

TOWN OF PALM BEACH

Planning, Zoning & Building Department

**MINUTES OF THE ARCHITECTURAL REVIEW COMMISSION
WEDNESDAY, MAY 28, 2003 AT 9:00 A.M.
TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH**

I. CALL TO ORDER

The meeting was called to order at 9:00 a.m.

II. ROLL CALL

PRESENT:

Floyd L. Wideman, Jr., Vice Chairman
Eric Adams, Member
Leslie A. Shaw, Member (arrived at 9:05)
Lindley M.F. Hoffman, Member
Nikita Zukov, Member
Morgan Dix Wheelock, Alternate Member
William J. Strawbridge Jr., Alternate Member
Leslie C. Diver, Alternate Member
Rhoda J. Yen, Acting Town Attorney
Robert L. Moore, Director Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Gretchen Dayton, Recording Secretary

ABSENT:

John H. Schuler, Chairman (pending)
Marvin Rosenberg, Member(excused)

Vice-Chairman Floyd Wideman chaired the meeting, and alternate members, Morgan Wheelock and William Strawbridge voted throughout the meeting.

III PLEDGE OF ALLEGIANCE

Acting Chairman Wideman lead the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES FROM THE APRIL 23, 2003 MEETING

MOTION BY MR. WHELOCK TO APPROVE THE MINUTES.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

V SWEARING IN PERSONS TESTIFYING.

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

Acting Chairman Wideman read a letter from Stephany Smith objecting to a sculpture which was placed in the front yard of 505 South County Road. Mr. Wideman explained that ARCOM has no jurisdiction unless the sculpture is more than six feet tall.

Mr. Moore thanked Mr. Schuler, Mr. Adams and Ms. Diver for attending the workshop meeting regarding the laws and procedures of this Commission. As a refresher, he touched on the issues that were brought up at the workshop meeting and said that because ARCOM is an advisory board, a Financial Disclosure form must be filed with the Supervisor of Elections on an annual basis. The next subjects discussed were ethics and conflicts of interests. He explained what Voting Conflicts, Prohibited Conflict of Interests, and Quarterly Client Disclosures were. A voting conflict would be anything that would involve a private, family, or business partner's gain or loss. It is the individual's responsibility to determine whether or not they have a conflict. Also, a member cannot recuse himself just because he does not want to vote on a matter. Mr. Randolph is available for consultation on specific issues if a board member is not sure whether to claim a Conflict of Interest or not. He gave an example of a Prohibited Conflict of Interest; if a building contractor sitting on the board has a project appearing before the board, that person could not recuse himself, they would be prohibited from hearing it, or having it come before the board. A Quarterly Client Disclosure, (for those representing clients), discloses any conflict of interests during any one-quarter which is filed at the end of the quarter during which the client was represented. Ex-Parte Communications must be disclosed at the public meeting stating with whom and the content of the discussion. Because ARCOM is a quasi-judicial Board, and if the Circuit Court were to review ARCOM's actions, the court would not retry the case, but look at any errors of the procedure when the case was heard. The Court would base its decisions on substantial competent evidence. Therefore, the Commission should look at the merits of the case and make the determination on the merits only. All records are public with certain exceptions. Any notes taken at the meeting, and e-mail can be considered public records.

VI PROJECT DEFERRALS/REMOVALS

B9-03 Addition

Applicant: Michael and Ann Small
Address: 156 East Inlet Drive
Architect: Phoenix Architects
Project Description: "Addition of porte cochere and a north wing. Redefinition of architectural style including the addition of barrel roof tile."

This project was deferred from the February meeting for restudy, from the March and April meetings at the request of Dario Giacomelli of Giacomelli Architecture. The new architect, Lynn McColl, requests deferral to the June meeting.

B15-03 New Residence (V49-02)

Applicant: Scott Derrin and Michelle Ryan
Address: 254 North County Road
Architect: The Lawrence Group Architects
Project Description: "Construction of a two story, two bedroom and library house with a two-car garage."

Demolition was approved and the new construction was deferred for restudy at the March meeting. The project was deferred from the April meeting at the architect's request. Again, the architect requested deferral to the June meeting.

MOTION BY MR. SHAW TO DEFER THE PROJECT B9-03 AND B15-03 TO THE JUNE MEETING.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

VII PROJECT REVIEW

A. DEFERRALS AND CONTINUATIONS - MAJOR PROJECTS

B2-03 Renovation (SE6-2003)

Applicant: Mr. and Mrs. Kevin McGovern
Address: 224 South Ocean Boulevard
Architect: Smith Architectural Group
Project Description: "1. New one-story, 60 s.f. kitchen addition 2. Exterior renovation to the north and east elevations. 3. New one-story garden porch addition. 4. All details and finishes to match existing."

Note: Number 1 and number 3 of the project description were added after the Notices to Property Owners were mailed.

This project was deferred from the January, February and March meetings pending Town Council action. No one was present to represent this project at the April meeting.

Mr. Frank said he received a phone call yesterday from Mr. Smith requesting project deferral.

Architect Jeffery Smith addressed the Commission and stated that the Town Council denied the variance request for this project.

Acting Chairman Wideman recommended removal from the agenda as the project has been deferred for five months, and the project description has changed. It would be best to re-advertise to the neighbors. Mr. Moore stated that this was a very controversial project because it was a very large beach house that drew attention of the neighbors.

MOTION BY MR. ADAMS TO REMOVE THE PROJECT FROM THE AGENDA AND RE-ADVERTISE IT.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

B24-03 New Residence

Applicant: Sandra G. Cofer
Address: 2227 Ibis Isle Road East
Architect: SGA Architects
Project Description: "Construct a new two story CBS residence with stone trim, stucco walls and flat cement tile roof."

The demolition request was approved and the new project was deferred for restudy at the March meeting. It was again deferred from the April meeting at the architect's request. Mr. Wheelock, Mr. Wideman, Mr. Adams and Mr. Zukov said they met with the architect, reviewed the plans and visited the site.

Architect Spencer Goliger turned the presentation over to his Associate Architect Steve Mickley. In response to the Commission's comments last month; the privacy wall was redesigned, the driveway gates were removed, the house was centered on the lot, and a two-story bowed window element was added to the rear elevation. Landscape Architect Dan Mock said the wall was redesigned to be a short wall with metal picketing and columns. The configuration of the pre cast driveway pavers and grass strips will remain the same. Mr. Mickley attached an overlay drawing of a revised front door.

Mr. Hoffman preferred the overlay drawing of the front door. He believed that the windows needed a great deal of study, especially the small windows on the north elevation. He asked why the two tall pilasters, on either side of the master bedroom window, were there. Mr. Adams thought this presentation was a great improvement over the last one. He suggested using a different roof tile which would not tie the house to a Mediterranean style. Mr. Shaw commented that the front door could be lightened to relate with the rest of the house. Mr. Wheelock noticed that the preliminary landscape plan had very little screening of the eastern end of the north elevation. The exfiltration trench could be relocated from this area in order to provide the proper screening. He perceived the fence with columns as a pompous attitude versus the humble attitude which is characteristic of the island. Also, the driveway with pavers and grass, was again not characteristic or appropriate. Mr. Strawbridge pointed out that the very vertical, two-story bay window element was not typical for the Mediterranean style. Ms. Diver agreed this rendition was more appropriate than the last one, but she was concerned that it would possibly change the character of Ibis Isle.

