



MINUTES
ARCHITECTURAL COMMISSION
TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 SOUTH COUNTY ROAD, PALM BEACH

WEDNESDAY, JULY 28, 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(8:59:31 a.m.)

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

II. ROLL CALL(8:59:54 a.m.)

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

Staff members present were John C. Randolph, Town Attorney, John Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Architectural Commission.

III. PLEDGE OF ALLEGIANCE(8:59:56 a.m.)

IV. APPROVAL OF THE MINUTES OF THE JUNE 23, 2010 MEETING(9:00:18 a.m.)

MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

**MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES OF THE
JUNE 8, 2010 ARCOM WORKSHOP.**

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

- V. **APPROVAL OF THE AGENDA : (9:01:27 a.m.)**
MOTION BY MS. DIVER FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.
- VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY (9:02:08 a.m.)**
By Mrs. Delp
- VII. **OTHER BUSINESS: (9:02:10 a.m.)**
None
- VIII. **PROJECT REVIEW: (9:02:11 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" feet 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" feet in lieu of the 10 foot minimum required based on building height; (c) to allow a side yard setback of 3'9" feet 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 is as noted above.)

Call for disclosure of ex parte communication: Several members made ex parte declarations later during this hearing.

Attorney Maura Ziska, attorney for Publix in this matter, was accompanied by the Publix design team including architect, Brian Fisher, of Fisher and Associates, LLC, Dan Cahan of Smith and Moore Architects, Don Skowron of Morgan Wheelock Landscape Architects, Nelson Ortiz, Civil Engineer, and other Publix representatives. She reviewed the updated variance requests (as listed above)

which had been revised as a result of the revised plans. She noted that any grocery store built in this location would not be able to meet current code, and would necessitate multiple variances.

Brian Fisher presented the revised plans. Highlights of the presentation include: angled parking with 1 way drives, but a two way main drive, pedestrian walkway coming out into the center of the parking lot; loading area in the rear, together with garbage and compactor (all screened from the public); arcade on the West and North sides of the building to provide a covered pedestrian area; additional landscape islands in the parking lot; large landscape buffers around the perimeter using tall hedges, lower shrubbery, and large trees; West elevation: acid washed cast stone on the facades, decorative columns in the arcade, PUBLIX sign cast into the building itself, towers at either end and at main entry which are now more purposeful as entry/exit points to store and arcade, separate exit door centrally located, residential style true windows, cast stone corbels across the top, deeper arcade with knee wall for landscape options, more sloped roofs rather than flat roofs, railing with barrel tile insets on the arcade; North facade: deeper arcade with more architectural details so more pedestrian friendly, roof slopes brought down to break up the mass, true windows, wrought iron insets in some openings; East elevation: the blank facade will be landscaped, loading area screened by a fence and tall walls; South elevation: no arcade, landscaping along facade, towers at both ends, parking along this facade. Main entry: nice light fixture, tongue and groove cypress ceiling, more glazing looking into store; Roof: mechanical equipment moved to center of roof in penthouse with barrel tile sloped roof, more sloped roofs replacing former flat roofed areas; Light poles: Now 15 ft. in height as requested; Materials: acid washed pre-cast stone, barrel tile roof, concrete banding of sidewalk area around Dominican coquina.

It should be noted that the applicant brought two models to the meeting, one at smaller scale and one at larger scale.

Don Skowron provided the landscape presentation. He stated that the landscape plan has not changed much since the last meeting and the workshop. Most changes occurred in the interior parking field with new landscape islands. As many shade trees as possible were implemented in the plan. The property will have an automatic irrigation system which will most likely be timed to run during off hours. Plant materials include, but are not limited to: Cocoanut Palms, Foxtail Palms, Adonidia Palms, a large Banyan tree, two Majul Palms, flowering trees, lots of bougainvillea, etc.

Chairman Smith, prior to commission comments, recapped that at the last meeting, Publix representatives made it clear that the size of store requested is not negotiable in order for the new store to function properly. As such, ARCOM insisted on exemplary architecture as a condition of ARCOM's endorsement of the variances requested. The commission must now determine whether that goal has been achieved.

