

**MINUTES OF THE REGULAR MEETING OF THE
SANFORD HISTORIC PRESERVATION COMMISSION
7:00 PM, MONDAY, MAY 18, 2009
WEST END CONFERENCE ROOM
SANFORD MUNICIPAL BUILDING**

Roll Call:

Commissioners Present: Al Roethlisberger, Matthew Sakurada, Tim Mercer
Peter Thompson, Mark West, Lora Wright

Commissioners Absent Maria Moffa Graham

Staff Present: Anne Sears, Liz Whitmore

Government Official Present: Councilman Charles Taylor

Citizens Mike Humphrey, Laura Younger, Kevin & Kristen Dunne
Brandon Atkins

**APPROVAL OF THE PREVIOUS MEETING MINUTES FOR APRIL 27, 2009 AND
THE AGENDA FOR MAY 18, 2009.**

Chairman Matt Sakurada called the meeting to order and called the roll.

Chairman Sakurada stated that Commissioner Peter Thompson has resigned before this meeting. Staff Whitmore read the letter of resignation that was e-mailed to her on May 18th, 2009.

Chairman Sakurada asked if there were any other additions/deletions to the agenda for May 18, 2009. Commissioner Roethlisberger made a motion to approve the agenda as written, and it was seconded by Commissioner Wright, and the motion passed unanimously.

Chairman Sakurada entertained a motion to approve the minutes for April 27, 2009 as amended with the grammatical errors he had already given to staff. Commissioner Wright made a motion to approve the minutes as amended and second by Commissioner Roethlisberger.

Chairman Sakurada stated that there was a case for public hearing tonight COA-09-18. At this time Chairman Sakurada asked Staff Whitmore to read the public hearing.

PUBLIC HEARINGS:

- **Review of Application for Certificate of Appropriateness COA-09-18**

Submitted by property owner Dana Atkins of 124 S. Steele Street, who wishes to install a metal and vinyl awning and paint the metal around the display cases black (will keep fluted metal as is).

Staff Whitmore summarized COA-09-18 staff report. She found that height is not a factor, setbacks and placement is not a factor, materials, patterns, textures and colors are a factor. Architectural detailing is a factor, new shapes, forms and materials of the project are not a factor. Fenestration, proportions, shapes, position of location is a factor. General form and Proportions of Buildings or structures are not a factor. Appurtenant Features and Fixtures are a factor.

Commissioner Wright asked Staff Whitmore for a clearer understanding of the project. Commissioner Wright understood that we have two things going on. 1. The awning going up outside. 2. To paint the showcase on the outside of the building. Staff Whitmore said that the metal fluting will remain metal. Councilman Taylor stated you start to see a progression of what's going on in those downtown blocks, and he appreciated the work that owners Brandon and Dana Atkins had initialized, making downtown classy. Councilman Taylor had a concern regarding the Super Ten. He asked what their recourse would be if they were to go a different route. Staff Whitmore said if they were to replace with a similar awning, it would be staff minor, but if they were to replace it with a modern look, it would be considered a major, or if they wanted to recover as is, that would be routine maintenance. Chairman Sakurada asked if the awning for COA-09-18 @ 124 S. Steele Street covered the front of the entire building. Staff Whitmore said to asked the applicant, due to the fact that Staff Whitmore did not contact Mr. Atkins in regards to the size of the awning, and also that Mrs. Atkins was out of the country.

Commissioner Roethlisberger, commented that due to the fact that the four buildings to the right of "Super Ten" are all similar in construction, and at that bay, you can see with that wooden treatment, there is actually a vaulted cove in there, which in all cases here have been filled with a flat ceiling. Commissioner Roethlisberger wanted to know as to where and how to attach that, or is the awning curved or they just pulled it straight onto the wood. Chairman Sakurada said we could ask him. Commissioner Wright shared her view that the awning does not match what is already along the street. Commissioner Roethlisberger also shared that this is a nice awning, it's beautiful, but they were seen in a more modern development. Commissioner Wright and Staff Whitmore agreed that it was a contributing building, which Commissioner Wright noted it is a factor in her opinion.

Guests were sworn in at this time to testify for the Public hearing. Commissioner Mercer also asked to be recused from this discussion since he has been working with Brandon Atkins.

