



PLANNING SERVICES

THE UPSIDE of FLORIDA

MINUTES OF THE PLANNING BOARD WORKSHOP

October 24, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Eladies Sampson, Ryan Wiggins, Danny Grundhoefer

MEMBERS ABSENT: Kurt Larson, Charletha Powell

STAFF PRESENT: Cynthia Cannon, Assistant Planning Services Administrator, Leslie Statler, Senior Planner, Michael Ziarnek, Transportation Planner-Complete Streets, Gregg Harding, Historic Preservation Planner, Heather Lindsay, Assistant City Attorney, Chris Mauldin, Derrik Owens, Brad Hinote, Kerrith Fiddler, Keith Wilkins, Lawrence Powell, Brian Cooper, Councilwoman Ann Hill, Councilwoman Sherry Myers,

OTHERS PRESENT: Diane Mack, Christian Wagley, Will Dunaway, Amir Fooladi, Sam Mathews, Horace Jones, Margaret Guiter, Margaret Hostetter, Barbara Albrecht, Sarah O'Neill, Drew Holmes, Olivia Atkins, Kia Johnson, John O'Neill, Sara Lefevers, Chris Bosso, Horace Jones, Teresa Hill, Mary Gutierrez, Elsie Zharng, Steve Dracos, Scott Singletary, Sean O-Toole, Pat Imhof, Blaime Flynn, Steve Corbae, Eve Herron, John Herron, Rand Hicks, Tony Terharr, Kreg King, Michael Wolf, Griffin Vickery, David Peaden, Steve Geci, David Hines, Chris Palmer, William Dunnaway, Elizabeth Major, Sam Mathews, Sarah Carruth, Sean O'Toole, Glen Miley

AGENDA:

- Call to Order
- **Introduction: Proposed LDC Amendment – Section 12-6, Tree/Landscape Regulations**
 - 1. **Presentation by Emerald Coastkeeper Inc**
- Open Forum
- Adjournment

Call to Order

Board Member Grundhoefer called the workshop to order at 3:06 pm with three board members present.

Discussion of Proposed LDC Amendment – Section 12-6, Tree/Landscape Regulations

Ms. Cannon introduced the agenda item, and Mr. Grundhoefer invited Ms. Murphy to the podium to present her proposal. Chairman Ritz arrived after Ms. Murphy began her presentation.

Chairman Ritz explained the workshop process and stated the Board was an advisory board, and all options were available through discussion; this was a gathering of the Board with no vote being taken. He then asked for speakers from the audience.

Ms. Hostetter came forward and recommended that we have better communication about what the rules are among the tree services and that there be signs placed on the property a few days before any tree work is to be done so as to notify neighbors and others of what is being planned with the

appropriate permit. Even if a tree did not need a permit in order to be cut down, it would be wise to have a statement from the City that the specific tree did not require a permit.

Mr. Flynn came forward and spoke about affordable housing for young professionals. He advised housing that did not cost more than 30% of the family income was considered affordable, with the median household income for a Pensacola resident being \$46,000 per year. The price point for a home with this income would be \$165,000 to \$190,000. His real estate team determined the median house cost for Pensacola was at \$254,000. In planting trees at those sizes in the proposal, he inquired what it would do to the construction costs per lot.

Mr. Herron then addressed the problem with leaf blowers, citing a specific portion in the proposed ordinance pertaining to maintenance. He had heard from the commercial landscapers that there was no noise ordinance to stop them. After a year, the East Hill Neighborhood Association sent a letter to the commercial landscapers recommending that they limit their use of leaf blowers. The North Hill Preservation Association also weighed in, and everything they recommended was exactly what the machine manuals stated addressing days, duration and the device itself. He recommended looking at Palm Beach or Key Biscayne for their policies. A great model to consider was Encinitas, California, who placed this issue into their environmental plan.

Ms. Herron addressed the commercial landscaping problems within their neighborhood and noted the gas operated leaf blowers were operating 7 days a week with maintenance activities after 7:30 pm. She had observed TruGreen landscapers spraying the yards and school children being dropped off in that same grass; the landscapers mowed that same grass later, spraying the wet pesticide into the air. She felt the landscapers were not being educated about the harmful effects of leaf blowers, and there should be an ordinance for residential neighborhoods to protect the workers, the environment, and the homeowners.

As a point of order Ms. Wiggins asked since there was limited time for the workshop, if the topic could remain with the ordinance at hand, and Chairman Ritz explained the speakers believed this issue should be in the landscape ordinance.

Mr. Fooladi explained he liked the benefit of trees and the ideas of incentivizing developers by reducing stormwater requirements. He felt there were some changes that could be made to the existing tree ordinance, but asked how the City Tree Fund was being utilized. He had proposed some tree planting projects to the CRA years ago, but nothing ever happened. In prioritizing saving trees, he believed the City would have to review variances. He indicated maybe this might need to be a collaborative effort with Escambia County. He pointed out that an urban tree canopy was a reason for the growth of Pensacola, however, he felt the proposed changes to the regulations would hamper economic growth, and the compliance cost would drive up the cost of housing. He believed there should be a fair and balanced approach to determine any changes to the tree ordinance. He asked that the Board ask City staff to take over this process and begin with the current tree ordinance. Changes proposed by Ms. Murphy could be discussed, and everyone could begin with the current ordinance which needed to be worked on as a group.

