

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES OF THE ARCHITECTURAL COMMISSION

WEDNESDAY, MAY 24, 2006

TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I. CALL TO ORDER

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

II. ROLL CALL:

Morgan Dix Wheelock, Chair
Nikita Zukov, Vice-Chair
William P. Feldkamp, Member
William J. Strawbridge, Jr., Member
Leslie C. Diver, Member
Thomas M. Youchak, Member
Jeffery Smith, Member (was in attendance at 9:12 a.m.)
Kenn Karakul, Alternate Member
Samuel M. Boykin, Alternate Member
Mark Bennett, Alternate Member
Stirling Clark, Attorney
Veronica Close, Director Planning, Zoning & Building
Timothy M. Frank, Projects Coordinator
Cindy Delp, Recording Secretary

ABSENT:

None

III PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Chair Wheelock.

IV APPROVAL OF THE MINUTES FROM THE APRIL 26, 2006 MEETING. MOTION BY MR. STRAWBRIDGE APPROVE THE MINUTES.

**MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

V SWEARING IN PERSONS TESTIFYING.

Persons testifying were sworn in at this time and periodically throughout the meeting.

Chair Wheelock moved item number B9-06 to this part of the agenda at the architect's request.

B9-06 / V10-06 Additions, Revisions and Cabana Demolition

Address: 20 Middle Road
Applicant: M.R.R. Holding Corporation
Architect: James Smiros
Project Description: Roof extensions, with clay tiles in red and buff colors, to fill in flat roof areas increasing over all height 3.1'. New entry features to include new rail, pilasters and pediment. Master bedroom addition of 157 s.f. with a new rear balcony. All new railings and windows. Stucco finish in an orange color. New cabana and garage.

The variances for this project were reviewed at the February meeting and it was deferred from the March and April meetings for restudy.

Architect James Smiros proposed painting the house yellow and the shutters green. He noted that the railing will be duplicated as shown on the original building plans. Mr. Bob Eigelburger continued with the presentation as Mr. Smiros was not feeling well at this time. Mr. Eigelburger noted that the roofing material will remain the same red tiles. As well, quoins will be added to the addition to match the existing house.

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

VII PROJECT DEFERRALS/REMOVALS

B18-06 New Residence

Address: 230 Esplanade Way
Applicant: Mr. Michael Barasch
Architect: Bogart Architectural
Project Description: New residence on a vacant parcel of land. Constructed of concrete block and stucco, engineered truss roof, flat cement roof tile, impact resistant windows.

This project was deferred from the March and April meetings at the applicant's request. The applicant requests deferral to the June meeting.

B102-05 New Residence

Address: 251 Kenlyn Road
Applicant: Jerry Wheeler
Architect: Mesa Architecture
Project Description: Construction of a new two story Mediterranean style home.

This project was deferred from the October meeting due to Hurricane Wilma. Demolition was approved at the December meeting and the new residence was deferred for restudy. It was deferred from the January and February meetings at the architect's request and deferred from the March and April meetings for restudy. The architect requests deferral to the June meeting.

MOTION BY MR. FELDKAMP TO DEFER PROJECT B18-06 TO THE JUNE MEETING.

**MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

MOTION BY MR. ZUKOV TO REMOVE PROJECT NUMBER B102-05 FROM THE AGENDA.

**MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

VIII PROJECT REVIEW

A. TOWN COUNCIL PROJECTS - VARIANCE REQUESTS

Formal action may or may not be taken relative to these projects.

B11-06/SPR 5-06 Building Renovations (Demolition & Rebuild)

Address: 2842 South Ocean Boulevard
Applicant: City National Bank of Florida
Architect: Oscar Garcia
Project Description: This project is to convert an existing 134-room hotel into a 107-room condominium hotel. The building will be completely renovated, including the demolition and reconstruction of the entire interior and exterior walls, and the addition of a partially sunken 220-space parking structure to replace the existing 144-space surface parking lot. The swimming pool will be relocated to the 4th floor of the building and new tennis courts will be built on top of the new parking structure. With the new parking structure, the proposed entry drive will ramp up to the new lobby entry level. This building will remain five stories over a basement. The overall building height and widths will not change. We are proposing glass railings, light stucco and stone for the alteration of the existing building.

This project was deferred from the February and March meetings as no one was present to represent the project, and it was deferred from the April meeting at the applicant's request.

Mr. Wheelock said he visited the site and spoke with the landscape architect. Mr. Strawbridge left the dias and declared a Conflict of Interest as he is Mr. Schlesinger's real estate broker. Mr. Karakul was voting relative to this project.

