



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MINUTES OF THE PLANNING BOARD

August 8, 2017

MEMBERS PRESENT: Danny Grundhoefer, Kurt Larson, Nathan Monk, Nina Campbell

MEMBERS ABSENT: Chairman Paul Ritz, Jared Moore, Kyle Owens

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Amy Hargett, Planning Technician

OTHERS PRESENT: Dax Campbell, Dean Dalrymple, Christian Wagley, Scott Sallis

AGENDA:

- Quorum/Call to Order
- Swearing in of Members
- Approval of Meeting Minutes from July 11, 2017
- New Business:
 1. Request for ROW Vacation of the 1000 Block Avery Street
 2. Request for Final Plat Approval for Girard Place Phase I Subdivision
 3. Consider Zoning and FLUM Amendment for Airport Annexation Parcels
- Open Forum
- Adjournment

Call to Order / Quorum Present

As acting Chair, Mr. Larson called the meeting to order at 2:10 pm with a quorum present.

Swearing in of members - Mr. Larson, Mr. Monk, Mr. Grundhoefer and Ms. Campbell were sworn in by the City Clerk's Office.

Approval of Meeting Minutes

Mr. Grundhoefer made a motion to approve the July 11, 2017 minutes, seconded by Mr. Monk, 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. This request was considered and denied by the Board in their June meeting, however, the previous application contained an agreement between the parties which contained contingencies. The applicant has submitted a new signed agreement and survey indicating the proposed division of the right-of-way if approved by the City. The one outlying issue when the Board considered the application in June has been resolved.

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Mr. Dax Campbell stated the City would deed the north 10' to the northern property owner and the south 10' to the southern property owner. Ms. Deese clarified that the portion of the property which abuts Mr. Campbell's property, since he owns the property to the south, will be deeded entirely to him on the western portion of the right-of-way. Ms. Campbell pointed out there were signatures from the other homeowners involved which supported the request.

Ms. Campbell made a motion to approve, seconded by Mr. Monk, and it carried unanimously.

Request for Final Plat Approval for Girard Place Phase I Subdivision

Rebol-Battle & Associates has submitted a request for Final Plat approval for "Girard Place – Phase I" subdivision, a townhouse subdivision. The proposed development, formerly identified as 302 W. Romana St, is a total of 1.62 acres located on the eastern portion of the City block bounded by S. Reus Street (east), W. Romana Street (south), S. DeVilliers (west), and Hilary Street (north). The initial phase under consideration with this application is .92-acres in size. The site is currently vacant.

The application under review contains 11 lots in addition to the remainder of the parent parcel. With this submittal, the townhouse blocks are completely surrounded by the common area/parent parcel. The development remains consistent with the approved Preliminary Plat. Ms. Deese pointed out an important comment addressing access was included in information provided to the Board. Mr. Rebol addressed the Board. He advised with the common area access to the lots, setback regulations were achieved for the Governmental Center District (GCD), and the project had received aesthetic approval.

Mr. Wagley referenced the plat standards in Section 12-8-8 of the Code; one of those requirements applies to the setbacks. This project was determined to be in the dense business area which required a 10' maximum setback, meaning buildings cannot be set more than 10' from the front property line. He did not observe the maximum setback illustrated on the current plat.

Mr. Grundhoefer stated he understood the reasoning for building to the 10' in the Code, requiring buildings to be up against the street. Ms. Deese explained in the Land Development Code, the Historic District spells out that it should be from the right-of-way, whereas the GCD does not. She pointed out the challenges for the Board with platting and subdivision approval, and that the Board was to take the technical comments and make sure they were addressed. She advised interpretations are provided from the technical experts who perform these actions day to day; they had stated this project met the technical requirements of the Code. Mr. Grundhoefer explained he thought the developer was trying to find a loophole to push the buildings back, setting cars in front of the property. Ms. Campbell felt the builders were within their legal rights with the easement in place. Mr. Rebol clarified that it was not an easement but a real piece of property and part of the common lot. He explained there was the right-of-way line, then a piece of property, then the newly created lots. He stated the application for review was a plat and not based on what's going to be there or what it is going to look like; the developer could sell it, and it might be a totally different product. However, in proceeding in this way, the builder was meeting the 10' maximum setback requirement. Ms. Deese verified setbacks were measured from the property line and not from the right-of-way; again, the Historic District spells out right-of-way which the other districts do not. Mr. Grundhoefer suggested the applicant was not complying with the intent of the Code. Mr. Rebol advised that perhaps the Code needed to be reviewed for items which keep falling into loopholes.

