



## **MINUTES OF THE PLANNING BOARD**

**January 14, 2020**

**MEMBERS PRESENT:** Chairperson Paul Ritz, Vice Chairperson Kurt Larson, Board Member Grundhoefer, Board Member Murphy, Board Member Powell, Board Member Sampson

**MEMBERS ABSENT:** Board Member Wiggins

**STAFF PRESENT:** Assistant Planning Director Cannon, Planning Director Morris, Assistant City Attorney Lindsay, Senior Planner Statler, Transportation Planner-Complete Streets Ziarnek, Neighborhoods Administrator Powell, Network Engineer Johnston, Digital Media Coordinator Rose, Intern Mendillo

**OTHERS PRESENT:** Will Dunaway, Fred Gunther, Andrew Rothfeder, Diane Mack

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from December 10, 2019.
- **New Business:**
  1. **Consider Amendments to the City's Comprehensive Plan**
  2. **Discussion on the Proposed Amendment to the Tree Ordinance**

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### **Call to Order / Quorum Present**

Chairperson Ritz called the meeting to order at 2:02 pm with a quorum present and explained the procedures of the Board meeting.

### **Approval of Meeting Minutes**

**Board Member Grundhoefer made a motion to approve the December 10, 2019 minutes, seconded by Board Member Powell, and it carried unanimously.**

## **New Business**

### **Consider Amendments to the City's Comprehensive Plan**

Assistant Planning Director Cannon advised the City could amend the Comp Plan twice a year. Staff had spoken with the Florida Department of Economic Opportunity (DEO), and this was one of the first calendar amendments for this year to remove a certain level of specificity that is currently in the Comp Plan. She explained the Comp Plan should be a thin document, and since there was some duplication between the Comp Plan and the LDC, this would remove some of the confusion with that information in both places. Both documents explain how land is to be used and developed over time, with the Comp Plan being more about the future and long-term and the Land Development Code explains what is allowed in the present.

Chairperson Ritz explained the Future Land Use (FLU) was a master plan, looking at the broad picture across the city, whereas the LDC, specifically chapter 12, deals with all the specifics and techniques for changes. He noted some of the changes involved building heights, and the LDC had some of the same language. Removing the language from the Comp Plan, where it does not need to be, actually helps the Board in dealing with regular agenda items. Staff indicated today's consideration was for the strike-through language which was already in the LDC and was the tool used by the Board. Board Member Murphy questioned the items which were not a strike-through (numbers of dwelling units), and staff explained those would remain.

Mr. Gunther indicated this was not a criticism of the staff, the Mayor or Studer Properties, or the Maritime Park development, but he thought everyone should play by the same rules. Chairperson Ritz asked that the Maritime Park discussion be removed and to focus on the FLU map. Mr. Gunther indicated these changes made the WRD-1 changes comply with the Comp Plan, and if they had requested a variance, the Board would not have granted it; this effort really made them compliant. He felt this was not the proper way to accomplish this especially when only two changes were allowed per year. He explained the changes were not intended to grant exemptions for developers. He pointed out this Board's mandate was to ensure that the LDC was compliant with the Comp Plan. Chairperson Ritz noted that since Mr. Gunther's petition had gone to the State, he would have to let the legal process take its course. Staff confirmed that the WRD-1 zoning designation had been approved by Council.

Ms. Mack addressed residential districts on page 1-2 regarding building height limitation and was not opposed to the strike-through but asked that the Board consider adding language regarding scale within residential districts. She agreed there was a value to higher density buildings, but you do not want a 20-story building immediately adjacent to a one-story single family residence; she wanted to see some policy statement that building height for high density residential should not be excessively incompatible with adjacent shorter buildings. Chairperson Ritz explained there were places in Pensacola where single family structures were already built into commercial areas; he pointed out that he lives in a portion of East Hill which is zoned C-1. Ms. Mack advised she hoped there could be a discussion on incongruity.

Mr. Gunther explained the LDC was changed when it wasn't consistent with the Comp Plan, and it appeared to be done for one developer. Assistant Planning Director Cannon advised that the building height was changed along with other changes when the CRA Overlay was passed, and this was not just because of the WRD-1. Staff had made notes on items that would eventually need to be addressed when the time was right.

