

Minutes  
Architectural Review Board  
May 18, 2022 at 7:00 p.m.

The regular meeting of the Wellington Architectural Review Board was held on May 18, 2022 in Village Hall at 12300 Forest Hill Boulevard.

**I. CALL TO ORDER/ROLL CALL**

Stacy Somers called the meeting to order at 7:00 p.m.

Board Members Present: Stacy Somers, Miguel Alonso, Thomas Wenham, Roger Grave de Peralta, Ryan Mishkin, Dayna Bertola, and Luis Rodriguez.

Staff Present: Kelly Ferraiolo, Senior Planner; Damian Newell, Senior Planner; Cory Lyn Cramer, Planning and Zoning Manager; and Laurie Cohen, Village Attorney.

**II. REMARKS BY CHAIRMAN**

**III. PLEDGE OF ALLEGIANCE**

**IV. APPROVAL OF MINUTES**

Approval of the March 16, 2022 Architectural Review Board Meeting Minutes

**A motion was made by Thomas Wenham, seconded by Ryan Mishkin, to approve the March 16, 2022 Architectural Review Board Meeting Minutes. The motion passed unanimously (7-0).**

Approval of the April 20, 2022 Architectural Review Board Meeting Minutes

**A motion was made by Thomas Wenham, seconded by Luis Rodriguez, to approve the April 20, 2022 Architectural Review Board Meeting Minutes. The motion passed unanimously (7-0).**

**V. ADDITIONS & DELETIONS**

Kelly Ferraiolo stated that a request was received the day before the meeting for Crunch Fitness to postpone to the June meeting as the agent is not in town. However, because the request was not received more than five (5) days prior to the meeting, the Board has to approve a motion to postpone the item.

**A motion was made by Thomas Wenham, seconded by Luis Rodriguez, to postpone Petition 2022-0010 ARB Crunch Fitness Elevations and Signage to the June 15, 2022 ARB meeting. The motion passed unanimously (7-0).**

Ms. Ferraiolo stated the second request was from the applicant of 15565 Sunset Lane flat roof. The item was heard at the May meeting and no action was made as two (2) motions failed to receive a majority vote. She explained that this does not happen often, but if a Board Member feels like an item should be reconsidered, they can make a motion. The applicant was at the meeting if the motion was made and passed.

**A motion was made by Luis Rodriguez, seconded by Ryan Mishkin, to reconsider Petition 2022-0008 ARB 15565 Sunset Lane Alternative Design - Flat Roof and place under Old Business on the May 18, 2022 ARB Meeting. The motion passed (6-1). Dayna Bertola dissented.**

Ms. Ferraiolo stated this item will be placed at the end of Old Business.

## **VI. SWEARING IN OF WITNESSES**

Laurie Cohen introduced herself and stated she was present in case there were procedural questions. Ms. Cohen swore in all those who would testify before the Board.

Exparte Communication:

Luis Rodriguez – Spoke with the architect for 15565 Sunset Lane on April 29, 2022 and May 13, 2022. He had a general discussion on the project.

Miguel Alonso – Spoke with the architect for 15565 Sunset Lane and 16754 Norris Road. He had general discussions on the projects.

Ryan Mishkin – Received an email from 16754 Norris Road. He had a general discussion on the project.

Thomas Wenham – None.

Stacy Somers – Spoke with the architect for 15565 Sunset Lane on May 18, 2022. She had a general discussion on the project.

Roger Grave de Peralta – Spoke with the Architect and Land Use Attorney for 15565 Sunset Lane. He had general discussions on the project with no major detail.

Dayna Bertola – None.

All members stated they can be fair and impartial.

## **VII. OLD BUSINESS**

### **Petition 2022-0004 ARB 16754 Norris Road Alternative Design - Flat Roof**

Ms. Ferraiolo stated that at the March 16, 2022 ARB meeting, the Board voted to table the item to the next meeting so the applicant could incorporate some of the Boards suggestions into the design. Since then, the applicant has incorporated a 3<sup>rd</sup> roof plane, additional design elements, and articulation on the rear elevation

Mr. and Mrs. Urbina provided a presentation to the Board on the updates to the elevations since the March meeting. Since the March meeting, they have spoken with three (3) architects on the Board and made updates from their suggestions and wrote a letter to the Board with the updates that they have made.

