

## Robyn Tice

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**From:** Brandi Deese  
**Sent:** Monday, May 7, 2018 1:42 PM  
**To:** Ericka Burnett; Robyn Tice  
**Subject:** Fwd: City Council Item Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District  
**Attachments:** information-packet-full.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Amber Hoverson" <[amber.hoverson@oldeasthill.com](mailto:amber.hoverson@oldeasthill.com)>  
**To:** "Brandi Deese" <[bdeese@cityofpensacola.com](mailto:bdeese@cityofpensacola.com)>, "Leslie Statler" <[LStatler@cityofpensacola.com](mailto:LStatler@cityofpensacola.com)>  
**Subject:** Fwd: City Council Item Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District

Hi ladies,  
I wanted to forward this message to you so you're aware of what I sent over to the councilmen/women. Hopefully it's clear and informative enough.

Happy Monday:)

----- Forwarded message -----

**From:** Amber Hoverson <[amber.hoverson@oldeasthill.com](mailto:amber.hoverson@oldeasthill.com)>  
**Date:** Mon, May 7, 2018 at 1:32 PM  
**Subject:** City Council Item Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District  
**To:** [dkraher@cityofpensacola.com](mailto:dkraher@cityofpensacola.com), [gwingate@cityofpensacola.com](mailto:gwingate@cityofpensacola.com), [smyers@cityofpensacola.com](mailto:smyers@cityofpensacola.com), [ljohnson@cityofpensacola.com](mailto:ljohnson@cityofpensacola.com), [bspencer@cityofpensacola.com](mailto:bspencer@cityofpensacola.com), [aterhaar@cityofpensacola.com](mailto:aterhaar@cityofpensacola.com), [pcwu@cityofpensacola.com](mailto:pcwu@cityofpensacola.com), [jcanada-wynn@cityofpensacola.com](mailto:jcanada-wynn@cityofpensacola.com)

To: Pensacola City Council  
To: Don Kraher, Council Executive  
Re: City Council Item Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District

Dear Pensacola City Council Members,  
My name is Amber Hoverson and I am the President of Old East Hill Property Owners Association.  
*East Hill Animal Hospital/Pensacola Pet Resort Too* is requesting a City Code change that would allow exercise areas in OEHC-1 zoning. While outdoor exercise areas are

allowed in C-3 (light industrial) areas of Pensacola, no such zoning is permitted in our historic districts or any other C-1 zone of the city.

Currently, this Old East Hill business is operating under a Conditional Use Permit granted in 2008 in which the owner agreed not to have outdoor exercise areas. Neighbors in 2008 expressed their concern that outdoor areas would create a noise nuisance that would negatively impact the enjoyment of their property. This fear has become a reality.

In 2008 the code was written to protect our neighborhood by preventing this business from overreaching or impacting our area negatively. The proposed code change will diminish the protection we have while giving more privileges to a business that is already overstepping and in violation of the original agreement.

**After hearing from over 50 residents who live and own property in our neighborhood, our Board voted unanimously in opposition of the code change to Section 12-2-10 proposed by the Planning and Zoning Board on April 10, 2018.**

We are very concerned as a neighborhood that our voice will not be heard. Even though we are pet friendly and supportive of our small business, we cannot support *this* code change, which would allow inappropriate business operation in our preservation district.

**Please vote No on the Proposed Amendment to Land Development Code Section 12-2-10(C)(4)(B) Historic and Preservation Land Use District; Old East Hill Preservation Zoning District: Uses Permitted; OEHC-1 neighborhood Commercial District.**

Attached is a packet of information that contains a high level overview of background/ current information in regards to the issue, 17 messages from 20 property owners expressing their concerns about the code change, and 6 comments copied from [a petition started at change.org](#).

[https://www.change.org/p/pensacola-city-council-keep-the-power-with-the-people-a23539f5-a173-46d3-b20e-ce60adea225e?recruiter=874303628&utm\\_source=share\\_petition&utm\\_medium=copylink&utm\\_campaign=share\\_petition](https://www.change.org/p/pensacola-city-council-keep-the-power-with-the-people-a23539f5-a173-46d3-b20e-ce60adea225e?recruiter=874303628&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition)

In addition to the online petition started 2 days ago we also have collected over 50 signatures from residents who live/ own property in Old East Hill.

Thank you for your careful consideration of our concern.

Sincerely,

Amber Hoverson

OEHPOA President

Like us on Facebook!

<http://www.facebook.com/Old.East.Hill>

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Amber Hoverson

OEHPOA President

Like us on Facebook!

<http://www.facebook.com/Old.East.Hill>

Dear Pensacola City Council Members:

Please vote NO on the "PROPOSED AMENDMENT TO LAND DEVELOPMENT CODE SECTION 12-2-10 (C)(4)(B) HISTORIC AND PRESERVATION LAND USE DISTRICT; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT."

### **What's Going On?**

A business in our neighborhood is trying to get City Code changed for the second time in 10 years to support its business needs. The proposed code change would currently only benefit the business, for everyone else it causes harm. A code change opens up our neighborhood for future issues. For example, if a business in our district can change a code now to benefit itself then any future business can use "they did it why can't we" approach to bend the rules to suit its needs. This is unacceptable and very scary.

Currently the businesses at 805 E Gadsden (East Hill Animal Hospital and Pensacola Pet Resort Too) are in violation of City Code 12-2-10(C)(4)(b)6&5(n).

The code allows:

- **Pet shops with all uses inside the principal building**
- **Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas**

The businesses at 805 E Gadsden are in violation of the above codes because there are 3 outdoor areas that dogs use multiple times a day. At the businesses' website <https://pensacolapetresorttoo.com/> you can see a video (You Tube PPR TOO-FINAL) that shows dogs going out multiple times a day as a key selling point. See transcript attached. The violations exist in that all uses **are not** in the principal building and there is **clearly an exercise area**. While Old East Hill Property Owner's Association appreciates the quality of care being given to these animals (who wouldn't want their pets to get this level of attention?!), it does not appreciate disregard for City Code in our district and for the quality of life of its neighbors.

