



**RENEW ARLINGTON COMMUNITY REDEVELOPMENT  
AGENCY (RA/CRA) BOARD**  
*City Council Chambers*  
*117 West Duval Street, Jacksonville, FL 32202*  
*Tuesday, February 12, 2019 – 2:00 p.m.*

**MEETING MINUTES**  
**TUESDAY, FEBRUARY 12, 2019 – 2:00 P.M.**

**Location:** Council Chambers, 1<sup>st</sup> Floor, City Hall at St. James, 117 West Duval Street, Jacksonville, FL 32202

**Agency Board Members Present:** Agency Board Chair Aaron Bowman, Agency Board Member Greg Anderson, Lori Boyer, John Crescimbeni, Reginald Gaffney, Jim Love, Joyce Morgan, Sam Newby, Ju’Coby Pittman, Al Ferraro, Terrance Freeman, Danny Becton, Bill Gulliford, Tommy Hazouri and Matt Schellenberg, Randy White, A. Lopez Brosche and Scott Wilson

**Agency Board Members Excused:** Garrett Dennis

**I. CALL TO ORDER**

Chair A. Bowman called the Renew Arlington Community Redevelopment Agency (RA/CRA) Board meeting to order at 2:21 p.m.

**II. ACTION ITEMS**

**APPROVAL OF THE NOVEMBER 13, 2018 RENEW ARLINGTON COMMUNITY REDEVELOPMENT AGENCY (RA/CRA) BOARD MEETING MINUTES**

Chair A. Bowman opened the floor for public comment. There were no comments from the public.

***A MOTION WAS MADE AND SECONDED APPROVING THE NOVEMBER 13, 2018 RENEW ARLINGTON COMMUNITY REDEVELOPMENT AGENCY (RA/CRA) BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY 18-0-0.***

**CONSIDERATION OF THE RENEW ARLINGTON ZONING OVERLAY (RESOLUTION RA/CRA-2019-01)**

Ms. Susan Grandin, OGC provided a brief summary of the three Resolutions before the Agency Board today and next steps.

Resolution RA/CRA-2019-01:

- Change to the Zoning Code.
- After the Agency Board’s approval it will go through the rezoning process, which includes the Planning Commission, the City Council LUZ Committee process and finally to the full City Council for approval.

Resolution RA/CRA-2019-02, Consideration of the RA Façade and Property Improvement Program Guidelines

Resolution RA/CRA-2019-03, Consideration of the RA Façade and Property Improvement Funding

- Due to the passage of 2018-555 (09/25/2018), Resolution 2019-02 and 2019-03 require only Agency Board approval.

Ms. Nasrallah provided a brief overview of the proposed Renew Arlington Zoning Overlay.

Renew Arlington CRA Advisory Board Chairman Matt Tuohy provided an overview of the proposed Overlay from the Advisory Board's perception. He commented that since the November 13, 2018 meeting, a number of changes to the Overlay have been proposed by Agency Board Member Crescimbeni and others. He noted that the Advisory Board reviewed the changes and that they are incorporated into the draft Overlay document before the Agency Board today.

Mr. Tuohy commented that the RA Overlay, which was created as a derivative of the RA/CRA Plan is designed to enhance the unique and aesthetic nature of Arlington and reduce blight through the performance standard enhancements that will come through the existing zoning. He reviewed the various meetings that have been held on the subject.

Mr. Tuohy referencing the proposed RA Façade and Property Improvement Program Guidelines (Resolution RA/CRA-2019-02) and proposed program funding for the Program (Resolution RA/CRA-2019-03) commented that the Advisory Board has not given the businesses a problem without a solution. He noted that they have met with private representatives of the lending community who are looking forward to helping the business owners fund the initial portion of cost not covered by the Façade Grant, which has been done in other cities.

Mr. Tuohy advised that the RA Advisory Board fully supports the implementation timelines within the draft Overlay document. He noted that we are approximately three years into the lifespan of the RA/CRA, which is 20 years. He added that 20 years is not going to be enough time to build on the success implemented by the proposed RA Zoning Overlay.

Agency Board Member Ferraro asked how many of the stakeholders hold a position on the Advisory Board. Ms. Nasrallah replied that there were two business owners and no property owners serving on the RA Advisory Board.

