



MINUTES OF THE PLANNING BOARD

November 8, 2022

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Villegas, Board Member Sampson

MEMBERS ABSENT: Board Member Powell, Board Member Van Hoose

STAFF PRESENT: Planning & Zoning Division Manager Cannon, Assistant Planning & Zoning Manager Harding, City Attorney Lindsay, Help Desk Technician Johnston, Executive Assistant Chwastyk

STAFF VIRTUAL: Development Services Director Morris, Development Services Coordinator Statler

OTHERS PRESENT: John Loftis, Paul Battle

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from October 11, 2022
- **New Business:**
- Final Plat Grove Park Townhomes
- Open Forum
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Paul Ritz called the meeting to order at 2:05 pm with a quorum present and explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes - Vice Chairperson Larson made a motion to approve the October 11, 2022 minutes, seconded by Board Member Sampson, and it carried 5:0.

New Business –

Final Plat Grove Park Townhomes

Planning & Zoning Manager, Cannon introduced item and stated this item had come before the board in December of last year and was approved and that it's C-1 with no yard requirements. Paul Battle was the representative for the applicant, he asked that since there are no setbacks in C-1 he would like to change setbacks to 25 feet in the front and 20 feet in the rear. Planning & Zoning Division Manager, Cannon stated procedurally it's fine if it's clear in the board's decision and the minutes. Board Member Grundhoefer stated that would be a welcome change to the plat because it would allow more room for a sidewalk and more room for a car in the driveway which will help to prevent the car from blocking the sidewalk.

Chairperson Ritz suggested that with Board Member Grundhoefers discussion and Paul Battle's request and unless there are no objections if a motion comes along, it could be captured in the motion in a definitive way. Board Member Sampson wanted to confirm that the plat had been approved by ECUA. Chairperson Ritz answered they still must go to ECUA for a separate approval. Chairperson Ritz stated that they have met the city's LDC requirements, we have the request to change the setbacks which he doesn't think will be a problem. Board Member Villegas made a motion to approve the plat application with the changes to 25 feet setback at the front and 20 feet setback at the rear and to have the plat updated prior to submittal to Council. Board Member Grundhoefer asked if these were zero lot townhomes, Paul Battle answered yes. Board Member Grundhoefer asked what the 4 feet setbacks were for, Paul Battle answered it was an easement so that they could maintain access to repair common walls. Board Member Grundhoefer asked is the intention to have Grove Park Drive a continuation of the street across the street and will it be deeded to the city to maintain. Paul Battle answered the plan is to dedicate it to the city. Board Member Grundhoefer asked if they required a turnaround or a 3-way backup, Paul Battle answered he has an easement through Golden Corral so that the fire department could have access to the subdivision. **Board Member Villegas made a motion to approve the plat application with the changes to 25 feet setback at the front and 20 feet setback at the rear, seconded by Vice Chairperson Larson and it carried 5:0.**

Open Forum – none

Discussion – Proposed Amendment to The Land Development Code Sec. 12-3-60 (2) – Boathouses, Piers and Docks, All Residential Zones

John Loftis is requesting an amendment to the height restrictions for boathouses, currently it reads "nor shall any boathouse extend to a height of more than 15 feet from the above mean low tide" to "nor shall any boathouse extend to a height more than 25 feet from the above mean high water". Chairperson Ritz stated if you do the math, it means that they would be adding 11 feet to the height of the boathouse. John Loftis stated they want to bring an outdated code up to date and mirror other codes in other jurisdictions. John Loftis mentioned they must raise the docks higher for grass beds, naturally they must get the boathouse to be higher to have head room. They have changing boat sizes with higher towers and radar equipment, there are times when people could not raise their boats high enough to not get damaged by storm surge, so by adding this footage they are hoping to minimize damage to boats in lifts. He feels they are not doing anything excessive, and they realize there will be view issues and concerns with line of site and they want to be sensitive to those concerns. Chairperson Ritz asked

