

June 12, 2018

Ms. Helen Gibson

CRA Administrator

The Community Redevelopment Agency (CRA) of City of Pensacola

222 W. Main St., Third Floor

Pensacola, Florida 32502

RE: Proposed CRA Urban Design Overlay

Ms. Gibson,

I appreciate you meeting with me on May 21st to discuss the proposed CRA overlay, as well as notifying me of the posting of the revised draft overlay on May 31st. As you know, my brother and I have partnered to create the Galveztown development on the former YMCA site at the NE corner of Palafox Street and Belmont Street. We are excited about bringing a mix of commercial and residential uses to this site.

As discussed with you previously, I had pre-development meetings with Brandi Deese and other city staff on August 3, 2016 and again, along with my civil engineer, on October 26, 2016 to confirm our plans for the parcel were allowed under the City of Pensacola's land development code. Once confirmed, we moved forward and closed on the property on January 4, 2017. Since then, an asbestos remediation was performed on the building, followed by its demolition. Subsequently, most of the site was capped with two feet of clean fill, as required by the state of Florida. The completed work was formally approved last month and the driveways and parking area are being completed this week. The new residential lots have been surveyed and underground utilities have been placed, at our expense, to accommodate the new single family homes on these lots. Design is almost complete for the total renovation and adaptive reuse of an existing commercial building on the site, as well as the design of a single family home we intend to build. We have several buyers for the lots who have been working on home designs and should be ready to close within the next 60 days. With the assistance of Dalrymple Sallis Architecture, we have created a set of design guidelines and planned a new development which will be a great addition to our downtown. As you know, the addition of residential units, and getting "eyes on the street" is critical to creating a more walkable environment. To my knowledge, our nine single family homes are the only residential units downtown which will be located on Palafox until you travel South of Garden Street.

In addition, we have incorporated the following into our design:

- 1.) Rear entry garages
- 2.) Conversion of the site to underground utilities at our expense
- 3.) Collaboration with the Downtown Improvement Board to help implement a road diet on Palafox and other recommendations from their parking study

The design of our development has been publicly praised by the North Hill Neighborhood Association and Mr. Christian Wagley, who is part of the DPZ team. Unfortunately, the proposed overlay regulations on window proportions and size, and requirements for tree placement could force us and our lot buyers to redesign these homes. According to DPZ, anyone who has been issued a development order or a building permit is exempt from these overlay requirements, however those of us who are developing in accordance with the existing subdivision plat have been completely overlooked. As described earlier, we met with the City in advance of purchasing the YMCA property to determine the proposed use was acceptable, have made very significant expenditures towards improvements and design since then, and are now suddenly being told all of the requirements will change within a few months. These sudden changes are a hardship.

As you know, I have requested that property owners who have already attended pre-development meetings with the City and have developments in process be exempted from the new requirements of the overlay. I have also offered solutions as to how the City's planning department could accomplish this, such as writing a letter explaining that development of a particular property was underway at the time the overlay was passed and as a result, it is exempt from the new overlay requirements. The latest draft of the overlay does not address this problem. As a result, I am writing you to formally request the inclusion of this provision in the overlay once again.

The resolutions which formed our CRA, continually refer to the CRA's purpose as "fostering the development and redevelopment" of the CRA area. The CRA's 2010 Urban Core Plan specifically mentions the need to "support private investment in new real estate development". It goes on to state "The CRA may assist private property owners and developers in redeveloping properties in a number of ways including recruiting businesses and/or developers to do business within the CRA urban core and connecting would-be developers with potential property owners to facilitate redevelopment."

DPZ, the CRA's consultant, has stated, "Research proves that communities which adopt urban design standards outperform those who do not" and "Research shows that design standards do not curtail development." I found no research offered by DPZ to support these claims. If you compare the City of Pensacola's CRA areas to planned communities such as Seaside and Alys Beach, I have no doubt these communities do outperform us, however this cannot be held up as proof that imposing strict design standards increases property values and does not discourage new development. Regardless of the methodology, no study has been done on the effects of implementing the particular set of draft design requirements being considered, so to generally say "design standards do not curtail development" is misleading at best.

The reality is, if an individual wants to design and build a modern home in Pensacola and the CRA prohibits modern design elements, that individual will simply build elsewhere. If builders and developers cannot depend on City staff to tell them what can be built on a property without the rules suddenly changing, they will either pay less for properties within the CRA in order to offset the risk involved or build elsewhere in a place where they are confident they will be treated with some basic level of decency. These scenarios clearly do not help foster development or redevelopment within the CRA. In fact, they do exactly the opposite.

I appreciate your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fred Gunther', with a stylized, cursive script.

Fred Gunther
Galveztown, LLC

cc: Brandi Deese, Assistant Planning Services Administrator
City of Pensacola Planning Board



COMMUNITY REDEVELOPMENT AGENCY

July 18, 2018

Gunther Properties, LLC.
Galveztown, LLC.
Attn: Fred Gunther
503 East Government Street
Pensacola, FL 32502

Re: PROPOSED CRA URBAN DESIGN OVERLAY DISTRICT

Dear Mr. Gunther:

Thank you for providing comments in reference to the proposed CRA Urban Design Overlay District. You have submitted meaningful feedback to us throughout the course of the proposed overlay district's development, which been addressed and incorporated into the final recommended document to the extent practicable. Please find below a summary of the items of concern presented to us and their corresponding response(s):

1) Setbacks and lot occupation within the Dense Business Area.

