

PLANNING SERVICES

**MINUTES OF THE PLANNING BOARD**  
**September 10, 2019**

**MEMBERS PRESENT:** Chairman Paul Ritz, Danny Grundhoefer, Laurie Murphy, Ryan Wiggins, Charletha Powell, Kurt Larson, Eladies Sampson

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Cynthia Cannon, Assistant Planning Services Administrator, Sherry Morris, Planning Services Administrator, Heather Lindsay, Assistant City Attorney

**OTHERS PRESENT:** Mayor Grover Robinson, Councilwoman Sherri Myers, Diane Mack, Steve Corbae

**AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from August 13, 2019.
- **New Business:**
  1. **Reconsideration of LDC Amendment – Ice Machines**
  2. **Discussion on Procedure for Planning Board's Review of the Proposed Amendment to the Tree Ordinance**
- Open Forum
- Adjournment

**Call to Order / Quorum Present**

Chairman Ritz called the meeting to order at 2:00 pm with a quorum present. Mr. Larson and Ms. Sampson were sworn in by the Clerk's office.

**Approval of Meeting Minutes**

Ms. Wiggins made a motion to approve the August 13, 2019 minutes, seconded by Mr. Larson, and it carried unanimously.

**New Business**

**Reconsideration of LDC Amendment – Ice Machines**

Ms. Cannon advised this item was a request from the Mayor for modifications to the exterior requirements of detached vending and transaction machines, specifically ice machines. The proposed changes would allow metal as an exterior finish, lattice as an acceptable screening for rooftop mechanical equipment, and advertising to be applied to the sides. This item was unanimously denied without prejudice in order for Mayor Robinson to request additional information from the vendor regarding questions from the Board. A modified version of Sec. 12-2-31 with the proposed changes was given to the Board.

Ms. Morris advised the Mayor was not present but wanted to attend the meeting, and the Board might want to proceed to the next item. **Mr. Larson made a motion to postpone the item until the Mayor was able to**

**attend. The motion was seconded by Ms. Wiggins and then carried unanimously.**

**Discussion on Procedure for Planning Board's Review of the Proposed Amendment to the Tree Ordinance**

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. It has been requested that this item begin as a discussion item in order to establish a review timeline for the proposed amendment and to ensure the best process for community engagement. A modified version of Sec. 12-6 with the proposed changes was provided to the Board.

Chairman Ritz indicated this item was for discussion only, and no action would be taken other than to ascertain the best way to move forward. Ms. Murphy's organization, Emerald Coastkeeper, put the ordinance together over a period of time, meeting with Mayor Robinson in January of 2019 for review of the ordinance. They took his concerns and slightly revamped the original ordinance and submitted it to the Environmental Advisory Board (EAB) for review. Ms. Murphy stated that the EAB liked the ordinance as it was. Ms. Murphy gave a formal presentation at the Council Agenda Conference. The ordinance was then turned over to the Planning Board. Since she helped write the ordinance, and after speaking with staff, it was her opinion she should recuse herself from the voting process. Chairman Ritz clarified that would be the scenario if this was an action item or if she would obtain financial gain from this item. Ms. Murphy emphasized she wanted input from a variety of stakeholder groups, and it was important to set the precedent that she was not going to utilize herself as a voting person in order to maintain the decorum throughout the ordinance revision process.

Mr. Larson questioned the minimum height above a city street, and Ms. Murphy stated the ordinance indicated it could not impede emergency exists and using common sense when planting considering what the vegetation would look like in 20 years. Mr. Larson gave the example of a tree in the middle of the street at Southtowne and wanted to make sure that was not implemented in the future. Chairman Ritz stressed since this was not an action item at this meeting and because the Board was looking for public input, today's outcome would be a plan to move forward for allowing that input which could possibly involve a workshop format.

Ms. Wiggins asked about the protected tree list in the ordinance, and Ms. Murphy indicated the current revised ordinance was developed through numerous sources like the cities of Portland, Dallas, and heavily from Gainesville, Florida, aimed at restoring native species and eliminating invasive species. Chairman Ritz pointed out there was also verbiage dealing with stormwater requirements. Ms. Murphy stated as part of the workshop, she would be contacting developers and landscape architects to involve a very diverse group during the workshop and to allow an online comment area for people to comment to the Board. Chairman Ritz then explained the rules followed in a workshop and asked for the Board's preference. Ms. Wiggins preferred a workshop not on a Board meeting day. Ms. Sampson asked about the time element involved. Chairman Ritz explained the Board would not be meeting as a quorum, and a Board member could be present for a portion of the workshop. He indicated the workshop would take place, discussions and information would be presented, with the true deliberations as an agenda item happening inside a regular Board meeting.

Mr. Larson recommended a workshop within the next 60 days before the holiday season. Ms. Morris indicated staff could look at the availability of meeting dates and spaces which could be sent to the Board for a consensus. She also clarified that a workshop would be livestreamed with a video available to the public. Councilwoman Myers pointed out that the culture of Pensacola needed to change. She used Fairhope, Alabama, as an example of embracing heritage trees. She was hoping the tree ordinance would possibly incentivize citizens to not cut down our trees. She advised the Council was not in a hurry but wanted a good product to be applied with a lot of public input.

