MINUTES
ARCHITECTURAL COMMISSION
AT THE
EMERGENCY OPERATIONS CENTER
3RD FLOOR, 355 SOUTH COUNTY ROAD

WEDNESDAY, MAY 26, 2010, 9:00 a.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Cindy Delp, Secretary to the Architectural Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER (9:00:03 a.m.)

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

II. ROLL CALL(9:00:33 a.m.)

The following members of the Architectural Commission were present: Jeffery W. Smith, Chairman, William J. Strawbridge Jr., Vice Chairman, Members Leslie C. Diver, Kenn Karakul, Nikita Zukov, and Alternate Members Martin D. Gruss (arrived at 9:28 a.m.) and Peter I. C. Knowles II. The following were absent: Members Samuel M. Boykin (excused) and Robert J. Vila (unexcused) and Ann L. Vanneck, Alternate Member (unexcused).

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

III. PLEDGE OF ALLEGIANCE(9:00:35 a.m.)

IV. APPROVAL OF THE MINUTES FROM THE APRIL 28, 2010 MEETING(9:00:50 a.m.)

MOTION BY MS. DIVER FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

V. APPROVAL OF THE AGENDA :(9:01:08 a.m.)

Please note that there was no motion for approval of the agenda, but under this agenda item, there were 3 motions for deferral for projects B22/10, B24/10 and A5/10. The motions can be found at each of those items.

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:
By Mrs. Delp

VII. OTHER BUSINESS: Informal Review: Street Signage Pole Standards for Worth Avenue Improvement Project - Thomas G. Bradford, Deputy Town Manager (Please note this matter was reviewed informally at the April meeting, but no consensus was reached.)

Mr. Bradford, Deputy Town Manager, along with Mark Marsh, Project Architect, returned to the commission with new plans in response to comments made at last month's meeting. Mr. Marsh stated that the number of signs shown is the minimum number required to address traffic and safety concerns. He presented a series of elevations showing where the signs will be placed on the street. Two types of signs are involved: Traffic and safety signs (dictated by state and national standards), and signs which allow the Town to enforce its standards, like parking signs, etc. Certain signs will be affixed to black poles on a fluted base with an acorn finial at the top, while the enforcement-type signage will be on 2" diameter round silver poles. Frames, proposed last month, have been removed from the signage. Mr. Marsh presented the street signs to be white with black letters, but the commission later corrected him that they were to be black with white letters. He commented particularly about the new state requirement which requires not only a crosswalk sign, but a directional arrow sign to accompany it.

Mr. Smith stated that there are just too many signs...50 alone that say 2 hour parking. He felt this was absurd, creating clutter and ugliness, costly to taxpayers, and not appropriate for Palm Beach. Mr. Marsh responded that they are necessary for enforcement according to Public Works. Mr. Bradford added that, based on Public Works experience, the signs promote the legitimacy of parking tickets, for example. He indicated that they could confer further with Pubic Works relative to this matter.

Mr. Smith discussed the proposed crosswalk (double) signage, and asked Mr. Marsh to determine whether the requirement for two signs is actually a law or just a recommended standard. In summary, the commission felt the materials to be used are acceptable, but the locations and numbers of signs are still in question.

VIII. PROJECT REVIEW(9:16:39 a.m.)

PLEASE BE ADVISED THAT THE PROJECT FOR PUBLIX (B25/10) WILL BE THE LAST PROJECT ON THE AGENDA.

A. MAJOR PROJECTS - OLD BUSINESS

B16/10 Gates/Landscape
Address: 200 S. Ocean Boulevard
Applicant: Julie Heberlein and Robert J. Reveley
Architect: Leslie Divoll
Project Description: Construct two gates (1) a beach access gate of decorative wrought aluminum (7 ft. 8 in. wide x 18 in. high) located in existing hedge; (2) an automated driveway gate of stained pecky cypress (14 ft. wide x 8 ft. high at existing driveway, hung from 24 in. x 24 in. x 6 ft. 8in. masonry piers. No changes to pavement are planned. Final landscape will be presented

Please note that at the April meeting, there was a motion to approve the driveway gate and the location of the beach access gate, with the instruction to return with a different style beach access gate to coordinate with the chickee hut. There was also a motion for deferral of the beach access gate to the May meeting.

