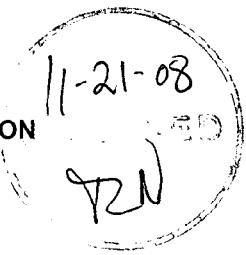


**REPORT OF CITY COUNCIL ACTION  
OFFICE OF THE CITY CLERK**



Date 11/20/2008

Agenda Item: **ITEM #9C-3**

**SUBJECT:** REQUEST FOR CONSIDERATION OF AN AMENDMENT TO THE LAND DEVELOPMENT CODE - OEHC-1 ZONING DISTRICT PERMITTED USES

ORDINANCE #: \_\_\_\_\_

ACTION TAKEN:  APPROVED BY COUNCIL     MOTION FAILED     FIRST READING     SECOND READING

REFERRED TO:     STAFF     OTHER     COMMITTEE

COUNCIL MEMBER	ACTION					COMMITTEE			
	MOT	SEC	YES	NO		Enterprise	Neighborhood	Economic & Community	Development
					Finance	Oper	Services		
JEWEL CANNADA-WYNN			✓		*			*	
MIKE DESORBO			✓			VC	VC		
MARTY DONOVAN			✓			*		VC	
JOHN FOGG			✓		VC				
SAM HALL			✓				*	*	
JOHN JERRALDS				✓	C		*		
JOHN NOBLES		✓	✓		*	C		*	
RONALD P. TOWNSEND			✓		*		C		
MICHAEL WIGGINS	✓		✓		*	*		C	
P. C. WU				✓		*	*		

C = CHAIRMAN    VC = VICE CHARIMAN    \* = MEMBER  
 COPIES:    COUNCIL FILE    MUNICIPAL CODE

**REPORT OF THE ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE  
MEETING  
November 17, 2008**

**ITEM 9-C**

- 3. SUBJECT: REQUEST FOR CONSIDERATION OF AN AMENDMENT TO THE LAND DEVELOPMENT CODE- OEHC-1 ZONING DISTRICT PERMITTED USES**

**Reference Material:**

**Committee Memorandum dated November 17, 2008**

**Recommendation:**

**That City Council conduct a public hearing on November 20, 2008 to consider the request for an amendment to the Land Development Code adding "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas" to the permitted uses allowed in the Old East Hill Neighborhood Commercial District (OEHC-1).**

**The motion passed unanimously.**

- 
- 4. SUBJECT: FUTURE LAND USE MAP/ZONING MAP AMENDMENT - 1421 SONIA STREET AND PROPERTIES IN THE 900 BLOCK OF SOUTH "I" STREET**

**Reference Material:**

**Committee Memorandum dated November 17, 2008**

**Recommendation:**

**That City Council conduct a public hearing on November 20, 2008 to consider amending the City's Future Land Use Map from Medium Density Residential (MDR) to High Density Residential (HDR) and Conservation (CO) and the City's Zoning Map from R-1AA (One and Two Family Residential) to R-2B (Multi-Family Residential) and Conservation (CO) for properties located at 1421 Sonia Street, 900 South "I" Street, 902 South "I" Street and 904 South "I" Street; and transmit the request to the Department of Community Affairs (DCA) for review and comment prior to final adoption.**


**The motion passed unanimously.**

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# COMMITTEE MEMORANDUM

Item # 3

**COMMITTEE:** Economic and Community Development

**FROM:** Alvin G. Coby  City Manager

**DATE:** November 17, 2008

**SUBJECT:** Request for Consideration of an Amendment to the Land Development Code- OEHC-1 Zoning District Permitted Uses.

**RECOMMENDATION:** That City Council conduct a public hearing on November 20, 2008 to consider the request for an amendment to the Land Development Code adding "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas" to the permitted uses allowed in the Old East Hill Neighborhood Commercial District (OEHC-1).

**SUMMARY:** Dr. Laura Hall has asked for consideration of a Land Development Code amendment which would add "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas" to the permitted uses allowed in the Old East Hill Neighborhood Commercial District (OEHC-1).  
The applicant is proposing to locate an animal hospital on property she owns at 805 East Gadsden Street in the Old East Hill Preservation District. The property in question is zoned OEHC-1. The regulations which govern development in the Old East Hill District allow hospitals and clinics in the OEHC-2 District, with the specific exclusion of animal hospitals and clinics. The Planning Board recommended approval of a modified version of the request at the September 9, 2008 meeting.

**PRIOR ACTION:** None.

**CURRENT ACTION:**

**FUNDING:** None required.

**ATTACHMENTS:** (1) Staff Report

City of  
Pensacola



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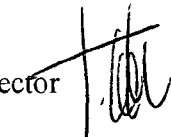
Economic and Community Development Committee  
Request to Amend LDC-OEHC-1 Permitted Uses  
November 17, 2008  
Page 2


**STAFF CONTACT:** Thaddeus L. Cohen, Community Development Director;  
Sherry H. Morris, Planning Services Administrator.

