

PLANNING SERVICES

MINUTES OF THE PLANNING BOARD

August 9, 2016

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

MEMBERS ABSENT: None

STAFF PRESENT: Brandi Deese, Leslie Statler, Karen Lefebvre, Bill Weeks

OTHERS PRESENT: Jacob Mossholder, Erica Mossholder, Teresa Hill, Ann Hill, Andrew Holmer, Tim Haag, Dottie Dubuisson, Diane Mack, Amir Fooladi, Christian Wagley, John Bullock, Councilman Brian Spencer

AGENDA:

- 1) Quorum/Call to Order
- 2) Approval of Meeting Minutes from July 12, 2016
- 3) Final Plat Approval – “A” Village
- 4) Consideration of LDC Amendment Section 12-2-7 – Funeral Homes
- 5) Review of Historic Structures Prior to Issuance of Demolition Permit
- 6) Consideration of Workshop for North 9th Avenue Corridor Management Overlay District
- 7) Old Business
- 8) New Business
- 9) Open Forum
- 10) Adjournment

ITEM 1: Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:03 pm with a quorum present.

ITEM 2: Approval of Meeting Minutes

Mr. Grundhoefer made a motion to approve the July 12, 2016 minutes, seconded by Ms. Campbell, and it was approved unanimously. Chairman Ritz then gave instructions to the audience on the rules and procedures of the Board.

ITEM 3: Final Plat Approval – “A” Village

Rebol-Battle & Associates has submitted a request for approval of the Final Plat of the subject property; the Preliminary Plat was presented and approved by the Planning Board on July 12, 2016.

Mr. Rebol stated they had made some minor adjustments to the preliminary plat addressing some of the City’s comments. The right of way was changed from 21 feet to 25 feet to better accommodate the road. Chairman Ritz again offered that this project was in an underutilized area and was pleased to see its development. Mr. Larson appreciated that the comments from the Board regarding safety were addressed. With no input from the audience, **Mr. Larson made a motion to approve as submitted, seconded by Mr. Monk, and it carried unanimously.**

Ms. Deese advised that the Junction at West Hill item had been withdrawn since surveyor comments addressing issues were not available at this time. The applicant intended to appear before the Board in September 2016.

ITEM 4: Consideration of LDC Amendment Section 12-2-7 – Funeral Homes

During the July 14, 2016 City Council meeting, City Council approved a motion to refer to this Board for consideration a Land Development Code Amendment for Section 12-2-7 (Funeral Homes). The Land Development Code currently permits a crematory only when accessory to a Funeral Home/Parlor. The Land Development Code (LDC) provides a definition for an accessory use.

Chairman Ritz asked if accessory structures had a size limitation, and Ms. Deese explained that references in the Code indicated they must be incidental to the primary use, and this was the first time they had seen a proposal that would actually tie it to the finances of a business. She read the definition that “accessory use means a use or structure which is clearly incidental to or customarily found in association with that serves the principle use or its subordinate in purpose.” She explained that the LDC indicates there can be no freestanding crematory. She further advised Planning had communicated with the Enforcement Departments who had concerns with the vagueness of the ordinance as well as legal concerns.

Mr. Kirschenfeld asked if a freestanding crematory was allowed in any zoning district in the city, and Ms. Deese stated they were allowed in industrial zoning districts under a different category, and in any other district it must be accessory to the primary use of the a funeral home/parlor.

After discussion regarding the gross income, the Board felt more comfortable with a percentage of square footage, to read “as determined by reference to the percentage of square footage of the facility.”

Mr. Bullock suggested if you have a freestanding crematorium in a residential neighborhood, it would attract people who only want that service which he felt was not an appropriate activity for that type of neighborhood.

Mr. Kirschenfeld pointed out there were already other uses permitted in R-NC such as restaurants which would involve smoke, traffic and odors.

Mr. Fooladi stated as a general contractor, he understood that most funeral homes outsource the crematorium services, and he was not in favor of a crematorium across the street from his office in the R-NC Belmont/DeVilliers neighborhood (they are specifically excluded from the Belmont/DeVilliers district R-NCB) and he strongly opposed them in any R-NC zoning.

Ms. Mack stressed the issue was brought up by Councilman Wingate on behalf of his constituents in the Woodland Heights neighborhood who oppose the excessive industrial operation use. She stated the business in question was developed to service other funeral homes in the area. The citizens felt their air quality had been polluted with nauseous odors coming from this operation. Ms. Deese clarified that whatever recommendation proceeds to City Council, the property in question would be grandfathered.

