

AGENDA
ESCAMBIA COUNTY BOARD OF ADJUSTMENT
September 12, 2012–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Swearing in of Staff and acceptance of staff as expert witness
3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.
4. Proof of Publication and waive the reading of the legal advertisement.
5. Approval of July 18, 2012 Resume Minutes
6. **Consideration of the following cases:**
 - A. **Case No.: V-2012-10**
Address: 720 N. Navy Blvd.
Request: Variance for landscaping
Requested by: John D. Gilbert, Agent for Navy Crossings, LLC.
 - B. **Case No.: V-2012-11**
Address: 3450 Stefani Rd.
Request: Rear setback variance
Requested by: Charles Davis
 - C. **Case No.: V-2012-12**
Address: 14254 & 14250 Perdido Key Dr.
Request: Variance to parking requirements
Requested by: David J. Pinder, Agent for Junior Food Stores of West Florida, Inc. and Sandra O' Gara
 - D. **Case No.: CU-2012-10**
Address: 5300 West Jackson Street
Request: Allow gasoline sales in R-6 zoning
Requested by: Buddy Page, Agent for Kishorbhai Patel
 - E. **Case No.: CU-2012-11**
Address: 9625 Chemstrand Rd

Request: Allow a 12,000 sq. ft. auto parts store
Requested by: Bill Homan, Agent for Juanita V. Johns, Revocable Trust

7. Discussion Items.

8. Old/New Business.

9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, October 10, 2012 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Adjournment.

Attachments

7-18-12 Resume Minutes

DRAFT

RESUMÉ OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD July 18, 2012

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:35 A.M. – 9:41 A.M.)

Present: Don Carlos
Auby Smith
LuTimothy May
Bobby Price, Jr.
Jennifer Rigby

Absent: David Karasek
John Lund

Staff Present: Kristin Hual, Assistant County Attorney
Andrew Holmer, Sr. Planner, Planning & Zoning
Juan Lemos, Urban Planner, Planning & Zoning
John Fisher, Urban Planner, Planning & Zoning
Karen Spitsbergen, Sr. Office Assistant

Attendees: David Forte, CRA Urban Planner II

REGULAR BOA AGENDA

1. Meeting was called to order at 8:35 a.m.
2. Clerk swore in staff.
3. Acceptance of the July 18, 2012 BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.

Motion by LuTimothy May, Seconded by Jennifer Rigby

Motion was made to accept the July 18, 2012 BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.

Vote: 5 - 0 Approved - Unanimously

4. No Proof of Publication or reading of the legal advertisement was required due to only a variance request was being heard at the meeting.

5. Approval of June 20, 2012 BOA Resume.

Motion by LuTimothy May, Seconded by Bobby Price, Jr.

Motion was made to approve the resume of the June 20, 2012 BOA Meeting.

Vote: 5 - 0 Approved - Unanimously

6. **Consideration of the following cases:**

Case No.: V-2012-09
Address: 702 N Navy Blvd
Request: Increase Allowable Signage
Requested by: C.R. Glass, Owner
Speakers: C.R. Glass, Bill Van Horn

No BOA member acknowledged any ex parte communication regarding this item.

Mr. Carlos acknowledged visiting the site.

No BOA member refrained from voting on this matter due to any conflict of interest.

Motion by LuTimothy May, Seconded by Vice Chairman Auby Smith

Motion was made to deny Staff's Findings-of-Fact with the following reasons: 1) Criterion 1 - There are special circumstances related to the site. The site does comply with the CRA Vision Plan. 2) Criterion 2 - The requested additional signage is not just a convenience but is part of the building. 3) Criterion 5 - The signage is considered part of the building; and the variance request is approved.

Vote: 5 - 0 Approved - Unanimously

7. Old/New Business.

8. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, August 15, 2012 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

9. Adjournment.

Board of Adjustment

6. A.

Meeting Date: 09/12/2012
CASE: V-2012-10
APPLICANT: John D. Gilbert, Agent for Navy Crossings, LLC
ADDRESS: 720 N. Navy Blvd.
PROPERTY REFERENCE NO.: 52-2S-30-2501-000-008
ZONING DISTRICT: C-1, Retail Commercial
FUTURE LAND USE: C, Commercial

SUBMISSION DATA:
REQUESTED VARIANCE:

The Applicant is seeking a variance to the 5 foot landscape requirement along both side property lines.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended),
Section: 7.01.05.N.1

1. Vehicular areas. All such vehicular use areas, other than public rights-of-way, designed to be used for parking or movement of vehicular traffic, shall be separated by a landscaped strip for any boundary of the property on which the vehicular use area is located. Such landscaped strip shall not be less than 5 feet in width.

CRITERIA

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended),
Section 2.05.02

CRITERION (1)

That there are special circumstances or conditions applicable to the building or land in question that are peculiar to such property that do not apply generally to other land or buildings in the vicinity.

FINDINGS-OF-FACT

Section 2.05.02 of the Land Development Code defines special circumstances or conditions specifically as follows: "Such special conditions shall be limited to unusual physical characteristics inherent in the specific piece of property and not common to properties similarly situated. Such physical characteristics include, but are not limited to, exceptional narrowness, shallowness, shape, topographic conditions, or the presence of sensitive environmental resources, any or all of which will result in peculiar or practical difficulties in the quiet enjoyment and use of the property".

The site was originally designed as a fast food restaurant with a drive thru. The redevelopment will continue this use and keep the existing traffic flow. Reconfiguring the parking to accommodate

the current side landscape requirement does present practical difficulties and will reduce the vehicle maneuvering area.

CRITERION (2)

That the variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the Applicant.

FINDINGS-OF-FACT

The requested variance is necessary for the existing parking and traffic flow to remain as originally designed.

CRITERION (3)

That such a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

FINDINGS-OF-FACT

This variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

CRITERION (4)

The variance will not, in any manner, alter other provisions of this Code or Comprehensive Plan.

FINDINGS-OF-FACT

This variance will not alter other provisions of the Land Development Code or Comprehensive Plan.

CRITERION (5)

That the variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA.

FINDINGS-OF-FACT

The requested variance is the minimum necessary to keep the original parking and vehicle maneuvering areas at their current size and configuration.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the requested variance with the condition that the contents of the side landscaping be relocated to the front and rear landscaped areas.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

V-2012-10

Board of Adjustment

6. A.

Meeting Date: 09/12/2012
CASE: V-2012-10
APPLICANT: John D. Gilbert, Agent for Navy Crossings, LLC
ADDRESS: 720 N. Navy Blvd.
PROPERTY REFERENCE NO.: 52-2S-30-2501-000-008
ZONING DISTRICT: C-1, Retail Commercial
FUTURE LAND USE: C, Commercial

SUBMISSION DATA:
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the current side landscape requirement does present practical difficulties and will reduce the vehicle maneuvering area.

