

City of Pensacola

Planning Board

Agenda

Tuesday, June 13, 2023, 2:00 PM

Hagler-Mason Conference Room, 2nd Floor

QUORUM / CALL TO ORDER

APPROVAL OF MEETING MINUTES

1. 23-00419 PLANNING BOARD MEETING MINUTES FROM MAY 9, 2023

Sponsors: D.C. Reeves

Attachments: Planning Board Minutes May 9, 2023

REQUESTS

OPEN FORUM

2. 23-00420 22 S. FLORIDA BLANCA STREET - GATEWAY REDEVELOPMENT

DISTRICT - AESTHETIC REVIEW APPLICATION

ZONE GRD-1

Sponsors: D.C. Reeves

Attachments: Images

Application Packet 4.24.2023

Aragon ARB Comments and Applicant Response

Review Comments Florida Blanca Aesthetic

Sec. 12-3-12(2) Redevelopment land use district

3. 23-00421 8 N. 9TH AVENUE - GATEWAY REDEVELOPMENT DISTRICT -

REQUEST FOR VARIANCE TO SEC. 12-3-12(1) - HILTON GARDEN

INN SIGNAGE ZONE GRD

Sponsors: D.C. Reeves

Attachments: <u>Images</u>

Variance Application 5.12.2023

Review Comments Hilton Sign Variance
Variance Criteria for Planning Board

Sec. 12-3-12(1)d.1. Redevelopment land use district

Sec. 12-11-2. Appeals and variances

4. 23-00422 23 W. CERVANTES STREET - CONDITIONAL USE APPLICATION

ZONE PC-1

Sponsors: D.C. Reeves

Attachments: <u>Images</u>

Application Packet 5.15.2023

North Hill Zoning Maps Combined

ECPA 23 W. Cervantes Street

Review Comments Conditional Use

FDOT Pre-application Meeting SR 10A (Proposed Restaurant) Meet Architectural Review Board Meeting Minutes and North Hill Commense. 12 3 10. Historic and preservation land use district

Sec. 12 3 107. Conditional use permit

5. <u>23-00470</u> 3805 & 3807 N. 10TH AVENUE - REQUEST FOR ZONING MAP

AMENDMENT ZONE R-1AA

Sponsors: D.C. Reeves

Attachments: Images

<u>Table 12-3.2. Regulations For The Medium-Density Residential 2</u>

Application Packet 6.6.2023

Current and Proposed Zoning Maps

Zoning Board of Adjustments 2023-005 3805 and 3807 N. 10th Ave

Zoning Board of Adjustments Meeting Minutes March 2023

Review Comments Rezoning

Sec. 12-3-4. Medium density residential land use district regul

Sec. 12-11-3. Amendments

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

Memorandum

File #: 23-00419 Planning Board 6/13/2023

TO: Planning Board Members

FROM: Gregg Harding, Assistant Planning & Zoning Division Manager

DATE: 5/15/2023

CITY COUNCIL DISTRICT: ALL

SUBJECT:

Planning Board Meeting Minutes from May 9, 2023



MINUTES OF THE PLANNING BOARD May 9, 2023

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson Board

Member Grundhoefer, Board Member Villegas, Board

Member Van Hoose, Board Member Powell

MEMBERS ABSENT: Board Member Sampson

STAFF PRESENT: Planning & Zoning Manager Cannon, Assistant Planning &

Zoning Manager Harding, Help Desk Technician Russo, Development Services Director Morris, Development

Services Coordinator Statler

STAFF VIRTUAL: Assistant City Attorney Lindsay

OTHERS PRESENT: Amir Fooladi, Tommy White

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from April 11, 2023

New Business:

- Proposed Amendment to the Land Development Code Food Truck Courts
- Open Forum
- Discussion:
- Adjournment

Call to Order / Quorum Present

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

<u>Approval of Meeting Minutes</u> – Board Member Larson made a motion to approve the April 11, 2023, minutes, seconded by Board Member Powell, and it carried unanimously.

New Business -

Proposed Amendment to the Land Development Code – Food Truck Courts
Assistant Planning & Zoning Manager Harding introduced the agenda item and

City of Pensacola Planning Board Minutes for May 9, 2023 Page 2

Chairperson Ritz provided an additional background. Assistant Planning & Zoning Manager Harding also introduced the added gray-water system provision which was included due to staff's discussions with food truck owners. Chairperson Ritz acknowledged that several developers and food truck business owners had been contacted and that additional notice of the proposed amendment had been provided. Development Services Coordinator Statler gave a brief highlight of changes that were made to the ordinance - an inclusion for setbacks from a residential zoning district as outlined in Table 12-3.7 was added, utilities shall be screened per Sec. 12-3-121, one parking space per pad, an option of gray-water system with off-site disposal, modified the language for table seating, with a minimum of four seats per table, and if a gray-water system is used, a contract for off-site disposal must be made available upon request. The board members began to ask questions regarding the changes that were made. Board Member Grundhoefer requested the wording be clarified as far as the table seating goes. Board Member Van Hoose stated she felt it's an unnecessary imposition of food trucks to require table and chairs and feels it's a liability. A majority of the Board Members are in favor of the table and chairs. Board Member Van Hoose inquired where else in the Land Development Code are table and chairs required, staff replied they are unaware of that requirement anywhere else in the Land Development Code. Development Services Coordinator Statler stated that with License to Use there are no specific requirements for outdoor dining for the chairs, but liability insurance is required since it's on City right of way versus private property. Chairperson Ritz stated whenever legislation is created from scratch, there's a lot of to discuss. Development Services Coordinator Statler mentioned that under our current conditional use for mobile restaurant facilities we do require that they have permanent restroom facilities and mobile restaurant development sites shall provide one customer seat per linear foot of mobile unit on site, so we do require seating in another section of the LDC for this particular use like The Garden on Palafox. Board Member Villegas stated this is a food truck court with permanent restroom facilities with infrastructure that allows it to be more than a pull up pull off situation. It will create a certain ambiance; she stands firm with the ordinance. Planning & Zoning Manager Cannon mentioned that there are three districts, GRD, WRD, and PC1, that will trigger them to have to come before the Planning Board. This would give the Planning Board a chance to weigh in on these aesthetically, but it does not change anything on the commercial ones. Mr. Fooladi spoke and thanked everyone for all the work put into the ordinance. He wanted to know in Sec. 12-3-95(c)(1)d. where it states "Outdoor refuse & utilities, and storage areas shall not be allowed within the 25 feet of the front property line and shall be screened per Sec. 12-3-121.", what is meant by utilities. Development Services Coordinator Statler stated that it was added because of the option for the gray-water tank, if they are using a gray-water tank that's not actually within the truck, but on the exterior, it needs to be screened. Staff clarified that dumpsters would need to be screened in, not trash receptacles or trash cans. A discussion was had regarding the calculations used to determine the number of parking spaces required, and the definition of fencing materials and materials that can be used for They concluded that vegetation is an allowable screening material. A discussion was had regarding the difference between WRD and WRD-1 and why food trucks would not be allowed in WRD-1, staff replied that it was an oversight and that the board could choose to allow food truck courts in WRD-1 and suggested that the board add it to the motion of the item if they thought it appropriate. Mr. White asked if this ordinance would be City wide and staff replied that it would be. Mr. White then asked if there would be a limitation as to how many food trucks would be allowed in the court, staff replied the

City of Pensacola Planning Board Minutes for May 9, 2023 Page 3

maximum number of 6 mobile food truck pads would be allowed. A discussion was then had regarding the use of the City GIS mapping application to determine if a particular location is zoned to allow a food truck court. Board Member Grundhoefer asked for more information regarding the gray-water system and how the material is picked up and where is it dumped. Staff replied that the service provider would be responsible for disposing of it appropriately and that there are different service providers that provide this service. Board Member Powell stated that the state of Florida has standards for how the gray-water is disposed of based on the Florida health code. Staff stated that the gray-water system is a less expensive option other than a grease trap, both ways handle it in a responsible manner.

Board Member Larson made a motion to approve. Board Member Villegas proposed an amendment that the allowance of "food truck courts, subject to regulations in Sec. 12-3-95" be added to zoning district WRD-1 (Sec. 12-3-12(4) b.) and it was accepted. Chairperson Ritz proposed the amendment that the two mentioned typos be corrected ("on" to "one" in proposed Sec. 12-3-95(c)(4) and "form" to "from" in proposed Sec. 12-3-95(c)(9) and it was accepted. Board Member Grundhoefer proposed the amendment to change proposed Sec. 12-3-95(c)(7) to "Seating. At least one table, with a minimum of four seats per table, shall be required for every mobile food truck pad.", and it was accepted. Board Member Powell seconded the motion and it carried 6-0.

Open Forum – None.

Discussion – Chairperson Ritz announced that he will be absent for the July meeting. Board Member Larson (Vice Chair) will fill in as Chairperson. Assistant Planning and Zoning Division Manager Harding advised the board that City Administration has asked Development Services staff to research off-street parking and building height requirements as they relate to the city's Land Development Code and comparable ordinances from other local governments, and that the board may see agenda discussion items on such topics in the future.

Adjournment – With no further business, the Board adjourned at 3:07 p.m.

Respectfully Submitted,

Gregg Harding, RPA

5-R(:

Assistant Planning & Zoning Manager

Secretary of the Board



City of Pensacola

Memorandum

File #: 23-00420 Planning Board 6/13/2023

TO: Planning Board Members

FROM: Gregg Harding, Assistant Planning & Zoning Division Manager

DATE: 5/15/2023

CITY COUNCIL DISTRICT: 6

SUBJECT:

22 S. Florida Blanca street - Gateway Redevelopment District - Aesthetic Review Application Zone GRD-1

BACKGROUND:

Sam Marshall Architects is requesting approval for the demolition and reconstruction of a residential detached garage. The proposed new garage will include an accessory dwelling unit on the second floor and a playroom as a half-story turret. The ground floor will be connected to the primary building with an open breezeway and the architecture has been designed to match the existing, consistent with the Type II - Cottage style. The proposed design has incorporated major elements from the original single-story garage with horizontal and fish-scale siding, painted paneling underneath 2-over-2 windows, and a 5v-crimp matching roof. The existing roof-mounted solar panels will be reinstalled. Additionally, a portion of the existing screened-in side porch along the central alleyway will be enclosed with matching exterior materials.

This application has been routed through the various City departments and utility providers and all comments have been provided. Additionally, the applicable City Council Member has been notified and this item has been property noticed.

RECOMMENDED CODE SECTIONS

Sec. 12-3-12(2)d.2. Gateway review district, Decisions
https://library.municode.com/fl/pensacola/codes/code_of_ordinances?

nodeld=PTIICOOR_TITXIILADECO_CH12-3ZODI_ARTIINGE_S12-3-12RELAUSDI>

22 S. Florida Blanca Street







Planning Board Application Request for Aesthetic Review

			Application Date:	05/04/2023
Project Address:	22 ⁻ Florida Bla	nca St. Pensac	cola, Florida 3250	2
Applicant:	Sam Marshall	Architects		
Applicant's Address:	325 South Pal	afox Street Pe	nsacola, Florida 3	2502
Email:	Luke@samma	rshallarch.cor	nPhone: 85	60.433.7842
Property Owner:	Jeremy and A	lise Switzer		
Redevelopment District:	Waterfront	Gateway	South Palafox Business	North 9th Avenue
* An application for ae materials have been su				
Project specifics/desci	ription:			
			CONSTRUCTION	
			A FIRST FLOOR	
			2ND FLOOR WILL	
			AUNDRY, ONE B	
			LL BE REMOVED	
			SCREEN PORCH \	
ENCLOSED.	N THE ROOT: II	IL EXIGINIO (JONELIN I OROTT	VILL DL
	ECTION WILL M	ATCH THE EX	ISTING HOUSE. S	EE DRAWINGS
FOR MORE DETA				
	,			-
I, the undersigned app		at payment of the	ese fees does not entitl	e me to approval and
that no refund of thes	e fees will be made.			
•	-	•	05/04/20	023
Applica	ant Signature			Date

Planning Services 222 W. Main Street * Pensacola, Florida 32502 (850) 435-1670 Mail to: P.O. Box 12910 * Pensacola, Florida 32521

JEREMY AND ALISE SWITZER GARAGE ADDITION

APRIL 2023







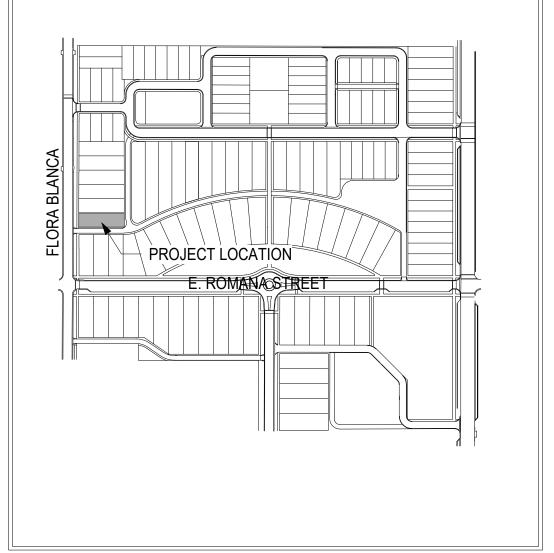




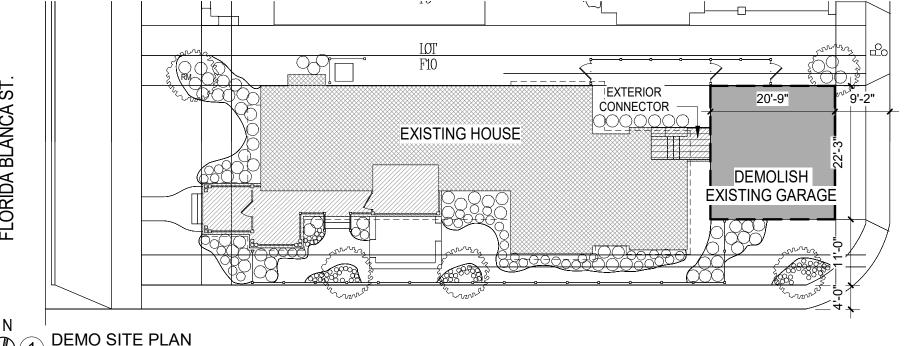


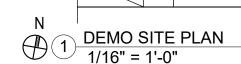


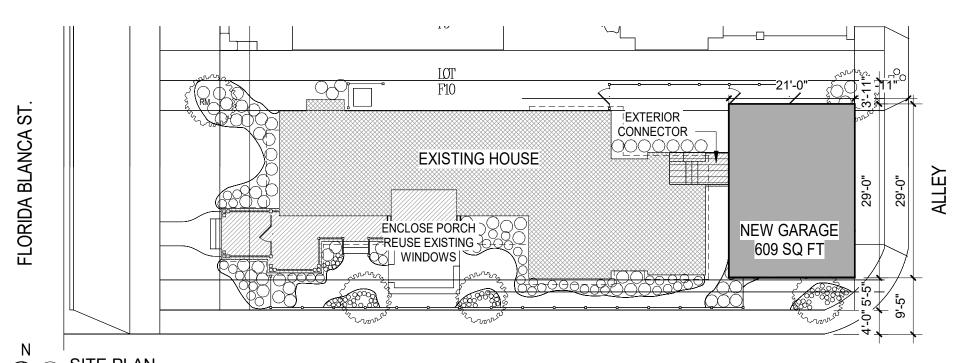




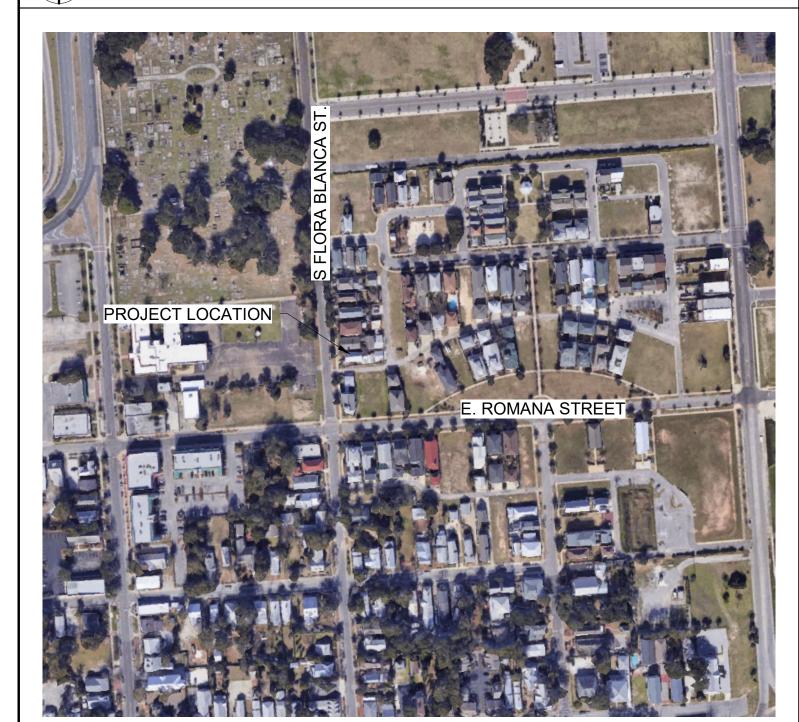
3 SITE LOCATION PLAN
1/8" = 1'-0"







AREA MAP



PROJECT DESCRIPTION

DEMOLITION OF THE EXISTING GARAGE AND CONSTRUCTION OF A 609 SQ FT NEW GARAGE. THE NEW GARAGE WILL HAVE A FIRST FLOOR WITH SPACE FOR TWO VEHICLES AND A GOLF CART, THE 2ND FLOOR WILL BE A SMALL APARTMENT WITH, KITCHEN, LIVING ROOM, LAUNDRY, ONE BEDROOM AND BATHROOM. THE THIRD FLOOR WILL BE A TOWER LOFT FOR KIDS TO PLAY IN THAT IS 56 SQ. FT. THE SOLAR PANELS WILL BE REMOVED AND REINSTALLED ON THE ROOF. THE EXISTING SCREEN PORCH WILL BE ENCLOSED.

THE SOLAR PANELS AND BATTERY STORAGE WILL NEED TO BE REMOVED, STORED, AND INSTALLED IN THE NEW GARAGE APPARTMENT

MATERIALS SELECTION WILL MATCH THE EXISTING HOUSE.

SHEET INDEX

ARCHITECTURAL

A001 TITLE SHEET

A101 PLANS A102 ELEVATIONS

A103 DETAILS

A104 ELECTRICAL - MATERIALS

S.0 STRUCTURAL NOTES S.1 STRUCTURAL SECTIONS AND PLANSS.2 STRUCTURAL DETAILS

M101 MECHANICAL PLAN

E101 SITE ELECTRICAL PLAN

BUILDING CODE

THIS PROJECT WAS DESIGNED IN ACCORDANCE WITH THE 2020 SEVENTH EDIITON FLORIDA RESIDENTIAL CODE AND THE

-MINIMUM FIRE SEPERATION DISTANCE IS 3' TO THE LOT LINE FOR UNRATED WALLS, PROJECTIONS, PENETRATIONS, AND OPENINGS

-LOT AREA - 4,581 SQ. FT. -ALLOWABLE SITE COVERAGE @ 75% - 3,436 SQ. FT. -ACTUAL SITE COVERAGE - 2,525 SQ. FT.

-THIS ADDITION IS A COTTAGE II IN GRD-1 ZONING DETACHED GARAGE AND GARAGE APARTMENT. -THE MAXIMUM ALLOWABLE HEIGHT IS 35' (PROPOSED

-MINIMUM FLOOR TO CEILING HEIGHT IS 8'0" (PROPOSED HEIGHT 8' IN GARAGE 9' IN APARTMENT)
-OUTBUILDING SETBACK IS 3' (DISTANCE FROM LOT LINE IS

-PORCHES SHALL BE AT LEAST 60% THE WIDTH OF THE BUILDING. AT CORNER LOTS WRAPAROUND PORCHES ARE ENCOURAGED. THE WIDTH AND DEPTH AT THE SIDE SHOULD BE SIMILAR TO THE FRONT. (THE EXISTING PORCH DOES NOT MEET THE REQUIREMENT. THE FRONT ELEVATION IS 28'
THE WIDTH OF THE PROPOSED PORCH IS BETWEEN 4' AND 9'
X 27' AND RUNS DOWN THE SIDE)

FLORIDA PRODUCT APPROVAL

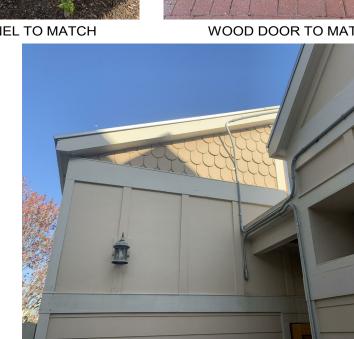
RAYNOR GARAGE DOOR - 14529 PELLA FIXED WINDOW - 10022 JELD-WIN DOOR - 15815 SEMCO 5V CRIMP METAL ROOF PANELS 11175 R4 SIMPSON STRONG TIE 9589 R6 HARDIPLANK LAP SIDING - 13192



GABLE END PATTERN TO MATCH



WOOD PANEL TO MATCH



SCREEN PORCH TO ENECLOSE AND SKIRT BOARD TO BE REPLACED



GABLE END PATTERN TO MATCH

SAM MARSHALL ARCHITECTS

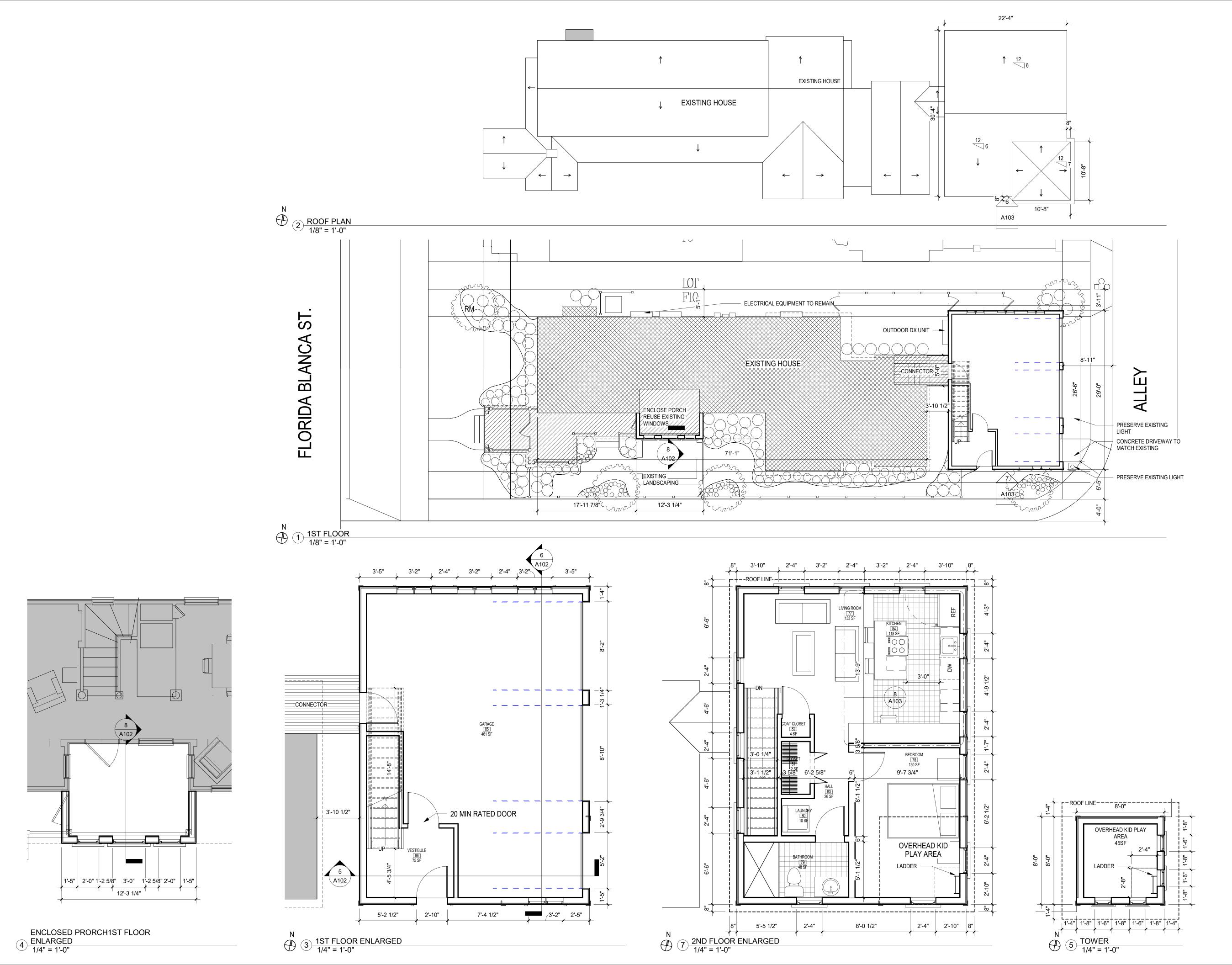
SAM MARSHALL ARCHITECTS 325 S. PALAFOX STREET PENSACOLA, FL 32502 T (850) 433-7842 F (850) 433-0510

www.sammarshallarch.com

1	Vo.	Description	Date

TITLE SHEET

Date	04/21/202
Drawn By	D
Checked By	1 1



E ADDITION 22 FLORIDA I GARAC ARAGON LOT F1

BLANCA

SAM MARSHALL ARCHITECTS AA C000293

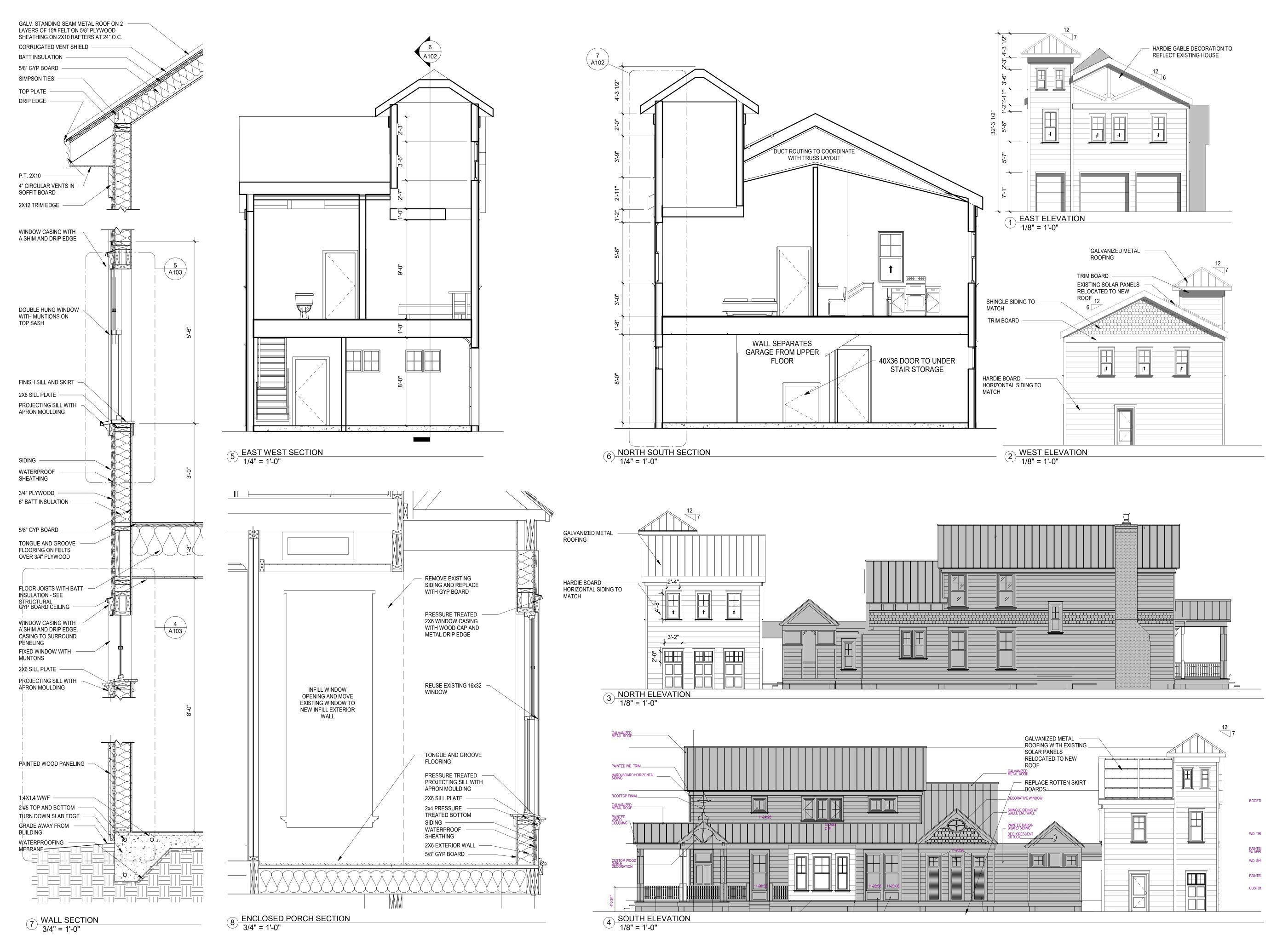
SAM MARSHALL ARCHITECTS 325 S. PALAFOX STREET PENSACOLA, FL 32502 T (850) 433-7842 F (850) 433-0510

www.sammarshallarch.com

No. Description Date

PLANS

04/21/2023 Drawn By Author Checked By Checker





SAM MARSHALL ARCHITECTS 325 S. PALAFOX STREET PENSACOLA, FL 32502 T (850) 433-7842 F (850) 433-0510

www.sammarshallarch.com

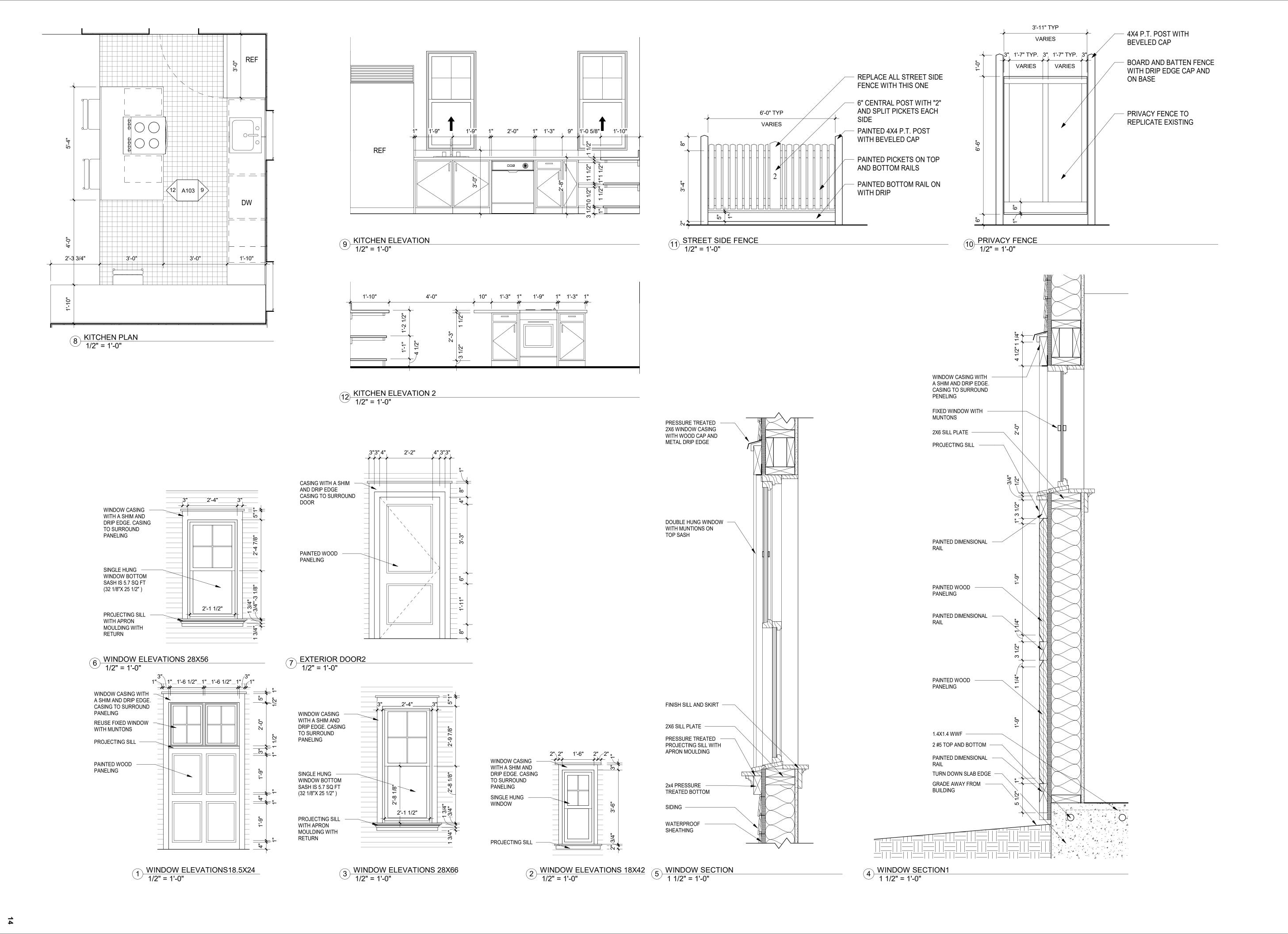
ADDITION 2 FLORIDA GAF OT

BLANCA

No.	Description	Date

ELEVATIONS

Date	04/21/2023
Drawn By	Author
Checked By	Checker



SAM MARSHALL ARCHITECTS AA C000293 SAM MARSHALL ARCHITECTS

325 S. PALAFOX STREET PENSACOLA, FL 32502 T (850) 433-7842 F (850) 433-0510

www.sammarshallarch.com

BLANCA E ADDITION 22 FLORIDA

No. Description Date

DETAILS

04/21/2023 Drawn By Author Checked By Checker

HARDIE SHINGLE SIDING HARDIE CEDARMILL SIDING

NEW PAINTING COLORS

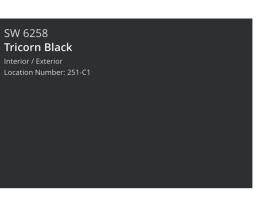
SW 7662 **Evening Shadow** Location Number: 233-C2

SW 7005 **Pure White** Interior / Exterior Location Number: 255-C1 EXTERIOR LIGHTS



