WARNING: The Pensacola City Council and Community Redevelopment Agency are poised to pass a design overlay in your CRA district next week which will control what you can and cannot do with your property. These new, aesthetic requirements increase construction costs and make housing less affordable. I have spoken with many property owners in the CRA district who were unaware of the consequences of these new requirements and object to this taking of their property rights. A link to the CRA overlay follows for your review: https://www.cityofpensacola.com/DocumentCenter/View/16133/Proposed-Ordinance_092718_w-markup

If you oppose the new CRA Urban Design Standards Overlay requirements we need your help. Please attend one or all of the following meetings:

Community Redevelopment Agency Meeting	*Monday, October 8, 2018 at 3:31 pm (following City Council Agenda Conference), Hagler Mason Conference Room, Pensacola City Hall, 222 W Main Street, Pensacola FL 32502*
City Council Public Hearing/1st Reading	*Thursday, October 11, 2018 at 5:30 pm, Council Chambers, Pensacola City Hall, 222 W Main Street, Pensacola FL 32502*
City Council 2nd Reading/Adoption	*Thursday, November 8, 2018 at 5:30 pm, Council Chambers, Pensacola City Hall, 222 W Main Street, Pensacola FL 32502*

The most important meeting to attend and voice objections will be the CRA meeting on Monday, October 8th. Show up when you can, even after 5 PM. If possible, please also contact your City Council members, as well as the Mayor, in advance of the meeting. They can be reached at 435.1609. Their email addresses can be found at https://www.cityofpensacola.com/507/Council-Members and https://www.cityofpensacola.com/134/Office-of-the-Mayor. This information can also be found at the following link: http://guntherproperties.com/sites/default/files/property/flyer/Urban%20Guidelines%20Overlay%20announcement.pdf. Please contact me at 850.433.0666 or at fred@guntherproperties.com with any ques

Sincerely,
Fred Gunther

Fred Gunther
503 E. Government Street
Pensacola, FL 32502

PRSRT STD
US POSTAGE
PAID
EVERGREEN
32501

44009 0000826 SCH 5-DIGIT 32503
BISHOP BETTY J
212 N A ST
PENSACOLA, FL 32502-3606

GUNTHER PROPERTIES

October 4, 2018

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

RE: Proposed CRA Urban Design Overlay

Council President Wingate,

There are two troubling problems with our proposed CRA overlay:

1.) **Major changes were made this week to the CRA Overlay and the revised document is not being sent to the City's Planning Board for review and citizen input in advance of the City Council meetings.** As a property owner within the CRA districts, I have asked several times for citizens to have the ability to opt-out of this overlay or for citizens with projects currently in process to be grandfathered. My requests have been denied, but now the City has allowed a large section of the Urban Core CRA to suddenly opt-out of the overlay. I applaud these citizens for getting themselves removed, but simply removing powerful and well connected citizens from the overlay, while not allowing others to do so, grants them a special privilege. In addition, forcing these requirement on areas of the City where the residents do not have the free time to fight them and upon those least able to afford them, should not be a strategy used by our City. City staff should not have the ability to take a change in the Land Development Code to the Planning Board, obtain a recommendation for City Council to approve, then substantially change the document before it is presented to City Council for approval. Allowing this to happen eliminates any discussion and citizen input on the changes until they are actually presented for approval at the City Council/CRA meeting, which in this case is next week. Regardless, I and others should have a

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

P 850.433.0666

www.guntherproperties.com

"**Are variance requests permitted under the proposed standards?**
Yes, variance requests are permitted. These requests would follow the standard City procedure described under Section 12-12-2 of the City of Pensacola Land Development Code (LDC)."

This statement is misleading, as variance requests are permitted for certain overlay requirements but for many overlay requirements, variance requests will not be permitted. Based upon the above representation alone, this overlay should not move forward to the CRA or City Council for a vote next week. No action should be taken related to this overlay until City staff has fully reviewed the document and issued a comprehensive, binding written opinion disclosing which of the Overlay requirements are not eligible for a variance. If possible, the opinion should be reviewed by the Florida Attorney General's office as well and if approved, made available for public review. At that point, the revised CRA Overlay should go back to Planning Board for a recommendation to Council.

As always, I appreciate your time and consideration and welcome any questions or comments.

