



**MINUTES OF THE PLANNING BOARD**  
**November 18, 2019**

**MEMBERS PRESENT:** Chairperson Paul Ritz, Vice Chairperson Kurt Larson, Danny Grundhoefer, Laurie Murphy

**MEMBERS ABSENT:** Board Member Charletha Powell, Board Member Eladies Sampson, Board Member Ryan Wiggins

**STAFF PRESENT:** Assistant Planning Services Administrator Cannon, Planning Services Administrator Morris, Assistant City Attorney Lindsay, Deputy City Attorney Wells, Senior Planner Leslie Statler, Transportation-Planner-Complete Streets Ziarnek, Neighborhood Administrator Harding, Councilperson Myers, Digital Media Coordinator Siedah

**OTHERS PRESENT:** Jack Dillon, Robert Fabbro, Scott Miller, Neil Richards, Diane Mack, Greg Dziadon

**AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from October 8, 2019.
- Approval of Tree Ordinance Workshop Minutes from October 24, 2019
- **New Business:**
  1. **Consider Amendment to LDC Section 12-6-4 (D) Tree Ordinance**  
**\*\* This item pertains to the addition of a phone number on the notification signage \*\***
  2. **Request for Aesthetic Review – 997 South Palafox Street “Jaco’s”**
  3. **Consider *Preliminary/Final* Site Plan Approval – 700-800 BLK South Palafox Street “Admiral’s Row”**
  4. **Request for License to Use Right-of-Way – 700-800 BLK South Palafox Street**  
**“Admiral’s Row”**
  5. **Discussion on the Proposed Amendment to the Tree Ordinance**
- Open Forum
- Adjournment

**Call to Order / Quorum Present**

Chairperson Ritz called the meeting to order at 2:01 pm with a quorum present and explained the procedures of the Board meeting.

### **Approval of Meeting Minutes**

**Board Member Murphy made a motion to approve the October 8, 2019 minutes, seconded by Board Member Larson, and it carried unanimously. Board Member Murphy made a motion to approve the October 24, 2019 workshop minutes, seconded by Board Member Larson, and it carried unanimously.**

### **New Business**

#### **Consider Amendment to LDC Section 12-6-4 (D) Tree Ordinance**

**\*\* This item pertains to the addition of a phone number on the notification signage \*\***

The proposed change would require future notices to state: "For Further Information Contact the City of Pensacola at 850-\*\*\*-\*\*\*\*." **Board Member Grundhoefer made a motion to approve, seconded by Board Member Larson, and it carried unanimously.**

#### **Request for Aesthetic Review – 997 South Palafox Street “Jaco’s”**

Guy Brothers Roofing Company is requesting approval to replace the existing roof at “Jaco’s” which is located in the WRD, Waterfront Redevelopment District. The Land Development Code requires an aesthetic review in accordance with the design guidelines set forth in Section 12-2-82 (D), specifically architectural style such as exterior colors and materials.

Jason Guy, Guy Brothers Roofing, and Scott Miller addressed the Board and stated the new roof would be a Patina Green slate. Chairperson Ritz confirmed there were no other modifications from the original roof. Mr. Miller advised the color was the closest to the existing slate. He explained as the building aged, there was a safety hazard with slate tiles sliding out of place and falling to the ground. The buildings in the area were standing seam. For safety precautions, the work would take place at night starting at the beginning of the year.

**Board Member Larson made a motion to approve, seconded by Board Member Murphy, and it carried unanimously.**

#### **Consider Preliminary Site Plan Approval – 700-800 BLK South Palafox Street “Admiral’s Row”**

Admirals Row, LLC, is requesting a combined *preliminary/final* approval for site improvements for a new multi-family development, “Admiral’s Row”, located in the SPBD, South Palafox Business District. New developments in the SPBD are subject to Sections 12-2-81 (C), approval procedure, and 12-2-82 (D), design standards and guidelines, aesthetic review provisions, as well as the additional provisions in Section 12-2-13 (E). Assistant Planning Services Administrator Cannon advised the Code was clear on allowing both preliminary and final approval at the same time, and if the applicant had gone to that level of detail, they were allowed to do both.

