



MINUTES

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

WEDNESDAY, APRIL 28, 2010, 9:00 a.m.

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

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

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

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

Upon roll call, the following members were present: Jeffery W. Smith, Chairman, William J. Strawbridge Jr., Vice Chairman, Members: Leslie C. Diver, Samuel M. Boykin, Nikita Zukov, Robert J. Vila, Ann L. Vanneck (Alternate Member, but voting member today), and Peter I.C. Knowles II (Alternate Member).

Members absent: Kenn Karakul, Member (excused) and Martin D. Gruss, Alternate Member (unexcused). Staff members present were John C. Randolph, Town Attorney, John Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Architectural Commission.

Let the record show that a court reporter was present, Robin L. Merker, for the 1100 North Ocean Boulevard item (B6/10).

III. PLEDGE OF ALLEGIANCE (9:00:07 a.m.)

**IV. PRESENTATION FROM TOWN ATTORNEY JOHN RANDOLPH
RELATIVE TO SUNSHINE LAW, PUBLIC RECORDS, QUASI-JUDICIAL
REQUIREMENTS, AND COMMISSION PROCEDURES (9:00:28 a.m.)**

Mr. Randolph recommended that in light of today's heavy agenda, this presentation might be done at another time. He took just a few minutes to briefly review the Sunshine Law, Public Records, and the quasi-judicial nature of ARCOM. He cautioned the members that they are not to impose their own personal taste on others, but instead members are to adhere to the criteria in the code, and base their decisions on the evidence presented.

**V. APPROVAL OF THE MINUTES FROM THE MARCH 24, 2010 MEETING
(9:05:25 a.m.)**

**MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

**VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO
TESTIFY: (9:05:42 a.m.)**

Mrs. Delp administered the oath at this time and at several other times during the course of the meeting.

VII. OTHER BUSINESS (9:06:02 a.m.)

Informal Review: Street Signage Pole Standards for Worth Avenue Improvement
Project - Thomas G. Bradford, Deputy Town Manager

Deputy Town Manager Tom Bradford introduced Mark Marsh, architect, who provided the presentation for this informal review. Mr. Marsh explained that this proposal is an attempt to reduce the "sign pollution" which currently exists on the avenue. He showed examples of proposed street signage, stop signs, speed limit signs, yield signs, etc. A sign post has been proposed: a black, cast aluminum, fluted post with a finial top and ornamental base. This post type would replace the existing Unistrut type poles on the avenue. Street signage is proposed in black and white, and some type of building signage with a European flair has been contemplated. It should be noted that most sign posts are proposed to hold multiple signs. Mr. Marsh solicited the feedback of the commission.

Commission comments: A previously established sign committee has already stated a preference for the silver metal poles rather than the "Disneysque" poles proposed; read the report of the sign committee: the silver poles disappear; at least do the parking signs on silver poles; ARCOM would like to see each sign, as proposed, including each sign to be placed on each pole; all members agreed that street signs should be black with white letters; return with a mock up of each proposed pole with signage and elevations showing placement of signage on the street; four signs on one pole is confusing; like the European building sign approach, especially at the vias; having European signs at vias is dictating public

policy on private property; no frames on the signs; reduce the number of signs.

The matter will return to the commission for further review.

VIII. PROJECT REVIEW (9:23:49 a.m.)

PLEASE BE ADVISED THAT THE PROJECT FOR PUBLIX (B25/10) WILL BE HEARD TIME CERTAIN AT 11:00 A.M.

A. MAJOR PROJECTS - OLD BUSINESS

B81/09 New Residence, Landscape & Hardscape

Address: 264 Country Club Road

Applicant: JDM Investments, LLC

Architect: Rustem Kupi Architect

Project Description: Construct a new two-story single-family residence with two-car garage, pool and pool area trellis structures, including hardscape and landscape.

This project was deferred from the October meeting to the November meeting for restudy, and was deferred from the November meeting to the December meeting at the request of the property owner. At the December meeting, the project was deferred to the January meeting at the request of the property owner. At the January meeting, the commission deferred the project for re-study. At the February and March meetings, the project was deferred at the owner's request.

