




**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
360 South County Road  
Palm Beach, FL 33480  
[www.townofpalmbeach.com](http://www.townofpalmbeach.com)

**PLANNING, ZONING, & BUILDING DEPARTMENT**  
**PZ&B Staff Combination Memorandum: Town Council and Architectural Commission**

**TO:** ARCOM Chairperson and Members

**FROM:** Wayne Bergman, MCP, LEED-AP   
Director PZ&B

**SUBJECT:** ARC-24-0036 (ZON-24-0050) 333 SUNSET AVE (COMBO)

**MEETING:** NOVEMBER 22, 2024, ARCOM  
NOVEMBER 13, 2024, TC

**ARC-24-0036 (ZON-24-0050) 333 SUNSET AVE (COMBO).** The applicant, Royal Poinciana South, has filed an application requesting Architectural Commission review and approval for the installation of eleven (11) new aluminum shade structures on the 7<sup>th</sup>-floor apartment balconies requiring Special Exception, Site Plan Review and height variances. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

**ZON-24-0050 (ARC-24-0036) 333 SUNSET AVE (COMBO)—VARIANCE.** The applicant, Royal Poinciana South, has filed an application requesting Town Council review and approval of a Special Exception with Site Plan Review and one (1) variance to exceed the allowable height in the R-D (2) district but not exceed the existing building height to allow the installation of eleven (11) new aluminum shade structures on the 7<sup>th</sup>-floor apartment balconies. The Architectural Commission (ARCOM) shall perform design review of the application.

Applicant: Royal Poinciana South LLC (Arthur Pergament)  
Professional: SYZYGY

**HISTORY:**

The existing 7-story multifamily building was constructed in 1966. Various interior and minor exterior updates have been completed since then, with approvals from both ARCOM and Town Council.

A combination project was reviewed and approved in 2022 for renovations and additions to an existing 7-story apartment building, including landscaping, hardscaping, new accessory structures, changes to the lobby level and additions to the penthouse, requiring Special Exception with Site Plan Review and Variances from height, lot coverage, and setbacks, pursuant to ARC-22-054 (ZON-22-044). A total of eight (8) variances were approved, including a variance to expand an existing nonconforming 7-story building in order to construct a 147 SF addition to the penthouse level and a variance to exceed maximum building height of 62.5' (and overall height of 67.5') for the 7<sup>th</sup> story addition

An administrative application, SPRA-24-0004 (Admin. Site Plan Review) and A-22-02540 was applied on 08/19/24, for the proposal found within this application and subsequently denied for requiring ARCOM approval and variances for the height encroachments of the trellises. At the November 13, 2024, Town Council meeting, the Council approved (5-0) the variance application request with conditions that no exterior lighting be installed under the shade elements and that the overall design is reviewed by ARCOM, including review of the overall height and design materials.

**THE PROJECT:**

The applicant has submitted plans, entitled "Royal Poinciana South", as prepared by **SYZYG** and **AM STRUCTURES**, file stamped October 07, 2024.

The proposed scope includes:

- Installation of eleven aluminum shade structures at the rooftop penthouse level apartment terraces of an existing 7-story building.

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- **VARIANCE 1: Section 134-1064 (b) (3):** A variance to exceed maximum building height of 62.5' (and overall height of 67.5') for the installation of the rooftop structures.

Site Data			
<b>Zoning District</b>	R-D (2)	<b>Lot Size</b>	82588 SF
<b>Future Land Use</b>	MULTI FAMILY HIGH DENSITY	<b>Total Building Size</b>	140,708 SF
<b>Height</b>	9'-7 ¼" <i>Variance required</i>	<b># of residential units</b>	86
Surrounding Properties / Zoning			
<b>North</b>	1925 12-story Condominium Building (Palm Beach Biltmore) / R-D (2)		
<b>South</b>	Bradley Park / R-B		
<b>East</b>	Parking Lot / C-TS		
<b>West</b>	Lake Worth Lagoon		

**STAFF ANALYSIS**

The subject property previously received approved for alterations and renovations to the existing nonconforming 7-story multifamily building, pursuant to ARC-22-054. This current application involves the installation of eleven (11) rooftop trellises on the penthouse level on the 7<sup>th</sup>-floor apartment terraces to replace existing canvas and pipe awnings and canopies. The Town Council approved a variance to exceed maximum building height of 62.5' (and overall height of 67.5') for the 7<sup>th</sup> story addition on June 15, 2022.

