**MINUTES**

**ARCHITECTURAL COMMISSION**
**IN THE**
**TOWN COUNCIL CHAMBERS**
**360 SOUTH COUNTY ROAD**

**WEDNESDAY, AUGUST 25, 2010, 9:00 a.m.**

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 of the meeting by contacting Cindy Delp, Secretary to the Architectural Commission at (561) 227-6408. 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: (9:00:20 a.m.)**

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

**II. ROLL CALL: (9:00:25 a.m.)**

The following members were present: Jeffery W. Smith, Chairman, William J. Strawbridge, Jr. Vice Chairman, Leslie C. Diver, Kenn Karakul, Nikita Zukov, and Robert J. Vila; and Alternate Members: Ann L. Vanneck, Martin D. Gruss and Peter I. C. Knowles II. Member Samuel M. Boykin was absent (excused).

Staff members present were John Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Architectural Commission. Town Attorney John Randolph was not present.

**III. PLEDGE OF ALLEGIANCE: (9:00:45 a.m.)**

**IV. APPROVAL OF THE MINUTES FROM THE JULY 28, 2010 MEETING: (9:01:05 a.m.)**

**MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES.**
**MOTION SECONDED BY MR. KARAKUL.**
**MOTION CARRIED UNANIMOUSLY.**

## V. APPROVAL OF THE AGENDA:

Mr. Page reported that B-036-2010, 12 Sloan's Curve, has been withdrawn by the applicant. Secondly, the informal review for the base of the Worth Avenue Christmas tree has been postponed to the September meeting.

**MOTION BY MS. DIVER APPROVING THE AGENDA, AS REVISED.**
**MOTION SECONDED BY MR. KARAKUL.**
**MOTION CARRIED UNANIMOUSLY.**

## VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:02:14 a.m.)

Mrs. Delp administered the oath at this time and periodically throughout the meeting.

## VII. OTHER BUSINESS: (9:02:28 a.m.)

Informal Review: Design of Worth Avenue Holiday Tree Base (Paul Brazil, Director of Public Works)

This matter will be discussed at the September meeting as stated earlier in these minutes.

Informal Review: "Palm Beach Police & Fire Radio Antenna" at 3170 South Ocean Boulevard

Let the record show that since this agenda item was created, the location for the proposed antenna was changed from 3170 South Ocean Boulevard to the Ambassador South at 2774 South Ocean Boulevard.

Major Rick Howe addressed the commission relative to this informal review of the request for an antenna to facilitate Police and Fire communications which will serve to improve coverage in the south part of town. He was accompanied by Hugh Murrill, Vice President of Citation Communication who explained the details of the project. The condominium has approved the installation of the low profile cell site. Mr. Murrill showed a photo of how the antenna will look when placed on the building, and suggested that it be painted either white or blue. The commission saw this as a necessary project, but suggested that the antenna remain natural, i.e., not painted. Ms. Diver disclosed that she is the Administrator for the Palm Beach Police Foundation. This matter will be heard at the September ARCOM meeting for formal review.

## VIII. PROJECT REVIEW(9:10:46 a.m.)

A. MAJOR PROJECTS - OLD BUSINESS

B25/10 Demolition and New Construction of Publix Supermarket (In association with Site Plan Review #4-2010 with Special Exception and Variances
ARCOM TO MAKE RECOMMENDATION REGARDING VARIANCES
Address: 265 Sunset Avenue
Applicant: Publix Supermarkets, Inc. & Sunset Avenue Corp.
Architect: Fisher and Associates, LLC

