



AGENDA
PLANNING ADVISORY BOARD
SUBCOMMITTEE- TREE/LANDSCAPE EXEMPTION

WEDNESDAY, MARCH 9, 2016
3:00 P.M.- 4:30 PM

CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM
2. OLD BUSINESS
 - 2.1. REVIEW HISTORY AND BACKGROUND OF IM AND ILW ZONING CHANGES 2005-2006
Documents: [PAB-04202006.pdf](#)
 - 2.2. REVIEW INDUSTRIAL LAND USE CATEGORY
Comp Plan Chapter 1: <http://www.fbfl.us/DocumentCenter/Home/View/13129>
(Page 1-17)
 - 2.3. CONSIDER AND DISCUSS POSSIBLE OPTIONS FOR LDC FIXES
3. COMMENTS BY THE PUBLIC
4. ADJOURNMENT

NEXT MEETING DATE IS TO BE DETERMINED AT THIS MEETING.

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact (904) 310-3115 or through the Florida Relay Services at 711 at least 24 hours in advance to request such accommodations.

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135. If any person decides to appeal any decision made by the Planning Advisory Board with respect to any matter considered at such meeting s/he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

MINUTES

I. Call to Order

Chairman Bennett called the meeting to order at 5:32 pm.

II. Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
David Beal
William A. Conger
Robert Howat (alternate)

Paul Condit, Vice-Chair
Richard Bradford
Marilyn Williamson

Board Members Absent

Shaun Woleshin

Eric Bartelt (alternate)

Others Present

Debra Braga, City Attorney
Catherine Hartley, City Planner
Jessica Williams, Recording Secretary

A motion was made by Member Bradford, seconded by Member Williamson, to seat the Member Howat as a voting member. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

III. Discussion – Un-resolved discussion items.

Building Height in C-3 – Ms. Hartley referred to her memorandum and pointed out that with the adoption of the Tilson Guidelines for the Historic District that would give the Historic District Council (HDC) flexibility in deciding scale for new construction. She recommended that the height remain at 45 feet so that it could be evaluated on a case-by-case basis. Member Williamson referred to the Historic Preservation Design Guidelines and commented that she reviewed the document and was comfortable adopting the document by reference. There was some discussion about this document and Ms. Hartley's recommendation regarding height.

City Attorney Braga noted that the Historic Guidelines are being put in as an overlay and an overlay takes precedence over the general code. She clarified that as an overlay district it should have the strength. Member Williamson inquired if this has gone far enough to allow the HDC to make the judgment whether something is out of scale with height. City Attorney Braga replied yes. There was some discussion to further clarify this information about building height in C-3. The board discussed their ideas about the height in C-3 and there were some concerns raised about the waterfront. **A motion was made by Member Condit, seconded by Member Conger, to leave the C-3 district at 45 feet height.** Member Howat inquired if the HDC talked about this. Ms. Hartley referred to the email from Chair Thamm of the HDC in support of 45 feet. After a brief discussion, **vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Wetlands – Ms. Hartley reminded the board that it had considered allowing lots of record to get their permitting through the appropriate State and Federal agencies. She explained that after reading the policy in the Comprehensive Plan this language would violate the policy so she inserted the language

from the old code into the draft code. She clarified that this would make the LDC consistent with the Comprehensive Plan. Member Williamson commented that she had some concerns about legislation at the State level that may loosen the controls. She pointed out that the City might have to increase its controls and at least remain where it was with the old LDC on this issue. She explained that the City might have to create language for the Comprehensive Plan to protect City waterways. Ms. Hartley commented that with the language this way and because of the policy in the plan one cannot get a variance that violates the Comprehensive Plan. There was some discussion about a recently approved case that minimally impacted wetlands.

Member Howat briefly explained how a homeowner in Ocean Oaks had cleared his property to the creek that supposedly had permission from St. Johns. He expressed his concerns about runoff and wildlife in this area, because there is no buffer there. He stated that he didn't think St. Johns was the final word about the Greenway. Ms. Hartley explained that the City requires in the old code and the new code a 25-foot buffer between the wetlands and a 50-foot buffer if it is a water body. There was some discussion about this and having a way to review on a case-by-case basis. The board also discussed the proposed legislation.

Ms. Joan Altman, 212 Estrada Street, commented that there is a procedure for jurisdictional wetlands. She pointed out that if this bill passes it won't only affect the wetlands decisions it can affect anything, because any of the City rules can be challenged.