Mr. Weeks investigated this property on Davis and had received complains on black smoke and smells. He assured the Board the crematory equipment is monitored by the EPA, and there is no smoke and no odor; the only thing visible is a heat signature. He indicated the owner was licensed as a funeral director, and the state inspected the business as a funeral home. He stressed the percentage of square footage of a building or the monetary portion of the LDC ordinance cannot be regulated. He also informed that this facility performs all of the indigent cases in Escambia County.

After further discussion, Mr. Monk made a motion to create the language for Section 12-2-7 (B) (d) 16. To read “Mortuary, funeral parlors, and crematoria.” Mr. Kirschenfeld seconded the motion.

Mr. Grundhoefer could not support the motion since he believed the intent of the Council was not to allow freestanding crematoria in a residential district.

The motion failed 3 to 3 with Mr. Larson abstaining. Mr. Kirschenfeld offered an alternative motion to change the wording to “as determined by reference to the percentage of square footage of the facility.” After further discussion on the type of building structure and Mr. Week’s comments, **Mr. Larson advised**

he would support the motion. Chairman Ritz called for a re-vote on the original motion. The motion passed 4 to 3, with Mr. Owens, Mr. Grundhoefer and Ms. Campbell dissenting. The proposed language would go forward to the City Council as a recommendation.

ITEM 5: Review of Historic Structures Prior to Issuance of Demolition Permit

During the July 14, 2016 City Council meeting, City Council approved a motion to refer to this Board for consideration a possible amendment to the Land Development Code that would require review of historic structures prior to issuance of a demolition permit. As a starting point, our GIS Department provided raw data that shows the number of structures that would be affected if the ordinance is written relevant to age of the structure.

Chairman Ritz noted according to the chart provided, the city has over 1,000 buildings over 100 years old. He indicated he purchased his home which was not in a protected district for that very purpose.

Mr. Weeks explained the data was taken from the property appraiser's website, and out of 1,153 structures over 100 years old, 464 were in special review districts; 689 homes not in review districts were located in Sanders Beach, East Pensacola Heights, Belmont/DeVilliers and predominantly in East Hill.

He emphasized that we need to define what a historic structure is, and how much of the historical portion of the homes have been erased; also, what happens if people want to totally remodel and want to erase the historic structure of their home. The review should encompass more than just a date. He indicated they had issued 17 demolition permits in the past three months. He also stated there should be some type of mailout to let the residents know what is being proposed.

Ms. Deese clarified that the City Council will consider a demolition moratorium at their August 11 meeting. The request was as follows: **"Recommendation from City Council to Planning Board to determine if the City's building and land planning codes regulating and permitting processes adequately protect and preserve historic structures City wide from demolition. If the Planning Board determines the current process to obtain a demolition permit is inadequate, City Council further authorizes the Planning Board to draft a demolition application process with an emphasis on the preservation of our City's historic building inventory, historic culture and historic streetscapes."**

Mr. Monk gave examples of homes which were considered of historical significance because of an event which had taken place in the home. Mr. Kirschenfeld agreed the demolition process should not be based strictly age of the structure. Mr. Weeks explained that in the current application process, if the structure is in a historical district, it proceeds to the appropriate board for demolition; if it is not in a special district, a demolition permit would be issued the same day.

Ms. Deese explained identifying historical structures would go through the UWF Historic Trust. Ms. Campbell pointed out that university interns were available to help with the Historic Trust projects, and this could be one of those situations. She was uncertain how to address properties not under the ARB protected districts.

Councilman Spencer stated that selecting a date is limited in defining what is historic. Historic significance could be related to events or architectural language which would uniquely define an era. He had requested Mr. Pristera look at providing an updated survey; Mr. Pristera's fee quote was for \$9,500 to update the survey citywide. This proposal has been forwarded to the mayor and administration. Councilman Spencer emphasized the Council wanted the Board to address the demolition permitting process. He explained that the moratorium to be considered by Council was a benchmark of 100 years that he chose, but he did not intend the year 1916 to serve as a springboard for the Board's discussion. He suggested if there needed to be another layer of review or panel besides the ARB, perhaps with a user friendly checklist with the help of the Board and the Historic Trust, then the panel board members could easily rank where those structures fall.

