

**CITY OF APALACHICOLA**  
**PLANNING & ZONING BOARD**  
**REGULAR MEETING**  
**MONDAY, April 13th, 2015**  
**Community Center/City Hall – 1 Bay Avenue**

**MINUTES**

**Present:** Tom Daly-Chairman, Sally Williamson, Fred Vogt, Lynn Wilson-Spohrer, Jim Bachrach, Geoff Hewell, Uta Hardy, Revena Ramsey-Permitting, Betty Webb-City Administrator, Pat Floyd-City Attorney

**Regular Meeting – 6:00 PM**

- 1) Approval of March 2015 Minutes.  
**Motion to approve made by Geoff Hewell, second by Lynn Wilson-Spohrer. Motion carried.**
- 2) Review, Discussion and Decision on permit issuance for deck, fence, carport & shed @ 167 21<sup>st</sup> Avenue, Block 246, Lot(s) 25 - 27, For – Dennis Rogers & Linda White, Contractor – Self.  
**Motion to approve made by Geoff Hewell, second by Fred Vogt. Motion carried.**
- 3) Review, Discussion and Decision on permit issuance for carport & covered front porch @ 101 21<sup>st</sup> Avenue, Block 11 Philaco Shores, Lot(s) 13, For – David Glidden, Contractor – Self.  
**Motion to approve made by Geoff Hewell, second by Fred Vogt. Motion carried.**
- 4) Review, Discussion and Decision on permit issuance for fencing @ 84 Avenue D, Block 24, Lot(s) 6, For – Charles Bianco, Contractor – Pete Adams.  
**Motion to approve made by Jim Bachrach, second by Lynn Wilson-Spohrer. Motion carried.**
- 5) Review, Discussion and Decision on permit issuance for metal roof @ 87 Avenue D, Block 23, Lot(s) 9 - 10, For – Frederick Vogt, Contractor – To Be Determined.  
**Motion to approve roof on structure & garage made by Geoff Hewell, second by Jim Bachrach. Motion carried.**
- 6) Review, Discussion and Decision on permit issuance for a shed @ 35 Ambrose Lane, Block 112, Portion of Lot(s) 4 & 5, For – George Mahr, Contractor – Self.  
**Motion to approve made by Lynn Wilson-Spohrer, second by Sally Williamson. Motion carried.**
- 7) Review, Discussion and Decision on permit issuance for shed @ 105 9<sup>th</sup> Street, Block 69, Lot(s) 9-10, For – Angela Elliott, Contractor – Self.  
**Motion to approve made by Geoff Hewell, second by Lynn Wilson-Spohrer. Motion carried.**
- 8) Review, Discussion and Decision on permit issuance for repairs & porch roof replacement @ 66 Avenue D, Block 15, Lot(s) 5, For – Willoughby & Marie Marshall, Contractor – To Be Determined.  
**Motion to approve the City to give administrative approval on repairs, due to the extent of possible rot damage, was made by Geoff Hewell, second by Fred Vogt. Motion carried.**
- 9) Review, Discussion and Decision on permit issuance for coconut stand @ (location unknown at this time but must be private property), For – Richard Spohrer, Contractor – Self.  
**Board gave permission to approve the City to handle the approval. Stand must be located on private property; he must have a City business license and proof of Health & Food Inspection.**
- 10) Review, Discussion and Decision on permit issuance for rooftop gazebo @ 29 Avenue F, Block F2, Lot(s) 18-20, For – Steward Hodson, Contractor – William Poloronis.

Motion to deny rooftop gazebo was made by Geoff Hewell, second by Lynn Wilson-Spohrer.  
Motion carried.

- 11) Review, Discussion and Decision on permit issuance for new single family residence @ corner of 15<sup>th</sup> Street and M, Block 133, Lot(s) 1 and ½ of 2, For – Beverly Thompson, Contractor – Michael Clayton. No home owner or contractor present.

Motion to table was made by Geoff Hewell, second by Fred Vogt. Motion carried.

- 12) Review, Discussion and Decision on permit issuance for new single family residence @ Block 109 Bay Colony Way, Lot(s) 25 – 26, For – Joe Dempster, Contractor – 1<sup>st</sup> Choice Builders.

Motion to approve residence & tree removal was made by Jim Bachrach, second by Uta Hardy. Motion carried.

Review, Discussion and Decision on permit issuance for new neighborhood commercial and tree removal application @ Hwy 98 between 8<sup>th</sup> & 9<sup>th</sup> Street, Block 32, Lot(s) 1-3 and 7-10, For – CVS Pharmacy, Contractor – Linfield, Hunter & Junius, Inc. (CVS was addressed after discussion of item #6)

Chairman Daly announced that attorney (Pat Floyd) suggest a little different format.

Attorney Pat Floyd explained that due to city staff receiving package from CVS at 4 p.m. today and not having time to review documentation that tonight's meeting is an exchange of information that CVS representatives will provide to Planning & Zoning Board and the people and have an opportunity for everyone to give input back as to what the ideas are without it being in the content of a formal decision, Quasi-Judicial decision making process. This is a preliminary part and it probably would be, as I suggest it to be continued or tabled to the next meeting in the not too distant future in order to take the information and make a decision. This is really a public information process and he encourages everyone to give their input so CVS representatives can get a better understanding of what the public wants and go forward with the project if it's able to be met with the requirements of the City of Apalachicola Code (Land Development Code). This is why the legislature and case law has decided to do the Quasi-Judicial hearings in order to set a standard which people can count on when they come to a development and if they think the particular standards is approved. This will be a Review and Discussion but not a decision due to some issues that still need working out as Chairman Daly pointed out.