Mr. Rothfeder of Studer Properties stated they had completely followed the process and

procedures, and the research had been performed for a City-owned property. A private developer (Studer) has an option on that land which would expire in about 60 days, and they had no desire in investing or developing those parcels. They had hired DPZ and Jeff Speck to give their opinions for a mixed use property, and developers were not interested in investing without regulations in place to create predictability in the development. He pointed out exceptions were made when the CRA Overlay was developed, and one property owner had asked that his parcel be carved out.

Mr. Dunaway wanted to point out again that the Comp Plan revisions affected more districts than the WRD-1. The EAR report for the Comp Plan adjustment went through in 2019, and Council at that point had not made a determination on what they wanted to do with this parcel. The DEO had been informed and had no issues with the changes. He pointed out that the Comp Plan was the guiding principles. Council had put forth plans, and we were now getting caught up in the process. He emphasized these changes affected all districts. Chairperson Ritz stressed the Comp Plan was a far broader document and was city-wide. Board Member Grundhoefer indicated this was not superseding or eliminating the LDC which has its own restrictions. Staff also explained there were special districts which involved the Planning and Architectural Review Board as an extra layer for evaluation.

Mr. Gunther stated he had no problem with the way the Studer Properties proceeded but had a problem with how the City proceeded in changing the LDC; he felt it was not consistent with the Comp Plan. Chairperson Ritz advised he would let the petition under legal review take its course, but felt the changes were a broader application for city-wide changes and was in favor of this change. **Board Member Powell made a motion to approve, seconded by Board Member Sampson, and the motion carried unanimously.**

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

Chairperson Ritz advised this was a discussion item with no vote at this meeting. Board Member Murphy removed herself from the Board discussion and approached the podium to give an update. She explained she would be going to Gainesville and would be in contact with several university professors, an arborist and others involved in the tree program for Gainesville. She would be working on getting these people to Pensacola for one week to participate in the workshops. She indicated because of the way the Planning Board workshops were set up, she did not feel this would give the best opportunity for public involvement. She distributed an updated tree list from Gainesville containing the non-native species.

Chairperson Ritz was curious on how to invite stakeholders to the workshops. Board Member Murphy explained having personnel from Gainesville would create excitement, and her organization would help facilitate this as an outside workshop and get a variety of information to bring back to the Board to create one document. Chairperson Ritz suggested giving a presentation to the Board under the discussion position with notification to the public; the public and the Board would be able to ask questions in this setting. Board Member Murphy felt the public was intimidated by the Board's setup versus being able to casually discuss the item in a workshop. Chairperson Ritz advised the Board would not be able to participate since that would be a future agenda item coming before the Board. Assistant Planning Director Cannon explained the presentation to the Board would take place at the culmination of the charrettes/workshops; the Board would then be making a recommendation to Council. She recommended staying with the regularly scheduled

Board meetings for the best public turnout. Chairperson Ritz stated from his experience, late afternoon meetings were more heavily attended. Staff recommended getting on the existing stakeholders' regularly scheduled meetings. Board Member Grundhoefer indicated DPZ had summarized the results from their charrettes and brought the presentation to the Board. Assistant City Attorney Lindsay advised Board members could attend the charrettes at the same time but could not speak to one another about the item. Board Member Murphy stated she would have more information at the next Board meeting to identify who was coming and how the charrettes were coming together.

Ms. Mack felt we were going to have a nice bit of education about this issue. She offered the Board a flyer indicating the Studer Group was bringing in a national caliber expert on tree ordinances and green infrastructure. This CivicCon presentation was tentatively scheduled for February 10 but could be changed to March. The private workshop the day after would be from 4 to 6 p.m.

Mr. Dunaway, Chairman of CivicCon, wanted to make sure it was understood that CivicCon was brought to the community by the Studer Group and the Pensacola News Journal, and they encouraged everyone to participate.

**Open Forum** – None

**Adjournment** – With no further business, Chairperson Ritz adjourned the meeting at 3:00 pm.

Respectfully Submitted,

Assistant Planning Director Cynthia Cannon  
Secretary to the Board