



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		September 24, 2012		
Department:		Planning		
Department Head		P. Jarrell		
Agenda Coordinator (include phone #): <b>Doris Carter, x 5350</b>				
<b>CAPTION</b>				
Consideration of an Appeal of the Heritage Commission's Denial of a Certificate of Appropriateness to reinstall a non-permanent retractable cover on the roof top patio located at 1006 E. 15th Street. Zoned Downtown Business/Government (BG); Heritage Resource #26 Designation (H-26). Applicant: Blackgold Partners/Nathan & Bonnie Shea. Tabled 08/13/12.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2011-12</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	0
BALANCE	0	0	0	<b>0</b>
<b>FUND(s): N/A</b>				
<b>COMMENTS:</b> This item has no fiscal impact. <b>STRATEGIC PLAN GOAL:</b> This item relates to the City's Goal of Exciting Urban Centers – Destination for Residents and Guests				
<b>SUMMARY OF ITEM</b>				
At its August 13, 2012 meeting, the City Council tabled this item to allow time for the applicant to meet with staff to discuss possible modifications/alterations of the patio cover (See Attached Memo).				
List of Supporting Documents: Memo Letter of Appeal from Applicant Heritage Commission Follow-up Memo Staff Report			Other Departments, Boards, Commissions or Agencies  Heritage Commission	

## MEMORANDUM

Date: September 13, 2012

To: Mr. Bruce D. Glasscock, City Manager

From: Mr. Bhavesh Mittal, Heritage Preservation Officer

Subject: Appeal of the Heritage Commission's denial of a Certificate of Appropriateness to reinstall a non-permanent retractable cover on the roof top patio located at 1006 E. 15th Street.

At its August 13, 2012 meeting, the City Council tabled this item to allow time for the applicant to meet with staff to discuss possible modifications/alterations of the design of the patio cover. Staff met with the applicant on site on August 27, 2012. At that meeting, staff looked at the structure design and operation closely and discussed any possible modifications to comply with the directions provided by the Heritage Commission at their meeting on June 26, 2012. Following are staff observations and outcome from the meeting:

- The structure is a custom made awning system and any possible modification/alteration would require a complete disassembly.
- The installed structure cannot be modified to incorporate a shed type or sloped roof because the existing gutter system would have to be redesigned to collect the drainage. Additionally, the retractable shade mechanism and vinyl panels would have to be modified to accommodate the shed roof design.
- The overall height could potentially be reduced by 9"-12" but would require a complete disassembly with alterations to the structural framing and the front and side vinyl roll-up panels and screens. Also, the awning system has to be able to collect drainage from the existing roof located behind (south) of the new awning system.
- The existing 2'-0" horizontal panel at front and side elevations (near the top of the awning) cannot be reduced in height since it is designed to incorporate and hide the roof awning retractable mechanism and built-in gutter system.

Additionally at the meeting on August 27, 2012, staff encouraged the applicant to submit a building permit application to the Building Inspections Department, along with a Texas Certified Structural Engineer's report certifying that the awning system meets the 90 mph wind load requirement of the Building Code. As of September 13, 2012 the applicant has not submitted a building permit application nor the required structural engineers report.

The applicant is requesting that City Council approve the shade structure as originally designed and installed. Staff recommends that Council not take any

action related to this item until such time when the building permit application and structural engineer's report is submitted by the applicant and Building Inspections staff has had an opportunity to review the documentation.

cc: Mr. Frank Turner, Deputy City Manager  
Ms. Phyllis Jarrell, Planning Director

**BLACK GOLD PARTNERS, LLC**

1006 E. 15TH STREET

PLANO, TX 75074

(214) 577-0446

RECEIVED  
JUL 26 2012  
PLANNING DEPT.

July 26, 2012

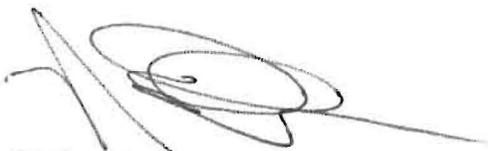
Bhavesh Mittal  
Heritage Preservation Officer  
City of Plano - Planning Department  
1520 K. Avenue, Suite 250  
Plano, TX 75074

Dear Mr. Mittal,

Please be advised that we are requesting to appeal to City Council the Heritage Commission's decision to deny our request for a certificate of appropriateness (CA) to re-install a non-permanent retractable cover on the rooftop patio at 1006 E. 15th Street in Downtown Plano.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan A. Shea', with a long horizontal flourish extending to the right.

