



## **MINUTES OF THE PLANNING BOARD**

**January 10, 2023**

**MEMBERS PRESENT:** Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Villegas, Board Member Powell, Board Member Van Hoose

**MEMBERS ABSENT:** Board Member Sampson

**STAFF PRESENT:** Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Deputy City Administrator Forte, Help Desk Technician Russo, Executive Assistant Chwastyk

**STAFF VIRTUAL:** Development Services Director Morris, City Attorney Lindsay, Development Services Coordinator Statler

**OTHERS PRESENT:** Betsy Smith, Bob Smith, Will Akin, Spencer Akin, Rob Fink, Meredith Bush, Brett Orrell, Dave Bourassa, Bruce Boland

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from December 13, 2022
- **New Business:**
- Preliminary Plat Approval – Girard Place Phase II – South Reus Street near Garden Street – District 7
- Zoning Map and Future Land Use Map (FLUM) Amendment for 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue – District 2
- Open Forum
- Discussion
- Adjournment

### **Call to Order / Quorum Present**

Chairperson Paul Ritz called the meeting to order at 2:00 pm with a quorum present and explained the procedures of the Board meeting including requirements for audience participation.

**Approval of Meeting Minutes** – Board Member Villegas made a motion to approve the December 13, 2022 minutes, seconded by Board Member Van Hoose, and it carried 5:0.

**New Business –**

**Preliminary Plat Approval – Girard Place Phase II – South Reus Street near Garden Street – District 7**

Planning & Zoning Manager, Cannon introduced the item to approve the preliminary plat for Girard Place Phase II, which is located along South Reus Street near Garden Street in the C-2 zoning district of which three parcels will be subdivided into twelve lots to accommodate single family attached residents. These are located within the dense business area and the governmental center district. Brett Orell, Poly Surveying, represented the applicant. He stated that this is a continuation of a previous project with the same design team from the civil side of things and the same architecture team. Chairperson Ritz stated this is the first of two times this will come before the board. Chairperson Ritz mentioned that there were several comments from staff members, Planning & Zoning Manager, Cannon confirmed the majority of comments were accepted/approved by Surveying and Engineering prior to the meeting. Board Member Grundhoefer inquired if there were plans to open Hilary Street, Brett Orell answered yes, but only for the benefit of the development and not for public use. Planning & Zoning Manager, Cannon, stated that was part of the surveyor's comments regarding legal and title opinions for Hilary Street access. Assistant Planning & Zoning Manager Harding stated that this project came before the Architectural Review Board in 2017 for Phase I and II with approval for front facing parking. Board Member Villegas inquired if this would be going back before the Architectural Review Board. Assistant Planning & Zoning Manager Harding replied no, not unless any changes were made from the initial ARB approval. Chairperson Ritz stated the item would come back before the Planning Board for final plat approval before going before the City Council. Board Member Grundhoefer questioned if the lot sizes have changed, Assistant Planning & Zoning Manager Harding replied, no. Board Member Villegas asked what the concern about the risk for erosion and other issues was. Planning & Zoning Manager, Cannon, shared the comments of Inspections Division Manager Bilby in that he would like to see this project move forward since the exposed mound of dirt is still sitting there and that part of the site is in a flood zone. Betsy Smith of 63 South Reus Street, the last unit adjacent to the parcel to be constructed, raised concerns about visibility. Betsy Smith is excited that something is going to go on after no activity, her concerns are with the revised setbacks that allow the building to be pushed up to the sidewalk and impair her vision instead of being flush with the existing buildings. Chairperson Ritz asked if this is a zero-lot line, Planning & Zoning Manager, Cannon stated the front, rear, and side setbacks can't go more than ten but up to zero. Chairperson Ritz stated they are allowed by right to the zero-lot line setback and from a legal standpoint they are not in the wrong. Betsy Smith replied that she just wanted to state her point. Board Member Grundhoefer added that this is a preferred situation and that they actually had preferred Phase I be done the same as Phase II. Board Member Villegas asked to view the plans and visuals of what was approved by ARB. A discussion ensued about how large subdivisions are done in phases and it was approved by Architectural Review Board in 2017 and if there were any changes to the approved plans they would require some form of review by the Architectural Review Board. Board Member Grundhoefer inquired if the owner would maintain the street or if it would be deeded back to the City, Brett Orell answered it is the owners intent to continue to own Hilary street and

that sewer and water are through a portion of that right of way and that the City reserved a perpetual easement to have access for an emergency or utilities. **Board Member Grundhoefer made a motion to approve, seconded by Board Member Powell and it carried 6:0.**