Chairman Sakurada asked for a motion to recuse Commissioner Mercer. Commissioner Roethlisberger made a motion to recuse Tim Mercer from this COA, and seconded by Commissioner West; and the motion carried unanimously, and Chairman Sakurada asked Commissioner Mercer to go to the back of the room.

Public Hearing: Citizen Brandon Atkins came forward to speak. Citizen Atkins noted from the photographs that were shown to Commissioners that these were the type of awnings you see in

the larger cities with the great communities that we are always talking about, and, we would like to model ourselves after. This awning will set itself apart from any awning, and our plan is that it will blend in with the others in due time. Citizen Atkins and wife Dana has done two previous awnings in our downtown area. Citizen Atkins mentioned that the gentlemen doing the work has given them a good price and wants to add this to his portfolio. Citizen Atkins also gave the example of the Wine and Coffee Bar they had recently redone, and what a great asset it was to downtown, even though in the beginning their may have been some misgivings and questions about the concept of the idea of this type of business downtown. Mr. Atkins expressed they had wanted a more of a sophisticated look, particularly for a high end retail store that is going there that will provide a good shopping experience. (**Added Accents**) Factors are important when it is a contributing building.

Staff Whitmore asked Citizen Atkins to share what he had seen in other communities. Citizen Atkins gave examples of the look that Cameron Village prevailed and also the city of Stuart, Florida. Chairman Sakurada asked Citizen Atkins why he didn't chose an awning similar in design to the one that they had placed at D & A photography. Chairman Sakurada said he preferred to see that type. Citizen Atkins shared he preferred our downtown not to look the same, and he like the lighted outdoor seating that the Wine and Coffee Bar had to offered and would also like to have this store back-lighted also. Citizen Atkins feels like this awning will be a perfect compliment to help capture people shopping downtown. Mr. Atkins also feels like additional lightning such as lamp posts would be very helpful. Commissioner Wright asked Mr. Atkins if there were any way, to buffer it a little bit to bring it back to the historic look and so it would not be so stark of a difference compared to the other awnings downtown. Commissioner Wright also drew a little awning on the picture she had, just to recommend to Citizen Atkins to see if this may be workable. Staff Whitmore said we should also mentioned there were two options on the table for the minutes that may work. These are as follows: 1. A canvas on top of the awning. 2. A canvas that hung down. Councilman Taylor asked Citizen Atkins if this changed his whole vision of that awning, and he also asked Mr. Atkins do you think this is an attractive way, what you really envision for that property. Citizen Atkins shared that it was a matter of opinion, but in his opinion, a better picture would be an entire grouping of buildings side by side, because then it would put it in context of what it really looks like with other buildings. Commissioner Roethlisberger expressed that he had seen this type of awning before many times, but in more contemporary shopping centers. Commission Roethlisberger also shared that he had seen really old awnings like that, but they are usually attached to art deco kind of buildings such as large hotels, with frosted glass where it comes out and over and changed to fit at an angle but works for that building because it is art deco. Commissioner Roethlisberger and Citizen Atkins continued to express their opinions on whether the building was too conservative, or to modern once it was surrounded by other buildings, compared to other awnings on that street. Citizen Atkins continued to say that their design would highlight the business that is going in there. Citizen Atkins stated we have some pretty big ideas for Sanford. Commissioner Roethlisberger asked if this awning would incorporate a sign as well, and Mr. Atkins stated no. Staff Whitmore also stated no signage is being proposed at this time. Commissioner Wright asked Citizen Atkins to proceed slowly, to just move it up a little bit, but kept it in line with the others, too creep not jump and she asked Citizen Atkins to think about it. Citizen Atkins again relayed to the commissioners that this was a good look for the business going into that space, and would like to proceed with this design, and he also expressed how they were trying to stay in

terms with the historic with the building all the way through, with the exception of replacing the electrical, everything is brand new. Chairman Sakurada asked to make the awning look more like the other awnings, and at this time Commissioner Roethlisberger shared that they have been impressed with the previous buildings they redid, and also said it is a difference of opinion. Mr. Atkins shared that they had deadlines to meet, but had hope that the board would see a positive approach instead of a negative approach, and Mr. Atkins also stated that is why the board is here, and if he were to use different materials, such as the opaque look to the glass would there be a controversy. Citizen Atkins was seated at this time.

