



# City of Pensacola

## Planning Board

### Agenda

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Tuesday, February 14, 2023, 2:00 PM

Hagler-Mason Conference Room,  
2nd Floor

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#### QUORUM / CALL TO ORDER

#### APPROVAL OF MEETING MINUTES

[23-00096](#) MINUTES FOR THE MEETING OF JANUARY 10, 2023

*Attachments:* [Planning Board Minutes January 10 2023 - DRAFT .pdf](#)

#### REQUESTS

[23-00100](#) REQUEST FOR LICENSE TO USE CITY RIGHT OF WAY - 36 E.  
GARDEN STREET

*Attachments:* [License to Use Right of Way Application\\_36 E. Garden Street](#)  
[Images](#)  
[Review Comments LTU Union Public House](#)

#### OPEN FORUM

#### DISCUSSION

#### ADJOURNMENT

*If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.*

#### ADA Statement

*The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 850-435-1670 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.*

*If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

*The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.*



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 23-00096

Planning Board

2/14/2023

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### **SUBJECT:**

Minutes for the Meeting of January 10, 2023



## **MINUTES OF THE PLANNING BOARD**

**January 10, 2023**

**MEMBERS PRESENT:** Chairperson Paul Ritz, Vice Chairperson Larson, Board Member Grundhoefer, Board Member Villegas, Board Member Powell, Board Member Van Hoose

**MEMBERS ABSENT:** Board Member Sampson

**STAFF PRESENT:** Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Deputy City Administrator Forte, Help Desk Technician Russo, Executive Assistant Chwastyk

**STAFF VIRTUAL:** Development Services Director Morris, City Attorney Lindsay, Development Services Coordinator Statler

**OTHERS PRESENT:** Betsy Smith, Bob Smith, Will Akin, Spencer Akin, Rob Fink, Meredith Bush, Brett Orrell, Dave Bourassa, Bruce Boland

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from December 13, 2022
- **New Business:**
- Preliminary Plat Approval – Girard Place Phase II – South Reus Street near Garden Street – District 7
- Zoning Map and Future Land Use Map (FLUM) Amendment for 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue – District 2
- Open Forum
- Discussion
- Adjournment

### **Call to Order / Quorum Present**

Chairperson Paul Ritz called the meeting to order at 2:00 pm with a quorum present and explained the procedures of the Board meeting including requirements for audience participation.

**Approval of Meeting Minutes** – Board Member Villegas made a motion to approve the December 13, 2022 minutes, seconded by Board Member Van Hoose, and it carried 5:0.

**New Business –**

**Preliminary Plat Approval – Girard Place Phase II – South Reus Street near Garden Street – District 7**

Planning & Zoning Manager, Cannon introduced the item to approve the preliminary plat for Girard Place Phase II, which is located along South Reus Street near Garden Street in the C-2 zoning district of which three parcels will be subdivided into twelve lots to accommodate single family attached residents. These are located within the dense business area and the governmental center district. Brett Orell, Poly Surveying, represented the applicant. He stated that this is a continuation of a previous project with the same design team from the civil side of things and the same architecture team. Chairperson Ritz stated this is the first of two times this will come before the board. Chairperson Ritz mentioned that there were several comments from staff members, Planning & Zoning Manager, Cannon confirmed the majority of comments were accepted/approved by Surveying and Engineering prior to the meeting. Board Member Grundhoefer inquired if there were plans to open Hilary Street, Brett Orell answered yes, but only for the benefit of the development and not for public use. Planning & Zoning Manager, Cannon, stated that was part of the surveyor's comments regarding legal and title opinions for Hilary Street access. Assistant Planning & Zoning Manager Harding stated that this project came before the Architectural Review Board in 2017 for Phase I and II with approval for front facing parking. Board Member Villegas inquired if this would be going back before the Architectural Review Board. Assistant Planning & Zoning Manager Harding replied no, not unless any changes were made from the initial ARB approval. Chairperson Ritz stated the item would come back before the Planning Board for final plat approval before going before the City Council. Board Member Grundhoefer questioned if the lot sizes have changed, Assistant Planning & Zoning Manager Harding replied, no. Board Member Villegas asked what the concern about the risk for erosion and other issues was. Planning & Zoning Manager, Cannon, shared the comments of Inspections Division Manager Bilby in that he would like to see this project move forward since the exposed mound of dirt is still sitting there and that part of the site is in a flood zone. Betsy Smith of 63 South Reus Street, the last unit adjacent to the parcel to be constructed, raised concerns about visibility. Betsy Smith is excited that something is going to go on after no activity, her concerns are with the revised setbacks that allow the building to be pushed up to the sidewalk and impair her vision instead of being flush with the existing buildings. Chairperson Ritz asked if this is a zero-lot line, Planning & Zoning Manager, Cannon stated the front, rear, and side setbacks can't go more than ten but up to zero. Chairperson Ritz stated they are allowed by right to the zero-lot line setback and from a legal standpoint they are not in the wrong. Betsy Smith replied that she just wanted to state her point. Board Member Grundhoefer added that this is a preferred situation and that they actually had preferred Phase I be done the same as Phase II. Board Member Villegas asked to view the plans and visuals of what was approved by ARB. A discussion ensued about how large subdivisions are done in phases and it was approved by Architectural Review Board in 2017 and if there were any changes to the approved plans they would require some form of review by the Architectural Review Board. Board Member Grundhoefer inquired if the owner would maintain the street or if it would it be deeded back to the City, Brett Orell answered it is the owners intent to continue to own Hilary street and

that sewer and water are through a portion of that right of way and that the City reserved a perpetual easement to have access for an emergency or utilities. **Board Member Grundhoefer made a motion to approve, seconded by Board Member Powell and it carried 6:0.**