Mr. Alonso asked if the rendering is the same as what is shown in the letter. Ms. Urbina stated that the letter has the old elevation. The only thing different in the front is the third roof plane which was lowered by a foot but was hard to see on the rendering.

Mr. Alsonso stated the elevation was improved. The renderings showed the design better than the elevations. Ms. Ferraiolo had slides from the previous meeting that she displayed for the Board to compare. Ms. Urbina stated the color of the wood is not what is shown on the rendering, it is of a natural tone.

Ms. Cohen stated that the item was a Quasi-Judicial hearing and that a public hearing needs to be opened for all of the items.

**A motion was made by Thomas Wenham, seconded by Roger Grave de Peralta, to open the public hearing (7-0).**

**A motion was made by Thomas Wenham, seconded by Ryan Mishkin, to close the public hearing (7-0).**

**A motion was made by Roger Grave de Peralta, seconded by Ryan Mishkin, to approve Petition 2022-0004 ARB 16754 Norris Road Alternative Design - Flat Roof with the revised elevations.**

Mr. Wenham asked if someone out of the equestrian area wanted to request a flat roof, would they need to come before the Board to get approval and Ms. Cohen confirmed that they would need to get the flat roof approved by the ARB. Ms. Bertola added that these structures may be on a 10 acre parcel of land, but what happens when it is on a smaller lot. The castle that was mentioned was built prior to the code and they keep recycling the same properties as justification creating a precedent.

Ms. Cohen stated the purpose of this hearing is to make an exception to the code and each petition is judged on its own merit. There is nothing done in this hearing that will set a precedent. The Board needs to judge the request based on the evidence provided to them. Ms. Bertola stated in a perfect world, that wouldn't happen, but it happens at the ARB. She stated there is no purpose of the Board if petitioners can keep appealing their motion. The Board has to remember there are codes. Ms. Cohen stated a motion to reconsider is a proper motion under Roberts Rules of Order, and is not an appeal. If there was an adverse ruling, and the applicant would want to challenge it in court, then they could with the circuit court.

**The motion passed (6-1). Dayna Bertola dissented.**

### **Petition 2022-0007 ARB Publix at Courtyard Shoppes Elevation and Signage with Technical Deviations**

Ms. Ferraiolo provided a presentation on the proposed elevations and signage with technical deviations for the renovated 59,000 SF Publix at Courtyard Shoppes. She stated that an update memo was provided to the Board with the updated elevations as the applicant took the month to address all of staff's comments and conditions and provided changes to the elevations. In addition, staff did not include the liquor store signage in the updated memo, however, staff has no objection to the proposed size and requested it be included in the approval as is.

Josh Long, agent, provided a brief presentation on the request. He mentioned that the liquor store sign was submitted to staff, but did not make it into the memo, however staff had no issues. They were in agreement with all staff's conditions of approval.

Ana Alleguez, architect, provided a brief presentation of the updated elevations. Luis Rodriguez asked if the awnings in the courtyard portions of the building by KonTiki and Lindburgers would be remaining. Ms. Alleguez stated they would be remaining, refurbished, and remain black.

Mr. Grave de Peralta asked to see the entry wall signs. He was concerned with the look of the wall once the sign was removed. He suggested adding landscaping to cover up the wall. Ms. Ferraiolo stated they are still going through the site planning process, so as part of staff comments, she could require additional levels of landscaping to screen that area.

Mr. Alonso asked if there was a reason for the alley between the liquor store and the veterinarian office and what the purpose of it was. Ms. Alleguez stated it was so pedestrians can access the front and back parking area. Wall treatments have been wrapped around the building. Mr. Grave de Peralta's had questions on the extra space on the northeast side of the Publix and Ms. Alleguez said that extra space will be within the walls of the building and not be seen from the outside.

**A motion was made by Thomas Wenham, seconded by Roger Grave de Peralta, to open the public hearing (7-0).**

**A motion was made by Thomas Wenham, seconded by Ryan Mishkin, to close the public hearing (7-0).**

**A motion was made by Thomas Wenham, seconded by Dayna Bertola, to approve Petition 2022-0007 Publix at Courtyard Shoppes Elevations and Signage with Technical Deviations as recommended by staff.**

Mr. Alonso asked to amend the motion to add a condition that all stone that would be remaining be in good condition. Thomas Wenham and Dayna Bertola accepted the amendment.