Chairman Sakurada asked if there is anyone that would like to speak in support or oppose and at this time.

Public hearing portion was close by Chairman Sakurada, and he asked Commission members if they had any issues.

At this time Chairman Sakurada asked commissioners to open for discussion. Staff Whitmore and Chairman Sakurada agreed that in doing the Finding of Fact, that you could actually approve one and deny the other as a conditionally. Commissioner Roethlisberger shared his concerns at this time that we have some guidelines that guide us some degree, although they are subject to some degree, and we got signs and awnings that should be compatible with the structure and the size scale, materials & graphics and we got locations of new signs and awnings on commercial buildings, sub formative appropriate placement of signs and awnings on historic buildings, and he continued to say that a number of commission members agreed that the awning as proposed doesn't meet those guidelines, and it is subjective to some degree. Commissioner Roethlisberger said that one of the materials that is being used here is Plexiglass, and I am not so sure that it is a huge issue, that you will even notice from the streetscape, but it is in our guidelines, materials is suppose to be consistent with what you would have found, so if we were to even approve this style, the question would be left would we have to require the applicant to use frosted glass, which is what an Art Deco awning of that style would have used. Plexiglass may have been more affordable. Suggestions were discussed among Commissioners if it was not approved, that there may be potential with this design to keep it in a very similar vein, with minor alternations, to soften the look to make it a little more timely with the character of the with the rest of the neighborhood, but not too contemporary. Staff Whitmore shared she had drawn an example with some changes, but we are not able to dictate these things to the applicant of course, but those are the types of things that might make it look more in keeping with the time period of the buildings if it were approved.

Chairman Sakurada asked if there were any more comments and or discussions and he needed a Finding of Fact. Commissioner Wright started with the Finding of Fact, but was asked to withdraw by Chairman Sakurada for the Finding of Fact will have to be called that as congruous for us to approve with conditions, and that two Finding of Facts are needed, with the first one being the awning, and the second Finding of Fact will be the painting details.

Finding of Fact:

Commissioner Wright moved that the Historic Preservation Commission Find as Fact that the proposed project COA -09-18 @ 124 S. Steele Street is constructed according to the plans reviewed is incongruous with the character of the district, for the following reasons. Materials, architectural detailing, general form and proportion and appurtenant features and fixtures are for the following reasons, as have been discussed, materials features are not of the historic nature of that street, therefore generally not putting it in harmony with the criteria and design guidelines and the special character of the neighboring properties and the historic district as a whole, Commissioner Roethlisberger seconded and the motion passed unanimously.

DECISION:

Based on the preceding finding of fact, Commissioner Wright I moved that the Historic Preservation Commission not grant a Certificate of Appropriateness to Dana Atkins and not approve the proposal as shown on COA -09-18- 124 S. Steele St. The Awning is not approved and seconded by Commissioner Roethlisberger and the motion passed unanimously.

FINDING OF FACT:

Commissioner West moved that the Historic Preservation Commission Find as Fact that the proposed projects COA-09-18 at 124 S. Steele Street if constructed according to the plans reviewed, is congruous with the character of the district, for the following reasons, that specified the materials, architectural detailing, general forms and proportions are appurtenant features and fixtures are for the following reason that the painting of metal trim of the display windows are generally in harmony with the criteria of the design guidelines and special character of the neighboring properties and the historic district as a whole. Commissioner Wright seconded and motion passed unanimously.

DECISION:

Based on the preceding finding of fact, Commissioner West moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Dana Atkins and approve the proposal for the painting of the metal trim, as shown in COA -09-18 @ 124 S. Steele Street, and Commissioner Roethlisberger seconded and the motion carried unanimously.

Chair Sakurada noted that COA for 09-18 has been approved for painting, but has not been approved for the awnings. He asked applicant Citizen Atkins to redesign, and resubmit.

Chairman Sakurada commented to Citizen Atkins that the main argument is the historic value and the decision was made based from the materials, they were too Art Deco. Citizen Atkins relayed that he understood and left the meeting at this time.