Property owner Adam Schlesinger handed the Commission Members mini plans of the project. He then introduced Architect Oscar Garcia and Landscape Architect Dennis Hacek.

Architect Garcia described the project as a renovation and transformation of an existing property into a resort. He presented a colored site plan and explained that the driveway will ramp up to the second level of the building into a porte cochere. On the first floor level, below the ramp, will be a 200-car parking garage. In order to provide extra parking spaces, a mechanical lift in the garage will provide a stacked parking system. The parking will be strictly by valet. The hotel entry will have a portal appearance with a view through the building of the ocean. To further the portal appearance, Landscape Architect Dennis Hickock proposed the same stone paving from the porte cochere, through the lobby and onto the outdoor patio.

Zoning Administrator Paul Castro explained the variance requests for this project as follows:

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- 1 A five-foot front yard setback for the entrance into the garage.
- 2 Side yard set backs for the driveway ramp, garage structure, and the architectural details on the north and south sides of the building.
- 3 A special exception with site plan review for modification of the site and for the elevated tennis courts with ten-foot high fencing.
- 4 A variance for the driveway width from the required twenty-five-feet to twenty-three-feet.
- 5 A variance for the elevated parking spaces.
- 6 A variance to demolish more than 50% of the building (down to the skeleton of the building.)
- 7 A variance to exceed the maximum length of a building of 150-feet to 400-feet in length which includes the parking structure.
- 8 A variance to reduce the landscaped/open space to be 30%, from the required 35%.
- 9 A side yard setback for a fountain structure on the west side of the building.
- 10 A variance for a tennis pro shop at the front of the building.

Mr. Garcia remarked that the clear height into the parking garage will be at 14-feet, enough for panel trucks to make their deliveries. Mr. Castro said the town's traffic engineer commented that there would not be enough turnaround space in the garage for the garbage trucks. In addition, they were concerned about parking for special events

Mr. Zukov commented that the walls attached to the front elevation were very massive. Specifically, he disliked the use of copper material on these walls. He suggested replacing the fire ball feature, at the front of the property, with a fountain.

Mr. Feldkamp was concerned that the neighbors would be affected by granting variances for side yard set backs.

Responding to Ms. Diver's question regarding the percentage of greenspace, Mr. Hickock stated the greenspace was 30% which included the tennis court above the garage. Mr. Castro informed the architect that the tennis court cannot be counted in the greenspace calculations because it is not pervious. Mr. Garcia stated the correction of greenspace would be 23% in lieu of the required 35%.

Mr. Smith suggested using coquina material on the building facade instead of copper because it will weather very quickly and will not be very attractive. He liked the water features, but thought that they may become a maintenance problem in the future. The amount of glass on the ocean side may not meet the hurricane code, and without looking at a sample of the glass, it would be very hard to determine the final appearance.

Mr. Karuakul mentioned that several variances would be required in order to meet the design needs of the project.

Mr. Bennett pointed out that an exclusive condominium/hotel should have a service driveway for deliveries and garbage pick-up.

Mr. Wheelock thought this was a beautiful project and a major contribution to the town, but the commission needs to see the building materials, plant materials and paving materials.

Mr. Schlesinger advised the commission that they have met with the neighbors and the Citizens Association a number of times.

MOTION BY MR. SMITH THAT THE ARCHITECTURAL COMMISSION SENDS THE MESSAGE TO THE TOWN COUNCIL THAT THE IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY WITH THE STIPULATION THAT THE FOUNTAINS MUST REMAIN IN OPERATION, OTHERWISE THE PERMIT WILL BE REVOKED.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

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

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

B16-06/V Addition: Demolition and Rebuild

Address:	1438 North Ocean Blvd.
Applicant:	Mr. and Mrs. Michael Schultz
Architect:	SKA Architects
Project Description:	Renovation of existing house, demolition of the existing two-story addition and new two-story addition to match architectural styles.

This project was deferred from the February meeting at the staff's recommendation and it was deferred for restudy from the March and April meetings.

Architect Pat Seagraves reminded the Commission that this project was deferred from last month because the drainage plan did not match the landscape plan. He presented a preliminary landscape plan and said they will come back with a final landscape and hardscape plan at a later date.

MOTION BY MS. DIVER TO APPROVE THE ARCHITECTURE.

MOTION SECONDED BY MR. YOUCHAK.

MOTION CARRIED UNANIMOUSLY.