There was further discussion about the wetland language. **A motion was made by Member Conger, seconded by Member Bradford, to keep the wetland protection as is in the current code.** Member Howat pointed out being about to enforce the code. After some discussion about enforcement along the Greenway and having St. Johns permits as part of the application, **vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Recommendation of approval or denial of Land Development Code as presented – Member Williamson referred to the Historic Preservation Design Guidelines and inquired about the exceptions based on historic lots, building patterns and the power given to the HDC for changing setbacks. She questioned if this would also have to go before the Board of Adjustment. Ms. Hartley explained that the HDC was given power to do variances within the Historic District.

Chapter 1

Member Conger referred to page 1-11 and pointed out that the board had asked for condominium to be defined. Ms. Hartley explained that condominium is a form of ownership not a land use type. There was some discussion about this and that language was added to ensure that lodging was for transient accommodation. The board also discussed not being able to homestead a commercial property noting that it was determined by a separate constitutional officer (Property Appraiser). There was some discussion about having additional language in the definition of lodging accommodation that no lodging accommodation can be homesteaded. It was noted that this language would be added.

Ms. Hartley referred to page 1-14 and explained that she deleted finished grade. She pointed out that the correct definition was on page 1-15 under grade, finished. After a brief discussion about this, Ms. Hartley referred to page 1-12 and noted that the board wanted to include a definition of Commerce Park. She read the definition of Commerce Park as contained in her handout to the board.

Mr. Shannon O'Conner, 2440 Lynndale Road, pointed out that the only place a Commerce Park could be is at their development at the Airport or City owned land by the Airport. He stated that this was directed solely at the property by the Airport and he didn't want his family's property encompassed in

that. He expressed his concern about the threshold of a minimum of 10 acres. There was some discussion about this and it was noted that the board discussed at one time applying this to the City owned property. It was explained that the terms Commerce Park and Industrial Park were used interchangeably in Chapter 6. After further discussion, **the consensus of the board was to add language to Commerce Park that indicates that it deals with City owned property only.**

Mr. Lowell Hall, 2021 South Fletcher Avenue, commented that his C-1 property keeps falling between the cracks and affected where the broad brush does not have that large of an affect on most other properties. He explained that his property is adjacent to a flat elevation property whose building floor level is 2 to 3 feet above the road and across the road is Amelia Suites whose floor level is 2 to 4 feet above the finished road. He briefly explained what the other surrounding properties were and pointed out that taking grade, finished with his property starting with the east elevation has a decline of approximately 5 feet so his first floor finished elevation would be at 2 ½ feet below the middle of the road. He stated that this entirely eliminates a level of the building. He commented that his building would have to be built lower than 3 residential homes within 200 yards of his property to the south as well as 3 or 4 residential homes to the north. He explained that he was opposed to grade, finished unless something could be put in to give situations like his some flexibility. Chairman Bennett explained that this became the answer to the whole issue of height. There was some discussion about Mr. Hall's situation and what was allowed in Chapter 10 for granting a variance.

Chairman Bennett referred to language that the City Attorney wanted to add to 1.03.05(A) in order to maintain open space and pointed out that he didn't see that in the draft. City Attorney Braga noted that it was not there. Chairman Bennett commented that it seemed that people with multiple lots have those included a single property id number with the County and that may be an additional intent to keep that property as a single property and not as the number of lots they combined. He suggested adding this point. Ms. Hartley explained that this ended up as another number instead of 1.03.05. She stated that if she didn't find it she would stick it back in Chapter 1.

Chairman Bennett referred to page 1-7 1.06.00(B & C) and noted that there was supposed to be (D) for a reference for the Airport. Member Williamson clarified that the reference was the State Statutes concerning the setbacks required by runways. Ms. Hartley noted to add this to the code. There was some discussion about this and having the Historic Preservation guidelines also adopted by reference.

Ms. Joan Cory, 408 Beech Street, thanked Ms. Hartley for including a definition of affordable housing and affordable unit. She referred to page 1-29 water related and commented that it was not clear and seemed to mean a project or land use next to the water is automatically considered water related. She pointed out that does not comply with the intent of the Comprehensive Plan. She suggested to cross out "because of its connection or location adjacent to the same" so that it would be "but, is directly related to or serving a water dependent use or activity." Ms. Hartley explained that this was the exact definition out of the old code and this was what was used to determine if a special use was appropriate or not. City Attorney Braga pointed out that if you are going to have a residential zone next to the waterfront you have to have the ability to have a residential house next to the waterfront. There was an extensive discussion about this definition and the concern about being able to put anything next to the water. The board also discussed development along the waterfront and the definition for water dependent.

