

December 30, 2020

Mr. Boyce White, Chairperson
Zoning Board of Adjustment
City of Pensacola
222 W. Main Street, 5th Floor
Pensacola, Florida 32502

**RE: Garden Street Apartments, 605 W Garden Street, Pensacola, FL, 32502
Request for Variances, Maximum Parking and Minimum Buffer Yard**

Dear Chairman White and Members of the Board –

We submit this memo in support of our request for two variances related to the subject project. This memo is intended to provide a summary of the proposed project, to outline in detail the requests that are being brought before the Board, to provide the basis of the requests being made, and to address each of the variance criteria specified in the City's Land Development Code (LDC).

Proposed Project Summary

The developer of this project (Kore, LLC) proposes a new multi-family development situated on +/-5.8-acres of the +/-10.2-acre City block defined by W. Garden Street (north), S. Coyle Street (east), W. Romana Street (south), and S. A Street (west). See Attachment A for a depiction of the project's vicinity.

The property on which the development is proposed is currently owned and utilized by AT&T (formerly known as Southern Bell) for commercial purposes. The existing site is served by two driveway connections to S. Coyle Street and one driveway connection to S. A Street, and contains a multi-story office building, expansive and typically underutilized on-grade parking lots, and miscellaneous other improvements. See Attachment B for an existing conditions survey.

The proposed project will include construction of three new multi-story buildings with a mixture of studio and 1-, 2- and 3-bedroom apartment style units, a fourth building with 2-bedroom carriage house units, and miscellaneous amenities such as a pool. A total of 240 units is conceptually proposed. Parking will be provided by a combination of conventional on-grade parking, in-building garage parking beneath the carriage house units, and a two-story parking garage. See Attachment C for an architectural layout of the proposed site and buildings.

Summary of Variance Requests

Request #1 (Exceed Maximum Parking) – Section 12-3-1, Paragraph (B) of the City’s LDC related to parking requirements allows 1 parking stall per unit for a multi-family use. Further, Section 12-2-82, Paragraph (C)(7)(a) discourages construction of more than the number of required spaces and notes that proposed parking in excess of more than ten percent of the requirements is only permissible with an administrative waiver. **We request the Board’s allowance to increase the off-street parking allowance from 1 stall per unit to 1.55 stalls per unit, which would allow accommodation of one stall for each proposed bedroom based on the proposed unit mix.**

Request #2 (Reduce Isolated Buffer Yard) – Section 12-2-32, Paragraph (C)(1) of the City’s LDC related to required buffer yard locations specifies the proposed multi-family residential use is responsible for providing a buffer yard along adjacent single-family or duplex residential zoning districts and/or land use parcels. Further, Paragraph (D)(1) of the same section of the LDC specifies the width of required buffer yard as ten feet. Although the entire block on which this project resides is commercially zoned (C-3), there are several adjacent properties to the south and a single adjacent property to the north that are designated as a single-family residential (SFR) use by the Escambia County Property Appraiser. See Attachment A for details. The required 10’ buffer yard will be met or exceeded along all adjacent SFR properties to the south. **We request the Board’s allowance to reduce the required buffer yard along a single adjacent SFR property to the north from 10’ to 5’.**

With regard to both variances, we request an allowance of 300 days to obtain a building permit from the approval date of the requests.

Basis of Variance Requests

Request #1 (Parking) – Kore is experienced with the development of multi-family projects across the southeast United States. With the experiences of their previous projects serving as the basis of future designs, Kore has established a model for this project that targets an on-site parking ratio of between 1.67 and 2.0 stalls per unit. This target is based on the proposed unit mix including not only smaller studio and 1-bedroom units for which one stall per unit would be appropriate, but also larger 2- and 3-bedroom units for which one stall per unit is not adequate. Kore’s target ratio is intended to ensure that all residents have access to on-site, off-street parking. **As summarized in the “Parking Data” table on Attachment C, a total of 369 parking stalls associated with the multi-family use is conceptually proposed, equaling a parking ratio of 1.54 stalls per unit.** We are requesting an allowance of up to 1.55 stalls per unit to allow for flexibility in the design if up to 373 stalls can be accommodated based on final survey and detailed design data.

As depicted on Attachment C, Kore proposes to achieve the requested parking ratio through the combination of conventional on-grade parking, in-building garage parking beneath the carriage house units, and construction of a two-story parking garage. As summarized in the "Parking Data" table, a total of 173 stalls are conceptually proposed as conventional on-grade parking associated with the multi-family use. An additional six stalls are also proposed for employees utilizing the planned 1800 square foot leasing office, in accordance with the City's parking allowance of 1 stall per 300 square feet of office space.

