

# TOWN OF PALM BEACH

Information for Town Council Meeting on: March 9, 2022

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: ARCOM Review of Outdoor Seating

Date: February 22, 2022

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## **GENERAL INFORMATION**

To assist with your Discussion regarding Arcom's review of proposed outdoor furniture for seating at restaurants, we provide the following:

1. Link to the January 26, 2022 Arcom Day One Zoom meeting, with transcription:

Meeting Recording:

[https://us06web.zoom.us/rec/share/HmqjMnGzGE4TW-Vx2zzVBV0Rf7WV9UYaXegBnrsIkASahHIg6sQ\\_IJB0sreNsB17.zCIZ4TbIdHE30iF5](https://us06web.zoom.us/rec/share/HmqjMnGzGE4TW-Vx2zzVBV0Rf7WV9UYaXegBnrsIkASahHIg6sQ_IJB0sreNsB17.zCIZ4TbIdHE30iF5)

Timeline:      The Audio for Cojimar begins at 1:30:58  
                     Paul Castro speaks beginning at 1:45:45  
                     Skip Randolph speaks beginning at 1:47:55  
                     Wayne Bergman speaks beginning at 1:51:15

The three speakers referenced above all provided their thoughts to the Commission regarding the responsibility that the Town Council provided to Arcom in their review of outdoor seating. Arcom was responsible for the review of the outdoor furniture "aesthetic", to ensure that the furniture chosen by the restaurant was appropriate in style and appearance.

2. Minute excerpts from the January 26, 2022 Arcom Meeting, Day One, relative to the Cojimar presentation, discussion and ultimate deferral (attached).



## **TOWN OF PALM BEACH**

### **PLANNING, ZONING AND BUILDING DEPARTMENT**

#### **MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, JANUARY 26, 2022**

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](http://www.townofpalmbeach.com).

#### **I. CALL TO ORDER**

Mr. Small called the meeting to order at 9:00 a.m. All members participated via Zoom Webinar.

#### **II. ROLL CALL**

Michael B. Small, Chairman	PRESENT
John David Corey, Vice Chairman	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Jeffrey Smith, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Richard F. Sammons, Alternate Member	PRESENT (arrived at 9:10 a.m.)

Staff Members present were:

James G. Murphy, Assistant Director of Planning, Zoning and Building  
Sarah Pardue, Historic Preservation Planner  
Jordan Hodges, Planner II  
Kelly Churney, Secretary to the Architectural Review Commission  
John Randolph, Town Attorney

#### **III. PLEDGE OF ALLEGIANCE**

Chairman Small led the Pledge of Allegiance.

#### **IV. RULES OF ORDER AND PROCEDURE**

Mr. Small acknowledged the Town Council's decision to return to the Zoom platform for this month's meeting. Mr. Small continued with procedural information and comments regarding the upcoming meeting.

2. ARC-21-093 (ZON-22-002) 150 WORTH AVE, STE 234 (COMBO) The applicant, Cojimar Palm Beach (Joseph Hernandez and Charles Masson) has filed an application requesting Architectural Commission review and approval for outdoor furniture associated with proposed exterior seating in association with a new second floor restaurant in The Esplanade (Cojimar). The outdoor seating will require a Special Exception Review w/Site Plan Review by the Town Council.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction

of the Town. Ms. Ziska stated that the applicant was a tenant of the property and could not agree to the easement.

Jeffrey Brasseur, Brasseur and Drobot Architects, presented the architectural modifications proposed for the new commercial space.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Mr. Small thought the first floor seating was possible, however he questioned the seating as proposed. He reviewed what type of seating that he believed would be successful. He stated he walked the space and was in this area several times a week.

Paul Castro, Zoning Manager, reviewed the role of the Commission in reviewing the application for the restaurant.

Town Attorney Randolph agreed with Mr. Castro and stated that the Commission should not be reviewing the location of the table and chairs. A discussion ensued on this issue.

Mr. Bergman agreed with Messrs. Randolph and Castro's assessment of the application.

Mr. Floersheimer agreed with Mr. Small and thought the Commission's charge was to protect Palm Beach's ambiance and charm. He thought the issue with the application was the location of the seats. He supported second floor seating but not first floor seating.

Ms. Grace did not believe that the umbrellas and chairs were in keeping with the architecture of the Esplanade or Worth Avenue. She did not believe there was enough room for the umbrellas that were in keeping with the style. She thought the umbrellas proposed were skimpy. She was not in favor of the tables and planters proposed.

Ms. Shiverick thought the furniture was light, airy and easy to move. She was in favor of the dining on both floors, first and second. However, she agreed with Ms. Grace and thought the planters were not in keeping; she recommended a terracotta planter. She agreed with Mr. Small's assessment of the table placement.

Ms. Catlin agreed with Ms. Grace's assessment of the furniture, umbrellas and planters. She thought the proposed did not match the architecture.

Mr. Ives agreed with Mr. Castro and thought the application was fine. He supported the request.

Mr. Corey agreed with Ms. Grace. He thought the furniture, umbrellas and planters did not coordinate with the architecture of the building or street.

Ms. Grace questioned their need for extra seating on the first floor.

Mr. Floersheimer asked to see the furniture in elevation if the application should return to the Commission.

Mr. Castro read the language in the Code specific to the charge of the Architectural Commission when reviewing outdoor seating.

Mr. Small restated that he supported outdoor seating for the first and second floor but thought the location of the seating should be restudied.

Mr. Corey inquired if the applicant would be able to move forward to the Town Council if the project was deferred. Mr. Murphy confirmed the applicant would continue to the Town Council if deferred.

**Motion made by Mr. Corey and seconded by Ms. Grace to defer the project to the February 23, 2022 meeting for restudy of the furniture, umbrellas and planters based on the Commissioners comments that the items were not consistent with the architectural style of the building and street. Motion carried 6-1, with Mr. Ives opposed.**

*Please note: A short break was taken at 11:06 a.m. The meeting resumed at 11:20 a.m.*