

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES OF THE ARCHITECTURAL COMMISSION

WEDNESDAY, OCTOBER 22, 2008

TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

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 or may obtain an audio recording (tape or CD) of the meeting by contacting Gretchen Dayton, Secretary to the Architectural Commission at (561) 227-6409. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER

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

II. ROLL CALL

PRESENT:

Morgan Dix Wheelock, Chairman
William P. Feldkamp, Vice-Chairman
William J. Strawbridge, Jr., Member
Leslie C. Diver, Member
Thomas M. Youchak, Member
Jeffery W. Smith, Member
Samuel M. Boykin, Member
Kenn Karakul, Alternate Member
Robert J. Vila, Alternate Member
Ann L. Vanneck, Alternate Member
Matthew T. Ramenda, Acting Town Attorney
John Page, Director Planning, Zoning & Building
Jane S. Day, Staff Architectural Consultant
Gretchen Dayton, Recording Secretary

ABSENT:

None

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Wheelock.

IV. APPROVAL OF MINUTES OF THE SEPTEMBER 24, 2008 ARCOM MEETING.

MOTION BY MR. FELDKAMP TO APPROVE THE MINUTES.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

VI. PROJECT DEFERRALS/REMOVAL

B76-08 / V16-08 Gates 1:44

Address: 1000 Indian Road
Applicant: Joseph and Karin Luter
Landscape Architect: Mario Nievera Design
Project Description: Both proposed entry gates require a variance. (The applicant requests a variance to allow two (20) foot driveway gates with: (i) an eight (8) foot; and (ii) eight foot two inches (8'2") setback from the edge of pavement in lieu of the eighteen (18) foot minimum required.)

This project was deferred from the September meeting for restudy.

The architect requests removal from the agenda.

MOTION BY MR. FELDKAMP TO REMOVE THE PROJECT FROM THE AGENDA.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

VII. PROJECT REVIEW

**A. TOWN COUNCIL PROJECTS - VARIANCE REQUESTS
DEFERRALS**

Formal action may be taken relative to these projects pending Town Council approval.

B59-08 / V11-08 Addition 2:47

Address: 410 Seabreeze Avenue
Applicant: William and Elaine Miller, Trustees
Architect: Noe Guerra
Project Description: A second story addition above the existing kitchen, at the rear of the house, totaling 422.98 square feet, and a first floor addition to slightly expand the existing family room at the rear of the home totaling 67.54 square feet. (The applicant requests a variance to permit a Cubic Content Ratio of 4.77 in lieu of the 4.29 existing and 4.08 maximum permitted by code, to allow

the construction of a 422.98 square foot second story addition to accommodate a new bedroom and 67.54 square foot addition on the first floor to accommodate an expansion of the living room; a variance to allow the 67.54 square foot addition on the first floor consistent with the existing east side yard setback of 11.39 feet, in lieu of the 12.5 foot minimum required; a variance to allow the 422.98 square foot second story addition, with a second story west side yard setback of 9.6 feet, in lieu of the 15 foot minimum required.)

This project was deferred from the August and September meetings for restudy.

Mr. Vila said he visited the site. Mr. Smith and Mr. Feldkamp said they met with the architect and the lawyer.

Architect Noe Guerra presented the revised project. He indicated that the overhang above the bay window was eliminated and the windows, on the second floor addition, were centered above the first floor kitchen windows. He pointed out that the most important change was the roof design which now connects the existing roof with the addition.

**MOTION BY MR. FELDKAMP TO ADVISE THE TOWN COUNCIL THAT ARCOM FEELS THAT THE ARCHITECTURE WARRANTS THE VARIANCES REQUESTED.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

**MOTION BY MR. FELDKAMP TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

B74-08 V17-08 Addition 9:46

Address: 300 Polmer Park
Applicant: Darrell and Susan Ross
Architect: Noe Guerra
Project Description: a 655 sq.ft. Second story addition to add two bedrooms and a 138.4 sq. ft. first floor addition to provide a pantry. (The applicant requests a variance to permit lot coverage of 31.74% in lieu of the 30.97% existing, and the 30% maximum permitted by code for a two-story house, to allow the construction of a 138.4 square foot addition on the first floor; a variance to allow the point of measurement for the purposes of calculating cubic content ratio, of 17.5 NGVD in lieu of the lowest floor slab of 14.5 feet NGVD as required by code.)