Property located within the Dense Business Area will adhere to the existing front setback and lot coverage requirements, as defined in the Land Development Code (LDC) for the Dense Business Area.

2) Front yard tree planting requirements.

The provision contained within the draft overlay which required that trees planted on private property be setback at least three (3) feet from the right-of-way has been removed. The language has been modified to allow required trees to be planted elsewhere on the block (including within rear, and/or side yards, the right-of-way or clustered on adjoining lots) for lots with a front setback of less than eight (8) feet, where planting in the front yard is not possible.

3) Maximum entry grade – 48”.

Maximum entry grade heights have been removed for all façade types except common entry.

4) Request that pre-development meetings be considered for grandfathering.

Grandfathering must be limited to circumstances where a formal approval related to site development has been granted. The authorization must establish a set time period for development, and be based on a final set of plans. Since a final set of plans are typically unavailable, and therefore not considered during a pre-development or development review meeting, and no

approval is granted or set time period established, these meetings cannot be considered for grandfathering.

5) Permissibility of flat roofs.

Flat roofs are permitted for all building types.

6) Minimum height standards for substantial modifications to existing buildings.

A provision has been added to the overlay exempting the adaptive re-use of buildings from compliance with minimum height standards.

7) Standard yard type within the C-2A zoning district.

The form standards tables have been clarified to permit a standard yard type for single family detached and two-family (duplex) units within the C-2A zoning district. In the Dense Business Area, front setbacks are limited to a maximum of 10 feet under the existing regulations. The Galveztown development would adhere to this rule as it is located within the Dense Business Area.

8) Muntin requirements for windows.

The muntin requirement for windows has been changed from a “shall” to a “should” statement.

9) Building width limitations for 30’ lot due to 20’ parking setback requirement.

Parking requirements have been modified to allow driveways within a maximum of two feet from the property line to allow for wider homes on 30’ lots. Options for wider homes on 30’ lots also include on-street parking, where permitted, and rear access, where feasible.

10) Horizontal windows and restriction of modern building types.

The overlay seeks to retain key characteristics which exist within the CRA neighborhoods to ensure that new development and redevelopment blends into the authenticity of the surrounding community and is conducive to a walkable, urban environment. The proposed overlay does not prohibit modern design, however, it does require that modern designs respect the context of the surrounding neighborhoods. Our consultant, DPZ, has recommended, however, that the original language be modified to allow square windows, transoms and special windows. Vertical windows placed side by side would also be permissible. These requirements would be limited to frontages only. Interior, non-street fronting sides would not be required to adhere to window proportionality requirements.

11) Consideration of existing subdivision plats for grandfathering.

Plat approvals authorize the subdivision of land and supporting infrastructure, they do not constitute a design approval for site development or an authorization to build.

Grandfathering must be limited to circumstances where a formal approval related to site development has been granted. Authorization must be limited to a set period of time, and based on

a final set of plans. Therefore, grandfathering is limited to the issuance of a building permit or development order.

12) DPZ assertions that “research proves that communities which adopt urban design standards outperform those who do not” and “research shows that design standards do not curtail development.”

DPZ is a nationally acclaimed urban planning and design firm who has developed successful form-based codes and design standards for municipalities all over the world. The firm was selected based on their credentials and qualifications in the field of urban and architectural planning and design. Although providing research citations was not a component of their scope of work, a recent local presentation provided by Ed McMahon with the Urban Land Institute cited a variety of sources which define the value in adopting form-based urban design standards. Some of these sources include:

- *A study conducted in 2016 by the George Washington University School of Business titled, Foot Traffic Ahead; Ranking Walkable Urbanism in America’s Largest Metros which established that “a majority of new real estate development is occurring in walkable urban neighborhoods.” ;*
- *A study by the Urban Land Institute titled, Value by Design which indicated that landscaping “increases financial return from 5 to 15 percent, increases the rate of project absorption, increases employee productivity, moral and job satisfaction and helps developers win support for proposals.”; and*
- *The book, Building Greener Neighborhoods: Trees as Part of the Plan by the National Association of Home Builders (NAHB) which indicated that: “Studies show that developed lots with trees sell for an average of 20-30 percent more than similarly sized lots without trees.”*

Additionally, the City’s special review districts have been in effect for many years and have proven to yield positive results without curtailing development. In fact, many of these districts are far more prescriptive than the proposed overlay and all are subject to a review board. The proposed overlay is less prescriptive than the special review districts and will be administratively reviewed, lending itself to greater predictability.

13) “If builders and developers cannot depend on City staff to tell them what can be built on a property without the rules suddenly changing, they will either pay less for properties within the CRA in order to offset the risk involved or build elsewhere in a place where they are confident they will be treated with some basic level of decency. These scenarios clearly do not help foster development or redevelopment within the CRA. In fact, they do exactly the opposite.”

Public outreach has extended over a period of more than six (6) months, and included an extensive amount of public engagement, including more than sixteen (16) public input sessions, workshops, meetings and/or presentations. Developers/builders with current projects underway may either track the progression of the overlay and design to its specifications or submit their projects for permitting prior to the anticipated effective date. Based on the Planning Board’s recommendation and the current review schedule, the overlay is anticipated to take effect on the fifth business day after adoption or September 20, 2018, pending adoption.

The success of Pensacola's special review districts, and new codes and design standards adopted all over the world demonstrate that development is not curtailed by the implementation of these planning methods. Instead, communities are enhanced by the protection and predictability they provide, and their contributions to quality of place.

We look forward to continued coordination as the overlay progresses. Should you require any further information, please do not hesitate to contact me at (850) 436-5650 or hgibson@cityofpensaocla.com.

