



MINUTES OF THE ARCHITECTURAL REVIEW BOARD

September 15, 2022

MEMBERS PRESENT: Chairperson Salter, Vice Chairperson Mead, Board Member McCorvey, Board Member Ramos, Board Member Yee, Board Member Fogarty, Advisor Pristera

MEMBERS ABSENT: None

STAFF PRESENT: Historic Preservation Planner Harding, Senior Planner Salter, Assistant City Attorney Lindsay, Digital Media Specialist Russo, Cultural Affairs Coordinator Robinson, Deputy City Administrator Miller

STAFF VIRTUAL: Development Services Director Morris, Assistant Planning and Zoning Manager Cannon

OTHERS PRESENT: JJ Zielenski, William Campbel, Jeffrey Sharp, Kerry Pham, Kathleen Bellard, Samantha Garrett, Steve Dana, Randy Maygarden, Amy Miller, Jesse Kirkland, Gary Cook, Pete Southerland

CALL TO ORDER / QUORUM PRESENT

Chairperson Salter called the meeting to order at 2:01 p.m. with a quorum present.

APPROVAL OF MINUTES

Board Member Yee made a motion to approve the August 18, 2022, minutes, seconded by Board Member Fogarty, and it carried 6-0.

OPEN FORUM – Historic Preservation Planner Harding asked the board to consider adding an old business item, that being a rehearing of 40 S. Palafox Street item from the July 2022 agenda. The motion as provided could not be satisfied and a new or revised motion was required. Board Member Mead agreed and offered a motion for the item to be added to the end of the agenda. Board Member Ramos seconded the motion and it carried 6-0.

NEW BUSINESS

Item 2 315 W. Blount Street NHPD / Zone PR-1AAA, City Council District 2 Addition of Rolldown Shutters at a Noncontributing Structure

Action Taken: Approved.

Mr. Robertson is requesting approval to install electric roll down shutters on two garage door openings at the rear of a noncontributing structure. This project was denied at the August 2022 meeting with comments that the applicant could return if research showed that there were no other reasonable options. The homeowner has provided a letter detailing his research. After further discussion with the installer, the motor box is now proposed to be mounted to the interior which will save any impact to the exterior brick. They will also be coated in a matching color.

Mr. Robertson presented to the board. Chairperson Salter presented the North Hill Preservation District comments and support. From Chairperson Salter's point of view, the board's concerns had been met and Board Member Mead agreed. Board Member Mead appreciated the extra research and appreciated that consideration to mount the shutters to the interior, saving the brickwork from any potential damage. Board Member Yee agreed and was glad to see that mounting the shutters to the inside would be possible.

Board Member Yee made a motion to approve as submitted. Board Member McCorvey seconded the motion and it carried 6-0.

Item 3 422 N. 7th Avenue OEHPD / Zone OEHR-2, City Council District 2 Final Review of an Accessory Dwelling Unit at a Contributing Structure

Action Taken: Approved.

Jeff Griffey and James Amerson are requesting final review of an accessory dwelling unit in the rear yard. The 20' x 30' structure will have smooth Hardie lap siding with 5.5" exposure, asphalt shingles, fiberglass French doors, and fiber cement stucco panels to cover the piers and to skirt the building. Paint will match the main building with white body and trim, green shutters, and a grey stucco foundation. A conceptual review of this project was approved by the board in July 2022. Since then, the louvered shutters have been removed, a window was added to the north side, and the previously proposed railings have been left off.

Mr. Griffey presented to the board. Chairperson Salter asked for clarification of window type changes and presented East Hill comments and support. Mr. Griffey clarified that the Jeld-Wen windows was the one being proposed and that it would have simulated divide lites. Mr. Griffey also stated that the windows would be 3/3 to match the house.

Board Member Fogarty made a motion to approve as submitted. Board Member Ramos seconded the motion and it carried 6-0.

Item 4 917 N. Palafox Street NHPD / Zone PR-2, City Council District 2 Installation of an In-ground Pool and Screen Enclosure at a Contributing Structure

Action Taken: Denied.

Keith and Kerry Pham are seeking approval to install a new 14' x 28' in-ground pool and a screen enclosure at the rear of a contributing structure. The pool will be surrounded by a 2-piece paver decking and a 1' high stucco retaining wall. The screen enclosure will be bronze-colored aluminum with charcoal-colored mesh and will not be seen from the street. Example images of the half mansard enclosure have been provided as examples.