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

Keith Spina presented the plan revisions for Rustem Kupi, the project architect. He began by giving a brief history of the project to date, and then presented the revisions made since the last meeting that this project was heard. Changes were made to the front elevation (front door/windows/niches/shutters); the rear elevation (windows/doors); changed style of garage door and worked out the slope to the garage; and, the Italian Cypress has been changed to podocarpus. There were no changes to the colors and materials since the previous presentations.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE HOUSE AS PRESENTED.

MOTION SECONDED BY MR. STRAWBRIDGE.

MOTION CARRIED UNANIMOUSLY.

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

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

B2/10 Addition and Demolition

Address: 1342 North Lake Way

Applicant: Joseph Sambuco

Architect: Roger P. Janssen, Dailey Janssen Architects, P.A.

Project Description: Demolition of existing one-story library and loggia; new two-story addition at same location; enclosure of existing second floor balcony; new one-story awning; and, replacement of existing railings and other architectural features

Please note that at the January meeting, there was a motion for approval of the front facade as presented, to include replacement of all cast stone balustrade with metal Chippendale railings, skim-coat the existing cast stone columns with plaster and paint them white, replace the entry door assembly, and add shutters to flank the French doors and the garage window. There was also a second motion for deferral of the west facade. At the February and March meetings, the project was deferred at the architect's request.

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

Mr. Lindgren stated that he had spoken to the architect by phone this morning. The architect has requested that the remaining items be pulled from the agenda.

**MOTION BY MR. STRAWBRIDGE TO REMOVE THE
REMAINING ITEMS FROM THE AGENDA.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

B6/10 Addition

Address: 1100 North Ocean Boulevard

Applicant: 1100 North Ocean Boulevard Trust

Architect: The Lawrence Group Architects

Project Description: A two-story addition with garage space in the basement on the south side of the main house in similar architectural elements as the existing main house.

Please note that at the February meeting, the project was heard and deferred to the March meeting. At the March meeting, the project was deferred to the April meeting at the architect's request.

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

Eugene Lawrence, project architect, reviewed the project and the changes made since the last meeting: the addition has been moved almost 30 ft. from the south property line, and as far west as it could be moved; the lanai was extended on the north side to connect with the addition; there is a

roofed connection between the main house and the addition; the stair tower height has been reduced; the chimney was completely eliminated; fenestration changes; east facade simplified; and, other changes as presented. Jeff Blakely, Landscape Architect, described the changes to the landscape, including, but not limited to, increasing the Seagrape buffer between this property and the Castle property to 15 feet.

Mr. Lindgren noted that several letters of objection from various attorneys and the National Trust for Historic Preservation were in the file. These had been read into the record previously. One new letter from the Harpels, 1102 North Ocean Boulevard, in support of the project, was read into the record.

Let the record show that this project was heard at length. The presentations, testimonies, and cross examinations related to this project by the attorneys, both pro and con, the architect, and various witnesses continued up until 11:00 a.m., when the Publix matter was heard, and then resumed after the Publix matter concluded. The summary of the proceedings is as follows. Details of the presentation and testimony of witnesses, etc. can be heard via the meeting audio which is available on the Town's website.

Attorney Paul Rampell and Attorney James Green, representing the Castles (1095 North Ocean Boulevard) spoke in opposition to the project. They focused on the neighbors' right to a view, the physical and financial impact of the project on the neighbors, especially the impact on the historic Castle property (former Kennedy compound), and the alleged "understanding" relative to the required maintenance of open space on the south part of the Karp, then Smith, property when the motion for approval of the original house was made at ARCOM in 1996. Mr. Rampell called the following witnesses: Bruce Helander, Ethel Kinsella, Dr. Marvin Rosenberg, and Sally Gingras (all former ARCOM members who served when the original home was approved in 1996); Robert Moore, former Director of Planning, Zoning & Building, Morgan Wheelock, expert witness (landscape architecture), Thomas Kirchhoff, expert witness (architecture), Phil Holden, expert witness (appraiser), and Gina Borman, neighbor residing at 1086 North Ocean Boulevard. Let the record reflect that a notebook full of Exhibits was submitted into the record including the following: 1) Applicable Laws; 2) Before and After Views; 3) Decrease in Neighborhood Property Values; 4) Coastal Construction Control Line; 5) Alternative Lot Site; 6) Affidavits; (7) Letters; and, 8) Fascination with All Things Kennedy.

