

Ericka Burnett

From: Brandi Deese
Sent: Monday, June 11, 2018 11:20 AM
To: Robyn Tice; Ericka Burnett
Cc: Don Kraher; Sherry Morris
Subject: FW: OEH updated information for City Council Meeting
Attachments: All Letters.pdf; OEH petition signatures.pdf; change-org comments and signatures.pdf; EMead re OEHC-1 zoning.pdf

Please find attached information from Old East Hill Property Owners' Association in regards to Dr. Laura Hall's request for an LDC Amendment. Thanks.

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: Amber Hoverson [mailto:amber.hoverson@oldeasthill.com]
Sent: Monday, June 11, 2018 10:56 AM
To: Brandi Deese ; Leslie Statler
Subject: OEH updated information for City Council Meeting

Good Morning ladies!

Attached is additional information pertaining to the OEH proposed code change. You should have:

- *Additional letters plus the original letters written. There are 21 letters total from 25 people. 13 of these people are business owners that either operate in or outside of OEH, and 3 are members of OEHPOA Board.
- *112 Petition signatures (82 addresses) from people who own property, live, work, or own a business in our neighborhood (the exception is Melanie Nichols who I've included since she is the President of another Historical Preservation District).
- *19 comments and 267 Petition signatures from the Change.org petition
- *A letter from the lawyer representing us

I'm working on another document right now and will send out as soon as I have it completed. Thank you for all that you do.

-- Sincerely,

Amber Hoverson
OEHPOA President
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oldeasthill.com

Re: Rejection of Zoning Amendment in OEHC-1

Dear City Council Members,

Please vote "No" on proposed Land Development Code Amendment 12-2-10.

I have owned my house in Old East Hill since 1990 and was an original member of the founding Old East Hill Property Owners Association (OEHPOA). I have maintained involvement in Old East Hill and am currently the Vice President of the Board (since 2015). I have continued my involvement in Old East Hill because I believe in this organization and the role it plays in ensuring our district remains protected from those who may threaten the integrity of our neighborhood.

The reasons I believe this code change would be damaging to our neighborhood are:

1. The code change is not for the good of the whole neighborhood. It benefits only one person/business.
2. There has been no claim of hardship by the businesses to justify changing the code. This business was found in violation of a code and instead of coming into compliance it is seeking to change the code.
3. Old East Hill Property Owners Association has held three meetings featuring this topic and 90% of attending residents are against this change. The neighborhood's wishes must be taken into consideration for a code change that affects the entire district.
4. Dr. Hall has stated repetitively at our meetings that she "needs to expand". Without the protection of the Conditional Use this expansion could go unchecked throughout our business.
5. If the code change is approved our neighborhood will be the only place in the City that allows for outdoor exercise areas. Our 30 square blocks could easily be over-run with businesses that house animals thus deterring the diversity (in businesses and residents) which makes us unique.

Please reject the request to change the Code in Old East Hill.

Sincerely,
Stephen Hayes
OEHPOA Vice President

317 N. Davis Hwy

Pensacola, FL 32501

May 24,2018

Pensacola City Council

Dear Council:

This letter is in support of no change in the code in Old East Hill that would allow outdoor areas for animals. We are a spa business that would suffer greatly if there were any excess noise.

Thank you for support.

Charlotte Field

Skin Couture



Amber Hoverson <amber.hoverson@oldeasthill.com>

Fw: Letter From Betty Hinote To Council

1 message

Betty Hinote <innerpeace815@prodigy.net>

Mon, May 28, 2018 at 6:44 PM

Reply-To: Betty Hinote <innerpeace815@prodigy.net>

To: "amber.hoverson@oldeasthill.com" <amber.hoverson@oldeasthill.com>

On Monday, May 28, 2018 6:41 PM, Betty Hinote <innerpeace815@prodigy.net> wrote:

Ms Myers,

I attended the city planning board meeting on April 10th at 2pm.

My office is at 815 E Gadsden St. We are 5 massage therapists and 1 Esthetician. We are concerned that if Dr Hill succeeds in changing the current code which she has violated fully knowing the limitations she promised to abide by, (for up to 10 yrs), what will she then do in disregard to the new limitations and residents surrounding her boarding facility? Dogs can bark continuously whether supervised or not. They are more disruptive than an occasional car noise in passing. I feel for her animals, but she chose our neighborhood for her business and she knew the agreed upon limitations that should stand. She is responsible for any noise and cleanup from the dogs whether they are inside or being walked. Being outside in groups encourages them to get excited and to be loud. The noise is louder and travels further outside bothering neighbors whether they have formally complained in the past or not. Changing the code would be a reward for her violations which is an injustice.

Thank you for your time,

Sincerely, Betty Bowlin-Hinote LMT

PENSACOLA CITY COUNCIL,

VITAL SIGNS MOVED INTO ITS CURRENT LOCATION IN 1984.

EVEN THOUGH CITY CODE ALLOWED BOTH OUTSIDE WORK AND OUTSIDE VEHICLE STORAGE AT THAT TIME ,CONCERN WAS EXPRESSED THAT VITAL SIGNS WOULD EXPAND TO HAVE BUCKET TRUCKS.THERE WAS A QUESTION HOW THIS EXPANSION WOULD IMPACT THE IMMEDIATE SURROUNDING RESIDENCES.

EVEN THOUGH IT WAS LEGALLY ALLOWED, VITAL SIGNS AGREED TO NOT EXPAND TO INCLUDE PARKING OF BUCKET TRUCKS. THIS WAS DONE SOLELY IN DEFERENCE TO THE IMPACT IT WOULD HAVE ON THE NEIGHBORHOOD AND AT THE EXPENSE OF VITAL SIGNS.

LATER VITAL SIGNS WAS INFORMED THAT THE CODE HAD CHANGED FOR THE AREA AND BECOME MORE RESTRICTIVE. OUTSIDE WORK OF ANY KIND WOULD NOT BE ALLOWED FOR ANY BUSINESS. VITAL SIGNS WAS HOWEVER “GRANDFATHERED IN.”

THIRTY-FOUR YEARS LATER VITAL SIGNS PARKS NO BUCKET TRUCKS OR LARGE TRAILERS ON THEIR PROPERTY. THE COMPANY IS SENSITIVE TO THE SURROUNDING NEIGHBORHOOD.

THANK YOU,
CHIP AND KARYN SPIRSON
OWNERS OF VITAL SIGN

Jerry Gill
604 E. La Rua Street
Pensacola, FL 32501

June 8, 2018

Amber Hoverson, President
Old East Hill Property Owners Association

Hello Amber,

I read in the PNJ that a Taco Bell might be built in East Hill on the corner of Cervantes Street and Twelfth Avenue — the location of a boarded-up Circle K. The site is small. I drove by and noticed that, toward the east, a couple of old houses were hunkered down in the green biomass. They would have to be removed to give Taco Bell enough space for the building itself, parking, and maybe a drive-thru. With just a little research, I found that the houses could be a hundred years old.

Okay, so that's East Hill, not Old East Hill, but it's an example of how residential houses are being replaced by businesses. In Old East Hill, Maria's Seafood Market acquired the old house between the market and Seventh Avenue, razed it, and the property is now becoming a parking lot to accommodate the market's expansion — as a restaurant — that's extending west along Cervantes. The restaurant will stop right across the street from a new, robust Circle K.

I'm writing to express my opinion that the city code in question should remain as is. I was against the original variance that allowed the veterinary clinic and pet care business to be located there, realizing that our old neighborhood is in danger of being replaced by more businesses. I'm not against business. I like business. We need businesses. But this small parcel is, after all, the Old East Hill Historic Preservation District.

A lot of the older houses near the center of the district aren't safe, either. We have a Bed and Breakfast. Say that a big corporation, like Taco Bell, wants your property. They work the politics. They offer big money.

Tempting.

Historic Pensacola, anyone? Up for sale.