Project Description: The modified application of Publix Super Markets, Inc. and Sunset Avenue Corp.; relative to property commonly known as 265, 255, 235, 231 Sunset Avenue and 240 Sunrise Avenue; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting Site Plan Review and Special Exception to construct a 53,272 (44,018 gross leasable) square foot one story grocery store on 4.36 acres. The new store will provide 201 off-street parking spaces. There is proposed to be an outdoor ATM and the grocery cart storage will be within the building. All of the proposed mechanical equipment will be contained within portions of the building and will not be seen as equipment on the roof. Part of the proposed design is to have two generators located on the southeast corner of the proposed store that will contain a 100 KW standby generator and a 500 KW main generator. There is proposed to be two loading areas within the loading dock on the east side of the building that will be screened. The proposed store will have a pharmacy, deli, bakery and a larger selection of food items and other products. Since the proposed grocery store is in excess of 2,000 square feet, the applicant is required to obtain Town Council approval of a special exception and a finding that the proposed use is town serving. The following variances are being requested to construct the proposed one story grocery store: (a) to allow a building length of 257'-5" in lieu of the 150 foot maximum allowed; (b) to allow a front yard setback at the northwest corner of the proposed building of 6'7" in lieu of the 10 foot minimum required based on building height; (c) to allow a side yard setback of 3'9" in lieu of the 10 foot minimum required; (d) to allow two loading spaces in lieu of the three spaces required by code; (e) to allow the proposed building to be a total square footage of 53,272 square feet in lieu of the 15,000 square foot maximum allowed; (f) to allow a rear yard setback of 14'2" in lieu of the 15 foot minimum required; (g) to allow an architectural tower to be on the entry façade that is not permitted by Code; (h) to allow the height of the business identification sign to be 22 feet in lieu of the 15 foot maximum allowed; (i) to allow the height of the proposed one story grocery store to be 25' (to be confirmed) feet in lieu of the 15 foot maximum allowed; (j) to allow the overall height of the proposed one story grocery store to be 36'6" (to be confirmed) feet in lieu of the 20 foot maximum allowed; (k) to allow 201 parking spaces in lieu of the 220 required (a deficit of 19 parking spaces); (l) to allow a 4 parking spaces with a depth of 17'6" in lieu of the 18 feet minimum required. [Attorney: Maura A. Ziska]

Please note that the Publix project (prior to modification) was reviewed and deferred from the April meeting, and the following motion was made at that time: MOTION BY MRS. VANNECK FOR DEFERRAL FOR ONE MONTH. MOTION SECONDED BY MR. ZUKOV. MRS. VANNECK CLARIFIED SOME REASONS FOR DEFERRAL: TOO MANY UNANSWERED QUESTIONS; THE SITING OF THE STORE IS A MAJOR PROBLEM; AND MORE PIERCINGS IN THE SHELL WOULD MAKE THE STORE MORE USER FRIENDLY. MR. ZUKOV CALLED FOR RE-DESIGN OF THE BUILDING, AND A DIFFERENT ROOF TREATMENT. HE NOTED THAT THE VARIANCES WOULD PROBABLY ALL BE ACCEPTABLE IF THE COMMISSION LIKED THE BUILDING ARCHITECTURE AND THE SITE PLAN. MR. SMITH CALLED FOR THE RE-STUDY OF THE SITE PLAN, ENCOURAGED THE ACQUISITION OF THE WACHOVIA PROPERTY; RECOMMENDED MORE THAN ONE ENTRANCE INTO THE STORE;

RECOMMENDED THE PURSUIT OF THE "SENSE OF COMMUNITY" WITHIN THE STORE...A PLACE TO HAVE COFFEE WITH FRIENDS; STRESSED THE IMPORTANCE OF LANDSCAPING; AND NOTED THAT IT IS TOO EARLY TO EVEN CONSIDER THE VARIANCES. MRS. VANNECK RE-CLARIFIED THAT IT IS RECOMMENDED THAT THE DESIGN INCLUDE MORE ENTRANCES (BOUTIQUE-LIKE ENTRANCES) INTO SPECIFIC AREAS OF THE STORE TO MAKE IT MORE STREET FRIENDLY; IT IS RECOMMENDED THAT THERE BE WINDOWS ON THE FIRST FLOOR; IT IS RECOMMENDED THAT THERE BE MORE SHADE TREES; AND, IT IS RECOMMENDED THAT THE SITE PLAN BE RE-STUDIED. MR. ZUKOV CALLED FOR MORE WORK ON THE ARCHITECTURE AND THE ROOF; MR. SMITH CALLED FOR RE-STUDY OF THE SITE PLAN, PARKING CIRCULATION AND TRUCK UNLOADING AREA. MOTION CARRIED UNANIMOUSLY. At the May meeting, after hearing the project, there was a motion for deferral to the June meeting and a motion to hold a workshop devoted to the Publix project on June 8th. At the June meeting, the project was deferred to the July meeting to allow the architect time to re-design the project. (The re-designed project heard at the July meeting is as noted above.) At the July meeting, after hearing the re-designed project, there was a motion for deferral of the architecture to the August meeting.

