



**FREEPORT PLANNING &
DEVELOPMENT REVIEW BOARD**
May 4th, 2022 Regular Meeting Minutes
6:00 pm Freeport Council Chambers

I. Meeting Called to Order at 6:02 by Chairman John Konopacki.

Board members present were Chairman John Konopacki, Kevin Louthain, Racyne Digges, Michael Gilley, and Steve Thomas.

Attending the meeting were Staff to include Planning Director Latilda Hughes-Neel, Planning Technician Samantha Graves, Planning Intern Summer Ammirata-Mall, City Attorney Clay Adkinson, and City Engineer Alex Rouchaleau.

Planning Technician Graves led the Invocation and Pledge of Allegiance.

II. Meeting Minutes to be approved

a. 4/9/2022 Regular Meeting Minutes

Kevin Louthain made a motion to approve the minutes and Michael Gilley seconded. The minutes were approved by a unanimous vote.

III. Freeport LDC – Proposed Revisions

Attorney Adkinson reviewed for the Board members how the goals and functions of the Land Development Code differ from the Comprehensive Plan and explained that the Land Development Code needs to be updated periodically. This meeting is a beginning of the process to make these changes, there will likely be revisions. The changes are usually adopted prior to July 1st or October 1st since that is when most typical legislative enactments go into effect.

Planning Director Hughes-Neel then presented the proposed revisions for the Board. She explained that the revisions in the packet are organized in the order they are present in the Land Development Code. She explained that as Staff uses the Code in the day-to-day operations of the Planning Department, they keep a list of things that need to be updated. Periodically that list is used to propose revisions. Latilda added that she would answer questions about the Planning Department changes, but the City Engineer would answer all questions regarding the proposed changes to the Technical Standards in Appendix D.

Director Neel then reviewed the proposed revisions (*Note: a copy of the proposed revisions is available in the Planning & Zoning Office.*) She explained that the proposed revision to the variances for the RC zoning category would eliminate the requirement for apartments to be located above one floor of commercial use; this is in response to several rezoning requests



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that have been received. Board member Digges asked for an example, Director Neel gave two examples of recent rezonings due to this requirement.

The proposed revisions to Table 3-4 (Impervious Surface Ratio) are intended to add categories that were previously omitted. There is also a correction to the UD category which did not match the ratio stated in the Code.

Latilda then told the Board members that a definition of Short-Term Rentals was being proposed as an addition to Appendix B, as well as the proposed addition of section 3.07.24. She explained the additional need for parking and buffering that is created when residential units are used for short-term rentals; this section is an attempt to ensure those needs are met.

Attorney Adkinson said that he and Director Hughes-Neel need to meet to discuss this section due to some recent court cases that have resulted from “back door prohibitions” when local governments have attempted to place restrictions on short-term rentals. Chairman Konopacki suggested that it might be beneficial to look at limiting alcohol purchase and consumption. Attorney Adkinson offered that it might be a better option to address parking by zoning category based on density allowances. Board member Thomas stated he believes it should be limited at the development application level. Attorney Adkinson and Director Neel will work on revising this section and the changes will be brought back to the special meeting on May 18th.

The proposed revision to 4.01.01 is intended to clarify and correct the language setting the boundaries of the Shoreline Protection Zones.

The revision proposed to 5.01.01 is to require 5 ft sidewalks on both sides of residential streets, in order to improve resident’s access for recreational use. Steve Thomas asked if the R.O.W. is wide enough for the utilities if 5 ft sidewalks are on both sides of the street; Engineer Rouchaleau confirmed that it is. After some discussion Alex explained that the problem with utility lateral lines under driveways occurs due to narrow lot frontages, not due to the sidewalk/ROW.

The table in 5.01.02 regarding required access points is being revised for consistency with the fire safety code. Chairman Konopacki said that he feels that any place of assembly needs two accesses. After some discussion, it was decided to change the minimum requirement to non-residential > 200 parking spaces must have 2 accesses. Engineer Rouchaleau pointed out that in the case of County or State roadways, the County or State will have final jurisdiction on the number of accesses allowed.



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Latilda described for the Board members the goal of having a walkable storefront downtown. This is the reason for the proposed incentive of a reduction in parking spaces required if all parking is in the rear of the building, shown in 5.02.01. She pointed out that this will also help some of our local businesses that will be losing their parking as a result of the four-laning of Hwy 20. Steve Thomas told Director Neel that he feels she should get input from local businesses. He further questioned that if 25% of parking can be reduced for “aesthetic” reasons, is our current requirement too high?

