

SNIFFEN & SPELLMAN, P.A.

Sender's Direct Line: (561) 721-4002
Sender's Email: jeubanks@sniffenlaw.com

December 14, 2021

Via E-mail

Architectural Commission
c/o Michael Small, Chair
Town Council of the Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

**Re: Objection to Application No. ARC 21-096 ("Application")
Northern Buffer Landscape Improvements
3450 South Ocean Boulevard - The Patrician of Palm Beach ("Applicant")**

Dear Mr. Small:

Our office represents The Halcyon of Palm Beach Condominium Association, Inc. ("Halcyon"). In that capacity we are in receipt of the most recent set of plans dated November 1, 2021, for a series of modifications to the Patrician's upper pool deck, including the addition of restrooms, a new pavilion/shade structure, and landscaping.

The Halcyon strongly objects to the proposed Landscape Plan for the North Buffer Improvements, as set forth in Sheet L1.1. *See*, Exhibit "A." The proposal to cut back existing Australian Pines "south of the North Property Line", would result in the undercutting of the root system of the Australian Pines (which are shallow but broad) belonging to the Halcyon. The result would be to destabilize and/or potentially kill the trees, which cannot not be replaced. Doing so would essentially allow the Patrician to destroy trees which are protected by a prior exemption determination by ARCOM and upheld upon appeal by the Town Council over ten (10) years ago.

Upon the enactment of a removal of invasive species provision in the Town Code, the Town allowed property owners to request an exemption for Australian Pines to be maintained as a hedge. The Halcyon applied for such an exemption to maintain a hedge as a privacy buffer. At the time it was represented by Environmental Design Group, the same landscape architect presently representing the Applicant. At its July 27, 2011 meeting, ARCOM voted 7-0 to approve the project and the "Australian Pine Inventory Plan" submitted by Environmental Design Group on July 20, 2011.

The Patrician objected to the continued existence of the trees and appealed the ARCOM decision to the Town Council. As reflected in that letter dated September 16, 2011 (*see*, Exhibit "B"), the Town Council upheld ARCOM's decision and denied the Patrician's appeal. The Australian Pines have continued to act as a privacy buffer between the two condominiums since that time.

The Halcyon is very concerned that the latest landscape design for the Patrician (whether intentionally or unintentionally) could lead to the destruction of its protected Australian Pines. According to the Proposed North Buffer design the Applicant wants to squeeze in both a Clusia hedge as well as 18 proposed Sabal Palms along its north border but behind the North Property Line as shown in the expanded view of Sheet L1.1. *See* Exhibit "C" This raises several issues.

REPLY TO:

605 NORTH OLIVE AVENUE, 2ND FLOOR
WEST PALM BEACH, FL • 33401
PHONE: 561.721.4000
FAX: 561.721.4001

WWW.SNIFFENLAW.COM

123 NORTH MONROE STREET
TALLAHASSEE, FL • 32301
PHONE: 850.205.1996
FAX: 850.205.3004

The area in which the proposed planting is to take place is only 2.3 feet wide at the west and 2.74 feet at the widest point to the east as reflected in the expanded portion of the survey attached as Exhibit "D." There simply is no room to install a Clusia hedge or Sabal Palms in such a small space, much less both.¹

More importantly, to install any landscape, the Applicant would need to cut, excavate, and remove any roots of the protected Australian Pines to allow anything to grow in the area. Doing so, however, may very well destabilize the root system of the Australian Pines causing them to fall over (most likely towards the parking spaces) in a storm or result in killing the entire tree which could not be replaced.

Additionally, planting trees in the area will necessarily result in a competition between the new trees and the Australian Pines. Planting Sable Palms less than 3 feet from the property line would also automatically result in the intrusion of their canopy onto the Halcyon's property. To the extent the Patrician wants to plant anything on its side of the Property line, the canopy of the same should remain on its property. Finally, the planting of tall Sabal Palms would seem redundant in light of the existing Australian Pines.