The opposing attorney, Greg Young, representing the Karps, provided comments in support of the project and cross examined the witnesses put forth by Mr. Rampell and Mr. Green. Mr. Young called a witness, Robert Deziel, (former ARCOM member when the original house was approved in 1996) to testify as he was the maker of the motion to approve the original house.

Let the record show that the former ARCOM members called to testify by Mr. Rampell were in agreement that there was an "understanding", but no deed restriction placed, to the effect that the south portion of 1100 North Ocean Boulevard was to remain open space. Let the record show that Mr. Deziel, the maker of the 1996 motion for approval of the original house at

1100 North Ocean Boulevard, testified he would not have placed a deed restriction on an architectural element, and would not have made a motion to restrict property.

Commission Comments: The applicant did everything we asked them to do; if the existing house had been presented today, I would not vote to approve the current, existing house...this is not world class architecture...this is not in conformity with good taste...the existing home is not something I want to make bigger and grander; this addition does not appear like it is part of the original structure; it has gotten better, but it is still too high; why introduce the columns between the French doors; I wouldn't approve the house if it was coming before us today, so why approve the addition; this is an expansion of an already massive house which will compromise the aesthetics of the neighborhood; this one area of openness is a very pleasant relief between two very large imposing mansions; the mass is somewhat offensive...it doesn't fit; problems with the massing...the addition does not relate to the house properly...it still looks like it's off to the side...I cannot feel that a house that is wrong, and is driven by the need to put four cars underground is a reason to accept what is frankly ugly; it looks forced...it doesn't fit.

MOTION BY MR. VILA RECOMMENDING DENIAL OF THE APPLICATION FOR THE ADDITION ON THE GROUNDS THAT THE EXPANSION OF THE HOUSE WOULD BE DETRIMENTAL TO THE AESTHETIC STANDARDS OF THE TOWN AND HAVE A NEGATIVE IMPACT ON THE FORMER KENNEDY ESTATE AND OTHER NEIGHBORING PROPERTIES.

MOTION SECONDED BY MS. DIVER.

Mr. Randolph asked that the motion address a criterion for denial.

MOTION BY MR. VILA AMENDED TO INCLUDE THAT THE PROJECT IS DENIED BASED ON (1) THE PLAN FOR THE PROPOSED BUILDING OR STRUCTURE IS NOT IN CONFORMITY WITH GOOD TASTE AND DESIGN AND IN GENERAL DOES NOT CONTRIBUTE TO THE IMAGE OF THE TOWN AS A PLACE OF BEAUTY, SPACIOUSNESS, BALANCE, TASTE, FITNESS, CHARM AND HIGH QUALITY.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED 6-1, WITH MR. ZUKOV OPPOSING.

B11/10 Demolition and New Construction

Address: 1191 North Lake Way

Applicant: Mr. and Mrs. Malcolm McCluskey

Architect: SKA Architects/Patrick W. Segraves

Project Description: Demolition of existing two-story structure.

Construction of new two-story Classical style home to be approximately 8,700 square feet. Home will include living room, dining room, family room, four bedrooms, seven and one-half bathrooms, library, laundry, staff quarters and a 3-car garage.

Please note that at the March meeting, there was a motion to approve demolition of the existing home, with the proviso that the property is sodded and irrigated within 15 days. There was also a motion for approval of the project, with the proviso that the applicant returns next month with a revised front door and final landscaping.

Call for disclosure of ex parte communication: None declared

Architect Patrick Segraves returned to the commission with a revised new flat head front door, with added pilasters at the balcony and on the rear, and with the fireplace centered on the back.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

Please note that the architect told Mrs. Delp that he will return in the future with the final landscaping.

B. MAJOR PROJECTS - NEW 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. 8 in. masonry piers. No changes to pavement are planned. Final landscape will be presented.

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

Architect Leslie Divoll presented the request on behalf of the applicant. The proposed driveway gate (as described above) will be 18.5 feet back from the property line positioned between two, new, unadorned piers. It will serve to

block views into the property, and will be electronically operated. The existing beach access gate will be removed and hedges planted to fill the void. The new beach access gate (as described above) will be located further to the south, in line with Seabreeze Avenue. The commission was not happy with the style of the beach access gate.

