AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
MAY 9, 2018
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM

2. APPROVAL OF MEETING MINUTES

2.1 **REVIEW AND APPROVAL OF FEBRUARY 14, 2018 MEETING MINUTES.**

3. OLD BUSINESS

4. NEW BUSINESS

5. BOARD BUSINESS

5.1 Provide Draft LDC Text Amendments specific to the Historic District. Board consideration is anticipated for the regular meeting on June 13, 2018.

5.2 Review City Commission Goals and determine summer schedule to address any extra meetings or subcommittees.

6. STAFF REPORT

7. PUBLIC COMMENT

8. ADJOURNMENT

NEXT PAB REGULAR MEETING IS SCHEDULED FOR JUNE 13, 2018

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 the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired). 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.

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach

SUBJECT:

ITEM TYPE: Voluntary Annexation

REQUESTED ACTION:

SYNOPSIS:

CITY ATTORNEY COMMENTS:

Kelly Gibson, AICP, Planning Manager 05/07/2018

Date: March 29, 2018

Submitted By: Samantha Rogic, Staff Assistant

1. Call to Order/ Roll Call/Determination of Quorum – The meeting was called to order at 5:01 pm.

Council Members Present

Chair Mark Bennett
Vice Chair David Beal
Greg Roland
Donna Lewis (Alternate 2)
Frank Santry
Wayne L. Peterson
Jenny Schaffer (Alternate 1)

Others Present

Tammi Bach, City Attorney
Kelly Gibson, City Planner
Sylvie McCann, Recording Secretary

2. Approval of Minutes – There were no minutes presented for approval at this time.

3. Old Business

3.1 **PAB CASE 2018-01: AMELIA PARK PUD AMENDMENT (ZONING CHANGE REQUEST)**
Pending request for continuance to March 14, 2018 regular meeting to provide additional time for community consensus. Email from YMCA and applicant's agent provided on 2/10/18 attached.

Chair Bennett addressed the item by stating that there were new members of the Amelia Park homeowners' association board and they wanted an opportunity to familiarize themselves with the information. H asked for the Board's opinion to continue.

Member Santry commented that he didn't think it was appropriate to take public comment on this item tonight due to the correspondence, because he wanted both sides to be able to sit down without their positions on the record first.

A motion was made by Member Santry, seconded by Member Roland, to continue PAB Case 2018-01 to the March 14, 2018, meeting. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

4. New Business

4.1 PAB CASE 2018-04: ISLAND CLUB AMELIA LLC -FINAL SUBDIVISION PLAT APPROVAL

Member Santry felt that, as discussed at the previous meeting, the Board had not received the agenda packet information with enough time to fully review the cases in new business and fulfill their duty to the public. He made a motion to continue items 4.1 and 4.2 until the March meeting. Member Roland seconded. Chair Bennett asked the audience for a show of hands as to who was there for the Island Club item, and several raised their hands. Member Peterson stated that the public should be allowed to speak. Member Lewis stated that it wasn't fair to the public that they came out to speak on this item, but if they did, the applicant must be allowed to speak as well. Member Santry clarified that his motion was to hear the cases, but that the Board be allowed to postpone a decision until the March hearing. Upon further discussion, Member Santry withdrew the motion, and the Board agreed to hear the cases and make a determine after hearing whether they should continue or vote on the items.

Planner Kelly Gibson presented the case according to the Staff report analysis. The request is for a final plat and replat of a development that was originally platted in 1981 and the new owner is seeking to replat with the same number of home sites, relocating some amenities, addresses current design standards for emergency vehicle access and allows for a better buffer around Fort Clinch State Park. Staff finds that the request substantially compliant with the Land Development Code and the Comprehensive Plan, noting that the applicant's request for a buffer of 20 feet between the properties and Fort Clinch and setback notations be clearly identified on the final plat documents so that homeowners fully understand the requirements.

Member Santry commented that the information regarding endangered species protection had not been included in the packet. He wanted clarification that if this received approval whether the gopher tortoises would be relocated. Ms. Gibson replied that a biological survey had been completed and state law requires removal of gopher tortoises if found. Member Santry then asked about the placement of the plat over the elevations, the westward properties appear to go into the dune line. Ms. Gibson stated that the City has requirements outside of the Construction Control Line that the Department of Environmental Protection, and it was considered a disturbed site because infrastructure had been put in place previously. She deferred to the applicant for detailed information on the history of the property. Member Santry also asked about the lots 11 and 12 for fire and rescue availability and Ms. Gibson replied that it had been evaluated and approved.