MOTION BY MR. ADAMS TO APPROVE THE PROJECT, BUT PAY ATTENTION TO THE COMMENTS THAT WERE MADE.

After Mr. Adams discussed the comments that had been made, he decided it would be best to defer the project. Mr. Hoffman suggested giving the architect some direction whether to retain the Mediterranean style or not.

MOTION BY ADAMS TO DEFER THE PROJECT TO THE JUNE MEETING TO RECONSIDER THE ROOF TILE, WHETHER IT WILL REMAIN A MEDITERRANEAN STYLE, AS WELL AS ADDRESS THOSE TWO OTHER ISSUES (REDESIGN THE NORTH ELEVATION AND RESTUDY THE WINDOWS.)

MOTION SECONDED BY MR. SHAW.

MOTION CARRIED UNANIMOUSLY.

B29-03 New Residence

Applicant: Mockingbird L.L.C.
Address: 233 Mockingbird Trail
Contractor: Complete Property Management / Architect: Stephan Yeckes
Project Description: "New residence, Mediterranean style. Two-story design with great room, side opening, two-car garage."

This project was deferred from the April meeting for restudy.

There were no ex-parte communications disclosed regarding this project

Architect Stephan Yeckes presented the revised plans and indicated that the project was simplified overall. The project was redesigned having the garage at the front and recessed for easier accessibility. In response to the Commissions comments, the window in the stair case was made smaller, the rustication over the windows was removed and the front door was enlarged.

Mr. Hoffman thought the project was greatly improved. He applauded the relocation of the garage which resulted in additional greenspace. Mr. Zukov proposed adding something to the top of the chimney to coordinate the architecture of the house.

MOTION BY MR. ZUKOV TO APPROVE THE PROJECT WITH THE PROVISION TO CHANGE THE TOP OF THE CHIMNEY.

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

B30-03 Pool House

Applicant: William and Katherine Rayner
Address: 215 Coral Lane and 156merald Lane
Architect: Peter Marino Architect
Project Description: "Pool house (accessory structure) and swimming pool; materials include stucco at building walls, barrel tile roof, lime stone columns and building trim."

This project was deferred from the April meeting for restudy.
No one was present to represent this project.

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

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

B. NEW BUSINESS - MAJOR PROJECTS

B32-03 New Apartment Building

Applicant: SLM Palm Beach Associates, LLC
Address: 2305 - 2315 South Ocean Boulevard
Architect: The Lawrence Group Architects
Project Description: "A 6 unit, 3 floor apartment building over parking with white stucco, bronze glass, clear glass rails and 1 cement tile equipment screen on the ocean and a 2 story, 2 family dwelling with the same materials and roof on State Road A1A."

Mr. Wheelock said he met with the landscape architect and visited the site.

Architect Eugene Lawrence presented photographs of the site and surrounding buildings. He also requested demolition of the two buildings on the site that have been vacant and in disrepair for many years.

It was noticed that demolition was not part of the project description. Mr. Frank explained that the project description on the agenda is exactly what the ARCOM application states. He believed that because a demolition report has been submitted, the Commission could make the decision if the demolition request was properly noticed or not. Mr. Moore indicated that the parties to be notified are the Town, Harbor House and Tres Vidas. All of the parties want the buildings down.

MOTION BY MR. ADAMS TO APPROVE DEMOLITION PROVIDED THE LEGALITIES ARE IN PLACE. (DEMOLITION OF BOTH BUILDINGS AND WITH THE PROVISION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS).

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

Mr. Lawrence presented a street scape drawing, an overall site plan and a model. He described the building as having three horizontal planes. The roof plane, being the heaviest, the third floor plane will be the second heaviest, and a lighter plane at the second floor. The building, with glass walls and handrails, sits on a podium with prominent round columns extending into the roof. He remarked that the project was very simple, very straight forward and very contemporary. The topography of the land allows for parking underground. The two townhouses will have the same vocabulary of forms; very heavy frieze, roof plane, and flat cement tile shingles, with the exception of pilasters instead of round columns. A sill band will be applied all the way around the two structures at the second floor for a connection between the buildings. The garage doors will be treated the same as the french doors which will eliminate the appearance of garage doors. Mr. Lawrence presented the storm water retention plan.

Landscape Architect Jeff Blakely discussed the preliminary landscaping. He said that after an inventory of the vegetation was done, the existing 40' hedge will be preserved between properties, as well as some of the seagrapes will be relocated.

Mr. Shaw objected to the location of the building being past the coastal construction control line and stated that it is there for a reason. They have opted not to build in accordance with it, but to build forward of it. He could see no reason why the whole project could not be pulled farther west. Mr. Lawrence stated it was all completely within the code and within the law. Mr. Shaw indicated that a variance to this rule was asked for. Mr. Lawrence said it is not a variance, it is a criterion for building there.

Malcolm Mason, President of the Harbor House Condominium, voiced the concern of possible noise and dirt coming from the equipment that will be located on the roof. Also, he asked that the steps leading onto their property be removed. Mr. Lawrence responded that the roof will be built-up encasing the equipment.

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

MOTION SECONDED BY MR. WHEELOCK.

MOTION CARRIED UNANIMOUSLY.

B33-03 Addition

Applicant: Diana and George Abouzeid
Address: 1072 North Ocean Boulevard
Architect: Blue Minges Architect
Project Description: "Add second story living and loggia. Consolidate numerous details into a more coherent design. Add exterior stair and miscellaneous arches."

Mr. Frank read a letter into the record from Jodi Booth, 211 Orange Grove Road, requesting construction be done within a reasonable time frame to limit the noise, dirt and any inconsideration.

There were no ex-parte communications relative to this project.

Architect Blue Minges presented a 700 s.f. second story addition consisting of a roofed loggia, laundry room, study and bedroom. The existing columns and muntins are out of scale and will be replaced with more appropriate elements.

Mr. Hoffman thought that it would be interesting to see a streetscape along Orange Grove Road because of the additional height above the garage. He thought there may be an elevation of the land at the garage area. Mr. Minges did not believe the property sloped a great deal. He described the existing condition as appearing unfinished having a one-story garage next to a two-story house. Mr. Adams believed that the one-story element along Orange Grove Road was intended to relate to the more moderate homes on that street. Mr. Shaw perceived the addition as busy. Mr. Wheelock noticed that the columns were not spaced in relation to the windows behind them. Mr. Wideman asked the architect to look at reducing the size of the addition over the garage. A new landscape plan was requested because all of the landscaping was removed by the new owners.

MOTION BY MR. HOFFMAN TO DEFER THE PROJECT TO THE JUNE MEETING TO COME BACK WITH A STREETSCAPE, TO TAKE INTO CONSIDERATION SOME OF THE COMMENTS THAT HAVE BEEN MADE, AND TO PRESENT A PRELIMINARY LANDSCAPE.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

B34-03 Demolition

Applicant: Mrs. Sarah Asche
Address: 155 Peruvian Avenue
Architect: Smith & Moore Architects
Project Description: "Demolition."

Mr. Wheelock said he visited the site.

Architect Jon Moore read the demolition report which indicated that the home was designed by Architect Howard Chilton in 1945. It has signs of wood rot, building settlement and termites, and it does not meet the current setback and zoning requirements. The home has no historical significance. Existing parameter vegetation will remain during construction.