Call for disclosure for ex parte communication: Messrs. Zukov and Knowles made ex parte declarations.

Architect Leslie Divoll returned with a revised beach access gate which is basically a scaled down, simpler version of the driveway gate. It will be a solid cypress gate with an arched top and minimal hardware. The side support posts are peeled cypress posts stained and finished to coordinate with the gate.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

B19/10 Addition
Address: 3000 South Ocean Boulevard, PH 6 South
Architect: The Lawrence Group
Applicant: Diane Wren
Project Description: Addition of an unenclosed roof shade on the Penthouse terrace. Materials are stucco and clay barrel tile matching the form of the existing Penthouse.

Please note that this project was reviewed at the April meeting, but was deferred (for re-design) to the May meeting.

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

Architect Eugene Lawrence returned to the commission with two design alternatives, Option #1: with the same columns, but with walls behind the columns and rounded arched openings, and Option #2: a double column option with rounded arched openings.

MOTION BY MS. DIVER FOR APPROVAL OF DESIGN OPTION #1.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

B20/10 A/C Sight Screening
Address: 333 Sunset Avenue
Applicant: Royal Poinciana South
Architect: Steven Z. Epstein, Architect; Engineering Express
Project Description: Furnish & install A/C sight screening along the entire roof perimeter that will extend six (6) feet in height above the roof tie-beam/parapet

Please note that at the April meeting, this project was deferred to the May meeting for lack of proper plans.

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

Attorney Maura Ziska discussed the history surrounding this project, which began as a Code Enforcement issue (visibility of air conditioning units subsequent to re-roof and hurricanes), was appealed in court, and eventually resulted in a settlement agreement that the Royal Poinciana South would screen the a/c equipment on the roof. Several screening options were discussed: entire roof perimeter screening, cluster screening, screening with louvers, screening with lattice, etc.

Mr. Lindgren read a letter into the record from Neil L. Aronstam objecting to the project. He also stated that there are no zoning issues with regard to the request. Mr. Randolph explained that the a/c equipment had been grandfathered without screening until the roof work was done and the a/c equipment was raised, nullifying the grandfathering.

Rob Allen, President of the Palm Beach Biltmore, stated that they prefer individual cluster screening, rather than screening the entire rooftop, to preserve views for their residents. If, however, it becomes necessary to have perimeter screening, the Biltmore would prefer to work with the condo to adjust the angles of the louver option to provide some view possibilities. Ms. Ziska stated that cluster screening is not possible in this case.

Commission comments: Looks awful: looks like a prison yard on the roof; no architectural thought here; like the lattice option, but lowered by a foot: like the louver option; and, you are changing the height of this building visually.

MOTION BY MR. STRAWBRIDGE FOR APPROVAL OF THE PROJECT WITH THE CONDITION THAT THE APPLICANT GOES BACK TO SEE IF THERE IS A WAY TO PLACE THE LOUVERS IN A WAY THAT IS MORE ACCEPTABLE TO THE NEIGHBORS.

MOTION DIED FOR LACK OF A SECOND.

MOTION BY MR. ZUKOV FOR DEFERRAL (TO THE JUNE MEETING); TAKE THE LATTICE DESIGN...SHOW IT COMPLETELY DARK, AND THEN THE VERTICAL PIECES BELOW THE ROOF ARE TO BE COMPLETELY BLENDED IN WITH THE BUILDING ITSELF.

MOTION SECONDED BY MS. DIVER.
UPON ROLL CALL, MOTION CARRIED 5-2 WITH MESSRS. STRAWBRIDGE AND SMITH VOTING AGAINST THE MOTION.

In light of the deferral, Mr. Smith asked Ms. Ziska to have their engineer look at doing cluster screening supported from the actual a/c stands, without impacting the roof membrane.