Ms. Grandin reviewed the make-up of the RA Advisory Board members. Board members are appointed by both the Mayor and the City Council pursuant to ORD 2015-738-E and confirmed by the City Council. The Board consists of seven members within six categories.

- Category 1: One member shall be a representative of the planning, landscape architecture or architecture fields.
- Category 2: One member shall be a business owner within the CRA boundary.
- Category 3: One member shall be in the banking, insurance, or finance profession.
- Category 4: One member shall be from the marketing, public relations, or advertising profession.
- Category 5: Two members shall be citizens representing the general public that live within a 1 mile radius of the CRA boundary, and east and south of the river.
- Category 6: One member shall be in the public policy/economic development profession, but shall not be a registered lobbyist with the City of Jacksonville.

Agency Board Member Hazouri asked if the majority of the property owners impacted by the proposed Zoning Overlay participated in the process.

Ms. Nasrallah referenced Resolution RA/CRA-2019-01, the second, third, fourth, fifth and sixth “whereas” clauses that make reference to all of the public meetings that have been held during the past three years when the process began. She added that there are 1,302 parcels within the CRA boundary and that approximately ten percent of those parcels may already be in compliance; however, a good percentage of property owners will need to come into compliance because the area is terribly blighted. She noted that there would be different degrees and different expenses to each property owner.

Mr. Bill Killingsworth, Director of the Planning and Development Department commented that he planned to review the applicability of the Overlay (what parcels the overlay applies to). He noted that there were several design guideline changes since the November 13, 2018 meeting, but three in particular that have gathered attention because they have a five year amortization schedule associated with them. He commented that a number of changes have been made to the document as a result of working with Agency Board Member Crescimbeni noting that there were two significant changes and one that is not quite satisfied that still has some wordsmithing changes to be made.

Applicability: The RA/CRA Zoning Overlay will apply to every parcel that is within the CRA Boundary. He noted that the Overlay would apply to any parcel that happens to be split by the CRA Boundary adding that the entire parcel is governed by the rules of the Overlay not just the piece that is in the CRA Boundary. In addition, parcels that are aggregated to a parcel that is within the CRA Boundary would also be governed by the rules of the Overlay.

Given the different aesthetics within the CRA, the Zoning Overlay consists of five Character Areas. Each has distinct guidelines and performance standards.

1. University Village Character Area: Parcels to the south, north and east of JU.

2. Two distinguished Catalyst Character Areas: From Arlington Expressway north (Town & Country Shopping Center) and on the south side connector on Merrill. He noted that they are comprised of large parcels where the rest of the overlay is largely comprised of smaller parcels.
3. University Commercial Character Area: Connecting the catalyst area to the south and to the University Village Character Area to the north.
4. Merrill Commercial Character Area: Connects the University Character Area to the other catalyst area to the east.
5. Arlington Rd. Character Area

While they are similar there are some slight differences between the standards for three corridors (University Commercial, Merrill Commercial and Arlington Rd. Commercial). There were initial discussions as to whether or not the three should be combined into one commercial character area. There was a desire that if a change was made to the Arlington Road Character Area that was meaningful to that, that it did not inadvertently impact the other two other commercial character areas and therefore a decision was made to split the three.

Mr. Killingsworth reviewed the three design guidelines impacted by a 5-year amortization that the most changes were made to.

1. Fencing: Applies to all Character Areas
  - The use of barbed wire, razor or concertina wire or similar fencing is prohibited.
  - Compromised with the community to allow chain link fencing (vinyl coated in black or green color) on the non-frontage roads.
2. Landscaping/Landscaped Buffers: Varies slightly per Character Area
  - How it impacts the vehicle use area.
  - Non-comp buffer. The fence has to be on the non-residential side of the non-comp buffer whether it is a vehicle use area or an existing structure.
3. Signage: Varies per Character Area
  - Signage is no longer regulated in terms of ground signs. It is not regulated by frontage, it is regulated by the character area and by the size of the parcel and there are prohibited types of signs.
  - Pole mounted signs are prohibited.
  - Animated signs; automatic changing message devices; mobile signs; beacons; tracker lights or similar lighting components; mirror-like or reflective materials; pennants; ribbons; streamers; inflatables; wind-activated signs and similar are prohibited.

