

Minutes
Architectural Review Board
November 28, 2018 at 7:00 p.m.

The regular meeting of the Wellington Architectural Review Board was held on November 28, 2018 at 7:00 p.m. at the Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414.

CALL TO ORDER

Mr. Shamash called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Ryan Mishkin, Roger Grave de Peralta, Ron Shamash, William Klein, Thomas Wenham, and Stacy Somers.

Members Absent: Miguel Alonso (excused)

Staff Present: Cory Lyn Cramer, Development Review Manager; Kelly Ferraiolo, Senior Planner; Olga Prieto, Senior Planner; and Branden Miller, Planner

REMARKS BY CHAIRMAN

PLEDGE OF ALLEGIANCE

MINUTES

A motion was made by Thomas Wenham, seconded by William Klein, to approve the October 17, 2018 Architectural Review Board meeting minutes. The motion passed unanimously (6-0). Miguel Alonso had an excused absence.

ADDITIONS & DELETIONS

William Klein requested Resolution No. ARB 2018-01 be heard prior to 1819 Moonflower Circle petition as he wanted to bring up adding back white color vinyl fences to the ARB approved fence materials and colors. The agenda was reordered as follows: (1) Joe DiMaggio; (2) Resolution No. ARB 2018-01; and (3) 1819 Moonflower Circle.

SWEARING IN OF WITNESSES

Mr. Shamash swore in all those who would testify before the Board.

NEW BUSINESS

18-117 (ARB 18-020) Joe DiMaggio Children's Specialty Center at Wellington Parc Signage with Technical Deviations

EX-PARTE DISCUSSION – Tom Wenham and Stacy Somers drove past the project.

Staff provided by a brief presentation of the request to modify the existing signage that was already approved by ARB.

Frank Corrado, Jolly Harvard Architects, was present for any questions.

Mr. Grave de Peralta asked about item C of the staff's recommendation. Staff reviewed and stated that the sign area mentioned was incorrect and staff would correct it. A maximum of two (2) lines of copy is allowed. The applicant needed to come back and get ARB approval because they are requesting three (3) lines of copy and an additional foot of length.

Mr. Shamash praised the architect and that the project was looking good.

A motion was made by Thomas Wenham, seconded by Stacy Somers, to approve Petition 18-117 (ARB 18-020) Joe DiMaggio Children's Specialty Center at Wellington Parc Signage with Technical Deviations as recommended by staff. The motion passed unanimously (6-0). Miguel Alonso had an excused absence.

Resolution No. ARB 2018-01 Schedule of Approved Colors and Materials

Cory Lyn Cramer provided a brief presentation of the Resolution. In 2014, the current color chart was adopted. Since then, there have been colors that have been added to the chart by the Board. This resolution will formally add these colors to the chart. Also, after the statutory regulations changed, the Village cannot require a permit for a color. Homeowners coming before the Board asking for a deviation from the color chart for their individual property could be misconstrued as a permit. Staff looked at an alternative solution to continue to give residents options if the color they want is not on the chart. The solution would be that we can no longer allow for individual property color approvals, it would have to be an overall Village-wide change and the color would have to be added to the color chart.

Mr. Shamash thought the board is to look at the applications on a case by case basis and provide special considerations based on architecture, landscape, surrounding properties, etc. He didn't like the idea that we were not to approve the color on a case by case basis.

Ms. Cramer said the individual associations can still be restrictive as they are not bound by the state statute. The state statute still gives the Village authority to enforce the color chart. However, staff cannot give residents paperwork saying their color is in compliance with the chart. This causes a problem when trying to enforce the color chart and leads to code compliance cases.

In order to change the color chart, the applicant would fill out an application that asks generic questions, not property specific questions like the current application. There will be a \$100 application fee, which is what it is now. A staff report will be generated, just like it is today, and an approval letter/denial letter will be provided depending on the outcome of the meeting.

Ms. Somers asked about the properties that come to the Board because they had a code violation because they painted their house a color that is not on the chart. Ms. Cramer stated the Board would have to approve the color for the entire Village and update the color chart. The color would not just be for the individual property like how it is today. Mr. Klein asked if the Special Magistrate could approve the color on an individual basis. Ms. Cramer stated they do not have jurisdiction over the color approval. We work with the code compliance department to delay special magistrate if they know that the property owner will be petitioning the ARB. If the color request is denied, they would then need to repaint their house or go to special magistrate.

Mr. Klein complimented staff on how they are handling this and making sure the Board is following state statutes.

Mr. Klein stated in August 2013, the Board made a unanimous vote to prohibit white vinyl fences throughout Wellington, but allowed other colors. He thought it was an undue burden on the residents. If a vinyl fence faces a right-of-way, they are required to be landscaped. The discoloration, which would be no difference then the wood fences or other type fences that made the board prohibit the white fences. After the Board discusses, he would like to make a motion to allow the white vinyl fences.

Mr. Shamash stated in 2013, Wellington Parc wanted to install a white vinyl fence along the landscape buffer. Residents from the Versailles community came out and stated they didn't want the white vinyl fence in their backyard. Board Members realized that the white vinyl fences were not properly maintained. Mr. Klein stated that it is more of a code enforcement issue, not a design issue. Mr. Shamash stated the Board felt the white fences were counter intuitive to the equestrian community. He was open to revisiting the issues. Mr. Grave de Peralta asked if they looked at pictures where the fences were not in good repair. Mr. Shamash stated he believed so. Ms. Somers stated the white fences are not as natural, discolor quicker. Mr. Grave de Peralta would like to see some evidence that the fence can be properly maintained. He wants to protect the look of the property.