Chairman Bennett suggested that water related be a commercial or industrial use or activity which could exist. Ms. Cory pointed out that you still had to remove the connection that just because it is adjacent to the water that it is therefore water related. **The consensus of the board was change the definition of water related as suggested by Ms. Cory including Chairman Bennett's suggestion that the definition start with "A commercial or industrial use or activity which".**

Ms. Becka Mickler, 488 Crosswind Drive, referred to 1.03.03 regarding platted lot of record and explained that they have lots of record that are not platted that date back to 1959. She suggested leaving out the word "platted" to have it as "lot of record". Ms. Hartley explained that this language was consistent with the Comprehensive Plan amendment that would be adopted in the next few days. Ms. Mickler explained that there are properties that have been on file with the courthouse since 1959 that are not part of a plat, but are part of section land or out parcels that are lots of record. Chairman Bennett explained that if it is described under meets and bounds then it is not a platted lot. Ms. Hartley clarified that this language was to allow for substandard platted lots of record to be able to put a single-family unit on them. There was discussion about lots of record and Ms. Mickler's concern that this was a land taking.

City Attorney Braga pointed out that Ms. Mickler's lot does not meet standards so she could not get it platted. Member Williamson questioned if it meets square footage. City Attorney Braga explained that it doesn't have the appropriate lot frontage, etc. She pointed out that Ms. Mickler was in litigation with the City. After some discussion about the issue that Ms. Mickler raised, Chairman Bennett noted that there had been an ongoing issue with the IW and an issue with water related. He explained that what was proposed is consistent with the Comprehensive Plan. Ms. Mickler commented that it is not consistent with the constitution when you say that you own this property, but you can never do anything with it. City Attorney Braga explained that you can go to the variance board and ask for a variance of the lot width standards. There was some discussion about this particular property and platted lots of records.

Member Conger inquired what would happen if it said one dwelling may be constructed on a substandard, lot of record. Ms. Hartley explained that part of the problem being faced in the Planning Department is that people have been subdividing their platted lots into smaller lots and recording them with the Property Appraiser and then coming in to get a building permit. She clarified that the language was drafted to recognize the historic plat in the downtown area and provide the opportunity for some affordable housing on 25-foot lots. She stated that the density didn't match and staff wanted to give property rights as presented at the joint meeting with the HDC. She explained that to change the language the City would have to do a Comprehensive Plan amendment. There was some further discussion about the language in the draft. **The consensus of the board was to leave the language as is.**

Member Howat inquired if there was going to be a statement on condos on page 1-11. **The consensus was to take the definition of condominium from Florida Statutes 7-18 and add it in.**

Mr. Jeffrey Tomassetti, 406 Ash Street, referred to the December 15th LDC 1.05.06 and commented that quite a few people own 50 X 100 foot lots. He explained that he wanted the board to adopt the December 5th definition that if you have a fraction of ½ or less you round down; and if you have a fraction of ½ or more you round up to the nearest whole unit. He pointed out that this brings the 50 X 100 foot lots into compliance for one unit. Ms. Hartley explained that to address this problem staff was going to amend the definition of net density to include the right-of-way for everyone. There was some discussion about this language.

Mr. Tomassetti referred to page 1-12 the definition of density and pointed out that net site area is not defined in the Comprehensive Plan. Ms. Hartley explained that "site" should be changed to "buildable". Chairman Bennett referred to page 4-39 of the old draft there was an endnote that now for the most part had been taken out. He clarified that the endnote included the definition from the Comprehensive Plan along with the incorrect formula. Mr. Tomassetti suggested density be the total number of dwelling units as defined in the Comprehensive Plan. After some discussion about this suggestion or having the language from the Comprehensive Plan included, Ms. Hartley referred to the endnote on page 4-38. Chairman Bennett stated that he didn't think that had the impact the original

definition had. There was further discussion about this language noting that the LDC has to match the Comprehensive Plan until the City changes the Comprehensive Plan. **The consensus was to have the Comprehensive Plan definition without the formula shown.**

Mr. Tomassetti referred to page 1-15 floor area ratio (FAR) and pointed out that during site plan review they count heated and cooled space. He explained that then an owner isn't penalized if they have covered parking or parking underneath a building. He requested FAR definition be for heated and cooled floor area. There was an extensive discussion about the FAR definition. **The consensus was to add heated and cooled to the definition of floor area ratio.**

Mr. Dave Lott, 993 Ocean Overlook Drive, pointed out substandard lot was not defined in this document. He questioned the difference between a non-conforming use and a substandard lot. He referred to and read page 1-4 1.03.04(C) and page 10-2 10.01.01(E). City Attorney Braga noted the conflict between these two. She stated that it should be made either no more than one single-family residence or duplex building can be constructed. Member Williamson explained that substandard was the size of lot and non-conforming is the use on that lot. Chairman Bennett pointed out that the City Attorney's addition that the board voted on was not added to 10.01.02(F). He noted that the word development was changed to structure. He read this language into the record. **There were no objections to ensuring that this language was put in as previously agreed upon.**