Sincerely,

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. Keith Wilkins, City Administrator
Ms. Lysia Bowling, City Attorney
Ms. Sherry Morris, Planning Services Administrator
Ms. Brandi Deese, Assistant Planning Services Administrator
Ms. Ericka Burnett, City Clerk
Ms. Helen Gibson, CRA Administrator
Ms. Victoria D' Angelo, Assistant CRA Administrator
Mr. Jim Little, Pensacola News Journal

Belmont DeVilliers
Neighborhood Asociation
321 North DeVilliers Street
Pensacola, FL 32501

October 5th, 2018

Mr. P.C. Wu
Chairperson for the City of Pensacola CRA
222 W. Main Street, Third Floor
Pensacola, FL 32501

Re: Support of Urban Design Standards Overlay for CRA Neighborhoods

Dear Mr. Wu:

As President of the Belmont DeVilliers Neighborhood Association (BDNA), I am writing to express the neighborhood's support of the City of Pensacola Community Redevelopment Agency's (CRA's) proposed Urban Design Standards Overlay for CRA Neighborhoods.

As you know, we have worked diligently to revitalize the Belmont-DeVilliers neighborhood, and we're excited to see the decades of volunteer efforts and the support of the city beginning to take shape. The foundation that was laid in the Belmont-DeVilliers Land Use Plan published in 2004 has been a essential guide to our growth, and one of the recommendations in that plan that has yet to be implemented is the adoption of overlay standards. These standards will ensure that our neighborhood grows in the direction that we, as a community, have worked towards for many years.

On our October 3rd meeting, BDNA voted unanimously to support the design standards proposed in the overlay, and we ask for your support as well. Thank you for your consideration.

Sincerely,

Eddie Todd
President, Belmont DeVilliers Neighborhood Association

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

Enclosures: None.

Victoria D'Angelo

From: Mike Kilmer <mike@mzoo.org>
Sent: Monday, October 8, 2018 11:09 AM
To: Sherri Myers
Cc: Victoria D'Angelo; Helen Gibson
Subject: CRA Overlay Standards

Hi Sherry.

I look forward to seeing you at a meeting or two this week. I plan to support the overlay standards, partly because we're hoping to put something in place here in Brownsville that will

1. Prevent monstrosities like the Dollar General building and parking lot we have to live with between T and U street
2. Relax antiquated parking requirements that make business development harder out here.

I hope that Helen and Victoria reached out to you, as I requested, and were able to consider your concerns about accessibility.

Many blessings.

Mike iLL Kilmer – President
Historic Brownsville Community
201-679-4168 (mobile)
info@historicbrownsville.org
http://historicbrownsville.org

To: Keith Wilkins <KWilkins@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Brandi Deese <bdeese@cityofpensacola.com>
Subject: Fwd: Proposed 12-2-25 Code

FYI

Ashton J. Hayward
Mayor
City of Pensacola
(850) 435-1626
mayorhayward@cityofpensacola.com

Begin forwarded message:

From: Rus Calhoun <rus.calhoun@hernandezcalhoun.com>
Date: October 5, 2018 at 5:13:27 PM CDT
To: "mayorhayward@cityofpensacola.com" <mayorhayward@cityofpensacola.com>
Subject: Proposed 12-2-25 Code

Hello Ashton,

Sarah and I are both very sad to see you go, but very happy with all the great work that you did!

Quickly wanted to reach out to you regarding the new 12-2-25 code that is coming up. The document is well composed and nicely illustrated and is following similar guidelines we have for several large developments we are Town Architects for east of here. The big difference is that these other developments are new construction (on virgin land) on the order of 1,100 acres (median house price $350k) and not 100+ year old urban/suburban fabric. In other words, this kind of code works well in new developments/new construction and is very difficult to be successful in our existing fabric.

We own 7 properties in the area to be affected and we can't get behind the current draft of this document. This affects our commercial property on Palafox as well as 6 RNC properties in the Blount / MLK / Davis area that we are keen on developing. We have owned all of these properties for more than 10 years and have noted that the MLK/Davis corridor is finally (after all these years) coming alive! 12-2-25 will increase construction cost, slow/stop gentrification/new construction and hamper our ability to fully realize the potential that these properties were purchased to achieve. The MLK/Davis corridor in particular, can't absorb the costs associated with the proposed code.

We would advocate to remove the Palafox area (not sure why it is only this area of Palafox that is included) and the north-south corridor area along MLK / Davis.

I am working to attend the meeting on Monday.

Thank you,

Rus Calhoun
Principal
Hernandez Calhoun
Design International

FLORIDA OFFICE
420 N Palafox Street
Pensacola, FL 32501
P: 850.434.5142
F: 850.4345146

ALABAMA OFFICE
354 Dauphin Street
Mobile, AL 36602
P: 251.378.5427
F: 251.378.5428

E: rus.calhoun@hernandezcalhoun.com

Victoria D'Angelo

From: Thomas Douthat <tdouthat@gmail.com>
Sent: Monday, October 1, 2018 11:52 AM
To: Victoria D'Angelo; Brian Spencer
Subject: Re: FAQs and Proposed Changes: CRA Urban Design Overlay District

Dear Ms. D'Angelo,

As a resident of Lower East Hill, who went to the public meetings in support of these standards, I am dissapointed that we are being left out. This is especially true given the fact that the largest controversy recently, the Taco Bell, would have been largely averted by them.

