

Mr. Randolph clarified that the Town Council denied the appeals because they determined that the appeals were not filed in a timely fashion.

Mr. Mizell presented the architectural, landscape and hardscape plans for the proposed tennis courts.

Mr. Hanlon introduced Margaret Thornton, owner of the property, so she could speak about the reasons that she would like to have the proposed tennis courts. Ms. Thornton discussed the reasons she installed the tennis courts and provided contrary arguments to items raised by the opposing attorney.

Mr. Hanlon discussed how the proposed project met the criteria in the Code.

Ms. Grace asked about existing site and inquired which items had been built. Mr. Hanlon responded.

Mr. Hanlon resumed reviewing the project relating to the criteria in the Code.

Please note: The commission took a short break at 10:52 a.m. The meeting resumed at 11:03 a.m.

Mr. Randolph provided a further clarification regarding the court's rulings.

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. Hanlon agreed to the condition.

Mr. Hanlon stated that the owner would compromise and reduce the parking spaces to eliminate the need for supplemental parking spaces if the Commission felt it was necessary.

Amanda Hand, attorney for 100 Emerald Beach Way, provided rebuttal arguments for the proposed project. Ms. Hand presented pictures of the Thornton's existing site.

The property manager of 100 Emerald Beach Way explained how he took the pictures presented by Ms. Hand. He discussed his personal observations for the property's conditions.

Ms. Hand continued with her rebuttal and continued to provide arguments on how the project did not meet the criteria in the Code. She requested that the Commission deny or defer the application to revise the plans so that they conform

to the Code. She showed photos of the residence and stated her objections. She answered all of the questions asked by the Commissioners.

Mr. Vila asked if any other abutting neighbors have sent in objections letters for the proposed tennis courts. Mr. Lindgren stated that the Town had not received any other letters.

Ms. Catlin asked Ms. Hand if she would still have an objection if there were a driveway from the house to the tennis court. Ms. Hand stated she could not answer the question without looking at the plans. Ms. Catlin stated that many of Ms. Hand's objections related to Code Enforcement rather than the Architectural Commission. Ms. Catlin also stated that she objected to Ms. Hand classifying the project as a tennis compound. Ms. Catlin asked Mr. Mizell if landscape still needed to be installed after looking at the photograph shown by Ms. Hand. Mr. Mizell responded.

Mr. Ives discussed how he did not think that the proposed tennis courts were dissimilar to the surrounding properties. He also felt that many of the arguments made against the project had nothing to do with the Architectural Commission's Ordinances.

Mr. Randolph pointed out that there was an Ordinance relating to noise under the purview of the Architectural Review Commission.

Mr. Castro spoke about the required zoning of the project and the decisions he had made regarding the project. Mr. Randolph asked Mr. Castro if the project required a variance. Mr. Castro stated that the project did not require a variance and stated the reason.

Mr. Hanlon stated he would be prepared to provide arguments in response to Ms. Hand's and the property manager's statements in the Commission was interested.

Ms. Grace inquired about Ms. Hand's comment regarding the lack of striping in the parking lot. Ms. Hand responded. Ms. Grace thought the parking was more attractive without the stripes.

Mr. Floersheimer expressed concern for the gate, as he felt it did not screen the parked vehicles. He also expressed concern for the no parking signs on the street.

Mr. Corey asked questions regarding the landscape plans, specifically the fence. Mr. Mizell responded. Mr. Corey recommended changing the chain link fence. Mr. Corey inquired about the tennis structure. Mr. Mizell discussed the tennis structure materials. Mr. Corey recommended enhancing the tennis structure and changing the chain link fence but generally was in favor of the project.

Motion made by Mr. Small and seconded by Mr. Ives to approve the project as presented having considered and determined that the project as proposed complies with the criteria in Section 18-205 (a) (b) (c) Town of Palm Beach Ordinances and subject to applicant's willingness and agreement to dedicate and record the requested utility easement. 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. Motion carried 6-1, with Mr. Corey opposed.

Please note: The Commission took a lunch break at 12:00 p.m. The meeting resumed at 1:02 p.m.

B-006-2019 Additions/Modifications

Address: 166 Everglade Ave.

Applicant: Douglas Fabick and Lori Jo Hines

Professional: David J. Gengler

Project Description: Major renovation of and addition to an existing two-story single family residence including: new fenestration, new exterior impact doors and windows, new flat tile roof, new garage doors, new cast stone and stucco ornamentation, new covered terrace with outdoor fireplace and chimney, new mechanized drive gates and exterior site wall.