Sincerely,



M. Helen Gibson
CRA Administrator

Cc: file
Victoria D'Angelo, Asst. CRA Administrator

Enclosures: None.



Home Builders Association of West Florida

4400 Bayou Boulevard, Suite 45 • Pensacola, FL 32503-2692 • (850) 476-0318 • Fax (850) 494-9764

June 7, 2018

Ms. Helen Gibson
CRA Administrator
The Community Redevelopment Agency (CRA) of City of Pensacola
222 W. Main St., Third Floor
Pensacola, Florida 32502

RE: Proposed CRA Urban Design Overlay

Dear Ms. Gibson:

I appreciate your efforts to revitalize the City of Pensacola's CRA areas. While there are truly positive changes in the proposal, there are some areas of concern that the Home Builders Association's Governmental Affairs Committee would like to address. Please pardon the lateness of this letter but it could not be avoided with the various changes to the document over the past few weeks. We want to make sure that the proposed CRA Urban Design Overlay is not a compilation of unnecessary, costly regulations of home and building design than it is a benefit.

A few examples:

1. Page 28, Illustration 12-2-25.9 demonstrates that parking on one's lot will not be allowed unless it is at least 20' behind the principal building façade. For a 30' wide lot, this means the width of the home would need to be reduced from 20' to 15' to have any parking on site. The overlay proposes alleviating this problem by encouraging shared driveways. A driveway crossing a property line is considered an encroachment, which can prevent a lender from financing the purchase of a property.
2. Section 12-2-25(G)(j) requires:
 - a.) Windows shall be vertical in proportion.
 - b.) Single panes of glass shall not exceed 20 square feet for residential building types.
3. It has been stated in previous meetings that anyone who has been issued a development order or a building permit is exempt from these requirements, however this intentionally ignores properties which are being developed in accordance with their existing plat. Several of our members met with the City in advance of purchasing their properties to determine their proposed use is acceptable. Developers/builders have made very significant expenditures towards improvements and design since then and are now suddenly being told the requirements will change within a few months. The HBA request that the developers/builders who have been through the process be grandfathered in to avoid additional time and expense.

Resolution 54-80, which formed the City's CRA, states the purpose of the CRA is the elimination of blight and "rehabilitation, conservation and redevelopment" of the CRA area. Subsequent resolution 55-80 directs the CRA to "Work with private investors, other government agencies, its agents and consultants, employees and community groups and interests to foster the development and redevelopment" of the CRA area. The HBA encourages the CRA to address these issues and work to make meaningful changes to the proposed CRA document. This will be helpful in fostering development or redevelopment.

I appreciate your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "David Peaden". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

David Peaden
Executive Director



COMMUNITY REDEVELOPMENT AGENCY

July 18, 2018

Home Builders Association
of West Florida
Attn: David Peaden
4400 Bayou Blvd., Suite 45
Pensacola, FL 32503

Re: PROPOSED CRA URBAN DESIGN OVERLAY DISTRICT

Dear Mr. Peaden:

Thank you for providing comments in reference to the proposed CRA Urban Design Overlay District. You have submitted meaningful feedback to us which has been addressed and incorporated into the final recommended document to the extent practicable. Please find below a summary of the items of concern presented to us and their corresponding response(s):

- 1) **Page 28, Illustration 12-2-25.9 demonstrates that parking on one's lot will not be allowed unless it is at least 20' behind the principal building façade. For a 30' wide lot, this means the width of the home would need to be reduced from 20' to 15' to have any parking on site. The overlay proposes alleviating this problem by encouraging shared driveways. A driveway crossing a property line is considered an encroachment, which can prevent a lender from financing the purchase of a property.**

Uncovered driveway parking is permitted in front of the building façade. To allow for wider homes on 30' lots, parking requirements have been modified to allow driveways within a maximum of two feet from the property line. Options for wider homes on 30' lots also include on-street parking, where permitted, and rear access, where feasible.

- 2) **Section 12-2-25(G)(j) requires: a.) Windows shall be vertical in proportion. b.) Single panes of glass shall not exceed 20 square feet for residential building types.**

Window requirements were established to preserve the unique character of the CRA neighborhoods, and to encourage contextual development which is conducive to a walkable, urban environment. Our consultant, DPZ, has recommended, however, that the original window verticality language be modified to allow square windows, transoms and special windows. Vertical windows placed side by side would also be permissible. This provision would be limited to frontages only.

- 3) **It has been stated in previous meetings that anyone who has been issued a development order or a building permit is exempt from these requirements, however this intentionally ignores properties which are being developed in accordance with their existing plat.**

Several of our members met with the City in advance of purchasing their properties to determine their proposed use is acceptable. Developers/builders have made very significant expenditures towards improvements and design since then and are now suddenly being told the requirements will change within a few months. The HBA request that the developers/builders who have been through the process be grandfathered in to avoid additional time and expense.

Plat approvals authorize the subdivision of land and supporting infrastructure, they do not constitute a design approval for site development or an authorization to build.

Grandfathering must be limited to circumstances where a formal approval related to site development has been granted. Authorization must be limited to a set period of time, and based on a final set of plans. Since a final set of plans are typically unavailable, and therefore not considered during a pre-development or development review meeting, and no approval is granted or set time period established, these meetings cannot be considered for grandfathering.