MOTION BY MS. DIVER 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.

**MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

**MOTION BY MS. DIVER FOR DEFERRAL OF THE BEACH ACCESS GATE (TO THE MAY MEETING.)
MOTION SECONDED BY MR. STRAWBRIDGE.
MOTION CARRIED UNANIMOUSLY.**

B17/10 New Garage with Guest/Staff Quarters

Address: 313 Clarke Avenue

Applicant: Catherine M. Broderick

Architect: Robert L. Bell

Project Description: Construction of new garage with guest/staff quarters above at rear of property off of alley - minimal landscape and hardscape to be presented

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

Architect Robert Bell presented this very basic new two-story garage with guest/staff quarters above having details to match the main house. The owner plans to incorporate only minimal landscaping at this time since the property is currently for sale.

**MOTION BY MR. STRAWBRIDGE FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED 6-1, WITH MRS. VANNECK OPPOSED.**

B18/10 New Residence

Address: 200 La Puerta Way

Applicant: J.B. and Carrie Murray

Architect: The Pandula Architects, Inc.

Project Description: Demolition of existing residence. New one and two-story residence in the British Colonial style, presenting an essentially symmetrical facade to the street. The central portion of the building is two stories with single story wings at each side. The building will be done in a float finish stucco with painted wood trim, aluminum clad windows,

decorative aluminum railings and aluminum shutters at certain windows. The roof will be a flat terra cotta tile and the bay window roofs will be copper. Base Building Paint Color: Dove White; Trim Color: White; Shutter Color: Hunter Green; Roof color: Natural Terra Cotta.

Call for disclosure of ex parte communication: Mr. Vila and Mr. Knowles made ex parte declarations.

Architect Eugene Pandula presented this project, beginning with the demolition of the existing 1939 home for which he presented a demolition report to the satisfaction of the commission.

**MOTION BY MRS. VANNECK APPROVING THE DEMOLITION.
MOTION SECONDED BY MR. VILA.
MOTION CARRIED UNANIMOUSLY.**

Mr. Pandula continued with the presentation of the new home with its formal entrance off La Puerta Way and the garage entrance off North Ocean Way. The house is primarily two-stories with some one-story elements. It will be done in a float finish stucco, with white aluminum windows/clear glass, hunter green shutters and a mahogany entrance door, Chinese Chippendale railings, bay windows with copper roofs above, and flat Altusa roof tiles. Site walls and piers will be constructed on La Puerta. Mr. Pandula noted that there is space for a generator in the rear of the property. He reviewed all plans and elevations, and discussed the drainage.

Mr. Strawbridge complimented Mr. Pandula on a well-proportioned house.

**MOTION BY MR. ZUKOV FOR APPROVAL OF THE PROJECT
AS PRESENTED.
MOTION DIED FOR LACK OF A SECOND.**

Mr. Lindgren noted that there were three letters of support for the project in the file. He reported that per Martin Gauthier, Town Engineer, there can be no vegetation over 30" in the sight triangle.

Steven West from Parker Yannette presented the landscape/hardscape plan including the retention of select plant material (existing 9 ft. ficus hedge along East property line except for the portion at the north end blocking the sight triangle), some of which will be relocated (Silver Bismarck, a Brazilian Beautyleaf, Foxtail Palm, and Sabal Palm). The remainder of the vegetation will be removed prior to construction. There will be a circular, loose chatahoochee driveway with brick borders, brick aprons, and a brick walkway on La Puerta Way and a brick driveway in a basketweave pattern off North Ocean Way. Cast coquina landings and patios occur at various places on the site. At the front of the house, there is a garden wall with pickets and piers and a gate with piers. Mr. West reviewed the proposed landscape material. Four Cocoanut Palms, 20-24 ft. in height will frame the front facade. Landscape lighting consists of 20 light fixtures (19 for vegetation and one for path lighting). The fixtures will be

low voltage brass fixtures (10-50 watt maximum).

Mrs. Vanneck warned that the Bismarck may be lost after it is relocated into the salt wind. Mr. West responded that the owner is aware of this. She also questioned the salt tolerance of the ficus species proposed. Mr. Knowles cautioned Mr. West to be sure that the relocated plants are properly watered.