Ms. Pham presented to the board. Chairperson Salter read North Hill's comments. Board Member

Mead stated that the backyard was currently paved with concrete and asked if there was any consideration of landscaping. Ms. Pham stated that the paving would be removed, and that vegetation would be included along the pool screen to balance out the backyard. Board Member Meaded stated that a landscape plan would have been helpful and that it appeared to be missing from the application. Ms. Pham replied that she would be open to the board's recommendations and would like to have some foundation plantings. The paving would later be pulled up and landscaped, but that would be a later project. Advisor Pristera stated that he looked closely at North Hill and could not find any examples of screened pool enclosures. This would be the first one in any of the historic districts. There are a lot of pools, but no screen enclosures. A fence would be needed for safety and information is needed on the fence as well as any added landscaping. Board Member Ramos asked if there was a concern with attaching this type of structure to a historically contributing building. Advisor Pristera replied that there was. Pool enclosures are a more suburban type of addition and a type of building that we haven't seen in the historic districts before. It would be a little out of place attached to the historic building. It can certainly be removed in the future though. Board Member Ramos pointed out that it would be in the back yard, but it would also take away from the historic architecture. Board Member Mead mentioned that it would also be visible from the surrounding structure and he had concerns that this being the first would set a precedent. Ms. Pham stated that the back yard was heavily screened with vegetation. Board Member Ramos asked if the pool and screen could be farther away from the main house as a detached structure. Ms. Pham replied that could be an option. Advisor Pristera thought minimal to no attachment is better, but it's still a structure that has never been approved or installed in the historic districts. He was worried that it would set a precedent. Board Member Fogarty asked what the intention of the screen enclosure was for. Ms. Pham stated that it was primarily for shade and to keep leaves out. It would also help to reduce the heat so that her family could enjoy it more. At the expense of setting a precedent, Board Member Fogarty didn't think she could support an enclosure. Chairperson Salter cited Sec. 12-3-10(2)d.2.ii.a, "in the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building." This would be considered an addition and, in his opinion, the enclosure would negatively impact the contributing structure and would negatively impact the house. If it were pulled away, it would be a new structure and 12-3-10(2)d.2.ii.b would apply, "in the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, impair the architectural or historic value of buildings on adjacent sites or in the immediate vicinity." Because of this, he also could not support the enclosure since it did not fit within the historic district. The pool was appropriate since there are a lot of examples, it was just the enclosure that was concerning. Board Member Ramos asked where the pool equipment would be, and it was pointed out that it would be on the north side of the house. It would not be visible from the street. Chairperson Salter asked if there was a fence on the north side of the home and it was determined that there was not. Advisor Pristera stated that a clearer site plan and landscape plan would be very helpful, even if just for the record. Board Member Ramos agreed and asked if the rear ramp was to be removed. Ms. Pham answered that it would be removed. Board Member Yee suggested that the retaining wall could be moved farther away from the pool to make it more accessible and to make the pool deck more usable. More room would be helpful, especially if there would be kids running and playing around the pool. More space might also benefit the aesthetics of the yard.

Board Member Yee made a motion to deny the application and asked the applicant to return with a site plan showing landscaping and other site elements (fence location and details), detailing more clearly the extent of the concrete planned to be removed and what will be put in its place. Board Member Mead made an amendment that the pool enclosure was to be denied completely since it was inconsistent with the historic district and historic district standards and since there are no examples of existing structures. It was accepted. Board Member

Ramos made an amendment for the pool equipment to be shown on the site plan and to show how it will be screened from the street view. It was accepted. Chairperson Salter clarified that motion was based on city ordinance 12-3-10(2)d.2.ii.(a) in that, “in the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building,” and 12-3-10(2)b. the *character of the district*, and that the applicant was encouraged to resubmit with a more detailed site plan on the pool that addresses the existing concrete to be removed, layout of the pool, and fence and equipment areas. Board Member Mead seconded the motion and it carried 6-0.

Board Member Yee asked Historic Preservation Planner Harding to let the applicant know that the pool area did not need to be bounded by the width of the house and that there could be more room between the pool and the retaining wall (or edge of the pool decking) than what was originally shown (2’).

Item 5 412 W. Intendencia Street GCD / Zone C-2, City Council District 7
Demolition of a Noncontributing Structure

Action Taken: Approved.

KRC Construction, Inc. is seeking approval to demolish a noncontributing single-family residence. Since the structure is noncontributing, the consideration of replacement plans is not required so long as the board does not find any historical, cultural, architectural, or archaeological significance. If no significance is found, a demolition permit may be issued per Sec. 12-3-10(1)j.

Mr. Cook presented to the board. Advisor Pristera commented that the house was not a contributing structure and held no historic significance.

Board Member Mead made a motion to approved as submitted. Board Member Ramos seconded the motion and it carried 6-0.

Item 6 412 W. Intendencia Street GCD / Zone C-2, City Council District 7
Final Review for New Construction

Action Taken: Approved.