A motion carried at the February meeting to defer the project for one month to the March 27, 2019 meeting for a restudy to allow the architect to return with detailing, a roof plan, sections and samples.

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

Mr. Ives returned to the meeting at 1:08 p.m. Ms. Grace returned to the meeting at 1:17 p.m.

Mr. Gengler presented the modifications proposed for the existing residence. He showed the Commission material samples proposed for the modifications.

Mr. Zukov expressed concern with the proposed roof plan because he believed that water would not properly drain from the roof. Mr. Gengler responded. Mr. Zukov asked about the fenestration details on west elevation. Mr. Gengler responded. Mr. Zukov suggested changing the bathroom window on the west elevation to a square shape to match the other two windows. Mr. Gengler agreed with the suggestion.

Mr. Ives thought some of the details were still too formal and stately for the home and suggested to pull back a bit in the design.

Ms. Shiverick agreed with Mr. Ives' assessment. She was in favor of the color choices and material samples. She recommended using gaslights next to the front

door rather than the front piers. She recommended removing the cartouches and the lights on the piers.

Mr. Corey was in favor of the material samples. Mr. Corey suggested cleaning up the design and made a few suggestions. He questioned the columns and entablature on the loggia. Mr. Gengler responded. Mr. Corey stated he did like the project.

Ms. Grace thought the design needed to be simplified. She thought if simplified, it would offset the home from many of the other homes on the street. Mr. Gengler responded.

Mr. Vila thought the changes proposed were a good response to the Commissioner's comments. Mr. Vila was in favor of the material choices. He believed that Ms. Shiverick had a good suggestion regarding the lanterns. He questioned the roof design and roof load. Mr. Vila stated he was in favor of the project.

Motion made by Mr. Garrison and seconded by Mr. Small to approve the project as presented with the following conditions: to use the color choice presented, remove the lights on the piers, remove the cartouches and change the bathroom window to a square shape. Motion carried 4-3, with Messrs. Zukov, Corey and Ms. Grace opposed.

C. MAJOR PROJECTS – NEW BUSINESS

B-010-2019 New Construction

Address: 216 and 224 Angler Avenue

Applicant: Alexander and Amanda Coleman

Professional: Clemens Bruns Schaub

Project Description: The proposal combines lots 216 and 224 in a Caribbean West Indies style home, pool, gardens and fountains. No variances or exceptions are requested.

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

Mr. Schaub presented the architectural plans proposed for the new residence. He presented material samples for the proposed home.

Ms. Grace was in favor of the project and liked the material samples presented.

Mr. Ives was in favor of the use of one and two story segments of the home and supported the project.

Ms. Shiverick was in favor of the style and the design of the home. She stated she would support the blue or the wood proposed for the shutters.

Ms. Catlin was in favor of the proposed design but expressed concern that the proposed home was at the maximum allowed for the site. She stated that this home was also twice the size of the neighboring homes. Mr. Schaub responded.

Mr. Corey agreed with Ms. Catlin in her assessment. Mr. Corey inquired about the roof pitch proposed for the different rooflines. Mr. Schaub responded. Mr. Corey suggested lowering the roof pitch of the connecting building. Mr. Schaub responded and further explained his design.

Mr. Vila thought the design was successful. He was in favor of the materials proposed for the new residence.

Mr. Schaub presented the landscape and hardscape plans proposed for the design. Mr. Schaub stated he would change the proposed Ficus to Clusia.

Mr. Corey thought the landscape plans were good.

Mr. Vila was in favor of the landscape 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. Schaub agreed.

Mr. Floersheimer asked about the detail for the front door. Mr. Schaub responded.

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

B-014-2019 Additions/Modifications

Address: 212 Cherry Lane

Applicant: Richard McCready

Professional: MP Design & Architecture

Project Description: Renovations and additions to existing one story residence modifying existing front elevation (north) with new entry.

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

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

Ms. Grace was in favor of the proposed changes. Mr. Corey agreed.

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

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. Perry agreed to the condition.

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.

B-015-2019 Modifications

Address: 130 Clarendon Ave.

Applicant: Mr. & Mrs. Harry Slatkin

Professional: MP Design & Architecture

Project Description: New front gate and service gate.

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

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

Ms. Grace was in favor of the proposed gates.

Mr. Corey thought the gates worked well for the street.