MOTION BY MR. STRAWBRIDGE 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.

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

Architect Eugene Lawrence presented this request. He explained that this project will require Special Exception approval from the Town Council. The project would provide open air shaded space (560 sq. ft.) to the property owner. He noted that the project has been approved by the condominium board of the Bellaria.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.

MOTION DIED FOR LACK OF A SECOND.

Commission comments: So massive and heavy on top of those little columns; the need for shade is understood; the addition is awkward and strange; how about a colonnade with a peaked roof like on the other side; try two columns at every corner; lighten it up.

MOTION BY MR. STRAWBRIDGE FOR DEFERRAL (TO THE MAY MEETING).

MOTION SECONDED BY MRS. VANNECK.

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

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

Mr. Lindgren read a letter into the record from a neighbor at 150 Bradley Place, Neil Aronstam, in opposition to the project.

Mr. Smith stated that the application is incomplete, as architectural drawings showing each of the four elevations (to scale) of the building are required. This was discussed during the pre-meeting with the Chairman and staff relayed that message to the applicant's representatives. The required plans were to be brought to this meeting, but were not. The plans must indicate how the neighboring buildings would be affected by the proposed project.

MOTION BY MRS. VANNECK FOR DEFERRAL (TO THE MAY MEETING).

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

[B21/10 New Residence](#)

Address: 1480 North Lake Way

Applicant: Gregory L. and Lisa Wilson

Architect: Clemens Bruns Schaub

Project Description: New 6,619 sq. ft. (air-conditioned) Bermuda style residence with pool, spa, and landscaping (proposed hardscape and planting plans). Two-story CBS residence with white Bermuda concrete tile roof. Colors of building, trim, shutters and roof will be white.

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

Mr. Smith requested that the architect specify the under-roof size of the house, rather than just the air-conditioned square footage. Let the record show that the cover sheet of the plans does not show this figure, but the architect stated that there are approximately 10,900 square feet under roof.

Architect Clem Schaub presented this request. He stated that the project requires no variances. The new home, in a white on white color palette, has been done in a Bermuda ramble design (stucco with Bermuda tile roof) with a round pool and a significant amount of outdoor space. There are both one and two story portions of the house, with over half of the house as one-story. Let the record show that Mr. Schaub brought a model of the residence, though the scale of the model was too small.

Commission Comments: Very geometric especially at the pool area; the pool area looks unresolved; nice, innovative project; the gable ends float up in the air supported by columns; very sensitive; the main mass of the house should look original; refreshing; youthful; some of the decorations are not typical Bermuda; the west facade is a problem.

Mr. Lindgren noted that a letter of support had been received from a neighbor.

Mario Nievera of Mario Nievera Design Inc. presented the landscape and hardscape, including the negative edge pool and lakeside spa., the circular drive, the retention and/or relocation of much of the existing landscaping, tabby driveways and cast stone walkways, cocoanut palms on the west facade naturally placed, much lawn area, and a simple landscape palette.

**MOTION BY MR. STRAWBRIDGE TO DEFER THE
ARCHITECTURE.
MOTION DIED FOR LACK OF A SECOND.**

**MOTION BY MS. DIVER FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED 4-3, WITH MR. STRAWBRIDGE, MRS.
VANNECK, AND MR. SMITH OPPOSING.**

[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 the attorney for applicant has requested a deferral to the May meeting to allow for completion of a model.

**MOTION BY MRS. VANNECK FOR DEFERRAL TO THE MAY
MEETING. (motion made earlier in meeting.)
MOTION SECONDED BY MS. DIVER.
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 35.9% in lieu of the 33.7% 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 the attorney for the owner has requested deferral to the May meeting, as the variance application must be revised and re-advertised.

MOTION BY MRS. VANNECK FOR DEFERRAL TO THE MAY MEETING. (motion made earlier in meeting.)
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.

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

Attorney Tim Hanlon stated that a single variance has been requested for this project for open space. Mr. Hanlon hoped for a favorable response for the variance request as the architecture has been improved in the new loggia and there is no impact on the neighbors. Dan Cahan of Smith & Moore Architects presented the architecture changing the existing semi-circular loggia to a five bay rectangular one providing more covered space.