For the purposes of this discussion, it is assumed that the 88 surface level stalls within the parking garage would instead be proposed as on-grade parking if the parking garage were not included. **As such, without the proposed parking garage, the effective total number of on-grade stalls associated with the multi-family use ($173 + 88 = 261$), would represent a proposed parking ratio of less than 1.1 stalls per unit, which is within the 10% overage allowed by the City's LDC without formal variance approval.** Only with the construction of 16 in-building garage parking stalls beneath the carriage house units along S. A Street and the additional 92 stalls provided on the upper level of the parking garage is the developer able to achieve the requested parking ratio.

It is important to offer the distinction between the proposed counts of conventional on-grade parking and the alternative means proposed by the Developer because, per the City's LDC, "the city discourages construction of more than the minimum number of parking spaces... in order that more natural vegetation may be preserved and in order to control stormwater runoff in a more natural manner." To that point, the developer's proposed means of increasing parking promote the presence of more greenspace within the site and do not represent a notable increase in the overall impervious area of the site that would adversely impact stormwater runoff. The 16 in-building garage stalls beneath the carriage house units represent added parking without an increase to the building footprint, and the 92 stalls on the second level of the parking garage represent added parking without a notable increase of the impervious area that would otherwise be required to provide conventional on-grade parking in the location of the garage.

We are of the opinion that Kore's willingness to accept the added development costs of in-building garage stalls and a two-story parking deck provides an overall parking ratio (up to 1.55 stalls per unit) that satisfies their needs as the developer while also keeping with the intent of the City's LDC to discourage expansive on-grade parking lots.

Request #2 (Buffer Yard) – As previously noted and as depicted on Attachment A, there are several adjacent properties to the south and a single adjacent property to the north that are designated as a single-family residential (SFR) use by the Escambia County Property Appraiser. The City's LDC requires a 10' buffer yard be provided along each of these properties. As depicted on Attachment C, the conceptual site layout provides the required 10' buffer along all adjacent properties to the south. **Our request for reduction of the buffer yard from 10' to 5' only applies to the isolated SFR property to the north.**

The images below and on the following page highlight the existing conditions at the location in question. **It is noted that the existing curb and gutter is only 4.5' from the subject SFR property, representing an existing non-conforming buffer yard being present. Further, while the current status of the SFR property cannot be confirmed, visual observations indicate the property may be vacant or abandoned, as the structure itself appears to be in a state of disrepair.**

