MINUTES OF THE PLANNING BOARD
October 13, 2020

MEMBERS PRESENT:	Chairperson Paul Ritz, Board Member Grundhoefer, Board Member Murphy, Board Member Sampson
MEMBERS VIRTUAL:	Board Member Powell
MEMBERS ABSENT:	Board Member Larson**,** Board Member Wiggins
STAFF PRESENT:	Assistant Planning Director Cannon, Historic Preservation Planner Harding, Assistant City Attorney Lindsay (virtual), Planning Director Morris (virtual), Building Official Bilby (virtual), Sustainability Coordinator Jackson, Network Engineer Johnston
OTHERS VIRTUAL:	Councilperson Myers, Robert Rushing, Tom Paux, Leah Welborn, Ken Williams, Bryan Russell, Colleen Becton, Scott Sallis
OTHERS PRESENT:	Philip Partington, Brian Spencer, Jason Rebol, Kerry Anne Schultz

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from August 11, 2020.
- **New Business:**
  Carver Darden Sign Variance
  Admirals Row Aesthetic Review – S. Palafox
  Waffle House 401 E. Gregory
  Aragon Mail Covering
  4406 N Davis Hwy Rezoning
  Lanier Place Subdivision Plat
  Council Myers Tree Ordinance Amendment
  Engineering Proposed Tree Ordinance
- Open Forum
- Discussion on the Proposed Amendment to the Tree Ordinance
- Adjournment

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

1. Board Member Powell made a motion to approve the August 11, 2020 minutes, seconded by Board Member Sampson, and it carried unanimously.

New Business

2. **Carver Darden Sign Variance** – Chairperson Ritz advised this item was a quasi-judicial matter. Assistant Planning Director Cannon stated Carver Darden submitted a Variance application to the maximum signage allowance requirements for the building located at 151 W. Main Street, which is in the Waterfront Redevelopment District (WRD). Per Section 12-4-4, Signs and Section 12-2-12 (C) (4) (a), Redevelopment Land Use District, of the Land Development Code, the following regulations apply in the WRD:

"Size: Ten (10) percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed fifty (50) square feet. Buildings exceeding five (5) stories in height: one attached wall sign or combination of wall signs not to exceed two hundred (200) square feet and mounted on the fifth floor or above."

This request has been routed through the various City departments and utility providers.

Chairperson Ritz read the seven (7) variance criteria noting special conditions of street frontage.

He emphasized that the burden of proof would lie with the applicant.

Mr. Rushing presented to the Board and stated only one side of the building was visible from Main Street. He emphasized the importance of signage for a law firm. He also stated they would not return to ask for additional signage if the variance request was approved. He indicated their firm occupied the entire second floor and had no signage facing the northwest corner. Chairperson Ritz referred to the variance criteria for reference. In considering No. 2 of the variance criteria for special conditions, it was determined that the applicant was not a tenant when the signage was originally allocated to other businesses. Staff referenced the WRD maximum allowed signage of 50 sq. ft. per elevation. Mr. Paux stated the tenants on the first floor used 39 sq. ft. and Chairperson Ritz explained 11 sq. ft. were unclaimed; the sign being requested was 50 sq. ft., which would be 39 sq. ft. beyond the maximum allowed. Board Member Murphy was concerned this might be considered a special privilege (No. 3) and could set an unwanted precedent for future developments in WRD. The other tenants signage located on the first floor of 151 Main Street averaged 13 sq. ft per sign. It was pointed out the applicant's firm occupied the entire second floor which was the reason for the larger sign request. Chairperson Ritz explained that the actual question was whether 50 sq. ft. was the minimum request that would make it possible for the reasonable use of this land. He felt the answer was "no" since 50 sq. ft. was the maximum allowed per elevation in the WRD. Board Member Grundhoefer agreed. On No. 6 and 7 of the variance criteria, the Board members agreed the request would not be injurious or impair the public health, etc. They also agreed in Section 12-13-3 (E)(1)(a) the variance would not detract from the architectural integrity, and (b) the only injurious aspect might be the comparison to other tenants in the same building. Staff exhibited the boundaries of the WRD. Board Member Grundhoefer