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

B35-03 Enclosure

Applicant: Norman E. Murphy
Address: 325 Ridgeview Drive
Architect: Smith Architectural Group
Project Description: "Propose to enclose an existing first floor awning patio with one story frame structure with flat roof on a series of french doors."

There were no ex-parte communications disclosed relative to this project. Attorney Frank Chopin, representing the property owner, presented the project. Zoning variances for side-yard set back and cubic content were approved in order to enclose a patio for an exercise room. It was remarked that the area above the french doors was massive. Architect Jeffery Smith responded that it was an entablature about 30" wide and agreed to make the entablature 24" to 26" wide. Mr. Smith continued by saying the entablature was closer to 3' from the top, and agreed to remove 6" or as much as possible in order to keep the beams inside.

**MOTION BY MR. ZUKOV TO APPROVE THE PROJECT WITH THE CONDITION TO REDUCE THE ENTABLATURE BY SIX INCHES, OR MORE IF POSSIBLE.
MOTION SECONDED BY MR. WHEELOCK.
MOTION CARRIED UNANIMOUSLY.**

B36-03 Modify Building Exterior

Applicant: Love, LLC
Address: 221A Worth Avenue
Architect: Smith Architectural Group
Project Description: "Modify portion of commercial building containing five different tenants. Raise roof and modify exterior building materials and windows. Building to be more like desired in Worth Avenue Guidelines."

Mr. Wheelock said he visited the site.

The following is a verbatim transcript of Item Number B36-03:

Acting Chairman Wideman: Tim just advised me that there is a letter, which I'd like him to read into the minutes please.

Director of Planning, Zoning & Building Robert Moore: It's a neighbor in the rear that lives on Golfview.

Attorney Frank Chopin: Golfview is no where near this.

Projects Coordinator Tim Frank: The letter is addressed to Robert L. Moore, Director Town of Palm Beach, subject, 8 Golfview Road, Palm Beach, Fl.

Dear Bob, relative to our telephone conversation this afternoon, this letter is written to you requesting your help in the continuing problem I have, along with other residents on the Golfview Road alley. As you well know, Bob, the alley is strictly private property and the fences and walls belong to the residents of Golfview Road. Whenever there has been a request for a variance for construction I have agreed. All I have asked is that our fence not be disturbed and the alley not be used in conjunction with the construction. Unfortunately, every time construction commences, there has been a complete disregard of our request and the town's directions that the alley not be used. They not only tore down my fence and other fences, but did not replace them properly, I have found it necessary on many occasions to call the police to make them move their trucks, only to have it start again the next day. The owners and contractors have repeatedly proceeded to tear down and permanently damage my fence and the fences belonging to others on Golfview Road. In addition, the residents of Golfview Road are constantly confronted with trucks that park in the alley, utilizing the access to the fences they have removed. When the police

have been asked to intercede, they have forced the trucks to move, but unfortunately, the process starts afresh again the next day. The result is an ongoing battle between the residents of Golfview Road and the contractor, and owners that lasts the duration of the construction. The police are constantly being called to clear the alley and the contractors move on, leaving our fences in a state of total disrepair and damage. We very much appreciate your suggestion that the Architectural Commission only approve the permit for 221-A Worth Avenue on the condition that the alley not be utilized in any respect for construction, and that our fences are left alone. I agree with your suggestion that approval contain a proviso that all work will be stopped if these requirements are disregarded. I appreciate your help in this issue and thank you for your kindness. Best regards. Sincerely yours, Wayne Wyndham Geyer.

Mr. Shaw: Isn't it on the north side of the street?

Mr. Moore: It's on the south side, but for the record, Mr. Geyer, I did advise him this wasn't going to be effecting him, but he did want that . . .

Commissioner Shaw: These plans show it next to Tabu.

Mr. Moore: Oh, it is next the Tabu. Oh, it's on the north side, OK.

Mr. Chopin: I think someone should second his motion and approve the project and we agree to the condition. I have no problem with his concern, because I suspect that construction companies may well be using his alley and screw up his property in spite of the fact the property is some ways away. And, so in respect of his property, we would certainly agree that the construction company, which is Hederick Brothers, would be instructed to, by all means, stay away from his property. They should anyway.

Mr. Wideman: Can we go ahead with the presentation? This is on the other side of the street. Forget it.

Mr. Chopin: OK, well anyway, my name for the record is Frank Chopin. I'm here representing Graff's Jewelers, which would welcome all of you as new customers . . .

Mr. Wideman: Are you the architect . . . are you the architect sir?

Chopin: No I'm the attorney representing the owner.

Mr. Wideman: We are supposed to have architects . . .

Mr. Chopin: The architect is here, Mr. Wideman, I was disappointed that we didn't cover this in the last one. The architect will in fact . . .

Mr. Wideman: I don't know why you never Why don't you let him speak for himself? You always make yourself do it, and that poor architect stands there and can't say a word. I think it's a shame. Proceed.

Mr. Chopin: It is, but thank you very much. In fact, I was going to tell you today, that the intention is, after I have an opportunity to cover a couple of preliminary points that I think you should be aware of, that Mr. Smith, will in fact prove that he can speak. Well, he's a little nervous because, Floyd, he knows that almost anything is possible with this group, but he is in fact going to speak today. What I would like you to know, is this is a fast tract project. Unfortunately, because of construction being on Worth Avenue, we've got to get to the construction. The construction drawings have already been done, it's already been submitted to the town. We have an additional problem, I don't want you to feel any pressure here, but I think in fairness, and I'm not trying to do that, I won't even joke about it, but we had to submit the application in February because of the backup to get on the May agenda at the Town Council for the variances that we needed. In order to be able to do this construction, and have it completed by the deadline for the completion of construction in advance of the season, you don't have any choice. So we've got the plans submitted, we've got the contract ready to go, we're expecting a demolition permit to begin on Monday. At the same time, we think that it's the kind of project that you will find very attractive and appealing as the Town Council did, unanimously, earlier in dealing with this. To give you a little bit of background, and then I'm gonna let Jeff describe the building. We're located on the north side of Worth Avenue. This store, which is to the west of Tabu, is a part of a building which contains five current locations. We needed a zoning variance, we needed a site plan approval only for the reason that we were in fact in a commercial zone, in the zoning district that we're in, and because the lot coverage was 62% versus 50%, which was an old rule. All we're doing, we're not increasing any lot coverage. All we're doing is adding a few hundred square feet and we're doing it primarily for the purpose of creating a more attractive facade in keeping with Worth Avenue Design recommendations, type regulations. Before I get to this, and actually, Jeff, let me show you some photographs that we've taken of the street. This is Worth Avenue looking to the north east. This is a building on the corner, all of this part of the existing property, one portion which is two stories. This is the existing property on Worth Avenue which will in fact be renovated. Give you a streetscape, you can see the Worth Avenue building and how the property going to the west consists of Hamilton, Martha Godfried's, which some of you may be familiar with, Tabu, the existing building, and the next. The building is owned by Handelsman and so what we're trying to do is to separate this building out from the other space in an attractive way. Graff's, as you know is a jeweler with offices or locations in London and New York and alike, and it's upscale to say the very least, and the idea is to capture that upscale look which is reflected in a

number of different ways. The addition which is being proposed is all limestone, it's all real limestone, the festoons, did I do that right? See, aren't you impressed with that. It's not cartouches they are festoons, and the tile roof, wrought iron door, glass behind. Jeff.

