



# City of Pensacola

## CITY COUNCIL

### Special Meeting Minutes

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July 21, 2021

5:30 P.M.

Council Chambers

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Council President Moore called the special meeting to order at 5:31 P.M.

#### ROLL CALL

**Council Members Present:** Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Sherri Myers, Delarian Wiggins

**Council Members Absent:** Casey Jones

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

The meeting can also be watched live stream at: [cityofpensacola.com/428/Live-Meeting-Video](https://www.cityofpensacola.com/428/Live-Meeting-Video).

#### To provide input:

- Citizens may submit an online form here <https://www.cityofpensacola.com/ccinput> **beginning at 3:00 P.M. until that agenda item has been heard** to indicate they wish to speak to a specific item on the agenda **and include a phone number. Staff will call the person** at the appropriate time so the citizen can directly address the City Council using a telephone held up to a microphone. **Any form received after an agenda item has been heard will not be considered.**

**ACTION ITEM**

1. [21-00606](#) QUASI-JUDICIAL HEARING - REVIEW OF PLANNING BOARD DECISION OF JUNE 8, 2021; APPROVAL OF DENSITY BONUS - 1201 CYPRESS STREET

**Recommendation:** That City Council conduct a quasi-judicial hearing on July 21, 2021 to review a decision of the Planning Board, granting a density bonus at 1201 Cypress Street.

Council President Moore read into the record describing how a quasi-judicial proceeding differs from legislative action. Further, he indicated **this issue is contested**. As required, he asked Council Members to disclose any ex parte communications, which no Member indicated they had any. He then called on City staff to present the necessary evidence for the record.

Council Executive Kraher administered the swearing-in of Planning Services Assistant Director Cynthia Cannon.

Planning Services Assistant Director Cannon presented evidence into the record on behalf of the City describing the issue providing background materials as contained in the agenda package dated 7/21/21, as well as overhead slides (placed on file with background materials for the record) providing background information. **She clarified that the issue before Council is solely the Planning Board's granting of a ten percent (10%) density bonus based on "superior site design" per City Code Section 12-3-109.** She responded accordingly to questions from Council Member Myers.

Council Executive Kraher administered the swearing-in of the appellant Mr. Daniel Bowen.

Mr. Bowen addressed Council indicating his property/residence is immediately to the west of the proposed development and referenced Section 12-3-109 (attachment 5 of background materials provided in the agenda package), reading the first paragraph, and then also referencing 1201 Cypress Street Site Plan Application (attachment 4 of background materials provided in the agenda package). He requested clarification as to how the Planning Board reached its decision citing (his) understanding of what attributes of the project were taken into consideration which he believes the code language is not clear. He continued to address Council inquiring of the interpretation and application of Section 12-3-109 and provided his knowledge regarding the history of the subject property which was previously an apartment complex built in 1963 and severely damaged in 2004 due to Hurricane Ivan and subsequently demolished (with the property not yet redeveloped since). He requested clarification as to what is convincing about the site design submitted by the developer that provides for superior attributes which the Planning Board was to have specifically considered and deemed met under Section 12-3-109 to be granted such density bonus.

**ACTION ITEM (CONT'D.)**

Council Members asked further questions of Planning Services Assistant Director Cannon which she responded accordingly. Mr. Bowen was also provided an opportunity to rebut. **Planning Services Assistant Director Cannon further clarified that upon staff analysis of the applicant's site plan application it required correction and explanation to the Planning Board regarding the number of units being considered for the ten percent (10%) density bonus, which was reflected in the staff memo to the Planning Board for the June 8, 2021 meeting (attachment 3 of background materials provided in the agenda package). Therefore, staff determined the actual number of units to be considered by the Planning Board was 165 (not 231 as indicated in the applicant's site plan application) and the number of units approved with the ten percent (10%) density bonus is an additional 16 units bringing the total number of units allowed under that bonus (per Code Section 12-3-109) to 181 units.**

Council President Moore called on representatives of the development team (Planning Board applicant) to testify. Council Executive Kraher administered the swearing-in of the applicant's representative Mr. William Brantley of SMP Architecture and the developer/applicant Mr. Jon LaPlante.

Mr. Brantley first addressed Council providing a hardcopy of an aerial map of the Cypress Street Scape Plan conceptual design progress print (A00) dated 06/07/21 that he indicated was provided to the Planning Board during the June 8, 2021 meeting (placed on file with background materials for the record). He responded accordingly to questions from Council Members.

Mr. LaPlante also addressed Council and responded accordingly to questions from Council Members.

Planning Services Assistant Director Cannon continued to respond accordingly to questions from Council Members.

Prior to hearing public input, Council Executive Kraher clarified that under quasi-judicial proceedings Council shall render its decision solely based on sworn testimony and evidence presented and not based on opinion expressed by the public.

Public input was heard from Gloria Horning.

Mr. Paul Ritz identified himself as Chairman of the Planning Board wishing to address Council in his official capacity. Assistant City Attorney Lindsay (attending the meeting virtually via Microsoft Teams) advised Mr. Ritz should be sworn in.

Council Executive Kraher administered the swearing-in of Planning Board Chairman Paul Ritz.

**ACTION ITEM (CONT'D.)**

Mr. Ritz addressed Council offering clarity on the deliberations of the Planning Board regarding the issue being contested. He responded accordingly to comments and questions from Council Members Myers and Broughton.

Upon conclusion of testimony and questions from Council Members, Council President Moore indicated he would entertain a motion and deliberations. He clarified there are three (3) options before Council: 1) Uphold the decision of the Planning Board granting the applicant's request related to ten percent (10%) density bonus; 2) reverse the decision of the Planning Board and deny the applicant's request related ten percent (10%) density bonus; or 3) refer the issue back to the Planning Board.

**A motion was made by Council Myers and seconded by Council Member Hill that City Council uphold the Planning Board decision of June 8, 2021 approving the ten percent (10%) density bonus related to the development of apartment units.**

**The motion carried by the following vote:**

Yes: 6	Jared Moore, Ann Hill, Jennifer Brahier, Teniade Broughton, Sherri Myers, Delarian Wiggins
No: 0	None

**DISCUSSION ITEMS**

None

**ADJOURNMENT**

This being a special Council meeting and there being no other business on the agenda, the meeting was adjourned.

WHEREUPON the meeting was adjourned at 7:04 P.M.

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Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
Jared Moore, President of City Council

Attest:

\_\_\_\_\_  
Ericka L. Burnett, City Clerk