Code Enforcement found East Hill Animal Hospital and Pensacola Pet Resort Too in violation of both codes on February 6, 2018. As a result, they were given until 2/5/19 to "correct the violations by discontinuing allowing animals to run and exercise outside the pet shop/vet clinic". **Instead of removing the option for animals to run and exercise outside the pet shop/vet clinic, the business owner has proposed an amendment to change the code.** Furthermore, the proposed code change not only allows the businesses to continue as before, but allows any NEW BUSINESS to open with no input from the neighborhood. While changing the code would ensure that there is no disruption in business operation at 805 E Gadsden, it poses a major problem for residents who oppose current noise levels and have addressed their concerns to Code Enforcement and City Planning. Again, City Code has already changed once for this business to operate within our district in 2008.

In 2008 these businesses were allowed to move into our neighborhood despite substantial concern and protest from the residents of Old East Hill. Pensacola Pet Resort Too was allowed to open without any input from residents because it was determined that the resort would be **acting upon the same rules as a pet shop**. The Animal Hospital was allowed after getting an amendment to the Land Development Code for OEHC-1, whose regulations specifically excluded veterinary hospitals and clinics. Despite letters and residents speaking out against these businesses at City Hall our voice was not heard and/or understood. Many people in the neighborhood voiced concerns about noise, parking, congestion and

the building's design. Ten years later most people can agree that the building is a welcome addition to overall aesthetics. **However our association has heard complaints from residents about: East Hill Vet customers leaving dog excrement in the yards, sidewalks or green areas surrounding the business, cars parking on the street in front of homes that people live in adjacent to the business, and dogs barking incessantly (more than 5 minutes).** We are an active property owner's association in one of the City's three historic **preservation** neighborhoods and our input must be taken into account. At the City Council Meeting Thursday May 10<sup>th</sup> we will be requesting that East Hill Vet Clinic/Pensacola Pet Resort Too operate within the original permit granted in 2008.

### **Summary of Concerns from over 50 residents in Old East Hill**

- The business is currently operating under a Conditional Use Permit but is asking for "Permitted Use by Right". Permitted use by right means that the neighborhood loses an additional layer of protection from the City.
- The City or Planning can put restrictions on the operation of a business with a Conditional Use Permit. Without it, this business or any new one can potentially expand without limitations.
- Old East Hill has clearly established historic preservation guidelines that have been disregarded. If this business is granted Right of Use and its Conditional Use permit is removed our concerns as a neighborhood will be much harder to act upon. Currently our option in dealing with unwanted aspects of the business is by filing an affidavit under oath with a witness who lives at a different address; putting the workload on the resident, not the business owner. An affidavit must be notarized by the resident.
- If the code change is approved, anyone can open a C-3 type business in a C-1 area in two thirds of our district. In looking at a city map from 2014 there were 72 homes in the residential area and 162 in all other zones (234 total). Roughly 70% of our neighborhood will be *directly* impacted by this code change. Imagine unwanted businesses scattered around all of Old East Hill permitted by right. If this code change goes through that could happen to our neighborhood or yours.
- A change like this establishes a legal precedent which could be used to add unwanted use to North Hill and Seville.
- This business' specific issue needs to be addressed, not a code change for an entire area.
- This code change affects surrounding businesses, why should one business' needs be put before another's?
- Why should the code be changed to benefit one? It should be changed to benefit the entire neighborhood.

**WE BELIEVE THIS CHANGE WILL HAVE A DRAMATIC AND NEGATIVE AFFECT ON OUR NEIGHBORHOOD AND PROPERTY VALUES, AND WOULD GREATLY APPRECIATE YOUR SUPPORT AND HELP**

# PPR TOO-FINAL Transcript

This is a transcript of the PPR TOO-FINAL clip found at <https://youtu.be/-Ys1i6DgGwU> advertising services that place it in clear violation of current code 12-2-10.

Welcome to Pensacola Pet Resort Too, the first and only pet resort in the Pensacola area that caters to your furry family members 40 pounds and under. We are conveniently located in the Old East Hill Historic District at 805 e Gadsden Street, 1 block south of Cervantes street. Owned, operated and supervised by the doctors at East Hill Animal Hospital, our primary goal is the health and happiness of our feline and canine guests. Therefore, each guest is given a complimentary wellness exam by one of our staff members to ensure that your pet is disease and parasite free. If any problems are noted, our doctors will be happy to attend to your guest's medical needs. If requested our guests will then be checked into one of our spacious suites that mimic your home environment. They will have plenty of room to stretch out and relax or play. We also offer traditional boarding as well as some dogs feel more comfortable in these spaces.

**Your pet's day will begin with a 7a wake up walk followed by breakfast and tidying up of their suite.** We feed Hills prescription diet ID to our guests for their optimum digestive health during their stay.

**Playtime is offered next either inside or out followed by lunchtime snacks, and then another walk outside.**

**After a lunchtime rest another walk is given, followed by afternoon playtime before dinner.**

**After dinner the dogs are given 2 more walks before being tucked in for the evening.**

**All dogs are offered 5 leash free outings a day 365 days a year in one of 3 clean shaded and spacious exercise yards.** We adhere to a strict schedule to ensure that all of your pet's needs are taken care of and any changes or problems will be noted by our staff and reported accordingly.

Doggy dare care is offered and enjoyed by many dogs that make lasting friends with other guests and with our staff members. This is a great way to help our puppy guests with socialization and potty training as well as helping our adolescent guests in preventing boredom and increasing exercise. Older guests enjoy the companionship at our doggy day care.

Our amazing staff gets to know your pet and assigns an appropriate playgroup for exercise and interaction during their visit. **Playtime is offered in doggy day care (video shows dogs playing outside) as well as to our overnight guests if requested.**

Our feline guests will enjoy a dog free zone with multi-level cat condos which provide viewing access to our feline play area. In this area the cats can climb, play or just sunbathe in the picture window.

**Optional amenities are offered to all of our canine and feline guests such as extra walks and playtimes, cuddles, massages, and bathing and grooming that can add to your pet's experience at Pensacola Pet Resort Too.** Our amazing pet resort staff has joined 22 experienced and very talented groomers. They treat each of their grooming clients with kindness, patience, and perfection and can accommodate dogs and cats of any size shape or breed Monday thru Friday. They offer traditional grooming as well as creative grooming for those special or just plain fun occasions. Give us a call at 438 dogs or 438-3467 or visit our website at pensacolapetresorttoo.com for more information.