Nathan A. Shea  
President, Black Gold Partners, LLC  
Owner, Urban Crust, LLC

**DATE:** July 27, 2012  
**TO:** Applicants with Items before the Heritage Commission  
**FROM:** Chairman Anne Quaintance-Howard *AQH*  
**SUBJECT:** Results of Heritage Commission Meeting of July 24, 2012

**AGENDA ITEM NO. 5**  
**CERTIFICATE OF APPROPRIATENESS: 1006 E. 15TH STREET**  
**APPLICANT: BLACKGOLD PARTNERS/NATHAN & BONNIE SHEA**

Request for a Certificate of Appropriateness (CA) to reinstall a non-permanent retractable cover on the roof top patio.

**APPROVED:** \_\_\_\_\_ **DENIED:** 6-0 **TABLED:** \_\_\_\_\_

**STIPULATIONS:**

The Heritage Commission denied the CA request stating the applicant did not comply with the directions offered by the Commission at the previous meeting on June 26, 2012.

The Commission provided the applicant with the following direction to consider:

- Stay close to the outline, scale and massing of the previous approved awning;
- Delete the faux brick decal on the panel and consider a more clear or transparent panel;
- Reduce the overall height of the structure;
- Reduce the massing by:
  - a. Eliminating center posts, if possible (structurally); and
  - b. Reducing the height of the 2'-0" panel
- Make the structure appear more temporary and less visible.

xc: Bonnie and Nathan Shea

CITY OF PLANO  
HERITAGE COMMISSION

July 24, 2012

**Agenda Item No. 5**

**Certificate of Appropriateness:** 1006 E. 15th Street

**Applicant:** Blackgold Partners/Nathan & Bonnie Shea

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**REQUEST:**

Request for a Certificate of Appropriateness (CA) to reinstall a non-permanent retractable cover on the roof top patio.

**GENERAL INFORMATION:**

**Location:** 1006 E. 15th Street (South side of 15th Street between J Avenue and K Avenue)

**Zoning:** Downtown Business/Government (BG); Heritage Resource #26 Designation (H-26)

**Resource Type:** Downtown Plano Heritage District

**CASE HISTORY:**

Date	Description
Mar 2005	CA approved to remove the false stucco mansard on the front facade, clean the brick beneath, and repaint where needed.
Aug 2007	CA approved to restore the historic front facade; repair the chimney, and remove the stucco partition.
Oct 2007	CA approved to demo the rear facade and construct a rear three-story addition.
Aug 2008	CA approved for modifications to the rear addition; approved signage location and size.
Apr 2009	CA approved to add a hanging sign and amend previously approved wall sign location and style.
Jun 2009	CA staff approved to install copper downspouts on front facade.
Mar 2010	CA approved to install a non-permanent retractable cover for weather purposes for roof top patio.

## **BACKGROUND:**

<b>Building:</b>	Commercial
<b>Architectural Style:</b>	Late 19th - Early 20th Century Vernacular Commercial
<b>Date of Construction:</b>	Circa 1889
<b>Historic Use:</b>	Commercial - Harness and Barber shops
<b>Current Use:</b>	Commercial - Restaurant

## **Case History**

This item was tabled at the Heritage Commission's meeting on June 26, 2012, and needs to be removed from the table for consideration.

The applicant installed a retractable solar shade over the existing roof top patio which was approved by the Heritage Commission on March 23, 2010 (see attachment). The original request was approved by the Commission for several reasons. It was not a permanent structure and could clearly be identified as a new feature in accordance with the Secretary of the Interior Standards. The installation of the original solar shade structure would not harm the building or have an adverse effect on the historic character of the building or the district. Finally, the approved shade structure request was consistent with what other cities have done on the rooftops of their historic downtown buildings.

In early 2012, a member of the Heritage Commission noticed the installed solar shade had holes and asked staff to investigate. Staff inspected the solar shade and concurred with the commissioner that the shade had holes and was in need of repair and or replacement and contacted the property owner to discuss the issue. The property owner was aware of the problem and had plans to address the situation.

Staff inspection of the property located at 1006 E. 15th Street in June 2012 revealed construction was underway for a new shade structure. The new construction did not match the previously approved plans to install a solar shade structure. The applicant was notified that the new proposal required review and approval from the Heritage Commission before it could be installed.