Director Neel next explained that the changes to the non-residential parking requirements (Table 5-2) were intended to add categories that are becoming more common. The categories of shopping centers and commerce parks were proposed in order to simplify the regulation of parking in these types of developments; it is complicated due to the fact that the occupants can change after a development is approved. The current cutoff is <50% restaurants for a Shopping Center and <50% retail for a Commerce Park. Attorney Adkinson suggested it might be better to reduce it to 40 – 45%.

Next Latilda presented the proposed changes to the Landscape section of the code. She pointed out the color illustrations that have been created by Planning Intern Summer Ammirata-Mall; they are much easier to see and understand.

In section 5.05.02 the language is being clarified to show that street trees must be planted in the common areas of residential developments by the developer. The street trees for individual lots are planted by the builder prior to final inspection so that they are not damaged during home construction. Also, the term Staff Forester is being replaced by Planning & Zoning staff because the City does not have a Staff Forester; Planning & Zoning staff review the selection of appropriate species and plantings.

Latilda listed the following corrections:

Appendix A: correction to the impervious surface ratios for RR and C-1

Appendix B: (pend the definition of Short-Term Rentals until Special meeting May 18th); remove the language regarding Special Events. Special events are now approved through the City Manager’s office rather than through Planning & Zoning.

Appendix C: expanding the options for allowable species for Trees, Shrubs and Groundcovers. Director Neel thanked Planning Intern Mall for her work in researching and assembling the list of drought-tolerant native species. She added that the goal is to give more options so that there is the opportunity for greater variety in developments within the city.



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This completed the Planning & Zoning proposed revisions. Engineer Rouchaleau in turn presented the proposed changes to the Technical Standards. He told the members that the changes were compiled with the assistance of the Water and Sewer Supervisors, in an effort to make the standards clearer for the design engineers. The changes are intended to clarify the city requirements. Also, a checklist has been added of items needed prior to final inspection.

Michael Gilley voiced concern regarding the Utility Main standards. He said that it is not always possible to know the extent and effect of erosion in advance. Alex explained that those standards are enforced by NWFL Water Management, it is outside of City control. Rouchaleau stated that the Technical Standards are geared more toward water and wastewater.

Engineer Rouchaleau then reviewed the proposed changes (*Note: a copy of the proposed revisions is available in the Planning & Zoning Office.*). After reviewing the proposed changes, he pointed out that the new Utility Certification Procedure Testing Specifications were produced after meeting with a couple of contractors to get their input. Their suggestions were as follows:

1. Add a bypass pump at every lift station that are going to be owned or maintained by the City; this is intended to help prevent overflows in the event that the lift station fails.
2. Add a standard for ball markers/locator devices.
3. Add a dewatering requirement for gravity pipe installations.
4. Note that designs need to meet FDEP 10 state standards for Wastewater and Water Works.
5. Delete the requirement for a concrete cover for the drop pipe for gravity manholes.
6. Update the lift station fencing requirement for better aesthetics.
7. Update GS-10 to define what gets installed at the ROW.

Matt Parker from J.P. Engineering addressed the Board. He would like to request an increase to the ISR in the categories where it is currently 30%; he feels that the 30% is too limiting and prevents the developer from achieving the maximum allowable density in those categories. Mr. Parker added that he is glad the city is being proactive with putting in parking and buffering requirements for short-term rentals.

Matt said he would like to suggest an exception to the Shoreline Protection Zone for marine-related businesses. Director Neel told him that there are some exceptions already in place and offered to meet with Mr. Parker to discuss them in more detail.

Mr. Parker said that space is tight with utilities in the ROW and sidewalks. He suggested that in regard to the access point requirements, he would like the city to add exclusive emergency



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accesses for flexibility. Director Neel stated that that provision is already in the Code. Matt requested that the requirement for 3” DBH trees (street trees) be reduced to 2” DBH for expense reasons. Finally, he suggested that a new road classification be added, “Commercial Local”. He explained that the requirement for buffering on Collector roads blocks the view of the business, in the case of a development he is currently working on.

Chairman Konopacki asked Latilda if the current code addressed “vision triangles;” she replied that it does, in Article 5.

Board Member Thomas asked what makes a business maintain the landscape once it is installed and inspected. Latilda responded that maintenance would be enforced through code enforcement. She added that staff cannot file code complaints; private citizens must file them. Complaints also cannot be anonymous. She reviewed the code enforcement process.

Director Hughes-Neel reminded the members there is a Special Meeting scheduled for May 18th at 6pm.

There being no further discussion, Michael Gilley made a motion to adjourn, and Steve Thomas seconded the motion. The meeting was adjourned at 7:38 pm.

Minutes prepared by Samantha Graves and adopted by the Freeport Planning & Development Review Board on _____.

Chairman Konopacki

Attest:

Kathie Gatewood, City Clerk