**PRESENTATION:** No.

**MEMORANDUM**

**TO:** Alvin G. Coby, City Manager

**FROM:** Thaddeus L. Cohen, Community Development Director 

**THROUGH:** Sherry H. Morris, Planning Services Administrator 

**DATE:** November 17, 2008

**SUBJECT:** Request for Consideration of an Amendment to the Land Development Code- OEHC-1 Zoning District Permitted Uses.

**RECOMMENDATION:**

That City Council conduct a public hearing on November 20, 2008 to consider the request for an amendment to the Land Development Code adding "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas" to the permitted uses allowed in the Old East Hill Neighborhood Commercial District (OEHC-1).

**BACKGROUND:**

Dr. Laura Hall, is requesting approval of a Land Development Code amendment which would add "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas" to the permitted uses allowed in the Old East Hill Neighborhood Commercial District (OEHC-1). The applicant is proposing to locate an animal hospital on property she owns at 805 East Gadsden Street in the Old East Hill Preservation District. The property in question is zoned OEHC-1. The regulations which govern development in the Old East Hill District allow hospitals and clinics in the OEHC-2 District, with the specific exclusion of animal hospitals and clinics. Dr. Hall wishes to make animal hospitals and clinics (with no outside runs or kennels) a permitted use in the OEHC-1 District. This would be similar to pet shops that are currently allowed in the OEHC-1 as a permitted land use.

Dr. Hall has met with the Old East Hill Property Owners' Association, to discuss her request. Additionally, Planning staff has contacted the Old East Hill Property Owners' Association for their comments on the requested LDC amendment. While the neighborhood does not have an "official" position on the request, they have forwarded individual comments and responses from their membership which are attached to this report. The majority of those who responded were opposed to the proposed request. While it is the opinion of staff that the requested land use would not be incompatible with the OEHC-1 zoning district, staff also recognizes that this is an active property owners' association in

one of the City's historic neighborhoods, and their input must be taken into account. Additionally, staff is aware that there are existing permitted land uses that are allowed by the current Old East Hill district regulations that are perhaps outdated and in need of revision or removal from the Land Development Code. With that in mind, staff recommended that the Planning Board request staff to organize and conduct a Planning Board workshop with members of the Old East Hill Property Owners' Association in order to discuss and perform a comprehensive review of the permitted uses allowed in the OEHC-1 district. The Planning Board considered Dr. Hall's request, and recommended that Council approve the addition of "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas" as a Conditional Use in the OEHC-1 District. Approval of this land use as a Conditional Use would allow the use to be permitted upon review and approval of the Planning Board and City Council as provided for in Section 12-2-78 of the Land Development Code.

The current permitted uses allowed in the commercial districts of the Old East Hill neighborhood are provided for in Section 12-2-10 (C) (4) of the Land Development Code, and include the following:

Section 12-2-10 (C) (4)

(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 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.

(c) OEHC-2, retail commercial district.

- 1. Any use permitted in the OEHC-1 district.
- 2. Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
- 3. Hospitals, clinics (except animal hospitals and clinics).**
- 4. Private clubs and lodges, except those operated as commercial enterprises.
- 5. Electric motor repair and rebuilding.
- 6. Appliance repair shop.
- 7. Garages for the repair and overhauling of automobiles.
- 8. Sign shop.
- 9. Photo shop.
- 10. Plumbing and electrical shop.
- 11. Pest Extermination services.

(d) OEHC-3, commercial district.

- 1. Any use permitted in the OEHC-2 district.
- 2. Dive shop.
- 3. Fitness center.
- 4. Theater, except for drive-in.
- 5. Taverns, lounges, nightclubs, cocktail bars.

**FINANCIAL IMPACT:**

None.

August 29, 2008

Planning and Zoning Board- City of Pensacola:

This letter is in reference to the requested zoning change proposed by Dr. Laura Hall of 805 E. Gadsden St.

By signing this letter I fully support the change to take out the exclusion in OEHC-1 for animal hospitals. It currently states:

Any use permitted in the OEHC-1 district.

2. Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.

3. Hospitals, clinics (except animal hospitals and clinics).

I would agree to a change that would state:

3. Hospitals, clinics (small animal hospitals only with no outdoor kennels or runs).

I am a direct neighbor to the location involved and I believe the addition of an animal hospital in this district will only be a favorable progression of growth and new business in the area.

Name/Address/Signature

Laura Dean  
800 East Jackson  
Laura Dean

Laura Dean  
800 E Jackson St.