HOUSE COLOR

All the TRIM



SW 6250 **Granite Peak**



GDO

CEILING MOUNTED GARAGE DOOR OPENER

RECEPTACATLE

DUBLEX RECEPTACLE MOUNTED 2" ABOVE CASEWORK BACKSPLASH

DUBLEX RECEPTACLE MOUNTED 18" ABOVE FF

WALL MOUNTED LIGHT

MULTIPLE STATION SMOKE ALARM. CEILING MOUNTED

SURFACE MOUNTED LINEAR

₩ WALL MOUNTED LINEAR

3 ELECTRICAL LEGEND 1/4" = 1'-0"

DOWNLIGHT

Everything that is currently GREEN

Everything that is currently RED



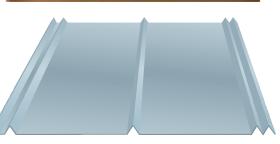
HARDIE TRIM BOARD

WEATHERSHIELD SINGLE HUNG WINDOW -ALUMINUM EXTERIOR COLOR TO MATCH EXISTING. -INTERIOR WOOD TO BE MAPLE -SIMULATED DIVIDED LITES INTERIOR, EXTERIOR, AND SPACER BAR



EXISTING SOLAR PANELS ON ROOF





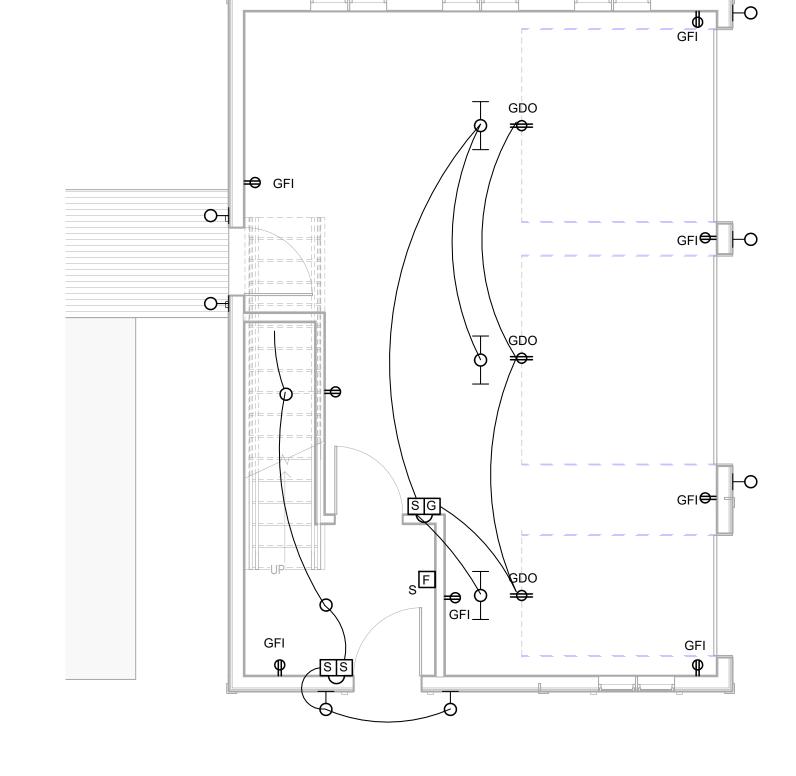
5V CRIMP METAL ROOF PANELS



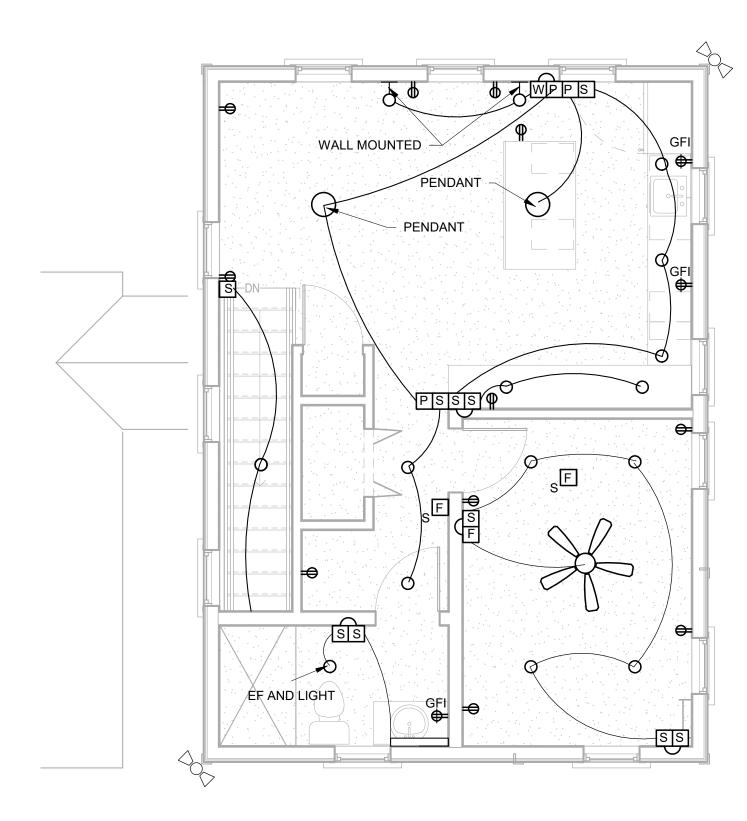
RAYNOR AP200 FLUSH GARAGE DOOR



JELD WEN WOOD DOOR ALDER WOOD TO MATCH EXISTING



1 1ST FLOOR ELECTRICAL PLAN 1/4" = 1'-0"



2 2ND FLOOR ELECTRICAL PLAN 1/4" = 1'-0"



SAM MARSHALL ARCHITECTS

Checker

04/21/2023

Author

No. Description Date

ELECTRICAL -

MATERIALS

Drawn By

Checked By

David – your Preliminary Review for the Switzer Garage Addition has been approved with the following comments:

- 1. Roof overhang of the tower element does make it appear heavy and not in character with the existing house/new garage *The tower roof has been reduced in size*.
- Suggest custom gable decoration at the east elevation to match existing house The gable decoration has been designed to match the existing house. The title sheet includes a photo.
- 3. Some reviewers suggested reworking the west elevation of the tower element to eliminate the small 3rd window, others suggested the mullion pattern more closely resemble the other two 4 over 1 or perhaps just 4 with proportion to match upper sash of adjacent window. *The windows on the West elevation of the tower have been removed.*
- 4. Suggest panels on north and south elevations mimic the proportions of those on the existing structure (4 panels / window). The panels on the north and south elevations mimic the proportions of those on the existing garage.
- 5. What is the wall indicated on the first floor plan south of the new enclosure? *This is an existing piece of landscaping.*
- 6. Will proximity to North property line preclude openings on North Elevation or how will they be rated? According to R302 in the FBC The minimum fire separation distance is 3' to the lot line for unrated walls projections penetrations and openings.
- 7. Would recommend a door style other than six panel for exterior door to garage on south elevation, to more closely match existing style. *The door has been changed to match existing*.
- 8. Please clarify where front fence detail occurs. The fence's name has changed to street side and privacy fence. The street side is replacing the street side fencing and the privacy fence is to replace the damaged privacy fence in the courtyard.
- 9. Assume same solar panels will go back in same location, just at second floor roof? Yes.
- 10. Will entire house be repainted new exterior colors? Yes.
- 11. Clarify if there is any new landscaping and what driveway apron material is. *Concrete. It has been noted.*
- 12. The proposed contractor will need to submit an application to be approved to build in Aragon. Verify reduced porch length still meets minimum 25% requirement. See attached design code. Porches shall be at least 60% the width of the building. At corner lots wraparound porches are encouraged. The width and depth at the side should be similar to the front. (the existing porch does not meet the requirement. the front elevation is 28' the width of the proposed porch is between 4' and 9' x 27' and runs down the side)
- 13. Verify window material. *The existing windows are wood framed windows. -see the supplementary photos on title sheet.*

Please provide a written response with your Construction Document Review Application and Exterior Materials Schedule. Please note that we take up to 30 days for each review. Thank you.

MICHAEL CRAWFORD

AIA, LEED AP, CPTED (850) 439.3237

michael@caldwell-assoc.com caldwell-assoc.com





Review Routing Meeting: June 13, 2023

Project: Site and Aesthetic Review - 22 S. Florida Blanca Street

Department:	Comments:
Planning	No comments provided.
FIRE	No comments provided.
PW/E/Surveyor	"No comments."
Inspection Svcs	No comments provided.
Pensacola Energy	No comments provided.
ECUA	"No comments."
FPL	No comments provided.
ATT	No comments provided.
Legal	No comments provided.

- (2) GRD-1, Gateway redevelopment district, Aragon redevelopment area.
 - a. Purpose of district. The gateway redevelopment district, Aragon redevelopment area is established to promote the orderly development of the southern gateway to the city in order to enhance its visual appearance, preserve a unique shoreline vista, improve traffic safety, and encourage a high quality of site planning and architectural design. Site specific analysis of development proposed within the district is intended to ensure that the scenic orientation and open space image of the Bayfront Parkway is maintained and the boundary of the adjacent historic district is positively reinforced. Zoning regulations are intended to ensure that future development is compatible with and enhances the pedestrian scale of the existing structures and period architectural character of the adjacent historic district.
 - b. *Urban character of the district*. The Aragon redevelopment area is characterized by integration of houses, shops, and work places. Mixed land use is encouraged by allowing home occupations and first floor work spaces with apartments and townhouses above. The historic district is the basis for district architectural guidelines, which reflect the scale and lot sizes, and the list of permitted uses is similar to those uses permitted in the historic district to the south.
 - c. Uses permitted.
 - 1. GRD-1, residential uses.
 - Single-family and multifamily residential (attached or detached) at a maximum overall density of 17.4 units per acre.
 - ii. Bed and breakfast (subject to section 12-3-84).
 - iii. Home occupations allowing: not more than 60 percent of the floor area of the total buildings on the lot to be used for a home occupation; retail sales shall be allowed limited to uses listed as conditional uses in subsection (2)c.3.i of this section; two nonfamily members as employees in the home occupation; and a sign for the business not to exceed three square feet shall be allowed.
 - iv. Community residential homes licensed by the state department of children and family services with six or fewer residents providing that it is not to be located within 1,000 feet of another such home. If it is proposed to be within 1,000 feet of another such home, measured from property line to property line, it shall be permitted with city council approval after public notification of property owners in a 500-foot radius.
 - v. Limited office space allowed only with residential use occupying a minimum of 50 percent of total building square footage of principal and outbuildings.
 - vi. Family day care homes licensed by the state department of children and family services as defined in state statutes.
 - 2. GRD-1, public uses.
 - i. Meeting hall, U.S. Post Office pavilion, buildings used for community purposes, not to exceed 5,000 square feet.
 - ii. Publicly owned or operated parks and playgrounds.
 - iii. Churches, Sunday school buildings and parish houses.
 - 3. GRD-1, commercial uses.
 - i. The following uses limited to a maximum area of 5,000 square feet:

- (a) Antique shops.
- (b) Art galleries.
- (c) Bakeries whose products are sold at retail and only on the premises.
- (d) Banks (except drive-through).
- (e) Barbershops and beauty shops.
- (f) Child care facilities (subject to section 12-3-87).
- (g) Health clubs, spas, and exercise centers.
- (h) Jewelers.
- (i) Laundry and dry-cleaning pick-up stations.
- (j) Office buildings.
- (k) Restaurants (except drive-ins).
- (I) Retail sales and services.
- (m) Retail food and drugstore.
- (n) Specialty shops.
- (o) Studios.
- 4. GRD-1, miscellaneous uses.
 - i. Outbuildings and uses can include:
 - (a) Garage apartments.
 - (b) Carriage houses.
 - (c) Studios.
 - (d) Granny flats.
 - (e) Storage buildings.
 - (f) Garages.
 - (g) Swimming pools.
 - (h) Hot tubs.
 - (i) Offices.

Refer to Aragon Urban Regulations in Aragon Design Code for maximum impervious surface per lot type.

- ii. Minor structures for utilities (gas, water, sewer, electric, telephone).
- d. Procedure for review.
 - 1. Review and approval by the planning board. All activities regulated by this subsection, including preliminary and final site plan review, shall be subject to review and approval by the planning board as established in section 12-12-2. Abbreviated review for paint colors, minor repairs and minor deviations in projects already approved by the board shall be in accordance with section 12-12-2(11). If agreement cannot be reached as it pertains to such

request for abbreviated review by the board secretary and chairperson then the matter will be referred to the planning board for a decision.

2. Decisions.

- i. General consideration. The board shall consider plans for buildings based on regulations described herein. In their review of plans for new construction, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof; materials, textures and colors; plot plans or site layout, including features such as walls, walks, terraces, off-street paved areas, plantings, accessory buildings, signs and other appurtenances; and relation of the building to the immediate surroundings and to the district in which it is located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and exterior site work, including painting, and is not restricted to those exteriors visible from a public street or place.
- ii. Rules governing decisions. Before approving the plans for any proposed building located or to be located in a district, the board shall find:
 - (a) In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, impair the architectural or historic value of buildings in the immediate vicinity. No plans for new building will be approved if that building will be injurious to the general visual character of the district in which it is to be located considering visual compatibility standards such as height, proportion, shape, scale, style, materials and colors.
 - (b) In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural value of the building.
- Plan submission. Every activity that requires plans in order to erect, construct, demolish, renovate or alter an exterior of a building, sign or exterior site work, located or to be located in the GRD-1 district shall be accompanied with drawings or sketches. All drawings must be drawn to scale and be legible. The minimum size scale for site plans is 1" = 20'0"; the minimum scale for floor plans is 1/8" = 1'0"; and the minimum scale for exterior elevations is 1/8" = 1'0". The scale for other items, such as signs and details, shall be as large as necessary to fully define the detail of those items. Major projects with very large buildings may vary from the scale referenced above for ease of presentation.
 - i. Site plan.
 - (a) Indicate overall property dimensions and building size, and building setback line and building frontage zone.
 - (b) Indicate relationship of adjacent buildings, if any.
 - (c) Indicate layout of all driveways and parking on the site including materials.
 - (d) Indicate all fences, including materials, dimensions, architectural elements and color, and signs, with dimensions as required to show exact locations.
 - (e) Indicate existing trees and existing and new landscaping.
 - ii. Floor plan.

- (a) Indicate locations and sizes of all exterior doors and windows.
- (b) Indicate all porches, steps, ramps and handrails.
- (c) For renovations or additions to existing buildings, indicate all existing conditions and features as well as the revised conditions and features and the relationship of both.

iii. Exterior elevations.

- (a) Indicate all four elevations of the exterior of the building.
- (b) Indicate the relationship of this project to adjacent structures, if any.
- (c) Indicate exposed foundation walls, including the type of material, screening, dimensions, and architectural elements.
- Indicate exterior wall materials, including type of materials, dimensions, architectural elements and color.
- (e) Indicate exterior windows and doors, including type, style, dimensions, materials, architectural elements, trim, and colors.
- (f) Indicate all porches, including ceilings, steps, and ramps, including type of materials, dimensions, architectural elements and color.
- (g) Indicate all porch, stair, and ramp railings, including type of material, dimensions, architectural elements, trim, and color.
- (h) Indicate roofs, including type of material, dimensions, architectural elements, associated trims and flashing, and color.
- (i) Indicate all signs, whether they are building-mounted or freestanding, including material, style, architectural elements, size and type of letters, and color. The signs must be drawn to scale in accurate relationship to the building and the site.

iv. Miscellaneous.

(a) Show enlarged details of any special features of either the building or the site that cannot be clearly depicted in any of the above-referenced drawings.

4. Submission of photographs.

- Provide photographs of the site for the proposed new construction in sufficient quantity to indicate all existing site features, such as trees, fences, sidewalks, driveways, and topography.
- ii Provide photographs of the adjoining "street scape," including adjacent buildings to indicate the relationship of the new construction to these adjacent properties.
- 5. Submission of descriptive product literature/brochures.
 - Provide samples, photographs, or detailed, legible product literature on all windows, doors and shutters proposed for use in the project. The information must be sufficiently detailed to show style, dimensions, detailing, material type, and color.

- ii. Provide descriptive literature, samples, or photographs showing specific detailed information about signs and letters, if necessary, to augment or clarify information shown on the drawings. The information must be sufficiently detailed to show style, dimensions, detailing, material type, and color.
- iii. Provide samples or descriptive literature on roofing material and type to augment the information on the drawings. The information must indicate dimensions, details, material, color and style.
- iv. Provide samples or literature on any exterior light fixtures or other exterior ornamental features, such as wrought iron, railings, columns, posts, balusters, and newels. Indicate size, style, material, detailing and color.
- e. Regulations for any development within the GRD-1 zoning district. These regulations are intended to address the design and construction of elements common to any development within the GRD-1 zoning district which requires review and approval by the planning board. Regulations and standards that relate specifically to new construction and/or structural rehabilitation and repairs to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established below. The Aragon Design Code describes the building types and architectural styles that are considered to be compatible with the intent of the GRD-1 regulations. This definition of styles should be consulted to ensure that the proper elements are used in combination in lieu of combining elements that are not appropriate for use together on the same building. Amendments to the Aragon Design Code may be made by the city council following a recommendation of the planning board and a public hearing before the city council, without necessity for amending this chapter.
 - 1. Building height limit. No building shall exceed the following height limits: Type I Townhouses and Type III Park Houses shall not exceed 55 feet or 3½ stories. Type II Cottages, Type IV Sideyard House, Type V Small Cottage, and Type VI Row House shall not exceed 45 feet or 2½ stories. No outbuilding shall exceed 35 feet or 2½ stories. Refer to Aragon Design Code.
 - 2. Landscaping.
 - Landscaping requirements in the GRD-1 district shall be based on Aragon Design Code.
 - ii. All service areas (i.e., dumpsters or trash handling areas, service entrances or utility facilities, loading docks or space) must be screened from adjoining property and from public view by one of the following:
 - (a) Fence or wall, six feet high;
 - (b) Vegetation, six feet high (within three years);
 - (c) A combination of the above.
 - 3. *Protection of trees.* It is the intent of this section to recognize the contribution of shade trees and certain flowering trees to the overall character of the Aragon redevelopment area and to ensure the preservation of such trees as described below:
 - i. Any of the following species having a minimum trunk diameter of eight inches (25.1 inches in circumference) at a height of one foot above grade: Live Oak and Water Oak; Magnolia having a minimum trunk diameter of six inches (18.8 inches in circumference) at a height of one foot above grade; and

 ii. Any of the following flowering trees with a minimum trunk diameter of four inches (12.55 inches in circumference) at a height of one foot above grade: Redbud, Dogwood, and Crape Myrtle.

No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, undertake tree removal, or effectively destroy through damaging, any specimen or flowering tree, whether it be on private property or right-of-way within the GRD-1 district, without first having obtained a permit from the city to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

4. Fences.

- i. Original fences in the older sections of the city were constructed of wood with a paint finish in many varying ornamental designs, or may have been constructed of brick or wrought iron. The style of the fence and the materials used typically related directly to the style and type of materials used for the building on the property. Refer to Aragon Design Code for required types of fences at different locations.
- ii. On every corner lot on both public and private streets intersecting 9th Avenue a sight triangle described by the intersection of the projection of the outer curb (next to the driving lane) lines extended, and a line joining the points on those lines 30 feet from said intersection shall be clear of any structure, solid waste container, parked vehicles, including recreational vehicles, or planting of such nature and dimension as to obstruct lateral vision, provided that this requirement shall generally not apply to tree trunks trimmed of foliage to eight feet, and newly planted material with immature crown development allowing visibility, or a post, column, or similar structure that is no greater than one foot in cross-section diameter. Lateral vision shall be maintained between a height of three feet and eight feet above grade. All other streets and intersections within the GRD-1 district shall be exempt from the requirements of section 12-3-58, Required Visibility Triangle. In addition the following provisions apply:
 - (a) Chain-link, exposed masonry block and barbed wire are prohibited fence materials in the GRD-1 district. Approved materials will include but not necessarily be limited to wood, brick, stone (base only) and wrought iron, or stucco. Materials can be used in combination.
 - (b) All wood or wrought iron fences shall be painted if the principal building is painted. Wood fences shall be constructed utilizing one of a variety of designs, especially a design that will reflect details similar to those on the building. It is recommended that the use of wrought iron or brick fences be constructed in conjunction with buildings that use masonry materials in their construction or at locations requiring them. "Dog ear pickets" are not acceptable. Refer to Architectural Standards in Aragon Design Code.
 - (c) Fences in the required front yard will be no higher than four feet and six feet, six inches in the side and rear yards. On corner lots, fences constructed within the required street side yard shall not exceed four feet in height if the fence would obstruct the visibility from an adjacent residential driveway. Otherwise fences within the required street side yard may be built to a maximum of six feet, six inches.

5. Signage.

- Informational signs. All informational signs, even if erected on private property, are subject to regulations contained in this section.
- ii. Commercial signs. It is the intent of the Aragon redevelopment area to recapture the turn-of-the century feeling of commerce in Aragon's core neighborhood. To this end, special consideration will be given to a variety of painted signs on brick and stucco walls, building cornices, canopies and awnings, even on sidewalks and curbs.
- iii. Sign style shall be complementary to the style of the building on the property. In the older sections of the city the support structure and trim work on a sign was typically ornamental, as well as functional.

Refer to sections 12-5-2 and 12-5-3 for general sign standards and criteria and for a description of sign area calculations. In addition to the prohibited signs listed below, all signs listed in section 12-5-7 are prohibited within the GRD-1 district. The design, color scheme and materials of all signs shall be subject to approval by the planning board. Only the following signs shall be permitted in the GRD-1 district:

- (a) Permitted signs.
 - (1) Temporary accessory signs.
 - One non-illuminated sign advertising the sale, lease, or rental of the lot or building, said sign not exceeding two square feet in area.
 - One non-illuminated sign per street frontage, not more than 32 square feet in area in connection with new construction work related to Aragon's development, community sites, parks, or Privateer's Alley.
 - (2) Permanent accessory signs.
 - Each mixed-use or commercial property shall be limited to one sign per lot for Type II through VI. The sign may be placed on the street side or alley frontage. Type I shall be limited to one sign per street and one for alley frontage. The sign may be projected from the building, a wall-mounted sign, or a painted sign. Signs projecting from a building or extending over public property shall maintain a clear height of nine feet six inches above the public property and shall not extend above the roof line on which it is attached. The sign may be mounted to or painted on the face of a wall of the building, hung from a bracket that is mounted to a wall of a building, or hung from other ornamental elements on the building. Attached or wall signs may be placed on the front or one side of the building. The sign may be illuminated provided the source of light is not visible beyond the property line of the lot on which the sign is located.
 - b. Advertising display area.
 - GRD-1, Type II through Type VI residential home occupation and mixed-use lots are not to exceed ten square feet.

- 2. GRD-1, Type I commercial lots are not to exceed 35 square feet per street front.
- 3. A combination of two attached wall signs may be used, but shall not exceed a total of 35 square feet.
- 4. If fronting an alley the size shall not exceed 12 square feet.
- c. One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three square feet and shall be attached flat against the wall of the building.
- d. Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the mayor and board.
- (b) Prohibited signs.
 - (1) Any sign using plastic materials for lettering or background.
 - (2) Internally illuminated signs.
 - (3) Portable signs.
 - (4) Nonaccessory signs.
 - (5) Back lit canvas awnings.
 - (6) Flashing, strobe, or neon signs.
 - (7) Neon signs placed inside a window.
- 6. *Driveways and sidewalks*. The following regulations and standards apply to driveways and sidewalks in the GRD-1 district:
 - i. Driveways shall be allowed at locations indicated in the Aragon Design Code.
 - (a) Where asphalt or concrete is used as a driveway material, the use of an appropriate coloring agent is allowed.
 - (b) From the street pavement edge to the building setback the only materials allowed shall be brick, concrete pavers, colored or approved stamped concrete or poured concrete.
 - ii. Sidewalks, construction, repair and maintenance of sidewalks are all required on public rights-of-way within the district. Sidewalks shall be constructed of concrete, a combination of concrete and either brick, concrete pavers or concrete poured and stamped with an ornamental pattern or smooth finish.
- 7. Off-street parking. Off-street parking is required in the GRD-1 district. The requirements for off-street parking in this district recognize that the Aragon redevelopment area forms a transition neighborhood between the adjacent historic district to the south, where off-street parking is not required in the historic commercial zoning districts and the remainder of the gateway redevelopment district where conventional off-street parking requirements apply. The off-street parking requirements in the GRD-1 district reflect a land use pattern that encourages small scale commercial land uses adjacent to residential uses that are accessible through a network of pedestrian improvements, such as sidewalks, plazas and

open spaces. Because parking areas were not a common land use in the older sections of the city, their location is set forth in the standards.

- i. Residential uses.
 - (a) Single-family and accessory unit—One space/unit.
 - (b) Townhouse and multifamily—One space/unit.
 - (c) Bed and breakfast—One space per owner plus one space/sleeping room.
 - (d) Home occupation—One space/nonfamily employee.
 - (e) Community residential home—One space/two beds.
- ii. Public uses.
 - (a) Meeting hall, U.S. Post Office pavilion, buildings used exclusively for federal, state, county or city governments for public purposes—One space/500 square feet.
 - (b) Publicly owned or operated parks and playgrounds—None required.
 - (c) Churches, Sunday school buildings and parish houses—One space/four fixed seats.
- iii. Commercial uses.
 - (a) Antique shops—One space/500 square feet.
 - (b) Art galleries—One space/500 square feet.
 - (c) Bakeries (retail only)—One space/500 square feet.
 - (d) Barbershops and beauty shops—One space/station and one space/employee.
 - (e) Day care centers—One space/employee plus one space/classroom.
 - (f) Health clubs, spas and exercise centers—One space/300 square feet.
 - (g) Jewelers—One space/500 square feet.
 - (h) Laundry and dry-cleaning pick-up stations—One space/employee.
 - (i) Office buildings—One space/500 square feet.
 - (j) Restaurants (except drive-ins)—One space/500 square feet.
 - (k) Retail sales and services—One space/500 square feet.
 - (I) Retail food and drugstore—One space/500 square feet.
 - (m) Specialty shops—One space/500 square feet.
 - (n) Studios—One space/50 square feet unless owner occupied.
- iv. For Type I Townhouse the uses identified in subsections (2)e.7.i through iii of this section, on-street parking on Romana Street and 9th Avenue within 500 feet of the building may be used towards this requirement for nonemployee parking only. One off-street parking space shall be required for each employee in the building.

- v. Parking shall be screened from view of adjacent property and the street by fencing, landscaping or a combination of the two approved by the board, except in alley locations.
- vi. Materials for parking areas shall be concrete, concrete or brick pavers, asphalt, oyster shells, clam shells or #57 granite, pea gravel or marble chips. Where asphalt or concrete are used, the use of a coloring agent is allowed. The use of acceptable stamped patterns on poured concrete is encouraged.
- viii. For Type I Townhouse as an option to providing the required off-street parking as specified in subsections (2)e.7.i through iii of this section, the required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4).
- 8. Paint colors. The planning board has adopted palettes of colors considered compatible with historic colors from several paint manufacturers that represent acceptable colors for use in the GRD-1 district. Samples of these palettes can be reviewed at the office of the building inspector or the secretary of the GRD board.
- 9. *Outbuildings*. Outbuildings shall not exceed a maximum height of 35 feet. The accessory structure shall match the style, roof pitch, and other design features of the main residential structure.
- 10. Architectural review standards.
 - i. Exterior lighting. Exterior lighting in the district will be post-mounted street lights and building-mounted lights adjacent to entryways or landscaping lights that are shielded. Lamps shall be typically ornamental in design and appropriate for the building style. Refer to Aragon Design Code, Architectural Standards.
 - (a) Exterior lighting fixtures must be appropriate for building style. Refer to Aragon Design Code, Architectural Standards.
 - (b) Exterior. Where exterior lighting is allowed to be detached from the building, the fixtures visible from off-premises (other than landscape lighting that is permitted) shall be post-mounted and used adjacent to sidewalk or driveway entrances or around parking. If post-mounted lights are used, they shall not exceed 12 feet in height. Exterior lights shall be placed so that they do not shine directly at neighbors.
 - (c) The light element itself shall be a true gas lamp or shall be electrically operated using incandescent, halogen, metal halide or high pressure sodium lamps. Fluorescent and mercury vapor lamps are prohibited.
 - (d) The use of pole mounted high pressure sodium utility/security lights is prohibited.
 - iii. Exterior building walls. Exterior treatments will be of wood, cedar shingles, wood clapboard, board and batten or board on board, fiber-cement smooth lap siding (Hardiplank), brick, stone for Craftsman style buildings, or stucco. Building wall finish must be appropriate for building style (Refer to Aragon Design Code, Architectural Standards). Individual windows and porch openings, when rectangular, shall be square or vertical proportion and have multiple lights, unless architectural style dictates other combinations. Chimneys shall be architecturally compatible with the style. All primary structures are required to

elevate their first finished floor 18 to 36 inches above grade, except Type I Townhouse. Base treatment shall be articulated.

- (a) Vinyl or metal siding is prohibited.
- (b) Wood siding and trim shall be finished with paint or stain, utilizing colors approved by the board.
- (c) Foundation piers shall be exposed brick masonry or sand textured plaster over masonry. If in-fill between piers is proposed, piers shall be skirted and screened in an opaque manner. It is encouraged that in-fill panels of wood lattice be utilized or brick screens where appropriate.
- iii. Roofs. Roofs may be of metal, wood shake, dimensional asphalt shingle, slate, diamond shape asphalt shingles or single ply membrane or built up (for flat roofs), and must be of the appropriate architectural style. Roof pitch for sloped roofs above the main body shall be at least eight on 12 on one- and two-story buildings and six on 12 on buildings with three stories, unless architectural style dictates other slope, for example Craftsman. Eaves shall be appropriate for the architectural style. Shed roofs shall be allowed only against a principal building or perimeter wall. Flat roofs shall not be permitted without parapets, cornices, eaves overhangs boxed with modillions, dentrils, or other moldings. The maximum size of the roof deck, window's walks, towers, turrets, etc., is 200 square feet, with the maximum height of ten feet above the maximum allowable building height.
 - (a) Eaves and soffits may be: wood, painted or stained; smooth finish or sand textured stucco soffits, if detailed appropriately; or fiber-cement, if detailed appropriately ("Hardisoffit" or Hardipanel" vertical siding panels). Eaves shall be appropriate for architectural style and type.
 - (b) Flashing may be anodized or pre-finished aluminum, galvanized steel of naturally weathered copper.
 - (c) Gutters and downspouts may be anodized or pre-finished aluminum, galvanized steel or naturally weathered copper.
- iv. Balconies and porches. Front porches are required for all Type II through Type V principal structures, and porches or balconies are required for Type I and Type VI principal structures. Type I principal structure balconies supported by columns, the outside edge of the columns shall be located at the outside edge of the public sidewalk, and the balcony shall not extend past the columns. Balconies shall not be cantilevered more than eight feet. See the below figures for balcony and porch dimensions.
- v. Doors. Entrance doors with an in-fill of raised panels below and glazed panels above were typically used in older sections of the city. Single doorways with a glazed transom above allows for both light and ventilation to enter the entrance way or entrance foyer of the building. Double doors are usually associated with a larger home or building layout.
 - (a) Doors are to be appropriate for building style and type. Entrance doors shall be fabricated of solid wood, metal, or fiberglass. Refer to Aragon Design Code, Architectural Standards and Architectural Styles.
- vi. Windows. Individual windows shall have vertical proportion.

- (a) Windows are to be fabricated of wood or vinyl clad wood windows. Solid vinyl windows may be used if the components (jamb, sash, frame, sill, etc.) are sized and proportioned to duplicate wood. Steel or aluminum windows are prohibited.
- (b) All individual windows shall conform to vertical proportions of not less than 1:1.5, unless architectural styles dictate otherwise. Assemblage of complying window units to create large window openings is acceptable. Kitchen and bathroom windows are considered exceptions and are not regulated by vertical proportions, but are subject to approval if they detract from the overall vertical orientation.
- (c) Window sections shall be appropriate for style. Refer to Aragon Design Code.
- (d) The window frame will be given a paint finish appropriate to the color scheme of the exterior of the building.
- (e) Window trim or casing is to be a nominal five-inch member at all sides, head and sill.
- (f) Glass for use in windows shall typically be clear, but a light tinted glass will be given consideration by the planning board.
- (g) Highly reflected glazing is prohibited. Insulated glass units are encouraged.
- vii. Shutters. Shutters are an exterior ornamental and functional architectural feature that have traditionally been used on windows, and occasionally, on doors.
 - (a) Shutters may be operable or fixed.
 - (b) If shutters are to be used on a project, they must be dimensioned to the proper size so that they would completely cover the window both in width and height if they were closed.
 - (c) The style of the shutters must be louvered, flat vertical boards or paneled boards, with final determination being based on compatibility with the overall building design.
 - (d) Shutters to be fabricated of wood or vinyl.
 - (e) Shutters are to be appropriate for building style and type. Refer to Aragon Design Code, Architectural Styles.
- viii. *Chimneys*. Chimneys constructed of brick masonry, exposed or cement plastered, are architecturally compatible.
 - (a) The chimneys are to be constructed of masonry with the exposed surface to be brick or sand textured plaster. Rough texture stucco is prohibited.
 - (b) The finished exposed surface of chimneys are to be left natural without any paint finish, unless the chimney is plastered or stuccoed.
 - (c) Flashing shall consist of galvanized steel, copper sheet metal or painted aluminum.

- (d) The extent of simplicity or ornamentation shall be commensurate with the overall style and size of the building on which the chimney is constructed.
- ix. Trim and miscellaneous ornament.
 - (a) Trim and ornament, where used, is to be fabricated of wood, stucco or stone.
 - (b) Trim and ornament will be painted to match, or be coordinated with, door and window casings, porch railings, porch columns, and basic projecting elements of the building.
- x. Miscellaneous mechanical equipment.
 - (a) Air conditioning condensing units shall not be mounted on any roof where they are visible from any street.
 - (b) Air conditioning condensing units that are mounted on the ground shall be in either side yards or rear yards.
 - (c) Visual screening consisting of ornamental fencing or landscaping shall be installed around all air conditioning condensing units to conceal them from view from any adjacent street or property owner.
 - (d) Exhaust fans or other building penetrations as may be required by other authorities shall be allowed to penetrate the wall or the roof but only in locations where they can be concealed from view from any street. No penetrations shall be allowed on the front of the building. They may be allowed on side walls if they are properly screened. It is desirable that any penetrations occur on rear walls or the rear side of roofs.
- xi. Accessibility ramps and outdoor stairs.
 - (a) Whenever possible, accessibility ramps and outdoor stairways shall be located to the side or the rear of the property.
 - (b) The design of accessibility ramps and outdoor stairs shall be consistent with the architectural style of the building.
 - (c) Building elements, materials and construction methods shall be consistent with the existing structure.
- xii. Outbuildings.
 - (a) Outbuildings shall be detailed in a manner similar to the house. Detached garages are strongly encouraged.
 - (b) Accessory dwelling units are permitted and encouraged, and shall be detailed in a manner similar to the house.
- 11. Additional regulations. In addition to the regulations established above in subsections (2)e.1 through 10 of this section, any permitted use within the GRD-1 zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4, Alcoholic Beverages.
- f. Procedures for review of renovation, alterations, and additions to structures within the GRD-1 district. The regulations and standards established in subsections (2)a through e of this section,

shall apply to all plans for the renovation, alteration and addition to structures within the GRD-1 district.

Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs that are
consistent with the regulations and standards set forth in subsection (2) of this section may
be approved by letter to the building official from the board secretary and the chairperson
of the planning board. If agreement cannot be reached as it pertains to such request for
abbreviated review by the board secretary and chairperson, then the matter will be
referred to the entire board for a decision.

City of Pensacola

Memorandum

File #: 23-00421 Planning Board 6/13/2023

TO: Planning Board Members

FROM: Gregg Harding, Assistant Planning & Zoning Division Manager

DATE: 5/15/2023

CITY COUNCIL DISTRICT: 6

SUBJECT:

8 N. 9th Avenue - Gateway Redevelopment District - Request for Variance to Sec. 12-3-12(1) - Hilton Garden Inn Signage Zone GRD

BACKGROUND:

PHOTA Pensacola, LLC, is seeking a variance to the requirements of Sec. 12-3-12(1)d.1.iii.(c)(1)b. of the Land Development Code. The variance request is to increase the maximum allowable size of attached wall signage from 25 square feet to 127.62 square feet on the north and south sides of a new hotel (an increase of 102.62 square feet). Within GRD, each parcel under single ownership shall be limited to one sign per street adjacent to the parcel. The north elevation fronts onto a private roadway, and the south elevation fronts onto Colfax Street. Both are considered "other streets and areas within the gateway redevelopment district" and all attached wall signs have the following regulations:

- a. Height. No sign shall extend above the main roof line of a building to which it is attached.
- b. Size. Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 25 square feet.

Per GRD regulations, Planning Board may grant a variance due to unique and peculiar circumstances or needs resulting from the use, size, configuration, or location of a site. In addition to special conditions, the board must also find that the variance granted will not detract from the architectural integrity of the development and its surroundings, and that the variance will be in harmony with the general intent and purpose of the district. Since variance hearings are quasi-judicial in nature, the decision of the Planning Board is final subject to judicial review.

This variance application pertains only to the size of the proposed wall signs. It does not pertain to the proposed placement, type, design, or lighting although indirect and internal lighting is encouraged

in GRD.

RECOMMENDED CODE SECTIONS

Sec. 12-3-12(1) Redevelopment land use district, GRD

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Sec. 12-12-2(6)f. Planning board, Authority and duties, Variances

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Sec. 12-11-2 Appeals and variances

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8 N. 9th Avenue







Zoning Board of Adjustment
Architectural Review Board
Planning Board
Gateway Review Board

VARIANCE APPLICATION

A COMPLETE APPLICATION SHALL INCLUDE THE FOLLOWING:

- A. One (1) copy of this completed application form. (Please type or print in ink.)
- B. Site plan and/or survey showing the following details:*
 - 1. Abutting street(s)
 - 2. Lot dimensions and yard requirements (setbacks)
 - 3. Location and dimensions of all existing structures
 - 4. Location and dimensions of all proposed structures and/or additions
 - 5. Dimension(s) of requested variance(s)
- C. Other supporting documentation (drawings, photographs, etc) to support request(s).*
- D. A non-refundable application fee of \$500.00.
- * The Applicant must provide fourteen (14) copies of any documents larger than 8½ x 11 or in color.

 Maximum page size for all submitted material should be 11" x 17" to allow for processing and distribution.

	(To be Completed I	by Staff)
Provision(s) of Zoning Ordina	ance from which the variance	e(s) is/are being requested:
Section(s)/ Tables(s) $\frac{12-3-1}{}$	2(1)d.1.iii.(c)(1)b.	Zoning GRD
	(To be Completed by	Applicant)
The Applicant requests cons	ideration of the following var	iance request(s):
Property Address:	8 N 9TH AVE 32502 Pens	acola FL 32502
Current use of property:	Hotel	
Describe the requested v	variance(s): Sign Code only a	allows 25 sq. ft. are less-signage exceeds
N&S Elevation - Two sets 30	" Building Letters with copy HI	LTON GARDEN INN - 127.62 sq. ft. display
area - exceeds the allowed a	mount of signage in two locati	ions

2. Describe the special condition(s) existing on this property which create(s) the need for the variance(s), but which are not applicable to other properties in the same district and which are not the results of the applicant's actions:

Our new hotel building is much larger than the other new buildings in this area, thus larger signage is necessary as a result of scale. The 25sf max signage per building face limit is too small for the HILTON GARDEN INN letter set that is 4 stories up on the building elevations.

Planning Services
222 W. Main Street * Pensacola, Florida 32502
(850) 435-1670
Mail to: P.O. Box 12910 * Pensacola, Florida 32521

The transfer of the second control of the second se	ed by other property owners in the same d	
so that guests can se	ilding signage is installed on the exterior e e it from farther away while traveling to the	e property. The other buildings
	smaller and shorter than our new hotel, thour much larger building.	nus the 25sf max works easily
4 Evalaia vehvetha va	averated variouss(s) is love not detriments	I to the general welfers or to present
rights of others in the	quested variance(s) is/are not detrimenta vicinity:	i to the general werrare or to property
Adequate and brand	prototypical exterior building signage is in s and will not be out of place on this one (stalled and is expected on the exterior
other hotel of this siz		i.e. it will look Normal and like any
« 		
5. Explain what other	condition(s) may justify the proposed var	iance(s):
Rased on lengthy dista	nce for sign visibility. Wall Signage not facir	ng any residence. Wall Signs are
0,	, ,	
facing vacant & comme	, ,	
0,	, ,	
0,	ercial property only.	
facing vacant & comme	ercial property only.	oplication Date: 3/14/23
facing vacant & comme	ercial property only.	oplication Date: 3/14/23
facing vacant & comme	PHOTA Pensacola, LLC	oplication Date: 3/14/23
Applicant: Applicant's Address: Email:	PHOTA Pensacola, LLC 3500 Lennox Road, Suite 625, Atlanta,	oplication Date: 3/14/23 GA 30326
Applicant's Address: Email: Applicant's Signature:	PHOTA Pensacola, LLC 3500 Lennox Road, Suite 625, Atlanta, Ishuman@peachtreehotelgroup.com	oplication Date: 3/14/23 GA 30326
Applicant: Applicant's Address: Email:	PHOTA Pensacola, LLC 3500 Lennox Road, Suite 625, Atlanta, Ishuman@peachtreehotelgroup.com Signature on file.	Opplication Date: 3/14/23 GA 30326 Phone: (704) 467-5507
Applicant: Applicant's Address: Email: Applicant's Signature: Property Owner:	PHOTA Pensacola, LLC 3500 Lennox Road, Suite 625, Atlanta, Ishuman@peachtreehotelgroup.com Signature on file. PHOTA Pensacola, LLC	Opplication Date: 3/14/23 GA 30326 Phone: (704) 467-5507

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable modifications for access to City Services, programs, and activities. Please call 435-1600 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



Variance Application

VARIANCE GRANTED BY THE BOARD OF ADJUSTMENT: The petitioner must secure a building permit and commence work within one hundred-eighty (180) days of the date of the granting of the variance, unless additional time is granted by the Board at that particular meeting.

JUDICIAL REVIEW OF DECISION OF THE BOARD OF ADJUSTMENT: If denied a variance by the Board, that request for a variance cannot be heard again for one year. The petitioner has thirty (30) days form the date of the meeting to appeal the decision according to Section 12-12-2 of the Land Development Code. Any person or persons, jointly or severally aggrieved by a decision of the Board may apply to the Circuit Court of the First Judicial Court of Florida. The Board, Building Inspector, or Attorney of the City of Pensacola must be notified of an appeal within five (5) days of the application being made to the Circuit Court. If a Notice of Appeal has not been received within thirty-five (35) days of the date of the meeting the variance was denied, the petitioner shall be notified by the Building Inspector that they have ten (10) days to remove or correct the violation.

Restore Full Version

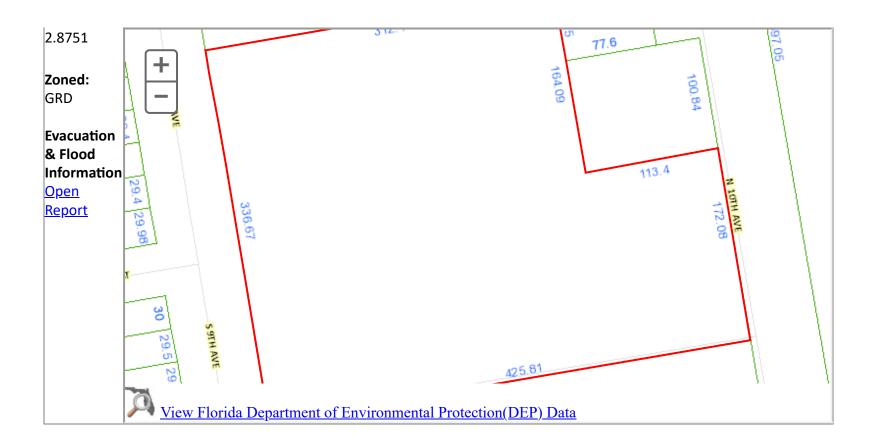
General Inforn	nation		Assess	sments					
Parcel ID:	000S009025002008		Year	Land	Imprv	Total	<u>Cap Val</u>		
Account:	140014010		2021	\$1,435,000	\$0	\$1,435,000	\$1,435,000		
Owners:	PHOTA PENSACOLA LLC								
Mail:	3500 LENOX ROAD SUITE ATLANTA, GA 30326	625			Disclaim	er			
Situs:	8 N 9TH AVE 32502			Market '	Value Brea	kdown Lette	er		
Use Code:	VACANT COMMERCIAL				Tax Estima	ator			
Taxing Authority:	PENSACOLA CITY LIMITS			ile for New H			Online		
Tax Inquiry:	Open Tax Inquiry Windo	<u>N</u>	∥ '	iic for factor i	Torricateda	LACINIPLION	Omme		
	c courtesy of Scott Lunsford nty Tax Collector								
Sales Data			2021 (Certified Roll Ex	xemptions .				
Sale Date B	ook Page Value Type	Official Records	None						
12/22/2020 8	430 976 \$3,450,000 WD	(New Window)	Legal Description						
Official Record Escambia Cour	s Inquiry courtesy of Pam Cl nty Clerk of the Circuit Court	COMMENCE AT THE NORTHWEST CORNER OF BLOCK 14 OF THE NEW CITY TRACT, ACCORDING TO THE MAP OF THE CITY OF PENSACOLA,							
Comptroller			Extra	Features					
			None						
Parcel nformation									

Map Id:

CA069

Approx.
Acreage:

Section



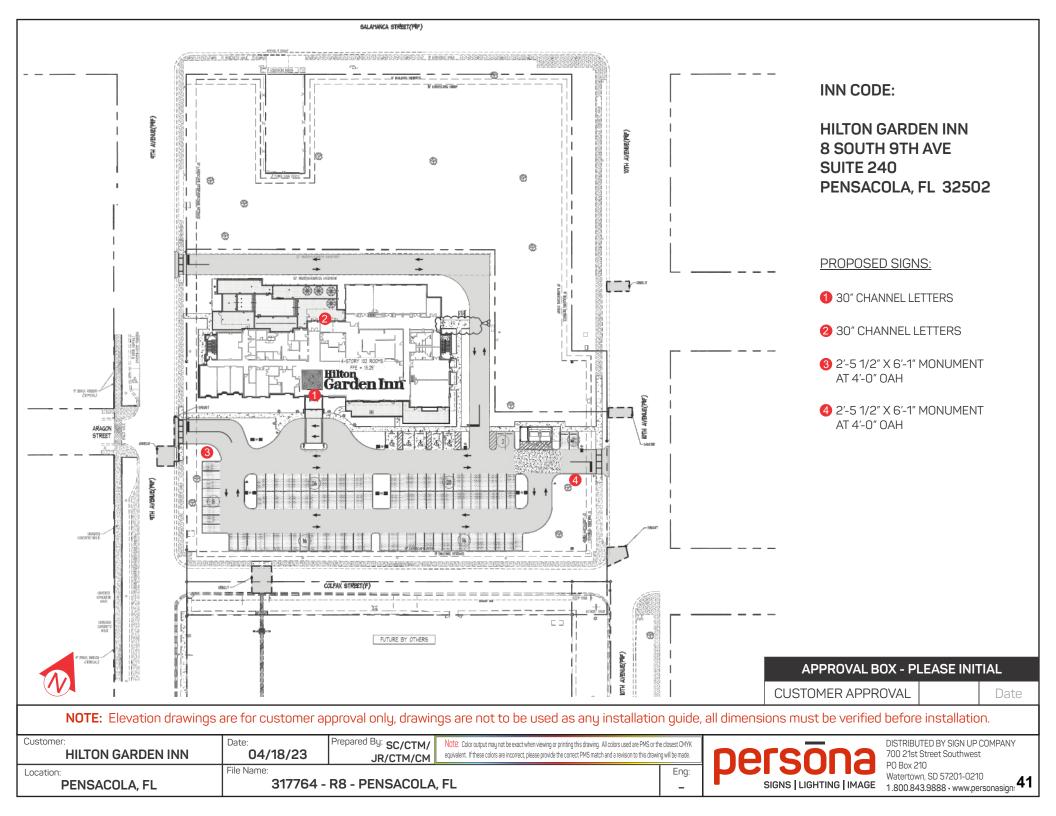
Buildings

Images



3/9/2022 12:00:00 AM

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.





FRONT SOUTH ELEVATION





CHANNEL LETTER DETAIL
SCALE: 1/4" = 1'-0"

NOTE: VARIANCE MAY BE REQUIRED FOR PROPOSED SIGNAGE.

BOXED AREA: 125.00 SQ FT ACTUAL AREA: 40.25 SQ FT

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:
HILTON GARDEN INN
O4/18/23
Prepared By:
SC/JR/CTM/CM
Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

File Name:
Eng:
PRENSACOLA, FL
317764 - R8 - PENSACOLA, FL



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1.800.843.9888 • www.personasign: **42**



FRONT SOUTH ELEVATION

SCALE: 1/32" = 1'-0"





Hilton Garden Inn

NOTE: VARIANCE MAY BE REQUIRED FOR PROPOSED SIGNAGE.

BOXED AREA: 125.00 SQ FT ACTUAL AREA: 40.25 SQ FT

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:

HILTON GARDEN INN

Date:

O3/30/23

Prepared By:

SC/MW/JR/CTM

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

File Name:

Prepared By:

SC/MW/JR/CTM

Prepared By:

SC/MW/JR/CTM

Eng:

PREPARED ACOLA, FL

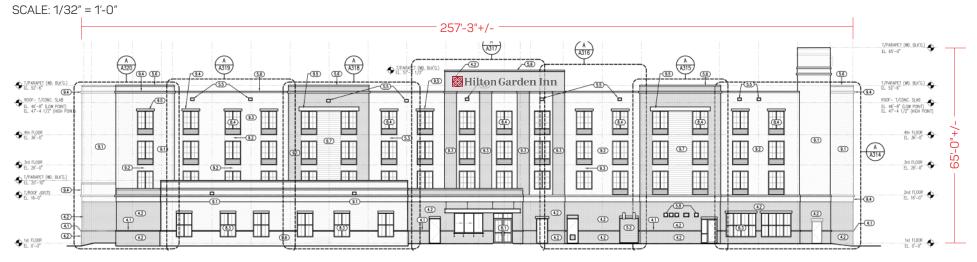
317764 - R8 - PENSACOLA, FL



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watertown, SD 5/201-0210 1.800.843.9888 • www.personasign:

REAR NORTH ELEVATION





CHANNEL LETTER DETAIL SCALE: 1/4" = 1'-0"

NOTE: VARIANCE MAY BE REQUIRED FOR PROPOSED SIGNAGE.

BOXED AREA: 125.00 SQ FT ACTUAL AREA: 40.25 SQ FT

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

_					
Customer: HILTON GARDEN INN	Date: 04/18/23	Prepared By: CTM/JR/CTM/CM	Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing.		
Location: PENSACOLA, FL	File Name: 317764 -	R8 - PENSACOLA	, FL	Eng:	



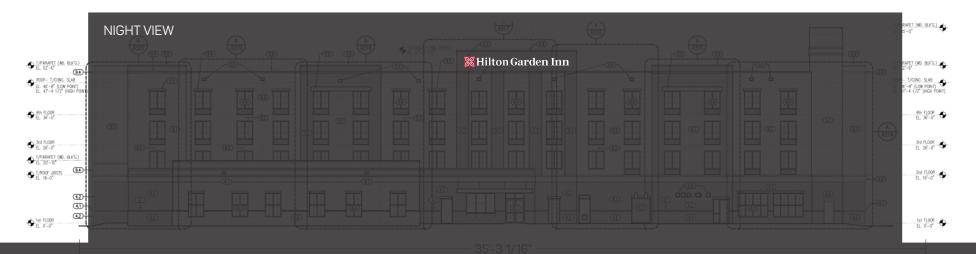
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1.800.843.9888 • www.personasign: **44**



REAR NORTH ELEVATION

SCALE: 1/32" = 1'-0"





Hilton Garden Inn

CHANNEL LETTER DETAIL SCALE: 1/4" = 1'-0"

NOTE: VARIANCE MAY BE REQUIRED FOR PROPOSED SIGNAGE.

BOXED AREA: 125.00 SQ FT ACTUAL AREA: 40.25 SQ FT

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:
HILTON GARDEN INN
Date:
O3/30/23
CTM/JR/CTM

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

File Name:

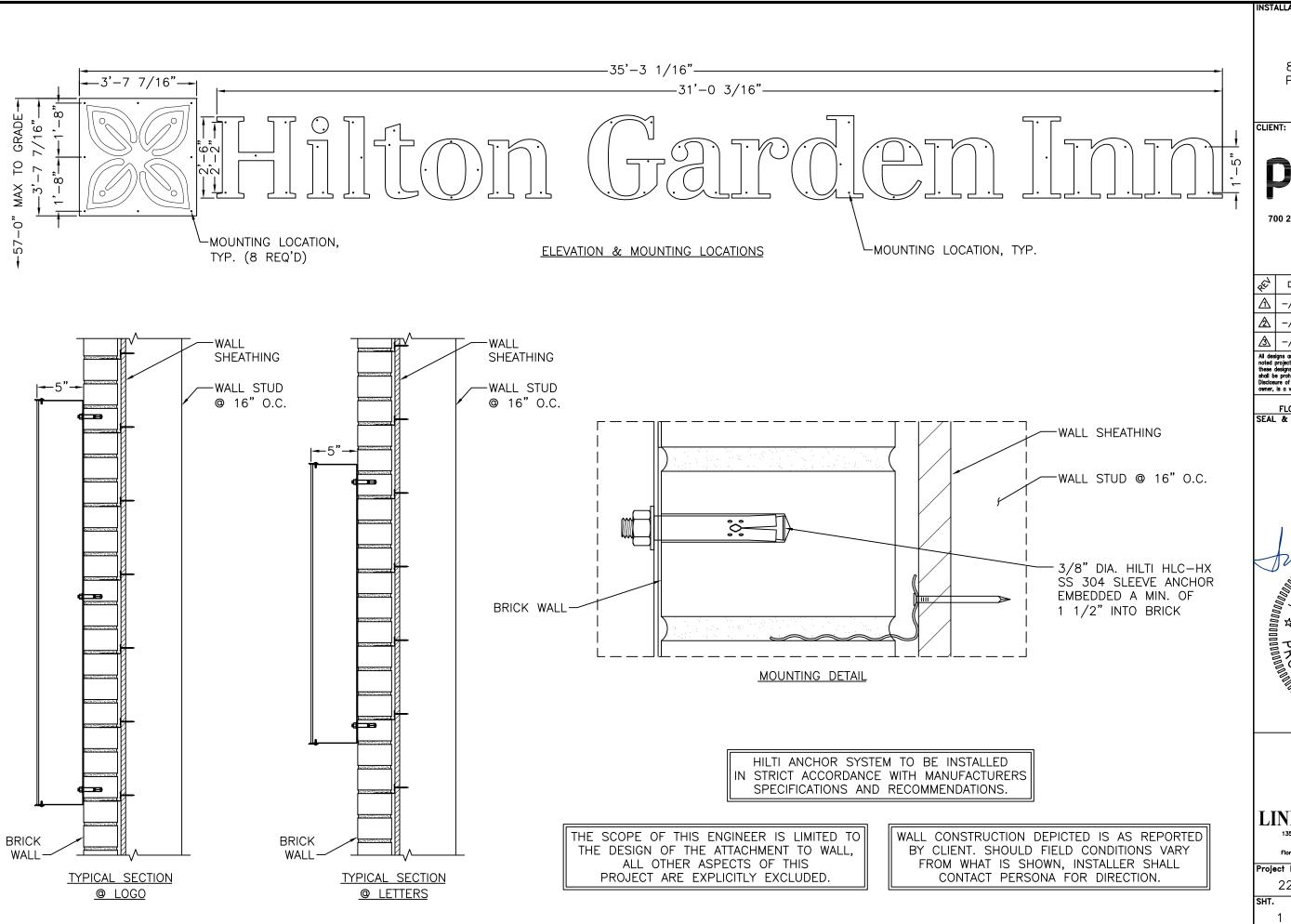
PENSACOLA, FL

317764 - R8 - PENSACOLA, FL



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Watertown, SD 57201-0210 1.800.843.9888 · www.personasign: **45**



NSTALLATION ADDRESS:

HILTON GARDEN INN 8 SOUTH 9TH AVENUE PENSACOLA, FL 32502

700 21st Street Southwest - P.O. Box 210 Watertown, SD 57201-0210 1.800.843.9888 www.personaslgns.com

W	DATE	DESCRIPTION
Λ	-/-/-	
<u> </u>	-/-/-	
ß	-/-/-	

All designs and plans indicated on this drawing are created specifically for thoted project and are the sole property of LINK Engineering, L.L.C. Use of these designs or plans for any purpose other than the intended application shall be prohibited without the written consent of LINK Engineering, L.L.C. Disclosure of any of the information enclosed within, without consent of the information enclosed within, without consent of the ware, is a violation of intellectual property and shall not be tolerated.

IMAD N. KASHIF, P.E.
FLORIDA STATE LICENSE NO.: 41374
SEAL & SIGNATURE:

No. 41374

PROCKS ON A LEMBER OF OT /20/22

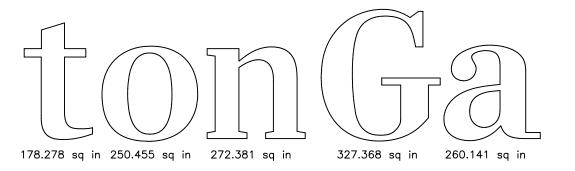


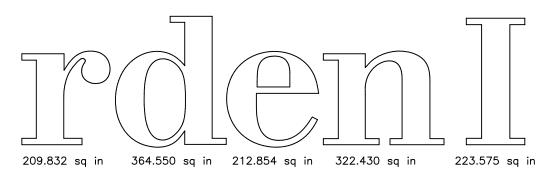
LINK Engineering, L.L.C

Project	Number:	Drawing Nun	Drawing Number:			
22	2-0511	B1672	2131			
SHT.	OF	DATE:	BY:			
1	2	07/20/2	2 SR			

	iculations to	or Drawing	B1672131		30" Hiltor	Garden In	n Logo/Letterse	t			22-051		
											7/20/2022		
lorida Buildi				Cat II							SF		
155 MPH	Exp C	Zone 5	57'-0" max	imum abov	e grade								
				_									
reated as C		& Cladding		P =	-49.38	PSF							
stimate Let	ters weight		5.000	psf									
				Wind			Fastener Row		Max	Average	Avg		
Region	Area	Area	Est Wt	Load	Fastener	Fastener	Spacing	Depth	Tension	Shear	Ten		
-	in ²	ft²	lb	lb	Qty	Qty	in	in	lb	lb	lb		
Logo			1887.194	13.106	65.528	-647.089	8	3	40.000	5.000	82.251	8.191	80.886
Н	427.433	2.968	14.841	-146.560	5	2	26.000	5.000	30.026	2.968	29.312		
dot	28.389	0.197	0.986	-9.734	2	1	3.500	5.000	5.571	0.493	4.867		
i	126.814	0.881	4.403	-43.482	2	1	17.000	5.000	22.389	2.202	21.741		
I	176.945	1.229	6.144	-60.672	3	1	26.000	5.000	20.815	2.048	20.224		
t	178.278	1.238	6.190	-61.129	3	1	23.000	5.000	21.049	2.063	20.376		
0	250.455	1.739	8.696	-85.877	4	1	17.000	5.000	22.748	2.174	21.469		
n	272.381	1.892	9.458	-93.395	4	2	17.000	5.000	24.044	2.364	23.349		
G	327.368	2.273	11.367	-112.249	5	2	26.000	5.000	22.996	2.273	22.450		
а	260.141	1.807	9.033	-89.198	4	2	17.000	5.000	22.964	2.258	22.300		
r	209.832	1.457	7.286	-71.948	3	2	17.000	5.000	24.518	2.429	23.983		
d	364.550	2.532	12.658	-124.998	5	2	21.500	5.000	25.736	2.532	25.000		
е	212.854	1.478	7.391	-72.984	3	2	17.000	5.000	24.872	2.464	24.328		
n	322.430	2.239	11.195	-110.556	4	2	17.000	5.000	28.462	2.799	27.639		
	223.575	1.553	7.763	-76.660	3	1	26.000	5.000	26.300	2.588	25.553		
Maximur	m Fastener	Tension =	82.3	LB									
Maxim	um Fasten	er Shear =	8.2	LB									
					<u> </u>								
	Wall Signa	ge - Treate	d as Comp	onents & C	ladding								
	Wall Signa	ge - Treate	d as Comp	onents & C	ladding								
V				onents & C		CE 7-16, F	igure 26.5-1B						
V	Vind Speed	155	d as Compo	onents & C	From AS	CE 7-16, F	gure 26.5-1B						
V	Vind Speed Exposure	155 C		onents & C	From AS Zg =	900	igure 26.5-1B						
V	Vind Speed Exposure Zone	155 C 5	mph	onents & C	From AS		igure 26.5-1B						
	Vind Speed Exposure Zone Height	155 C 5 57	mph	onents & C	From AS Zg =	900	igure 26.5-1B						
	Vind Speed Exposure Zone	155 C 5 57	mph	onents & C	From AS Zg =	900	igure 26.5-1B						
	Vind Speed Exposure Zone Height stener Area	155 C 5 57 <10	mph Ft Ft²		From AS Zg = Alpha =	900	igure 26.5-1B						
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	Vind Speed Exposure Zone Height stener Area Determine	155 C 5 57 <10 wind press	mph Ft Ft² ure from AS	GCE 7-16 C	From AS Zg = Alpha = hapter 30 Cladding	900							
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	Vind Speed Exposure Zone Height stener Area Determine Chapter 30 p = q* (GC	155 C 5 57 <10 wind press : Wind Loa p - Gcpi) 5 * Kz * Kzt	mph Ft Ft² ure from AS	SCE 7-16 C	From AS Zg = Alpha = hapter 30 Cladding (eq. 30.3-4) (eq. 26.1-4) (Table 26	900 9.5 -1 or 30.5-1 0-1)							
	Vind Speed Exposure Zone Height stener Area Determine Chapter 30 p = q* (GC) q - 0.00256 Kz = Kd =	155 C 5 57 <10 wind press : Wind Loa p - Gcpi) 5 * Kz * Kzt	mph Ft Ft² ure from AS	SCE 7-16 C	From AS Zg = Alpha = hapter 30 Cladding (eq. 30.3- (eq. 26.1) (Table 26 (Table 26	900 9.5 -1 or 30.5-1 0-1) .10-1)							
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	Vind Speed Exposure Zone Height stener Area Determine Chapter 30 p = q* (GC) q - 0.00256 Kz = Kd = Kzt = V = Ke = q = GCp = GCp =	155 C 5 57 <10 wind press : Wind Loa p - Gcpi) 5 * Kz * Kzt 1.12 0.85 1.00 155 1 58.78	mph Ft Ft² ure from AS ads - Comp * Kd * Ke² mph psf (From Figu	SCE 7-16 Coonents & C	From AS Zg = Alpha = hapter 30 Cladding (eq. 30.3- (eq. 26.1- (Table 26 (Table 26 (Section	900 9.5 -1 or 30.5-1 0-1) .10-1) .6-1) 26.8))	or h> 60 ft)					
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General Notes:

- 1. Design is based on a 155 mph, 3 second gust wind design per Florida Building Code, 7th Edition (2020). Category II, Exposure C. Components and Cladding Zone 5.
- 2. No additional wind catching surfaces are added to the building structure. The customer's building engineer is to determine the adequacy of the supporting structure.
- 3. Logo & letters design is by others. Electrical design is by others.
- 4. All fasteners shall be zinc coated to prevent corrosion.
- 5. All wall penetrations shall be sealed to prevent water intrusion.
- 6. The scope of this engineer does not include onsite observations. 7. Link Engineering will not be responsible for the safety on this job site before, during or after installation of this structure. It is the responsibility of the owners, contractors and installers to ensure that the installation and erection of this structure is performed
- using methods that are in full compliance with OSHA regulations. 8. Any deviation from this design or from any part of this drawing, including the General Notes, without prior written consent from Link Engineering voids this drawing in its entirety.
- 9. The structure designed on this drawing is intended to be installed at the address shown and should not be used at any other location.

NSTALLATION ADDRESS:

HILTON GARDEN INN 8 SOUTH 9TH AVENUE PENSACOLA, FL 32502

CLIENT:



700 21st Street Southwest - P.O. Box 210 Watertown, SD 57201-0210 1.800.843.9888 www.personaslgns.com

\$27	DATE	DESCRIPTION
Δ	-/-/-	
2	-/-/-	
<u>A</u>	-/-/-	

All designs and plans indicated on this drawing are created specifically for the noted project and are the sole property of LINK Engineering, LL.C. Use of these designs or plans for any purpose other than the intended application shall be prohibited without the written consent of LINK Engineering, LL.C. Disclosure of any of the information enclosed within, without consent of the owner, is a violation of intellectual property and shall not be tolerated.

IMAD N. KASHIF, P.E.
FLORIDA STATE LICENSE NO.: 41374 SEAL & SIGNATURE:



LINK Engineering, L.L.C

135 South David Lane • Knoxville, Tennessee 37922 Phone: (865) 539-4001 • www.linkengr.com Florida State Certificate of Authorization No.: 27148

Project Number: Drawing Number: 22-0511 B1672131 07/20/22 SR



APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:
HILTON GARDEN INN

Date:
O6/02/22

CTM

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

File Name:

Prepared By:
Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

PENSACOLA, FL

317764 - R8 - PENSACOLA, FL



DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210

watertown, SD 5/201-0210 1.800.843.9888 • www.personasign: **48**







GRAPHIC DETAIL SCALE: 1/2" = 1'-0"

MONUMENT IS DUAL SIDED

NOTE: VARIANCE MAY BE REQUIRED FOR PROPOSED SIGNAGE.

BOXED AREA: 16.70 SQ FT

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:
HILTON GARDEN INN

Date:
O6/02/22

CTM

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

File Name:

PENSACOLA, FL

317764 - R8 - PENSACOLA, FL

Date:
Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

Eng:

PENSACOLA, FL



DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210

1.800.843.9888 • www.personasign: **49**

Project: Variance - 8 N. 9th Avenue

Department:	Comments:
Planning	"No comments."
FIRE	No comments provided.
PW/E/Surveyor	"No comments."
	No comments provided.
Pensacola Energy	No comments provided.
ECUA	"No comments."
FPL	No comments provided.
ATT	No comments provided.
Legal	No comments provided.

Planning Board

VARIANCE CRITERIA

Per Sec. 12-11-2(a)(2), in order to authorize any variance from the Land Development Code the Board must find:

- 1. That 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;
- 2. That the specials condition and circumstances do not result from the actions of the applicant;
- 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, building, or structures in the same zoning district;
- 4. That 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;
- 5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- 6. That 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;
- 7. That 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.

Additional criteria per Sec. 12-12-2(6)f:

- i. That the variance granted will not detract from the architectural integrity of the development and of its surroundings;
- ii. That 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;

iii. That the decision of the planning board is quasi-judicial in nature and is final subject to judicial review in accordance with subsection (6)f.4 of this section. Hearings on variance applications under subsection (6)f of this section shall be conducted as a quasi-judicial hearing in accordance with the requirements of law.

VARIANCE proceedings are "quasi-judicial" in nature. "Quasi-judicial" means judge-like. A quasi-judicial proceeding is one in which members of a governmental body acts in a capacity similar to that of a judge. The board is making a determination concerning the rights or liabilities of a particular individual, business or group. In a variance proceeding, the persons whose rights or liabilities are being decided have a right to reasonable notice of the proceeding and right to present evidence and witnesses. The Planning Board is legally obligated to decide the particular matter based only upon the evidence presented at the hearing rather than based upon political or other influences. *Public opinion (or neighborhood opinion for that matter) is not a proper basis for a quasi-judicial decision*. Nor is information gathered outside of the actual hearing on the matter to be decided. In no event may a Planning Board member make up his or her mind about how a Planning Board proceeding should be decided based upon site visits, personal contacts or other information gathered outside of the hearing.

Sec. 12-3-12(1)d.1. Redevelopment land use district, Regulations, Signs

- d. Regulations. Except where specific approval is granted by the planning board for a variance due to unique and peculiar circumstances or needs resulting from the use, size, configuration or location of a site, requiring the modification of the regulations set forth below the regulations shall be as follows:
 - 1. Signs. Refer to sections 12-5-2 and 12-5-3 for general sign regulations and for a description of sign area calculations. In addition, the following regulations shall be applicable to signs only in the gateway redevelopment district:
 - i. Number of signs. Each parcel under single ownership shall be limited to one sign per street adjacent to the parcel; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment.
 - ii. Signs extending over public property. Signs extending over public property shall maintain a clear height of nine feet above the sidewalk and no part of such signs shall be closer than 18 inches to the vertical plane of the curb line or edge of pavement.
 - iii. Permitted signs.
 - (a) Gregory, Chase and Alcaniz Streets, 9th Avenue.
 - (1) Attached signs.
 - a. Height. No sign may extend above the roof line of the building to which it is attached. For purposes of this section roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space.
 - Size. Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 50 square feet.
 - (2) Freestanding signs.
 - a. Maximum sign height—20 feet.
 - b. Maximum area for sign face—50 square feet.
 - (b) Bayfront Parkway.
 - (1) Attached signs.
 - a. *Height*. No sign shall extend above the roof line of a building to which it is attached.
 - Size. Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 50 square feet.
 - (2) Freestanding signs.

Distance from Curb (Feet)	Maximum Area Sign Face (Square Feet)	Maximum Sign Height (Feet)
10	20	5

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20	35	7
30	50	9

- (c) All other streets and areas within the gateway redevelopment district:
 - (1) Attached signs.
 - a. *Height.* No sign shall extend above the main roof line of a building to which it is attached.
 - Size. Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 25 square feet.
 - (2) Freestanding signs.