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

Mr. Vila stated he could not support the proposed gates.

Ms. Grace asked if the hedges would be lowered. Mr. Perry responded.

The clerk noted that Mr. Small left the Chambers and added that Ms. Shiverick would need to vote in his absence.

Motion carried 5-2, with Messrs. Vila and Zukov opposed.

B-017-2019 New Construction

Address: 1616 S. Ocean Blvd.

Applicant: Land Trust Service Corporation, Trustee of Trust No. 1616 SOB
(Mark Warda, President)

Professional: M. Mark Marsh/Bridges Marsh & Associates, Inc.

Project Description: Proposal of a new two-story residence with pool, landscape and hardscape.

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

Mr. Marsh presented the architectural plans proposed for the new residence. He presented material samples for the proposed home. Mr. Marsh also brought a large model of the proposed new residence.

Mr. Vila asked about a proposed detail on the window above the front door. Mr. Marsh explained the design.

Ms. Grace questioned the architectural element at the front. She stated she was in favor of the curved pavilion on the rear of the home. She suggested a restudy of the winter porch.

Mr. Ives thought it was a nice project overall.

Mr. Floersheimer questioned the eclectic window placement on the north elevation. Mr. Marsh responded.

Ms. Catlin thought the design was beautifully executed and liked the way the architects worked with the topography of the land.

Mr. Garrison agreed with his Commissioners but questioned the front door design.

Ms. Shiverick agreed with Mr. Garrison. She was in favor of most of the home but expressed concern for the box design for the front door element. She also questioned a window on the east elevation. Mr. Marsh explained the window design.

Mr. Zukov agreed and thought the front entrance was strange.

Mr. Vila disagreed with his fellow Commissioners. He thought the front door design was different and made the home interesting.

Mr. Small agreed with Messrs. Zukov and Garrison's opinion of the front door design.

Mr. Ives stated he was in favor of the front door design and explained the reasons he supported the design.

Ms. Shiverick stated she was in favor of using different design features but questioned whether this front door design was appropriate.

Ms. Catlin and Mr. Corey both expressed their views of why the front door design was successful.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans proposed for the new residence

Mr. Corey thought the plant selection was wonderful. He questioned the buffer at the southeast property line near the motor court.

Mr. Vila agreed and was in favor of the plant selection. Mr. Vila asked how the professional would treat the landscape in terms of pesticides and fertilizers. Mr. Mizell responded.

Mr. Ives asked if the professional 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. Marsh stated that their easement is in the rear of the property. Mr. Marsh stated he has spoken to Steven Stern about this easement.

Motion made by Mr. Ives and seconded by Mr. Corey to approve the project as presented. Motion failed 3-4, with Messrs. Zukov, Garrison, Small and Ms. Grace opposed.

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented with the exception of the front door entrance design, which was deferred for one month to the April 24, 2019 meeting for restudy. Motion carried 6-1, with Mr. Ives opposed.

B-018-2019 Modifications

Address: 341 Hibiscus Ave.

Applicant: Roy and Vanessa Carroll

Professional: Dustin Mizell/Environment Design Group

Project Description: Addition of vehicular gate. Revisions to the entry courtyard and associated landscape changes.

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

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

Mr. Small inquired about the operation of the proposed gate. Mr. Mizell responded.

Mr. Ives asked about the width of the proposed gate. Mr. Mizell responded. Mr. Ives expressed concern for the proposed width and gate design.

Ms. Grace inquired if the Ficus hedge was remaining. Mr. Mizell responded.

Mr. Shiverick stated she was not in favor of the gate design. Mr. Corey agreed with Ms. Shiverick and stated he could not support the project.

Ms. Catlin thought the proposal was a mistake for the home.

Mr. Vila agreed with Ms. Catlin and expressed concern for the removal of pedestrian access.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for one month to the April 24, 2019 meeting for restudy. Motion carried unanimously.

B-019-2019 New Construction

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

Address: 910 S. Ocean Blvd.