# ALL THE DETAILS

Our neighborhood has its own preservation zoning districts: OEHR-2 (residential) OEHC-1, OEHC-2, and OEHC-3.

Old East Hill preservation zoning districts are established to preserve the existing residential and commercial development pattern and distinctive architectural character of the structures within the district. The regulations are intended to preserve, through the restoration of existing buildings and construction of compatible new buildings, the scale of the existing structures and the diversity of original architectural styles.

Currently, only C-3 section B allows for outside kennels, runs, exercise areas for animals subject to regulations in section s 12-2-54.

Section 12-2-12

## **Review of Land Development Code OEHC-1 changes and proposed changes**

2008 Section 12-2-10 (C) (4) original code

OEHC-2 allows for hospitals and clinics (except for animal hospitals and clinics)

2008 code amendment proposal to add:

“Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas” to the permitted uses allowed in the Old East Hill Commercial District (OEHC-1)

Background: at the time 805 E Gadsden Street was zoned OEHC-1. The regulations which govern development in OEH district allow hospitals and clinics in OEHC-2 District, with the specific exclusion of animal hospitals and clinics.

Pet shops with all uses inside the principal building were allowed in OEHC-1 in 2008.

2008 code change and Current Code for OEHC-1

Conditional uses permitted. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas

2018 proposed code change:

Animal hospitals, veterinary clinics, and pet resorts with fully enclosed kennels and no outside runs; outdoor exercise areas are permitted by right

2018 proposed code change modifications from Planning Board:

Outside exercise areas would be permitted as long as they are supervised and limited to 5 animals at one time. Conditional Use Permit requirements would be eliminated.

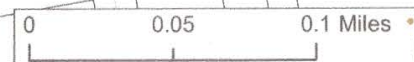
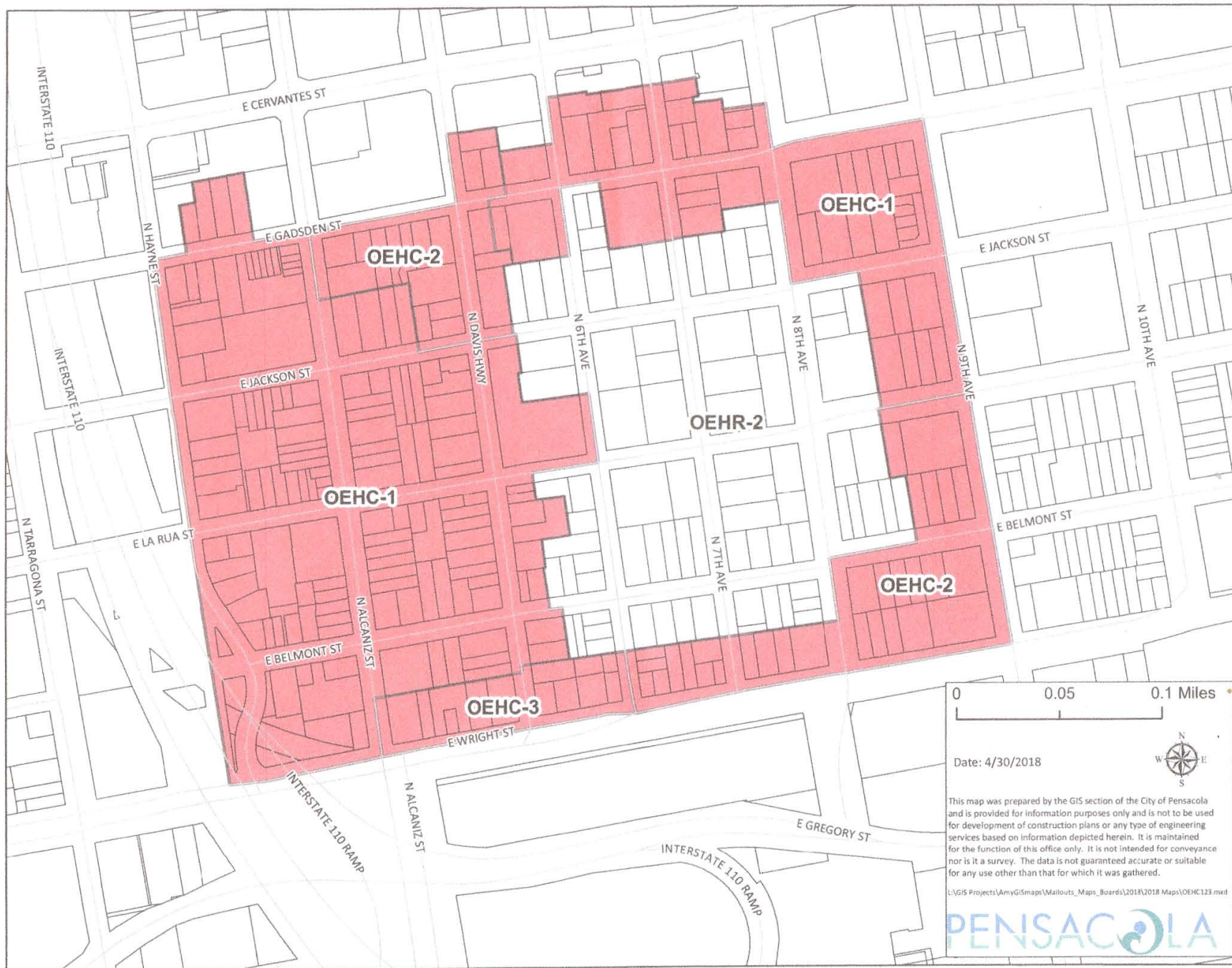
## **Current City Code Violation City Code 12-210(C)(4)(b)6&5(n)**

(C) Old East Hill preservation zoning districts. OEHR-2, OEHC-1, OEHC-2 and OEHC-3

(4) Uses permitted.

(b) OEHC-1, neighborhood commercial district.