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FINDINGS-OF-FACT

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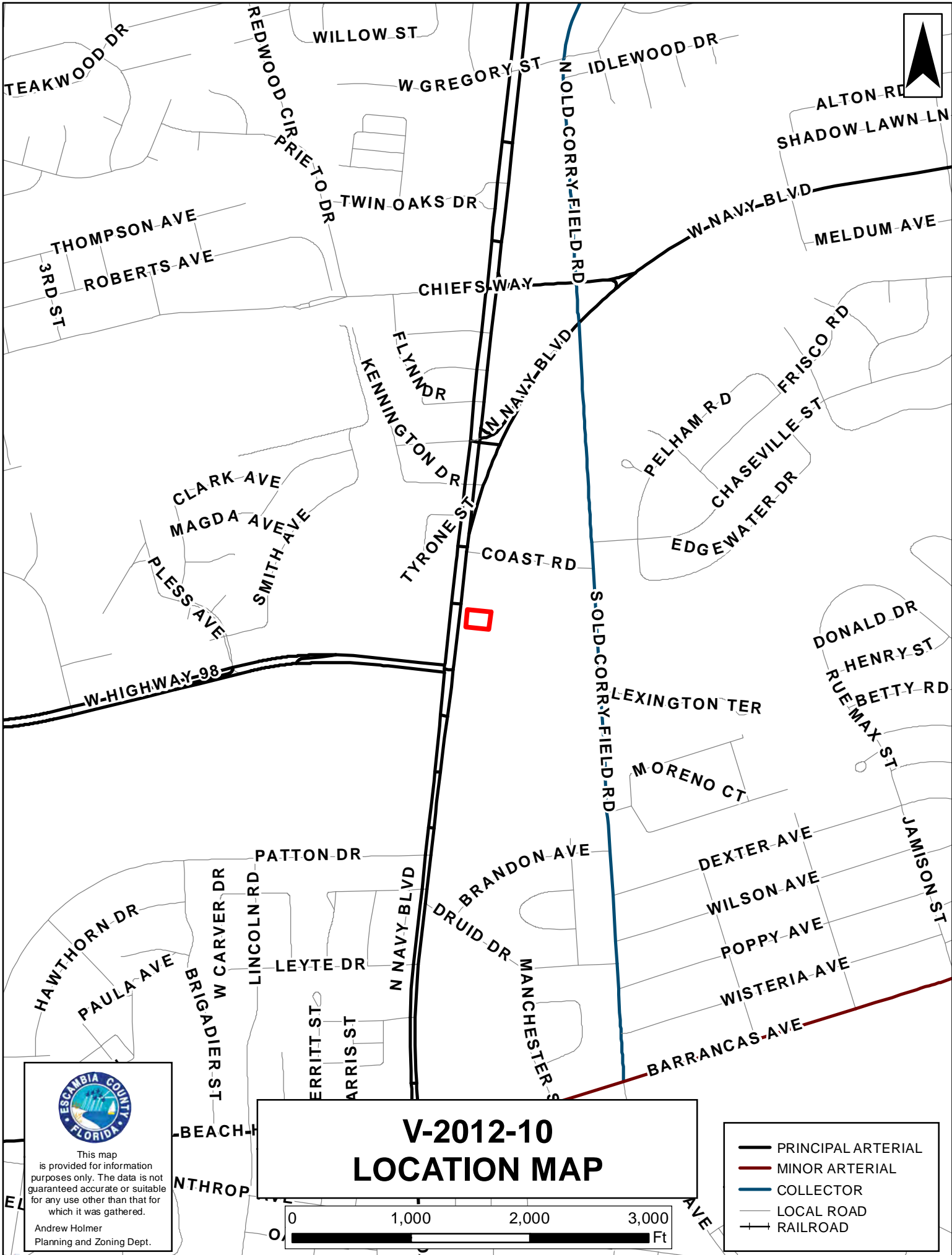
FINDINGS-OF-FACT

The requested variance is the minimum necessary to keep the original parking and vehicle maneuvering areas at their current size and configuration.

STAFF RECOMMENDATION:

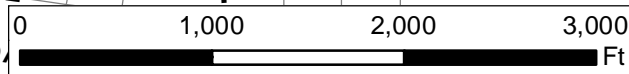
Staff recommends that the Board approve the requested variance with the condition that the contents of the side landscaping be relocated to the front and rear landscaped areas.

BOARD OF ADJUSTMENT FINDINGS:



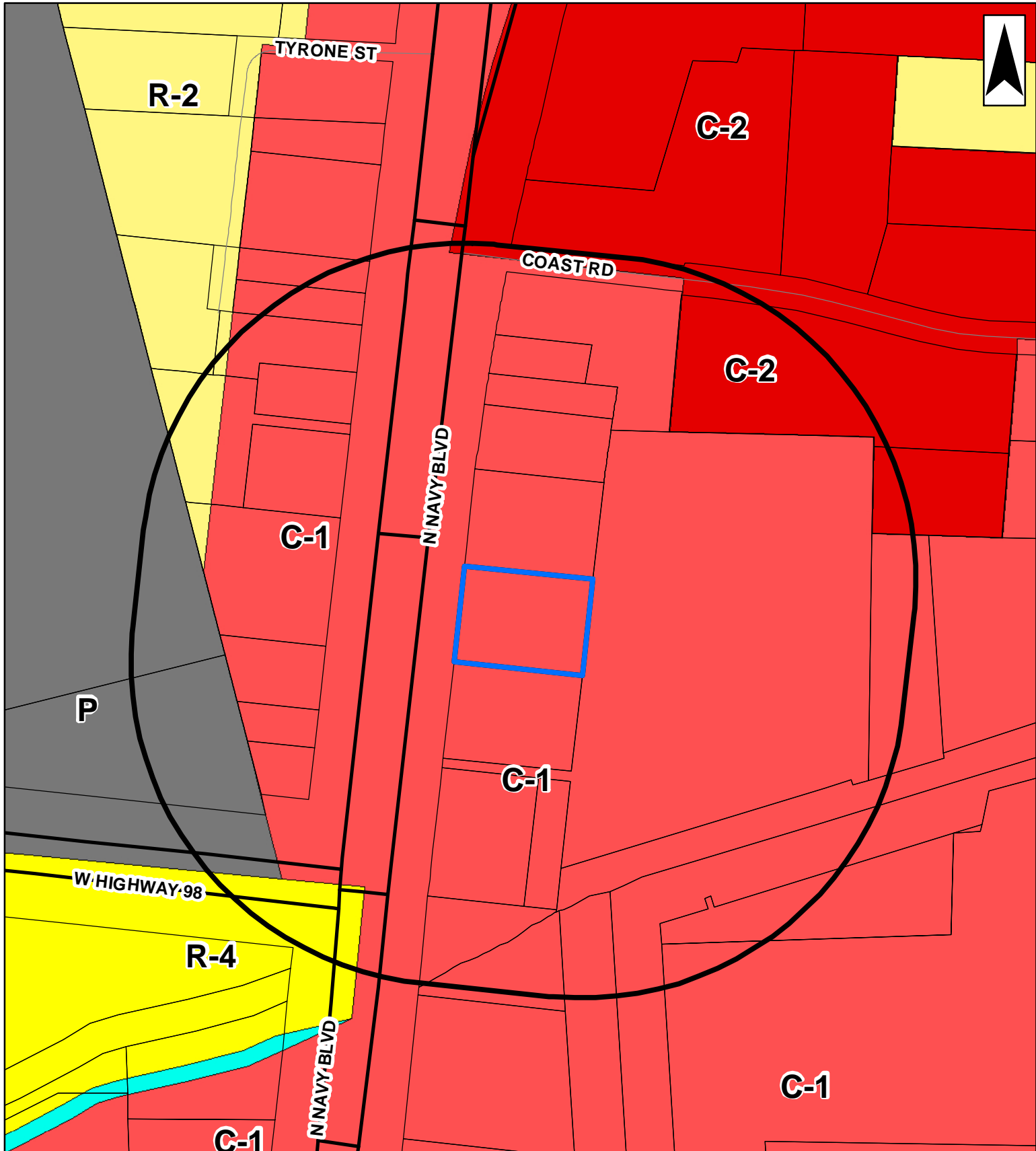
V-2012-10 LOCATION MAP

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD

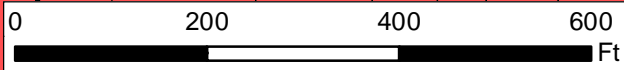


This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.