Member Schaffer asked to clarify the DEP's and City's roles – they have no control over the topographical map. She asked whether the 20-foot buffer would be an easement, and Ms. Gibson said it was on the plat that the area would have to remain undisturbed.

Mr. Jeffrey Tomassetti, attorney for the applicant, commented that this plat has been completed and approved since 1981. The current owners purchased a plat that had never been developed, and the plat exists today, and is not necessary to replat. This is not a new development. However, this replat is more modern and recognizes the topography to provide a greater buffer to the Fort. No lots are to be added, but the amenities are moving to the center of the property.

Member Santry asked what land grading limitations where placed on the westward lot. Mr. Tomassetti explained that the gradings are not on the plat but are part of the engineering being addressed. Ms. Gibson showed the engineering report to discuss further. Member Santry asked whether the development will be limited by covenant as to whether they can be resort rentals. Mr. Tomassetti stated that the existing plat and 13 homes are in an R-3 zoning, and he is not aware if any decisions had been made. Member Santry then asked about the commitment for amenities, which is reflected in square footage in the original document, and whether the same commitment would exist. Mr. Tomassetti replied yes, the amenities will be kept, but they will not line up directly with the old list of where everything is going, but it was not included as part of the plat review. Member Santry asked to see the new document. Ms. Gibson stated that it was not available for this meeting. Ms. Gibson stated that the commitments are consistent with what is required but the square footage has decreased. City Attorney Bach clarified a few questions Member Santry had: the performance bond had been released a few years ago by the City Commission. The applicant can be denied tonight and still go build the original plat with the original amenities, but the have chosen to change where they would like to put the amenities, and that the amenities are consistent with the old agreement, just consolidated. Staff felt that if the amenities were modified, an amended amenities agreement was necessary and so the applicant chose to go through a new plat process.

Member Lewis asked whether the HOA was responsible for enforcement of the 20-foot buffer. Mr. Tomassetti stated that they will be, but it will be in the plat and Code Enforcement would have the right to enforce it as well. Member Lewis wanted to make sure the HOA enforced it prior to something happening. Mr. Tomassetti agreed that it would be in the HOA documents and won't be able to go through the permitting process.

Member Roland asked about the grading map: will there be fill or grading west of the line? Mr. Tomassetti explained that some of that was not in the plat, but would be part of the permitting process. Planner Gibson explained the limits of grading as new homesites are permitted, and staff checks the plans when a builder presents plans for a particular lot for adverse effects on other properties. Member Roland then asked whether the HOA would be able to restrict short term rentals, and Mr. Tomassetti replied they would.

Member Santry asked about the elevations – Ms. Gibson explained the finished floor is proposed to be at the level shown on the plat. He was concerned about the dunes. Mr. Tomassetti indicated he did not expect many homeowners would want to level the hills to give up their views when it came time to build.

Chair Bennett opened the public hearing.

Mr. Brett Bowers, 529 Tarpon Avenue, read a letter from his neighbor at 531 Tarpon Avenue, who stated concern for gopher tortoises and requested conservation easements for the tortoise boroughs. Mr. Powers also voiced concerns about the 20-foot buffer management, and the possibility of the properties being used for short term rentals. He commented on the change of the amenities and that they were too small.

Ms. Paula Clair, resident of Fernandina Shores, was concerned about the secondary dunes and enjoys watching the wildlife. She wanted to make sure that the gopher tortoises and other animals are taken care of. She asked if the property was to be gated, and Mr. Tomassetti said that it was in the plan. She stated that there are no gated communities on the North End and it would be a sad precedent.

Chair Bennett reminded the audience to temper their reactions and not clap, et cetera, to ensure that every member of the public who wanted to speak was comfortable doing so and not intimidated by the audience.

Mr. Mike Britton, representing Ocean Park condominiums, has 96 units and is concerned that there will be storm water drainage issues, and wanted to know if they had permits through SJRWMD. Mr. Tomassetti explained that during the construction of Ocean Park there were some concessions made and the developer agreed to supply 19 acres of drainage, and the pond for Ocean Park was built with the intention of supplying enough drainage to include Islands Club, which had already been platted. Mr. Britton requested to be part of the discussion for the new drainage plan, and gave the Board a letter from the condo association president.

