



MINUTES OF THE PLANNING BOARD

June 8, 2021

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Murphy, Board Member Powell, Board Member Sampson, Board Member Wiggins

MEMBERS ABSENT: None

STAFF PRESENT: Assistant Planning Director Cannon, Historic Preservation Planner Harding, Assistant City Attorney Lindsay, Senior Planner Statler, Planner Hargett, Network Engineer Johnston, Help Desk Technician Russo

STAFF VIRTUAL: Planning Director Morris

OTHERS PRESENT: Stephanie C. Wilhelm, Maggie Swinford, James L. Gulley, Whitney Jeleniewski, Patrice Jehle, Justin Beck, Jerry Newton, James Skinner, Carol Ann Marshall, Stan Taylor, Sammy Luken, Sandra Scott, Robert Houghton, Harry Swinford, Hannah Domoslay-Paul, Ed Hansen, Todd Harris, Christopher Gay, John LaPlante, Dan Bowen, Danny Garland, Michael Dawson, Casey Bobe, Barbara Everhart, John Trawick, Christopher Thom, Mario Wilhelm, Mike Haytack, Philip Partington, Lisa Mead, George Mead, Justin Beck, Jonathan Connell, Grant McGinny, Tia Booth, Tom Linke, Lisanne Merrill, Dennis Kohli, Rita Kholi, Bobbi Godwin, Patti Salvaggio, Kathleen McBride, Rachel Traham, Jo MacDonald, Margaret E. Rhea, Carrie Webster, Leslie Vilardi, Major Michael Brown, Jr., Jo Anne Glessner, Daniela Beckwith, Tom Glessner, Ed Wondus, Jenny Coveny, Jamshid Kholdi, Carol Swinford, Suzanne Ham, Isabel Miner, Councilperson Myers, Jennifer Wasilenko (phone), Devin Beckwith (phone), Michael Dawson, Kelly Hagen, Patrick Q. Dunn, Guy Miller, Chris Schwier, Daniel E. Bowen

222 West Main Street Pensacola, Florida 32502

www.cityofpensacola.com

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from May 11, 2021.

New Business:

- Request for site Plan Approval – 1201 Cypress Street
- Request for Zoning Map Amendment for 1301 N Palafox Street
- Request for Preliminary Plat Approval – Javelin Landing Subdivision
- Request for Preliminary Plat Approval – Whispering Creek Subdivision
- Requests for a Variance to Section 12-3-12(2)E Redevelopment Land Use District – 662 Aragon Street
- Open Forum
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Ritz called the meeting to order at 2:05 pm with a quorum present and explained the procedures of the partially virtual Board meeting including requirements for audience participation.

Approval of Meeting Minutes

1. **Board Member Larson made a motion to approve the May 11, 2021 minutes, seconded by Board Member Grundhoefer, and it carried unanimously.**

New Business

2. Request for Site Plan Approval – 1201 Cypress Street

Chairperson Ritz explained the rules for a max density bonus of 10% (16.5 units) for Superior Site Design per Section 12-3-109. He advised that the Board has the final say on this agenda item. Anything dealing with green building design or construction for high efficiency appliances, etc., would come under Chapter 14 of the Code under the purview of the Inspections Department. It was determined the Planning Board was the first step in the process, and nothing had been submitted to the Inspections Department.

Brian Spencer presented to the Board and stated there were no requests for height or setback variances. He distributed the SCAPE plan which provides more public access to the water for the Board's consideration. The height requirement was within C2 and C3 zones. Board Member Wiggins stated the biggest neighborhood concern was Cypress Street handling the increase in traffic. Mr. Spencer believed having streetside buildings as opposed to large setbacks with entrances helped slow traffic and enhanced the pedestrian friendly environment. He pointed out this road was safer than Bayshore with no curbs or sidewalks. He also advised Mr. Wagley had suggested they provide on-site bike parking; additional parking for drivers contradicted what they were proposing. He also noted more projects like this one provided the funding for the complete streets approach.

Mr. Bobe was concerned about the increase in traffic and the infrastructure available to support a structure of that size since there were flooding issues surrounding that area.