V-2012-10 500' RADIUS ZONING

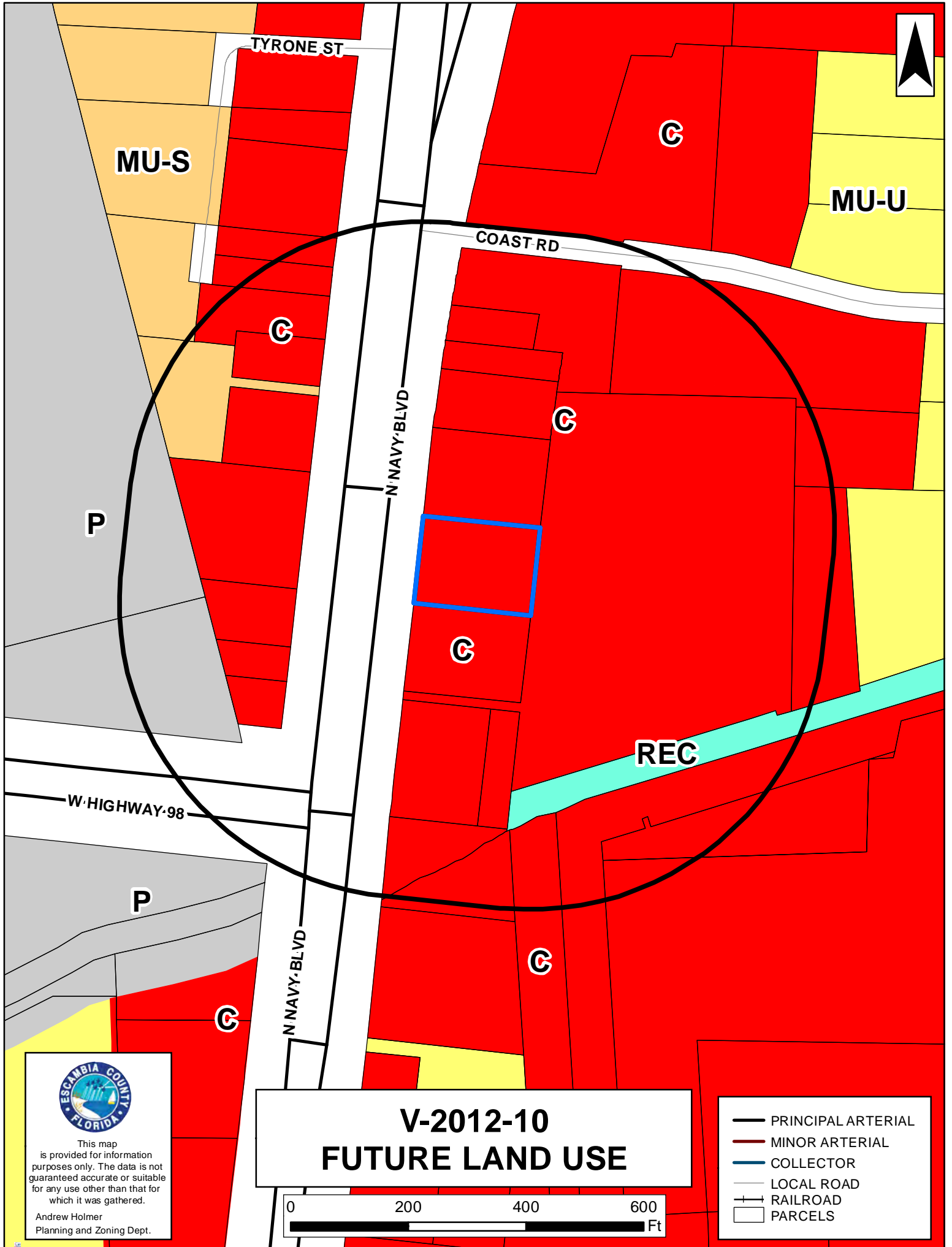


- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS



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Andrew Holmer
Planning and Zoning Dept.



MU-S

MU-U

P

TYRONE ST

COAST RD

N NAVY BLVD

G

G

G

G

REC

W HIGHWAY 98

P

N NAVY BLVD

G

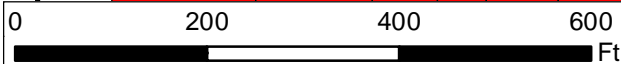
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Andrew Holmer
Planning and Zoning Dept.

V-2012-10 FUTURE LAND USE



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS



TYRONE ST

COAST RD

N NAVY BLVD



W HIGHWAY 98

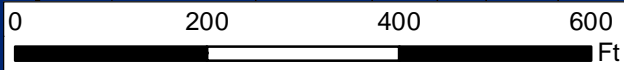
N NAVY BLVD



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Andrew Holmer
Planning and Zoning Dept.

V-2012-10 CRA OVERLAY



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS
- C-3(OL)
- C-4(OL)
- RA-1(OL)



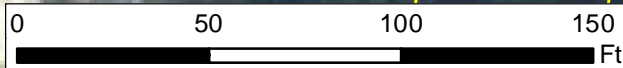
N NAVY BLVD









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Andrew Holmer
Planning and Zoning Dept.

V-2012-10 AERIAL MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD
-  PARCELS

BOARD OF COUNTY COMMISSIONERS
221 NORTH PALAFOX
PENSACOLA, FL. 32502

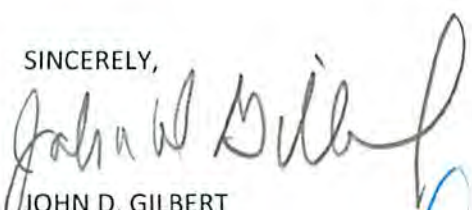
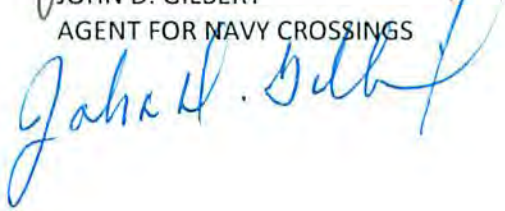
SUBJECT: LANDSCAPE VARIANCE
FOR 720 NAVY BLVD.
PENSACOLA, FL. 32502

DEAR SIRs:

THIS LETTER IS A FORMAL REQUEST FOR A LANDSCAPE VARIANCE FOR THE PROPERTY LOCATED AT
720 NAVY BLVD. PENSACOLA, FL.


THE EXISTING PARKING SPACES ARE TO BE MOVED 5' OFF THE NORTH AND SOUTH PROPERTY LINE
TO ALLOW FOR A 5' LANDSCAPE AREA, BY MOVING THESE SPACES, THE ENTRANCE DRIVE AND EXIT
DRIVE- LANES ARE EXISTING. IF IT IS NECESSARY TO MOVE THE PARALLEL SPACES 5 ' TOWARD THE
EXISTING DRIVE-LANES, IT WILL CAUSE AN UNREASONABLE INCREASE IN CONGESTION AND A DANGER
TO THE WELFARE OF THE GENERAL PUBLIC WHO USE THE FACILITY. IF THE BOARD OF COUNTY
COMMISSIONERS WILL ALLOW THIS VARIANCE , WE THE PROPERTY OWNERS, WILL PROVIDE
ADDITIONAL PLANTING IN THE ESTABLISHED LANDSCAPE AREAS, TO MEET THE REQUIRED PLANTING.

SINCERELY,


JOHN D. GILBERT
AGENT FOR NAVY CROSSINGS


NOTARY:



August 15, 2012

Judy Denise Halstead

VARIANCE CRITERIA

1. SPECIAL CIRCUMSTANCES OR CONDITIONS.

THE KRYSTAL RESTAURANT WAS BUILT IN 1977 AND PROVIDED 40 PAVED PARKING SPACES. THE KRYSTAL REQUIRED A DRIVE-THRU AND PARKING LAY OUT, INCLUDING A ENTRANCE AND EXIT DRIVE ON TO NAVY BLOULEVARD. THE ENTRANCE AND EXIT DRIVE LANE LINED UP WITH THE DRIVE-THRU AND EXIT LANE. THE ORIGINAL PARKING DESIGN REQUIRED THAT THE PARKING SPACES STARTED AT THE NORTH AND SOUTH PROPERTY LINE, ALLOWING FOR THE PARALLEL SPACES AND SUFFICIENT SPACE TO BACK OUT INTO THE DRIVE LANES. THE 5' REQUIREMENT FOR LANDSCAPING ON THE NORTH AND SOUTH SIDE OF THE PROPERTY, MAKE IT EXCEPTIONALLY NARROW TO BACK INTO THE DRIVE LANE. BY LEAVING THE PARKING SPACES AT THEIR PRESENT LOCATION, IT WILL BE MUCH EASIER TO BACK INTO THE DRIVE LANES.

2. THE VARIANCE IS NECESSARY FOR THE GENERAL PUBLIC TO FEEL SAFE IN THE USE OF THE PARKING SPACE WITH LITTLE DIFFICULTY IN BACKING INTO THE DRIVE LANE.

3. THE AUTHORIZATION OF THE VARIANCE WILL IMPACT THE GENERAL SAFETY AND WELFARE OF THOSE OF US WHO ARE SENIORS AND HAVE A BIT OF A TIME LOOKING OVER OUR SHOULDERS WHEN BACKING OUT OF A PARKING SPACE.