Ms. Sharon Britton, owner at Ocean Park, followed up on the last speaker by the stating that the drainage plan was different for developed and undeveloped land. She read points from the letter from Mr. Ralph Sykes, previously distributed by Mr. Britton, requesting the platting be tabled until a new SJRWMD permit was issued. She also expressed concern about the access to the development, which is planned from 2nd and 3rd Streets, and how the access to the development would go through Ocean Park condominiums. Ms. Gibson showed a map with the access points.

Mr. Doug Roselle, 524 Tarpon Avenue, shared his concerns regarding increased traffic and access for fire and emergency vehicles. He also wanted to preserve the dunes.

Mr. David Folk, owner at Ocean Park, commented that while there were agreements regarding the pond, the was a provision for a dry pond for siltation and he was concerned that it was not longer part of the plan. Mr. Tomassetti explained that the dry pond was planned for a 50-unit condo site, which needs different treatment. The developer wants to do the project right and address all concerns.

Ms. Danielle Williams, 9720 Mill Pond Lane, spoke to the safety of the endangered gopher tortoise. She wanted to know more about the removal process, and was worried that the species wouldn't be around in the future. Chair Bennett explained that the State processed will be followed.

Ms. Carol Kerr, 2702 W. 3rd Street, adjoining the property, was concerned about height restrictions. It was commented that it would be 45 feet. She asked about the need to widen Tarpon Avenue. Mr. Tomassetti said that it should have already been incorporated in previous traffic studies. City Attorney Bach stated there was no plan to widen Tarpon.

Ms. Sandra Bowers, 529 Tarpon Avenue, asked about the height requirement – was it from the grade? Chair Bennett said it was 45 feet from the approved grade. Member Lewis reminded the audience that no house was at zero grade, so the 23 feet would not make it that much taller.

Ms. Deb Harper, 835 Ellen Street, was concerned about traffic flow and weekly rentals, and suggested installing speed bumps. She also discussed the recent developments that were not protecting the gopher tortoises the way they should and asked for accountability.

Ms. Laurie Deguerres, 2110 Highland Street, also wanted to ensure that the gopher tortoises would be protected and to know what happens to them if they cannot be moved. She recounted her past experience with building the Ritz Carlton monitoring them with and environmental company.

Planner Gibson explained that traffic was not discussed with this development because it was already platted and planned for. She stated this replat improves and includes new city requirements for trees, sidewalks, emergency vehicle access, and many other items that are under review with the Technical Review Committee. She further discussed the biological survey that had been completed and the relocation of the gopher tortoises.

Chair Bennett then closed the public hearing.

Member Schaffer stated that she liked the design a lot better than the current plat. She stated that although it wasn't in the Board's purview, she would prefer a non-gated community. Mr. Tomassetti indicated that a final decision had not been made on gates. Member Schaffer stated that R-3 doesn't usually have a lot of short term rentals. She asked where the 1000 foot line was measured from, and Ms. Gibson stated that the staff measurement was 923 feet from the CCCL measured at the center of the property, and this local ordinance protects secondary dunes. Member Schaffer asked if a SJWMD permit was needed, and Ms. Gibson replied yes, all active permits are needed.

Member Santry commented that he appreciated Mr. Tomassetti's comments; and suggested a conservation easement at the rear of the western lots was better than the 20-foot buffer.

Mr. Tomassetti asked Member Santry why he did not want to consider the case tonight. Member Santry replied that he only received the information on Monday and he didn't feel comfortable making a recommendation with that short of time to review; and the public received the information around the same time.

Chair Bennett commented that this project was approved in 1981 and the applicant could move forward with the current plat. This replat fixes a lot of issues with the original plat and he feels it meets the criteria for approval. The developer will address Member Santry's concerns.

Vie Chair Beal felt he had enough information to move forward with a decision.

Member Roland was interested in the possibility of a conservation easement. Mr. Tomassetti stated that he would suggest it to his client.

A motion was made by Member Santry, seconded by Member Roland, to postpone PAB Case 2018-04 to the March 14, 2018 meeting. Vote upon passage of the motion was taken by ayes and nays and being 1 vote for and 4 against, did not pass. Member Santry was the sole aye vote.