Mr. Gruss questioned how Palm Beach residents will be better served by a store which is 30% larger than the existing store; stated that a market analysis is needed; and, stated that he will need to have a strong reason to recommend for

the variances. In response, Ms. Ziska asked Dave Taulbee from the store design team to address these issues. He stated that this store has been reviewed by Publix upper management and the reason for the requested size is so Publix can provide additional products and enhancements which are appropriate for this community. "We need to build this size store or there is no point in us considering another solution."

Commission Comments: I think we need a new Publix; very disappointed...don't think you have met the criteria of good architecture that merits the size of this building; still a big box, though some progress has been made; the organic food section proposed requires separate and additional display area and separate and additional storage area which contributes to the size of the store; likes the use of pecky cypress and stone; it is a commercial building after all; the detailing has come up to a world class standard; the corbels are out of scale; the overall approach is better as an initial step, but there are still lots of problems; the North arcade is wonderful, but you can't see into the store; it is the same on the South side; now it's an "embellished big box"; the embellishments are going in the right direction; why not use natural coquina?; fine tuning is needed in the arcade and its columns; columns are so slender; at the main entrance, the "crown" is too big; the flat arch is oversized; keystone is too big; roof systems are improved; green features for roof?; the more shade and blooming trees, the better; these plans show significant improvement; towers, arcades, knee walls are good; changes to roof are good; landscaping looks good; work on the details is needed; the parking lot light fixture, with the four heads, looks too theatrical and inappropriate; overall, you're moving in the right direction; you've gone a long way to make a better project; bring the design down to human scale; would like to see cuts of the architecture so the details can be checked; the proposed landscaping tends to cover up the building...shouldn't the building be more visible?; if you had three loading spaces, rather than just two, it would alleviate some potential problems on the site with ingress/egress; the architecture is a vast improvement, but it is not great architecture; it's a pastiche of architectural elements thrown together; applaud the dropped parapets, the new dropped roof lines, the creation of hips, and the mechanical equipment in the center of the roof; most concerns are related to scale and proportion; relate to the human scale; it is still over scaled and "developery", and looking like "west of Town"; the metal bollards in the front of the store should be architectural, not metal; there is no landscaping at the front of the building - go lush and flowery; the stone detailing needs work; the corbels don't catch your roof; string courses are clumsy and chunky; the balconies in the towers are too massive and the corbels that hold them up are not believable; concerned about landscaping out between the bank building and the Publix store along Sunrise Avenue; re-think the transom over the main entry doors...it looks like prison bars; everything is over scaled and not articulated; the colored concrete paving must be cast, not poured; problem with all of the arches on the South elevation; no walkway along South elevation; South elevation not shopper friendly; bring some of the North elevation details to the South elevation.

During the commission comments above, Mr. Fisher responded to several of the issues raised by the members.

Public Comment:

Anita Seltzer, 44 Cocoanut Row, spoke against the project, an "awkwardly sited store that's even larger". "Why must we settle for inappropriate scale and generic design? ARCOM does not need to accept this."

Jeff Rembaum, Attorney for the Palm Beach Hotel Condominium Association, raised several concerns in writing (letter distributed to members) and again today in his comments: Landscaping on Sunrise is rather sparse; make increased greenery along the Sunrise corridor a condition of approval; clarification needed on the plans as to location of garbage area; the walkway from Bradley Place to the front door is still on some of the plan sheets, even though it is no longer proposed; though the design is better, it could still be improved; where will construction vehicles be parked?...hopefully on Sunset Avenue where they would be more appropriate; asks for assurance that the light from the light poles does not bleed onto Sunrise Avenue; and, asks that the Town Council focus on the parking problems for the Palm Beach Hotel residents which are created or made worse as a result of this project.

Ms. Diver commented that after seeing the 90 degree parking scheme, it would allow for more landscaping and a sufficient number of parking spaces, thus reducing the number of variances.