It seems like a walkable Lower East Hill is condemned to history.

With that said, I still support the overlay, and thank you for your work to coordinate it. I hope it passes.

Tom Douthat

On Oct 1, 2018 11:12 AM, "Victoria D'Angelo" <VDangelo@cityofpensacola.com> wrote:

> Good Morning:
>
> Please be advised that the following changes will be recommended regarding the proposed CRA Urban Design Overlay District:
>
> - Exclude the area east of 9th Avenue and south of Cervantes Street from the overlay district boundaries.
> - Limit the overlay district's applicability to new construction and demolition/rebuilds only.
> - Add language to clarify that the overlay standards will not supersede or replace any law pertaining to requirements for persons with disabilities.
>
> Please find attached a Frequently Asked Questions Flyer with the proposed changes, and a copy of the boundary map with proposed changes, updated as of September 28, 2018. This information, along with the proposed document and upcoming meeting schedule, is also available on project webpage (www.cityofpensacola.com/CRAOverlay).

Should you have any questions, please contact Victoria D'Angelo at 850-435-1695 or vdangelo@cityofpensacola.com or Helen Gibson at 850-436-5650 or hgibson@cityofpensacola.com.

Thank You:

Victoria D'Angelo

Assistant CRA Administrator

City of Pensacola

Community Redevelopment Agency

222 West Main Street, Suite 314

Pensacola, Florida 32502

Office: 850-435-1695

Cell: 850-530-0346

Fax: 850-435-1620

vdangelo@cityofpensacola.com

Victoria D'Angelo

From: Thomas Douthat <tdouthat@gmail.com>
Sent: Wednesday, September 26, 2018 10:27 AM
To: Gerald Wingate
Cc: Brandi Deese; Victoria D'Angelo
Subject: Please Support CRA Design Standards

Dear Council President Wingate,

I am a resident of East Hill: 1207 E. Jackson St. The proposed CRA Urban Design Standards are important for creating clear standards for quality development that will contribute to our quality of life, and long-term vitality of the area. There has been some misinformation about the purpose and extent of the standards. These types of standards can create a clearer development process both from the perspective of residents and developers. While they will constitute some changes, they mostly create standards for harmonious new growth, and supersede existing regulations which are not working, and with virtually no additional expense.

Every part of the city has its own assets, and central Pensacola is a unique amazing existing building stock, which the City must govern wisely. These standards were developed by experts in the field, with community input, and from a firm that has had a long track record working with the development community.

City staff has done an important job reaching out to community residents, and much of the recent opposition to the standards came from people outside of the CRA's boundaries.

I live in Lower East Hill and these standards are very important to me.

Please support quality growth in Pensacola, and vote for the CRA Urban Design Standards at the next City Council meeting. Let me know if you have any questions about why these standards are important for the City.

Cordially,

Tom Douthat
1207 E. Jackson St.

Victoria D'Angelo

From: Thomas Douthat <tdouthat@gmail.com>
Sent: Wednesday, September 26, 2018 10:34 AM
To: Jewel Cannada-Wynn
Cc: Victoria D'Angelo
Subject: Support for CRA Urban Design Standards

Dear Councilwoman Cannada-Wynn,

I live in Lower East Hill. Today I write you to voice my support for the CRA Urban Design Standards to be adopted in their full geographical extent.

The proposed CRA Urban Design Standards are important for creating clear standards for quality development that will contribute to our quality of life, and long-term vitality of the area. There has been some misinformation about the purpose and extent of the standards. These types of standards can create a clearer development process both from the perspective of residents and developers. While they will constitute some changes, they mostly create standards for harmonious new growth, and supersede existing regulations which are not working with virtually no additional expense.

Every part of the city has its own assets and character, and central Pensacola is a unique amazing existing building stock, which the City must govern wisely. These standards were developed by experts in the field, with community input, and from a firm that has had a long track record working with the development community. Council members from the district have also supported the standards.

City staff has done an important job reaching out to community residents, and much of the recent opposition to the standards came from people outside of the CRA's boundaries.

I live in Lower East Hill and these standards are very important to me.

Please support quality growth in Pensacola, and vote for the CRA Urban Design Standards at the next City Council meeting. Let me know if you have any questions about why these standards are important for the City.

Cordially,

Tom Douthat
1207 E. Jackson St.

