



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MINUTES OF THE PLANNING BOARD

November 8, 2016

MEMBERS PRESENT: Paul Ritz-Chairman, Nina Campbell, Danny Grundhoefer, Kyle Owens, Kurt Larson, Nathan Monk

MEMBERS ABSENT: None

STAFF PRESENT: Brandi Deese, Leslie Statler

OTHERS PRESENT: Councilman Brian Spencer, Ross Pristera, Elizabeth Benchley

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from October 11, 2016 and October 25, 2016 Workshop
- LDC Amendment – Section 12-2-22 (Governmental Center District)
- Review of Historic Structures Prior to Issuance of Demolition Permit
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:07 pm with a quorum present. He gave instructions to the audience on the rules and procedures of the Board.

Approval of Meeting Minutes

Mr. Larson made a motion to approve the October 11, 2016 minutes and the October 25, 2016 workshop minutes. Mr. Monk seconded the motion, and it carried unanimously.

LDC Amendment – Section 12-2-22 (Governmental Center District)

During the October 13, 2016 City Council meeting, City Council approved a motion to refer to this Board for consideration a Land Development Code Amendment for Section 12-2-22 Governmental Center District. The Governmental Center District was created on February 22, 1979 upon the passage of Ordinance No. 04-79 by City Council and pursuant to Chapter 2001-328 Florida Law. It was created as a special district intended to provide for the redevelopment of a centralized area for government-related land use and to encourage a coordinated architectural character within the district. The district functions as an overlay district, which requires the approval of the Architectural Review Board for any exterior modifications. The Governmental Center complex has been constructed as planned and the Governmental Center Authority has been abolished by the State Legislature. This renders the Governmental Center District obsolete as its purpose of redeveloping a centralized area for government-related land use has been fulfilled.

Chairman Ritz stated the Governmental Center District seemed obsolete since several buildings have been built out which was the primary purpose for creating this district and the revitalization of these blocks. He felt it had served its purpose, and it was time to move to something else.

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Ms. Campbell asked in removing the district, it would also remove it from the Architectural Review Board (ARB) approval, and it was determined that it would. She was concerned that any development in this area would be unsupervised. Mr. Monk stressed the ARB had done a tremendous job in areas of oversight and was concerned with removing this district from ARB review. Chairman Ritz pointed out this district was for government-related land use. Ms. Deese stated staff had copies of the proposed Maritime Redevelopment District which was considered previously and outlined a timeline of the earlier process. She indicated this district could be considered a form of protection if the Board felt it was warranted. She explained this document expanded the Governmental Center District, however, ECUA (a property owner) opposed, and the proposal did not pass the second reading.

Mr. Pristera with the UWF Historic Trust supported some level of review in this area which is one block from Palafox in the Historic Business District. He offered this is where development will go since it has vacant land. He stated there would be a better product in the end with some type of review, control and public input. The close proximity to downtown and other historic resources makes this district a very important part of the fabric of the city. He explained each district had rules relating to character; since this area has a lot of land, it could be made up of newer buildings, and the rules could be written to give more open language. He suggested redrawing the lines and reworking the name of the district.

Ms. Campbell questioned the proposed Maritime Redevelopment District, and Ms. Deese stated it was intended to absorb the Governmental Center District. Mr. Pristera pointed out in the original Code language, it was mentioned to encourage and coordinate architectural character within the district, and some thought should be put into that.

Mr. Spencer explained that this topic was discussed at length in the Council meeting. He shared that he was very vocally opposed to extinguishing the Governmental Center District since it immediately provided for a wild-west culture for development and redevelopment with plenty of opportunity for infill. His concern was the loss of architectural review for this district; he suggested the review role of the ARB be preserved at this point as Phase I and Phase II. He was concerned if they tie it into its entirety into the boundaries proposed by the Maritime Redevelopment District, there might be galvanized opposition. He suggested they hold the fort and discuss expanding the role of the ARB and/or Planning Board. He also stated it might be an opportunity to correct some of the carve-outs on Baylen Street and consider redevelopment with streetscape changes for Spring Street. Mr. Spencer was disappointed when the Maritime proposal was defeated. The Council was provided with evidence of Form Base Code, requirements for fenestration, and examples of other cities which adapted the guidelines within the Maritime District. He pointed out the ECUA property value would be increased in creating a context of predictability for developing quality projects.