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Attorney Maura Ziska, representing Publix, stated that the variances requested were approved by the Town Council at their last meeting, except for the variance for parking which was adjusted to accommodate ninety degree parking and larger drive aisle widths for truck deliveries. The project will have to return to the Town Council for site plan approval.

Brian Fisher, Fisher Architects, reviewed the revised elevations, describing, at length, how the design has changed since the July meeting. Areas of change include, but are not limited to arches, columns, relocated barrel tile railings, stonework and keystones, tower elements, railings, pre-cast bollards, and landscaping. The roof will be done in a 60/20/20 tri-color clay tile blend. Color finishes for the wall (shade of white) and the windows (shade of green) were shown.

Mr. Smith took exception to the number of bollards shown in front of the store, and suggested that more landscaping be used in front of the building instead. The applicant prefers keeping the area as clean as possible and using bollards since the areas close to the entrance/exit doors are prone to trip and fall incidents. Don Skowron of Morgan Wheelock agreed that the bollards are more suitable to the flow of pedestrians and shopping carts.

Mr. Skowron proceeded to discuss the landscape plan, but was asked to hold off on site landscaping until the site plan review was done by the Town Council. Mr. Page intervened indicating that the Town Council would like ARCOM to review both the building architecture and the landscaping today. As such, Mr. Skowron continued with the presentation. The applicant was asked whether, near the Sunset Avenue driveway entrance and at the west most end of the parking area along the south facade, one of the handicap parking spaces could be relocated to allow for additional greening and a nicer entrance. There are a total of seven (7) handicap spaces on the site, and they are the closest spaces to the store. There was a suggestion to group all of the handicap spaces together, but Mr. Fisher could not support that suggestion for code reasons. After discussion, Mr. Fisher thought it might be possible to relocate the one handicap space to accommodate the commission's request. It was also noted that valet parking is available at this Publix store.

Several of the members stated that they would prefer that the landscape material be natural, rather than clipped and shaped. Others liked the mix of natural and shaped trees as proposed.

Regarding parking lot lighting, there is a mixture of two, three, and four head fixtures. In response to a previous request, the height of the black poles will be maintained at 15 feet, thus meeting Town code. Ms. Ziska added that originally, the applicant had requested fewer poles because they were taller, but the taller poles would have required a variance. Since the commission wanted lower poles, the number of poles had to increase to 40. It was noted that in the evening hours, after the store is closed, not all of the light poles will be illuminated, but there will be some lighting remaining for security reasons. The discussion ensued about the level of lighting which is proposed. Several of the members wanted to know how many foot-candles of light are present now versus the foot-candles proposed. Some members felt it would be acceptable to maintain the existing light level. The design team responded that the existing light level no longer meets safety requirements. They also noted that the proposal includes much more landscaping which will absorb some of the lighting. Members wanted to know how much brighter this parking lot will be if approved as proposed. Chairman Smith felt this was a legitimate concern, and would be especially important to residents of the Biltmore.

At this point, the discussion moved forward to discuss the architecture of the building with each of the commission members offering their comments. Most members complimented the design team for their efforts to respond to comments made at previous meetings which helped to advance the project. Mr. Gruss felt the design could still be much better and felt the commission should demand the exemplary architecture previously requested. Chairman Smith responded that with the Town Council making the size and site plan decisions, the requirement for exemplary architecture is no longer necessary. He commented that for a Publix, they have done a good job.