4. THE VARIANCE WILL NOT CHANGE THE CODE OR COMPREHENSIVE PLAN.

5. THE VARIANCE, AT ITS' WORSE, WILL IMPROVE ON THE SAFETY OF THE DRIVE LANES AND PARKING SPACES, WILL PROVIDE MORE VISIBILITY AND MOVEABILITY FOR THE GENERAL PUBLIC WHO USES THIS FACILITY.

APPLICATION

Please check application type:	<input type="checkbox"/> Conditional Use Request for: _____
<input type="checkbox"/> Administrative Appeal	<input checked="" type="checkbox"/> Variance Request for: _____
<input type="checkbox"/> Development Order Extension	<input type="checkbox"/> Rezoning Request from: _____ to: _____

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: Navy Crossings Willian Van Horn Phone: 850-572-2800

Address: P.O. Box 17341 Pensacola Fl 32522 Email: _____

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 720 Navy Blvd. Pensacola Fl. 32507

Property Reference Number(s)/Legal Description: 52-2S-30-2501-000-008

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

John D. Gilbert
Signature of Owner/Agent

John D. Gilbert _____
Printed Name Owner/Agent Date

Signature of Owner Printed Name of Owner Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 15 day of August 20 12
by John D. Gilbert

Personally Known OR Produced Identification . Type of Identification Produced: _____

Judy Denise Halstead
Signature of Notary
(notary seal must be affixed)

Judy Denise Halstead
Printed Name of Notary



FOR OFFICE USE ONLY	CASE NUMBER: _____
Meeting Date(s): _____	Accepted/Verified by: _____ Date: _____
Fees Paid: \$ _____	Receipt #: _____ Permit #: _____

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 720 N Navy Blvd Pensacola Fl
Florida, property reference number(s) 52-2S-30-2501-000-008

I hereby designate John D Gilbert for the sole purpose
of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above
referenced property.
- Board of Adjustment to request a(n) Variance on the above referenced property.

This Limited Power of Attorney is granted on this 09 day of August the year of,
2012, and is effective until the Board of County Commissioners or the Board of Adjustment has
rendered a decision on this request and any appeal period has expired. The owner reserves the right to
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development
Services Bureau.

Agent Name: John D Gilbert Email: gilbert_16009@msn.com

Address: 980 Hwy 196 32577Molino Fl. Phone: 850-554-9123

[Signature]
Signature of Property Owner

Signature of Property Owner

William Van Horn
Printed Name of Property Owner

Printed Name of Property Owner

Date

Date

STATE OF Florida COUNTY OF Escambia
The foregoing instrument was acknowledged before me this 13th day of August 2012
by William VanHorn

Personally Known OR Produced Identification Type of Identification Produced: _____

Tiffany Larson Tiffany Larson (Notary Seal)
Signature of Notary Printed Name of Notary



Prepared by: The Krystal Company
One Unions Square
Chattanooga, Tennessee 37402

Mail tax statement to and after recording return to:

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 7th day of July, 2011, by and between THE KRYSTAL COMPANY, a Tennessee corporation, whose address is One Union Square, Chattanooga, TN 37402, hereinafter party of the first part or Grantor; and Navy Crossings, LLC, a Florida limited liability company, whose address is: P.O. Box 17341, Pensacola, FL 32522, hereinafter, party of the second part or Grantee.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00.) and other valuable consideration, to it in hand paid by the party of the second part, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the party of the second part, its successors and assigns forever, the following described property, situated, lying and being in Escambia County, Florida (the "Property"):

See Exhibit "A" attached hereto and by this reference made apart hereof.

SUBJECT TO the matters expressly set forth on attached Exhibit "B" made a part hereof, party of the first part will warrant and forever defend the right and title to the real property conveyed herein unto the party of the second part, its successors and assigns, against all persons claiming by, through or under party of the first part, but not otherwise.

TO HAVE AND TO HOLD unto the party of the second part, its successors and assigns, together with all of the rights, easements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Grantor and Grantee expressly agree that the Property is granted, sold and conveyed by Grantor and accepted by Grantee on an "AS IS" basis only.

Signed and Sealed in Our Presence:

Amelia McLavahlin
Amelia McLavahlin
Typed or Printed Name of Witness

THE KRYSTAL COMPANY,
a Tennessee corporation

By: Robert S. Marshall
Robert S. Marshall
Vice President/CFO

Patricia Hattiebl
Patricia Hattiebl
Typed or Printed Name of Witness

(CORPORATE SEAL)

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this 7th day of July, 2011, by Robert S. Marshall, Vice Presiden/CFO of THE KRYSTAL COMPANY, a Tennessee corporation, on behalf of the corporation. He is personally known to me and did not take an oath.

(Official Seal)

Colleen M. Fieser
Notary Public, State of Tennessee
My commission expires: 3/4/2014

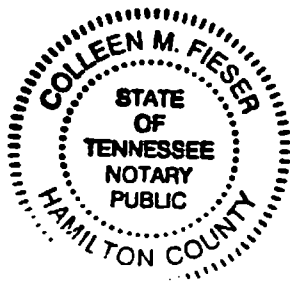


EXHIBIT "A"

A tract of land in Section 52, Township 2 South, Range 30 West, more particularly described as follows: Commencing at a point on the North line of the said Section 52, where said North line intersects Murray Boulevard, thence Southerly along the Easterly right-of-way of Admiral Murray Boulevard a distance of 825.7 feet to the Point of Beginning of the tract hereinafter described; Thence East at an angle of 90 degrees a distance of 200.0 feet; thence South at an angle of 90 degrees a distance of 150.0 feet; thence West at an angle of 90 degrees a distance of 200 feet to the Easterly right-of-way line of Admiral Murray Boulevard; thence Northerly along the Easterly right-of-way line of Admiral Murray Boulevard a distance of 150 feet to the Point of Beginning.

Exhibit B to Deed

This deed is made subject to ⁽¹⁾ any zoning, restrictions, prohibitions or other requirements imposed by governmental authority, ⁽²⁾ the lien of ad valorem taxes for the current and subsequent years, and ⁽³⁾ any exceptions, encumbrances, restrictions, easements or qualifications of record or as shown on a recorded plat or that would be disclosed by a current American Land Title Association ("ALTA") survey of the property.

**APPLICATION
ATTACHMENTS CHECKLIST**

- 1. For BOA, original letter of request, typed or written in blue ink & **must** include the reason for the request and address all criteria for the request as outlined in LDC Article 2.05 (dated, signed & notarized – notarization is only necessary if an agent will be used).
- 2. Application/Owner Certification Form - Notarized Original (page 1) (signatures of ALL legal owners or authorized agent are required)
- 3. Concurrency Determination Acknowledgment form - Original (if applicable) (page 2)
- 4. Affidavit of Owner & Limited Power of Attorney form - Notarized Original (if applicable) (page 3) (signatures of ALL legal owners are required)
- 5. Legal Proof of Ownership (e.g. copy of Tax Notice or Warranty Deed). Include Corporation/LLC documentation or a copy of Contract for Sale if applicable.
- 6. Legal Description of Property Street Address / Property Reference Number
- 7. a. Rezoning: Boundary Survey of subject property to include total acreage, all easements, and signed & sealed by a surveyor registered in the state of Florida.
b. BOA: Site Plan drawn to scale.
- 8. For Rezoning requests: If the subject parcel does not meet the roadway requirements of Locational Criteria (Comprehensive Plan 7.A.4.13 & LDC 7.20.00.), a compatibility analysis to request a waiver or an exemption to the roadway requirements will need to be submitted as part of the application.
- 9. Pre-Application Summary Form, Referral Form, Zoning Verification Request Form and/or copy of citation from Code Enforcement Department if applicable.
- 10. Application fees. (See Instructions page for amounts) Payment cannot be accepted after 3:00pm.

Please note: Forms with signatures dated more than sixty (60) days prior to application submittal will not be accepted as complete.

Please make the following three appointments with the Coordinator.