As a result, the Halcyon respectfully requests that the North Buffer Improvements be either removed from the Application or denied.

Very truly yours,

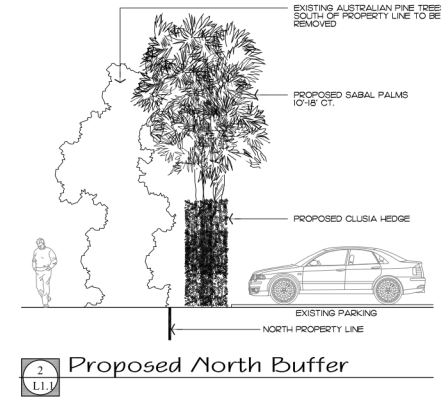
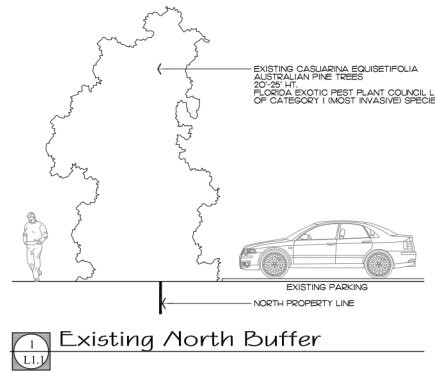
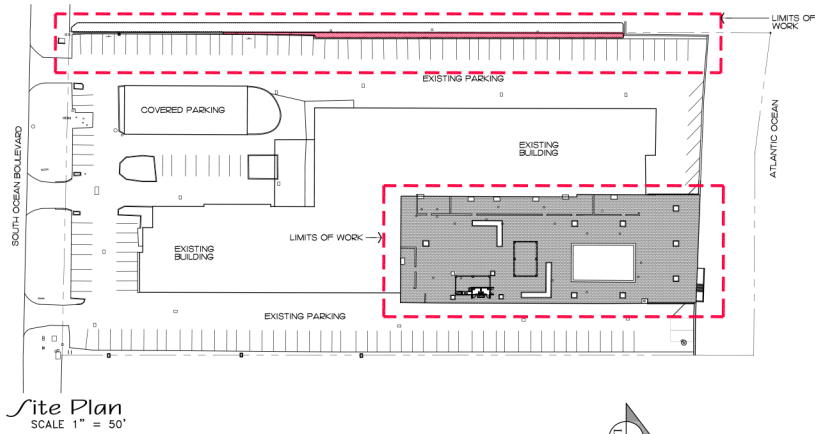
/s/ John R. Eubanks, Jr.

John R. Eubanks, Jr.