**MOTION BY MS. DIVER FOR APPROVAL OF THE PROJECT WITH THE FOLLOWING CHANGES, AND THE APPLICANT IS TO RETURN TO THE COMMISSION TO SHOW THE APPROVED CHANGES. (*SEE MOTION CLARIFICATION BELOW, AT POINT OF VOTE, RELATIVE TO APPLICANT HAVING TO RETURN TO ARCOM):**

**MOTION RE-STATED BY MS. DIVER TO APPROVE THE PROJECT WITH THESE CHANGES:**

**PLAN SHEET E-1 (FRONT, WEST ELEVATION): LOOK AT THE STONEWORK UNDER THE PUBLIX SIGN AND HAVE THE PROPORTIONS CORRECTED; LOOK AT THE KEYSTONES AT EACH SIDE AND MAKE THEM SMALLER AND PROPORTIONALLY CORRECT; REMOVE ALL OF THE CAST STONE SURROUNDS FROM THE WINDOWS; MAKE SURE THE WINDOWS ON THE SECOND FLOOR HAVE ROLLED EDGES AND ARE MADE MORE NARROW; THE BARREL TILE DECORATIONS SHOULD BE CENTERED OVER THE ARCHES, THEREBY REDUCING THE OPENINGS FROM 5 TO 4; AND, REMOVE BALCONY SURROUND.**

**SHEET E-2 (NORTH ELEVATION): REMOVE THE SURROUNDS AROUND THE WINDOWS AND MAKE SURE THE WINDOWS ARE PROPORTIONALLY CORRECT ON THE SECOND FLOOR.**

**SHEET E-3 (SOUTH ELEVATION): ARCHES AND COLUMNS HAVE BEEN CORRECTED, BUT RETURN TO THE OLD PLAN (FROM PREVIOUS MEETING) AND REMOVE THAT CENTER FOCUS PIECE; REMOVE THE TILE PLAQUES; HAVE SINGLE WINDOWS ON EACH SIDE ON THE SECOND FLOOR; AND, REMOVE THE STONE SURROUNDS HERE AND UNIVERSALLY.**

**SHEET E-4 (EAST ELEVATION): NO CHANGES, EXCEPT FOR THE BALCONIES.**

**UNNUMBERED DETAIL SHEET-FRONT ENTRANCE: "BEEF UP" (MAKE LARGER) THE COLUMNS BETWEEN THE ARCHES ABOVE THE PUBLIX SIGN .**

**UNNUMBERED DETAIL PAGE - TOWER ELEMENT: NO ADDITIONAL COMMENTS**

**UNNUMBERED DETAIL PAGE - ARCHES/SINGLE COLUMNS: "BEEF UP" THE PLATE ABOVE THE CAPITALS.**

**UNNUMBERED DETAIL PAGE - ARCHES/DOUBLE COLUMNS: NO ADDITIONAL COMMENTS**

**MOTION SECONDED BY MR. ZUKOV.**

Mr. Smith called for public comments. Attorney Jeff Rembaum, representing the Palm Beach Hotel and Condominium, requested additional landscaping on the North elevation. Ted Cooney, 495 North Lake Way, complimented the commission and the design team. He recalled that perhaps ten years ago, there were gates to close off the parking lot in the evening hours. Nick Abiusi, Store Manager, testified that the Town requested the gates because of the problems occurring in the parking lot at that time because of the close proximity of E.R. Bradley's and 251 Sunrise. There are no problems of this nature any longer.