Public outreach has extended over a period of more than six (6) months and included an extensive amount of public engagement, including more than sixteen (16) public input sessions, workshops, meetings and/or presentations. Developers/builders with current projects underway may either track the progression of the overlay and design its specifications or submit their projects for permitting prior to the anticipated effective date. Based on the Planning Board's recommendation and the current review schedule, the overlay is anticipated to take effect on the fifth business day after adoption or September 20, 2018, pending adoption.

- 4) **Resolution 54-80, which formed the City's CRA, states the purpose of the CRA is the elimination of blight and "rehabilitation, conservation and redevelopment" of the CRA area. Subsequent resolution 55-80 directs the CRA to "Work with private investors, other government agencies, its agents and consultants, employees and community groups and interests to foster the development and redevelopment" of the CRA area. The HBA encourages the CRA to address these issues and work to make meaningful changes to the proposed CRA document. This will be helpful in fostering development or redevelopment.**

The proposed CRA Urban Design Overlay District is intended to ensure that rehabilitated and redeveloped properties blend into the traditional character of the existing CRA neighborhoods, therefore, conserving the authenticity of these areas. The extensive public engagement process undertaken as a component of this project has proven to ensure that many, meaningful comments provided by private investors, outside government agencies, their agents and consultants, City staff, community groups and neighborhood associations, and the general public were incorporated into the final recommended overlay district. All comments provided have been addressed to the extent practicable.

We look forward to continued coordination as the overlay progresses. Should you require any further information, please do not hesitate to contact me at (850) 436-5650 or hgibson@cityofpensaocla.com.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Helen Gibson".

M. Helen Gibson
CRA Administrator

Cc: file
Victoria D'Angelo, Asst. CRA Administrator

Enclosures: None.



Charles S. Liberis

Real Estate Closing Department
Kaylan Walden- Licensed Closing Agent

June 11, 2018

Ms. Helen Gibson
CRA Administrator
The Community Redevelopment Agency (CRA) of City of Pensacola
222 W. Main St., Third Floor
Pensacola, FL 32502

RE: Proposed CRA Urban Design Overlay

Dear Ms. Gibson:

I write this letter on behalf of Olde City Developers, LLC. In the past 24 months, Olde City has constructed (and sold) 22 houses in the Government and Intendencia core area. Those houses were affordable and proved to be very popular. All 22 houses were sold before completion and are now on the tax rolls replacing vacant lots or abandoned buildings. The proposed regulation would have prevented this vital revitalization.

A few examples:

1. Page 28, Illustration 12-2-25.9 demonstrates that parking on one's lot will not be allowed unless it is at least 20' behind the principal building façade. For a 30' wide lot, this means the width of the home would need to be reduced from 20' to 15' to have any parking on site. This would have prevented development of all 22 houses completed by Olde City Developers, LLC.
2. It has been previously stated that anyone who has obtained a development order or building permit is exempt from these requirements. This ignores properties which are being developed in accordance with their existing plat. Olde City has purchased 16 lots for future development in the Government and Intendencia core area. Olde City has made significant expenditure on engineering and design. These changes will impose a financial hardship and greatly increase the cost of infill housing. We wish to build similar houses and do not want to reinvent what has worked and been well received by all.

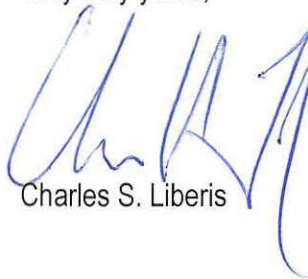
PENSACOLA (reply here)
212 West Intendencia Street
Pensacola, FL 32502
(850) 438-9647 Fax (850) 433-5409

www.liberislaw.com

PERDIDO KEY
13700 Perdido Key Dr., Suite 223
Pensacola, FL 32507
(850) 492-2109

Resolution 55-80 directs the CRA to "Work with private investors, other government agencies, its agents and consultants, employees and community groups and interests to foster the development and redevelopment" of the CRA area. Notwithstanding, numerous meeting and workshops, the CRA has failed to address the issues facing developers and builders nor to address needed changes to the proposed CRA document. Adoption of the proposed CRA Urban Development Design Overlay will discourage future development of the CRA area.

Very truly yours,



Charles S. Liberis

CSL/kw

cc: Mayor Ashton Hayward

City Council

PNJ



THE UPSIDE of FLORIDA

COMMUNITY REDEVELOPMENT AGENCY

July 18, 2018

Liberis Law Firm
Attn: Charles S. Liberis
212 West Intendencia Street
Pensacola, FL 32502

Re: PROPOSED CRA URBAN DESIGN OVERLAY DISTRICT

Dear Mr. Liberis:

Thank you for providing comments in reference to the proposed CRA Urban Design Overlay District. You have submitted meaningful feedback to us which has been addressed and incorporated into the final recommended document to the extent practicable. Please find below a summary of the items of concern presented to us and their corresponding response(s):

- 1) **I write this letter on behalf of Olde City Developers, LLC. In the past 24 months, Olde City has constructed (and sold) 22 houses in the Government and Intendencia core area. Those houses were affordable and proved to be very popular. All 22 houses were sold before completion and are now on the tax rolls replacing vacant lots or abandoned buildings. The proposed regulation would have prevented this vital revitalization.**

Thank you for your investment in the CRA area. Models of special review districts, new codes and design standards in many cities prove that while Land Development Code (LDC) changes may require adaptation, they do not prevent revitalization. In fact, urban planning efforts such as the proposed overlay district, protect real estate and development investments by providing predictable outcomes which enhance market strength and stability.