ROLL CALL FOR THE ORIGINAL MOTION:

MR. FELDKAMP	YES
MR. ZUKOV	YES
MR. STRAWBRIDGE	YES
MS. DIVER	NO
MR. YOUCHAK	NO
MR. SMITH	NO
MR. WHELOCK	NO

MOTION FAILED 4-3

MOTION BY MS. DIVER THAT ARCOM RECOMMENDS TO THE TOWN COUNCIL THAT THE FRONT CHANGES MERIT THE VARIANCE.

MOTION SECONDED BY MR. YOUCHAK.

MR. SMITH OPPOSED.

MOTION CARRIED 6-1.

MOTION BY MR. ZUKOV FOR IMPLEMENTATION OF THE PROPOSED VARIANCE FOR THE REAR OF THE GARAGE AREA AND THAT IT WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.
MOTION SECONDED BY MR. FELDKAMP.

ROLL CALL:

MR. ZUKOV	YES
MR. FELDKAMP	YES
MR. STRAWBRIDGE	YES
MS. DIVER	NO
MR. YOUCHAK	YES
MR. SMITH	YES
MR. WHELOCK	NO

MOTION CARRIED 5-2.

MOTION BY MR. STRAWBRIDGE TO DEFER THE PROJECT TO THE JUNE MEETING TO ADDRESS THE ISSUE OF THE SIZE AND RESTUDY THE RAILINGS.

MOTION SECONDED BY MR. SMITH.

MOTION CARRIED UNANIMOUSLY.

B29-06\V16-06\New Cabana & New Underground Garage

Address: 750 South County Road
Applicant: GaryLumsden
Architect: James C. Paine, Jr.
Project Description: (1) New steps accessing front entry (2) New site wall along south property line. (3) New pool cabana above new underground garage structure with access from the west side.

Ms. Diver, Mr. Feldkamp, Mr. Zukov and Mr. Youchak said the met with the architect and discussed the plans.

Projects Coordinator Tim Frank noted that this project requires set back variances for a pool cabana and an overall square footage for volume. In addition, the double set of stairs violates the front yard set back.

Architect James Paine explained that they ask for a variances for front steps and for greenspace which is related to a lot coverage issue. He passed out photographs of the house and mentioned that it was originally a guest house designed by Belford Shoumate.

Some of the board members preferred the existing entry and thought that the double staircase and the railings did not add to the architecture. Furthermore, the garage and cabana at the rear of the property added to an already tight site which may strongly affect the neighbors. Other commissioners thought that the front elevation change was a functional improvement.

**MOTION BY MR. FELDKAMP THAT ARCOM RECOMMENDS TO THE TOWN COUNCIL THAT THE ARCHITECTURE MERITS THE VARIANCE REQUEST.
MOTION SECONDED BY MR. ZUKOV.**

**SUBSTITUTE MOTION BY MS. DIVER THAT ARCOM RECOMMENDS TO THE TOWN COUNCIL THAT THE SET BACK VARIANCE TO THE FRONT OF THE HOUSE ARCHITECTURALLY MERITS THE VARIANCE, BUT THE GARAGE, CABANA AND THE DECREASE OF GREENSPACE DOES NOT WARRANT A VARIANCE.
MOTION FAILED FOR A LACK OF A SECOND.**

**SUBSTITUTE MOTION BY MR. SMITH TO NOT RECOMMEND THE FRONT VARIANCES AS THEY HAVE NO ARCHITECTURAL MERIT.
MOTION DIED FOR A LACK OF A SECOND.**

B30-06\SP 7-06 Building Alterations

Address: 380 South County Road
Applicant: Rhino Real Estate, Inc.
Architect: Smith and Moore Architects
Project Description: Alterations to an existing two-story bank/office. Reconfiguration of the roof structure, window and door replacement and reconfiguration, addition of a limestone base, pilasters, cornice and window sills and surrounds. Change of second floor use from professional office to bank office.

Ms. Diver, Mr. Feldkamp, Mr. Wheelock and Mr. Zukov said they met with the architect and reviewed the plans.

Architect Harold Smith, representing Commerce Bank, presented the project. He explained that there are several variances requested for this project, including a special exception to continue the use of a commercial establishment with a gross area of greater than 2,000 s.f. A special exception to continue the bank use and the use of the two-stories. There is an existing condition of a front yard setback which they intend to keep. A variance will be required to eliminate the required loading zone parking because the bank does not need it. They need a variance for landscape/open space, front yard landscaping and a variance for demolition/renovation because they are more than 50% cubic footage. The entire roof structure will be removed and replaced, resulting in a reduction of height and the appearance of mass. The variance for a sign logo will no longer be needed as they reduced the size to conform to the code.