**Request for Zoning Map and Future Land Use Map (FLUM) Amendment for 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue – District 7**

Planning & Zoning Manager, Cannon introduced the item in which the applicant is requesting four properties along Creighton Road zoned R-2 and one property on Tippin zoned R-1AA be rezoned to C-1. The parcels would go from Office/Residential to Commercial. Per current zoning regulations you need to be adjacent to the zoning district that you are requesting. The intent is to avoid spot zoning. Chairperson Ritz requested a brief review of what could be built by right in C-1. Planning & Zoning Manager, Cannon shared the purpose of R-2, the residential/office land use district and stated that it is established for the purpose of providing for a mixture of residential housing types and densities and office uses. The density is the same as C-1, 35 units per acre. Uses in R-2 include office buildings, hospitals, nursing homes, schools, banks, barber and beauty shops. Uses in R-NC residential neighborhood and commercial zoning include retail food and package stores, bakeries, martial arts, laundromats, and restaurants. The purpose of C-1 is commercial development ranging from compact shopping areas to limited industrial/high intensity commercial uses. The C-1 zoning district is intended to provide a transitional buffer between mixed-use neighborhood commercial areas. Uses in C-1 are motel/hotels, retail sales, car washes, movie theaters, pet shops, business schools, trade schools, and medical marijuana dispensaries. Chairperson Ritz inquired if there's a difference in lot coverage and setback requirements, Planning & Zoning Manager, Cannon stated that C-1 is less restrictive, lot coverage is 75% for C-1 and 50% for R-2 and the setbacks vary. Chairperson Ritz then asked if this were approved would there still need to be a buffer between C-1 and adjacent R-1AAA, Planning & Zoning Manager, Cannon replied yes, there's a 10-foot landscape buffer that's required. Board Member Van Hoose questioned what the buffer was between R-2 and R-1AAA, Planning & Zoning Manager, Cannon stated no buffer is required. Board Member Van Hoose then asked if the rules prohibit the one parcel on the map from being considered because it's not adjacent to C-1, Planning & Zoning Manager, Cannon answered all parcels must get rezoned to C-1 for that one parcel in question to be eligible. Assistant Planning & Zoning Manager, Harding brought out that the buffer requirement is part of our commercial site plan development ordinance, it's meant for all commercial developments that border any kind of residential zoning district or residential property and it's a 10-foot zone intended for landscaping. Board Member Van Hoose asked what the size is of the smallest lot on the map that's right besides C-1, and it was shown to be 87-feet wide. Chairperson Ritz stated this request is a zoning change not for a particular establishment, they are just determining if C-1 is appropriate for this part of Pensacola. Meredith Bush of Clark Partington represented the applicant. They are seeking to rezone five parcels from R-2 and R-1AAA to C-1 at the corner of Creighton Road and Tippin Avenue. The applicant feels they meet the criteria of the code for approval and that this represents a logical and orderly development pattern, that it would not adversely impact the surrounding area but would be in line with existing commercial uses in that area. The site is currently home to a massage school and not a residential structure. The representatives brought conceptual plans on large easels that showed a grocery store and other commercial uses. Meredith Bush stated they would

abide by all code criteria to include buffering and lighting standards. They then showed a brief video of the site. Will Akin one of the applicants offered to answer any questions the board members had. Board Member Villegas wanted details of the meeting the applicants had regarding the rezoning and project on January 5, 2023. Will Akin informed the board five residents attended and all spoke positively, they had three phone calls, two of which were commercial and they were excited about the project. There was one property owner that reached out via email with questions and concerns, they addressed his email and are awaiting his response. Chairperson Ritz asked staff if postcards had gone out, staff replied yes, they had gone out in the 500-foot radius that is required. Will Akin stated they also sent out their own letters so that residents would have his contact information for any questions or concerns. Chairperson Ritz let the applicant know that he and the board appreciates the level of effort on the applicants part to get feedback from the community. Board Member Villegas inquired as to when the applicants letter went out, letters went out on December 20, 2022, to all residents within a 500-foot radius and the letters went to the property owner of record. Board Member Grundhoefer asked staff if the site had been posted, staff replied yes. Board Member Villegas spoke of the timing of the request being during the holiday season. Will Akin stated it was done because of the contract timeline and that they would like to put an Aldi's on the site. Board Member Villegas asked for clarification about the 1.43 acres shown on the map. The applicant stated it is excess land as part of the purchase contract, part of the development they'll attempt to develop. Board Member Grundhoefer asked if there were other speakers, there were none. Chairperson Ritz polled the audience and there were three people in the audience in support of the project, they were asked to fill out a speaker form. Board Member Grundhoefer inquired as to how they plan to buffer the small property abutting the southside from the proposed Aldi's. Will Akin stated the truck dock was intentionally put on the Creighton Street side to provide for better buffering. Will Akin stated that Aldi's are good corporate citizens and if there's something the City or the planners desire, Aldi's will want to do that and make sure they are good neighbors. Board Member Villegas asked how large the space is, applicant replied the store would be approximately 20,000 square feet. Board Member Grundhoefer wanted to know if any traffic issues were looked at by the City, staff replied this a rezoning and that's not addressed at this step. Chairperson Ritz stated the purpose of the board is to discuss this and see if C-1 is an appropriate move for the City, their job is to help the City Council in discussing as to whether this change to C-1 is appropriate for this location. Board Member Powell stated she feels it does serve the area and is encouraged that the lot will be used. Clinton Taffe called into the meeting, he owns four parcels, or 3.82 acres zoned R-1AA near Schwabb and John Carroll. He had asked years ago if this area would be a candidate for commercial, he was advised it would never be commercial because it is a border between the Walmart and the subdivision on Teate and Lansing. He stated this is residential zoning surrounded on three sides by residential zoning and that anything allowed under C-1 would allow for large parking lots and tall lights. Clinton Taffe feels it's an infringement into the neighborhood and that there are residents in opposition, they are just unable to get to the meetings due to age or health issues. If allowed, traffic on Tippin Avenue will increase causing people to have to divert to Dunmire. Clinton Taffe concluded by stating, there are a lot of vacancies in Eastgate Shopping Center and other options available that are already zoned commercial. Board Member Villegas appreciated the fact that he had been in contact with the surrounding neighbors, but questioned why he hadn't provided the contact information of these individuals with City staff so that contact could have been made to understand their feeling on this matter. Clinton Taffe stated when the