This project was deferred from the September meeting for restudy.

Mr. Smith and Mr. Feldkamp said they met with the attorney and the architect.

Architect Noe Guerra explained that the location of the first floor addition remains the same as last month's presentation, but the second floor addition was relocated to the rear of the house.

Comments were made that this proposal was an enormous improvement and that the addition is symmetrical and works with the house.

Attorney Ron Kolins stated that the latest version of the project was submitted to the Planning and Zoning People yesterday. (October 21, 2008) Please note that the plans in the ARCOM file have a date stamp of October 15, 2008.

MOTION BY MR. FELDKAMP TO RECOMMEND TO THE TOWN COUNCIL THAT THE ARCHITECTURE OF THE PROJECT WARRANTS THE VARIANCES REQUESTED SUBJECT TO REVIEW BY PLANNING AND ZONING.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. FELDKAMP TO APPROVE THE PROJECT AS PRESENTED SUBJECT TO APPROVAL BY PLANNING AND ZONING.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

B. TOWN COUNCIL PROJECTS - VARIANCE REQUESTS

NEW BUSINESS

Formal action may be taken relative to these projects pending Town Council approval

B81-08/V20-08 Addition 17:49

Address: 110 Chateaux Drive
Applicant: Alex Fanjul
Contractor: Tim Givens
Project Description: One-story addition. All materials and colors to match existing. The applicant requests a variance to construct a 1,149 square foot one-story addition with an east side yard setback of 18.01 feet in lieu of the 30 foot minimum required in the R-B Zoning District for a lot over 20,000 square feet in area and in excess of 200 feet in width.

Mr. Youchak, Ms. Diver and Mr. Feldkamp said they met with Michael Perry and reviewed the plans. Mr. Wheelock and Mr. Boykin said that they had a telephone conversation with Mr. Perry and discussed the plans.

Architect Ames Bennett stated that he is the architect of record for this project, as well, he was the original architect for this home. He then introduced his colleagues' Attorney Maura Ziska and Designer Michael Perry.

Attorney Maura Ziska explained that the variance request is for a side yard setback in order to build the addition off of the garage. She noted that usually this type of request can be approved by staff as a waiver, unless a neighbor objects, which happened in this case.

Designer Michael Perry proposed a 1,149 sq. ft. one-story addition for a great room, game room and a storage room. Additionally, they would like to build an outdoor fire place and a new courtyard.

Zoning Administrator Paul Castro said he spoke with the neighbor who objected to the variance. She said that she was not in favor of asking for a variance for such a large piece of property. He explained that the waiver process, as previously mentioned by Attorney Ziska, was implemented by the Town Council to provide a property owner the opportunity to have some administrative relief for variances, for either a side yard or a front yard, if the neighbor's property has a similar situation in terms of the setback. He further explained, they cannot have less of a setback than the neighbor and there is a minimum setback that can be requested.

Responding to the comment that the survey indicated two separate lots, Mr. Castro stated that a Unity of Title will need to be filed in order to obtain a building permit.

MOTION BY MR. FELDKAMP TO RECOMMEND TO TOWN COUNCIL THAT THE

**ARCHITECTURE OF THE PROJECT JUSTIFIES THE VARIANCES REQUESTED
SUBJECT TO UNITY OF TITLE.**

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

**MOTION BY MR. FELDKAMP TO APPROVE THE PROJECT AS PRESENTED
SUBJECT TO THE APPLICANT OBTAINING A UNITY OF TITLE FOR THE
PROPERTY.**

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

**B82-08/SPR10-08 Demolition, New Office Building, Landscape & Hardscape30:33&
3:47:48**

Address: 204-210 Royal Palm Way
Applicant: BNB Venture Palm Beach, I, LLC
Architect: Oliver Gliden Spina and Partners