The Commissioner's comments were as follows:

The arched window and the upper element above the entry should be restudied.

Use either stucco or stone for the building materials, not a mixture of both.

Remove the pilasters that protrude into the sidewalk because that space is already too narrow.

Use flat clay rather than barrel clay roofing material to reduce the appearance of mass.

Since the building will be demolished more than 50%, move the front wall in to meet the code.

The style of architecture should be reconsidered for Peruvian Avenue.

MOTION BY MR. SMITH TO RECOMMEND TO THE TOWN COUNCIL THAT THE IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE ANY NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.

MOTION SECONDED BY MR. ZUKOV.

MR. FELDKAMP OPPOSED.

MOTION CARRIED 6-1.

MOTION BY MR. ZUKOV TO DEFER THE PROJECT TO THE JUNE MEETING.

MOTION SECONDED BY MR. STRAWBRIDGE.

MOTION CARRIED UNANIMOUSLY.

The architect was asked to present the landscaping plan next month.

B. DEFERRALS AND CONTINUATIONS - MAJOR PROJECTS

B15-06 New Building

Address: 215 Brazilian Avenue
Applicant: Adit Asrani
Architect: Rafael Cruz-Munoz
Project Description: Please refer to plans approved on April 13, 2004, permitting demolition of an existing building and rebuilding within an approved footprint.

This project was deferred from the February meeting at the architect's request and deferred from the March meeting as no one was present. The project was deferred from the April meeting at the architect's requests.

No one was present to represent the project.

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

MOTION SECONDED BY MR. FELDKAMP.

MOTION CARRIED UNANIMOUSLY.

B27-06 New Residence

Address: 158 Dunbar Road
Applicant: Jay Johnston
Architect: Lee Kvarnberg
Project Description: Demolish an existing two-story house and replace it with a new two-story house.

Demolition was approved at the April meeting and the new construction was deferred for restudy.

No one was present to represent the project.

MOTION BY MR. SMITH TO DEFER THE PROJECT TO THE JUNE MEETING.

MOTION SECONDED BY MR. YOUCHAK.

MOTION CARRIED UNANIMOUSLY.

B28-06 New Storefront

Address: 239 Worth Avenue
Applicant: Bottega Veneta
Architect: Brower Architectural Associates
Project Description: Minor material and color changes to facade including sign color from brown to brass, window and door frames from brown to black, and addition of ceramic tiles over the existing stucco below the storefront windows.

No one was present to represent the project at the April meeting.

No one was present to represent the project.

**MOTION BY MR. ZUKOV TO DEFER THE PROJECT TO THE JUNE MEETING.
MOTION SECONDED BY MR. SMITH.
MOTION CARRIED UNANIMOUSLY.**

C. NEW BUSINESS - MAJOR PROJECTS

B31-06 Addition

Address: 246 Monterey Road
Applicant: Dr. and Mrs. Gerald Lemole
Architect: Smith and Moore Architects
Project Description: Two-story addition to an existing two-story residence

Ms. Diver, Mr. Wheelock and Mr. Zukov said they met with the architect.

Architect Harold Smith said the proposal will add a third bedroom to the second floor and a media room on the first floor. All of the windows will be replaced with wood impact resistant double-hung windows. French doors on the first and second floors will replace the glass panels on the east elevation.

**MOTION BY MR. SMITH TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. STRAWBRIDGE.**

ROLL CALL:

MR. SMITH	YES
MR. STRAWBRIDGE	YES
MR. ZUKOV	NO
MR. FELDKAMP	YES
MS. DIVER	YES

MR. YOUCHAK **NO**
MR. WHELOCK **YES**
MOTION CARRIED 5-2.

B32-06 Addition & Covered Porch

Address: 1574 South Ocean Blvd.
Applicant: Martin D. Gruss
Architect: Bridges, Marsh & Associates
Project Description: One-story addition to the master bedroom and a covered porch. Materials to match existing.

There were no ex parte communications disclosed regarding this project.

Architect Guillermo Vasquez of Bridges and Marsh presented the master bedroom and closet addition project. He said they would like to remove the retractable awning, which has had problems, and replace it with a covered porch.

MOTION BY MR. SMITH TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. FELDKAMP.

SUBSTITUTE MOTION BY MS. DIVER TO APPROVE THE PROJECT WITH THE PROVISION TO CORRECT THE NUMBER OF COLUMNS TO THREE UNDER THE LOGGIA.
MOTION SECONDED BY MR. FELDKAMP.
MOTION CARRIED UNANIMOUSLY.