Mr. Bowen was concerned with the density; it was determined the Board was dealing with 165 units by right plus the requested 16.5. Staff advised if the applicant were asking for affordable housing, that would go before the Board as well, but they had chosen not to pursue that. The other density for 25% bonus would be through the Building Inspections

Department.

Mr. Schwier, President of the Sanders Beach Neighborhood Association, stated their primary concern was the speeding issue within the neighborhood especially around the curve of F Street. He suggested that if this project moves forward that a traffic study be initiated prior to the project being approved in order to address traffic calming.

Mr. Miller advised the intersection of E Street and Main was a primary exit to downtown, and there were traffic issues during rush hour. The intersection of Cypress and Pace had no light or stop sign going out and was quite dangerous because of on street parking on Pace Street. Without remediation, this could result in a potential increase for traffic and pedestrian accidents. The infrastructure of the neighborhood was quite old, and he was uncertain it could handle the new project. He explained the project as proposed could result in decreased property values and believed the project should be tabled until some traffic, safety, and resident impact study was done, and appropriate remediation designs were produced and shared with the residents.

Mr. Dawson advised the design of the project was gorgeous, but traffic in Pensacola had increased in the last five years, and that was a concern. The former multi-residential buildings had three entrances as opposed to the planned one entrance. He felt all the concerns were valid and agreed some sort of traffic study would be fantastic.

Mr. Dunn was concerned that once the traffic was out of control, they would want a back way into the project to relieve some of the pressure on Cypress; they would then try to open up D Street as a back entrance.

Ms. Hagen stated the light at E Street and Main needed to be assessed with turn lanes, etc., and if we were to be a pedestrian and bike friendly neighborhood, there were dangers presented with this additional traffic.

Mr. Spencer stated the significant ad valorem taxes would help fill the coffers of the city to enhance the streets, streetscape, and safety, and having the streetside building along the curve of Cypress Street would help reduce speed. Increasing sidewalks along Main Street to the west would also help in pedestrian safety. He explained the ownership of the easement would be responsible for maintaining the promenade, but it was a public access promenade meant to link with other promenades in the SCAPE masterplan. He also indicated they were not planning to open D Street. He stated they intended to use a combination of semi-permeable pavers and gravel to reduce stormwater runoff. He explained the State had a rigorous set of hurricane compliance building codes, and all of those requirements would be checked by the Inspections Department, and all habitable spaces were above the flood plain. He explained with this project, residents would now have an unimpeded access to the waterfront.

Chairperson Ritz appreciated the easement access path from the public sidewalk down to the waterfront. Board Member Wiggins stated she could relate to the traffic issues in the neighborhood, but the Board only addressed the 16 additional units; staff advised the developers would work with several departments to address traffic issues. It was noted consulting their Council person would be an avenue to pursue.

After further discussion, Board Member Grundhoefer made a motion to approve seconded by Board Member Powell, and it carried unanimously.

3. Request for Zoning Map Amendment for 1301 N Palafox Street

Chairperson Ritz again explained the procedures of the partially virtual Board meeting including requirements for audience participation.

Chairperson Ritz explained the uses for the PC-1 zoning. Assistant Planning Director

Cannon advised this property was currently split zoned between PR-1AAA, North Hill Preservation Single-Family Zoning, and PC-1, North Hill Commercial Zoning. The applicant was proposing to amend the zoning district in its entirety to PC-1.

John Trawick, attorney for the LLC, explained the request was to take the P.K. Yonge building and turn it into multifamily apartments. The plan was to sell five residential lots on the east side, with backloaded garages, access driveway with shared space with the apartment complex, and no traffic coming onto Baylen. The current zoning allows for four lots on Baylen Street. The PR-1AAA requires a minimum area of 9,000 sq. ft. which means each lot would be 120' deep which would make them encroach on the parking area necessary for the apartments; the PC-1 zoning would allow other uses which some objected to. They had asked to leave it PR-1AAA and seek a variance on the lot depth, but that was not an option. The applicant was agreeable for use restrictions to ensure these lots would not be used for anything other than residential purposes. Chairperson Ritz explained the Board was not concerned with what the owner would or would not intend to do but was strictly considering the zoning change from PR-1AAA to PC-1 and could not place requirements on that zoning change.