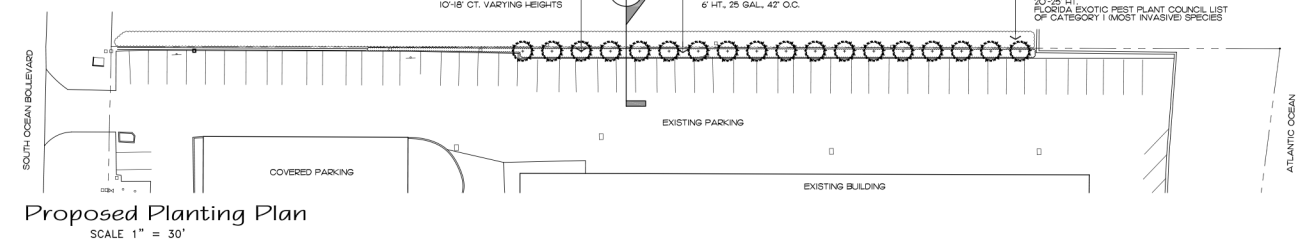
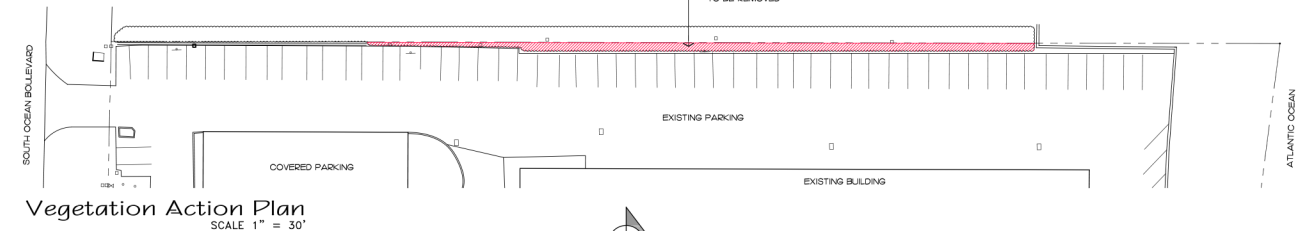
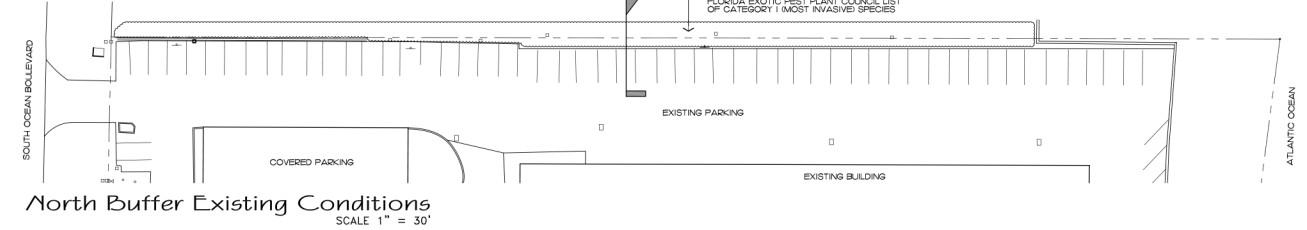
cc: Client
ARCOM Committee Members
Wayne Bergman, Director of Planning, Zoning & Building
Kelly Churney, Administrative Specialist
Town Clerk, Town of Palm Beach

¹ In one proposed North Buffer revision to the landscaping which was provided to the Halcyon (*see*, Exhibit "E") the Applicant proposed adding 4-foot light bollards in the same small 2-foot space, while also proposing planting palm trees on the Halcyon's property. The Halcyon strongly objects to the placement of any lighting whatsoever along the northern border of the Patrician. The undersigned has spoken to Dustin Mizell of Environmental Design Group on December 13, 2021, who confirmed that such light bollards and plantings are not contained in, and will not be reviewed by ARCOM, under its Application.

EXHIBIT A



NOTE:
IF COOPERATION FROM NEIGHBORS TO THE NORTH HALCYLON, ALL EXISTING AUSTRALIAN PINE TREES ALONG ENTIRE NORTH PROPERTY LINE WILL BE REMOVED AND REPLACED WITH CLUSIA GUTTIFERA



2021
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2021
48 HOURS BEFORE DIGGING
AND 12 HOURS
1-800-432-4770
SCHEDULE 3000 (ONE DAY)
OF 300000.00

Landscape Plan - North Buffer Improvements

SCALE IN FEET 0' 30' 60' 90'

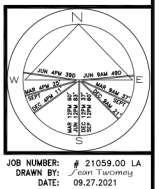


Existing Conditions

ARC-21-096

ENVIRONMENTAL DESIGN GROUP
130 North County Road 580-8 Palm Beach, FL 33408
Phone: 561-852-8000 Mobile: 561-353-4465
Landscape Architecture
Land Planning
Landscape Management
Dustin M. Mott, M.S. RLA #1666784
dustin@environmentaldesigngroup.com

The Patrician of Palm Beach
3450 South Ocean Boulevard
Palm Beach



SHEET L1.1

900 S.F.
AREA IN SQ.FT.

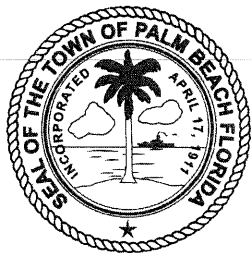


EXHIBIT B

TOWN OF PALM BEACH

Planning, Zoning & Building Department

SEP 21 2011

September 16, 2011

Halcyon of Palm Beach
c/o Scott Rutan, General Manager
3440 South Ocean Boulevard
Palm Beach, FL 33480