Mr. Spencer presented to the Board and advised the development team kept the building in context with the surrounding structures. They presented revised renderings to Planning staff to accommodate the AT&T request to remove the columns at the balcony level on South Palafox. He appreciated the flexibility to present the preliminary and final project since they had to make some design decisions and move forward beyond design development and construction documents.

Chairperson Ritz explained the Board was reviewing three buildings broken up so that it was not one huge complex. He felt life moving further down Palafox was a good thing, and he pointed out the new renderings presented the new look. Mr. Spencer explained the buildings were brick with an intentional variety of color hue, texture and size to prevent the project from looking like a new project. Board Member Murphy asked if a tree landscape plan had been determined, and Mr. Spencer advised the street trees in the renderings are existing trees (Live Oak), and there wasn't

much more for them to do. With being in the Northwest Florida Water Management District, they were not allowed to build a parking garage; the auto courtyard is an underground stormwater vault where no trees can be planted. He also pointed out that multiple driveways impacted the walkability; they will construct one curb cut with no garage doors visible in driveways, which would require removal of the oak trees. Chairperson Ritz clarified that this presentation did not include the marina aspect even though it was depicted in the drawings.

Board Member Grundhoefer liked the scale and consistency of design and asked about the AT&T lines. Mr. Spencer stated they did not believe the columns were a problem, but they did not have the authority with the AT&T service provider regarding the proximity of the balcony columns should they need to service their underground lines. He also indicated they met the parking requirements of two spaces per unit with one additional for guests located in the auto court. Chairperson Ritz appreciated the parking garages to the west which worked with the walkability and engaging the community. **Board Member Grundhoefer made a motion to approve, seconded by Board Member Larson, and it carried unanimously.**

#### **Request for License to Use Right-of-Way – 700-800 BLK South Palafox Street “Admiral’s Row”**

Admirals Row, LLC, is requesting approval for a License to Use (LTU) for improvements within the right-of-way of the 700-800 Block of South Palafox Street in connection with the “Admiral’s Row” multi-family residential development. The purpose of this request is to provide balconies for residential units along the northern portion of the development. Chairperson Ritz explained the LTU was to use the space above the sidewalks. Mr. Spencer clarified this was the eastern side. **Board Member Larson made a motion to approve, seconded by Board Member Grundhoefer, and it carried unanimously.**

#### **Discussion on the Proposed Amendment to the Tree Ordinance**

Chairperson Ritz clarified that this was discussion only and the Board would not be voting. Since she helped write the ordinance, Board Member Murphy removed herself from the discussion at this time. Assistant Planning Services Administrator Cannon advised that on July 18, 2019 the City Council referred a proposed amendment to Section 12-6 of the City’s Land Development Code, Tree and Landscape regulations, to the Planning Board and Environmental Advisory Board for review and recommendation. The Board held a meeting on September 10, 2019 to determine the best process and procedures for going forward with the review process; the Board reviewed an agenda item on October 8, 2019 to consider future workshop dates for community engagement; and the Board conducted a workshop on October 24, 2019 for fact finding and to consider future direction based on citizen feedback. Completed speaker forms and comment cards were furnished to the Board.

Chairperson Ritz offered his opinion based on some of the scientific discussion presented at the workshop implying that the proposed amendments were flawed; he referred to the Crepe Myrtles on the replant list as being an invasive species. He suggested the Board return to the original ordinance and felt very hesitant to decide what was a flaw and what was not without the scientific community weighing in. He advised it might be more appropriate to work on the existing tree ordinance rather than the one that was presented by Ms. Murphy.

Assistant Planning Services Administrator Cannon read the email from Chief Financial Officer Dick Barker answering some of the questions regarding the Tree Fund.