Sincerely,

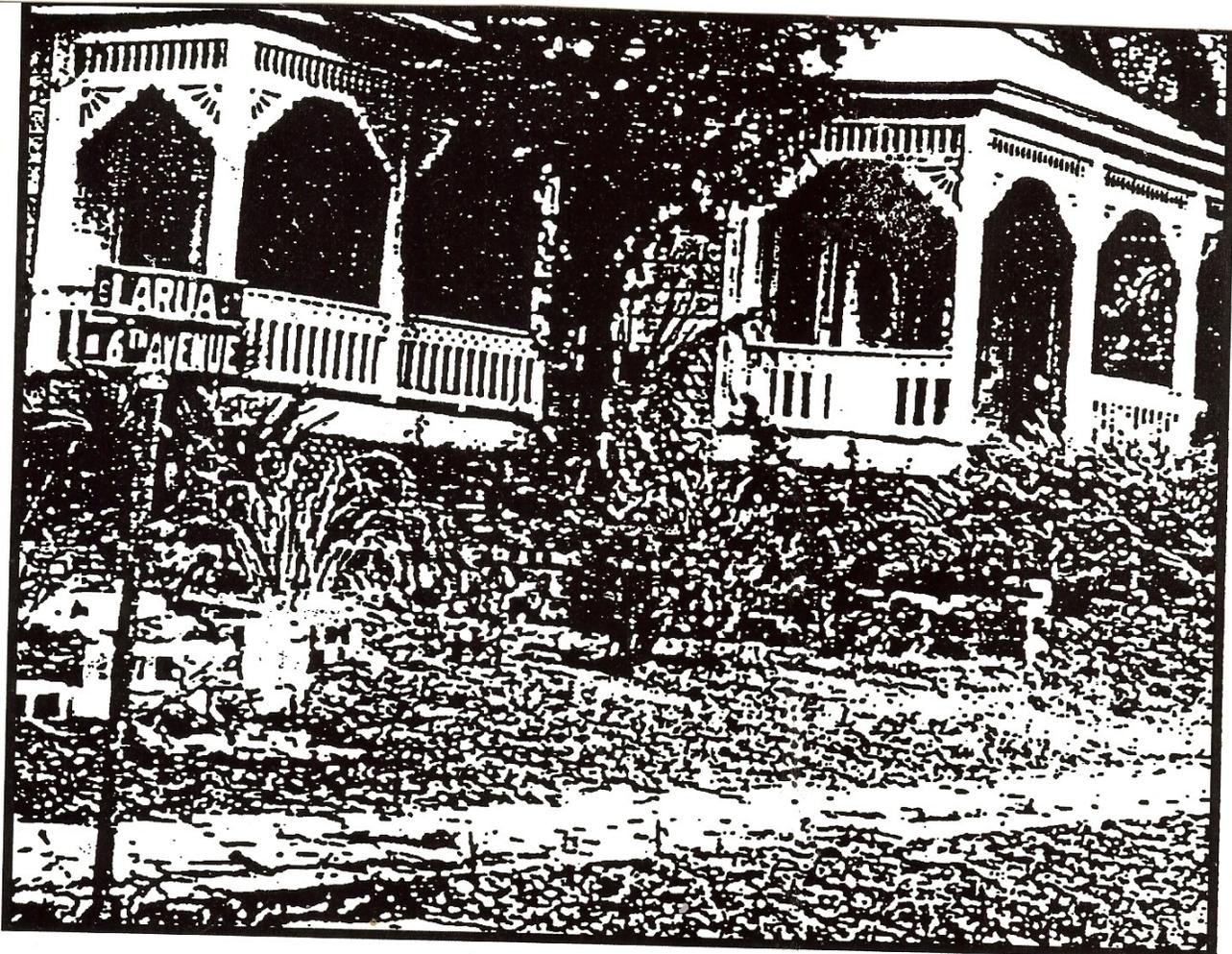
Jerry Gill

To the City Council of Pensacola:

Since the Old East Hill Preservation area is the smallest and the oldest in Pensacola, we, the residents feel it should be kept intact as far as possible, excluding businesses in the interior and allowed only on the periphery. We are asking that no codes allow interior business. We are subtly being encroached upon, leaving us open to the complete destruction of our small community.

Please consider that this is a cherished neighborhood, a very special place in the city, and should not be wiped out by greed.

**Diana Barnes
604 East La Rua Street
May 24, 2018**



Re: Businesses at 805 E. Gadsden St
Presently in violation of
City Code 12-2-10(c)(4)(b) 6 & 5(n.)

My residence is 820 E. Jackson St, IN the same
block of Jackson as 805 E. Gadsden St, but my
house backs up to that block of Gadsden St.

I am in full support of the petition submitted
on behalf of residents of Old East Hill Preservation
District by our President, Amber Hoverson.

The NOISE LEVEL of outdoor barking dogs, a
number at one time, several times a day, disturbs
my entitlement to a peaceful morning and
evening and will affect my resale value.

When people buy in a historic district they are,
or should be, aware of rights and restrictions
imposed on ALL property owners, and especially
property use by businesses, and especially
blatantly doing what they please and
trying to change the City Code for their own
financial gain.

Thank You

Patricia S. McEachern
5-20-18

Re: Rejection of Zoning Amendment in OEHC-1

Dear City Council Members,

Please vote "No" on proposed Land Development Code Amendment 12-2-10.

My name is Michael Courtney and I live approximately a half block south of this business. You could say I'm within 'barking' distance. My wife and I bought our home 21 years ago. We have spent a lot of time and money restoring this 135 year old beauty- it was ready for demolition when we bought it.

Our neighborhood is small. Even though the center is residential and the outer perimeter commercial, there are approximately 162 homes in the commercial areas. Mingled among residences we have compatible businesses including, but not limited to, a hair salon, massage therapy, antique, bridal, and other specialty stores.

In 2008 Laura Hall requested the City change our zoning ordinances to allow her vet clinic and hospital to operate here. This request was granted even though our clearly established historical preservation guidelines did not allow for that type of business *in addition to* a majority opposition from residents.

The permit application says the businesses would not have outdoor runs or outdoor exercise areas or outdoor kennels. Council granted this business a Conditional Use permit under the condition there were no outdoor exercise areas, runs or kennels. This business has been in violation since at least 2013 by having (and actively advertising the fact that they have) outdoor areas for animals to play. This business has disregarded not only the residents' concerns but City Council and City Code, despite specific guidelines.

I ask that these businesses be required to operate under the restrictions of their original permit while keeping this a Conditional Use.

There has already been a problem with barking dogs disturbing nearby neighbors and businesses.

In closing, I would like to reiterate that, because of the close proximity of residences to businesses, it is especially important to adhere to existing code to prevent incompatible use conflict.

Thank you,
Michael Courtney

Re: Rejection of Zoning Amendment in OEHC-1

Dear City Council Members,

Please vote "No" on proposed Land Development Code Amendment 12-2-10.

My name is Lou Mitchell Courtney. I am Secretary of the Board of Old East Hill Property Owners Association. My husband & I have invested time, sweat, and money restoring our historic home over the past 20 years. We have built trust and community with neighbors in our tiny neck of the woods, Old East Hill. How many of you desire to live next door to this facility?

Pensacola Pet Resort Too was originally permitted due to Pet Shop equivalence, which requires all uses to be inside the principle building. In 2008 the business requested an amendment to the LDC to allow a vet clinic and hospital in OEHC-1, whose regulations specifically excluded veterinary hospitals and clinics. Dr. Hall stated in the 2008 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 AN EXPENSIVE KENNEL with outdoor areas for dogs to play.

A Conditional Use permit allows for problems to be addressed if they arise: we are here today because there *is* a problem. The original permit application clearly stated there would be *'no outdoor runs or exercise areas'*. Since 2013 they have used dogs going outside as a major selling point in their web video. Their website says they take the dogs out "5 times a day, 365 days a year, in 1 of 3 outdoor runs". At a neighborhood meeting in 2008 Dr. Hall said boarding would happen at the 300 Gadsden location, grooming and vet services at 805 E Gadsden. At an OEHPOA meeting this April she said that on average there are 25 dogs there during weekdays, 45 on weekends. If they go out 5 times a day for 20 minutes, then 45 dogs are each outside longer than an hour and a half each day. Barking is noticeably louder in summer through December, when people vacation.