questioned if the Board wanted to set a precedent with this building since there would be future buildings in the Maritime Park area asking for signage. Board Member Powell offered this was dealing with a tenant who occupied an entire floor. Board Member Grundhoefer suggested the applicant could go to the landlord on the premise they occupy 50 percent of the building and should have 50 percent of the signage. Board Member Powell referred to No. 1 in the variance criteria indicating this situation might be considered "peculiar to the land" since this building was not considered in the master plan. Chairperson Ritz agreed that this did present a unique condition with the property, street frontage, etc., and it was not the applicant's fault (No. 2) that the building owner might have allowed the other signs to be put in place, however, all the other variance items needed to be met.
Mr. Rushing referenced Ascension having three spaces with signs extending over all the spaces. He also emphasized that they did not cause the issue (No. 2). In No. 3, he explained a variance itself was asking for something special, and they were not asking for anything out of line. Considering No. 4, being on the second floor was a problem for their clients since they were always asking for their location. He offered that when looking up at the second floor, 66 sq. ft. (No. 5) would have offered better visibility; however, they minimized their request to 50 sq. ft. He also noted that none of the solicited departments indicated anything that would impair the public welfare (No. 6). He felt they had met the criteria and requested the Board consider what they put forward and grant the variance.
Board Member Powell made a motion to approve the variance, seconded by Chairperson Ritz, and it failed 2 to 3 with Board Members Murphy, Grundhoefer and Sampson dissenting. The dissenting Board members stated criteria No. 3 had not been met. Board Member Grundhoefer explained it was unfortunate that the landlord gave all the square footage to the small tenants and not to the major tenant. He advised he would support 25 sq. ft. (14 sq. ft. beyond the maximum allowed) on the second floor which would grant 14 additional sq. ft. for the tenants on the ground floor. Assistant City Attorney Lindsay explained that might not be something the applicant was willing to do based on their presentation. Chairperson Ritz explained the first floor tenants would get 14 additional sq. ft. and the applicant would get 25 sq. ft. He asked if this counter proposal were approved would the applicant still be able to address Council for the original request, and Counsel stated they still had their appeal rights, but the Board could make that motion and perhaps that would be the solution people would reach.
Board Member Grundhoefer made a motion to approve a 25 sq. ft. sign for Carver Darden plus 39 sq. ft. for the remaining tenants maintaining their current square footage, seconded by Chairperson Ritz, and it failed 2 to 3 with Board Members Murphy, Sampson and Powell dissenting. Chairperson Ritz informed the client that the appeal process was the next step.

3. **Admirals Row Aesthetic Review – S. Palafox**
Admirals Row, LLC, is requesting an aesthetic review for minor revisions to their previously submitted plans for a new multi-family development, "Admiral's Row", located in the SPBD, South Palafox Business District. New developments in the SPBD are subject to Sections 12-2-81 (C), approval procedure, and 12-2-82 (D), design standards and guidelines, aesthetic review provisions, as well as the additional provisions in Section 12-2-13 (E).
Chairman Ritz indicated he shared an office space with the applicant's architectural firm but was not an employee of that firm. Mr. Partington presented to the Board and stated they were not increasing the number of units, and the parking spaces remained the

same. They were moving the domestic water service to the south end of the drive. He explained the prior submission was four habitable floors over parking with a parapet roofline. They were now adding an additional floor, with the fourth and fifth floors changing from the lower floors with three units apiece; they propose one unit on the fourth floor and two units on the fifth floor on Building B. Building C on the street has been eliminated and is now part of the covered parking. Building A has seven units. He stated they were within their height limit and required no variances. Chairman Ritz still considered the building bringing life to an abandoned property and had no issues or concerns.

Board Member Powell made a motion to approve, seconded by Board Member Sampson, and with no speakers, it carried unanimously.

4. **Waffle House 401 E. Gregory**

Ken Williams, Vice President, Waffle House, Inc. is requesting aesthetic review for a remodel of the Waffle House located at 401 E. Gregory Street, which is located in the Gateway Redevelopment District (GRD). All existing exterior walls and roof will remain. No changes are being proposed to the parking lot; however, it will be repaved. Mr. Williams presented to the Board and stated they had reduced the number of parking spaces and added landscaping; the building itself would look the same but newer. The interior would be entirely remodeled, and it was determined the number of parking spaces met the Code requirement.

Board Member Grundhoefer made a motion to approve as submitted, seconded by Board Member Murphy, and it carried unanimously.

5. **Aragon Mail Covering**

Scott Sallis, Dalrymple Sallis Architecture, is requesting approval for a new one-story mailbox covering/pavilion behind the existing Aragon Community Garden shed. Building materials include painted composite siding and trim work and painted wood structure with metal roofing to match the existing shed roofing.

Chairperson Ritz and Board Member Murphy had no concerns with the request. Mr. Sallis presented to the Board and stated they had not received the written approval from the Aragon ARB.

Board Member Powell made a motion to approve, seconded by Board Member Murphy, and it carried unanimously.