1. Amount Currently in the Tree Fund - The unaudited amount in the Tree Fund at the end of FY 2019 is \$495,450.87
2. Who Controls It - City Council controls the appropriation of funds and from a departmental level, in the past most of it has been handled by Parks and Recreation.
3. How is it Spent - The funds are spent according to appropriations by City Council.
4. Is there a requirement for the funds to be applied to the area where the trees are being mitigated or can it be used at-large per the discretion of staff – No there is not a requirement for the funds to be applied to the area where the trees are being mitigated. The funds are expended based on where they are appropriated by City Council. However, once Council has appropriated, there is a stipulation in the City Code that the mayor may make expenditures for projects up to \$25,000 to replant trees, or to plant new trees and other appropriate landscape vegetation, purchase irrigation supplies and purchase equipment dedicated to the planting and maintaining of city trees. Once appropriated by City Council, there is also a stipulation in the Code that states the first priority for expenditure of funds deposited in the tree planting trust fund is for restoration of the tree canopy in the area where trees generating the funds were removed. Any expenditure in excess of \$25,000 must be approved by the City Council following review by the Environmental Advisory Board (EAB).

Board Member Grundhoefer asked if the Parks and Recreation Department had any authority or judgment in the location of replanting the trees. Assistant Planning Services Administrator Cannon advised that would be where their expertise factors in. Chairperson Ritz explained this would also be on City property.

Neil Richards, Chairman of the EAB, stated they were here to work with the Board. Currently, there is a separate ordinance that EAB recommends for the use of the Tree Fund which is referenced on pg. 19 of the draft, and talks about the grants and the types of trees recommended for the use of those funds. He emphasized the right tree, in the right place, at the right time and in the right soil. Chairperson Ritz agreed with this thought and used the example of someone requesting that Crepe Myrtles be planted with these funds. Mr. Richards advised the EAB had not made a recommendation to the Council, but they had talked about three categories of trees being, native, non-native non-invasive, and non-native invasive. He pointed out the middle category involved Crepe Myrtles. He stated they anticipated a neighborhood association or garden club requesting certain trees in property they own (public property), and the EAB would have to make a credible determination that would stand scrutiny. He pointed to the draft from the Mayor's office at the last Council meeting releasing \$10K for each district. He advised the EAB looked at this fund monthly for what has come in and what has gone out. He clarified that the EAB receives projects from Council, Mayor and staff, and they respond accordingly. The members are appointed by Council and include a balance of expertise, and they do have access to an arborist. He also suggested increasing the use of underground utilities wherever and whenever possible. He indicated if the recommendation came out for one ordinance which incorporated the grant funds into the tree fund, the EAB would rather stay with the existing ordinance and come up with recommendations as each individual district comes to the EAB for recommendations to the Council for release of those funds.

Councilperson Myers stated under the old form of government, the EAB primarily dealt with the Superfund Site. After the EAB went away, she was the only Council member who fought for the reestablishment of the EAB. Several years ago when she proposed a tree advisory committee based on the one in Gainesville, Florida, Council moved that task to the EAB. She stated the Board might want to refer back to the EAB for some of its concerns. She also pointed out most of the



funds in the Tree Fund came from the Carpenter's Creek watershed, and the City had done nothing to prevent the destruction of Carpenter's Creek, and it is now a raging river when it rains. She pointed out \$600K came from FEMA for Ivan remediation which was used downtown. She also advised that FDOT had spent millions in District 6 and 7 for trees and landscaping. When the new Pensacola Bay Bridge is complete, we might get around \$6M for tree planting to be used on any state road. She pointed out we have an opportunity with FDOT to submit a plan for these funds. She also preferred codes that make it harder to cut down trees, and it was better to save them than to see them as a slush fund.