Chairman Ritz explained the ordinance was heavily edited and being brought forward in a democratic process allowing people to come forward and be heard.

Mr. Wolf referenced Ms. Murphy's presentation addressing the right tree in the right place and explained the wrong tree was being placed in the wrong place, then it died and became a nuisance. He explained civil engineers were allowed to stamp landscape plans, and he proposed the site plan should have a requirement for a licensed landscape architect. He offered this requirement existed in Destin, Ft. Walton, south Florida areas, as well as Louisville and Cincinnati.

Mr. Imhof, an environmental scientist, thanked Ms. Murphy for her presentation and advised he loved trees but was frustrated when he could not cut down a tree without obtaining permission, especially if it was a danger to his children, traffic or whatever. He advised Pensacola planted thousands of oaks in

the right-of-ways, and those trees grew rapidly. Although we have very poor soils with low quality in nutrients, the Red Oaks did grow in those conditions, but they were fast growing and short lived with shallow roots which buckled the roads. They provide shade as well as plenty of allergens and leaf matter which clogs our drains. He favored property rights and wondered why we were pushing the tree ordinance this far. He suggested that retrofitting parking lots with trees would kill Cordova Mall, and with the internet, businesses were already suffering. He proposed letting people plant what they want since it was their property right and their decision. He emphasized that no matter what happens in Seattle or Portland, Pensacola was totally different and would never be a forest, and he preferred looking at the current tree ordinance for evaluation.

Mr. Peaden thanked Ms. Murphy for her presentation but did not think her document was the way to go, and felt all stakeholders needed to be involved with the process. He explained he had been with the Home Builders for 22 years, and if he was a Planning Board member, there would be heartburn over that; if he was a Planning Board member who revised the ordinance with the Home Builders and brought it forward, there would also be real heartburn; if he was lobbying for changes as a Planning Board member, it would be in the newspaper, media or whatever, and that put it into perspective how he felt about Coastkeepers having this opportunity to bring changes forward, and he did not think it was the way to go to get all the necessary input and to make the ordinance better. He had worked with Coastkeepers earlier to come up with the current document, and felt it had been workable up to this time. He also questioned the status of the Tree Fund and what were we doing with the current canopy to protect it, or new places in the right-of-ways or with retention ponds. He pointed out Hurricane Michael destroyed 500 million trees with 72 million tons of debris; he advised Mother Nature will do far more damage than man ever will to the landscape. He stated we need to figure out what the problem is and then try to solve it, and at the next Board meeting he hoped the City would open the discussion up to all stakeholders for input and move forward from there.

Ms. O'Neill thanked the Board for dealing with this issue. She was concerned with a Live Oak heritage tree her neighbors were attempting to cut down in order to facilitate a house on their property. She was for property rights, but when you buy a property, you buy into whatever requirements there are, and she hoped her neighbors were doing the same. She cited 12-6-6 (G (3)) "The architect, civil engineer, or planner shall make every reasonable effort to locate such improvements so as to preserve any existing tree." She felt this was ambiguous depending on what was "every reasonable effort." In their case, the City stepped in to protect the heritage tree since the builder would be able to build around the tree. She stated the added expense of having to add a little more to the architectural plan saves the homeowners money by preserving the shade of the tree and adds character and value to the property. She also indicated she felt the burden for permitting should be placed on the persons cutting the trees and not on the homeowners.

Mr. O'Toole addressed invasive eradication and pointed out this was a complex issue and asked how the compliance was going to be handled. He advised this was not as simple as it might seem and needed to be done by licensed professionals. He also indicated careful consideration needed to be given to the cost of some of the processes. With the designs for commercial-residential developments, you also have to consider what would be the appropriateness of forest ecology versus farm ecology; maybe you shouldn't have to mitigate for all those trees - maybe DBH to DBH and diversity in age and species and appropriate cover for appropriate topography. He encouraged the Board to think about all these issues, the costs, the implementation and be prepared to have administrative appeals with qualified personnel implementing the programs initiated.

Ms. Mack addressed the Board and indicated her house was not visible from Google Earth since an urban forest covers her house. Her suggestions were for the next steps. (1) She suggested the Board formally invite anyone who has alternatives to what has been proposed and to put it in writing. She pointed out the Board was an advisory board, and this effort should not be left to them. She

suggested seeing what the Home Builders Association as well as the landscapers and architects could propose. She emphasized that it would ultimately be a compromise, and it was time to do better again. (2) She was aware there were members of Pensacola Young Professionals in the meeting, and she challenged them to perform a survey of the community to see how much of the population loves the trees – a quality of life survey. (3) Civicon has gone a long way toward educating us, and she was intending to get out-of-town speakers to address this issue.