## **Proposal for New Shade Structure**

The applicant is requesting approval to reinstall a non-permanent retractable cover over the existing roof top patio. The cover, as originally proposed, will consist of aluminum frame posts with powder coated exterior to prevent rust and panels which will extend downward from the top of the frame along the sides and front of the structure. A 3M film with laser image of bricks matching the existing building will be applied over the 22 caliber aluminum panels. The proposed awning is a three layer clefy blackout material with radiant barrier and fire retardant-stencil strength. The sides and front of the awning will be clear vinyl with an 8" ferrier fabric border. The entire structure will be 7'-8" high from the top of the existing parapet wall at the front.

The applicant has indicated, that the new cover will be easier to disassemble and remove than the original cover approved by the Commission as it would take five hours to remove and assemble as compared to ten hours with the prior design. The new

cover is manufactured by Corradi USA, the same company who made the first cover. The new shade system has an integrated gutter system to help improve rooftop drainage. The original cover dropped water into the street.

## **PREVIOUS COMMISSION ACTION:**

### **June 26, 2012 meeting:**

Staff findings and analysis: The applicant has removed a previously approved non-permanent retractable cover and started to install a new retractable solar shade system over the existing roof top patio without a Certificate of Appropriateness. The previous non-permanent retractable cover was approved by the Commission with a stipulation that the applicant will get necessary permits from the Building Inspections Department. On checking with the Building Inspections Department, staff was informed that the applicant did not get the required permits for both, the previously approved structure and the new proposed structure.

The staff believes that the proposed structure is more permanent looking than the previously approved non-permanent shade system. The overall height, massing, roof form and materials make the structure look like a vertical addition which will be highly visible from 15th Street and portions of K Avenue.

The use of aluminum panels and digitally printed brick looking film would be inappropriate and incompatible materials for such kind of non-permanent structures. The use of such materials would alter the buildings relationship to others on the street and diminish the public's ability to appreciate the original historic building materials.

In the Downtown Heritage District Guideline's section on awnings, the guidelines are directed toward storefront awnings only, not rooftop or other awning locations. The guidelines do state that vertical additions should not be visible when viewing the front of the structure from the street.

Staff recommended denial of the proposed request due to the following reasons:

1. The proposed retractable solar shade system/design looks like a permanent vertical addition for the following reasons:
  - a) The new shade structure is approximately two feet taller than previously approved non-permanent retractable cover. It is also taller than the existing roof top patio cover located behind this structure.
  - b) The proposed aluminum framework and panel (applied over the aluminum framing) size and scale is substantially more in massing as compared to previously approved simple metal framed non-permanent structure.
2. The proposed materials – Aluminum panels and 3M film with digital printed bricks (to match existing) over these panels are not compatible with the existing architectural and historic materials in Downtown Heritage District.

3. The overall height, scale and roof form makes is highly visible to a person standing on the opposite side (North) of 15th street. The proposed shade structure is not compatible with the size, scale, proportion, massing, material and character of the existing historic building and the Downtown Heritage District. Due to the above reasons, it fails to meet the following guidelines:
  - a) Section 10.1 and section 10.3 of Downtown Heritage District Design Guidelines. Please see attached Applicable Review Criteria attachment.
  - b) 'Preserve the historic character' criteria as suggested by the Secretary of the Interior in Preservation Brief No. 14. Please see attached copy of Preservation Brief 14 with Agenda Item #5 in the packet.
  - c) Section 9 from the Secretary of the Interior's Standard for Rehabilitation. Please see attached Applicable Review Criteria attachment.
4. The proposed shade structure would alter the existing roofline and massing of the group of historic buildings on 15th Street.

Commission Action: The Commission tabled the request to the July 24, 2012, meeting, to allow the applicant additional time to work with staff and consider modifications to the original submitted plans due to the proposed request being inconsistent with the design guidelines and concerns expressed regarding the permanency of the proposed awning system. The Commission provided the following directions to the applicant:

- Stay close to the outline, scale and massing of the previously approved awning;
- Delete the faux brick decal on the panel and consider a more clear or transparent panel;
- Reduce the overall height of the structure;
- Reduce the massing by:
  - a. Eliminating center posts, if possible (structurally); and
  - b. Reducing the height of the 2'-0" panel;
- Make the structure appear more temporary and less visible.

