



City of Pensacola

Planning Board

Agenda - Final

Tuesday, August 8, 2023, 2:00 PM

Council Chambers, 1st Floor

QUORUM / CALL TO ORDER

1. [23-00588](#) SWEARING IN REAPPOINTMENTS.
2. [23-00589](#) BOARD ELECTION OF OFFICERS (CHAIR AND VICE CHAIR)

APPROVAL OF MEETING MINUTES

3. [23-00490](#) PLANNING BOARD MEETING MINUTES FROM JUNE 13, 2023

Attachments: [Planning Board Minutes - June 13th, 2023](#)

REQUESTS

4. [23-00554](#) 100 WATER STREET AND 3600 BLK ELKTON STREET - REQUEST FOR VACATION OF ALLEY AND STREET RIGHT OF WAY ZONE R-1A

Attachments: [Images](#)
[Application Packet 7.28.2023](#)
[Sec. 12 11 4. Vacation of streets alleys](#)
[Review Comments](#)

5. [23-00555](#) 50 S. 9TH AVENUE - GATEWAY REDEVELOPMENT DISTRICT - AESTHETIC REVIEW APPLICATION

Attachments: [Images](#)
[Aesthetic Review Hawkshaw Application and Materials 8.1.2023](#)
[Sec. 12 3 12\(1\). Redevelopment land use district. \(5\)](#)
[Review Comments Hawkshaw](#)
[Hawkshaw June 30 Submittal Deviation CRA Letter - 07.27.23](#)

OPEN FORUM

DISCUSSION

6. [23-00580](#) PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE -
PROVIDING FURTHER DEVELOPMENT INCENTIVES AND OPTIONS

Attachments: [Reduction of Off Street Parking as it Pertains to the Land Developme](#)
[Review of Building Height Maximums in the Urban Core Redevelopn](#)

ADJOURNMENT

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

ADA Statement

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

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

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



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00588

Planning Board

8/8/2023

TO: Planning Board Members

FROM: Gregg Harding, Assistant Planning & Zoning Division Manager

DATE: 8/8/2023

SUBJECT:

Swearing in Reappointments.

BACKGROUND:

The following board members have been reappointed to serve on the Planning Board:

- Danny Grundhoefer
- Kurt Larson
- Charletha Powell
- Paul Ritz
- Eladies Sampson
- Myra Van Hoose
- Bianca Villegas



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00589

Planning Board

8/8/2023

TO: Planning Board Members

FROM: Gregg Harding, Assistant Planning & Zoning Division Manager

DATE: 8/8/2023

SUBJECT:

Board Election of Officers (Chair and Vice Chair)

BACKGROUND:

The board shall elect a chairperson and a vice-chairperson from among its members. Terms of all such officers shall be for one year, with eligibility for reelection.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00490

Planning Board

8/8/2023

TO: Planning Board Members

FROM: Gregg Harding, Assistant Planning & Zoning Division Manager

DATE: 8/8/2023

CITY COUNCIL DISTRICT: ALL

SUBJECT:

Planning Board Meeting Minutes from June 13, 2023



MINUTES OF THE PLANNING BOARD

June 13, 2023

MEMBERS PRESENT: Vice Chairperson Larson, Board Member Grundhoefer, Board Member Villegas, Board Member Van Hoose, Board Member Powell, Board Member Sampson

MEMBERS ABSENT: Chairperson Ritz

STAFF PRESENT: Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Help Desk Technician Russo, Development Services Director Morris, Development Services Coordinator Statler, Assistant City Attorney Lindsay, Executive Assistant Chwastyk

STAFF VIRTUAL: None

OTHERS PRESENT: Lorie Moreland, Curtis Reed, David Alsop, Scott Sallis, Jordan Yee, Joe Jacobs, Roman Spear

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from May 9, 2023
- **New Business:**
- 22 S. Florida Blanca Street - Gateway Redevelopment District - Aesthetic Review Application – Zone GRD-1
- 8 N. 9th Avenue - Gateway Redevelopment District - Request for Variance to Sec. 12-3-12(1) - Hilton Garden Inn Signage – Zone GRD
- 23 W. Cervantes Street - Conditional Use Application - Zone PC-1
- 3805 & 3807 N. 10th Avenue - Request for Zoning Map Amendment - Zone R-1AA
- Open Forum
- Discussion
- Adjournment

Call to Order / Quorum Present

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

Approval of Meeting Minutes – Board Member Villegas made a motion to approve

the May 9, 2023, minutes, seconded by Board Member Powell, and it carried 6-0.

New Business –

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

Assistant Planning & Zoning Manager Harding introduced the agenda item. 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 properly noticed. The Planning Department reviewed this based on the Aragon design code and the Aragon HOA made comments and approved it. David Alsop of Sam Marshall Architects stated that this is for a young growing family and will be used by their family. It is in line with the character of Aragon court and will expand their space. They did adjust some required fenestrations to get the 5.7 square feet required as an escape window from a sleeping room. They have gone through Aragon and the Architectural Review board and received approval and they are now asking for the approval of the Planning Board. Board Member Grundhoefer stated that it has good character, matches the house there, it has good proportions, and it is very attractive.

Board Member Powell made a motion to approve, seconded by Board Member Sampson and it carried 6-0.

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

Assistant Planning & Zoning Manager Harding introduced the agenda item. 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. There are seven criteria that this applicant must meet and two additional criteria that must be met since it's in a Planning Board district. Assistant City Attorney Lindsay reminded the members that all criteria must be met. The applicant can provide evidence showing that they are due the variance, essentially the chairperson is like a judge. After hearing alternative views, he would give them a chance to rebut. They need to have an open mind and not already have mind made up; their decision should be based on evidence they hear today.

Public opinion is not a proper basis for a quasi-judicial decision. If the board finds that even one of the criteria has not been met they do not have to consider to proceed with the discussion but they must allow the applicant to prove their case and offer a rebuttal. Lorie Moreland of Florida Certified Sign Erectors spoke on behalf of the Hilton Garden Inn. The Hilton is required to maintain the brand ID for the hotel. They feel that due to the overall height, 65 square feet and length, 236 square feet that the 25 square feet allowed per the code would make visibility difficult. Ms. Moreland stated that the sign would be placed on the north side of the building which is the commercial side and would not be facing the residential side to the west, there would be no illumination issues. Board Member Van Hoose wanted to clarify that the reason for the request is the branding requirements in keeping with the Hilton brand for larger signs, Ms. Moreland replied yes it would make it more balanced. Board Member Grundhoefer confirmed this request is for the wall sign only. Board Member Powell wanted to know the definition of peculiar based on criteria one, "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;". Assistant City Attorney Lindsay stated it's particular to the development itself, because of branding requirements of the Hilton Brand, the obligation of the builder is to meet the criteria for their signage, and they are trying to present it as a special condition or circumstance. Variances are specific to this particular building, and it would not set a precedent, taken case by case and they are not creating a new rule. Board Member Grundhoefer stated he doesn't feel this is peculiar to this particular site or building. Board Member Villegas questioned if they were aware of the current land development when they purchased the land, Lorie Moreland stated she believed they were aware of the requirements. She also stated they could probably customize the sign but again they feel the sign would not be seen. Board Member Van Hoose asked if the Hilton Garden Inn is dictating the location of the sign, Lorie Moreland replied yes. They bought this land in place where a larger sign is not allowed and are now coming to the Planning Board for this variance. Assistant Planning and Zoning Manager Harding confirmed that if the first criteria is not met, the board is not required to go through the entire list. Board Member Villegas would like to discuss further since she feels this is something the city needs. Vice Chairperson Larson stated he feels the special circumstances have not been met. Lorie Moreland stated again that in order to use the Hilton brand name they have to meet the brand requirements otherwise they won't be in business, yet they bought the land knowing the requirements in the land development code. Scott Sallis lives across the street; he has concerns about this project. He is in favor of the project but feels signage requirements

should've been considered before purchasing the property. He asks the board to maintain the design quality and integrity of our downtown and insist the developer abide by our land development code and design guidelines and deny the request. Roman Spears wanted to point to other hotels such as the Grand Hotel that is a large building with a small sign. The applicant was provided another opportunity to plead her case for the variance for the increase of size of the sign. Board Member Villegas stated she doesn't feel they have met the variance criteria despite her wanting the hotel in our area. Board Member Van Hoose inquired if they could ask about other signage downtown, Assistant City Attorney said if facts are shared and the applicant has a chance to argue her case then they can discuss it.

Board Member Villegas moved to deny the variance request based off the fact that the application does not meet the necessary variance criteria (specifically regarding criterion 1 based on the board's discussion – 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). Board Member Powell seconded the motion. Board Member Grundhoefer asked if internal illuminated signage was allowed in GRD, and staff replied that it was, and that 25 sf of internally illuminated wall signage (on the north and south elevation) would be permitted by code. **The motion carried 6-0.**

Board Member Powell excused herself from the meeting and the board maintained a quorum with five members present.

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

Assistant Planning & Zoning Manager Harding introduced the agenda item. 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 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 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. This application has been routed through the various City departments and utility providers. The comments received to date have been included in the attachments. The applicant was provided with guidance on criteria that the

Florida Department of Transportation would like to see. Engineering asked for a striping plan, though it does not impact the conditional use permit request. However if the project is approved one will be needed during the building and site plan permitting stage. This property is in the CRA Urban Core, and eating and drinking establishments are offered a 100% parking reduction, so they technically do not have to stripe. Joseph Jacobs would like to turn it into a small-scale diner, he mentioned FDOT recommended they close off both Cervantes Street entrances. Jordan Yee confirmed this project went through the city's Architectural Review Board, and the North Hill neighborhood is generally happy that a long vacant building will be used. The exterior of the building will be preserved, there will be new paint, store front to remain unchanged. They will close off all of the Cervantes Street right of way and the applicants will provide a striping plan. The entrance and exit will fall on Baylen Street and the hours of operations may be between 11 a.m. and 8 p.m. with minimal food offered. The furniture will be portable, nothing permanent to alter the building. They will have a hurricane plan in place regarding the furniture. This will go onto City Council at the July meeting.

Board Member Grundhoefer made a motion to approve and found that the application met all six criteria listed in Sec. 12-3-107(d) which are required for a conditional use permit. The motion was seconded by Board Member Van Hoose and it carried 5:0.

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

Assistant Planning & Zoning Manager Harding introduced the agenda item. 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. R-1AA (existing 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 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 (proposed 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 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 (existing with no proposed change 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 12-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 review. Assistant Planning and Zoning Manager Harding stated the request would not be considered spot zoning since R-1A would be a transitional zone between the existing R-1AA and C-1. If approved by Council, the request would be a legal rezoning. Board Member Grundhoefer asked what the difference is between an amendment and a zoning change, Assistant Planning and Zoning Manager Harding replied they are one in the same, it's just a change in zoning or a rezoning. Typically, when we see rezoning applications, it's for a change from a residential to commercial, whereas this is from one residential district to a slightly different residential district and in the same underlying future land use map category. Curtis Reed of Bear Endeavors stated they are not trying to increase the density or max it out, they are just trying to maximize what they can do on this parcel. They want to create a price point that is attainable for two-bedroom, two-bathroom duplex units with a total of six structures or twelve units. They are only requesting this change to R-1A in order to get the setbacks they need to build these structures that are allowed in this zoning. The Zoning Board did not find a hardship to grant a variance and they recommended that the applicants go before the Planning Board for the zoning change instead. Board Member Grundhoefer thought R-1A and the intent for the properties were compatible with the neighborhood and it was confirmed that if approved by City Council and if the plan for the property remained consistent, the subdivision plat would return for review. The application was advertised with a sign in the yard, post cards were mailed, and it was advertised in the News Journal. No members of the public were present to object to the application. This is in City Council District 5 and the representative Council Member had also been informed. This will go before the City Council in the July and August meetings.

Board Member Van Hoose made a motion to approve, seconded by Board Member Grundhoefer and it carried 5-0.

Open Forum – None.

Discussion – None.

Adjournment – With no further business, the Board adjourned at 3:21 p.m.

Respectfully Submitted,



Gregg Harding, RPA
Assistant Planning & Zoning Manager
Secretary of the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00554

Planning Board

8/8/2023

TO: Planning Board Members

FROM: Cynthia Cannon, Planning & Zoning Division Manager

DATE: 8/1/2023

CITY COUNCIL DISTRICT: 7

SUBJECT:

100 Water Street and 3600 BLK Elkton Street - Request for Vacation of Alley and Street Right of Way
Zone R-1A

BACKGROUND:

A request has been received from Old City Developers, LLC, for a vacation of right of way at 100 Water Street and 3600 BLK Elkton Street. This includes two rights of way: (1) an unimproved portion of Water Street and (2) an unimproved alleyway. Both are located within two parcels and under a single ownership. The purpose is to later development the parcels as a subdivision which will also be reviewed by Planning Board at that time.

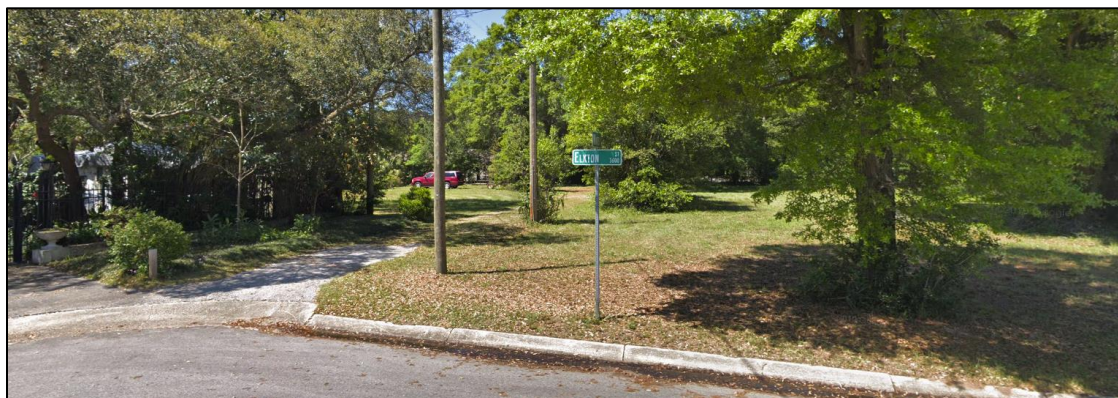
This request has been routed through the various City departments and utility providers. Those comments are attached for your review.

RECOMMENDED CODE SECTIONS

Sec. 12-11-4. Vacation of streets, alleys

https://library.municode.com/fl/pensacola/codes/code_of_ordinances?nodeId=PTIICOOR_TITXILADECO_CH12-11ADEN_S12-11-4VASTAL

Vacation of Water Street and Alleyway – 100 Water Street and 3600 BLK Elkton Street





May 24, 2023

PETITION FOR ABANDONMENT OF PORTION OF WATER STREET

To: City of Pensacola City Planning Department

RE: Water Street Right-of-way vacation

To Whom it may concern,

I am the owner of 100 Water Street at the corner of Water Street and Elkton Street. It came to my attention after purchasing the property, that under the plat recorded in 1906 (copy enclosed) Water Street, formally known as 15th Avenue, was originally platted through this property and a right-of-way was dedicated to the city of Pensacola.

No road has ever been built on this section. I am requesting that Water Street right-of-way from our southern border on Elkton Street to our northern property line be vacated. Olde City Developers, LLC is the sole owner of any property that abuts the existing right-of-way that we are seeking to abandon. We are petitioning the City of Pensacola to vacate this right of way.

Yours truly,

Charles S. Liberis, Manager
Olde City Developers, LLC



VACATION OF ALLEY OR STREET RIGHT OF WAY

Fee: \$2,000.00

Rehearing/Rescheduling Planning Board: \$250.00

Rehearing/Rescheduling City Council: \$500.00

Applicant Information:

Name: Olde City Developers, LLC
Address: 212 W. Intendencia St. Pensacola, FL 32502
Phone: 850-438-9647 Fax: 850-433-5409 Email: cliberis@liberislaw.com

Property Information:

Owner Name: Olde City Developers, LLC
Location/Address: 100 Water St. Pensacola, FL 32505

Legal Description: Please attach a full legal description (from deed or survey)

Purpose of vacation of city right of way/comments:

Roadway has not led to a destination or
been used as a roadway in the last 50
years.

I, the undersigned applicant, understand that submittal of this application does not entitle me to approval of this vacation request and that no refund of these fees will be made. I have reviewed a copy of the applicable regulations and understand that I must be present on the date of the Planning Board and City Council meeting.

Signature of Applicant [Signature]
(Owner of Property or Official Representative of Owner)

Date 5/24/23

FOR OFFICE USE ONLY

District: City Council District 7

Date Received: July 7, 2023

Case Number: _____

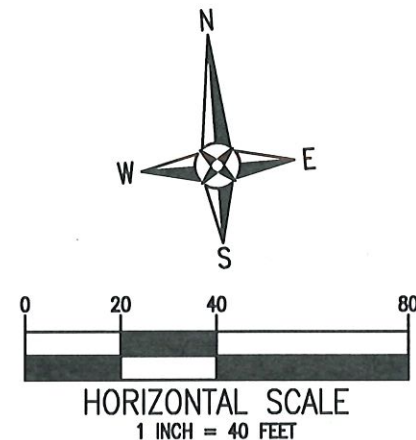
Date Postcards mailed: _____

Planning Board Date: August 8, 2023

Recommendation: _____

Council Date: _____

Council Action: _____



MARQUES STREET(F)
11TH STREET(P)
(40' R/W, PUBLIC)

DESCRIPTION: (AS PREPARED BY REBOL-BATTLE & ASSOCIATES)

THAT PORTION OF 15TH AVENUE (60' PUBLIC RIGHT-OF-WAY UNOPEN) BETWEEN BLOCKS 125 AND 126, PETERSEN ADDITION, NORTH OF 10TH STREET (CURRENTLY ELKTON STREET, 75' PUBLIC RIGHT-OF-WAY) AS SHOWN ON MAP OF CITY OF PENSACOLA, FLA., AS PUBLISHED BY THOS. C. WATSON & CO. AND RECORDED IN DEED BOOK 126, AT PAGE 400 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA AND LYING SOUTH OF THE SOUTH LINE OF PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 6434 AT PAGE 830 OF SAID PUBLIC RECORDS AND ALSO, THAT PORTION OF THE ALLEY WAY IN BETWEEN SAID BLOCK 126, AND THAT PORTION OF THE ALLEY WAY IN BETWEEN BLOCK 125 LYING WEST OF THE EAST LINE OF PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 8705 AT PAGE 433, OF SAID PUBLIC RECORDS.

LYING IN AND BEING A PORTION OF SECTION 39, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA.

GENERAL NOTES:

1. NORTH AND THE SURVEY DATUM SHOWN HEREON IS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM (FLORIDA NORTH ZONE), NORTH AMERICAN DATUM OF 1983 (NAD83)-(2011)-(EPOCH 2010.0030) HAVING A BEARING OF NORTH 85°43'06" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF ELKTON STREET (FORMERLY KNOWN AS TENTH STREET), AND WERE DERIVED UTILIZING A GLOBAL POSITIONING SYSTEM (GPS) TOPCON HIPER II GEODETIC DUAL FREQUENCY RECEIVER. THE RECEIVER WAS UTILIZED IN A REAL-TIME KINEMATIC (RTK) MODE UTILIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION FLORIDA PERMANENT REFERENCE NETWORK (FPRN), FLORIDA'S GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) REFERENCE STATION NETWORK; PREVIOUS SURVEY BY MERRILL PARKER SHAW, INC. (JOB No. 21-13716, DATED 7/8/21); COPY OF MAP OF PENSACOLA FLA., PUBLISHED BY THOS. C. WATSON & CO., COPYRIGHTED IN 1906 AS RECORDED IN DEED BOOK 126, AT PAGE 400 OF THE PUBLIC RECORDS OF ESCAMBA, COUNTY, FLORIDA; DEEDS OF RECORD AND EXISTING FIELD MONUMENTATION.
2. NO TITLE SEARCH WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
3. IT IS THE OPINION OF THE UNDERSIGNED SURVEYOR & MAPPER THAT THE PARCEL OF LAND SHOWN HEREON IS IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ZONE "X" AREAS DETERMINED TO BE WITHIN THE 0.2% ANNUAL CHANCE FLOODPLAIN, ZONE "AE (EL 6 FEET)" SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR ESCAMBA COUNTY, FLORIDA, COMMUNITY PANEL NUMBER 12033C0370G, EFFECTIVE DATE OF SEPTEMBER 29, 2006.
4. GRAPHIC SYMBOLISM FOR FEATURES SUCH AS MONUMENTATION, FENCES, TREES, TREE LINES, UTILITIES ETCETERA MAY BE EXAGGERATED IN SIZE FOR CLARITY PURPOSES. DIMENSIONS TO EXAGGERATED FEATURES WILL SUPERSEDE SCALED MEASUREMENTS.
5. THE SKETCH SHOWN HEREON WAS PREPARED FOR DESCRIPTIVE PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A FIELD SURVEY. AN ACCURATE FIELD SURVEY OF THE PARCEL(S) DESCRIBED HEREON MAY RESULT IN VARIATIONS IN BEARINGS AND/OR DISTANCES.
6. THE SKETCH SHOWN HEREON IS SUBJECT TO DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, BUILDING SETBACKS, RESTRICTIVE COVENANTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
7. THE SURVEY SKETCH AND DESCRIPTION OR COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER.
8. THE SKETCH SHOWN HEREON IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
9. MEASUREMENTS AS SHOWN HEREON WERE MADE TO UNITED STATES STANDARDS AND ARE EXPRESSED IN DECIMAL OF FEET.
10. THE DESCRIPTION AND SKETCH ARE NOT FULL AND COMPLETE WITHOUT THE OTHER.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE SURVEY SHOWN HERON WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050, 5J-17.051 AND 5J-17.052 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: MARK A. NORRIS DATE: 6/15/23
FLORIDA REGISTRATION No. 6211

DESCRIPTION SKETCH

1 of 1

PREPARED FOR: OLDE CITY DEVELOPERS, LLC

REQUESTED BY: OLDE CITY DEVELOPERS, LLC

PROJECT: 2022.025

DRAWN BY: ANG

CHKD BY: MAN

SCALE: 1" = 40'

F.B.: N/A

P.G.: N/A

DATE: N/A

NO.	DATE	APPR.	REVISION/ACTION TAKEN
1	7/7/23	[Signature]	ADD ENTIRE ADJACENT R/W

100 WATER STREET & 3605

BLOCK OF ELKTON STREET

PENSACOLA, FLORIDA 32505

NOT VALID WITHOUT THE
SIGNATURE AND THE
ORIGINAL RUBED SEAL OF
A FLORIDA LICENSED
SURVEYOR AND MAPPER

SECTION: 39

TOWNSHIP: 2 SOUTH

COUNTY: ESCAMBIA

A PORTION OF

RANGE: 30 WEST

STATE: FLORIDA

REBOL-BATTLE & ASSOCIATES

Civil Engineers and Surveyors

2301 N. Ninth Avenue, Suite 300
Pensacola, Florida 32503
Telephone: 850.438.0440
Fax: 850.438.0448
EB 00008587

LEGAL DESCRIPTION

That portion of 15th Avenue (60' public right-of-way – unopen) between Blocks 125 and 126, Pettersen Addition, north of 10th Street (currently Elkton Street, 75' public right-of-way) as shown on Map of the City of Pensacola, FLA., as published by Thos. C. Watson & Co. and recorded in Deed Book 126, at Page 400 of the public records of Escambia County, Florida and lying south of the south line of parcel described in Official Records Book 6434 at Page 830 of said public records and also, that portion of the alley way in between said Block 126, and that portion of the alley way in between Block 125 lying west of the east line of parcel described in Official Records Book 8705 at Page 433, of said public records.

Lying in and being a portion of Section 39, Township 2 South, Range 30 West, Escambia County, Florida.

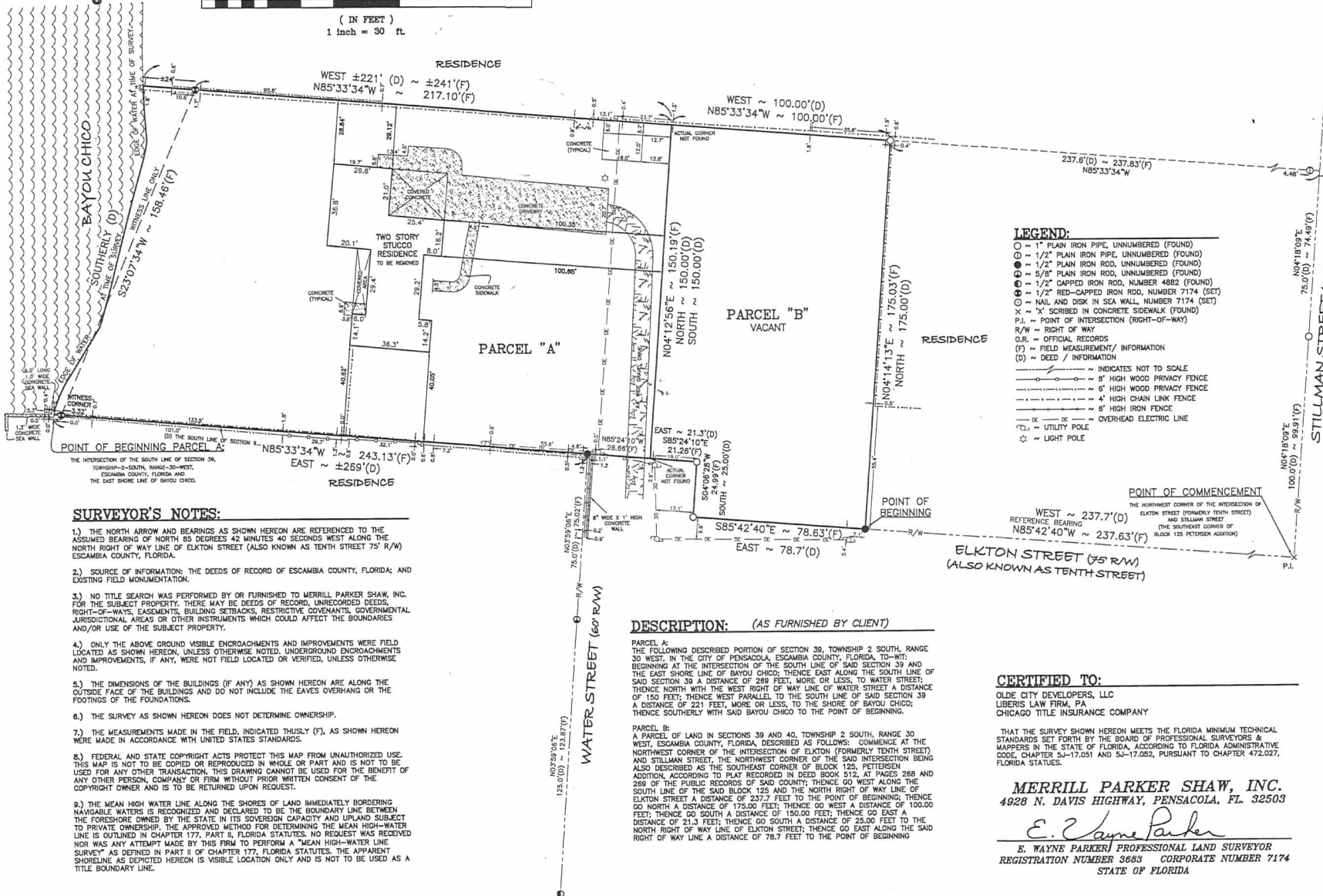


GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

BOUNDARY SURVEY

A PORTION OF SECTION 39 & 40
TOWNSHIP-2-SOUTH, RANGE-30-WEST,
ESCAMBIA COUNTY, FLORIDA.
ADDRESS: 100 WATER ST.



SURVEYOR'S NOTES:

1. THE NORTH ARROW AND BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARING OF NORTH 85 DEGREES 42 MINUTES 40 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF ELKTON STREET (ALSO KNOWN AS TENTH STREET) 75' R/W ESCAMBIA COUNTY, FLORIDA.
2. SOURCE OF INFORMATION: THE DEEDS OF RECORD OF ESCAMBIA COUNTY, FLORIDA; AND EXISTING FIELD MONUMENTATION.
3. NO TITLE SEARCH WAS PERFORMED BY OR FURNISHED TO MERRILL PARKER SHAW, INC. FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, RIGHT-OF-WAYS, EASEMENTS, BUILDING SETBACKS, RESTRICTIVE COVENANTS, GOVERNMENTAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES AND/OR USE OF THE SUBJECT PROPERTY.
4. ONLY THE ABOVE GROUND VISIBLE ENCROACHMENTS AND IMPROVEMENTS WERE FIELD LOCATED AS SHOWN HEREON, UNLESS OTHERWISE NOTED. UNDERGROUND ENCROACHMENTS AND IMPROVEMENTS, IF ANY, WERE NOT FIELD LOCATED OR VERIFIED, UNLESS OTHERWISE NOTED.
5. THE DIMENSIONS OF THE BUILDINGS (IF ANY) AS SHOWN HEREON ARE ALONG THE OUTSIDE FACE OF THE BUILDINGS AND DO NOT INCLUDE THE EAVES OVERHANG OR THE FOOTINGS OF THE FOUNDATIONS.
6. THE SURVEY AS SHOWN HEREON DOES NOT DETERMINE OWNERSHIP.
7. THE MEASUREMENTS MADE IN THE FIELD, INDICATED THUSLY (F), AS SHOWN HEREON WERE MADE IN ACCORDANCE WITH UNITED STATES STANDARDS.
8. FEDERAL AND STATE COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOT TO BE COPIED OR REPRODUCED IN WHOLE OR PART AND IS NOT TO BE USED FOR ANY OTHER TRANSACTION. THIS DRAWING CANNOT BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER AND IS TO BE RETURNED UPON REQUEST.
9. THE MEAN HIGH WATER LINE ALONG THE SHORES OF LAND IMMEDIATELY BORDERING NAVIGABLE WATERS IS RECOGNIZED AND DECLARED TO BE THE BOUNDARY LINE BETWEEN THE FORESHORE OWNED BY THE STATE IN ITS SOVEREIGN CAPACITY AND UPLAND SUBJECT TO PRIVATE OWNERSHIP. THE APPROVED METHOD FOR DETERMINING THE MEAN HIGH-WATER LINE IS OUTLINED IN CHAPTER 177, PART II, FLORIDA STATUTES. NO REQUEST WAS RECEIVED NOR WAS ANY ATTEMPT MADE BY THIS FIRM TO PERFORM A "MEAN-HIGH-WATER LINE SURVEY" AS DEFINED IN PART II OF CHAPTER 177, FLORIDA STATUTES. THE APPARENT SHORELINE AS DEPICTED HEREON IS VISIBLE LOCATION ONLY AND IS NOT TO BE USED AS A TITLE BOUNDARY LINE.