Mr. Corbae, a certified arborist, felt the workshop would be a good collaboration. He also explained he chose to live in Pensacola because of the heritage trees. He pointed out with larger trees, the less you need to consider rainwater since they work together with the environment.

**Chairman Ritz indicated the Board would wait for input from staff for availability of rooms for the workshop and would respond accordingly.**

(The Board then returned to Item 1.)

Mayor Robinson stated leaving the advertising at 25% of the proposed elevation was acceptable to the Twice the Ice clients. They also had no problem with the railing. He pointed out the equipment came with metal siding which seemed to be the real issue. It was determined 3) e. should read "proposed street elevation." Mr. Grundhoefer suggested "screening of mechanical rooftop units is required" and then add "the sloped roof with a peak or parapet roof is preferred" and "other attractive screening may be used subject to approval by the Planning Board." Mayor Robinson wanted to make sure there wasn't too much subsection and the verbiage was consistent.

Ms. Mack submitted a handout to the Board and addressed the language "detached vending and transaction machines" which was not just ice vending. She also pointed out there was no language in the LDC for what a detached vending and transaction machine actually is. She felt the proliferation this was going to invite was a step back into the "uglyfication" of Pensacola. She addressed 3) c. with "shall" have a finished exterior which indicates mandatory, "should" is directed but not mandatory, and the word "may" is permissive. She pointed out "shall" in this case is the wrong word unless we are dictating people shall do metal. She proposed different language for 3) e. regarding advertising. She suggested "signage advertising the product being dispensed or service being provided may not exceed 25% of the surface area of the machine." Chairman Ritz explained vending machines could apply to various functions even though ice vending was being considered. Mr. Grundhoefer explained "shall" explained the materials had to be one of the five listed in 3) e. Ms. Wiggins addressed the dog wash and the possibility of placing brick around it, and advised the language should be carefully stated. Mr. Grundhoefer agreed with the signage language provided by Ms. Mack. Ms. Wiggins made a motion to accept the language from Ms. Mack. Chairman Ritz asked that the motion be held until further discussion.

Ms. Cannon clarified the language specifically striking the "Advertising" on 3) e. and changing that to "Signage" and to revise "such advertising of the item being dispensed or service provided may not exceed 25% of the proposed street project elevation."

Mr. Grundhoefer's suggestion for 3) d. was "screening of mechanical rooftop is required and other attractive screening, with no more than 50% openings, may be used subject to approval by the Planning Board."

Chairman Ritz offered certain materials would have to meet the building code (lattice, chicken wire).

Ms. Powell addressed the railings and being specific with the materials required. Chairman Ritz indicated 3) c. already limited this with "brick, stucco, stone, metal, stained wood or similar materials and no windmills." The Board agreed to strike "or similar materials" and "or similar objects." Chairman Ritz clarified the sloped roof and parapet is really for mechanical units on top, pointing out that the dog wash unit did not contain a roof.

Staff read back 3) d. as "the screening of mechanical rooftop units, other attractive screening with no more than 50% openings and must meet building code and subject to Planning Board approval." Chairman Ritz stated "parapet roof is preferred" and explained "screening" was the technical term for "hide."

Ms. Cannon restated Mr. Grundhoefer's version that "a sloped roof with a peak or parapet roof is preferred to be affixed to dispensers placed in parking lots with shingle, tile or other roof materials in accordance with Florida Building Codes." "Screening either may or must be used to shield rooftop mechanical units with no more than 50% opening and subject to Planning Board approval." The Board agreed that "must" be used.

Chairman Ritz clarified the Board would be dealing with machines with mechanical units and not a dog wash, etc., with no rooftop equipment. What few items installed within city limits would come to this Board. The word "preferred" was acceptable in being the City's primary goal of a peak or parapet roof. The Board was trying to accomplish what the Mayor had requested. Mr. Grundhoefer offered this might encourage the clients to screen the mechanical units and do less advertising which would make them a little more attractive.

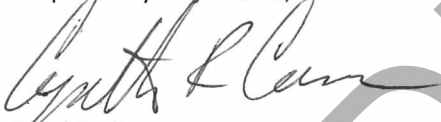
**Mr. Grundhoefer made a motion to approve the ordinance as revised, seconded by Ms. Wiggins, and it carried unanimously.** Mayor Robinson asked for clarification on what passed. Chairman Ritz explained the Board had revised items 3) c. d. and e., beginning with 3) e. at 25% signage advertising the products being dispensed or service being provided; they removed "lattice" as a possibility and inserted "railing" and no more than 50% openings; if it is screened rooftop mechanical units, it would become a Planning Board agenda item, but only for screening mechanical items. 3) c. "dispensers and service machines placed in parking lots shall have a finished exterior of brick, stucco, stone, metal, stained wood and shall not contain windmills or similar objects." "Similar materials" was removed and "metal" was added to the materials for the exterior.

**Open Forum** – Ms. Cannon informed the Board that Whispering Creek had not resubmitted at this time and was not aware of any specific time for resubmittal.

Chairman Ritz explained he would not be at the Board's October meeting, and Mr. Larson would be chairing that Board meeting.

**Adjournment** – With no further business, Chairman Ritz adjourned the meeting at 3:19 pm.

Respectfully Submitted,



Cynthia Cannon  
Secretary to the Board