#### **STAFF FINDINGS AND ANALYSIS:**

Since the last Commission meeting on June 26, 2012, the staff met with the applicant's architect and the roof shade installer on July 5, 2012, to discuss the recommendations provided by the Commission at the June 26, 2012 meeting. At that meeting, staff requested the applicant's representatives to submit revised drawings before the next Commission meeting. The Staff received a revised drawing on July 19, 2012, showing the faux brick decal on the horizontal panel being removed and the panel is now proposed to be clear polygal to match the clear vinyl roll-up panels on the sides of the structure. The polygal is a clear rigid greenhouse material made of high strength plastic per the applicant's architect. No other changes are proposed to the shade structure. The polygal panel is consistent with the Commission's direction from their June 24, 2012 meeting only. Otherwise, the proposed structure does not comply with the remaining direction provided by the Commission.

As per the Commission's request at the previous meeting, the staff researched rooftop patio cover guidelines followed by other historic downtowns and found no specific guidelines for rooftop covers. The research found that other cities have been following their rooftop addition guidelines for such requests. Below a list of some most commonly used guidelines:

- The rooftop additions shall be setback at least the distance equal to the additional maximum height proposed, and it shall be as minimally visible as possible;
- The additions shall have a flat roof;
- The rooftop addition shall be as inconspicuous as possible when viewed from the street;
- The size, scale and massing of the addition shall be compatible with existing historic building and adjacent buildings in the historic district;
- The materials, detailing and scale of the addition shall not stand out to distract from the historic character and architecture of the existing building and other buildings in the neighborhood;
- The rooftop addition shall not obscure or damage existing historic features; and
- The addition shall be discernible, albeit in a subtle way.

Please see attachment C for downtown rooftop guidelines from the City of New Orleans, Central Business District (CBD) Ordinance, City of San Jose downtown historic resource and San Antonio's Houston Street Design Guidelines.

Staff continues to recommend denial of the proposed shade structure due to the structure being inconsistent with the Downtown District Guidelines; the structure is not compatible with the size, scale, massing, and character of the Downtown Heritage District; and the structure alters the existing roofline and massing of the historic buildings along the 15th Street.

**STAFF RECOMMENDATION:**

Staff recommends denial of the proposed request.

