



## **MINUTES OF THE PLANNING BOARD**

**March 8, 2022**

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

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

**STAFF PRESENT:** Assistant Planning & Zoning Manager Cannon, Historic Preservation Planner Harding, Assistant CRA Manager D'Angelo, Urban Design Specialist Parker, Assistant City Attorney Lindsay, Deputy City Administrator Forte, Help Desk Technician Russo

**STAFF VIRTUAL:** Development Services Director Morris, Senior Planner Statler

**OTHERS PRESENT:** Robert Nay, Jim Doyle, Oaksu Doyle, John Ellis, Rand Hicks, Crystal Scott, Scott Sallis

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from February 8, 2022
- **New Business:**
- 178 N. Palafox Street-License to Use
- Aesthetic Review-636 E. Romana Street
- Conditional Use Permit Application-209 N. A Street, Mt. Lily Baptist Church
- Proposed Ordinance: Land Development Code Section 12-11-2 Appeals, Modifications, and Variances (F) Modifications of CRA Urban Design Overlay Standards
- Open Forum
- Discussion - Section 12-6-6 Protected Trees
- Adjournment

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

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

**Approval of Meeting Minutes - Board Member Larson made a motion to approve the February 8, 2022 minutes, seconded by Board Member Van Hoose, and it carried 5**

to 0.

### **New Business –**

#### **178 N. Palafox Street – License to Use Application**

Michael Carro is requesting a License to Use for improvements within the right-of-way at 178 N. Palafox Street. The purpose of the request is to allow for the extension of the existing balcony overhang to continue another 15' 8" into the right-of-way. The extension will also match the width of the existing balcony overhang. The application was routed through the various City departments and utility providers with no concerns or comments. Chairperson Ritz pointed out it was already matching the streetscape. Staff advised this request was approved by the ARB, and the plan was to use the bottom floor as offices with residential suites on the upper floor.

**Board Member Grundhoefer made a motion to approve, seconded by Board Member Larson, and it carried 5 to 0.**

#### **Aesthetic Review – 636 E. Romana Street**

Dalrymple/ Sallas Architecture is requesting aesthetic review of a renovation and addition of second-story living quarters atop an existing one-story accessory structure. The application was routed through the various City departments and utility providers with comments included for the Board.

**(The Board shifted this item to allow the arrival of the applicant.)**

Mr. Sallis arrived and addressed the Board advising they had submitted their project to the Aragon Architectural Review Board and had received comments which were centered around date design, trim, and color which they were happy to address. It was determined they were building on top of the existing structure.

**Board Member Grundhoefer made a motion to approve, seconded by Board Member Larson, and it carried 5 to 0.**

#### **Conditional Use Permit Application – 209 N. A Street, Mt. Lily Baptist Church**

John David Ellis is requesting a Conditional Use Permit to allow for the adaptive reuse of the existing structure at 209 N. A Street, also known as the former Mt. Lily Baptist Church. The project will convert the existing structure into six (6) dwelling units of affordable rental housing. The subject property is located in the R-1A, medium-density zoning district. Per Sec.12-3-107, the Conditional Use Permits summary was provided to the Board.

Staff advised this location was designated R-1A and provided the purpose of the district along with the Conditional Use requirements. Under Applicability, the adaptive reuse of a church was expressly permitted as a Conditional Use in the R-1A zoning district. Section (d) states the Conditional Use may be approved by the City Council only upon determination that the application and evidence presented clearly indicate that all of the 6 standards have been met.

Mr. Ellis presented to the Board and stated they hoped to preserve this church and adapt it for apartments - six units for affordable housing. He indicated it was an approximately 4000 sq. ft. building which they felt could lend itself to this type of layout. They were adding parking and a bike rack to the front. Chairperson Ritz pointed out the parking for a 6-unit rental had been met. Mr. Ellis stated when it was a functioning church, there were more people using on-street parking, and he agreed that was a concern; they were doing the best they could to work within the Code to achieve the best solution. Board Member