Victoria D'Angelo

From: Rus Calhoun <rus.calhoun@hernandezcalhoun.com>
Sent: Thursday, October 11, 2018 3:43 PM
To: Gerald Wingate
Cc: Sherri Myers; Larry B. Johnson; Brian Spencer; Andy Terhaar; P.C. Wu; Jewel Cannada-Wynn; Ashton Hayward; Keith Wilkins; Legal; Sherry Morris; Brandi Deese; Ericka Burnett; Helen Gibson; Victoria D'Angelo
Subject: HC Palafox Investments and Hernandez Calhoun Design International letter concerning "Ordinance creating Section 12-2-25" CRA Urban Overlay District
Attachments: HCDI-Sec12-2-25-Memo-101118.pdf

Council President Wingate,

Please find attached PDF containing a joint letter from HC Palafox Investments, LLC and Hernandez Calhoun Design Int'l, PA concerning the "Ordinance creating Section 12-2-25".

We own 7 properties within the proposed CRA Urban Overlay District, 420 N Palafox Street, 419 E Blount St, 1403 N Davis St, 1413 N Davis St, 1417 N Davis St, 1420 N DMLK and 1308 N DMLK.

Thank you,

Rus Calhoun
Hernandez Calhoun
Design International

ALABAMA OFFICE
354 Dauphin Street
Mobile, AL 36602
P: 251.378.5427
F: 251.378.5428

FLORIDA OFFICE
420 N Palafox Street
Pensacola, FL 32501
P: 850.434.5142
F: 850.4345146
E: rus.calhoun@hernandezcalhoun.com

Hernandez • Calhoun
Design International
Architecture • Interior Design

October 11, 2018

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

RE: Proposed CRA Urban Design Overlay

Council President Wingate,

The City is obligated to ensure that the citizens and property owners are made aware of new requirements, particularly changes that will directly impact the potential use and value of their property. We were not made aware of the CRA Urban Design Overlay District (CRAUDOD) ordinance until we were informed by a neighbor on Friday 10/5/18 of the upcoming meeting on 10/8/18. After speaking to fellow property owners, we found this was experienced by the majority of them.

In the best interests of the citizens and the neighborhood fabric, the Council members must vote **NO** for the "Ordinance Creating 12-2-25" for the following reasons:

1 – Financial Hardship – Section 12-2-25 Table 12-2-25.6 affectively reduces both the permissible buildable foot print and number of stories for both RNC and C-2A, versus what is currently allowed in the Land Development code. As owners of both C-2A and R-NC properties we would realize reduced potential and value for the property we have owned for over 10 years. This represents a significant financial hardship to owners who invested in Pensacola in good faith and is unacceptable.

2 – Inclusion of Outlier Properties – the inclusion of the four north blocks of Palafox from Belmont to Cervantes has no logical explanation, is unbalanced and not justifiable. These four blocks include: Days Inn Hotel that has existed for over 2 decades, First Baptist Church (2 blocks), the offices of Hernandez Calhoun Design International and the new residential development by Galveztown, LLC. The west blocks mirroring these east four blocks are not included, nor are any blocks that have vacant buildings or parking lots (i.e., AT&T parking lot) along Palafox, which would be much more likely to be developed in the future. These properties are clearly outliers and should not be included in the district.

3 – Inclusion of Outlier Neighborhood – The Eastside Neighborhood also needs to be removed from the overlay because it is a unique neighborhood which is clearly an outlier to this plan and will not benefit from the additional requirements. In the past, this neighborhood was studied and the solution, a more measured and appropriate approach, was to make it R-NC zoning. The residents fought to remove that zoning, but now, allegedly the residents want an even more stringent set of requirements. This neighborhood should be deleted from the CRAUDOD and the original R-NC zoning returned.

4 – Code "Blitzkrieg" vs Phased Approach – The "all or nothing" approach presented as the current boundary of the overlay is not well thought or developed. A very large area is currently included in the boundary, capturing three very different neighborhoods, urban fabrics and occupancy/use types. This is a "blitzkrieg" approach to code implementation; it is not measured, delicate or patient. This ordinance is brand new and untested in this region, therefore, applying it to

so many different areas and in such large areas will cause more problems than it will solve. It is unwise to rely on the assurances of the paid consultant, DPZ, that implementation of this code on this scale is advisable. Pensacola is very unique and has many intricacies not captured or understood by a firm from Miami, Florida that specializes in application of New Urbanism design principles for affluent neighborhoods.

The correct and reasonable approach is to identify a smaller portion of one area, implement Section 12-2-25 for that reduced area, allow the code to be in effect for several years, determine Lessons Learned, revise the code to tailor it to Pensacola's unique neighborhoods and review phased implementation for other areas within the CRA.