KRC Construction, Inc. is seeking approval for a new single-family residence over a garage and an accessory dwelling unit. Since the lot is zoned for commercial use, there are no setbacks or yard requirements, allowing the accessory dwelling unit to be placed at the front of the lot. As drawn the project complies with all other zoning requirements. Considering the two buildings, the accessory dwelling unit has been designed to mimic a historic shotgun home while the two-story primary structure in the rear will resemble a more modern addition. The shotgun home includes a brick foundation, Hardie lap siding, a 5v-crimp metal roof, 2/2 wood-clad windows, and fiberglass doors. The two-story primary will have both Hardie lap siding and board and batten siding, wood-clad windows, steel garage doors, and a 5v-crimp metal roof to match. Since this development is in the Governmental Center District, Sec. 12-3-28(c)(1) will apply: “proposed plans shall be approved unless the board finds that the proposed erection, construction, renovation and/or alteration is not compatible with the built environment of the governmental center district.”

Mr. Cook presented to the board. The board discussed the benefits of the site plan with the accessory building in front and the main structure in rear and how it will attribute to the look of the neighborhood. The board continued to discuss that the commercial zoning of this district is what allows for the site plan to be situated as this. Historic Preservation Planner Harding noted that the swapping of the main and accessory structure is generally allowed in commercial zoning districts. Advisor Pristera and Chairperson Salter liked the orientation. Board Member Mead thought the orientation had a

tremendous impact on the street in a positive way and would benefit the use of the lot. Historic Preservation Planner Harding clarified that the development was consistent with the city's Land Development Code. Board Member Yee thought the siting was appropriate and thought that this might be a good approach to use elsewhere in the city and in other districts and overlays.

Board Member Mead made a motion to approve as submitted. Board Member Fogarty seconded the motion and it carried 6-0.

Item 7 501 N. Alcaniz Street OEHPD / Zone OEHC-1, City Council District 2
Variance

Action Taken: Approved.

Randy Maygarden is requesting approval to reduce the north side yard setback from the required 5 feet to 3 feet to accommodate a new single-family residence. The property is zoned OEHC-1 which has no front yard or rear yard setback. However, the zoning district requires 5-foot side yard setbacks and a 50 percent lot coverage maximum. In addition, a required visibility triangle is present in the southwest corner of the lot which has been administratively reduced from 30 feet to 15 feet due to the small size of the lot. The variance request would allow the applicant to meet the visibility triangle requirement while clearly designating the structure's frontage on Alcaniz Street and providing off-street parking behind the home. This application is just for the variance and the elevations and aesthetic aspects will be discussed in the next item.

Mr. Maygarden presented to the board. Historic Preservation Planner Harding handed out the variance guidelines and reiterated the criteria that needs to be met in order to approve the variance. Chairperson Salter presented the Old East Hill Neighborhood Association comments which spoke to the concerns of needing a variance. Board Member Mead had a question for staff about question number 5 on the application. Historic Preservation Planner Harding clarified that there was no minimal lot size for this district (OEHC-1) but that it was not exempt from visibility triangle requirements. The lot was clearly undersized, but it could not be classified as a "lot of record" since the district did not have a required lot size. If the district required a minimum lot size, the parcel in questions would most likely qualify for setback reductions. Board Member Fogarty asked of possibly changing the front of the property to LaRua Street instead of Alcaniz Street. Historic Preservation Planner Harding confirmed that the board had previously determined that the frontage would aesthetically benefit Alcaniz Street more so that La Rua Street and the variance would still be necessary for La Rua Street frontage. Mr. Maygarden reiterated that he has expended all possible layouts for this site and that the is driven by the rear parking requirements and the visibility triangle, which does not allot for much room to work. The ribbon driveway was clarified to be a single drive and to be 3.5' x 3' x 3.5' which is standard for the CRA Urban Design Overlay District and has been used in Old East Hill.

Board Member Mead made a motion to approve the application in finding that Variance criteria 1-7 per Sec. 12-11-2(a)(2) and the additional criteria (a) and (b) per Sec. 12-12-3(5)b have been satisfied. Board Member Fogarty seconded the motion and it carried 5-1 with Board Member Ramos dissenting.

Item 8 501 N. Alcaniz Street OEHPD / Zone OEHC-1, City Council District 2
Final Review for New Construction

Action Taken: Approved.

Randy Maygarden is seeking *final* approval of a new one-story single-family residence. An earlier version of this project was denied in July 2021. As previously discussed, the building's small footprint

is due to compliance with district's zoning requirements, specifically a 50% lot coverage maximum and a 15' required visibility triangle at the corner of Alcaniz and La Rua Streets. The new position of the building allows for a formal frontage on Alcaniz Street and accommodation of parking in the rear behind the building. The design has been simplified, though the materials largely remain consistent with those reviewed in July. These include "Pewter Gray" asphalt shingles, smooth profile Hardie siding, wood-clad windows with exterior muntins, and a "Blanched Pine" body with "Very Black" trim. The HVAC units will be screened with a flat-topped wood privacy fence and hardscape materials have been provided.