Ms. Benchley with UWF addressed the area before the establishment of the Governmental Center District. She pointed out it was colonial with a creek that ran through the ECUA property which was the lowest point of the area (Washer Woman Creek). This creek marked the western edge of the town, with the eastern boundary marked by Ninth Avenue. She preferred some type of review district continued on the west side, since archaeology plans are to mark the boundaries of the town. She pointed out it would not make sense to build on wetlands included in this district. Some of the historical buildings were moved to Historical Pensacola Village, but there was archaeology everywhere. She felt continuing the review district was essential for the health of downtown Pensacola, for honoring history, and for wise planning.

Ms. Campbell addressed Mr. Spencer concerning the Maritime Redevelopment District proposal in 2013. She asked if he had any changes and would he sponsor this to the Council again. He indicated he had not reviewed it again, but he was confident that he would sponsor it with some minor changes. With the ECUA property in private ownership, he would want to sit with the owners to understand their stance and educate them as well.

Mr. Grundhoefer asked if it would be difficult to re-establish the Governmental Center District with the Council. Mr. Spencer stated if the Planning Board advocated the preservation of this district under whatever name, they would have majority support. Mr. Grundhoefer was in favor of the Maritime

Redevelopment District encompassing the Governmental Center District but feared the possible backlash. Mr. Spencer explained the Council was expecting a prompt response they could take action on, and he had no problem reacquainting them with how it was at one point going to be absorbed by a larger district. He would also tell them they could anticipate Mr. Spencer coming forward with sponsorship to expand the review district. He suggested it would be better to securely position this district and within two to three months revisit the subject. He explained that some of the property owners did not understand what the proposal meant; it would not mean they would have to demolish their metal buildings but they were stopping the expansion of them.

Mr. Monk asked if the Board needed to take action at this point. Mr. Spencer stated his immediate concern was that the Governmental Center District was in purgatory and how would a development be handled at this time. Ms. Deese stated until this district was referred to the Council for a final vote, the applications would still proceed through the ARB. She agreed there could be some significant development within the district in the near future.

Chairman Ritz suggested the Governmental Center District by itself was obsolete, and it currently provides some protections, but some of the developments established were not characteristic of Pensacola. Mr. Larson did not want to remove protections until something else was in place. He stated the Board could say they wanted the Maritime Redevelopment District to be approved; if it was approved, the Board would then sunset the Governmental Center District. Mr. Spencer stated the Maritime Redevelopment District provided the Board an opportunity to optimize the moment with more definitive meaningful language, while holding on to the boundaries. He explained that establishing legal boundaries to describe districts was not that simple. He proposed augmenting the current district with the language of the Maritime overlay district as an ideal first step. Ms. Deese advised Council could not take action until the proposal was referred back from Planning Board. Mr. Spencer stated if the Planning Board voted to supplant the current Governmental Center District language regarding review guidelines with the language of the Maritime overlay district, they would be sending a message to Council that the Board wanted that district because of the still remaining, unfulfilled development, new development or redevelopment opportunities, and to be in the ARB oversight, helping the ARB to have a more precise framework in which to review and regulate.

Mr. Monk was comfortable moving forward to supplant the language of the Maritime overlay district in order to have a well-defined district. Chairman Ritz suggested the current Board may not be fully aware of the contents in the Maritime proposal. The previous board with citizen involvement created the proposal three years previous. Mr. Spencer stated the Maritime proposal was three years in the making, and it was form-based code elements dealing with fenestration, human scale, and massing which could be tempered.