**MOTION CARRIED UNANIMOUSLY. (* IT WAS CLARIFIED THAT THE APPLICANT IS TO MAKE THE CHANGES AND THOSE CHANGES WILL BE REVIEWED BY STAFF AND THE CHAIRMAN PRIOR TO PERMIT ISSUANCE.)**

<u>LANDSCAPING:</u>

**MOTION BY MR. ZUKOV TO APPROVE THE LANDSCAPING WITH THE FOLLOWING CHANGES OR REVISIONS: THAT LANDSCAPING BE ADDED TO THE SOUTHWEST CORNER OF THE BUILDING IN THE AREA OF A PROPOSED HANDICAP SPACE, TOGETHER WITH THE RELOCATION OF THAT HANDICAP SPACE; AND THAT TWO OAK TREES TO MATCH THE OAK TREES TO THE WEST BE PLACED THERE; THAT THE LANDSCAPING THROUGHOUT THE PARKING LOT BE NATURAL, WITH AN AVOIDANCE OF MANICURED OR CLIPPED TREES; TO ADD ADDITIONAL LANDSCAPING ON THE NORTH ELEVATION; AND, TO HAVE TWO BEAUTIFUL LARGE TERRA COTTA COLORED POTS NEAR THE STORE ENTRANCE.**

**MOTION SECONDED BY MR. VILA.**
**MOTION CARRIED 6-1, WITH MR. STRAWBRIDGE OPPOSED.**

<u>LIGHTING:</u>
**MOTION BY MR. ZUKOV FOR APPROVAL OF THE LIGHT POLES AND FIXTURES, BUT THE FOOT-CANDLES SHALL BE NO HIGHER THAN AN AVERAGE OF 4.5 FOOT-CANDLES.**

At this point, Chairman Smith stated that he needed to know the existing foot-candle reading vs. the proposed. Members stated that they do not wish the light to exceed Town Code, with its 8 foot-candle maximum for commercial buildings. (It was clarified later that this maximum is not actually "code", but is a "policy" established by a previous Architectural Commission.)

**MOTION AMENDED BY MR. ZUKOV THAT THE LIGHT POLES AND LIGHTS ARE APPROVED, AND AT THE NEXT MEETING NEXT MONTH, THE APPLICANT IS TO REPORT ON THE EXISTING FOOT-CANDLES VS. THE PROPOSED FOOT-CANDLES.**

Ms. Ziska testified that the existing foot-candle level is less than one (1).

**MOTION SECONDED BY MRS. VANNECK THAT IT (THE PROJECT) COMES BACK.**

Chairman Smith asked Mr. Zukov to restate his motion.

**MOTION BY MR. ZUKOV FOR APPROVAL OF THE LIGHTS AND LIGHT POLES, AND THAT YOU COME BACK...UNLESS YOU'RE TELLING US IT'S ONE FOOTCANDLE...** Ms. Ziska confirmed that it is 1 foot-candle.

Mr. Page commented that ARCOM could make a recommendation to the Town Council that the foot-candles of light should be minimized so there is no adverse affect on the neighbors. Mr. Lindgren suggested that the foot-candles could be limited to approach 0 at the property line. Mr. Smith was concerned about the residents of the Biltmore and the potential of eight (8) times more light coming from the parking lot. Nick Abiusi, store manager, testified that even with the existing energy management system at Publix, most of the lighting decreases at night, with the exception of some security lighting. There was some testimony that the landscaping will absorb some of the lighting. Mr. Skowron stated that the canopies of the proposed trees will be taller than the light poles and fixtures. The light fixtures can also be shielded on their sides. All parking lot lighting will be downlighting. There was also a discussion relative to exterior light fixtures on the building.

**MOTION AMENDED BY MR. ZUKOV TO INCLUDE THAT THERE BE NO INDUSTRIAL LIGHTS ANYWHERE ON THE BUILDING, EXCEPT FOR ONE AT THE LOADING DOCK.**

**MOTION CARRIED UNANIMOUSLY.**

**LET THE RECORD SHOW THAT SINCE THE APPLICANT REPORTED, DURING THIS MEETING, THAT THE EXISTING FOOTCANDLE READING IS ONE (1), THERE IS NO NEED FOR THEM TO RETURN NEXT MONTH.**

The applicant was asked to make the interior of the store beautiful and special.