Mr. Klein stated the other fence types get dirty and discolored the same as a white vinyl fence. He does not feel there is a basis for treating them differently.

Mr. Shamash asked if staff can take pictures of white fences throughout the Village.

Ms. Cramer stated a maintenance issue is not discriminatory based on the color of the fence. If the resident is not going to maintain their property, they are not going to no matter what type of fence they have. There are a lot of communities that have HOAs that only allow white vinyl fences and staff finds it challenging trying to accommodate the residents that live in those communities.

Mr. Grave de Peralta asked Mr. Klein if he looked at the different color fences. Mr. Klein stated that the only thing he noticed on a white fence is that on a bright shiny day, there may be some reflection. Ms. Somers stated when she first moved to Wellington, it was about trees and being natural. It has slowly shifted. The white fences are bright and nothing natural about them. You see the discoloration of the white fences much quicker. Ms. Ferraiolo stated that all fence types, except for aluminum rail, are to have a hedge with plantings a minimum of 36 inches at the time of planted spaced 2 feet on center when adjacent to a right-of-way. This is a maintenance issue that happens with all fence types.

Mr. Klein read the minutes of the August 21, 2013 ARB meeting when they prohibited white fences.

A motion was made by William Klein, seconded by Thomas Wenham, to approve Resolution No. ARB 2018-01 and to allow white as an approved fence color for vinyl fences. The motion failed for a lack of majority (3-3). Roger Grave de Peralta, Ron Shamash and Ryan Mishkin dissented. Miguel Alonso had an excused absence.

Mr. Grave de Peralta was not prepared to make a decision on the fence color. He was also concerned about the color chart that was approved in 2014 and that the board should be reviewed on a yearly basis to keep up with the trends.

Mr. Klein asked why the approved fence didn't include a structural fence, like the one on Big Blue. Mr. Ferraiolo stated those are considered walls. She also stated they have a lot of complaints with the beige and gray colors because the material is more expensive and it doesn't match well with the existing color scheme. She also stated that you can paint a wood fence white. She gave the example of the wood fence that was installed at the Bedford Mews house that was on the agenda last month. The fence was painted cream and there is no restriction on that.

Mr. Grave de Peralta asked if the state statute just addressed paint colors and not for fence colors. Ms. Cramer stated she would need to check with legal to confirm that it is just related to permits for color.

Mr. Shamash would like to study the issue more before he makes a comment on it. Mr. Wenham added that he drove down Pierson and passed the project that ARB approved a few months ago to allow a taller wall. The wall was installed and it is painted white with plants along the wall. He doesn't have the problem with the white fences.

Mr. Shamash would like to have the white vinyl fence brought back on the next ARB agenda.

A motion was made by Thomas Wenham, seconded by William Klein, to approve Resolution No. ARB 2018-01 as presented. The motion passed unanimously (6-0). Miguel Alonso had an excuse absence.

18-102 (ARB 18-019) 1819 Moonflower Circle Alternative Design Standard

EX-PARTE DISCUSSION – Stacy Somers, Ron Shamash and William Klein drove by the property

Mr. Grave de Peralta asked how we could hear this item if the Board was in violation of the state statute. Ms. Cramer advised the group to continue with the item.

Branden Miller provided a brief presentation on the request to install approximately 75 linear feet of white vinyl fence at 1819 Moonflower Circle.

The owner was available for comment. Mr. Klein asked if the neighbors expressed they are okay with the fence. Ms. Ferraiolo stated no one complained. They did work without a building permit which is how the code compliance case started. They did receive a letter from the neighbor that they are okay with the material. The fence that faces the right-of-way will require hedging.

The owner did not know there was no permit for the property as she signed and notarize the permit but didn't realize the person they hired never applied for it.

A motion was made by William Klein, seconded by Stacy Somers, to approve Petition 18-102 (ARB 18-019) 1819 Moonflower Circle Alternative Design Standards as recommended by staff and to amend Condition number 3 to allow the use of areca palms or any other approved hedge type. The motion passed unanimously (6-0). Miguel Alonso had an excused absence.

COMMENTS FROM THE PUBLIC

None

COMMENTS FROM THE STAFF

Ms. Ferraiolo informed the Board that the December 19, 2018 ARB meeting was cancelled.

Mr. Wenham asked about the status of the Capitol Carpet and Tile application. Ms. Ferraiolo stated they withdrew their application so they won't be coming back to ARB.

Mr. Grave de Peralta asked what the process was for coming up with the new ARB color chart. Ms. Ferraiolo stated staff went to various paint stores, went through all the swatches and created boards for each of the Board Members. At the ARB meeting, the Board Members went through every color and approved or removed. We added some of the colors from the previous board. If a homeowner was to repaint their house the same color but it was no longer on the color board, at the time the color chart was approved, they would have needed to come in and get approval from the Village prior to painting. Mr. Grave de Peralta stated if they were to remove a paint color from the color board, a color could be out in the community forever because there is already a house that color. Ms. Ferraiolo stated that they would be surprised how many ears and eyes they have out in the community that as soon as they see paint on a little area they will call code compliance to make sure it is an approved color. The officers are very familiar with their neighborhoods that they know when a house is freshly painted.

Staff feels with the new way colors are approved, there will be fewer colors that will be before the ARB because it is not approved on a case-by-case basis anymore. It is really hard for staff to know if a resident came in to show a paint swatch because we aren't allowed to keep a log. Residents can choose any paint manufacturer as long as the swatch matches the board. Mr. Klein stated the legislation that passed was approved unanimously including the two (2) local representatives.

COMMENTS FROM THE BOARD

Meeting adjourned at 8:12 pm.

Ron Shamash, Chairman

Date