5 – Section 12-2-25 is not a fully developed and final product – After reviewing the 51-page PDF, dated 9/27/18, available through the CRA link on the City of Pensacola website, we have found many items that are either incorrect, require additional definition or clarification and some items that are excessive in their definition. Issuing this unfinished document before resolving these open issues will be a disservice to the City of Pensacola citizenry, will create more issues for permitting and will generate unnecessary problems rather than solve them. This document is not ready for implementation.

6 – Property Owner Awareness – We, and many of our neighbors, were not informed of the proposed ordinance and its implications on our properties. We, and our fellow property owners, have made a significant investment in Pensacola spanning decades and we should not be subjected to untested, underdeveloped solutions which offer no benefits, but many more obstacles to owning and developing existing properties in Pensacola.

We urge the City of Pensacola Council members to vote **NO** to the "Ordinance creating Section 12-2-25".

Sincerely,

Bert "Rus" Calhoun II – H-C Palafox Investments, LLC, Manager

Sarah M. Hernandez-Trujillo – Hernandez Calhoun Design International, President
Certified Woman / Minority Owned Small Business

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 Hayard, Mayor
Mr. Keith Wilkins, City Administrator
Ms. Lysia Bowling, City Attorney
Ms. Sherry Morris, Planning Services Administrator
Ms. Brandi Deese, Assistant Planning Services Administrator
Ms. Ericka Burnett, City Clerk
Ms. Helen Gibson, CRA Administrator
Ms. Victoria D'Angelo, Assistant CRA Administrator

Victoria D'Angelo

From: Helen Gibson
Sent: Thursday, October 11, 2018 11:46 AM
To: Victoria D'Angelo
Subject: FW: CRA Postcard

M. Helen Gibson, AICP
CRA Administrator
City of Pensacola
222 W Main St.
Pensacola, FL 32502
(850) 436-5650

PENSACOLA
DIAL 311 FOR CITY SERVICES

For Non-Emergency Citizen Requests, Dial 311 or visit Pensacola311.com.

Notice: Florida has a very broad public records law. Most written communications to or from state and local officials regarding government business are public records available to the public and media upon request. Your email communications may be subject to public disclosure.

From: Larry B. Johnson
Sent: Wednesday, October 10, 2018 9:19 AM
To: Helen Gibson <HGibson@cityofpensacola.com>
Subject: Fwd: CRA Postcard

Sent from my iPad

Begin forwarded message:

> **From:** "Bill yellow68b@yahoo.com" <yellow68b@gmail.com>
> **Date:** October 9, 2018 at 4:40:43 PM CDT
> **To:** ljohnson@cityofpensacola.com
> **Subject: CRA Postcard**
>
> Larry,
> Just to share my frustrations with this overlay process, I received this postcard from the CRA today, lobbying the neighbors. This postcard was postmarked on the 6th of October, 2 days before the CRA meeting on Monday and makes no mention of the CRA meeting. As mentioned on Monday there were significant changes made to the document which should have sent it back to planning board, and it was not. I also can't understand how it could even be put on the council

agenda prior to the CRA approving it. And on that note, I am seriously confused, as are most of my neighbors, as to why it is still on the council agenda for Thursday evening after failing to be approved by the CRA.

If you are at council Thursday night, we sure would appreciate a no vote on the overlay.

Screenshot9520181009-155805.jpg

Sincerely,

Bill Weeks
1302 E. La Rua Sreet

Victoria D'Angelo

From: Helen Gibson
Sent: Thursday, October 11, 2018 1:09 PM
To: Victoria D'Angelo
Subject: FW: A postcard from the city/CRA today in my mail

M. Helen Gibson, AICP
CRA Administrator
City of Pensacola
222 W Main St.
Pensacola, FL 32502
(850) 436-5650

PENSACOLA
DIAL 311 FOR CITY SERVICES

For Non-Emergency Citizen Requests, Dial 311 or visit Pensacola311.com.

Notice: Florida has a very broad public records law. Most written communications to or from state and local officials regarding government business are public records available to the public and media upon request. Your email communications may be subject to public disclosure.