6. **4406 N Davis Hwy Rezoning**

Davis IMP, LLC are requesting a Zoning Map and Future Land Use Map (FLUM) Amendment for the property located at 4406 N. Davis Highway and identified by parcel number 49-1S-30-9101-000-001. The property is currently zoned R-1AAA, Residential Zoning District and the existing Future Land Use (FLU) designation is LDR, Low Density Residential. The applicant is proposing to amend the zoning district to C-1, Commercial Zoning District and the FLU to Commercial for a medical office.

Chairperson Ritz stated this location was a commercial corridor of Davis Highway, and this area was getting a more medical flavor.

Mr. Rebol addressed the Board and stated part of the building was located in the residential zone, and in order to construct the expansion of the facility, the rezoning and FLUM were necessary. He also stated the required buffers between residential and commercial would be addressed. Ms. Schultz, the attorney for the applicant, stated Sacred Heart had been

the tenant, and they were expanding the building for additional physician offices. She stated she believed they had met all the requirements for the rezoning and FLUM and indicated there had been no negative comments from other departments. They asked the Board for approval in order to proceed to Council for the project. Chairman Ritz explained the C-1 zoning would be lightest commercial zoning.

Board Member Grundhoefer made a motion to approve, seconded by Board Member Sampson, and it carried unanimously.

7. **Lanier Place Subdivision Plat**

Spetto Properties is requesting a combined preliminary and final plat approval for the Lanier Place Subdivision located at 7011 Lanier Drive. One parcel zoned R-1AA will be subdivided into four lots to accommodate single-family residences. This is considered a minor subdivision.

Mr. Rebol presented to the Board and stated they were proposing a 4-lot subdivision, consisting of 4 50' lots. He explained the existing structure would be demolished. He advised subdivision would have a stormwater component placed on the east side in a swell configuration acting as a bio-retention system. He indicated they would work to save the existing trees.

Board Member Murphy made a motion to approve as presented, seconded by Board Member Grundhoefer, and it carried unanimously.

8. **Council Myers Tree Ordinance Amendment**

Chairperson Ritz explained that Item 8 and 9 were very similar and advised the Board to talk about them simultaneously, but the vote would be individually.

Proposed LDC Amendment to Section 12-6-4 – Landscape and Tree Protection Plan – Added language**: Prior to approval all landscape and tree protection plans shall be posted to the city's website and a copy sent to the council person in whose district the permit will be issued.** Such notice requirement will be posted two weeks prior to any approval of a landscaping plan.

Engineering Proposal - Proposed LDC Amendment to Section 12-6 Tree and Landscape Regulations -

- Staff recommends that all tree removal, pruning, and plantings be reviewed and approved by one designated arborist. This provides a more efficient and straightforward process for the public when dealing with the City's Urban Forest.
- Staff recommends that as a part of the Notice of removal for two-plus heritage trees or ten plus protected trees, that signage be posted two weeks before removal. Additionally, Notice will be given to the appropriate councilperson in which district the removal is taking place.
- Staff made changes to provide clarity as to when trees shall be planted.
- Staff revisions take into account the Florida Statute 163.045.
- Staff recommends changes to the Tree Fund so that it allows for both planting and maintaining trees and may be authorized by City Council to fund an arborist. Furthermore, staff recommends the grant program be reduced to 50% and $5,500.00 max; also, that the City's designated arborist review grant projects to ensure appropriate measures are taken to ensure the health of the project.

Assistant Planning Director Cannon explained we would want one ordinance to move forward to Council, and staff was available to assist with this process. Chairperson Ritz advised Item 8 addressed the notification process, while Item 9 contained more in-depth coverage.

Councilperson Meyers addressed Item 8. For background information, she had observed a sign indicating tree removal in her district which had no means for contact; a day later when she returned to the site, at least one-third of the trees had been removed with no adequate notice posted. She advised that the proper notice would give an opportunity to look at a plan before it was approved and possibly talk to the developer to have a conversation. She explained we do not have adequate notice to make sure that Urban Forests are protected. She felt the public wanted more notification than what they were getting before the Urban Forests and trees were destroyed.

Mr. Bilby stated relating to the City's draft, they were trying to simplify and streamline the tree ordinance to create a one-person, one-department ordinance where citizens and city administration would know where to go. He indicated they did incorporate all of Councilperson Meyers' language into this draft, and it was reviewed by administration and legal. The only thing they did not include was the delay of an approved project. They did allow for the length of time signage would need to be there, and the 311 number for calling the City, or another number for later on, was to be placed on the sign. The administration wanted someone identified on the signage where citizens could go to ask questions. Language was also included to notify the appropriate Council person for a review of a tree and landscape plan in their district. They also made requirements to strengthen heritage trees, getting a permit for pruning heritage trees, and removed the $1000.00 cap on the residential mitigation fees for a new development. They believed this was a working fluid document, and as they perform tree canopy studies, eventually they will fix some of the types working on this document for the next few years. They thought it important to get a certified arborist on staff or on contract to help with this process. They also cleaned up language that was conflicting with the LDC or was not worded correctly.