Chapter 2

Ms. Hartley referred to the revised chart with the added "P's". Chairman Bennett referred to page 2-5 and noted that during this process the board eliminated a zoning district and brought it into IW. Member Williamson reminded the board that this was doing a massive rezoning of what is now IW to I-2. She questioned why do this when the City was going to create zoning for the CRA. Ms. Hartley replied it was making it consistent with the land use category that was assigned to those properties from the Comprehensive Plan. She pointed out that ILW and IM were almost the same thing in the old code and that it what became I-1. She read from the Comprehensive Plan what IW consists of. She explained that staff took water related and water dependent uses and put them in the new I-2, which is consistent with the IW category in the Comprehensive Plan. Member Williamson expressed her concern about the costs of changing all the maps. Ms. Hartley explained that staff talked about putting the map as either an insert or display in the newspaper. After some discussion, Ms. Joan Cory, 408 Beech Street, questioned if the I-2 was going to include the south shore of Egans Creek, the downtown waterfront, and Smurfit. Ms. Hartley pointed out the area on the map for the audience. Ms. Cory expressed her concern that waterfront and heavy industrial now includes asphalt and concrete plant as a supplemental use, manufacturing and heavy industry as a permitted use. Ms. Hartley referred to page 2-9 and provided clarification about the "P's" that were added to the table. There was further discussion about what was included in I-2 and that there was no mention of I-2 being water dependent or water related uses. **The consensus was to re-label I-2 to IW.**

Ms. Hartley clarified that the IW district is intended for the development of water dependent and water related uses and port operations that are generally high intensity. After some discussion about this, Mr. O'Conner questioned if the mills were in I-1 or I-2. Ms. Hartley replied I-1. Mr. O'Conner commented that you could have a concrete plant on the water, because instead of using truck and rail they could use barges. He pointed out that I-1 is becoming the heavy industrial use rather than the IW. There was an extensive discussion about this and the proposed districts. The board also noted that part of the area is within the CRA that would be addressed in a different way with a separate zoning district. The board also reviewed the districts as shown on the map.

City Attorney Braga referred to page 2-5 (2.01.12) and suggested taking out the word "light" so that it would be I-1 Industrial. She also suggested that (2.01.14) take out the word "heavy" so that it would

be Waterfront Industrial. She read the first sentence to be “The IW district is intended for the development of water dependent or water related manufacturing, assembling,” There was some discussion about the future of the City and having supplemental standards to address additional concerns in relation to what the use is next to. There was further discussion about the IW district and the suggested changes from the City Attorney.

Chairman Bennett referred to 2.01.13 Industrial Airport and corrected the second sentence to be “uses in proximity to the airport” by removing the word “close”. The board reviewed the I-1 table whether to have a “P” or “S” for asphalt or concrete plant. **The consensus was to have it as “S” for asphalt or concrete plant and for automobile sales the consensus was for it to be “P”.**

Ms. Hartley pointed out that drug store or pharmacy goes hand in hand with medical clinics that are allowed in I-1. Chairman Bennett questioned if bulk storage would be applicable to an industrial area. **The board agreed to have a “P” for bulk storage, bottling plants, and drug store or pharmacy in I-1.**

There was some discussion about daycare centers as an accessory use to a business, but not as a primary use next to those locations. **The majority of the board agreed to leave the block blank for daycare center.**

Mr. O’Conner pointed out that the construction of vessels does not necessarily have to be on water. After some discussion, **the consensus was to have a “P” under construction and maintenance of boats and ships; marine supply and add the word “sales”.**

There were no changes to page 2-10. Ms. Hartley pointed out that she added a “P” to research and experimental laboratories, because she had missed it from the old code. Mr. O’Conner referred to lumber and building supply and questioned if that should be an “S” or a “P”. There was some discussion about supplemental standards for certain uses to address concerns. There was a review of what was there previously. After some further discussion, **the consensus was to have it as “P” in I-1 for lumber and building supply.**

Member Conger referred to government and civic buildings and suggested having “S” if not a “P” under IW. Chairman Bennett requested to finish the I-1 column first. **There were no objections to research and experimental laboratories having a “P” in I-1.**

Ms. Hartley pointed out a “P” for small equipment or appliance repair shop in I-1. **There were no objections to this.**

Ms. Hartley pointed out that I-A should be pretty much the same as I-1 except for lodging, which was an “S” for I-A. There was some discussion about I-A noting that the Airport Manager reviewed this and a presentation would be made to the Airport Advisory Commission on May 8th. **The board agreed that everything that was in I-1 would be the same for I-A.**

The board agreed to remove “S” from asphalt or concrete plant from IW, but allowed in I-1 and I-A.