From: Larry B. Johnson
Sent: Wednesday, October 10, 2018 9:19 AM
To: Helen Gibson <HGibson@cityofpensacola.com>
Subject: Fwd: A postcard from the city/CRA today in my mail

Sent from my iPad

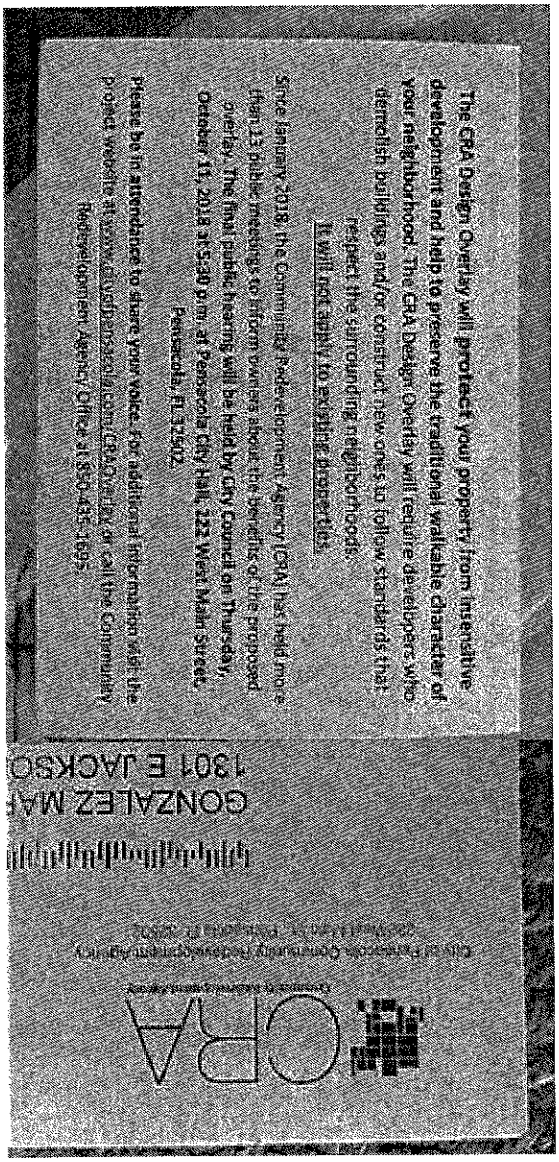
Begin forwarded message:

> **From:** <mspeed44@aol.com>
> **Date:** October 9, 2018 at 4:46:36 PM CDT
> **To:** smyers@cityofpensacola.com, aterhaar@cityofpensacola.com, pcwu@cityofpensacola.com, ljohnson@cityofpensacola.com
> **Subject: A postcard from the city/CRA today in my mail**
>
> Hello,
> I've written you before about the CRA Overlay of which I knew nothing about until 5 weeks ago. I did not get the postcard back in February--nor did any of my neighbors (all home owners). And I certainly appreciate your support and interest.
>
> Today, I received a postcard from the city (copy of message and address attached) lobbying me to support the overlay and how it will protect my property. I see this as an effort by the city (using

government funds) to change my opinion. After the outcry from my neighbors, our neighborhood was removed from the overlay district. So I'm not really impacted by what is done now.

So why the postcard? And why the lobbying efforts by the city? Isn't this against Florida law?