Though over half of our district is zoned OEHC-1 & 2, there are mostly homes in these areas. We should respect our zoning guidelines, which serve to protect these residents and the compatible businesses already there.

If the Conditional Permit changes to Right of Use; this business can expand into our area further without notifying residents, the City cannot place limitations on the business, and the action is irreversible. Loss of Conditional Use would silence the voice of the people. Dog boarding facilities could open up throughout our neighborhood and other preservation districts in the city, without input from residents. There could be 200 barking dogs and neighbors could not complain, except under the city noise ordinance which is vague and ineffective.

Let me point out that 3 supporting letters are from adjacent property owners who stand to benefit financially if Dr. Hall buys their property to expand her business. Two have been unoccupied for at least 3 years, another burned November 2016.

City Code was created to protect the majority of citizens, not for the financial interest of one. We are a small, historic preservation neighborhood with 300 homes. Our quality of life and property values are diminished by this business.

Sincerely,
Lou Courtney
OEHPOA Secretary of the Board

To: City Council Members
Re: Old East Hill Code Proposed Change

In regards to the proposed code change to Old East Hill Preservation District (OEHC-1), I would like to state my vehement opposition to this change. Let me be clear:

This is an unnecessary and dangerous code change request that should be flatly DENIED.

Pensacola Pet Resort Too is requesting a change that **would make it wholly incompatible with a nearby residential district**, let alone a historic preservation district. Any business with outside animals should be required to have reasonable distance and vegetative boundaries, as well as tightly regulated environmental controls. While it is not known what environmental controls Ms. Hall has in place, **it would be impossible for her to maintain reasonable distance and vegetative controls given the close proximity to the neighborhood.**

Ms. Hall is seeking to expand the functions of her current Pet Resort business to include inappropriate uses near a residential area.

Ms. Hall was given license to operate *East Hill Animal Hospital* with a Conditional Use Permit with the clear understanding that there would be no outside kennels or exercise areas. In other words, **no animals outside**. Ms. Hall agreed to these terms in 2008 when the Conditional Use Permit was issued. *Pensacola Pet Resort Too* was allowed to operate under the pet store code caveat which states “all uses inside the principal building”.

Ms. Hall has claimed it is unreasonable to expect that animals would never go outside. In her 2008 speech to City Council, Ms. Hall clearly stated all activities would be indoors so that noise would not be a problem. If all activities could be contained indoors in 2008, why is it now necessary to have them outside? If Ms. Hall insists that outdoor exercise areas are needed for her pet resort, then her pet resort must find a more appropriate location.

Ms. Hall claims our problems lie with ambiguity within the current code regarding the phrase “outdoor exercise areas”. She insists it actually means “outdoor exercise areas where animals are unattended”. **This is nothing more than an attempt to redefine terms to suit one’s own interests.** Outdoor exercise areas means just that, exercise areas that are outdoors and allow noise propagation and possibly animal pollution into the surrounding areas. **A business with animals outside attended or not, does not belong in near a residential area.**

Please summarily deny this requested code change.

Regards,

Joshua Gleaton
706 East Jackson St

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

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.

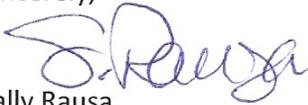
I recently moved into this area from out of state and chose it because of its rich history, beauty and dedication to preserving the structures that make Old East Hill unique. Our community is going through some very positive changes due to the fact that caring people have been committing their time and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

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
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

Brandi Deese

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

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. Garden 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 diversely effects 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 HARKEL)
Patricia McGrath (Patricia McGrath)
Joint Owners 820 E. Jackson St
819 E. Jackson St

Brandi Deese

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.

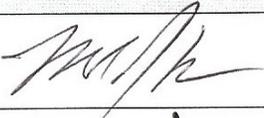
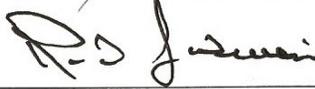
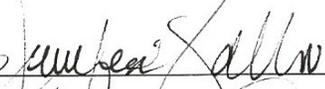
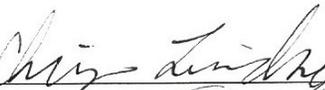
The businesses at 805 E Gadsden have proposed to change City Code to allow outdoor exercise areas for veterinary clinics, animal hospitals and pet resorts while eliminating the Conditional Use Permit. Old East Hill Property Owner's Association requests to keep the current code as is.

I, _____ want Pensacola Pet Resort Too and East Hill Animal Hospital to operate within the original permit that does not have outdoor exercise areas.

DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
05/02/2018	jeffrey elbert	<i>jeffrey elbert</i>	616 E. Belmont	jeff@IslandStyleFlorida.com
05/02/2018	Mario Roberts	<i>Mario Roberts</i>	616 East Belmont St.	mario@islandstyleflorida.com
05/06/2018	James Harris	<i>J Harris</i>	609 8th Ave	rojo350z@gmail.com
5/9/18	Jessica Stark	<i>Jess Stark</i>	704 E Jackson St	jessielouviere@cox.net
05/03/2018	Charlotte Field	<i>Charlotte Field</i>	317 N Davis Hwy	charlotte7755@gmail.com
05/03/2018	Paula Ghessi	<i>Paula Ghessi</i>	611 N 8th Ave	paolap@cox.net
5/9/18	Russell Stark	<i>Russ Stark</i>	704 E Jackson St	rlstark33@hotmail.com
05/03/2018	patricia mc grath	<i>patricia mc grath</i>	820 E Jackson st.	antiques4you@cox.net
5/17/18	Sabrina Jordan	<i>Sabrina Jordan</i>	501 N Davis Hwy	Pensaco
5/17/18	Tia Wallace Walker	<i>Tia Walker</i>	501 N. Davis Hwy	tia wallace walker@gmail.com

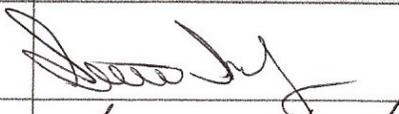
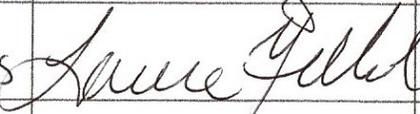
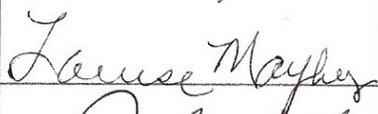
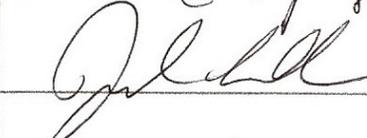
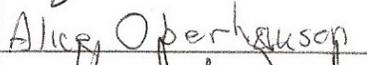
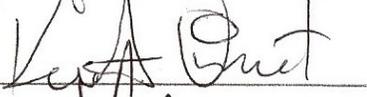
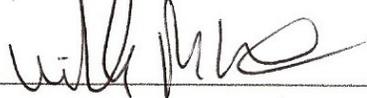
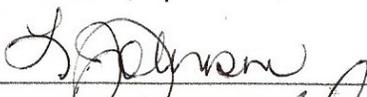
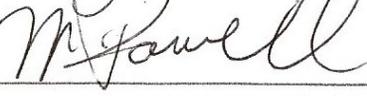
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I, _____ want Pensacola Pet Resort Too and East Hill Animal Hospital to operate within the original permit that does not have outdoor exercise areas.

DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5-4-18	Mark Casson		612 E LaRue	mjcasson22@gmail.com
5.4.18	RICHARD Godwin		614 E LA RUE	RD GODWIN ¹⁹⁴⁵ 1945 @me.com
5/4/18	Andrew Baggett		515 N. 7th Ave	abaggett290@gmail.com
5/4/18	Stephen Jizzo		8010 N. 9th Ave	sjizzo5@yahoo.com
5/4/18	Josh Glecton		706 E Jackson	joshua.glecton@gmail.com
	Donnicc Tripp	Donnicc Tripp	312 E Belmont	
5/17/18	Jennifer Gallen		314 N. Alcaniz	jennifergallen918@gmail.com
5/17/18	Cathy Long		314 N. Alcaniz	
	Chris Lindsey		308 North Alcaniz St	
5/17/18	Wanda Robinson		510 N Alcaniz St	Wanda.Lindsey@att.net

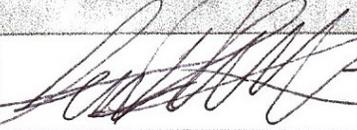
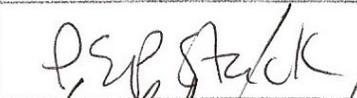
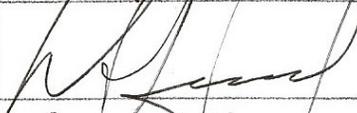
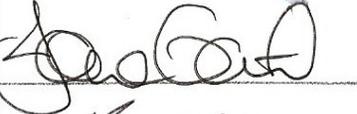
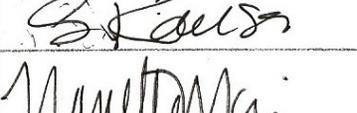
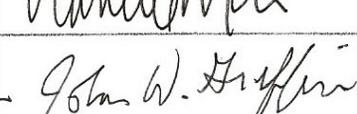
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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5/2/18	STEVIE IRBY		719 E Belmont ST	
5/3/18	Lawrence Fields		800 E Belmont	
5/3/18	Louise Mayberry		416 N 7th Ave	
5/3/18	Josh Oberhausen		715 E La Rue St	
5/3/18	Alice Oberhausen		715 E La Rue	
3 May 18	S.A. Vincent		608 E. Belmont	
5/3/18	K.A. Vincent		408 N. 7th Ave.	
5/3/18	William Martin		600 E Belmont St.	
5-3-18	Lisa Johnson		401 E ^N 10th Ave	dolphin40 pms@yahoo.com
3 MAY 18	Mike Powell		327 7th ave	MTPowell50@gmail

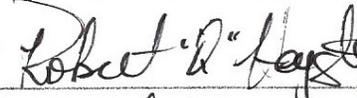
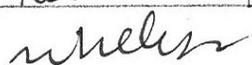
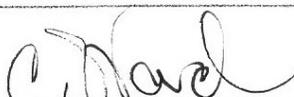
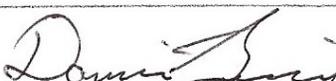
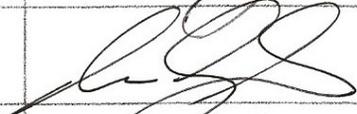
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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5/5/18	Steven Stack		601 E. Belmont 601 E. Belmont	N/A
5/5/18	Pauline P. Stack		601 E. Belmont	N/A
5/5/18	WILHELM HANSEN		101 W. Lloyd St	N/A
5/5/18	CHAD MICHAEL EYER		511 E LA RUA ST.	eyer@eyer.us
5/5/18	Ali N. Riccardi		580 N 8th Ave	N/A
5/6/18	JANE CARPENTER		522A N 7th Ave	N/A
5/6/18	MICHAEL CARPENTER		522A N 7th Ave	N/A
5.6.18	SALLY RAUSA		512 N. 7th Ave	SAMRIZIS@ yahoo.com
5.6.18	Nanette Morin		512 E. Gadsden St.	nmorin369@yahoo.com
5.6.18	John W. Griffin		512 E Gadsden St	N/A

The businesses at 805 E Gadsden have proposed to change City Code to allow outdoor exercise areas for veterinary clinics, animal hospitals and pet resorts while eliminating the Conditional Use Permit. Old East Hill Property Owner's Association requests to keep the current code as is.

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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5/19/18	Edwin Torres		805 E Belmont St	etorres1718@gmail.com
5/19/18	ROBERT "D" HAYSLETTE		711 N 9th Ave #15	QHAYSLETTE@ATT.NET
5/20/18	Rebecca Whites		801 North ^{B.} _{A.} Avenue	+RECOLOR.chemist@gmail.com
	C. WARD		611 N 8th	
5/20/18	LAWRENCE W OBERHAUSEN		715 E. Larua	
5/20/18	Damian Zimmerman		611 N. 8th Ave.	damian1zimmerman@gmail.com
5/22/2018	Ian Gilroy		601 E Gadsden St	
5/29/2018	E. MATHSON		B- 801 N 9th Ave R- 1207 E. Belmont	MATHSONE@BALSAMIC.NET.
5-29-18	Matt Belinck		B- 801 N 9th Ave R- 1017 E. Larua St	Sliveomattic@hotmail
6-04-18	James R Tice		514 North Forrest St	J

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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5-5-2018	MARY Cunningham	Mary L Cunningham	550 N 8th ave	
5-5-2018	Tyree Richardson	Tyree Richardson	550 N 8th ave	
5-12-2018	PEGGY ENSLOW	Peggy Enslow	708 E. Gadsden St	petprop@yalos.com
5-16-2018	Charles Stauffer	Charles Stauffer	517 N 7th Ave	charles.stauffer@onigroup.com
5-16-2018	Kristen Warren	Kristen Warren	607 E GARUA ST	KristenRealty@gmail.com
5-16-2018	Ryan Overdyke	Ryan Overdyke	611 E. Belmont	RyanOverdyke@gmail.com
5-17-2018	John N. Schumier #	John N. Schumier #	520 N 6th Ave	N/A
5-17-2018	DIANE DIXEY	Diane Dixey	415 E. CAROL	dd2450@aol.com
5-17-2018	DIANE DIXEY	Diane Dixey	414 n. alcanize	↓
5-17-2018	Diane Dixey	Diane Dixey	416 n. alcanize	

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u

I, _____ want Pensacola Pet Resort Too and East Hill Animal Hospital to operate within the original permit that does not have outdoor exercise areas.

DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
May 3, 2018	MARIA HARRIS	Maria Harris	819 E Jackson St 820 E Jackson St	Antiques 4you@cox.net
MAY 3 2018	KARYN SPIRSON	Karyn Spirson	EAST JACKSON	kspirson@cox.net
MAY 3 2018	CHRIS SPIRSON	Chris Spirson		vite/signsbychris.com
5/3/18	Stacey Rimmerman	Stacey Rimmerman	805 N. 8th Ave. Pensacola, FL	Stacey.Rimmerman@gmail.com
5/3/18	Charles Volte	Charles Volte	603 N 8th Pensacola FL 32501	voltzpic@yahoo.com
5/3/18	Patricia F White	Patricia White	601 East Gadsden Pensacola FL	
5/3/18	Nellie Gladney	Nellie Gladney	620 N. 6th Ave Pensacola, Fla 32501	
5/5/18	Rose Cooper	Rose Cooper	610 N. 6th Ave Pensacola, Fla 32501	
5/5/18	Gary Cooper	Gary Cooper	" "	
5/5/18	Mary Williams	Mary Williams	525 6th Ave	

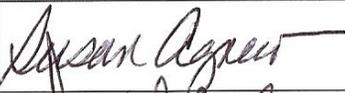
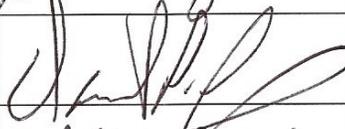
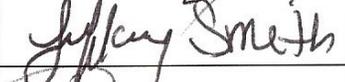
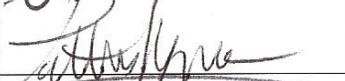
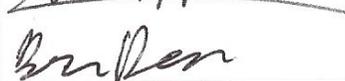
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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5/1/18	Lou M. Courtney	<i>Lou M Courtney</i>	523 N 8 th ave	
5/1/18	amber haverson	<i>Amber Haverson</i>	706 e Jackson St.	amberlymnie1@gmail.com
5/1/18	Stephen Hayes	<i>Stephen Hayes</i>	700 C. Belmont St	shayesnall@flol.com
5/1/18	Kimberly Casson	<i>Kimberly Casson</i>	612 E. La Rua St.	ktcasson@frontiernet.net
5-2-2018	BEV ELLIOTT	<i>Bev Elliott</i>	706 E, LaRue 600 E, Jackson	belliott2@att.net
5-3-18	Michael Courtney	<i>Michael Courtney</i>	523 8 th Ave N.	mcscuff676@gmail
5-3/18	Debris Pugh	<i>Debris Pugh</i>	304 E Gadsden	d.Pugh44@yahoo.com
5/3/18	Jeff CATANIA	<i>Jeff Catania</i>	314 E. Gadsden	jgcatania77@gmail
5/4/18	Barbara D'Amico	<i>Barbara D'Amico</i>	307 E Gadsden	bardamico@gmail
5/4/18	Shaib Alagily	<i>Shaib Alagily</i>	307 E Gadsden	shaib17@gmail.com Eahoo