Board Member Murphy wanted to know in the current process for the developer to come to the Inspections Department, what was required before they could develop the land. Mr. Bilby advised the applicant would need a landscape plan developed in accordance with the ordinance prepared by a certified landscape architect or a civil engineer or architect per the ordinance. He stated some developers come in for an initial development review ahead of the project, and some come in for actual submittal. Those that have not looked at the ordinance, have the plans returned to them for revisions. The typical review time for a commercial project with landscape review is between 3 and 4 weeks, depending on their workload. If revisions are required, another week or two might be required. They cannot hold up a building permit for a state regulatory permit which is clear in the State statute; permits are issued once everything meets City code. He advised they could withhold CO's for state permits, but they cannot withhold a building permit per the State statute, which took away a lot of the requirements to hold permits and development permits until all the State permits were collected.

Board Member Murphy explained there was a review period between the time the developer first contacts the City and the time they put the shovel in the ground. She indicated many municipalities already have a review by a planning board or staff and an arborist before any tree and landscape plan is approved and building permit is okayed. She asked could there not be an ordinance to allow for that review while we are still reviewing the ordinance to protect the tree canopy. Mr. Bilby stated it was the responsibility

of the reviewer to reach out to the Council member in that district to notify them that a tree and landscape removal permit was submitted; that review process takes 3 to 4 weeks. Chairperson Ritz asked if Item 9 covered the timeframe, and Board Member Murphy stated it did not. Mr. Bilby explained they required a two-week period for notification signs prior to tree removal – 12-6-4 (D) Item 9. Board Member Murphy stated there needed to be a notification to the public possibly on the website. Chairperson Ritz explained Item 8 was more of a notice, whereas Item 9 contained not only a notice aspect but also additional restrictions for heritage trees and tree issues. He preferred seeing Item 9 for tree protection as well as notification go forward to Council. Board Member Grundhoefer explained the Board could not accept both items because they conflict. Councilperson Meyers stated based on what Mr. Bilby said, she only addressed the notice, but she believed Item 9 was more comprehensive and did not object to that. She wanted to make it clear that when the Council member was noticed, she believed every Council member would make sure their constituents were noticed, and it would give opportunity to talk to the developers who mostly want to be good neighbors. She did feel this was a good start and appreciated Board Member Murphy's strong advocacy on behalf of trees and the environment. She indicated Council could approve it as is or make suggestions on how to make it better. Mr. Bilby confirmed the notification was under 12-6-4 (D) The City designated Arborist will notify the councilperson in which the removal is requested.
Board Member Grundhoefer asked the difference between cutting in a development and cutting trees on private property. Mr. Bilby stated current language states the applicant must go to Parks and Recreation to obtain a tree removal permit. Where there is already a single-family dwelling, the requirement is only for a heritage tree, and that language was not amended other than it was streamlined to one person-one department, with the City's designated arborist as the reviewer; the prunage of heritage trees was applicable to a permit which is handled by Parks and Recreation. As long as it was not the development of a project, the City would not see it. Chairperson Ritz explained the document was adding protection for heritage trees on residential property. Councilperson Meyers stated she was committed to finding the money to support an arborist. Chairperson Ritz stated 12-6-10 (C) contained language that the Tree Trust Fund could be used to fund the City's arborist.

Board Member Murphy made a motion to deny Item 8, seconded by Board Member Grundhoefer, and it carried unanimously.

9. Engineering Proposed Tree Ordinance

Board Member Murphy made a motion to approve Item 9 as written and presented, seconded by Board Member Powell, and it carried unanimously.

Open Forum – None

Discussion on the Proposed Amendment to the Tree Ordinance

Ms. Murphy stated she had been in contact with both professors to come up with a game plan and workshop. She had distributed videos to Councilperson Meyers and Assistant Director Cannon to distribute to the Board members to know what the discussion topics would be.

Adjournment – With no further business, Chairperson Ritz thanked the Board for its

patience with the change in methods of physical and virtual participation and adjourned the meeting at 5:00 pm.

Respectfully Submitted,

Cynthia Cannon, AICP
Assistant Planning Director
Secretary to the Board