Grundhoefer felt it was a good use for the building but was concerned with the parking since pulling out onto A Street was dangerous. Board Member Villegas pointed out that the City was making moves to slow traffic on A Street with the road diet. Chairperson Ritz indicated there was a desire to have more affordable housing, and this appearance was trying to maintain some semblance of a neighborhood fabric while allowing for affordable housing. Mr. Ellis indicated they desired to work in conjunction with the A Street design. Historic Preservation Planner Harding explained the applicant's parking equation was provided on the site plan to meet the requirements of the LDC. **Board Member Villegas advised this was one of the most responsible infill projects the Board had seen and made a motion to approve, seconded by Board Member Larson.**

Mr. Nay presented a petition by all the neighboring properties against the project concerning the parking issue. He explained they already had issues with vehicles blocking the driveways. There was on-street parking which ended north of the church, but the way it was painted, it looked like driveways were also parking spaces. They felt the parking infrastructure did not support the number of units. He suggested the applicants were taking a public right-of-way to turn it into a parking lot and diverting a public sidewalk. He pointed out there was no room for a dumpster which would result in 6 recycle/garbage cans. He explained when the church was open, the majority of the people lived there and walked to the church on Saturdays.

Ms. Scott, Vice President of Pensacola Habitat for Humanity, supported the project as a neighbor. She felt the applicant had done an excellent job in being very innovative and wanted to see more private investors and developers build similar projects in this area.

Mr. Doyle asked about the legal definition of affordable housing and was told to contact Marcie Whitaker in Housing. If the units were affordable housing, he then asked if the City had any method to guarantee the rent would not go beyond a certain amount; this was also determined to be a Housing Department question. He stated realistically, even with the bicycle rack, the assumption would be there would always be six cars at that location. Mr. Sallis spoke in favor the project and cautioned anyone who did not support the project to be more aware of what the City would require to develop this property; one could not say they support the church being reused but be against the parking requirements. If the church were to be used or if there was a business there, it would require far more parking requirements. So, this in a sense was the best use of this building for this neighborhood supplying a housing need for the city.

The staff then read the six standards of approval. Chairperson Ritz asked if any of the six standards had not been met by this project. Board Member Van Hoose questioned the water and sewer usage since ECUA had no comment, and staff advised their standard note for a multi-family development was to put the developer in touch with them for water and sewer, and they would meet the ECUA standards in the final design. Board Member Villegas asked about the requirements for sanitation, and it was determined the City would provide the black and brown garbage cans for the residences, and there was adequate space behind the facility for storage. It was also determined the Conditional Use stayed with the property as long as the use was consistent, but any changes would come before the Board or be denied administratively. Staff advised the Board could recommend some conditions for the Conditional Use regarding parking which Council should consider.

Mr. Ellis advised they had met with the neighbors, and their concerns were with parking and sanitation, and they would like to have a better solution than six trash receptacles and six recycling cans, but because of the site constraints, that might be their only option.

Chairperson Ritz advised being in the landlord business, each tenant in the building does not get his own trash receptacle. Regarding the sidewalk, Board Member Grundhoefer suggested they could pull in with the driveway and have two on one side and two on the other; that way you would not have 4 1/2 parking spaces since someone walking down the sidewalk would probably walk straight across in front of the cars; maybe they could minimize this. Mr. Ellis agreed with pulling it in toward the building allowing a walking path across the frontage.

**The motion then carried 5 to 0.** It was determined this item would proceed to Council for one reading where they could accept, reject, or modify any suggestions by this Board. **(The Board returned to 636 E. Romana Street.)**

**Proposed Ordinance: Land Development Code Section 12-11-2 Appeals, Modifications, and Variances (F) Modifications of CRA Urban Design Overlay Standards**

The Urban Design Overlay was adopted by the City Council in 2019 to provide development standards for the CRA neighborhoods not covered by a special design review board. The intent of these design standards was to preserve and maintain the traditional walkable, urban pattern and character of Pensacola's community redevelopment area neighborhoods.

Upon the December 2021 recommendation by the Planning Board, on February 10<sup>th</sup>, City Council adopted the proposed ordinance changes to the CRA Urban Design Overlay district. The amendment established the modification process through an administrative review. Staff is returning to the Planning Board with an ordinance creating the administrative process and detailing the duties and requirements of the two architect advisors for the review process.