Mr. Killingsworth noted that the OED was going to talk about a Façade Grant Program to help mitigate the cost of bringing properties into compliance. He added that there are two key areas that Agency Board Member CM Crescimbeni may disagree with.

1. Originally, the Overlay was not going to allow for Administrative Deviations for everything, but that Administrative Deviations could be used in addition to setting some restrictions. CM Crescimbeni requested and the Advisory Board agreed that changes to the Overlay could be made through a Zoning Variance as opposed to an Administrative Deviation.
2. A significant change was made to the University Village Character Area and the two catalysts areas where the Overlay contemplates not having a waiver of liquor distances for restaurants and microbreweries. The Advisory Board agreed that the waiver of distance be allowed if operating hours ceased at midnight. A business could operate up until midnight in terms of the sale of alcohol and could continue as a restaurant after midnight. If a business wanted to sell alcohol past midnight they would have to request a waiver.

Mr. Killingsworth advised that the Agency Board was being asked to approve the RA/CRA Zoning Overlay today to go to City Council. The Overlay would then go through the normal routine of a bill being filed, will go to the Planning Commission where the hearings and recommendations that occur there would be followed, would go to LUZ with the hearings and recommendations that come out of that committee and ultimately to the full City Council for review and approval.

Agency Board Member Schellenberg asked if any of the parcels would be grandfathered in referencing the 1,302 parcels mentioned by Ms. Nasrallah.

Mr. Killingsworth responded in terms of the fencing, landscaping and signage no parcels would be grandfathered in and will have to comply with the five-year amortization. If there is a structure with an open bay towards the frontage, the guidelines require that the open bay be turned to the side away from the frontage. Those are grandfathered in to the extent that they remain active non-conforming. They have the same non-conforming standards that the rest of the City goes by.

Mr. Killingsworth advised that if a property owner did a 50% improvement to their property in terms of the value of the improvements on the property this triggers a requirement to come into compliance. Or, if a property owner were to increase the footprint of the building by more than 50% that also triggers a requirement to come into compliance. If you are not treating those two things they would be legal and non-conforming.

Agency Board Member Schellenberg asked if they were being forced to move a garage door to the side and if that would trigger the 50% immediately. Mr. Killingsworth replied that they are not

required to do that unless they make improvements on the property greater than 50% of the value of the improvements.

Agency Board Member Schellenberg asked if there were other places in Jacksonville where we have not grandfathered in changes to Zoning. Mr. Killingsworth replied that the Mayport Rd. Corridor had a ten-year amortization, but he does not recall what it was for.

Agency Board Member Schellenberg referencing the 1,302 parcels mentioned by Ms. Nasrallah and that approximately 10 percent that are in compliance leaves approximately 1,150 parcels that will have to be dealt with. He is conflicted regarding where the OED is going to get the money to help approximately 1,150 property owners come into compliance.

Mr. Killingsworth replied that the department has not done a compliance study, so he does not know how many properties are in compliance and not compliant. He was not sure if Karen's reference to ten percent was addressing compliance with everything in the Overlay or compliance with the three things that are amortized.

Ms. Nasrallah replied that the Façade Grant Program would be funded by CRA TIF monies. The money would be available on a first come / first serve basis. She added that they would ensure that the Advisory Board is committed to keeping the Façade Grant Program funded in order to accommodate as many property owners as possible.

Agency Board Member Schellenberg asked how much money is projected to come into the CRA over the next five years. He added that if a minimum of \$5,000 were allocated per parcel how many people would be able to get a grant. Ms. Nasrallah replied that we do not know how many people are going to apply for a grant, so until we have better numbers we will not know how successful the program is going to be.

Agency Board Member Schellenberg asked if OGC has verified that it is acceptable to require a property owner to comply with something they own, but are being forced to do something else. He suggested that we need an answer from OGC in writing and a white paper before going any further because potentially everything we are doing will be null and void.

Agency Board Member Crescimbeni commented that he has asked OGC for an answer in writing and they would not put it in writing. He suggested Agency Board Member Schellenberg have a conversation with OGC off line.

The following are comments made by Agency Board Member Crescimbeni.