B22/10 New Residence
Address: Lot 7 & 8, El Mirasol
Applicant: Mr. and Mrs. Khubani
Architect: Roger Hansrote Architect
Project Description: New two-story single family residence with 8 bedrooms, 10 bathrooms, 2 1/2 bathrooms, (2) two-car garages, and (1) one-car garage, breezeway, porte cochere, and (2) pools. 11,427 sq. ft. A/C

Please note that this project was deferred from the April meeting (without review), and again from the May meeting, at the request of the attorney for the applicant.

MOTION BY MS. DIVER FOR DEFERRAL OF B22/10 TO THE JUNE MEETING.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

B23/10 Atrium enclosures (In association with Site Plan Review #3-2010 with Variance)
ARCOM TO MAKE RECOMMENDATION REGARDING VARIANCE
Address: 7 Sloan's Curve Drive
Applicant: Mr. and Mrs. Alan Adler
Architect: Smith and Moore Architects, Inc.
Project Description: A 135 sq. ft. atrium enclosure, a 49 sq. ft. interior atrium enclosure and window changes in an existing townhouse. A variance to allow two small additions that will enclose the entry feature and an interior atrium thereby increasing the lot coverage to 42.1% in lieu of the 39.5% existing and the 35% maximum allowed in the PUD-B district. The proposed additions will modify a previously approved site plan in a PUD complying with Section 134-688 (b) of the Town's Zoning Code.

Please note that this project was deferred from the April meeting at the request of the attorney for the owner, since the variance application had to be revised and re-advertised.

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

Attorney Maura Ziska discussed the variance requests related to this project. Architect Harold Smith presented the architectural plans as described in the project description. In addition to the project description, Mr. Smith presented associated fenestration changes of impact windows and the addition of Confederate Jasmine at the front entry. Attorney Neil Schiller from Becker & Poliakoff, representing the Residences at Sloan's Curve Association, stated the association's complete support for the project.

Mr. Lindgren noted that two letters of support for this project have been received from neighbors: letter dated May 17, 2010 from H. Barry Gales, 6 Sloan's Curve Drive, and letter dated May 17, 2010 from Harold Peerenboom, 8 Sloan's Curve Drive.

MOTION BY MR. ZUKOV THAT THE IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.

MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE ARCHITECTURE AS PRESENTED.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

B24/10 New Loggia (In association with Variance #4-2010)
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 deferred again at the request of the architect.

MOTION BY MS. DIVER FOR DEFERRAL OF B24/10 TO THE JUNE MEETING.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

B. MAJOR PROJECTS - NEW BUSINESS

B26/10 New Residence
Address: 120 Wells Road
Applicant: Mr. and Mrs. Peter Lacaillade
Architect: Smith and Moore Architects, Inc.
Project Description: New two-story residence with pool. Final landscape and hardscape. Roof: white concrete tile; Building and trim color: white; shutter color: black

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

The project was presented by Architect Harold Smith, Peter Papadopoulos, and Keith Williams of Mario Nievera Designs, Landscape Architect. Mr. Papadopoulos stated that the proposed home is a simple, Bermuda style residence with 6,400 sq. ft. total air-conditioned space, and requires no variances. The front

facade is symmetrical with a centered, two-story entry element with mahogany door, which is flanked by one-story Flemish gabled wings with copper-roofed bay windows. The garage (with guest suite) and service functions are placed at the rear corner of the property. Black shutters are a mix of both Colonial and Bermuda styles. The roof will be done in white Kaidisen Bermuda tiles.

Keith Williams presented the landscape/hardscape defining plant materials to be removed, relocated and newly planted. He noted that the Australian Pines and the Podocarpus at the street will remain. The main driveway/motorcourt has two curb cuts off Wells Road, and will be surfaced in brick in a herringbone pattern with a flush brick border and a raised brick curb. Two brick tire paths lead from the front motorcourt back to the rear of the property to the garage and service court, also brick in a herringbone pattern. The pool (coping-brick) is on axis with the master bedroom with four Cocoanut Palms near each corner. The plan includes two garden gates, one at the service court entering to the pool area and the other at the main motorcourt leading into the East garden.