**Request for Zoning Map and Future Land Use Map (FLUM) Amendment for 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue – District 7**

Planning & Zoning Manager, Cannon introduced the item in which the applicant is requesting four properties along Creighton Road zoned R-2 and one property on Tippin zoned R-1AA be rezoned to C-1. The parcels would go from Office/Residential to Commercial. Per current zoning regulations you need to be adjacent to the zoning district that you are requesting. The intent is to avoid spot zoning. Chairperson Ritz requested a brief review of what could be built by right in C-1. Planning & Zoning Manager, Cannon shared the purpose of R-2, the residential/office land use district and stated that it is established for the purpose of providing for a mixture of residential housing types and densities and office uses. The density is the same as C-1, 35 units per acre. Uses in R-2 include office buildings, hospitals, nursing homes, schools, banks, barber and beauty shops. Uses in R-NC residential neighborhood and commercial zoning include retail food and package stores, bakeries, martial arts, laundromats, and restaurants. The purpose of C-1 is commercial development ranging from compact shopping areas to limited industrial/high intensity commercial uses. The C-1 zoning district is intended to provide a transitional buffer between mixed-use neighborhood commercial areas. Uses in C-1 are motel/hotels, retail sales, car washes, movie theaters, pet shops, business schools, trade schools, and medical marijuana dispensaries. Chairperson Ritz inquired if there's a difference in lot coverage and setback requirements, Planning & Zoning Manager, Cannon stated that C-1 is less restrictive, lot coverage is 75% for C-1 and 50% for R-2 and the setbacks vary. Chairperson Ritz then asked if this were approved would there still need to be a buffer between C-1 and adjacent R-1AAA, Planning & Zoning Manager, Cannon replied yes, there's a 10-foot landscape buffer that's required. Board Member Van Hoose questioned what the buffer was between R-2 and R-1AAA, Planning & Zoning Manager, Cannon stated no buffer is required. Board Member Van Hoose then asked if the rules prohibit the one parcel on the map from being considered because it's not adjacent to C-1, Planning & Zoning Manager, Cannon answered all parcels must get rezoned to C-1 for that one parcel in question to be eligible. Assistant Planning & Zoning Manager, Harding brought out that the buffer requirement is part of our commercial site plan development ordinance, it's meant for all commercial developments that border any kind of residential zoning district or residential property and it's a 10-foot zone intended for landscaping. Board Member Van Hoose asked what the size is of the smallest lot on the map that's right besides C-1, and it was shown to be 87-feet wide. Chairperson Ritz stated this request is a zoning change not for a particular establishment, they are just determining if C-1 is appropriate for this part of Pensacola. Meredith Bush of Clark Partington represented the applicant. They are seeking to rezone five parcels from R-2 and R-1AAA to C-1 at the corner of Creighton Road and Tippin Avenue. The applicant feels they meet the criteria of the code for approval and that this represents a logical and orderly development pattern, that it would not adversely impact the surrounding area but would be in line with existing commercial uses in that area. The site is currently home to a massage school and not a residential structure. The representatives brought conceptual plans on large easels that showed a grocery store and other commercial uses. Meredith Bush stated they would