6. Conditional uses permitted. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.
5. The following uses, retail only, with no outside storage or work permitted, except as provided herein:
  - n. Pet shops with all uses inside the principal building.



Date: 4/30/2018



This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

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May 2, 2018

To: Pensacola City Council

To: Amber Hoverson, President of Old East Hill Property Owners Association

Re: Proposed changes to operating guidelines of 805 East Gadsden Street.

As homeowners at 616 East Belmont street, we feel that future changes to the current operating guidelines as proposed at 805 East Gadsden would be a detriment in regulating future business opportunities within this historic district.

We purchased our dilapidated bungalow in 2013, a residence that had aesthetic code violations and liens with the full intent to restore it to its former 1900 glory. Five years and many months of hard work later; our former drug infested residence is fully renovated. As residents we had to follow strict aesthetic and material use rules as written and made no attempts to revise the current guidelines to suit our needs; even though in many cases it would have been a big money saver. We knew the rules going in.

We made this commitment after evaluating the neighborhood and future growth opportunities as we feel this part of Pensacola is the new 'Hot Spot'. This trend will only continue on this path as many new homes are being built and renovated following strict guidelines for use, materials and aesthetics already in place AND followed by all current and new residents and businesses coming in. Revisions to benefit one entity only will serve as a bad precedent for any future tenant of Old East Hill. Though we appreciate the value of the local business and it's aesthetic appeal within the district, no resident wants to deal with the noise/cleanliness issues associated with it's current business practices which are clearly a violation of it's operating codes; a code which was understood when this process began.

Please add our names to this list of NO revision to the current code.

Sincerely,

Mario Roberts

Jeff Elbert

My name is Lou Mitchell Courtney. My husband & I have lovingly and painstakingly invested time, sweat, and money into restoring our historic home over the past 20 years. We have helped to build trust and community with neighbors in our tiny neck of the woods, Old East Hill. How many of you desire to live next to this facility?

Dr. Hall was given special permission to open Pensacola Pet Resort Too under the analogy to it being a PET SHOP with all uses inside the principle building. In 2008 she requested an amendment to the LDC to allow a veterinary clinic in OEHC-1, whose regulations specifically excluded veterinary hospitals and clinics. Dr. Hall stated in that City Council meeting 'My vet will have completely enclosed areas for sick and surgical animals so there won't be a noise issue.' Dr. Hall operates a clinic, a hospital and grooming facility, and she operates a boarding facility with outdoor areas: it is an EXPENSIVE KENNEL, which is not permitted in our area. The business tax license for her other business (PPR) at 300 Gadsden describes it as a kennel. It is properly zoned for that there. The PPR Too business at 805 Gadsden is described as Pet services/grooming. WHAT IS THE BENEFIT TO THE COMMUNITY IN ALLOWING A **C-3** business to operate in a **C-1** area?

A Conditional Use permit is an added layer of protection that allows for problems to be addressed: we are here today because there IS a problem. On their original permit application it clearly stated there would be 'no outdoor runs or exercise areas'. Their website states they take the dogs out '5 times a day' . They do this 365 days a year, in 1 of their 3 outdoor runs. I remember from our neighborhood meeting in 2008 Dr. Hall said that the boarding of animals would be at the 300 Gadsden location and grooming and veterinary services would be at the 805 location . Was she boarding dogs at PPR Too to begin with or did the demand for boarding outgrow her space at 300 Gadsden? She should be retroactively fined for the length of time she has been in violation. Recently, when asked to share the current number of dogs there on an average Spring weekday, Dr. Hall responded: 25 during weekdays, 45 on weekends. If the dogs go out 5 (or more) times a day for 20 minutes at a time, then 45 dogs are each outside longer than an hour and a half each day. The barking is noticeably louder in summer months through December, when people vacation.

If the code is changed from Conditional to Right of Use, that means they can expand into our area even further without notifying residents or getting their input and that decision is IRREVERSIBLE. She has intentions to expand. **This will affect our property values adversely.** It would intensify incompatible uses which will result in a nuisance lawsuit and a lot of bad PR. The City can't control any aspect of the operation of her business so they can't protect residents from bad practices. There can be 200 barking dogs there and neighbors cannot complain, except under the city noise ordinance which is vague and ineffective. Nearly half of Old East Hill is zoned HC-1 which means new dog boarding facilities could open up throughout the neighborhood without input from residents.

Let me point out that 3 supporting letters are from adjacent property owners who do not live in their house and 2 have been unoccupied for at least 3 years and the other one burned 1.5 years ago after having housed people with bad drug problems. These people stand to potentially benefit financially (because they are adjacent) if or when Dr. Hall buys their property to expand her business.

City Code was created to protect the majority of the citizens, not for the financial interest of one. We are a small, historic preservation neighborhood with 300 homes. Our quality of life is diminished by this business. There are always **unintended, negative, consequences after a code change even 8, 9, 10 years later.**

I am opposed to this requested code change by the East Hill Veterinary Clinic and Pet Resort Too.

Lou Mitchell Courtney  
523 N 8th avenue

# SALLY RAUSA

May 6, 2018

City of Pensacola,  
Council Members

Dear Council Members,

This letter is to show my concern on the proposed change of Land Development Code OEHC-1 in the Old East Hill Historic District.

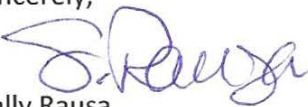
I recently moved into this area from out of state and chose it because of its rich history, beauty and dedication to preserving the structures that make Old East Hill unique. Our community is going through some very positive changes due to the fact that caring people have been committing their time and money to various projects to keep it going in the right direction.

I feel that making the proposed change to allow animal hospitals, veterinary clinics, and pet resorts to have outdoor exercise areas "by right" is not going to help our residents, only the person (s) owning said type of business.

I do believe in entrepreneurialism and economic growth, but if a long standing code has to be changed in order for one business to operate, who is to say next week another business won't be asking for a code change so that they will gain from it.

I ask the council that they might think more about this change and not allow it to pass through, so that our area will not have problems in the future regarding other land use issues.

Sincerely,



Sally Rausa

170506pensacitycouncil.doc

Christian,

Thank you for this information.

I may not be at the meeting so here is my position.