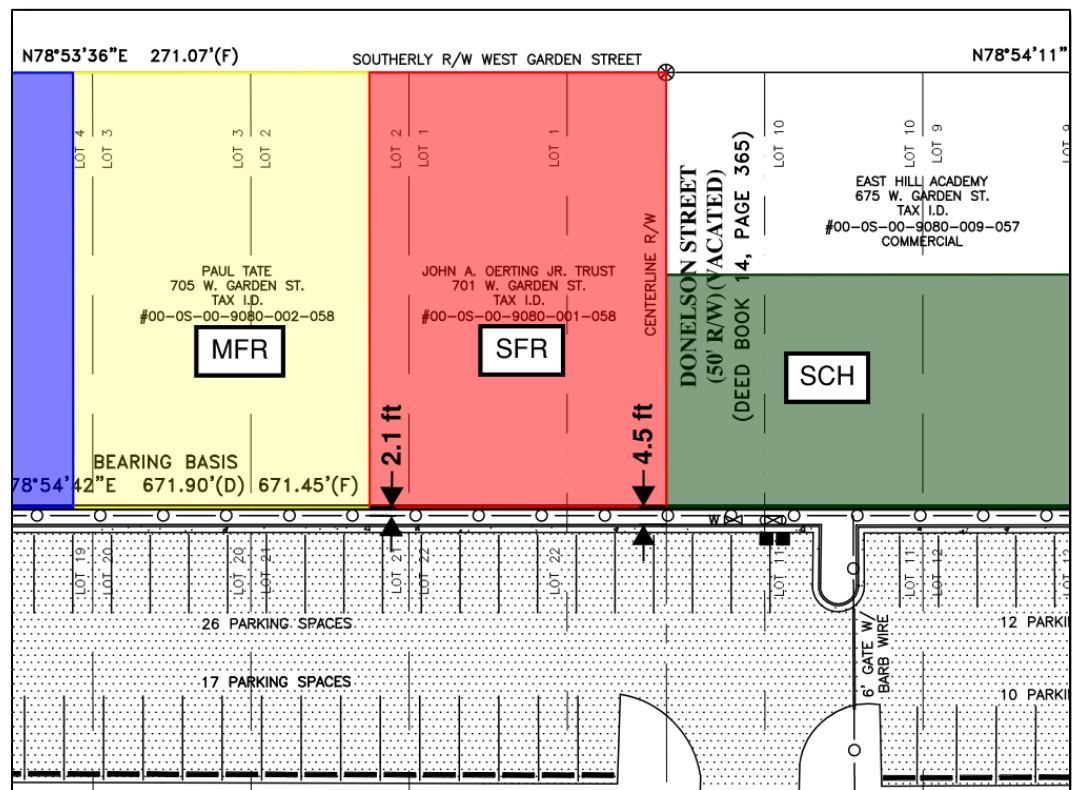


Image 1: Existing non-conforming buffer yard conditions with existing curb only 4.5' from subject property



Image 2: Observed Conditions, front of SFR property facing Garden Street



Image 3: Observed Conditions, rear of SFR property facing Developer's property

Per the City's LDC, "the purpose of establishing buffer yard and screening requirements is to protect and preserve the appearance, character and value of property within the city and to recognize that the transition between certain uses requires attention to eliminate or minimize potential nuisances such as dirt, litter, glare of lights, signs, parking areas and different building styles and scales associated with different land uses." **To this point, in that the developer is proposing a 5' buffer yard, all of the inherent benefits of the buffer yard will be increased in comparison to the existing non-conforming 4.5' buffer yard.** The proposed project's multi-family residential environment will provide a land use that is more closely compatible to the SFR property than the commercial use that is currently present and separated by the non-conforming buffer yard. Lastly, while understood to be a more subjective point of discussion, we feel as though the SFR use currently designated for this property is likely to change with time due to the entire block being zoned as C-3, Commercial Zoning District (Wholesale and Limited Industry), due to the entire block having a future land use of Commercial and based on the adjoining properties that were previously residential in use being now utilized for commercial purposes.

We are of the opinion that a reduction of the buffer yard requirement from 10' to 5' still represents an improvement to the existing non-conforming buffer yard at the subject location. Further, referring to Attachment C, strict compliance with the 10' buffer yard along the single adjacent SFR property to the north would require reduction in greenspace being provided elsewhere on the site. More critically, compliance would result in a reduction of the proposed buffer yards along the several adjacent SFR properties to the south, where the developer intends to maximize the proposed buffer yard widths in an effort to maximize the benefit of the buffer yards noted in the City's LDC.

Specific Criteria for Authorization of Variances

Per Section 12-12-2, Paragraph (A)(2) of the City's LDC, authorization of variances requires demonstration that an unnecessary and undue hardship would be imposed by strict enforcement of the LDC, when considering the following seven criteria.

1. *Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.*

Request #1 (Parking) – The subject project falls within a zoning and future land use district that promotes commercial uses. We understand the intent of limiting the maximum amount of parking is to not only promote greenspace and reduced stormwater runoff as explicitly stated in the LDC, but also to encourage visitors to the downtown commercial district to walk the area on the way to their desired destination(s) as opposed to having on-site parking at the destination. From a commercial perspective, encouraging walking promotes the wellbeing of all commercial businesses that visitors would pass as they walk. This project is unique to the area in that it is multi-family in nature and not commercial supported largely by pedestrian foot traffic. Strict interpretation of the LDC would force residents to use public parking lots and public on-street parking, the availability of which is critical to the downtown area. This increased load on public parking areas would be to serve users whose destination is their place of residence as opposed to non-resident visitors whose destination and purpose is commercial in nature.

Request #2 (Buffer Yard) – The SFR property adjacent to which the reduced buffer yard is requested is peculiar because it is a single, isolated SFR use among all other properties north of the subject development that are non-SFR uses. As depicted on the following page, strict enforcement of the LDC would result in a 75' long, 10' wide buffer yard in the middle of a roughly 670' property line along which a 5' buffer yard will be provided in all other locations.