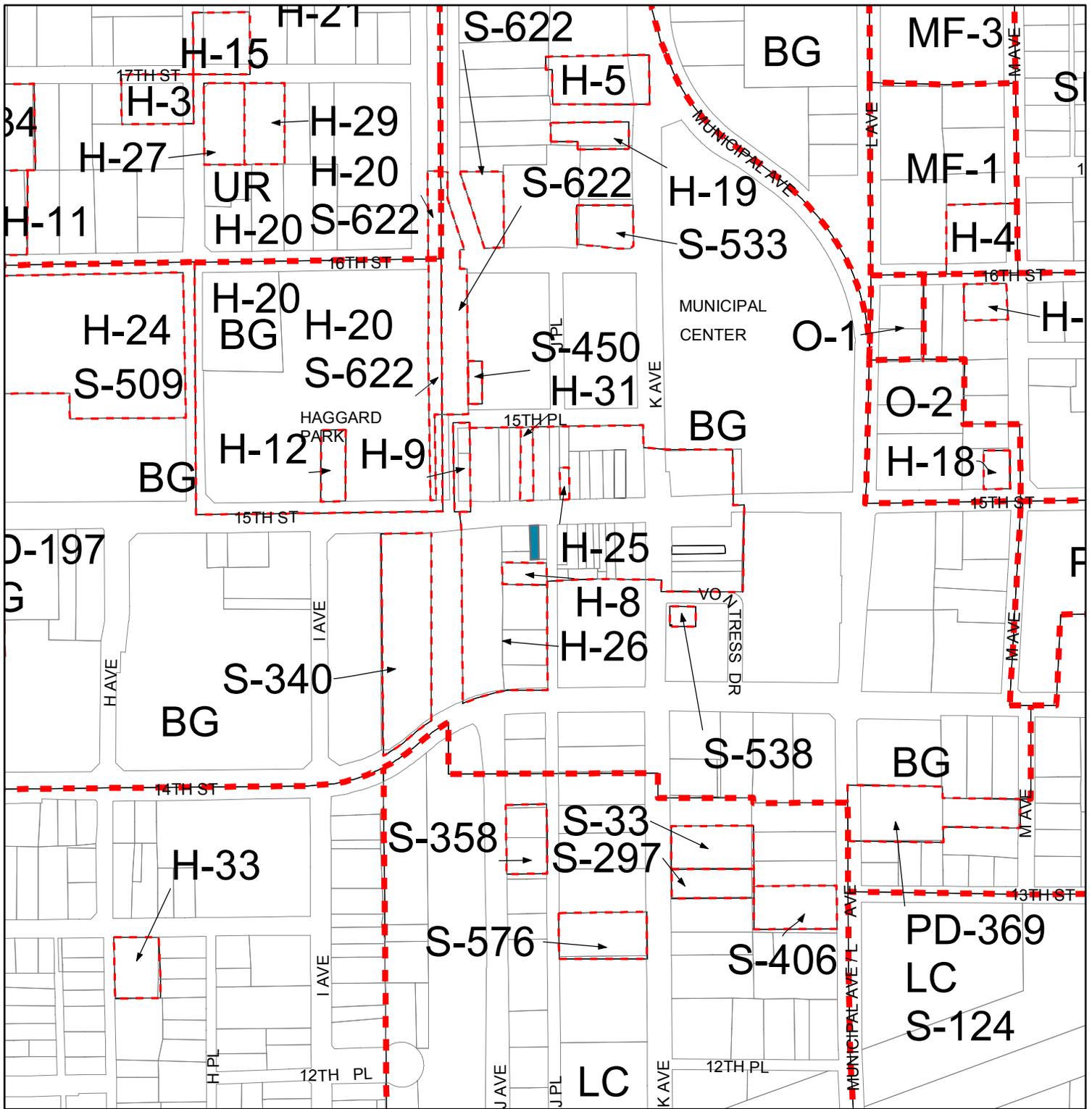
**APPLICABLE REVIEW CRITERIA:**

**Downtown Heritage District Guidelines**

<b>No.</b>	<b>Guideline Statement</b>
<b>New Construction and Additions</b>	
10.1	All new construction should reflect the architectural character of the downtown district, reflecting existing buildings in form, shape, solid-to-void ratio, detail and general appearance, paying particular attention to the elements pointed out in the first section of these guidelines.
10.2	New buildings should abut the sidewalk. The setbacks for all new construction should match the setback of other buildings on the block. Infill buildings between historic buildings should be similar in setback, roof form, cornice line, and materials, to nearby buildings.
10.3	Vertical additions to historic buildings in the district are discouraged but may be appropriate if set back to the rear of the property and not visible to a person standing on the opposite side of the street to which the building faces.
10.4	Maintain the height and rhythm of buildings along the street face. New buildings and additions should respect both the height and bay spacing of adjacent buildings. They should also ensure continuity of cornice lines and windows. The height of an addition and the height of a new building should not exceed the height of the tallest building on the block. New buildings or additions along the south side of 15th Place may exceed the height of the tallest building as long as it cannot be seen by a person standing on the south side of 15th Street.

**Secretary of the Interior's Standards for Rehabilitation**

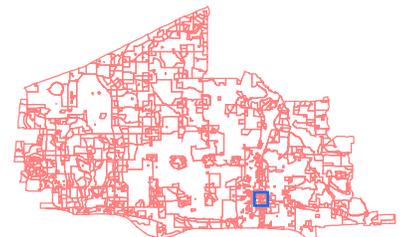
<b>No.</b>	<b>Standard Statement</b>
9.	New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10.	New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



Item Submitted: 1006 15th STREET

Title: RAILROAD ADDITION

Zoning: DOWNTOWN BUSINESS/GOVERNMENT/  
DOWNTOWN HERITAGE RESOURCE DISTRICT



○ 200' Notification Buffer

AWNING MATERIAL: 3 LAYER CLEFY BLACKOUT MATERIAL W/ RADIANT BARRIER & FIRE RETARDANT

SIDE MATERIAL: CLEAR VINYL W/ 8" FERRIER FABRIC BORDER

POWDER COATED ALUMINUM FRAMING

CLEAR POLYGLA TO MATCH CLEAR VINYL ROLL-UP PANELS

ORIGINAL APPROVED AWNING - REMOVED

BUILDING SIGN:

LIMITED BY 1 SF X LINEAR LENGTH OF BLDG = 88 SF & ONE THIRD THE HEIGHT OF WALL INSTALLED ON - THIS SIGN ON WEST ELEVATION LIMITED BY 4'-10" HEIGHT X 17'-9".