Project Description: This proposed three-story office building incorporates contemporary design elements with strong references to traditional Mediterranean architecture. The primary building materials are painted stucco on masonry exterior walls; divided lite doors & windows with tinted bronze glazing; cast stone accents for the columns, horizontal accent bands, window & door surrounds and balustrades. The main entry tower features a clay tile hip roof above the arched 3rd floor balcony and a corresponding arched 1st floor level entry. The Royal Palm Way entrance is further framed by an articulated stucco entryway, concrete columns and steps leading up the entry. The placement of 2nd floor level terraces along the street allow the 2nd and 3rd floors to the stepped back further from the street and along with the tower provide interest and scale to the building. Final landscaping and hardscape will be presented. - The applicant requests a Site Plan Review to construct 11,638 square foot, three-story commercial building; a Special Exception to allow a three-story commercial building in the C-OPI Zoning District; and, variances as follows: (a) variance for a front yard setback of .07 feet in lieu of the 20 feet minimum required for a building and 25 feet minimum required for the tower; (b) a variance for the east side yard setback to be 0 feet in lieu of the 10 feet minimum required; (c) variance for the west side yard setback to be 0 feet in lieu of the 10 feet minimum required; (d) variance for lot coverage of 48.6% in lieu of the 25% maximum allowed; (e) variance for landscaped open space to be 9.1% in lieu of the 30% minimum required; (f) variance for landscaped open space in the front yard to be 17.6% in lieu of the 35% minimum required; (g) variance to allow a tower feature to be 4.2% of the maximum gross floor area in lieu of the 2% maximum allowed; (h) variance for the overall height tower to be 49 feet in lieu of the 45 foot maximum height allowed; (i) a variance to allow the architectural tower to be on the entry facade which is not permitted by code; (j) variance to allow the parking spaces to be situated in contradiction to the maneuvering requirements in Section 134-2172; that section provides that required parking be designed so as to not require the movement of another vehicle in order to remove another vehicle from a required parking space. The applicant is proposing 11 stacked parking spaces which requires the shuffling of vehicles in order to remove vehicles from required parking spaces; (k) a variance to provide 19 parking spaces in lieu of the 35 parking spaces required (a deficit of 16 parking spaces); (l) a variance to eliminate the need for the 1 required loading space; (m) variance to allow an individual business identification sign on the proposed building to be above the first floor which is not allowed on a multi-story building; (n) variance to allow the drive isle width in the parking lot to be a width of 16 feet in lieu of the 25 foot minimum width required; (o) variance to allow the air-conditioning equipment on the roof to be 8 feet in lieu of the 4 foot maximum allowed.

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Attorney Maura Ziska, representing the applicant, stated that they did not have mini plans for the Commissioner's to review.

MOTION BY MR. STRAWBRIDGE TO DEFER THE PROJECT TO THE END OF THE AGENDA.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

This project was heard after item number A 6-08 under the New Business - Minor Projects portion of the agenda.

Attorney Maura Ziska read the variance requests into the record as noted above.

Ms. Vanneck stated that she received telephone calls from Mr. Spina's office and Ms. Ziska's office, but was unable to meet with them. Mr. Vila said he received telephone calls from Mr. Spina's office and Ms. Ziska's office, he was unable to meet with them, but he did walk around the property. Mr. Feldkamp and Mr. Strawbridge said they met with the architect and the attorney.

Architect Ed Oliver proposed demolition of a building that was built in 1924. The building has been vacant for many years.

MOTION BY MR. FELDKAMP TO APPROVE DEMOLITION WITH THE PROVISION TO SEED OR SOD AND IRRIGATE THE LOT WITHIN 15 DAYS.

MOTION SECONDED BY MR. STRAWBRIDGE.

MOTION CARRIED UNANIMOUSLY.

Architect Oliver proposed a three-story office building with the first floor being mostly a drive through area to the rear of the property. He said that the property will have 19 parking spaces, some of them will be tandem parking. They will have a valet parking service. He presented a model and indicated that the second and third floors were set back farther so that the building does not loom over the street. The building color will be a soft white with four colors of clay barrel tile roofing on the tower element.

Mr. Smith thought that this building over powers the Palm Way Building next door. He also thought that this building was too similar to two other buildings on the same side of the street.

Mr. Wheelock had a problem with the parking situation. He questioned how the 8 hr. valet service will be able to park cars with only 19 spaces. He estimated that for the size of the building, there could be approximately 30 employees.

Mr. Oliver responded that they have explored sub-surface basement parking, but with ramps and

setbacks it would add only about 4 parking spaces.

Ms. Day reported that the Public Works Department commented that the plans did not indicate the turning movement for dumpster service. Mr. Oliver replied, that a solution would be to roll the dumpster out to the street as it is done for other buildings in town.