Distance from Curb (Feet)	Maximum Area Sign Face (Square Feet)	Maximum Sign Height (Feet)
10	20	5
20	35	7
30	50	9

- iv. Other permitted signs.
 - (a) Signs shall not exceed three square feet in size.
 - (b) Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.
- v. Submission and review of sign plans. It shall be the responsibility of the contractor or owner requesting a sign permit to furnish two plans of sign drawn to scale, including sign face area calculations, wind load calculations and construction materials to be used.
- vi. Review of sign plans. All permanent signs within the gateway redevelopment district shall be reviewed as follows:
 - (a) The contractor or owner shall submit sign plans for the proposed sign as required herein. The planning services department shall review the sign based on the requirements set forth in this section and the guidelines set forth in subsection (1)e.2.vii of this section and forward a recommendation to the planning board.
 - (b) The planning board shall review the planning staff recommendation concerning the sign and approve, or disapprove, the sign, it shall give the owner written reasons for such action.
 - (c) The owner shall have the right to appeal an adverse decision of the planning board to the city council within 30 days of the decision of the planning board.
- vii. *Prohibited signs.* Refer to section 12-5-7 for prohibited signs. In addition the following signs are prohibited within the gateway redevelopment district:
 - (a) Portable signs are prohibited except as permitted in section 12-5-6(5).

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- (b) Signs that are abandoned or create a safety hazard are not permitted. Abandoned signs are those advertising a business that becomes vacant and is unoccupied for a period of 90 days or more.
- (c) Signs that are not securely fixed on a permanent foundation are prohibited.
- (d) Signs that are not consistent with the standards of this section are not permitted.
- viii. *Temporary signs*. Only the following temporary signs shall be permitted in the gateway redevelopment district:
 - (a) Temporary banners indicating that a noncommercial special event, such as a fair, carnival, festival or similar happening, is to take place, are permitted with the following conditions:
 - Such signs may be erected no sooner than two weeks before the event.
 - (2) Such signs must be removed no later than three days after the event.
 - (3) Banners extending over street rights-of-way require approval from the mayor.
 - (b) One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed 12 square feet in size, and shall be removed immediately after occupancy.
 - (c) One non-illuminated sign not more than 50 square feet in area in connection with the new construction work and displayed only during such time as the actual construction work is in progress.
 - (d) Temporary signs permitted in section 12-5-6(8).
- ix. Nonconforming signs.
 - (a) Compliance period. All existing signs that do not conform to the requirements of this section shall be made to comply by April 24, 1991.
 Provided, however, existing portable signs must be removed immediately.
 - (b) Removal of nonconforming signs. The building official shall notify the owner of a nonconforming sign in writing of compliance period specified above. Nonconforming signs shall either be removed or brought up to the requirements stated herein within the period of time prescribed in the compliance schedule. Thereafter, the owner of such sign shall have 30 days to comply with the order to remove the nonconforming sign, or bring it into compliance. Upon expiration of the 30-day period, if no action has been taken by the owner, he or she shall be deemed to be in violation of this section and the building official may take lawful enforcement action.

2.

Sec. 12-11-2. Appeals and variances.

- (a) Duties and powers of zoning board of adjustment. The zoning board of adjustment, created pursuant to section 12-12-1, shall have the following duties and powers:
 - (1) Appeals. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any provision of this title.
 - a. Appeals to the zoning board of adjustment may be filed by any person aggrieved or by any officer or board of the city affected by any decision of an administrative official under this title. Such appeal shall be filed within 30 days after rendition of the order, requirement, decision, or determination appealed from by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof.
 - b. The administrative official from whom the appeal is filed shall, upon notification of the filing of the appeal, forthwith transmit to the zoning board of adjustment all the documents, plans, papers, or other materials constituting the record upon which the action appealed from was made.
 - c. An appeal to the zoning board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal was filed shall certify to the board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceeding or work shall not be stayed except by a restraining order, which may be granted by the board or by a court of competent jurisdiction on application on notice to the officer from whom the appeal is filed and on due cause shown.

(2) Variances.

- a. To authorize upon appeal such variance from the terms of this title as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary and undue hardship. In order to authorize any variance from the terms of this title, the board must find:
 - That 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;
 - 2. That the special condition and circumstances do not result from the actions of the applicant;
 - That 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;
 - 4. That 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 cause unnecessary and undue hardship on the applicant;
 - 5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 - 6. That 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;

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- 7. That 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.
- b. In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the Code.
- c. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.
- d. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this title in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.
- (3) Interpretation for historic and preservation districts. To hear and decide administrative applications for uses not expressly permitted by district regulations within the Pensacola historic district, North Hill preservation district and Old East Hill preservation district.
- (4) Nonconforming uses. To hear and decide requests for time extensions beyond the 18-month time period for the continuation of nonconforming uses that are damaged or destroyed as the result of fire, explosion or other casualty, or act of God, or the public enemy. Such time extensions may be granted by the zoning board of adjustment upon proof by the landowner that the landowner has proceeded with diligence to restore the use and circumstances beyond the landowner's control have made the period of time inadequate.
- (b) Hearing of applications.
 - (1) Application procedure.
 - a. Any appeal or application for variance, interpretation for historic and preservation district or continuation of nonconforming use must be submitted to the planning services department at least 21 days prior to the regularly scheduled meeting of the zoning board of adjustment.
 - b. The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
 - c. Any party may appear in person, by agent, or by attorney.
 - d. Any application may be withdrawn prior to action of the zoning board of adjustment at the discretion of the applicant initiating the request upon written notice to the board secretary.
 - (2) Application submission requirements. No application shall be considered complete until all of the following have been submitted:
 - a. The application shall be submitted on a form provided by the board secretary.
 - b. Each application shall be accompanied by an accurate site plan drawn to scale and such other information as may be reasonably requested to support the application.
 - 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 of the application.

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- (3) Public notice requirements.
 - a. A sign shall be prominently posted on the property to which the application pertains at least ten days prior to the scheduled zoning board of adjustment meeting. The sign shall state the date, time and place of the zoning board of adjustment meeting.
 - b. Notice of the appeal or application for variance, interpretation for historic and preservation district or continuation of nonconforming use shall be published by public notice advertised in a newspaper of general daily circulation published in the county at least ten days prior to the scheduled zoning board of adjustment meeting.
 - c. The city shall notify addresses within a 300-foot radius, as identified by the current county tax roll maps, of the property for which an appeal or application for variance or continuation of nonconforming use is sought with a public notice by postcard, at least ten days prior to the zoning board of adjustment meeting. The public notice shall state the date, time and place of the board meeting.
 - d. The city shall notify addresses within a 500-foot radius, as identified by the current county tax roll maps, of the property for which an interpretation in a historic or preservation district is sought with a public notice by postcard, at least ten days prior to the zoning board of adjustment meeting. The public notice shall also be mailed to the appropriate neighborhood, homeowner, or property owner association at least ten days prior to the zoning board of adjustment meeting. The public notice shall state the date, time and place of the board meeting.
- (c) Decisions of the zoning board of adjustment. In exercising its powers, the board may, in conformity with provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination made by an administrative official in the enforcement of this title, and may make any necessary order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of all the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under this section.
- (d) Judicial review of decision of board of adjustment. Any person, jointly or severally, aggrieved by any decision of the board, or the city, upon approval by the city council, may apply to the circuit court of the First Judicial Circuit of Florida within 30 days after rendition of the decision by the board. Review in the circuit court shall be by petition for writ of certiorari or such other procedure as may be authorized by law.
- (e) Administrative variances. Subject to the criteria in subsection (a)(2) of this section, the planning administrator or their designee may grant administrative variances to the following provisions of this chapter:
 - (1) Setback requirements may be varied up to ten percent or two feet, whichever is less.
 - (2) Parking requirements may be varied up to ten percent.

These requests must be submitted in writing and must include a to-scale site plan along with a detailed explanation and justification for the variance. Only one administrative variance per property may be granted. Denial of a request for an administrative variance under the provisions of this section may be appealed to the board of adjustment under the provisions of subsection (a)(1) of this section.

(Code 1986, § 12-12-2; Ord. No. 15-94, § 1, 6-9-1994; Ord. No. 15-00, §§ 4—6, 3-23-2000; Ord. No. 17-07, § 2, 4-26-2007; Ord. No. 12-09, § 3, 4-9-2009; Ord. No. 40-13, § 3, 11-14-2013)

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City of Pensacola

Memorandum

File #: 23-00422 Planning Board 6/13/2023

TO: Planning Board Members

FROM: Gregg Harding, Assistant Planning & Zoning Division Manager

DATE: 5/15/2023

CITY COUNCIL DISTRICT: 6

SUBJECT:

23 W. Cervantes Street - Conditional Use Application Zone PC-1

BACKGROUND:

Joseph Jacobs is requesting a Conditional Use Permit at 23 W. Cervantes Street. The purpose of the conditional use is to convert the existing service station into a restaurant.

The subject property is located in PC-1 which is North Hill's preservation commercial district. Per Sec. 12-3-107. - Conditional Use Permit, any proposed development or redevelopment of property within the PC-1 zoning district may apply for conditional uses listed under the zoning regulations for that district.

The following summarizes the allowed conditional uses and the standards for approval:

- (d) Standards for approval. A conditional use may be approved by the city council only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:
 - (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the city comprehensive plan, the land development regulations, or any other applicable plan, program, map or regulation adopted by the city council.
 - (2) The proposed use will not adversely affect the public health, safety or welfare.
 - (3) The proposed use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses.
 - (4) The proposed use shall be provided with adequate public facilities and services, including roads, drainage, water, sewer, and police and fire protection.

File #: 23-00422	Planning Board	6/13/2023
	<u> </u>	

- (5) The proposed use will not create undue traffic congestion.
- (6) The proposed use shall minimize, to the extent reasonably possible, adverse effects on the natural environment.

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

RECOMMEND CODE SECTIONS

Sec. 12-3-10(2)c.3. Historic and preservation land use district, North Hill preservation district, PC-1 preservation commercial district.

https://library.municode.com/fl/pensacola/codes/code of ordinances?

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Sec. 12-3-107 Conditional use permits.

https://library.municode.com/fl/pensacola/codes/code of ordinances?

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23 W. Cervantes Street







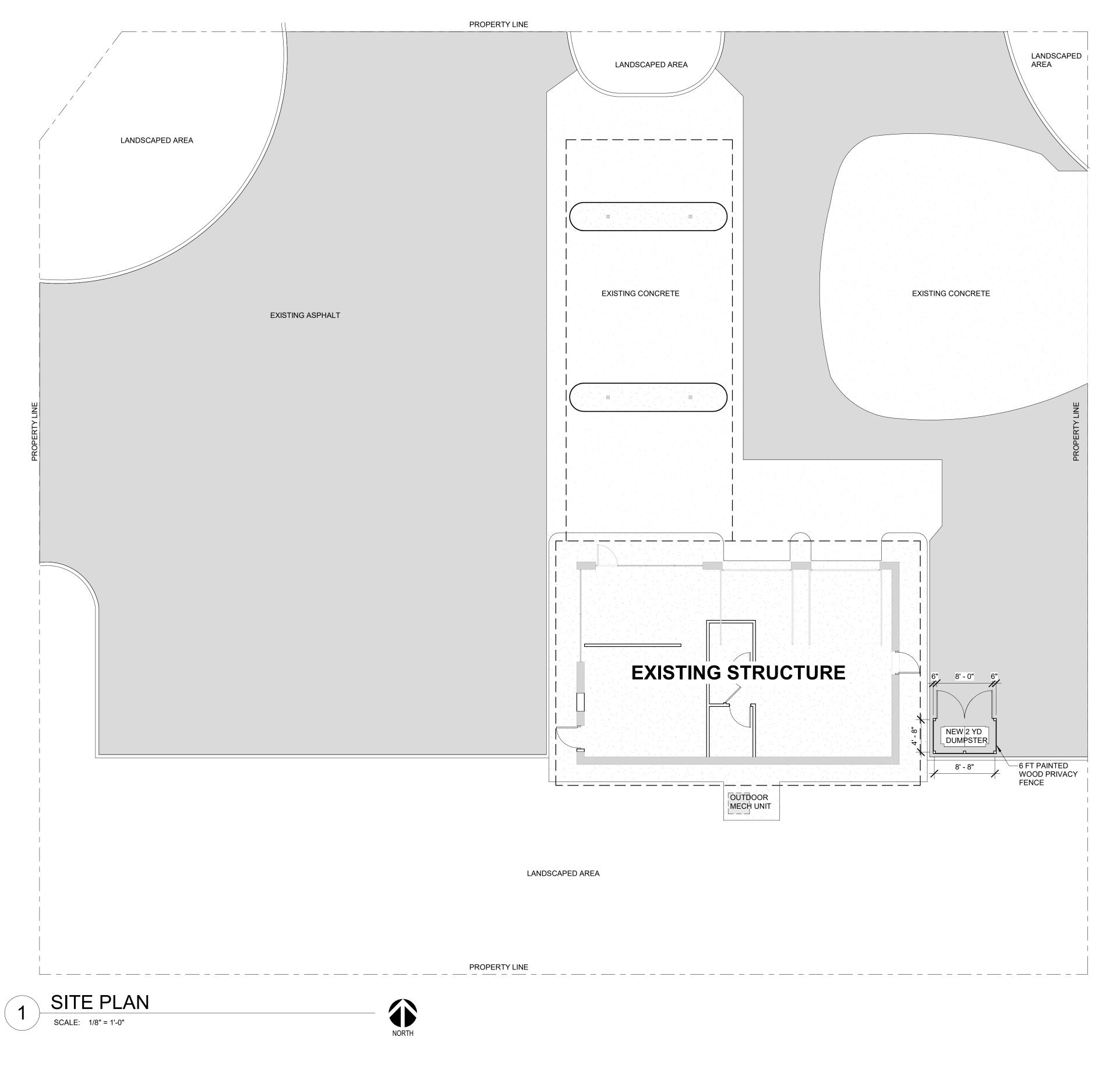


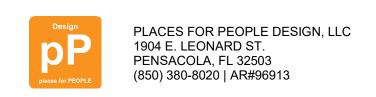
CONDITIONAL USE

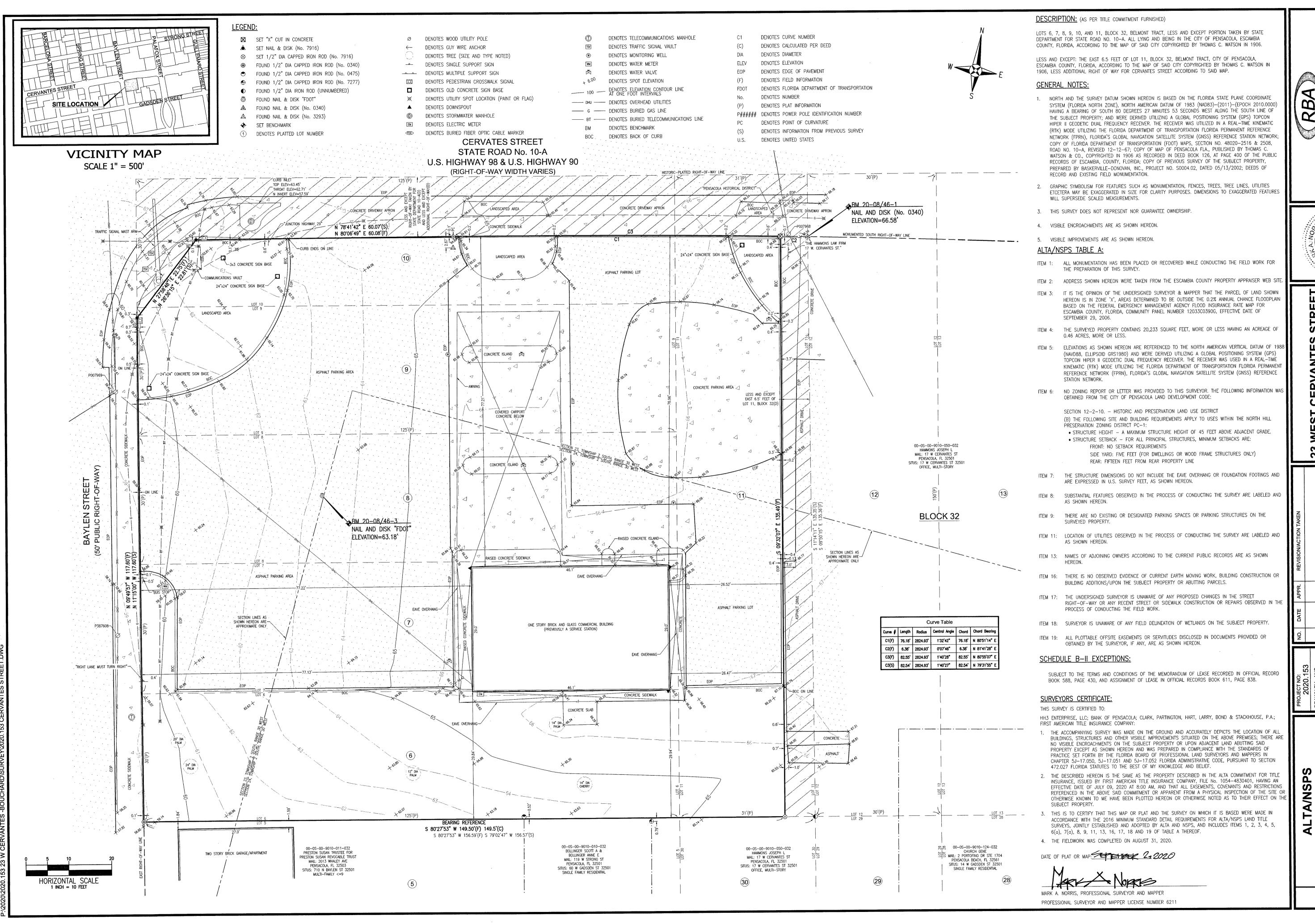




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Pho	ne: 850-	393-	728	1		 _ Fax	x:							Emai	il: <u></u>	e@damiansicecream.com
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Ow	ner Name:	SAL	.T &	PEF	PE	R, LL	.C.									Phone: 850-393-7281
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BU	ISINESS.															
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	C	ouncil	Dat	e:								C	ounc	cil A	etion	1:
- 1																







65

-BATTLE & ASSOCI, ivil Engineers and Surveyors 2301 N. Ninth Avenue, Suite 300 Pensacola, Florida 32503 Telephone 850.438.0400 Fax 850.438.0448 EB 00009657 LB 7916

NOT VALIDE WITHOUTS

SIGNATURE AND SEAL

OF A FLORIDA LICENSED

SERVEYOR AND MAPPER

CORIO

PENSACOLA, FLORIDA 32501

A PORTION OF
TION: 23/24 TOWNSHIP: 2 SOUTH RANGE: 30
NTY: ESCAMBIA
STATE: FLC

CHK'D BY: MAN
SCALE: 1" = 10'
F.B.: 20-08
PG.: 45-46

TITLE SURVEY

HH3 ENTERPRISE, LLC

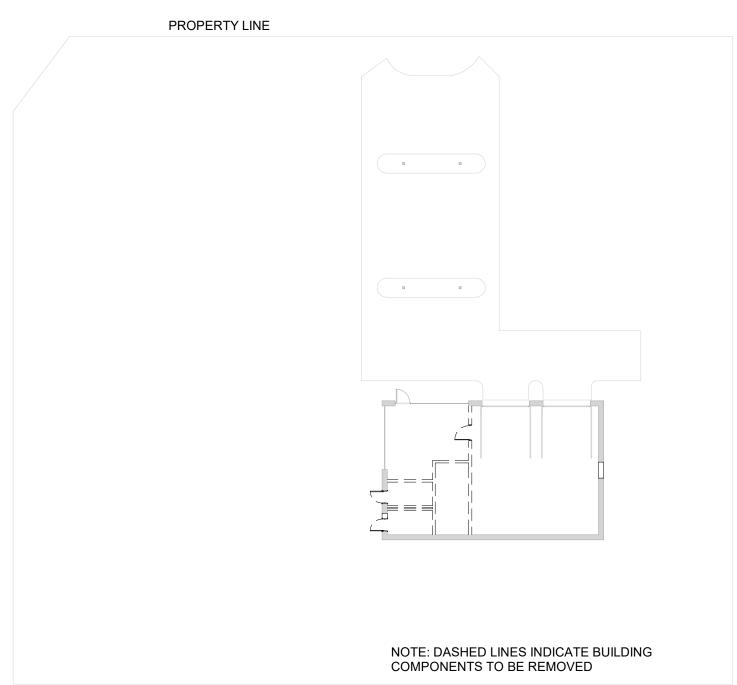
CHRIS BOUCHARD

V - SOUTHLAND COMMERCIAL REAL ESTATE

LAND TITLE SUR

1 of 1

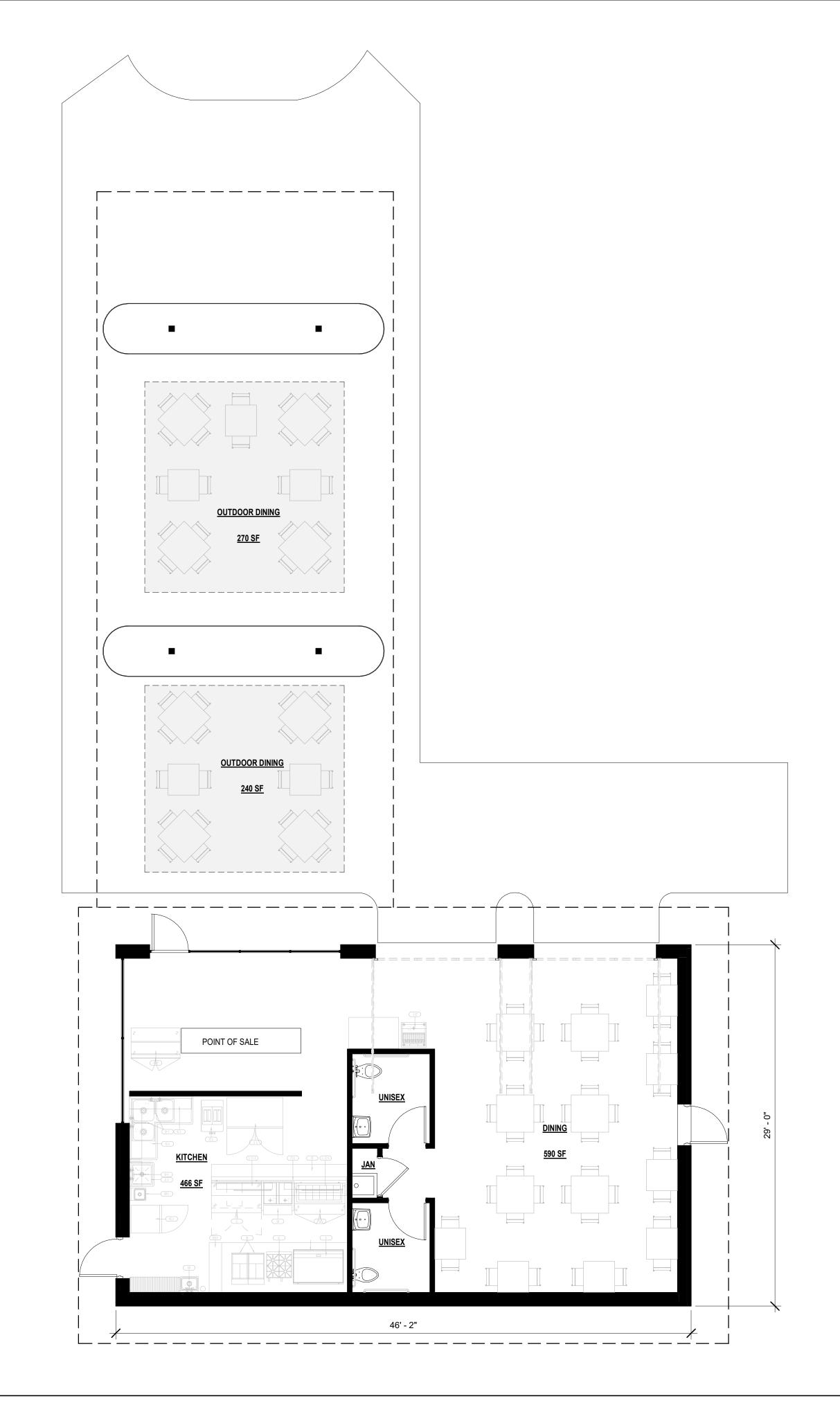
CODE ANALYSIS							
Applicable Codes and Ordinances							
2020 FLORIDA BUILDING CODE, BUILDING, 7TH ED 2020 FLORIDA BUILDING CODE, PLUMBING, 7TH ED							
Zoning							
ADDRESS 23 W CERVANTES PARCEL 00-0S-00-9010-061-032 JURISDICTION CITY OF PENSACOLA ZONING NORTH HILL PRESERVATION DISTRICT TIFCD CRA							
Occupancy Classification	Occupancy Classification						
ASSEMBLY A-2* / E	BUSINESS						
*303.1.2 SMALL BLDGS OCCUPANCY LOAD < 50 PERSONS SHALL BE CLASSIFIED AS GROUP B							
Function of Space	Occupancy Load	Area	Occupancy				
INDOOR DINING ASSEMBLY UNCONCENTRATE (TABLES AND CHA		590 SF	39 persons				
KITCHEN KITCHEN, COMMERCIAL	200 gross	466 SF	2 persons				
OUTDOOR DINING ASSEMBLY UNCONCENTRATE (TABLES AND CHA	15 net ED	510 SF	34 persons				
TOTAL OCCUPANT LOAD 75 persons							
Plumbing Fixtures							
Classification	Water Closets M F	Lavatories	Other				
ASSEMBLY	1 per 75 1 per 75	1 per 200	1 service sink				





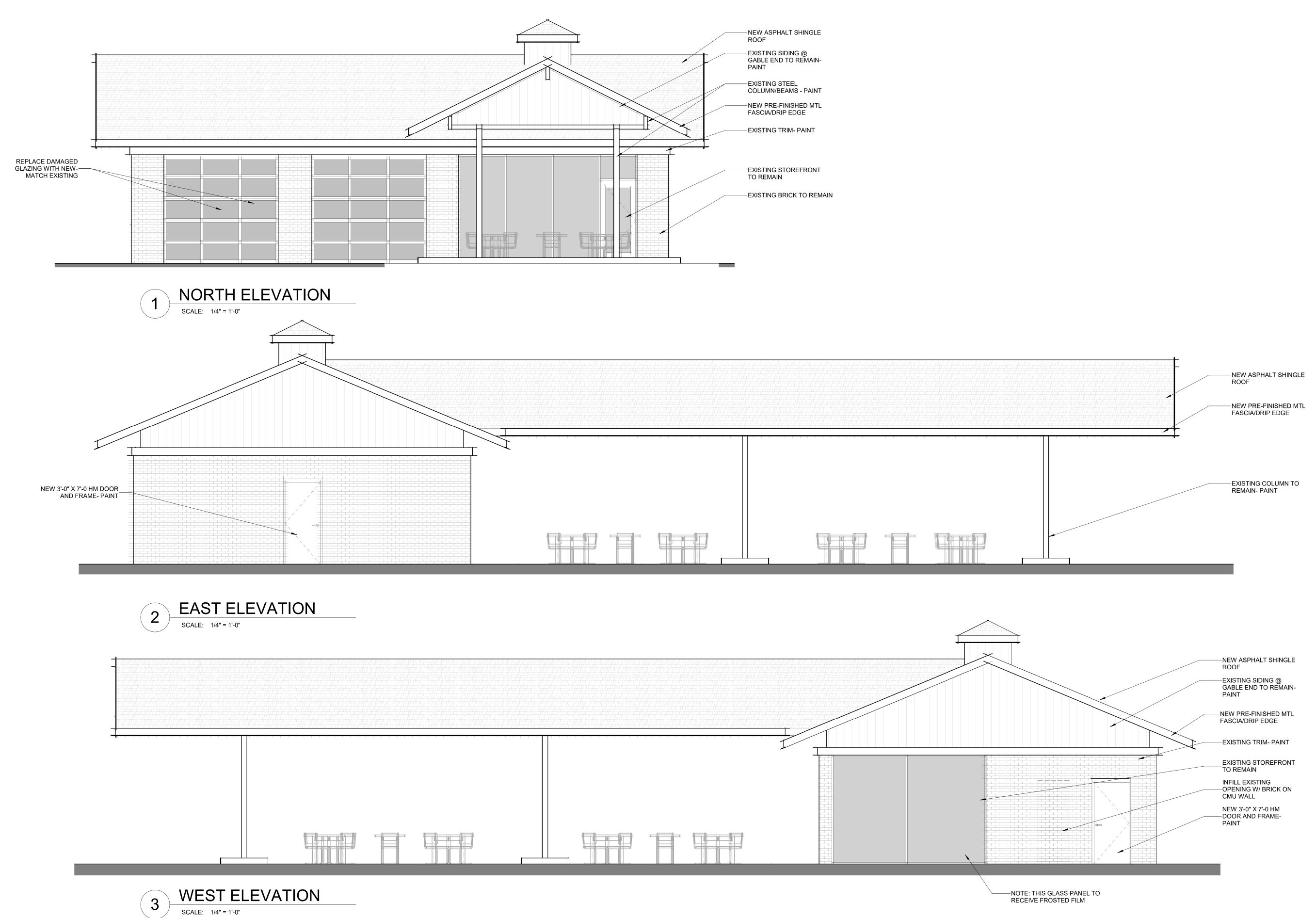


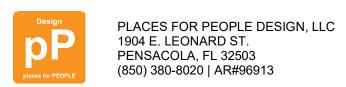
RESTAURANT



4/27/2023 1:33:02 PM

(850) 380-8020 | AR#96913



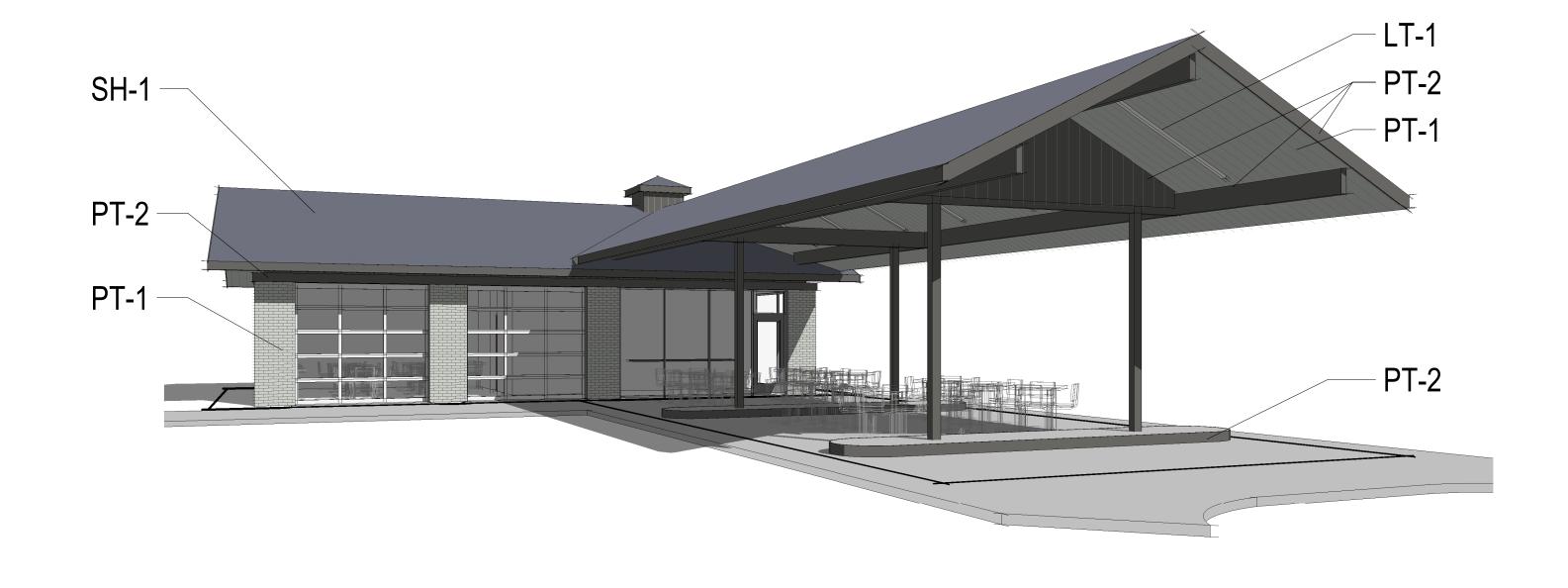


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RESTAURANT

4/27/2023 1:33:04 PM

SCALE: 1/4" = 1'-0"

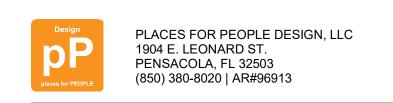








EXISTING CONDITIONS

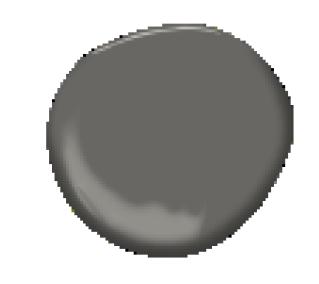


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RESTAURANT



- **BENJAMIN MOORE HC-180 CLIFFSIDE GRAY**
- **EXISTING BRICK**
- NEW HM DOOR/FRAME
- **EXISTING WOOD SOFFIT**



PT-2

<u>PT-2</u> **BENJAMIN MOORE HC-166** KENDALL CHARCOAL

- EXISTING WD SIDING @ GABLE ENDS
- NEW FASCIA, GUTTERS, DOWNSPOUTS
- EXISTING STRUCTURAL COLUMNS/BEAMS
- **EXISTING COPULA**
- EXISTING ACCENT BAND AT BLDG
- EXISTING CURB @ OUTDOOR DINING



SH-1 GAF PEWTER GRAY ASPHALT SHINGLE

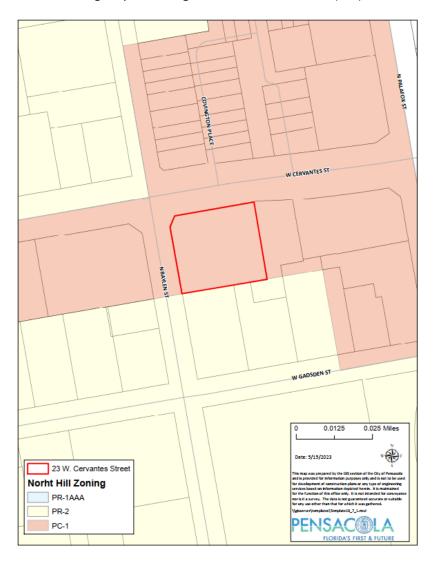


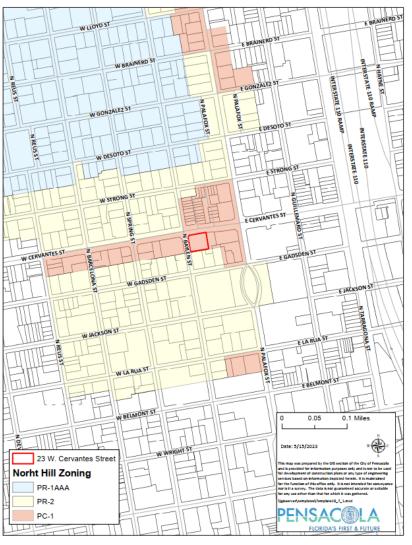
LT-1
REPLACE EXISTING LINEAR FLUORESCENT W/ NEW LED LINAER FIXTURE

4/27/2023 1:33:06 PM

EXTERIOR FINISHES

North Hill zoning maps showing 23 W. Cervantes Street (left) and it's relation to other North Hill districts (right).