A motion was made by Member Roland, seconded by Vice Chair Beal, to recommend approval of PAB Case 2018-04, with the condition of making a conservation easement at the west; that as described in Case 2018-04, the request is substantially compliant with applicable Florida Statutes, the City Comprehensive Plan, and the Land Development Code to be approved. Vote upon passage of the motion was taken by ayes and nays and being 4 votes for to 1 against, carried. Member Peterson was the sole nay vote.

Chair Bennett paused the meeting for the public wishing to leave to clear the room.

4.2 PAB 2018-05: HICKORY RIDGE – PRELIMINARY SUBDIVISION PLAT REVIEW

Planner Gibson presented the case according to the Staff report analysis. She stated that the request is consistent with the City's criteria for subdivisions and is undergoing final review at the Technical Review Committee at this time. Staff recommends approval with the consideration the applicant reflect clearly on the plat design criteria and limitations of the square footage for primary and secondary structures. With approval, the applicant may begin to apply for permits and being building infrastructure before the final plat comes for approval.

Mr. Nick Gillette, applicant, states that they agreed with the Ms. Gibson's recommendations and made himself available for questions.

Chair Bennett opened the public hearing.

Ms. Elizabeth Anne Huben, 46165 Phillips Manor Place, wanted more information regarding the drainage for the project. Mr. Gillette explained that the plans included three dry ponds on the site, and installation of pipes and inlets along Hickory, Fir, and 13th Streets. There is a drainage issue on 13th that this system should address it.

Ms. Jen Dupont, 1319 Hickory Street, wondered which trees were to be cut down and which were to be saved. Ms. Gibson displayed the tree survey, and Mr. Gillette stated that the trees close to Ms. Dupont's property were to be saved.

Ms. Katrina Robinson Wheeler, 701 S. 13th Street, was concerned with the drainage -she says that her street doesn't flood although others nearby do and wanted to make sure the new project wouldn't make the drainage worse. She asked if it was a gated community and Mr. Gillette stated it wasn't. She also mentioned her concern with traffic with the addition of 35 new homes.

Chair Bennett closed the public hearing.

Member Santry asked about the tree classifications listed on the survey – which are being removed and which are staying? He was concerned with tree protection and wanted to know what consultation and mitigation steps has the developer implemented to minimize tree removal. Mr. Gillette explained that 40 percent of the area is designated as open space, and that they had an arborist, Early McCall, out to ensure the health of the trees. Member Santry asked if an independent arborist could be consulted for this project, and recommended that the City hire one. Ms. Gibson explained that while she does not have the arborist certification, she has the knowledge and expertise to evaluate the tree plan, and this development exceeds requirements. In her opinion, an additional arborist is not worth the time and taxpayer dollars, as staff has worked closely with the developer to mitigate tree loss in this development.

Mr. Gillette stated that the current code requires the developer to hire an arborist to review the property, and based on that arborist's recommendations, the developer changed the plans to remove fewer trees. The intent of the code is to hire a third-party arborist to advise and they are in compliance with the PUD. Member Peterson, who walks the area regularly, supported Ms. Gibson's statements. It was stated the Early McCall is the only arborist in the area not affiliated with a tree removal service.

A motion was made by Member Santry that the City contract with an independent arborist to assess and give recommendations on design before the Board made a final recommendation. The motion failed for lack of a second.

A motion was made by Member Roland, seconded by Member Peterson, to recommend approval of PAB Case 2018-05, that as described in Case 2018-05, the request is substantially compliant with applicable Florida Statutes, the City Comprehensive Plan, and the Land Development Code to be approved. Vote upon passage of the motion was taken by ayes and nays and being 4 votes for to 1 against, carried. Member Santry was the sole nay vote.

5. Staff Report

5.1 Planning Department FY 2017-2018 Goals and Action Plan

Planner Gibson distributed handouts regarding the Planning Department's goals, action plan, and schedules. She emphasized that there has been good follow-up since the 9th Street Improvement initial meeting, and a walking survey is planned with members of the community, as well as other events, to garner more feedback from residents.

She also mentioned that the City Commission had expressed a desire for the Planning Board to take on more tasks, and while the goals have not yet been adopted, she was working on strategies to make sure the Planning Board had the necessary support to complete any new responsibilities.