Mr. Feldkamp agreed that the parking situation needs to have an innovative solution. He suggested parking on the roof, an elevator to the basement to eliminate ramps, or a half upper parking lot and a half lower parking lot. In addition, by not having a loading space would be a terrible problem with delivery trucks having to park in the street. He also recommended that by stepping the building back at the third floor, rather than at the second floor, would make the building appear less tall and would be more accommodating to the neighboring buildings.

Mr. Youchak complemented the architect on his presentation. However, he believed that a project with 15 variances needs to be reviewed closely and that the Commission would need more time to study it. Furthermore, this project would set a precedent for what happens in the future not only on this street, but on Royal Poinciana Way. The Commission needs to take careful consideration of this project.

Mr. Strawbridge, because of the front facade and the setbacks, perceived the building as having a small town feel instead of having a uniform facade. He suggested adding more parking spaces by reducing the first floor lease area.

In response to Mr. Strawbridge regarding the height of the building, Mr. Castro explained that in the commercial zoning district the building can be lowered 2.5 feet from the required 7.5 NGVD.

Mr. Vila reiterated the Commission's concerns by asking the architect to reexamine the parking proposal, the dumpster location, the massing and scale of the building and how it relates to the building to the west.

Landscape Architect Jeff Blakely presented the preliminary landscape proposal.

Mr. Karakul stated that this is a very important street in the town. He thought that the project was fine, but it is not distinguished and it does not look that different from anything else. The massing and architectural elements could be restudied to make the building more distinctive and more special.

Ms. Vanneck was concerned that the trees planted along the rear of the property may not withstand strong winds. She felt that the massing of this building needs to be restudied, taking in consideration the buildings on either side, especially the building to the east which is being considered for landmarking.

MOTION BY MR. FELDKAMP TO DEFER THE PROJECT TO THE NOVEMBER MEETING FOR RESTUDY.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

B83-08/SPR 9-08 New Residence36:31

Address: 167 Dunbar Road
Applicant: 167 Dunbar Road, LLC
Architect: Smith and Moore Architects
Project Description: Two-story Bermuda style Residence

Chairman Wheelock announced that the Town Council approved the site plan request for this project at their October meeting.

Ms. Diver and Mr. Feldkamp said they met with the architect.

Architect Harold Smith presented the request to build a 6,345-sq. ft. two-story home with a total of 8,380-sq. ft. including open areas. He indicated that the roof is broken into three major sections corresponding with three major portions of the house. The center section will be accentuated with three arches with the front door in the center arch. The rear elevation will have an exterior staircase with a solid wall and a scallop detail along the top of the wall. That scallop detail will repeat along the roof line on a projecting one-story element on the west elevation.

Landscape Architect Keith Williams presented the preliminary landscape and hardscape plans. He indicated that there will be two large ornamental trees flanking the entrance into the property.

Mr. Strawbridge was concerned that the Dutch parapet wall at the exterior staircase and the scalloped element on the west side were very strong details on this home. He also commented that the proposed yellow building color was a problem because the town already has too many yellow buildings.

Architect Smith offered to eliminate the scallop details and to raise the roof pitch without exceeding the maximum height allowed.

MOTION BY MR. STRAWBRIDGE TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION DIED FOR A LACK OF A SECOND.

MOTION BY MR. FELDKAMP TO APPROVE THE PROJECT WITH THE CONDITIONS THAT THE WEST ELEVATION OPTION BE USED AT THE KITCHEN BUMP-OUT, TO RAISE THE ROOF PITCH TO 7/12 OR AS HIGH AS POSSIBLE,

REMOVE THE SCALLOPS ON THE EXTERIOR STAIRWAY AND RECEIVE STAFF APPROVAL OF THE SITE DRAINAGE PLAN.

MOTION SECONDED BY MS. DIVER.

ROLL CALL:

MR. FELDKAMP YES

MS. DIVER YES

MR. STRAWBRIDGE NO

MR. YOUCHAK YES

MR. SMITH NO

MR. BOYKIN YES

MR. WHELOCK YES

MOTION CARRIED 5-2.

B84-08 /V19-08 New Greenhouse1:04:23

Address: 286 Jamaica Lane

Applicant: Mr. & Mrs. Raese

Architect: Bruh/Gilbert Architectural

Project Description: Construct new greenhouse in rear yard. The applicant requests a variance to construct a one-story enclosed accessory structure with a point of measurement of 21 feet NGVD in lieu of the 17.14 NGVD required.