Commission Comments: the house is fine as is; the "eyebrows" at the balcony are unsuccessful and detract from the house; this solution is not successful.

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

PLEASE BE ADVISED THAT THE PROJECT FOR PUBLIX (B25.10) WILL BE HEARD TIME CERTAIN AT 11:00 A.M.

[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.

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

Attorney Maura Ziska, representing the applicant, listed the names of the members of the design team who were present: Brian Fisher, architect, Harold Smith, Smith & Moore Architects, associate architect, Don Skowron, Morgan Wheelock Landscape Architects, Dan Cahan, Smith & Moore Architects, Adam Kerr, Kimley-Horn, Traffic Engineers, Nelson Ortiz, Civil Engineer, Woody Rayburn and Brigitte O'Connor, Publix real estate division representatives, Peter Shahamad, Development Team, Nick Abuisi, Store Manager, David Rubin, Publix, and Hank Porcher, Development Team. Ms. Ziska explained that they are seeking review of the architecture and a recommendation relative to the requested variances, (which she grouped into four types - variances for building size, variances for the towers, variances for the loading docks, and variances for the parking lot light poles). Ms. Ziska noted that the variances related to monument signs have been removed from the request. She proceeded to briefly describe the need for the variances requested. Ms. Ziska stated that

Publix has been planning a new Palm Beach store for quite some time. Several years ago, a “first floor parking, second floor store” option was presented, but was not favorably received. Since that time, several adjacent properties became available and Publix purchased those properties. [Note: Publix has negotiated for the purchase of the adjacent Wachovia Bank property, but these negotiations have been unsuccessful to date.]

Architect Harold Smith stated that the applicant has spent several weeks meeting with neighbors and civic groups relative to the proposal, and they have attempted to address every concern wherever possible. They have also met with many of the ARCOM members and have attempted to incorporate members’ thoughts and suggestions into the plans. Mr. Smith discussed the site, the neighboring properties, the development of the existing store and subsequent changes and upgrades, and the problems with the existing store, parking lot and site. Publix desires to demolish the existing structure to build a new, larger store in compliance with minimum flood elevation, with an enclosed stand-by generator, with safer vehicular and pedestrian traffic circulation patterns, with reduced noise from mechanical equipment and unloading functions, and with a wider product selection. The proposal includes parking for 218 total vehicles, increased sidewalks (minimum 10 ft.), increased landscape buffers (minimum 10 ft.), a tree-lined pedestrian walkway from Bradley Place through the parking lot directly to the front door, pedestrian paths from the north and south, an improved loading/unloading process, mechanical equipment enclosed in the towers rather than on the rooftop, and an increase in landscaping (more than the code requires). Within the store itself, there will be approximately 10,000 additional square feet of shopping area, wider aisles, a stand-alone larger pharmacy, a greater selection of cheeses, seafood, wines, prepared foods, more Greenwise products, and interior storage of shopping carts.

Architect Brian Smith, of Fisher & Associates Architects, stated that they attempted to design a store to fit in with the Mediterranean Revival flavor of Palm Beach, employing a true barrel tile roof, exterior colors in keeping with the neighborhood, an arcade across the front of the building, fabric awnings, window elements at the second story level, outriggers, cornice pieces, pre-cast coral, glass tiles for mosaics, green tint for the glazing (with white film on back), decorative ornamental railings, etc. The tower elements serve to enclose the mechanical systems which would typically occur on a rooftop.

Don Skowron of Morgan Wheelock Landscape Architects presented the landscape/hardscape plan, explaining that they took a residential approach to the landscaping at this site and attempted to make it consistent with the neighborhood. An existing large Banyan tree on Bradley Place, and existing cocoanut palms at several locations will be retained. Mr. Skowron reviewed other plant species designated for the site, including, but not limited to Clusia hedge, Green Buttonwoods, Royal Palms, Green Island Ficus, vines, and bougainvillea to name a few.