notices came out around the holidays, he attempted to contact Mr. Akins but only received his reply yesterday and had not had a chance to read his response because he has to work. He was able to touch base with the neighbors yesterday, Monday, and he proceeded to give the names of Essie Akins and Herbert Hines and an idea of where they lived. Chairperson Ritz then gave the comparison to the Publix on Cervantes Street in East Hill and that is also adjacent to residential neighborhoods and that he can personally accept this change. Vice Chairperson Larson noted he prefers RNC, but he can see from the planning that's not possible, and that C-1 is the right fit for the area, and he understands the commercial value outweighs the residential value. Board Member Grundhoefer asked if this building would comply with RNC zone. Planning & Zoning Manager, Cannon, answered no, retail food is not allowed until C-1 but if in RNC, only 4,000 square feet are allowed not the 20,000 square feet of Aldi's. Board Member Villegas asked Will Akin if he was a part of the team that brought the Aldi's to West Pensacola, he replied he was a part of the Alabama stores. Board Member Villegas then asked when Aldi's applies for zone changes, what's the percentage rate of them following through, he replied the head V.P. has approved this particular site. Once the V.P. stamps it, as long as the rents and sales are comparable that's a stamp of approval, he gave it a 95 percent approval rate. Additionally, they will have to see what FDOT has to say about the access to the light on the corner, sometimes environmental things come up that could hurt a deal, but this appears to be clean, the title search was clean, and they typically like to be near a Walmart. Chairperson Ritz stated this item will have two readings and it will be discussed at the February 23<sup>rd</sup> Council meeting, noting that there are still multiple avenues for the citizens to comment. **Vice Chairperson Larson made a motion to approve all listed parcels 2401, 2409, 2421, 2431 Creighton Road and 6880 Tippin Avenue, seconded by Board Member Powell and it carried 6:0.**

#### **Open Forum – none**

**Discussion – A brief discussion continued regarding an upcoming Planning Board item that would be voted on at the City Council meeting in January.**

**Adjournment** – With no further business, the Board adjourned at 3:08 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP  
Planning & Zoning Division Manager  
Secretary of the Board





# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 23-00100

Planning Board

2/14/2023

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**TO:** Planning Board Members

**FROM:** Gregg Harding, Assistant Planning & Zoning Division Manager

**DATE:** 2/7/2023

**CITY COUNCIL DISTRICT:** 6

**SUBJECT:**

Request for License to Use City Right of Way - 36 E. Garden Street

**BACKGROUND:**

Tosh Belsinger is requesting approval for a License to Use for improvements within the right of way at 36 E. Garden Street. This application is only for the encroachment along Jefferson Street, since the Garden Street right of way is maintained by the Florida Department of Transportation. The purpose of this application is to allow for the construction of an awning overhang which will extend over a future outdoor dining area. The full overhang will measure 113'-4" long by 10'-3" wide and the aesthetics were approved by the Architectural Review Board in November 2021. The main comment by staff pertained to keeping a 5' clearance for ADA compliance. A site plan demonstrating ADA compliance and correspondence between staff and the applicant has been included.

This application has been routed through the various City departments and utility providers. The comments received to date have been included in the attachments.

### License To Use City Right-Of-Way

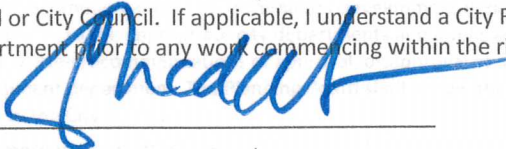
<input type="checkbox"/> Residential License To Use	<input checked="" type="checkbox"/> Commercial License To Use	<input type="checkbox"/> Pensacola Neighborhood Challenge Grant
Application Fee: \$500.00	Application Fee: (Minor) \$500.00	Application Fee: N/A
Rehearing/Rescheduling Fee: \$100.00	(Major) \$1,000.00 ✓	
Annual Fee: N/A	Rehearing/Rescheduling Fee: \$100.00	
Insurance Coverage: \$300,000.00	Annual Fee: (Minor) \$500.00	
	(Major) \$1,000.00	
	Insurance Coverage: \$1,000,000.00	