Urban Design Specialist Parker advised they were returning with an ordinance addressing the administrative process which included the duties of the review staff, including himself or a Mayor's designee, an architect advisor, an alternate advisor if there was a conflict of interest, and the redevelopment chair of the area the project was within. He explained they had vetted this through Legal and Planning staff.

Chairperson Ritz did not have any edits for the amendment and felt it was well written as it stands. CRA Staff advised the architect advisors would have to be approved by the Mayor and Council, and after the public hearing, an advertisement would be made by the City Clerk's office; it would go through the same process as appointing board members. DPZ would not be involved with this process since it would be performed administratively by staff. Assistant City Attorney Lindsay explained the two architect advisors would be licensed by the State of Florida and licensed to conduct business within the City of Pensacola but did not have to reside in the city limits. Board Member Villegas felt there was a disconnect when one did not live in the space where these projects were happening. Chairperson Ritz pointed out it was a requirement with this Board to live in the city. Staff indicated the Board could revise the language if they saw fit. Chairperson Ritz stated the person appointed would likely live or have a business within the city limits.

Assistant CRA Manager D'Angelo pointed out the architects living in the city limits might not own the business. Chairperson Ritz gave the license requirements for an architect in Pensacola, and if the Board was looking for a residential requirement, it could be suggested. Board Member Villegas pointed out since it was specifically for the CRA, it already had its own nuances, and there should be specific things which address who

serves on that board; when you live downtown, you are invested in it. Board Member Grundhoefer agreed. Chairperson Ritz suggested **“To qualify for appointment, an applicant shall be licensed as an architect by the State of Florida, licensed to conduct business within the City of Pensacola, and must be a resident of the City of Pensacola.”** CRA Staff advised there could be such things as setbacks which would go through this process rather than a variance process; if there was a discrepancy, it would proceed to the Board of Adjustments. The architects would be addressing the CRA Overlay aspects and not the underlying LDC. Board Member Van Hoose asked if having the architect reside in the city would be too limiting for filling these positions. CRA Staff advised it would be a major concern since they wanted to make sure they could fill these positions because otherwise, there would be a modification process that could not function. They do not know how many interested parties they would get and of those interested parties, would any of them be residents. Chairperson Ritz felt there were enough architects living in the city who would want to serve in this capacity.

**Board Member Villegas made a motion to approve as amended, seconded by Board Member Larson, and it carried 5 to 0.**

**Open Forum – None.**

#### **Discussion Section 12-6-6 Protected Trees**

At the last Planning Board meeting, Board Member Grundhoefer inquired about changing the word from “required” to “allowed” regarding the reduction of parking spaces.

Assistant Planning and Zoning Manager Cannon advised the document language had been forwarded through Legal and the Building Official who felt the change would weaken the intent of the Code of having the most protection for heritage trees; we do not want to go back the opposite direction and neither did Council; the heritage tree was more important than the parking space.

Assistant City Attorney Lindsay advised the Building Official stated first they weigh whether the site development can be changed or moved around to save a tree, if not, they look at the reduction of parking. It typically was not more than a few spaces when they have to reduce parking.

Board Member Grundhoefer explained the point was the language specified you were required to reduce it, and if he wanted to save a tree, he did not want to be required to reduce parking; he wanted to be “allowed” to reduce the parking. He was agreeable and felt they would not require someone to reduce parking to save a tree, but that was what the language stated.

Assistant City Attorney Lindsay explained the burden under the Code was to save heritage trees under certain conditions, and if the heritage tree could be saved by modifying a site plan, it would not even impact parking. She felt it was staff’s position that there would be opportunities to avoid a requirement to reduce parking and also save the tree in other situations. The way it was applied in practice was not the strict literal interpretation that Board Member Grundhoefer was concerned about. Certain requirements exist for preserving heritage trees, however, there are exceptions and how those get analyzed requires multiple pieces of the Code together. Section 12-6-6 is where that analysis occurs, but there may be other parts of the Code to consider.

**Adjournment** – With no further business, the Board adjourned at 3:35 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP  
Assistant Planning & Zoning Manager  
Secretary to the Board

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