Mr. Lindgren read several letters into the record: 1) "Save our Publix" coupons from Ethel Kinsella, Robert Murray, Sue Strickland, Laura & George Klein, Mercedes Cassidy, and Mari McCormick (all in opposition to the demolition of the existing store; 2) Letter dated April 21, 2010 from Laura H. Klein in opposition to the project; 3) Letter dated April 5, 2010 from Orator Woodward in opposition to the project; 4) Letter dated April 28, 2010 from the Palm Beach Biltmore Condominium Board of Directors expressing several points of concern relative to the project; 5) an e-mail from the Preservation Foundation stating "no major reservations about the Publix demolition and development application," but listing several concerns about greenspace, the Southside wall, and the overall architectural detailing; and, 6) a twelve page letter from Attorney Jeffery A. Rembaum, representing the Palm Beach Hotel Condominium Association, Inc., and strongly objecting to the project.

During Public Comment, the following persons addressed the commission: Rachel Lorentzen, 216 Garden Road, speaking on behalf of the Neighborhood Alliance of Palm Beach, listing the cumulative questions and concerns of that group; Ned Barnes, Palm Beach Civic Association, who provided survey results indicating concerns with traffic congestion and off-island patrons, and, Attorney Jeffrey A. Rembaum and his team representing the Palm Beach Hotel Condominium Association Inc., (requested approximately 20 minutes for their comments in strong opposition to the project). Attorney Rembaum listed several issues of contention, including, but not limited to mass, the relocation of the store and truck unloading area too close to the front door of the Palm Beach Hotel, loss of parking spaces, signage issues, use of public roads to facilitate private purposes, ingress/egress issues, noise concerns, and their opinion that Publix has 100% created every condition for which they are requesting a variance. Michael Sexton, Sexton Engineering, stated the concerns of the Palm Beach Hotel Condominium Association, from his engineering perspective.

Others who spoke under Public Comments: Anne Fairfax, Fairfax & Sammons Architects, 214 Brazilian Avenue, objecting to the scale of the project (read a prepared statement); Christina Kramer, 1511 North Lake Way, in support of the project (read a prepared statement); Allen Wyett, 1145 North Lake Way, in support of the project; Mary Reed, 231 Chilean Avenue, expressing concern over the size of the store and huge amount of asphalt for parking, and making several suggestions to improve the project (more shade, real windows, multiple entrances); Anne Pepper, 333 Seaspray Avenue, read her statement expressing several concerns and making numerous recommendations for a better project; Susan Watts, 455 Worth Avenue, encouraging restoration and renovation rather than demolition and development; and Edward Cooney, 495 North Lake Way, expressing concern regarding the parking lot, landscaping, ingress/egress, and "green" alternative for the roof.

Attorney Maura Ziska responded to several of the comments made thus far.

Commission Comments: Very nice project; more detail needed on three windows above front door; make the arched windows (with wrought iron) dark to create depth; awnings should not be scalloped; detail needed for decorative ironwork; so much asphalt; willing to give up some parking for more lush landscaping; this fits the context; why not build a landmark and build it "green"; the "marketplace" concept is preferable to a "big box"; more of a pedestrian approach on the south facade with axis to certain parts of the store; energy conservation?; more shade needed; Is the Wachovia property for sale or not?; the roof is very large; drainage concerns; light poles are not pleasing; do a better finish on the huge white roof; black awnings must be kept clean; better use of quatrefoils; shade trees needed; cover for the pedestrian walkway?; Royal Palms will drop fronds and casings in the parking lot; perhaps use something other than small Schefflera; great job on the landscape buffers, but increase the landscaping on the interior of the parking lot; landscape must be adequately irrigated and maintained; we need a new Publix which is just for Palm Beach and addresses the needs of Palm Beach; think out of the box; don't shut down the existing store while the new store is being constructed; do not like the parking layout; think about the site plan - try to acquire the other parcel; you are not being a good neighbor to the Palm Beach Hotel; glass mosaics are not appropriate for Palm Beach; prefer renovating and adding to the existing store; the landscaping has always been a problem at this site; find a temporary store location; far more should be done and can be done... this is not for Palm Beach; it starts with massing...the whole store does not need two story elements; the siting of the project is predicated on whether or not the Wachovia property is purchased.