- 2) **Page 28, Illustration 12-2-25.9 demonstrates that parking on one's lot will not be allowed unless it is at least 20' behind the principal building facade. For a 30' wide lot, this means the width of the home would need to be reduced from 20' to 15' to have any parking on site. This would have prevented development of all 22 houses completed by Olde City Developers, LLC.**

To allow for wider homes on 30-foot lots, parking requirements have been modified to allow driveways within a maximum of two feet from the property line. Options for wider homes on 30-foot lots also include on-street parking, where permitted, and rear access, where feasible.

- 3) **It has been previously stated that anyone who has obtained a development order or building permit is exempt from these requirements. This ignores properties which are being developed in accordance with their existing plat. Olde City has purchased 16 lots for future development in the Government and Intendencia core area. Olde City has made significant expenditure on engineering and design. These changes will impose a financial hardship and greatly increase**

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

222 West Main Street Pensacola, FL 32502/T: 850.436.5650/www.cityofpensacola.com

the cost of infill housing. We wish to build similar houses and do not want to reinvent what has worked and been well received by all.

Any development which has obtained a development or building permit by the effective date would be exempt from the overlay district requirements.

Plat approvals authorize the subdivision of land and supporting infrastructure, they do not constitute a design approval for site development or an authorization to build.

Grandfathering must be limited to circumstances where a formal approval related to site development has been granted. Authorization must be limited to a set period of time, and based on a final set of plans. Therefore, grandfathering is limited to the issuance of a building permit or development order.

Public outreach has extended over a period of more than six (6) months and included an extensive amount of public engagement, including more than sixteen (16) public input sessions, workshops, meetings and/or presentations. Developers/builders with current projects underway may either track the progression of the overlay and design to its specifications or submit their projects for permitting prior to the anticipated effective date. Based on the Planning Board's recommendation and the current review schedule, the overlay is anticipated to take effect on the fifth business day after adoption or September 20, 2018, pending adoption.

Additionally, CRA staff has surveyed local builders and architectural firms to determine the estimated costs associated with the proposed standards. Associated costs were determined to be nominal, especially when factoring potential cost reductions related to parking exemptions.

- 4) Resolution 54-80, which formed the City's CRA, states the purpose of the CRA is the elimination of blight and "rehabilitation, conservation and redevelopment" of the CRA area. Subsequent resolution 55-80 directs the CRA to "Work with private investors, other government agencies, its agents and consultants, employees and community groups and interests to foster the development and redevelopment" of the CRA area. The HBA encourages the CRA to address these issues and work to make meaningful changes to the proposed CRA document. This will be helpful in fostering development or redevelopment.**

The proposed CRA Urban Design Overlay District is intended to ensure that rehabilitated and redeveloped properties blend into the traditional character of the existing CRA neighborhoods, therefore, conserving the authenticity of these areas. The extensive public engagement process undertaken as a component of this project has proven to ensure that many, meaningful comments provided by private investors, outside government agencies, their agents and consultants, City staff, community groups and neighborhood associations, and the general public were incorporated into the final recommended overlay district. All comments provided have been addressed to the extent practicable.

We look forward to continued coordination as the overlay progresses. Should you require any further information, please do not hesitate to contact me at (850) 436-5650 or hgibson@cityofpensacola.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Helen Gibson'.

M. Helen Gibson
CRA Administrator

Cc: file
Victoria D'Angelo, Asst. CRA Administrator

Enclosures: None.



August 2, 2018

Mr. Gerald Wingate
City Council President
222 W. Main St., Third Floor
Pensacola, Florida 32502

RE: Proposed CRA Urban Design Overlay

Mr. Wingate,

I have been actively involved the public input sessions for the proposed CRA Urban Design Overlay over the past few months as it will affect properties of mine located within the City CRA areas. There have been many improvements to the initial draft but there are still several major issues which need to be addressed, which are as follows:

- 1.) Developments currently in process are not grandfathered in any way.** I and others in this community have made significant investments downtown after meeting with City staff multiple times in advance of purchasing property to confirm their proposed development plans are allowed, only to have the land development code potentially change suddenly within a period of a few months. This causes unexpected additional design fees, delays, etc. which does not encourage investment within the City of Pensacola. Simply stating that unless a building permit is obtained within 5 days from approval of the overlay, then you will be subject to it, ignores the fact that the development process for some projects will take more than a few months to complete. **If an individual has already had a pre-development meeting with City staff, obtained clearance on their proposed development and has begun developing said property in the CRA in accordance this plan, their property should be grandfathered upon request.**

GUNTHER PROPERTIES, LLC
503 E GOVERNMENT STREET
PENSACOLA, FL 32502

P 850.433.0666

www.guntherproperties.com

I appreciate your time and consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Fred Gunther', with a stylized, flowing script.

Fred Gunther

cc: Ms. Sherri Myers, Council Vice President
Mr. Larry Johnson, Council Member
Mr. Brian Spencer, Council Member
Mr. Andy Terhaar, Council Member
Mr. P.C. Wu, Council Member
Ms. Jewel Cannada-Wynn, Council Member
Mr. Ashton Hayward, Mayor
Mr. Eric Olson, City Administrator
Ms. Lysia Bowling, City Attorney
Ms. Sherry Morris, Planning Services Administrator
Ms. Brandi Deese, Assistant Planning Services Administrator
Ms. Helen Gibson, CRA Administrator
Ms. Victoria D' Angelo, Assistant CRA Administrator

Victoria D'Angelo

From: Marina Khoury <marina@dpz.com>
Sent: Thursday, August 9, 2018 7:52 AM
To: Thomas Douthat
Cc: Victoria D'Angelo; Helen Gibson
Subject: Re: PUBLIC NOTICE: Urban Design Standards Overlay for CRA Neighborhoods: Notice of REVISED Public Meeting Schedule

Hi Tom,

Thanks for your note and for clearly outlining your desires for the place you want to raise a family. A lot of what you describe below is valid and necessary, but unfortunately not in scope, as it would require a big change to zoning which was not the scope of this project. Feel free to call me to explain further if needed. You should of course still fight for such zoning changes to enable and incentivize what you describe below.