DESCRIPTION: (AS FURNISHED BY CLIENT)

PARCEL A:
THE FOLLOWING DESCRIBED PORTION OF SECTION 39, TOWNSHIP 2 SOUTH, RANGE 30 WEST, IN THE CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, TO-WIT: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 39 AND THE EAST SHORE LINE OF BAYOU CHICO; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 39 A DISTANCE OF 289 FEET, MORE OR LESS, TO WATER STREET; THENCE NORTH WITH THE WEST RIGHT OF WAY LINE OF WATER STREET A DISTANCE OF 150 FEET, THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 39 A DISTANCE OF 221 FEET, MORE OR LESS, TO THE SHORE OF BAYOU CHICO; THENCE SOUTHERLY WITH SAID BAYOU CHICO TO THE POINT OF BEGINNING.

PARCEL B:
A PARCEL OF LAND IN SECTIONS 39 AND 40, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE INTERSECTION OF ELKTON (FORMERLY TENTH STREET) AND STILLMAN STREET, THE NORTHWEST CORNER OF THE SAID INTERSECTION BEING ALSO DESCRIBED AS THE SOUTHEAST CORNER OF BLOCK 125, PETERSEN 288 AND ADDITION, ACCORDING TO PLAT RECORDED IN DEED BOOK 512, AT PAGES 288 AND 289 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE GO WEST ALONG THE SOUTH LINE OF THE SAID BLOCK 125 AND THE NORTH RIGHT OF WAY LINE OF ELKTON STREET A DISTANCE OF 237.7 FEET TO THE POINT OF BEGINNING; THENCE GO NORTH A DISTANCE OF 175.00 FEET; THENCE GO WEST A DISTANCE OF 100.00 FEET; THENCE GO SOUTH A DISTANCE OF 150.00 FEET; THENCE GO EAST A DISTANCE OF 21.3 FEET; THENCE GO SOUTH A DISTANCE OF 25.00 FEET TO THE NORTH RIGHT OF WAY LINE OF ELKTON STREET; THENCE GO EAST ALONG THE SAID RIGHT OF WAY LINE A DISTANCE OF 78.7 FEET TO THE POINT OF BEGINNING.

CERTIFIED TO:

OLDE CITY DEVELOPERS, LLC
LIBERIS LAW FIRM, PA
CHICAGO TITLE INSURANCE COMPANY

THAT THE SURVEY SHOWN HEREON MEETS THE FLORIDA MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN THE STATE OF FLORIDA, ACCORDING TO FLORIDA ADMINISTRATIVE CODE, CHAPTER 33-17.051 AND 33-17.052, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

MERRILL PARKER SHAW, INC.
4928 N. DAVIS HIGHWAY, PENSACOLA, FL 32503

E. Wayne Parker
E. WAYNE PARKER / PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 3683 CORPORATE NUMBER 7174
STATE OF FLORIDA

COPYRIGHT © 2021 BY MERRILL PARKER SHAW, INC.

E. WAYNE PARKER, P.L.S. NO. 3683, CORPORATE NO. 7174, STATE OF FLORIDA

BOUNDARY SURVEY

A PORTION OF SECTION 39,
TOWNSHIP-2-SOUTH, RANGE-30-WEST,
ESCAMBIA COUNTY, FLORIDA.
ADDRESS: 100 WATER ST.

REQUESTED BY: SCOTT JENNINGS
PREPARED FOR: OLDE CITY DEVELOPERS, LLC

MERRILL PARKER SHAW, INC.

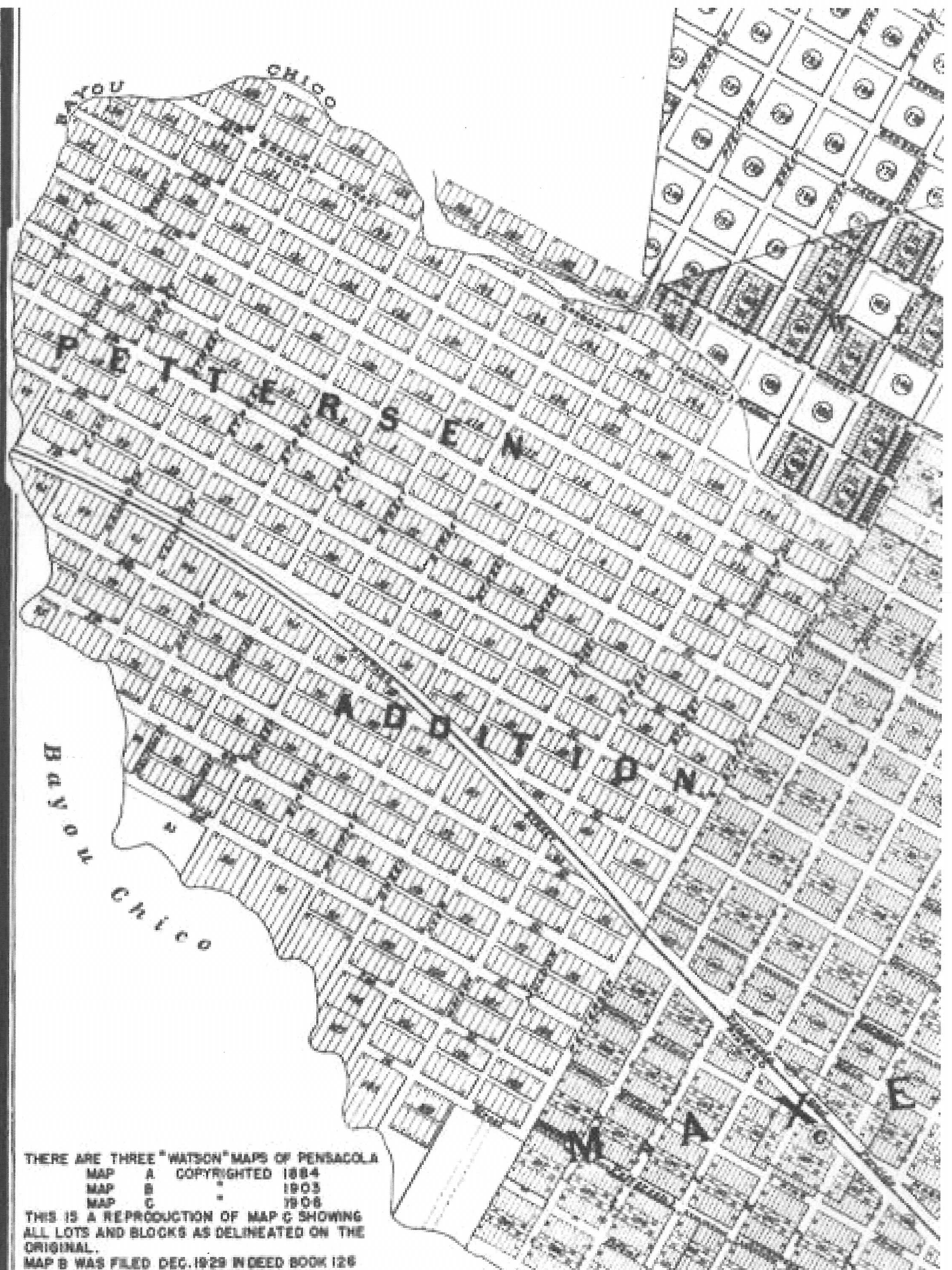
PROFESSIONAL SURVEYING SERVICES
4928 N. DAVIS HWY PH 48501 478-4823
PENSACOLA, FL 32503 FAX 48501 478-4824
FLORIDA CORPORATION NUMBER 7174

NO.	DATE	APPR.	REVISIONS:

NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A LICENSED PROFESSIONAL LAND SURVEYOR	DATE: 7/8/21
SCALE: 1" = 30'	CHECKED: EWP
DRAWN: RDC	FIELD BOOK: 473, PAGE 12
FIELD DATE: 06/28/21	

JOB NO.	SHEET
21-13716	1 OF 1
S-1	





THERE ARE THREE "WATSON" MAPS OF PENSACOLA
 MAP A COPYRIGHTED 1884
 MAP B " 1903
 MAP C " 1906
 THIS IS A REPRODUCTION OF MAP C SHOWING
 ALL LOTS AND BLOCKS AS DELINEATED ON THE
 ORIGINAL.
 MAP B WAS FILED DEC. 1929 IN DEED BOOK 126



OWNER'S POLICY OF TITLE INSURANCE

Issued by

CHICAGO TITLE INSURANCE COMPANY

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, CHICAGO TITLE INSURANCE COMPANY, a Florida corporation, (the "Company") insures as of Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protection

If a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without knowledge.
9. Title being vested other than as stated Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or



(b) because the Instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records

(I) to be timely, or

(II) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.

10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other Instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

IN WITNESS WHEREOF, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.

Countersigned:

By: 
Authorized Officer or Agent

Liberis Law Firm, PA
212 W Intendencia St
Pensacola, FL 32502-5710
Tel: 850-438-9647
Fax: 850-433-5409



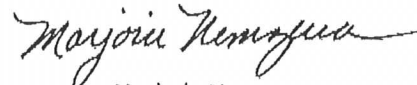
By:

CHICAGO TITLE INSURANCE COMPANY



Randy R. Quirk
President

Attest:



Marjorie Nemzura
Secretary



EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (I) the occupancy, use, or enjoyment of the Land;
 - (II) the character, dimensions or location of any improvement erected on the Land;
 - (III) the subdivision of land; or
 - (IV) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.



CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

(a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.

(b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.

(c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.

(d) "Insured": The Insured named in Schedule A.

(i) The term "Insured" also includes

(A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;

(B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;

(C) successors to an Insured by its conversion to another kind of Entity;

(D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title

(1) If the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,

(2) If the grantee wholly owns the named Insured,

(3) If the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or

(4) If the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.

(ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.

(e) "Insured Claimant": An Insured claiming loss or damage.

(f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.

(g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.

(h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.

(i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk

of the United States District Court for the district where the Land is located.

(j) "Title": The estate or interest described in Schedule A.

(k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as Insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as Insured, is rejected as unmarketable title. If the Company is prejudiced by the failure of the Insured claimant to provide prompt notice, the Company's liability to the Insured claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

(a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.

(b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to



do any other act that in its opinion may be necessary or desirable to establish the Title, as Insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

(c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

(a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title, or any other matter as Insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

(b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

(i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or

(ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

(a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of

(i) the Amount of Insurance; or

(ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.

(b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as Insured,

(i) the Amount of Insurance shall be increased by 10%, and

(ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.

(c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

(a) If the Company establishes the Title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as Insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.



(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as Insured.

(c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

(a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

(b) The Company's right of subrogation includes the rights of the Insured to indemnities, guarantees, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Unless prohibited by applicable law, arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association may be demanded if agreed to by both the Company and the Insured at the time of a controversy or claim. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, and service of the Company in connection with its issuance or the breach of a policy provision or other obligation. Arbitration pursuant to this

policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the Insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the Land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules. A copy of the Rules may be obtained from the Company upon request.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

(a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.

(c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.

(d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

(a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

(b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at CHICAGO TITLE INSURANCE COMPANY, Attn: Claims Department, P.O. Box 45023, Jacksonville, FL 32232-5023.





Chicago Title Insurance Company

**POLICY OF TITLE INSURANCE
SCHEDULE A**
Chicago Title Insurance Company

Liberis Law Firm, P.A.
212 West Intendencia Street
Pensacola, FL 32502

Policy Number: 7230609-226435727

Address Reference: 100 Water Street
Pensacola, FL 32505
Escambia County
(for informational purposes only)

Order Number: 9404227
Customer Reference: 90-54-21
Amount of Insurance: \$350,000.00
Premium: \$1,825.00

Date of Policy: January 19, 2022 at 12:34 PM

1. Name of Insured:
Olde City Developers, LLC, a Wyoming limited liability company
2. The estate or interest in the land that is insured by this policy is:
Fee Simple
3. Title is vested in:
Olde City Developers, LLC, a Wyoming limited liability company
4. The land referred to in this policy is described in Exhibit "A" attached hereto and made part hereof.

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

2730609

1 of 3

ALTA Owner's Policy (6/17/06)
(with Florida Modifications)

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EXHIBIT "A"**Parcel A:**

The following described portion of Section 39, Township 2 South, Range 30 West, in the City of Pensacola, Escambia County, Florida, to-wit: Beginning at the Intersection of the South line of said Section 39 and the East shore line of Bayou Chicco; thence East along the South line of said Section 39 a distance of 269 feet, more or less, to Water Street; thence North with the West right of way line of Water Street a distance of 150 feet; thence West parallel to the South line of said Section 39 a distance of 221 feet, more or less, to the shore of Bayou Chicco; thence Southerly with said Bayou Chicco to the Point of Beginning.

Parcel B:

A parcel of land in Sections 39 and 40, Township 2 South, Range 30 West, Escambia County, Florida, described as follows: Commence at the Northwest corner of the Intersection of Elkton (formerly Tenth Street) and Stillman Street, the Northwest corner of the said Intersection being also described as the Southeast corner of Block 125, Pettersen Addition, according to plat recorded in Deed Book 512, at Pages 268 and 269 of the Public Records of said County; thence go West along the South line of the said Block 125 and the North right of way line of Elkton Street a distance of 237.7 feet to the Point of Beginning; thence go North a distance of 175.00 feet; thence go West a distance of 100.00 feet; thence go South a distance of 150.00 feet; thence go East a distance of 21.3 feet; thence go South a distance of 25.00 feet to the North right of way line of Elkton Street; thence go East along the said right of way line a distance of 78.7 feet to the Point of Beginning.

ALTA Owner's Policy
(6/17/06)

(with Florida Modifications)

2730609

2 of 3

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**SCHEDULE B
EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Mortgage from Olde City Developers, LLC, to SmartBank Corporation, dated January 19, 2022, recorded January 19, 2022, in Official Records Book 8705, Page 436, in the amount of \$227,500.00, as recorded in the Public Records of Escambia County, Florida.
2. Assignment of Leases, Rents and Profits recorded January 19, 2022 in Official Records Book 8705, Page 446.
3. UCC Financing Statement recorded January 19, 2022 in Official Records Book 8705, Page 450.
4. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable.
5. The nature, extent or existence of riparian rights or littoral rights is not insured.
6. Notwithstanding the legal description in Schedule A, this Policy does not insure title to any lands lying below the mean or ordinary high water line of any navigable or tidally influenced waters.
7. Title to any submerged land included within the land described in this Policy is not insured.
8. The following matters as disclosed by the survey prepared by Merrill, Parker, Shaw, Inc., field date June 28, 2021 and identified as Job No. 21-13716-S-1:
 - (a) Driveway extends beyond property line.

NOTE: All recording references in this form shall refer to the public records of Escambia County, Florida, unless otherwise noted.

NOTE: In accordance with Florida Statutes section 627.4131, please be advised that the insured hereunder may present inquiries, obtain information about coverage, or receive assistance in resolving complaints, by contacting Chicago Title Insurance Company, Telephone 1-800-669-7450.

FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective August 1, 2021

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, “FNF,” “our,” or “we”) respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary’s website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver’s license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an “FNF Website”) from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a “cookie” may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer’s hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to “Do Not Track” features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see “Choices with Your Information” to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an “opt out” request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the “California Privacy” link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF’s headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the “Service Websites”). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender’s privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender’s privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the

mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, visit FNF's [Opt Out Page](#) or contact us by phone at (888) 714-2710 or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

This Document Prepared By and Return to:
Edsel F. Matthews, Jr., P.A.
212 W Intendencia Street
Pensacola, FL 32502

Parcel ID Number: 000800-9090-070-125

Personal Representative's Deed

This Indenture, is made this 19th day of January, 2022, by and between Martha Lynn Robinson as Personal Representative of the Estate of Ronnie Charles Robinson, deceased, Grantor,
and

Olde City Developers, LLC, a Wyoming limited liability company, Grantee
whose post office address is: 212 W Intendencia Street, Pensacola, FL 32502

Witnesseth: Grantor, pursuant to the power of sale contained in the Last Will and Testament of Ronnie Charles Robinson, deceased, and in consideration of the sum of One Dollar (\$1.00) paid to Grantors by Grantee, receipt of which is acknowledged, grant, bargain and sell to Grantee, and Grantee's heirs, successors and assigns forever, the real property in Escambia County, Florida, described as follows:

SEE ATTACHED EXHIBIT "A"

The property herein conveyed DOES NOT constitute the HOMESTEAD property of the Grantor.

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2021.

Together with all and singular the tenements, hereditaments, and appurtenances belonging or in anywise appertaining to the real property.

To Have And To Hold the same to Grantee, and Grantee's successors and assigns, in fee simple forever.

And Grantor does covenant to and with the Grantee, and Grantee's successors and assigns, that in all things preliminary to and in and about this conveyance, the power of sale contained in the Last Will and Testament of Ronnie Charles Robinson, deceased, and the laws of the State of Florida have been followed and complied with all respects.

In Witness Whereof, the undersigned, as personal representative of the estate of said decedent, has executed this instrument under seal on the date aforesaid.

Signed, sealed and delivered in our presence:

Estate of Ronnie Charles Robinson

Printed Name: Ronald P. Aggion
Witness

By: Martha Lynn Robinson
Martha Lynn Robinson
Personal Representative
P.O. Address: 617 Meander Lane, Chautauque, FL 32533

Printed Name: Lisa Novak
Witness

STATE OF Florida
COUNTY OF Escambia

The foregoing instrument was acknowledged before me by means of X physical presence or online notarization, this 19th day of January, 2022 by Martha Lynn Robinson, as personal representative of the estate of Ronnie Charles Robinson, deceased, who is personally known to me or who has produced her Florida driver's license as identification.

Lisa Novak
Notary Public
My Commission Expires: LISA NOVAK
Commission # GG 840688
Expires January 4, 2024
Notary Public Seal

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel A:

The following described portion of Section 39, Township 2 South, Range 30 West, in the City of Pensacola, Escambia County, Florida, to-wit: Beginning at the intersection of the South line of said Section 39 and the East shore line of Bayou Chico; thence East along the South line of said Section 39 a distance of 269 feet, more or less, to Water Street; thence North with the West right of way line of Water Street a distance of 150 feet; thence West parallel to the South line of said Section 39 a distance of 221 feet, more or less, to the shore of Bayou Chico; thence Southerly with said Bayou Chico to the Point of Beginning.

Parcel B:

A parcel of land in Sections 39 and 40, Township 2 South, Range 30 West, Escambia County, Florida, described as follows: Commence at the Northwest corner of the intersection of Elkton (formerly Tenth Street) and Stillman Street, the Northwest corner of the said intersection being also described as the Southeast corner of Block 125, Pettersen Addition, according to plat recorded in Deed Book 512, at Pages 268 and 269 of the Public Records of said County; thence go West along the South line of the said Block 125 and the North right of way line of Elkton Street a distance of 237.7 feet to the Point of Beginning; thence go North a distance of 175.00 feet; thence go West a distance of 100.00 feet; thence go South a distance of 150.00 feet; thence go East a distance of 21.3 feet; thence go South a distance of 25.00 feet to the North right of way line of Elkton Street; thence go East along the said right of way line a distance of 78.7 feet to the Point of Beginning.

This Document Prepared By and Return to:
Liberis Law Firm
212 W Intendencia Street
Pensacola, FL 32502

Parcel ID Number: 000S00-9090-070-125

Warranty Deed

This Indenture, Made this 19th day of January, 2022 A.D., Between Rita R. Bowen a/k/a Rita C. Bowan and Riley R. Robinson, grantors,
and

Olde City Developers, LLC, a Wyoming limited liability company, grantee
whose address is: 212 W Intendencia Street, Pensacola, FL 32502

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

SEE ATTACHED EXHIBIT "A"


The property herein conveyed DOES NOT constitute the HOMESTEAD property
of the Grantors.

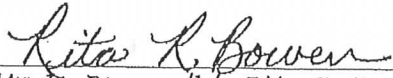
Subject to restrictions, reservations and easements of record, if any,
and taxes subsequent to 2021.

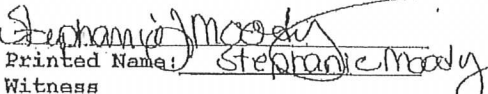
and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

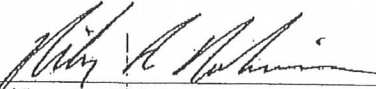
In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:


Printed Name: Rita R. Bowen
Witness Lisa Novack

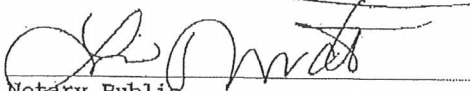

Rita R. Bowen a/k/a Rita C. Bowan


Printed Name: Stephanie Moody
Witness


Riley R. Robinson

STATE OF Florida
COUNTY OF Escambia

The foregoing instrument was acknowledged before me by means of X physical presence or online
notarization, this 19th day of January, 2022 by Rita R. Bowen a/k/a Rita C. Bowan and
Riley R. Robinson, who are personally known to me or who have produced their Florida driver's
license as identification.


Notary Public
My Commission Expires: 1 / 1



LISA NOVACK
Commission # GG 040680
Expires January 4, 2024
Became True Blooded Notary 9/1/2022

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel A:

The following described portion of Section 39, Township 2 South, Range 30 West, In the City of Pensacola, Escambia County, Florida, to-wit: Beginning at the Intersection of the South line of said Section 39 and the East shore line of Bayou Chico; thence East along the South line of said Section 39 a distance of 269 feet, more or less, to Water Street; thence North with the West right of way line of Water Street a distance of 150 feet; thence West parallel to the South line of said Section 39 a distance of 221 feet, more or less, to the shore of Bayou Chico; thence Southerly with said Bayou Chico to the Point of Beginning.

Parcel B:

A parcel of land in Sections 39 and 40, Township 2 South, Range 30 West, Escambia County, Florida, described as follows: Commence at the Northwest corner of the Intersection of Elkton (formerly Tenth Street) and Stillman Street, the Northwest corner of the said Intersection being also described as the Southeast corner of Block 125, Pettersen Addition, according to plat recorded in Deed Book 512, at Pages 268 and 269 of the Public Records of said County; thence go West along the South line of the said Block 125 and the North right of way line of Elkton Street a distance of 237.7 feet to the Point of Beginning; thence go North a distance of 175.00 feet; thence go West a distance of 100.00 feet; thence go South a distance of 150.00 feet; thence go East a distance of 21.3 feet; thence go South a distance of 25.00 feet to the North right of way line of Elkton Street; thence go East along the said right of way line a distance of 78.7 feet to the Point of Beginning.

Sec. 12-11-4. Vacation of streets, alleys.

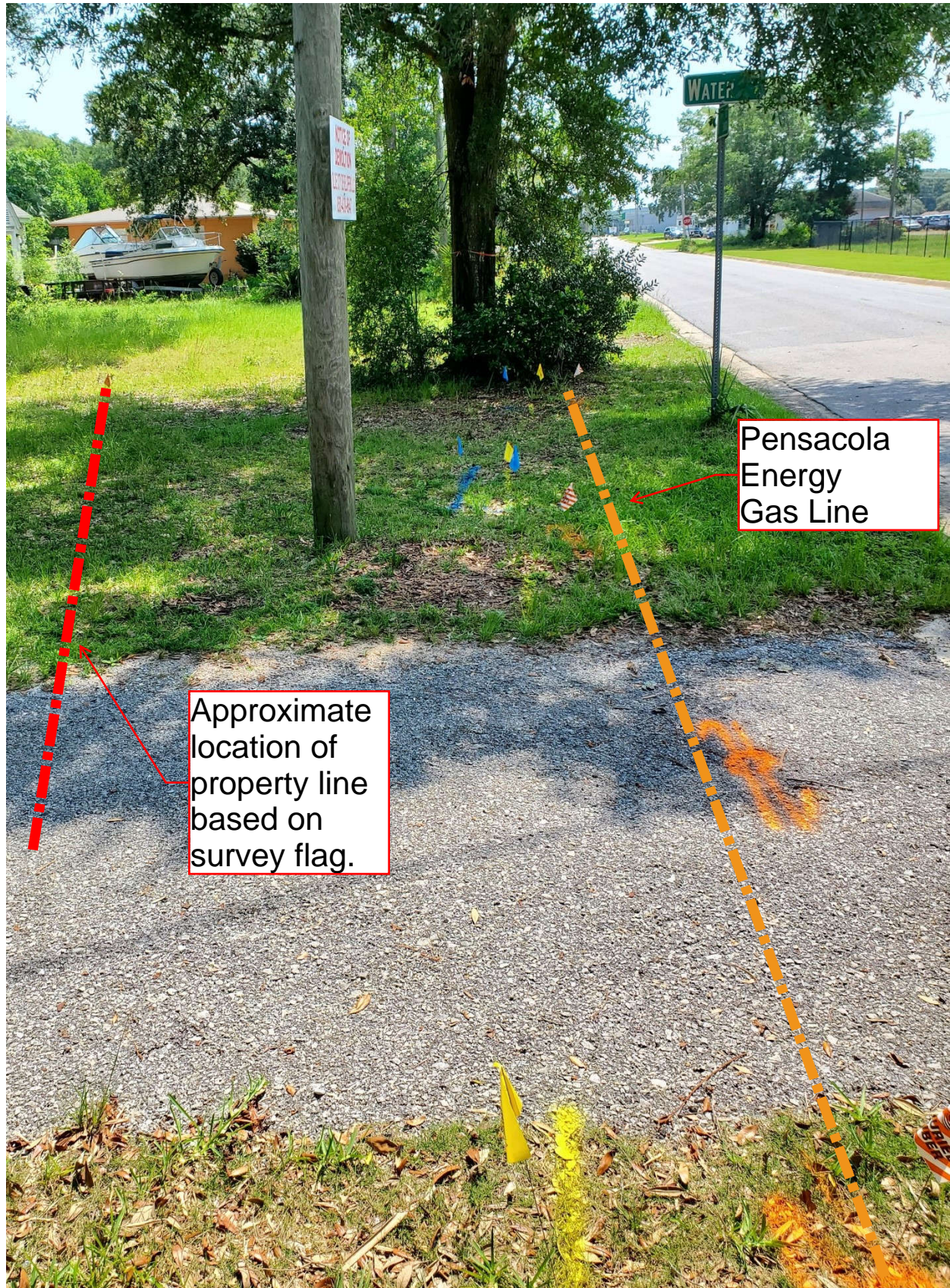
This section is established to provide for the vacation of streets, alleys or other public rights-of-way by official action of the city council.

- (1) *Application.* An application for vacation of streets, alleys or other public right-of-way shall be filed with the planning services department and shall include the reason for vacation and a legal description of the property to be vacated. Application for an alley vacation shall be in petition form signed by all property owners abutting the portion of the alley to be vacated. If all property owners do not sign the petition requesting such alley vacation, city staff shall determine the portion of the alley to be vacated.
 - a. An application for vacation of streets, alleys or other public right-of-way 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:
 - i. Accurate site plan drawn to scale;
 - ii. A legal description of the property proposed to be vacated;
 - iii. Proof of ownership of the adjacent property, including a copy of the deed and a title opinion, title insurance policy, or other form of proof acceptable to the city attorney;
 - iv. Reason for vacation request;
 - v. Petition form signed by all property owners abutting the portion of the right-of-way or alley to be vacated.
 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.
 4. Any party may appear in person, by agent, or by attorney.
 5. 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.
- (2) *Planning board review and recommendation.* The request to vacate will be distributed to the appropriate city departments and public agencies for review and comment. Said departments shall submit written recommendations of approval, disapproval or suggested revisions, and reasons therefor, to the city planning services department. The planning board shall review the vacation request and make a recommendation to the city council at a regularly scheduled planning board meeting. When a request for vacation of a right-of-way adjacent to a street or alley is made, the vacation shall be limited to a minimum of no less than ten feet from the existing back-of-curb. Any existing sidewalk on a right-of-way must be maintained or rebuilt by an owner granted such a vacation in order to preserve ADA accessibility to the public.