Subject: ARCOM Approval A-015-2011 – 3440 South Ocean Boulevard

Dear Sirs:

The Architectural Commission (ARCOM), at its July 27, 2011 meeting, voted 7-0 to approve project A-015-2011 – Australian Pine Removal Exemption. The approved “Australian Pine Inventory Plan” prepared by Environmental Design Group, with a PZB Department received date of July 20, 2011, is on file at the Planning, Zoning & Building Department, 360 South County Road, Palm Beach, FL, 33480.

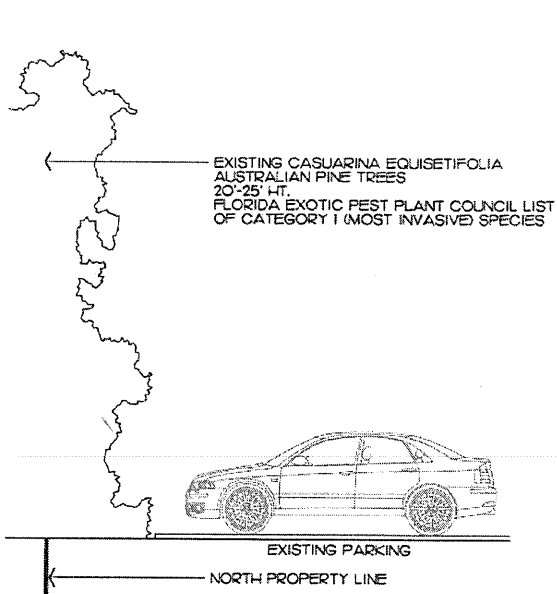
Please note that on September 13, 2011 the Town Council upheld ARCOM’s decision in this matter, and denied the appeal of the exemption filed by The Patrician of Palm Beach Condominium Apartments, Inc. However, the Town Council did state for the record that the two condominiums should cooperate and work together regarding the regular maintenance of the Australian Pines.

Sincerely,

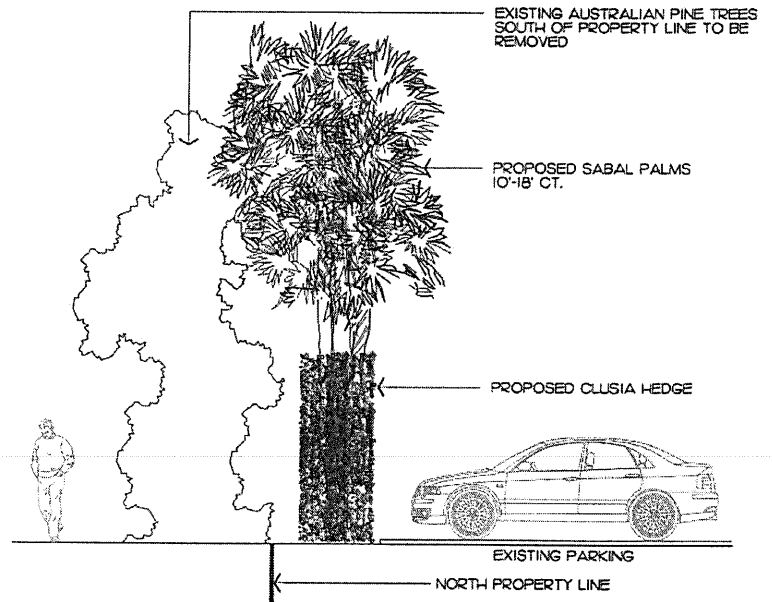
John Lindgren, AICP
Planning Administrator

cc: Jack Cohen, President for the Board of Directors of The Patrician of Palm Beach
Condominium Apartments, Inc.
John S. Page, Director, Planning, Zoning & Building
Jeff Taylor, Building Official
Bill Bucklew, Plans Examiner
Paul Castro, Zoning Administrator
Palm Beach County School District
Property File