After a brief discussion of business colleges for IW, Member Conger suggested an “S” in IW for automotive rental agencies. Ms. Hartley pointed out that it was not water related. Mr. Lovick Suddath, 9 Marsh Hawk, questioned the lodging and accommodations in I-A. He stated that he thought the board voted to have it as “P”. Member Williamson explained that the board agreed to have supplemental standards for that. Chairman Bennett pointed out that the standards take care of

additional things they have to do to have that use. There was some discussion about this and **the board agreed to have automotive rental agencies in IW as “P”**.

There was some discussion about schools in IW (sailing, scuba, etc.). Member Conger referred to government and civic buildings and commented that they should be in IW. He questioned if the customs house and the new homeland security with government people in the ports was not water related. Ms. Hartley replied that goes along with the port. There was some discussion about this.

Chairman Bennett questioned having junk and salvage yards in IW. Ms. Hartley noted that it needed to come out. **The board agreed to allow it in I-1. It was noted that manufacturing and heavy industry had a “P” under I-1.**

The board continued their review of the table for IW to ensure that the uses were water related uses. Chairman Bennett pointed out that public parks should be a “P” in IW. **The board agreed with public parks as a “P” in IW and having an “S” for private parks. The board also agreed to have an “S” for picnic areas, trails, and nature facilities. The board agreed to have public recreation buildings as a “P” in IW. The board agreed to have an “S” for recreation, outdoor amusements.**

After some discussion about research and experimental laboratories, **the board agreed to have this as an “S” as long as it was water related. The board also agreed that restaurant should be a “P” in IW.** There was some discussion noting that retail stores would be left out. Member Bradford inquired about welding or sheet metal works to repair ships or boats. Chairman Bennett commented that he was going to bring that up along with wholesale establishments being water related with goods coming in by boat. City Attorney Braga stated that staff could put “S’s” for both with the condition that they must be water related. Ms. Hartley requested to add this under “construction and maintenance of boats and ships; marine supply” instead of having to come up with supplemental standards. **The board agreed with this.**

Mr. Charles Burns, 2100 South Fletcher, pointed out that in the draft there is limit on commercial structures 80,000 square feet no matter how big the parcel or how many buildings. He stated that this might have unintended consequences on the hotel that was recently approved. He explained that they can do the hotel on 2 acres and there is a third acre that they want to buy to preserve a dune with a dense forest. He further explained that to get the money to buy the dune to preserve it as part of the landscape design is to have a building bigger than 80,000 square feet, because they are consolidating two parcels and two buildings. He requested the board consider eliminating the 80,000 square feet, because buildings are being contained with height requirements, front and side setbacks, and have parking lots. He suggested limiting the 80,000 square foot limit to retail.

Member Williamson explained that from her research of the issue this was in the old LDC. She stated that this may have been from concerns about Super Wal-Marts or things of that size. She noted that Mr. Burns wanted to consolidate to conserve the adjoining property. She pointed out that Chapter 10 (10.02.02(A)(3)) talks about topographical circumstances and does allow the City to approve a variance. She stated that it looked to her that the City has the ability to allow that project to happen if the City chooses to do so. She questioned whether to add language to consider conservation reasons to the variance process. Ms. Hartley commented that “environmental features” could be added to (3) where it talks about the physical shape, configuration, etc. There was some discussion about this and Mr. Burns’ project wanting to conserve the parcel with a dune.

Member Williamson questioned if the environmental reason is put in could they be required to have a conservation easement or something to give it more power. Ms. Hartley explained that would be

contract zoning, which was what staff was trying to get away from. There was some discussion about this.

Mr. Tomassetti pointed out that with the Commerce Park it would exceed 80,000 so there wouldn't be any Commerce Park. He read from the draft LDC that "the maximum gross floor area for all buildings within a commercial development shall not exceed 80,000 square feet". He noted that it was not per building, but all buildings on the site and the commercial park is a single site development. Ms. Hartley pointed out that it should be per building. There was further discussion about the 80,000 square feet for commercial and discussion about moving forward with the LDC. The board discussed whether to have an all day session to go through the rest of the LDC and potential dates for the next meeting. There was also discussion about what was going to be on the agenda for the next Regular Meeting for the PAB. The board discussed meeting Monday, May 8th at 4:00 pm.

IV. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 9:26 p.m.

Mark Bennett, Chairman

Paul Condit, Vice Chair