Mr. Maygarden presented to the board. Advisor Pristera comment that this design is more fitting with the district and although the front stoop is atypical for a front door, it is still acceptable for Old East Hill. Chairperson Salter asked Mr. Maygarden about the side door on the La Rua Street elevation and Mr. Maygarden clarified that it is to mirror the front door and that it will be the same door design. Chairperson Salter presented the Old East Hill's comments and their request that the minimum floor elevation be at least 18 inches. Mr. Maygarden was agreeable and has been in discussion with staff about the finished floor. Board Member Yee suggested that the structure would benefit from a front or side porch added to the structure. Board Member Mead also supported a south side porch for screening of sun exposure and blocking the visual obstruction of a vehicle. Board Member Ramos stated that although he did not vote in approval for the variance, he did like the new design and would support the addition of a porch, creating an L-shape structure. A porch would improve the elevation. **Chairperson Salter made a motion to approve the application as submitted with the clarification that the finished floor elevation be a minimum of 18" above adjacent grade. Board Member Mead provided the amendment that at the applicant's election, he could submit revised plans with an "L" addition or porch on the south elevation and with similar design and materials for abbreviated review. It was clarified that the amendment was not a requirement, but an option if the applicant wished to proceed in that way. It was accepted. Board Member Mead seconded the motion and it carried 6-0.**

Item 9 823 W. Baylen Street NHPD, Zone PR-2, City Council District 2
Exterior Renovations at a Contributing Structure
Action Taken: Approved with Abbreviated Review.

Dalrymple Sallis Architecture, is seeking approval for exterior landscape improvements and alterations to an existing accessory structure at a contributing structure. The project will include an addition of a new pool surrounded by concrete pavers and a retaining wall. The site will be surrounded in its entirety by a powder coated aluminum fence, which will match the existing fence already on site. Wood frame pergolas will be constructed behind the existing retaining wall and a new concrete driveway will lead to the existing two-story, three-car garage. The three-car garage will become a one-car garage with new infill and matching wood siding, three new vinyl-clad windows, and a new wood door. While the primary residence is a contributing structure, accessory structures are largely considered noncontributing.

Ms. Garrett presented to the board. Chairperson Salter presented North Hill's comments and suggestions regarding the trees on the property. Ms. Garrett clarified the removal of a wisteria tree and expressed that the tree by the pool and the heritage camellia tree will remain on property. North Hill supported other submitted plans for the renovation. Board Member Mead requested a clarification of the site elevation change from street to rear yard, the garage renovations, main house stair location, and drainage. Advisor Pristera inquired after the fence to fit with safety protocols and why it went around the entire house, which Ms. Garrett confirmed it is within safety regulations and stated that the fence went around the house per the owner's request. Board Member Mead expressed worry

of enclosing the property in with a fence because of the potential to change the character of North Hill. He also inquired after the aesthetic appearance of the proposed chimney, Ms. Garrett clarified the building materials of the chimney to be fire-rock and stucco and built on site. Advisor Pristera requested more detail on the fence plans.

Board Member Mead made a motion to approve with the following to return by abbreviated review: that the fireplace chimney be submitted with depictions and samples of materials in stucco style and consistent with the style of the pool elements; that further details be provided regarding the integration of the fence with the ballast walls to ensure that the ballast wall will be preserved; and that the existing ballast wall steps be preserved or refurbished in-kind. Board Member Yee seconded the motion and it carried 6-0.

Board Member McCorvey was required to leave. The board maintained a quorum with 5 members present.

Item 10 26 Palafox Street PHBD, Zone C-2A, City Council District 2
Final Review for a Rear Addition and Rear Security Gate

Action Taken: Approved.

Randy Maxwell, SMP Architects, is requesting final approval for a second-story level at the rear and alley-side elevation of a contributing structure. The addition will be a simple design with matching stucco façade, a flat 5v-crimp metal roof, and supported by a 6" x 6" steel column. A metal gutter and downspout in a dark bronze color will also be added. No work to the ground floor elevation is proposed and the addition will not impact the existing third-story window or its decorative trim.

Mr. Maxwell presented to the board. Board Member Mead asked for clarification of drop between window sill and the flashing. Mr. Maxwell stated that is between 8-12 inches. Board Member Yee inquired after the north elevation; Mr. Maxwell clarified that a pre-existing wrought iron fence will remain in place. Chairperson Salter stated that the work is being consistent with what is there now and will not have any negative impact to the building. Advisor Pristera agreed.

Board Member Ramos made a motion to approve as submitted. Board Member Yee seconded the motion and it carried 5-0.

Item 11 104 E. Gregory Street PHBD, Zone C-3, City Council District 2
Site Changes to a Noncontributing Structure

Action Taken: Approved with comments and abbreviated review.