Applicant: 90 East Garden Street, LLC - Chad Henderson - Manager

Applicant's Address: 41 N. Jefferson Street - 4th Floor, Pensacola, FL 32502

Email: tbelsinger@catalysthre.com Phone: 850.776.2655

I, the undersigned applicant, understand that submittal of this application does not entitle me to approval of this License to use. I have received a copy of the applicable regulations and understand that I must be present on the date of the Planning Board and City Council meetings. In the case of the Pensacola Neighborhood Challenge Grant applications, I understand that this application will be considered during the execution of the contract and does not require further review from the Planning Board or City Council. If applicable, I understand a City Right-of-Way permit must be acquired from the City Engineering Department prior to any work commencing within the right-of-way.

Applicant's Signature:  Date: 1/17/23

\*\* If License Agreement is for business use or a Pensacola Neighborhood Challenge Grant application, please see the reverse side for additional information \*\*

#### Property Information

Property Owner: 90 East Garden Street, LLC Phone: 850.607.6069

Location Address: 36 East Garden Street, Pensacola, FL 32502

Parcel ID # 0 0 S 0 0 0 9 0 0 7 0 0 3 0 5 4

Purpose of Use of City Right-Of-Way: 2 awning structures for Union Public House restaurant's outdoor areas. 1) structure on Garden Street for restaurant entrance cover and 2 outdoor dining tables.

2) structure for restaurant west side covered outdoor dining area on Jefferson Street.

Please attach a map indicating the actual dimensions of the requested license.

For Office Use Only		
District: _____	Case Number: _____	Zoning: _____
Date Received: _____	Recommendation: _____	Annual Fee: _____
Planning Board date: _____	Council Action: _____	Amount of Insurance Coverage: _____
City Council date: _____		

***License To Use City Right-Of-Way***

Sec. 12-12-7. License to use right-of-way.

- (A) Application.
  - (1) An application for license to use right-of-way must be submitted to the Planning Department at least twenty-one (21) days prior to the regularly scheduled meeting of the Planning Board.
  - (2) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
  - (3) No application shall be considered complete until all of the following has been submitted:
    - (a) The application shall be submitted on a form provided by the Board Secretary.
    - (b) Each application shall be accompanied by the following information and such other information as may be reasonably requested to support the application:
      - 1. Accurate site plan drawn to scale;
      - 2. Reason for license to use request.
  - (4) The applicant shall be required to pay an application fee according to the current schedule of fees established by the City Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition.
  - (5) Any party may appear in person, by agent, or by attorney.
  - (6) Any application may be withdrawn prior to action of the Planning Board or City Council at the discretion of the applicant initiating the request upon written notice to the Board secretary.
- (B) Planning Board review and recommendation. The community development department will distribute copies of the request for a license to use right-of-way to the appropriate city departments and public agencies for review and comment. Said departments shall submit written recommendations of approval, disapproval or suggested revisions, and reasons therefore, to the community development department. The Planning Board shall review the license to use right-of-way request and make a recommendation to the City Council.
  - (1) Public Notice for license to use right-of-way.
    - (a) The community development department shall notify addresses within a three hundred-foot radius, as identified by the current Escambia County tax roll maps, of the right-of-way proposed to be licensed with a public notice by post card at least five (5) days prior to the Board meeting. The public notice shall state the date, time, and place of the Board meeting.
- (C) City Council review and action. The Planning Board recommendation shall be forwarded to the City Council for review and action.
  - (1) Notice and hearing. The community development department shall notify addresses within a three hundred-foot radius, as identified on the Escambia County tax roll maps, of the right-of-way proposed to be licensed with a public notice by post card at least five (5) days prior to the Council meeting. The public notice shall state the date, time, and place of the Council meeting.
  - (2) Action. The City Council shall approve, approve with modifications, or deny the license to use right-of-way request. If the request is approved by City Council, a license to use agreement will be drawn, at which time the license becomes effective upon execution by the applicant and the City and payment by the applicant of any required fee.

Additional Information Required for Corporations and LLCs: If approved, this information will be used as part of the legal agreement. Must be licensed to do business within the State of Florida.

Corporation:

Full legal name of the Corporation: \_\_\_\_\_

Official Corporate Address: \_\_\_\_\_

President or Vice-President:  
Name & Title – \_\_\_\_\_

Corporate Secretary: Name – \_\_\_\_\_

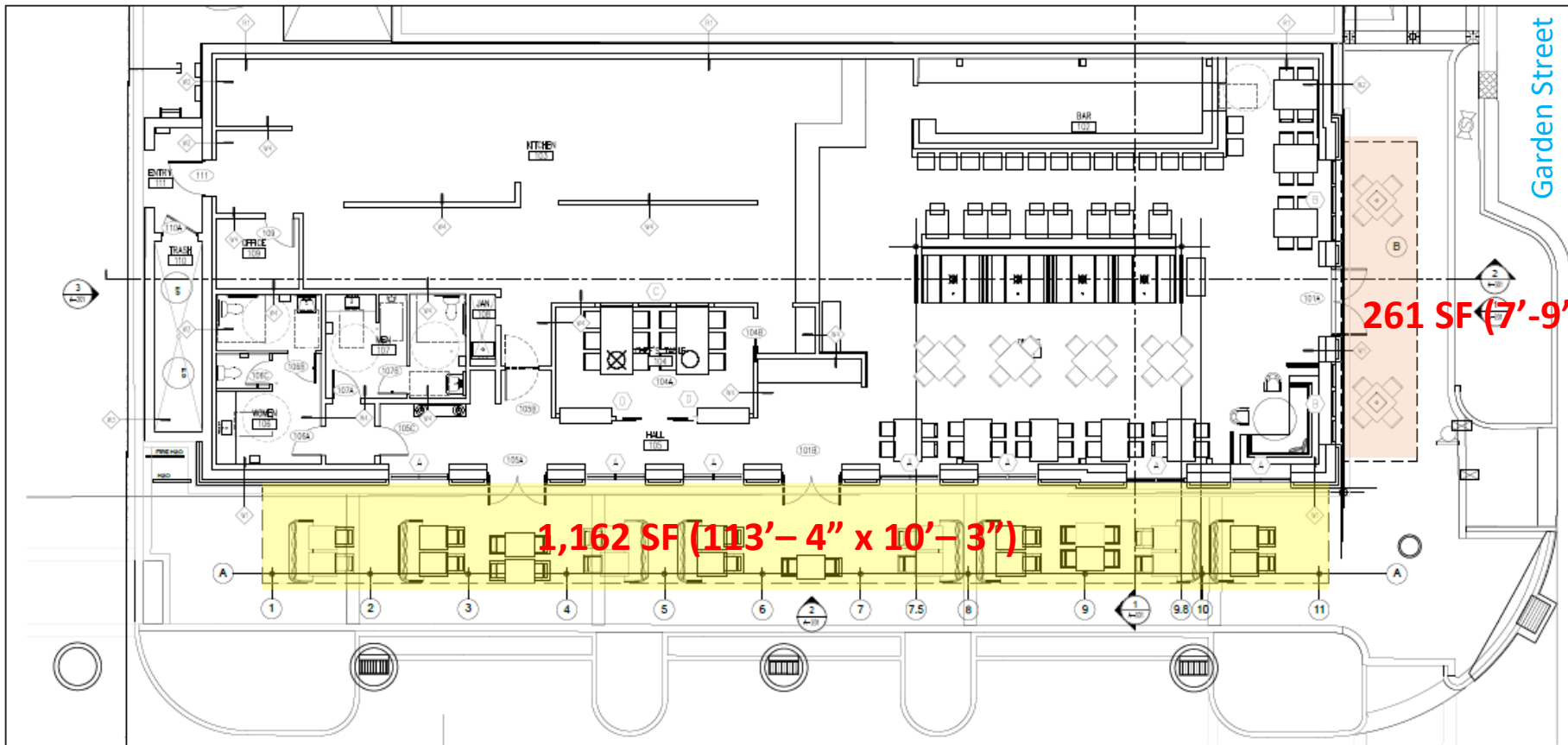
Limited Liability Company (LLC):

Full legal name of company: **90 East Garden Street, LLC**

Official Address: **41 N. Jefferson Street - 4th Floor, Pensacola, FL 32502**

Managing Member or member:  
Name & Title – **Chad C. Henderson - Managing Member**





**smp.**  
 3000 PENNSACOLA, FL  
 285.4 INTERMEDICAL BLVD  
 PANAMA CITY, FLORIDA 32360  
 904.940.4477  
 WWW.SMPARCHITECTURE.COM

Listen. Interpret. Translate.  
 CERTIFICATION:

**UNION PUBLIC HOUSE**

36 E. Garden Street  
 Pensacola, Florida

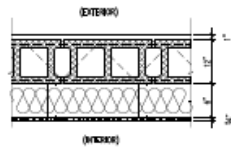
ALL DRAWINGS AND NOTICES MUST BE CONTROLLED BY THE PROJECT MANAGER. NO REVISIONS OR CHANGES TO THE DRAWINGS SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

ISSUE DATE:  
 PERMIT SET 2/25/22  
 REV 1 6/06/22  
 REV 2 6/28/22

Jefferson Street

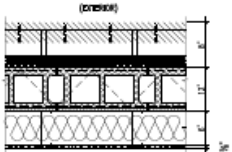
**FLOOR PLAN**  
 SCALE 3/16" = 1'-0"

**WALL TYPES**



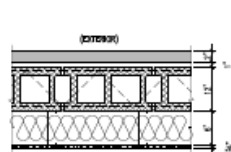
- STOTHEIM C1-0180
- 12" NOMINAL CMU GROUT ALL CELLS SOLID
- 6" METAL STUD FURRING @ 16" O.C. EXTEND TO DECK
- 6" THERMAL INSULATION, EXTEND TO DECK
- 5/8" WRMB, EXTEND TO DECK
- USE MILDTOUGH OR EQUAL
- USE DURROCK OR EQUAL AT TILE LOCATIONS

**R1** 1 HR EXTERIOR WALL  
 FBC TABLE 721.1 (2)  
 3-1.3



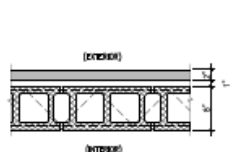
- 4" MODULAR BRICK
- 1 1/2" EPS BOARD
- SPRAY/ROLLED-APPLIED AIR & MOISTURE BARRIER
- 12" NOMINAL CMU
- 6" METAL STUD FURRING @ 16" O.C. EXTEND TO DECK
- 6" THERMAL INSULATION, EXTEND TO DECK
- 5/8" WRMB, EXTEND TO DECK
- USE MILDTOUGH OR EQUAL
- USE DURROCK OR EQUAL AT TILE LOCATIONS