Mr. Larson made a motion to send the recommendation to the City Council for the establishment of the Maritime Redevelopment District to supplant the Governmental Center District including all area within the Governmental Center District. Ms. Deese clarified that the Maritime Redevelopment District proposed to encompass areas further west all the way to A Street and wanted the Board's desire. Mr. Spencer explained phase I would be to supplant the Governmental Center District maintaining the same boundaries, and phase II would require better notification and education. Ms. Deese suggested the Board table and get the steps in order for next month. After further discussion, **Mr. Larson made a motion to supplant the current Governmental Center District with the Maritime Redevelopment District as presented in the document of August 28, 2013, including all area within the Government Center District, and the Board re-approach this item next month looking at the expansion of that district to the western boundary of A Street.** Mr. Spencer pointed out the Board might want to give more than one month. Ms. Deese stated the Board might want to see phase I through to City Council first. **Mr. Larson amended his motion to re-approach after 60 days. It was seconded by Mr. Monk, and it carried unanimously.**

Review of Historic Structures Prior to Issuance of Demolition Permit

Ms. Deese provided the Board with Mr. Grundhoefer's draft ordinance along with his email explaining his comments. Mr. Larson appreciated the efforts in compiling the draft ordinance. Mr. Grundhoefer advised

the draft was pulled primarily from Boston's ordinance which identified a demolition review but did not consider requirements of a preservation board or a historic district, but did address neighborhoods outside of overlay districts. Chairman Ritz then asked for input from the audience.

Ms. Benchley with UWF stated she liked the draft, pointing out it was more focused on the problem at hand.

Mr. Pristera also liked the draft being very thorough and in a form easy to understand.

Mr. Grundhoefer pointed out **(3)(b) Local Registry of Historic or Significant Buildings** which currently is not established but could possibly be developed through the UWF group as a list to be checked by Building Inspections. Mr. Pristera stated that could be possible long term and also to partner with the City for a grant application for survey work. He stated they could possibly come up with a list of important buildings outside the Historic District.

Mr. Larson addressed **3. Issuance of Building, Use, or Occupancy Permit** - two (2) years after the date of the Planning Board's determination and may impose a fine of up to \$500 for such unauthorized demolition. He did not think the amount was enough to deter and suggested a 5 to 10 percent penalty. Mr. Grundhoefer explained the language was there to deter and not to discourage. Mr. Monk also agreed the fine should be increased. Chairman Ritz advised that in two years, the market could change dramatically, and the fine amount was not as significant as the two years. Mr. Monk preferred the percentage of value of something to deter a demolition. Chairman Ritz explained that fines and numbers of years might affect homeowners who are not aware of the rules and laws of the city and would not have the resources to pay. Ms. Campbell stated the value of the fine and who established the value could become a source of litigation, but thought \$500 was too low but it might get the attention of some people.

Mr. Spencer thanked the Board and Mr. Grundhoefer for taking on the task. He felt there could be some people who would be the least affected by the \$500 fee and thought it should be more injurious. He did not know how to place a value on some of these sites and buildings as they relate to legacy and the stories they bring to a neighborhood. Ms. Benchley offered it could be \$500 for each year of the building age; Mr. Spencer suggested it be not less than \$5,000. He continued by stating the FDEP has a fine assignment capability language which goes to the demolition contractor, those who knowingly remove lead paint, asbestos, etc., without doing proper notification; demolition contractors also need accountability. Mr. Grundhoefer pointed out it should be the property owner's responsibility. Mr. Spencer stressed demolitions do occur without permits. Mr. Larson stated he was comfortable leaving it at \$500 and letting City Council address the amount; Mr. Spencer explained that the Council relies on the Planning Board for guidance in these areas. **Mr. Monk offered up to \$10,000** since he works in the non-profit sector and knows how hard it is to get people of affluence to write checks, and this would be a reasonable number which would make someone nervous before demolishing a building. **The Board was agreeable to the change as long as the language specified "up to."** Chairman Ritz explained this Board would be the arbitrator of the fines on a case by case basis.

Mr. Spencer asked how the Board would count on another outside agency's role. Mr. Grundhoefer pointed out in **2. Staff Determination**, the Planning Board may seek the assistance of the UWF Historic Trust. Mr. Spencer asked about the Board's sense of the 50-year benchmark, and they were comfortable with that measurement. Mr. Monk advised during Ms. Benchley's presentation at the last Board meeting concerning the national measurement, there was a caveat of 50 years or something else which could activate the process. Mr. Grundhoefer stated in **3. Criteria for Significance**, it points out the determination of significance as historically or architecturally significant or associated with a cultural or national event, etc.