Architect Jeff Smith: I think Frank told them everything about the building. It's a very simple design. It's two-story with really mechanical space above to make the facade tie in more with the Worth Avenue guidelines. Any questions?

Mr. Wideman: Mr. Hoffman.

Mr. Hoffman: Well, may I see that drawing which showed it in relation to all the others. My feeling is that it's very dissimilar from anything else that's around it. And, you know your calling- if you want to call attention to the building, you are certainly doing that, but I think too much . . .

Mr. Chopin: We certainly wouldn't want to emulate the Worth Avenue.

Mr. Hoffman: No, No, but it's . . .

Mr. Smith: I actually think as you read the Worth Avenue Guidelines, and you realize what they're trying to promote for redevelopment on Worth Avenue. More two-story spaces, more Mediterranean in style, and you know these are actually- this building that it consists of, is actually a 50's building and I think it is outdated, outmoded. Everyone has changed their facades on that building. It doesn't even look like a building, although it is. And, that's exactly what we want to do, but go more in with the guidelines that are on Worth Avenue Report.

Mr. Hoffman: Could you put the picture . . .

Mr. Smith: In scale wise, you can see as we go down this street, it is Mediterranean, Mediterranean, then we go to this, I can't even give it a style because it's been changed so many times, and Mediterranean is what we're trying to promote here. Go where? I'm sorry Mr. Hoffman.

Mr. Hoffman: I was just looking at the pictures down below. This I take it, is what you are doing right here?

Mr. Smith: That's the space.

Mr. Wideman: And that you consider Mediterranean?

Mr. Smith: Well, there is a huge arch with stone and coursing out. Yes, I'd call that

Mediterranean, because it's actually another part of another building next door which has a barrel tile roof on it. So, I mean, I don't know what else to call it.

Mr. Adams: Yes, and you didn't photograph one of the things which would support this project across the street. There is another very tall, narrow, next to Cartier, it's adjoined practically- it is adjoined.

Mr. Smith: And Cartier is just like this, a two-story.

Mr. Adams: I mean it would help to support the fact that there are others like what your proposing, so that it's not entirely, you know, disconnected.

Mr. Hoffman: Well, certainly from what I see of what's there, it looks very dissimilar to anything around it, and, I'm wondering if there aren't ways that you can still have it. One of the problems, of course, that it's sticking up, and it's narrow. In my mind, if you didn't have the hip barrel tile roof on it, maybe keep it a rectangular, or a flat roof, similar to the building to the left, it would tie in more to what's there.

Mr. Smith: There is a barrel tile roof right here.

Mr. Hoffman: Yes . . .

Mr. Chopin: Eric also makes a point about what's across the street, but you know, as a lawyer, I can make a point, the rest of this stuff is old, it's not what we would want to emulate. The Worth Avenue Guidelines look for upgrading of the properties going to the two-story. I don't think that, you know- what we're doing is very attractive and it's a shame the rest of the building is not being upgraded to what we're doing as opposed to being held back. So, that gives you an idea of what it looks like, but we really do like this design.

Mr. Hoffman: I hear what you are saying, but I still think it looks too dissimilar from what's around it, and, I would like to see it mitigated somewhat, to look more like a- to be more in keeping with the horizontal lines of the buildings which are around it.

Mr. Wideman: Mr. Shaw.

Mr. Shaw: I like what you are doing. I would question that you wouldn't want to take advantage of the appearance of a balcony by stepping the second story back a foot or two, not so much as a useful, but just to give it a different element.

Mr. Smith: Well, there is an appearance of a balcony.

Mr. Shaw: Right, but, there isn't a- just push it back a foot, just so something- What bothers me about it is, that it doesn't encompass the building next to it, and . . .

Mr. Smith: I think that was done on purpose to- I mean this is trying to move into the direction of what we want Worth Avenue to look like in the future, not what we want it to look like . . .

Mr. Shaw: We've had this discussion as to whether or not a building that was approved once, was ever approved with a basis that what was approved, would then be cut up into multiple buildings. I mean that would be like somebody building a house then deciding they want the left side of the house to look like one thing and the right side of the house to look like something else. And I don't know if that encompassed two of the three so that the facade sort of blended, and you are creating a greater- the building should be modified, not the storefront, I mean, we've had this discussion. Should storefronts be the criteria or should the building be the architectural element with the storefront fitting into the architecture of the building. You are basically building a whole new building.

Mr. Chopin: we're adding 300 and some odd square feet, but yes, we're trying to change to look of it. As a practical answer to your question, it's not possible for us to deal with the entire building because those spaces are leased out to other people who have done their own, what I consider in many cases less than attractive facades, but, we wouldn't have the ability to do that.

Mr. Shaw: The landlord could say this is my building.

Mr. Chopin: No, he can't because he's leased that space and he's given control over in leases to Hamilton's and Tabu's and others as well. So, the bottom line is, let's see, I would tell you, it's a good thing to have a lawyer here instead of just an architect because I can tell you as a matter of law you can't do that. I mean we have permission, we can make these modifications because we have leased obligations and rights that allow us, but we can't effect what other people's property is here.

Mr. Shaw: I can't argue with you from a legal basis. I would think that if I own a building and I wish to modify the exterior of my building, I have every right to modify it. I can still leave whatever issues we've had. You have a sign on the front of it. I don't know if the tenant can control what the landlord can do to the structure of this building. He wants to put a second story on his building, I think the landlord has every right to put it on, from the point of determined ownership relationship. I don't believe that any of these buildings preclude any further development of the building, so long as there are tenants. I haven't seen the lease . . .

Mr. Wideman: Let's not protract the discussion of points of law, we're here to look at

architecture.

Mr. Shaw: OK. So, within the confines of the architecture, I like what you've done. I just wish it included the building, not the storefront.

Mr. Wideman: Mr. Adams.

Mr. Adams: So what is the pitch of this roof? Jeff.

Mr. Smith: The pitch is 4/12.

Mr. Adams: It's a perfect pitch. I was hoping it was more steep than that, so that the valid suggestion could have been made. I suppose though, there is a way of making it a flat roof situation and still having it in the- It's a beautiful concept, I would hate to see it sacrificed just because everything else around it is not. I don't know where we're going on Worth Avenue necessarily.

Unknown: We're leading it.

Mr. Wideman: Where we've gone, more important.

Mr. Adams: Yea, you are, and I'm a little bit torn, because, first of all I'm going to hear all of this construction and second of all- but it would certainly be worthwhile were it not for the fact that it is so completely different from everything, almost everything, that's around it, and I was just wondering if there was anyway that we could tie it in better. A flat roof probably would help.

Mr. Smith: I think if you start- go with this thinking of the sense of history where this is a townhouse that was original and the other was infill.

Mr. Adams: Listen, there's no question, but if that's the direction we're going, it's a good direction. I mean, there is no problem with that, but we have two things we need to reconcile, and I wish I could say something. It's very tall by comparison with the rest.

Mr. Smith: Well, not right next door, I mean it really, really, fits right next door and it fits with the four. It's the only thing that doesn't fit, and in time those buildings will change. And I think the move will be back toward the guidelines that have been established by Worth Avenue Guidelines.