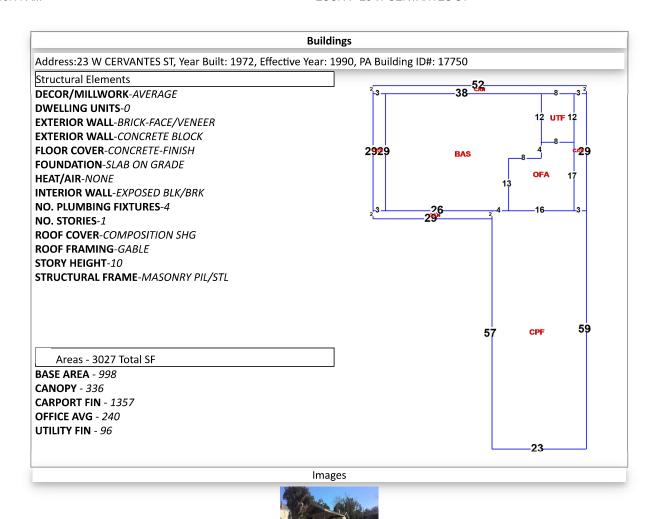




Source: Escambia County Property Appraiser

Restore Full Version

						Resto	re Full Version	
General Inform	nation		Assessn	nents				
Parcel ID:	000S009010061032		Year	Land	Imprv	Total	<u>Cap Val</u>	
Account:	131240000		2022	\$200,380	\$48,658	\$249,038	\$249,038	
Owners:	BEAR ENDEAVORS LLC		2021	\$200,380	\$39,228	\$239,608	\$239,608	
Mail:	1216 N PALAFOX ST STE A PENSACOLA, FL 32501		2020	\$200,380	\$38,657	\$239,037	\$239,037	
Situs:	23 W CERVANTES ST		Disclaimer					
Use Code:	AUTO REPAIR		Tax Estimator					
Taxing Authority:	PENSACOLA CITY LIMITS							
Tax Inquiry:	Open Tax Inquiry Window		Enter Income & Expense Survey Download Income & Expense Survey					
	nquiry link courtesy of Scott Lunsford nbia County Tax Collector							
Sales Data			2022 Ce	ertified Roll Exe	emptions			
		Official	None					
Sale Date Bo	ook Page Value Type	Records (New						
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	24/2022 8730 477 \$372,000 WD \bigc\bigc\bigc\bigc\bigc\bigc\bigc\bigc		LTS 6 THRU 11 BLK 32 BELMONT TRACT OR 8730 P 477 LESS E 6 1/2 FT OF LT 11 LESS OR 354 P 942 FOR STATE RD 10 A					
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10/11/2018 79		Ľs Ľs						
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Parcel Informat	tion					Launch Int	teractive Map	
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Approx. Acreage: 0.4610 Zoned: PC-1 Evacuation & Flood Information Dpen Report	+ - 125~			149.	134.75	6.5	112.1	
70	\	1		1	29.4	~		
1	View Florida Departmen	t of Environi	mental Pro	otection(DEP)	<u>Data</u>			



1/31/2023 12:00:00 AM

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

Department:	Comments:
Planning	"Architectural Review Board approval granted in May 2023. Applicant has met with the North Hill Preservation Association and FDOT. Property is located in the downtown CRA where restaurants may apply 100% reduced parking."
FIRE	No comments provided.
PW/E/Surveyor	"Verify FDOT is amenable to the two connections to their right of way. Verify there is the onsite ability to provide the required number of parking stalls and submit the parking stall striping plan for review and approval." Comments not yet resolved but do not affect the conditioal use review. Comment will require addressing at the permitting stage. The applicants have met with FDOT and those pre-application review comments are includedGH 6.6.2023
Inspection Svcs	No comments provided.
Pensacola Energy	"Pensacola Energy has a gas main in the west and north right of way of this property. We have no objections to these changes."
ECUA	"No comments."
FPL	No comments provided.
ATT	No comments provided.
Legal	No comments provided.

Gregg Harding

From: Joe Jacobs < Joe@damiansicecream.com>

Sent:Monday, May 15, 2023 4:03 PMTo:Gregg Harding; Jordan YeeCc:Brad Hinote; Cynthia Cannon

Subject: [EXTERNAL] RE: Conditional Use Application for June 13 Planning Board - 23 W.

Cervantes Street

THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT

Thank you Gregg. I'll get to work on these

Thanks, Joe Jacobs C: 850-393-7281 O: 850-453-8811



From: Gregg Harding < GHarding@cityofpensacola.com>

Sent: Monday, May 15, 2023 3:28 PM

To: Jordan Yee <jordanyee.aia@gmail.com>; Joe Jacobs <Joe@damiansicecream.com>

Cc: Brad Hinote <bradhinote@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>

Subject: FW: Conditional Use Application for June 13 Planning Board - 23 W. Cervantes Street

Jordan and Joe,

Your Conditional Use application was forwarded for internal staff review today. I'll be sure to provide you with comments as soon as I receive them so you'll have sufficient time to address any issues. Please have all additions / revisions related to the below comments back to me no later than Friday, May 26.

Comments from Brad Hinote, City Engineer, are in the below email. Brad is also cc'd here in case any clarifications are needed.

- Verify FDOT is amenable to the two connections to their right of way
- Verify there is the onsite ability to provide the required number of parking stalls and submit the parking stall striping plan for review and approval.

Based on Brad's comments -

- Can you please confirm that FDOT is amenable to the two connections to their right of way (Cervantes Street). We understand that these are existing, but please forward email confirmation from them that they are aware and agreeable. Stacey McLeod (stacey.mcleod@dot.state.fl.us) is our FDOT contact.
- 2. Since this parcel is in the downtown CRA, eating and drinking establishments may receive a 100% reduction to the normal parking requirements. However, if you are planning to provide parking, a parking stall striping plan is required for review and approval. Are you planning to provide on-site parking, and if so, please provide us a plan for review?

Gregg Harding, RPA

Assistant Planning & Zoning Division Manager Visit us at http://cityofpensacola.com

222 W Main St.

Pensacola, FL 32502 Office: 850.435.1676

gharding@cityofpensacola.com



Tell us how we are doing by completing this short <u>survey</u>.

Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

From: Gregg Harding

Sent: Monday, May 15, 2023 3:14 PM

To: Brad Hinote <bradhinote@cityofpensacola.com>

Subject: RE: Conditional Use Application for June 13 Planning Board - 23 W. Cervantes Street

Thanks, Brad! I'll send to the applicants now. Since this parcel is in the downtown CRA, eating and drinking establishments receive a 100% reduction to parking requirements. However, I'll ask them to submit a parking stall striping plan for review.

Gregg Harding, RPA

Assistant Planning & Zoning Division Manager Visit us at http://cityofpensacola.com
222 W Main St.

Pensacola, FL 32502 Office: 850.435.1676

gharding@cityofpensacola.com



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From: Brad Hinote <bradhinote@cityofpensacola.com>

Sent: Monday, May 15, 2023 10:30 AM

To: Gregg Harding < GHarding@cityofpensacola.com >

Subject: RE: Conditional Use Application for June 13 Planning Board - 23 W. Cervantes Street

Not sure either of these comments affect the conditional use, but I'll provide them regardless.

- Verify FDOT is amenable to the two connections to their right of way
- Verify there is the onsite ability to provide the required number of parking stalls and submit the parking stall striping plan for review and approval.

Brad Hinote, PE

City Engineer 222 West Main Street Pensacola, FL 32502 850-435-1645 bradhinote@cityofpensacola.com



Visit us at http://cityofpensacola.com

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From: Gregg Harding < GHarding@cityofpensacola.com >

Sent: Monday, May 15, 2023 10:11 AM

To: Cynthia Cannon < ccannon@cityofpensacola.com>; Adrian Stills astills@cityofpensacola.com>; Amy Hargett

- <a href="mailto:<a href="mailt
- <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball
-
<bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Caitlin Cerame
- <CCerame@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon
- <CCannon@cityofpensacola.com>; David Forte <DForte@cityofpensacola.com>; Diane Moore
- <DMoore@cityofpensacola.com>; Heather Lindsay <HLindsay@cityofpensacola.com>; James Cook
- <<u>JCook@cityofpensacola.com</u>>; Jim Jernigan <<u>jim.jernigan@fpl.com</u>>; Jonathan Bilby <<u>JBilby@cityofpensacola.com</u>>;

Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie

Odom < LOdom@cityofpensacola.com >; Leslie Statler < LStatler@cityofpensacola.com >; Mark Jackson

- < <u>MaJackson@cityofpensacola.com</u>>; Miriam Woods < <u>MWoods@cityofpensacola.com</u>>; Paul A Kelly(GIS)
- <<u>PAKelly@cityofpensacola.com</u>>; Robbie Weekley <<u>rweekley@cityofpensacola.com</u>>; Sherry Morris
- <SMorris@cityofpensacola.com>; Stephanie Chwastyk <SChwastyk@cityofpensacola.com>; Stephen Kennington (AT&T)
- <sk1674@att.com>; Adrianne Walker <<u>AWalker@cityofpensacola.com</u>>; Jose Cobbs <<u>JCobbs@cityofpensacola.com</u>>

Subject: Conditional Use Application for June 13 Planning Board - 23 W. Cervantes Street

Good morning all,

Please see the attached Conditional Use application for 23 W. Cervantes Street (DISTRICT 6) to be converted from an auto sales, repair, service and body facility to a <u>restaurant</u>. This application is scheduled for the June 13, 2023, Planning Board meeting.

If you could provide any comments by May 26, 2023, it would be greatly appreciated. Thank you.

Best,

Gregg Harding, RPA

Assistant Planning & Zoning Division Manager Visit us at http://cityofpensacola.com

222 W Main St. Pensacola, FL 32502 Office: 850.435.1676

gharding@cityofpensacola.com



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Gregg Harding

From: Andrew Briske

Sent: Tuesday, May 16, 2023 4:06 PM

To: Gregg Harding

Subject: RE: Conditional Use Application for June 13 Planning Board - 23 W. Cervantes Street

Gregg,

Pensacola Energy has a gas main in the west and north right of way of this property. We have no objections to these changes.

Please send me all future correspondence, I have taken over Diane's roll as the Engineer.

Thanks,

Andrew Briske

Gas Distribution Engineer
Visit us at https://www.pensacolaenergy.com
1625 Atwood Dr.
Pensacola, FL 32514

Office: 850.474.5309 Cell: 850.324.1852

Email: abriske@cityofpensacola.com

PENSACOLA E N E R G Y

Get FREE energy saving tips and information delivered to your inbox each month with Pensacola Energy Green Power News. Click here to sign up! Save BIG with a Green, Efficient, Natural Gas Tankless Water Heater and Never Run out of Hot Water Again! For current rebate details on water heaters and other natural gas appliances, call (850) 436-5050.

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From: Diane Moore < DMoore@cityofpensacola.com>

Sent: Monday, May 15, 2023 11:33 AM

To: Andrew Briske < ABriske@cityofpensacola.com>

Subject: FW: Conditional Use Application for June 13 Planning Board - 23 W. Cervantes Street

Diane Moore | Administrator of Operations Pensacola Energy | 1625 Atwood Drive, Pensacola, Fl 32514 Desk: 850-474-5319 | Cell: 850-324-8004 | Fax: 850-474-5331 Email: dmoore@cityofpensacola.com ***Please consider the environment before printing this email.



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

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From: Gregg Harding < GHarding@cityofpensacola.com >

Sent: Monday, May 15, 2023 10:11 AM

To: Cynthia Cannon < ccannon@cityofpensacola.com; Adrian Stills astills@cityofpensacola.com; Amy Hargett

<a href="mailto:Ahargett@cityofpensacola.co

<andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball

<<u>bkimball@cityofpensacola.com</u>>; Brad Hinote <<u>bradhinote@cityofpensacola.com</u>>; Caitlin Cerame

< CCerame@cityofpensacola.com; Cynthia Cannon

<CCannon@cityofpensacola.com>; David Forte <DForte@cityofpensacola.com>; Diane Moore

<<u>DMoore@cityofpensacola.com</u>>; Heather Lindsay <<u>HLindsay@cityofpensacola.com</u>>; James Cook

<JCook@cityofpensacola.com>; Jim Jernigan <jim.jernigan@fpl.com>; Jonathan Bilby <JBilby@cityofpensacola.com>;

Karl Fenner (AT&T) < KF5345@att.com; Kellie L. Simmons (Gulf Power) < kellie.simmons@nexteraenergy.com; Leslie

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<MaJackson@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly(GIS)

< PAKelly@cityofpensacola.com >; Robbie Weekley < rweekley@cityofpensacola.com >; Sherry Morris

<<u>SMorris@cityofpensacola.com</u>>; Stephanie Chwastyk <<u>SChwastyk@cityofpensacola.com</u>>; Stephen Kennington (AT&T)

<sk1674@att.com>; Adrianne Walker <AWalker@cityofpensacola.com>; Jose Cobbs@cityofpensacola.com>

Subject: Conditional Use Application for June 13 Planning Board - 23 W. Cervantes Street

Good morning all,

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If you could provide any comments by *May 26, 2023,* it would be greatly appreciated. Thank you.

Best,

Gregg Harding, RPA

Assistant Planning & Zoning Division Manager Visit us at http://cityofpensacola.com 222 W Main St. Pensacola, FL 32502 Office: 850.435.1676

gharding@citvofpensacola.com



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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION **Pre-Application Review**

THIS REVIEW MAY NOT BE USED AS A BASIS FOR PERMIT APPROVAL THIS REVIEW IS VOID SIX MONTHS FROM DATE BELOW.

State Road No.: 10A Section No.: 48 020 000 M.P.: 14.886 County: Escambia

Roadway Class: 6 Connection Category: B Posted Speed: 35 mph Spacing: 245 ft

Permit Number or type development: Proposed Restaurant

Applicant Name: Joe Jacobs

Civil Engineer: N/A

People in attendance: Stacey McLeod (FDOT Milton Ops, Permits), Heidi Taylor (FDOT Milton Ops, Permits), Brian Moore (FDOT), Gregg Harding (City of Pensacola), Joe Jacobs, Jordan Yee

_____We approve the concept as presented with the following considerations.

X We disapprove the concept as presented with the following considerations.

We approve the concept as submitted and invite you to submit a permit application to the local Maintenance Office with engineering drawings that reflect the concept approved here. Please include a copy of this letter with the application.

You may continue the review of this concept with the following considerations.

This review **DOES** include _ drainage _ design considerations.

X This review **DOES NOT** include drainage/design considerations.

If you disagree with this decision, you may contact Stephen Furman, P.E., Maintenance Program Manager, in the Milton Operations Center at (850)981-3000. Mr. Furman will instruct you on the process for an appointment with our District Three Access Management Review Committee.

Please include a copy of this letter with any correspondence concerning this issue.

Favorable review of the proposal generally means that you may develop plans complying with the Review comments and submit them, within six months, to the Department for permit processing. When permit requests are submitted subsequent to a Pre-Application Review, Department permits personnel have the duties of checking the viability of the design plans in terms of standards compliance and constructability. In keeping with the spirit of the Rule, the Department will attempt to abide with review comments favorable to your plan to the extent that necessary discretion is available to the Permits Engineer. Unfavorable review generally means that a permit application based on the proposal would likely be denied.

SEE 2ND PAGE FOR CONDITIONS/COMMENTS.

Conditions/Comments: The proposed site is one existing parcel with an existing building located on the south side of State Road (SR) 10A (Cervantes St) in Escambia County, FL. SR 10A is an urban, multi-lane roadway design with a left turn lane along the property frontage at this location. The site has approximately 145 feet of property frontage with two existing driveway connections to SR 10A. The developer is proposing to change an auto repair shop into a restaurant and have two driveway connections to W Cervantes St.

According to Florida Administrative Rule (F.A.C.) 14-97.003, the following criteria for access applies to this section of roadway:

 Minimum driveway connection spacing is 245 ft on SR 10A, Cervantes St, at this location (minimum allowable distance between conforming connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way).

Given the existing roadway design and Access Management Criteria (F.A.C. 14-97.003), the Department will consider and/or require the following:

- Based on review, the proposed driveway connection does not meet the minimum spacing requirements found in F.A.C. 14-97 due to only having approximately 29 ft of spacing between the intersection and the existing western driveway connection and only having approximately 93 ft of spacing between the intersection and the existing eastern driveway connection. It also would not meet spacing since there is only 145 ft of property frontage along SR 10A.
- The Department recommends closing all driveway connections to SR 10A (Cervantes St) and restore to existing conditions with curb and gutter, sidewalk and the grass utility strip.
- The Department will consider a right-in only driveway connection.
- Per 14-96.005(4)(c)5a: Neighboring connections and median openings. The location and type of connections (on both sides of the road), median openings, intersections, and traffic signals within the following distances from the site's property line. Submit a 660' survey (660 feet survey in each direction from where a driveway would be placed on property). A legible aerial survey will suffice.
- A Driveway Permit Application Fee will be required based on the estimated average daily trips for the development.
- All FDOT signs removed, relocated, and/or adjusted during the construction must be reinstalled using FDOT specifications.
- Drainage connection permit will be required for this site. Drainage for the development will need to meet Florida Administrative Rule 14-86...post development shall not exceed predevelopment.... submit a Drainage Exemption/Disqualification thru OSP with supporting documentation or submit a complete FDOT Drainage Permit package https://osp.fdot.gov/

** Permits are submitted to the Department online at https://osp.fdot.gov/ **

Stacey McLeod
Printed name of Reviewer

CC: Stephen Furman, P.E., FDOT Milton Ops - Maintenance Program Manager Heidi Taylor, FDOT Milton Ops - Maintenance Manager/ Permits City of Pensacola

MINUTES OF THE ARCHITECTURAL REVIEW BOARD, Item 7 – 23 W. Cervantes Street

May 18, 2023

Item 7 23 W. Cervantes Street NHPD / Zone PC-1, City Council District 6 Renovation of a Non-Contributing Structure Action Taken: Approved.

Jordan Yee is seeking approval to renovate a non-contributing vacant service station for a new business. The proposal includes enlarging one of two existing doors in the west brick elevation, the second door being infilled; installing a new egress door in the east brick elevation; replacement of existing fluorescent canopy lighting with new low profile LED lighting; replacing the existing shingle roof with a new shingle roof; painting the existing metal siding and trim; and painting the existing brick. The existing aluminum storefront will remain.

Jordan Yee represented the project and noted that the applicant has interacted with the North Hill Neighborhood Association, and they seem to be positive with the adaptive reuse and appreciate the minimal changes to the exterior, isolated to painting the structure and swapping out the under-canopy lights. The old fluorescent tube lights are likely inoperable, and the new fixtures are similar in proportion. Chairperson Salter noted the North Hill Preservation Association provided comments with no objections. Board Member Fogarty asked for clarification on where parking would occur. Mr. Yee stated that the applicant had a pre-app meeting with FDOT and it was requested that one of the Cervantes Street curb cuts be closed, but it is not clear which one. The applicant is not proposing any changes to pavement. The conditional use application included a site plan that indicates the dumpster location on the southwest corner of the building where the door is being infilled. There is a 30-foot rear yard, and the new dumpster pad will be in the rear grass area. A striping plan will make use of the existing pavement.

Assistant Planning and Zoning Division Manager Harding noted that restaurants are not allowed by right in the PC-1 zoning district, so the applicant is seeking a conditional use that is going to the Planning Board in June and if approval is recommended, will go on to City Council. While in PC-1 this structure is also in the downtown CRA and because this is proposed to be an eating and drinking establishment, there is a 100% parking reduction. If there will be parking, as part of the permitting process a striping plan will be required.

Board Member Mead asked for clarification about restaurants not being allowed in PC-1 zoning district. Assistant Planning and Zoning Division Manager Harding answered that restaurants are only allowed in PC-1 as a conditional use, so it must go to Planning Board and City Council to be allowed. Board Member Mead noted that Hopkins House was a restaurant that once operated right across the street in PC-1, so the proposal for this restaurant is replacing something that was lost and not adding a use that was never there before. Assistant Planning and Zoning Division Manager Harding noted this fact will be included in the minutes and the goal of coming before ARB prior to the Planning Board was the ability to include the ARB minutes as a part of the Planning Board packet that will go to City Council. The ARB's comments will be in support or opposition to the project when Planning Board considers the conditional use request.

222 West Main Street, Pensacola, Florida 32502 www.cityofpensacola.com Board Member Mead asked if the intent was to use the roll up doors. Mr. Yee noted they are the existing roll up doors and imagines they will be open on nice days. Board Member Mead asked about the high roofline of the canopy and will it be problematic with rain. Mr. Yee had not discussed this with the applicant and perhaps in the future this may be addressed but it is not part of the current proposal. Board Member Mead asked about outdoor dining furniture and if it will remain in place during operational hours. Mr. Yee answered the building owner will ultimately decide, but it would be a good idea to secure it with a cable and lock. Board Member Mead clarified that there is an architectural element to stored furniture being left in view, especially if glommed together and cabled up, which is not as aesthetically pleasing. If the furniture is left in the configuration and not stored away, there is a potential for attracting nuisance that would be a concern to the neighborhood. Board Member Mead would like to see attention to this question on both counts, how it is viewed when not operating and how the furniture will be stored or configured.

Chairperson Salter addressed the painting of the brick, noting that this is a non-contributing structure and the brick is not a key architectural feature. In this instance, painting the brick and giving a consistent, modern feel is probably a key aspect in its revitalization. Chairperson Salter does not have an issue with painting the brick for this project. Advisor Pristera reiterated that this project and the past project show that there are people interested in these smaller, funkier buildings. The Trailways building could potentially be used like this and it is a hot property right now, and small businesses and restaurants could make a good use for it. Advisor Pristera wanted to reinforce that they don't have to be demolished and he is glad to see that this one has a new life to it. Board Member Mead asked if the curb islands and curbs against the building have steel reinforcement and what is the plan for those in terms of color. Mr. Yee answered yes, they are reinforced with steel and the plans indicate that the curbs will be painted the gray color that was proposed in the packet.

Board Member Fogarty made a motion to approve. Board Member Courtney seconded, and the motion carried 6-0.

ARB Comments North Hill Preservation Association

May 17, 2023

The North Hill Architectural Review and Assistance Committee (ARAAC) met Monday night May 15, 2023 and reviewed the two items pertaining to North Hill which are on the ARB agenda for May. The committee had the following comments:

Item 23-00374 1400 N. Spring Street North Hill Preservation District Non-Contributing Structure

Nick Redhead is requesting approval for a new detached 2-car garage with a covered wood-frame canopy connecting to existing residence, adding a new roof covering above existing concrete patio, and replacing existing concrete drive with new concrete drive with paver edging.

- 1. We have no objections to this request.
- 2. We approve the paint colors and materials submitted to match the existing residence.

Item 23-00380 23 W. Cervantes Street North Hill Preservation District Non-Contributing Structure

Jordan Yee is requesting approval to renovate a non-contributing vacant service station for a new business. The proposal includes infilling one of two existing doors in the west elevation, enlarging the second door; installing a new egress door in the east elevation; replacing existing fluorescent canopy lighting with new LED lighting; replacing existing roofing with new shingle roofing; painting structure and all trim.

- 1. We have no objections to this request.
- 2. We approve the paint colors proposed.
- 3. We commend the applicant for his plan to re-use and re-purpose the existing property with minimal changes and revisions to the existing structure and site.

Respectfully submitted,

North Hill Architectural Review and Assistance Committee (ARAAC):

Deborah Hart, member NHPA Board of Directors; ARAAC Chairperson Lisa Bradley, member NHPA Board of Directors Bobbi Godwin, member North Hill Preservation Association Lee Hansen, member North Hill Preservation Association

Sec. 12-3-10(2)a-c. Historic and preservation land use district, North Hill preservation zoning districts.

- (2) North Hill preservation zoning districts: PR-1AAA, PR-2, PC-1.
 - a. *Purpose*. The North Hill preservation zoning districts are established to preserve the unique architecture and landscape character of the North Hill area, and to promote orderly redevelopment that complements and enhances the architecture of this area of the city.
 - Character of the district. The North Hill preservation district is characterized by mostly residential structures built between 1870 and the 1930s. Queen Anne, Neoclassical, Tudor Revival, Craftsman Bungalow, Art Moderne and Mediterranean Revival are among the architectural styles found in North Hill. North Hill is listed on the National Register of Historic Places.
 - c. Uses permitted.
 - 1. PR-1AAA, single-family district.
 - i. Single-family dwellings at a maximum density of 4.8 units per acre.
 - ii. Home occupations, as regulated in section 12-3-57.
 - iii. Community residential homes licensed by the state department of health and rehabilitative services with six or fewer residents providing that it is not to be located within 1,000 feet of another such home. If it is proposed to be within 1,000 feet of another such home, measured from property line to property line, it shall be permitted with city council approval after public notification of property owners in a 500-foot radius.
 - iv. Municipally owned or operated parks or playgrounds.
 - v. Public schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges.
 - vi. Libraries, community centers and buildings used exclusively by the federal, state, regional, county and city government for public purposes.
 - vii. Churches, Sunday school buildings and parish houses.
 - viii. Conditional uses permitted: two-family dwellings (duplex) at a maximum density of 9.6 units per acre.
 - ix. Accessory buildings and uses customarily incidental to the above uses not involving the conduct of a business.
 - x. Family day care homes licensed by the state department of children and family services as defined in state statutes.
 - 2. PR-2, multiple-family district.
 - i. Any use permitted in the PR-1AAA district.
 - ii. Single-family, two-family and multifamily residential attached or detached units with a maximum density of 35 dwelling units per acre.
 - iii. Community residential homes licensed by the state department of health and rehabilitative services with seven to 14 residents providing that it is not to be located within 1,200 feet of another such home in a multifamily district, and that the home is not within 500 feet of a single-family zoning district. If it is

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proposed to be within 1,200 feet of another such home in a multifamily district and/or within 500 feet of a single-family zoning district it shall be permitted with city council approval after public notification of property owners in a 500-foot radius.

- iv. Bed and breakfast subject to regulations in section 12-3-84.
- v. Conditional uses permitted:
 - (a) Private clubs and lodges except those operated primarily as commercial enterprises.
 - (b) Office buildings (under 5,000 square feet).
 - (c) Antique shops—No outside displays.
 - (d) Art galleries—No outside displays.
 - (e) Social services homes/centers.
 - (f) Boarding and lodging houses.
 - (g) Child care facilities subject to regulations in section 12-3-87.
- vi. Accessory buildings. Buildings and uses customarily incidental to any of the above uses, including storage garages when located on the same lot not involving the conduct of a business.
- 3. *PC-1, preservation commercial district.*
 - i. Any use permitted in the PR-2 district, including conditional uses.
 - ii. Hand craft shops for custom work or making custom items not involving unreasonable noise, odor or chemical waste.
 - iii. Office buildings (under 7,000 square feet).
 - iv. Barbershops and beauty parlors.
 - v. Florists.
 - vi. Studios.
 - vii. Vending machines when an accessory to a business establishment and located inside the same building as the business.
 - viii. Conditional uses permitted:
 - (a) Gas stations.
 - (b) Other retail shops.
 - (c) Office buildings (over 7,000 square feet).
 - (d) Restaurants, with the exception of drive-in restaurants.
 - ix. Accessory buildings and uses customarily incidental to the above uses.

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Sec. 12-3-107. Conditional use permit.

- (a) Authorization and purpose. The city council may, under the prescribed standards and procedures contained herein, authorize the construction of any use that is expressly permitted as a conditional use in a particular zoning district; however, the city reserves full authority to deny any request for a conditional use permit or to impose reasonable conditions on the use. Provisions for a conditional use permit are intended to establish a process for submitting a site plan for specific uses that require further review by the planning board and city council to assess the impacts of the proposed use on the surrounding neighborhood.
- (b) Applicability.
 - (1) Conditional uses listed under zoning district regulations, or in this section for a specific land use type. Any proposed development or redevelopment of property within the R-1AAA, R-1AA, R-1AA, R-2A, R-2A, R-2, HR-1, HR-2, PR-1AAA, PR-2 and PC-1 zoning districts may apply for conditional uses listed under the zoning regulations for the district.
 - (2) Vacant public, semi-public, institutional, church or historically significant structures within the R-1AA, R-1A, R-2A and R-2 zoning districts. To allow for adaptive reuse of vacant public, semi-public, institutional, church or historically significant structure within the R-1AA, R-1A, R-2L, R-2A and R-2 zoning districts which, by nature of its size, structural layout, site layout or other unique features, could not feasibly be redeveloped for adaptive reuse under existing zoning regulations, a conditional use permit may be granted. Redevelopment of an existing building may occur within its existing footprint or may be expanded subject to compliance with the lot coverage, intensity and height standards for the applicable zoning district. Existing buildings that exceed 45 feet may be redeveloped within the existing building envelope height; buildings that are less than 45 feet in height may not be expanded to exceed 45 feet in height. The following uses or combinations of uses shall be eligible to apply for a conditional use permit:
 - a. Any type of residential development at a maximum density of 35 units per gross acre, dormitories.
 - b. Child care facilities, nursing homes, rest homes, convalescent homes.
 - c. Studios, with no outside storage or work permitted.
 - d. Banks, office buildings.
 - e. Restaurants.
 - f. Retail food and drugstores; personal service shops; clothing and fabric stores; home furnishing stores, hardware and appliance stores; specialty shops; pastry shops; floral shops.
 - g. Fitness centers, martial arts studios.
 - h. Laundry and dry-cleaning pick-up stations.
 - (3) Mobile restaurant facilities may be permitted on private property having frontage on South Palafox Place in the area located between the southern right-of-way line of Main Street and Pensacola Bay. Mobile restaurant facilities shall only be permitted as an accessory use to an adjacent existing and operational restaurant subject to the following conditions:
 - a. Mobile restaurant units will be permanently fixed to the ground (the attachments can be removed in the event the mobile restaurant needs to be moved due to lease termination or declaration of emergency).
 - b. Storage areas and mechanical equipment shall be screened from view.
 - c. Mobile restaurant units shall be connected to the sewer system and utilize a grease trap.

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- d. Mobile restaurant units shall have permanent restrooms provided for customers via the adjacent principal restaurant use.
- e. Mobile restaurant development sites shall provide one customer seat per linear foot of mobile unit on site.
- f. In addition to minimum landscaping requirements, mobile restaurant development sites shall provide both hardscape and landscape details with sufficient quality of design to create a formalized outdoor plaza environment. This shall be accomplished through the incorporation of grated tree wells for the planting of shade and canopy trees within outdoor seating areas. Outdoor seating areas shall be constructed with a minimum of 40 percent decorative architectural pavers comprising the overall seating area.
- g. Each individual mobile restaurant unit shall have a water source located within 30 feet behind the structure.
- h. Mobile restaurant units shall be allowed one menu attached to the facade not to exceed 16 square feet and one identifying sign not to exceed 25 square feet.
- i. There will be a maximum of four mobile restaurant units per development site. If a mobile restaurant development site has more than one mobile restaurant unit on the parcel then all mobile restaurant units will be of a consistent design, size, and color. Mobile restaurant units and associated developments shall comply with the regulations and reflect the character of the district in which they are located. Accent features to distinguish unique culinary concepts are encouraged.
- Mobile restaurant units shall not occupy more than 25 percent of the overall development site area.
- k. Underground utilities shall be required for each mobile restaurant unit. Generators are not permitted with the exception of during the course of emergencies and power outages.
- I. A designated screened dumpster area shall be located within 500 feet of a mobile restaurant unit.
- (c) Requirements. Applicants for a conditional use must submit development plans in accordance with section 12-3-120. The conditional use development plan shall meet all design standards as required by section 12-3-121 and is encouraged to meet all design guidelines established in the same section. A building permit shall not be issued for a conditional use until the city council has approved the final development plan.
- (d) Standards for approval. A conditional use may be approved by the city council only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:
 - (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the city comprehensive plan, the land development regulations, or any other applicable plan, program, map or regulation adopted by the city council.
 - (2) The proposed use will not adversely affect the public health, safety or welfare.
 - (3) The proposed use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses.
 - (4) The proposed use shall be provided with adequate public facilities and services, including roads, drainage, water, sewer, and police and fire protection.
 - (5) The proposed use will not create undue traffic congestion.
 - (6) The proposed use shall minimize, to the extent reasonably possible, adverse effects on the natural environment.

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- (e) Conditions. The city council may prescribe appropriate conditions and restrictions upon the property benefitted by the conditional use approval as may be necessary to comply with the standards set out in subsection (d) of this section, to reduce or minimize any potentially injurious effect of such conditional use upon the property in the neighborhood, and to carry out the general purpose and intent of these regulations. Failure to comply with any such condition or restriction imposed by the city council shall constitute a violation of these regulations. Those conditional uses that the city council approves subject to conditions, shall have specified by the city council the time allotted to satisfy such conditions. In approving any conditional use, the city council may:
 - (1) Limit or otherwise designate the following: the manner in which the use is conducted; the height, size or location of a building or other structure; the number, size, location, height or lighting of signs; the location and intensity of outdoor lighting or require its shielding.
 - (2) Establish special or more stringent buffer, yard or other open space requirements.
 - (3) Designate the size, number, location or nature of vehicle access points.
 - (4) Require berming, screening, landscaping or similar methods to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
 - (5) Designate the size, height, location or materials for a fence or wall.
 - (6) Specify the period of time for which such approval is valid for the commencement of construction of the proposed conditional use. The city council may, upon written request, grant extensions to such time allotments not exceeding six months each without notice or hearing.

(Code 1986, § 12-2-78; Ord. No. 33-95, § 8, 8-10-1995; Ord. No. 6-02, §§ 1, 2, 1-24-2002; Ord. No. 05-12, § 1, 4-12-2012; Ord. No. 29-16, § 1, 10-13-2016)



City of Pensacola

Memorandum

File #: 23-00470 City Council 6/13/2023

TO: Planning Board Members

FROM: Gregg Harding, Assistant Planning & Zoning Division Manager

DATE: 6/6/2023

CITY COUNCIL DISTRICT: 5

SUBJECT:

3805 & 3807 N. 10th Avenue - Request for Zoning Map Amendment Zone R-1AA

BACKGROUND:

Bear Endeavors, LLC, is requesting a Zoning Map Amendment for 3805 and 3807 N. 10th Avenue. The two parcels are currently zoned R-1AA, Medium Density Zoning District, and the existing Future Land Use (FLU) designation is Medium Density Residential. The applicant is proposing to amend the zoning district to R-1A, Medium Density Zoning District, and the existing FLUM will not change.