Ms. Marshall indicated the building had been rented by the FDLE for 25 years, and a waiver of parking was allowed for the new use of the building, with the Baylen side remaining PR-1AAA. She requested that the rezoning be denied and the PR-1AAA designation be retained. She explained the designation of PC-1 would give long-term damage and vulnerability for adverse encroachment the North Hill Preservation District (NHPD) would be subject to if the new owners decided to sell the property. The NHPD had enjoyed the protection of this zoning district with constant support from the City leaders. She provided a petition with 174 signatures in support of denying the zone change request.

Ms. Ham explained the people of NHPD had invested in their properties for their own dreams and asked the Board to reconsider changing the zoning of North Hill and to let it remain the same. She indicated she had not been noticed for this modification. Chairperson Ritz advised no decision had been made at this point to change the zoning designation, but that would be determined after Board deliberations and a vote.

Ms. Swinford advised the NHPD did not contact her regarding this request. They had purchased their home and were confident that this neighborhood and its boundaries would be preserved and respected and did not feel the change to PC-1 would be beneficial to this historical neighborhood and asked that this request be denied.

Mr. Kholdi explained this neighborhood was not only aesthetically historical but also a commercial asset to the city of Pensacola and a treasure to be preserved. Rezoning would chip away from the foundation of this neighborhood which is nationally known and a good source of income from visitors.

Ms. Coveny was also against the proposed zoning change.

Mr. Wondus was thoroughly against the zoning change because it set a precedent for other developers to potentially encroach into the neighborhood; he pointed out intentions and promises had been broken in the past.

Mr. Glessner stated he was opposed to the zoning change since this neighborhood was on the National Registry of Historical Places because it was worthy of preservation with its historical significance. Rezoning to PC-1 allows the developer to strip away all of the protections of that registry and preventing the new construction which destroys the historical aspect of the neighborhood. Chairperson Ritz explained by right on a zoning split, the developer was allowed to request the PC-1 be zoned into the PR-1AAA.

Ms. Beckwith concurred with the previous speakers and appreciated the goodwill of the

new owner, but once the zoning change happened, the laws would also be changed over time. She chose to live in North Hill because it was historic and family oriented and was against the zoning change.

Ms. JoAnne Glesser had worked with Earl Bowden on behalf of the historic districts. She pointed out the P.K. Yonge building was restored and placed into use with the zoning in place to protect North Hill; variance was given to park on the PR-1AAA side. She pointed out that the PC-1 designation would change the setbacks, floor area, density, as well as height and width.

Mr. Brown stated his family chose North Hill not only because of the architecture, but also the zoning in place. They wanted to retain the PR-1AAA and not allow commercial encroachment. They wanted to see downtown continue to move forward through North Palafox but referenced the 174 signatures on the petition in addition to the 20 signatures he had acquired against the rezoning.

Ms. Wilhelm was opposed to this project. She referenced a zoom presentation where the builders stated they were not home builders and that they planned to sell the property in question – proposing to sell commercial property. If the property was rezoned as commercial, there was nothing to hold them to any of their intentions. To rezone this area would set a precedent; the North Hill residents had fought hard to protect their investments, and they did not want commercial encroachment into their neighborhood.

Ms. Vilardi stated North Hill preserved what was unique to their neighborhood which included the density, zoning, and uses. She explained they wanted investment and development in North Hill, but they wanted responsible development which looks at current zoning and fits in; they wanted to protect the integrity, the unique character, and the downtown development. They felt this particular property was set aside as a buffer against commercial zoning.

Ms. Jeleniewski explained the lot in question was buildable as a residential lot; rezoning for financial gain was not a viable reason.

Ms. Haytack stated her family appreciated the historic nature of the neighborhood and respected the guidelines of North Hill and was against the rezoning.

Ms. Domoslay-Paul stated she had seen the impact of an area zoned commercial being built up for residential use which produced traffic, trashcans blocking the street, and difficult deliveries and did not feel this was compatible with North Hill.

Mr. Mead advised there was no undoing of downzoning into the historical zone in North Hill; it would set a precedent contrary to the original intent of this historical district. He explained PC-1 did not limit the developers to residential, and whoever bought the property was not bound to build residential. There was no evidence of an enforceable development agreement with the City; he pointed out this was spot zoning by another name. He suggested conditional use as an option and also advised we needed transitional zones to make a project like this work.