Mr. Smith, Mr. Youchak, Mr. Feldkamp, Mr. Strawbridge and Mr. Boykin said that they spoke to the applicant's attorney on the telephone. Ms. Diver and Mr. Wheelock said they received telephone messages from the applicant's attorney.

Attorney Peter Broberg explained that a point of measurement variance was approved last year to construct a green house. The owner's later realized that ventilation was needed in the greenhouse and thought that ceiling fans would provide air circulation. Thereby, they request to add a pitched roof to the building.

Contractor Harry Gilbert presented photographs of the property and pointed out that there is a doll house at the location where the greenhouse will be located. He noted that the glass to be used will be tempered and that the building will meet the hurricane codes.

Attorney Ray Royce, representing Mr. Beasley, the adjacent property owner to the south, read his letter addressed to the Architectural Commission into the record. It stated that the greenhouse would be 10' away from his client's property. The wall between the properties is only 4' high and the screening is totally inadequate. With electric power to the building, it will appear as a bright light and during the daytime the sun will reflect off of the glass and shine into Mr. Beasley's property. In the event that this project is approved Mr. Royce requested the following conditions:

1. An 8' wall to be built along the applicants' southern property line.

2. A thick ficus hedge not less than 12ft. in height be planted on the applicants' side of the wall.
3. The south side of the building and the southern roof should be a solid material so that light does not shine from the greenhouse in a southerly direction.
4. No lights in the greenhouse after 8:00 p.m.
5. The above conditions, together with any other conditions, should be incorporated into a covenant running with the applicants' land.

Mr. Royce said he spoke with Mr. Broberg who agreed to plant a ficus hedge along the property line. He remarked that there was no hardship to grant the variance and that there are other solutions.

Mr. Wheelock suggested excavating and lowering the height of the greenhouse.

Ms. Vanneck stated that anything in the greenhouse will become very hot and plant material will not survive. She suggested a slat house rather than a glass greenhouse.

Mr. Broberg said that nothing has changed from last year's presentation except the pitch of the roof which will allow fans to be installed so that the plant material doesn't "fry." He argued that the excavation of the coral rock should not be an expense thrust upon the property owners' and that they have the right to use their property. Also, They do have a hardship with the land because there is a coral ridge at this portion of the property.

Mr. Smith did not see any reason to ask for a taller building because there is room to install fans without having a pitched roof. He also felt that the neighbor had legitimate complaints.

Ms. Diver commented that when the Commission looks at accessory structures, they are usually related to the main home.

Mr. Boykin said he lives across the street from this property and he felt that there is nothing wrong with this building.

Responding to Mr. Youchak's statement that building material samples should have been presented, Mr. Gilbert explained that the framing will be a dark hunter green with glass that will be clear and tempered, and will not reflect the sunlight.

Mr. Strawbridge asked if the applicant would like to reconsider the project and explore the cost to excavate the land to eliminate the variance.

Ms. Vanneck mentioned that the greenhouse will have to have shading material or some material to shade the plants. Therefore, this building will change in appearance.

Mr. Smith pointed out that only 2 ½ feet would have to be excavated to eliminate the variance

request.

Mr. Broberg requested project deferral to next month.

MOTION BY MR. SMITH TO DEFER THE PROJECT TO THE NOVEMBER MEETING WITH THE PROVISION TO BRING A SAMPLE OF THE GLASS AND TO PRESENT A PROJECT WITHOUT VARIANCES.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)

None

C. DEFERRALS AND CONTINUATIONS - MAJOR PROJECTS

B46-08 New Residence 1:30:00

Address: 200 Merrain Road
Applicant: Mark Mason and Isabella Kron
Architect: Ralph Cantin
Project Description: Demolish existing one-story residence. Construct a new two-story

This project was deferred from the June meeting for restudy. Demolition was approved at the July meeting and the replacement house was deferred for restudy. It was deferred from the August meeting to come back with a different plan. At the September meeting, the architect asked to defer the project to the October meeting.

There were no ex parte communications disclosed.

Architect Ralph Cantin presented two drawings, the previous proposal and the new proposal. The outdoor staircase and the second floor guest house were eliminated. The massing of the house was oriented toward Merrain Road rather than North Ocean Way.