-
- a. Public notice for vacation of streets, alleys.
 - 1. A sign shall be prominently posted on the property to which the application pertains at least seven days prior to the scheduled board meeting.
 - 2. The city shall notify property owners within a 300-foot radius, as identified by the current county tax roll maps, of the property proposed for vacation with a public notice by post card at least five days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.
 - (3) *City council review and action.* The planning board recommendation shall be forwarded to the city council for review and action.
 - a. *Notice and hearing.* The city council shall set a date for a public hearing to be conducted during a regularly scheduled city council meeting. Planning staff shall post a sign specifying the date and time of the public hearing at least seven days prior to the hearing. A public notice shall be published in a local newspaper of general distribution stating the time, place and purpose of the hearing at least ten days prior to the public hearing. The city shall notify property owners by certified mail, as identified by the current county tax roll, at least 15 days prior to the city council public hearing.
 - 1. In case of an alley vacation request all adjacent owners shall be notified.
 - 2. In the case of a street vacation request, all property owners within 300 feet of the request shall be notified.
 - b. *Action.* The city council shall approve, approve with modifications, or deny the vacation request at the council public hearing. If the request is approved by the council, an ordinance will be drawn and read two times following the public hearing, at which time the vacation becomes effective. When a request for vacation of a right-of-way adjacent to a street or alley is made, the vacation shall be limited to a minimum of no less than ten feet from the existing back-of-curb. Any existing sidewalk on a right-of-way must be maintained or rebuilt by an owner granted such a vacation in order to preserve ADA accessibility to the public.
 - (4) *Easements retained.* If the city council determines that any portion of a public street or right-of-way is used or in the reasonably foreseeable future will be needed for public utilities, the street may be vacated only upon the condition that appropriate easements be reserved for such public utilities.
 - (5) *Zoning of vacated property.* Whenever any street, alley or other public right-of-way is vacated, the district use and area regulations governing the property abutting upon each side of such street, alley or public right-of-way shall be automatically extended to the center of such vacation and all area included within the vacation shall thereafter be subject to all appropriate regulations of the extended use districts.
 - (6) *Ownership of property.* Whenever any street, alley or public right-of-way is vacated, ownership of said property conferred by such action shall extend from the right-of-way line to the center of said property, unless otherwise specified.

(Code 1986, § 12-12-4; Ord. No. 6-93, § 26, 3-25-1993; Ord. No. 44-94, § 7, 10-13-1994; Ord. No. 15-00, § 8, 3-23-2000; Ord. No. 12-09, § 3, 4-9-2009; Ord. No. 01-19, § 1, 2-14-2019; Ord. No. 23-20, 7-16-20)

Department:	Comments:
Planning	No comments.
FIRE	No comments received.
PW/E	No comments.
Surveyor	No survey comments.
Inspection Svcs	No comments received.
Pensacola Energy	Pensacola Energy has gas main in the north R/W of Elkton st. and in the west R/W of Water St. (see attached Facility location map). I do not believe our gas facilities fall within this vacate request, however it is tough to be certain without excavation. If the Gas facilities are not within the vacation area, Pensacola energy does not have an objection to the vacation request. FOLLOW UP FROM CITY SURVEYOR - Gregg, attached you should find a photo (facing east) taken this morning showing the gas utility markings between the back of curb and the power pole. Please direct your attention to an orange pin flag on the far left side of the landscape. This orange pin flag marks the southeastern property corner of the subject parcel placing the marked gas line well within the public right-of-way of Elkton Street. [PENSACOLA ENERGY COMMENTS RESOLVED]
ECUA	ECUA has no objection to the r/w vacation request and will not be requesting a retained easement, as long as the vacated area does not include any portion of Elkton St.
FPL	We have facilities on Water St and therefore we need to retain our easement rights in this area. RESPONSE FROM APPLICANT - Greg, We will go forward with road abandonment leaving FI Power easement in place and deal with it later.
ATT	AT&T has NO facilities in the proposed alley way or in the in the piece of 15 th Ave/Water St that was never developed on.
Legal	No comments received.



Approximate
location of
property line
based on
survey flag.

Pensacola
Energy
Gas Line



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00555

Planning Board

8/8/2023

TO: Planning Board Members

FROM: Cynthia Cannon, Planning & Zoning Division Manager

DATE: 8/1/2023

CITY COUNCIL DISTRICT: 6

SUBJECT:

50 S. 9th Avenue - Gateway Redevelopment District - Aesthetic Review Application

BACKGROUND:

SMP Architecture is seeking site plan and aesthetic approval for the Hawkshaw development project. The residential development shows three three-story buildings to accommodate 58 units. Materials include a stucco system façade with aluminum frame openings and standing seam metal roofs. Parking will be provided at the north side of the complex and along S. 10th Avenue. The parking area is proposed to be covered by concrete pavers in a herringbone pattern.

This project has undergone a number of modifications, and a letter from CRA outlining certain deviations from past plans has been included. However, this current version will also be reviewed at the August 17 CRA meeting. As a result, any approvals granted by Planning Board will be contingent upon CRA's acceptance of the plans and subsequent permitting requirements.

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

RECOMMENDED CODE SECTIONS

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

<https://library.municode.com/fl/pensacola/codes/code_of_ordinances?nodeId=PTIICOR_TITXILADECO_CH12-3ZODI_ARTIINGE_S12-3-12RELAUSDI>

Aesthetic Review – 50 S. 9th Avenue





City of
Pensacola
*America's First Settlement
And Most Historic City*

***Planning Board Application
Request for Aesthetic Review***

Application Date: _____

Project Address: _____

Applicant: _____

Applicant's Address: _____

Email: _____ Phone: _____

Property Owner: _____

***Redevelopment
District:***

Waterfront

Gateway

***South Palafox
Business***

***North 9th
Avenue***

** An application for aesthetic review shall be reviewed by a representative of the Planning Board once all materials have been submitted and it is deemed complete by the Secretary to the Board.*

Project specifics/description:

I, the undersigned applicant, understand that payment of these fees does not entitle me to approval and that no refund of these fees will be made.



Applicant Signature

07/31/2023

Date

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



HAWKSHAW CONDOMINIUMS

NORTH EAST CORNER AERIAL VIEW

07.14.2023



HAWKSHAW CONDOMINIUMS

SOUTHWEST CORNER VIEW

07.14.2023



HAWKSHAW CONDOMINIUMS

SOUTHEAST CORNER VIEW

07.14.2023

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architecture



HAWKSHAW CONDOMINIUMS

NORTHEAST CORNER VIEW

07.14.2023



HAWKSHAW CONDOMINIUMS

NORTHWEST CORNER VIEW

07.14.2023



HAWKSHAW CONDOMINIUMS

AUTO COURT INTERIOR PERSPECTIVE

07.14.2023

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architecture



HAWKSHAW CONDOMINIUMS

NORTH WEST CORNER AERIAL VIEW

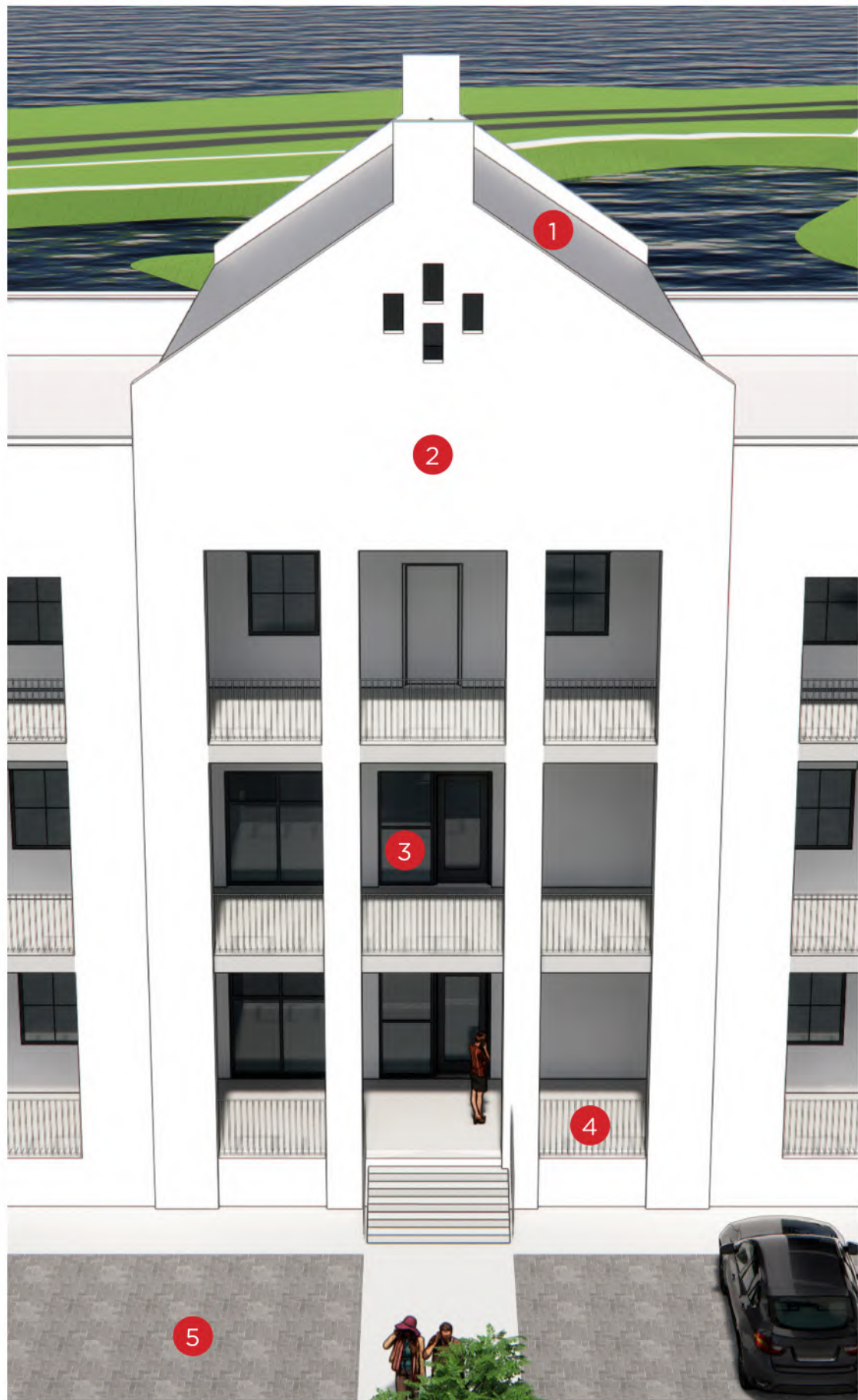
07.14.2023



HAWKSHAW CONDOMINIUMS

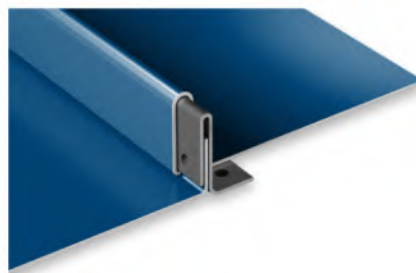
SITE PLAN

07.20.2023



1 VERTICAL-RIB STANDING SEAM ROOF

PROFILE



COLOR

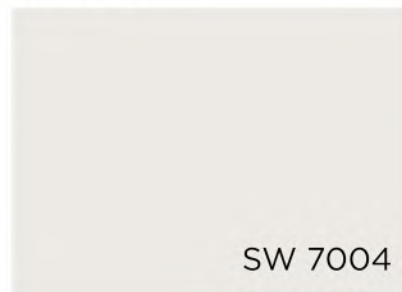


2 STUCCO SYSTEM

SAND TEXTURE



COLOR



3 GLAZING SYSTEMS - FRAME

ALUMINUM



COLOR



4 FLOOR-MOUNTED ALUMINUM RAILINGS

VERTICAL RAILS



POWDER COAT COLOR



5 CONCRETE PAVERS

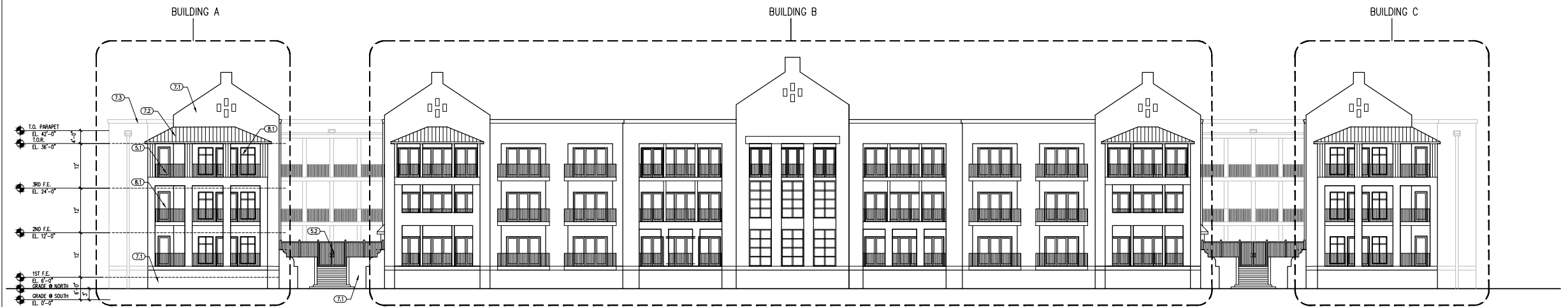
HERRINGBONE



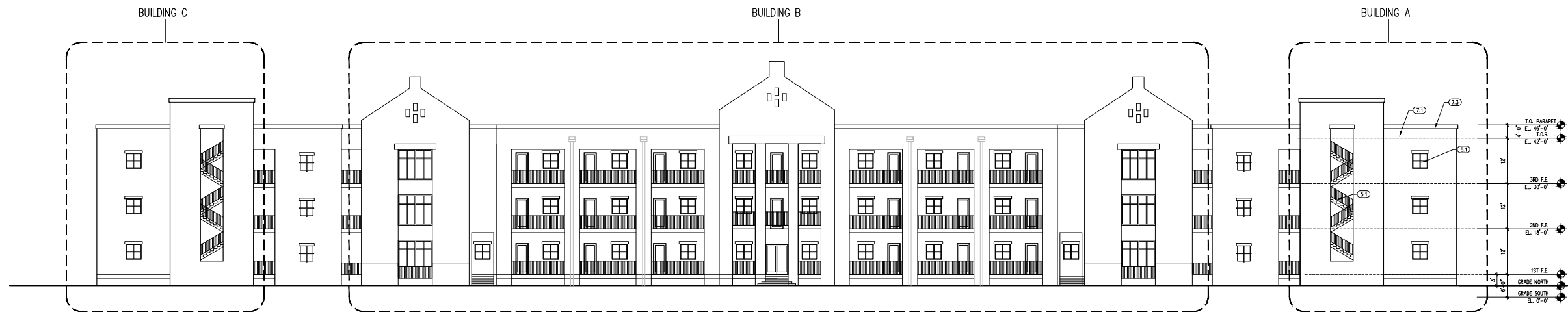
HAWKSHAW
CONDOMINIUMS

BUILDING A

50 S. 9TH AVENUE
PENSACOLA, FLORIDA



1 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



2 NORTH ELEVATION
SCALE: 3/32" = 1'-0"

ELEVATION KEY NOTES:

- (5.1) ALUMINUM GUARDRAIL
- (5.2) ALUMINUM FENCE AND GATE
- (5.3) ALUMINUM DOWNSPOUT
- (7.1) STUCCO SYSTEM
- (7.2) ALUMINUM STANDING SEAM METAL ROOFING
- (7.3) ALUMINUM PARAPET COPING
- (8.1) SCHEDULED ALUMINUM WINDOW / DOOR (TYP.) REFER TO WINDOW SCHEDULE & FLOOR PLANS.

ALL DRAWINGS AND WRITTEN MATERIAL
HEREIN CONSTITUTE ORIGINAL AND UN-
PUBLISHED WORK OF THE ARCHITECT
AND MAY NOT BE REPRODUCED IN ANY
PART WITHOUT THE WRITTEN CONSENT
OF THE ARCHITECT.

ISSUE DATE :

REVISIONS:

DRAWN BY : RM

CHECKED BY : BS

PROJECT NO. 2304

DATE : 6/30/23

SHEET TITLE :

EXTERIOR
ELEVATIONS
BUILDING A

SHEET NO. :

A-201

©2023 SMP ARCHITECTURE

HAWKSHAW
CONDOMINIUMS

BUILDING B

52 S. 9TH AVENUE
PENSACOLA, FLORIDA

ALL DRAWINGS AND WRITTEN MATERIAL
HEREIN CONSTITUTE ORIGINAL AND UN-
PUBLISHED WORK OF THE ARCHITECT
AND MAY NOT BE REPRODUCED IN ANY
PART WITHOUT THE WRITTEN CONSENT
OF THE ARCHITECT.

ISSUE DATE :

REVISIONS:

DRAWN BY : RM

CHECKED BY : BS

PROJECT NO. 2304

DATE : 6/30/23

SHEET TITLE :

EXTERIOR
ELEVATIONS
BUILDING B

SHEET NO. :

A-202

©2023 SMP ARCHITECTURE



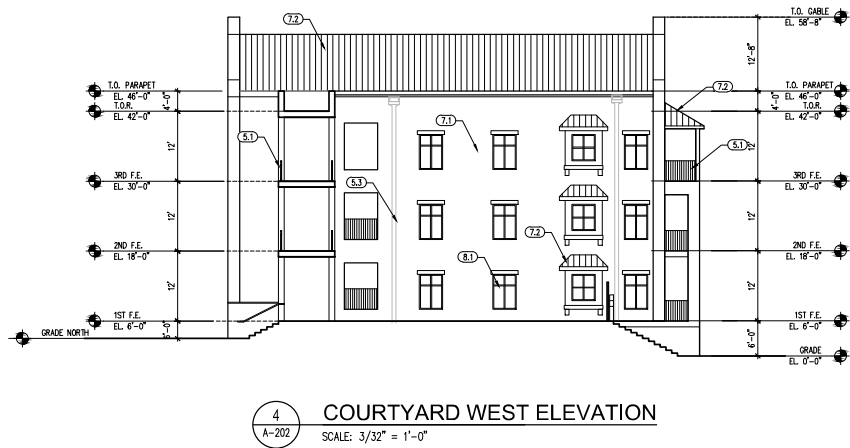
1 WEST ELEVATION
SCALE: 3/32" = 1'-0"



2 AUTOCOURT EAST ELEVATION
SCALE: 3/32" = 1'-0"



3 COURTYARD EAST ELEVATION
SCALE: 3/32" = 1'-0"



4 COURTYARD WEST ELEVATION
SCALE: 3/32" = 1'-0"

ELEVATION KEY NOTES:

- 5.1 ALUMINUM GUARDRAIL
- 5.2 ALUMINUM FENCE AND GATE
- 5.3 ALUMINUM DOWNSPOUT
- 7.1 STUCCO SYSTEM
- 7.2 ALUMINUM STANDING SEAM METAL ROOFING
- 7.3 ALUMINUM PARAPET COPING
- 8.1 SCHEDULED ALUMINUM WINDOW / DOOR (TYP.) REFER TO WINDOW SCHEDULE & FLOOR PLANS.

HAWKSHAW
CONDOMINIUMS

BUILDING C

54 S. 9TH AVENUE
PENSACOLA, FLORIDA

ALL DRAWINGS AND WRITTEN MATERIAL
HEREIN CONSTITUTE ORIGINAL AND UN-
PUBLISHED WORK OF THE ARCHITECT
AND MAY NOT BE REPRODUCED IN ANY
PART WITHOUT THE WRITTEN CONSENT
OF THE ARCHITECT.

ISSUE DATE :

REVISIONS:

DRAWN BY : RM

CHECKED BY : BS

PROJECT NO. 2304

DATE : 6/30/23

SHEET TITLE :

EXTERIOR
ELEVATIONS
BUILDING C

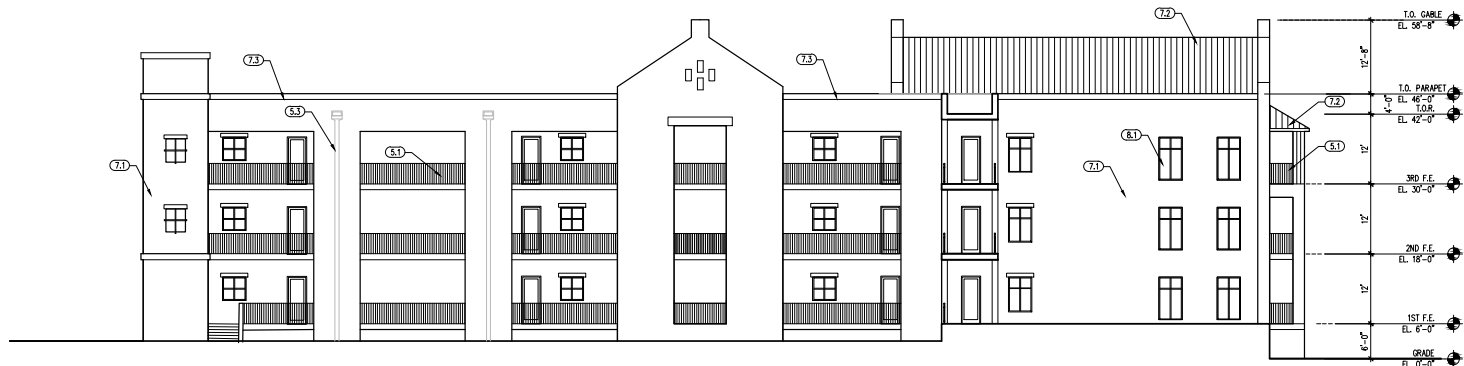
SHEET NO. :

A-202

©2023 SMP ARCHITECTURE



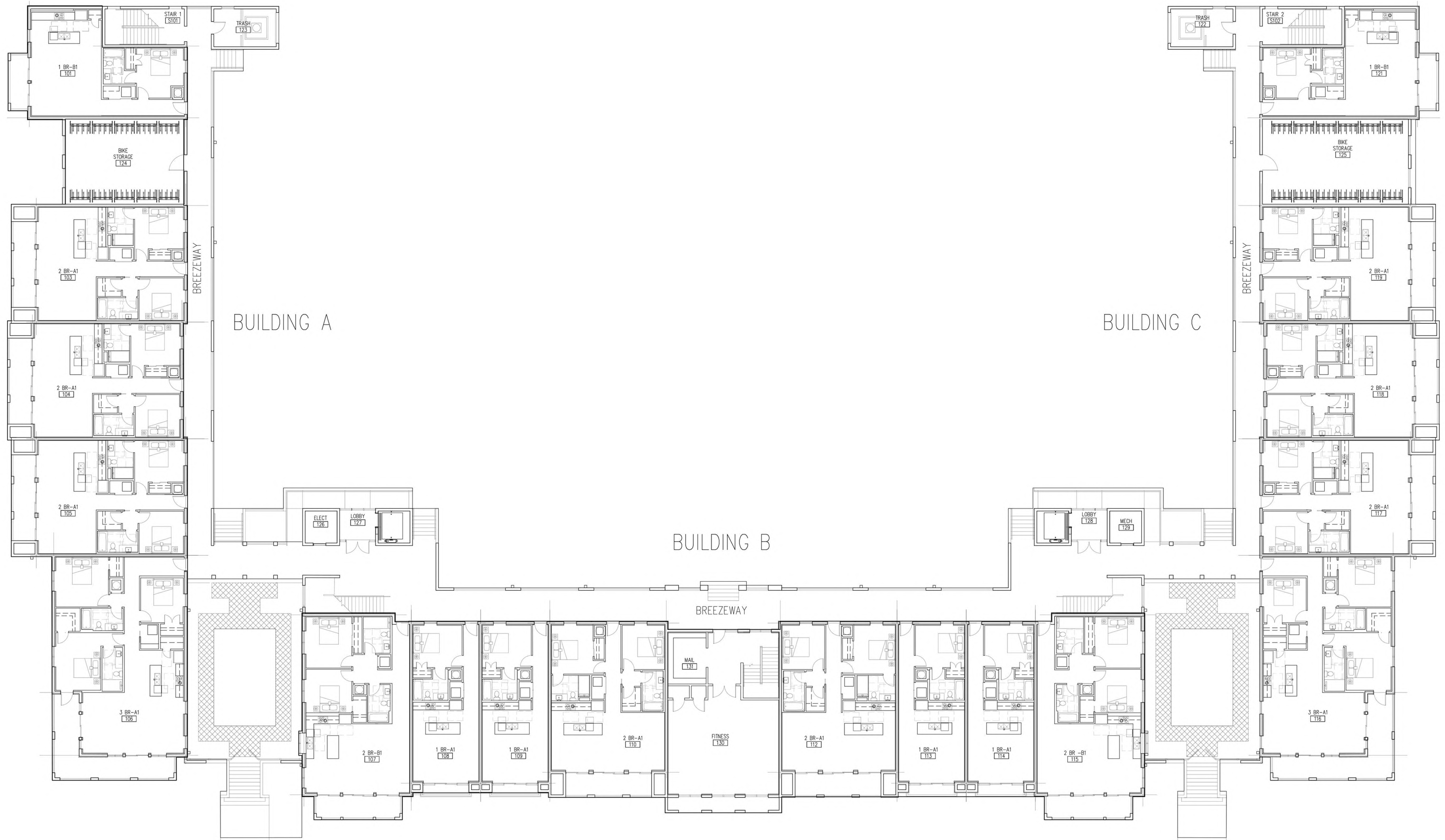
1
A-202
EAST ELEVATION
SCALE: 3/32" = 1'-0"



2
A-202
AUTOCOURT WEST ELEVATION
SCALE: 3/32" = 1'-0"

ELEVATION KEY NOTES:

- 5.1 ALUMINUM GUARDRAIL
- 5.2 ALUMINUM FENCE AND GATE
- 5.3 ALUMINUM DOWNSPOUT
- 7.1 STUCCO SYSTEM
- 7.2 ALUMINUM STANDING SEAM METAL ROOFING
- 7.3 ALUMINUM PARAPET COPING
- 8.1 SCHEDULED ALUMINUM WINDOW / DOOR (TYP.) REFER TO WINDOW SCHEDULE & FLOOR PLANS.