B33-06 Demolition

Address: 1902 South Ocean Blvd.
Applicant: Laurie S. Silvers
Project Description: Demolition of existing residence.

Mr. Zukov said he met with the architect and discussed the plans.

Architect Robert Sebert asked to extend the original demolition approval for nine months.

MOTION BY MR. SMITH TO EXTEND DEMOLITION APPROVAL FOR NINE MONTHS WITH THE PROVISION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

B34-06 Demolition

Address: 200 Via Pelicano
Applicant: Via Pelicano Trust
Contractor: Thomas B. Cushing Demolition
Project Description: Demolition of existing one-story single family residence.

There were no ex parte communications disclosed regarding this project.

Attorney Maura Ziska presented photographs of the existing house that was designed by Architect Charles Pawley. She stated that the trees will remain on the site unless they get in the way of the demolition. Ms. Ziska agreed to keep the ficus tree at the end of the cul-de-sac.

**MOTION BY MR. SMITH TO APPROVE THE DEMOLITION WITH THE
PROVISION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

B35-06 Demolition

Address: 770 South County Road
Applicant: 770 South County, LLC, William Meyer, Manager
Contractor: Thomas B. Cushing Demolition
Project Description: Demolition of existing single family residence, accessory structures, hardscape and interior landscaping.

Mr. Wheelock said he visited the site.

Mr. Frank read a letter of objection into the record from Mr. and Mrs. Ridgely, 760 South County Road. They were concerned with the demolition of this historic Clarence Mack home built in 1949.

Attorney Maura Ziska read the demolition report which stated the residence was built in 1954 by Clarence Mack who was also the architect and owner. The architectural style is Regency and it has no redeeming architectural features to justify preserving the residence.

Mr. Frank explained, that since there are no future development plans for the property, they may defer the project.

After much discussion whether the house was worthy of landmarking, it was determined that this house has not been placed on any landmark list.

**MOTION BY MS. DIVER TO APPROVE DEMOLITION
MOTION SECONDED BY MR. ZUKOV.**

**SUBSTITUTE MOTION BY MR. FELDKAMP TO APPROVE DEMOLITION WITH
THE PROVISION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS
AND WITH THE PROVISION TO SUBMIT PHOTOGRAPHS OF THE INTERIOR
AND EXTERIOR OF THE HOME TO THE PRESERVATION FOUNDATION OF
PALM BEACH AND TO THE TOWN FOR THEIR RECORDS.**

MOTION SECONDED BY MR. STRAWBRIDGE.

MOTION CARRIED UNANIMOUSLY.

B36-06 Demolition & New Residence

Address: 1558 North Ocean Way
Applicant: James S. and Helen E. Cunningham
Architect: Jim Stergas
Project Description: Demolition of existing residence and proposed new construction of a residence.

There were no ex parte communications disclosed

Architect Jim Stergas reported the history of the property. He noted that the house was built in 1951 by Henry Harding and that it is in general disrepair. The existing one-story house is about 4,300 s.f. and the proposed new house will be a total of 6,715 s.f.

Landscape Architect Emily O'Mahoney stated that the 12' ficus hedge and all of the perimeter landscaping will remain on the property.

Ms. Close reminded the applicant that the lot is in the RB zoning district, if they demolish the house and build the new house, they cannot subdivide the property in the future.

**MOTION BY MR. FELDKAMP TO APPROVE THE DEMOLITION OF THE HOUSE
WITH THE PROVISION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15
DAYS AND WITH THE PROVISION TO SUBMIT PHOTOGRAPHS OF THE
INTERIOR AND EXTERIOR OF THE HOME TO THE PRESERVATION
FOUNDATION OF PALM BEACH AND TO THE TOWN FOR THEIR RECORDS.**

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

Mr. Stergas proposed a two-story Bermuda style home with white textured stucco, light blue shutters and grey cement roofing material.

Ms. O'Mahoney stated that the driveway will be a pea stone/chattahoochee. All of the hard surfaces will be shell stone or they will use precast stone to look like coquina. Because the Cunninham's live on the property, they have developed the landscape the way they like it. She noted that the existing hedge will be relocated out of the driveway site lines.

The Commission's comments were that the garage is very prominent at the proposed location and it could be on the side off of Arabian Road. And, the tower, the fenestration on the tower, and the bay windows that sit on the roof, should be restudied.

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

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

The meeting was reconvened at 2:00 p.m. after a lunch break.

Mr. Bennett was not in attendance for the remainder of the meeting.

B37-06 Additions

Address: 120 Via Del Lago

Applicant: Harold B. Smith

Architect: Smith Architectural Group

Project Description: Garage addition with staff quarters above and a new one-story building for a library. New impact rated windows and french doors. New tile roof - all to match existing.