SMP Architects is requesting approval for site changes to a noncontributing structure. With exception to the canopies, there will be no changes to the building and existing nonconforming signage will be reused. Overall, the existing parking area will be converted to outdoor dining, with the installation of artificial turf and seating. An ornamental fence will surround the outdoor perimeter, with landscaping and vegetation within.

Mr. Spencer presented to the board. He clarified that his clients are seeking approval to remove the asphalt and there is no need for variances for the application. He clarified that there will be no inside seating and the outdoor space will benefit the establishment. Historic Preservation Planner Harding clarified that due to the type of establishment and the location within the dense business district, it is exempt from parking requirements. Board Member Mead asked staff to clarify if the signs were part of the present application, to which Historic Preservation Planner Harding confirmed they were, however the owners plan to use the already present signage and they have the right to change the face of the internally illuminated signs since they are existing nonconforming. If they were to alter the sign

structures in any way, they would lose their existing nonconforming status and they would be required to be brought into compliance with the current Land Development Code. Chairperson Salter questioned about the proposed plants and whether they were going to be in planters. Mr. Spencer confirmed that the plants will be in planters. Chairperson Salter requested clarification on the positioning of the string lighting. Board Member Mead added commentary to the height of the planned lighting and raised concerns about the perimeter lights which looked as if they would obstruct the surrounding vehicle right of ways. Chairperson Salter asked for elaboration of the fencing materials and Mr. Spencer provided clarification of the internal galvanized metal mesh grid material of the fence. Chairperson Salter stated his concerns with its appearance in the historic district. Historic Preservation Planner Harding confirmed that there are no formal regulations to fencing in the Palafox Historic Business District, but it will need to be cohesive to the surrounding properties. Mr. Spencer clarified the purpose of the fence was to be a perimeter line for the comfort of patrons. Chairperson Salter recommended a different type of fence to better compliment the district and Board Member Mead offered an example of metal fencing from North Hill as a better option. Board Member Ramos asked how the pedestrian flow would work within the proposed space and Mr. Spencer clarified that there is not currently gates in the plans but there is an option for gate placement along Gregory Street. Mr. Spencer proposed the removal of the fence from the review packet until he and the owners can further discuss their options of fencing materials. Chairperson Salter stated that is an option for whomever makes the motion to place the fence for further review. Board Member Ramos asked for clarification of the fence being an enclosed space within the urban environment. Board Member Yee expressed his satisfaction of the proposed site plan with further details of the fencing for an abbreviated review. Chairperson Salter questioned the use of artificial turf in the design and saw it as an inappropriate material. Mr. Spencer appealed to the board that the turf would be a good replacement in the environment due to it replacing the heat generating asphalt. Board Member Mead questioned staff about the status of whether the artificial turf is considered landscaping or a different type of addition. Historic Preservation Planner Harding stated that either way it will need a permit to be installed. Board Member Mead expresses two concerns. First, will the turf look like what it reports to look like and second, how the turf will perform in the long run. He proposed to inquire how other areas in the city that has turf to see how it is upholding for a comparison. Historic Preservation Planner Harding stated that staff could request reach out to those locations. Board Member Ramos asked for further explanation as to why the owner wants the turf. Mr. Spencer states the color is more pleasant than the other examples downtown. Advisor Pristera reasoned that restaurants that have grass experience the wear down and effects of natural and human elements, he suggested that for more urban areas the turf would be better suited, though it may be more costly. Board Member Fogarty expressed that she did not have an issue with the turf in this location. Regarding the fence, she agreed that fence looks out of place. Board Member Ramos asked for demolition clarification on the parking lot, Mr. Spencer confirmed that the lot will be demolished before the turf is installed. Advisor Pristera commented on the water permeability of the turf. Board Member Ramos supported the turf in this location. Board Member Mead questioned Assistant City Attorney Lindsay about future protocols of artificial turf in the historic districts for future applications.

Board Member Mead made a motion to approve with the following comments: that the artificial turf be approved in this place and in this particular use and location as being consistent with the immediate surroundings and regarding the future use, that it would have to be subject case by case review, and that the fencing and lighting be submitted for abbreviated review. In respect to the lighting, it was clarified that more details on the lighting installation and configuration of the lighting type was needed. Board Member Fogarty seconded the motion and it carried 4-1 with Chairperson Salter dissenting.

Item 12 118 S. Palafox Street
Final Review for a Front Decorative Gate

PHBD, Zone C-2A, City Council District 2

Action Taken: Approved with Abbreviated Review.