I am strongly against changing OEHC-1, which equates to about half the neighborhood, to allow **animal hospitals, veterinary clinics, and pet resorts with fully enclosed kennels and no outside runs; outdoor exercise areas are permitted** by right. The placement of a new Animal Facility with an outside exercise area in a primarily residential area should not be allowable by right. This should be a conditional use and the neighbors should have say as it could affect their enjoyment of their own home.

*I personally have no issue with Dr Halls current facility but I also don't live close to it.*

*It seems her specific issue is what should be addressed, not code for an entire area (OEHC-1). And her issue should be addressed with input from her neighbors near by who are potentially affected by this. (Maybe they have no issue with the facility as it is and could work with her and the city to come up with a variance. I don't know)*

Sincerely,  
Mark Casson

Morning Amber.

Thank you for the info packet. I am opposed to letting Dr. Hall institute the change to existing code. I have various reasons but most importantly is the fact that **I feel one person should not be allowed to dismantle the rules/regulations** myself and neighbors have had to adhere to for many many years.

I've personally saved several homes from being torn down in our area and still own 2 properties in the affected area. I've had to bear the expense of doing renovations according to the existing law and feel that we as a community should not allow the change due to what appears to be economic reasons. While it's very nice that Dr. Hall is successful: **other businesses in the same position are forced to move to areas that can accommodate them.** I've been in the neighborhood for 43 years and have seen many positive changes; I truly feel this is a request to accommodate one individual and in doing so it would adversely affect not only our neighborhood but All of Pensacola with this zoning.

Thank you. Beverly Elliott

To Amber Hoverson (Pres. of OEHPOA),  
Brandi Deese (City of Pensacola),  
Planning Board Members,  
& City Council Members,

My name is Susan Agnew, resident with my husband and two children, who have lived in our home at 810 East La Rua Street for the past 20 years. This neighborhood has changed for the better while I have resided here and raised my two children. The community is quaint, friendly, giving and open to changes that enhance the community, while also growing with businesses moving into the area and mostly working to be a part of this community.

I am concerned that the code enforcement violation by East Hill Animal Hospital/Pensacola Pet Resort Too, at 805 E Gadsden, is being handled in the wrong manner for the betterment of our neighborhood, now and moving forward, and for all the Neighbors living here. Our neighborhood association has met and overwhelmingly voted to not change present code 12-2-10 in April 2018 at our association meeting.

There was a violation to the present code 12-2-10; there is a proposal to have the code changed by the person/business that violated it. *This is like letting the Fox who broke into the Hen House getting to design the new Hen House and all security around it. I do not believe it is correct to change the present code to circumvent the code violation that has taken place on February 6, 2018 by East Hill Animal Hospital /Pensacola Pet Resort Too.* **I am AGAINST** the code change presented by East Hill Animal Hospital/Pensacola Pet Resort Too. The code should stay as is, and the CONDITIONAL USE PERMIT with FULLY ENCLOSED KENNELS and NO OUTSIDE RUNS or EXERCISE AREAS should stay enforced.

Thank you for allowing my voice to be heard and for handling this in a timely manner.

*Susan C. Agnew*

810 East La Rua St.

Pensacola, FL 32501

[susandanagnew@cox.net](mailto:susandanagnew@cox.net)

850.470.9014

850.572.1721

Barbara D'Amico  
Shaib AlAgily  
307 East Gadsden  
Pensacola, Florida 32501

To: Amber Hoverson  
OEHPOA President

Dear Ms. Hoverson:

We write to voice our agreement with the position of OEHPOA; we do not support the code change.

As we live on the corner of Haynes and Gadsden, we struggle in particular in our area to maintain a residential environment. We do not wish to encourage more businesses and or their expansion in our neighborhood. My husband and I strongly believe that any change in the code would allow other businesses as well to ask for expansion of their businesses. In particular we question why we are allowing this change for one business that has requested a change that will have an impact for all who live in residential areas in our city.

We believe Pensacola like so many other cities struggles with housing for all. We lack in particular in Pensacola affordable housing. Our small corner of old historical East Hill has a larger population of minorities. We wish to keep our neighborhood diverse and affordable; we do not wish to see businesses expand and push affordable housing out simply because those companies have the financial means and political power to expand and push agendas that serve only those businesses.

I strongly urge the City Council not to grant a single taxpayer an exception that will have long-term consequences for all residents of our city not just historical old East Hill.

Thank you,

*Barbara D'Amico mobile: 972 897 7951*

*Shaib Agily mobile: 972 533 6252*

Danny Agnew  
810 East La Rua St  
Pensacola, FL. 32501  
[susandanagnew@cox.net](mailto:susandanagnew@cox.net)  
850.470.9014 or 850.572.1299

To Whom It May Concern:

As a resident on the OEHPOA community, I would like to state my opinion on the proposed change in code of 12-2-10 by East Hill Animal Hospital/Pensacola Pet Resort Too.

My understanding is the code was violated in February of 2018. There is a proposed change of the code in order to circumvent the enforcement of the violation. I **oppose** changing the present code. The business should be required to adhere to the code that was written and approved in 2008 that allowed it to enter the neighborhood originally.

The code, as currently written, was put in place to protect the neighborhood, and prevent **this** business from overreaching, or impacting the neighborhood environment negatively. The proposed code, from East Hill Animal Hospital/ Pensacola Pet Resort, puts that in jeopardy and only seeks to weaken the protection that was sought originally.

Sincerely,

Danny Agnew



I currently reside in the neighborhood that places me across the street from East Hill Animal Hospital. I am writing to voice my obvious objections to Ms. Hall's proposed changes to the land development code for a neighborhood in which she chose to place a business.

Ms. Hall has been in violation of the code for quite some time now. She has a transparent uncaring regard for the people who have property, children, investments, and long-term regard for the neighborhood. I have been subjected to hour after hour of 8-10 dogs barking in an enclosure behind her business, IN VIOLATION OF THE CODE. Countless times, I have witnessed her clientele using our neighborhood as a repository for their dogs' feces, IN VIOLATION OF THE LAW. Nearly every day of the week, she and her employees use the City's grass easement (between the sidewalk and 8th Avenue) as a parking lot, IN VIOLATION OF THE LAW.