Appointment for pre-application meeting: _____

Appointment to turn in application: _____

Appointment to receive findings-of-fact: _____

NAVY BOULEVARD
(ADMIRAL MURRAY BOULEVARD)
(200' RIGHT-OF-WAY)

INSTALL 35' RADIUS PER F.D.O.T. STANDARDS (SEE DETAILS) DO NOT DISTURB EXISTING SIDEWALK ROADWAY

INSTALL "DO NOT ENTER" SIGN

BASE BEARING
N00°00'00"E 464.88'

D-NORTH 150'
F-N00°00'00"E 150.00'

INSTALL "DO NOT ENTER" SIGN

OUTSIDE SEATING

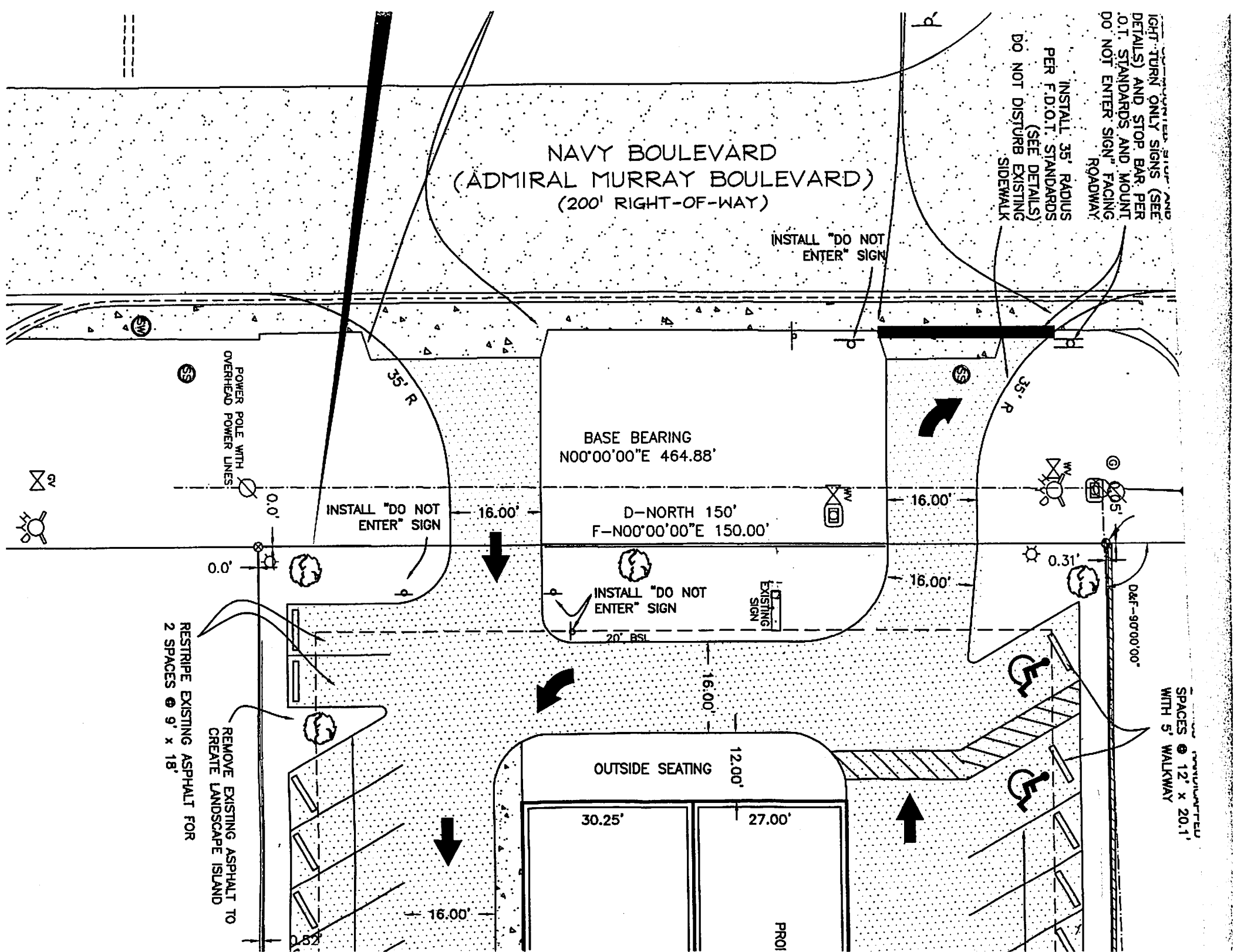
30.25' 27.00'

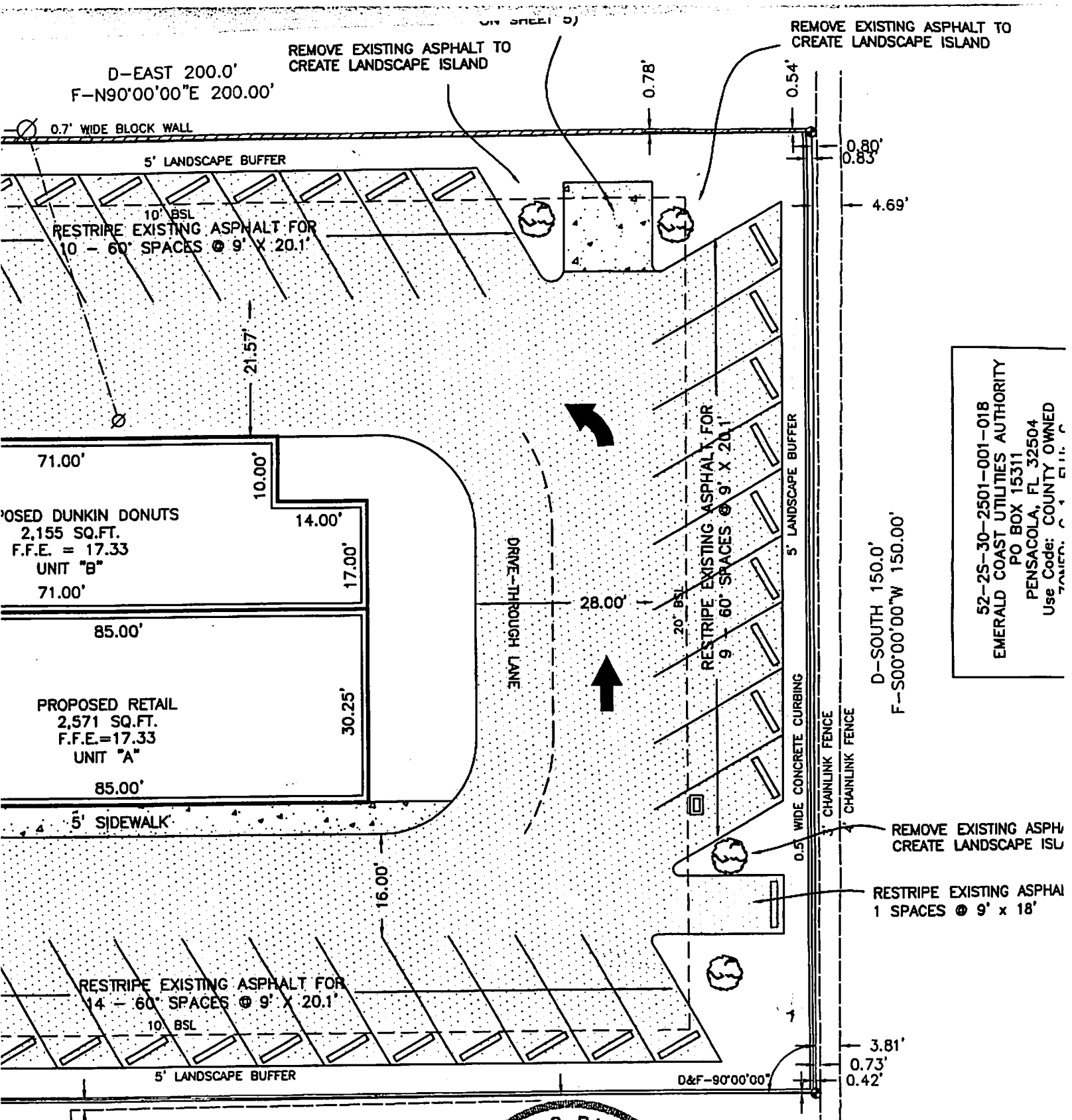
PROJ

POWER POLE WITH OVERHEAD POWER LINES

REMOVE EXISTING ASPHALT TO CREATE LANDSCAPE ISLAND
RESTRIPE EXISTING ASPHALT FOR 2 SPACES @ 9' x 18'