Mr. Grave de Peralta asked about the addition of the liquor store sign as part of the motion. Ms. Ferraiolo stated the condition will be updated to amend condition 9 to approve the liquor store sign as presents. Thomas Wenham and Dayna Bertola accepted the amendment.

**The motion was amended to include the updated elevations and update conditions to include the following: the existing stone that will remain shall be in good condition, add landscaping to the wall where the Entry Wall Signs were removed, and the Minor Tenant Wall Sign (Publix Liquor) shall be included in the approve with the dimensions as presented. The motion passed unanimously (7-0).**

**Petition 2022-0009 ARB Prestige Italia Window Signs with Technical Deviations**

Ms. Ferraiolo provided a presentation on the request to allow 100% of the window signage for Prestige Italia to remain. She stated that since the applicant had applied for technical deviation, the sign code had changed. Staff is basing their analysis of the old sign code which is what was in effect when they applied. She stated that the new sign code only allows for 25% of windows on a façade to be covered with signage and that no more than 50% of a window pane can be covered.

Mr. Alonso asked if tint was considered a window covering. Ms. Ferraiolo stated if it was not see through, then it's was considered a sign. She stated the new code has a maximum opaque percentage that would be considered a sign.

Benjamin White, President of Prestige Italia, thanked staff for their assistance. Mr. Grave de Peralta asked did he have a strategy if they had to remove 25% of window coverings. Mr. White stated they are a North American subsidiary of a high end leather saddle company. The film was selected was to protect the leather goods inside. The company at the time spent six (6) times the amount to install the white opaque film. If they had to remove 25%, they would have to possibly move the showroom to the back of the warehouse. Mr. Grave de Peralta asked if the film completely opaque. Mr. White stated it is opaque from the outside but not from the inside. The film filters the light.

Mr. Alonso asked if there was no logos or graphics would they be able to have the film and Ms. Ferraiolo stated they wouldn't. Spandrel glass was only permitted if it was approved as part of the ARB approval for the elevations like Publix. There is no requirement for shading on the interior, however if the shade has wording or logos on it and within three (3) feet of the window then it is considered a window sign. Mr. White stated the window covering comes in different colors. If they were to change the colors it would be a significant cost. He stated the logos and graphics are printed on the specialty film. Ms. Ferraiolo stated that removing the paneling off each door would be sufficient. Ms. Ferraiolo stated the neighbors have dark tinting.

Mr. Mishkin asked what was behind the windows. Mr. White stated behind windows 1 is staff and windows 2 and 3 there is product. Also depending on the time of the year the entire front becomes a show room.

Ms. Ferraiolo stated it was only staff's recommendation to remove the door panels. They could also just remove the entirety of window 2 and be compliant. She also stated that this was an industrial center, so these recommendations would most likely not carry forward to a commercial center where there was more pedestrian traffic.

Mr. Alonso didn't like the look of the windows, but the area it was located was not very traveled.

**A motion was made by Dayna Bertola, seconded by Roger Grave de Peralta, to open the public hearing (7-0).**

**A motion was made by Thomas Wenham, seconded by Dayna Bertola, to close the public hearing (7-0).**

**A motion was made by Thomas Wenham, seconded by Miguel Alonso, to approve Petition 2022-0009 ARB Prestige Italia Window Signs with Technical Deviations as recommended by staff.**

Ms. Bertola thought it would look worse if a panel was missing and was replaced with black. Mr. Rodriguez agreed. Ms. Bertola asked to amend the motion to allow for the window signs to remain as is. Mr. Wenham and Mr. Alonso did not agree to accept the amendment.

**The motion passed (4-3). Dayna Bertola, Luis Rodriguez, and Ryan Mishkin dissented.**

Mr. Mishkin asked if they could make another motion. Ms. Cohen stated that someone in the majority could make a motion to reconsider the motion.

**A motion was made by Roger Grave de Peralta, seconded by Ryan Mishkin, to reconsider the petition. The motion passed (5-2). Miguel Alonso and Thomas Wenham dissented.**

Mr. Mishkin agreed with what Ms. Bertola stated earlier. Ms. Bertola stated it will cost a small business owner a lot of money when is not necessary.