Mr. Monk pointed out when the Board approves something, it sets a precedent, and he was hesitant to approve. Ms. Deese clarified for the record that the platting process was very technical, and if all the technical comments had been addressed, the Board was obligated to approve the request. She explained the function of the Board was to ensure the technical comments were received and addressed. On other agenda items such as rezoning, conditional uses or aesthetic review, the Board could exercise its opinions, however, in platting it could not.

Scott Sallis addressed the Board and explained this project had been burdened with many hurdles including stormwater requirements which point out water cannot drain toward the street.

There were issues with Gulf Power determining they could not route utilities where they desired in the common area. The section of land in the front allowed them to meet those technical issues. He pointed out they were not coming to the Board in the spirit of manipulation to not comply with the dense business area requirement. He stated this was an odd obscure part of the Code which was originated when he sat on the Planning Board. He stated that this requirement should be removed from the Code. He pointed out that if the Planning Board was to determine the applicant met the regulations, and they clearly have, the Board was obligated to approve.

Ms. Campbell felt that after hearing staff's comments, the Board's responsibility was to address what was on the table and made a motion to approve, and the motion failed for lack of a second.

Mr. Wagley emphasized the elements of the Code needed to be listed on the plat document; the maximum setback for the dense business area was not listed and constituted a deficiency. Ms. Deese stated staff did review and considered having the plat amended to add the build-to line. In reading the Code, the underlying zoning is the requirement on the plat. Not knowing what may happen with the GCD, staff opted to leave as is and not create confusion for the future. There is no legal requirement to place the build-to line on the plat since it is not within the underlying district but instead in an area. She clarified that the Board was a recommending board to City Council, so the Board could approve or deny. The applicant has the option to move forward to City Council at their choosing even with a denial. In considering platting with City Council, it then becomes a quasi-judicial hearing, so the function would become different with Council making their own decision. She clarified that since this Board is a recommending body, there would be no appeal from the decision today because it is not a final decision.

Mr. Grundhoefer made a motion to deny, seconded by Mr. Monk. The motion failed with 2 supporting and 2 dissenting (Ms. Campbell and Mr. Larson).

Consider Zoning and FLUM Amendment for Airport Annexation Parcels

Mr. Dan Flynn, Pensacola International Airport Director, is requesting to rezone the City-owned properties included within the recent City of Pensacola annexation approved through Ordinance 15-17 to ARZ, Airport Restricted Zoning District. This request also requires a Future Land Use Map (FLUM) Amendment to A, Airport. The zoning district and FLUM designation were previously under the jurisdiction of Escambia County. Since the properties now lie within the jurisdictional boundary of the City of Pensacola, the applicable zoning district and FLUM designation need to be established. Ms. Deese explained all of the property annexed was owned by the airport, and this request was a formality to bring zoning into compliance from county zoning to city zoning. Mr. Grundhoefer asked if the airport needed more land and would grow into those residential lots. Ms. Deese indicated that was not the case, but it was a buffer to remove residences which were impacted by the airport operations.

Mr. Grundhoefer made a motion to approve, seconded by Ms. Campbell, and it carried unanimously.

Open Forum – Ms. Deese stated the applicant for the 9th Avenue property missed the deadline for August but would possibly present in September.

Adjournment – With no further business, Acting Chairman Larson adjourned the meeting at 2:53 pm.

Respectfully Submitted,



Brandi C. Deese
Secretary to the Board