Mr. Smith declared a conflict of interest and left the dias during the presentation.

There were no ex parte communications regarding this project.

Designer Don Kino proposed changing the existing two bay garage into a four bay garage with staff bedrooms above. In addition, he proposed a new library to be built at the rear of the house.

MOTION BY MS. DIVER TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MR. YOUCHAK.

MOTION CARRIED UNANIMOUSLY.

B38-06 Addition

Address: 977 South Ocean Blvd.
Applicant: L. Frank Chopin, Trustee
Architect: Smith Architectural Group
Project Description: 190 square foot addition under the existing roof eave; remove existing vinyl siding and replace with stucco.

Mr. Smith declared a conflict of interest and left the dias during the presentation.

Mr. Chopin commented that he was available to answer questions.

Designer Don Kino stated that the beach house has vinyl siding on it which will be replaced with stucco.

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

B39-06New Residence

Address: 202 Plantation Road
Applicant: Peter Plotkin
Architect: Joseph Pozzuoli
Project Description: New construction of a two-story Mediterranean style home.

Court Reporter Lisa Higbee was present to record the proceedings of this project.

Mr. Boykin had ex parte communication with a representative of the project on the telephone. Mr. Wheelock said he met with the developer's architect several months ago and reviewed a Mediterranean style home for this site. At that time he advised the owner not to bring this particular project to ARCOM.

Ms. Close recalled, at the meeting in which the project was denied, the applicant was informed that a totally different design would be able to come back to ARCOM within one-year. Otherwise, they would have to wait a full year to present the same project. She met with the applicant and reviewed a set of plans that she thought were different enough to come back to the Commission as a new project.

Mr. Frank read a letter from Jorge Sanchez objecting to the project in which he remarked, "the massing and architectural style is contrary to the spirit of everything else in the area."

Attorney D. Kent Safriet of Hopping, Green and Sam's, representing Peter Plotkin, addressed the Commission. He stated that the proposal does not require any zoning variances. He introduced Project Architect Joe Pozzuoli, Civil Engineer Chad Gruber, Landscape Architect Rhet Roy and Consulting Architect Jim Anstis.

Architect Joseph Pozzuoli presented a two-story Mediterranean style home with one-story wings on each side. He proposed using Mexican keystones at the water table, the balustrade railings and at the belt line. Also, coral rendered stucco, in a white wash, will be applied to the building facade. He stated that the project has been revised to be considerate to the neighbors by stepping down to one-stories on each side, and minimizing the size of the two-story portion of the building.

Attorney Safriet entered testimony from Civil Engineer Chad Gruber and Consulting Architect James Anstis.

Landscape Architect Rhet Roy proposed a semi circular driveway and fencing with columns and gates. The fence will be incorporated with a ficus hedge around the perimeter of the property. A covered recreation area will be located in the rear of the property near the swimming pool. All of the trees will be proportioned and scaled to give a sense of layering. He asked for consideration to keep the existing ficus hedge at the front of the property which does not comply with all of the site triangles.

Mr. Zukov mentioned that Plantation Road has mostly one-story homes on the street. On the other hand, he pointed out, two-story homes are being built in this area so he did not object to this project. He suggested removing some of the applied detailing and to simplify the first floor openings.

Responding to several questions, Mr. Pozzuoli stated the project that had been denied, did not have exactly the same floor plan, but it is very similar. They addressed the reduction of massing by lowering the overall height 2'9" and changed the roof pitch from 6/12 to 4/12. After being questioned why the cubic area remained the same, he explained that it was the roof attic space that was dropped 2'9".

After the architect's statements, Mr. Feldkamp questioned whether the earlier project, which had been denied, was being brought back to ARCOM in less than 12 months. He felt the Commission was "misused." Mr. Feldkamp pointed out that the neighborhood consists of homes with white flat concrete tile roofs.

Mr. Strawbridge stated that he thought that there was another solution to the street front loading garage. He remarked that, even though this project was very well done for other section of this state, it maybe a bit different from what is existing in Palm Beach and certainly significantly different from the homes on Plantation Road.

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Mr. Feldkamp suggested redesigning the second floor to bring in the 15' extensions on each side of the main roof and enclose the same square footage, thereby, making the two end wings read as single stories.

Ms. Diver remarked that she did not mind the architecture, but thought it was a bit elaborate in details, landscaping, gates and walls. Not consistent with what is typical of Palm Beach.