**A motion was made by Dayna Bertola, seconded by Luis Rodriguez, to approve Petition 2022-0009 ARB Prestige Italia Window Signs with Technical Deviations as requested by the applicant. The motion passed (5-2). Miguel Alonso and Thomas Wenham dissented.**

### **Petition 2022-0010 ARB Crunch Fitness Elevations and Signage**

This item was postponed to the June 15, 2022 ARB meeting.

### **Petition 2022-0008 ARB 15565 Sunset Lane Alternative Design - Flat Roof**

Ms. Ferraiolo provided a presentation on the request to allow for an Alternative Design approval for a flat roof for the residence, barn, covered arena, and storage building located at 15565 Sunset Lane. She passed out a letter of support that was received from the Palm Beach Point ARC.

Anne Carruthers, Insite Design Groups, provided a presentation of the proposed elevations. She also stated that they did not agree to the condition that required a two (2) foot parapet wall as it changed the entire design of the building and provided renderings of what it would look like. She asked the board to approve the elevations as designed or with a minimal parapet. She provided examples of all the properties that she designed throughout the village. She stated that beauty is subjective so it may not be everyone's taste. In addition the owners have this same style in California which was why they chose it.

Ms. Bertola asked if the owner prior to purchasing looked up the codes in Wellington. Just because it is allowed in California doesn't mean it's allowed in Wellington. People are not doing their due diligence and doing research before spending money to design. Ms. Carruthers stated that she understands this was a deviation and that the board has been reviewing and approving deviations all night. This was the owners preferred style of architecture. The reason why they designed the house first was because they were trying to fast track as it was taking twice as long to build things and the owner wanted to build the barn as soon as possible. It was not to step on any ones toes.

Ms. Bertola stated a lot of people want a lot of things and just because they come and bring a fleet of people and drop names wasn't the right way to go about it. Ms. Carruthers stated she only listed names because she wanted to show the work that she has done in Wellington. She stated as an architect, she is an artist and she has many other designs. She didn't mean it in a harmful way. Mr. Alonso agreed that she was treated unfair and that she was only defending her design. He appreciated the design aesthetic and glad to have the opportunity to hear her present the design to the board. He doesn't think the image of the village should be a singular one and appreciated her defending and presenting it.

**A motion was made by Roger Grave de Peralta, seconded by Thomas Wenham, to open the public hearing (7-0).**

Guy Flora, resident for over 30 years, is a general contractor in Wellington. He has seen a lot of change in Wellington including modern architecture. He also sits on the Wellington Preserve HOA Board and they reviewed one of the designs Ms. Carruthers mentioned in her presentation, they took a risk because it was different, and it turned out to be a beautiful project.

**A motion was made by Roger Grave de Peralta, seconded by Thomas Wenham, to close the public hearing (7-0).**

Mr. Mishkin stated that he agreed with the architect that the parapet is not needed and that the elevation shown makes the project look more commercial than residential. Ms. Ferraiolo stated the parapet was based off the code. As long as nothing is seen, then staff has no objection to lower the parapet.

**A motion was made by Thomas Wenham, seconded by Miguel Alonso, to approve Petition 15565 Sunset Lane Alternative Design - Flat Roof as designed by the architect. The motion passed (6-1). Dayna Bertola dissented.**

## **VIII. NEW BUSINESS**

### **Petition 2022-0011 ARB Wellington Green MUPD (In-Line Building Expansion and Publix)**

Mr. Newell provided a presentation on the proposed elevations and signage with technical deviations for the renovated 39,000 SF Publix at Wellington Green MUPD B.

Mr. Rodriguez asked for clarification on what staff was recommending. Mr. Newell stated staff was recommending approval with the 12 conditions listed in the staff report with a modification to condition 2E to allow for black tint.

**A motion was made by Roger Grave de Peralta, seconded by Ryan Mishkin, to open the public hearing (7-0).**

**A motion was made by Thomas Wenham, seconded by Roger Grave de Peralta, to close the public hearing (7-0).**

Mr. Grave de Peralta asked when redesigning the plaza, was there a thought of rebranding the inline building. Rebecca Miller, agent, stated that their goal was to transition smoothly and rebrand correctly and remain the integrity of the site. Bob Weber, architect, stated the two towers were there to identify the two entrances for the tenants. They decided to focus the main element as the Publix. Mr. Grave de Peralta stated he would rather see an active Publix than an empty Fresh Market.