Chairman Sakurada asked for a motion to move Public Comment (No public comment was noted), and at this he asked for a motion to reinstate Commissioner Mercer. Commissioner Roethlisberger made a motion to reseat Tim Mercer, seconded by Commission Wright and the motion carried unanimously.

Old Business:

Guidelines were shared by Staff Whitmore. She stated that she has received brief comments from Commissioner Graham and Chairman Sakurada regarding the guidelines, and additional comments are needed. The commission is still waiting on the CD in digital format. Staff Whitmore relayed that several commission members will not be reappointed, and the new commission members will have the opportunity to share their comments for the guidelines.

Chairman Sakurada inquired about the status of the CD. Citizen Mike Humphrey said that the CD was not returned from Office Max and they have not been able to locate it. Commissioner Roethlisberger also shared that the hard copy, exerting some errors, was almost complete. Citizen Laura Younger asked if there were questions for them regarding the guidelines, and Staff Whitmore answered by saying no, not at this time. Chairman Sakurada asked if you going off the commission to have your comments in before the next HP meeting of June 29th. Chairman Sakurada stated that Commission members, Tim Mercer, Mark West, and himself, will be going off the board the end of June. The three remaining members will be Lori Wright, Al Roethlisberger, and Maria Moffa Graham.

Marketing and Communications: Staff Whitmore shared that the first Meet and Greet went well, with great attendance. Staff Whitmore did announce that the Historic Entry Signage has been ordered. She also noted that there will be enough money for the plaques for the Rosemount-McIver Park Stone Gate. Staff Whitmore relayed that we have permission to place the entry signs in the DOT right-away.

Safety and Security Committee:

Chairman Sakurada said that Kathy Carroll has been doing an internet based (e-neighbors) which have details of bad things happening in and around town and are continuing to recruit others for Block-Heads. Councilman Taylor asked about Green Street. Chairman Sakurada shared that he had been too busy to pursue, due to job change, but he plans to meet with Vic Czar with engineering to do another traffic study.

New Business: Staff Whitmore relayed that we have received a pass thru grant through the survey for the East Sanford district for a possible nomination for to the National Register as a historic District. The grant is \$9,900.00 and City of Sanford putting in \$6,600.00. Chairman Sakurada asked how many houses were included. Staff Whitmore shared that the number is down to 140 to 160, from a previous number of 200 to 300 houses per Chairman Sakurada.

COA's Staff Updates read by Liz's Whitmore:

- COA -09-20- (Minor) – City of Sanford at 411 N. Gulf St.- Removal of dying oak tree.

- COA-09-21- (Minor) – F. Hubert Garner @ 209 S. Steele St. - Removal of existing awning up to meet existing recess of front façade. Remove speaker and associated wires front façade of building.
- COA-09-22- Computer problems- Don't recall.
- COA-09-23- (Minor) – Kevin and Kristen Dunne at 507 Summitt Dr. – 1. Repairs to side porch. 2. Replace rotten wood, rescreen porch, ceiling was exposed- rafters @ time of purchase. 3. replace gray standing, seam metal roof. 4. Install railing pickets less than 42” in height around interior of porch.
- COA-09-24- (Minor) – Christy Mahoney – @ 316 Cross St. - Replace roof shingles – no change in materials or color.
- COA-09-25- (Minor) - Kevin & Kristen Dunne – 507 Summitt Dr. - Tarp placed on screen porch during routine maintenance. Will be removed after repair of porch complete.
- COA-09-26- (Minor) Michael Morgan - @ 500 N. Gulf St. – Construct a safety railing on second floor landing at door at rear of house. Removal of rainbarrel connected to downspout.