I remember distinctly when Ms. Hall showed up years ago with a lot of promises and assurances. In truth, she has been a very poor neighbor, and this beautiful piece of historic Pensacola is dirtier, louder, trashier, and more congested for Ms. Hall having been here. We take care of this place because it is our home. Clearly, she takes no responsibility.

The Code was not written for or against our current business owners in the area, so there is no compelling reason to amend it for Ms. Hall. She knew what the Code said when she located here, and she chose to violate it over and over again. Now she wants the Planning Board, whom she has pointedly ignored, to change the Code solely for her benefit? For her to even make this request, after what she has done to our street, is obscene.

I would prefer Ms. Hall pack up her business and move it to a location in which the Land Development Code suits her goals. Otherwise, I fully expect the City of Pensacola to reject this request, and then get serious about enforcing the existing regulations to bring this business into compliance.

Sincerely,  
Dr. Stacey Rimmerman

My name is Michael Courtney and I live a block from this business. We have poured time, sweat and money into our home in Old East Hill for over 20 years. Our home is our investment in preserving the past, maintaining the present, and insuring for the future. That is in jeopardy: we stopped recent plans for renovations until we see what the City decides on this issue. Will it protect the people's rights and their property values by enforcing the existing code or will it side with this C-3 business that is located in a C-1 zone? How many of you would choose to live next door to this business? Dr. Hall said she is planning to buy adjacent properties. Behind her there are 2 run down contributing houses on 3 lots which will give her the ability to board 3 times as many dogs. Right now residents have concerns about contaminated storm water runoff. Is each poo picked up diligently right after they go? How much salt accumulates into the soil and groundwater every time a dog marks their territory or urinates? She says on an average Spring weekend she houses 45 dogs. An average dog produces 3/4 pounds of poop a day. That's 33.6 pounds a day and that's a lot of poop. How many dogs board during summer and the fall holidays? Buying those lots would allow 135 dogs to board on an average Spring weekend.

In 2008 Laura Hall petitioned the city to open her business here, even though our clearly established historic preservation guidelines did not allow that type of business and there was opposition from residents and concerns about parking and excessive barking. In the November 2008 City Council meeting Dr. Hall and Sherri Morris promised there would be no outdoor exercise areas. Despite the code at the time and concern of residents, City Council disregarded both and granted her a conditional use permit with the restriction that there be no outdoor exercise areas. She agreed to these restrictions then she broke them. Now, 10 years later and concerns have grown into problems. In addition to being a clinic and a hospital, it is a fancy kennel (a place where people leave their dogs while they are away) with 3 outdoor areas. Now this business wants to expand without conditions or restraint, by trying to change the code, and the conditional permit to a right of use permit. What other OEHC-3 businesses could sneak in to our C-1 & C-2 areas under this code change?

2 properties adjacent to this business have been unoccupied over 3 years & are not well kept. Another one burned 1.5 years ago & is sitting there. Several other nearby properties have a hard time keeping renters-perhaps this business is contributing to the beginning of urban blight. Other areas of our small neighborhood are thriving.

The city should take pride in and protect their few historic preservation districts by adhering to the regulations already in place, not changing to a code that will adversely affect much of Pensacola for the financial benefit of one individual.

Michael Courtney  
523 N 8th avenue

## Brandi Deese

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**From:** theresa finkbeiner <coyotemoonherbcompany@cox.net>  
**Sent:** Sunday, April 08, 2018 7:19 PM  
**To:** Brandi Deese  
**Subject:** 805 E. Gadsden St code ordinance

Dear Ms. Deese,

i became aware of an ordinance that Laura Hall wants to remove from the Code at 805 East Gadsden St.

This is not a good move. As a Licensed Massage Therapist and renter at Innerpeace 815 E. Gadsden,

the dog barking noise will be unavoidable. I give massage throughout the day along with 3 other therapists

and we are not happy to hear of a dog run and kennels outside. This is a residential area too and the noise can be unnerving.

I hope you will consider the people on the whole block on Gadsden St and around the corner.

No one wants to listen to dogs barking all day and night. Please do not remove the code ordinance for this area.

When she bought here, she knew the deal and has broken the code already. Can you please put an end to it right now!!

Thank you for your consideration, I am not able to attend the meeting on this topic .

Theresa Finkbeiner 437 9192

My address is 603 N. 8th Avenue. This puts me across from East Hill Animal Hospital on the same block. I am writing to voice my strenuous objections to Ms. Hall's proposed changes to the land development code for a neighborhood in which she chose to place a business, with full knowledge of what the limitations to that business would be.

Ms. Hall has been in violation of the code for quite some time now. Her casual disregard for the people who have property, children, investments, and long-term regard for the neighborhood is obscene. I have been subjected to hour after hour of 8-10 dogs barking in an enclosure behind her business, IN VIOLATION OF THE CODE. Countless times, I have witnessed her clientele using our neighborhood as a repository for their dogs' feces, IN VIOLATION OF THE LAW. Nearly every day of the week, she and her employees use the City's grass easement (between the sidewalk and 8th Avenue) as a parking lot, IN VIOLATION OF THE LAW.

I remember distinctly when Ms. Hall showed up years ago with a lot of promises and assurances. In truth, she has been a very poor neighbor, and this beautiful piece of historic Pensacola is dirtier, louder, trashier, and more congested for Ms. Hall having been here. We take care of this place because it is our home. Clearly she does not feel the same responsibility.

The Code was not written for or against Ms. Hall, so there is no compelling reason to amend it for Ms. Hall. She knew what the Code said when she located here, and she chose to violate it over and over and over. Now she wants the Planning Board, whom she has pointedly ignored, to change the Code solely for her benefit? For her to even make this request, after what she has done to our street, is outrageous.

I would prefer Ms. Hall pack up her business and move it to a location in which the Land Development Code suits her goals. Otherwise, I fully expect the City of Pensacola to reject this ridiculous request, and then get serious about enforcing the existing regulations to bring this business into compliance. Thank you.

Sincerely, Charles Voltz

What are the ramifications for the whole neighborhood in the future? When Dr. Hall petitioned to get a zoning change so she could open the clinic I saw it as continued encroachment by businesses such that in the future they could be right next door. That might be far away but the encroachment process itself might cause grief, little by little.