Regards

Marina Khoury RA CNU LEED
Partner **DPZ CoDESIGN**
marina@dpz.com
C. 305 299 8129
T. 301 948 6223

On Aug 8, 2018, at 12:34 PM, Thomas Douthat <tdouthat@gmail.com> wrote:

Ms. D'Angelo,

Thank you very much for the notice. I live in the CRA, and fully support this effort.

Is there a document that shows what changed? Were there significant alterations? From the comments document it is hard to really contextualize the changes.

I want to live in a city where my children can walk to school. Good urban design standards won't fix all of our problems, but they are necessary to give people of all income levels the possibility to have access to a democratic and beautiful public realm, otherwise all we have are country clubs.

However, these standards are only a first step because they do not revise our street standards or the fundamental underlying zoning.

Again, let me emphasize the need to allow more small-scale multifamily development "as right" to ensure long-term affordability. This is not in the standards, but should be part of the longer-term process. It is my understanding that form-based codes are supposed to promote more flexibility in use, and that their implementation without changes to zoning misses a fundamental piece of their logic as expounded in DPZ's Smart Code transect (<http://www.dpz.com/Initiatives/SmartCode>), and the "lean urbanism" idea. The premise being that the form-base code can guarantee "character" by means other than monolithic zoning controls, while potentially delivering diverse, interesting, and efficient alternatives to our existing auto-dependent neighborhoods. Currently, in the CRA historical houses are torn-down for Taco-Bells (the design standards would have helped, I think), and if this can happen all I am asking for zoning to promote the possibility of

"missing middle" housing and corner stores. The US is one of the only industrialize countries in the world to have iron-clad single family zoning, and this has much to do with past cultures of exclusionary social practices. I would hope that your office, jointly with the Planning Department, re-visits current standards in light off the design standards and need for greater land use flexibility. I would hope Ms. Khoury has briefed this issue to the City.

I would also like to petition you to review the sidewalk crossing standards in the CRA district. Just yesterday I saw a young mother with two small children risk her and their lives crossing 9th. I don't blame her, rather the city/county/state engineers. There was no crosswalk anywhere nearby, nor a sidewalk where they were. I am not sure if it was still in CRA, very near the border, but issues like this are common near the old Barnes, and throughout Cervantes. We must make the main streets of the CRA safer for pedestrians with lower speed limits, better sidewalks, and narrower travel lanes.

Thanks to the CRA administration and to Ms. Khoury for the steps you have taken so far. I hope they are just a start.

Tom Douthat,

1207 E. Jackson St.

On Tue, Aug 7, 2018 at 5:23 PM, Victoria D'Angelo <VDangelo@cityofpensacola.com> wrote:

From: Community Redevelopment Agency of the City of Pensacola (CRA)

Phone #: 850-435-1695

RE: PUBLIC NOTICE: Urban Design Standards Overlay for CRA Neighborhoods:

Notice of Revised Public Meeting Schedule

PLEASE BE ADVISED:

The Community Redevelopment Agency of the City of Pensacola (CRA) has REVISED the public meeting schedule for the CRA Urban Design Standards Overlay. Public meetings will be held as follows to consider adoption of the proposed CRA Urban Design Overlay District. *The public is cordially invited to attend.*

PLEASE NOTE: ELECTED AND APPOINTED OFFICIALS OF THE CITY OF PENSACOLA MAY BE PRESENT.

Brandi Deese

From: Jason Rebol <jasonr@rebol-battle.com>
Sent: Thursday, September 13, 2018 9:19 AM
To: Sherry Morris
Cc: Brandi Deese
Subject: Amendment to Land Development Code - CRA Urban Design Overlay District

Dear Sherry,

I have briefly reviewed the proposed amendments to the CRA district and have one concern that should be modified prior to adoption. There is language contained in the amendment that prohibits stormwater ponds from being adjacent to street frontages. Although I don't disagree with the intent, in many cases there are no other options due to the exiting topography of the site. If possible I would recommend the language be changed to say "where feasible" no stormwater facilities shall be located along street frontages and/or if they are shall be screened with appropriate vegetation to conceal the pond. I believe this would prevent unnecessary future variance requests to this requirement for which may be out of the control of the property owner. In the 25 years of site design I have never had someone come to us a say "I want my stormwater pond to be front and center of my development", especially with the cost of property in down town area.

Thank you for your consideration,

Jason Rebol
Rebol-Battle & Associates
Civil Engineers & Surveyors
2301 N. 9th Avenue, Suite 300
Pensacola, Florida 32503
Ph: 850-438-0400
Fax: 850-438-0448

Brandi Deese

From: Christian Wagley <christianwagley@gmail.com>
Sent: Tuesday, September 18, 2018 1:08 PM
To: Jared Moore; pritz@bullocktice.com; hesscampbell@aol.com; kurt@fire-help.org; Nathan Monk; Danny Grundhoefer; Victor Jordan
Cc: Brandi Deese
Subject: continued support for overlay standards

Dear Planning Board members:

Thank you for your previous support for the proposed form-based overlay standards for the CRA. I wish to express my continued support for these standards.