**MOTION BY MR. ZUKOV FOR APPROVAL OF DEMOLITION OF THE EXISTING PUBLIX STORE, WITH THE USUAL PROVISOS FOR DEMOLITION PROJECTS.**
**MOTION SECONDED BY MS. DIVER.**
**MOTION CARRIED UNANIMOUSLY.**

Let the record show that the Chairman called for a ten minute break at 11:30 a.m. The meeting was reconvened at 11:40 a.m.

B. **<u>MAJOR PROJECTS - NEW BUSINESS:</u>**

<u>B-036-2010 Additions</u>
ARCOM TO MAKE RECOMMENDATION REGARDING VARIANCE(S)
Address: 12 Sloan's Curve Drive
Applicant: Muriel G. Leventhal & Norman B. Leventhal
Architect: Brower Architectural Associates Inc.
Project Description: Reconfiguration of existing bedrooms (3 & 4), and the creation of an additional bathroom along with the expansion of existing attic above; creation and minor expansion of new breakfast area; relocation of laundry with minor expansion; minor expansion of entry vestibule; re-design of west elevation to accommodate above mentioned changes. The applicant is requesting a Site Plan Review to construct on the first floor: (1) a 19 square foot infill addition

for a breakfast room; (2) a 13 square foot infill addition for a laundry room expansion; (3) a 10 square foot infill addition for entry vestibule expansion. On the second floor: (1) a 79 square foot infill addition for a bedroom expansion; (2) a 200 square foot addition to expand two bedrooms; and (3) a 226 square foot addition to expand the attic. The proposed additions will modify a previously approved site plan in a PUD complying with Section 134-688 (b) of the Town's Zoning Code. A variance is requested to allow the breakfast room addition and bedroom addition to increase the lot coverage to 47.6% in lieu of the 47.1% existing and the 35% maximum allowed in the PUD-B district. [Attorney: Maura A. Ziska]

(Please note that this item was withdrawn by the applicant and was handled under Approval of the Agenda.)

B-037-2010 New conservatory
Address: 286 Jamaica Lane
Applicant: Elizabeth Raese
Architect: Harvey E. Koehnen
Project Description: Remove existing 6x8 dollhouse and replace with new 14x15 glass conservatory (white aluminum)

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Architect Harvey Koehnen presented this request. He acknowledged that there had been a similar request for this property which required a variance, but now the height of the conservatory has been lowered, eliminating the need for a variance. The conservatory (9 ft. 7" tall) will not be air conditioned, but the side windows are operable.

Mr. Lindgren read a letter into the record dated August 23, 2010 from Elizabeth Marshall in opposition to the project. Ms. Marshall, 273 Bahama Lane, addressed the commission. She acknowledged that the height has been lowered, but the size is still the same. She testified that this conservatory will be seen from every room of her home, and she objects to the project as it disturbs the privacy and intimacy of her property.

Members commented that the conservatory should be landscaped out so it remains a personal experience for the subject property owner only. The architecture and selection of materials for the conservatory were questioned as well. The applicant had not submitted a landscape plan with his presentation.

**MOTION BY MR. ZUKOV FOR DEFERRAL OF THE PROJECT SO THE APPLICANT CAN SHOW PROPER LANDSCAPING SCREENING WHICH PROTECTS THE NEIGHBOR'S VIEWS AND THE VIEWS FROM THE ROAD.**

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

Mr. Smith added that this is the second time for this proposal; the architecture is not great; why not do a real, proper, architectural conservatory rather than this screen room with glazing.

B-038-2010 Demolition
Address: 255 Nightingale Trail
Applicant: Laurence Austin
Architect: SKA Architects/Patrick W. Segraves
Project Description: Demolition of existing two-story wood frame home

Call for disclosure of ex parte communication: Mr. Knowles made an ex parte declaration.