The three compliant items are going to be signs, landscaping and fencing. Of the 1,300 plus parcels a very small minority are going to have signage, which is the most expensive item unless you have a very large parcel. He added that a lot of residential properties do not have signage. He thanked the Planning Department, OED, and Ms. Grandin and everyone else who helped with the meetings in December for their effort.

He has been an Arlington resident for 54 years and 46 of those years he lived within 500 feet of the RA/CRA boundaries. The RA/CRA does not have a lot of properties like what most CRAs have. He is concerned and not happy with the boundary description and asked that the Agency Board adopt all of the individual maps for each of the character areas because they are easier to look at.

He is concerned with a waiver of the distance requirement from churches and schools related to two of the five character areas (University and the catalysts character areas). He added that ending sales at midnight next to a church is not exactly what he had in mind. Churches are probably not going to want to come in Sunday morning from late night activity immediately adjacent to their property and find trash, etc. on their property without at least having a say in it. His idea was that they either do the distance waiver, which is what everyone else has to do or they can get the waiver if they comply with some best practices, which have yet to be determined.

Referencing the five-year amortization compliance requirements for fencing, landscaping and signage he noted that after the Agency Board's approval it will go through the rezoning process, which includes the Planning Commission, the City Council LUZ Committee process and finally to the full City Council for approval. Once approved by City Council the five year clock starts ticking. He added that these can be expensive items for individuals and small businesses. He noted that the majority of the parcels are on the commercial corridors and are small independently owned mom and pop businesses emphasizing that replacing a sign or complying with a buffer requirement, or adding landscaping is expensive. He noted that as you get out to the eastern end of Merrill Rd. near 295, you have more prevalent chain operations that might be in a position to underwrite the cost. He also stated that when he moved to Jacksonville in 1965 Arlington was "the" place to live. It was an awesome community adding that it changed. He is invested in Arlington, and he wants to make sure we get it right and he is not going to settle for anything less.

Agency Board Member Crescimbeni commented that three months ago at the last meeting on November 13, he asked for two things in addition to a legal opinion.

1. Do we have the ability to supplement any grant to the property owners by loaning money from the CRA and have them pay that back so that they have no out of pocket cost up front. They will get the grant and whatever the difference is they can pay back over time. He received an

answer yesterday that yes the CRA can loan money to help property owners accomplish the compliance with fencing, signage and landscaping.

2. He commented that he received an answer on Friday, February 8, 2019 to his question of whether we could recover the loan through a special assessment. He noted that we use special assessments for dredging for people that live on waterways, for underground and utilities through JEA, etc. His question was answered with the statement, "We need more time to answer the second question." He asked how much more time would be needed and he is not sure that he has received an answer or if he has he has not had a chance to read it yet.

Agency Board Member Crescimbeni commented that he does not want to hold this up today, but that he does intend to make some changes when it comes back including the changes he made yesterday. Unless we can figure out a mechanism to help property owners make these changes up front without a significant out of pocket cost he will not be able to support the ordinance, as written today. If he votes yes, it is going to be the right thing to do and what he believes will get Arlington back to the place it was when he moved there in 1965.

Agency Board Member G. Dennis arrived at the meeting at 2:29 pm.

Agency Board Member Anderson stated for clarification that if the Agency Board approves the Overlay today it will start the legislative process and during that process, there will be plenty of opportunity for input and modification based on what the Council and the community feels is important. He asked if there are any items that if approved today that could not be handled during the legislative process or that would require this body to meet again to adopt any of those changes.

Mr. Wendland replied that the Overlay has to go through the City Council process. He noted that the RA Façade and Property Improvement Program Guidelines (Resolution RA/CRA-2019-02) and the RA Façade and Property Improvement Funding (Resolution RA/CRA-2019-03) only require Agency Board approval due to the passage of 2018-555 (09/25/2018). He added that he prefers for them to go together.

Ms. Grandin clarified that once legislation for the Zoning Overlay is introduced to City Council any changes after that would not come back to the Agency Board for any kind of decision.

Ms. Grandin clarified that the statutes are set up such as CRAs can borrow money and can float bonds, they can do all kinds of things. The CRAs in Jacksonville would be doing that through the City of Jacksonville. In addition, money can be loaned from the CRA to individual property owners.

Agency Board Member Morgan asked if there will be sufficient funding available for the property owners who might likely need to make changes.