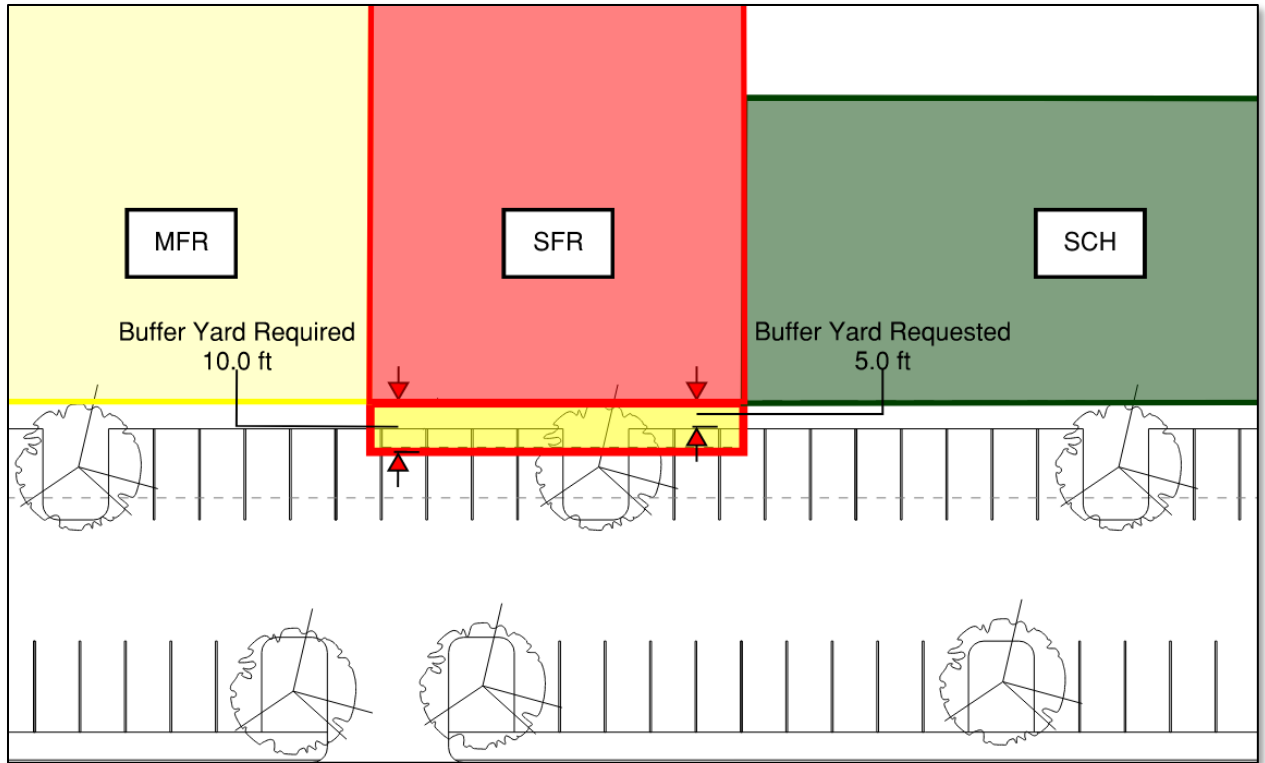


Image 4: Required 10' vs. Requested 5' Buffer Yard Adjacent to Isolated SFR Property

2. *Special condition and circumstances do not result from the actions of the applicant.*

Request #1 (Parking) – The multi-family use proposed by the applicant is one that is allowed by right within the subject property's zoning district. The fact that the proposed use is unique to the area and that strict interpretation of the code would force downtown residents with non-commercial intents to utilize public parking intended to support downtown commercial visitors is not the result of the actions of the applicant.

Request #2 (Buffer Yard) – The subject property and all surrounding properties are all zoned for commercial use, and all but one of the properties adjacent to the northern property boundary are being used in a non-SFR capacity. The fact that one particular property remains designated SFR among five others that are varying other non-SFR uses, resulting in a 75' long, 10' buffer yard in the middle of a roughly 670' property line along which a 5' buffer yard will be provided in all other locations is not the result of actions of the developer.

3. *Granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, buildings, or structures in the same zoning district.*

Request #1 (Parking) – Approval of the variance request to allow additional on-site parking would not confer any special privilege to the developer because the developer is not requesting the variance for the purpose of expanding on-grade parking beyond the amount allowed by the City's LDC. Instead, the developer is requesting the variance such that additional parking can be provided by way of in-building garage stalls and a two-story parking garage. These additions represent value-added costs that the developer is willing to incur in an effort to meet the needs of the project while not adding additional impervious area that would be in conflict with the LDC's intent of preserving vegetation and controlling stormwater runoff.

Request #2 (Buffer Yard) – Approval of the variance request to allow reduction of the buffer yard from 10' to 5' across a single adjoining property would not confer any special privilege to the developer, because the developer is not looking to reduce the buffer yard requirement across the entire site. Instead, the request is made specific to one isolated property designated as SFR among all other adjoining properties along the north of the project that have non-SFR use designations. For all SFR properties along the southern property line, the developer proposes to meet or exceed the 10' buffer yard requirement.