Attorney Peter Broberg, representing Mr. and Mrs. Stewart, the neighbors to the west, stated that his clients' have been concerned about the wall along the common property line. Mr. Broberg asked that the project be deferred so that Mr. Stewart, who was not in attendance at this meeting, could have a chance to review the plans.

Robert Moore, representing the property owners', stated that the architect has addressed all of the issues that were brought up by the neighbor. If Mr. Broberg objects to ARCOM's decision, he has the opportunity to bring it before the Town Council.

**MOTION BY MR. FELDKAMP TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

B77-08 New Residence 1:51:03

Address: 2315 South Ocean Blvd.
Applicant: Donna Ward
Architect: Smith and Moore Architects
Project Description: New two-story residence and swimming pool.

This project was deferred from the September meeting for restudy.

Ms. Diver and Mr. Feldkamp said they met with the architect.

Responding to Mr. Wheelock's question if variances are required for this project, Ms. Day stated no. However, the Public Works Department commented that the driveway will not be allowed on the main north/south roadway when driveway access is available from the side yard.

Attorney Maura Ziska, representing Ms. Donna Ward, stated that they are negotiating the driveway with the Public Works Department.

Architect Daniel Kahan explained the changes to the project. He said that the entry has been simplified and the front and rear elevations were made to be more uniform. He pointed out the generator house which will be located in the driveway courtyard.

The location of the generator house was questioned and it was suggested to place it in the garage.

Landscape Architect Steve Parker presented the preliminary landscape and hardscape proposal.

**MOTION BY MS. DIVER TO APPROVE THE PROJECT AS PRESENTATION WITH
THE PROVISION TO BRING THE GENERATOR HOUSE BACK WITH THE FINAL
LANDSCAPE PROPOSAL AND SUBJECT TO REVIEW BY THE PUBLIC WORKS
DEPARTMENT.
MOTION SECONDED BY MR. FELDKAMP.
MOTION CARRIED UNANIMOUSLY.**

D. NEW BUSINESS - MAJOR PROJECTS

B85-08 Demolition 2:15:11

Address: 210 Emerald Lane
Applicant: H. A. Gilbert III/210 Emerald Lane, LLC
Contractor: H. Gilbert & Assoc.
Project Description: Demolition of existing two-story residence.

Mr. Vila and Mr. Wheelock said they visited the site.

Contractor Harry Gilbert stated that the existing house appears to be a very fine building. Unfortunately, the building has extensive mold in the walls and puddling water underneath the building. They have had mold reports and air samples taken and they hired Gruber Engineering to test the soil. He stated that there is about 18" of muck below the existing grade. The home was designed by John Volk in 1941 and built by Arnold Construction.

Note: Ms. Diver left the meeting at 11:32. Mr. Karakul was voting for the remainder of the meeting.

It was thought that it was a shame to demolish this house. It was also commented that the mold reports and photographs should be shared with the Commission.

After discussion, it was determined that the house is not on the list for landmarking and it should be removed considering the mold problems that it has.

MOTION BY MR. SMITH TO APPROVED THE DEMOLITION WITH THE PROVISION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS AND TO TAKE PHOTOGRAPHS TO BE SUBMITTED TO THE TOWN AND THE PRESERVATION FOUNDATION.

MOTION SECONDED BY MR. YOUCHAK.

ROLL CALL:

MR. SMITH	YES
MR. YOUCHAK	YES
MR. FELDKAMP	NO
MR. STRAWBRIDGE	YES
MR. BOYKIN	NO
MR. KARAKUL	YES
MR. WHELOCK	NO

MOTION CARRIED 4-3.

B86-08 Addition 2:37:23

Address: 202 Seaspray Avenue
Applicant: Paul Benk
Architect: Smith and Moore Architects
Project Description: A twelve-month extension of a previous ARCOM/Town Council approval of a one-story home.

No ex parte communications were disclosed regarding this project.

Architect Harold Smith, representing Mr. Paul Benk, presented elevation drawings of the addition project.

MOTION BY MR. SMITH TO APPROVE THE PROJECT FOR AN ADDITIONAL TWELVE MONTHS.

MOTION SECONDED BY MR. FELDKAMP.

MOTION CARRIED UNANIMOUSLY.

B87-08 Demolition

Address: 703 Island Drive
Applicant: ALJ, LLC
Architect: Thomas M. Kirchhoff
Project Description: Demolition of existing house and pool.

