



MINUTES OF THE PLANNING BOARD

January 11, 2022

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Powell, Board Member Sampson, Board Member Villegas

MEMBERS ABSENT: Board Member Van Hoose

STAFF PRESENT: Assistant Planning & Zoning Manager Cannon, Historic Preservation Planner Harding, Building Official Bilby, Urban Design Specialist Parker, Help Desk Technician Russo

STAFF VIRTUAL: Development Services Director Morris, Senior Planner Statler

OTHERS PRESENT: Charlie Krasnosky, Brad Carter

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from December 14, 2021
- **New Business:**
- Request for Final Plat Approval - The Landing at DeVilliers Subdivision
- Open Forum
- Discussion – Tree Ordinance
- Adjournment

Call to Order / Quorum Present

Chairperson Ritz called the meeting to order at 2:00 pm with a quorum present and explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes - Board Member Villegas made a motion to approve the December 14, 2021 minutes, seconded by Board Member Sampson, and it carried 6 to 0.

New Business –

Request for Final Plat Approval – The Landing at DeVilliers Subdivision

Robert C. Krasnosky, PE is requesting final plat approval for The Landing at DeVilliers Subdivision located along the east side of DeVilliers Street between La Rua and Jackson Street. This property is located in the R-NCB - Residential/neighborhood commercial - B

zoning district and CRA district. Six (6) parcels will be subdivided into twelve (12) lots to accommodate single-family attached residences.

Chairperson Ritz advised all the comments had been addressed, and staff advised Section 12-7-3 addressed the requirements for final plat approval indicating it must substantially adhere to the preliminary plat, and there had been no changes.

Mr. Krasnosky addressed the Board and stated he had nothing to add. Board Member Powell asked if there was any information on what the final plans would look like, and Mr. Krasnosky indicated they had elevations and floor plans as well as a progressive landscape plan; they did not have the real estate to do onsite mitigation, but the future site plan would contain additional landscaping to reduce the amount of mitigation required. He explained the developer, Mr. Carter, had reached out to Eddie Todd who was very supportive and appreciative of their efforts. Board Member Powell stated that while gentrification was an issue and was going to happen, her biggest fear was this property would look the same as other properties which showed no progress and was glad they had put some thought into the development. Chairperson Ritz advised since this project was in the CRA district, those regulations would take priority. Board Member Powell explained she wanted to see their vision for that area. Board Member Villegas pointed out they were to meet with the Belmont DeVilliers Association next month and asked if they were going to present their future plans at that time. Mr. Carter advised his wife would be presenting the plans in the meeting at the request of Mr. Todd. He also clarified the parking would be rear access with a garage for each unit and a designated parking area. Mr. Krasnosky advised they would have stormwater retention and attenuation in the southeast corner – a vertical retention pond. Staff advised the City Surveyor comments had been addressed, and this item would proceed to the February City Council meeting.

Board Member Villegas made a motion for approval, seconded by Board Member Powell, and it carried 6 to 0.

Open Forum – None.

Discussion – Tree Ordinance Discussion Item

Staff advised that CRA staff had previously proposed amendments to the CRA overlay district, and as part of that process it was recommended that setback reductions for heritage trees should be applied citywide. There was also a revision to the language regarding who had the authority to approve setback reductions.

Mr. Bilby advised they did not want the arborist to be the sole designee making setback deviations, and stated the mayor or their designee, and possibly someone from the planning and building side could render the decision. His concern was with granting a setback deviation which might constitute a fire separation issue with the Florida Building Code; this language had been added to *e. Setback Reductions* to make sure it was codified.

Board Member Villegas asked when writing the ordinances, if it were possible to indicate local flora instead of trees and shrubs which do not necessarily work in our environment. Chairperson Ritz advised the LDC contained lists which tend to be local native, but there were some which were not; because it was a legislative action, the City's legislature had the ultimate approval for those lists. Since Mr. Bilby reviews most of the landscaping plans, he advised if a developer submits plans, whether it is a mitigation condition or a landscape provision, they were required to pick certain species on that list when meeting the landscape provisions. However, they could deviate from that list and plant other species

in conjunction with that. The required plantings must be on the replant list, but they could add other plantings as well, and an ordinance revision would be needed to change that requirement. He explained it was their feeling that once the arborist was onboard, he or she could formulate a better list to submit to Council at that point. He explained if you had a heritage tree on a lot at the edge of a setback, it would allow you to reduce the setback on the other side, shift the structure over, and save the existing heritage tree; the intent was to allow flexibility on the land to move the structure and save that existing heritage tree. It was determined if a neighbor had a problem with this issue, staff would review the circumstances. Mr. Bilby advised the setback deviation would ultimately be reviewed by himself and the Planning Director to give some building flexibility; it would need to be a staff decision and not just one person. Board Member Grundhoefer pointed out the language gave authority to make that decision. Chairperson Ritz asked would this get bogged down if a Board would see a request of this type in a public forum, and Board Member Grundhoefer explained if you were the neighbor, you might want that forum to present your concerns.

Board Member Sampson asked about saving trees which would reduce parking, and Chairperson Ritz explained that was another issue, but there had been discussion on reducing parking spaces in order to save trees. Chairperson Ritz pointed out if it was just a staff decision, the neighbor would not know until the structure was built legally, and there would be no recourse. If the Planning Board was involved, then the building official and arborist could be requested to attend that meeting. Mr. Bilby advised a lot of developers do not want to seek a variance and take the course of removing the tree. But if there was a way to allow this without a variance process, we could save a few more trees which was the intent of this process. Maybe a notification process would be necessary to give neighbors a chance to voice their concerns.

Board Member Powell suggested instead of having the neighbors come before the Board, just notify the persons who would be affected at the time of the reviewing process, giving them a time period in which to respond to the persons making the decisions; if they did not respond, it would not go any further; if they did respond, the person making the decision would review and make a decision with their input. Assistant Planning & Zoning Manager Cannon explained staff already has the authorization to make administrative variances up to a certain point for setbacks, but in this case, they would be justifying it for saving a heritage tree without creating another process that could potentially create delays in permitting. Staff also noted that the Zoning Board of Adjustments (ZBA) was already the reviewing entity for reductions to setbacks. Historic Preservation Planner Harding explained a member of the public had the opportunity to appeal a decision of the staff which would go before the ZBA; if a staff member made a decision which someone had an issue with, it could then be forwarded to the ZBA. Heritage tree issues had been before the ZBA and the Architectural Review Board as well. These boards were only allowed to create the minimum setback variance requirement, and this verbiage mimics that minimum granting.

Chairperson Ritz trusted the staff to review the request and avoid the zero-lot line in a residential district. Mr. Bilby stated the fire setbacks for residential were 3' from the lot line, and no case would be approved closer than 3'. You could do additional fire ratings which would require the builder to do extra modifications to the house. This is where staff would draw the line in trying to save the tree to make sure the project was not too close to that lot line. Historic Preservation Planner Harding pointed out he had seen administrative variances denied by staff, and that they do weigh and evaluate each situations according

to the circumstances of the adjacent area.

Chairperson Ritz explained this document would return to the Board for any additional revisions and for public input. He personally was not for neighbor involvement. Board Member Villegas indicated the conversation could be good or bad, and felt if the process was there to be dealt with in the best way possible, she had no problem with the process. Staff advised a certified arborist would be onboard for those decisions. It was determined this document would come before the Board as an agenda item.

Adjournment – With no further business, the Board adjourned at 2:34 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP
Assistant Planning & Zoning Manager
Secretary to the Board