The Saenger Theater is requesting approval to add a new decorative gate to the front alcove entrance. The proposed gate will be metal with tube sections set in a tube frame and with custom made metal Saenger logos attached to the front. The gate will be installed to open into the alcove and will remain open during normal business hours and events. They will be closed at night and on weekends when no events are planned. Decorative gates for the main alcove were originally proposed in August 2014. ARB tabled the request to allow the applicant to return with more information, specifically examples from New Orleans or other areas showing gate installations at other Saenger Theaters. Materials and meeting minutes from 2014 are included in this packet.

Mr. Sharp presented to the board. Chairperson Salter asked for clarification on how the gate would swing into the vestibule. Mr. Sharp clarified that the gate would completely swing open. When open it would be hidden and when closed, it would sit with about two inches above grade to meet the slope. Furthermore, the gate will be composed of four sections with the Saenger emblem on each section. Board Member Mead asked about the position of the emblem once the gate is closed, Mr. Sharp confirmed that the emblem would be seen to pedestrians walking along the sidewalks while the gate is open. There would be four emblems total. When folded, there will still be a street-facing emblem, so the public will not ever see the back of an emblem. Board Member Ramos expressed of egress. Historic Preservation Planner Harding stated that the building official and fire marshal did not have any issues with other plans which were very similar to this one and that it would need to go through the building department if approved by the board. When opened, there will be full egress and there are open exits. Mr. Sharp clarified that the gates would be open during occupation of the building (working hours and event times). Chairperson Salter asked about the specific material being used for the gate. Mr. Sharp clarified that the materials will depend on availability and time, though he prefers aluminum. Board Member Mead and Board Member Ramos clarified again that the emblems would be back to back when the gate was open and that the front of the emblem will be seen from the street view. Board Member Ramos asked Mr. Sharp what the proposed color and finishes of the metal. Mr. Sharp stated they will be black and that there is no finish type at this time but is open for board suggestions if they have any. Board Member Mead questioned if there is bronze tones in the current façade. Mr. Sharp clarified that the Intendencia Street entrance has bronze elements in its façade. Board Member Mead liked the visual of the bronze façade and suggested that the Palafox façade should mirror those elements. Mr. Sharp agreed with this suggestion. Board Member Ramos asked for clarification of the front door colors and installation. Mr. Sharp stated that the doors are white, but he could not recall the date of installation.

Board Member Mead made a motion to approve with the following to return by abbreviated review: color scheme for the metal be selected in which it compliments and contrasts the emblems and the body of the gates and also integrates the Intendencia Street façade color scheme. Board Member Fogarty seconded the motion and it carried 5-0.

Item 13 120 S. Tarragona Street
New Construction

PHD, Zone SSD, City Council District 2

Action Taken: Approved with abbreviated review.

J.J. Zielinski is requesting final review for the construction of six attached three-story townhomes. The conceptual plans for this project were approved in April 2021. Although this development is zoned SSD, the design and materials are subject to ARB review and approval. Building standards such as the currently shown setbacks and maximum height have been approved as revisions to the overall development. As an SSD, the proposed project is not bound by new construction standards typically enforced in the Pensacola Historic District. However, the final plans should still be designed in a manner that is complementary to the overall character of nearby buildings and the district. The overall plans align with the conceptual packet and the building remains primarily a brick structure with custom metal screens on Tarragona. This packet contains final

drawings and elevations, as well as details on exterior materials. Based on comments from April 2021, the south side of the building has been redesigned to better communicate with the development and with neighboring buildings.

Mr. Zielinski presented to the board. Chairperson Salter requested a sample of the mortar and brick, and Mr. Zielinski provided the requested materials and clarified that the second sheet of the packet clarified the color. Chairperson Salter expressed concerns over the coloring of the mortar and suggested using a lighter color to allow for the façade to appear more as brick instead of one solid color. It would also be more appropriate for the large wall segments. Chairperson Salter expressed his support of the project and the south elevation. His other concern was on lighting locations. Mr. Zielinski clarified lighting configurations and how the lighting would appear from nearby structures. Chairperson Salter also asked for specifics of the suggested use of artificial turf at this location. Mr. Zielinski confirmed that the artificial turf will only be used in private court yards and that 6' foot gates and fences would block the view from the street. He also confirmed that real sod will be used along the public boundaries of this property. Chairperson Salter asked for elaboration on the exterior stair lighting since there were concerns regarding excess light pollution. Mr. Zielinski confirmed that the light source was meant for fire escapes and is fabricated to be tucked into the railing to where it should not affect neighboring structures. It is not a strong light source, and he could fabricate the source to where it shines only on the stairs. Advisor Pristera asked for clarification of Chairperson Salter's mortar discussion. Mr. Zielinski stated he understood the previous mortar comment and though he does not want to go as light as the packet example, he will look into other options. Board Member Ramos stated that he liked the proposed project and that the mortar color was not so much an issue for him. Board Member Yee expressed his support of the project as well.