Commission comments: The tire paths will be difficult; it will be very difficult to get two vehicles into the garage; may need to find a different spot for generator; sand-set bricks will be problematic; the bay windows with copper roofs do not fit with this design...a hip roof would be better; the gable ends are over scaled and the front entrance gable is under scaled; the one-story elements need to be thinner; the front door is too narrow; the front elevation is disturbing and needs a lot of work; problem with gables on rear elevation also; and the scale and proportion is off at the windows on the front elevation.

MOTION BY MR. ZUKOV FOR DEFERRAL TO THE JUNE MEETING.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

Let the record show that at 10:29 a.m., there was a 15 minute break. The meeting reconvened at 10:46 a.m.

B27/10 Time Extension
Address: 198 Via Linda
Applicant: Andrew Thomka Gazdik c/o Stromberg and Tarone
Architect: SKA Architect & Planner
Project Description: Extension of ARCOM approvals for both demolition of existing one-story residence and new two-story Bermuda residence with white smooth stucco walls, gray concrete roof, white casement windows, French doors, and black louvered shutters.

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

Architect Jacqueline Albarran requested a 12 month time extension. Without any presentation of the project, the following motion was made:

MOTION BY MR. KARAKUL FOR A 12 MONTH EXTENSION.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

C. MINOR PROJECTS - OLD BUSINESS

A2/10 Facade Renovation
Address: 201 Seminole Avenue
Applicant: Mr. Terry (David) and Mrs. Linda Collier
Architect: David J. Gengler, Architect
Project Description: Minor renovation of the South (Main) and East facades of an existing two-story residence: Adding Mediterranean Revival cast stone, balustrade, and railing ornamentation

This project was heard at the March meeting, and was deferred to the April meeting for re-study. At the April meeting, the project was not reviewed, but was deferred to the May meeting at the request of the architect.

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

Architect David Gengler returned to the commission stating that the proposed ornamentation has been refined in response to comments heard at the March meeting including the following: Simplified the entrance into the side yard; toned down cast stone carved elements; eliminated the grillwork over the quatrefoil window; made ironwork simpler; the lights, ironwork, and lion masks have all been eliminated or refined; and, simplified iron strap work on the garage and eliminated it on the front door. Mr. Gengler discussed the new balcony over the open trellis in the rear and railing changes from cast stone to aluminum hand forged railings.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED WITH THE CONDITION THAT THE LIGHT NEXT TO THE FRONT DOOR IS REMOVED AND THAT GRILLWORK IS ADDED TO THE QUATREFOIL WINDOW.

MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

A3/10 Landscape and Terrace
Address: 440 Royal Palm Way
Applicant: Marni Propp, Owner, Palm Beach Park Centre
Architect: Morgan Wheelock Inc.
Project Description: Installation of landscape buffer on south and southwest property line, new employee terrace over existing garage (hardscape approximately 1,100 sq. ft.

Please note that this item was reviewed at the April meeting, and was deferred to the May meeting for re-study.

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

Mr. Smith stated that it was his understanding that the applicant and the neighbors have come to terms. Don Skowron of Morgan Wheelock Inc. testified that he had met twice with the adjacent property owner, who lives in the penthouse and has the most direct view of the site, and had presented him with three options. Both parties agreed on one of the options, and also agreed that the condo will allow its clusia hedges to grow taller for an additional buffer.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

A4/10 Facade changes
Address: 110 Wells Road
Applicant: 110 Wells Road LLC/James Pappas
Architect: Brasseur & Drobot Architects PA
Project Description: Add cast stone veneer to entry & stair tower, add balcony & rail to (2) front windows, remove window and door from west side of stair tower, and add windows to rear elevation

Please note that this item was reviewed at the April meeting, and was deferred to the May meeting for re-study.