Applicant: Tom Campbell

Professional: Jose Luis Gonzalez-Perotti/Portuondo-Perotti Architects

Project Description: Construction of a new two-story, single-family residence with basement. Construction of beach cabana, access tunnel, and related pools, landscape and hardscape elements.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) INFORMATION:

1. Request Site Plan approval to permit construction of a new 17,527 square foot, two story residence on a platted lot with a depth of 128.42 in lieu of the 150 foot minimum required in the R-A Zoning District. 2. Request a variance to allow a point of measurement of 21.5 NAVD ("North American Vertical Datum") in lieu of the 18.34 NAVD maximum allowed for properties east of the Coastal Construction Control Line. 3. Request for a special exception to permit construction of a new 500 square foot beach cabana east of South Ocean Boulevard. 4. Request for a special exception to permit the construction of a pedestrian tunnel for access under South Ocean Boulevard to the beach parcel. Maintenance of Traffic Plan is attached hereto. 5. Request a variance to allow a retaining wall along the west property line in the side yard and front yard setbacks to be a range of 11.4 feet to 11.8 feet in height in lieu of the 6 and 7 foot maximum allowed in the front yard and side yard setbacks.

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

Maura Ziska, attorney for the owner, explained the proposed zoning request and advocated for a positive recommendation to the Town Council.

Carlos Portuondo, Portuondo-Perotti Architects, presented the architectural plans proposed for the new residence. He presented material samples for the proposed home. Mr. Portuondo also brought a model of the proposed new residence.

Mr. Small thought the design was majestic. Mr. Small inquired about the space with the fireplace. Mr. Portuondo explained the design.

Mr. Ives supported the design and thought it would be a nice addition to the Town.

Mr. Corey thought the house was well designed, however he questioned if the home would look better on a larger lot. He suggested using less cladding and recommended the design with less detail and ornamentation.

Mr. Garrison thought this house would be nice on the visible corner of S. Ocean Blvd. He thought the home was well detailed and stated he was in favor of the project.

Ms. Catlin thought the proposed home respected the lot.

Ms. Shiverick thought the design was stellar but questioned if the home was too fancy. She agreed with Mr. Corey and questioned if some of the details and ornamentation could be reduced. Mr. Portuondo responded.

Mr. Zukov thought the home design was one of the best he had seen. He stated his support for the project.

Mr. Corey inquired about the proposed windows. Mr. Portuondo discussed the window materials.

Mr. Vila agreed with Mr. Zukov. He stated he supported the proposed architectural design.

Jorge Sanchez, SMI Landscape Architecture, presented the proposed landscape and hardscape plans for the new residence. He presented alternative designs on the overhead projector.

Ms. Grace inquired about the variance requested for the retaining wall. Mr. Sanchez responded.

Mr. Corey asked about the driveway proposed and the material for the driveway. Mr. Sanchez responded. Mr. Corey asked about the west property buffer. Mr. Sanchez responded. Mr. Corey suggested increasing the landscape on the west side as well as adding more color in the plan. Mr. Sanchez responded.

Mr. Vila was in favor of the landscape choices proposed. Mr. Vila inquired about the use of pesticides and asked the professional to speak to his concern. Mr. Sanchez responded.

Ms. Grace inquired about the landscaping around the cabana and asked about the proposed height of the cabana. Mr. Sanchez responded.

Motion made by Mr. Small and seconded by Mr. Garrison that implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject property. Motion carried unanimously.

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. Portuondo agreed to the condition.

A second motion made by Mr. Garrison and seconded by Mr. Zukov to approve the project as presented. 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. Motion carried unanimously.

B-022-2019 Modifications

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

Address: 223 Sunset Ave.

Applicant: 223 Sunset Avenue LLC

Professional: Keith Spina/GliddenSpina + Partners

Project Description: The applicant is proposing architectural and functional upgrades to revitalize the existing building at 223 Sunset Avenue in order to facilitate the relocation of Trevini Ristorante and to expand and improve the existing office space. This project will include the following exterior improvements: Significant new planting of ground covers, shrubs and trees; narrowing of the existing driveway to ten feet wide to create a pedestrian walkway to the restaurant and office building entries; new in ground lighting for trees; installation of a small public courtyard adjacent to the lobby entry; an iconic entry portal and street entry are proposed; the building will be painted and receive new and reconditioned windows; and a symbolic clock tower is proposed at the existing elevator/stair tower. The restaurant will also feature an outdoor dining terrace of 840 sq. ft. covered by an awning.