Question asked: What will happen at the next meeting?

Pat stated we may have more issues to deal with at that time. The information from this meeting and coming into the Planning & Zoning Board and City Commission, they'll be a record made of that particular part and then we'll proceed forward with an actual process. If it's waived by CVS and waived by the people here then we will not have a Quasi-Judicial Hearing. That's a process that needs taken care of by knowledgeable waiver or not. If not we go forward with evidence presented and it's a process done by sworn testimony taken about the positives & negatives and about meeting the particular code. That's a process that is required. Unfortunately there are some changes that the Florida Legislature and Case Law have provided for hearings just like this.

Lynn Wilson-Spohrer asked Pat Floyd what does Quasi-Judicial mean?

Pat stated Quasi-Judicial is simply separated from legislature. If there's a decision being made to put into effect or a certain law then that is legislative and does not require due process to be given. Quasi-Judicial is the application of a law or rule in the development to a specific set of facts to determine whether or not they meet that is a Quasi-Judicial requirement to apply and due process is to be given including the testimony under oath, the cross examination, presentation of evidence because those are the things that separate the subjective decision (based on what you just think a person should or should not get) and an objective decision (based on whether or not they meet the requirements of the code). That's what the legislature and case law of the supreme court of the State of Florida says is required.

Question asked in regards to the waiver Pat mentioned earlier.

Pat Floyd asked CVS representatives present at the meeting, "Do you waive at this particular time the requirements of a Quasi-Judicial hearing"?

Jeremy Dickinson with Halstead, LLC, the developer for CVS stated No they do not.

Question was asked: Can they then provide evidence early in the day before the next meeting and this happen again?

Pat stated that when we set this there will be a time frame in which they have to submit material and of course it can be brought up right at the hearing itself but, it'll be advertised as a Quasi-Judicial Hearing in which a decision will be made.

Statement from audience: There is a requirement in the code that says the plans must be submitted 2 weeks in advance of the meeting. Obviously that didn't happen in this case.

Pat stated there were plans that were submitted but he wasn't sure if they were the plans that we received at 4 p.m.

Jonathan Catanzano with Lindfield, Hunter & Junius, Inc. stated that the plans received at 4 p.m. were a copy of their presentation.

Present for representation of CVS were Casey Genovese & Jonathan Catanzano with Linfield, Hunter & Junius, Inc. the civil engineers, Jeremy Dickinson with Halstead, LLC the developer and Yann Cowart with Infinity Architecture. Presentation was given. Primary function of a new CVS will be so they can have a drive thru.

Public Comments:

Who will maintain landscaping

If approved based on plans, what's the investment on project and what's the effect on employment

Should ask the community what they want

No big box stores wanted

Design it to look historical

Doesn't meet the code

We don't want it near our Historic Cemetery

We don't need another CVS

ADA Compliance discussed are only if they build a new store. The current store is ADA compliant to the point it can be given the building.

Concerns with a new and bigger CVS:

Property purchase and closing of alleyway

Zoning issues with C2 & R1 for commercial business usage

Setbacks

Sale of alcoholic beverages near a church

Appearance not being historical looking

Trash and loading/unloading is facing historic cemetery

More traffic flow through residential area

Storm water/Flooding issues increasing if project is approved

Lynn Wilson-Spohrer wanted to make statement in regards to her name being used in earlier remarks. She stated she had not been consulted since her initial request for certain things. She would like the opportunity to address 6 items she'd like to show using their site plan and documentation.

Loading dock is on 8<sup>th</sup> Street facing cemetery

Trash dumpsters are right by cemetery

Front facade facing Hwy 98 has the exit sign

All the cars agreed to be placed against the building so as headlights aren't shining into houses & places across the street that they'd face the building and there's be a landscape buffer

Only 5 trees have been added to the landscaping

They're planning to use the alley for traffic pattern even though the city isn't getting money for it

The alley across from the current CVS could also be bought and be used for a drive in

The egress and access to Ave E is so close to Ave E that only one car can turn in and traffic will be backed up

Your view coming from Apalach center city going towards outskirts of town you'll be looking at what is normally known as the back of the building and at many times will have truck unloading

The highest point of the building is 30 ft high for a one story building

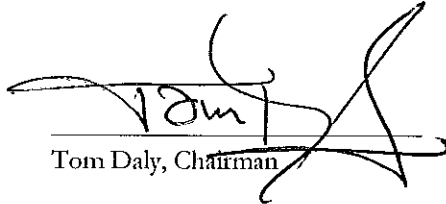
Discussion was held but no decision can be made due to receiving additional documents at 4 p.m. and not having time to review before meeting and doesn't meet the LDC at this time. CVS Reps spoke, shared plans and listened to the public speak.

Motion to table was made by Geoff Hewell, second by Jim Bachrach. Motion carried.

13) Old Business

14) Other Business For Discussion

Meeting adjourned



Tom Daly, Chairman