Ms. Dubuisson had fully expected the John Sunday house to be preserved since it was of historical significant meaning to this community; it would have been a very solid statement about what the community values. She asked that the Board look at the process and come up with a more functional

robust process. She advised we need a preservation commission who will identify and maintain a registry of any significant structure which needs to be preserved. There needs to be a time period from the point of application until the point it is heard, with full public disclosure of all considerations presented to the entire community, because it is too late when it reaches this Board or the ARB to build the momentum to give the full impact from the community. She emphasized we need housing grants which allow special consideration, special emergency funds for any at-risk historic structure, and a methodology in place to allow anyone interested in preserving a historic structure the opportunity to call the city for assistance. She suggested within 72 hours of someone wanting to do something to a building, everyone would know about it, and every resource available could be engaged to save the structure. She believed there should be a simple nomination that any building any citizen thinks is of importance could be reviewed by the historic commission.

Teresa Hill agreed with Mr. Weeks in that sometimes the records on structure age are inaccurate. She stated the two previous presidents of the Belmont/DeVilliers Neighborhood Association had written letters to Council addressing losing the historic homes and gentrification of the neighborhood. She provided a letter submitted by the Belmont/DeVilliers Neighborhood Association supporting the demolition moratorium on historic structures of at least 100 years or older. She also asked for public notice when a demolition was to take place.

Chairman Ritz pointed out from this discussion, the City does not have adequate criteria for the demolition process. The discussion also indicated that just a date selection might be arbitrary, possibly missing truly historic structures. There were also endeavors in place for the City to purchase a service to identify further what the historic sites might be citywide.

Mr. Monk made a motion to send a letter of support to City Council to purchase the services Mr. Pristera to research historic structures. It was seconded by Mr. Larson.

Mr. Larson explained that he felt the Board needed to vote on the moratorium as a separate issue. **The motion then carried unanimously.**

Mr. Larson made a motion that the Board recommends to City Council that the Board supports the moratorium currently on the agenda. Mr. Kirschenfeld clarified that the current moratorium only addresses structures which are 100 years old or older; it does not address cultural or architecturally significant structures.

Councilman Spencer indicated there could be other structures citywide outside protected districts that have specific designations that could grant them some level of protection. He emphasized the need to not rely only on the UWF Historic Trust to vet and review, but they could be a resource to provide the necessary data bank to create qualifiers. There could be other agencies to help in identifying history not available to the Trust.

Mr. Larson then revised his motion that the Planning Board supports the City Council's moratorium until the Board can put together a process for historical review. Mr. Grundhoefer seconded the motion, and it carried unanimously.

In addressing the demolition process itself, Mr. Larson made a motion that the Planning Board undertake gathering the research over the next 30 days and it be placed on the Board's next agenda to work on developing a process for the City to look at historic structures and their demolition. Mr. Monk seconded. Mr. Monk clarified that at the next Board meeting there would be a skeletal structure to move forward with. Ms. Deese stated she would be working with the appropriate departments. Mr. Grundhoefer pointed out this recommendation would be forwarded to City Council.

The motion was amended to that the Planning Board realizes that the process is not adequate and would request staff to research it and return next month, considering how other cities handle it, and possibly having a draft language. The amendment was accepted, and the motion carried unanimously.

Mr. Kirschenfeld asked that staff incorporate a new board, looking at what other communities have done to set up a commission or board for historical and culturally, architecturally significant structures. Also, a

nomination process so when that board meets, citizens can come forward with some sort of nomination/application process to have new applications vetted by that board to determine if they would meet certain criteria to go on the registry.

ITEM 6: Consideration of Workshop for North 9th Avenue Corridor Management Overlay District

Ms. Deese advised she had been in contact with Ms. Mack regarding the overlay, but the agendas had been heavy. She stated there were some vacant properties which could be developed, and there was some urgency from Ms. Mack's perspective.

Chairman Ritz requested a workshop before the next Board meeting if possible.

It was determined Board members would email staff by close of business August 10 for availability for a workshop. Ms. Deese offered to forward background materials to Mr. Grundhoefer.