Communities that care what they look like are thriving. These standards are similar to those already in use in hundreds of communities and cities across the nation. They are objective, reasonable, and help to protect the existing character in the great historic neighborhoods within the CRA. These standards are recommended by multiple City reports and studies, including the Belmont Devilliers Land Use Plan (2004), Urban Core CRA Plan (2010), and Urban Redevelopment Advisory Committee (URAC) Final Report (2012). They are also supported by the boards of the Westside and Eastside CRA districts that are directly impacted by the proposed standards.

They also only apply to NEW construction in the vast majority of circumstances. For an existing homeowner the standards would generally only apply to their existing home if it was damaged or destroyed to the point that it required a rebuild costing 50% or more of the existing value, which is very unlikely to occur.

Thank you for supporting a better Pensacola.

Christian Wagley
801 East Larua St.
Pensacola, FL 32501

Brandi Deese

From: Alistair McKenzie <amckenzie@mckenzielawfirm.com>
Sent: Tuesday, September 18, 2018 1:24 PM
To: Brandi Deese
Subject: Fwd: Please Say Yes to the Form-Based Code Overlay

Dear staff:

Thank you for your hard work and efforts with regards to the form based overlay for the CRA. Please see my comments below sent to the planning board members in support of it.

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

From: **Alistair McKenzie** <amckenzie@mckenzielawfirm.com>
Date: Tue, Sep 18, 2018 at 12:24 PM
Subject: Please Say Yes to the Form-Based Code Overlay
To: <jared@jandmvalve.com>, <pritz@bullocktice.com>, <hesscampbell@aol.com>, <fathernathan@gmail.com>, <dgrundhoefer@qgarchitects.com>, <Jordan.victor@gmail.com>

Dear Esteemed Planning Board Members:

Today, you will again take up the issue of the new proposed form-based code overlay standards. Having now spent time studying the issue and having had the good fortune of hearing many of the nation's most talented planners, designers, and architects discuss city planning and city design at CivicCon for many months now, I can ensure you that putting the form-based overlay into place is the absolute right thing to do.

This type of code has many benefits. It helps citizens of all economic backgrounds, it increases property value, it increases walkability, it increases the safety of citizens, it increases health of the citizens, it encourages new businesses, increases retail sales, it is better for the environment, and the list of benefits goes on. And from a city and developer's perspective, it simplifies the process, it decreases the time spent going back and forth in the process of trying to get approval for new developments, it reduces the resources needed to get through the process, and increases predictability for all sides at the onset of the process which encourages further development. Finally, it allows and encourages public input at appropriate times in the process.

The Form-Based Codes Institute has identified 8 benefits of this type of code:

1. Because they are prescriptive (they state what you want), rather than proscriptive (what you don't want), form-based codes (FBCs) can achieve a more predictable physical result. The elements controlled by FBCs are those that are most important to the shaping of a high quality built environment.
2. FBCs encourage public participation because they allow citizens to see what will happen where-leading to a higher comfort level about greater density, for instance.
3. Because they can regulate development at the scale of an individual building or lot, FBCs encourage independent development by multiple property owners. This obviates the need for large land assemblies and the megaprojects that are frequently proposed for such

parcels.

4. The built results of FBCs often reflect a diversity of architecture, materials, uses, and ownership that can only come from the actions of many independent players operating within a communally agreed-upon vision and legal framework.
5. FBCs work well in established communities because they effectively define and codify a neighborhood's existing "DNA." Vernacular building types can be easily replicated, promoting infill that is compatible with surrounding structures.
6. Non-professionals find FBCs easier to use than conventional zoning documents because they are much shorter, more concise, and organized for visual access and readability. This feature makes it easier for nonplanners to determine whether compliance has been achieved.
7. FBCs obviate the need for design guidelines, which are difficult to apply consistently, offer too much room for subjective interpretation, and can be difficult to enforce. They also require less oversight by discretionary review bodies, fostering a less politicized planning process that could deliver huge savings in time and money and reduce the risk of takings challenges.
8. FBCs may prove to be more enforceable than design guidelines. The stated purpose of FBCs is the shaping of a high quality public realm, a presumed public good that promotes healthy civic interaction. For that reason compliance with the codes can be enforced, not on the basis of aesthetics but because a failure to comply would diminish the good that is sought. While enforceability of development regulations has not been a problem in new growth areas controlled by private covenants, such matters can be problematic in already urbanized areas due to legal conflicts with first amendment rights.

You can also look to other cities where this has been done as examples of these benefits. If you do you will find this type of form-based code overlay works.

I am sure your expertise on these issues makes you much more knowledgeable than my recent exploration of this topic and as such the benefits are already well known to you. Still, in case you are interested, I found the following article and explanation of the form-based codes a great read and it provides a good discussion of the topic:

<https://www.cnu.org/publicsquare/2017/05/10/great-idea-form-based-codes>

Failure to implement this form-based code overlay would seriously hinder Pensacola's future and its potential to continue improving as it has done so rapidly in the last 10 years. Let's keep the train of progress rolling to make a better Pensacola for all of its citizens, even those who do not yet understand why such a form-based code overlay is necessary. In time, they will come to see its benefits. Please support the CRA Urban Design Standards Overlay. Thank you.

J. Alistair McKenzie // Attorney at Law

McKenzie Law Firm, P.A.