Board Member Fogarty made a motion to approve the application. Chairperson Salter amended the motion with the following to return by abbreviated review: review the color of the mortar and select a lighter option to contrast the brick color. Board Member Fogarty accepted this amendment. Board Member Ramos seconded the motion and it carried 5-0.

Chairperson Salter recused himself for the next item and Board Member Mead filled in as Chair.

Item 14 223 E. Garden Street PHD/PHBD, Zone HC-1/C-2A, City Council
District 2
Site Changes to a Noncontributing Structure
Action Taken: Approved.

DAG Architects, Inc. is seeking final review for a new commercial building on the corner of Garden and Alcaniz Streets. This project received conceptual approval in April 2022 and elevations from that packet have been provided. The proposed building is in the brick structures sub-district and has been designed as a streetscape type 3 building. As such, the height is restricted by the adjacent building to the west. The drawings show a three-story office and laboratory building for IHMC which is meant to complement the nearby Levin Center, the two-story IHMC building to the west, and the one-story bank to the south. Façade materials are primarily brick with aluminum windows, and a large steel-framed canopy projects at the rear. This packet includes building elevations, renderings, and a site plan, as well as materials which have also been called out in the drawings. Historic Preservation Planner Harding passes out an additional landscape design plan of the site for applicant. Mr. Kirkland presented to the board. Historic Preservation Planner Harding read the comments provided by the Seville Square Neighborhood Association, which stated they had no objections and they thought it was a beneficial addition to the area. Board Member Yee asked for clarification of the design changes of the third floor screen. Mr. Kirkland stated that the building equipment was previously housed in semi-enclosed space; the new design is steel framed structure with perforated metal sheet to allow for airflow around equipment and the roof of the enclosure was removed. Vice Chairperson Mead wanted to know if they had a rendition of how the building will appear from the interstate view. Mr. Kirkland stated that there are no renderings of that view, however, the screen is 18 feet, and it will screen all equipment from the interstate views. Board Member

Ramos question the materials of the south porch underside of canopy. Mr. Kirkland clarified that it would be exposed metal decking and steel structure that is painted dark grey. Board Member Mead asked for clarification of the screen height in comparison with the Service First building. Mr. Kirkland stated that it should be relatively the same height. Board Member Mead asked for clarification of the **air foils** around the perimeter of the canopy of the upper deck. Mr. Kirkland clarified that the air foils are to help soften the edges of the architecture so it is not an abrupt ending. Board Member Mead showed an aerial view of the Service First building and reiterated that the visual from the interstate should be clear with the mechanical screen proposed. Board Member Ramos stated his approval of the landscape and overall design. Mr. Kirkland clarified that the only change at the property line would be a curb cut and that the lawn space to the west of the building will be utilized for experimental space as well as to provide space for possible expansion. Board Member Ramos asked what the parking lot material will be, and Mr. Kirkland answered that asphalt will only extend from the street to the dumpster and the remaining parking space will be gravel.

Board Member Ramos made a motion to approve the application as submitted with the understanding that any signage is not approved and will require a subsequent abbreviated review. Board Member Yee seconded the motion and it carried 5-0.

Item 15 40 S. Palafox Street PHBD, Zone C-2A, City Council District 2
OLD BUSINESS – Addition of a Storm Protection Shutter

Action Taken: Approved with comments.

At the July 2022 ARB meeting, exterior alterations including the addition of a security gate and a roll-down storm shutter were approved with conditions. The purpose of the roll-down shutter, which will be hidden when not in use, is to provide required storm protection to the proposed frameless glass door systems in the front entrance alcove. Staff has determined that the July 2022 motion cannot be satisfied since the building official cannot provide a letter confirming that the roll-up door can only be used during a state of emergency. As a result, this packet provides comments from the Fire Marshal and from the Building Official concerning the shutter, a signed letter from the building owner stating that the shutter will only be used during named storm events, the meeting minutes from July 2022, and the July agenda packet item. Staff is requesting the board to provide a revised motion.

Assistant City Attorney Lindsay provided clarification regarding why staff requested this application to return to the board. It is not within the building official's duties to issue restrictions on the use of a door / shutter and he would not be able to state that the door / shutter could only be used during a storm event and at no other time. He could state that the door / shutter would not be able to be closed when the building is occupied for purposes of meeting ADA and life and safety and he did not anticipate that being a problem. While the letter from the owner is appreciated, there is no way, at this time and with the current understanding, that this is enforceable. The fire marshal is not able to enforce it either. If the building is not in operation, what is to keep them from using the door? She could not ask the building official or the fire marshal to provide a letter previously requested by the board in the previous motion. Board Member Mead agreed and clarified that operational controls were problematic and are difficult to enforce. Since the motion could not be satisfied, the board is in the position of being required to revisit the review.