Mr. Adams: I tend to agree a little bit that we should go in a much more creative and beautiful direction, and that is what you are proposing. So, it's very difficult for me to say oh- you know- I don't like it, because I do. So, I'm sorry to leave you in this limbo,

but the problem that's been annunciated, is a problem. I know that this is the tenant's improvement.

Mr. Smith: Someone has to start it.

Mr. Adams: This is the tenant's improvement?

Mr. Smith: Right.

Mr. Adams: This not Mr. Handelsman. So, from a legal point of view, he has given over to all the tenants the obligation. I know that, to improve whatever they are going to improve- and all the improvements are made on his property. So, the legal point is not even an issue here. The tenant is the only one who is involved. I'm sorry not to make a more cogent recommendation, but I- and I do like it, but the flat roof is the only thing I can think of that wouldn't damage the architecture too much and would be more in keeping with what was around it.

Mr. Smith: But I think the pitch roof actually brings the scale down, brings it back down to earth.

Mr. Adams: Well, hopefully if you get approved, that will be the case.

Mr. Wideman: Mr. Zukov.

Mr. Zukov: I love the building. I think the building is lovely, but I have the same problem. We don't have a master plan for Worth Avenue, right?

Mr. Smith: We have guidelines.

Mr. Zukov: Yea, but nobody's really drawn up something that would suggest what the architecture should be like.

Mr. Smith: Yes. Not drawn up, but the guidelines are there, and that's what this fits the guidelines.

Mr. Zukov: And it fits? It's Mediterranean, it's two-stories and . . .

Mr. Chopin: That design was drawn in keeping with the Worth Avenue guidelines.

Mr. Zukov: But we have approved other storefronts here, since I've been on this commission, and they have not been like this.

Mr. Smith: Because I don't think most tenants go the dollar expense we're going through to make this happen.

Mr. Chopin: . . .complying with the guidelines, we're the ones trying to do something very special on Worth Avenue and it would be an oxymoron to say we should go back-hold back, the development from the direction in which we really all want to go to do this attractive building. And I'll tell you, I think if you look at this rendering here, you get a much better sense of the scale and how it fits in compatibly with the neighborhood, and looking at this just all by itself.

Mr. Adams: I myself am not afraid of what this is going do to the Avenue. I think it could only enhance it to tell you the truth.

Mr. Wideman: Mr. Zukov has the floor.

Mr. Zukov: I think that if Chopard, they came to us right? Van Cleef and all of them, and we approved certain storefronts. They were not little buildings like this. We should have made them do it? Is that what we should have done?

Mr. Chopin: I mean, you know, I could give you my opinion uninformed, because I've been to both of those places, but I frankly never paid any attention to it. The guidelines are worth looking at when you're looking at Worth Avenue. They really are because they are well done, and it's certainly where we want to go, and what we're trying to do is to go where the guidelines take us.

Mr. Zukov: Absolutely. If there are guidelines, and this follows the guidelines.

Mr. Moore: Mr. Chairman, if I might, we keep talking about the Worth Avenue Guidelines and indeed this Commission has reviewed a project, although it was not built, for the 200 block, and it was on the south side, and it was a second floor over Giorgio's. So, the Worth Avenue Guidelines were developed with the understanding from a zoning standpoint with a unique partnership. And that was- that we believed that the Worth Avenue area was constantly going to change, and in fact set up these guidelines to try to assist it in the change. Along with it of course comes your review as to the appropriateness of the architecture along the zoning guidelines that were put in place of which they are applying for and have applied for this particular application. It is contemplated that second stories will be built. In fact there has been work at Giorgio Armani's building to get ready for a second floor. Helical piles were put in as they were on Giorgio's when they remodeled Giorgio's store on the south side of the street. So, it will not be the last of the two-story applications that you see in the 200 block. There will be very little in the 300 block as most of those are historic structures that are already in excess of two-stories. This is contemplated in the guidelines, and so the issue really is

the architecture that Mr. Smith has brought to you. Mr. Chopin is making the correct legal arguments to you. Although, you know we do have Rhoda Yen from Mr. Randolph's office here to argue with Mr. Chopin if he doesn't want to argue with me about them. But I'm agreeing with him right now, so he probably likes my opinion. In any event, it is proper before you today. The Council has approved it and I would suggest that we concentrate on the architecture as to what your feeling is on the architecture rather than the appropriateness of the second story.

Mr. Wideman: The Council has approved it?

Mr. Zukov: No, he doesn't mean they approved the architecture.

Mr. Wideman: He said the Council has approved it.

Mr. Frank: The Worth Avenue Guidelines

Mr. Moore: No, the Worth Avenue Guidelines

Mr. Wideman: But not this specific . . .

Mr. Moore: Oh no- yes, they had to deal with this at last months meeting on the second story because the . . .

Mr. Wideman: But they didn't have to approve it, they gave a variance . . .

Mr. Moore: Yes. Correct.

Mr. Wideman: Oh OK, I just wondered if they approved it and we had nothing to say.

Mr. Moore: No. Absolutely no.

Mr. Chopin: Mr. Shaw's made that point before.

Mr. Zukov: What did Giorgio submit, they submitted something.

Mr. Adams: Yes, it was that "Egyptly"*[sic]* looking thing.

Mr. Moore: Oh sure. It was a second story.

Mr. Zukov: And is it in this . . .

Mr. Strawbridge: No. It's a modern marvel.

Mr. Moore: It was a very- the architect was the same architect that assisted Gene Lawrence with Neiman Marcus and with the esplanade, and that was Raphael Portuondo.

Mr. Zukov: Very contemporary? Not like this one?

Several people: No.

Mr. Wideman: This is off the subject. Mr. Strawbridge.

Mr. Moore: What I'm trying to assist the Commission with- that it is contemplated that there will be second stories, and we will have already gone through this process once. So, the question really is, and the Council has approved the associated variance because of the parking issue for the second story, so what's really before you is the architecture.

Mr. Strawbridge: To belabor this point, because I think it may be crucial long term, and that is the issue of architecture. If the Worth Avenue- first of all, as always the building's an A-1 in my mind, if the Worth Avenue Association believes that they want to go back and Mediterraneanize *[sic]* Worth Avenue over the long haul, I think it's a serious mistake. I see long term maybe a better Bocaized *[sic]* thing, but what in my opinion makes Worth Avenue, Worth Avenue, is the modernness that has snuck in over a period of time. I would be very loathed to one, either indorse the Mediterraneanizing *[sic]* of the street, because I think it will make itself just another street in Florida, and I'm concerned about that. So I'm struggling with the same question all of you are, and maybe the way to solve it is to get rid of the pitched roof and make it a flat roofed operation so that the only Mediterranean type buildings we allow so far- appeared so far- will be the old Mizner ones up at the north end and then maybe a little ½ roofs that appear. But, I'm concerned about the Mediterraneanization *[sic]* of Worth Avenue.

Mr. Wideman: Mr. Wheelock:

Mr. Wheelock: Is this building under one single ownership, or are three or four of those...

Mr. Chopin: All of them. The property is owned by Handelsman. From Worth Avenue, it's a two-story building already by the way, but we specifically got an approval for this two-story addition, it runs from here and goes all the way down to here. Five stores.

Mr. Wheelock: OK, then let me ask you a question. If the other stores on either side, whether it's Tabu on one and the other store on the other, want to go two-stories, you have windows in your wall . . .