905 East Hatton Street
Pensacola, FL 32503

Brandi Deese

From: Zachary Lane <zaclane007@gmail.com>
Sent: Tuesday, September 18, 2018 1:25 PM
To: jared@jandmvalve.com; pritz@bullocktice.com; hesscampbell@aol.com; fathernathan@gmail.com; dgrundhoefer@qqarchitects.com; Victor Jordan; Brandi Deese
Subject: CRA Overlay

Members of the board,

As a resident of the East Side neighborhood, I am excited to offer my full support the the CRA Overlay Plan.

I have been continuously discouraged that the pattern of the development in the neighborhood has not been to the character of the neighborhood. The need to provide guidance to home builders and developers mostly accustomed to suburban style development is important.

The adoption of FDOT standards that provide greater importance to alternate means of transportation is important, especially for the East Side Neighborhood. The East Side neighborhood is traditionally one of the more economically disadvantaged neighborhoods where owning a vehicle is a financial hardship for many of its residents. It is also evident that the pattern of road development has forced higher capacity, higher speed thoroughfares through the poorer neighborhoods. This is evident in the MLK and Davis traffic patterns. These two streets with their high speed design should not exist in a neighborhood. The CRA Overlay Plan will offer the opportunity to prevent future bad decisions and perhaps correct a few of the existing errors.

Again, I enthusiastically offer my full support to the adoption of the CRA overlay.

Thank you,
Zachary Lane, PE
420 E Brainerd St, Pensacola FL 32503

Victoria D'Angelo

From: Brandi Deese
Sent: Wednesday, September 19, 2018 10:28 AM
To: Helen Gibson; Victoria D'Angelo
Subject: FW: CRA Overlay support

An additional comment received after we were already downstairs set up for the meeting. 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: Kelly Wieczorek [mailto:kellyuf@gmail.com]
Sent: Tuesday, September 18, 2018 1:43 PM
To: jared@jandmvalve.com; pritz@bullocktice.com; hesscampbell@aol.com; fathernathan@gmail.com; dgrundhoefer@qgarchitects.com; Jordan.victor@gmail.com
Cc: Brandi Deese <bdeese@cityofpensacola.com>
Subject: CRA Overlay support

Planning Board Members,

I am writing in support of the proposed CRA overlay standards. As an licensed Architect in the area, and perhaps more importantly a resident of East Hill (south of Cervantes) I believe these standards will help to protect our community and neighborhoods. I have personally seen a lot of distorted, and in some cases fabricated, information regarding the proposed standards throughout social media, and in person, and I feel it is important as someone in the design community to call attention to the benefits of such standards.

I have recently attended several statewide design conferences, follow many TED talks, and have had the opportunity locally to attend many Civicon events - a common theme that appears from each of these speakers is the need to protect our traditional neighborhoods and downtown core. I chose to live in East Hill because of the neighborhood and character of the streets/houses/parks that I have not seen outside of the CRA. It is valuable and should be preserved. The walkability of the neighborhoods should be preserved. Form-based codes are becoming the norm in places people want to live. I encourage you to think of the places you take visitors to when they come to Pensacola that make you proud of our city. These tend to be the areas this overlay looks to protect. These places exhibit the qualities that attract people and businesses. Without a codified standard these ideas simply become guidelines that can be, and have been, ignored.

I would also like to note that I am encouraged to see that the City has continued to modify the standards based on public input. The initial study incorporated many national trends, but the input process has really made this a local standard.

Unfortunately I am unable to attend the meeting today due to a prior conflict, but I hope you move forward with the approval of the LDC amendment and send to City Council for approval.

Thank you,
Kelly Wieczorek

Victoria D'Angelo

From: Brandi Deese
Sent: Wednesday, September 19, 2018 10:28 AM
To: Helen Gibson; Victoria D'Angelo
Subject: FW: Support for CRA Design Standards

An additional comment received during the meeting. 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: Thomas Douthat [mailto:tdouthat@gmail.com]
Sent: Tuesday, September 18, 2018 2:13 PM
To: Jared Moore <jared@jandmvalve.com>; pritz@bullocktice.com; hesscampbell@aol.com; kurt@fire-help.org; fathernathan@gmail.com; kowens@amalighting.com; dgrundhoefer@qgarchitects.com; Public Works <PublicWorks@cityofpensacola.com>; Brandi Deese <bdeese@cityofpensacola.com>
Cc: Brian Spencer <bspencer@cityofpensacola.com>
Subject: Re: Support for CRA Design Standards

I would also like to note that I am a resident of the CRA, and we live in a place where the recent Taco Bell decision has harmed our neighborhood. The CRA overlay would have provided better design guidance and clarity in the process.

On Tue, Sep 18, 2018, 12:48 PM Thomas Douthat <tdouthat@gmail.com> wrote:

I'm writing to you because you have the opportunity to take a vote for a better city. Pensacola has some challenges, but lots going for it, not least being one of the few places on Florida's northern Gulf Coast with real historical character. Lots of places look like Destin, lots like Pace, but Pensacola has the opportunity to be unique. That is important for economic development, but the human scaled neighborhoods of Pensacola are also great places to live, and with wiser governance can develop into really world class bikeable and walkable communities. But we can't take that for granted. And these proposed CRA design standards are an important step in the right direction. Please use your vote to pass them undeluted.

Having clear standards will remove uncertainty and institutionalize quality development. They were developed by the best firm, one that has a strong track record of success, one that has done development itself, and done with our input. They take into consideration parking and diverse buildings. Please pass them for a better city.

Cordially,

Thomas Douthat
1207 E Jackson St