Mindy Schwab from SKA Architects presented this request. She provided a demolition report for this 1937 wood structure with white siding. She stated that perimeter landscaping will be retained as well as significant trees. Since the plans did not indicate the trees and landscaping which are to remain, Ms. Schwab was allowed to return to her office to bring back that information.

**MOTION BY MS. DIVER FOR DEFERRAL TO THE END OF THE MEETING.**
**MOTION SECONDED BY MR. ZUKOV.**
**MOTION CARRIED UNANIMOUSLY.**

At the end of the meeting, since Ms. Schwab had not yet returned, the following motion was made:

**MOTION BY MS. DIVER FOR DEFERRAL TO THE SEPTEMBER MEETING.**
**MOTION SECONDED BY MR. KARAKUL.**
**MOTION CARRIED UNANIMOUSLY.**

B-039-2010 Awning
ARCOM TO MAKE RECOMMENDATION REGARDING VARIANCE(S)
Address: 130 Sunrise Avenue PH3
Applicant: Jeraldine Meltzer
Architect: The Lawrence Group
Project Description: Installation of one (1) permanent awning totaling 460 square feet over the terrace on the seventh floor of a seven-story condominium building

The applicant is requesting Site Plan Modification with variances to allow one (1) permanent awning totaling 460 square feet over the terrace on the seventh floor of a seven story condominium building. Variances are requested to allow the awning at a height of 61.5 feet in lieu of the 23.5 feet maximum height allowed; to allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed; to allow the awning with a front yard setback of 71.25 feet in lieu of the 123 feet minimum required for multi-family use; to allow the awning with a side yard setback of 49.5 feet in lieu if the 61.5 feet minimum required for multi-family use in the R-C Zoning District. [Attorney: Maura A. Ziska]

Call for disclosure of ex parte communication: None declared

Architect Eugene Lawrence and Attorney Maura Ziska were present on behalf of the property owner. Ms. Ziska discussed the variances requested for the project. She explained that the owner must be very careful in the sun and needs the awning (40' long x 8' wide) for protection. The white awning on a white frame has been approved by the condo board.

**MOTION BY MR. ZUKOV THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.**

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

**MOTION BY MR. ZUKOV FOR APPROVAL OF THE PROJECT AS PRESENTED.**
**MOTION SECONDED BY MR. KARAKUL.**
**MOTION CARRIED UNANIMOUSLY.**

B-040-2010 Awning
ARCOM TO MAKE RECOMMENDATION ON VARIANCE(S)
Address: 130 Sunrise Avenue PH9
Applicant: Rita Schneider
Architect: Tony Zaija, Ames Bennett
Project Description: Installation of one (1) retractable awning totaling 142.38 square feet over the terrace on the seventh floor of a seven-story condominium

The applicant is requesting a Site Plan modification with variances to allow one (1) retractable awning totaling 142.38 square feet over the terrace on the seventh floor of a seven story condominium building. Variances are requested to allow the awning at a height of 61.5 feet in lieu of the 23.5 feet maximum height allowed; to allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed; to allow the awning with a rear yard setback of 38.58 feet in lieu of the 123 feet minimum required for multi-family use. [Attorney: Maura A. Ziska]

Call for disclosure of ex parte communication: None declared

Architects Tony Zaija and Ames Bennett and Attorney Maura Ziska were present on behalf of the property owner. Ms. Ziska explained the variances needed for the project and testified that the project has been approved by the condo board. This white awning is a retractable awning which is smaller than the awning approved for the same building in the last project.

**MOTION BY MR. KARAKUL THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS.**

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

**MOTION BY MS. DIVER FOR APPROVAL OF A WHITE AWNING AS PRESENTED.**

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

B-041-2010 Antenna and equipment cabinet
Address: 100 Worth Avenue
Applicant: Clear Wire Broad Band
Architect: ALL PRO Consulting Group
Project Description: Attached Broad Band antennas to railing along top of roof line and place Back Haul dish behind stealth panel on penthouse. Also place equipment cabinet on roof next to penthouse.