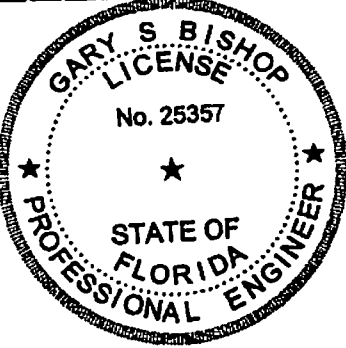
UNPAVED SPACES @ 12' x 20.1' WITH 5' WALKWAY





52-2S-30-2501-001-01B
 EMERALD COAST UTILITIES AUTHORITY
 PO BOX 15311
 PENSACOLA, FL 32504
 Use Code: COUNTY OWNED

52-2S-30-2501-000-009
 GLASS RAY BATTERIES INC
 1056 E JACKSON ST
 THOMASVILLE, GA 317924743
 Use Code: VACANT COMMERCIAL
 ZONED: C-1 FLU: C



Handwritten signature and date: Gary Bishop 8/3/12

Board of Adjustment

6. B.

Meeting Date: 09/12/2012
CASE: V-2012-11
APPLICANT: Charles Davis
ADDRESS: 3450 Stefani Rd.
PROPERTY REFERENCE NO.: 01-1S-31-1001-004-003
ZONING DISTRICT: R-R, Rural Residential
FUTURE LAND USE: MU-S, Mixed Use Suburban

SUBMISSION DATA:
REQUESTED VARIANCE:

The Applicant is seeking a variance to reduce the rear yard setback to 20 feet from 40 feet.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended),
Section: 6.05.02.E.5

5. Rear Yard. The minimum rear yard shall not be less than 40 feet in depth.

CRITERIA

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended),
Section 2.05.00

CRITERION (1)

That there are special circumstances or conditions applicable to the building or land in question that are peculiar to such property that do not apply generally to other land or buildings in the vicinity.

FINDINGS-OF-FACT

Section 2.05.02 of the Land Development Code defines special circumstances or conditions specifically as follows: "Such special conditions shall be limited to unusual physical characteristics inherent in the specific piece of property and not common to properties similarly situated. Such physical characteristics include, but are not limited to, exceptional narrowness, shallowness, shape, topographic conditions, or the presence of sensitive environmental resources, any or all of which will result in peculiar or practical difficulties in the quiet enjoyment and use of the property".

The property in question is a legal non-conforming lot of record, having been platted in 1958, prior to the zoning ordinance. The lot is half the minimum size required by the zoning district and the setbacks were never intended for a lot of this size. The requested setback would allow for the construction of a home in the footprint of the original home on site and preserve the trees at the front of the lot.

CRITERION (2)

That the variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the Applicant.

FINDINGS-OF-FACT

The requested variance is necessary for the preservation and enjoyment of a substantial property right given the size of the lot and the zoning setbacks.

CRITERION (3)

That such a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

FINDINGS-OF-FACT

This variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

CRITERION (4)

The variance will not, in any manner, alter other provisions of this Code or Comprehensive Plan.

FINDINGS-OF-FACT

This variance will not alter other provisions of the Land Development Code or Comprehensive Plan.

CRITERION (5)

That the variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA.

FINDINGS-OF-FACT

The requested variance is necessary to make use of the lot in the manner it was originally platted.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the variance as requested.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

V-2012-11

Board of Adjustment

6. B.

Meeting Date: 09/12/2012
CASE: V-2012-11
APPLICANT: Charles Davis
ADDRESS: 3450 Stefani Rd.
PROPERTY REFERENCE NO.: 01-1S-31-1001-004-003
ZONING DISTRICT: R-R, Rural Residential
FUTURE LAND USE: MU-S, Mixed Use Suburban

SUBMISSION DATA:
REQUESTED VARIANCE:

The Applicant is seeking a variance to reduce the rear yard setback to 20 feet from 40 feet.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended),
Section: 6.05.02.E.5

5. Rear Yard. The minimum rear yard shall not be less than 40 feet in depth.

CRITERIA

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended),
Section 2.05.00

CRITERION (1)

That there are special circumstances or conditions applicable to the building or land in question that are peculiar to such property that do not apply generally to other land or buildings in the vicinity.

FINDINGS-OF-FACT

Section 2.05.02 of the Land Development Code defines special circumstances or conditions specifically as follows: "Such special conditions shall be limited to unusual physical characteristics inherent in the specific piece of property and not common to properties similarly situated. Such physical characteristics include, but are not limited to, exceptional narrowness, shallowness, shape, topographic conditions, or the presence of sensitive environmental resources, any or all of which will result in peculiar or practical difficulties in the quiet enjoyment and use of the property".

The property in question is a legal non-conforming lot of record, having been platted in 1958, prior to the zoning ordinance. The lot is half the minimum size required by the zoning district and the setbacks were never intended for a lot of this size. The requested setback would allow for the construction of a home in the footprint of the original home on site and preserve the trees at the front of the lot.

CRITERION (2)

That the variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the Applicant.

FINDINGS-OF-FACT

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That such a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

FINDINGS-OF-FACT

This variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

CRITERION (4)

The variance will not, in any manner, alter other provisions of this Code or Comprehensive Plan.

FINDINGS-OF-FACT

This variance will not alter other provisions of the Land Development Code or Comprehensive Plan.

CRITERION (5)

That the variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA.

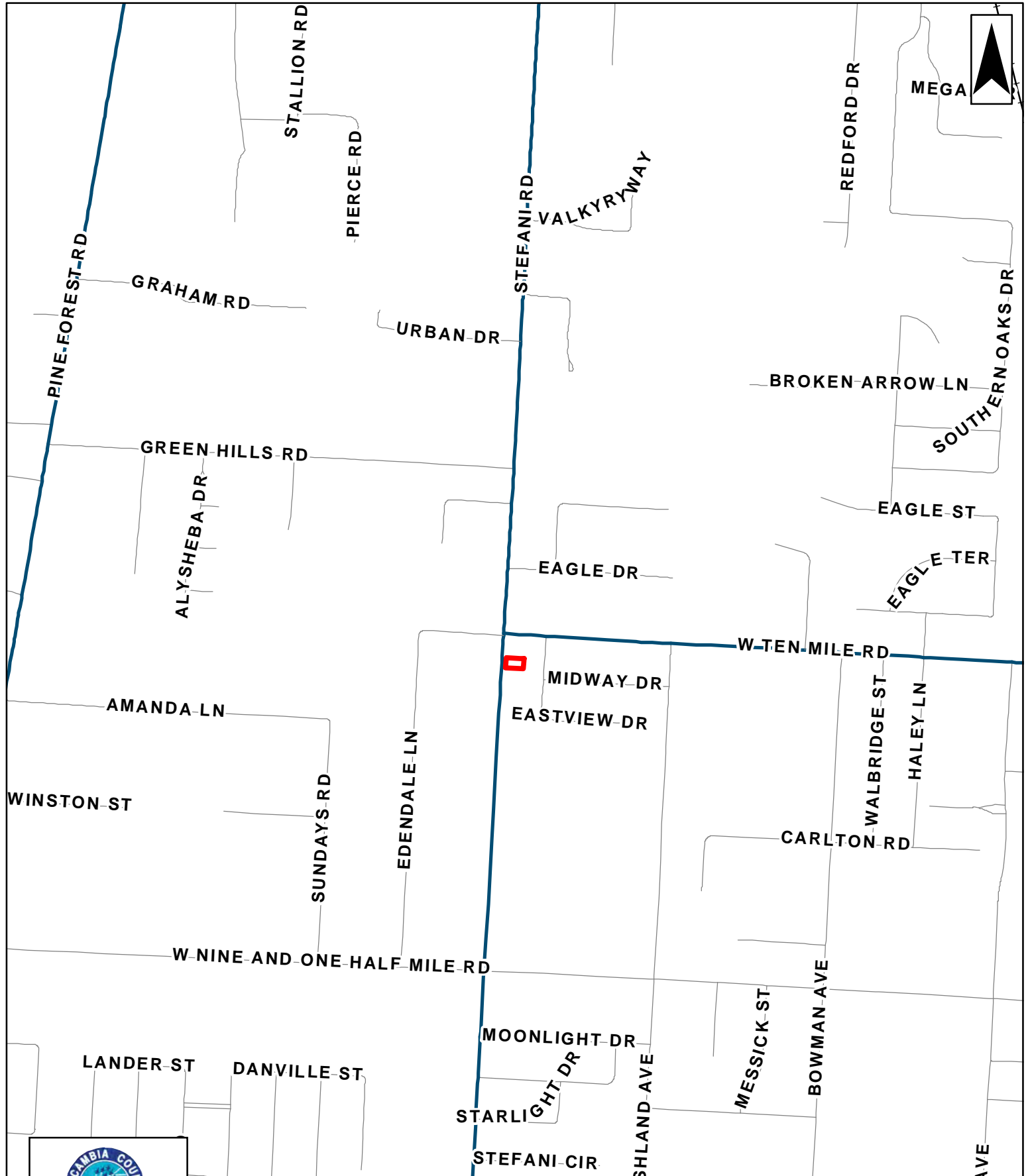
FINDINGS-OF-FACT

The requested variance is necessary to make use of the lot in the manner it was originally platted.