I am against the code change because I see it as an intrusion of business establishments into a historical Pensacola neighborhood. Old East Hill is not very large, and businesses already border much of the area—all along Cervantes Street, Ninth Avenue, and Wright Street (were these businesses grandfathered in?). Our quiet little neighborhood is inexorably being squeezed closer together. I'll sign the petition against code change.

Cheers,

Jerry Gill

Amber,

It looks like Dr. Hall is going to get her way, no matter what the residents of Old East Hill want. What about talking to the owners of Maria's seafood.....They might get involved if they knew that dogs would be barking during their lunch and dinner service, once they open the new restaurant.

My personal complaint is that OEH is being encroached upon and is getting smaller and smaller as a residential area. So sad.

Diana

To the Planning and Zoning Board April 10, 2018

My name is Amber Hoverson and I live at 706 E Jackson Street in Old East Hill preservation district. I am writing in regards to the amendment to the Historic and Preservation Land Use District, Section 12-2-10 that is being proposed

Here are my concerns about the current proposal to amend section 12-2-10 further:

1. I don't think that any codes should be changed for an individual business. Codes are written for a reason and changing them should benefit the entire neighborhood, not just an individual/business. Also, if changing a code is easy to do current codes lose their authority and people are less likely to comply with them to begin with. This equates to more code violations in general and people doing what they want because they can.
2. We are a mixed use neighborhood so there is commercial zoning throughout the area. The proposed change could hypothetically allow for a veterinary clinic or animal hospital with dogs barking throughout the day to open anywhere within the neighborhood with commercial zoning. Which means hypothetically we could have barking dogs scattered around our entire neighborhood instead of concentrated in one area. Noise pollution lowers home values and quality of life.
3. As someone who has had to go to the ARB several times to get approval for our own home's renovations I can speak to strict guidelines that are in place. The majority of structures in our neighborhood are people's homes. It seems grossly unfair to me that homeowners are held to such strict standards for the exterior renovation of our homes but a business (someone who makes money here) can violate a code (which is a law and not merely a guideline as in the case of the ARB), have a year to come into compliance with the code, and has the option of changing the code so that the business can continue to do what it has always done. Also consider that homeowner's guidelines set in place by the ARB only influence what we see. The proposed code change affects what we hear. A person can make a choice to ignore something they find ugly in the neighborhood, but noise pollution cannot simply be ignored, even from the interior of a home.

I congratulate East Hill Veterinary Clinic and Pet Resort Too on its business success; however, there is a time and place for everything. The place for the part of this business that includes outdoor runs or exercise areas is not Old East Hill. This is a place that is primarily made up of charming old houses and a scattering of small businesses that are either unobtrusive or adding to the charm. We live in a very special place and it is exciting to see the growth that our community has experienced. Allowing a business to change the code to suit its needs does not set us up for success. The needs of the community need to be put before anything. We will survive without a pet resort in the neighborhood but we will not survive if we are known as the noisy neighborhood with the barking dogs because we are the only C1 zoning area that allows for C3 noise.

Sincerely,

Amber Hoverson

Re: Businesses at 805 E. Gadsden ST presently  
in Violation of City Code 12-2-10(c)(4)(b) 6.5(n)

As owners of a residence and business in the 800 blk  
of E. Jackson St. we are directly impacted + we are  
profusely Opposed to the current request for code  
change requested by EAST Hill Pet Resort AND  
Pensacola Pet Resort too:

- (a) It benefits only them;
- (b) It will ADVERSELY impact not only our property  
values, but the values of homes within a two to  
Three block area. We can't even sit on a deck or  
enjoy our back yards without incessant barking  
interrupting conversations;
- (c) The business has allowed for no on-site parking  
to sustain employees nor customers, as the rest  
of commercial businesses have had to do;
- (d) Most importantly the proposed code change would  
allow the requesting businesses to continue  
as before without adhering to Notice of Violation  
and allow New Businesses to open with no  
regard for the right to a peaceful + quiet  
home environment and input by those whom  
it adversely affects or might potentially impact

We are in total and complete support of the

Petition submitted by Amber Hoverson on behalf  
of Homeowners in Old EAST Hill Preservation District

\*

Residence: 820 E. Jackson  
(2 backyards away  
from open dog runs)

Business: Jackson Hill Antiques  
819 E. Jackson

Maria Hanell (MARIA HANELL)  
Patricia McGrath (Patricia McGrath)  
Joint Owners 820 E. Jackson ST  
819 E. Jackson ST



## Brandi Deese

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**From:** president@historicnorthhill.com  
**Sent:** Friday, March 30, 2018 10:24 PM  
**To:** Brandi Deese  
**Cc:** christianwagley@gmail.com; nicholsmelanie2@gmail.com  
**Subject:** Planning Board Item - Request to consider Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District  
**Attachments:** City\_Council\_Minutes\_November\_20\_2008.pdf; Section\_12\_2\_54\_Animal\_Hospitals\_businesses\_that\_board\_animals.docx; Section\_12\_2\_32\_Buffer\_Yards.docx; Section\_12\_2\_8\_Commercial\_Land\_Use\_District.docx

Brandi,

I hope this finds you doing well.

Our Board saw on the agenda that an amendment to the Historic & Preservation Land Use District, Section 12-2-10 was being proposed and reviewed the application and past history on the change in great detail.

It appears that the applicant has changed the wording of what is currently in Section 12-2-10 in their request, (added two words for a new land use not previously approved, or defined in the Land Development Code, "Pet Resort", and deleted the word "or". That one word "or" changes it from the current reading of "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs OR exercise areas" to now adding Pet Resorts AND exercise areas as an allowed Conditional Use..

I think that it would be very helpful if the Public and the Board: have a copy of what the existing Section 12-2-10 says on the subject, the background for the change in 2008, and where such a use that is being requested is currently allowed in the rest of the City (C-3 Zoning District) and that perhaps more clarification could be added to the Staff Memorandum. As it is now, the Board and Public don't know that the applicant is trying to put a C-3 type use in a C-1 Zoning District. This is a MAJOR change in the 12-2-10.