Call for disclosure of ex parte communication: There were no ex parte declarations. Mr. Smith disclosed that he owns stock in Clearwire.

Ms. Betty Tufford with Clearwire and Randy Stevenson of All Pro Consulting Group presented the request as described in the Project Description above. She explained that the antennae will be mounted in the rooftop railing (on the front side of the balustrade in two locations - one South and one West) and will be disguised as railing. The necessary dishes will be placed on the penthouse with stealthing built around them. Ms. Tufford testified that the condo board has approved this installation. Clearwire is a broadband wireless network bringing high speed internet to local businesses and residents to make businesses more mobile. Mr. Stevenson presented a sample of the stealth material which will be used in this application. The commission asked that the rooftop box be boxed in so that it does not appear to be hanging over the edge without support.

**MOTION BY MR. KARAKUL FOR APPROVAL OF THE WORK AS DESCRIBED, BUT TO BRING THAT PANEL ALL THE WAY DOWN TO THE BOTTOM OF THE WHITE TO BOX IT IN.**

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

B-042-2010 Patio & landscape
Address: 1436 North Ocean Way
Applicant: Nader Tony Trust
Architect: Parker-Yanette Design Group Inc.
Project Description: Patio enlargement and landscape renovation plan

Call for disclosure of ex parte communication: None declared

Mr. Lindgren testified that Smith & Moore had brought a project to ARCOM for this property, and it was approved subject to the condition that if the landscaping was at all altered, they would have to come back to the commission to get approval for any revised landscaping. In the course of construction at the site, much of the landscaping was removed which has brought this matter to ARCOM today.

Steve Parker, Landscape Architect, with Parker Yanette, presented this request. He presented the proposed landscape plan and provided photos of the existing site. The commission was concerned about the amount of landscaping which had been removed from the site, and was particularly concerned about a substantial Seagrape which was there.

**MOTION BY MS. DIVER FOR APPROVAL OF THE LANDSCAPING AS PRESENTED, WITH THE POSSIBILITY TO ASK THE TOWN TO SEE THAT THE SEAGRAPE TREE IS HEALTHY, BUT IF IT HAS BEEN "HACKED", IT NEEDS TO BE REPLACED WITH A HEALTHY SEAGRAPE IN THE APPROPRIATE SIZE.**

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

C. MINOR PROJECTS - OLD BUSINESS

A-009-2010 Balustrade & site wall
Address: 300 Dunbar Road
Applicant: Dean O'Hare c/o M.Timothy Hanlon
Architect: T & L Architecture Inc.
Project Description: Addition of ornamental balustrade on top of existing parapet. Also, addition of new site wall at entry points of driveway, replace existing site wall at pool and related landscaping

Please note that at the July meeting, there was a motion for approval of the project, with the proviso that the two piers be added as recommended, that there is a solid wall by the swimming pool area, and, that the applicant returns with details of the design of the front door. PLEASE NOTE THAT THE ARCHITECT HAS REQUESTED DEFERRAL OF THE FRONT DOOR DESIGN TO THE SEPTEMBER MEETING.

**MOTION BY MS. DIVER FOR DEFERRAL TO THE SEPTEMBER MEETING.**
**MOTION SECONDED BY MR. KARAKUL.**
**MOTION CARRIED UNANIMOUSLY.**

D. MINOR PROJECTS - NEW BUSINESS

## IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)(12:19:44 a.m.)

None

## X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT:(12:19:46 a.m.)

None

## XI. ADJOURNMENT:

**MOTION BY MS. DIVER TO ADJOURN THE MEETING AT 12:33 P.M.**
**MOTION SECONDED BY MR. STRAWBRIDGE.**
**MOTION CARRIED UNANIMOUSLY.**

**The next meeting of the Architectural Commission will be held on September 22, 2010 at 9:00 a.m. in the Town Council Chambers, 2nd Floor, 360 South County Road, Palm Beach.**

Respectfully submitted,

Jeffery W. Smith, Chairman
**ARCHITECTURAL COMMISSION**

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