ITEM 7: Old Business

Ms. Dubuisson wanted the Board to consider the historical and architectural overlays, especially in Belmont/DeVilliers. Structures are being built which do not match the character of the neighborhood, but with a slight change they could. She asked that the Board request Council to expeditiously correct those situations since 1995 which have not been addressed for this neighborhood. Ms. Deese clarified that the neighborhood had been working the Ms. Gibson on the possibility of having an overlay district. She stated the neighborhood wanted simplistic architectural overview not on the level of the ARB. Mr. Kirschenfeld asked what the Board could do to expedite the process. Ms. Dubuisson stated the Board could request that the CRA officially and publically acknowledge the design plan and conduct public meetings or a charrette. She advised there had been no public discussion of the final standards compiled by Mr. Todd and his group. Ms. Deese offered to contact the president of the Belmont-DeVilliers Neighborhood Association to see if there were items already drafted.

Teresa Hill confirmed there was a charrette in 2004, giving a two-week certified notice to the neighborhood. She addressed the A Door Properties Junction at West Hill item being pulled. Chairman Ritz stated notification was in an email which was public record, and Ms. Deese furnished a copy to her. He confirmed the Board could not approve or deny the proposal since A Door was not on the agenda. It was determined that it was not an automatic approval because of the timeframe. Ms. Deese clarified that the LDC has requirements concerning what takes place once a plat is submitted, final or preliminary. Staff routes the application for comments, and those certain comments must be received in time to be placed on the agenda. It is also not reasonable for the Board to vote on an item without all the information required.

Jacob Mossholder was concerned about old business not being addressed properly. Chairman Ritz stated this was an opportunity for citizens to bring forward old business, but the Board had not submitted Junction at West Hill as old business. Mr. Mossholder suggested engineering for this project was being outsourced; Ms. Deese clarified that the City no longer has a survey crew, so that portion was outsourced; engineering comments were provided by the Engineering Department.

Mr. Monk pointed out this was a citizen bringing forward concerns who lives in the neighborhood of the proposed project versus a business who has intention to purchase land contingent upon approval of a plat. Ms. Deese advised the business had already purchased half of the tract. She also pointed out this property had many land dispute issues and from everything she had seen and communicated with the applicant, they wanted this process completed long ago. However, they have had to work through three very abnormal issues with this one property. She proposed that the item could be added to the September agenda by the Board so that action could be taken regardless of whether or not the plat was resubmitted.

Mr. Monk made a motion to add Junction at West Hill to the September agenda. Mr. Grundhoefer seconded the motion. Ms. Deese advised even if the applicant did not have everything worked out, they would still come before the Board for action. **The motion carried unanimously.**

Erica Mossholder brought up multiple Facebook discussions after the agenda item had been pulled. She respected the position of the staff and appreciated the Board's motion.

ITEM 8: New Business – Ms. Dubuisson pointed out that in most meetings, the old business is brought forward by the Board, with the public not normally resurrecting old business. She felt it was not a healthy pattern for this Board to adopt since both parties should be present. This item (Junction at West Hill) was pulled from the agenda, and for the Board to take action to place it back on the agenda, negates the limitations that the Board put on the original tabling – the Board was not going to hear the item again until all issues were resolved. She stressed it was time for the community to realize there are property rights, and a process was in place. She asked the Board and all participants to step down and look at the big picture as to how we build Belmont/DeVilliers in a safe, loving community manner to be what the majority of citizens in the neighborhood have requested, while retaining individual property owner's property rights.

As a point of clarification, Ms. Deese stated the City does not have a survey crew, and that survey portion is contracted out. Mr. Norris could not perform his review because the submittal was not legible.

ITEM 9: Open Forum – Ms. Dubuisson thanked the Board for doing their research and for bringing open minds to the meetings. She stressed that when we speak passionately, it is because we love the city and want to hold on to those things we cherish, and want to correct those things we see as problematic. In moving forward, if there was any way to put citizens at ease that everyone will hear and be heard on the facts, it would be appreciated.

Mr. Wagley was impressed by the level of discussion by the Board. He wanted to address the issue of tabling not constituting action. Ms. Deese advised that the language for Planning Board was 45 days unless determined differently. In discussions with the City Attorney regarding the 45 day language, "any matter referred to the Board shall be acted upon by the Board within 45 days of the date of reference unless a longer or shorter period is specified." With the Planning Board, if the applicant wants to delay themselves, they have the right to do so. The intent of the language was that the Board does not delay the applicant. If the applicant does not have everything together, the 45 days does not come into play. Mr. Wagley asked if there was a limit to how long the Board waits on the applicant, and Ms. Deese stated she was not aware of a time limitation.

ITEM 10: Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:27 pm.

Respectfully Submitted,



Brandi C. Deese
City Planner
Secretary to the Board