Call for disclosure of ex parte communication: None declared

As no one was in attendance to present the project when the item was called:
MOTION BY MR. ZUKOV FOR DEFERRAL TO THE JUNE MEETING.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

After the Publix project was concluded, the architect for this applicant was present and requested that the project be heard.

MOTION BY MS. DIVER TO RE-OPEN THIS ITEM.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

Architect Jeff Brasseur stated that since the meeting last month, some changes have been made to the cast stone, hardscape, doors/windows and balconies.
It should be noted that this home was originally approved by ARCOM in February 2009, was constructed, but it is not yet complete. Several staff approvals have been given to the project since the original ARCOM approval. Today's project represents yet even more changes.

MOTION BY MR. ZUKOV TO KEEP THE BUILDING AS ORIGINALLY APPROVED.
MOTION DIED FOR LACK OF A SECOND.

MOTION BY MR. GRUSS FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY. (NO NAY VOTE WAS AUDIBLE, DESPITE MR. ZUKOV'S EARLIER MOTION.)

A5/10 Facade changes
Address: 286 Jamaica Lane
Applicant: Mr. and Mrs. John Raese
Architect: Roger Janssen, Dailey Janssen Architects
Project Description: Removal of balcony, shutters and stucco surrounds. Addition of cast stone entry surround, window surrounds, belt course and cornice.

Please note that this item was reviewed at the April meeting, and was deferred to the May meeting for re-study. Please note that the architect requested deferral to the June meeting.

MOTION BY MS. DIVER TO DEFER A5/10 TO THE JUNE MEETING.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

D. MINOR PROJECTS - NEW BUSINESS

A6/10 Change of exterior wall finish
Address: 135 Root Trail
Applicant: Root Ocean Property LLC
Architect: James C. Paine, Jr.
Project Description: East building only: Change exterior wall finish from Hardiboard lap siding (recently approved by ARCOM) to stucco with identical siding pattern.

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

Architect James Paine was present. Since the members were very familiar with this project; and, since the change was simple, to a material which had received previous approvals; without further comment or presentation:

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

A7/10 Changes to roof, porch, and balcony
Address: 111 Reef Road
Applicant: Bradford and Carol Hack
Architect: James C. Paine, Jr.
Project Description: Change existing cement tile roof to metal; increase width of front porch by approximately 3 feet; new column at corner; and, adjust balcony columns and rail

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

Architect James Paine, accompanied by Margaret Kaywell, presented this request pursuant to the project description listed. (*Let the record show that staff was not provided a copy of the mini-set plans.)* A sample of the metal roof was brought to the meeting. Mr. Smith commented that he was not in favor of the metal roof...that it is a commercial product and is not an enhancement to the home...too "Key Westy"...out of scale with this house...no need to change the existing roof style. Mr. Paine responded that the owner prefers metal roofs.

MOTION BY MR. STRAWBRIDGE FOR APPROVAL AS PRESENTED WITH A 12" RIDGE.

MOTION SECONDED BY MS. DIVER.
MOTION CARRIED 6-1, WITH MR. SMITH OPPOSING.

A8/10 Removal of previously approved changes
Address: 12 Sloan's Curve Drive
Applicant: Muriel G. Leventhal & Norman B. Leventhal
Architect: Brower Architectural Associates, Inc.
Project Description: Removal of previously approved changes: 1) 18 sq. ft. second floor bedroom expansion; 2) 18 sq. ft. attic expansion; and 3) 18.34 sq. ft. of breakfast room addition

Call for disclosure of ex parte communication: Mr. Zukov and Ms. Diver made ex parte declarations.

Attorney Maura Ziska and Architect Ken Brower provided the presentation. Ms. Ziska explained that ARCOM approved this project a year ago in conjunction with a Town Council approval. Since that time, it has been discovered that the architect used a part of Old South Ocean Boulevard in his lot calculations. The deletions requested in the project description attempt to rectify the situation and bring the property into compliance. Mr. Brower discussed the proposed architectural changes.