Existing Zoning	Proposed Zoning	ı		Approx. Lot Size (2 lots)
R-1AA	R-1A	MDR	MDR	1.8

- R-1AA (<u>existing</u> zoning) The medium-density residential land use district is established for the
 purpose of providing a mixture of one- and two-family dwellings with a maximum density of
 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are
 located in older areas of the city, the zoning regulations are intended to promote infill
 development, which is in character with the density, intensity and scale of the existing
 neighborhoods.
- R-1A (<u>proposed zoning</u>) The medium-density residential land use district is established for the
 purpose of providing a mixture of one- and two-family dwellings with a maximum density of
 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are

located in older areas of the city, the zoning regulations are intended to promote infill development, which is in character with the density, intensity and scale of the existing neighborhoods.

- MDR (<u>existing with no proposed change</u> FLU) The Residential Land Use Districts are established for the purpose of providing and preserving areas of predominantly low, medium or high residential development. A variety of residential uses shall be allowed, based on zoning classification, at the following maximum densities:
 - o Medium Density Residential 18 or fewer residential dwelling units per acre.

Since both R-1AA and R-1A are medium-density residential land use districts, the primary change will be to maximum residential gross density, minimum lot area, lot width at the minimum building setback line, minimum lot width at the street right-of-way line, and minimum yard setback requirements. Table 12-3.2, *Regulations for the medium-density residential zoning districts*, comparing the two zoning districts is provided as part of the application.

Since the applicant's desire is primarily to adopt the setbacks of zoning district R-1A, they initially sought a variance with the Zoning Board of Adjustments in March 2023. The proposed variance would have reduced the front, side, and rear building setbacks of a future 11-lot residential subdivision. The request was denied since a hardship required to grant such a variance could not be found and that the request should more appropriately be reviewed by Planning Board as a zoning amendment. The agenda item and meeting minutes from the March 2023 Zoning Board of Adjustments meeting has been provided for background information.

This request has been routed through the various City departments and utility providers. Those comments are attached for your review.

RECOMMENDED CODE SECTIONS

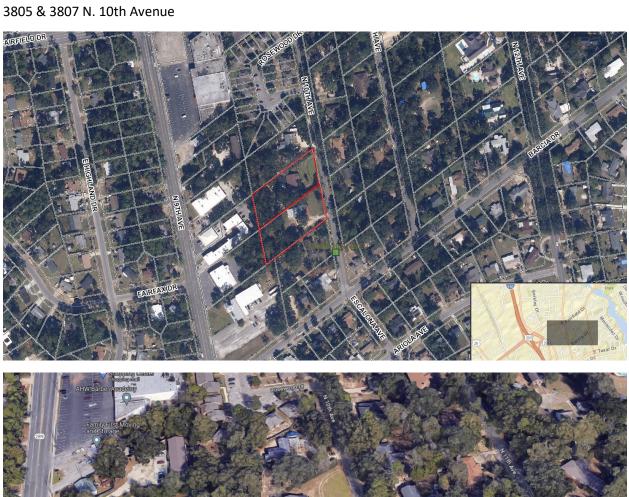
Sec. 12-3-4 Medium-density residential land use district regulations

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Sec. 12-12-3 Amendments

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3805 N. 10th Avenue



3087 N. 10th Avenue



TABLE 12-3.2. REGULATIONS FOR THE MEDIUM-DENSITY RESIDENTIAL ZONING DISTRICTS

Standards	R-1AA			R-1A		
	Single-	Two-Family	**Single-	Single-	Two-Family	**Single-
	Family	Attached	Family	Family	Attached	Family
	Detached	(duplex)	Attached	Detached	(duplex)	Attached
			(townhouses)			(townhouses)
Maximum	8.7 units	11.6 units	11.6 units	12.4 units	17.4 units	17.4 units
Residential	per acre	per acre	per acre	per acre	per acre	per acre
Gross Density						
Minimum Lot	5,000 s.f.	7,500 s.f.	3,750 s.f.	3,500 s.f.	5,000 s.f.	2,500 s.f.
Area						
Lot Width At	40 feet	60 feet	30 feet	30 feet	50 feet	25 feet
Minimum						
Building						
Setback Line						
Minimum Lot	40 feet	50 feet	25 feet	30 feet	50 feet	25 feet
Width At						
Street R-O-W						
Line						
Minimum	,	uilding Setbac	ks)		uilding Setbac	ks)
Yard	30 feet			20 feet		
Requirements	6 feet			5 feet		
*Front Yard	30 feet			25 feet		
Side Yard						
Rear Yard			Ī			
Off-Street	1 space/unit		2 sp./unit	1 space/unit		2 sp./unit
Parking						
Maximum	35 feet			35 feet		
Building	Except as pro	ovided in secti	on 12-3-62)	(Except as pi	ovided in sect	ion 12-3-62)
Height						

^{*}The front yard depths in the R-1AA and R-1A districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings in the block, the front yard depths shall be no less than the footages noted.

^{**}Each single-family attached dwelling unit must be located on its own lot. If a development requires subdivision procedures it shall be subject to and must comply with subdivision regulations as set forth in chapter 12-7.

^{***}All future residential development on parcels changed to a Medium-Density Residential (MDR) zoning district via the passage of Ord. No. 23-16, effective on August 18, 2016, shall be considered legal nonconforming and may utilize the R-1A zoning district standards applicable to lot width, lot area and setbacks.

REZONING



	Compreh zoning \$2,500.00 duling (Planning Board): \$250.00 duling (City Council): \$750.00	ensive Plan / FLUM A (< 10 acres) \$3,500.00 \$250.00 \$750.00	(≥ 10 acres) \$3,500.00 \$250.00 \$1,000.00 Date: 5/2/202	23
Owner Name: Bear En	deavors, LLC	-	Phone: (850)	435-4411
	& 3807 North 10th Avenue			
Parcel ID: 0 4 - 2 3	S _3 0 _2 0 0 7 _0	0 0 - 0 5 8	Acres/Square Fee	t: 1.8 acres
Zoning Classification: Ex			oposed R-1A	
Future Land Use Classific			oposed MDR	
housing within City li allows for 20' front ar	ted: Planned lot redevelopme mits. Exising setbacks of R-1AA nd 25' rear for an additional 15' tion of single-story 2 bedroom, 2 (A) Full legal description of property (A at 30' front and buildable feet of 2 bathroom units	30' rear. Propose depth to the lot. A at an attainable p	ed R-1A Anticipated
in the subject application, a and belief as of this 2nd Applicant Signature Luke Pittman Applicant Name (Print)	Owner Signature Pi Country National States of the Country Nat	ation provided by me trate and complete to a graduare graduare ittman arme (Print)	(us) as petitioner (s)/a the best of my (our) kr	DANICA PATERSON Notary Public - State of Florida Commission # HH 380814 Iy Comm. Expires Mar 29, 2027 d through National Notary Assn
Name:		Commission	Expires: 11 W 2 1,	<i>3</i> 441
: 	FOR OFFICE US			÷ 1
	Date Received: May 12, 2023		mber:	
Date Postcards mailed:	Planning Board Date:	Recomn	nendation:	
Committee Date:	Council Date:	Council A	ction:	
Second Reading:	Ordinance Number:			

Recorded in Public Records 4/11/2022 12:07 PM OR Book 8760 Page 1587, Instrument #2022036401, Pam Childers Clerk of the Circuit Court Escambia County, FL Recording \$27.00 Deed Stamps \$2,730.00

Prepared by and return to: Richard Hill Turner, III

Whibbs Stone & Barnett, P.A. 801 W. Romana Street Unit C Pensacola, FL 32502 850-434-5395 File Number: 22-290662 Will Call No.:

[Space Above This Line For Recording Data]_

Warranty Deed

This Warranty Deed made this 8th day of April, 2022 between Paul J Jones and David L Lamb, a married couple whose post office address is 3807 N. 10th Avenue, Pensacola, FL 32503, grantor, and Bear Endeavors LLC, a Florida limited liability company whose post office address is 1216 N. Palafox Street, Suite A, Pensacola, FL 32501, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Escambia County, Florida to-wit:

Lot 57, Maura Place, according to the map or plat thereof, as recorded in Plat Book 1, Page(s) 32, of the Public Records of Escambia County, Florida.

Parcel Identification Number: 042S302007000057

Subject to covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessment for the year 2022 and subsequent years; and all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

DoubleTime®

BK: 8760 PG: 1588

Witness Name: A. Chand L. Paul J Jones

Witness Name: Ge Liwcla Crowley

Witness Name: Ge Liwcla Crowley

Witness Name: Ge Liwcla Crowley

State of Florida
County of Escambia

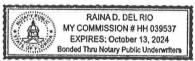
The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization, this 8th day of April, 2022 by Paul J Jones and David L Lamb, who [] are personally known or [X] have produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: [Daira D. Daubo]

My Commission Expires:



Warranty Deed - Page 2

DoubleTime®

BK: 8760 PG: 1589 Last Page

RESIDENTIAL SALES ABUTTING ROADWAY MAINTENANCE DISCLOSURE

ATTENTION: Pursuant to Escambia County Code of Ordinances Chapter 1-29.2, Article V, sellers of residential lots are required to disclose to buyers whether abutting roadways will be maintained by Escambia County. The disclosure must additionally provide that Escambia County does not accept roads for maintanance that have not been built or improved to meet county standards. Escambia County Code of Ordinance Chapter 1-29.2, Article V requires this disclosure be attached along with other attachments to the deed or other method of conveyance required to be made part of the public records of Escambia County, Florida. Note: Acceptance for filling by County employees of this disclosure shall in no way be construed as an acknowledgment by the County of the veracity of any disclosure statement.

Name of Roadway:

3807 N. 10th Avenue, Pensacola, FL 32503

Legal Address of Property:

3807 N. 10th Avenue, Pensacola, FL 32503

The County () has accepted () has not accepted the abutting roadway for maintenance.

This form completed by:

Whibbs Stone Barnett , P.A. 801 W. Romana St., Unit C Pensacola, FL 32502

AS TO SEL POIN

126

Witness Name

Lever

Witness Name:

Witness Name: Ridad 12

Witness Name: Whath

AS TO BUYER(9)!

Witness Name:

Witness Name: JAMES O DONG JAN

Bear Endeavors LL

Joshua J Silton, Manager

Recorded in Public Records 12/05/2014 at 04:00 PM OR Book 7268 Page 1843, Instrument #2014090833, Pam Childers Clerk of the Circuit Court Escambia County, FL Recording \$10.00 Deed Stamps \$441.70

This instrument was prepared by: Pam Childers, Clerk of the Circuit Court **Escambia County Courthouse** Pensacola, Florida

Tax Deed File No. 14-875 PropertyIdentification No. 042S302007000058 Tax Account No. 050362000

TAX DEED

State of Florida County of Escambia

The following Tax Sale Certificate Numbered 02740 issued on June 1, 2012 was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or paid of redeemed an other taxes of tax sale certificates on the land described as required as required by law, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the 1st day of December 2014, offered for sale as required by law for cash to the highest bidder and was sold to:

LARAIB, 8 MEMORIAL PKWY SW FORT WALTON BEACH FL 32548, being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

Now, on this 1st day of December 2014, in the County of Escambia, State of Florida, in consideration of the sum of (\$63,100.00) SIXTY THREE THOUSAND ONE HUNDRED AND 00/100 Dollars, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in the County and State aforesaid and described as follows:

LT 58 MAURA PLACE PB 1 P 32 OR 3473 P 716

SECTION 04, TOWNSHIP 2 S, RANGE 30 W

** Property previously assessed to: HENRY W THAMES, * BETTY THAMES

PAM CHILDERS, Clerk of the Circuit Co Escambia County, Florida

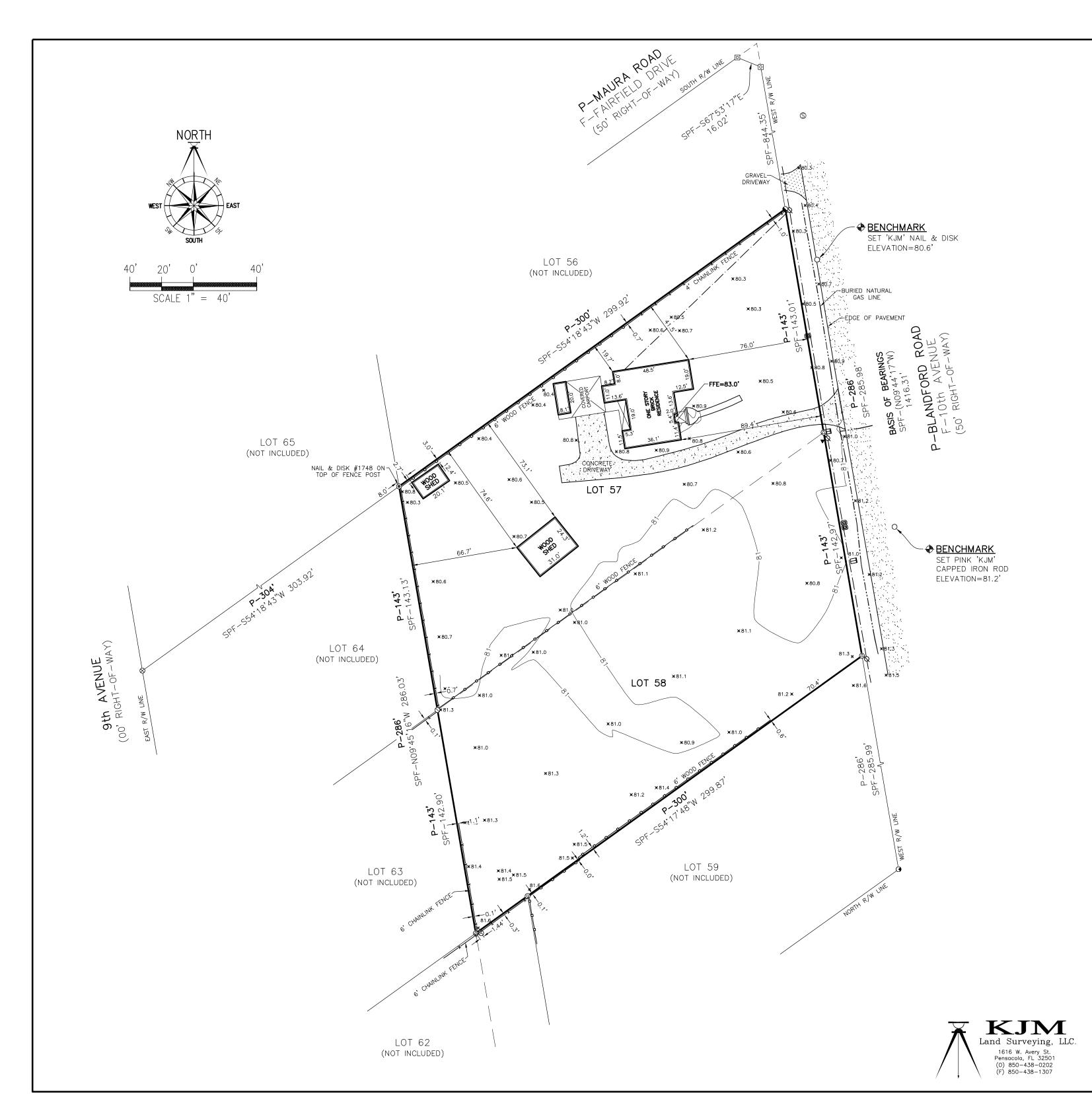
State of Florida

County of Escambia December 2014

On this 3rd day before me Emily Hogg personally appeared Pam Childers, Clerk of On this O before me Emily Hogg personally appeared Pam Childers, Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid.

Emily Hogg, Deputy



DESCRIPTION: (OFFICIAL RECORDS BOOK 7742, PAGE 1635)

LOT 57. MAURA PLACE SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 32, OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.

AND: (OFFICIAL RECORDS BOOK 8712, PAGE 1746)

LOT 58, MAURA PLACE, A SUBDIVISION OF A PORTION OF JOSEPH MAURA GRANT, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1 AT PAGE 32 OF THE PUBLIC RECORDS OF SAID COUNTY.

SURVEYORS NOTES:

-THE MAP OF SURVEY AS SHOWN HEREON IS A BOUNDARY AND TOPOGRAPHIC SURVEY WITH IMPROVEMENTS FOR WHICH PURPOSE IS TO DEFINE THE RECORD BOUNDARY ON THE GROUND BY RETRACEMENT OF THE RECORD PLATTED LOTS AND BLOCK OF THE ABOVE REFERENCED SUBDIVISION, AND/OR RECOVERY, AND/OR PLACEMENT OF MONUMENTATION FOR SAID BOUNDARY, AND ALSO; VERTICALLY DEPICT GROUND SURFACE ELEVATIONS BY SPOT ELEVATIONS AND/OR 1.0 FOOT CONTOUR INTERVALS RELATIVE TO MEAN SEA LEVEL AND ALSO; LOCATE HORIZONTALLY AND VERTICALLY; DIMENSIONALLY MEASURED FIXED PERTINENT SURFACE AND SUB-SURFACE FEATURE IMPROVEMENTS AND GRAPHICALLY DEPICT FIXED NON-PERTINENT SURFACE AND SUB-SURFACE FEATURE IMPROVEMENTS TO SCALE AND THEIR RELATIONSHIP TO THE BOUNDARY, PREPARED FOR THE CLIENT AS SHOWN AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT PRIOR CONSENT FROM THIS SURVEYOR.

-VERTICAL DATA IS BASED ON RTN GPS/GNSS OBSERVATIONS THROUGH THE FPRN, CORS REFERENCE STATION NETWORKS. ELEVATIONS ARE DETERMINED USING THE GEOID 18 MODEL AND ARE RELATIVE TO NAVD '88 WITH ACCURACIES TO 2-3 CM. ELEVATIONS DEPICTED WITHIN THIS SURVEY ARE SUB-CM INFORMATIONAL PURPOSES ONLY AND MAY NOT MEET THE ACCURACY REQUIREMENTS TO SURVEY STANDARDS.

-BASIS OF STATE PLANE FIELD BEARINGS: GRID NORTH AND THE BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE STATE PLANE GRID BEARING OF NO9:17'44"W ALONG THE WEST R/W LINE OF 10th AVENUE AS MONUMENTED. THE SURVEY DATA AS SHOWN HEREON IS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM (FLORIDA NORTH ZONE)- (NAD83) - (2011) -(EPOCH 2010.0000).
-PLAT REFERENCES NO BEARINGS FOR COMPARISON.

— REFERENCE SOURCE: IN FIELD DATA GATHERING OF EXISTING PROJECT SITE FIELD

MONUMENTATION; COPY OF MAP OF MAURA PLACE, PLAT BOOK 1 PAGE 32.

—ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE UNITED STATES STANDARD SURVEY

-NO TITLE SEARCH WAS PERFORMED BY THIS SURVEYOR, NOR WAS KJM LAND SURVEYING, LLC PROVIDED WITH SAME.

-NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAYS, AND/OR OWNERSHIPS WERE PROVIDED TO THIS SURVEYOR; EXCEPT AS SHOWN.
-NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED; EXCEPT AS SHOWN.

-UNLESS OTHERWISE NOTED RECORD AND MEASURED CALLS AGREE.
-THE SURVEY ERROR OF CLOSURE MEETS THE SURVEY STANDARDS OF PRACTICE. -THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THE SUBJECT PROPERTY THAT MAY BE FOUND RECORDED IN THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA THAT DO NOT

-ENCROACHMENTS ARE AS SHOWN. -FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP NOR AN ENCROACHMENT OF FENCES, WALLS, ETC.

THE CERTIFICATE OF AUTHORIZATION NUMBER FOR KJM LAND SURVEYING, LLC., IS L.B. 8298.

THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS & MAPPERS IN CHAPTER 5J—17.050, 5J—17.051 AND 5J-17.052, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. -THE SURVEY AS SHOWN HEREON IS CERTIFIED TO THE CLIENT AS PREPARED FOR, AND ANY

ENTITIES AS DECLARED TO HEREON ONLY, AND IN NO WAY TRANSFERS CERTIFICATION TO THEIR SUCCESSORS OR ANY OTHER ENTITIES NOT REFERRED TO HEREIN.

—IT IS OF THE OPINION OF THE UNDERSIGNED SURVEYOR THAT THE PARCEL OF LAND SHOWN

HEREON AS PER THE FLOOD INSURANCE RATE MAP INFORMATION IS AS FOLLOWS:

NFIP COMMUNITY NAME: CITY OF PENSACOLA ZONE: "X" ELEVATION: N/A

NFIP COMMUNITY NUMBER: 120082 PANEL NUMBER: 12033C 0380 G AS DATED: 09/29/2006

LEGEND:

×80.0 -SPOT ELEVATION

□ -FOUND DOT 4"x4" CONCRETE MONUMENT ● -FOUND 1/2" CAPPED IRON ROD LS #5832 G -FOUND 1/2" CAPPED IRON ROD LB #2499 → FOUND ILLEGIBLE 1/2" CAPPED IRON ROD ○ -FOUND PLAIN 1" CRIMPED IRON PIPE○ -FOUND PLAIN 1" IRON PIPE ⊗ -FOUND PLAIN "X" CUT IN CONCRETE ● -FOUND NAIL & DISK LB #1748 POWER POLE WITH GUY ANCHOR - OVERHEAD UTILITY LINES ■ -WATER METER
■ -MAILBOX

ABBREVIATIONS:

PSM -PROFESSIONAL SURVEYOR AND MAPPER -LICENSED SURVEYOR

LB -LICENSED BUSINESS R/W -RIGHT-OF-WAY A/C -AIR CONDITIONER
P -PI AT -PLAT SPF -STATE PLANE FIELD

NFIP -NATIONAL FLOOD

CORPORATE NO. LB 0008298

STATE OF FLORIDA

N/A -NOT APPLICABLE NAD -NORTH AMERICAN DATUM

INSURANCE PROGRAM

ABBREVIATIONS:

FFE -FINISHED FLOOR ELEVATION RTN -REAL TIME NETWORK GNSS -GLOBAL NAVIGATION SATELLITE SYSTEM GPS -GLOBAL POSITIONING SYSTEM

REFERENCE NETWORK

DRAWING NUMBER

22-21048

CORS -CONTINUOUSLY OPERATING REFERENCE STATION NAVD -NORTH AMERICAN VERTICAL DATUM CM -CENTIMETER

FPRN -FLORIDA PERMANENT

5 & 3807	NORTH	10th AVENU	E		
LUKE PIT	TMAN				
ARY AND	TOPOGR	APHIC SURVE	Y WITH IMP	ROVEMENTS	
IIP- 2 - S	DUTH, RA	NGE- 30 - WE	EST, ESCAMBIA	A COUNTY, FLO	ORIDA
FIELD BOOK	PAGE	CREW	FIELD DATE:	DRAWN BY:	CHECKED BY:
764 766	65-66 15-16	JD/JB/CI JB/RC	05/10/22 05/19/22	JSP	
REVISIONS:					APPROVED BY:
	LUKE PIT ARY AND IP- 2 - SO FIELD BOOK 764 766	LUKE PITTMAN ARY AND TOPOGR IP- 2 - SOUTH, RA FIELD BOOK PAGE 764 65-66 766 15-16	LUKE PITTMAN ARY AND TOPOGRAPHIC SURVE IP- 2 - SOUTH, RANGE - 30 - WE FIELD BOOK PAGE CREW 764 65-66 JD/JB/CI 766 15-16 JB/RC	ARY AND TOPOGRAPHIC SURVEY WITH IMPI IP- 2 - SOUTH, RANGE- 30 - WEST, ESCAMBIA FIELD BOOK PAGE CREW FIELD DATE: 764 65-66 JD/JB/CI 05/10/22 766 15-16 JB/RC 05/19/22	LUKE PITTMAN ARY AND TOPOGRAPHIC SURVEY WITH IMPROVEMENTS IP- 2 - SOUTH, RANGE - 30 - WEST, ESCAMBIA COUNTY, FLO FIELD BOOK PAGE CREW FIELD DATE: DRAWN BY: 764 65-66 JD/JB/CI 05/10/22 766 15-16 JB/RC 05/19/22 JSP

THIS SURVEY MAP AND REPORT OR COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED MICHAEL WATTS AUSTIN, PSM #5458

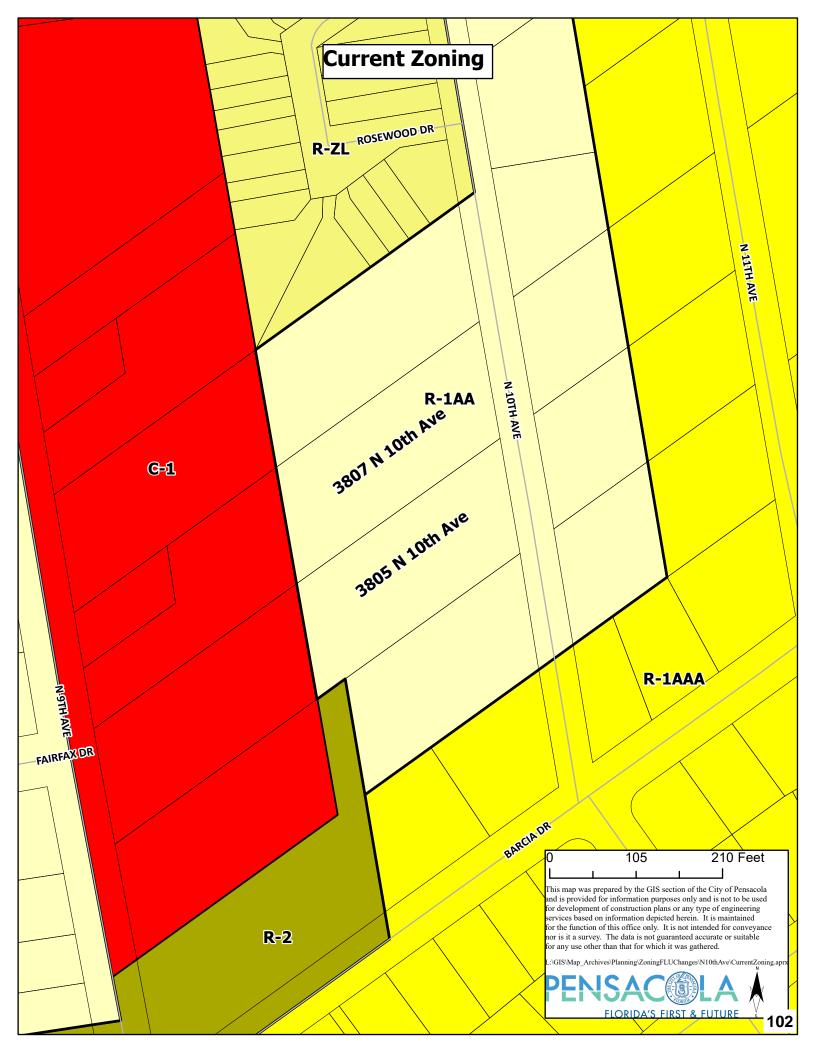
SURVEYOR AND MAPPER.

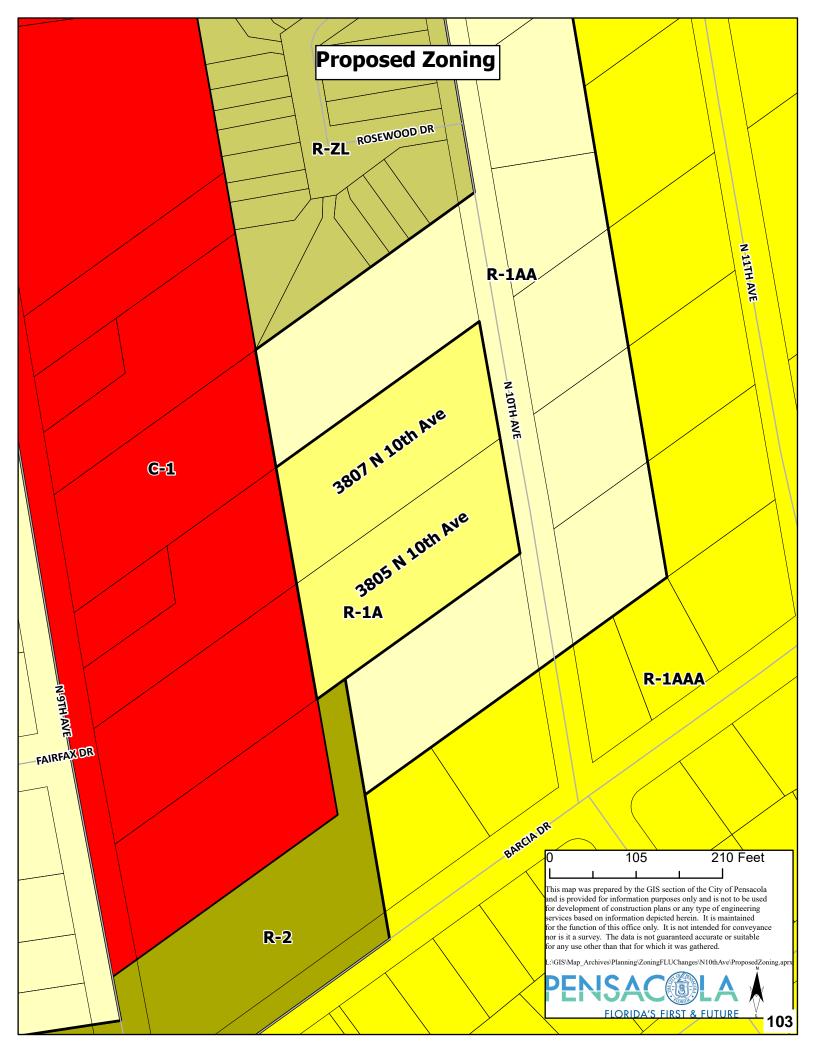


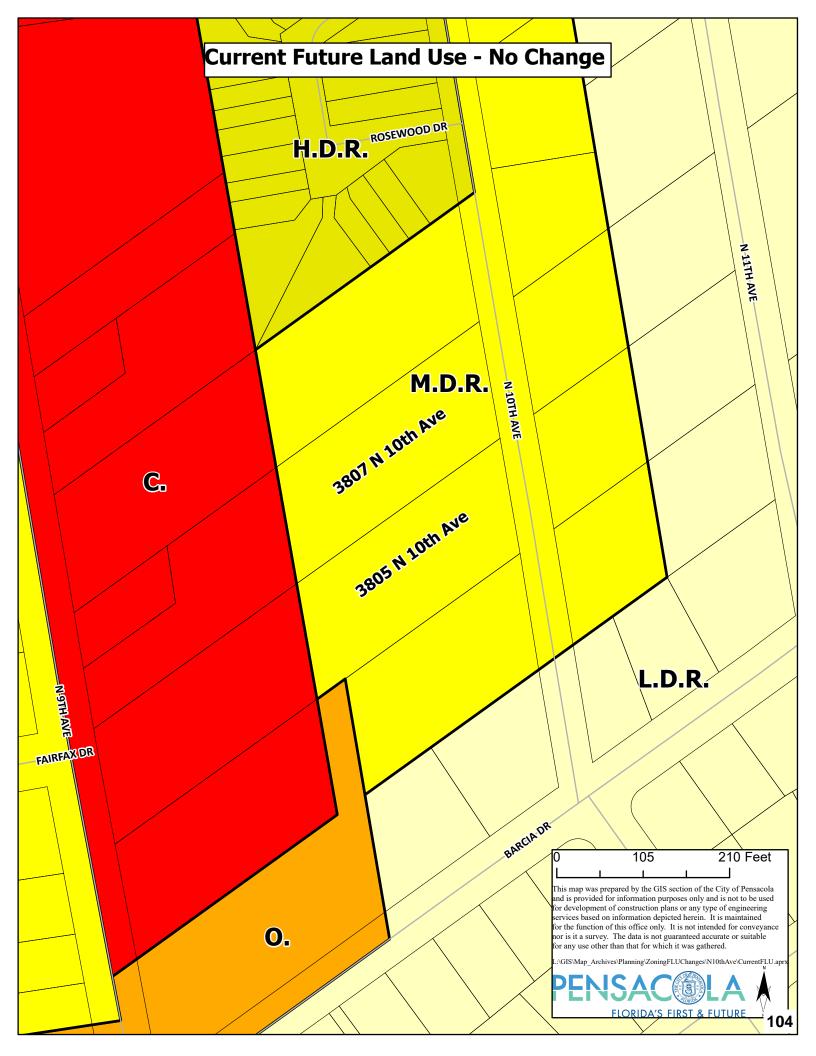
Various properties adjacent to and nearby the 3805 and 3807 N 10th Avenue properties currently have various different types of zoning. All instances of different zoning allow for smaller lot setbacks than currently allowable within the R-1AA zoning.

Ability to reduce the overall setbacks of R-1AA zoning will allow for slightly larger buildable lot area without majorly disrupting the existing feel of the surrounding area.

It is the intention of the developer to use the decreased setbacks to create single-story housing that matches the size and context of the surrounding residences while maintaining an attainable price point of construction for buyers.









City of Pensacola

Memorandum

File #: 23-00231 Zoning Board of Adjustments 3/15/2023

TO: Zoning Board of Adjustments Members

FROM: Amy Hargett, Planner

DATE: 3/8/2023

SUBJECT:

ZBA 2023-005 3805 & 3807 N. 10th Avenue R-1AA

BACKGROUND:

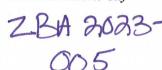
Luke Pittman, Bear Endeavors, is requesting multiple variances to accommodate the development of an 11-lot residential subdivision. The request is to apply the R-1A development standards to the project in lieu of the R-1AA standards. This would effectively reduce the setbacks as follows:

- The front yard would be 20 FT instead of 30 FT;
- The rear yard would be 25 FT instead of 30 FT;
- The side yard (interior) would be 5 FT instead of 6 FT.

The adjacent properties are a mix of R-1AA, R-2, and C-1. The latter two have setbacks which are equal to or less than those within the R-1A zoning district.



X	Zoning Board of Adjustment
	Architectural Review Board
	Planning Board
	Gateway Review Board



VARIANCE APPLICATION

A COMPLETE APPLICATION SHALL INCLUDE THE FOLLOWING:

- A. One (1) copy of this completed application form. (Please type or print in ink.)
- B. Site plan and/or survey showing the following details:*
 - Abutting street(s)
 - 2. Lot dimensions and yard requirements (setbacks)
 - 3. Location and dimensions of all existing structures
 - 4. Location and dimensions of all proposed structures and/or additions
 - 5. Dimension(s) of requested variance(s)
- C. Other supporting documentation (drawings, photographs, etc) to support request(s).*
- D. A non-refundable application fee of \$500.00.