Gloria Gonzalez
1301 E Jackson Street, Pensacola, FL
850-516-7245

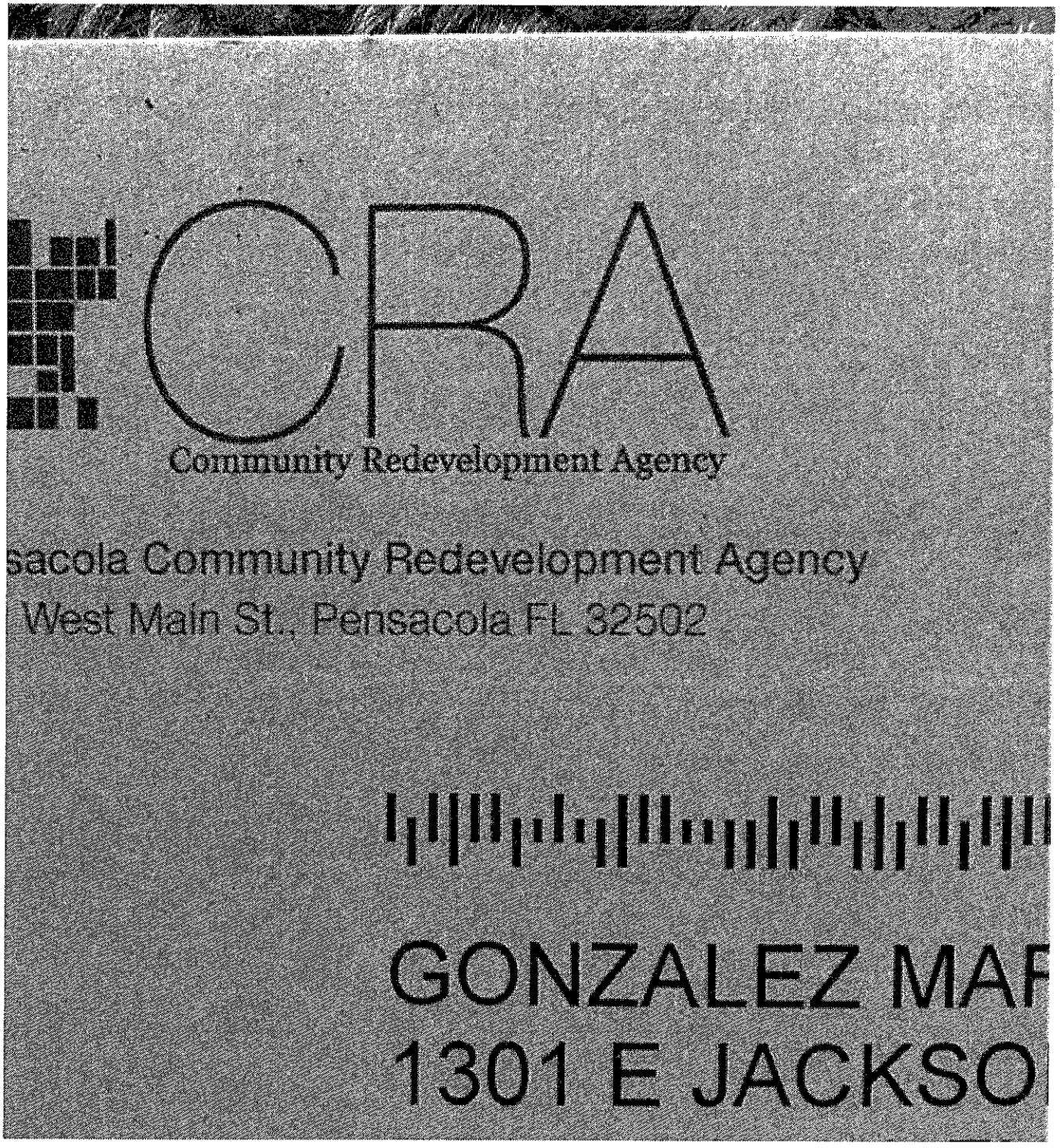


The CRA Design Overlay will protect your property from insensitive development and help to preserve the traditional walkable character of your neighborhood. The CRA Design Overlay will require developers who demolish buildings and/or construct new ones to follow standards that respect the surrounding neighborhoods.

It will not apply to existing properties.

Since January 2018, the Community Redevelopment Agency (CRA) has held more than 13 public meetings to inform owners about the benefits of the proposed overlay. **The final public hearing will be held by City Council on Thursday, October 11, 2018 at 5:30 p.m. at Pensacola City Hall, 222 West Main Street, Pensacola, FL 32502.**

Please be in attendance to share your voice. For additional information visit the project website at www.cityofpensacola.com/CRAOverlay or call the Community Redevelopment Agency Office at 850-435-1695.


CRA
Community Redevelopment Agency
sacola Community Redevelopment Agency
West Main St., Pensacola FL 32502
GONZALEZ MAR
1301 E JACKSO

GUNTHER PROPERTIES

October 10, 2018

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

RE: Proposed CRA Urban Design Overlay

Council President Wingate,

We all want better design and a more walkable City, but the proposed CRA Urban Design Overlay District requirements are so onerous, developments like Southtowne do not even comply because of mandates such as a minimum first floor entry height of 12'- 14' for "environmental health" reasons. Most troubling however, is that many of the requirements are not eligible for a variance request.

The fact that significant portions of the Southtowne development has 9' ceilings on the first floor is not in any way a criticism. The project is located in a special review district and not subject to the new CRA overlay requirements. However, it is important to make it clear that if you wanted to build a design like it elsewhere in the CRA, you would not be able to do so. If a development like Southtowne is not good enough for the CRA areas, what is? The CRA's mandate is to eliminate blight and encourage development, so to implement inflexible requirements which could actually discourage new construction within the CRA are contrary to its mandate.

I support modern, urban design and my past development downtown demonstrates this, but I oppose this overlay because it is inflexible and limits creative design. Every citizen should have the right to present a reasonable alternative and request a variance to any new requirement regardless of whether they are building a home, business or large development.

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

P 850.433.0666

www.guntherproperties.com

I am very concerned with the following issues related to the CRA Urban Design Overlay District process to date:

1.) The new requirements were originally presented to the citizens as Urban Design Guidelines, which created the impression held by many citizens that these were recommendations, not requirements.

2.) The requirements are presented as the "CRA Urban Design Overlay District" when they are more accurately described as changes to the City's Land Development Code within the CRA areas. The term "Overlay District", typically refers to a Special Review District controlled by the Planning or Architectural Review Board. In these Special Review Districts, reasonable alternatives may be presented to the board for approval. Many individuals are not aware the proposed "CRA Urban Design Overlay District" does not allow a variance request to many of the standards it contains.