Mr. Smith: Yea, but there going to be blocked up.

Mr. Wheelock: So, you're not going to object, right?

Unknown: No.

Mr. Wheelock: OK, the only voice so far, I think it's beautiful, and I think you should build it, and I like the roof. I think it's the perfect addition to Worth Ave.

Mr. Chopin: Mr. Chairman, I just want to make the point regarding the Mediteranizing *[sic]*, I don't know how to say it either, but the guidelines don't require you go in that direction, they allow you to go in that direction, and I think you're right at what makes Worth Avenue unique is the fact that there is a blending and a variety of different architectural styles. So while this is different from the buildings two or three doors away from it, it's not different from the character of the street as a whole especially as you go west or what might come in the future. So I think the guidelines were astute enough, and froward looking enough to be able to understand that, you know, you need that diversity because it's a commercial street.

Mr. Strawbridge: Mr. Chopin, just to finish this thing, seeing as we're having an open discussion, I couldn't agree with you more about the diversity. I think this is the best looking camel I've ever seen, but I don't want a camel in my tent. I think that's a problem here. This is the camel.

Mr. Wideman: Ms. Diver.

Ms. Diver: I think the building is beautiful. I think if it's leading the way following the guidelines on Worth Avenue. I'm very pleased and look forward to other buildings just like this.

Mr. Chopin: Thank you.

Mr. Wideman: Well, I think I agree with the majority of the Commission. I think that it is totally dissimilar with something that we consistently look for, totally dissimilar to anything around it. And secondly, I have a bit of a problem with the fact that we have had many, many store owners come before us, and one of the things we've insisted on consistently is, that they not be too different from the facades around them. We have made them change many, many times to be more in keeping with the store fronts around them. After we've done that to all these people, and then we say-oh well, we don't have to do that any more we'll put something in that's totally different. I just find that an anomaly. I do think that the one suggestion that was made- I think that it's been made by a number of people, that it would help if you took that roof off and went to a flat roof. I do think that would help to make more in conformance with the rest of the street and not so totally intrusive. In any case, do we have a motion from someone?

ARCOM Minutes 5/28/03

Mr. Zukov: May I ask another question?

Mr. Wideman: Sure.

Mr. Zukov: Is the second floor- that's all- that's all there is to the second floor?

Mr. Chopin: It's three hundred and some odd square feet. It's not occupiable *[sic]*. You have to get to it from the back, over the roof, it's there, it will have some equipment in it. It's clearly not intended to do anything other than to change the facade of the building.

Mr. Zukov: So that's purely to- for that reason . . .

Mr. Wheelock: I'd like to make a motion for approval as designed.

Mr. Strawbridge: I'd like to make a motion that the building be deferred for restudy to make it . . .

Mr. Wideman: Wait a minute, let me see if I have a second on the first motion . . . Not having a second, the motion dies. Go ahead.

Mr. Strawbridge: Be deferred for restudy to make it more in conforming with the buildings that are there, and specifically consider, very seriously, a flat roof for the property.

Mr. Chopin: We won't accept a deferral.

Mr. Wideman: Do I have a second?

Mr. Hoffman: Yea, I'll second that.

Mr. Wideman: All those in favor?

Mr. Chopin: Mr. Chairman, we have a right to ask for a decision, we don't want a deferral . . .

Mr. Wideman: Your getting one. Will you let me call the motion, please?

Mr. Chopin: Well, deferral is not a decision. We have a right to an up or down vote so we can take it to the Council.

Mr. Zukov: Would you be willing to agree to take the roof off?

Mr. Chopin: No.

Mr. Wideman: Well then, what do we have- do we have to deny it? I haven't even gotten a vote on this motion so I don't know which way it will go.

Mr. Adams: The reason I would . . .

Mr. Zukov: Well go ahead, vote on that. Wait a minute they had a first and second.

Mr. Adams: Yes, and under discussion, I was only going to explain that the reason I would vote in favor of the deferral is so that we could get more used to the proposition, that you could explore something that we may have contributed, I mean, suggested. And that, we do not necessarily butt heads, but that we give ourselves an opportunity. Because what we see here is a great division. There is a great response to your effort and some concern about what we have long felt was our approach to this.

Mr. Wideman: Eric, let me clarify something. Bob, would you do what you were about to do?

Mr. Moore: Yes I will- and again, I hate to place Ms. Yen on the spot because she's not heard Mr. Randolph's opinion on this particular subject, but before I render that, I would like to comment on something that's been before you. I'm sorry I just had to try to get- I'm gonna be away and I needed to get a letter sent out, in fact it's about ARCOM reviewing zoning variances. Mr. Chopin has already identified to you that he's running into a bit of a problem, and we did do everything possible to get him onto the May agenda for the Town Council. Because of the building envelope on Worth Avenue, that you heard Mr. Geyer talk about, and being disrupted on his south side and this is north, that they have a compressed time frame to do this type of work. We throw them off the Avenue on November the 1st. Therefore, he is wanting a decision from you today, or a conditional, if not an exact, on that particular design, some type of a conditional decision. Mr. Randolph has consistently ruled that a deferral is an action, it is also an appealable action to the Town Council. So you would render- you will leave him no choice if you defer, then for him to run to the Town Council. The Council will be in a terrible position because they will want you to make the architectural decision so they do not have to. I would please ask Mr. Shaw to comment somewhat on this as he has sat in the other seat. Whereas, normally they will refer this back to you, because they won't take the first go around and take it out of your hands. I don't think I've ever seen that. So that will cost him another month. In the interest in the project going forward, if there's any other type of motion that would allow them some approval process or perhaps bring back a roof or something to this effect. It would be most beneficial to Worth Avenue and the Town.

Mr. Wideman: Well obviously the chairman cannot make a motion, but I would like to

suggest something. I think if we were to give approval in terms of them being able to start construction based on the foundations and size of the building, and so forth, with a stipulation, that either they agree now to remove the roof and go to a flat roof, or they come back with the roof situation addressed. I would feel that would accomplish what we're trying to do. Maybe not, but . . .

Mr. Zukov: That's not going to work because once they start construction, you can't- I mean, it would be impossible- I think it's best to hold them back.

Mr. Chopin: I thought it was a good suggestion, Mr. Chairman, I was going to ask you to do that. And while we won't accept a flat roof today, we would be prepared with that approval, as Floyd just outlined it, to come back to you next month having had an opportunity to look at the question of the roof again. Maybe to give you an opportunity to think it through and to talk about what the roof looks like, but not holding up this whole project, and the reason that the deferral is death to us, is that, we can't build this building if we don't start now. It would be an entire year before we can start, so. . . .

Mr. Zukov: Well, are you changing your mind that you would consider a flat roof?

Mr. Chopin: We would come back having studied it, and give you our thoughts a month later. You know- next month, but we will study it. We'll study it in good faith. We'll come back and tell you what we think.

Mr. Wideman: Well, that won't work. To come back and say-well we're going to leave it the way it is. Then we're gonna be right back where we are today. That won't work.

Mr. Shaw: I think the way to approach it is to approve what we want to approve. You have obviously the right to go to the Council and say this was approved. I think that you're not tying the Council's hands if the scope of what your appealing is flat versus pitched. So, I think that . . .