Mr. Lindgren read a letter dated May 18, 2010 into the record from the Residents of Sloan's Curve Association wherein they state their objection to the project. The Association's attorney, Neill Schiller of Becker and Poliakoff, stated that the homeowner's association has not granted approval of this project; that seven issues must be resolved (per the association's consulting architect) related to the project; and, that deferral of the project is recommended until the approval of the homeowner's association is secured.

Mr. Smith saw no point to this matter being on the ARCOM or Town Council agendas if no HOA approval was in place. Ms. Ziska countered that the project had been previously approved by the HOA, and now the request is to delete those portions of that approval which would have added lot coverage.

Robert Moore, 420 Santa Fe Road, West Palm Beach, testified that the HOA

alleges that this owner constructed an addition to his property in 1991 without a permit, and if today's project were approved, that would technically approve the alleged 1991 addition as well. He recommended that these issues should be resolved with the HOA prior to any approval from ARCOM, and testified that this has been the customary procedure which has been followed by ARCOM in the past....that HOA approval is secured prior to seeking commission or Town Council approval.

MOTION BY MR. GRUSS TO DEFER THE APPLICATION BECAUSE OF TOO MANY LEGAL COMPLICATIONS, WITH THE INSTRUCTION THAT THE TOWN ATTORNEY SHOULD ADVISE ARCOM AND THE APPLICANT OF THE PROPER COURSE TO FOLLOW.

MOTION DIED FOR LACK OF A SECOND.

Zoning Administrator Paul Castro was sworn and testified to the history and circumstances of this project. He stated that typically the Town only requires HOA approval of those types of elements which are under the control of the association, not on private property. This is a private issue.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED, WITHOUT COMMENT REGARDING THE RIGHT OF WAY ISSUE AND THE DIFFERENCES BETWEEN THE HOA AND THE OWNER.

MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.

E. MAJOR PROJECTS - OLD BUSINESS (CONTINUED) PUBLIX PROJECT 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: Demolition of an existing 33,059 sq. ft. Publix Supermarket and construction of a new 50,870 sq. ft. one-story Publix Supermarket. Final Landscape and Hardscape. Roof material: clay barrel tile; Roof color: Terra cotta; Building color: alabaster; trim color: ivoire. The following variances are being requested to construct the proposed one story grocery store: a) To allow a building length of 245 ft. in lieu of the 150 ft. maximum allowed; b) To allow a front yard setback at the northwest corner of the proposed building of 10 ft. in lieu of the 14 ft. minimum required based on building height; c) To allow a side yard setback for the proposed towers to be 10 ft. in lieu of the 19 ft. 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 50,870 sq. ft. in lieu of the 15,000 sq. ft. maximum allowed; f) To allow 8 towers in lieu of the two maximum allowed; g) To allow the area of the 8 towers to be 12.2% of the gross floor area of the building in lieu of the 2% maximum allowed; h) To allow the parking lot light poles to be 23 ft. in height in lieu of the 15 ft. maximum allowed;

i) To allow the height of the proposed one story grocery store to be 22.66 ft. in lieu of the 15 ft. maximum allowed; j) To allow the overall height of the proposed one story grocery store to be 37 ft. in lieu of the 20 ft. maximum allowed; k) To allow a monument sign at the northwest entrance where no sign is allowed; and, l) To allow a monument sign at the southwest entrance where no sign is allowed.

Please note that this project 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.

Call for disclosure of ex parte communication: All members present, except Mr. Gruss, made ex parte declarations.

Mr. Randolph attempted to clarify the role of ARCOM in the review of this Publix project.

Attorney Maura Ziska, representing Publix, stated that the applicant has attempted to address the concerns mentioned at last month's meeting. She provided a list of persons/groups with whom Publix representatives have met to date. She also listed some of the suggestions made last month, along with the applicant's response to those suggestions. Finally, Ms. Ziska discussed how the variances requested have changed since the last presentation.

Mrs. Delp administered the oath to many persons who wished to testify regarding the Publix project.