Mr. Wendland replied that the CRA is spinning off about \$755,000 per year and due to a few developments going on, that amount will likely increase. In reply to Agency Board Member Schellenberg's question regarding what we anticipate over the next five years, he added that the amount should be at a minimum \$4,000,000 over the next five years, probably more realistically \$5,000,000.

Agency Board Member Brosche asked for clarification regarding the discussion behind the five year amortization period. Mr. Wendland commented that there was a sense that some of the Advisory Board Members really wanted a shorter window than that and really wanted that to be a one or two year window, but there were concerns about the legalities of that and whether we would be putting ourselves in a difficult position from a challenge standpoint, so through the advice and discussion of the Advisory Board and the advice of General Counsel, it felt like five years was a defensible window.

Agency Board Member Brosche questioned regarding the funding side of things that we are not sure of yet we are imposing compliance within a five year period.

Ms. Nasrallah responded that since the RA/CRA is a 20-year CRA and by the time the Overlay is approved we will be four years into the term of the CRA and if property owners wait until the fifth year, we will be half way through the CRA TIF. If we go out to 10 years, it puts us close to the end of the CRA and we will never be able to fully realize the TIF methodology and it does not work that far out.

Agency Board Member Brosche asked if the small business owners are going to be the ones making up for the short window in terms of the cost outlay of making the changes to be in compliance with the different categories.

Mr. Wendland responded that it was a valid discussion. He commented that is why we tried and have not had a chance yet to get into the Façade Grant Program and proposed funding. When we get into that you will see for those areas that deal with the five-year ammonization (fencing, signage and landscaping) would have a two for one match up to \$20,000. That is pretty aggressive from what we have ever done from a Façade Grant Program. The idea was yes there was going to likely be cost associated with it, but let's put forth a fairly aggressive program to help deal with that.

Agency Board Member Boyer commented for clarification that the Agency Board would need to vote on the Overlay tonight and then it would get introduced as legislation after which amendments can be made to the Overlay however we wish. She asked Mr. Wendland if it would be his

recommendation for the Agency Board to take action on the Façade Grant Program and funding so there is some assurance that there is a Façade Grant Program out there with a budget with the knowledge that during the process of the LUZ Hearings on the Overlay we may be asking as the CRA Agency Board for a special CRA meeting near the time of adoption of the Zoning Overlay or perhaps at the May CRA meeting where we are coming back and asking for enhancements or changes to the language. Would it be your preference that we pass it out in version one today and amend with a version two that follows on in a month or two from now.

Mr. Wendland responded that his personal preference would be to do something like that, but delay the implementation date until the Overlay is approved. If the Overlay is not in place he does not want the Façade Grant Program approved, but would like it to be effective as soon as possible once the Overlay is approved.

Agency Board Member Boyer commented that she didn't think that the City Council would want to approve the Overlay and have it effective without having some Façade Grant provisions in place and budget allocated to it. Ms. Boyer added for the benefit of her colleagues that on two other pieces of legislation she is working on with respect to PUD Buffers and with respect to Downtown Design Standards she has already engaged in the research and conversations with OGC about amortizing in over some period a requirement to bring things into conformity and it is something that there is case law on and has been done in other jurisdiction in the state, varying times depending on the cost of the thing you are asking people to do and the magnitude of it. There is some different information depending on how big a deal it is. I would say fences and landscaping are less expensive than some major building improvements. There are changes to the fire code all the time and people are required to bring their building up to current standards.

Due to time constraints, Chairman Bowman asked Mr. Wendland to set up another special meeting and in between that time he wants a public meeting scheduled that would include Council Members who can attend and ask questions, etc., so when we meet back as a CRA Agency Board there are not as many questions. He added that when they meet again, he would like to know the number of properties that will be impacted.

Agency Board Member Ferraro commented that he would like to see people that are part of the ownership be more involved with the process because they are ultimately the ones that are going to be affected. If we have owners that cannot afford to do this than we have the direct opposite effect of what we want to have done.

Agency Board Member Becton asked if there were any discussions in the meetings about providing some kind of economic hardship path for property owners.

Mr. Wendland responded that there were discussions about if a property owner could not comply because of the configuration of their property, etc., which may qualify for a variance. There were not any discussions regarding what we would deem to be a hardship situation. The challenge on that is how you define what qualifies, but it's certainly something we can talk about.

