



## **MINUTES OF THE PLANNING BOARD**

**July 14, 2020**

**MEMBERS PRESENT:** Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Wiggins

**MEMBERS VIRTUAL:** Board Member Murphy, Board Member Sampson

**MEMBERS ABSENT:** Board Member Grundhoefer, Board Member Powell

**STAFF PRESENT:** Assistant Planning Director Cannon, Senior Planner Statler, Assistant City Attorney Lindsay (cell phone), Historic Preservation Planner Harding, Network Engineer Johnston, Digital Media Coordinator Rose

**OTHERS VIRTUAL:** Louis E. Harper

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from June 9, 2020.
- **New Business:**
  - 1. **Request for Vacation of Right-of-Way – 310 and 306 Bay Boulevard**
- Open Forum
- Discussion on the Proposed Amendment to the Tree Ordinance
- 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 virtual Board meeting.

### **Approval of Meeting Minutes**

**Vice Chairperson Larson made a motion to approve the June 9, 2020 minutes, seconded by Board Member Wiggins, and it carried unanimously.**

## **New Business**

### **REQUEST FOR VACATION OF RIGHT-OF-WAY – 310 AND 306 BAY BOULEVARD**

The Planning Department received a request from Mary Catherine and Louis E. Harper III for a Vacation of Right-of-Way (ROW) of Bay Boulevard (a 20' right-of-way) on 310 Bay Boulevard (Lots 6, 7 and 8, Block 3, East Pensacola) and 306 Bay Boulevard (East half of Lot 3 and all of Lots 4 and 5). The applicant has stated the ROW is no longer needed as a public thoroughfare in that it does not provide access to any other public road or ROW and that it terminates on Lot 7, Block 3.

Chairperson Ritz explained he did not want to set a precedent for doing something besides splitting a right-of-way and giving it to the property owners on each side. His idea was that it needed to follow the standard for vacation of property so if the property was vacated, half would go to the property on the north and half to the property on the south. Staff advised the property vacated would be in front of 306 and 310 Bay Boulevard. Chairperson Ritz indicated that anyone going over the railroad tracks to obtain access to the water was actually trespassing.

Mr. Harper presented to the Board and agreed to get to the water, one would trespass on the railroad property and also agreed that the vacation would result in 10' to the property owner and 10' to the railroad. He pointed out that Bay Boulevard actually terminates in the center of his property and does not permit any access to a public road or any other means to get to another piece of property. Emergency vehicle access is now available on the north side via Chipley Avenue; the remaining portion of Bay Boulevard would provide his neighbors access to their property as well as allow access to the emergency vehicles. He also presented photos showing an asphalt driveway which was perceived as Bay Boulevard but was actually private property, with the right-of-way existing to the right and toward the water. He then presented a video showing the heavy brush landscape. Board Member Murphy asked if they would be building anything on the right-of-way and would the utility easements stay in place. It was determined they had no plans to build, and the gas utility easement would remain.

Dan Farley asked if the concrete table presented in the video was on Bayview or the right-of-way, and Chairperson Ritz explained it was on previously vacated property around 1988, and this request was for property to the west not vacated in the 1980s. He advised the easement was south between the asphalt driveway and the bluff and railroad. Mr. Farley stated in visiting this site, it would be challenging to be anywhere on that slope.

Michael Allen stated Bayview Boulevard had originally been platted around the entire perimeter of East Pensacola Heights. Over the years, it had been chipped away by landowners who purchased property without an easement being abandoned and then later applied. This time, the property owner acquired the property with an easement before building a house. He explained it appeared the City had reinstated a policy of giving away waterfront land that is an amenity to the interior landowners; he objected to this and encouraged the Board to look closely at the idea of giving away waterfront view or access to adjacent landowners without a compelling reason that it serves the public good. Board Member Wiggins explained that the City could not legally sell the right-of-way, and the landowner had to go through this process to acquire the land; it would also benefit the general public when the Board does things like this because it now becomes taxable land which goes into the coffers; it also is not giving them an access to the water which they don't already have. She also pointed out going across the existing railroad was

trespassing.

Harriet Allen advised this property was the only south facing right-of-way, and even though it is not a large amount of land, it would still be a great trail for walkers to enjoy the view. Also, it is a historically significant area with artifacts being discovered in the right-of-way on the other side of this property, and she was opposed to abandoning the right-of-way. Chairperson Ritz explained artifacts were not isolated to this piece of property.

(Ms. Johnson could not be reached by phone or email for input.)

Elizabeth Benchley, an archaeologist who participated in the survey of the right-of-way area under consideration, advised that the level areas of the right-of-way are an important part of the Tristan de Luna settlement site and offered to answer any questions.

Board Member Wiggins stated she had tried to canvass this area for a political candidate, and it was impossible to traverse, however, access to the water could be attained through Pickens Avenue. She did not have a problem with this vacation, and explained this could be a public safety issue in keeping people off the railroad tracks. With the 10' split, Chairperson Ritz also had no problem with the vacation.

**Board Member Wiggins made a motion to approve, seconded by Vice Chairperson Larson. Vice Chairperson Larson was concerned that UWF would not have access to the archaeological area, and staff advised they would have access to the full width easement, and this request would be presented to Council for final decision on August 13. The motion then carried 4 to 1 with Vice Chairperson Larson dissenting.**

**Open Forum** – None

**Discussion on the Proposed Amendment to the Tree Ordinance**

Board Member Murphy advised due to the Covid-19, they were still working on the method of conducting public workshops.

**Adjournment** – With no further business, Chairperson Ritz thanked the Board for its patience with the change in methods of physical and virtual participation and adjourned the meeting at 2:40 pm.

Respectfully Submitted,

Cynthia Cannon, AICP  
Assistant Planning Director  
Secretary to the Board