**A motion was made by Thomas Wenham, seconded by Luis Rodriguez, to approve Petition 2022-0011 ARB Wellington Green MUPD (In-Line Building Expansion and Publix) as recommended by staff with updated conditions of approval. The motion passed unanimously (7-0).**

#### **Petition 2022-0013-ARB Palm Court at Wellington Exterior Color Palette**

Ms. Ferraiolo provided a presentation on the request to update the color palette for Palm Court at Wellington.

The agent representing Preston Builders stated that the original colors of the buildings were a lime green and yellow color. None of the residents were thrilled with the colors so they were looking for more modern colors. The roof was replaced in the last few months and was gray in color. The roof band will be painted gray in color.

Mr. Alonso asked about the accessory structures. Ms. Ferraiolo stated the application didn't mention the accessory structures would be painted, so staff was requiring them to be painted the same color scheme.

**A motion was made by Ryan Mishkin, seconded by Luis Rodriguez, to open the public hearing (7-0).**

**A motion was made by Ryan Mishkin, seconded by Luis Rodriguez, to close the public hearing (7-0).**

**A motion was made by Luis Rodriguez, seconded by Dayna Bertola, to approve Petition 2022-0013 ARB Palm Court at Wellington Exterior Color Palette as recommended by staff. The motion passed unanimously (7-0).**

#### **IX. COMMENTS FROM THE PUBLIC**



None

## **X. COMMENTS FROM THE STAFF**

Ms. Ferraiolo stated the next meeting is June 15, 2022 which is the last meeting for this ARB as Council will be making their appointments on June 10th and the new appointees will have their first meeting in July. Staff reminded the Board to respond to the Clerk's office as to whether or not they would like to be reappointed. There is another full agenda for the next month.

## **XI. COMMENTS FROM THE BOARD**

Mr. Alonso asked Ms. Cohen to explain the responsibility of the Board as his understanding was that the ARB was not to enforce the code, but interpret variations of the code as presented because if these projects met code, then they wouldn't be here. Ms. Cohen provided an explanation and stated the purpose of the ARB was to grant or deny the technical deviations. She stated most of the applications are quasi-judicial and there was a little more formality when handling those items. Their decision are based off the evidence presented to the board in the presentation/staff report. There was a subjective element, but it cannot be arbitrary. She believed they all do a fantastic job.

Ms. Cramer stated staff looks at how many times requests for ARB approval come up because the current code doesn't allow the request. It makes staff question whether they need to update the code based off the current trends. She stated it was very important to hear what the board has to say because it allows staff to grow and update our code requirements to what the community was wanting/needing. Ms. Cohen stated their suggestion have value.

Mr. Alonso stated that they shouldn't flat out deny every flat roof that comes before them. They need to be looked at on a case by case basis, review, and provide suggestions on how it can be improved for the better of the community.

Mr. Mishkin stated plenty of ugly designs get approved without their review so they should be happy that they get to review some of them. They should be celebrating good design, even if it doesn't meet code.

Ms. Cramer stated if they can meet the design point standards, then they can go straight to building permit. The ARB allows the board to work with the residents to make projects better. She stated it was also important to see if the request impacts the health, safety, and welfare.

Ms. Ferraiolo stated staff works closely with the applicant to make sure the project was the best it could be before coming to the Board.

Ms. Cohen stated the Board has a fantastic staff but they don't always have to agree with staff's recommendation. She said that was not typically the case, but the board does have

that ability to not accept all staff's recommendations if they feel it is not in the best interest of the Village.

Mr. Grave de Peralta stated they don't get preliminary review of items, so a lot of the time they feel pressure to approve an item because the applicant was trying to meet a schedule. He sometimes felt like they are in a useless position. Ms. Cohen didn't agree with that they are in a useless position because they have the option to table which was an appropriate course. Ms. Cramer stated she encourages all Board members to call or meet with staff to discuss the items before the meeting. She recommended the Board send over any suggestions they have on how to better the code. She stated staff was working on new architectural standards that they will bring forward in the upcoming months.

## **XII. ADJOURN**

**Meeting adjourned at 9:24 pm.**

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**Stacy Somers, Chairman**

**Date**