Here is the section of OEHC-1 from Section 12-2-10

(b) OEHC-1, neighborhood commercial district.

1. Any use permitted in the OEHR-2 district.
2. Child care facilities subject to regulations in section 12-2-58.
3. Nursing homes, rest homes, convalescent homes.
4. Parking lots.
5. The following uses, retail only, with no outside storage or work permitted, except as provided herein:
  - a. Food and drugstore.
  - b. Personal service shops.
  - c. Clothing and fabric stores.
  - d. Home furnishing, hardware and appliance stores.
  - e. Craft and specialty shops.
  - f. Banks.
  - g. Bakeries.
  - h. Secondhand stores.
  - i. Floral shops.

j. Martial arts studios.

k. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this paragraph, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed twenty (20) percent of the total area of the main building.

l. Restaurants.

m. Mortuary and funeral parlors.

n. Pet shops with all uses inside the principal building.

o. Printing firms.

p. Business schools.

q. Upholstery shops.

{6. Conditional uses permitted. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.}

This is the exact same language that is in the Municipal Code for the same use in C-1 districts throughout the City. Our Board does not have an issue if the applicant makes this a permitted versus conditional use, however, we take issue to the addition of "Pet Resort" (not in the LDC and the removal of the word or which would allow outside exercise areas.

Previous to November 2008, Animal hospitals and veterinary clinics were NOT allowed in the OEH Zoning Districts. This same applicant, Dr.

Hall, petitioned to have them added in 2008 and was approved on the condition that there would be no outside runs or exercise areas.

It was very controversial and there was much concern about noise to adjacent residential property owners and Dr. Hall is on record saying that there would be no outside exercise areas. Sherry Morris is on record throughout the Council Hearing insisting that there would not be any outside runs or exercise areas. I have attached the minutes from the City Council meeting from November 17, 2008 which voted to approve the conditional use of animal hospitals and veterinary clinics with no outside runs or exercise areas. The minutes also contain numerous concerns by adjacent property owners.

Many of the residents concerns have materialized according to the Code Enforcement Complaint and Violation. I think that the Board and the Public should have a copy of the minutes from that CEB Meeting since it's referenced in your memorandum.

Has notice been mailed to the adjacent property owners about this new proposal before the Planning Board?

I would recommend that the Planning Board look in the Municipal Code to see where the facility the applicant would like to run would be allowed to occur. It is only allowed to occur in the C-3 Zoning District which is by no means comparable to the OEHC-1 District where this change would be made.

Dr. Hall is currently operating a Pet Resort with outside exercise areas that meets with the City's Municipal Code in the C-3 Zoning District near Hayne Street. (Not within the boundaries of Old East Hill governed by the ARB). The applicant's request to bring C-3 uses within the Preservation District is not compatible.

C-3, commercial zoning district (wholesale and limited industry)

(a) Any use permitted in the C-2 district. (Animal Hospitals and Vet Clinics with NO outside kennels, runs, or exercise allowed in C-2) but you can't have outside exercise areas until section (b) below in C-3

Outside storage and work shall be permitted for those uses and the following uses, but shall be screened by an opaque fence or wall at least eight (8) feet high at installation. Vegetation shall also be used as a screen and shall provide seventy-five (75) percent opacity.

The vegetative screen shall be located on the exterior of the required fence.

(b) Outside kennels, runs or exercise areas for animals subject to regulations in section 12-2-54

Section 12-2-54 is titled, Animal Hospitals, veterinary clinics, commercial kennels and businesses that board animals and contains minimum setbacks of 100 feet to a residence and must contain a buffer yard as described in Section 12-2-32 Buffer Yard.

There is no survey or diagram of the site in the application to see how close the clinic and outside exercise area would be to adjacent properties.

As you will see from the attached minutes and Memorandum from Thaddeus Cohen, Community Development Director and also signed by Sherry Morris, Planning Services Administrator, "The majority of those who responded were opposed to the proposed request" in 2008.

Now, additional changes are being proposed which will intensify the use on this property and the noise which could impair the quiet enjoyment of adjacent properties.

The North Hill Preservation Association Inc. does NOT support this change to the Historic and Preservation Land Use District. We strongly feel that such a change would negatively impact the families who make Old East Hill their home and who like us, have very small lots which are close together. Furthermore, such a change establishes a legal precedent which could be used to add this use to all the other Districts governed by Section 12-2-10.

In closing, the words of Robyn Tice to the City Council in November 2008 say it best, "Codes aren't written for one individual's benefit, they are to be to the benefit of the citizens/neighborhood as a whole".

Thank you for your consideration,

Melanie Nichols, President  
North Hill Preservation Association, Inc.



**Betty Wilson**

5 hours ago ago

**REASON FOR SIGNING**

Zoning is tricky and should not be changed to help one business or individual.

♥ 1

Share Tweet



**simone sandifer**

6 hours ago ago

**REASON FOR SIGNING**

Although I support local business I do agree once zoning changes one way it's hard to stop and go back

♥ 1 · 1 reply

Share Tweet



**Michael Courtney**

4 hours ago ago

IMPOSSIBLE to go back.



**Cameron Northup**

21 hours ago ago

**REASON FOR SIGNING**

I want to support east hill and I live in new east hill

♥ 1





**Kari Traud**

22 hours ago ago

#### REASON FOR SIGNING

This type of zoning should not be allowed in old historic neighborhoods due to houses being close together. Please do not rezone this area! Or any old neighborhood as its not fair to the residents! Thank you!



Share Tweet



**Bianca Villegas**

23 hours ago ago

#### REASON FOR SIGNING

I'm a resident of North Hill and believe that these sorts of businesses should exist in the north of Pensacola where there is land to accommodate for their needs. Noise ordinance alone should not allow this type of business to exist within our neighborhoods in this part of Pensacola.



Share Tweet



**Teresa Hill**

24 hours ago ago

#### REASON FOR SIGNING

I love old east hill. We are counting on you, our leaders, to ensure that preserving diversity and character is your top priority for our downtown core. Vote no on this zoning change, as it will open up the wrong kind of development for this historic neighborhood. #keppensacolaunique



Share Tweet