abide by all code criteria to include buffering and lighting standards. They then showed a brief video of the site. Will Akin one of the applicants offered to answer any questions the board members had. Board Member Villegas wanted details of the meeting the applicants had regarding the rezoning and project on January 5, 2023. Will Akin informed the board five residents attended and all spoke positively, they had three phone calls, two of which were commercial and they were excited about the project. There was one property owner that reached out via email with questions and concerns, they addressed his email and are awaiting his response. Chairperson Ritz asked staff if postcards had gone out, staff replied yes, they had gone out in the 500-foot radius that is required. Will Akin stated they also sent out their own letters so that residents would have his contact information for any questions or concerns. Chairperson Ritz let the applicant know that he and the board appreciates the level of effort on the applicants part to get feedback from the community. Board Member Villegas inquired as to when the applicants letter went out, letters went out on December 20, 2022, to all residents within a 500-foot radius and the letters went to the property owner of record. Board Member Grundhoefer asked staff if the site had been posted, staff replied yes. Board Member Villegas spoke of the timing of the request being during the holiday season. Will Akin stated it was done because of the contract timeline and that they would like to put an Aldi's on the site. Board Member Villegas asked for clarification about the 1.43 acres shown on the map. The applicant stated it is excess land as part of the purchase contract, part of the development they'll attempt to develop. Board Member Grundhoefer asked if there were other speakers, there were none. Chairperson Ritz polled the audience and there were three people in the audience in support of the project, they were asked to fill out a speaker form. Board Member Grundhoefer inquired as to how they plan to buffer the small property abutting the southside from the proposed Aldi's. Will Akin stated the truck dock was intentionally put on the Creighton Street side to provide for better buffering. Will Akin stated that Aldi's are good corporate citizens and if there's something the City or the planners desire, Aldi's will want to do that and make sure they are good neighbors. Board Member Villegas asked how large the space is, applicant replied the store would be approximately 20,000 square feet. Board Member Grundhoefer wanted to know if any traffic issues were looked at by the City, staff replied this a rezoning and that's not addressed at this step. Chairperson Ritz stated the purpose of the board is to discuss this and see if C-1 is an appropriate move for the City, their job is to help the City Council in discussing as to whether this change to C-1 is appropriate for this location. Board Member Powell stated she feels it does serve the area and is encouraged that the lot will be used. Clinton Taffe called into the meeting, he owns four parcels, or 3.82 acres zoned R-1AA near Schwabb and John Carroll. He had asked years ago if this area would be a candidate for commercial, he was advised it would never be commercial because it is a border between the Walmart and the subdivision on Teate and Lansing. He stated this is residential zoning surrounded on three sides by residential zoning and that anything allowed under C-1 would allow for large parking lots and tall lights. Clinton Taffe feels it's an infringement into the neighborhood and that there are residents in opposition, they are just unable to get to the meetings due to age or health issues. If allowed, traffic on Tippin Avenue will increase causing people to have to divert to Dunmire. Clinton Taffe concluded by stating, there are a lot of vacancies in Eastgate Shopping Center and other options available that are already zoned commercial. Board Member Villegas appreciated the fact that he had been in contact with the surrounding neighbors, but questioned why he hadn't provided the contact information of these individuals with City staff so that contact could have been made to understand their feeling on this matter. Clinton Taffe stated when the

notices came out around the holidays, he attempted to contact Mr. Akins but only received his reply yesterday and had not had a chance to read his response because he has to work. He was able to touch base with the neighbors yesterday, Monday, and he proceeded to give the names of Essie Akins and Herbert Hines and an idea of where they lived. Chairperson Ritz then gave the comparison to the Publix on Cervantes Street in East Hill and that is also adjacent to residential neighborhoods and that he can personally accept this change. Vice Chairperson Larson noted he prefers RNC, but he can see from the planning that's not possible, and that C-1 is the right fit for the area, and he understands the commercial value outweighs the residential value. Board Member Grundhoefer asked if this building would comply with RNC zone. Planning & Zoning Manager, Cannon, answered no, retail food is not allowed until C-1 but if in RNC, only 4,000 square feet are allowed not the 20,000 square feet of Aldi's. Board Member Villegas asked Will Akin if he was a part of the team that brought the Aldi's to West Pensacola, he replied he was a part of the Alabama stores. Board Member Villegas then asked when Aldi's applies for zone changes, what's the percentage rate of them following through, he replied the head V.P. has approved this particular site. Once the V.P. stamps it, as long as the rents and sales are comparable that's a stamp of approval, he gave it a 95 percent approval rate. Additionally, they will have to see what FDOT has to say about the access to the light on the corner, sometimes environmental things come up that could hurt a deal, but this appears to be clean, the title search was clean, and they typically like to be near a Walmart. Chairperson Ritz stated this item will have two readings and it will be discussed at the February 23<sup>rd</sup> Council meeting, noting that there are still multiple avenues for the citizens to comment. **Vice Chairperson Larson made a motion to approve all listed parcels 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue, seconded by Board Member Powell and it carried 6:0.**

#### **Open Forum – none**

**Discussion – A brief discussion continued regarding an upcoming Planning Board item that would be voted on at the City Council meeting in January.**

**Adjournment** – With no further business, the Board adjourned at 3:08 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP  
Planning & Zoning Division Manager  
Secretary of the Board