As previously mentioned, all six (6) penthouse apartment units on the rooftop (7<sup>th</sup>) level have private outdoor terraces with previously installed tensile, fabric shade canopies. These fabric awnings were/are visible from the right-of-way.



Each penthouse unit has expansive north and south private terraces. Prior to the 2022 renovation, each one had vinyl shade elements that were permitted and re-permitted over the years from the 1980s, 1990s, and 2000s. It is worth noting that none of these elements were reviewed by the Architectural Commission.

Each of the new proposed aluminum shade structures will match the footprint of the replaced canopy elements and measure a maximum of 9'-7 1/4" high, the precise areas range in size from 360 SF to 556 SF. Note that one of these elements is already installed on the rooftop, at the western edge of the penthouse level, approved under building permit B-22-96274 as part of the prior combo project. B-22-96274 was for "ACCESSORY STRUCTURE: INSTALLATION OF OPEN TRELLIS". It was applied for on 08/31/2022, issued on 12/21/22, and final on 04/13/23.







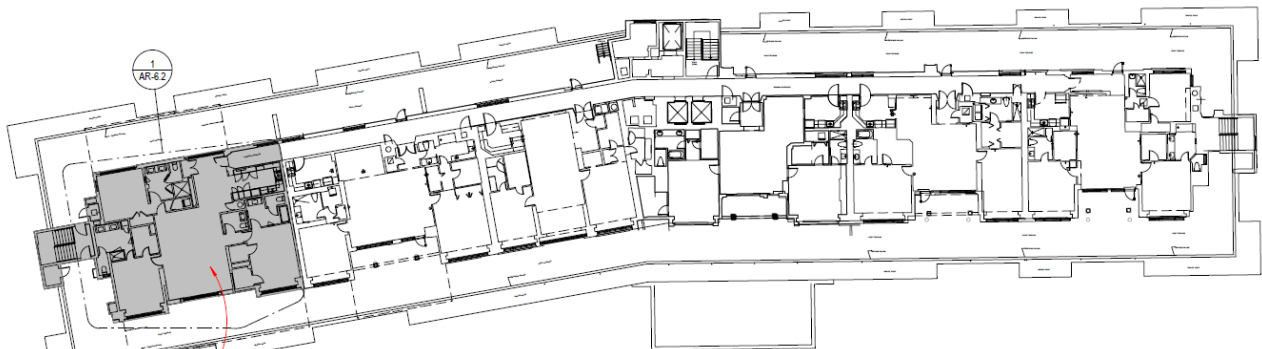
*Existing fabric canopy*



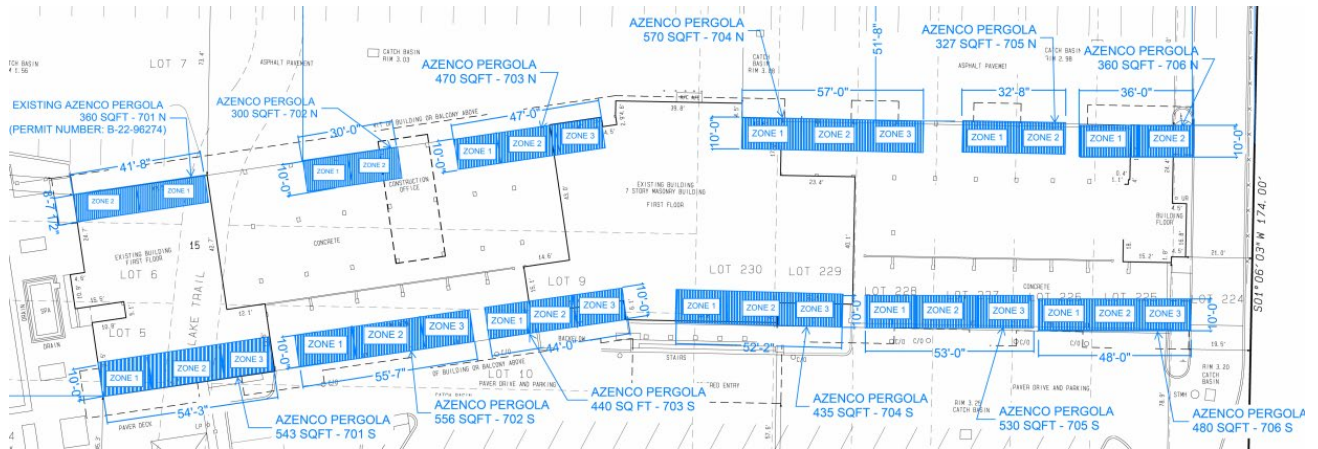
*Existing fabric canopy*



*Existing fabric canopy*



*Floor plan of existing penthouse level*



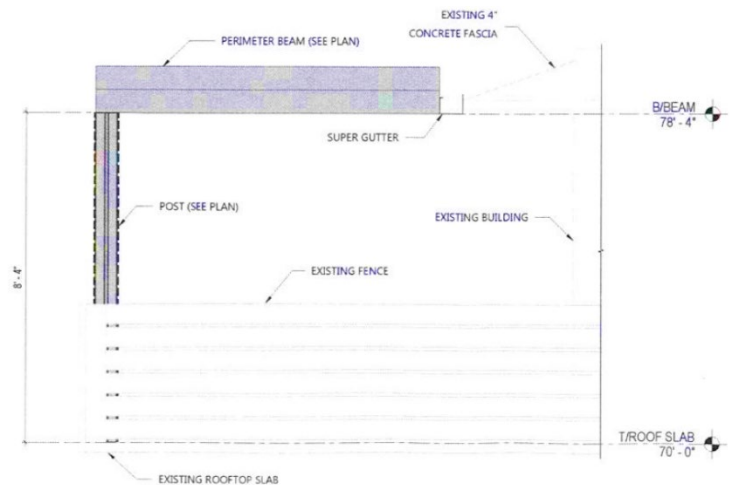
*Site plan (blue depicts rooftop locations of aluminum shade structures)*



*Rendering of rooftop with all twelve (12) shade structures*

The current aluminum shade structures are proposed to be powder-coated white to blend with the architecture of the building. Two 8" wide vertical posts are proposed to be installed on top of the existing guardrail.

As it pertains to the variance to exceed maximum building height of 62.5' (and overall height of 67.5') for the installation of the rooftop structures, the existing building is nonconforming in regard to its height in the R-D (2) district, therefore any introduction of new rooftop elements—trellises, outdoor kitchens, shade structures or even built-in planters—would require a variance.



**CONCLUSION:**

Approval of the project will require one (1) separate motion(s) to be made by the Town Council:

1. for final determination of approval or denial of the (1) variance by the Town Council, and that the variances shall or shall not be granted that all the criteria applicable to this application as set forth in [Sec. 134-201\(a\)](#), items 1 through 7 have been met.

This application is presented to the Commission to consider whether the revised entry meets the criteria in [Sec. 18-205](#). Approval of the final aspect of the project will require one motion to be made by the Architectural Commission:

1. for the design of the project in accordance with [Sec. 18-205](#) criteria, subject to any imposed conditions.

WRB: JGM: FHM