Mr. Vila said he is familiar with the site as he lives across the street. Mr. Wheelock and Mr. Strawbridge said they knew the former owners and spent some time at the house.

Architect Thomas Kirchhoff stated that the house was built in 1951 and it was designed by Henry Harding. He advised that most of the existing landscaping will be stored off site and replaced after construction of a new house. The hedges will be maintained for the privacy of the neighbors.

Mr. Wheelock wanted it noted for the record that the four ficus trees, six standard hibiscus' and ten cocoanut palm trees will be stored and replaced after construction.

MOTION BY MR. STRAWBRIDGE TO APPROVE THE DEMOLITION WITH THE PROVISION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS AND TO STORE THE PLANT MATERIAL AND RETURN IT TO THE SITE AFTER CONSTRUCTION.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

B88-08 Balcony Railings 2:45:35

Address: 389 South Lake Drive
Applicant: 389 Corporation, Inc.
Architect: Howarth L. Lewis, Jr.
Project Description: Replace existing aluminum and concrete railings that have deteriorated with decorative aluminum railings to meet present building codes.

Ms. Vanneck said she spoke to a neighbor regarding this project. Mr. Vila, Mr. Wheelock, Mr. Feldkamp and Mr. Strawbridge said they visited the site. Mr. Smith said that he visited the site and met with Assistant Architect Mindy Schwab.

Architect Howarth L. Lewis, Jr. said he worked with Howard Chilton in 1959 and that he was the designer of this building. He presented a sample of the proposed white aluminum railing which meets today's building code of 42" high.

Ms. Vanneck stated that the neighbor, with whom she spoke, had objections to this proposal. She was very disappointed that the railings were removed prior to coming to ARCOM. Also, the building color is being changed without any approvals.

Mr. Feldkamp pointed out that 3/4 of the building is painted yellow.

Former Director of Planning, Zoning and Building Robert Moore explained that if the owners are before the Commission for permission to do anything that requires the Commission's approval, Town Attorney Randolph has ruled that the Commission can attach any "reasonable" condition to the approval. However, the applicant has the right to appeal any decision to the Town Council.

Mr. Feldkamp stated that because 2/3 of the building has been painted, it was not a reasonable request to require ARCOM approval.

MOTION BY MR. FELDKAMP TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. SMITH
MR. WHEELOCK OPPOSED.
MOTION CARRIED 6-1.

B89-08 Additions 3:01:11

Address: 159 Via del Lago
Applicant: William R. And Norma K. Tiefel
Architect: Smith Architectural Group
Project Description: Construct a new second floor infill and a second-story loggia on the main house, south facade. Add two new bay windows.

Mr. Smith declared a Conflict of Interest and left the dias during the discussion. Mr. Vila and Mr. Strawbridge said they visited the site.

Vice-President of Smith Architectural Group Don Kino indicated that the additions consist of a one-story loggia added to the living room, extension of the second story above the loggia, addition of two new bay windows and a loggia addition on the west elevation. He explained that in 1970 the loggia on the south elevation was infilled with glass sliding doors. Part of this proposal is to convert the space back to a loggia.

Ms. Vanneck asked that the Landmarks Commission consider this house that was designed by Architect Wyeth.

Ms. Day agreed to contact the Chairman of the Landmarks Commission regarding this house.

Ms. Young, who lives next door, was concerned with the location of the generator because it will be close to her guest bedrooms. Mr. Kino agreed to build a wall for the generator.

**MOTION BY MR. KARAKUL TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

Director of Planning, Zoning and Building John Page reported to the Commission that the issue of artificial turf and the request by ARCOM to ban the use of it, has been decided by the Town Council. They decided not to change the ordinance which means that the landscape/open space zoning code will allow only a small percentage of artificial turf. He announced that on Monday, October 27, 2008, the Town Council will have an Ordinance, Rules and Standards meeting. There will be many issues discussed at this meeting that Architectural Commission Members may be interested in. Some of the issues include revision of the ordinance to eliminate the seeding of lots after demolition and to require the use of sod only, empty storefronts, landscaping requirements and Christmas decorations.

Chairman Wheelock welcomed Jane Day to the ARCOM staff and said that she has been most helpful.