**W1** EXTERIOR WALL



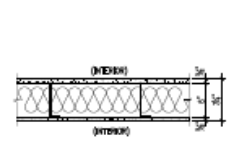
- STOTHEIM C1-0180
- 12" NOMINAL CMU
- 6" METAL STUD FURRING @ 16" O.C. EXTEND TO DECK
- 6" THERMAL INSULATION, EXTEND TO DECK
- 5/8" WRMB, EXTEND TO DECK
- USE MILDTOUGH OR EQUAL
- USE DURROCK OR EQUAL AT TILE LOCATIONS

**W2** EXTERIOR WALL



- STOTHEIM C1-0180
- 12" NOMINAL CMU LOCATIONS

**W3** EXTERIOR WALL



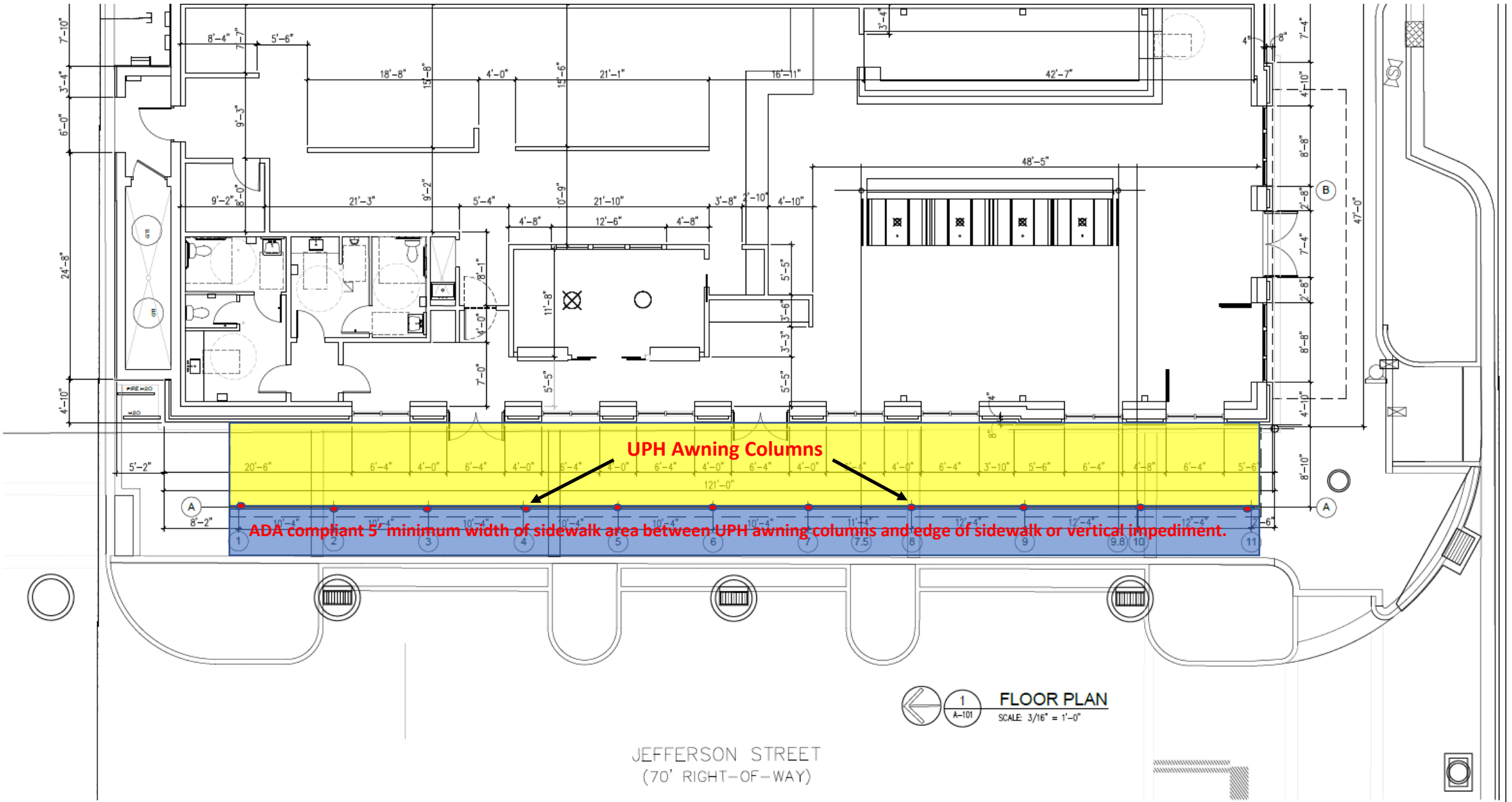
- 6" METAL STUD FURRING @ 16" O.C. EXTEND TO DECK
- 6" THERMAL INSULATION, EXTEND TO DECK
- 5/8" WRMB, EXTEND TO DECK
- USE MILDTOUGH OR EQUAL
- USE DURROCK OR EQUAL AT TILE LOCATIONS