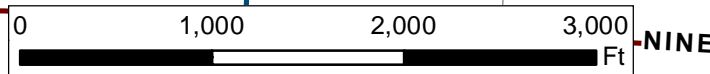
STAFF RECOMMENDATION:






Staff recommends that the Board approve the variance as requested.


BOARD OF ADJUSTMENT FINDINGS:



V-2012-11 LOCATION MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.



VR-1

V-5

VR-2

EAGLE DR

V-1

V-5

V-1

W-TEN MILE RD

EDENDALE LN

R-R

STEFANI RD



SHADY LN

MIDWAY DR

R-R

EASTVIEW DR

R-R

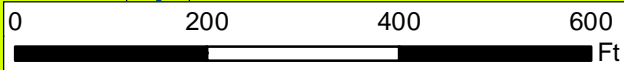
R-R



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

V-2012-11 500' RADIUS ZONING



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- + RAILROAD
- PARCELS



MU-S

MU-S

MU-S

MU-S

EAGLE DR

W TEN MILE RD

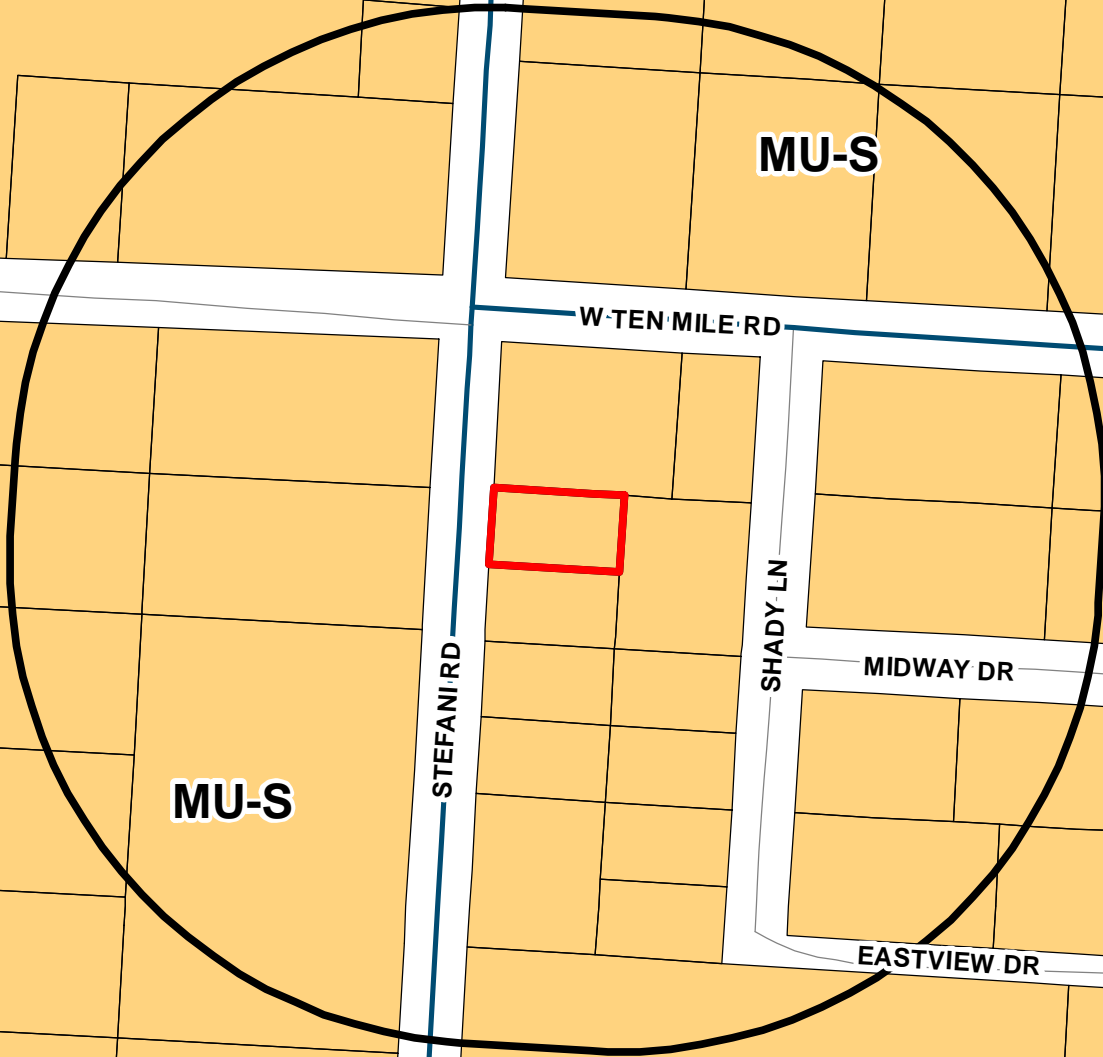
EDENDALE LN

STEFANI RD

SHADY LN

MIDWAY DR

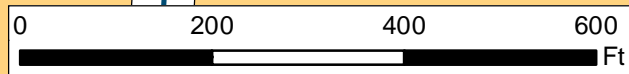
EASTVIEW DR



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

V-2012-11 FUTURE LAND USE



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS



W TEN MILE RD

W-TEN-MILE-RD

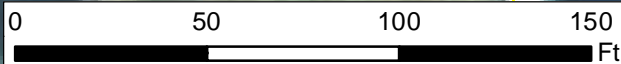
STEFANI RD









This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

V-2012-11 AERIAL MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD
-  PARCELS

AUGUST 16, 2012

REQUEST FOR VARIANCE

3450 STEFANI RD

THIS VARIANCE WOULD NOT APPLY TO THE ADJACENT PROPERTIES
EITHER SIDE OR REAR. REQUESTING VARIANCE DUE TO THE
PLACEMENT OF BUILDING WOULD HAVE AN EFFECT ON THE VIEW
AND AIR FLOW TO THE NEIGHBOR ON THE SOUTH SIDE. WITHOUT
VARIANCE I WOULD HAVE TO CUT DOWN 5 TREES INCLUDING
2 PINES & 3 OAKS WHICH ARE LARGE IN SIZE. IT WOULD
TAKE AWAY THE APPEARANCE OF THE LAND AND DESTROY THE
BEAUTY OF THE LAND WHICH IS ALREADY LANDSCAPED.

IT WOULD NOT IMPAIR LIGHT OR AIR IF GRANTED. IT
WOULD IMPAIR VISION & AIR TO SOMEWHAT BE HINDERED
ON THE 10' SETBACK

ALSO ON THE NORTH SIDE IS THE SEPTIC TANK WHICH
IS 25' FROM THE NORTH SIDE OF PROPERTY. BY HAVING
20' SETBACK WOULD ELIMINATE TRAFFIC OVER THE AREA
OF SEPTIC TANK AREA GOING AROUND BACK OF PROPERTY.
NEED TO USE THE FRONT OF PROPERTY WHILE THE
REAR IS NOT ONLY FOR BEAUTIFICATION BUT WOULD NOT
IMPAIR FOR ANY REASON THE WELFARE OR SURROUNDINGS
OF NEIGHBORS.