E. DEFERRALS AND CONTINUATIONS MINOR PROJECTS

None

F. NEW BUSINESS - MINOR PROJECT

None

A9-08 Modifications to New Residence 3:16:54

Address: 601 Island Drive
Applicant: Premier Holding Group, LLC
Architect: The Lawrence Group
Project Description: Color and material modifications to a previously approved Bermuda style house. Change white cement tile to cloud grey slate roof. Change white window frames to bronze. Add precast limestone water table. Add precast trim at windows. Change precast rail to glass rail at the rear elevation.

Ms. Vanneck, Mr. Karakul, Mr. Smith and Mr. Youchak said that they received a communication in the mail from Architect Lawrence. Mr. Vila said he visited the site. Mr. Wheelock, Mr. Feldkamp, Mr. Strawbridge and Mr. Boykin said they received a communication in the mail and received a telephone call from Mr. Lawrence.

Architect Eugene Lawrence reminded the Commission that the house that was approved last year was all white. The owners felt that the house was too bland and boring. He proposed a slate roof to replace the white tile roof, shutters painted to match the roof and bronze windows replacing the white windows.

It was remarked that the shutters were too narrow and the windows need more muntin details.

Landscape Architect Jeff Blakley indicated that three double Montgomery palm trees will be placed in the staircase that leads to the front door by notching out sections in the stairs.

MOTION BY MR. STRAWBRIDGE TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MR. FELDKAMP.

Contractor Gary Gardner agreed to add a muntin bars in the windows as they were previously presented. He asked the Commission to approve the slate roof because construction cannot continue without it.

AMENDED MOTION BY MR. STRAWBRIDGE TO RECOMMEND APPROVAL OF THE PROJECT WITH THE SLATE ROOF, WITH SHUTTERS MADE OPERABLE

AND FULL SIZE, BRONZE WINDOWS WITH INTERMEDIATE MUNTINS, THE GARAGE WINDOWS BEING UNIFORM AND TO REPLACE THE GLASS RAILING WITH THE SAME RAILING AS PREVIOUSLY PRESENTED.

MOTION SECONDED BY MR. FELDKAMP.

MOTION CARRIED UNANIMOUSLY.

VIII. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING ZONING AND BUILDING DEPARTMENT

Review of Town Ordinance, Section 22-58, Business, pertaining to window treatments in vacant commercial buildings.

Chairman Wheelock called attention to the above referenced Ordinance which was handed out to the Commissioners. He asked them to consider what "an attractive display" was as stated in the ordinance and discuss it at next month's meeting.

IX. ADJOURNMENT

MOTION BY MR. KARAKUL TO ADJOURN THE MEETING AT 1:54 P.M.

The next meeting of the Architectural Commission will be held on November 21, 2008 at 9:00 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Morgan Dix Wheelock", written in a cursive style.

Morgan Dix Wheelock, Chairman

1389-08

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

ST NAME—FIRST NAME—MIDDLE NAME SMITH JEFFERY		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ARCOM	
MAILING ADDRESS 241 SANFORD AVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PALM BEACH	COUNTY PB	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 10/22/08		NAME OF POLITICAL SUBDIVISION: TOWN OF P.B.	
		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 equally 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 the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate 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 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:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, 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.

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.
- 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.

RECEIVED

NOV 17 2008

TOWN CLERK

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, JEFFERY W. SMITH, hereby disclose that on OCTOBER 22, ²⁰⁰⁸~~19~~:

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

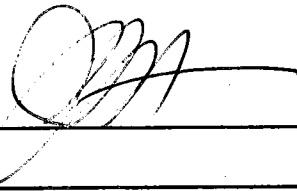
- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of MR AND MRS. WILLIAM TIEFEL, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent 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:

Date Filed

10/22/08

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.

1389-08

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

LAST NAME—FIRST NAME—MIDDLE NAME SMITH JEFFERY		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ARCOM	
MAILING ADDRESS 241 SANFORD AVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PALM BEACH	COUNTY PB	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 10/22/08		NAME OF POLITICAL SUBDIVISION: TOWN OF P.B.	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

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ELECTED OFFICERS:

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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.

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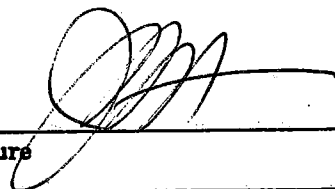
- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of MR AND MRS. WILLIAM TIEFEL, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

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