Mr. Sallis presented to the board and reminded the board that the shutter was required to use the proposed frameless glass entries. Board Member Mead asked for clarification on the question at hand, is there an enforceable requirement for the operation of the storm door? He asked if there is a substitution to place on this application so that the contractor can begin applying for permits on the project. Assistant City Attorney Lindsay expressed that it may be a possibility dependent on the owner. She questioned whether the previous condition stated for this applicant is still a requirement, otherwise a new condition can be presented to allow for a covenant to be placed on the property with approval of the owner. Chairman Salter asked what in the code prevents business owners from boarding up their store front? Historic Preservation Planner Harding responded that Sec. 12-3-27, the Palafox Historic Business District, includes building maintenance requirements. Board Member Mead thought that the provision is for buildings in disrepair and that pose potential threats to the public, not for buildings with operable doors. Board Member Ramos asked if future owners of the building were to keep the shutter closed, could the city step in and regulate the operation of the door with the basis that it

does not fit with the historic district design. Historic Preservation Planner responded that if the storm shutter would be closed during operational use it would then be a code violation. Assistant City Attorney clarified that the intent of this decision was based on night or non-operational hours. Mr. Sallis reiterated that the shutter will only be able to close with the complete abandonment of the building during. Advisor Pristera stated that there are roll up storm doors at other locations and that he thought the president for future Palafox barriers will be gates, rather than storm protection, which can be seen in other locations along Palafox. Board Member Ramos stated that the shutter would benefit the building by being a protective barrier against damage of the historic building. Board Member Fogarty reminded the board that they have previously denied a similar application at a storefront on N. Palafox. Mr. Sallis suggested that this application is different due to differing uses of the roll up shutter. Assistant City Attorney Lindsay clarified that if the board were to approve this application with specific guiding comments, it is setting a narrow precedence for future applicants and the board has the discretion to change how they apply the ordinances. Board Member Yee questioned if there are other storm protections that would be code compliant. Mr. Sallis stated that there are no other viable options for the frameless glass and that they want to stay the course that they have presented. Advisor Pristera stated that due to the conditions presented in this location it would be difficult for other building owners to apply for similar storm protections without meeting similar conditions. Chairman Salter referenced Sec. 12-3-27(f)(4)d.2 which stated that show windows and storefronts were to be compatible with the original scale and character of the structure and surrounding structures. So, the question is, does the code need to be adapted to allow for storm protection. The intent of the code is to protect the visual aesthetics of the show windows and storefront, and the applicant has made the effort to do that. The device is specifically a storm shutter. So, if used differently, such as a security measure, would this section allow for the defense of a board motion and require it to be raised to meet the code. Board Member Mead further clarified that the forementioned section would be defensible for future applications and legalities. Historic Preservation Planner read from Sec. 12-3-27(f)(4)d.5 which states, "solid or permanently closed or covered storefronts shall not be permitted, unless treated as an integral part of the building façade using wall material and window detailing compatible with the upper floors, or other building surfaces". It would appear, then, to be a specific prohibition that can be enforced and so long as it remains not visible, it would remain outside of ARB's purview. Assistant City Attorney Lindsay agreed with the points discussed.

Board Member Mead made the motion to approve so long as the storm shutter remains not visible in its ordinary installation and if it becomes visible in any other circumstance other than an emergency storm condition where normal rules would be suspended, it will become a Code Enforcement issue since a solid barrier in front of a storefront is prohibited per code (those being Sec. 12-3-27(f)(4)d.1, Sec. 12-3-27(f)(4)d.2, and Sec. 12-3-27(f)(4)d.5). Chairperson Salter seconded the motion and it carried 5-0.

ADJOURNMENT

With no further business, the meeting adjourned at 6:31 p.m.

Respectfully Submitted,



Historic Preservation Planner Harding
Secretary to the Board

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Salter, Derek		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Architectural Review Board	
MAILING ADDRESS 40 S. Palafox Place, Suite 201		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pensacola	COUNTY Escambia	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED September 15, 2022		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Derek Salter, hereby disclose that on September 15, 20 22 :

(a) A measure came or will come before my agency which (check one or more)

☐ inured to my special private gain or loss;

☒ inured to the special gain or loss of my business associate, DAG ARCHITECTS INC ;

☐ inured to the special gain or loss of my relative, _____ ;

☐ inured to the special gain or loss of _____, by
whom I am retained; or

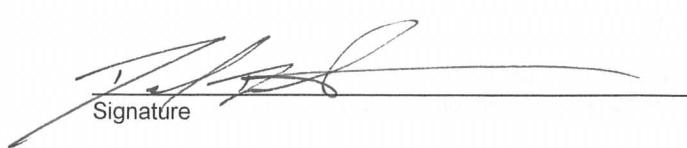
☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item 14 - 223 E. Garden Street - New Construction of a Commercial Building.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

9.15.2022
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.