47'-04"

43'-06"

42'-02"

37'-08"

30'-00"

27'-08"

1'-01"

17'-9"

4'-10"

13'-04"

00'-00"

CBR-1

EIFS-1

EIFS-1

EIFS-1

CBR-1

CBR-1

EIFS-1

EIFS-2

Revised drawing submitted 7/19/2012

WEST ELEVATION

SCALE: 1/4" = 1'-0"

AWNING MATERIAL: 3 LAYER CLEFY BLACKOUT MATERIAL W/ RADIANT BARRIER & FIRE RETARDANT

SIDE MATERIAL: CLEAR VINYL W/ 8" FERRIER FABRIC BORDER

POWDER COATED ALUMINUM FRAMING

DIGITAL PRINTED BRICK ON 3M FILM ADHERED TO ALUMINUM PANEL

ORIGINAL APPROVED AWNING - REMOVED

BUILDING SIGN:

LIMITED BY 1 SF X LINEAR LENGTH OF BLDG = 88 SF & ONE THIRD THE HEIGHT OF WALL INSTALLED ON - THIS SIGN ON WEST ELEVATION LIMITED BY 4'-10" HEIGHT X 17'-9".

47'-04"

43'-06"

42'-02"

37'-08"

30'-00"

27'-08"

1'-01"

17'-9"

4'-10"

13'-04"

CBR-1

EIFS-1

EIFS-1

EIFS-1

CBR-1

CBR-1

EIFS-1

EIFS-2

Attachment A - CA request from 6/26/12

WEST ELEVATION  
SCALE: 1/4" = 1'-0"

00'-00"

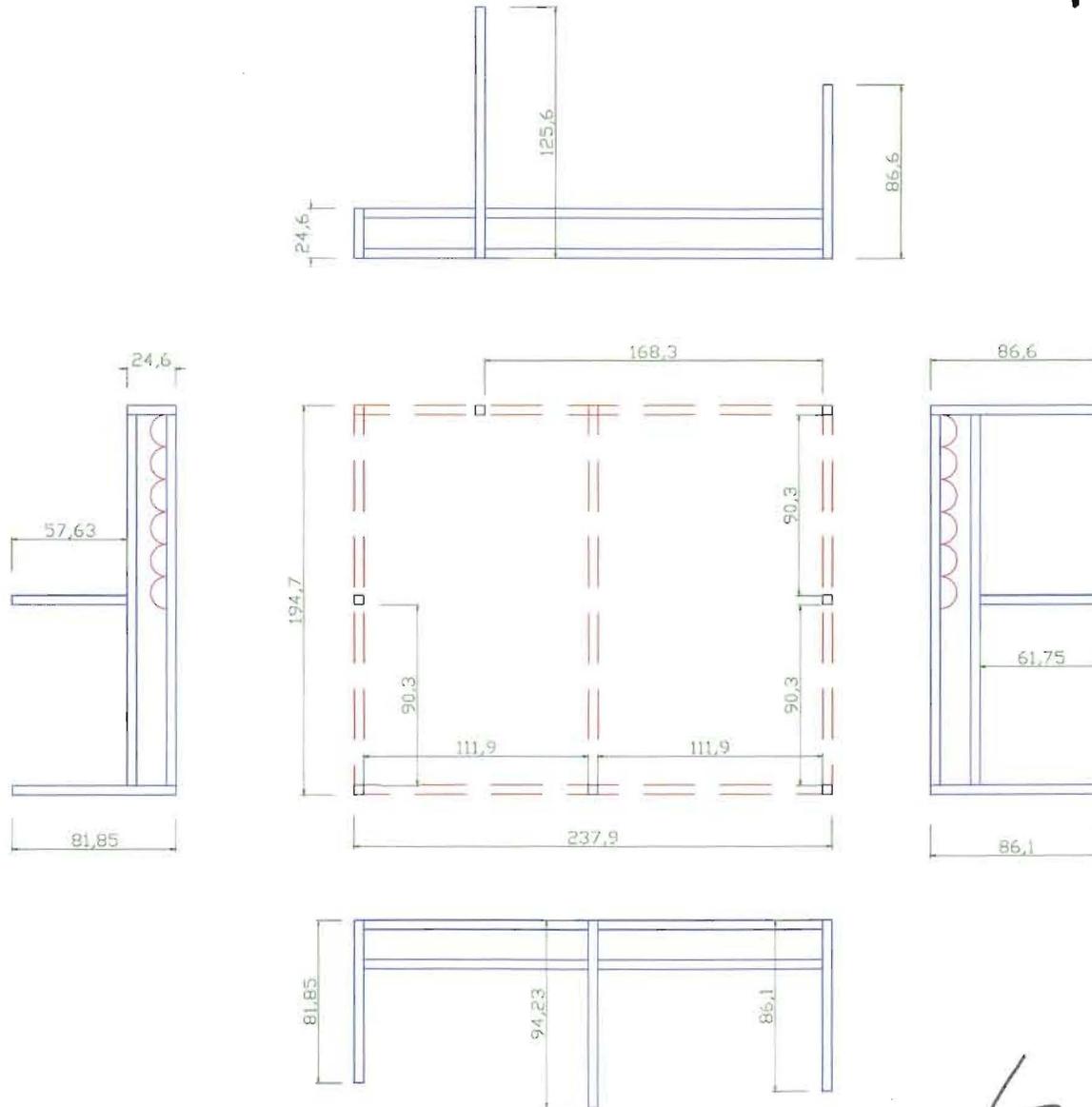
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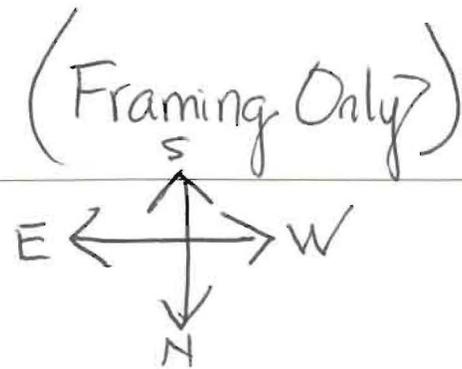