Mr. Wagley advised he had worked with Mr. Wilkins in administering the tree ordinance in Escambia County. He wanted to address the larger context that Florida was growing at 900 people per day, and they have to go somewhere, and the environmental groups recommend that this growth should be accommodated in the urban areas where we already have the infrastructure, as opposed to spreading out, and to preserve our open forested areas. He indicated the healthcare facilities should not be exempt. Requirements for parking lot landscaping was excellent as well as trees around stormwater facilities. He felt people remove trees when necessary and 14" was very restrictive for a heritage tree. He also felt permitting decisions were best left with staff and not with citizen staffed boards under Parks and Recreation. Also, in considering hurricanes, there might be some opportunity to replace those species which are most wind resistant. He also felt we needed more trees in the public right-of-way with trees calming the traffic. He also experienced that more trees being transferred from private property to public property where they are protected by the City needed funding, and he proposed a dedicated source of funding for tree planting and tree maintenance. One possible way would be to increase the stormwater utility fees dedicated to this process.

Mr. Miley, a restoration ecologist, stated it was frustrating to see laudable objectives not achieved because of poor regulations. Rather than take a citizen-proposed ordinance, he favored paying professionals. He indicated the proposal was ripe with technical errors. He pointed out of the 41 species of Oak in Escambia County, there were only three on the list; why were the others omitted. The tree protection list has a tree not even present in Pensacola, and he advised there was a long list of technical issues with this ordinance and recommended using professionals in this process.

Mr. Corbae, a licensed arborist, stated just like in the ordinance, we have to find a balance. Sometimes the location of a building can be moved by three feet to save two Live Oak trees. He also felt there should be something in the ordinance for tree companies or builders to be responsible and not just the property owner; there is no ramification if a tree company cuts down a tree, and that is not fair to the home owner. He pointed out the species on the list that might not need to be there, but there are others not listed which should be. He explained that sometimes the canopies are overcrowded, and the trees struggle; sometimes thinning out and removing can help the other trees. He also advised if there was supposed to be a barrier zone around the roots, and a barrier zone is not present, Code Enforcement can place a stop work order in an effort to protect the roots.

Councilwoman Meyers pointed out that this was not Ms. Murphy's agenda item that got us to this point today, but it was her agenda item as a public official. She stated the tree ordinance had been amended in the last four years, and one of the amendments was that the money from cutting trees had to be used if at all possible in the area from which those trees came. She stated she was not anti-commercial development, and she represented the largest commercial core in District 2. She disagreed that Cordova Mall would not exist in 10 years, since it was the town square for a lot of Pensacola. When she ran for City Council in 2010, she ran on the issue of trees. She represents a district with not many green spaces. In the last 15 years, there had been a lot of clear cutting around Carpenters Creek to the point that there is not much left now to cut. In 2011, there was almost \$900,000 in the Tree Trust Fund which came from the clear cutting in her district. Her concern was that we were not preserving trees, and we were not incentivizing businesses. She wanted the City to incentivize businesses to green up parking lots. When meeting Ms. Murphy three years ago, it was her first opportunity to address this issue in District 2 and Carpenters Creek.

Ms. Albrecht stated regarding the loss of trees due to storms, Mother Nature has great plans in that we now have a seed bank that is now being hit by sunlight, and that seed bank will regenerate. She indicated we had an opportunity in our small community to replant native and wind resistant trees. She advised that after a war and the devastation of bombing and infrastructure loss, one of the first things to happen was the replanting of trees. She stated we had the opportunity to determine what is worth keeping and what could be removed. She pointed out that we are a biological hotspot in northwest Florida and south Alabama with more species diversity, many of which have not been identified. She encouraged consulting the professionals to address this special area.

With no other speakers, Chairman Ritz explained this meeting was fact finding and gave the Board the pulse of the community, because he did not know what everyone felt until today's discussions. He pointed out the neither Board members or Planning Board staff were professionals in the way of trees or plants. He indicated there might be other workshops possible, and since there was much information to cover, it would take a while to get through it. He did hope for input from different professionals such as home developers as well as the Emerald Coastkeeper types. Because this is a monumental piece of work, it will take a lot of time to get through it; this is the start of the process with hearing the questions, with the answers to come later. He did want input from the professionals such as arborists, ecologists, etc., in writing.

Mr. Grundhoefer asked if when the Board reconvened, could staff provide the amount in the Tree Fund, who controls it and how it is spent. Chairman Ritz emphasized he wanted to see the professional input from the species side, and the Board did not want to put something forward that had not been vetted. He asked that comments be provided in writing to staff which would make its way to the Board and then be made available for public review at the City's website.

Adjournment – With no further business, Chairman Ritz adjourned the workshop meeting at 5:03 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Cynthia R. Cannon', written in a cursive style.

Cynthia R. Cannon, AICP
Secretary to the Board