Mr. Spencer was concerned about **3. (e) The building is one of a few remaining examples of its period, style or method of construction.** For instance, if there were eight buildings on a street of remaining examples and a city block has 12 lots, and the building is one of eight, the argument might be it is not one of the few remaining, but it is a well-grounded sample of the craftsman style on a block in East Hill; with others available, someone could think this one building could be demolished. **He offered language that "the building is a representative example of its period, style or method of construction."** He wanted to

make sure the Board had built a formidable defense to address future development. He was comfortable with **6. Demolition Delay** as long as there was no suspend time. Mr. Grundhoefer stated after the Board determines it is a significant building, there should be a period of time for the Board to explore and help people with alternatives. Chairman Ritz indicated 120 days would be adequate to accomplish the evaluation. Mr. Spencer thought he could defend 120 days as not an unreasonable amount of time, and it shows expediency on the part of City staff and the Board.

At this point, Chairman Ritz asked the Board to return to a page by page evaluation. **Section (1) Statement of Purpose, and (2) Definitions were acceptable by the Board. Regarding Section (3) Buildings Subject to Review, Chairman Ritz stated the 50-year marker established the review and followed the national standard and the Board agreed. Section (4) Enforcement was agreeable with the Board with the \$10,000 fine.**

With **Section (5) Procedure 2. Staff Determination** 30 days after the application filing date, Mr. Larson asked if it could be changed to 45 days to allow an additional Board meeting to address the issue. Ms. Deese indicated regardless if the number of days was changed, she advised that it would be helpful to read like the current Code language for Planning Board to provide flexibility in the event a quorum could not be obtained. She advised applications are due 21 days in advance. Mr. Larson had no problem with 30 days once the Board heard the issue. Mr. Grundhoefer stated many of the cities reviewed had a preservationist on staff or someone who could make the determination in three to five days to determine if it would go to the Planning Board or if it is determined to be a significant building. Chairman Ritz addressed the Board not having a quorum to address the issue. Ms. Deese advised the timeclock did not begin until the Board meets, so they would have the ability to table it as long as the meeting is within 30 days; 45 days would give the Board more flexibility knowing it could be tabled at least for one meeting depending on a quorum. She pointed out that when this authority is given to a board, it is placed on a formal agenda with notice and posting and the timeframe must be increased. Ms. Campbell asked if the ordinance addressed add-ons; **Ms. Deese stated add on-s are not a part of the draft language and should not be due to the notification requirement. She suggested the Board might adopt the language 45 days of the date of reference unless a longer period is specified which would address the quorum situation; the Board agreed to this language.** Ms. Benchley agreed 45 days would allow for outside review for building significance. **Ms. Deese verified the language to read: The Planning Board shall issue a notice of its determination within forty-five (45) days of the Public Hearing unless a longer or shorter period is specified. The Board agreed with the language.**

Section (5)4.a. stated the Planning Board shall issue its determination pursuant to such hearing within thirty (30) days after the application filing date. Ms. Deese stated this language would be changed as well. Under c. Early Determination, Ms. Deese stated she would fill in the blanks with the applicable subsections.

Item 5.a. Hardship the Board agreed on the language in this section.

Item 6.a. Demolition Delay language was also approved.

Item 7. Evaluation of Alternatives to Demolition – (b) Any definite plans for the reuse of the property if the proposed demolition is carried out. Mr. Larson stated the Board had talked about putting in a time period of completion, barring delays. He was concerned about the land remaining vacant. Chairman Ritz stated the Board could not make the developers begin, but if they did, other codes require that they finish. Mr. Larson appreciated the draft document, and Mr. Monk pointed out with the many opinions expressed, the document did come together very well. Mr. Spencer added by the Board accepting the responsibility, it had depoliticized it. Mr. Grundhoefer addressed **6.b. Invitation to Consider Alternatives** which included the City Council and to gather all resources with possible tax incentives. Mr. Spencer stated this information should be delivered through staff. **Ms. Deese's recommendation was to mirror the language in other sections of the Code which states the Board may call upon any branch of the City government at any time for information and advice which in the opinion of the Board will ensure efficiency of its work,**

instead of singling out specific groups. Chairman Ritz agreed that this language would not limit the Board to City Council. **Mr. Larson suggested removing “members of the City Council” and the Board agreed.**

Mr. Spencer mentioned the Sunday House presentation to the ARB and stated those who are involved with any form of development, redevelopment or design were aware that site plan did not address Northwest Florida Stormwater Management requirements. It showed a level of densification which was not feasible.