Chairman Sakurada asked if any of these were majors, and Staff Whitmore answered no, they were all minors. Commissioner Roethlisberger questioned COA-09-23. He asked if any of the items that were listed should have been major and if the railing pickets existed before, and would this be considered new construction. Staff Whitmore said that she and David Montgomery discussed it, and it was a Health and Safety welfare issue, because they have a 14ft. drop off at the back of the porch, and the fencing could be approved at minor level. Councilman Taylor asked is it considered fencing, or is it staff interruption that treated as fencing, and Commissioner Roethlisberger also asked if was going to be enclosed with screening, which would not meet code. Staff Whitmore answered by saying no we are not considering it as fencing, it's a railing around a porch. Staff Whitmore also shared that it is a Health Welfare & Safety issue. Commission Roethlisberger 's opinion at this time was the safety and welfare issue could have been addressed with temporary construction, or if an item is not clearly a minor or a major or even in the middle to default back to a major and have it come to the board. Commissioner Roethlisberger asked if the commission had the ability for this to become a major and be submitted to us and rescind the part that has already been approved. It's a matter of process. Commissioner Roethlisberger said he had concerns with the installation of the railings, and that the other items listed could be debatable. Staff Whitmore shared what the guidelines stated, and all items were considered either routine maintenance or minor COA work. Staff Whitmore said she was not in doubt, in her decisions that the work being done at the Dunne residence was either routine maintenance or minor work. At this time Chairman Sakurada asked Citizen Mike Humphrey if he would like to make a public comment.

Citizen Mike Humphrey concerned if it was a minimum housing standard, that's not being met, then it has to have a building permit to correct it, therefore you can't get a building permit without having a COA. Citizen Mike Humphrey expressed that this decision should had been made by the board not a staff member making the decision for the board. Commission Wright said that Staff Whitmore gave a clear explanation of the COA, including the health and safety issue, and that she was not out of order. Commissioner Wright decision was to continue. Staff Whitmore mentioned she was very careful and very thorough with making that decision, for any minor and majors COA's. Staff Whitmore noted at the time, she had met with Kevin and Kristen Dunne, reviewed their application, discussed the materials to be used, that they did not mentioned the railing at this time, because they hadn't gotten to that point yet, and I decided that it was all minor work. At this time Commissioner Roethlisberger wanted to make a motion that this minor be resubmitted as a major, if the railing is going to be changed, and allowed the entity, to put up a construction railing up to provide safety for their family. Chairman Sakurada asked the Dunnes if the railing had already been built, and they said no, and they did not have any pictures prior to the construction. Chairman Sakurada said he could have staff to approve the railing, but Commissioner Roethlisberger said we wouldn't know what the railings would look like. Councilman Taylor commented that he knew of a lot of changes on that block and he felt like a COA may not have been reflected. Commissioner Wright asked the Dunnes how far along the project was, and Mrs. Dunnes stated it is ready to be screened in. Commissioner Roethlisberger questioned the ability of the COA that has been granted to be rescinded. Commissioner Roethlisberger speaking, **I make a motion that the Sanford HPC invalidate item four from COA-09-23 which is the installation of railing pickets around the side porch for Kevin and Kristen Dunne, however at the earliest convenience, ideally within two weeks have a special meeting of the HPC with a quorum with public notice so we can have a special review of item four as a major COA, so we can expedite that process for the end.** Further discussion pursued pertaining to COA-09-23. Much of the tape could not be understood due to numerous people talking at one time. Commissioner Wright spoke up and asked to end Public Comment and it was seconded by Commissioner Roethlisberger. Chairman Sakurada requested Staff Whitmore to check with the city attorney the legality of rescinding a COA .

New Business: Commissioner Roethlisberger asked Staff Whitmore to look into the white storage shed on Green Street. Additionally, Commissioner Roethlisberger asked to inquire about the removal of debris on North Gulf Street in front of 216 and 218. Staff Whitmore said she would contact Larry Craig with Public Works. Commissioner Roethlisberger stated that the King house at 217 North Gulf, has a contract and inspections have been completed and passed as far as the buyers are concerned, and they have a closing date on the 27th. Staff Whitmore asked if the house was still vacant and Commissioner Roethlisberger said no, they have moved in, and I have been in contact with them quite a bit, so they are familiar with everything, so none of that will be a shock, also the Casey house has sold at 205 N. Gulf Street, across from mine, we have met with both buyers as well, younger couple, they are from Raleigh, moving down here, and their closing date is the 5th.

ADJOURNMENT:

With no further business to come before the Commission, Chairman Sakurada entertained a motion to adjourn. Commissioner Wright moved and it was seconded by Commissioner West and the motion passed unanimously.

Adopted this _____ day of _____

BY: _____

Matt Sakurada, Chairman

ATTEST:

Elizabeth Whitmore, Historic Planner II