FIRST FLOOR PLAN



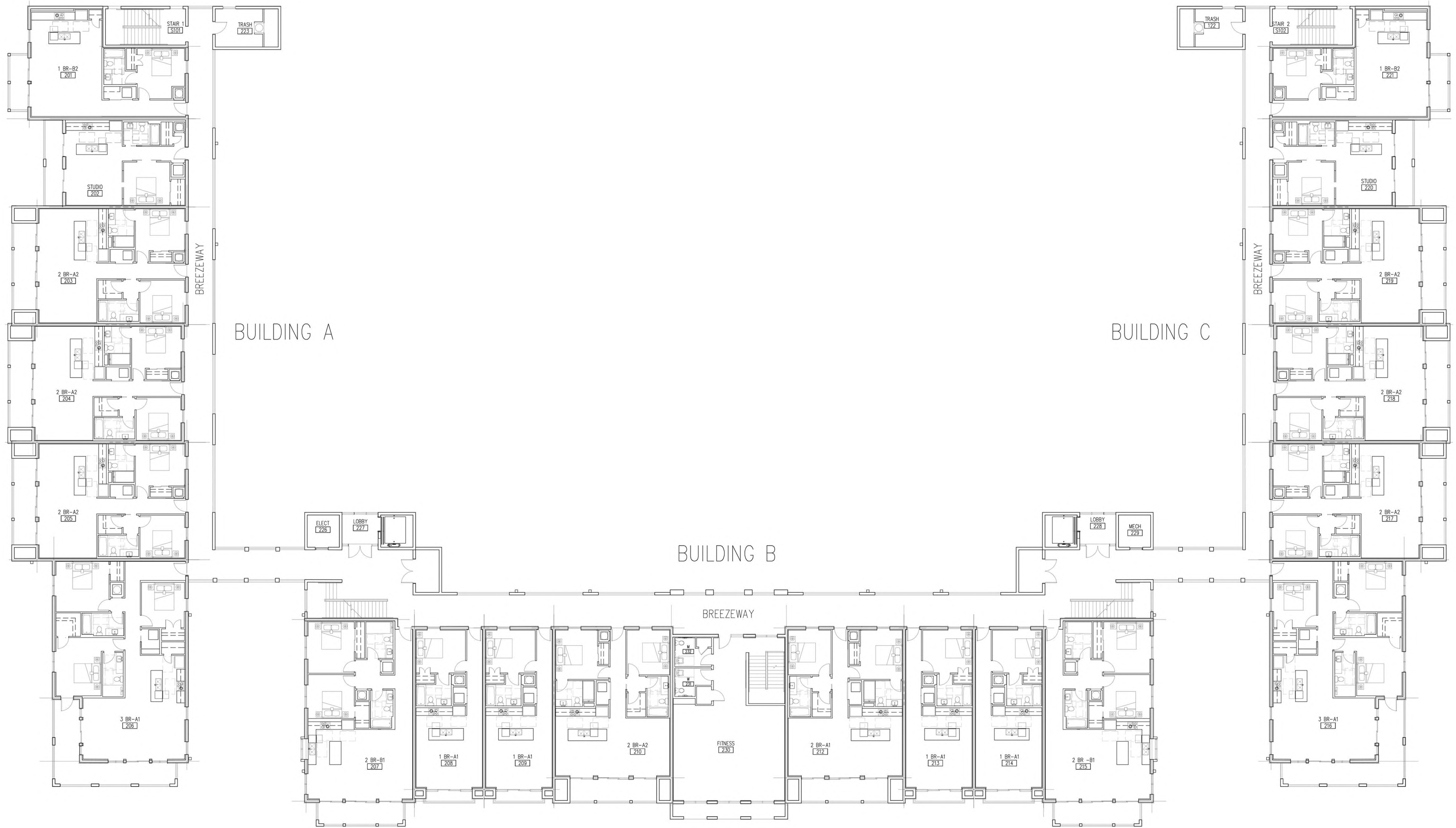
HAWKSHAW CONDOMINIUMS

FIRST FLOOR PLAN

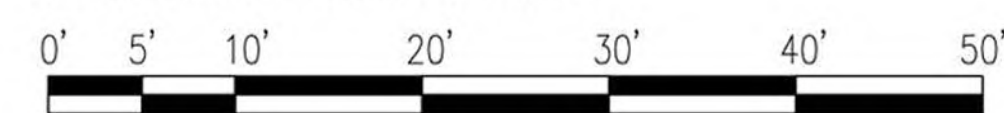
07.25.2023



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architecture



SECOND FLOOR PLAN

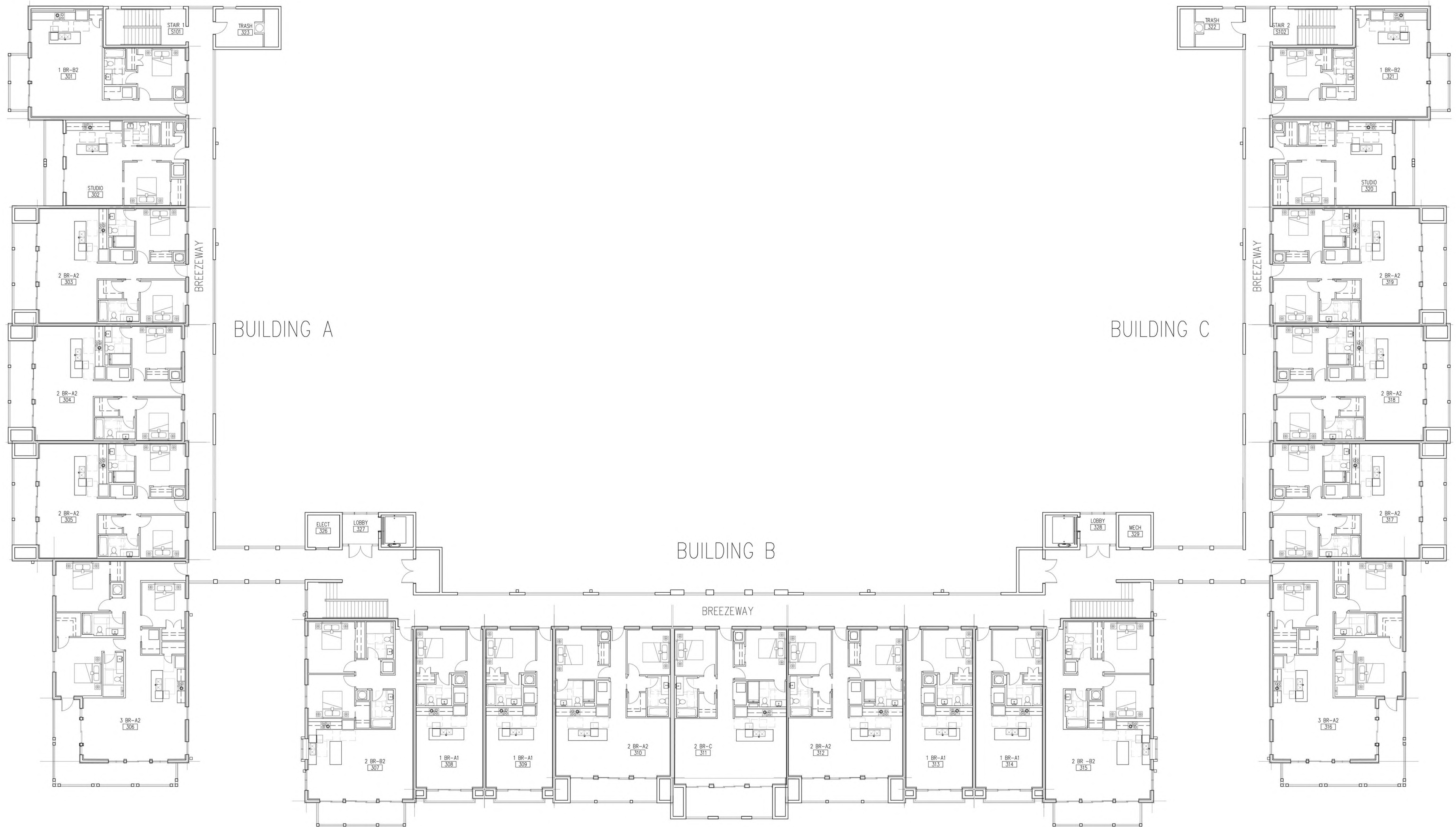


HAWKSHAW CONDOMINIUMS

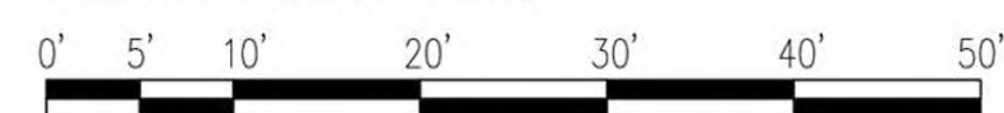
SECOND FLOOR PLAN

07.25.2023





THIRD FLOOR PLAN



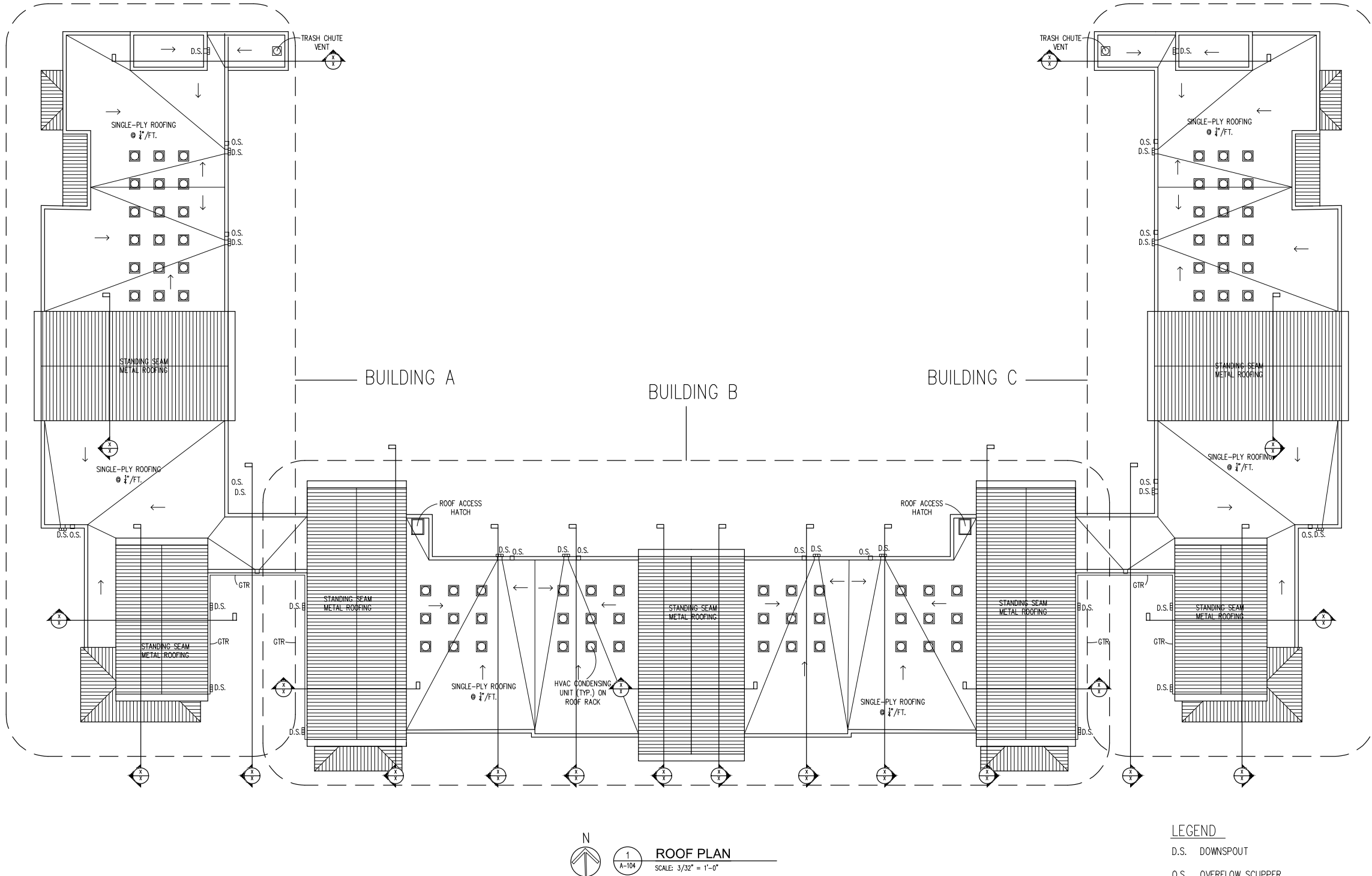
HAWKSHAW CONDOMINIUMS

THIRD FLOOR PLAN

07.25.2023



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architecture



N
1
A-104
ROOF PLAN
SCALE: 3/32" = 1'-0"

- LEGEND**
D.S. DOWNSPOUT
O.S. OVERFLOW SCUPPER
GTR GUTTER

SITE CIVIL PLANS FOR

Hawkshaw

A PROPOSED RESIDENTIAL DEVELOPMENT
SECTION 00, TOWNSHIP 0 SOUTH, RANGE 00 WEST
ESCAMBIA COUNTY - PENSACOLA, FLORIDA

JULY 2023

LEGAL DESCRIPTION:

(AS PREPARED BY UNDERSIGNED AT CLIENTS REQUEST)
ALL OF BLOCKS 5, NEW CITY TRACT, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOS. C. WATSON IN 1906.

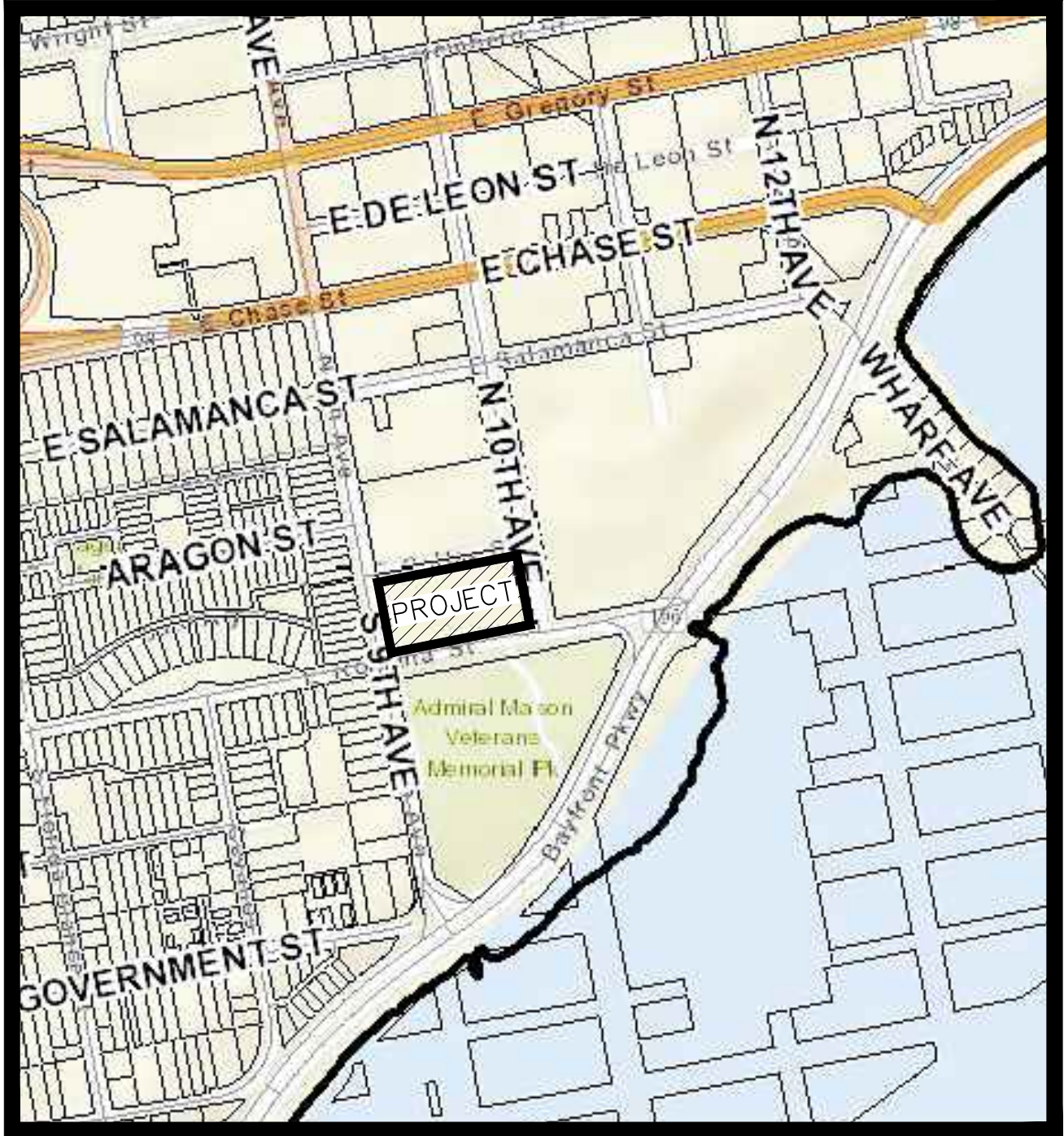
AND

SOUTH 1/2 OF COLFAX ST. WHICH ABUTS TO THE NORTH AND THE WEST 39 FEET OF 10th AVENUE WHICH ABUTS TO THE EAST.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGIN AT THE SOUTHWEST CORNER OF BLOCK 5, NEW CITY TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906;
THENCE GO NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF SAID BLOCK 5 A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 5;
THENCE CONTINUE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 33.50 FEET TO THE CENTERLINE OF COLFAX STREET (67' R/W). (VACATED);
THENCE GO SOUTH 89 DEGREES 59 MINUTES 28 SECONDS EAST ALONG SAID CENTERLINE A DISTANCE OF 390.29 FEET TO THE INTERSECTION OF SAID CENTERLINE AND THE WEST RIGHT-OF-WAY LINE OF 10th AVENUE (R/W WIDTH VARIES);
THENCE CONTINUE SOUTH 89 DEGREES 59 MINUTES 28 SECONDS EAST A DISTANCE OF 39.00 FEET;
THENCE GO SOUTH 00 DEGREES 02 MINUTES 11 SECONDS WEST A DISTANCE OF 233.42 FEET TO AN EASTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF ROMANA STREET;
THENCE GO SOUTH 89 DEGREES 59 MINUTES 53 SECONDS WEST ALONG THE EASTERLY EXTENSION OF SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 39.00 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 5;
THENCE CONTINUE SOUTH 89 DEGREES 59 MINUTES 53 SECONDS WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF ROMANA STREET, AND THE SOUTH LINE OF BLOCK 5, A DISTANCE OF 390.14 FEET TO THE POINT OF BEGINNING.

GENERAL NOTES:

- BOUNDARY SURVEY AND DESCRIPTION IS SUPPLIED BY OWNER.
- UNDERGROUND UTILITIES SHOWN PER INFORMATION FURNISHED BY THE RESPECTIVE UTILITY SUPPLIER. CONTRACTOR IS TO CONTACT SUNSHINE UTILITY LOCATION SERVICE AT 1-800-432-4770, 48 HOURS BEFORE WORKING IN OR NEAR THE RIGHT OF WAY.
- ALL DISTURBED AREAS ARE TO BE STABILIZED WITH SEED AND MULCH, SOD OR HYDROSEED. ALL OF WHICH ARE TO BE FERTILIZED AND WATERED AS REQUIRED.
- SILT FENCES AND/OR BALED HAY BARRIERS SHALL BE UTILIZED TO OBTAIN EROSION AND SEDIMENTATION CONTROL DURING ALL PHASES OF THE PROJECT. (INSTALL EROSION PROTECTION PRIOR TO CONSTRUCTION).
- CONTRACTOR SHALL MAINTAIN RECORD DRAWINGS DURING CONSTRUCTION WHICH SHOW ASBUILT CONDITIONS OF ALL WORK INCLUDING PIPING, DRAINAGE STRUCTURES, TOPO OF POND, OUTLET STRUCTURES, DIMENSIONS, ETC. THESE RECORD DRAWINGS ARE TO BE PROVIDED TO THE PROJECT ENGINEER PRIOR TO REQUESTING FINAL INSPECTION.
- USE LICENSED TREE SURGEON TO REMOVE ANY LIMBS OR ROOTS FROM EXISTING TREES.
- HANDICAP PARKING SIGNS SHALL CONFORM WITH FDOT DESIGN STANDARDS (FDOT MANUAL, INDEX#17355 SHEET 30F8 FTP-25 SIGN).
- CONTRACTOR IS TO CLEANOUT ACCUMULATED SILT IN INLETS AND PIPES AT END OF CONSTRUCTION WHEN ALL DISTURBED AREAS HAVE BEEN STABILIZED.
- CONTRACTOR SHALL ARRANGE/SCHEDULE WITH THE CITY ENGINEER AN INSPECTION OF THE EROSION AND SEDIMENT CONTROL DEVICES PRIOR TO CONSTRUCTION, AND THE FINAL INSPECTION OF THE DEVELOPMENT UPON COMPLETION.
- ANY DEVIATIONS FROM THE APPROVED PLANS WILL REQUIRE PRIOR APPROVAL FROM BOTH THE PROJECT ENGINEER AND THE CITY OF PENSACOLA CITY ENGINEER.
- THE GENERAL CONTRACTOR IS REQUIRED TO FILE NPDES PHASE II PERMIT FOR THE PROJECT. NO WORK MAY COMMENCE ON THE PROJECT UNTIL THE NOTICE OF INTENT HAS BEEN PROPERLY SUBMITTED.
- THE LOCATION SHOWN FOR EXISTING UNDERGROUND UTILITIES IS APPROXIMATE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK IN EACH AREA. THE CONTRACTOR AGREES TO BE COMPLETELY RESPONSIBLE FOR ALL DAMAGES WHICH MIGHT OCCUR BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ALL UTILITIES.
- NO SITE WORK ACTIVITIES SHALL TAKE PLACE WITHOUT CITY SITE REVIEW/APPROVAL OF PROPOSED EROSION CONTROL MEASURES AND ADVANCED NOTIFICATION OF THE REQUESTED INSPECTION IS REQUIRED.
- ALL CURB AND GUTTER, SIDEWALKS, AND HANDICAP RAMPS SHALL BE A MINIMUM OF 3000 PSI CONCRETE AT 28 DAYS WITH FIBERMESH.
- SHOULD OFF-SITE TRACKING OF DIRT AND SEDIMENT OCCUR, A ROCK CONSTRUCTION ENTRANCE WILL BE REQUIRED.
- ALL PAVEMENT MARKINGS/STRIPING THAT PROVIDES IMMEDIATE ACCESS TO THE PUBLIC R/W (STOP BARS, CROSS WALKS, ETC...) SHALL BE THERMOPLASTIC.



VICINITY SKETCH

PROJECT INFORMATION	
PROPERTY REFERENCE #	00-05-00-9025-001-005
ZONE	GRD
FLU	R
OWNER/DEVELOPER	HAWKSHAW DEVELOPMENT GROUP LLC 657 E. ROMANA STREET PENSACOLA, FL 32502
SITE ADDRESS	50 S. 9TH AVENUE

OWNER AND DEVELOPER

HAWKSHAW DEVELOPMENT GROUP LLC
657 E. ROMANA STREET
PENSACOLA, FL 32502

ENGINEER OF RECORD

DAVID W. FITZPATRICK, P.E., P.A.
PROFESSIONAL ENGINEER
10250 NORTH PALAFOX STREET
PENSACOLA, FLORIDA 32534
(850) 476-8677

SURVEYOR

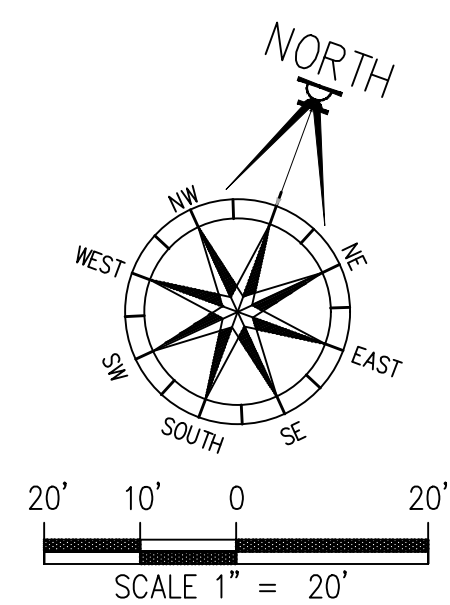
PITTMAN GLAZE & ASSOCIATES INC.
5700 N. DAVIS HWY #3
PENSACOLA, FL 32503
(850) 434-6666

SHEET INDEX

- C1 COVER
- C2 EXISTING CONDITIONS/DEMOLITION PLAN
- C3 SITE PLAN
- C4 UTILITY PLAN
- C5 DRAINAGE PLAN
- C6 GRADING PLAN
- C7 LANDSCAPE PLAN
- C8 SWPPP
- C9 SWPPP

PERMIT SET

NOT RELEASED FOR CONSTRUCTION



HAWKSHAW

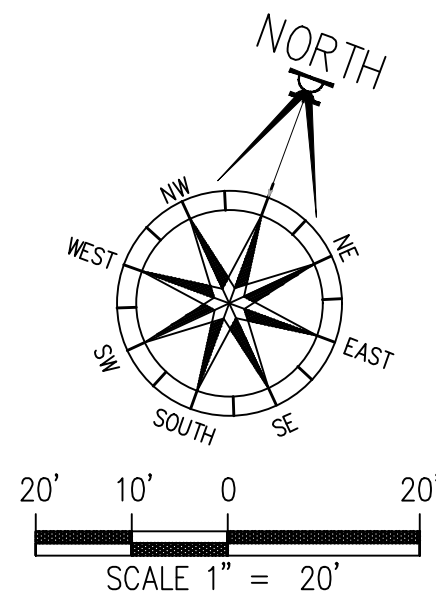
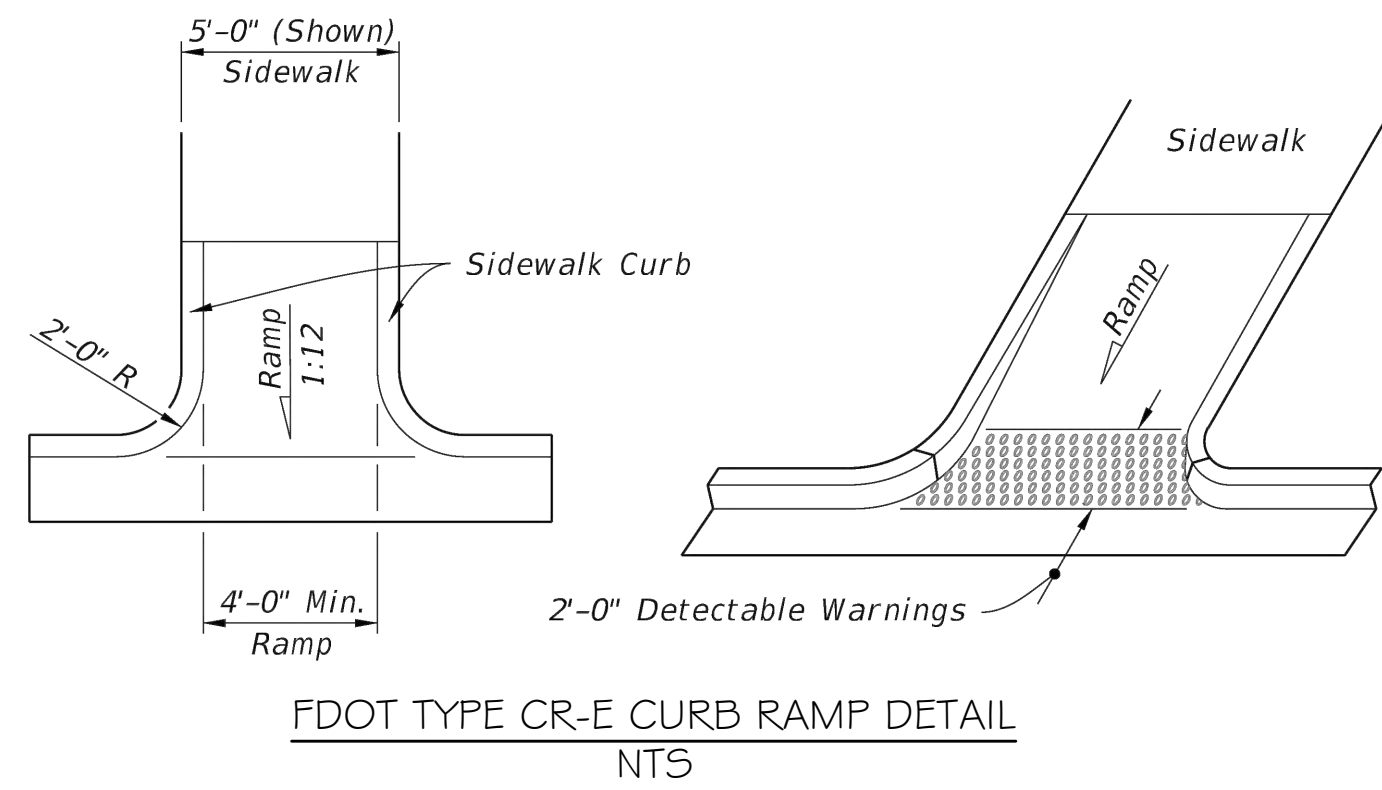
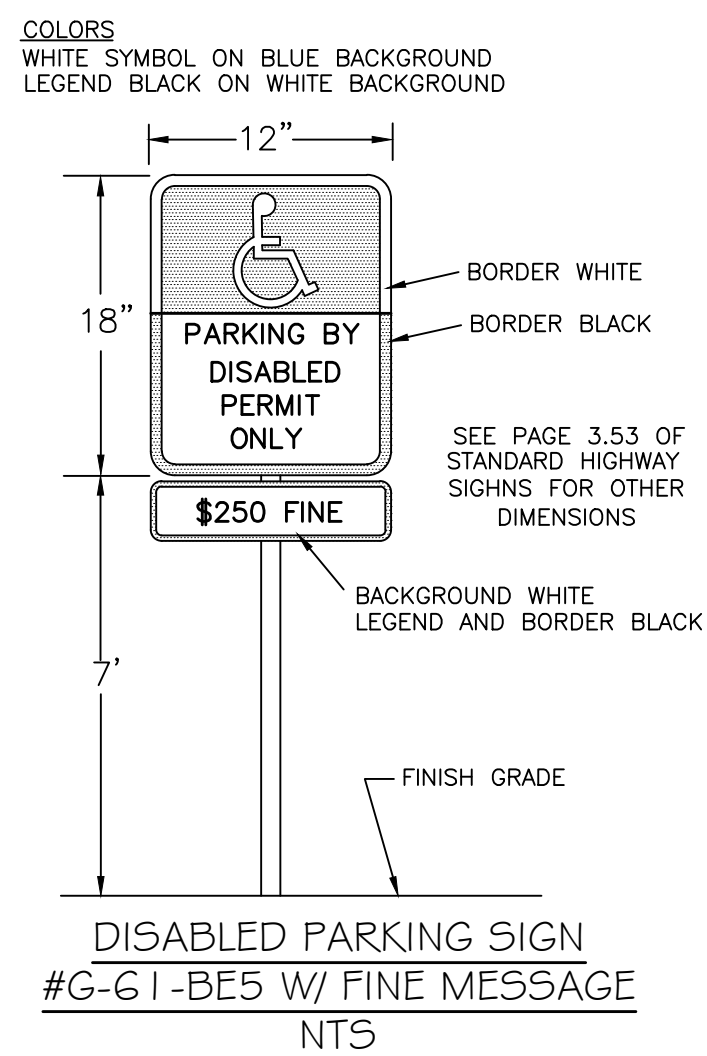
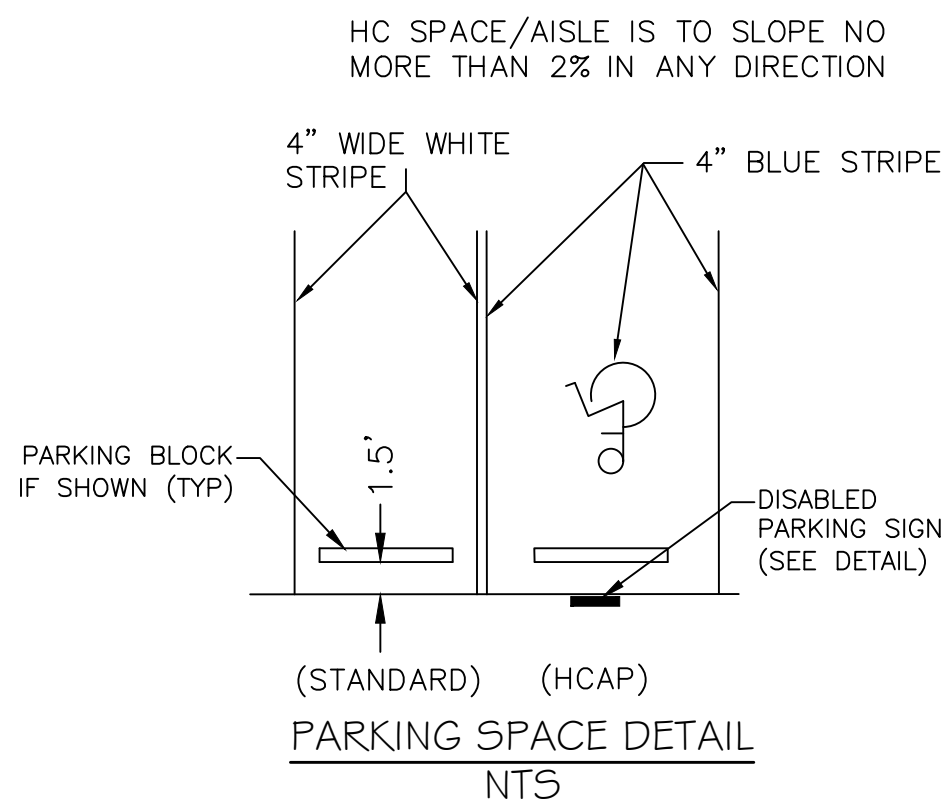
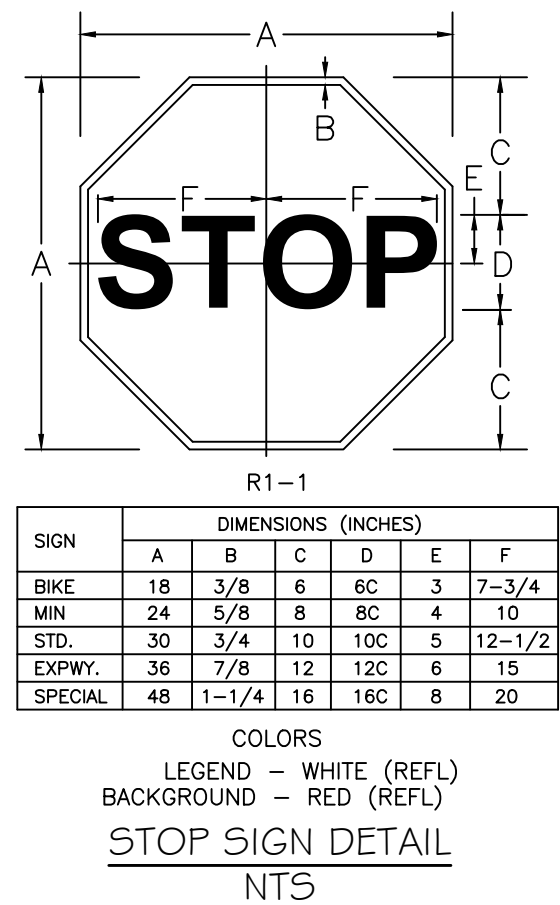
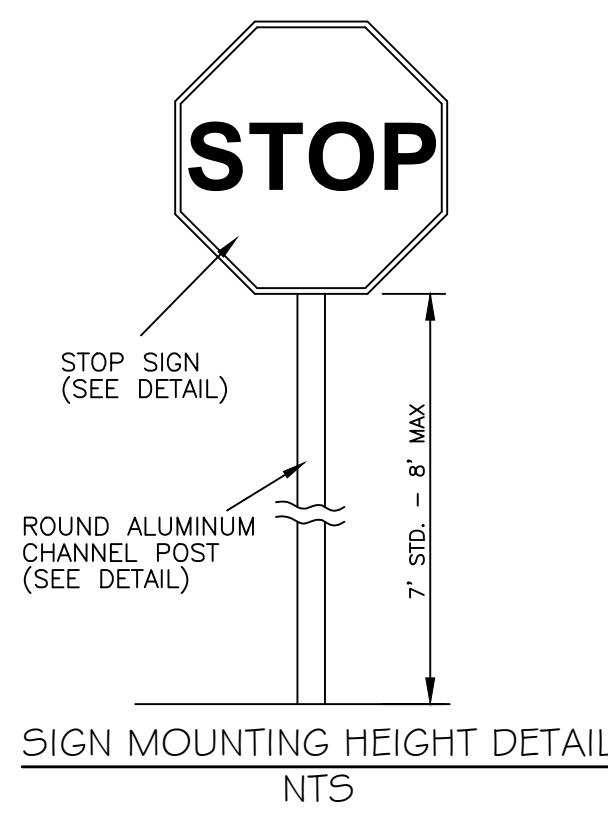
EXISTING CONDITIONS / DEMOLITION PLAN

