



PLANNING SERVICES

THE UPSIDE of FLORIDA

## MINUTES OF THE PLANNING BOARD

June 13, 2017

**MEMBERS PRESENT:** Paul Ritz-Chairman, Danny Grundhoefer, Jared Moore, Nina Campbell, Kurt Larson

**MEMBERS ABSENT:** Kyle Owens, Nathan Monk

**STAFF PRESENT:** Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner, Victoria D'Angelo and Helen Gibson, CRA, Don Kraher, Council Executive

**OTHERS PRESENT:** Mick Novota, Greg Worley, Robert Rice, Dax Campbell, Diane Mack

### AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from May 9, 2017
- Request for ROW Vacation of the 1000 Block Avery Street
- Request for ROW Vacation of the 700 Block Commendencia Street – Ferry Landing Project
- Request Variance Approval for the 700 Block Commendencia Street – Ferry Landing Project
- Request Aesthetic Approval of 700 Block of Commendencia Street – Ferry Landing Project
- Request for Preliminary Plat Approval for River Birch Subdivision
- Request for Preliminary Plat Approval for Girard Place Phase I Subdivision
- Consider Amendment to LDC Section 12-2-6 Residential/Office Land Use District
- Consider Amendment to LDC Section 12-12-8 Regulation of Patron's Dogs at Permitted Food Service Establishments
- Consider Amendment to Eastside Neighborhood Plan
- Open Forum
- Adjournment

### Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:03 pm with a quorum present. He gave instructions to the audience on the rules and procedures of the Board.

### Approval of Meeting Minutes

Mr. Larson made a motion to approve the May 9, 2017 minutes, seconded by Mr. Grundhoefer, and it carried unanimously.

### Request for ROW Vacation of the 1000 Block Avery Street

Mr. Dax Campbell, Campbell Construction, is requesting to vacate the portion of the right-of-way of Avery Street directly adjacent to his property at 1011 Fairnie Avenue and the properties located at 1015 Fairnie Avenue and 1717 N. 11th Avenue.

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The applicant indicates the reason for the request is to enable him to have a somewhat symmetric parcel and to allow him to install a privacy fence along the new rear property line. The applicant is only interested in the portion which abuts his property. He has indicated the remainder of the right-of-way could be equally divided between the property owners of 1015 Fairnie Avenue and 1717 N. 11th Avenue. He has indicated both abutting neighbors are in agreement with the request; however, both have signed with contingencies. In initial discussions the rationale for this request was that the applicant could gain additional square footage in order to split the lot and construct two dwellings instead of the one dwelling currently permitted by code. There is a potential for future variance requests to the Zoning Board of Adjustment, which would be self-created by this present request.

Dax Campbell explained they wanted to make the property more symmetrical and install a privacy fence. Both adjacent property owners were in agreement. He explained the contingencies were that he no longer use the easement in the future and install a fence across it. Chairman Ritz asked how the adjacent property owners would maintain their access, and Mr. Campbell advised at the moment he was not aware they were maintaining it. Mr. Joel Campbell explained the easement was like a road they drive in to access the rear of their house. On the Fairnie property, the neighbor does not have access to Fairnie Avenue, so they drive around to Avery and come in the back way. He advised when they demolish the home and rebuild, they will use the front entrance on Fairnie to access the property. Chairman Ritz pointed out at the present time the property belongs to Pensacola and is used by the neighbors who abut it. Since this would allow public property to be placed in the hands of a private individual, how would the Board become satisfied that Mr. Bell and Mr. Broadley (neighbors) still maintain access, and that all citizens are treated fairly. Dax Campbell stated on the rear corner of the property, he would be constructing a fence. When the neighbors access the easement, they turn in before the corner, and this would not impede their access. Ms. Campbell pointed out this is public property being handed over, and would it make more sense to address this as an individual vacation of right-of-way just for the portion needed? Ms. Deese advised that we don't typically vacate portions of rights-of-way for a variety of reasons. It is shown as 20' wide, which means each property owner would get half. Mr. Campbell would get the entire portion because his property abuts the right-of-way on the north and the south.

Mr. Grundhoefer explained the Board needed a legal description to show how the neighbors' contingencies for access were met. Chairman Ritz pointed out those contingencies needed to be clearly resolved. Dax Campbell asked for clarification on what the Board required, and Chairman Ritz advised some kind of legal description/survey from a licensed firm was needed. Even if Mr. Bell and Mr. Broadley were not present and they signed the legal description/survey, with the fence location indicated, the Board would have a much easier time accepting and approving the vacation. Ms. Deese explained the Board could table the item but she would recommend the Board specify the length of time instead of being bound to the 45-day requirement. **Mr. Grundhoefer made a motion to deny as presented without prejudice, seconded by Ms. Campbell, and it carried unanimously.**

#### **Request for ROW Vacation of the 700 Block Commendancia Street – Ferry Landing Project**

Chairman Ritz advised since his business was involved with this project, he recused himself from the discussion and voting on the item.

The Port of Pensacola is requesting to vacate the portion of the right-of-way of Commendancia Street directly adjacent to properties owned by the City of Pensacola, including the Port of Pensacola. Although the application indicates this is a request to vacate Pine Street, the proposed area has been identified as the 700 Block of Commendancia Street by the appropriate City departments. The applicant indicates the reason for the request is to enable this portion of the existing right-of-way to function more as a driveway between the proposed Ferry Landing ticket concession building and the parking area accommodating the passengers. As such, it provides more direct access to the users. The City of Pensacola is the sole adjacent property owner to this section of Commendancia Street.