Lives Directly  
Behind property

amazon.com



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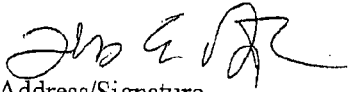
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Name/Address/Signature

Tom Roberts

811 E. Gadsden St

Pensacola FL 32504

Resident directly  
next to location -

amazon.com

August 29, 2008

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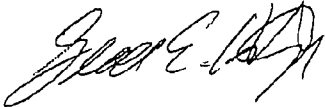
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Name/Address/Signature



George E. Hunter, Jr.  
Vice President  
Strobel & Hunter, Inc.  
715 E. Gadsden Street  
Pensacola, FL 32501

August 29, 2008

Planning and Zoning Board- City of Pensacola:

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Name/Address/Signature

*Jackie Johnston*

801-D 9<sup>th</sup> Ave

32501

Jackie Johnston  
owns Crane & Co.

Hair Salon

Address  
801-D 9<sup>th</sup> Ave

By *Jackie Johnston*  
Church

Crane & Company -



**Ericka Burnett**

---

**From:** Sherry Morris  
**Sent:** Monday, November 17, 2008 11:56 AM  
**To:** Ericka Burnett  
**Subject:** Committee

Old East Hill Neighborhood Association  
PO Box 6453  
Pensacola, Fl 32503

These emails were collected in August 2008, regarding Dr. Laura Hall's request to change zoning in OEH.

Elie Barnes sent an email to everyone on our list, with information concerning the request. Property owners emailed their response and these are included here with the name and address of the respondent.

1. Steve Hayes and Terry Nall, 700 E. Belmont  
Stephen and I are in favor of the change in zoning and plan to attend the zoning meeting next week; please let me know what the result of the survey is. Thanks

2. ellie, terry and i see no problem with having a pet hosp thank you stephen

3. Margie Mckinnon, Pensacola Photo 410 E. Wright St.  
I'm a little torn on this because Dr. Hall is my vet, but I do think the issues regarding what may come into the neighborhood in the future are critical and I was around when the guidelines were drawn and I remember a lot of the arguments. I'm surprised that the Pet resort was allowed as the dogs and cats are housed 24/7 which may disturb the neighbors on Jackson street. In the long run I would have to say that I'm opposed. If you need this in writing let me know. Thanks, Margie

4. Natalie Tredway, renter at 804 E. Jackson, very involved with the neighborhood  
Elie,

I have reviewed the documents. My concern lies in the fact that if that change is made with the code that will have an impact on how business are constructed in the neighborhood. I feel that the neighborhood should maintain its historic integrity. There are two other properties for sale on the same street as the Pet Parlor. Is there a reason why we can't approve these existing properties for conversion to a vet's office? I would not have a problem with her using an existing property. Furthermore I think the addition of another shotgun on that property would look crowded. Does Dr. Hall already have a practice in the old sacred heart building? I am not making a final decision but these are my thoughts and concerns. What do you think?

Your friend and neighbor,  
Natalie Tredway

5. Michael Landers, 414 E. Jackson  
Hi Elie, thanks for the information and the zoning map.

I'm against the zoning change for Dr. Hall. It makes the zoning board look soft, and too flexible. Other

11/17/2008

property owners will not take the zoning rules, or the board seriously if these kinds of changes are allowed by simple request. Zoning changes in a preservation district should be very strict.

6. Lou and Mike Courtney, 523 N. 8<sup>th</sup> Ave.

OOPS-about to forget to respond to you. NEITHER Michael nor I want to see the zoning changed-there is NO room for her to increase her business even now they all park on the grass blocking the sidewalk & then when she first moved in she was petitioning to get parking where the trees are on the other side of the road. She should have thought all this through before buying in a historic neighborhood. & I go to her for my cat & like her but emphatic NO from us.

Lou & Michael Courtney

Let me know if we need to sign anything

7. Elodie Alexander

We approve the new veterinary clinic -

Let us know if you need a formal letter -

Elodie & David Alexander

"La Maison d'Elodie"

824 East La Rua St

Pensacola FL 32501

850-433-6427

8. Elizabeth Irby, 714 E. Belmont

Hello Elle, In reply to your email, I feel that if Dr. Hall is in keeping with the look of the neighborhood she has our approval. I know that she will maintain her business. Dr. Hall keeps her present clinic in tip top shape so I feel her vet clinic would be just fine.

Elizabeth Irby

9. Diana Barnes, 604 E. LaRua

Elie, I think we should abide by our current code. Diana

10. Deborah Stuckey, 715 E. LaRua

Elie,

In reviewing the literature you sent, Rich & I would have to vote against a rezoning of the OEHC-1 area at this time.

Deborah J. Stuckey

**LANformation, Inc.**

1101 N. Palafox Street

Pensacola, Florida 32501

Phone: 850.202.5263

11. Diane Dixey, 415 E. LaRua

Elie....