Brian Fisher, Publix architect, reviewed the changes made since the last meeting, including, but not limited to re-positioning the building between the Wachovia Bank on the West side and the adjacent building on the East side which actually helped to reduce the mass and scale of the building; changes to the "back of house"; elimination of curb cuts and truck traffic on Sunrise which benefits the Palm Beach Hotel; truck access changed to Sunset; improved pedestrian access; barrel tile covered arcade on Sunrise Avenue with benches and some landscaping; introduced angled parking; change windows to true windows...impact resistant Pella with sage green tint; lighting to resemble Town Hall lighting; large gates with decorative hinges to enclose and hide trucks; wrought iron elements at tower openings; hand painted Mexican tiles at bench seating areas; looking at two pedestrian pavilions with decorative shutters and benches; increased floor area; wider store aisles, increased check-out area, all mechanical equipment off the roof; reduced number of towers...only 3 now; reduced overall height of the building; and, Mediterranean light fixtures on more attractive light poles. Mr. Fisher noted that multiple entries, as suggested last month, would be very difficult to insert without loss of function interiorly.

Don Skowron of Morgan Wheelock Inc. stated that last month it was clear that people want shade. As such, the proposed trees are mostly oak trees for shade. Mr. Skowron discussed the various landscape treatments for each facade, and reviewed the overall landscape plan.

PUBLIC COMMENT:

Mr. Lindgren reported that staff has received many letters and e-mails relative to Publix. Letters from the following persons/groups were received and distributed to ARCOM members, but were not read into the record: Garden Club of Palm Beach (comments/recommendations), Orator Woodward (opposing), Sunset Condo Association (in support), Palm Beach Civic Association (comments and recommendations), Siegfried, Rivera, Lerner, P.A., et al (representing the Palm Beach Hotel Association), and two letters from Laura Miller (opposing).

Anne Fairfax, representing the 300-member Neighborhood Alliance of Palm Beach, distributed a handout of requests/suggestions with regard to the project and presented a short PowerPoint presentation. Several other persons addressed the commission offering lists of concerns and recommendations: Allen Mason, 1485 Via Manana; Polly Reed, Executive Committee of the Garden Club of Palm Beach); Susan Markin, 1450 North Lake Way; Susan Watts, 455 Worth Avenue; Attorney Jeffrey A. Rembaum, representing the Palm Beach Hotel Condominium Association, (expressing several concerns in a 12 page document), Michael Sexton, of Sexton Engineering for the Palm Beach Hotel and Condo; and, Jerry Dinger, the Leverett House Condo Manager.

This concluded Public Comment as all persons who wished to speak were given the opportunity to do so. It should be noted that while no one who spoke was totally in favor of the revised design, several persons thanked the Publix team for their efforts to re-design the store, taking into account the opinions expressed at the April meeting.

Let the record show that Mr. Smith called a lunch break from 1:00 p.m.to 2:00 p.m., after which the commission would enter into executive session. The meeting actually was reconvened at 2:11 p.m.