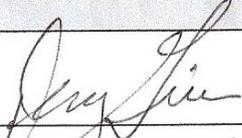
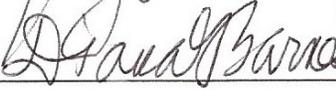
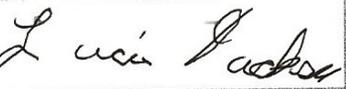
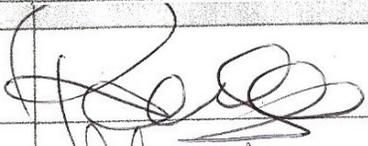
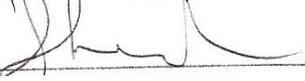
The businesses at 805 E Gadsden have proposed to change City Code to allow outdoor exercise areas for veterinary clinics, animal hospitals and pet resorts while eliminating the Conditional Use Permit. Old East Hill Property Owner's Association requests to keep the current code as is.

I, _____ want Pensacola Pet Resort Too and East Hill Animal Hospital to operate within the original permit that does not have outdoor exercise areas.

DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5/1/2018	Susan Agnew		810 E. La Rue St. Pensacola, FL 32504	Susandanagnew@cox.net
5/1/2018	Daniel Agnew		810 E. La Rue St.	d.agnew @ Jani co - inc.com
5/24/18	Tiffany Smith		824 E. La Rue St.	trb00024@hotmail.com
6/4/18	Patton Agnew		810 E. La Rue St.	pattonagnew@gmail.com
6-4-18	Brandon Peininger		(college address) 99th University pkwy	bdeininger@unf.edu
6-4-18	Celia Agnew	Celia Agnew	810 E 19th Ave St 32501	Susandanagnew@cox.net
6-4-18	Alba Ahearn	via phone converts	822 E. La Rue St.	AlbaAhearn@cloud.com
6-4-18	Matthew Ahearn	via phone "	822 E. La Rue St.	MatthewAhearn@ahearnconstruction.com
6-4-18	Luke Ahearn	via phone "	822 E. La Rue St.	luke-lahearn@ahearnconstruction.com
6-4-18	Jacob Ahearn	via phone "	822 E. La Rue St.	Jacob-Jacobahearn@hotmail.com
6-4-18	Michael Ahearn	via phone "	822 E. La Rue St.	com

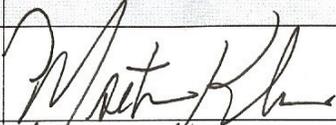
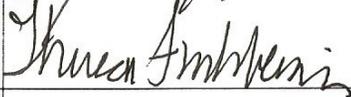
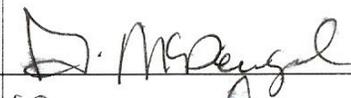
The businesses at 805 E Gadsden have proposed to change City Code to allow outdoor exercise areas for veterinary clinics, animal hospitals and pet resorts while eliminating the Conditional Use Permit. Old East Hill Property Owner's Association requests to keep the current code as is.

I, Jerry Gill want Pensacola Pet Resort Too and East Hill Animal Hospital to operate within the original permit that does not have outdoor exercise areas.

DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
May 3, 2018	Jerry Gill		604 East Gadsden St Pensacola FL 32501	capje102@gmail.com Michael Kerney
May 3, 2018	DIANA		604 E. Gadsden	laruahouse@cox.net
May 3, 2018	Sharon Arabski		816 East Jackson	arabski.sharon@gmail.com
May 3, 2018	Ben Horston		409 E. Lamar	
May 19, 2018	James E. Rigsbee		581 N. 9th Ave	rigsbee@live.com
5-16-18	Lucie Jackson		415 N. 6th Ave	
5-16-18	Thomas Brown		415 N. 6th Ave	
5-3-2018	Randy Hamilton		601 N DAVIS ST.	randy@hamiltonartagency.com
5-3-2018	Sheron Hamilton		601 N Davis St	

The businesses at 805 E Gadsden have proposed to change City Code to allow outdoor exercise areas for veterinary clinics, animal hospitals and pet resorts while eliminating the Conditional Use Permit. Old East Hill Property Owner's Association requests to keep the current code as is.

I, _____ want Pensacola Pet Resort Too and East Hill Animal Hospital to operate within the original permit that does not have outdoor exercise areas.

DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5/07/18	MARTIN KLEIN		815 E. GADSDEN ST office	maitytheresa@cox.net
5/07/18	Theresa Funkbeiner		815 E. Gadsden St. office	coyotemoonherbcompany@cox.net
5/07/18	Patty Bowlin-Hinote		815 E Gadsden St.	Innerpeace 815@prodigy.net
5/17/18	JAMES LAWRENCE		815 E. Gadsden St	LAWR 1121 @Gmail.com
5/16/18	Gabrielle McDougall		610 E. JACKSON ST	Gabbimcdougall@gmail.com Gabbi McDougall@...
5/16/18	Laura Schumacher		5201 6th Ave	not yet
6-6-18	ROBYN TICE		514. N. HAYNE ST.	ticerobyn983@gmail.com

The businesses at 805 E Gadsden have proposed to change City Code to allow outdoor exercise areas for veterinary clinics, animal hospitals and pet resorts while eliminating the Conditional Use Permit. Old East Hill Property Owner's Association requests to keep the current code as is.

I, _____ want Pensacola Pet Resort Too and East Hill Animal Hospital to operate within the original permit that does not have outdoor exercise areas.

DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
05/03/2018	Jorge Pelaez	<i>Jorge Pelaez</i>	4620 Avenida Marina	jpelaez@cox.net
05/03/2018	Myles B. Sampson, jr.	<i>Myles B. Sampson, Jr.</i>	813 E. Jackson St.	myles_eta@att.net
<i>5-17-18</i>	<i>PAUL EMMANUEL</i>	<i>Paul Emmanuel</i>	<i>410 E. Biscayne</i>	<i>PAULEMMAUEL@3STOP.GCCSFLA.COM</i>
<i>5/17/18</i>	<i>Sally Castle</i>	<i>Sally Castle</i>	<i>503 N. ALCAHIE</i>	<i>sallycastle@ymail.com</i>
05/03/2018	Aros E. Barnes	<i>Aros E. Barnes</i>	518 E. Jackson St.	aebarnespainter@gmail.com
05/02/2018	Melanie Nichols	<i>Melanie Nichols</i>	14 E. Gonzalez St.	mel303@aol.com

gccsmaail

Comments

Name	Location	Date	Comment
Teresa Hill	Pensacola, FL	2018-05-06	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. #keeppensacolaunique
Bianca Villegas	Pensacola, FL	2018-05-06	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.
Kari Traud	Atlanta, GA	2018-05-06	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!
Cameron Northup	Pensacola, FL	2018-05-06	I want to support east hill and I live in new east hill
simone sandifer	PENSACOLA, FL	2018-05-06	Although I support local business I do agree once zoning changes one way it's hard to stop and go back
Betty Wilson	Pensacola, FL	2018-05-06	Zoning is tricky and should not be changed to help one business or individual.
Michael Courtney	Pensacola, FL	2018-05-06	IMPOSSIBLE to go back.
Wendy Louie	Pensacola, FL	2018-05-07	If the code change does not benefit other businesses in the area, I do not support their GREED. If East Hill Vet/ Pet Resort wants to expand, or break the sanctity of the historical guidelines, then they should just move all together. It seems this business doesn't value the uniqueness of East Hill.
Marcella Manning	Miami, FL	2018-05-07	I care about East Hill and don't want to see the neighborhood lose its beauty and historic character.
karyn spirson	Pensacola, VA	2018-05-07	Karyn Spirson
Patricia Macks	McDavid, FL	2018-05-07	Relatives will be impacted
treme Gray	milton, FL	2018-05-07	Stop businesses from moving into the historic areas
Catherine Bridges	Pensacola, US	2018-05-08	I am signing because the powers that be....take down these old home and anything historical to put in a cookie cutter box. What makes this city charming is partly the diversity of the old homes in the area. Historic Preservation does mean to preserve after all. verb (used with object), preserved, preserving.1.to keep alive or in existence; make lasting:to preserve our liberties as free citizens.2.to keep safe from harm or injury; protect or spare.3.to keep up; maintain:to preserve historical monuments.4.to keep possession of; retain:

Name	Location	Date	Comment
Alexandra da Costa	Paramaribo, Suriname	2018-05-10	Because I'm pro historic preservation in the whole World!
Diana Barnes	Pensacola, FL	2018-05-12	Our small residential area in Old East Hill is shrinking. Let's preserve what we have left.
Karen Malone	Pensacola, FL	2018-05-12	Karen malone
Brigette Heye	Pensacola, FL	2018-05-13	We should not change a city code to accommodate violators of said code. That's not how city codes work, right?
Laura Keeble	Pensacola, FL	2018-05-14	I also feel the city code should not be changed. I would like historical east hill Pensacola's east hill should be preserved. There is a lot of beauty and history to that area, that should be preserved. I would also like to know who is responsible for making north of Texar, North hill and not East hill ? All this time I felt I was in East hill...
Ed Wonders	Pensacola, US	2018-05-18	Ed Wonders
Lee Anne Winchester	Pensacola, FL	2018-05-20	I would highly recommend the Pensacola City Counsel to VOTE NO on this zoning change. Tourism dollars count! Historic neighborhoods count!- Florida Tax Watch reports that tourism is our state's number one competitive advantage. Pensacola is cited as one of the top sites for cultural tourism. - Destination 2020 statistics provide adequate data to support that "travelers are increasingly seeking "new" destinations that offer "unique local flavor"."- Historic Districts are key to defining Pensacola.- Businesses are attractive in Commercial Zoned areas, not residential.- Encroachment of businesses within the designated Historic Residential Districts represents a failure to preserve these valuable resources.- Revitalization of Business Districts have given ample opportunity for business owners to locate and operate within their designated zones; thus no need for businesses to locate or expand inappropriately within a historic residential area.Protect the valuable historic resources that Pensacola has
Janet DeMay	Pinson, AL	2018-05-25	One of my best friends lives in this area. It is important to him and that makes it important to me. My friend makes informed decisions. No doubt he has studied all sides before making this one.
Stephanie Sierke	Trussville, AL	2018-05-27	My friends Todd and Tom deserve a peaceful home inside and out.

Signatures

Name	Location	Date
Amber Hoverson	US	2018-05-05
Michael Courtney	Pensacola, FL	2018-05-05
Jenifer Vincent	Pensacola, FL	2018-05-05
lou courtney	Pensacola, FL	2018-05-05
Melanie Nichols	Pensacola, FL	2018-05-05
Michael Courtney	Pensacola, FL	2018-05-05
Bonnie Smith	Pensacola, FL	2018-05-05
Nicole Endacott	Pensacola, FL	2018-05-05
Carlos Villegas	Pensacola, FL	2018-05-06
Carrie Webster	Pensacola, FL	2018-05-06
James Whaley	Pensacola, FL	2018-05-06
Leslie Vilardi	Pensacola, FL	2018-05-06
jeannine van reeth	Pensacola, FL	2018-05-06
Patrick Hayes	Pensacola, FL	2018-05-06
Sara Beard	Pensacola, FL	2018-05-06
PAT MCGRATH	Pensacola, FL	2018-05-06
Stephen Hayes	Pensacola, FL	2018-05-06
Jeff Dearth	Pensacola, FL	2018-05-06
Audrey Tucker	Pensacola, FL	2018-05-06
Teresa Hill	Pensacola, FL	2018-05-06

Name	Location	Date
Edna Rawlingd	Pensacola, FL	2018-05-06
Bianca Villegas	Pensacola, FL	2018-05-06
Nancy Wolfe	New York, NY	2018-05-06
Bob Cronemeyer	Pensacola, FL	2018-05-06
Kari Traud	Atlanta, GA	2018-05-06
Joshua Gleaton	Pensacola, FL	2018-05-06
Jill Prafke	Pensacola, FL	2018-05-06
Tom Clark	Trussville, AL	2018-05-06
Robin Jones	Pensacola, FL	2018-05-06
Dawn Grissett	Pensacola, FL	2018-05-06
Beth Hoverson	Winnett, MT	2018-05-06
Cameron Northup	Pensacola, FL	2018-05-06
Julia Hoeschler	Pensacola, FL	2018-05-06
CHRISTIAN Sanchez	US	2018-05-06
Sandi Aden	US	2018-05-06
Connie Acevedo	Pensacola, FL	2018-05-06
Masheighla Fuscella	Pensacola, FL	2018-05-06
Debbie Mallett	Vidor, TX	2018-05-06
Carolyn Prime	Pensacola, FL	2018-05-06
Capt. Denny Turnbull	Gulf Breeze, FL	2018-05-06
sonja valliere	Pensacola, FL	2018-05-06
Nancy LaNasa	Pensacola, FL	2018-05-06

Name	Location	Date
Mary Pierce	Pensacola, FL	2018-05-06
Jessie Stark	Pensacola, FL	2018-05-06
Colleen Eastburn	Gulf Breeze, FL	2018-05-06
Noah Davis	Milton, FL	2018-05-06
Jim Patrick	Gulf Breeze, FL	2018-05-06
Genevieve Fortner	Pensacola, FL	2018-05-06
Stan Albright	Pensacola, FL	2018-05-06
Joel Dittenber	Pensacola, FL	2018-05-06
Alianna Gilmartin	Pensacola, FL	2018-05-06
Nina Mazur	Pensacola, FL	2018-05-06
Rebecca Clancy	Milton, FL	2018-05-06
Stephen Embry	Pensacola, FL	2018-05-06
Patrick Borthwick	Gulf Breeze, FL	2018-05-06
Patton Agnew	Pensacola, FL	2018-05-06
Rebecca Timmons	New Orleans, LA	2018-05-06
Melissa Stone	Vidor, TX	2018-05-06
Myles Sampson	Pensacola, FL	2018-05-06
catherine landers	Virginia Beach, VA	2018-05-06
Mary Samaras	Pensacola Beach, FL	2018-05-06
Ann Hill	Pensacola, FL	2018-05-06
Ronald Slay	Pensacola, FL	2018-05-06
Carl Wood	Pensacola, FL	2018-05-06

Name	Location	Date
simone sandifer	PENSACOLA, FL	2018-05-06
Whitney Baker	Pensacola, FL	2018-05-06
Erin Kadan	Pensacola, FL	2018-05-06
Frances Michaels	Pensacola, FL	2018-05-06
Pat Frantz	Pensacola, FL	2018-05-06
Cyndi Reichenbach	Pensacola, FL	2018-05-06
Betty Wilson	Pensacola, FL	2018-05-06
Tim Moore	Pensacola, FL	2018-05-06
Lori Menke	Gulf Breeze, FL	2018-05-06
Inga Greenwell	Pensacola, FL	2018-05-06
Angi Mentzer	Milton, FL	2018-05-06
Jorge Peláez	Pensacola, FL	2018-05-06
Katina Harper	Pensacola, FL	2018-05-07
Hannah McLeaish	Pensacola, FL	2018-05-07
Mary Eddins	Pensacola, FL	2018-05-07
Theresa Finkbeiner	Pensacola, FL	2018-05-07
Wendy Louie	Pensacola, FL	2018-05-07
Jennifer Morgan	Pensacola, FL	2018-05-07
Marianne McGee	Pensacola, FL	2018-05-07
Robert Kiser	Pensacola, FL	2018-05-07
Gerald Omega	US	2018-05-07
Elisa Giraudó	Buenos Aires, Argentina	2018-05-07