Ms. Ziska stated that the applicant hopes to move forward to the Town Council's August meeting. She offered to review the variances, one by one, if necessary. Mr. Smith stated that in order to get a positive response from ARCOM regarding the variances, the "big picture" must be approved.

MOTION BY MS. DIVER TO RECOMMEND TO THE TOWN COUNCIL TO APPROVE THE VARIANCES THAT PUBLIX HAS REQUESTED.

MOTION SECONDED BY MR. GRUSS.

MOTION FAILED 2-5, WITH MR. KARAKUL, MR. VILA, MRS. VANNECK, MR. GRUSS, AND MR. SMITH VOTING AGAINST THE MOTION.

Ms. Ziska commented that they will still go to the Town Council meeting in August, even without ARCOM's endorsement of the variances, so the project can move forward.

MOTION BY MRS. VANNECK FOR DEFERRAL OF THE ARCHITECTURE TO THE AUGUST MEETING.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

There was more discussion as to whether additional motions were needed, but no additional motions were made. Chairman Smith commented that the details can be improved, but size is the main issue, and that should be determined by the Town Council. He called attention to the huge blank walls. "We're still just disguising a box." If the architecture was better, the size would not matter as much. Exemplary and/or meritorious architecture is needed.

B24/10 New Loggia (In association with Variance #4-2010) (10:41:45)

ARCOM TO MAKE RECOMMENDATION REGARDING VARIANCE

Address: 151 Via Bellaria

Applicant: Robert J. Tomsich

Architect: Smith and Moore Architects, Inc., Jonathan Moore

Project Description: Construction of a new two-story open loggia to replace smaller existing two-story open loggia. Variance to permit the construction of a new larger two-story open loggia to replace the existing two-story loggia, which will result in a lot coverage of 25.8% in lieu of 24.9% existing and 25.0% maximum allowed.

Please note that at the April meeting, after review, the project was deferred to the May meeting for re-study. At the May meeting, the project was not heard and was deferred to the June meeting at the request of the architect. At the June meeting, the project was deferred to the July meeting, cautioning the applicant that if the applicant does not make a presentation next month, the project will be removed from the agenda. PLEASE BE ADVISED THAT THE ATTORNEY FOR THE APPLICANT HAS REQUESTED THAT THE PROJECT BE WITHDRAWN.

MOTION BY MR. GRUSS TO WITHDRAW THE PROJECT.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

B-031-2010 Gates (10:42:12)

Address: 225 Dunbar Road

Applicant: Michael and Fiona Scharf

Architect: Thomas M. Kirchhoff, AIA, P.A.

Project Description: New aluminum motorized sliding gate with new piers to match existing. New cypress pedestrian gate to replace existing aluminum pedestrian gate.

Please note that at the June meeting there was a motion for deferral to the July meeting to simplify the design of the gate and use landscaping instead of cypress, and remove the extra set of piers.

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

Architect Thomas Kirchhoff returned to the commission in response to last month's comments and ultimate deferral due to inconsistency between the driveway gates and the pedestrian gate. The pedestrian gate was modified to have solid aluminum panels with an applied design and the detail at the bottom of the driveway gates will match the detail of the pedestrian gate. Mr. Strawbridge asked for consistency in the height of the gates.

MOTION BY MR. STRAWBRIDGE FOR APPROVAL, WITH THE PROVISIO THAT THE HEIGHTS BE CONSISTENT. ("WITH THE GATES ON THE RIGHT TO BE DROPPED TO THE SAME HEIGHT AS THE

GATES IN THE MIDDLE")

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

B. **MAJOR PROJECTS - NEW BUSINESS (10:46:10)**

B-032-010 Demolition:(10:46:14 a.m.)

Address: 140 El Mirasol

Applicant: NSHE Rosemead, LLC

Architect: Smith and Moore Architects, Inc.

Project Description: Demolition of a one-story cabana structure, pool and associated hardscape

Call for disclosure of ex parte communication: There were no ex parte declarations made.