Executive Session:
The following are comments made by the commission members: We want Publix here, but this design is not even close; question the mixing of straight and angled parking; the entrance from Sunset is potentially dangerous; the proposed pavilions will end up being used by Publix employees rather than Publix customers; the roof area is so huge that the mechanical equipment could be rearranged to the center of the roof which would allow the towers to be improved; this town does not deserve this type of architecture; the scale still needs refinement; it needs to feel like a village market; do something with the scale and the blank walls; look at other areas in town to understand scale and pleasing architectural styles and details; the arcades have brought the "box" down and that is good; more articulation is needed; the proposed main store entrance/exit is odd; murals good; this is an opportunity for Publix to do something special; you're moving in the right direction; the changes made thus far are appreciated; we need a bigger Publix; we need smaller carts and wider aisles; the Biltmore and Palm Beach Hotel are not "villagey", so why try to create a village market; be careful what you ask for when you ask for either an indoor or outdoor cafe...it would compete with the cafes already struggling on Royal Poinciana Way; the landscape is moving in the right direction, a mix of indigenous and naturalized; carve "PUBLIX" into the facade rather than the typical green sign; go for world class detail; in the current proposal, you listened to us last month, and a lot of good came from it, but you're not there yet; there is only 10 feet of overlap between the existing store location and the new store location, so find a way to keep the existing store running, while the new store is being built; the parking is still a problem mixing straight and angled parking; on the main drive in and out, you still have cars backing up into that traffic, so it's a site plan issue; concerned about FEMA elevation, especially at the parking lot; circulation through the site is an issue; too much asphalt; gates should be on human scale; gates too tall as shown; prefer more and lower light poles; look to Europe for tile choices, not to Mexico; use real coral stone, real stucco, real divided lites; an outdoor cafe would not be used as intended; let the towers hit the ground and let pedestrians walk through them; look to the Breakers for details; if we do not want a bigger store, don't make them re-design again without knowing that up front; typically with every new design draft, the design improves; generally not in favor of granting variances in order to get a bigger building; the new design architecture is not great; it's standard retail design; this design is better than the first draft; a larger store will draw customers from across the bridge; the Town doesn't need a bigger store; limit the use of the store to "pick up and leave" without creating a space (cafe) to socialize, so it does not negatively impact businesses on Royal Poinciana Way; perhaps think about a building in the modern vernacular; what about an architectural competition; what you did this month shows you are trying to work with us; and, how about a workshop to speed up the process.

Mr. Fisher responded that the proposal would increase the size of the store by one-third to accommodate the requests of Publix customers. He agreed that a workshop would be very helpful and appreciated the comments made during this meeting.

As to the size of the store issue, Mr. Smith polled the members to see if they were agreeable to making the store bigger. All members, except Mr. Gruss, were in favor of a bigger store. Mr. Gruss stated he would only be in favor of it if the architecture was outstanding.

Attorney Maura Ziska, on behalf of Publix, liked the idea of a workshop. Mr. Randolph clarified that attendance at the workshop was not mandatory for the members.

MOTION BY MS. DIVER FOR DEFERRAL TO THE JUNE MEETING.
MOTION SECONDED BY MR. GRUSS.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MS. DIVER TO SCHEDULE A WORKSHOP WITH THE PUBLIX ARCHITECT AND CIVIL ENGINEER, AND ANY OTHER MEMBERS OF THE PUBLIX TEAM WHO WOULD LIKE TO BE THERE; THAT THE ATTENDANCE FOR THE MEMBERS IS NOT REQUIRED, BUT MEMBERS WILL MAKE AN EFFORT TO BE THERE; AND, THAT THE WORKSHOP BE SCHEDULED ON JUNE 8TH AT 9:30 A.M. (IN THE EMERGENCY OPERATIONS CENTER).

MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

Mr. Randolph clarified that no decisions will be made at the workshop. Mr. Smith noted that the public may attend the workshop, but may not participate in the discussion.

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)

X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT:(1:52:36 a.m.)

Mr. Page reported that the Emergency Operations Center has been reserved for the June 8, 2010 ARCOM Workshop relative to the Publix project.

The June 23, 2010 meeting of ARCOM will be held in the new Town Council Chambers. After the June 8th workshop meeting, ARCOM members will be taken into the Town Council Chambers to become familiarized with the new setting and equipment. Members who cannot attend the workshop should contact staff to arrange a time to meet staff in the Chambers.

XI. ADJOURNMENT:(1:54:05 a.m.)

MOTION BY MS. DIVER TO ADJOURN THE MEETING AT 3:20 P.M.
MOTION SECONDED BY MR. KNOWLES.
MOTION CARRIED UNANIMOUSLY.

The ARCOM workshop meeting regarding Publix will be held on June 8, 2010 at 9:30 a.m. in the Emergency Operations Center.

The next regular meeting of the Architectural Commission will be held on Wednesday, June 23rd at 9:00 a.m. in the Town Council Chambers, 2nd floor, 360 South County Road, Palm Beach.

Respectfully submitted,

Jeffery W. Smith, Chairman
ARCHITECTURAL COMMISSION

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