Interior improvements include enclosing the existing upper-level garage space with windows to create 4,795 sq. ft. of office space and converting approximately 2,856 sq. ft. of existing office space on south side of building to the proposed restaurant use.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) INFORMATION:

The applicant is proposing interior and exterior renovations to the existing office building, to upgrade and expand the office portions of the building, and to convert a portion of the existing first-floor office space to restaurant use in order to accommodate the relocation of Trevini Ristorante to this location. The leasable area of office will be expanded from 13,699 SF to 15,602 SF by eliminating a portion of the parking garage. The proposed restaurant will occupy 2,856 SF of interior space with 106 total seats, 30 of which will be located in an outdoor covered seating area of 840 SF. The requested hours of operation for the restaurant are: Lunch 11:30 am - 3:00 pm, Dinner 5:00 pm - 10:30 pm seven days a week, the following approvals are requested: Per Sec. 134-329, Site Plan Review for the exterior changes to the site, Per Sec. 134-2182 (b), a special exception for on-site shared parking in the C-TS district, Per Sec. 134-1111 (a), Outdoor Seating, a special exception to allow 30 seats on the new covered patio for Trevini Ristorante, Per Sec. 134-1109(a)(18), a variance to allow 7,207 SF of office space on the first floor in lieu of the second floor, requirement in the C-TS zoning district, Per Sec. 134-2175(a)(3), a parking variance

reflecting the difference between parking demand utilizing shared parking (52 spaces) as calculated by Kimley-Horn and Associates in its February 20, 2019 Parking Study and the 47 existing spaces, a variance of 5 spaces.

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

Mr. Spina presented the overview of the project and discussed the modifications proposed for the existing commercial building.

Peter Niemitz, Peter Niemitz Design Group, presented the architectural design plans for the commercial building.

Mr. Martin discussed the importance of the project and advocated for the approval of the project.

Mr. Corey inquired about the two ramps. Mr. Spina responded. Mr. Corey pointed to the curved east side walkway and asked if it could be landscaped. Mr. Spina responded. Mr. Corey expressed his support for the proposed colors and suggested adding a feature element to the tower.

Mr. Vila agreed with Mr. Corey's assessment of the tower element.

Mr. Zukov inquired why the canopy was not extended to the end of the building. Mr. Spina responded. Mr. Martin stated the design was due to awnings and lot coverage calculations.

Mr. Martin stated that if it made sense to extend the awning, a recommendation should be made to do so. Jamie Crowley, attorney for the applicant, stated that Mr. Castro indicated that lot coverage was not an issue and the awning could be extended.

Ms. Grace was in support of the project, especially with the outdoor dining.

Ms. Catlin was in favor the project and thought it created an inviting space.

Mr. Ives supported the project.

Mr. Garrison stated he supported the project. Mr. Garrison inquired if the seating would be limited. Mr. Crowley stated there would be a special exception application for the seating.

Mr. Vila suggested changing the long arches on the building into smaller arches to be uniform. Mr. Spina agreed with Mr. Vila's suggestion. Mr. Vila asked if the plan was to use pecky cypress in the ceilings of the existing gallery. Mr. Spina responded.

Mr. Floersheimer stated he believed this was a great addition to the street.

Mr. Vila questioned the proposed white color for the building. Mr. Spina responded.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape design plans for the commercial building. Mr. West presented alternate renderings of the proposed landscape.

Mr. Vila asked about the lack of shade along the street. Mr. West responded.

Steve Fischman, New England Development, spoke favorably about the project advocated for a positive recommendation.

Ms. Grace asked if the brick pavers proposed had been used before in Town. Mr. West responded.

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

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. Spina agreed to the condition.

A second motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented with the following conditions: add an additional awning bay, extend the awning to the east, change the long arches on the north, south and west elevations to match the smaller arch pattern, use the revised landscaped plan as shown on the overhead projector and return in one month at the April 24, 2019 meeting with an alternate plan for the tower element, based on the comments from the Commissioners. 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. Motion carried unanimously.

A third motion made by Mr. Small and seconded by Mr. Ives that implementation of the special exception with site plan review will not cause negative architectural impact to the subject property. Motion carried unanimously.

D. MINOR PROJECTS – OLD BUSINESS

A-010-2019 Modifications

Address: 1632 S. Ocean Blvd.

Applicant: Maurice Pinsonnault

Professional: Keith Williams/Nievera Williams Design

Project Description: Approval for driveway material change from grass to synthetic turf.

A motion carried at the February meeting to defer this project for one month to the March 27, 2019 meeting.

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

Mr. Williams presented the modifications proposed for the driveway material change.

Ms. Grace thought that the options presented were too busy. She stated if she had to choose from the choices, she preferred option two.

Mr. Corey stated he could not support either option if both options included synthetic grass. Mr. Williams stated that real grass would not be feasible in this location.