Mr. Smith thought the presentation was very nice. Nevertheless, the street names, "Plantation" and "Southland" do not evoke the Mediterranean style of architecture. That is why the street does not have one Mediterranean style house on it. He had no objection to a two-story house as long as it is compatible with the neighborhood. However, this project is architecturally incompatible.

Mr. Boykin had no objection to a two-story house in the area.

Mr. Wheelock found the project too dissimilar with the neighborhood with its over abundance of detail and massing. He thought this project was the same plan that was reviewed the last time.

The following people from the audience had comments, all of whom objected to this project:

Lindley Hoffman, 211 Bermuda Lane
Richard Reventlow, 201 Bermuda Lane
Chris Lehman, 201 Plantation Road
Judy Wells Hoffman, 211 Bermuda Lane
Ann De Braganca, 596 North County Road

Mr. Frank reported the Public Work's comments which stated that no obstructions are allowed in the 8' x 15' driveway site triangle. Specifically, the ficus hedge shown on the landscape plan encroaches in this zone.

Attorney Safriet stated the house is different from the past because the balconies were eliminated, the roof pitch has been changed, the colors were softened, the chimneys lowered and the fenestration has been modified. He noted that there is a 15,000 s. f. Mediterranean style home with a red roof on North County Road. He argued the definition of "neighborhood" and stated that it is not in a 200' or 400' radius, but the comparison has to be reasonable based on the circumstances.

Mr. Wheelock debated the attorney's definition of "neighborhood" and stated that the massing is too high and the detailing too ornate making this particular proposal too dissimilar for the neighborhood.

MOTION BY MR. STRAWBRIDGE TO DENY THE PROJECT BASED ON THE CRITERIA SET FORTH IN ARTICLE III. ARCHITECTURAL REVIEW AND PROCEDURE, SECTION 18-205 CRITERIA (6) THE PROPOSED BUILDING OR STRUCTURE IS EXCESSIVELY DISSIMILAR IN RELATION TO ANY 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. C. ARCHITECTURAL COMPATIBILITY.

MOTION SECONDED BY MR. SMITH.

MOTION CARRIED UNANIMOUSLY.

B40-06 Site Work

Address: 267 Merrain Road
Applicant: Richard Connaughton
Landscape Designer: Mario Nievera
Project Description: Proposed hardscape and planting designs.

Mr. Wheelock said he visited the site.

Landscape Designer Mario Nievera stated that the landscape/hardscape plan did not change much from the preliminary plan that was presented with the new residence proposal. Very large seagrape trees will line the street and bamboo with alexander palms will screen the sides of the property.

MOTION BY MR. ZUKOV TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

IX COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)

None.

X DEFERRALS AND CONTINUATIONS MINOR PROJECTS

A3-06 Awning

Address: 165 Bradley Place
Applicant: J.G. Fitness LLC
Contractor: J. Di Marzo Construction
Project Description: Change color of existing awnings.

This project was deferred from the March and April meetings as no one was present to represent the project.

No one was present to represent the project.

**MOTION BY MR. SMITH TO REMOVE THE PROJECT FROM THE AGENDA.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

A. NEW BUSINESS - MINOR PROJECTS

None.

**XI COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF
PLANNING ZONING AND BUILDING DEPARTMENT**

None.

XII ADJOURNMENT

**MOTION BY MR. SMITH TO ADJOURN THE MEETING AT 3:28 P.M.
MOTION SECONDED BY MS. DIVER .
MOTION CARRIED UNANIMOUSLY.**

The next Architectural Commission meeting will be held on June 28, 2006 at 9:00 a.m.

Respectfully submitted,



Morgan Dix Wheelock, ~~Chair~~ *Chair*

These Minutes were transcribed by Gretchen Dayton

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:	B39-06New Residence
Address:	202 Plantation Road
Applicant:	Peter Plotkin
Architect:	Joseph Pozzuoli
Project Description:	New construction of a two-story Mediterranean style home.

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

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

- ___ (5) The proposed building or structure is excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:
- I. Apparently visibly identical front or side elevations;
 - II. 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
 - III. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.
- X (6) **The proposed building or structure is excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:**
- a. Height of building or height of roof.
 - b. Other significant design features including, but not limited to, materials or quality of architectural design.
 - c. Architectural compatibility.**
 - d. Arrangement of the components of the structure.
 - e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
 - f. Diversity of design that is complimentary with size and massing of adjacent properties.
 - g. Design features that will avoid the appearance of mass through improper proportions.
 - h. Design elements that protect the privacy of neighboring

property.