Board Member Murphy addressed the Board to clarify negative comments from the tree ordinance workshop. Emerald Coastkeepers had to begin with something for all stakeholders. The tree list provided was not her list; her tree list from the Gainesville ordinance was not included in the document. She stated they added only information which came from the IFAS extension in Gainesville, real scientists, and those sources were submitted to Planning staff. After speaking with Planning staff and Councilperson Myers, she felt the best way to proceed would be with charrettes through her organization where the attendees could get involved and ask questions of technical advisors. She advised she would be going to every district to engage the public and get the community and government to work together. Chairperson Ritz pointed out the assimilation of all the information would be through paper because of the Sunshine Law. He also stated the largest crowd tended to show up when there was a vote. Board Member Murphy suggested putting together the information monthly. Chairperson Ritz stated it sounded like this process would take some amount of time, and it would become awkward for this Board to keep a discussion item open for 6 months, and the public would become disinterested in this format and not show up until something was actually done. The Board would need to come up with a way to address the information during that time. Board Member Grundhoefer thought it was great that Board Member Murphy would take this on but suggested it would be easier if the information was assimilated into what was important and how it affected the ordinance than conducting several meetings. Chairperson Ritz clarified that in the meantime, the City was operating under a tree ordinance covering when to cut, how to cut and replanting, so it was not in a vacuum. Assistant City Attorney Lindsay suggested if there were charrettes in each district once a month, then possibly the remarks from the public could be compiled and shared as an informational item so the Board would not have to absorb everything at once. It would also help Council from a public records standpoint in understanding what the public is wanting. Board Member Murphy wanted to make sure it was not pulled off the agenda and they had to bring it back since it was no longer a discussion item. Chairperson Ritz advised even after all the information was compiled, the Board might need another workshop prior to an agenda item where the Board voted. Board Member Larson suggested as the process goes along, at the end put together a summary of what changed, what stayed the same and the reasons why.

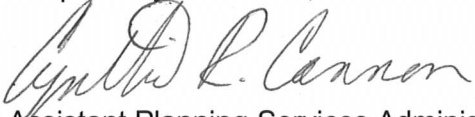
Board Member Grundhoefer asked about the City possibly taking out \$15-\$20K from the Tree Fund to get a consultant for a more scientific approach. Board Member Murphy stated her group did not have the expertise but assembled what was already working in ordinances from other communities like Pensacola; they just facilitated the presentation but did not write the information. She indicated it would be up to the Council on hiring someone to evaluate the data. Chairperson Ritz stated in the City format, this would go out as a contract with the requested requirements. He pointed out sometimes the studies are beneficial and become a third party reinforcement. Board Member Murphy explained it was her intention to have some of the experts who wrote the data to attend the charrettes so she would not be the one answering the questions.

Councilperson Myers clarified that it was not that she did not support the charrettes in seven districts, but it would mean seven meetings, and she did not have that kind of time. She advised she was bringing an agenda item to Council involving clearcutting of the lots on Grande and on Airport and other places on Carpenters Creek. She advised by the time the charrettes were performed, it would be too late to address the situations going on right now. She felt there needed to be another moratorium (not on the Tree Fund) but she would bring that issue forward. She also advised when looking at the whole city, we needed to look at the different watersheds and what trees were indigenous then and was there even a possibility to restore the watersheds. Chairperson Ritz offered that legislatively, the citizens voted in the '90s not to protect pine trees. Neil Richards reaffirmed that the EAB would be confirming with the Mayor on how he intends to proceed with the release of the money from the Tree Fund. He stated the verbiage in the current ordinance talked about a request from neighborhood associations, civic organizations, garden clubs, etc., on public property not to be limited necessarily to city property which could be ECUA or school property. Those are their guidelines, and they proceed anticipating that those neighborhoods will be coming to the EAB with a grant proposal now that they have those funds released.

**Open Forum** – Board Member Murphy advised she would be out of town the month of December, but she might do two meetings a month to shorten up the timeframe for the charrettes. She stated the Board might want to approach the Council to see if they wanted to hire a consultant, or they could come up with a final product and then hire a consultant to evaluate it. She explained she wanted a broad scale of comments, so they might put all the HOAs together and come up with one product for them and do the same with other groups. Chairperson Ritz explained the Board could not comment on how they chose to do the charrettes, but stated that the Board realizes it would be a broad spectrum. However, it might be difficult in populating the charrettes when designating it specifically for HOA, etc. Board Member Grundhoefer suggested discussing a specific portion of the document for input and then move on to another portion so the input was more specific to the segments instead of the overall portion. Board Member Murphy agreed and thanked the Board for their input. Chairperson Ritz agreed with maintaining this item as a discussion item, and even if it was just an update on the charrettes, it could be a quick discussion. He also wanted to postpone any future Planning Board workshops at this time since Ms. Murphy was conducting the charrettes.

**Adjournment** – With no further business, Chairperson Ritz adjourned the meeting at 3:46 pm.

Respectfully Submitted,



Assistant Planning Services Administrator Cynthia Cannon  
Secretary to the Board