David Rubin, Architect for Publix, discussed the energy efficiency of the proposed store with regard to the roof, insulation, interior materials, mechanical, plumbing and refrigeration equipment, store lighting, water for landscaping, etc. Let the record show that Nelson Ortiz, during commission comments, testified as to the drainage plan for the site.

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.

Hank Porcher, commented that this project has been studied for two years, and Publix representatives have met with residents and civic groups, and as a result, have made several revisions to the project. He maintained that this store, as designed, is not a typical box, but instead is unique and site specific. He requested specific direction from the commission.

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.

LET THE RECORD SHOW THAT THE MEETING RECESSED FROM 1:35 P.M. TO 2:30 P.M., AT WHICH TIME THE PROJECT FOR 1100 NORTH OCEAN BOULEVARD (B6/10) RESUMED.

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. Please note that the architect has requested a deferral to the May meeting.

MOTION BY MRS. VANNECK FOR DEFERRAL TO THE MAY MEETING. (motion made earlier in meeting.)

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

D. [MINOR PROJECTS - NEW BUSINESS](#)

[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.

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

Don Skowron of Morgan Wheelock Landscape Architects described an emergency situation at this property (underground garage which was sodded over, but the membrane failed soaking several vehicles underneath it). The sod, turf, and soil has been stripped away, and the drainage found was poor. The applicant plans to re-pour, fix the drainage, re-membrane, and pour a new natural product over the membrane.

Owen Larkin, neighbor, is on the Board of Directors of the condominium at 315 S. Lake Drive. He testified that there was a canopy of trees there previously, not just turf. Because of these problems at the site, the trees have been removed. As such, condo residents have a clear view of the commercial car-washing enterprise in the garage and the employees who smoke there. He maintained that a canopy of green space has been taken away because of shoddy construction.

Mr. Smith, though recognizing that there is a structural problem here, commented that landscaping should be replaced to appease the condo neighbors, and suggested large potted plants as an option. Mr. Skowron stated that the owner's intent is to plant the property line and completely screen out the car washing operation from view. He added that they will do whatever it takes to make the neighbors happy. Mr. Smith suggested that the applicant return with a revised plan which is satisfactory to the neighbors as well.

**MOTION BY MS. DIVER TO DEFER TO THE MAY MEETING.
MOTION SECONDED BY MRS. VANNECK.
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

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

Architect Jeff Brasseur presented facade changes for this home (which had been previously approved by ARCOM and which was the subject of several staff approvals.)

Commission Comments: Questioned the elimination of the sills on the sides of the home (staff approval); it's been staff approved out and needs to return with all of the changes since the original approval...there is no cohesiveness in the house anymore; I don't see what the improvement is; the stonework is not detailed correctly; question the spacing of the windows and the use of metalwork on the windows above; the front elevation was better the way it was; something wrong with the layout of the windows on the south elevation; and, the stone is not executed well.

**MOTION BY MS. DIVER TO DEFER (TO THE MAY MEETING).
MOTION SECONDED BY MR. STRAWBRIDGE.
MOTION CARRIED UNANIMOUSLY.**

[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.

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

Roger Janssen presented this request to simplify an elevation by removing certain architectural elements and replacing these with other architectural elements as listed above.

Commission Comments: This is not an improvement; the embellishments are not in keeping with the simple mass of the house; you are totally changing the style of the house, and the roof is totally wrong for the style you are trying to force on it; and, the massing is wrong.

**MOTION BY MR. STRAWBRIDGE FOR DENIAL.
MOTION DIED FOR LACK OF A SECOND.**

**MOTION BY MR. ZUKOV FOR DEFERRAL (TO THE MAY MEETING).
MOTION SECONDED BY MR. VILA.
MOTION CARRIED UNANIMOUSLY.**

- IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)
(4:33:55 a.m.)
- X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND
DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT:
(4:33:57 a.m.)
- XI. ADJOURNMENT:

**MOTION BY MRS. VANNECK TO ADJOURN THE MEETING AT
APPROXIMATELY 6:00 P.M.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

The next meeting of the Architectural Commission will be held on **Wednesday,
May 26, 2010** at 9:00 a.m. in the Emergency Operations Center, 3rd floor, 355
South County Road, Palm Beach.

Respectfully submitted,

Jeffery W. Smith, Chairman
ARCHITECTURAL COMMISSION

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