On 7. (b) Any definite plans for the re-use of the property if the proposed demolition is carried out. How would the Board consider the alternatives? Sometimes a historic site could be under contract with earnest deposit money refundable, and they could be painting a positive picture with tax impact, etc., but they have not vetted what can actually be done. He asked how could the Board place into this alternative a requirement that they have something to present to the Board? Ms. Deese questioned the legality of the Board enforcing this element. Mr. Spencer offered at least some document from licensed engineers certifying the site proposed alternative was practical. Ms. Deese explained the Governmental Center District does not have a requirement to submit the redevelopment plan along with demolition requests, however the John Sunday applicant offered a very preliminary plan. The applicant was advised that ARB would want to see what they were putting in place of the house and the applicant was also advised that the redevelopment plan presented did not meet regulations of the Land Development Code.

Chairman Ritz offered in **7.(b) any definite plans** by a licensed engineer could go down that path, describing what the licensed professional drawing needs to indicate. He pointed out **6. Demolition Delay a. A demolition delay decision by the Planning Board is not transferrable to a new owner of the property. If the property is sold during the demo delay period, then the demo delay will restart at the date of closing. Once a demo delay has expired, but before a demolition permit is issued by the Department of Inspections Services, and the property is sold to a new owner, the demolition delay application process begins again.**

Mr. Grundhoefer suggested adding that plans are to include engineered site plans meeting all the City requirements.

Ms. Deese advised that if the Board approved the demolition, the demolition permit is valid for 60 days. She also indicated it is not legally feasible for the City to force a private property owner to develop within the specific time frame. Chairman Ritz suggested language saying you cannot be issued a demolition permit until a new construction permit is issued, but it still would not be necessary to build at that time.

Mr. Pristera suggested if you require a set of 100 percent completed construction drawings ready for permitting, it would be a huge investment and might solve the issue. He asked if the demolition permit could be contingent on getting to the permitting phase. Chairman Ritz stated this would place it on Building Inspections to not issue the demolition permit until such time as they have a construction site permit. Mr. Spencer pointed out the fifth generation 89 year-old who needs to sell. The burden would then be on the buyer. He appreciated placing more validity to the applicant's enticement to receive a demolition permit in exchange for what they will put into place – certifiable documents. Selling this home would fund some end of life care, and the buyer might pass on the house because of these stipulations. He asked if the hardship clause was enough. Mr. Monk understood the concern and felt having the hardship clause in the document would allow the Board to consider the situation. He also thought there should be some type of wing within the City of Pensacola to preserve a historic building. Mr. Spencer suggested the fines could go into the program to fund the preservation.

Ms. Benchley explained it was difficult for the Historic Trust to acquire buildings, with no funds or space to place them. She stated a developer had indicated parcels with old buildings are cheaper to acquire than vacant lots, and the demolition cost is minimal. The Board then discussed having a minimal demolition fine. **Ms. Deese stated the draft read impose a fine up to \$10,000 as determined by the Building Official; the Board decided to change this to read as determined by the Planning Board.**

Regarding **7.(b)**, it was determined the developer should be required to have site plans which meet the state and city requirements, there is some sense they would follow through with the plans.

Ms. Campbell made a motion to submit the proposed draft with changes to Council immediately, and Mr. Larson seconded. Mr. Grundhoefer wanted to draft a form to be used by Building Inspections which would take some of the concerns into consideration, and regulations would be noted in the beginning. Ms. Deese explained this draft would go to Legal for review and then proceed to Council. Mr. Spencer advised they were still within the 180-day window for the moratorium. **The Council Executive had recommended this draft take an intermediate step to Legal to verify if the levying of fines can be imposed by the Planning Board, and if there is any dollar limit if the fine exceeds the value of the property. Mr. Kraher suggested completion of Legal's review by December 1, and with no major changes, be placed on the Council Agenda in December.**

Mr. Spencer expressed his gratitude to Mr. Grundhoefer. He felt the action by the Board would let the public know how much they value North American historic cities.

With no further discussion, the motion carried unanimously.

Open Forum – None.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:36 pm.

Respectfully Submitted,



Brandi C. Deese
City Planner
Secretary to the Board