Corradi USA  
OUTDOOR LIVING SPACE

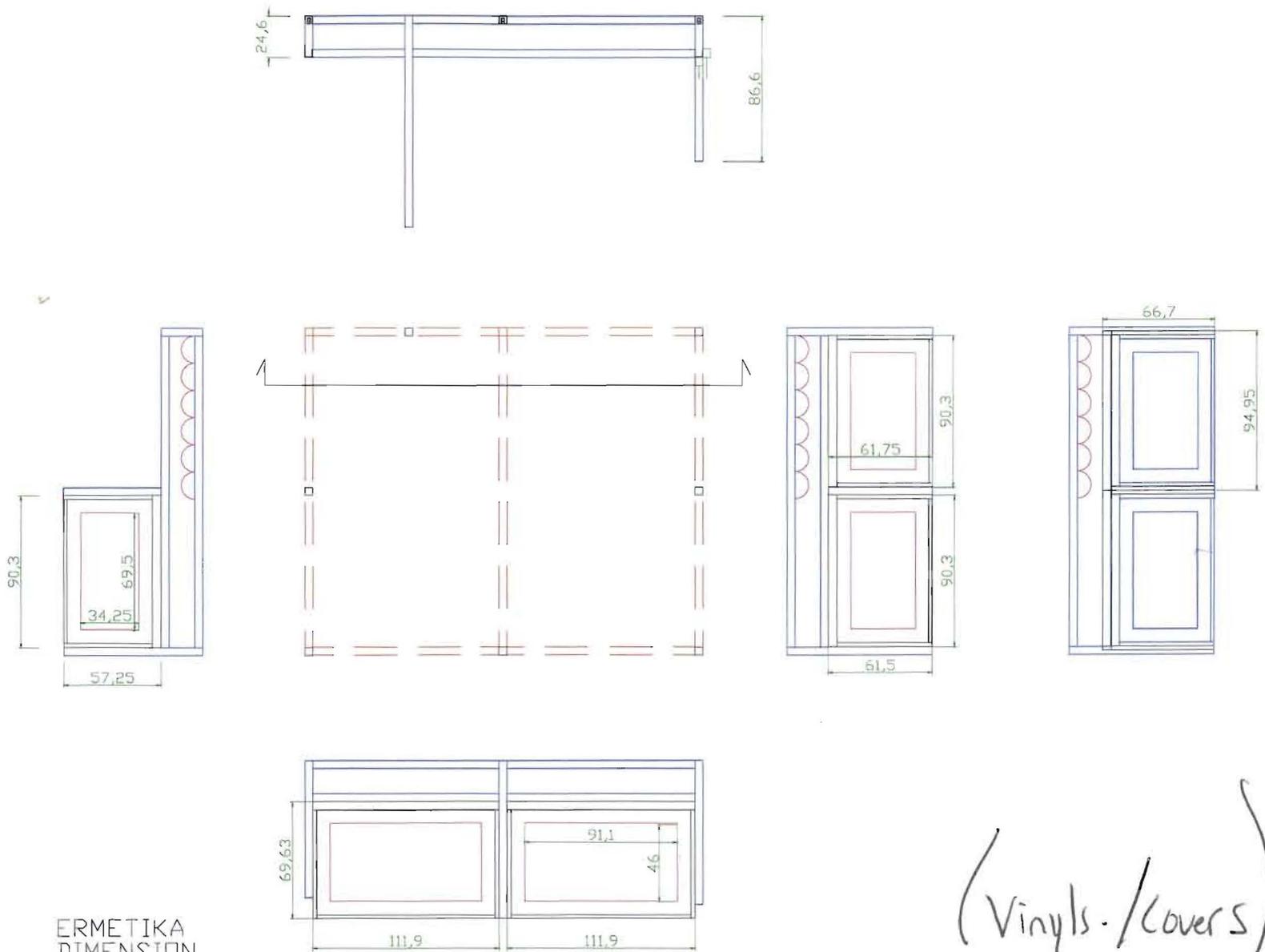
# Attachment 4



PIANTA e  
PROSPETTI

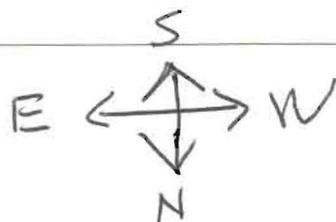


# Attachment 4



ERMETIKA  
DIMENSION

(Vinyls - / Covers)



Attachment Z  
Original Awning  
Installed

CA request from 6/26/12  
(Attachment A continued)



## **Attachment 4-I**

### **Materials:**

**Aluminum posts with powder coated exterior –  
no rust**

**Laser imaged bricks to match the exterior of  
building is applied over the 22-guage  
aluminum top**

**The awning material is 3 layer clefy blackout  
material w/ radiant barrier and fire retardant –  
stencil strength (new burn safe technology)**

**The sides <sup>(and the front)</sup> are clear vinyl with 8 “ ferrier fabric  
border**

## **Attachment I – continued**

- **The new cover is easier to disassemble and remove than the original cover approved two years ago on 4/12/10 by the Heritage Commission**
- **The new cover takes 5 hours to disassemble, and can be put right back together without any modifications (just like it comes down) (each piece remains totally intact – put together by a cordless drill); the old cover took 10 hours to disassemble**
- **The new cover is made by the same company as the original unit – Corradi USA; it is their new model with newer technology**
- **The new cover controls drainage through the internal gutter system, while the old unit dropped water onto the street**
- **The new cover material is completely fire-retardant**

3/23/2010 APPROVED CERTIFICATE OF APPROPRIATENESS  
Attachment B



CERTIFICATE OF APPROPRIATENESS  