Mr. Beck, the applicant, explained they did not want to rezone but were advised by staff they needed to rezone in order to accomplish their project. He pointed out a mistake in the survey map; initially they considered 10 homes using the existing lot lines, but this amount was too many; after considering the neighborhood, he agreed five was more appropriate. They planned to deed restrict the lots for residential purposes and intended to keep the P.K. Yonge structure as a historical redevelopment. He did not feel there would be an increase in automobiles from the FDLE parking already in place. He pointed out the project would still need ARB approval as it moved forward.

Mr. Beckwith spoke by phone and opposed the rezoning. He explained the developers

had expressed their desire to invest in North Hill, however, they would not be the ones to build on the spot, and their reassurances were not enough to prevent commercial encroachment; it would also set a precedent that portions of North Hill were not as vital as others.

Ms. Webster also opposed the rezoning.

Ms. Wasilenko spoke by phone and opposed the rezoning.

Mr. Trawick stated the use restrictions would absolutely restrict the use of the five proposed lots to just residential with no commercial use allowed. The current use now with 120' lot depth would allow four new homes. The homes would be hard to sell with the parking lot abutting them. The developer proposed to use a historical architect; the intent was to breathe life back into the 100-year-old property in a manner historically consistent and to take the back portion of that property and develop it in a way consistent with the use, putting those funds back into the historical building.

Assistant City Attorney Lindsay clarified that it was understood what the developers' intentions were, but the Board's decision could not include a condition that they carry out their intentions. Chairperson Ritz offered that he was opposed to the zoning change. Board Member Wiggins who lives in East Hill had observed old buildings being deserted and becoming a habitat for all sorts of creatures. She understood the concerns of the neighborhood and thought the idea of adding new development was good; the developers wanted to see vitality back in the neighborhood and had engaged historical architects for the project, and she was in favor of the rezoning. Chairperson Ritz agreed once buildings become vacant and begin to deteriorate, they cause the neighborhood to degrade. While he wanted vitality in all neighborhoods, he still could not support the zoning change because by right it could permit all the other uses to be allowed on that street. Board Member Powell understood the historical importance of North Hill but felt there were options that could make the project happen but was opposed to the rezoning. Staff advised that Mr. Beck had hoped to obtain a variance, but the Code did not allow him to seek relief from the design standards, and he defaulted back to the rezoning. Historic Preservation Planner Harding advised that according to the ARB, new construction was not confined to the design of historic structures, however, it must be complimentary to the existing historic structures in the historic district.

After further discussion on transitional zoning, **Board Member Grundhoefer made a motion to deny with a recommendation to Council that they consider transitional zones for this particular case, seconded by Board Member Murphy. The motion to deny carried 5 to 2 with Board Members Wiggins and Larson dissenting.**

4. Request for Preliminary Plat Approval – Javelin Landing Subdivision

The applicant requested to postpone until the July 13, 2021 Board meeting. **Board Member Wiggins made a motion to accept the postponement, seconded by Board Member Sampson, and it carried unanimously.**

5. Request for Preliminary Plat Approval – Whispering Creek Subdivision

Geci & Associates is requesting preliminary plat approval for Whispering Creek Subdivision located adjacent to Whispers at Cordova Phases I & II. This is a resubmittal of the preliminary plat which was approved by the Planning Board in September 2019. Per Section 12-7-3 a final plat shall be submitted within one-year (365 days) of the date of the approval of the preliminary plat. The final plat for Whispering Creek was not submitted within this timeline and therefore is back before the Planning Board for review.

Mr. Connell presented to the Board and stated they had received approval before COVID and were submitting the same subdivision plans to begin the project. Chairperson Ritz explained this was a preliminary plat approval. He restated the entry point was from the Target parking lot; Mr. Connell stated they had deeded access through the shopping center into the property. It was determined staff had routed the request through the appropriate departments for review.