Is there a picture of the proposed structure? Could we ask Dr Laura to come speak to our group? She's my vet so I would ask if you'd like...

For me personally? As long as the structure IS within guidelines for the area, is a fair historical representation and parking is kept to a minimum or even better, BEHIND the structure, I don't have a problem with it. She has the PP Resort around the corner from me, and her clinic is in our neighborhood and I see a chance to have a

11/17/2008

business advocate for the area.

I'd be curious to see what other think....I worry a bit about the slippery slope aspect of it.

Dixie

12.Nanette Morin, 512 E. GAdsdn

dear elie you know how i feel about 'change' it opens the door for other things that we probably would not like to see in our 'neighborhood' which seems to be getting eaten up bit by bit. i say no to the dog 'resorts' further developments. let me know when and i will go to the meeting. i will go to the meetings anyway if you need them to be covered or if we need a voice. just refresh my memory as to what time, etc. let's sit over a drink. nanette thanks for all you do. i would be happy to help.....

13.Cat Landers, 414 E. Jackson

Hi Elie, I wanted to take some time to think about this issue concerning the vet clinic, and honestly I do not think it would be a good proposition for residents in our neighborhood. I know if my house were on the other side of the fence from a kennel I would sell it and move. Im sure the vet is a very respectable person with wonderful ideas and conscientiousness but I just have a feeling that it could possibly further degrade the overall look of the neighborhood. Im sorry but I am oppossed to the idea. Hope everything else is going great in old east hill. Im just working my ass off. Love you, hug Harriet! and Brad and say hello to Diana and Jerry. CAT

14.Brad Gadolin

I support the proposed variance for an animal hospital in the old east hill preservation district.

Brad Gadolin

508 E. Jackson St.

15.Robyn Tice, 514 N. Hayne

Thanks, Elie, for gathering this information and communicating it to all of us! This is something we all need to be aware of due to the potential impact this has on OEH as a whole.

Food for thought: Dr. Hall's property is zoned Old East Hill C-1 (OEHC-1), which **does not** currently allow vet clinics, but does allow pet shops (with all uses inside the principal building). And obviously OEHC-1 does allow pet resorts. Now, outside of Old East Hill District and other historic/preservation districts, C-1 zoning classification **does** allow for vet clinics. That tells me that our district is unique from other parts of the City and at the time when the zoning code was being written for OEH the original intent of that zoning ordinance specifically left out vet clinics, so that should be taken into consideration.

What I understand from City Planning staff: this issue will not be heard by the Zoning Board because they cannot grant variances for uses. At this point Dr. Hall will be petitioning (soliciting signatures of) property owners in order to get this issue before the Planning Board, **which is a request to amend the City's Land Development Code (LDC)**. If the Planning Board agrees with Dr. Hall and the petitioners to amend the LDC then the Planning Board forwards their recommendation to City Council. It will take City Council to pass ordinance in order for anyone to be able to open a vet clinic in OEHC-1.

Individually as property owners, we all must decide if this is the type of Commercial Use we want added to our mostly residential district (when I say residential I'm speaking to the use, not the zoning - - we just happen to have commercial zones with alot of residential uses, which puzzles me but I wasn't around in the early 1990's). I have attached a letter from Dr. Hall to City Planning staff outlining her

plan for the property as a vet clinic, but I also think we need to look at this "generally speaking" and not base a decision on her expressed intended use and practice of a vet clinic - - if this were to pass that means anyone can open a vet clinic in OEHC-1 zoning designations, so to base this on her word of how she practices her profession or maintains commercial property, to me is somewhat insignificant as this principally impacts the OEHC-1 zoning classification.

Personally, this is a hard one for me. To recap, currently OEHC-1 allows pet resorts and pet shops, so hypothetically why not vet clinics. Though, I am concerned about "creep" of additional commercial uses further into the heart of mostly residential uses (looking at the map). And based on my personal on-the-job experience with these issues (4 and half years in City Building Inspections & 8 and half years in the City Clerk's office attending every Council meeting since then), requests like this that are approved set a precedence. Any one individual seeking to amend city code in order to do something on their property sends up red flags for me. Codes aren't written for one individual's benefit, they are to be to the benefit of the citizens/neighborhood as a whole. Issues like this should be given thoughtful consideration before signing a petition.

Just my 2 cents....

-Robyn Tice

16.Elise Barnes, 518 E. Jackson St.

I am opposed to changing the zoning ordinances in Old East Hill. We don't need to add a vet clinic to the interior of the neighborhood. We currently have serious issues with parking and crowding. The homes around this Pet Resort and proposed vet clinic are all residential with families. I am considering this issue in a non- personal way. I don't think it is a good idea for our long- term future. Elise Barnes