4. *Literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title and would work unnecessary and undue hardship on the applicant.*

Request #1 (Parking) – Literal interpretation of the LDC would deprive the developer of the right to have adequate parking to support the intended use of the property; a use that is allowed by right under the property's current zoning. Further, literal interpretation of the LDC would force residents to use public parking lots and on-street parking, which would reduce the availability of public parking for the surrounding properties and downtown area in which the need for public parking is critical.

Request #2 (Buffer Yard) – Literal interpretation of the LDC would deprive the developer of the use of not only the small portion of land along the northern property line but also of significant greenspace across the rest of the property that would be impacted by shifting the northern parking lot south to accommodate the full 10' buffer. The reduction in greenspace would occur not only internal to the site but also, and more notably, along the southern property line where the developer intends to meet or exceed the 10' buffer yard requirement adjacent to the several properties designated as SFR use along that line.

5. *The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.*

Request #1 (Parking) – Based on the developer's experience with similar multi-family developments across the southeast, we feel that the request for a parking allowance of up to 1.55 stalls per unit is the minimum requirement to provide the intended use of the project site. It is noted that the developer's typical model is to provide 1.67 to 2.0 stalls per unit.

Request #2 (Buffer Yard) – The developer is not requesting an elimination of the buffer yard requirement, but instead only a reduction of the buffer yard requirement and only adjacent to one specific property. We feel this request represents the minimum variance necessary to allow the developer to provide the desired site layout while still providing the standard buffer yard along all other SFR properties.

6. *The grant of the variance will be in harmony with general intent and purpose of this title and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

Request #1 (Parking) – The desired allowance to increase the proposed parking ratio to up to 1.55 stalls per unit will be utilized to add parking without notably increasing the impervious coverage within the property that would otherwise be present without the additional parking. As such, the LDC's intent of providing adequate greenspace and control of stormwater runoff for the project will still be satisfied and there will be no adverse impacts to the surrounding area or public welfare.

Request #2 (Buffer Yard) – The requested buffer yard reduction would be applied across the width of a single isolated property that remains designated as SFR use among several other properties that are designated as non-SFR uses. Further, the request is for reduction of the buffer yard, not elimination, and the proposed conditions will still represent an improvement to the existing non-conforming buffer yard condition. As such, the LDC's intent of protecting the appearance and character of the adjoining SFR property and to provide an appropriate transition between uses is satisfied and there will be no adverse impacts to the surrounding area of public welfare.

7. *The variance will not constitute any change in the districts shown on the zoning map, will not impair an adequate supply of light and air to adjacent property, will not increase the congestion of public streets, or increase the danger of fire, will not diminish or impair established property values within the surrounding area, and will not otherwise impair the public health, safety, and general welfare of the city.*

Request #1 (Parking) – The request to increase the allowable parking does not represent any changes to the zoning of the subject property, and because the increased parking can be provided without notably changing the proposed layout of the property the request does not represent any impacts to supply of light and air, does not increase danger of fires and does not impact surrounding property values. The allowance to increase parking will reduce the potential congestion on public streets that would result from residents having to utilize public parking lots and on-street stalls instead of having on-site parking available to them. The request does not represent any impairment to the public health, safety or general welfare of the city.

Request #2 (Buffer Yard) – The request to reduce the isolated buffer yard does not represent any changes to the zoning of the subject property, does not represent any impairment of light or air to the adjacent properties, will not impact congestion of public streets, will not increase fire risks, will not impair property values of the surrounding area, and does not represent any impairment to the public health, safety, or general welfare of the city.

In summary, we feel that our requests for an increase in the allowable parking and for a reduction of an isolated section of buffer yard are both reasonable in their scope and justified in their purpose. The approval of our requests would allow Kore, LLC to pursue a project that represents a significant improvement to an underutilized parcel within downtown Pensacola. The proposed multi-family development represents the highest and best use for the subject parcel, and the requested variances would not cause any adverse impacts to the surrounding properties or greater area.

We hope this memo addresses many of the questions that the Board may have regarding our application. Even so, we look forward to the opportunity to present our requests to the Board and to offer any further supporting information or clarifications that may be necessary. Thank you for your positive consideration of our requests.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Patrick Jehle, Jr.', is positioned above the printed name.

D. Patrick Jehle, Jr., P.E.
Senior Project Manager
Civil Engineer of Record