She then followed up on the Port Comprehensive Plan sub-element, and looked to provide a copy of the text in March to be on an April agenda. She discussed that there are potential updates to the Land Development Code regarding floodplain management and that until the impacts are evaluated and properly noticed she was waiting to bring them to the Board, but to look for them in June. She mentioned a workshop and telecommunications survey last summer that was a county-wide project that had an update planned for March. Lastly, she mentioned staff out-of-office dates.

Chair Bennett asked about the Port and whether there was a need for a sub-committee to review the sub-element prior to the Port Element presentation. Ms. Gibson stated that the document prepared had been distributed to the Board for their feedback and she was in the process of preparing the appropriate form for the application. Ms. Gibson offered to have it as a discussion item, on an upcoming agenda or schedule a separate meeting.

Member Santry stated that the City Commission had a joint meeting scheduled with the Port Authority February 24 and thought by this time this item would be available for review at this meeting. He volunteered to participate in a subcommittee if required, however the review needed to be in the correct format for consideration. He stated that there is a staffing problem and the Board can't operate with less than 48 hours' time to review documents. There wasn't enough time allowed for on the schedule for the staff to review once an application is submitted and supply the PAB with sufficient time to review. He stated that he did not think Board could do their jobs on the current timeline.

Member Schaffer asked Member Santry if he had a timeline in mind. He proposed that applicants be told that their application would be heard in 60 days, 30 for the Staff to review and 30 days for the Board review. He preferred postponing applications so that the timing is better. He restated that it is not the Staff's fault, but while there is a shortage of staff, there needs to be a different timeline.

Chair Bennett felt that it was not appropriate to forward the Port recommendation to the City Commission without the Board approving it. He wanted to start talking about it with public input, and perhaps they could meet without staff support. Member Lewis thought that they were going to have a presentation on the port and move forward from there. Chair Bennett said there was a lot of work done previously and it needs to be reviewed but he does not want to start over. Vice Chair Beal asked if the document was marked up with changes, and Ms. Gibson replied that it needed to be cleaned up into an appropriate form for review. The version available currently had been sent out via email in January.

Chair Bennett reiterated that there were several items the Board needed to discuss and felt that subcommittee meetings were an appropriate way to review them. Vice Chair Beal asked for staff to set up a workshop where the clean document can be review and presented to the public and if approved, forwarded to the Commission after that. Ms. Gibson stated that the document was 23 pages long. Member Santry said that the August version was intended to be final form, and that it needed to be reviewed by staff, and sent to the Port. He likes the idea of the workshop once it is proper legislative format, and asked when it would be available. City Attorney Bach offered that her department could update the document to get it in proper format for them by March 2.

There was more discussion regarding the scheduling of the discussion and it was decided to set a special meeting March 22 at 5:00pm.

6. Board Business

6.1 City Commission Direction for PAB Activities

Member Santry asked about changing timelines for upcoming cases for additional review time. Staff explained the deadlines are listed in the Land Development Code 11.01.03 that applications will be heard no later than 30 days; and then the decision moves to the City Commission for two hearings with 30 days in between, so the current process takes four months if all runs smoothly. The timeline is in keeping with state requirements and county planning practices. Member Santry stated that he felt that the PAB members should have at least 30 days to review and expressed frustration at the short timeline. City Attorney Bach explained that the options for making any change would be to discuss with the City Commission to extend the timeline temporarily, or to put a moratorium on development, both of which would be difficult on the community. Chair Bennett stated that usually they get items a week in advance. Chair Bennett and Member Santry discussed the impact of the cases heard tonight.

7. Comments by the Public

There were no comments by the public.

8. Adjournment – Member Peterson moved that the meeting be adjourned, as the discussion was no longer seemingly productive. Ms. Gibson introduced Ms. Sam Rogic, who will be assisting Ms. Sylvie McCann with recording duties.

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:25 p.m.

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Sylvie McCann, Clerk **Mark Bennett, Chair**

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach

SUBJECT:

ITEM TYPE: LDC Text Amendment

REQUESTED ACTION:

SYNOPSIS:

CITY ATTORNEY COMMENTS:

Kelly N. Gibson, AICP

Submitted By: Kelly Gibson, AICP, Planning Manager

Date: May 07, 2018

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach

SUBJECT:

ITEM TYPE: LDC Text Amendment

REQUESTED ACTION:

SYNOPSIS:

CITY ATTORNEY COMMENTS:

Kelly N. Gibson, AICP

Submitted By: Kelly Gibson, AICP, Planning Manager

Date: May 07, 2018