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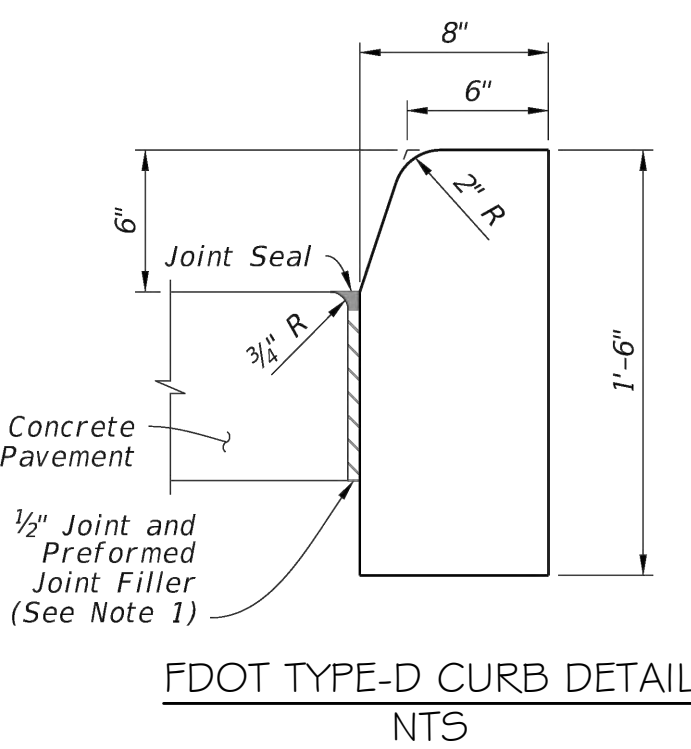
DRAWN BY: A. BURKETT
DESIGNED BY: D. FITZPATRICK
SIGNATURE & SEAL

DATE:	
PROJECT NUMBER	18-061
PLOT DATE	7/31/23
SHEET	C2 OF C9

PERMIT SET
NOT RELEASED FOR CONSTRUCTION



PARKING CALCULATION:
RESIDENTIAL MULTI-FAMILY
1 SPACE / UNIT REQUIRED
58 UNITS => 58 REQUIRED PARKING SPACES
92 PARKING SPACES HAVE BEEN PROVIDED.



S. 9th AVENUE
(70' RIGHT-OF-WAY)

S. 10th AVENUE
(R/W WIDTH VARIES)

E. ROMANA STREET
(80' RIGHT-OF-WAY)

DAVID W. FITZPATRICK

PROFESSIONAL ENGINEER, P.A.
BOARD OF PROFESSIONAL ENGINEERS
COMPANY LICENSE# 3539
10250 NORTH PALFOX STREET
PENSACOLA, FL 32334
PH: (850)476-8677 FAX: (850)476-7708

HAWKSHAW

SITE PLAN

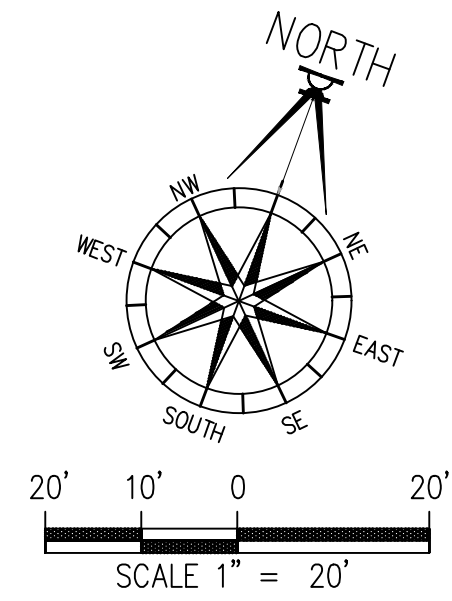
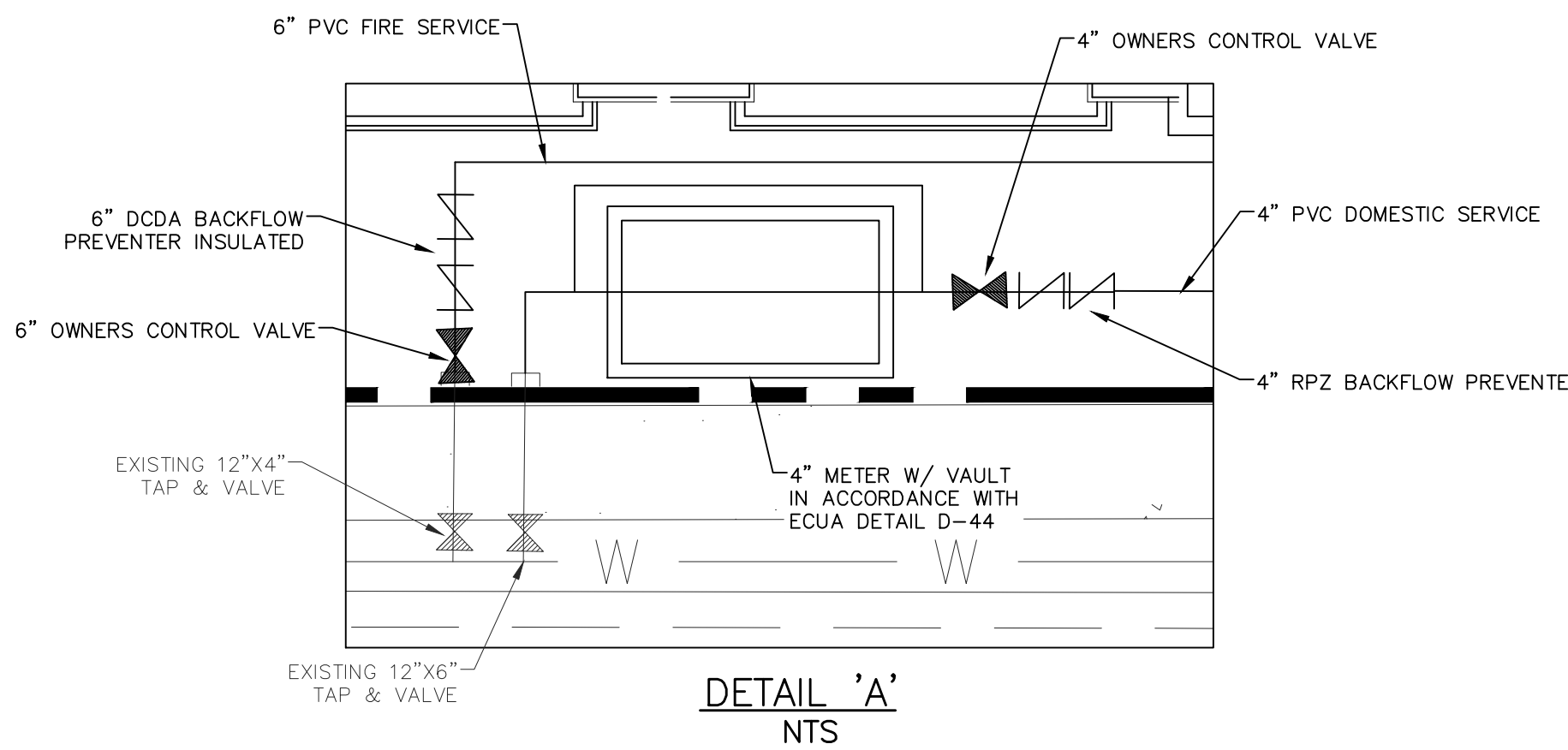
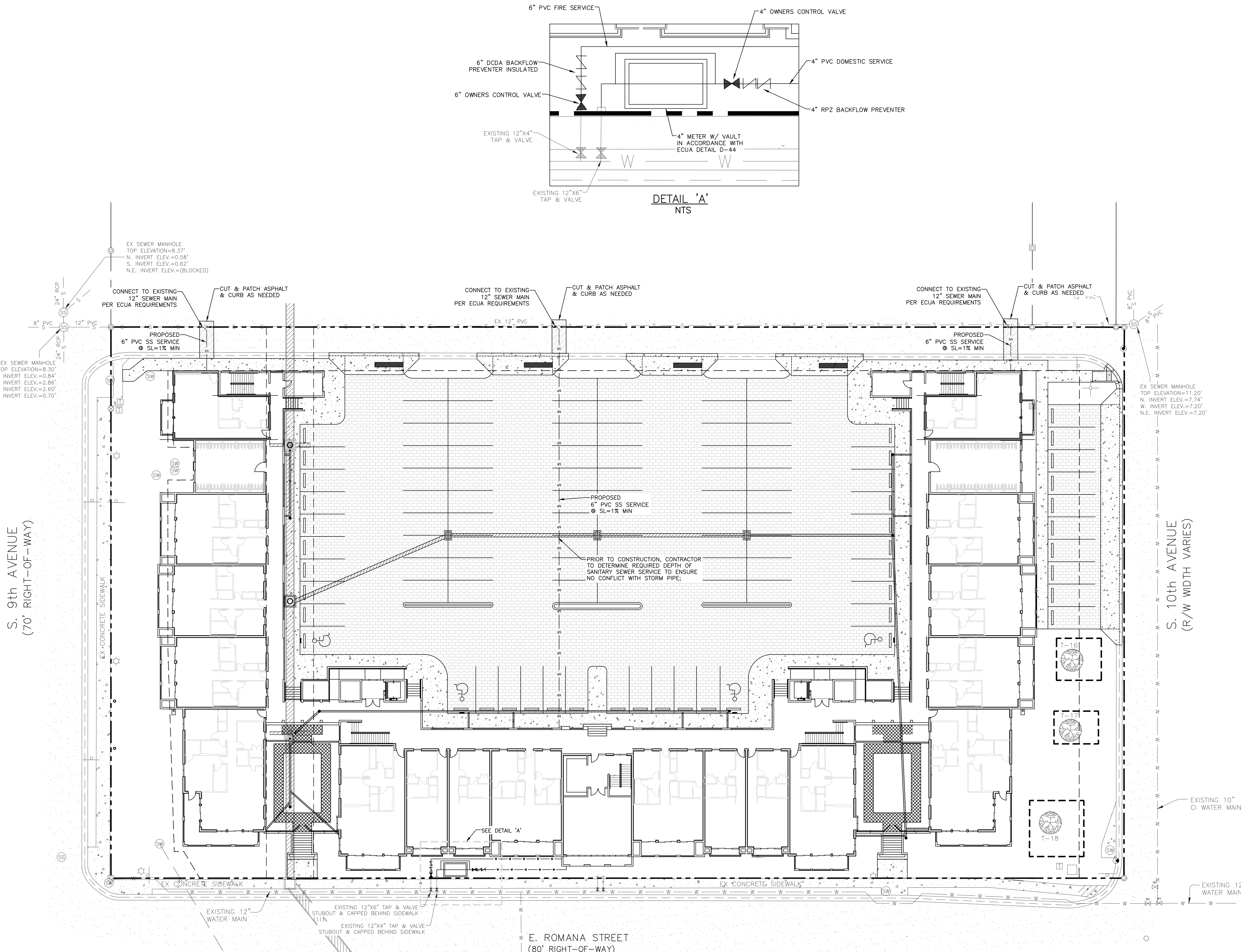
DATE	
REVISION	
NUMBER	

DRAWN BY:
A. BURKETT
DESIGNED BY:
D. FITZPATRICK

SIGNATURE & SEAL

DATE:
PROJECT NUMBER 18-061
PLOT DATE 7/31/23
SHEET C3 OF C9

PERMIT SET
NOT RELEASED FOR CONSTRUCTION



DAVID W. FITZPATRICK
PROFESSIONAL ENGINEER, P.A.
BOARD OF PROFESSIONAL ENGINEERS
COMPANY LICENSE# 3539
10250 NORTH PALFOX STREET
PENSACOLA, FL 32534
PH: (850)476-8677 FAX: (850)476-7708

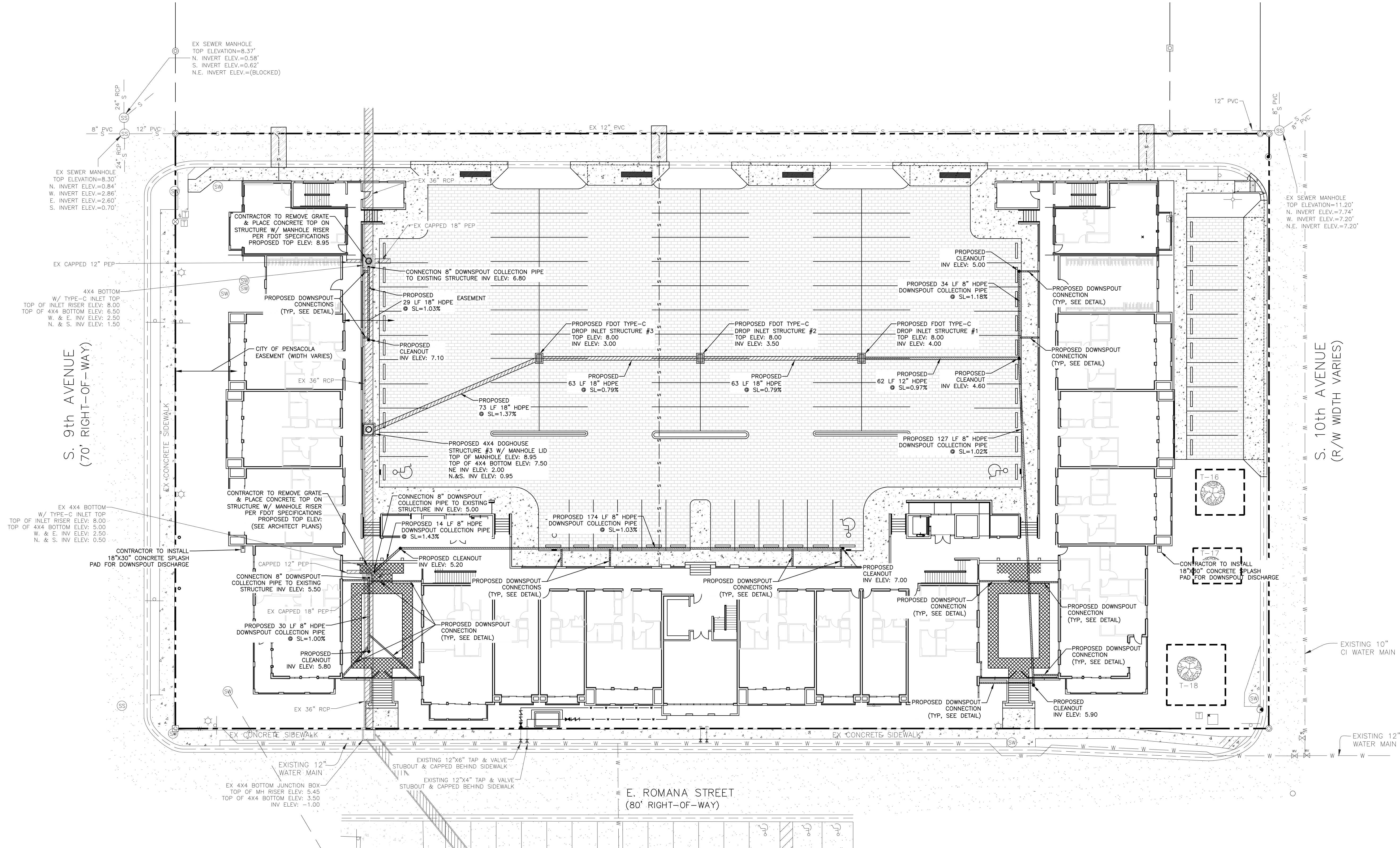
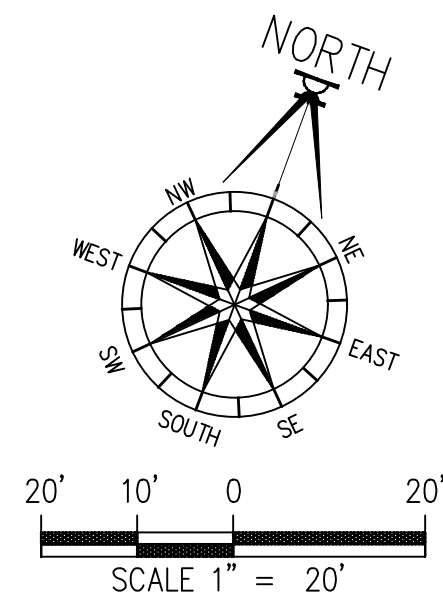
HAWKSHAW
UTILITY PLAN

NUMBER	REVISION	DATE

DRAWN BY:
A. BURKETT
DESIGNED BY:
D. FITZPATRICK
SIGNATURE & SEAL

DATE:
PROJECT NUMBER 18-061
PLOT DATE 7/31/23
SHEET C4 OF C9

PERMIT SET
NOT RELEASED FOR CONSTRUCTION



PERMIT SET
NOT RELEASED FOR CONSTRUCTION

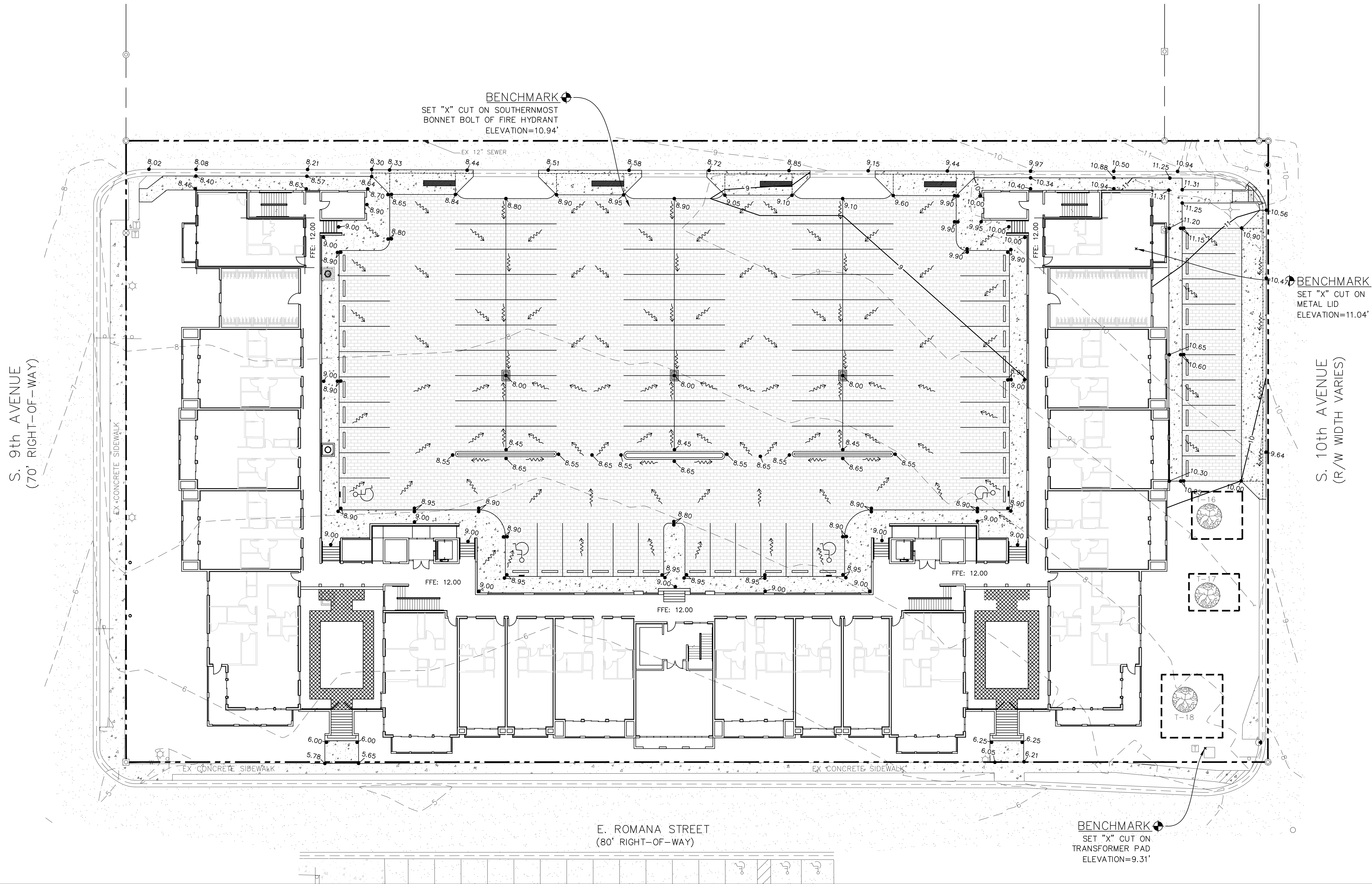
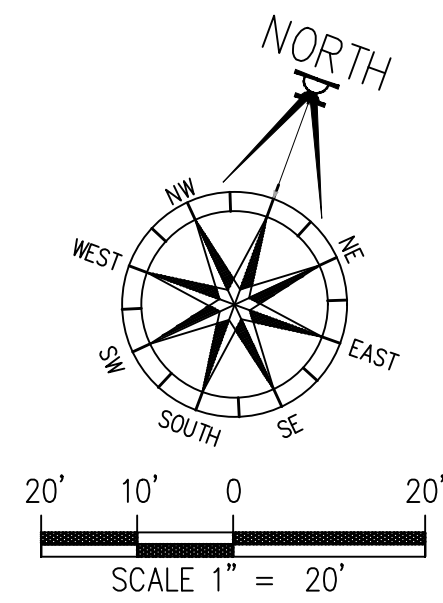
DAVID W. FITZPATRICK
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HAWKSHAW
DRAINAGE PLAN

NUMBER	REVISION	DATE

DRAWN BY:
A. BURKETT
DESIGNED BY:
D. FITZPATRICK
SIGNATURE & SEAL

DATE:
PROJECT NUMBER 18-061
PLOT DATE 7/31/23
SHEET C5 OF C9



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HAWKSHAW
GRADING PLAN

DATE:	
REVISION:	
NUMBER:	
DRAWN BY: A. BURKETT	
DESIGNED BY: D. FITZPATRICK	
SIGNATURE & SEAL	
DATE:	
PROJECT NUMBER	18-061
PLOT DATE	7/31/23
SHEET	C6 OF C9

PERMIT SET
NOT RELEASED FOR CONSTRUCTION



TREE RETENTION CALCULATION:
RETENTION CREDIT AS PER 12-6-6(B)(1)(a) OF LDC
TOTAL DIAMETER INCHES OF PROTECTED TREES
ON SITE: 405"
10% OF TOTAL: 40.5' (REQUIRED RETENTION)
TREE DIAMETER INCHES RETAINED: 97"
97" > 40.5' => NO MITIGATION TREES REQUIRED

THE SITE HAS 877' OF ROAD FRONTAGE ON THE EAST, SOUTH, AND WEST SIDES.

877'/35' = 25.1; THEREFORE 26 TREES ARE
REQUIRED TO BE PRESERVED OR PLANTED
ALONG THE PERIMETER LANDSCAPE STRIP.

SURFACE PARKING LANDSCAPING:

REFER TO ARCHITECTURAL SITE PLAN FOR
PLANTING LOCATIONS OF (12) CANOPY
TREES WITHIN SURFACE PARKING AREA.

Species Type B (Medium, 6" + diameter trunk)

- Species Type B (Medium, 6" + diameter trunk)
1. American Holly (*Ilex opaca*)
 2. Dahoon Holly (*Ilex cassine*)
 3. Southern Magnolia (*Magnolia grandiflora*) **
 4. Eastern Red Cedar (*Juniperus virginiana*) **
 5. Southern Red Cedar (*Juniperus silicicola*) **
 6. White Cedar (*Chamaecyparis thyoides*)
 7. River Birch (*Betula nigra*)
 8. Long Leaf Pine (*Pinus palustris*)

Species Type C (Large, 8" + diameter trunk)

1. Live Oak (*Quercus virginiana*)**
2. Laurel Oak (*Quercus laurifolia*)**
3. Sweet Gum (*Liquidambar styraciflua*)**
4. Sycamore (*Platanus occidentalis*)**
5. Pecan (*Carya illinoensis*)**
6. Red Maple (*Acer rubrum*)**
7. Hickory (*Carya* spp.)**
8. White Oak (*Quercus alba*)**
9. Southern Red Oak (*Quercus falcata*)
10. Florida Sugar Maple (*Acer barbatum*)
11. Black Tupelo (*Nyssa sylvatica*)
12. Silver Maple (*Acer saccharinum*)

*When measuring a tree to determine if it meets the trunk diameter criteria, it shall be measured at diameter breast height (DBH), which is the diameter of the tree at 4½ feet (54 inches) above ground. The scientific name controls for compliance purposes. Common names are furnished for reference purposes only.