**W4** INTERIOR WALL

DRAWN BY : ppp  
 CHECKED BY : ppp  
 PROJECT NO. 2124  
 DATE : 6/06/22

SHEET TITLE:  
**FLOOR PLAN**

SHEET NO. :  
**A-101**



LTU Request







Department:	Comments:
Planning	No issues.
FIRE	No comments received.
PW/E/Surveyor	I have no issue with this as long as the City standard 5' wide pedestrian path (ADA compliant and unimpeded) can be maintained around the tables and chairs. <b>(See attached for applicant's response and resolution).</b>
Inspection Svcs	The awnings have been reviewed for compliance with the FBC during initial plan review. They meet the provisions of FBC Chapter 32, construction in the right of way. No issues from us on the LTU on both FDOT and City ROW.
Pensacola Energy	Pensacola Energy has facilities in the area of this project; however, they don't seem to be in conflict. Pensacola energy will need the ability to maintain and repair our facilities if needed.
ECUA	ECUA has no objection to the license to use r/w for awning structures at this time.
FPL	No comments received.
ATT	No comments received.
Legal	Good morning, Gregg. I may have missed it, but I didn't see on the sketch the measurements of the remaining sidewalk beyond the LTU to ensure that Brad's conditional approval is met. Could the applicant provide a sketch that shows how the LTU can be granted without compromising ADA compliance? <b>(See attached correspondence between B. Hinote and T. Belsingler for applicant's response and resolution).</b>

## Gregg Harding

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**From:** Tosh Belsinger <tbelsinger@catalysthre.com>  
**Sent:** Wednesday, January 18, 2023 4:34 PM  
**To:** Brad Hinote; Gregg Harding  
**Cc:** Cynthia Cannon; Heather Lindsay; Chris Mauldin  
**Subject:** RE: [EXTERNAL] RE: License to Use Application - UPH Jefferson Street Awning - 90 E. Government Street

Understood. Thank you, Brad. The plan for the operations of the new Union Public House outdoor areas is to just have tables and chairs under the awning and to always keep that sidewalk area to the west of the awning open for pedestrian traffic. Prior to opening of the new Union Public House, I will drive this point home with the restaurant owner / operator.

-Tosh

### TOSH BELSINGER

Vice President, Development | Catalyst Healthcare Real Estate

c: (850) 776-2655 e: [tbelsinger@catalysthre.com](mailto:tbelsinger@catalysthre.com)

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[catalysthre.com](http://catalysthre.com)



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**From:** Brad Hinote <bradhinote@cityofpensacola.com>  
**Sent:** Wednesday, January 18, 2023 4:26 PM  
**To:** Tosh Belsinger <tbelsinger@catalysthre.com>; Gregg Harding <GHarding@cityofpensacola.com>  
**Cc:** Cynthia Cannon <CCannon@cityofpensacola.com>; Heather Lindsay <HLindsay@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>  
**Subject:** RE: [EXTERNAL] RE: License to Use Application - UPH Jefferson Street Awning - 90 E. Government Street

The sketch is good with me. Within the LTU language, we'll just need to be careful to include language that the restaurant owner doesn't move the tables and chair into that 5' zone. Other than that, you're good to go from my perspective.

### Brad Hinote, P.E.

City Engineer  
City of Pensacola  
222 W. Main Street  
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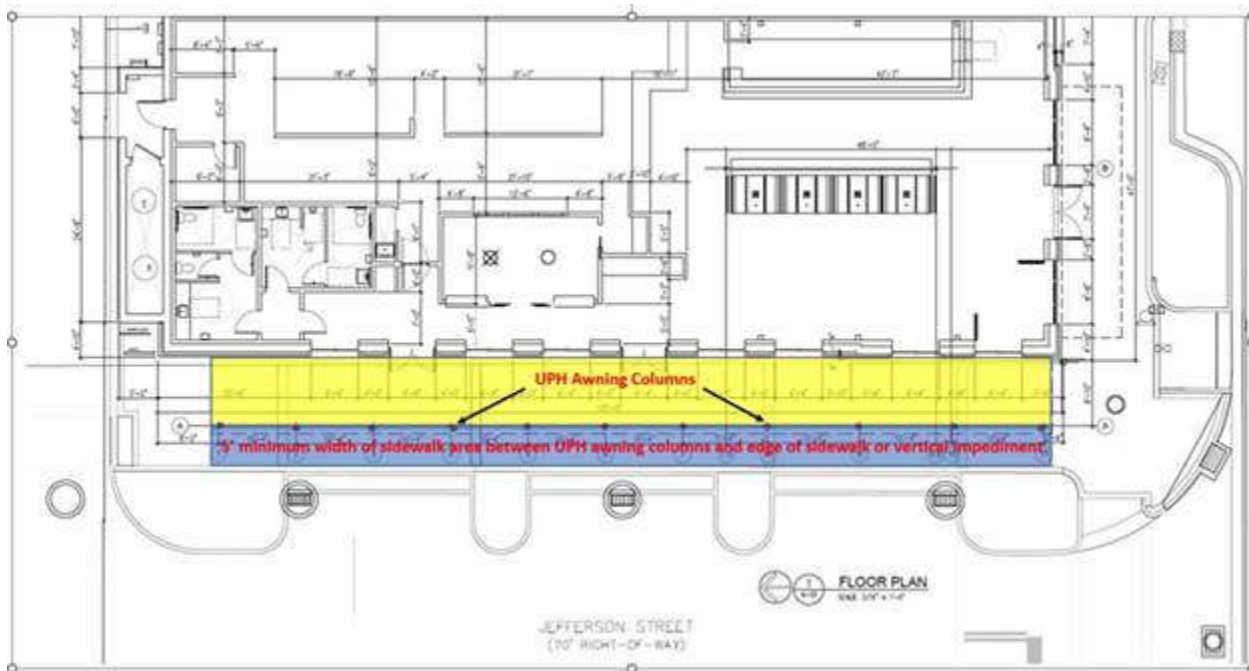
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**From:** Tosh Belsinger <[tbelsinger@catalysthre.com](mailto:tbelsinger@catalysthre.com)>  
**Sent:** Wednesday, January 18, 2023 4:24 PM  
**To:** Gregg Harding <[GHarding@cityofpensacola.com](mailto:GHarding@cityofpensacola.com)>  
**Cc:** Cynthia Cannon <[CCannon@cityofpensacola.com](mailto:CCannon@cityofpensacola.com)>; Brad Hinote <[bradhinote@cityofpensacola.com](mailto:bradhinote@cityofpensacola.com)>; Heather Lindsay <[HLindsay@cityofpensacola.com](mailto:HLindsay@cityofpensacola.com)>; Chris Mauldin <[CMauldin@cityofpensacola.com](mailto:CMauldin@cityofpensacola.com)>  
**Subject:** [EXTERNAL] RE: License to Use Application - UPH Jefferson Street Awning - 90 E. Government Street

**THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT**

Thank you for the comments, Heather & Brad. See the sketch below. In order to maintain ADA compliance, in our narrowest points we will maintain a minimum of 5' of open sidewalk to the west of the proposed UPH awning columns and either the edge of sidewalk or a vertical impediment (ie. a street light). Does this sketch and explanation suffice? Please let me know if we need to supply any additional information.

Best,  
Tosh



**TOSH BELSINGER**  
Vice President, Development | Catalyst Healthcare Real Estate  
c: (850) 776-2655 e: [tbelsinger@catalysthre.com](mailto:tbelsinger@catalysthre.com)

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**From:** Gregg Harding <[GHarding@cityofpensacola.com](mailto:GHarding@cityofpensacola.com)>  
**Sent:** Wednesday, January 18, 2023 2:33 PM  
**To:** Tosh Belsinger <[tbelsinger@catalysthre.com](mailto:tbelsinger@catalysthre.com)>  
**Cc:** Cynthia Cannon <[CCannon@cityofpensacola.com](mailto:CCannon@cityofpensacola.com)>; Brad Hinote <[bradhinote@cityofpensacola.com](mailto:bradhinote@cityofpensacola.com)>; Heather

Lindsay <[HLindsay@cityofpensacola.com](mailto:HLindsay@cityofpensacola.com)>; Chris Mauldin <[CMauldin@cityofpensacola.com](mailto:CMauldin@cityofpensacola.com)>

**Subject:** FW: License to Use Application - UPH Jefferson Street Awning - 90 E. Government Street

Tosh,

Please see the below comment from Heather Lindsay, Assistant City Attorney, regarding the UPH Itu application and a request for additional information to confirm ADA compliance. Let us know if you have questions and thank you!

**Gregg Harding, RPA**

*Assistant Planning & Zoning Division Manager*

Visit us at

<https://link.edgepilot.com/s/48af3142/nxGli24bwUuJ2Hf8L1txpA?u=http://cityofpensacola.com/>

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**From:** Heather Lindsay <[HLindsay@cityofpensacola.com](mailto:HLindsay@cityofpensacola.com)>

**Sent:** Wednesday, January 18, 2023 8:52 AM

**To:** Gregg Harding <[GHarding@cityofpensacola.com](mailto:GHarding@cityofpensacola.com)>

**Cc:** Brad Hinote <[bradhinote@cityofpensacola.com](mailto:bradhinote@cityofpensacola.com)>

**Subject:** RE: License to Use Application - UPH Jefferson Street Awning - 90 E. Government Street

Good morning, Gregg. I may have missed it, but I didn't see on the sketch the measurements of the remaining sidewalk beyond the LTU to ensure that Brad's conditional approval is met. Could the applicant provide a sketch that shows how the LTU can be granted without compromising ADA compliance?

Thanks,  
Heather

---

**From:** Gregg Harding <[GHarding@cityofpensacola.com](mailto:GHarding@cityofpensacola.com)>

**Sent:** Tuesday, January 17, 2023 4:07 PM

**To:** Cynthia Cannon <[CCannon@cityofpensacola.com](mailto:CCannon@cityofpensacola.com)>; Adrian Stills <[astills@cityofpensacola.com](mailto:astills@cityofpensacola.com)>; Amy Hargett <[ahargett@cityofpensacola.com](mailto:ahargett@cityofpensacola.com)>; Amy Tootle <[ATootle@cityofpensacola.com](mailto:ATootle@cityofpensacola.com)>; Andre Calaminus (ECUA)

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**Subject:** License to Use Application - UPH Jefferson Street Awning - 90 E. Government Street

Good afternoon all,

Please see the attached Union Public House Jefferson Street awning license to use application located along 90 E. Government Street (DISTRICT 6). This application is only for the LTU request for the proposed Jefferson Street encroachment (labeled yellow) and it is schedule for the February 14, 2023, Planning Board meeting.

Let me know if you have any questions. Thank you.

Best,

**Gregg Harding, RPA**

*Assistant Planning & Zoning Division Manager*

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