Name	Location	Date
Randall Jones	Pensacola, FL	2018-05-07
Brian Webster	Penscola, FL	2018-05-07
Russell Stark	Pensacola, FL	2018-05-07
Marcella Manning	Miami, FL	2018-05-07
Tony Stark	Pensacola, FL	2018-05-07
Valerie Sotere	US	2018-05-07
Sally Rausa	Pensacola, FL	2018-05-07
Mary Carroll	Pensacola, FL	2018-05-07
Daniel Agnew	Pensacola, FL	2018-05-07
karyn spirson	Pensacola, VA	2018-05-07
Jacqueline Rogers	Cantonment, FL	2018-05-07
joshua pearl	US	2018-05-07
Kim Wolfersperger	Pensacola, FL	2018-05-07
Thomas Erick	US	2018-05-07
Melissa Albright	Pensacola, FL	2018-05-07
Amanda Glickman	Pensacola, FL	2018-05-07
Diana Keenan	Pensacola, FL	2018-05-07
Ann Robinson	Milton, FL	2018-05-07
Steve Campbell	Pensacola, FL	2018-05-07
Barbara Albrecht	Pensacola, FL	2018-05-07
Patricia Macks	McDavid, FL	2018-05-07
Cecile Hines	Pensacola, FL	2018-05-07

Name	Location	Date
Megan Livingston	US	2018-05-07
MIke M.	New York, NY	2018-05-07
Donna Ball	Gulf Breeze, FL	2018-05-07
nicole ellis	Gulf Breeze, FL	2018-05-07
Katie Fish	Gulf Breeze, FL	2018-05-07
Jeff Glickman	Pensacola, FL	2018-05-07
Brenda J Lay	Pensacola, FL	2018-05-07
treme Gray	milton, FL	2018-05-07
Freddie Burch	Norcross, GA	2018-05-07
MARIO ARGENTE	Spain	2018-05-07
Richard Ainsworth	US	2018-05-07
Julian Fernandez	US	2018-05-07
Linda Jones	Pensacola, FL	2018-05-07
Susan Haines	Pensacola, FL	2018-05-07
Ellen Fortinberry	Pensacola, FL	2018-05-07
Alice Beall	Oviedo, FL	2018-05-07
Virginia Millsap	Pensacola, FL	2018-05-08
Tiffany Stanley	US	2018-05-08
Shepard Davis	US	2018-05-08
Janis Mills	Pensacola, FL	2018-05-08
Dianne b Hepler	South Carolina	2018-05-08
Allie Smith	US	2018-05-08

Name	Location	Date
Dae Patel	Pensacola, FL	2018-05-08
Gregiry Leech	Milton, FL	2018-05-08
Melinda Giron	Milton, FL	2018-05-08
John Wisti	US	2018-05-08
Lerissa Rowe	Pensacola, FL	2018-05-08
Catherine Bridges	Pensacola, US	2018-05-08
Jimmie Piersall	US	2018-05-08
Gary Alves	Destin, FL	2018-05-08
Venkat Paruchuri	US	2018-05-08
RIkki Baumgardner	US	2018-05-08
Valerie Aune	Pensacola, FL	2018-05-08
Cody Mauch	US	2018-05-08
Lara McKnight	Pensacola, FL	2018-05-08
Eve Carey	Gulf Breeze, FL	2018-05-08
Dan Pretto	Pensacola, CA	2018-05-08
Won Choi	US	2018-05-08
Lisa Mead	Pensacola, FL	2018-05-08
Tommy Birch	US	2018-05-08
Aleta Bilodeau	US	2018-05-08
Regina Rosecrans	US	2018-05-08
Liz Casey	US	2018-05-08
Jerry Gill	Pensacola, FL	2018-05-08

Name	Location	Date
Jennifer Baston	Pensacola, FL	2018-05-08
Lisa alexander	Pensacola, FL	2018-05-08
maurice malone	Bailey, MS	2018-05-08
Ethan Miller	US	2018-05-08
Shelia Crissey	Gulf Breeze, FL	2018-05-09
Jaheem Gore	US	2018-05-09
Johan Silva	US	2018-05-09
Ryan Hoffman	US	2018-05-09
Jenny Joh	US	2018-05-09
Sandra Tilley	Pensacola, FL	2018-05-09
Courtney Coleman	Pensacola, FL	2018-05-09
Kimberly Blackwell	Cantonment, FL	2018-05-09
Leowell Pailano	US	2018-05-09
Hope Williams	Gulf Breeze, FL	2018-05-09
Justin Artis	US	2018-05-09
Tristan Ramsey	US	2018-05-09
Matthew Fortner	Pensacola, FL	2018-05-10
Diana Barnes	Pensacola, FL	2018-05-10
Alexandra da Costa	Paramaribo, Suriname	2018-05-10
sarah Lewis	Niceville, FL	2018-05-10
Jem Sullivan	Pensacola, FL	2018-05-10
Barbi Coker	Pensacola, FL	2018-05-10

Name	Location	Date
pat indorf	pensacola, FL	2018-05-10
Josh Oberhausen	Miami Beach, FL	2018-05-11
Jessica Olmos	US	2018-05-11
Daniel Contreras	US	2018-05-11
Shiza Ahmed	US	2018-05-11
Omaurion Eldridge	US	2018-05-11
Isaiah Garcia	US	2018-05-11
Marcine McBride	West Babylon, NY	2018-05-12
Gavin Mcbride	US	2018-05-12
Ashley Pollock	US	2018-05-12
Mayra Della Cella	US	2018-05-12
John von Senden	Pensacola, FL	2018-05-12
Gary Shimp	Pensacola, FL	2018-05-12
Jeffrey Stewart	King Of Prussia, NJ	2018-05-12
Elizabeth Williams	Pensacola, FL	2018-05-12
Kristi Bush	Pensacola, FL	2018-05-12
Richard Edwards	Collierville, TN	2018-05-12
Amro Ahmed	US	2018-05-12
Nuru-Kianga Vaughn	US	2018-05-12
Kelsi Madison	US	2018-05-12
Colleen Ranous	US	2018-05-12
Karen Malone	Pensacola, FL	2018-05-12

Name	Location	Date
Mary Dickson Quina	Pensacola, FL	2018-05-13
Marlene Parker	Pensacola, FL	2018-05-13
Lacy Sweeney	Pensacola, FL	2018-05-13
Maryanne Dzvonic	US	2018-05-13
Alyssa Rodriguez	US	2018-05-13
Nancy Brannen	Pensacola, FL	2018-05-13
ryan overdyke	Gulf Breeze, FL	2018-05-13
nicola spear	pensacola, FL	2018-05-13
Brigette Heye	Pensacola, FL	2018-05-13
Forrest Ferguson	Pensacola, FL	2018-05-13
Peggy Enslow	Pensacola, FL	2018-05-14
Archie Park	US	2018-05-14
Desty Richards	Pensacola, FL	2018-05-14
Constance Hines	US	2018-05-14
Katie Milliken	US	2018-05-14
Skylar Dunn	US	2018-05-14
Ethan Parker	US	2018-05-14
Greg Jones	Pensacola, FL	2018-05-14
Glenn Parker	Pensacola, FL	2018-05-14
Sharon Arabski	Pensacola, FL	2018-05-14
Anna Lohr	Pensacola, FL	2018-05-14
Laura Keeble	Pensacola, FL	2018-05-14