****Shade trees.**

TREE REMOVAL SIGNAGE

A SIGN SHALL BE POSTED NO FURTHER BACK THAN FOUR FEET FROM THE PROPERTY LINE NEAREST EACH RESPECTIVE ROADWAY ADJACENT TO THE PROPERTY. ONE SIGN SHALL BE POSTED FOR EVERY 100 FEET OF ROADWAY FRONTAGE. EACH SIGN SHALL BE 18 INCHES WIDE BY 36 INCHES TALL. THE TOP LINE SHALL BE 36 INCHES FROM THE TOP LINE SHALL STATE: "TREE REMOVAL PERMIT APPLIED FOR". THE BOTTOM LINE SHALL STATE: "FOR FURTHER INFORMATION CONTACT THE CITY OF PENSACOLA AT 311" OR OTHER NUMBER AS DESIGNATED BY THE MAJOR. THE TOP LINE SHALL BE IN LEGIBLE TYPE NO SMALLER THAN SIX INCHES IN HEIGHT. THE BOTTOM LINE SHALL BE IN LEGIBLE TYPE NO SMALLER THAN SIX INCHES IN HEIGHT. THERE SHALL BE A MARGIN OF AT LEAST THREE INCHES BETWEEN ALL LETTERING AND THE EDGE OF THE SIGN. THE SIGNS SHALL BE POSTED BY THE APPLICANT AT THEIR EXPENSE, AND SHALL REMAIN CONTINUOUSLY POSTED FOR TWO WEEKS PRIOR TO THE REQUISITE BUILDING, SITE WORK, OR TREE REMOVAL PERMIT IS ISSUED. THE CITY'S DESIGNATED OFFICIAL SHALL SIGN THE GUARANTEE. THE CITY'S DESIGNATED DISTRICT IN WHICH THE PERMIT HAS BEEN REQUESTED UPON RECEIPT OF THE REQUEST.

LANDSCAPING NOTE

ALL UNPAVED AREAS ARE TO BE LANDSCAPED THROUGH PLANTINGS OR LEFT NATURAL IF UNDISTURBED. PLANTINGS MAY INCLUDE SHRUBS, TREES, LAWN GRASS, ETC. AS REQUIRED BY THE CITY OF PENSACOLA.

IRRIGATION NOTE

AN IRRIGATION PLAN IS TO BE SUBMITTED TO THE CITY
FOR APPROVAL PRIOR TO INITIATING CONSTRUCTION.

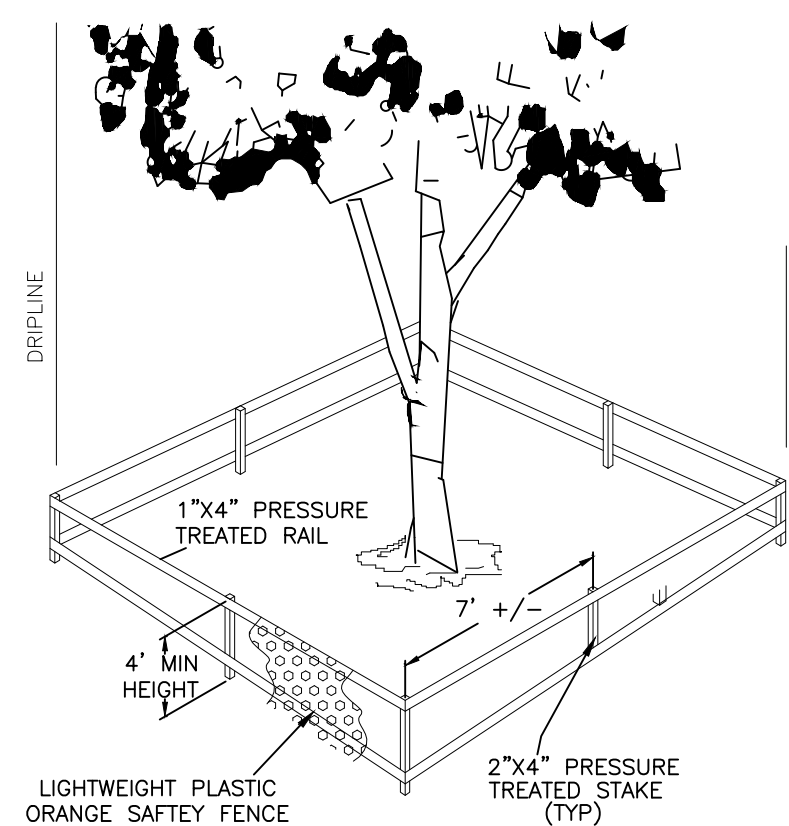
CERTIFICATION NOTE

THIS PLAN WAS PREPARED BY THE EOR THAT HAS READ AND FAMILIAR WITH CHAPTER 12-6 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PERTAINING TO TREE AND LANDSCAPE REGULATION.



TREE PROTECTION NOTES:

1. TREE ROOT PRUNING SHALL BE PERFORMED ON ROOTS OF IMPACTED TREES REMAINING ON SITE. ROOTS MUST BE PRUNED OR CUT CLEANLY WITH APPROPRIATE EQUIPMENT. (NOT TORN AS WITH USING A BACK HOE).
2. TREE BARRIERS SHALL BE ERRECTED PRIOR TO SITE DISTURBANCE AND ARE REMAIN UNTIL ALL SITE WORK HAS BEEN COMPLETED.
3. CONSTRUCTION TRAILERS, TRAFFIC AND STORAGE AREAS MUST REMAIN OUT OF TREES ROOT PROTECTION ZONE AT ALL TIMES. NO GRADING OR CLEARING BY HEAVY EQUIPMENT SHOULD HAPPEN UNDER THE DRILLPILE OF PROTECTED TREES TO REMAIN ON SITE.
4. TO PROTECT TREES STABILIZING ROOTS, TRENCING SHOULD BE NO CLOSER THAN 6 FEET FROM TRUNK OF THE TREE REMAINING ON SITE.



TREE BARRICADES SHOULD BE IN PLACE AROUND THE DRIPLINE OF THE PROTECTED TREES MARKED FOR PRESERVATION PRIOR TO ANY LAND DISTURBANCE CONSISTENT WITH THE DEVELOPMENT ORDER.

TREE BARRICADE

N.T.S.

[illegible]

DRAWN BY:

A. BURKETT

DESIGNED BY:
D. FITZPATRICK

SIGNATURE & SEAL

DATE: _____

PROJECT NUMBER 18-061

NUMBER	22
PLOT DATE	7/31/23

SHEET **C7** OF **C9**

PERMIT SET
NOT RELEASED FOR CONSTRUCTION

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HAWKSHAW

LANDSCAPE PLAN

STORM WATER POLLUTION PREVENTION PLAN

1.0 BACKGROUND & REQUIREMENTS:

1.1 Introduction:

The referenced support documentation for this Storm Water Pollution Prevention Plan (SWPPP) is the United States Environmental Protection Agency's (EPA) Storm Water Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices Summary Guidance (EPA 833-R-92-001) and Storm Water Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices (EPA 832-R-92-005). This SWPPP is designed to protect onsite and adjacent natural resources, including but not limited to, wetlands, marshes, bayous and bays, while preserving wildlife and archeological resources.

This project does not require the General Stormwater Permit specified by Rule 62-25.801, Florida Administrative Code (FAC) by the Florida Department of Environmental Protection (FDEP).

1.2 Notice of Intent (NOI):

Rule 62-621.300(4), FAC requires the construction operator of a site that disturbs one or more acres to obtain coverage from the Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres (CGP). The contractor is required to submit a Notice of Intent to Use Generic Permit for Stormwater Discharge from Construction Activities that Disturb One or More Acres (FDEP Form 62-621.300(4)(b)) along with the appropriate application fee to the following address 48 hours prior to commencing construction:

NPDES Stormwater Notices Center, MS # 2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

This form can be obtained from FDEP's website (www.dep.state.fl.us) or by contacting FDEP. Please note that the current application fee is \$150; however, this fee is subject to change without notice. Always refer to the most current version of Rule 62-4.050(4)(d), FAC to confirm the amount before submitting payment. If construction activity exceeds five years, the contractor must re-apply for coverage.

1.3 Stormwater Pollution Prevention Plan (SWPPP):

The contractor is required to certify this Stormwater Pollution Prevention Plan (SWPPP) below prior to submitting the NOI. This SWPPP is not required to be submitted with the NOI, but is required to be kept on site during all phases of construction. Because erosion and sediment controls and construction methods vary significantly from contractor to contractor, the contractor can propose alternative methods to this SWPPP that are equal or better at controlling erosion and sedimentation. At a minimum, the contractor must follow the erosion control plan specified in the construction plans and documents. Any modifications to this SWPPP must be documented and kept with the plan as part of the records keeping process to be in full compliance with the CGP.

1.4 Contractor's Certification:

I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with construction activity from the construction site identified as part of this certification.

Print & Sign Name	Company & Address
Name & Title (Print)	
Signature	Date
Responsibilities (General Contractor, Site Contractor, Subcontractor, Other):	

1.5 Notice of Termination (NOT):

The contractor is required to submit a Notice of Termination of Generic Permit Coverage (FDEP Form 62-621.300(6)) upon construction completion to discontinue permit coverage. The NOT is to be submitted to the following address:

NPDES Stormwater Notices Center, MS # 2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

This form can be obtained from FDEP's website (www.dep.state.fl.us) or by contacting FDEP. The NOT can not be submitted until all disturbed soils at the construction site have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time. Final stabilization means that all soil disturbing activities at the site have been completed and that a uniform perennial vegetative cover with a density of 70 percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent stabilization measures have been employed. If construction activity exceeds five years, the contractor must re-apply for coverage.

1.6 Application Information:

Project Address:	50 S. 9TH AVENUE PENSACOLA, FL 32502
Latitude:	N 30° 24' 49"
Longitude:	W 87° 12' 15"
Water Management District:	Northwest Florida (NWFWMD)
62-25 Permit No.:	TBD
MS4 Operator Name:	City of Pensacola PH# (850) 435-1755
Receiving Water Name:	Pensacola Bay

2.0 SITE DESCRIPTION:

2.1 Nature of Construction Activities:

This project consists of the construction of (3) residential buildings that make up 34,160± sq ft with asphalt pavement, concrete sidewalks, and stormwater management system.

2.2 Sequence of Major Soil Disturbing Activities:

The following sequence of major activities shall be followed unless the contractor can propose an alternative that is equal to or better at controlling erosion and sedimentation. The detailed sequence for the entire project can vary significantly from contractor to contractor. The contractor is responsible for documenting any changes.

This project shall consist of the construction of storm sewers by the City of Pensacola or its contractor within public rights of way. The construction should proceed in the following manner:

1. Installation of all sediment and erosion control devices that can be placed prior to any major soil disturbances.
2. Clear and remove all existing vegetation in those areas where necessary. All remaining vegetation shall be properly protected and to remain in its natural state.
3. Immediate installation of all remaining sediment and erosion control devices.
4. Initiate construction of improvements.
5. Upon completion of construction activities, provide restoration, fine grade remainder of site, and stabilize with temporary seeding.
6. Removal of appropriate temporary sediment and erosion control devices.

2.3 Area Estimates:

Buildings: 0.78 Ac.
Pavement: 1.15 Ac.
Gravel: 0.00 Ac.
Ponds: 0.00 Ac.
Total Area: 2.30 Ac

2.4 Runoff Data:

DISCHARGE	POST (CFS)
1 hour - 100 year storm	8.28
2 hour - 100 year storm	11.04
4 hour - 100 year storm	13.62
8 hour - 100 year storm	17.39
24 hour - 100 year storm	24.75

Soils Data:

Soil 32 - Troup Sand, 0-5% Slopes

2.5 Site Map:

The construction plans are to be used as the site maps. The location of the required information is described below. All the items discussed below can be found on the noted plan sheet.

- Drainage Patterns: No change in the existing drainage pattern shall occur as a result of this project's construction. (SHEET C6)
- Approximate Slopes: Existing slopes range from 0-2%. Onsite grades will be modified to improve the functionality of the site and to direct stormwater into the proposed retention ponds for treatment. (SHEET C6)
- Areas of Soil Disturbance: The area of disturbance boundaries are shown on the plan sheets.
- Areas not to be Disturbed: Any areas not showing demolition work or permanent features are assumed not to be disturbed. It will be the contractor's responsibility to indicate on the plans any of these areas that do get disturbed as well as any areas used for staging and materials storage.
- Locations of Controls: as shown on sheet C2.

- Areas to be Stabilized: Permanent stabilization is shown on the plans. It will be the contractor's responsibility to indicate the location on the plans of all temporary stabilization practices used during construction. (SHEET C6)

- Surface Waters: N/A

- Discharge Points: The retention pond discharges to the an existing 36" storm pipe that runs through our project parcel that discharges into Admiral Mason Park to the south.

2.6 Receiving Waters:

Pensacola Bay is the receiving waters of the stormwater runoff from this project.

3.0 CONTROLS:

3.1 Erosion and Sediment Controls:

All erosion and sediment controls specified on these plans (limits of soil erosion and sedimentation control measures) shall be installed prior to any construction or demolition. Silt fencing and staked hay bales shall be installed along down-gradient limits to protect existing drainage structures and/or drainage systems from erosion and sedimentation.

Temporary seeding and mulching shall be applied after 14-day intervals of ceased disturbance activities that will exceed 20-day periods. Graded areas shall be stabilized with permanent seeding, mulching, and fertilizing, or sodding within five days of final grading. All grassing shall be accomplished between April 1st and August 1st. Landscaping, including sodding, shall be installed by an experienced Landscape Contractor. Proposed disturbed areas will not exceed 10 acres in any drainage area. See Sheet 3 for additional information.

3.2 Stormwater Management:

3.3 Other Controls:

Waste Disposal: The contractor is responsible for all waste disposal from the site. The contractor shall employ waste disposal practices that meet all local, state, and federal guidelines and prevent discharge of solid materials to waters of the United States. The Contractor is responsible for documenting this portion of the SWPPP.

Offsite Vehicle Tracking: If off site tracking of sediments by construction vehicles occurs, the contractor is required to install a Soil Tracking Prevention Device (STPD) as per FDOT Standard Index 106 at all exits to the site where sediment tracking is occurring. The Contractor is also responsible for documenting this portion of the SWPPP.

4.0 MAINTENANCE:

Controls shall be kept in full operating condition throughout all phases of construction until all disturbed areas are completely stabilized. Maintenance, repair records and repair requests shall be documented. Repairs and deficiencies shall be completed as soon as possible and within seven days after inspection. Any required changes that are not covered in the SWPPP shall also be made as soon as possible within seven days and documented.

5.0 INSPECTIONS:

Qualified personnel shall inspect the following items, but not limited to, at least once every seven calendar days and within 24 hours of the end of a storm that is 0.25 inches or greater. Where sites have been finally stabilized, inspections shall be conducted at least once every month.

- Points of discharge to waters of the United States.
- Points of discharge to municipal separate storm sewer systems.
- Disturbed areas of the site that have not been finally stabilized.
- Areas used for storage of materials that are exposed to precipitation.
- Structural controls.
- Stormwater management systems.
- Locations where vehicles enter or exit the site.

6.0 NON-STORMWATER DISCHARGES:

The Contractor shall be responsible for reporting any hazardous substance spills that may equal or exceed a Reportable Quantity (RQ). Refer to EPA's List of Hazardous Substances and Reportable Quantities (EPA 40 CFR 302.4 & 117). This list can be obtained from EPA's website (www.epa.gov) or by contacting EPA. If an RQ release does occur the Contractor shall perform the following procedures:

- Notify the National Response Center immediately at 800-424-8802.
- Provide written description of the release within 14 days providing dates, cause and prevention methods to the regional EPA office.
- Modify the SWPPP as necessary to address added prevention methods.

7.0 IMPLEMENTATION CHECKLIST:

7.1 Records:

The Contractor shall maintain records of construction activities including, but not limited to:

- Dates when major grading activities occur.
- Dates when construction activities temporarily cease on a portion of the site.
- Dates when construction activities permanently cease on a portion of the site.
- Dates when stabilization measures are initiated on the site.

7.2 Inspection Reports:

The Contractor shall prepare inspection reports summarizing the following, but not limited to:

- Name of inspector.
- Qualifications of inspector.
- Measures/areas inspected.
- Observed conditions.
- Changes necessary to the SWPPP.

7.3 Releases of Reportable Quantities of Oil or Hazardous Materials:

The Contractor shall report any releases of reportable quantities of oil or hazardous materials if they occur as per the measures outlined in Section 6.0 of the SWPPP.

7.4 SWPPP Modification:

The Contractor shall modify the SWPPP as necessary to:

- Comply with minimum permit requirements when notified by FDEP that the plan does not comply.
- Address any changes in design, construction operations or maintenance, which has an effect on the potential for discharge of pollutants.
- Prevent reoccurrence of reportable quantity releases of hazardous material or oil.

8.0 TERMINATION CHECKLIST:

The following items shall be complete before submitting the NOT:

- All soil disturbing activities are complete.
- Temporary erosion and sediment control measures have been removed or will be removed at an appropriate time.
- All areas of the construction site not otherwise covered by permanent pavement or structure have been stabilized with uniform perennial vegetative cover with a density of 70% or equivalent measures have been employed.

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HAWKSHAW

SWPPP

DATE									
NUMBER									

DRAWN BY: A. BURKETT	
DESIGNED BY: D. FITZPATRICK	
SIGNATURE & SEAL	
DATE:	
PROJECT NUMBER	18-061
PLOT DATE	7/31/23
SHEET	C8 OF C9

PERMIT SET
NOT RELEASED FOR CONSTRUCTION

Sec. 12-3-12. Redevelopment land use district.

The regulations in this section shall be applicable to the gateway and waterfront redevelopment zoning districts: GRD and WRD.

(1) *GRD, Gateway Redevelopment District.*

- a. *Purpose of district.* The gateway redevelopment district is established to promote the orderly redevelopment 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 each development proposal within the gateway district is intended to ensure that the scenic orientation and open space image of the Bayfront Parkway is maintained, the development character of the Chase-Gregory corridor is upgraded, and the boundary of the adjacent historic district is positively reinforced.
- b. *Uses permitted.*
 1. Single-family residential (attached or detached) at a maximum density of 17.4 units per acre. Multifamily residential at a maximum density of 100 dwelling units per acre.
 2. Home occupations, subject to regulations in section 12-3-13.
 3. Offices.
 4. Adult entertainment establishments subject to the requirements of chapter 7-3 when located within the dense business area as defined in chapter 12-13, Definitions.
 5. All commercial uses permitted in the C-2A zone, with no outside storage or repair work allowed, with the exception:
 - i. Mortuaries and funeral parlors.
 - ii. Appliance and repair shops.
 - iii. Public parking lots and parking garages.
 - iv. New car lots or used car lots.
 - v. Public utility plants, transmission and generating stations, including radio and television broadcasting stations.
 - vi. Car or truck rental agencies or storage facilities.
 6. Family day care homes licensed by the state department of children and family services as defined in state statutes.
- c. *Procedure for review of plans.*
 1. *Plan submission.* All development plans must comply with development plan requirements set forth in section 12-3-120(c) and (d), and design standards and guidelines established in section 12-3-121. Every application for a new certificate of occupancy or a building permit to erect, construct, demolish, renovate or alter a building or sign, or exterior site work (i.e., paving and landscaping of off-street parking areas), located or to be located in the gateway redevelopment district shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, or exterior work (both before and after the proposed work is done in cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plot plan or site layout including all site

improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances.

2. *Review and approval.* All plans shall be subject to the review and approval of the planning board established in chapter 12-12. At the time of review the board may require that any aspect of the overall site plan which does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board.
 3. *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs that are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the chairperson of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and chairperson, then the matter will be referred to the board for a decision.
 4. *Final development plan.* If the planning board approves a preliminary development plan, the owner shall submit a final development plan in accordance with the procedure set forth below within six months of the date of approval of the preliminary plan of development. For good cause shown, the planning board may, in its discretion, extend the time within which to file the final development plan for successive periods, the total of which shall not be more than an additional six months. The final development plan shall be in basic conformity with the preliminary plan of development and comply with the other provisions of section 12-3-120 pertaining to the final development plan. If the applicant submits a final development plan that conforms to all the conditions and provisions of this chapter, then the planning board shall conclude its consideration at its next regularly scheduled meeting.
- 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.

- b. *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.
- b. *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
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.
- b. *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).
 - (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:
 - (1) 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. Off-street parking. The following off-street parking requirements shall apply to all lots, parcels or tracts in the gateway redevelopment district:

- i. Off-street parking requirements in the district shall be based on the requirements set forth in chapter 12-4. The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4).
- ii. Off-street parking and service areas are prohibited within the Bayfront Parkway setback described in subsection (1)d.3 of this section, unless these requirements cannot be met anywhere else on the site due to its size or configuration.
- iii. Screening. Screening shall be provided along the edges of all parking areas visible from street rights-of-way. The screening may take the form of:

A solid wall or fence (chain-link fences are prohibited) with a minimum height of four feet that is compatible in design and materials with on-site architecture and nearby development; or an earth berm approximately three feet in height that is landscaped to provide screening effective within three years; or a combination of walls or fences and landscape screening; or landscape screening designed to provide positive screening within three years.

3. Street setback. The following building setbacks shall apply to the district:

- i. Bayfront Parkway setback/height requirements. All buildings located adjacent to the Bayfront Parkway shall be set back a minimum of 50 feet from the northern parkway right-of-way line. At this minimum setback, building height may not exceed 50 feet. Above 50 feet in height, an additional one-foot setback shall be required for each additional two feet in building height. This setback is

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- intended as a landscaped buffer zone that preserves the open space character of the parkway.
- ii. Gregory, Alcaniz and Chase Streets, 9th Avenue. Ten feet from the right-of-way line.
 - iii. All other streets. Five feet from the right-of-way line.
4. Street frontage. Every lot, tract, or parcel of land utilized for any purpose permitted in this district shall have a street frontage of not less than 50 feet. Any lot of record on the effective date of this title which is less than 50 feet may be used as a site for only one establishment listed as a permitted use in subsection (1)b of this section.
 5. Building height. No building shall exceed a maximum height of 100 feet.
 6. Vehicular access. Access to the following streets shall be limited as follows:
 - i. Bayfront Parkway. No access shall be permitted from the parkway unless no other means exist for ingress and egress from the site.
 - ii. Gregory Street, Chase Street, Alcaniz Street, 9th Avenue and 14th Avenue. For each lot, tract, or parcel under single ownership, the maximum number of access points shall not exceed two per street footage if driveway spacing standards can be met pursuant to section 12-3-121(c)(2).
 7. Landscaping. Landscaping requirements in the gateway redevelopment district shall be based on applicable requirements of chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened from street and adjacent buildings by one of the following techniques:
 - i. Fence or wall, six feet high;
 - ii. Vegetation, six feet high (within three years);
 - iii. A combination of the above.
 8. Underground utility services. All new building construction or additions of floor area to existing structures along Bayfront Parkway, Chase Street, Gregory Street, 9th Avenue and all property fronting Salamanca Street, shall be required to install underground utilities.
 9. Lot coverage. The total coverage of all development sites within the gateway redevelopment district, including all structures, parking areas, driveways and all other impervious surfaces, shall not exceed 75 percent.
 10. Sidewalks. Developers of new construction or redevelopment projects shall repair, reconstruct, or construct new sidewalks on all sides of property fronting on a street.
 11. Consideration of floodprone areas. Portions of the district are within the 100-year floodplain. Site planning shall consider the special needs of floodprone areas.
 12. Storm drainage. Adequate storm drainage must be provided to prevent flooding or erosion. The surface drainage after development should not exceed the surface drainage before development. Flexibility in this guideline shall be considered by the city engineer based on capacity of nearby off-site stormwater drainage systems, the surrounding topography and the natural drainage pattern of the area.
 13. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls, or vegetation.

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14. Exemptions. All detached single-family and duplex residential development proposals are exempt from the provisions of this section and shall be developed in accordance with R-1A regulations set forth in section 12-3-4(5), with the exception of the height requirements.
- e. *Development guidelines.* The gateway redevelopment district is characterized by a variety of architectural styles with no common theme. The intent of these guidelines is to reduce the level of contrast between buildings and to create a more compatible appearance in architectural design, scale, materials and colors. All development within the gateway redevelopment district is encouraged to follow design guidelines as established in section 12-3-121(d). In addition, the following site planning guidelines shall be used by the planning board in the review and approval of all development plans:
1. *Site planning.* The integration of site features such as building arrangement, landscaping and parking lot layout is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration.
 - i. *Maximum preservation of bay views.* Considering the bayfront location within the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to maximize the preservation of views of the bay and to protect the bayfront's scenic open space character. To prevent the effect of a "wall" of development along the inland edge of the parkway, the long axis of all buildings located on the corridor should be oriented parallel to the inland street grid, rather than parallel to the parkway itself. The preservation of ample open space between buildings, and the creation of a campus-like development pattern, are encouraged especially in the bayfront area. In addition, site planning throughout the district should recognize existing topographical variations and maximize this variation to maintain bay views.
 - ii. *Development coordination.* The preservation of bay views and the creation of a campus character development pattern cannot be achieved through the site planning of any single development; all development efforts within the district must be coordinated to achieve these objectives.
 - iii. *Off-street parking and service.* Off-street parking shall be discouraged within all street setbacks. Where possible, any service areas (i.e. trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.
 2. *Architectural design and building elements.*
 - i. Buildings or structures that are part of a present or future group or complex shall have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole.
 - ii. Buildings or structures located along strips of land or on single sites and not a part of a unified multibuilding complex shall strive to achieve visual harmony with the surroundings. It is not to be inferred that buildings must look alike or be of the same style to be compatible with the intent of the district. Compatibility can be achieved through the proper consideration of scale, proportions, site planning, landscaping, materials and use of color.

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- iii. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
 - iv. Severe or angular roof lines that exceed a pitch of 12-12 (45-degree angle) are discouraged. Exceptions to this guideline (i.e., churches) shall be considered on a case-by-case basis.
 - v. Bright colors and intensely contrasting color schemes are discouraged within the district.
 - vi. Proposed development adjacent to the historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.
 - vii. The following guidelines concerning design, materials, lighting, landscaping, and positioning of permitted signs shall be considered:
 - (a) Design/materials. The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, the materials used for the supporting structure and the sign face.
 - (b) Lighting. Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not encouraged.
 - (c) Landscaping. The landscaping and positioning of the sign should compliment the overall site plan and landscaping of the development.
- f. *Maintenance standards.* The following maintenance standards shall be applied to all structures and land parcels respectively, whether occupied or vacant within the gateway redevelopment district, subject to review and approval by the planning board. Properties that do not conform to the maintenance standards described in subsections (1)f.1 through 7 of this section shall be made to comply as required by the city inspections office based on regular inspections or complaints.
- 1. *Building fronts, rears, and sides abutting streets and public areas.* Rotten or weakened portions shall be removed, repaired or replaced.
 - 2. *Windows.* All windows must be tight-fitting. All broken and missing windows shall be replaced with new glass.
 - 3. *Show windows and storefronts.* All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.
 - 4. *Exterior walls.*
 - i. Existing miscellaneous elements on the building walls, such as empty electrical conduit, unused signs and/or sign brackets, etc., shall be removed.
 - ii. Sheet metal gutters, downspouts and copings shall be repaired or replaced as necessary and shall be neatly located and securely installed.
 - iii. All exterior finishes and appurtenances such as paint, awnings, etc., shall be kept in a state of repair.
 - 5. *Roofs.*
 - i. All auxiliary structures on the roofs shall be kept clean, repaired or replaced.

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- ii. Roofs shall be cleaned and kept free of trash, debris or any other elements that are not a permanent part of the building.
 - 6. *Front, rear, and side yards, parking areas and vacant parcels.*
 - i. When a front, rear or side yard, parking area or vacant parcel exists or is created through demolition, the owner may utilize the space in accordance with the provisions of the zoning district; provided, however, that the site shall be properly maintained free of weeds, litter, and garbage.
 - ii. Any landscaping that was installed to comply with regulations of this subsection must be maintained.
 - 7. *Walls, fences, signs.* Walls, fences, signs and other accessory structures shall be repaired and maintained.

Department:	Comments:
Planning	No comments at this time.
FIRE	No comments received.
PW/E	City and property owner working through a research effort to verify accuracy of survey as it relates to the easternmost property line of this project
Surveyor	No comments at this time.
Inspection Svcs	No comeents received.
Pensacola Energy	No specific comments but just an FYI....Pensacola Energy Has a 4" gas main in the West R/W of 9 th ave. other than that, we have no facilities in the area of this project.
ECUA	No comment on the aesthetics, thanks for checking.
FPL	I do not see a problem with this.
ATT	No comments at this time.
Legal	No comments received.



