



MINUTES OF THE PLANNING BOARD

March 10, 2020

MEMBERS PRESENT: Chairperson Paul Ritz, Board Member Grundhoefer, Board Member Murphy, Board Member Powell

MEMBERS ABSENT: Vice Chairperson Kurt Larson, Board Member Sampson, Board Member Wiggins

STAFF PRESENT: Assistant Planning Director Cannon, Senior Planner Statler, Transportation Planner-Complete Streets Ziarnek, Assistant City Attorney Lindsay, Assistant Airport Director for Finance Andrea Levitt, Intern Mendillo

OTHERS PRESENT: Brian Ditthardt, Ryan Ditthardt, Deborah York, Marla Backhaus, Mike Hamlin, Matthew Cushing, Fred Davis, John Fitzgerald, Ron Fitzgerald, Angela Bottesini

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from February 11, 2020.
- **New Business:**
 1. **Vacation of Right-of-Way Request – Pensacola International Airport**
 2. **Vacation of Right-of-Way Request – 500 Stanley Avenue**
 3. **Discussion on the Proposed Amendment to the Tree Ordinance**
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairperson Ritz called the meeting to order at 2:00 pm with a quorum present and explained the procedures of the Board meeting.

Approval of Meeting Minutes

Board Member Grundhoefer made a motion to approve the February 11, 2020 minutes, seconded by Board Member Murphy, and it carried unanimously.

New Business

Vacation of Right-of-Way Request – Pensacola International Airport

Assistant Planning Director Cannon presented to the Board and stated the request was to accommodate future airport development as part of a phased expansion. Assistant Airport Director Levitt advised the airport had been purchasing property since 2002 and with the airport expansion, they needed to vacate the roadways in order to build. Chairperson Ritz noted none of the utility providers had any concerns, and ECUA had requested they work with them; Ms. Levitt confirmed they had been working with ECUA to allow the required easements for their purposes. Board Member Grundhoefer asked about the residences, and Ms. Levitt explained the property was purchased and the structures demolished. She indicated there were mini warehouses on Douglas which would be relocated. She also stated the property had be rezoned to ARZ when it was annexed into the city limits.

Ms. Backhaus and Ms. York addressed the Board. Ms. York indicated when people left their homes, they had left their animals, and they had been feeding cats since November 2014. They were trying to capture the last few and wanted to know how this vacation affected them. Chairperson Ritz explained a fee simple property meant the owner lived on the property and possessed a deed. Right-of-way property is owned by citizens of the City of Pensacola. When there was a request to vacate a right-of-way, it meant that person requesting it asked for the right-of-way to be given to them to be added to their fee simple property. He explained you could not trespass on fee simple property without permission. Ms. Backhaus stated they were feeding the cats as close to the road as possible but had been approached by police officers. Chairperson Ritz suggested contacting the airport staff; he explained this right-of-way vacation would be decided at this meeting but would proceed to the Council. Board Member Murphy advised she had met with Airport Director Flynn on occasion and stated he worked on planting the wildflowers for bees on the airport property and suggested Councilwoman Myers could also be a contact for some direction.

With no other comments, Board Member Powell made a motion for approval, seconded by Board Member Murphy, and it carried unanimously.

Vacation of Right-of-Way Request – 500 Stanley Avenue

Assistant Planning Director Cannon stated Mr. Ditthardt had submitted a vacation of right-of-way which did include the required petitions signed by adjacent property owners. She noted that the petitions were required per the Land Development Code. Chairperson Ritz clarified this was a vacation of right-of-way request. Staff explained neighbors who were not responsive were not included within the request, and some chose not to vacate.

Brian Ditthardt addressed the Board and stated there was no purpose in the alleyway, and they had been working with staff to present the appropriate application. They had attempted to contact all property owners on the right-of-way, however, some were out of the country, but they had the signatures of those included in the request. The applicants were in agreement with the staff's presentation.

Mr. Davis who owns 2807 E. DeSoto, did receive the certified mail notification and had no problem with the request but did not sign the request due to his unique situation with a house already in the alleyway and beyond the 10' which would be given to the property owner. Chairperson Ritz stated he did not know how to address this situation but noted instances in the 1950s where individuals built structures across property lines. Staff clarified that Mr. Davis' property was not affected by this application.

Mr. Cushing, the owner of 2803 E. DeSoto, advised the cinderblock garage encroached 10' into the right-of-way alley and benefited him at this point to enclose it, but he had no

issues with the request. **With no other speakers, Board Member Murphy made a motion to approve, seconded by Board Member Grundhoefer, and it carried unanimously.** Chairperson Ritz explained the request would proceed to Council for the official decision.

Discussion on the Proposed Amendment to the Tree Ordinance

Ms. Murphy advised they had confirmed workshops with two University of Florida professors from the Department of Urban Forestry for April 20, 4 to 8 pm and April 21, 9 to 4pm, with the tentative location at Sanders Beach; all City and County staff are invited. She was hoping this would be a continued program with the two professors who had developed successful programs for Miami, Orlando, Gainesville and Tampa, with the idea being to not build an ordinance first and project backwards. The object would be to look at what was needed long term and then develop that into an ordinance. Chairperson Ritz reminded Board members to observe the Sunshine and not speak or sit together at these workshops.

Open Forum – Mike Hamlin with ECUA wanted to inform the Board on the insight of the utility organizations when evaluating right-of-way vacations. He explained there were three different cases they see: 1) Unopened right-of-way, something platted decades ago, where they usually don't have facilities and no easement; 2) Minimally opened right-of-way which has a short line and sometimes not in use with no easement retained; and 3) An active facility which draws concern, and even if they retain an easement, the property owners still want to use that property for parking, fences, and gates. In those instances, they try to accommodate the request as much as possible but must balance it with the other utility customers needing access for their equipment.

Adjournment – With no further business, Chairperson Ritz adjourned the meeting at 2:37 pm.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Cynthia Cannon".

Cynthia Cannon, AICP
Assistant Planning Director
Secretary to the Board