EXHIBIT C

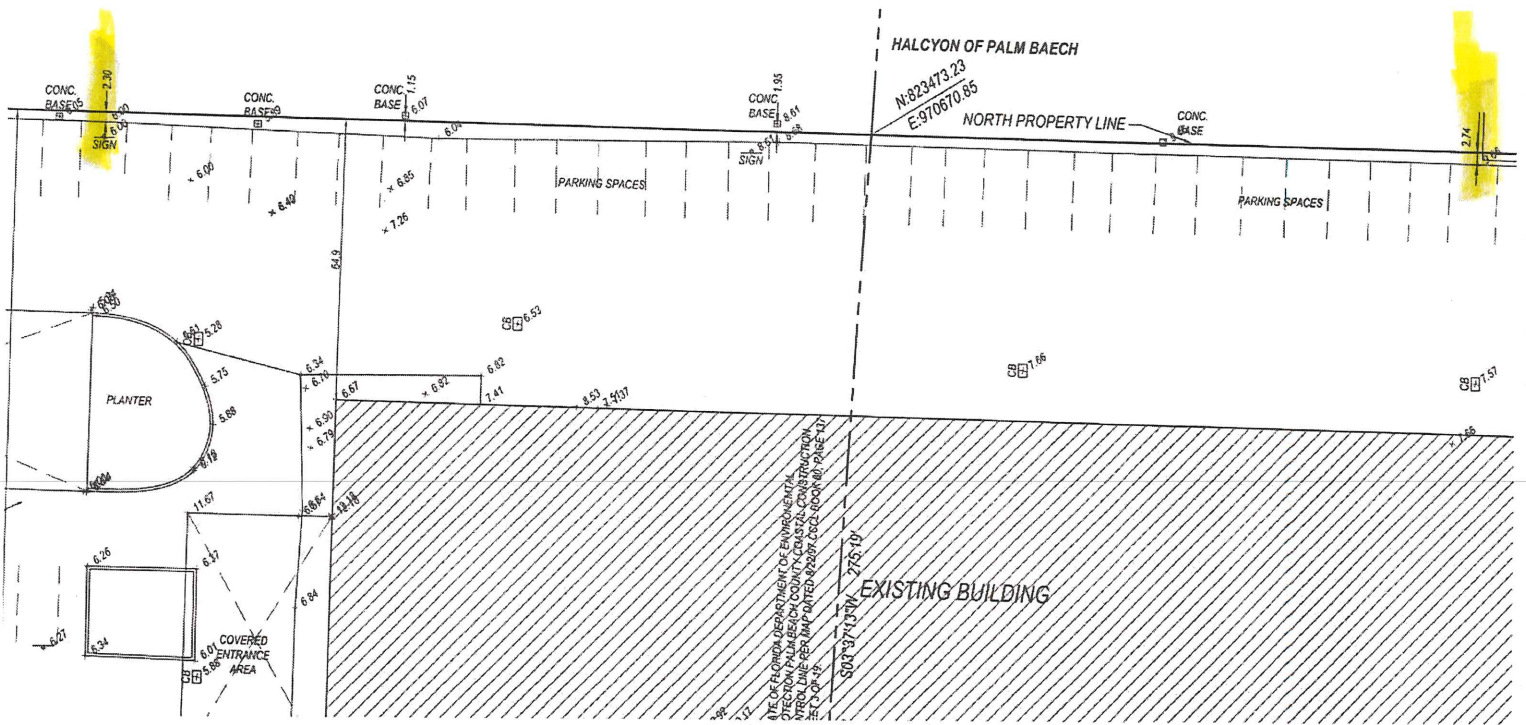


ig North Buffer



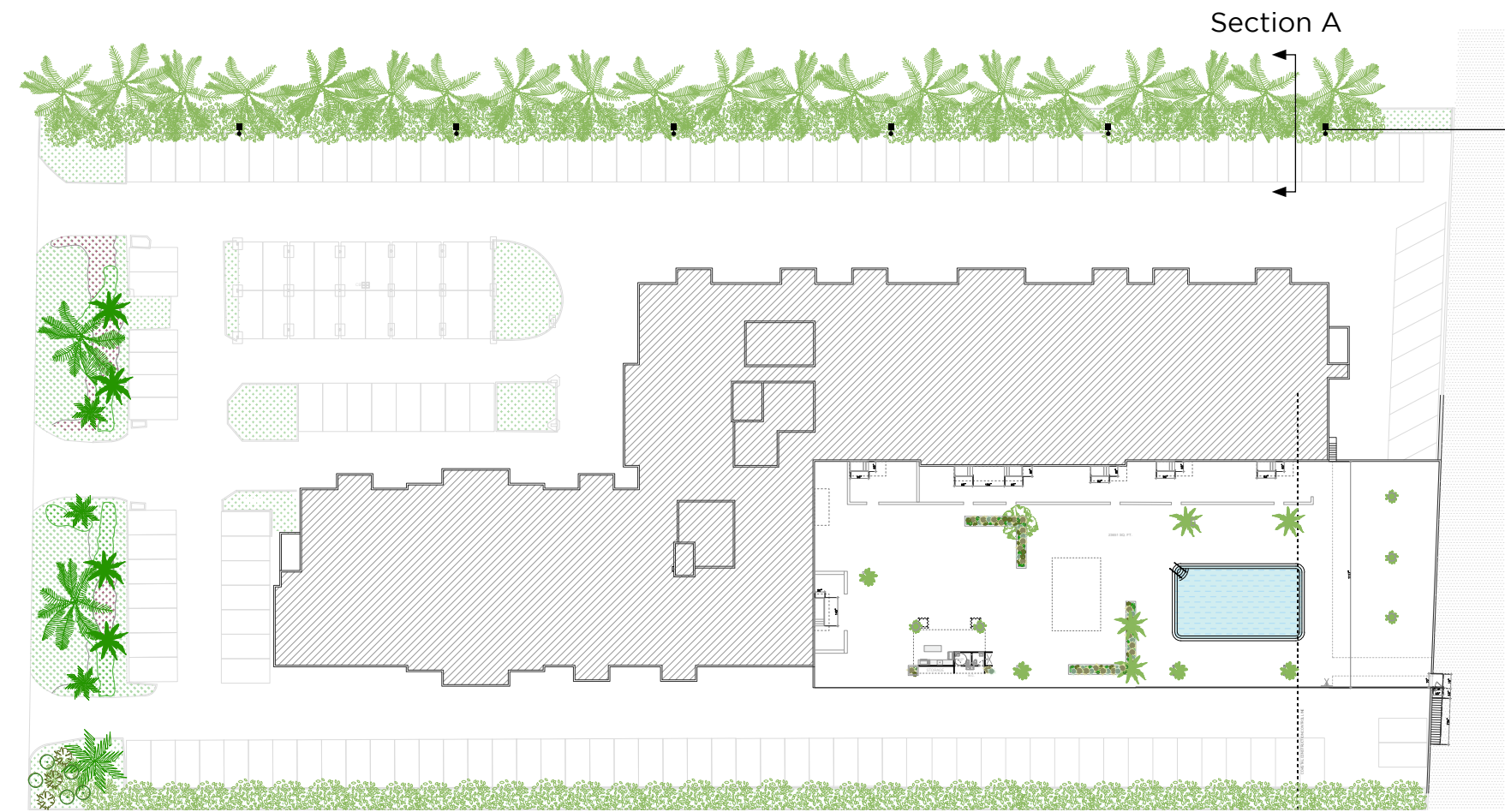
2 Proposed North Buffer
L.I.I.

EXHIBIT D



Proposed Solution

EXHIBIT E



Coconut Palms



Clusia Rosea



Or

Podocarpus