July 27, 2023

Hawkshaw Development Group, LLC
Attn: Mr. Robert B. Montgomery
657 E. Romana Street
Pensacola, Florida 32502
Via email to robert@montgomeryrealtors.com

SMP Architecture, P.A.
Attn: Mr. Brian K. Spencer
205 E. Intendencia Street
Pensacola, Florida 32502
Via email to brian@smp-arch.com

Re: Deviations in Proposed Plans from Requirements of Sixth Amendment to the Declaration of Conditions, Covenants, and Restrictions

Dear Mr. Montgomery and Mr. Spencer:

Mr. Spencer has asked whether a presentation to the CRA regarding Hawkshaw Development's June 30 submittal is necessary and, if so, to be placed on the August CRA agenda. I do believe that a presentation would be advisable inasmuch as CRA staff has identified several potential material deviations from the requirements of the Sixth Amendment to the Declaration of Covenants, Conditions, and Restrictions. Section 2.01(k) of the Sixth Amendment provides that no material deviations shall be made without the prior written consent of the CRA, which consent shall not be unreasonably withheld, conditioned, or delayed. I have reserved a spot on the August 17 agenda if you wish to make a presentation. Accordingly, in my opinion, it is incumbent upon you to advise the CRA of your reasons and justifications for any material deviations and to request the CRA's consent. CRA staff has identified the following potential material deviations which we believe require the CRA's consent:

City of Pensacola
Community Redevelopment Agency
222 W. Main Street
Pensacola, FL 32502
(850) 436-5640

In Pensacola's three Community
Redevelopment Areas, the CRA is
charged with preparing and
administering plans designed to:

- Eliminate Blight
- Rehabilitate & Conserve Property
- Address Affordable Housing
- Help Reduce & Prevent Crime

SIXTH AMENDMENT REQUIREMENTS	HAWKSHAW SUBMITTAL
2.01(h) – Buildings must contain approximately 95,000 conditioned gross square feet.	Per Mr. Spencer, buildings contain approximately 70,800 conditioned gross square feet. (CRA staff calculated 70,080 s.f.)
Section 2.01(h) – Buildings and structures must contain approximately 130,000 total gross square feet, including conditioned square feet, covered parking, exterior corridors, and balconies.	Per Mr. Spencer, buildings and structures contain approximately 99,759 total gross square feet.
2.01(a) - 3 4 -story buildings.	3 3 -story buildings.
2.01 (e) – The ground floor of each 4-story building shall be used for covered parking.	No covered parking; ground floors of all three buildings are residential units.
2.01 (f) – Buildings shall be elevated to meet applicable flood elevations.	Compliance cannot be determined without a pre-construction elevation certificate, which was not submitted as required.
2.01 (g) – Surface parking shall be a combination of concrete and semi-permeable pavers.	Surface parking is asphalt.
Section 2.01(i) – Landscaping shall include (i) traditional streetscapes along S. 9 th Avenue and Romana Street, (ii) “unique urban garden areas” fronting Admiral Mason Park, (iii) a mix of planted in-ground materials, and (iv) material set in architectural features such as planters, seating, and other urban elements.	Landscaping is limited to street trees set in front of a wall, which arguably satisfies (i) (traditional streetscapes). Hawkshaw submittal does not show compliance with (ii), (iii), and (iv).
Section 2.01(h) – The outward appearance of the condominium buildings shall be substantially in accordance with the renderings presented to the CRA at its September 12, 2022, meeting.	Admittedly, comparing the September 12, 2022, color renderings to the elevations included in the submittal proved difficult. Color renderings of the proposed outward appearance, similar to the September 12, 2022, renderings, would be very helpful. However, CRA staff believes that there are several significant changes to the

	<p>outward appearance as presented on September 12, 2022, including:</p> <p>1) The three buildings are no longer separate and distinct, but rather are now connected via elevated landscaped courtyards on the first floor and exterior breezeways on the second and third floors.</p> <p>(2) Floor-to-ceiling windows leading to balconies, as showcased in the September 2022 renderings, have been replaced by smaller, square casement windows, resulting in significantly less glazing.</p> <p>(3) Louvre screening of stairwells has been eliminated/stairways appear to be more enclosed (possibly a Code requirement).</p> <p>(4) In the September 2022 renderings, the North and South facades of Buildings A and C differ stylistically from one another, whereas in the submitted plans the façade designs for the North and South elevations appear to mirror each other.</p> <p>(5) The balconies in the September 2022 renderings appear to be higher above grade than in the submittal (10'+ vs. 6').</p>
2.01(g) – Parking must meet applicable regulations.	<p>The submittal shows 92 parking spaces, which satisfies the minimum requirement of 58 spaces but violates the maximum allowable of the greater of 10% more than the minimum or 10 additional spaces. So, the maximum allowable is 68 spaces, which means that the specific approval of the city engineer and planning services department will be required for the 24 excess spaces which approval must be “due to unique and peculiar circumstances or needs resulting from the size, configuration, or location of a site requiring a modification of the</p>

	standards....” (City Code Section 12-3-121(c)).
2.01(b) – Building A (fronting S. 9 th Ave.) shall contain “amenities [plural] benefitting the residents of all Project buildings.”	A fitness center is in Building B (fronting E. Romana Street). Bike storage rooms are shown on the first floors of Buildings A and C.

It should also be noted that Section 2.01(l) required “final plans for permitting” to be submitted to the CRA by June 30, 2023. To avoid future misunderstandings, submission to the City or a department of the City does not qualify as submission to the CRA, nor does issuance of permits or approvals by the City or a department of the City qualify as consent of the CRA. As you know, the CRA is an entity separate and distinct from the City. Nevertheless, the submittal does not qualify as “final plans for permitting” because:

- (1) The submitted plans are marked “Not for Construction” which cannot be permitted.
- (2) Hawkshaw’s plans were submitted without first obtaining Planning Board approval, which is a prerequisite to submitting plans for permitting.
- (3) No pre-construction flood certificate was submitted as required (which is also required in order to determine compliance with the Sixth Amendment).
- (4) As noted above, the CRA must give its “prior written consent” to material deviations. Because the CRA has not given its prior written consent (actually, no consent at all to date) to the material deviations, the submittal itself is premature and deficient.

CRA staff certainly does acknowledge that the number of residential units in Hawkshaw’s submittal does materially comply with the Sixth Amendment, but we believe that the items listed above must be considered and approved by the CRA in order for the project to move forward. The City is in receipt of your application for Planning Board approval. At your discretion, you may proceed with your application to Planning Board. However, any approvals or actions made by the Planning Board will ultimately be contingent upon the CRA’s acceptance of the modified plans. If you wish to revoke your application, please notify Gregg Harding, Assistant Planning and Zoning Manager and myself at your earliest convenience.

Finally, to ensure that all parties are up-to-date on the details and progress of the project we request that you provide the following:

- Description of unit mix and price points
- Disclosure of selected or anticipated development team, including all project partners, architect, engineer, attorney, general contractor and

property management firm (or plans for property management). If any of these development team members have not yet been selected (or plans not defined), please explain timeline and considerations for your determination.

- A project schedule including, but not limited to, pre-sale milestones, construction commencement and project delivery projections
- A monthly written progress report including updates to the project timeline, number of pre-sold units, unit mix and price points, marketing plans, financial commitments, development team including project partners, management or voting control of the LLC, architect, engineer, attorney, general contractor and/or property management firm or management plans
- A monthly status update meeting with staff
- A copy of any financial commitment letters, letters of interest or similar, along with any pre-sale requirements or other terms that may impact the timeline for construction commencement and/or project delivery
- Evidence of the close of construction financing on the project, when available.
- A description of your intended marketing plan, including any brokerage firms you will use and advertisement methods or platforms
- Any formal or informal market analysis you have performed to determine marketability of the project

If you disagree or would like to discuss any of this before the CRA meeting on August 17, I would be happy to meet or talk with you.

Sincerely,

Victoria D'Angelo
CRA Division Manager



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00580

Planning Board

8/8/2023

FOR DISCUSSION

TO: Planning Board Members

FROM: Gregg Harding, Assistant Planning & Zoning Division Manager

DATE: 8/1/2023

SUBJECT:

Proposed Amendment to the Land Development Code - Providing Further Development Incentives and Options

BACKGROUND:

The Mayor's Office has requested Planning Board to discuss amendments to Sec. 12-3-121 and Sec. 12-4-1 providing additional economic incentives and development opportunities related to off-street parking and building height.

Two white paper studies provided by Development Services staff have been provided for reference and for further discussion.

RECOMMENDED CODE SECTIONS

Sec. 12-3-121. - Design standards and guidelines

https://library.municode.com/fl/pensacola/codes/code_of_ordinances?nodeId=PTIICOOR_TITXILADECO_CH12-3ZODI_ARTVIIDEPLREDESTGU_S12-3-121DESTGU

Sec. 12-4-1. - Off-street parking spaces requirements

https://library.municode.com/fl/pensacola/codes/code_of_ordinances?nodeId=PTIICOOR_TITXILADECO_CH12-4OREPA_S12-4-1OREPASPRES

CITY OF PENSACOLA REDUCTION OF OFF-STREET PARKING AS IT PERTAINS TO THE LAND DEVELOPMENT CODE

This report outlines the scope and methods enacted, and the benefits experienced by Florida communities and other cities in the U.S., who have undertaken parking reform with the specific goal of reducing off-street parking, specifically through the elimination of minimum parking requirements. Information for this report was gathered from the Parking Reform Network (PRN), a non-profit organization founded to educate the public about the impact of parking policy on climate change, equity, housing, and traffic.¹ As part of their mission, PRN has compiled parking reform measures from across the U.S. Eleven Florida cities, ranging from the City of Gainesville (reported population of 140,398) to the City of Fernandina Beach (reported population of 13,169), which have undertaken some method of parking reform or reorganization are included for comparison and reference. Information was also sourced from the Lincoln Institute of Land Policy.² In assessing these data, the “scope of parking reform” consists of two main strategies: parking reform at a citywide scale, or parking reform at a city center and/or city district scale.

Main takeaways and trends.

- The most common strategy for reducing or eliminating minimum parking requirements has been accomplished by creating or modifying existing zoning districts and/or overlays.
- Most cities participating in parking reform have done so by eliminating minimum parking requirements in a focused area rather than city-wide.
- Parking reorganization or reform is more commonly focused on commercial zoning districts, commercial corridors, and/or urban cores.

Reported Benefits.

- Cities that have eliminated minimum parking requirements have experienced the following benefits:³
 - o Decreased construction costs for developers and investors.
 - o Increased property tax revenue.
 - o Increased redevelopment of parcels which were previously overlooked or avoided by developers and investors due to past minimum parking requirements.

While many benefits were documented, no negative effects resulting from the elimination of parking minimums were reported.

- Though outside of Florida, Hartford, Connecticut (population of 120,576) noticed a substantial increase in parking lot development between 1957 to 2009 (Figure 1).

¹ Parking Reform Network, website, 2023, <https://parkingreform.org>.

² Lincoln Institute of Land Policy, 2023, <https://lincolninst.edu>.

³ “What is Parking Reform”, Parking Reform Network, 2023, <https://parkingreform.org/what-is-parking-reform/>.

Currently, downtown Hartford contains 45 parking lots and garages, nearly all of which are privately owned and operated. As part of a parking study, researchers estimated that each parking stall produced approximately \$1,200 in property tax revenue, equating to around \$50 million a year.⁴ In response, and in attempt to revive and attract investments, the City of Hartford eliminated parking minimums in their downtown area in 2016. By eliminating parking minimums in their downtown area, Hartford recouped lost property tax revenue, reduced development costs, and encouraged the use of existing downtown parking garages.⁵ A year after downtown parking minimums were eliminated, the City of Hartford eliminated parking minimums city-wide.⁶

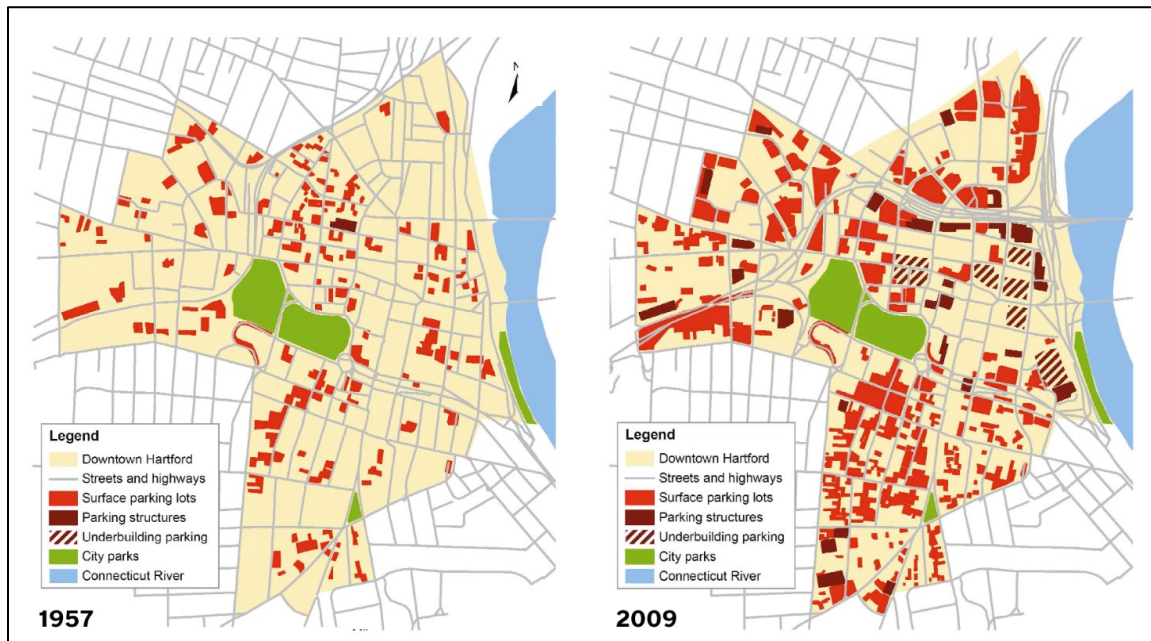


Figure 1. Researchers have determined that the land dedicated to surface parking lots in downtown Hartford, Connecticut, tripled between 1960 and 2000. Credit: Christopher McCahill and Norman Garrick.⁷

- Fayetteville, Arkansas (population of 95,230) determined that investors were best suited to evaluate their parking needs and effectively eliminated required parking

⁴ Blanc, Bryan P., Michael Gangi, Carol Atkinson-Palombo, Christopher McCahill, and Norman Garrick, "Effects of Urban Fabric Changes on Real Estate Property Tax Revenue: Evidence from Six American Cities", *Transportation Research Record: Journal of the Transportation Research Board*, Vol. 2453(1), 2014.

⁵ Gould, Catie, "Shifting Gears: Why Communities are Eliminating Off-Street Parking Requirements – and What Comes Next", Lincoln Institute of Land Policy, 2022, <https://www.lincolninst.edu/publications/articles/2022-10-shifting-gears-eliminating-off-street-parking-requirements>.

⁶ Quednau, Rachel, "3 Lessons in People-Centered Transportation from the First U.S. City to Completely Eliminate Parking Minimums", Strong Towns, 2018, <https://www.strongtowns.org/journal/2018/6/14/3-lessons-in-people-centered-transportation-from-the-first-us-city-to-completely-eliminate-parking-minimums#:~:text=This%20success%20led%20to%20the,negative%20responses%20to%20these%20changes>.

⁷ Ibid.

minimums for commercial uses citywide. As a result, Fayetteville experienced an increase in the redevelopment of vacant parcels.⁸

Additional Considerations.

- While comparing the strategies of other communities to reorganize parking regulations, it's important to consider the pre-planned or pre-existing infrastructure which may have supported parking reform programs, and which may or may not exist in Pensacola. Pre-planned or preexisting supporting infrastructure can include urban core peripheral parking, a robust downtown public transportation network, walkable and bicycle-friendly streets, and an abundance of public and private parking lots and garages.

Methods of Parking Reform

This section provides an outline of two methods of parking reform: citywide parking reform and city center and/or district parking reform. However, it's important to note that parking reform is not just limited to these two methods. Though less commonly implemented, other U.S. communities have implemented alternative strategies ranging from regional state mandates (such as Oregon's Land Conservation and Development Committee's 2019 adoption of parking reform) to policies focused on transit-oriented infrastructure (such as Newark's parking exemption if within a 1,200-foot radius of light rail).⁹ Despite the variety of parking reduction policies, all have one main principle in common – they are tailored to complement and enhance the specific environment, population, and vision for future growth of their communities.

1. Citywide Parking Reform.

According to the PRN database, the City of Gainesville is the only local government in Florida to have adopted a citywide approach to parking reform. This occurred in November 2022, when the Gainesville City Council unanimously voted to eliminate parking minimums for *all* land uses citywide.¹⁰ This was accomplished by deleting a “minimum vehicle spaces” requirement for urban and downtown areas and by changing language in the parking ordinance from “required vehicle spaces” to “maximum vehicle spaces” for all land uses.

2. City center and/or district parking reform.

Changes to city centers and/or specific city districts is by far the most common implementation of parking reform. According to PRN, approximately 80% of U.S. cities enacting parking reform have done so by eliminating or reducing parking mandates in

⁸ Gould, Catie, “Shifting Gears: Why Communities are Eliminating Off-Street Parking Requirements – and What Comes Next”, Lincoln Institute of Land Policy, 2022, <https://www.lincolninst.edu/publications/articles/2022-10-shifting-gears-eliminating-off-street-parking-requirements>.

⁹ Parking Reform Network, 2023, <https://parkingreform.org/>.

¹⁰ Gainesville, Florida, Municipal Code § 30-7.5 and § 30-7.6.

specific areas rather than citywide. Of the Florida cities referenced in this white paper, nearly all focus reform measures on downtown urban cores and corridors, and/or commercial, business, and historic districts.

Most cities that have implementing district-specific parking reductions or exemptions have done so through creating or modifying zoning district standards and regulations. For example, Winter Haven, a city in central Florida with a comparable population to Pensacola (reported population of 44,955) adopted a Downtown Commercial zoning district in 2000 which exempts all land uses within from parking requirements: “*Downtown. Uses within the C-1, Commercial-Downtown zoning district, shall be exempt from providing off-street parking*”.¹¹ In West Palm Beach’s downtown Okeechobee Business district, land use regulations were changed to eliminate parking minimums and to add soft and hard parking maximums. If developers wish to exceed the soft maximum, a fee to the transit operations budget is required.¹²

In other cities, zoning overlays or *designated parking exemption areas* have been created to implement parking reform. Examples include the City of Kissimmee’s designated downtown Parking Exemption Area¹³, and the City of Jacksonville’s Downtown Overlay which eliminated the minimum requirement for parking spaces and instead provides a required maximum¹⁴. Additionally, the City of Punta Gorda established a Parking Exemption Area within their City Center zoning district whereby all buildings with a footprint below 10,000 square feet are exempt from on-site parking requirements.¹⁵

As an alternative to district- or overlay-focused mandates, several cities have adopted efforts specific to land use, lot size, building age, or property type. In Panama City’s Downtown District (DTD), minimum parking requirements were eliminated for lots less than 10,000 square feet in size, buildings built before 1945, and all new construction less than 5 stories.¹⁶ The DTD is composed of blocks adjacent to Harrison Avenue in the general commercial downtown area (the main downtown thoroughfare). In Fernandina Beach’s Central Business District, lots containing industrial waterfront uses or waterfront mixed uses are exempt from parking minimums. Additionally, the City of Stuart removed all parking requirements in their Old Downtown District and introduced parking maximums for certain properties adjacent to their downtown. The City of Stuart also allows on-street parking to offset on-site requirements and historic buildings may receive a 50% parking reduction. Lastly, the City of Clearwater was able to eliminate parking minimums for most

¹¹ Winter Haven, Florida, Municipal Code § 12-142.b.

¹² West Palm Beach, Florida, Municipal Code, § 94-111.

¹³ Kissimmee, Florida, Municipal Code, § 14-7-21.

¹⁴ Jacksonville, Florida, Municipal Code § 656.36.2.K.2.

¹⁵ Punta Gorda, Florida, Municipal Code § 26-10.7.

¹⁶ Panama City, Florida, Municipal Code § 104-33.

non-residential uses and residential requirements were reduced from 2 spaces to 1 space for attached dwellings.¹⁷

Parking Reductions and Opportunities in the City of Pensacola LDC

Compared to other Florida communities, the City of Pensacola's LDC offers considerable parking reduction opportunities for residents and developers. These are outlined in Chapter 12-4 *Off-Street Parking* and in Sec. 12-3-121 *Design standards and guidelines*, and include the following:

- For buildings constructed prior to October 13, 1994, the existing number of off-street parking spaces is considered compliant so long as the same land use has been maintained within the same building footprint (Sec. 12-4-1(1)h.3.).
- Off-street parking is not required in the Pensacola historic district HC-1 and HC-2 land use districts (Sec. 12-4-1(1)j).
- Off-street parking is not required in the dense business area for residential land uses (Sec. 12-4-1(1)k).
- New buildings in the South Palafox business district that do not exceed 40 feet in height, or the renovation or change in land use of existing buildings that do not exceed 40' in height are exempt from off-street parking requirements (Sec. 12-4-1(1)i.).
- New buildings within the C-2A zoning district that do not exceed 40 feet in height and 5,000 square feet in total floor area, or the renovation or change in land use of existing buildings that do not exceed 40 feet in height and 5,000 square feet in total floor area are exempt from the off-street parking requirements (Sec. 12-4-1(1)m.).
- Within the CRA Urban Core, certain land uses are provided parking reductions by right and on a percentage basis (Table 12.3-1) and the reductions, should the Mayor's Office support this direction, may be expanded into the remaining CRA Districts. Per the existing language in the LDC, the following reductions to the total required parking spaces may be applied:
 - Education – 25% reduction
 - Lodging – 35% reduction
 - Office – 30% reduction
 - Eating / drinking establishments – 100% reduction
 - Indoor amusement – 40% reduction
 - Services – 50% reduction
 - College – 50% reduction
 - Places of worship – 50% reduction
 - Indoor recreation – 50% reduction

¹⁷ "Mandates Map", Parking Reform Network, 2023, <https://parkingreform.org/resources/mandates-map/>.

- Apparel / furniture – 50% reduction
 - Retail < 5,000 square feet – 60% reduction
 - Community services – 75% reduction
 - Single-family and multifamily – only 1 space / unit required
- New construction, additions to existing buildings and changes in land use of existing buildings within the dense business area resulting in an increase of parking requirements may comply with the parking requirements through an in-lieu payment approved by the city council (Sec. 12-4-1(6)).
 - All funds collected through the in-lieu payment process shall be utilized for the express purpose of parking capital improvement projects within the dense business area.
 - The in-lieu payment will be calculated by the mayor and approved by the city council in accordance with the following formula:
 - $\text{In-lieu parking payment} = (\text{total spaces required to meet code} - \text{on-site spaces} - \text{approved off-site spaces} - \text{approved on-street parking spaces}) \times (\text{in-lieu fee}).$
 - The in-lieu fee shall be based upon the cost of construction for parking spaces considering such factors as land acquisition, design fees, engineering, financing, construction, inspection, and other relevant factors.
- For new commercial developments, parking in excess of more than ten spaces or ten percent (whichever is greater) above the parking total normally required requires an administrative waiver. The city discourages construction of more than the minimum number of required parking spaces in order that more natural vegetation may be preserved and to further control stormwater runoff (Sec. 12-3-121(c)(7)).
 - The city encourages the use of permeable paving materials in parking lots, especially for “overflow” parking.
 - The city also provides some examples of techniques to minimize the impacts of driveways and parking lots which include:
 - Locate surface parking at the rear or side of the zoning lot.
 - Break large parking lots into multiple smaller ones.
 - Minimize the number and width of driveways and curb cuts.
 - Share driveways with abutting zoning lots.
 - Locate parking in less visible areas of the site.
 - Locate driveways so they are visually less dominant.
 - Provide special pavers or other surface treatments to enhance and separate pedestrian areas from vehicle maneuvering and parking areas.
 - Parking located along a commercial street front where pedestrian traffic is desirable lessens the attractiveness of the area to pedestrians and compromises the safety of

pedestrians along the street. On-site surface parking on a commercial street front should be minimized and where possible should be located behind a building.

Additionally, and with exception to special flood hazard areas, the city's definition of "building height" in all commercial districts is, "the vertical distance of a building measured from the lowest habitable floor elevation to the highest point of the roof." This consideration foreseeably allows developers to incorporate multi-level parking within lower levels of a building and without having to include / forfeit those floors to overall building height restrictions.

Lastly, the LDC currently allows developers to seek a variance to reduce parking requirements so long as special conditions exist due to a unique hardship. Parking requirements may also be varied up to ten percent administratively through Development Services and subject to the same hardship and special condition criteria.

Recommendations for the City of Pensacola's LDC

Compared to other Florida cities, Pensacola offers a wide range of parking reduction opportunities and solutions for developers and redevelopment projects. Especially in the CRA Urban Core and dense business area. However, as Pensacola continues to experience new development and growth, the city may be required to consider additional and innovated planning solutions proven to be successful elsewhere in Florida and the U.S.

In 2016, the City of Pensacola undertook a downtown parking study where 16,440 off-street parking spaces were identified in the study area.¹⁸ The study confirmed the need for additional parking solutions, and recommended the following actions:

1. Decrease demand. Decreasing the demand of parking does not mean decreasing the demand to visit the downtown area, but rather the implementation of additional downtown transit, bicycling, and walking, and by increasing the downtown parking supply through the construction of new garages and infrastructure.
2. Increase supply. The construction of new parking garages was recommended alongside the purchase or lease of garage parking spaces to promote economic development. Additionally, several locations for new garages were proposed.

However, in 2018, Donald Shoup, Distinguished Research Professor at UCLA's Department of Urban Planning, made the following recommendations for Pensacola:

1. Remove off-street parking requirements.
2. Charge the right prices for on-street parking.

¹⁸ West Florida Regional Planning Council, "Parking Strategies as a Catalyst to Economic Development", 2016, https://files.ecrc.org/document_center/Portfolio/Pensacola-Parking-Study-Final.pdf.

3. Spend the parking revenue to improve public services on the metered streets.¹⁹

Based on current research, Mr. Shoup's recommendations are consistent with innovative and successful planning practices across the U.S., particularly the removal of off-street parking requirements. As a result, and due to continued growth, the need for additional development space, and evolving urban patterns, a reevaluation of downtown parking strategies, beyond the 2016 study, should at least be considered:

- Based on preexisting parking reduction opportunities and consistent with national trends, the CRA Urban Core, or areas within the CRA Urban Core, should be the main area of focus. Pensacola's 2016 study primarily focused on five zones within the CRA Urban Core: West End, Palafox Commercial Core, Gateway, Seville and Aragon, and East Waterfront. Focus on these five areas rather than the full CRA Urban Core is also suitable.
- In addition to the 2016 parking study recommendations, an alternative method to address emerging parking issues is to replace provisions for "parking minimums" with "parking maximums", and specifically linked to land uses listed in Sec. 12-4-1(2), *Parking requirements for specific land uses*.
- Elimination of parking requirements in the CRA Urban Core or in a specific zone is also an option.
- If developers wish to exceed maximum parking requirements, a predetermined fee, like the in-lieu payment provided in Sec. 12-4-1(6), may be required. This fee could be assessed per parking space and reviewed by application to Development Services. Soft and hard maximums should be encouraged for consideration.

Ultimately, a focus on additional parking strategies within the downtown commercial core should work to reduce or even eliminate parking minimums with the possible outcome for additional parking reform citywide. And despite the quantity of private parking downtown, it's important to consider the level of existing measures for relief and the existing options to reduce parking requirements in the LDC. However, the existing framework may be seen as not enough, and further action might be desired by developers, residents, and the city's administration. Regardless of the outcome, Pensacola is expected to experience continued growth and new developments and the infrastructure to support that growth (both structural and social) will require careful planning. Any change to the downtown landscape, particularly regarding parking, should consider the city's vision and goals for future development while being sensitive to the historic character and unique culture of Pensacola's cityscape and communities.

¹⁹ Robinson, Kevin, "CivicCon: Parking guru Donald Shoup proposes 3 ways to solve Pensacola's parking problem", Pensacola News Journal, September 30, 2018, <https://www.pnj.com/story/news/2018/09/30/civiccon-parking-guru-donald-shoup-talks-pensacolas-parking-problems/1437219002/>.

IN THE URBAN CORE REDEVELOPMENT AREA

This report provides an overview of building height maximums as it pertains to the City of Pensacola's Urban Core Redevelopment Area (referred to here as the Urban Core), with added focus on the downtown waterfront. The Urban Core is bound to the west by "A" Street, to the north by Cervantes Street, to the east by 17th Avenue and Pensacola Bay Bridge, and to the south by Pensacola Bay (Figure 1). Information was gathered from the City of Pensacola Land Development Code (LDC) and Comprehensive Plan, as well as the city's GIS database. As a result, the primary goal of this paper is to provide context to existing and potential multistory buildings in downtown Pensacola and to offer considerations on vertical urbanism and trends if future changes are desired.