Mr. Chopin: Well, if we can get the permit that would be fine. I would be happy to do that.

Mr. Shaw: You can get it permitted, but we approve the project as presented with the change being a flat roof. At that point, the building department can issue you all your permits, and you can go build it. If you decide that you want to get on, or can get on the agenda, and I'm sure you could for the next meeting.

Mr. Chopin: I have a right to be, yea.

Mr. Shaw: I don't know if you can do it for immediately the next meeting.

Mr. Chopin: Yes I do.

Mr. Moore: Yes, he would be able . . .

Mr. Shaw: As long as he can get on for the June meeting, that's between you and the Council. If the Council sends it back to us, you've got nothing. If they override us, as we're advisory to them, then you just move on.

Mr. Chopin: I think it's a good suggestion and we're gonna go to the Council if you approve it with a flat roof. I mean- I just want to be up front with you in every fashion. We think the flat roof is not a good idea for the design of this building. That's not my architectural opinion, it's Jeff's, and I have a lot of faith in his. But, we'll go to the Council and I think we can convince the Council with this.

Mr. Shaw: What does the building in London look like, just out of curiosity, the one you showed me?

Mr. Chopin: Oh yea. This is a book that . . .

Mr. Shaw: It's not relevant, I'm just curious.

Mr. Chopin: It's Graff's. Graff's is located in various places. You can see the kind of architectural style that we're trying to achieve. I mean it's not relevant.

Mr. Shaw: Well it isn't relevant except that it's a flat roof, or close- well it's got a- it's not a flat roof, but it's a lot flatter, so, it's interesting.

Mr. Chopin: Well, but it's London.

Mr. Shaw: I'm going to make a motion that we approve . . .

Mr. Moore: It would be a substitute motion.

Mr. Shaw: Oh, I'm sorry. OK, substitute motion that we approve the project with the modification to a flat roof.

Mr. Moore: To be returned for a final approval?

Mr. Wideman: Do I have a second?

Mr. Zukov: Second.

Mr. Shaw: Nope. A flat roof, you're not gonna see the roof. They're just- what your going to get into- is how the top is finished, and that's staff.

Mr. Wideman: All in favor?

Mr. Wheelock: Could we have discussion for just one second on this? I think we're about to take a vote on the basis that this is dissimilar to the junk that's on either side of it, and I think that's absolutely crazy. It is junk, and I just need to say that now, and I think a flat roof or pitched roof, you don't see very much of this. Don't believe the perspective down there which is taken at about 14 feet high. From eye level you'll see very little of the roof, and I think it's beautifully designed, and you should go ahead as you know.

Ms. Diver: Can I say a comment too? I think the buildings that are there are just one-step above a strip mall with everything looking very similar, and Worth Avenue is about elegant, up scale boutiques. I think this is in every way a very elegant, upscale building.

Mr. Adams: I have to throw my lot in there. I believe the same thing. It's very hard to pass up the opportunity to have this, and since the standard that we are somehow saying needs to be considered here is so much less. I'm not so sure that we would not be doing ourselves a disservice. Nobody has proposed this kind of renovation quite. We've asked other people who were not elevating themselves in this way as a second story. We've asked them to modify some of their designs, but they are storefronts, that's true, but only in the interest of good taste. This is certainly furthering that interest.

Mr. Strawbridge: Mr. Chairman, I would like to make a comment in rebuttal. Eric, Jeff Smith is perfectly able to design a building with a flat roof that is as elegant as this, and this is not going to suffer for the lack of a pitched barrel tile roof. This building is not being compared to the two pieces on either side which are clearly inferior. It is compared to all the other flat sided buildings from Tiffany to Bulgari, up and down the street where you have first class contemporary buildings. So it's not an issue of a pitched roof or a piece of "S" period, period. That's not it. There's a way of solving this without the pitched roof, and to make those other suggestions is totally wrong.

Mr. Moore: Mr. Chairman I would suggest that you do have a roll call on this motion. If it fails, you can offer another motion.

Mr. Zukov: Which one?

Mr. Moore: The motion is the substitute motion on the floor which is to approve it with a flat roof.

ARCOM Minutes 5/28/03

Mr. Wideman: And I have a second. Will you please give us a roll call vote?

Mr. Zukov: I seconded it, but I would like to change the motion. May I?

Mr. Wideman: The motion is on the floor we're gonna vote it. You can then vote a substitute.

Mr. Moore: If he withdraws his second it would need another second and in fact you can pass the gavel if you so wish.

Mr. Hoffman: All right, I'll second it.

Mr. Wideman: OK, we've got a second. Roll call please, Ms. Dayton.

Ms. Dayton: Mr. Shaw. (Yes) Mr. Hoffman. (Yes) Mr. Adams. (No) Mr. Zukov. (No) Mr. Wheelock. (No) Mr. Strawbridge. (Yes) Mr. Wideman (Yes) Motion passes.

Mr. Moore: So it's 4-3 for a flat roof.

Mr. Chopin: Am I clear, before I leave here, we can pull the permit and start construction, but we will also have the right to appeal this decision? And we will.

Mr. Moore: Absolutely, you have a right to appeal it and you may submit the plans. We will process the plans. What will not be included is the roof. Until that subject is- unless he wants to do a flat roof right away.

Mr. Chopin: No. We respect the opinion Mr. Strawbridge and the others that have commented, but it's the owner's view and Mr. Smith's view that this is going to be a more attractive building and it will make a more attractive Worth Avenue. So, 4-3 gives us hope that we'll convince the Council, who, 5-0 liked what we did when we were there earlier this month. Thank you.

Mr. Zukov: Mr. Chairman, what happens, shouldn't he come to us again with the flat roof design?

Mr. Frank: Mr. Chairman, that's what I wanted to ask. I'd like to ask the maker of the motion, Mr. Shaw, did you not say that you wanted the flat roof portion to come back to staff?

Mr. Shaw: If it's flat we don't see it. I don't care.

Mr. Frank: The flat roof portion will come back to staff.

Note for the record: This project was appealed to the Town Council at their June 10, 2003 meeting. The Town Council approved the project with a pitched roof.

B37-03 Demolition and New Residence

Applicant: Guy Rabideau, as Trustee
Address: 251 Angler Avenue
Architect: SKA Architect and Planner
Project Description: "Demolition of existing single story structure. New one story residence (island style structure) with wood clapboard walls."

There were no ex-parte communications disclosed.

Architect Jacqueline Albarran reported the history and condition of the home. It was designed by Howard Major in 1936, and is in fair condition. It was her opinion that the house has no great architectural value.

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

Ms. Albarran proposed an island style home for the property and described it as a small cottage, with white wood clapboard and white concrete roof tiles. A main portico will enter into an open garden area having the entry to the house beyond. The great room, in the center of the house, will be a see-through room having a large bay window on the back. Mr. Zukov suggested making two windows a bit more narrow and add grill work to them. Mr. Wheelock noted that there was not enough room to back a car in/out of the garage making it almost non functional. Ms. Albarran commented that the owners were aware of this situation and requested having more greenspace.