HERITAGE COMMISSION  
CITY OF PLANO



I. Property Information:

1. Name of Resource (Historic Name/Current Name): W.R. George Building/Urban Crust - 32° Rooftop Bar
2. Address/Location: 1006 E. 15th Street, Plano, TX 75074

II. Applicant Information:

3. Name of Owner: Blockgold Partners Name of Applicant (if different): Nathan Shea  
Company: \_\_\_\_\_ Relationship to Property: Owner  
Address: 3106 Dublin Road Address: \_\_\_\_\_  
City, State: Parker, TX 75002 City, State: \_\_\_\_\_  
Home: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Business: 214-577-0446 Business Phone: \_\_\_\_\_  
E-mail: nsheal@verizon.net E-mail: \_\_\_\_\_

III. Approved Work and Conditions

- Date CA Approved: 03/23/2010  
Date CA Expires: 03/23/2011

CITY OF PLANO  
HERITAGE PRESERVATION  
CERTIFICATE OF APPROPRIATENESS  
*[Signature]*  
DATE 4/12/10

Certificate of Appropriateness approved to:

Install non-permanent, retractable cover for weather purposes for patio.

**IMPORTANT: APPROVAL OF THIS APPLICATION BY THE HERITAGE COMMISSION DOES NOT CONSTITUTE A BUILDING PERMIT. APPROPRIATE PERMITS MUST BE OBTAINED IN ADDITION TO A CERTIFICATE OF APPROPRIATENESS (CA). THE HERITAGE COMMISSION MEETS ON THE FOURTH TUESDAY OF EVERY MONTH. APPLICATIONS FOR CA's MUST BE SUBMITTED BY 5:00 P.M. ON THE FIRST TUESDAY OF THE MONTH.**

**ONCE APPROVED (STAMPED), DISPLAY THIS CERTIFICATE IN A WINDOW OR OTHER PROMINENT PLACE DURING THE COURSE OF THE PROJECT.**

**3/23/2010 APPROVED NON-PERMANENT RETRACTABLE SHADE  
(Attachment B Continued)**



Sample Image of Side Flaps (Actual flaps will be similar to image below)