3.) **City staff is not aware of which requirements within the proposed CRA Urban Design Overlay District are eligible for a variance request and, as a result, has not communicated the full consequences of this proposed overlay to the citizens or to City Council.** No action should be taken by City Council until City staff has provided the citizens with a detailed list of every requirement in the proposed overlay which is not eligible for a variance request. City staff cannot simply state "Yes, variance requests are permitted" when they not aware which requirements are eligible for a variance.

4.) **Staff has made major changes to the overlay since it was presented to the Planning Board, with some changes being made as recently as last week, but the revised version was never sent back to the Planning Board to allow citizen input and review.** It has also been stated that CRA staff has the right to change the requirements again, prior to tomorrow's City Council meeting, and present them for approval at the meeting. It is common sense that neither scenario should be allowed, as they completely circumvent due process of law. Due process, in the *Merriam Webster Dictionary,* under Legal Definition states "The guarantee of due process is found in the Fifth Amendment to the Constitution, which states "no person shall...be deprived of life, liberty, or property, without due process of law" **Fundamental to procedural due process is <u>adequate notice</u> prior to the government's deprivation of one's life, liberty, or property, and an opportunity to be heard and defend one's rights to life, liberty, or property."**

5.) City Council intends to consider approval of the CRA Urban Design Overlay District tomorrow, despite the fact it was rejected by the CRA Board due to many of the concerns outlined above. **How can CRA staff and DPZ present an item to City Council on behalf of the City of Pensacola's Community Redevelopment Agency without direction from the CRA Board to do so?** Are the CRA staff and vendors permitted take action without official approval from the CRA Board? If not, then certainly neither CRA staff nor DPZ should be allowed to present the proposed CRA Urban Design Overlay District for approval tomorrow.

There are compelling arguments for and against form-based code. Regardless of your stance, every City property owner should have the ability to review these requirements and fully understand the consequences. I understand CRA staff and DPZ have worked very hard on this overlay, but these requirements cannot move forward without full disclosure and proper due process. Since implementing many of these requirements as changes to the LDC makes them immune from variance requests, this overlay should be passed as guidelines only or resubmitted to Planning Board for recommendation as a special review district.

I appreciate your time and consideration.

Sincerely,

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. Keith Wilkins, City Administrator
Ms. Lysia Bowling, City Attorney

Ms. Sherry Morris, Planning Services Administrator
Ms. Brandi Deese, Assistant Planning Services Administrator
Ms. Ericka Burnett, City Clerk
Ms. Helen Gibson, CRA Administrator
Ms. Victoria D' Angelo, Assistant CRA Administrator
Mr. Jim Little, Pensacola News Journal

Victoria D'Angelo

From: Troy Stepherson <troy@guntherproperties.com>
Sent: Wednesday, October 10, 2018 4:22 PM
To: Helen Gibson
Cc: Victoria D'Angelo; Gerald Wingate; Sherri Myers; Larry B. Johnson; Brian Spencer; Andy Terhaar; P.C. Wu; Jewel Cannada-Wynn; Ashton Hayward
Subject: Comprehensive Variance Process Request for CRA Urban Design Standards Overlay

Follow Up Flag: Follow up
Flag Status: Flagged

Good Day Helen,

I want to commend you for all your hard work on spearheading this initiative. I've been involved in the planning and support the design standards.

I've served on the City Zoning Board of Adjustments for over a year, and I own property within the City at 3839 Belle Meade Court. In advance of Thursday's City Council meeting, I would like to request that a comprehensive variance process be in place before this document passes a vote of approval.

Section 12-14-1 of the City Land Development Code defines that variances are only permitted for "*height, area, and size of structure or size of yards and open spaces.*" This does not apply to many of the required standards in the overlay.

For every "shall," or required design standard, a comprehensive process to request a variance ought to be in place. As I understand it based on your response during the meeting, the process to appeal or request a variance is incomprehensive as there are many design standards that are immune to the existing variance process. I will pledge my time to craft this process and assist in any way possible in a timely manner in order to move this forward.

However, in the meantime, **I am urging City Council to delay the vote to approve until a comprehensive variance process is explicitly stated in the document.**

When I attended the charrettes, it was my understanding that the design guidelines were recommendations, not requirements. It can be said that requiring the standards with no process to reason with a board and argue a hardship is unconstitutional.

This document will be hugely impactful for Pensacola, and we can set a great example by investing the time to make it right.

Thank you for your consideration. Please let me know if you have any questions. Feel free to reach me on my cell at any time, 850-748-4152. I am glad to meet and discuss in person at your availability.

Best Regards,
--Troy Stepherson

Troy Stepherson
Gunther Properties
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850-433-0666

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