Name	Location	Date
Viridiana Vargas	US	2018-05-14
Adriana Ma	US	2018-05-14
Brenda Nasworthy	US	2018-05-14
Leonard Wheeler	Pensacola, FL	2018-05-15
Sarah Sisson	Pensacola, FL	2018-05-16
Crissie Clark	Pensacola, FL	2018-05-16
James Bradford	Navarre, FL	2018-05-16
Ronald Williamson	Pensacola, FL	2018-05-16
Ron Curtis	Pensacola, FL	2018-05-16
jos mar	US	2018-05-16
Jose Tirado	US	2018-05-16
Dimitri Carrillo	US	2018-05-17
Lynn Mott	Pensacola, FL	2018-05-17
Rebecca Ortiz	Norcross, GA	2018-05-17
James Scott	US	2018-05-17
Ed Wonders	Pensacola, US	2018-05-18
Vicky Wonders	Pensacola, FL	2018-05-18
Jean Lillard	Pensacola, FL	2018-05-18
Shawna Fulton	pensacola, FL	2018-05-18
Elly Fisher	Pensacola, FL	2018-05-18
Lee Anne Winchester	Pensacola, FL	2018-05-20
Dylan Joseph	US	2018-05-20

Name	Location	Date
Paula Barrera	US	2018-05-21
Heather Meade	US	2018-05-21
john Altstatt	US	2018-05-21
Raul Calanche	US	2018-05-21
Dakotah O'Dwyer	US	2018-05-21
JoAnn Locklear	Pensacola, FL	2018-05-21
Kimberly Casson	Pensacola, FL	2018-05-22
Todd Clark	Pensacola, FL	2018-05-25
Janet DeMay	Pinson, AL	2018-05-25
Rebecca Varney	Orlando, FL	2018-05-25
Tara Cole	Monroe, LA	2018-05-26
Casandra Waller	Pensacola, FL	2018-05-26
Henry Compton	Birmingham, AL	2018-05-26
Jessica Nichols	Pinson, AL	2018-05-26
Vicki Lyter	Milton, FL	2018-05-26
Jeff Roberts	Gardendale, AL	2018-05-27
Stephanie Sierke	Trussville, AL	2018-05-27
Destine Marshall	US	2018-05-27
Jason Glenn	US	2018-05-27
Cheri Hogan	Pensacola, FL	2018-05-29
Stephanie Wilhelm	Pensacola, FL	2018-05-30
Dana Collard	US	2018-05-30

Name	Location	Date
Stacy Brown	US	2018-06-01
eric hendrix	US	2018-06-01
Cameron Harper	US	2018-06-02
Luis Molina	US	2018-06-05
Daniel Walton	US	2018-06-06

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June 8, 2018

Brian Spencer
City Council District 6
222 W Main Street
Pensacola, FL 32502
bspencer@cityofpensacola.com

Re: Rejection of Zoning Amendment in OEHC-1

Dear Council Member Spencer,

A business owner, presently in violation of the City Code, has asked City Council, in lieu of coming into compliance, for the City to change its law for her personal benefit, and without regard to the interests of the community in which her business is conducted. This is a grossly wrong request, and should be denied without more. The Code exists for the good of the City and community as a whole – not to serve the specific pecuniary interest of but one property owner or business. It certainly ought not be changed without regard to the impacts on the surrounding community. Indeed, there is a very serious impact on the Code throughout the whole City.

On behalf of the surrounding owners, the Old East Hill Association and the Old East Hill community, we ask that you deny this request. Please leave the City Code unmarred by such a nakedly self-serving and blinkered view of zoning law. Uphold the principle that all citizens should comply with law as a duty, and not merely as an “option” for those with political influence to seek a change in the law in their favor when they find it not to their preference.

The following points need to be considered before entertaining any change to the Code like that being suggested:

1) It is unlawful to modify the zoning code merely because one person or owner has the political support to do it -- even if no outright corruption of public officials is involved. See *Allapattah Cmty. Ass'n, Inc. of Florida v. City of Miami*, 379 So. 2d 387, 395 (Fla. 3d DCA 1980). “The power to amend is not arbitrary. It cannot be exercised merely because certain individuals want it done or think it ought to be done. The change must be necessary for the public good.” *Id.* Such an amendment, lacking any showing as to increasing the public good, and merely aiding the private good of those who procured it will be stricken down as “therefore arbitrary and unreasonable.” *Id.* See also *Dade County v. Frohme*, 489 So. 2d 140, 141 (Fla. 3d

DCA 1986)(“striking down the [rezoning] resolution, which permitted a commercial use to intrude into a residentially-zoned area contrary ... the terms of its land use plan, characterizing this as “a penetrating and impermissible rape of the neighborhood, presaging the flood to come.”)

The City Council should under no circumstance do something so plainly flouting the legitimate principles of re-zoning and which would be per se unlawful. The Council should summarily reject even the attempt.

2) To modify the zoning code requires factual findings that changed circumstances have occurred since the existing code was adopted and which adversely affect the interest of the whole district -- not just one owner -- to justify the change proposed. Owners “relied on the existing zoning conditions when they bought their homes. They had a right to a continuation of those conditions in the absence of a showing that the change requisite to an amendment had taken place. ... True their rights were subject to the power of the city to amend the ordinance on the basis of a proper showing. Nonetheless, they have a right to insist that the showing be made.” *Hartnett v. Austin*, 93 So. 2d 86, 90 (Fla. 1956)(“We point out in passing that the applicant ... was not appealing ... for a variance on the basis of any hardship.”) There have been no such findings, and indeed there could be not any such findings. There has been no claim of hardship – the business merely seeks to expand its intrusion at the neighborhood’s expense.

3) No findings were made by Planning Board in their hearing or recommendation; the Council ordinance proposal provides no findings, and no hearing was held to produce evidence to support any findings. To pass a zoning amendment in this condition will result in an immediate injunction against the change on the authority cited if brought by any complaining resident of the district, and they are already complaining about the situation before any Code change. It would be far better for Council to hear their complaints and act appropriately by rejecting this proposal than for the Court to do so.

4) There is also a much larger problem in the lack of required findings – and this could affect the whole City. There are no reasoned findings to show why this particular C-1 district is somehow special or meaningfully different from the others in allowing this use. A code change to allow this “outdoor dog exercise area” (honestly -- this is a glorified dog kennel, in all but name) in a C-1 zoning area in this district -- would put all C-1 zoning areas in the City subject to challenge by any other owner who wishes to open a business with an “outdoor dog exercise area” (be serious, it’s a kennel) in C-1.

5) If this change were made in this C-1 district and later denied to an owner in another C-1 district a case would exist for suit on the arbitrary enforcement of these restrictions. That suit would likely be successful without reasoned findings explaining why this change is necessary and for the public good – and limited to the specific location. Without that – a lawsuit on arbitrary enforcement would probably succeed - and expose the City to paying an owner's legal fees to remove the arbitrary restriction under both federal and state civil rights statutes.

6) It is also inexplicable why this owner has obtained a one year period to come into compliance when the violation is clear and indeed, appears uncontested from the manifest effort to change the Code. The City Council would only be rewarding non-compliance with the Code. If reward non-compliance, you encourage non-compliance and get more of it. This is an untenable policy, and unhealthy for the rule of law.

7) Council stipulated that only a Conditional Use would be allowed back in 2008 for the protection of Old East Hill residents. The only thing keeping this business from expanding further into the neighborhood is the fact that the City would have to approve the expansion. Creating a permitted use by this amendment would all but guarantee an enlargement and intensification of the adverse neighborhood impacts already creating complaints – and precisely the reverse of what zoning amendments are supposed to be for. This plan of expansion is not speculation – the business owner is known to have stated multiple times an intention to expand. Plainly, she just wants to avoid justifying her proposed expansion to Council for approval, and so the request for change to a permitted use is merely to avoid further scrutiny.

8) What one business can achieve by this method, any business can attempt by copying it. Changing the code to “cure” a naked violation sets a precedent for other incompatible businesses to come into this area – or any other area -- and to play this game at the City’s expense. Allowing this precedent to be set could risk gutting all manner of provisions in the Code by inviting anyone to play off inconsistent actions in enforcement and currying legislative favors that create an opportunity to profit from blatant Code violations. That would be a political and ethical disaster for the City.

For the good of Old East Hill and the City as a whole, I urge you to reject this request for a zoning amendment. Keep the Code in its present form, and furthermore, pass a Council resolution urging its immediate enforcement it as it stands now.

Sincerely,



MOORE, HILL & WESTMORELAND, P.A.

George R. Mead, II

GRM/hbm

cc: All City Council members
Don Krager, Council Executive