(To be Completed by Staff)

Provision(s) of Zoning Ordinance from which the variance(s) is/are being requested:

Section(s)/ Tables(s) 2 34/To 2 2 Zoning R IAA

(To be Completed by Applicant)

The Applicant requests consideration of the following variance request(s):

Property Address: 3805 & 3807 N 10th Avenue, Pensacola, FL 32505

Current use of property: Residential, R-1AA zoning

1. Describe the requested variance(s):

Existing R-1AA Setbacks: 30' Front, 6' Side, 30' Rear

Requested (R-1A Similar): 20' Front, 5' Side, 25' Rear

2. Describe the special condition(s) existing on this property which create(s) the need for the variance(s), but which are not applicable to other properties in the same district and which are not the results of the applicant's actions:

Property lines of the lot are not perpendicular and do not have 90 degree corners. With setbacks of lot,

Planning Services 222 W. Main Street * Pensacola, Florida 32502 (850) 435-1670 Mail to: P.O. Box 12910 * Pensacola, Florida 32521

^{*} The Applicant must provide fourteen (14) copies of any documents larger than 8½ x 11 or in color.

Maximum page size for all submitted material should be 11" x 17" to allow for processing and distribution.

buildable square footage is unusable and lost at the corners of the setbacks. Allowing more area to build regains this square footage similar to if the lot had 90 degree corners.

3. Explain why the requested variance(s) is/are necessary to permit the property owner to obtain the right commonly enjoyed by other property owners in the same district:

Design and construction planned development for parcels are attempting to increase the overall

density of the lot to be consistent with the allowable densities of the R-1AA zoning. For the creation of

attainable new-construction housing, needing to attain a minimum square footage created by variance

4. Explain why the requested variance(s) is/are not detrimental to the general welfare or to property rights of others in the vicinity:

Property requesting variance has the following uses on the same street or within 1/8 mile of the property

edge: Zero Lot Line/Area Housing, C-1 Commercial, R-1AAA, and Site Specific Development. Variance

allowance would create new construction consistent with adjacent properties

5. Explain what other condition(s) may justify the proposed variance(s):

Aligning with the Mayor's mission to create more attainable housing options for the City of Pensacola, the allowance of these variances creates more favorable conditions to construct sizable residential units for a lower price point that increases the density toward the higher end allowed within R-1AA zoning.

Application Date: 2/10/2023

Applicant:

Bear Endeavors (Attn. Luke Pittman)

Applicant's Address:

1216 North Palafox Street, Pensacola, FL 32501

Email:

luke@beargc.com

Phone: (850) 435-4411

Applicant's Signature:

Property Owner:

Bear Endeavors (Attn. Luke Pittman)

Property Owner's

Address:

1216 North Palafox Street, Pensacola, FL 32501

Email:

luke@beargc.com

Phone: (850) 435-4411

Property Owner's

Signature:

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable modifications for access to City Services, programs, and activities. Please call 435-1600 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

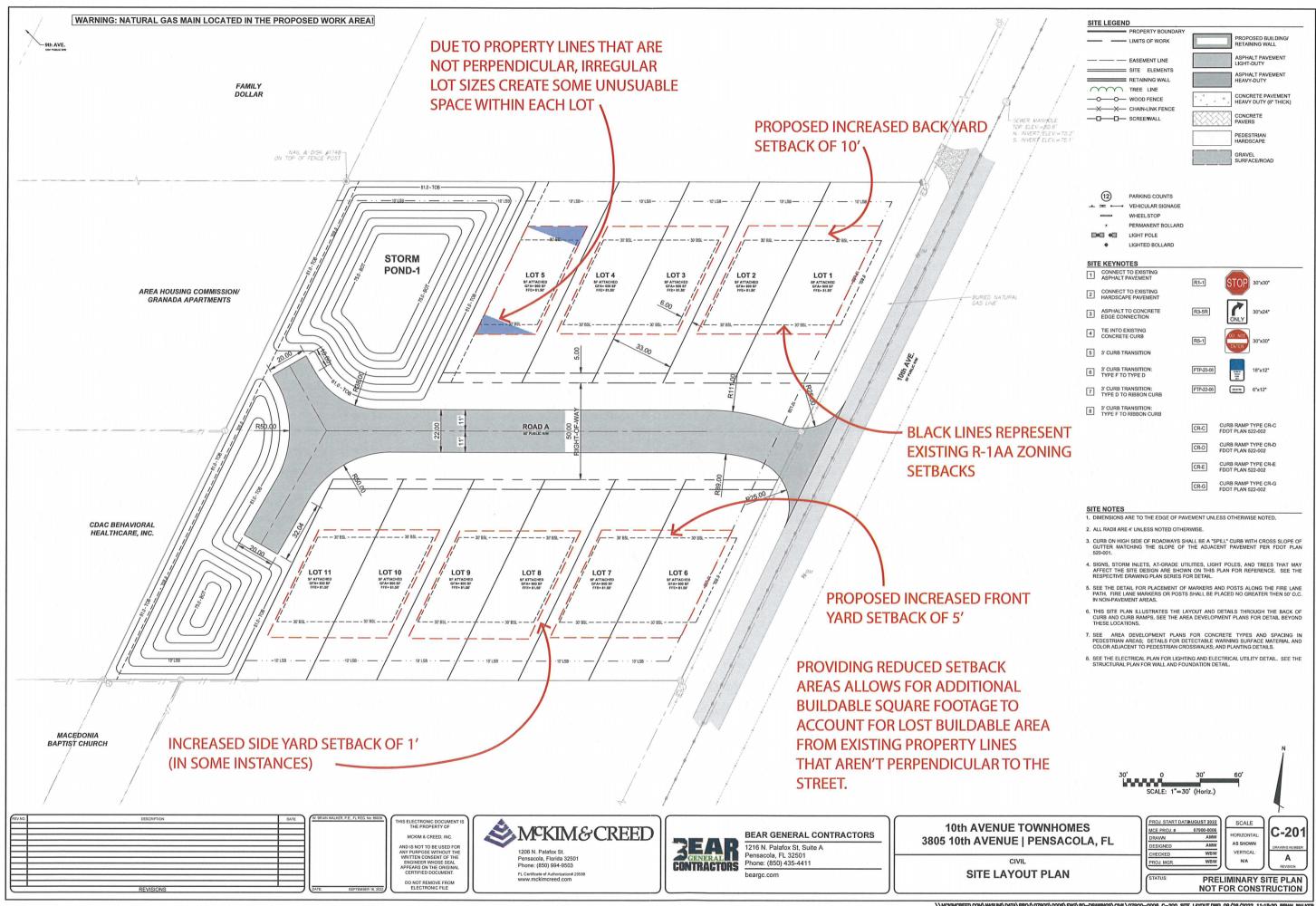


Variance Application

VARIANCE GRANTED BY THE BOARD OF ADJUSTMENT: The petitioner must secure a building permit and commence work within one hundred-eighty (180) days of the date of the granting of the variance, unless additional time is granted by the Board at that particular meeting.

JUDICIAL REVIEW OF DECISION OF THE BOARD OF ADJUSTMENT: If denied a variance by the Board, that request for a variance cannot be heard again for one year. The petitioner has thirty (30) days form the date of the meeting to appeal the decision according to Section 12-12-2 of the Land Development Code. Any person or persons, jointly or severally aggrieved by a decision of the Board may apply to the Circuit Court of the First Judicial Court of Florida. The Board, Building Inspector, or Attorney of the City of Pensacola must be notified of an appeal within five (5) days of the application being made to the Circuit Court. If a Notice of Appeal has not been received within thirty-five (35) days of the date of the meeting the variance was denied, the petitioner shall be notified by the Building Inspector that they have ten (10) days to remove or correct the violation.

Planning Services
222 W. Main Street * Pensacola, Florida 32502
(850) 435-1670
Mail to: P.O. Box 12910 * Pensacola, Florida 32521





Various properties adjacent to and nearby the 3805 and 3807 N 10th Avenue properties currently have various different types of zoning. All instances of different zoning allow for smaller lot setbacks than currently allowable within the R-1AA zoning.

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It is the intention of the developer to use the decreased setbacks to create single-story housing that matches the size and context of the surrounding residences while maintaining an attainable price point of construction for buyers.

OWNER / DEVELOPER:

BEAR ENDEAVORS LLC 1216 N. PALAFOX STREET, SUITE A PENSACOLA, FL 32501

ENGINEER OF RECORD:

MCKIM & CREED 1206 N. PALAFOX STREET PENSACOLA, FL 32501 PHONE: (850) 994-9503

PREPARED BY:



10th AVEN

PRELIMINARY PLAT OF

A 12 LOT SINGLE-FAMILY RESIDENTIAL RE-PLAT OF LOTS 57 & 58, MAURA PLACE, A SUBDIVISION OF A PORTION OF THE JOSEPH MAURA GRANT. SECTION 4, TOWNSHIP 2 SOUTH, RANGE 30 WEST AS RECORDED IN PLAT BOOK 1, PAGE 82 CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA

ZONED: R-1AA, FLU: MDR **FEBRUARY 2023**



VICINITY MAP

LEGAL DESCRIPTION:

(OFFICIAL RECORDS BOOK 7742, PAGE 1635)

LOT 57. MAURA PLACE SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 32, OF THE PUBLIC RECORDS OF ESCAMBA COUNTY, FLORIDA.

AND ALSO: (OFFICIAL RECORDS BOOK 8712, PAGE 1746)

LOT 58, MAURA PLACE, A SUBDIMISION OF A PORTION OF JOSEPH MAURA GRANT, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1 AT PAGE 32 OF THE PUBLIC RECORDS OF SAUD COUNTY.

TYPE:			TOPOGR.	APHIC SURV	EY VEST, ESCAMBI	A COUNTY I	TI ODIDA
SCALE:		FIELD BOOK	PAGE	CREW	FIELD DATE:	DRAWN BY:	CHECKED BY:
	07/20/22	764 766	65-66 15-16	JD/JB/CI JB/RC	05/10/22 05/19/22	JSP	
NO.:	DATE:	REVISIONS:					
1	07/22/22	ADDED SEWE	R LAWP HOLE	F.B. #762, PG. 6	0 - NS/RC - 07/2	1/22 - JSP	
w Pur	poses C				SURVEY WAP AND OR COPIES THER ARE NOT VALID WIT		

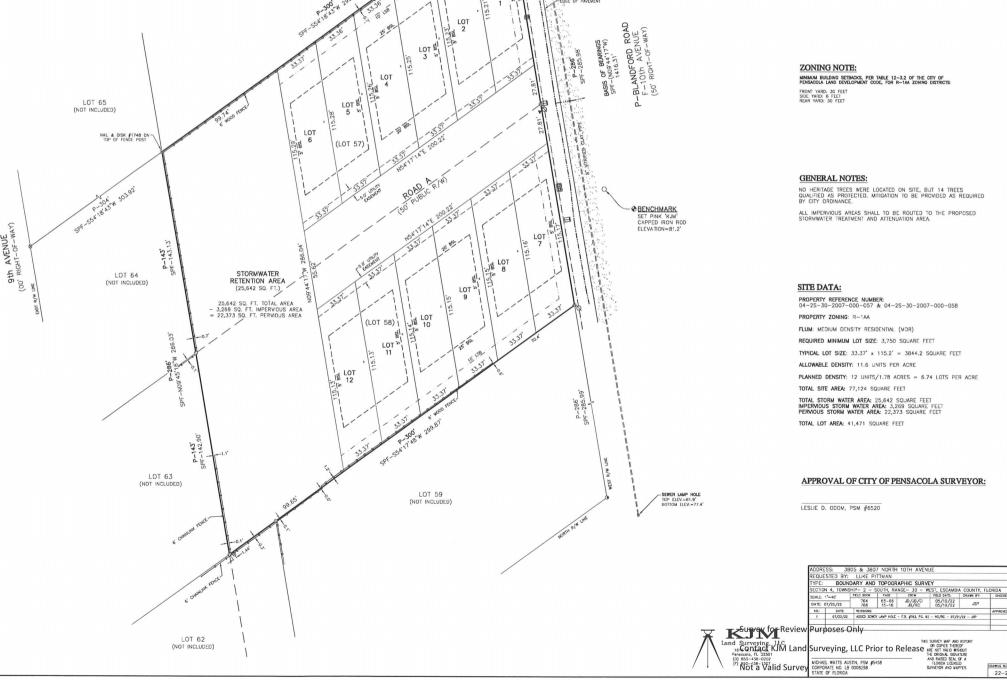
SURVEYORS NOTES:

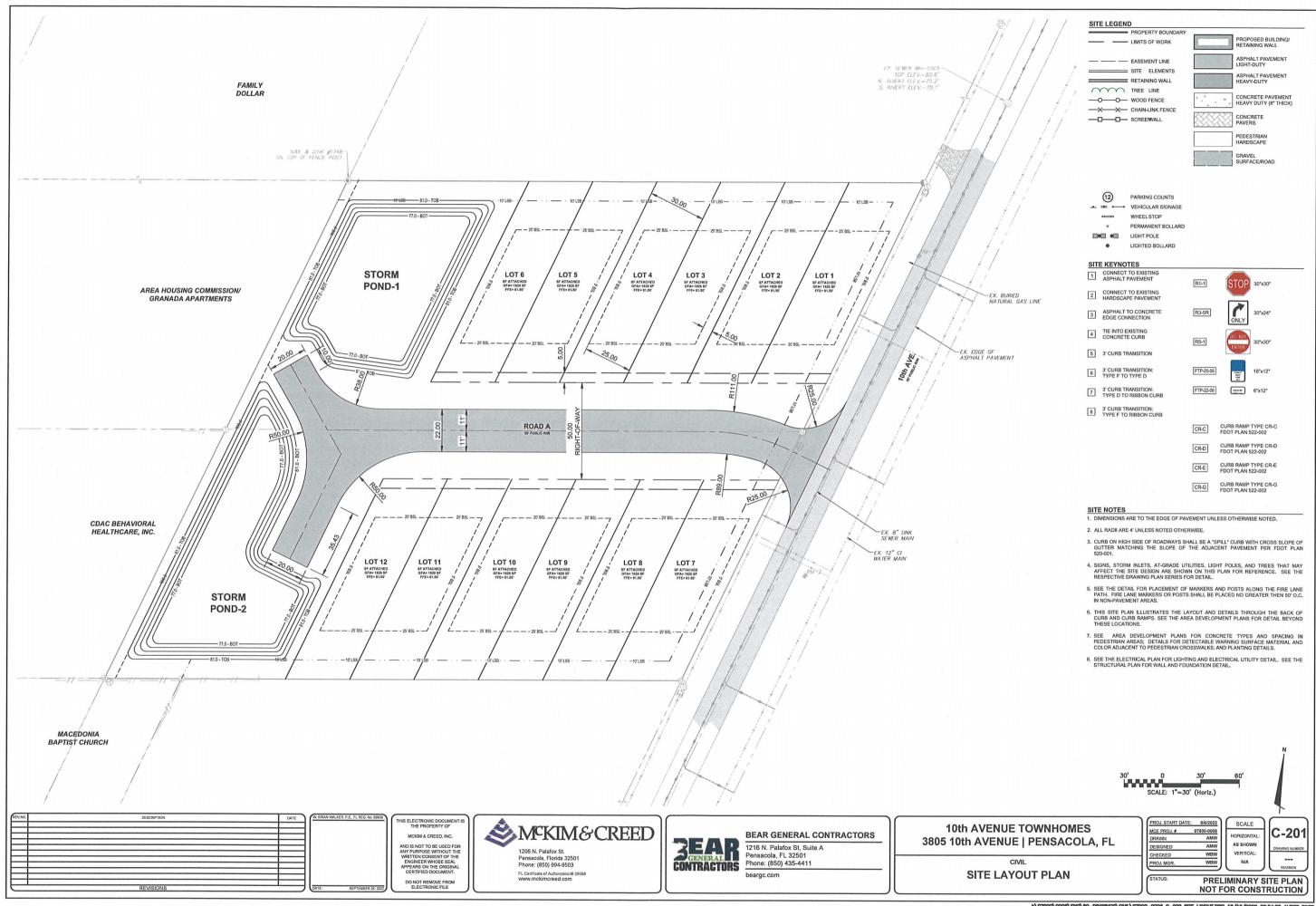
CH WAS PERFORMED BY THIS SURVEYOR, NOR WAS KUM LAND SURVEYING

, ETC. IF AUTHORIZATION NUMBER FOR KUM LAND SURVEYING, LLC., IS L.B.



ABBREVIATIONS:





10TH AVE TOWNHOMES

3805 10TH AVENUE PENSACOLA, FL







SITE PHOTO

VICINITY MAP

SITE MAP



PROJECT TEAM

OWNER

BEAR GENERAL CONTRACTORS 1216 N. PALAFOX ST., STE A

PENSACOLA, FL 32501 850-435-4411

CONTRACTOR

CURTIS REED 850-435-4411 CURTIS@BEARGC.COM

BARON NECAISE 850-435-4411

ARCHITECT

1216 N. PALAFOX ST., STE A PENSACOLA, FL 32501 850-435-4411

BEAR GENERAL CONTRACTORS

BARON@BEARGC.COM

LOT COVERAGE

LOT SIZE ---- S.F. IMPERVIOUS SURFACES ---- S.F. PERVIOUS SURFACES ---- S.F. PERCENT LOT COVERAGE

GENERAL NOTES

- 1. IT IS THE BUILDER'S RESPONSIBILITY TO ENSURE THAT ALL EXECUTED CONSTRUCTION MEETS OR EXCEEDS BEST PRACTICES AND ALL APPLICABLE CODES AND STANDARDS, INCLUDING BUT NOT LIMITED TO THE INTERNATIONAL RESIDENTIAL CODE (IRC) AND INTERNATIONAL ENERGY CONSERVATION CODE (IECC) WITH LOCAL AMENDMENTS (IF ANY).
- 2. THE ARCHITECT IS RESPONSIBLE SOLELY FOR THE DESIGN INTENT CONTAINED WITHIN THESE DOCUMENTS.
- 3. THESE DOCUMENTS ARE ISSUED FOR AND UNDERSTOOD TO BE USED FOR DESIGN INTENT AND GENERAL CONSTRUCTION GUIDELINES ONLY. THE ARCHITECT DOES NOT WARRANT ANY MATERIAL OR SYSTEM, OR THE INTEGRITY OF THE EXECUTED WORK, WHETHER IMPLIED OR EXPLICITLY CALLED OUT IN THE DOCUMENTS.
- 4. THE BUILDER SHALL NOT BE RELIEVED FROM EXECUTING THE WORK AS INTENDED IN THESE DOCUMENTS DUE TO ANY ERRORS OR OMISSIONS.

SHEET	ET INDEX		
NO.	SHEET NAME	ISSUE DATE	
		1	
A001	GENERAL NOTES	1/25/23	
A002	ARCHITECTURAL SITE PLAN	1/25/23	
A100	FOUNDATION PLAN	1/25/23	
A101	FIRST FLOOR PLAN	1/25/23	
A110	ROOF PLAN	1/25/23	
A300	ELEVATIONS	1/25/23	
A301	ELEVATIONS	1/25/23	
A400	BUILDING SECTIONS	1/25/23	
A401	DETAILS	1/25/23	
A600	ELECTRICAL PLAN	1/25/23	
A900	RENDERINGS	1/25/23	



Bear General Contractors 1216 N. Palafox Street (850) 435-4411

ntact: Curtis Reed - Curtis@BearGC.com

sion	Description	Date
-		
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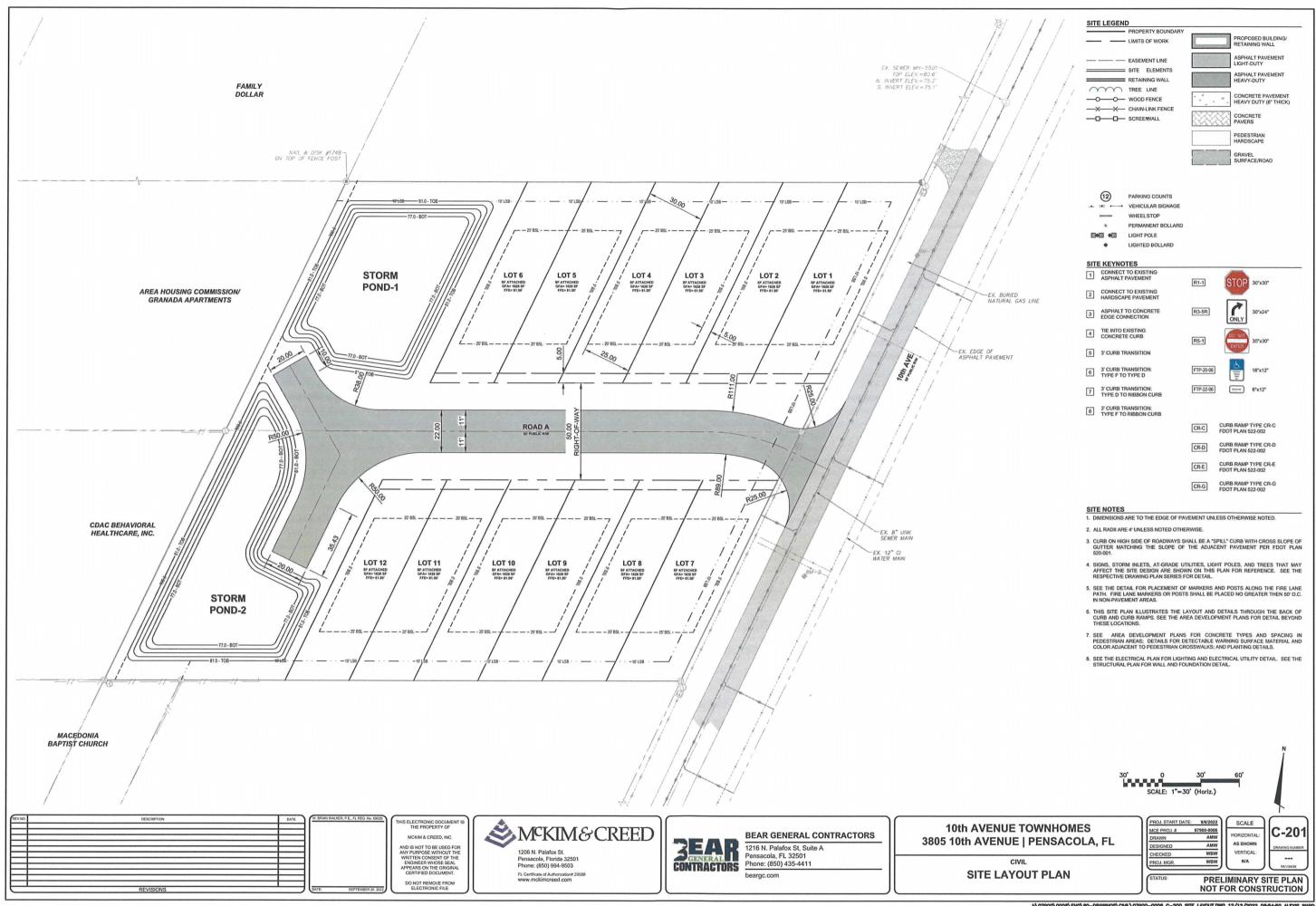
BEAR GC

10TH AVE DUPLEXES

awing Description

COVER

Project Number	PROJECT #
Date	1/25/23
Drawn By	BARON NECAISE
Checked By	CURTIS REED
Described No.	



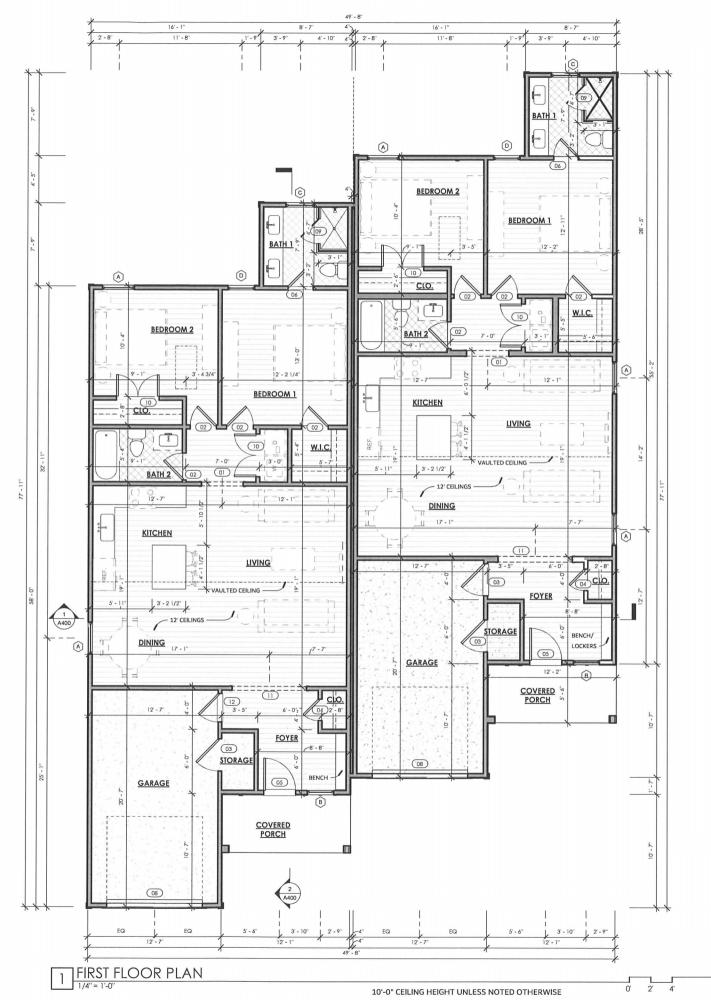
PLAN NOTES

- ALL PLAN DIMENSIONS ARE TO OUTSIDE FACE OF STUD UNLESS NOTED OTHERWISE.
- WINDOW DIMENSIONS SHALL BE TO CENTERLINE OF WINDOWS OR
 WINDOW GROUPINGS UNLESS NOTED OTHERWISE.
- THE JAMB OF INTERIOR WALL OPENINGS WITH OR WITHOUT DOORS
 SHALL BE EITHER CENTERED IN THE ROOM OR LOCATED AT +/- 6" FROM INTERSECTING WALL, UNLESS DIMENSIONED OTHERWISE.
- 4. ALL ANGLED FRAME WALLS SHALL BE 45-DEGREES UNLESS OTHERWISE NOTED.
- ALL WALLS EXTERIOR AND INTERIOR ARE ASSUMED TO BE FRAMED WITH 2X4 WOOD STUDS, UNLESS REQUIRED TO BE DEEPER FOR THE PURPOSES OF PLUMBING OR DUCTS WITHIN (BUILDER SHALL COORDINATE), OR UNLESS AS NOTED OTHERWISE.
- 6. ALL WALLS FEATURING CASED OPENINGS (WITH OR WITHOUT TRIM)
 SHALL BE 2X6.
- ALL INTERIOR WALLS AND CEILINGS ARE ASSUMED IN THESE DOCUMENTS
 TO BE SHEATHED WITH ½" THICK GYPSUM BOARD, PAINTED, UNLESS
 NOTED OTHERWISE.
- ALL WALLS SHALL FEATURE BASE TRIM, PAINTED, AS SELECTED BY THE BUILDER OR OWNER'S REPRESENTATIVE.
- PROVIDE CONTINUOUS BEAD OF PAINTABLE SEALANT BETWEEN TRIM AND GYPSUM BOARD TO HIDE ALL GAPS. PAINT SEALANT TO MATCH TRIM.
- 10. RETURN AIR GRILL(S) AND THERMOSTATS SHALL BE LOCATED BY THE BUILDER FOR OPTIMIZED HVAC SYSTEM EFFICIENCY.
- 11. FROST-FREE HOSE BIB LOCATIONS SHALL BE AS DIRECTED BY THE
 OWNER'S REPRESENTATIVE IN COLLABORATION WITH THE BUILDER.

	D	OOR	
DOOR NO.	WIDTH	HEIGHT	COMMENTS
01	4' - 0"	8' - 0"	CASED OPENING
02	2' - 6"	8' - 0"	
03	3' - 0"	8' - 0"	
04	2' - 0"	8' - 0"	
05	3' - 0"	8' - 0"	FRONT DOOR
06	2' - 4"	8' - 0"	
08	9' - 0"	8' - 1"	GARAGE DOOR
09	2' - 4"	8' - 0"	SHOWER DOOR
10	4' - 0"	8' - 0"	
11	7' - 0"	8' - 0"	CASED OPENING
12	2' - 8"	8' - 0"	

	WINDOW		HEAD	
MARK	WIDTH	HEIGHT	HEIGHT	COMMENTS
A	3' - 0"	5' - 0"	8' - 0"	
	140 40	61 611	01 011	TEL 105050
В	2' - 6"	6' - 0"	8' - 0"	TEMPERED
С	2' - 6"	5' - 0"	8' - 0"	TEMPERED

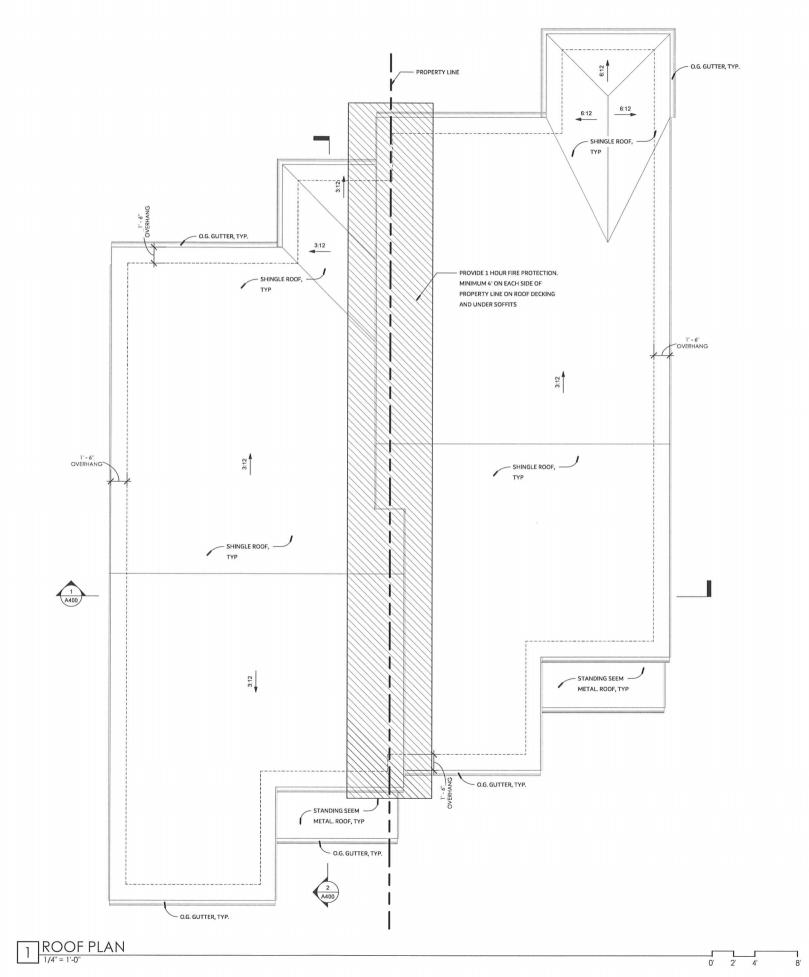
Name Area				
	7.00			
UNIT 1	1103 SF			
UNIT 1 GARAGE	278 SF			
UNIT 1 COVERED FRONT	69 SF			
PORCH				
UNIT 2	1103 SF			
UNIT 2 GARAGE	278 SF			
UNIT 2 COVERED FRONT	69 SF			
PORCH				
	2900 SF			
GRAND TOTAL	2900 SF			





ROOF NOTES

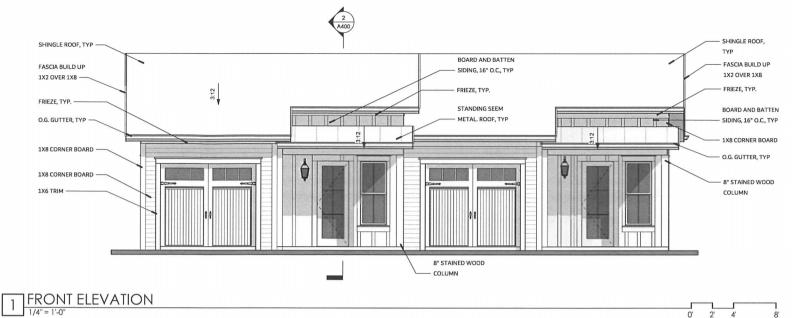
- IT IS THE RESPONSIBILITY OF THE BUILDER TO ENGAGE THIRD-PARTY
 PROFESSIONAL DESIGN CONSULTANTS TO HAVE THE BUILDING
 APPROPRIATELY DESIGNED, ENGINEERED AND CONSTRUCTED AS
 REQUIRED TO MEET CODE, AND TO ACCOMMODATE THE SPECIFIC FRAMING
 DESIGN AND LOADING CONDITIONS OF THE PROJECT.
- ENCLOSED ATTICS AND RAFTER SPACES, UNLESS THEY MEET THE
 REQUIREMENTS FOR UNVENTED ATTICS AND RAFTER SPACES, SHALL HAVE
 CROSS VENTILATION FOR EACH SEPARATE SPACE AND THE VENTILATING
 OPENINGS SHALL BE PROTECTED AGAINST THE ENTRANCE OF RAIN OR
 SNOW, IN ACCORDANCE WITH THE CODE.
- 3. AT EAVE OR CORNICE VENTS, INSULATION SHALL NOT BLOCK THE FREE FLOW OF AIR, AS PRESCRIBED BY THE CODE.
- UNDERLAYMENT AND ROOFING SHALL BE INSTALLED IN CONFORMANCE
 WITH THE CODE AND THE ROOFING MANUFACTURER'S REQUIREMENTS.
- DOWNSPOUTS ARE NOT SHOWN FOR CLARITY. BUILDER SHALL OPTIMIZE DOWNSPOUT LOCATIONS BASED ON DRAINAGE REQUIREMENTS AND BEST PRACTICES.

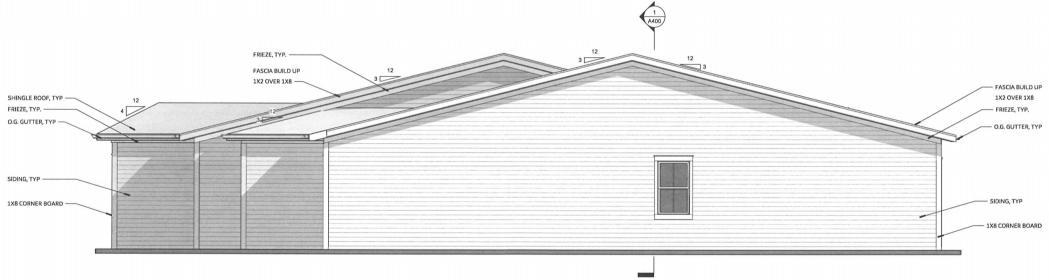




DOWNSPOUT NOTE:

DOWNSPOUTS NOT SHOWN FOR CLARITY. BUILDER TO PROVIDE DOWNSPOUTS IN COMPLIANCE W/ IRC REQUIREMENTS.