**MOTION BY MR. ADAMS TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. HOFFMAN
MR. WHEELOCK OPPOSED.
MOTION CARRIED 6-1.**

B38-03 Addition

Applicant: Thomas and Patrice Carden
Address: 200 Barton Avenue
Architect: Melinda J. Schwab
Project Description: "Second story addition to replace one-story sunroom"

Architect Melinda Schwab presented the proposed addition to the existing single family home. The same project was reviewed and approved in January 2001. Mr. Frank stated that the code has changed regarding the retention of the 2" of water on the site. Ms. Schwab has submitted the proper drainage plan to the Town.

**MOTION BY MR. ADAMS TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. WHELOCK.
MOTION CARRIED UNANIMOUSLY.**

C. DEFERRALS AND CONTINUATIONS MINOR PROJECTS
None

D. NEW BUSINESS - MINOR PROJECTS

A18-03 Site Lighting

Applicant: Marjorie Meek
Address: 255 Ridgeview Drive
Contractor: Luminary Effects
Project Description: "Site Lighting"

Mr. Hoffman declared a previous conflict of interest and left the dais during the discussion.

Lighting Consultant Don Collier presented a colored site plan indicating the different types of light fixtures and their locations. The total wattage proposed for the property is 1200 watts. Mr. Collier stated that there are different types of lighting used for landscaping; Incandescent, mercury vapor, metal halide, and high pressure sodium which all have different intensities. He explained that 70 watts of metal halide would be seven times brighter than 175 watts of a mercury vapor lamp. Mr. Frank stated that when the proposed lighting is over the 80 watt threshold, it is preferable having a professional lighting consultant give the presentation.

MOTION BY MR. SHAW TO APPROVE THE PROJECT WITH ONE LIGHT ON THE TREE IN THE REAR.

MOTION SECONDED BY MR. WHEELOCK.

MOTION CARRIED UNANIMOUSLY.

A19-03 Revisions

Applicant: Roger Jenkins
Address: 215 Indian Road
Engineer: J.R. Hernacki
Project Description: "Remove steel storm shutters and glass block panel wall, replace with impact glass wall panel. Change front door."

There were no ex-parte communication relative to this project.

T.R. Hernacki, with Hernacki Engineering, proposed removal of a 6"x 6" glass block arched wall and the structural aluminum strong back system that was later installed for hurricane protection. This will be replaced with 27" x 76" impact glass panels. The front door will be wood frame with matching glass lites. A soffit will be added over the front door to provide for a roll down shutter system. A 6'8" high door, in the back of the house, will be replaced with an 8' high door to match the others.

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

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

A20-03 Roof Material Change

Applicant: Andrew Reynolds
Address: 201 List Road
Contractor: Wildes Building
Project Description: "Change from Altusa "S" Spanish tile to Santa Fe "S" Spanish roof tile."

There were no ex-parte communications relative to this project.

Property owner Andrew Reynolds explained that when he bought the house, it came with pre approved plans which indicated concrete "S" roofing material. He chose the Santa Fe tile rather than Altousa tile, not knowing that Altousa was preferred. He presented a sample of the tile which was made of clay and had a high profile "S" as the Altousa tiles have.

**MOTION BY MR. ADAMS TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

A21-03 Landscape, Hardscape, Roof Material Change and Louvers

Applicant: True 680
Address: 680 South County Road
Landscape Architect: Innocenti & Webel
Architect: Thomas M. Kirchhoff
Project Description: "Landscape, hardscape, landscape lighting, exterior lighting, roof tile change, and addition of louvers to the south wall of the garage."

Mr. Wheelock stated that he met with the architect and the landscape architect, and visited the site.

Architect Thomas Kirchhoff introduced Landscape Architect Bert Krebs, President of True 680 James Orthwein, and Builder Mike Daniels. The new house was reoriented to face El Vedado Road. They requested changing the roofing material from a Ludowici to a natural slate. As well, the chattahoochee material will be eliminated from the driveway and only cobblestone pavers will be used. A louver was added to the garage for the generator ventilation.

Mr. Krebs remarked that the landscaping for this property will follow the theme along El Vedado Road with coconut palm trees. An 8' hedge exists around the site with the exception of the front. Mr. Adams asked about the Italian cypress trees that were of issue at previous meetings. Mr. Krebs responded "Oh yes, the Italian cypresses are being utilized in the front, because the back sides of the Italian cypress are up against a hedge right now. The back side is basically barren, so we have utilized four of them across the front because the back will be up against the house." He presented the proposed site lighting indicating coach lamps on the house, as well as security lighting on the eaves of the house. He said that halogen light fixtures will be used for this project. It was felt that the lighting was a bit intense and it was suggested to drop the wattage on the garage to about 25 watts and eliminate the up lighting of the three palms. Mr. Krebs stated that the hedge at the corner of El Vedado and South County will be replaced with a wall and a hedge behind it, because it is within the site lines of the street corner. It was requested that a lighting person come back with detailed plans.

**MOTION BY MR. SHAW TO APPROVE THE PROJECT WITH THE
EXCEPTION OF THE LANDSCAPE LIGHTING AND EXTERIOR LIGHTING.
MOTION SECONDED BY MR. WHEELOCK.
MOTION CARRIED UNANIMOUSLY.**

A22-03 Entry Porch & Windows

Applicant: H. Lee and Jackie Brown
Address: 258 List Road
Architect: Michael J. Johnson
Project Description: "Add an unenclosed entry porch and replace awning windows at the front (north) elevation with casement windows and french doors."

No ex-parte communications were announced regarding this project.

Architect Michael Johnson proposed adding a porch and changing some of the fenestration to the existing house. He also presented landscape changes that were not on the initial application. The property has 25% landscaping at this time with a large parking court, concrete walkways and a large tiled pool area. The size of the driveway will be reduced and redesigned to be circular. Random keystone pathways will replace the solid concrete walks. The large patio areas will become two smaller precast patios with lawn around the pool. The ranch style house has awning windows with shutters. The changes include a building color of light yellow with white trim, awning windows changed to pairs of french doors and casement windows, and a bay window removed and replaced with an open porch.

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

VIII OTHER BUSINESS

Mr. Frank commented on the issues of the roof tile material change and the stop gap measure for site lighting. When a specific roof material and shape are presented, and then the applicant want's to change it, he always asks them to seek approval from the Commission. The problem with the 80 watt site lighting threshold, is the different types of fixtures may be radically different in intensities. Mr. Frank suggested that a light consulting firm give them a presentation and then the Commission may present it to the Zoning Commission for future ordinance change. Mr. Wideman recalled that the approval of site lighting, for the Rinker property, included the Commission visiting the site for final approval. This has not been done.

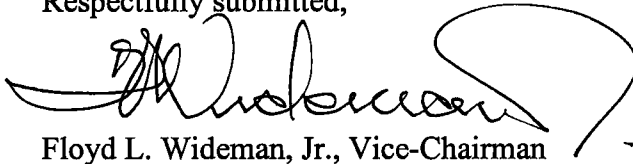
Mr. Shaw suggested that hurricane panels be painted or finished in some manner to match the building. Mr. Frank stated that removable panels do not require a permit. He thought that code enforcement could deal with shutters that remain on buildings for an extended length of time.

IX ADJOURNMENT

MOTION BY MR. WHELOCK TO ADJOURN THE MEETING AT 1:10 A.M.
MOTION SECONDED BY MR. SHAW.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Review Commission will be held on Wednesday,
June 25, 2003 at 9:00 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "F. Wideman", with a large, sweeping flourish extending to the right.

Floyd L. Wideman, Jr., Vice-Chairman