- ___ (7) The proposed building or structure is not appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).
- ___ (8) The proposed development is not in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
- ___ (9) The project's location and design does not adequately protect unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

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

CERTIFICATION:

The above denial was issued by the Architectural Review Commission at their meeting on _____

TOWN OF PALM BEACH



Chairman, Architectural Commission

M. Strawbridge

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

LAST NAME - FIRST NAME - MIDDLE NAME STRAWBRIDGE WILLIAM J. JR		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ALCOM	
MAILING ADDRESS 434 CHILCAMP AVE. P.B.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY P.B.	COUNTY P.B.	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 5/24/06		NAME OF POLITICAL SUBDIVISION PALM BEACH, FL	
		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.

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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:

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- The form must be read publicly at the next meeting after the form is filed.

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, W. STRAWBRIDGE, hereby disclose that on 5/24/06, 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 _____, 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:

I DO REAL ESTATE BROKERAGE FOR THE CLIENT.

Date Filed

5/24/06

Signature

[Signature]

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Mr. Strawbridge

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NAME - FIRST NAME - MIDDLE NAME STRAWBRIDGE WILLIAM J. JR		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ALCOM	
MAILING ADDRESS 434 CHILCUM AVE. P.B.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY P.B.	COUNTY P.B.	NAME OF POLITICAL SUBDIVISION FALM BEACH, FL	
DATE ON WHICH VOTE OCCURRED 5/24/06		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

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I DO REAL ESTATE BROKERAGE FOR THE CLIENT.

Date Filed

5/24/06

Signature

[Signature]

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

NAME—FIRST NAME—MIDDLE NAME SMITH, JEFFERY W.		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 P.B.	COUNTY P.B.	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION: TOWN OF P.B.	
DATE ON WHICH VOTE OCCURRED 5.24.06		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

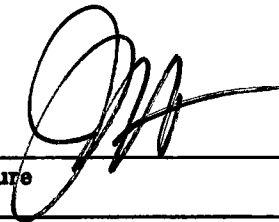
I, JEFFERY W. SMITH, hereby disclose that on MAY 24, 2006.

(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 L. FRANK CHOPIN B 38-06, by
whom I am retained; or 977 S. OCEAN BLVD
- ☐ 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:

MAY 24, 2006
Date Filed


Signature

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

LAST NAME—FIRST NAME—MIDDLE NAME MITH, JEFFERY W		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 P.B.	COUNTY P.B.	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 5-24-06		NAME OF POLITICAL SUBDIVISION TOWN OF PALM BEACH
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE

WHO MUST FILE FORM 8B

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

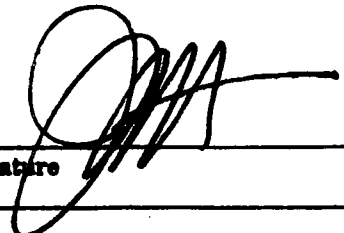
I, JEFFERY W. SMITH, hereby disclose that on MAY 24, 2006.

(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 HAROLD B. Smith B37-06, by 120 ULA DOZ LABO, 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:

MAY 24, 2006
Date Filed


Signature

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

NAME—FIRST NAME—MIDDLE NAME <i>Smith, JEFFERY W</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>ARCOM</i>	
MAILING ADDRESS <i>241 Sanford Ave</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>P.B.</i>	COUNTY <i>P.B.</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION: <i>TOWN OF PALM BEACH</i>	
DATE ON WHICH VOTE OCCURRED <i>5.24.06</i>		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies 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

A 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 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.

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

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

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

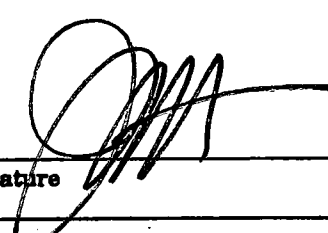
I, JEFFERY W. SMITH, hereby disclose that on MAY 24, ~~19~~ 2006:

(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 HAROLD B. SMITH B37-06, by
whom I am retained; or 120 ULA DBL LAG 0
- ☐ 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:

MAY 24, 2006
Date Filed


Signature

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

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

LAST NAME—FIRST NAME—MIDDLE NAME SMITH, JEFFERY W.		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 P.B.	COUNTY P.B.	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION: TOWN OF P.B.	
DATE ON WHICH VOTE OCCURRED 5.24.06		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.

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.

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

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JEFFREY W. SMITH, hereby disclose that on MAY 24, 2006.

(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 L. FRANK CHOPIN B 38-06, by 977 S. OCEAN BLVD, 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:

MAY 24, 2006
Date Filed

[Signature]
Signature

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