Mr. Zukov asked Mr. Williams which option he preferred. Mr. Williams stated he would prefer option one.

A discussion ensued on options for the driveway materials.

Motion made by Mr. Ives and seconded by Mr. Zukov to approve the plans with option one as presented. Motion carried 5-2, with Ms. Grace and Mr. Corey opposed.

E. MINOR PROJECTS – NEW BUSINESS

A-008-2019 Additions/Modifications

Address: 142 S. County Rd.

Applicant: Rita Nunes

Professional: Pat Segraves/SKA Architect + Planner

Project Description: Addition of rear loggia and raising of backyard pool.

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

Mr. Segraves introduced the project, addressed the drainage issue and stated that the drainage would conform to the new drainage Code.

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

Don Skowron, Don Skowron Incorporated, presented the landscape and hardscape modifications proposed for the existing residence.

Mr. Zukov inquired if handrails would be needed by the pool at the grade change. Mr. Skowron responded. Mr. Clavijo further explained the design and landscape changes.

Mr. Grace asked for an explanation of turf material. Mr. Skowron provided an explanation. Ms. Grace asked if any Ficus was proposed for the property. Mr. Skowron responded.

Motion made by Mr. Small and seconded by Mr. Garrison to approve the project as presented.

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. Clavijo agreed.

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. Motion carried unanimously.

A-012-2019 Modifications

Address: 232 Colonial Ln.

Applicant: Zvenka Kleinfeld

Professional: Don Skowron

Project Description: Reduce height of existing cmu wall to 6" above grade (curb height), replace with 6' high black vinyl coated chain link fence along the south property line woven with Confederate Jasmine vine. Relocate previously approved green island ficus between curb and fence and add a row of grass.

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

Don Skowron, Don Skowron Incorporated, presented the landscape and hardscape modifications proposed for the existing residence.

Jim Frogger, consultant for Heather and Steve Wolf, presented discrepancies in the applicant's presentation and advocated that the Commission postpone or deny the project.

Mr. Lindgren explained the reason the Commission was reviewing the project.

Motion made by Mr. Small and seconded by Mr. Garrison to deny the project A-012-2019 based on failure to comply with Section 18-205 of the Code, paragraphs a (1), a (3) and a (7).

Mr. Lindgren suggested providing the applicant an opportunity to come back in one month with an alternate plan.

Motion carried unanimously.

A discussion ensued about chain link fences with vines.

X. **OTHER BUSINESS**

None.

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

None.

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

Mr. Floersheimer expressed concern with the ability to find properties on the agenda and stated that not all homes addresses are well marked. Mr. Lindgren stated this could be a public safety issue.

Mr. Vila stated he would be absent at the April 24, 2019 meeting.

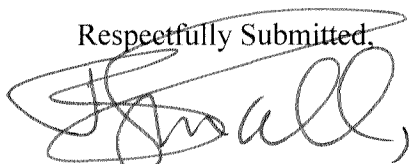
Ms. Catlin stated there was pending legislation in Florida regarding swimming pools, safety regulations, fencing, and barriers. She stated she would pass a copy on to Mr. Martin.

XIII. **ADJOURNMENT**

Motion made by Mr. Ives and seconded by Mr. Small to adjourn the meeting at 5:29 p.m. Motion carried unanimously.

The next meeting will be held on Wednesday, April 24, 2019 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

 *Small, Vice Chairman*

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

kmc

CERTIFICATION OF ACTION BY THE ARCHITECTURAL REVIEW COMMISSION

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

Application Number and Title: A-012-2019, 232 Colonial Ln.
Modifications'

Address: 232 Colonial Ln.

Applicant: Zvenka Kleinfeld

Architect: Don Skowron

Project Description: Reduce height of existing CMU wall to 6" above grade (curb height), replace with 6' high black vinyl coated chainlink fence along the south property line. Waver with Confederate

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. *Previously approved green island fence between curb and fence and add a row of grass.*
- ☐ (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.

X (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).

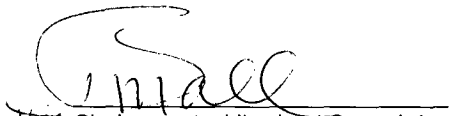
- ___ (8) The proposed development is not in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
- ___ (9) The project's location and design does not adequately protect unique site characteristics 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 March 27, 2019

TOWN OF PALM BEACH


Vice Chairman, Architectural Commission