Board Member Murphy indicated that she and Board Member Grundhoefer had asked that the applicant return with a better plan for storm water retention, not allowing drainage from 20 lots into Carpenters Creek; there was no update from the hydrology report. Mr. Connell advised he had developed the Whispers first and second addition with a holding pond which took care of the first and second phase of the Whispers and the entire property that was being submitted to the Board. He explained the City Engineer had approved these plans, and the draining was not going into Carpenters Creek; if there was any damage to the holding pond after a hurricane, they would be glad to look at it, however, the pond was maintained by the City of Pensacola who advised it met the appropriate standards and would not enter Carpenters Creek.

Mr. Geci, the engineer for the project, stated he had examined the pond to find it dry, and it was designed for more impervious area than they were proposing; they had also established inlets and catch basins to collect the water and distribute it to the pond. He emphasized the storm water system in place was over designed for what they were proposing; the outfall for the subdivision drains into that pond. Board Member Murphy was concerned the pond might not hold the water for a 100-year event; she felt it would be appropriate to eliminate the two lots at the bottom of the grade and construct some type of green space or swale. Mr. Connell explained the holding pond was up to Code and maintained by the City. The property itself was designated C-2, but he was committed to residential homes.

Mr. Linke, President of the Whispers Homeowners Association, stated they wanted to be helpful to the developer by offering documentation to provide any needed utility access.

Councilwoman Myers offered she had visited this pond and noted the severe erosion; she had personally filed complaints with Code Enforcement and Public Works regarding this pond to ensure it was properly maintained, was functional, and was not eroding.

Board Member Wiggins made a motion to approve, seconded by Board Member Powell. Board Member Grundhoefer remembered Lot 16 could be eliminated and a bioswale or something that would collect the water could be constructed to slow down the water. Mr. Connell stated they were constructing a 10' retaining wall on the low side and leveling the dirt to get the property as level as possible so the water would be moving at a slower rate. Board Member Larson thought the Board was setting a dangerous precedent with a subdivision not coming out to a public street which would mean the developer would need to maintain the existing roads and the City had access to private property. **The motion then carried with Board Members Grundhoefer, Larson, and Murphy dissenting.**

6. Requests for a Variance to Section 12-3-12(2)E Redevelopment Land Use District – 662 Aragon Street

Scott Sallis, DSA, is seeking a request for a Variance at 662 Aragon Street to erect a new detached garage 2'1" from the property line in Aragon Subdivision. Allowing the garage to be pulled away from the property line on both sides would allow for a gable roof with eaves to match the direction of a new gable parapet at the residence's new addition as well as

other properties in the area.

Chairperson Ritz advised the Board was now in a quasi-judicial mode and read the variance criteria for consideration. He also explained the Board's decision was final; if the applicants did not achieve the desired outcome, they would need to consult the First Judicial Circuit Court of Florida within 30 days.

Mr. Sallis addressed the Board and stated they had spent time answering questions from the neighbors. He stated this was the last structure on the block in the Aragon code, which demanded the structure be built on the property line; they thought the much simpler approach would be to pull the carport off the property line and build a simple structure that would allow the water to be kept off the neighbor's property, taking rainwater to the alley. Chairperson Ritz asked what was special to this property, and Mr. Sallis stated there was nothing special except it was the last structure which meant the request failed on criteria No. 1. Mr. Sallis pointed out the Aragon code was very unique, with each section within the Aragon code being even more unique and restrictive; they thought since it was the last structure on the block, it might make sense to not abide in it and build a simpler structure with a more friendly solution to rainwater. They looked at it with the intent to manage roof water. It was noted that the special condition resulted from the actions of the applicant in criteria No. 2. It was also noted that the variance request did grant a special privilege that was denied to others in the same zoning district – criteria No. 3. Chairperson Ritz explained the conditions had to be peculiar to this piece of property, and he felt there was nothing special with this lot from the lots on either side, and being the last on the block was not a true special condition.

Board Member Wiggins made a motion to deny the request, seconded by Board Member Sampson, and it carried unanimously.

Open Forum – None

Discussion – Board Member Wiggins announced this was her last meeting, and it had been a true pleasure serving with each member. It was determined new members would be elected by the Council in their next meeting.

Adjournment – With no further business, Chairperson Ritz thanked the Board for its patience and adjourned the meeting at 6:10 pm.

Respectfully Submitted,

Cynthia Cannon, AICP
Assistant Planning Director
Secretary to the Board