Dan Cahan of Smith & Moore Architects provided a demolition report and photo documentation to support the request for demolition. He stated that the cabana has little architectural or historical significance.

MOTION BY MS. DIVER FOR APPROVAL OF THE DEMOLITION AS PRESENTED.

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

B-033-2010 Time Extension (10:49:12)

Address: 235 Eden Road

Applicant: 235 Eden Road LLC

Architect: Smith and Moore Architects, Inc.

Project Description: A twelve month extension of a previously approved two-story residence and pool

Call for disclosure of ex parte communication: There were no ex parte declarations.

Peter Papadopoulos of Smith and Moore Architects stated that this project was previously approved by ARCOM by a unanimous vote. He requested a twelve month extension.

MOTION BY MS. DIVER TO APPROVE THE TWELVE MONTH EXTENSION.

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

B-034-2010 Demolition(10:50:25)

Address: 212 Nightingale Trail

Applicant: Mr. and Mrs. Howard and Charlotte Abrams

Architect: SKA Architects/Patrick W. Segraves

Project Description: Demolition of existing one-story mid-century modern style home

Call for disclosure of ex parte communication: There were no ex parte declarations.

Architect Pat Segraves was sworn. He read the prepared demolition report, and provided photo documentation to support the demolition request. Perimeter landscaping will be retained on site.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE DEMOLITION, WITH THE PROVISO THAT THE PROPERTY IS SODDED AND IRRIGATED IF CONSTRUCTION DOES NOT COMMENCE WITHIN 30 DAYS.

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

C. **MINOR PROJECTS - OLD BUSINESS**

D. **MINOR PROJECTS - NEW BUSINESS(10:53:46)**

A-009-2010 Balustrade & site wall (10:53:48)

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

Call for disclosure of ex parte communication: There were no ex parte declarations.

Chairman Smith noted that a variance for this project was granted by the Town Council this month for height. Architect Steve Tresize of T&L Architecture presented this project for the addition of a balustrade along an existing parapet, new piers and site wall at entry to existing driveway, new site wall surrounding the pool with demolition of an existing balustrade, add a pediment over new front doors, add banding at windows and quoins at the corners. Three different types of site walls are proposed.

Commission comments: Not happy with the improvements; sympathetic to the intention; confused by design of wrought iron of front doors; site wall on North side needs at least two more piers to break it up; make the wall at the pool area a solid wall; so much balustrade; and, problem with pitched roof at the front door.

MOTION BY MR. STRAWBRIDGE FOR APPROVAL AS PRESENTED WITH THE PROVISIO THAT TWO PIERS ARE ADDED BETWEEN THE DRIVEWAY ENTRIES ON THE SITE WALL, AND THAT THE BALUSTRADE IS REMOVED FROM THE POOL WALL.

Due to further discussion regarding the front doors and other issues...

**MOTION AMENDED BY MR. STRAWBRIDGE RECOMMENDING DEFERRAL SO THE APPLICANT CAN RETURN WITH THE CHANGES. MOTION SECONDED BY MRS. VANNECK.
(THERE WAS NO VOTE ON THIS MOTION.)**

SUBSTITUTE MOTION BY MS. DIVER FOR APPROVAL OF THE PROJECT, WITH THE PROVISIO 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.

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

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)(11:05:01 a.m.) None

X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT:(11:05:02 a.m.)

Mr. Page reported that the Town Manager has reversed his ruling that development review plans be posted on the Town 's website due to privacy, safety and copyright infringement concerns. The only portion of the project which will be posted is the application form itself.

Mr. Lindgren announced that members are welcome to come in to review plans using PZ&B's new consultant office.

XI. ADJOURNMENT:(11:07:51 a.m.)

**MOTION BY MR. STRAWBRIDGE TO ADJOURN AT 11:10 A.M.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

The next meeting of the Architectural Commission will be held on Wednesday, August 25, 2010 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Jeffery W. Smith, Chairman
Architectural Commission

cmd