how many agencies Mr. Loftis goes through to get a permit on Bayou Texar. John Loftis answered they go through the Florida Department of Environmental Protection, Army Corps of Engineers, and the City of Pensacola. Board Member Grundhoefer stated his heartburn is with the line of sight for property owners who have paid a lot of money for these properties. Board Member Grundhoefer feels it's excessive to build these high boathouses, if it was for marinas, he could understand but not for residential properties. He stated if property owners knew about this they would be upset and fill the room. John Loftis stated he polled his clients, and they are all in favor of the change. Board Member Villegas asked where his clients are predominantly based. John Loftis answered on the eastside of Bayou Texar and one on the westside of Bayou Texar, he has a long list of people in favor of the increase in height. Board Member Villegas wanted clarification on John Loftis statement that people were unable to get their boats hauled prior to a hurricane because they can be caught off guard. Board Member Villegas stated that she would hope that one would take those extra precautionary measures which leads her to the point of where that now falls onto the board needing to accommodate people's personal choices. John Loftis stated that was a good point. Board Member Sampson wanted to know how many did not approve of this change; John Loftis answered he has not received any objections. Board Member Villegas stated this is not a guarantee of protection against a major storm but just raising it higher with the hopes that there would be less destruction. Board Member Grundhoefer stated he spoke to someone who had concerns about this large structure causing damage to his property if a storm comes. John Loftis answered he has never lost a boat house due to a storm. Board Member Villegas asked is this is preparing for the worst and hoping for the best and is this the best that could be done to solve the problem. John Loftis stated they are required to build the docks higher in certain instances, accommodating more than just one thing not just the safety of the boats but also to allow more sunlight to the grass beds. Vice Chairperson Larson stated he didn't have any questions for John Loftis at this time, but he would be asking an independent person separate question as far as the environment goes. John Loftis clarified that they could build a dock and build it higher if there are grass beds, but they are not allowed to build the boathouse roof. If there's grass beds in certain places where they want to put the roof, they must find an open spot and move to a different location on the property and build the roof there. If there are grass beds everywhere on the property, they would not be allowed to build the roof. Board Member Villegas asked who determines if it can be built. John Loftis explained that before they come to the city they have to apply to the State and the Army Corps of Engineers for a 2-to-3-month process. They must do a grass beds survey and let them know the details of what they find including photos and video footage of the grass beds. John Loftis stated they also must demonstrate 25-foot side setbacks from the riparian line and that the DEP is more stringent than the city and county. They also must do a riparian line study when they submit their application to the FDEP and the Army Corps of Engineers. They are more stringent with their setbacks than the side setbacks of the city. Assistant Planning & Zoning Manager Harding added that he or Development Services Coordinator Statler will review the plans for compliance with the Land Development Code and Building Inspections Specialist Weekley will review for Building Code Compliance and that most permits are for Bayou Texar. Board Member Grundhoefer stated that from an architectural standpoint you know how a building impacts the environment and how it looks and that his concerns are aesthetic and protecting other homeowners' views. A discussion began about the different means of notification for different boards, Planning

& Zoning Division Manager, Cannon stated that amendments such as this would get the standard media notices provided for Planning Board and City Council meetings. Board Member Grundhoefer wanted to know since this is city wide, how do you announce to 60,000 citizens that they could be affected by this, granted not everyone would be affected. Chairperson Ritz stated it's on the diligence of the citizen to pay attention to their government, other than that there's no vehicle for the city to address the property owners along Bayou Texar. Board Member Grundhoefer asked if it would be beneficial to ask for a variance on an individual basis. Planning & Zoning Division Manager, Cannon stated the Land Development Code does allow variances to certain building design standards which includes building height, so if that also applies to boat houses then that would be an option. Board Member Grundhoefer asked if any individual could come before the board and make a proposal to change the Land Development Code, Chairperson Ritz stated yes, it's the citizens right to do so. John Loftis stated that this was the vehicle put before him to follow the process and do it the right way and out of respect they are before the board to try and make this change. There was discussion regarding who determines what can go before the Zoning Board for a variance. Planning & Zoning Division Manager, Cannon wanted to clarify an earlier statement regarding variance definitions and stated that a variance can be applied for based on height, area and size of structure, yards, and open spaces. Planning & Zoning Manager, Cannon added typically we see height for houses but legal says it can apply to boathouses then that's acceptable. Assistant Planning & Zoning Manager Harding stated to be issued a variance by the Zoning Board of Adjustments there's seven hardship criteria that must be met and that they've never seen a height variance come before the board for the height of boat probably because it would be very hard to prove it's a hardship. Assistant Planning & Zoning Manager Harding added that a variance cannot be granted based on a self-imposed hardship. Chairperson Ritz stated that you must address all seven criteria and there are even some areas where there are 2 additional ones. Assistant Planning & Zoning Manager Harding answered yes. City Attorney Lindsay clarified that they would not be working on this at all unless you as majority tell staff to work on this item, also the concerns about notification can be addressed by letting the mayor's office know of concerns and perhaps do a press release. City Attorney Lindsay further stated if it's determined the change should be worked on it would come back before the board for further review which would give more time for notification and assuming it passes it would then go before city council for two readings with further notifications. Chairperson Ritz asked did the board want to push this forward in a discussion manner, have staff do further research, or have a workshop held. Planning & Zoning Manager, Cannon suggested they could also continue this as a discussion item on the next planning board meeting. Board Member Grundhoefer would like to have a third-party environmentalist to say whether it does or does not have an impact on the environment. Board Member Villegas would also like an environmentalist to come in and help them understand better their responsibility to the community and perhaps a workshop. Board Member Sampson feels we should have notification be given to everyone involved. Chairperson Ritz would like it to move forward since John Loftis is also working behalf of his clients that live on Bayou Texar. Vice Chairperson Larson would like more education on how this would affect sea grasses and the environment and the implications of what they are taking on. Assistant Planning & Zoning Manager Harding shared an email from Mr. Johnson of Wetland Sciences in support of the change, but the board still had questions pertaining to the email. Planning & Zoning Manager, Cannon gave suggestions of others that could

get involved to help educate the board. Board Member Villegas asked if there's any archeological weight on this. John Loftis informed the board that the Army Corps of Engineers can red-flag certain locations if an archaeologist is needed to either sign off on the project or not sign off. Assistant Planning & Zoning Manager Harding mentioned as a registered professional archeologist he could speak to the quality of the review done by the Army Corps of Engineers. John Loftis suggested that they should investigate forming a Marine Advisory Board. Chairperson Ritz stated without objection let us continue discussion on this item at the December 13th meeting. Chairperson Ritz invited John Loftis and others to bring anyone they would like to come speak on the matter. Planning & Zoning Manager Cannon will reach out to individuals to speak on the environmental side of it.

Adjournment – With no further business, the Board adjourned at 3:18 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP
Assistant Planning Director
Secretary of the Board