Agency Board Member Crescimbeni commented that he did not want to talk about the Façade Grant Program, but since the discussion will not take place today he thought it was important to mention a couple of points that he has shared with OED.

1. There is mention of criteria to where an applicant "may" be subject to a criminal background check. "May" is a dangerous word unless we are setting some criteria that would establish who is and who isn't having a background check. He would not want somebody making decisions outside of the objective world on who got background check or not.
2. There is language that talks about each property is only permitted funding once per year and the next sentence says the maximum of three applications per principle owner within one year. Not sure how that works.
3. There is a list of businesses that are not eligible for the non-overlay compliance projects, but there is no list of businesses that are ineligible for the Overlay compliance projects. He added that it's like most people doing their taxes they do them on April 15<sup>th</sup> and that is not what this should be about; this should be about incenting people to make improvements in the first year not in year five. That is going to require two things. Cash and incentive. His recommendation from the onset was that there be a bigger incentive in year one, and that starts declining as we go through the five years to get people on board up front.
4. There was a requirement for a business license and he thinks he sent a note he does not know if there is such a thing as a business license. The Façade Grant needs some work, but it should be a very attractive offer. We are going to have to start thinking about restructuring the incentive. You heard someone say this caps out at \$20,000 that might be great if you have a building that is 1,200 square feet but what if you own a shopping center that is 40,000 square feet. We may need to think about some sort of sliding scale based on the amount of impact that you are going to have on the property. He looks forward to the public meetings because it is important and if we can get all of these things worked out at a noticed meeting and then come back as the CRA Agency Board and it will be much smoother process.

Chair Bowman opened the floor for public comment. He advised that the Agency Board is not voting on the item today.

Public Speaker Cards related to the proposed RA/CRA Zoning Overlay

1. William R. Cesery, Jr. – Opposed
2. Ann Burt – Supports
3. Melody Shacter – Supports
4. Michael Anania – Opposed
5. Dr. Joy Harvey – Did not wish to speak, but supports the Renew Arlington Zoning Overlay
6. Ron Salem – Supports
7. Michael Herzberg – Opposed
8. Dee Bumbarger - Supports
9. Stanley Scott – Opposed

Agency Board Member Crescimbeni asked Ms. Nasrallah why the RA/CRA is a twenty year CRA. Ms. Nasrallah responded that when they were taking the CRA through City Council the Council leadership at the time would only offer support for a 20 year CRA. Agency Board Member Crescimbeni commented that the RA/CRA could be a 30 year or 40 year CRA, if the City Council chose to amend the RA/CRA Charter. Ms. Nasrallah responded yes.

Agency Board Member Morgan made a motion to move the RA/CRA Zoning Overlay forward to City Council.

Agency Board Member Ferraro advised that he could not support the motion today because the community is not ready at this point.

***A MOTION WAS MADE BY AGENCY BOARD MEMBER J. MORGAN AND SECONDED BY AGENCY BOARD MEMBER J. CRESCIMBENI RECOMMENDING TO THE CITY COUNCIL APPROVAL AND INCORPORATION INTO THE ZONING CODE THE RENEW ARLINGTON CRA ZONING OVERLAY. THE MOTION PASSED 13-6-0. (OPPOSED: AGENCY BOARD MEMBER'S R. WHITE, S. WILSON, G. DENNIS, M. SCHELLENBERG, A. FERRARO, AND A. LOPEZ BROSCHE)***

Chair Bowman noted that the Façade Grant Resolutions will not be considered at today's meeting, but there will be a public meeting on them and a follow-up meeting to that meeting will also be scheduled.

**III. NEW BUSINESS**

No new business was discussed.

#### **IV. PUBLIC COMMENTS**

There were no additional comments from the public.

#### **V. ADJOURNMENT**

There being no further business, Chair A. Bowman adjourned the Renew Arlington Community Redevelopment Agency (RA/CRA) Board meeting at approximately 3:36 p.m.

The written minutes for this meeting are only an overview of what was discussed. For verbatim comments of this meeting, an audio file of the meeting is available in its entirety and is available upon request. Please contact Michelle Stephens at (904) 630-1979, or by email at [msteph@coj.net](mailto:msteph@coj.net).