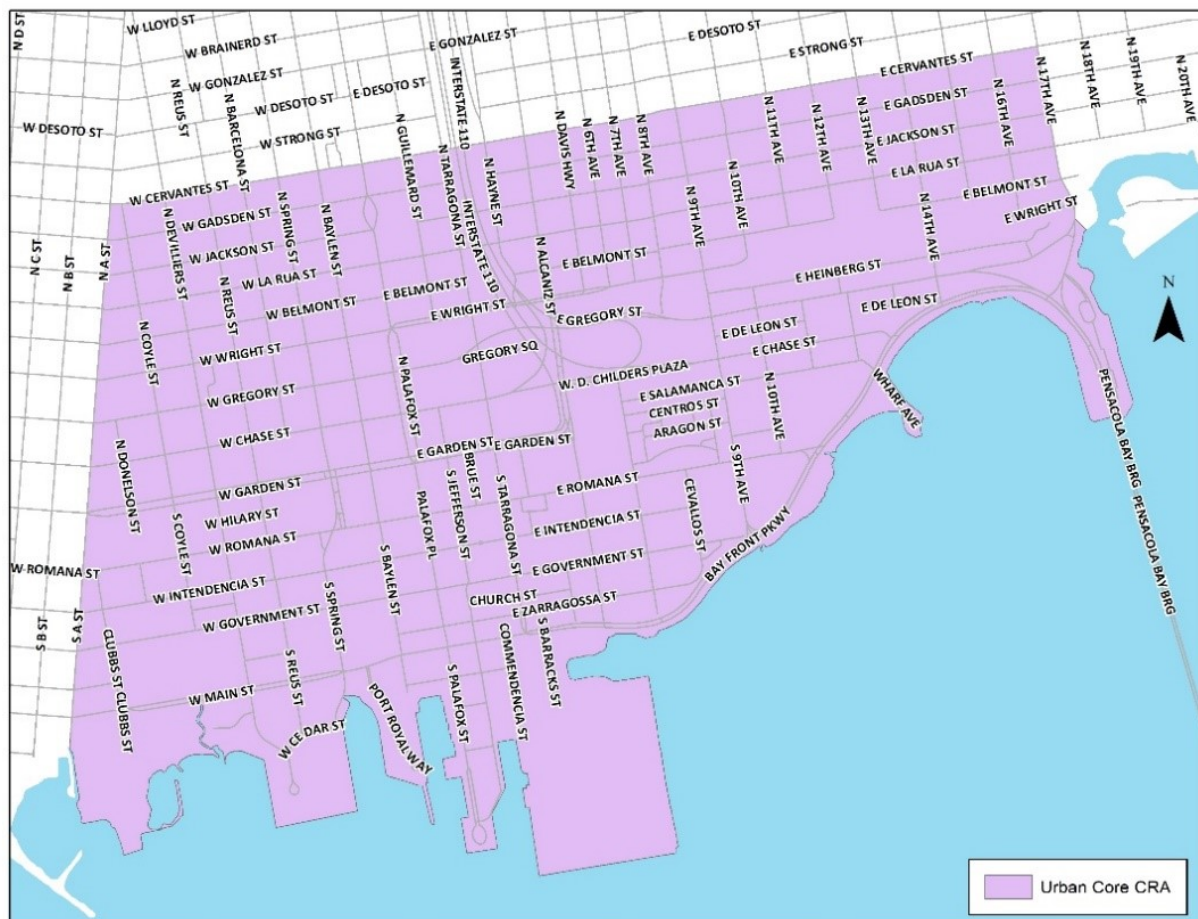


Figure 1. Urban Core CRA.

Main Takeaways and Trends.

- Building height maximums are specified within the city's Land Development Code and Comprehensive Plan. They are based on a zoning district's intended density as well as the types and character of developments intended for the district.
- If changes to building height maximums are desired, the focus should be placed on commercial districts and not on residential or historic districts.
- Based on the existing built environment, there may not be an overall need to *increase* building height maximums, but rather modify language on how existing maximums can be met, measured, or exceeded through specific variance criteria. Only 11 buildings in the CRA Urban Core are currently 6 stories or higher, and only three are 10 stories or higher.
- Current building requirements along the waterfront are designed to retain equitable access to the water and waterfront views. This idea has been essential to Pensacola's culture and is expected by residents and visitors. New building typologies, taller buildings, and the adoption of current urban trends could challenge the unique identity that Pensacola has strived to cultivate.
- Developers may currently seek variances to increase building height above a zoning district's maximum limit, so long as special conditions and criteria demonstrating hardship can be shown.

1. Study Area.

In terms of general development, Pensacola's Urban Core includes a variety of commercial, governmental, and institutional buildings, residential and historic neighborhoods, parks and recreational spaces, and areas designated for industry. The wide variety of land uses reflects the high quantity of zoning districts in the Urban Core, of which there are 29. Each of these districts have regulations for development, including maximum building heights (Figure 2). The varying range of zoning districts and development standards is not necessarily a negative feature, but rather a result of long-term development and an evolving urban landscape. Despite the high number of zoning districts downtown, building height maximums are less variable across the Urban Core landscape. These height limitations are specified by district in the City's Comprehensive Plan and are also based on a zoning district's intended density and the intended types and character of development.

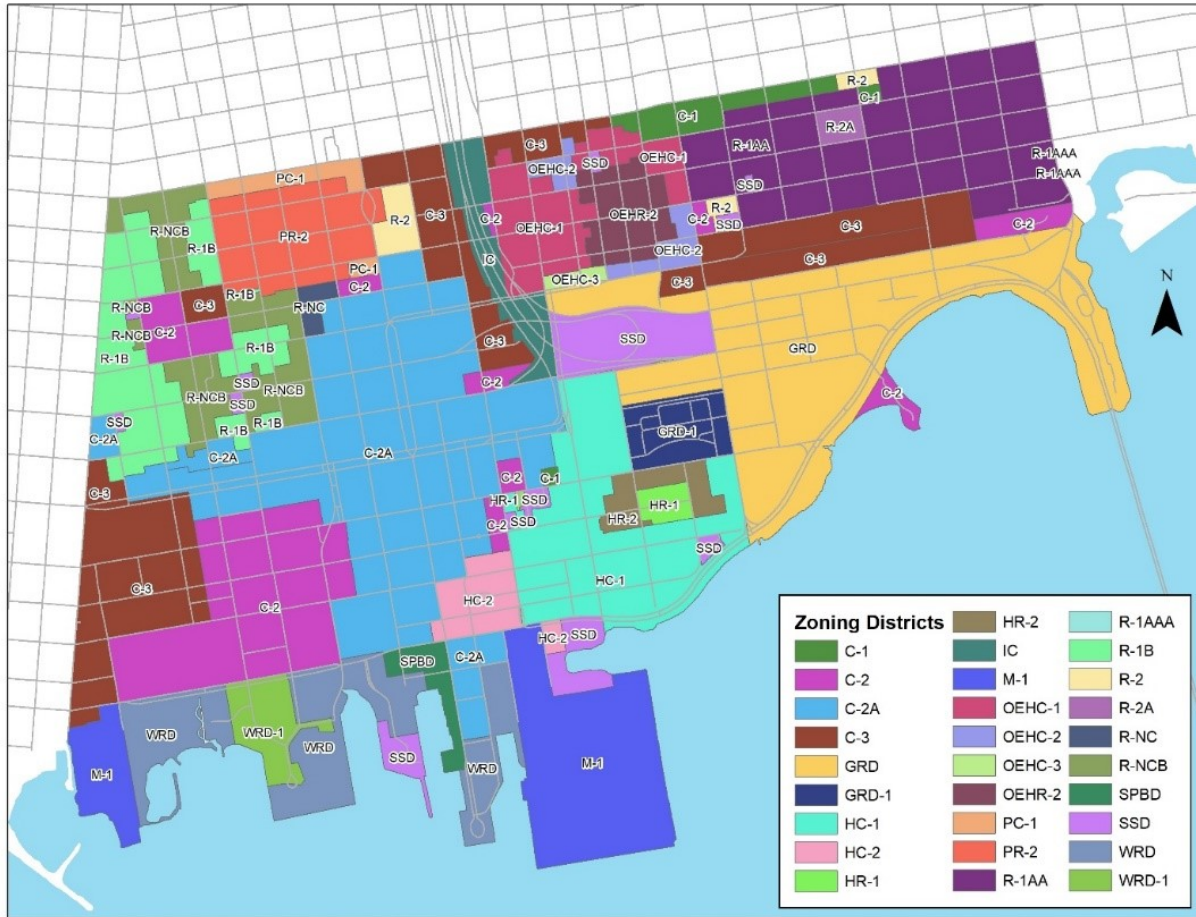


Figure 2. Zoning districts in the Urban Core CRA.

To illustrate downtown’s urban structure relative to building height, Table 1 and Figure 3 lump zoning districts into four broad categories: residential, historic, commercial, and industrial. As expected, commercial and industrial districts are generally less restrictive on building height and the allowance for taller construction, up to a maximum of 150’ in some districts, is available (additional information below). In contrast, residential and historic zoning districts have more restrictive height limitations with an average building height maximum of 35’ to 45’. It should be noted that some zoning districts contain additional restrictions based on a project’s proximity to a residential zoning district. The overall scale of building height limitations is shown in Figure 4 which depicts over half of the Urban Core allowing a maximum height of 100’ to 150’.

Table 1. Maximum building heights per zoning district.

Residential Zoning Building Maximum	
R-1AAA	35'
R-1AA	35'
R-1B	45'
R-2A	35'
R-2	45' with a max. height of 100' if recessed from property line and with specific conditions
R-NC	45' with a max. height of 100' if recessed from property line and with specific conditions
R-NCB	35' within 100' of a residential district or 45' more than 100' from a residential district
GRD-1	35', 45', or 55'
Historic Zoning Building Maximum	
HR-1	35'
HR-2	35'
HC-1	Height limited to the adjacent streetscape type
HC-2	Height limited to the adjacent streetscape type
PR-2	35'
PC-1	45'
OEHR-1	35' with a max. height of 45' if recessed from property line
OEHR-2	35' with a max. height of 45' if recessed from property line
OEHC-1	35' with a max. height of 45' if recessed from property line
OEHC-2	35' with a max. height of 45' if recessed from property line
OEHC-3	35' with a max. height of 45' if recessed from property line
Commercial Zoning Building Maximum	
C-1	45' at the property setback line with a max. height of 150' if recessed from property line
C-2	100' at the property setback line with a max. height of 150' if recessed from property line
C-2A	100' at the property setback line with a max. height of 150' if recessed from property line
C-3	100' at the property setback line with a max. height of 150' if recessed from property line
GRD	100'
SPBD	80' above required flood plain elevation
WRD	60'
WRD-1	Six stories
Industrial Zoning Building Maximum	
M-1	45' at the property setback line with a max. height of 150' if recessed from property line

*Site Specific Developments (SSD) and Interstate Corridor (IC) are not included.

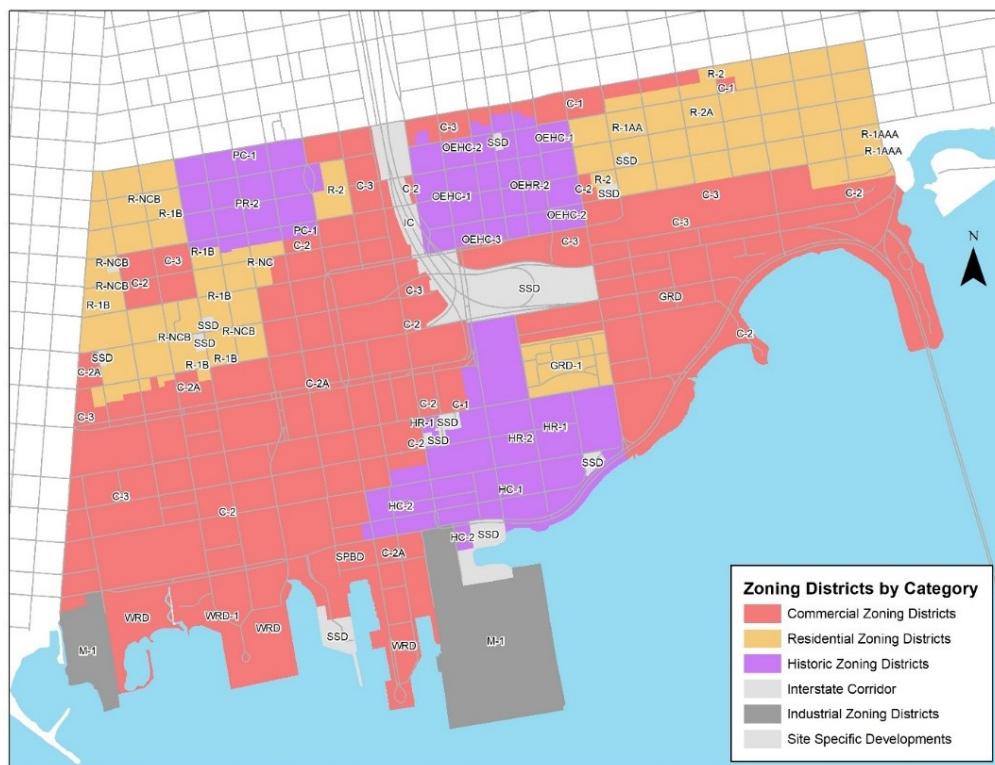


Figure 3. Categories of zoning districts in the Urban Core CRA.

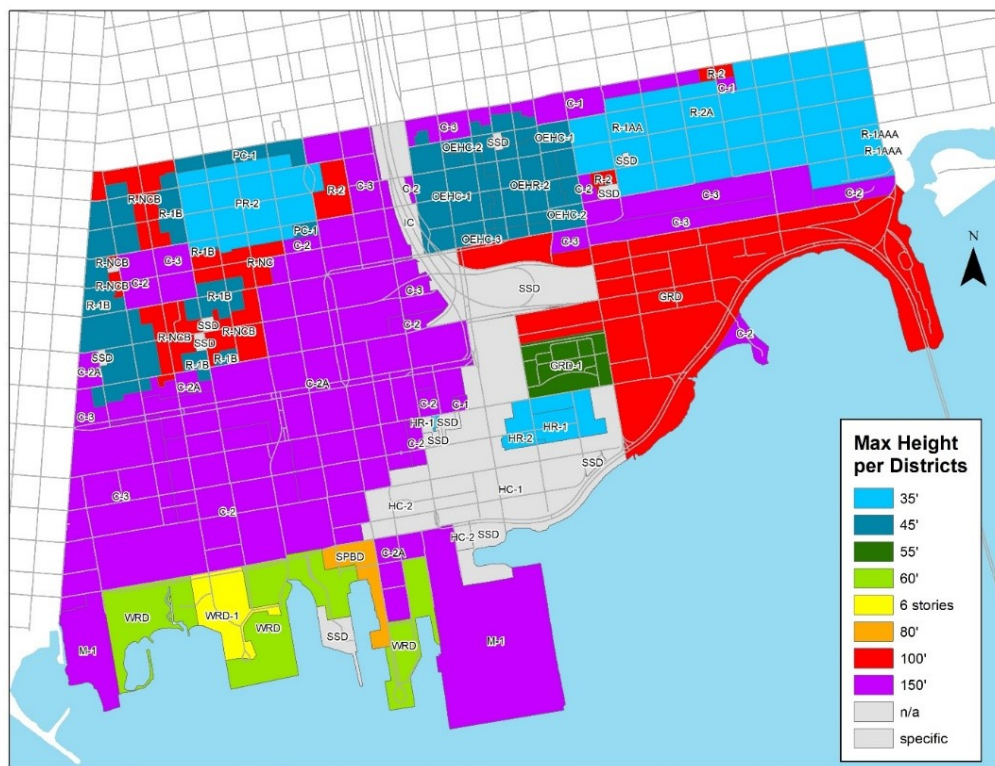


Figure 4. Maximum heights across the Urban Core CRA.

Definition of Building Height in Pensacola

The LDC defines “building height” as the vertical distance of a building measured from the lowest habitable floor to the highest point of the roof. However, in residential zoning districts, including R-NC (residential commercial neighborhood), “building height” means the vertical distance measured from the average elevation of the finished grade to the highest point of the roof. Regardless of the district, if a building is in a special flood hazard area, the measurement for height begins at three feet above the required base flood elevation to the highest point of the roof (base flood elevation is typically measured at 7’ above sea level in the Urban Core). While having three definitions for the same concept may seem confusing, measuring height from the lowest habitable floor in nonresidential districts provides commercial developments and the public a benefit by allowing non-occupiable space (such as parking) at lower levels and without having to include / forfeit those floors to a building’s overall height.

A Closer Look at the CRA Urban Core’s Commercial Districts and Waterfront

When considering existing and future building height maximums in the urban core, commercial zoning districts and waterfront areas will most likely be the focus of development pressures. Since residential and historic districts act as a buffer to residential neighborhoods outside the Urban Core and since they prioritize lower density (35 dwelling units per acre), change to building height maximums there is not recommended. Additionally, the historic preservation districts were established to preserve the development pattern and distinctive architectural character through the restoration of existing buildings and the construction of compatible new buildings.

However, north of Main Street, commercial land use districts C-2, C-2A, and C-3 make up the primary downtown commercial core and developers are afforded maximum building heights of 100’ at setback lines and a maximum density of 135 dwellings units per acre. Three feet may be added to the height of the building for each foot the building elevation is stair-stepped or recessed back from the property line or setback lines beginning at the height permitted and up to a maximum height of 150’.

Based on past and present developments, the 150’ height maximum appears to be well-suited to Pensacola’s development patterns and pressures. Of the buildings located in the Urban Core, only 11 are six stories or more, with 200 E. Gregory Street (Crown Plaza Hotel) being the tallest at an approximate height of 150’ (Table 2, Figure 5, and Figure 6 for the human-scale perspective).

Table 2. Buildings in the CRA Urban Core over 6 stories in height.

Buildings in CRA Urban Core Over 6 Stories in Height			
Building Address	Zoning District	No. Stories	Approx. Assumed Height*
200 E. Gregory Street	GRD	15	150
226 S Palafox Street	C-2A	11	110
220 W. Garden Street	C-2A	10	100
25 W. Cedar Street	WRD	8	80
125 W. Romana Street	C-2A	8	80
501 Port Royal	SSD	7	70
160 W. Government Street	C-2	7	70
222 W. Main Street	C-2	7	70
201 E. Gregory Street	SSD	6	60
190 W. Government Street	C-2A	6	60
316 S. Baylen Street	C-2A	6	60

*Information based on Escambia County Property Appraiser Data. Story heights vary per building and are unavailable for some properties. For this study, a 10' average for each story is assumed.

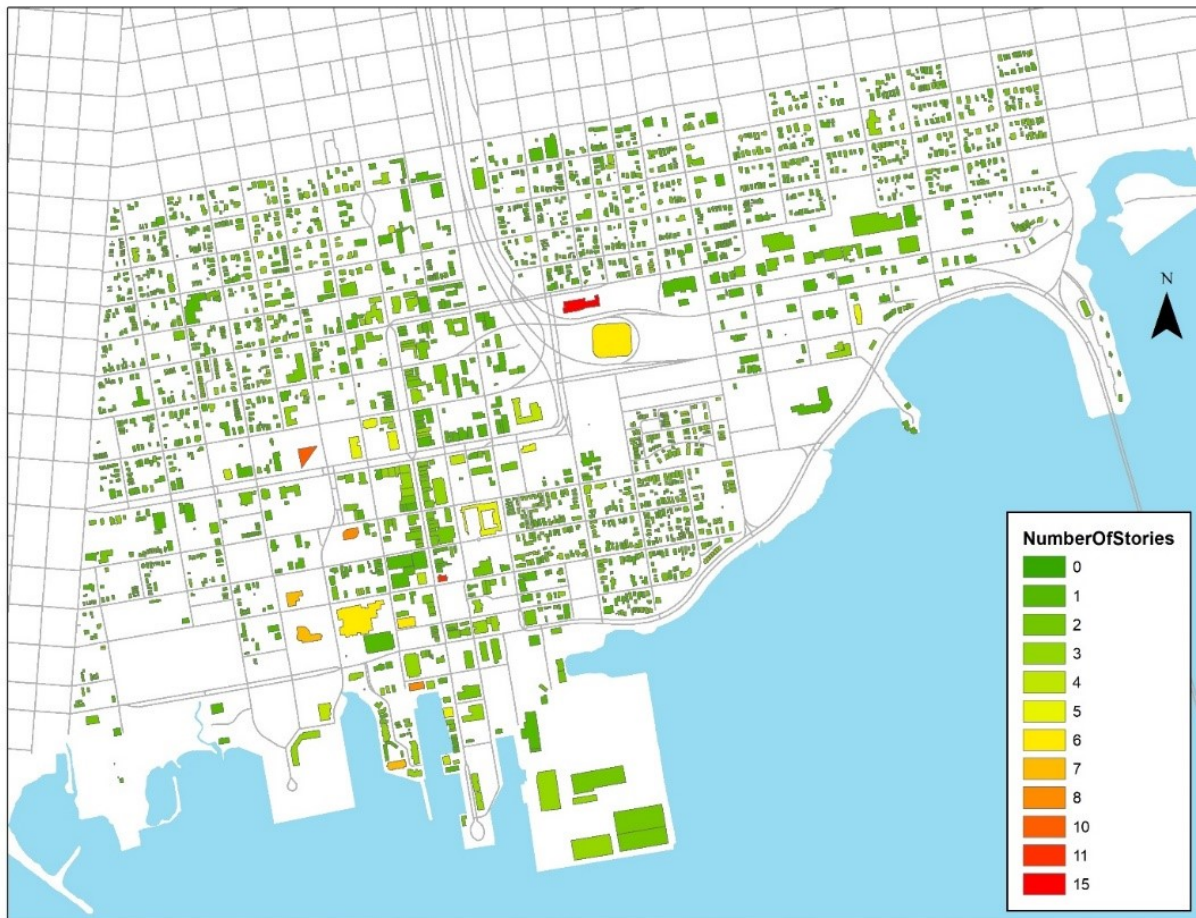


Figure 5. Distribution of building height per stories in the CRA Urban Core.

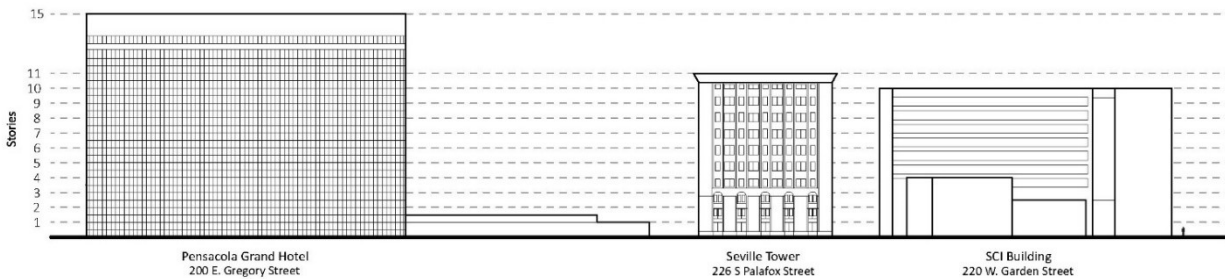


Figure 6. Building height per story comparison of three of Pensacola's tallest buildings.

If an amendment to increase building height maximums is considered, the commercial land use districts C-2, C-2A, and C-3 would be the most appropriate points of focus. Change to zoning district C-1 is not recommended since C-1 provides a transitional buffer between mixed-use neighborhood / commercial areas and more intense commercial districts. As a result, the following options might be considered for C-2, C-2A, and C-3:

- Modify the maximum building height for C-2, C-2A, and C-3 from no more than 100' at the property or setback lines to no more than 150' at the property or setback lines. This would eliminate the requirement of new construction to stair-step or recess back from the setback line and would allow for more architectural freedom and creative designs of taller buildings.
- Provide independent criteria for variances to increase maximum building height. This process would require Architectural Review Board, Planning Board, or Zoning Board of Adjustment approval depending on the project's location. Each variance would be considered on a case-by-case basis and would include additional criteria for the development to conform to a special district's theme and character if applicable.
- Provide building height bonuses for superior building and site design, for preservation of environmentally sensitive land or open space, for provision of public benefit uses, or for provision of affordable housing and subject to Planning Board review.
- Provide exceptions to overall height for specific public uses or floors – restaurants, rooftop bars, tourism attractions, etc.
- Exclude habitable ground floors from a building's overall height if used for specific public purposes – restaurants, retail, museums, art galleries, services, etc.

- Require any building proposed to exceed a zoning district's regular height maximum to submit a preliminary development plan that must be reviewed by the Planning Board and City Council pursuant to Sec. 12-3-120(a)(2). This type of provision already exists in the LDC for any building exceeding 45' in R-2, R-NC, R-NCB, and C-1.

Except for industrial areas and several blocks zoned C-2A, parcels south of Main Street are located in the Waterfront Redevelopment Districts or the South Palafox Business District. These two districts were established to promote compatible redevelopment of the downtown bayfront and, as a result, have reduced height maximums in attempt to ascetically scale down potential development along the waterfront and to intentionally avoid excessive building height and mass.

The South Palafox business district was established to promote the compatible redevelopment of the city's historic downtown waterfront by encouraging high-quality site planning and architectural design that is compatible with both the historic character of the existing structures and the waterfront activities. The zoning regulations are intended to help avoid excessive building height and mass and vehicular congestion. The maximum building height in the South Palafox business district is 80' above the required floodplain elevation. Modifications to overall building height is not recommended, though the option of "80' above the required floodplain elevation *or* 80' from the lowest habitable floor to the highest point of the roof" might be considered.

Likewise, the Waterfront Redevelopment District was established to promote redevelopment of the city's downtown waterfront with a compatible mixture of water-dependent and water-related uses that preserve the unique shoreline vista and scenic opportunities, provide public access, create a cultural meeting place for the public, preserve the working waterfront activities historically located in the waterfront area, and encourage a high quality of site planning and architectural design. Site-specific analysis of each development proposal within the district is intended to ensure that the scenic vistas and marine-oriented image of the district are maintained, that the developmental character of the waterfront is upgraded, and that the boundaries of the adjacent special districts are positively reinforced. Maximum building height is 60' for developments in WRD and limited to six stories in WRD-1. Drastic modifications to overall building height are also not recommended here, though similar thoughts mentioned for the South Palafox Business District above might be considered.

Due to the current and anticipated uses of properties within the industrial district M-1, no changes to maximum building height are recommended at this time.

Relief to Building Height Maximums

Before considerations to amend the LDC and/or Comprehensive Plan occur, it's important to understand existing measures of relief to building height requirements. Variances to increase building height may be granted so long as the request results from an undue hardship and if special criteria can be demonstrated. These requests are typically subject to review by the Zoning Board of Adjustment, though applications for properties located within special review districts are subject to review by their respective boards (Architectural Review Board or Planning Board).

Sec. 12-3-62 offers several exceptions to building height. This ordinance provides certain exemptions for public or semipublic public buildings in some residential zoning districts and to single- and two-family dwellings in a residential district if two side yards of not less than 15' each are provided. Additionally, height limitations do not apply to chimneys, water tanks or towers, elevator bulkheads, stacks, ornamental towers or spires, monuments, cupolas, domes, false mansards, parapet walls, and necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Additional Considerations

Vertical Urbanism and Current Trends. A rise in building height not only increases vertical density, but also adds visual interest to a city's skyline, increases panoramic views of the city, and offers a new experience of the city and its events from above. This perspective should be contemplated when acknowledging Pensacola's relationship with the water (Pensacola Bay) and the air (the Blue Angels). Current trends in Vertical Urbanism explore the utilization of tall buildings or built structures as tourist attractions. The recently completed St. Louis Wheel, the Chicago Skydeck, and the Sky pod in Las Vegas serve as examples of tall buildings or structures as tourist attractions. These types of structures may also include activated rooftops that allow for restaurants, bars, or in some cases, theme park attractions. Although these typologies exist in more populous cities, and they far surpass current height limitations, it would be naive to ignore this trend or developmental possibility when increasing building height maximums. Additional changes

in the Land Development Code or variances may need to be considered in relation to building height maximums and activated rooftops.

Urban Identity and the Pedestrian Experience. Regarding the urban form, an increase in building height maximums will not only affect waterfront views and waterfront access but it will also affect the city's urban identity and the pedestrian experience at street level. Due to the low height of Pensacola's existing building stock, and the location and size of façade apertures and balconies (specifically in the downtown), Pensacola's urban form boasts an intimate, quaint, and interactive relationship between the pedestrian and architectural typologies. An increase in building height, as well as an increase in the density of tall buildings, will challenge and potentially diminish this relationship.

The current setback and density requirements retain equity in access to the water and waterfront views, which is also essential to the culture of Pensacola. An urban tactic widely utilized to preserve views within the urban realm in relation to tall buildings is the implementation of designated view corridors, which maintain visual access to natural or man-made landmarks. A more in-depth analysis would be needed to decide where view corridors would occur, which views Pensacola would maintain, how this would impact future building heights, and also who in the community would be directly affected. New building typologies, taller buildings, and current urban trends could pose a challenge to the intimate identity that Pensacola has cultivated and the views the city strives to preserve. A decided direction regarding Pensacola's future development and its commitment to expansion and modernization, or its commitment to remaining intimate, is necessary.

Creative Architectural Possibilities and Community Amenities. Those requesting additional height should be subject to an architectural review. An understanding of and commitment to the city's priorities in maintaining views and access to the water should be heavily considered in the design phase, specifically in relation to the development of the building massing and how it relates to and impacts the waterfront. A development's contribution to activating the urban realm, specifically the addition of community amenities and accessible public spaces, should be a high priority when maintaining equitable access to the waterfront.