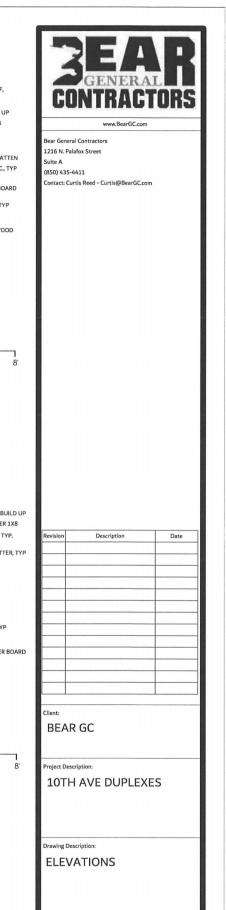




2 LEFT ELEVATION

1/4" = 1'-0"

0 2 4"



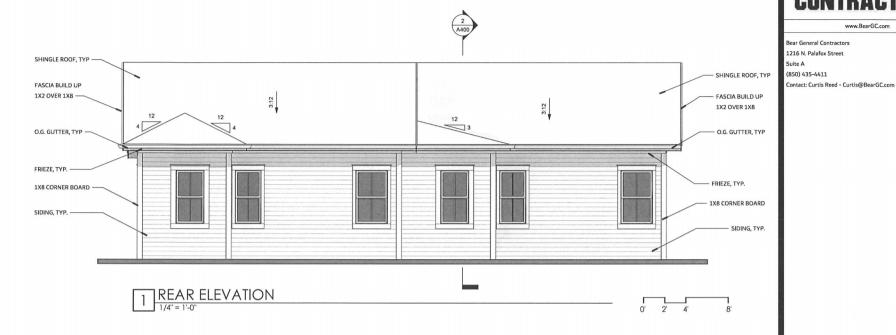
PROJECT #

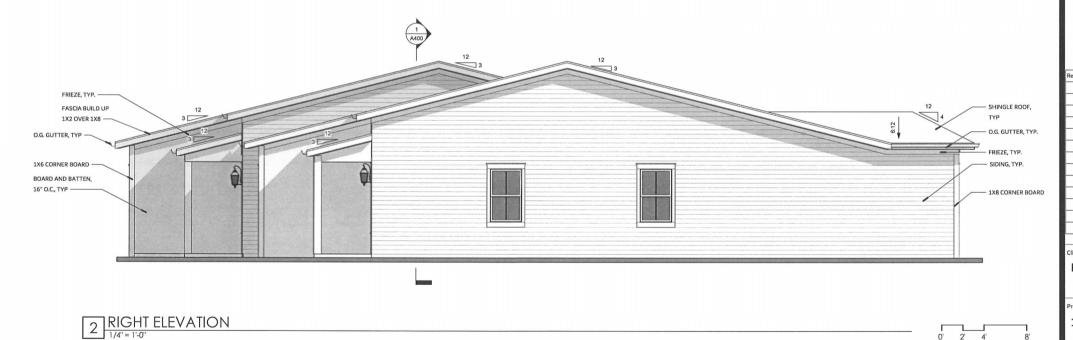
Author

A300

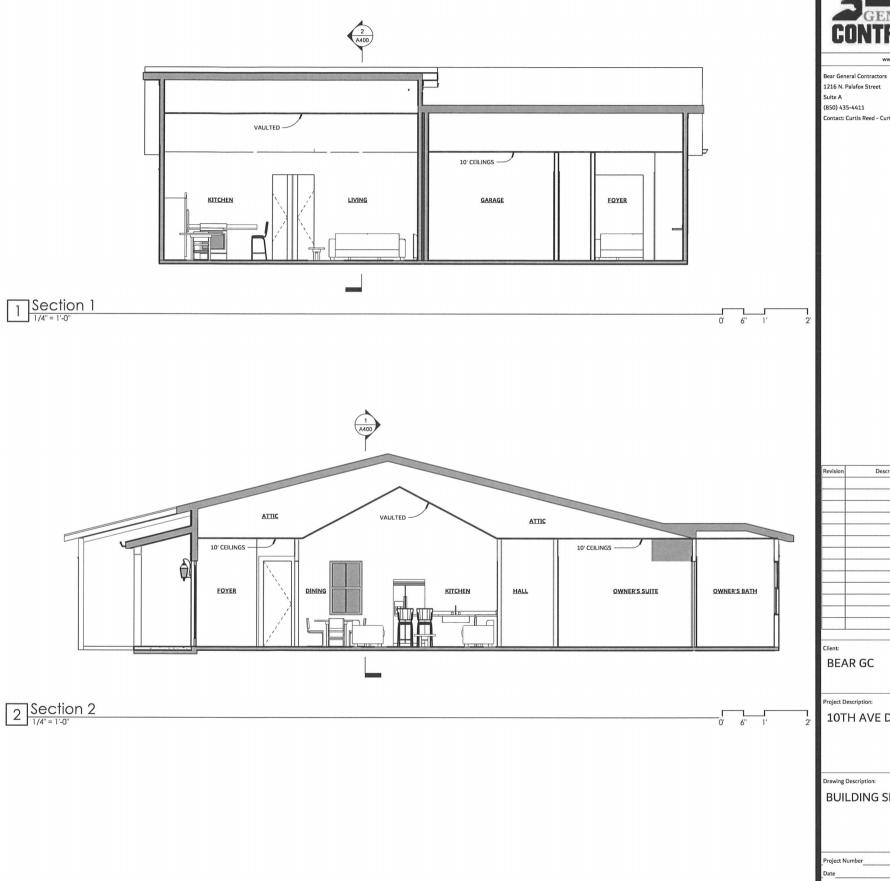
DOWNSPOUT NOTE:

DOWNSPOUTS NOT SHOWN FOR CLARITY. BUILDER TO PROVIDE DOWNSPOUTS IN COMPLIANCE W/ IRC REQUIREMENTS.





Description Date BEAR GC 10TH AVE DUPLEXES Drawing Description: ELEVATIONS PROJECT # 1/25/23 Author A301



Contact: Curtis Reed - Curtis@BearGC.com

Description Date

10TH AVE DUPLEXES

Drawing Description:

BUILDING SECTIONS

1/25/23 Author

A400









1216 N. Palafox Street
Suite A
(850) 435-4411



Date	Description	Revision
		, x
	7	
7		-
-		_
	-	

BEAR GC

10TH AVE DUPLEXES

Drawing Description:

RENDERINGS

Project Number	PROJECT #	
Date	1/25/23	
Drawn By	Author	
Checked By	Checke	

A900



Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

March 15, 2023

MEMBERS PRESENT:

Chairperson White, Vice Chairperson Weeks,

Board Member Jacquay, Board Member Sebold, Board Member Shelley, Board Member

Stepherson, Board Member Taylor

MEMBERS ABSENT:

Board Member Williams and Board Member

Dittmar

STAFF PRESENT:

Planner Hargett, Development Services Coordinator Statler, Assistant Planning & Zoning Division Manager Harding, Network Engineer Johnston, Network Engineer Russo

STAFF VIRTUAL:

Development Services Director Morris,

Assistant City Attorney Lindsay

OTHERS PRESENT:

Eric Reese, Ryan Cardoso, Keith Wright, Robert and Marie Mott, Baron and Curtis with Bear General Contractors, Raphaela Harris

1) CALL TO ORDER/QUORUM PRESENT

Chairperson White called the meeting to order at 3:02 p.m. with a guorum present.

Chairperson White then read the ZBA rules and instructions and explained the procedures of the Board meeting.

2) APPROVAL OF MINUTES

The ZBA February 15, 2023, minutes were approved without objection by the Board.

3) ZBA 2023-004

4160 Brighton Drive

R-1AAA

Mr. Keith Wright, on behalf of the owner Ryan Cardoso, is requesting a variance to increase the allowed fence height of 6.5 FT to 8 FT within the rear yard as presented on the site plan. Per the Land Development Code, the maximum allowed height for a fence within the required side and rear yards is 6.5 FT.

Chairperson White ask whether Mr. Wright or the property owner Mr. Cardoso would be presenting the request. Mr. Cardoso requested to speak and completed the speaker request form and explains the reason for the 8-foot instead a 6-foot fence is due to privacy issues in the back yard. He further explains the house is elevated in relation to the property directly behind him which makes him and his wife feel somewhat "on stage" when inside the house and outside on the deck. Mr. Cardoso also stated the neighbor behind him suggested installing an 8-foot fence and since the fence has been up the privacy issue has been alleviated. He continued to clarify that when Hurricane Sally came through there was significant damage to the numerous oak trees and for safety reasons had the trees removed; which the trees he felt they helped with privacy. Mr. Cardoso stated the request was minimum and only needed for the rear yard and the Homeowners Association had no issues with the height of 8 feet and a letter from the HOA was included in the documents. A few neighbors also submitted support letters.

Board Member Taylor confirmed the support letters from the affected neighbors had previously been contacted. Mr. Cardoso stated that he had communicated with those neighbors and decided to take the existing fence down because it was damaged as he felt it would fall on his kids. Vice-Chair Weeks asked Mr. Wright the contractor, if he was aware the fence height in the City and that permitting was required. Mr. Wright stated he was not however he is aware of these requirements now.

Chairperson White calls for a motion. Board Member Taylor comments although a permit should have been pulled, he felt since the Homeowners Association and adjacent neighbors were in support of increase in height, he did not have an issue with the request. Board Member Jacquay motions to approve, seconded by Board Member Taylor. The motion carried 6-1 with Board Member Stepherson dissenting.

4) ZBA 2023-005

3805 & 3807 N. 10th Ave

R-1AA

Luke Pittman, Bear Endeavors, is requesting multiple variances to accommodate the development of an 11-lot residential subdivision. The request is to apply the R-1A development standards to the project in lieu of the R-1AA standards. This

would effectively reduce the setbacks as follows:

- The front yard would be 20 FT instead of 30 FT;
- The rear yard would be 25 FT instead of 30 FT;
- The side yard (interior) would be 5 FT instead of 6 FT.

The adjacent properties are a mix of R-1AA, R-2, and C-1. The latter two have setbacks which are equal to or less than those within the R-1A zoning district.

Chairperson White asks the applicant to come forward and state his name and address for the record. Mr. Curtis Reed, on behalf Bear Endeavors addresses the Board and explains his request. He states as shown on the diagram the request to apply the R-1A setbacks to the development, going from R-1AA setbacks to the R-1A setbacks as they are only asking to reduce the setbacks. Mr. Reed also states the most cost-effective way to develop these lots at an attainable price point is to ask for a variance to the setbacks. He further explains the justification for the request is that parcels along 10th Avenue do not create 90-degree angles which reduces the overall buildability as they want to gain back square footage.

Board Member Taylor asks what is on the parcels? Mr. Reed responded one lot is vacant and the other has an abandoned single-family dwelling. Board Member Shelley states his concern about this request as it should go before Planning Board and not this Board and further states, he though rezones are for Planning Board. Development Services Coordinator Statler responded that rezones do go before Planning Board however this is not a rezone request but a reduction of the setbacks. Vice-Chairperson also stated his concern about this being more of a rezone since there are going to be multiple lots. Board Member Jacquay also does not feel this is the job of the Zoning Board of Adjustments to approve a development as it feels like a rezoning although he understands the perspective of the applicant.

Development Services Coordinator Statler further explains that a rezone request is for use changes and in this case the applicant is only wanting a reduction to the setbacks not the allowed uses.

Board Members Weeks, Sebold, Shelley and Jacquay discuss they feel as though this is a rezone and the subdivision would be going to Planning Board as well, the Board Members felt there is no hardship for the request.

Chairperson White asks if there is anyone in the audience that would like to speak to the Board. Raphaela Harris addresses the Board and states her worries about the development and the process. Ms. Harris also has concerns with the future traffic and potential flooding with this many units. Development Services Coordinator Statler explains that will be determined by Planning Board once the plat is submitted and there are stormwater requirements that a development must adhere to. Chairperson White closed the discussion to audience participation.

Vice- Chairperson Weeks asked staff about Planning Board review if this Board approves the variance as he has concerns with this being a subdivision and not a single parcel.

Chairperson White asked the applicant if he wanted the Board to hear the variances individually or as one variance. Mr. Reed stated he would like the Board to hear the variances as one.

Chairperson White calls for a motion. Board Member Taylor motions to deny, he stated since this is an entire subdivision the process should be in the realm of the Planning Board and not this Board and no hardship can be shown. Seconded by Vice Chairperson Weeks. Board Member Jacquay commented he supported the efforts of the applicant however procedurally he agreed with the other Board members that this should be reviewed by Planning Board. The motion carried 6-1 with Board Member Stepherson dissenting. The variance is denied.

5) ZBA 2023-006

1700 E La Rua

R-1AA

Eric Reese, Reese Construction, is requesting multiple variances to accommodate additions to an existing single-family residence on behalf of the property owner Derek Lother. The proposed variances would reduce the required front yard from 30 feet to 3.75 feet and the required rear yard from 30 feet to 8.4 feet.

Chairperson White asks the applicant to approach the podium and Mr. Reece stated his name and address for the record. He also stated that he would like the multiple variances heard as one request. Mr. Reece explains the existing house actually is connected to the adjacent property's structure and both parcels were in the past as one lot.

Board Member Shelley stated that technically the front yard will be facing 17th Avenue instead of La Rua for the purposes of setbacks. Mr. Reece explained the front yard originally was facing La Rua because the parcel was subdivided some time ago with the house connected to the mother-in-law suite. Board Member Shelley asked the applicant to explain the hardship and that this request wouldn't affect others on the block if they wanted to one day build a bigger house as well. Mr. Reece stated he felt like the homeowners are trying to accomplish having a bigger home yet stay within the character of the neighborhood.

Discussion by Board Members and Staff continued regarding the front and rear orientation for the setbacks. It was noted that the request should be heard as presented on the application.

Zoning Board of Adjustment Meeting March 15, 2023

Chairperson White calls for a motion. Board Member Shelley motions to approve, Seconded by Vice-Chairperson Weeks. The motion carried 7-0. The variance is approved unanimously.

6) ZBA 2023-007

1407 A & B Sonia

R-1AA

Mr. Robert Mott is requesting a reduction to the required front yard setback from 30 FT to 7 FT to accommodate the construction of either two single-family residences or three single-family residences. The applicant's request would allow for the re-development of his homesteaded property, which was destroyed during Hurricane Sally. While the application is void of specific plans, the applicant does not feel confident to move forward with design without knowing if a relaxation of the setbacks would be permissible. The proposed setback would allow for the structures to be located further away from the water.

The applicant Marie Mott stated her name and address for the record and explains the request. Ms. Mott stated that this was previously a duplex before Hurricane Sally. The structure was demolished in September 2022 and she further explained they would like to rebuild their home and set the houses as far back from the water as possible. Ms. Mott stated the other homes in the area are pulled fairly close to the front property lines and they feel as though they are keeping in line with those neighbors. The applicant presented letters of support and Planner Hargett passed them out to the Board Members and entered them into record.

Board members discuss other proximities of the neighboring homes. Board member Taylor asked about zoning changes depending on how many single family dwellings they wanted to construct. Staff responded that no zoning change is required sine lot history could be applied if they wanted to subdivide the lot.

Vice-Chairperson Weeks asked staff about variance expiration dates and staff responded that the LDC does not actually have language that states there is an expiration on a variance once granted.

Chairperson White calls for a motion. Board Member Shelley motions to approve, Seconded by Vice-Chairperson Weeks. The motion carried 7-0. The variance is approved unanimously.

DISCUSSION -

ADJOURNMENT -

There being no further business, the meeting adjourned at 4:20 p.m.

Respectfully Submitted,

Planner Amy Hargett

Secretary to the Board

Review Routing Meeting: June 13, 2023

Project: Zoning Amendment - 3805 and 3807 N. 10th Avenue

Department:	Comments:
Planning	"No comments."
FIRE	No comments provided.
PW/E/Surveyor	"No comments."
Inspection Svcs	No comments provided.
Pensacola Energy	No comments provided.
ECUA	"No comments."
FPL	No comments provided.
ATT	No comments provided.
Legal	No comments provided.

Sec. 12-3-4. Medium-density residential land use district regulations.

The regulations in this section shall be applicable to the one- and two-family zoning districts: R-1AA, R-1A and R-1B.

- (1) Purpose of district. The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are located in older areas of the city, the zoning regulations are intended to promote infill development which is in character with the density, intensity and scale of the existing neighborhoods.
- (2) Uses permitted.
 - a. Single-family detached dwellings.
 - b. Accessory residential units subject to regulations in section 12-3-81.
 - c. Single-family attached dwellings (townhouse construction, maximum two units).
 - d. Two-family attached dwellings (duplex).
 - e. Community residential homes licensed by the state department of health and rehabilitative services with six or fewer residents providing that it is not to be located within 1,000 feet of another such home. If it is proposed to be within 1,000 feet of another home it shall be permitted with city council approval after public notification of property owners in a 500-foot radius.
 - f. Cemeteries, when:
 - 1. Seventy-five percent of all owners of adjacent dwellings within 175 feet of the boundary of the cemetery give their written consent; and
 - 2. The provisions of section 12-3-85 have been met.
 - g. Residential design manufactured homes are permitted in the R-1A district, with a maximum density of 12.4 units per acre subject to regulations in section 12-3-91.
 - h. Schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-3-94.
 - i. Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes subject to regulations in section 12-3-90.
 - j. Churches, Sunday school buildings and parish houses subject to regulations in section 12-3-86.
 - k. Home occupations subject to regulations in section 12-3-57.
 - I. Municipally owned and operated parks and playgrounds.
 - Minor structures for the following utilities: unoccupied gas, water and sewer substations of pump stations, electrical substations and telephone substations subject to regulations in section 12-3-88.
 - n. Accessory structures, buildings and uses customarily incidental to the above uses not involving the conduct of a business subject to regulations in section 12-3-55.
 - o. Family day care homes licensed by the state department of children and family services as defined in state statutes.

- (3) Conditional uses permitted.
 - a. Residential design manufactured homes when proposed in the R-1AA zoning district subject to regulations in section 12-3-91.
 - b. Bed and breakfast subject to regulations in section 12-3-84.
 - c. Child care facilities subject to regulations in section 12-3-87.
 - d. Accessory office units subject to regulations in section 12-3-80.
- (4) Development permitted.
 - a. Conventional subdivision subject to regulations in section 12-3-105.
 - b. Special planned development subject to regulations in section 12-3-106.
- (5) Regulations for development within the medium-density residential land use district. Tables 12-3.2 and 12-3.2A describe requirements for the one- and two-family residential zoning districts.

TABLE 12-3.2. REGULATIONS FOR THE MEDIUM-DENSITY RESIDENTIAL ZONING DISTRICTS

Standards	R-1AA			R-1A		
	Single-	Two-Family	**Single-	Single-	Two-Family	**Single-
	Family	Attached	Family	Family	Attached	Family
	Detached	(duplex)	Attached	Detached	(duplex)	Attached
			(townhouses)			(townhouses)
Maximum	8.7 units	11.6 units	11.6 units	12.4 units	17.4 units	17.4 units
Residential	per acre	per acre	per acre	per acre	per acre	per acre
Gross Density						
Minimum Lot	5,000 s.f.	7,500 s.f.	3,750 s.f.	3,500 s.f.	5,000 s.f.	2,500 s.f.
Area						
Lot Width At	40 feet	60 feet	30 feet	30 feet	50 feet	25 feet
Minimum						
Building						
Setback Line						
Minimum Lot	40 feet	50 feet	25 feet	30 feet	50 feet	25 feet
Width At						
Street R-O-W						
Line						
Minimum	(Minimum B	uilding Setbac	ks)	(Minimum B	uilding Setbac	ks)
Yard	30 feet			20 feet		
Requirements	6 feet			5 feet		
*Front Yard	30 feet			25 feet		
Side Yard						
Rear Yard						
Off-Street	1 space/unit		2 sp./unit	1 space/unit		2 sp./unit
Parking						
Maximum	35 feet			35 feet		
Building Height	Except as pro	ovided in secti	on 12-3-62)	(Except as pi	ovided in sect	ion 12-3-62)

*The front yard depths in the R-1AA and R-1A districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings in the block, the front yard depths shall be no less than the footages noted.

**Each single-family attached dwelling unit must be located on its own lot. If a development requires subdivision procedures it shall be subject to and must comply with subdivision regulations as set forth in chapter 12-7.

***All future residential development on parcels changed to a Medium-Density Residential (MDR) zoning district via the passage of Ord. No. 23-16, effective on August 18, 2016, shall be considered legal nonconforming and may utilize the R-1A zoning district standards applicable to lot width, lot area and setbacks.

TABLE 12-3.2A

Standards	R-1B		
	Single-family Detached	Two-Family Attached	**Single-family
		(Duplex)	Attached
			(Townhouses)
Maximum Residential	8.7 units per acre	11.6 units per acre	17.4 units per acre
Gross Density			
Minimum Yard	(Minimum Building Setb		
Requirements	10 feet		
*Front Yard	5 feet		
Side Yard	10 feet		
Rear Yard			
Off-Street Parking	1 space/unit		
Maximum Building	45 feet (Except as provided in section 12-3-62)		
Height			
Lot Coverage	Maximum 50%		
Requirements For All			
Single-Family, Duplex,			
Townhouse or Zero-			
Lot-Line Residential			
Units			
Lot Coverage	Building Height	Building Coverage	
Requirements For All	1—4 stories	30%	
Development Other	5—7 stories	25%	
Than Single-Family,	8—9 stories	20%	
Duplex, Townhouse or	(See note 4)		
Zero-Lot-Line			
Residential Units:			
The maximum			
combined area			
occupied by all			

principal and accessory		
buildings		

*The front yard depths in the R-1AA, R-1A and R-1B districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings in the block, the front yard depths shall be no less than the footages noted.

(Code 1986, § 12-2-4; Ord. No. 6-93, § 2, 3-25-1993; Ord. No. 29-93, § 2, 11-18-1993; Ord. No. 45-96, § 2 (exh. 1), 9-12-1996; Ord. No. 6-02, § 2, 1-24-2002; Ord. No. 11-16, § 1, 5-12-2016; Ord. No. 23-16, § 1, 8-11-2016)

^{**}Each single-family attached dwelling unit must be located on its own lot. If a development requires subdivision procedures it shall be subject to and must comply with subdivision regulations as set forth in chapter 12-7.

Sec. 12-11-3. Amendments.

The city council may, from time to time on its own motion, or on petition, or on recommendation of the planning board or the zoning board of adjustment or any department or agency of the city, amend, supplement, or repeal the regulations and provisions of this title and the comprehensive plan.

- (1) Authorization and responsibility.
 - a. Every such proposed amendment or change, whether initiated by the city council or by petition, shall be referred to the planning board who shall study such proposals and make recommendation to the city council.
 - b. If a rezoning of a parcel of land is proposed by the owner of the parcel or another interested person, it shall be the responsibility of such owner or other interested person to comply with the provisions of this chapter. If such rezoning of a parcel of land is proposed by the city, its staff, or the planning board, it shall be the responsibility of the planning services department to comply with the provisions of this section.
- (2) Initiation. An amendment may be initiated by:
 - a. The city.
 - b. The owners of the area involved in a proposed zoning or future land use amendment.
- (3) Application.
 - a. An application for zoning or comprehensive plan future land use amendment must be submitted to the planning services department at least 30 days prior to the regularly scheduled meeting of the planning board.
 - b. The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
 - c. No application shall be considered complete until all of the following have been submitted:
 - 1. The application shall be submitted on a form provided by the board secretary.
 - 2. Each application shall be accompanied by the following information and such other information as may be reasonably requested to support the application:
 - A legal description of the property proposed to be rezoned or its land use changed;
 - Proof of ownership of the property, including a copy of the deed and a title opinion, title insurance policy, or other form of proof acceptable to the city attorney;
 - iii. Existing zoning and future land use classification;
 - iv. Desired zoning and future land use classification;
 - v. Reason for the rezoning or comprehensive plan future land use amendment.
 - 3. 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 of the application.
 - d. Any party may appear in person, by agent, or by attorney.

- e. 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.
- (4) Planning board review and recommendation. The planning board shall review the proposed rezoning or comprehensive plan future land use amendment at the advertised public meeting and make a recommendation to the city council. Such recommendation:
 - a. Shall be for approval, approval with modification, or denial, including its reasons for any modifications or denial.
 - b. Shall include consideration of the following criteria:
 - Whether, and the extent to which, the proposal would result in incompatible land use considering the type and location of the proposed amendment and the surrounding land use.
 - 2. Whether, and the extent to which, the proposed amendment would affect the carrying capacity of public facilities and services.
 - 3. Whether the proposed amendment would be in conflict with the public interest and welfare.
 - 4. Whether, and the extent to which, the proposed amendment would adversely affect the property values in the area.
 - 5. Whether, and the extent to which, the proposed amendment would result in significant adverse impact on the natural environment.
 - 6. The relationship of the proposed amendment to proposed public and private projects (i.e., street improvements, redevelopment projects, etc.).
- (5) City council review and action.
 - a. *Public hearing.* The city council shall hold up to two public hearings, depending on the type of amendment, after 5:00 p.m. on a weekday to review the proposed zoning amendment. Public notice shall be provided, through applicable procedures as outlined in subsection (6) of this section.
 - b. Action. The city council shall review the proposed zoning amendment, and the recommendation of the planning board and the recommendation of the department of community affairs, if applicable, and either approve, approve with modification or deny the proposed amendment at the city council public hearing. If the zoning amendment is approved by council, the adoption ordinance will be read two times following the first public hearing. For comprehensive plan amendments, the adopted ordinance will not become effective until the department of community affairs has completed its 45-day compliance review.
- (6) Procedures.
 - a. Zoning amendments.
 - 1. Rezoning requests must be submitted to the planning services department at least 30 days prior to the planning board meeting.
 - 2. The city shall publish a notice in the newspaper announcing the planning board meeting at least seven days prior to the planning board meeting.
 - 3. The city shall place a sign on the property to be rezoned at least seven days prior to the planning board meeting.

- 4. Notice shall be published by public notice advertised in a newspaper of general daily circulation published in the county at least seven days prior to the scheduled board meeting at the expense of the applicant.
- 5. The city shall notify property owners within a 500-foot radius, as identified by the current county tax roll maps, of the property proposed for rezoning with a public notice by post card, at least seven days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.
- 6. The planning board shall review the proposed rezoning request and make a recommendation to the city council.
- 7. The city council shall set a date for a public hearing.
- 8. The city shall notify property owners within a 500-foot radius of the property proposed to be rezoned with a public notice (letter and a map) mailed certified with return receipt at least 30 days prior to the scheduled city council public hearing dates. The public notice shall state the date, time and place of the public hearing.
- 9. The city shall place a sign on the property to be rezoned announcing date, time and location of the city council public hearing at least 15 days prior to the hearing.
- 10. A legal notice of the city council public hearing shall be published in the newspaper at least ten days prior to the hearing.
- 11. The city council shall review the proposed amendment and take action as described in subsection (5) of this section.
- 12. In addition to subsections (6)a.1 through 6 of this section the city strongly encourages that the applicant hold an informational meeting with any applicable neighborhood groups and/or property owners associations prior to proceeding with an application involving a zoning and/or comprehensive plan amendment.
- 13. For proposals initiated by the city to rezone ten or more contiguous acres, subsections (6)a.1 through 6 shall be applicable in addition to the following. The city shall hold two advertised public hearings on the proposed ordinance as follows:
 - i. Public notice of actual zoning changes, including zoning district boundary changes; consolidation or division of existing zones involving substantive changes; and the addition of new zoning districts shall be mailed by first class mail at least 30 days prior to the first city council public hearing to consider the change, to every owner of real property, as identified by the current tax roll, within 500 feet of the boundaries of the subject parcels to be changed.
 - ii. The city shall place a sign on the property to be rezoned announcing date, time and location of the first city council public hearing at least 15 days prior to the hearing.
 - iii. The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing. At least one hearing shall be held after 5:00 p.m. on a weekday.
 - iv. The required advertisements shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The

advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

The city council shall review the proposed zoning amendment, and the recommendation of the planning board and either approve, approve with modification or deny the proposed amendment at the first city council public hearing. If the zoning amendment is approved by council, the adoption ordinance will be read two times following the first public hearing.

- b. Small scale development comprehensive plan future land use map amendments. Future land use map amendments that comply with the small scale development criteria in F.S. § 163.3187, may be considered by the planning board and the city council at any time during the calendar year until the annual maximum acreage threshold is met. The petitioner shall be required to complete the steps listed above in subsections (6)a.1 through 12 of this section.
- c. Comprehensive plan future land use map amendments for other than small scale development activities. Comprehensive plan future land use map amendments for other than small scale development activities shall be considered twice a year by the planning board and the city council.
 - 1. Comprehensive plan future land use map amendment requests must be submitted to the planning services department at least 30 days prior to the planning board public hearing.
 - 2. The city shall publish a display advertisement in a standard size or a tabloid size newspaper with type no smaller than 18 point in the headline announcing the planning board and city council public hearings at least seven days prior to the planning board hearing. The advertisement shall be no less than two columns wide by ten inches long. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
 - 3. The city shall place a sign on the property to be rezoned at least seven days prior to the planning board hearing.
 - 4. The planning board shall review the proposed future land use map amendment at the advertised public hearing and make a recommendation to the city council.
 - 5. The city council shall schedule a public hearing.
 - 6. The city council shall review the comprehensive plan future land use map amendment at the advertised public hearing and either approve the request for transmittal to the department of economic opportunity or disapprove the request for transmittal and further consideration.
 - 7. The planning services department shall transmit the future land use map amendment request to the department of economic opportunity, the appropriate regional planning council and water management district, the department of environmental protection and the department of transportation. The city shall also transmit a copy of the plan amendment to any other unit of local government or government agency in the state that has filed a written request with the city for the plan amendment.
 - 8. After a 60-day review period, the department of economic opportunity shall transmit in writing its comments to the city, along with any objections and any recommendations for modifications.
 - 9. The city council shall review the department of economic opportunity comments and forward to city council for review and action.
 - 10. The city council shall set a date for a public hearing.

- 11. The city shall notify property owners within a 500-foot radius of the property where the land use is to be changed with a public notice (letter and a map) mailed certified with return receipt at least 30 days prior to the scheduled city council public hearing dates. The public notice shall state the date, time and place of the public hearing.
- 12. The city shall place a sign on the property where the land use is to be changed announcing date, time and location of the city council public hearing at least 15 days prior to the hearing.
- 13. The city shall publish a display advertisement in a standard size or a tabloid size newspaper, with type no smaller than 18 point in the headline. The advertisement shall be no less than two columns wide by ten inches long. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published at least five days prior to the final city council public hearing.
- 14. Subsection (6)b.11 of this section shall not be applicable to proposals initiated by the city to change the future land use of ten or more contiguous acres. In such cases, the procedure shall be as follows: Public notice of comprehensive plan future land use map, including future land use district boundary changes; consolidation or division of existing future land use districts involving substantive changes; and the addition of new future land use districts shall be mailed by first class mail at least 30 days prior to the city council public hearing to consider the change to every owner of real property, as identified by the current tax roll, within 500 feet of the boundaries of the subject parcel to be changed.
- 15. The city council shall review the proposed amendment and take action as described in subsection (5) of this section.
- d. Amendments to the land development code.
 - Requests for amendments to the land development code shall be filed in the form of a letter to the secretary of the planning board submitted at least 30 days prior to the planning board meeting.
 - 2. Planning board review and recommendation. The planning board shall review the proposed language amendment at a regularly scheduled planning board meeting and make a recommendation to the city council.
 - 3. The city council shall schedule a public hearing.
 - 4. A legal notice of the city council public hearing shall be published in the newspaper at least ten days prior to the hearing.
 - 5. The city council shall review the proposed amendment and take action as described in subsection (5) of this section.
 - 6. In cases in which the land development code amendment changes the actual list of permitted, conditional, or prohibited uses within a zoning category subsections (6)d.1 through 4 of this section shall be applicable in addition to the following:
 - i. The city shall hold two advertised public hearings. The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second public hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing.

ii. The required advertisement shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

The city council shall review the proposed land development code amendment, and the recommendation of the planning board and either approve, approve with modification or deny the proposed amendment at the first city council public hearing. If the land development code amendment is approved by council, the adoption ordinance will be read two times following the first public hearing.

- e. Amendments to the comprehensive plan other than future land use map amendments. Comprehensive plan amendments other than future land use map amendments shall be considered twice a year by the planning board and the city council.
 - Requests for amendments to the comprehensive plan shall be filed in the form of a letter to the secretary of the planning board submitted at least 45 days prior to the planning board hearing.
 - 2. A legal notice announcing the planning board and city council public hearings shall be published at least seven days prior to the planning board hearing. If the proposed comprehensive plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category, the required advertisement shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
 - 3. The planning board shall review the proposed amendment at the advertised public hearing and make a recommendation to the city council.
 - 4. The city council shall schedule a public hearing for review and action.
 - 5. The city council shall review the comprehensive plan amendment at the advertised public hearing and either approve the request for transmittal to the department of economic opportunity or disapprove the request for transmittal and further consideration.
 - 6. The city shall transmit the comprehensive plan amendment request to the department of economic opportunity, the appropriate regional planning council and water management district, the department of environmental protection and the department of transportation. The city shall also transmit a copy of the plan amendment to any other unit of local government or government agency in the state that has filed a written request with the city for the plan amendment.
 - 7. At least 60 days from receipt of the comprehensive plan amendment, the department of economic opportunity shall transmit in writing its comments to the city, along with any objections and any recommendations for modifications.
 - 8. The city council shall schedule a public hearing for review and action.
 - 9. A legal notice of the city council public hearing shall be published in the newspaper at least ten days prior to the hearing. If the proposed comprehensive plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category, the required advertisement shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in

- a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
- 10. The city council shall review the proposed amendment and take action as described in subsection (5) of this section.
- (7) Limitation on subsequent application. Whenever amendment is denied by the city council, no new application for identical rezoning or comprehensive plan future land use change of the same parcel shall be accepted for consideration within a period of 12 months of the decision of denial unless such consideration is necessitated by judicial action.

(Code 1986, § 12-12-3; Ord. No. 29-93, § 29, 11-18-1993; Ord. No. 3-94, § 9, 1-13-1994; Ord. No. 33-95, §§ 11—13, 8-10-1995; Ord. No. 9-96, § 15, 1-25-1996; Ord. No. 15-00, § 7, 3-23-2000; Ord. No. 12-09, § 3, 4-9-2009)