THIS VARIANCE IS REQUESTED FOR THE FOLLOWING
APPEARANCE
GIVING NEIGHBORS VIEW & AIR FLOW
NOT HAVING TO CUT DOWN TREES
NOT HAVING TRAFFIC ACTIVITY OF SEPTIC TANK

CHRISTOPHER DAVIS

RR-Zoning
MUS-7LU

APPLICATION

Please check application type:

Administrative Appeal

Development Order Extension

Conditional Use Request for: _____

Variance Request for: 3450 STEFANI RD

Rezoning Request from: _____ to: _____

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: CHARLES DAVIS Phone: (850) 501-4809

Address: 3450 STEFANI RD Email: CRD37@COX.NET

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.


Property Address: 3450 STEFANI RD

Property Reference Number(s)/Legal Description: 011931-1001 00 4003

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

Signature of Owner/Agent: [Signature] Signature of Owner: CHARLES DAVIS Date: 8-16-12

 Printed Name of Owner: _____ Date: _____

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 16th day of August 20 12.

by Charles Davis

Personally Known OR Produced Identification . Type of Identification Produced: _____

Signature of Notary: Brenda L. Wilson Printed Name of Notary: Brenda L. Wilson

(notary seal must be affixed)

FOR OFFICE USE ONLY CASE NUMBER: _____

Meeting Date(s): _____ Accepted/Verified by: _____ Date: _____

Fees Paid: \$ _____ Receipt #: _____ Permit #: _____

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 01-15-31-1001-004-003

Property Address: 3450 Stefani Road

I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed in the future development's permit application.

I/We also acknowledge and agree that approval of a zoning district amendment (rezoning) or Future Land Use Map amendment does not certify, vest, or otherwise guarantee that concurrency of required facilities and services is, or will be, available for any future development of the subject parcels.

I/We further acknowledge and agree that no development for which concurrency must be certified shall be approved unless at least one of the following minimum conditions of the Comprehensive Plan will be met for each facility and service of the County's concurrency management system prior to development approval:

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Chapter 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 16th DAY OF August, YEAR OF 2012.



Signature of Property Owner

CHARLES DAVIS

Printed Name of Property Owner

8-16-12

Date

Signature of Property Owner

Printed Name of Property Owner

Date

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at _____,
Florida, property reference number(s) _____

I hereby designate _____ for the sole purpose
of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above
referenced property.
- Board of Adjustment to request a(n) _____ on the above referenced property.

This Limited Power of Attorney is granted on this _____ day of _____ the year of,
_____, and is effective until the Board of County Commissioners or the Board of Adjustment has
rendered a decision on this request and any appeal period has expired. The owner reserves the right to
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development
Services Bureau.

Agent Name: _____ Email: _____

Address: _____ Phone: _____

Signature of Property Owner Printed Name of Property Owner Date

Signature of Property Owner Printed Name of Property Owner Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____.

Personally Known OR Produced Identification . Type of Identification Produced: _____

Signature of Notary Printed Name of Notary (Notary Seal)

APPLICATION ATTACHMENTS CHECKLIST

- ✓ 1. For BOA, original letter of request, typed or written in blue ink & **must** include the reason for the request and address all criteria for the request as outlined in LDC Article 2.05 (dated, signed & notarized – notarization is only necessary if an agent will be used).
- ✓ 2. Application/Owner Certification Form - Notarized Original (page 1) (signatures of ALL legal owners or authorized agent are required)
- ✓ 3. Concurrency Determination Acknowledgment form - Original (if applicable) (page 2)
- N/A 4. Affidavit of Owner & Limited Power of Attorney form - Notarized Original (if applicable) (page 3) (signatures of ALL legal owners are required)
- ✓ 5. Legal Proof of Ownership (e.g. copy of Tax Notice or Warranty Deed). Include Corporation/LLC documentation or a copy of Contract for Sale if applicable.
- ✓ 6. Legal Description of Property Street Address / Property Reference Number ✓
- N/A 7.
 - a. Rezoning: Boundary Survey of subject property to include total acreage, all easements, and signed & sealed by a surveyor registered in the state of Florida.
 - b. BOA: Site Plan drawn to scale.
- N/A 8. For Rezoning requests: If the subject parcel does not meet the roadway requirements of Locational Criteria (Comprehensive Plan 7.A.4.13 & LDC 7.20.00.), a compatibility analysis to request a waiver or an exemption to the roadway requirements will need to be submitted as part of the application.
- N/A 9. Pre-Application Summary Form, Referral Form, Zoning Verification Request Form and/or copy of citation from Code Enforcement Department if applicable.
- ✓ 10. Application fees. (See Instructions page for amounts) Payment cannot be accepted after 3:00pm.

Please note: Forms with signatures dated more than sixty (60) days prior to application submittal will not be accepted as complete.

Please make the following three appointments with the Coordinator.

Appointment for pre-application meeting: _____ ✓

Appointment to turn in application: _____ 8-16-2012

Appointment to receive findings-of-fact: _____

DIANNE GASTON
P.O. BOX 896
CRESTVIEW, FL 32536

Ernie Lee Magaha
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY FLORIDA
INST# 2012063169 08/16/2012 at 08:59 AM
OFF REC BK: 6696 PG: 54 - 59 Doc Type: QCD
RECORDING: \$44.00 Deed Stamps \$70.00

QUIT CLAIM DEED

STATE OF FLORIDA
COUNTY OF Escambia

KNOWN ALL MEN BY THESE PRESENTS: That Betty G. Sport, John Mercer Sport, Lisa Ann Sport, William Lewis Sport, Clint Edward Sport, Olga Ann Helms and Michael John Sport, as their separate and non-homestead property, whose mailing address is 2512 Southern Oaks Drive, Cantonment, Florida 32533, Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations the receipt of which is hereby acknowledged, do remise, release, and quit claim unto Charles R. Davis, Grantee, grantee's heirs, executors, administrators and assigns, forever, whose address is 701 Kingsfeild Road, Cantonment, Florida 32533, the following described property, situate, lying and being in the County of Escambia, State of Florida, to wit:

Lot 4, Block 3, Pine Hills Subdivision, Escambia County, Florida, according to plat recorded in Plat Book 4, at Page 83, of the Public Records of said County.

Subject to Restrictions, Reservations, Easements, Covenants, Oil, Gas or Mineral Rights of Record, if any.

THIS DOCUMENT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH, TITLE OPINION OR TITLE INSURANCE.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, free from all exemptions and rights of homestead.

"wherever used herein, the term "grantee/grantor" shall include the heirs, personal representatives, successors, and/or assigns of the respective parties hereto."

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal on this 29TH day of MARCH, 2012.

Signed, sealed and delivered in the presence of:

Dianne Gaston

WITNESS
DIANNE GASTON

Olga Ann Helms

WITNESS
OLGA ANN HELMS

Betty G. Sport (SEAL)
Betty G. Sport

SEE ATTACHED FOR ADDITIONAL
SIGNATURES OF GRANTORS

STATE OF FLORIDA
COUNTY OF ESCAMBIA

THE FOREGOING INSTRUMENT was acknowledged before me this 29TH day of MARCH, 2012, by Betty G. Sport, who is personally known to me or produced FLDL as identification, who did not

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
WITNESS: ALBY THORNTON

[Signature]
William Lewis Sport

[Signature]
WITNESS: DAVINI PIRKIGH

STATE OF FLORIDA
COUNTY OF Volusia

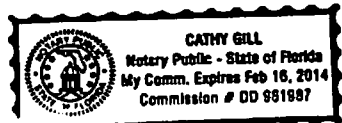
I HEREBY CERTIFY that on the day of April 12, 2012, before me personally appeared William Lewis Sport, who is personally known to me or produced Florida Driver Lic. As identification, who is the person described in and who executed the foregoing instrument, and who, after being duly sworn, says that execution hereof is his/her free act and deed for the uses and purposes herein mentioned.

SWORN TO AND SUBSCRIBED before me the undersigned Notary Public by hand and official seal the day and year last aforesaid.

[Signature]

Commission No. 13 961987

Notary Public:
My Commission Expires: 2-16-2014



sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
WITNESS: MARY SUARI

[Signature]
John Mercer Sport

[Signature]
WITNESS: JEAN GUFFIN

STATE OF FLORIDA
COUNTY OF Escambia

I HEREBY CERTIFY that on the day of April 2, 2012,
before me personally appeared John Mercer Sport, who is personally
known to me or produced _____ As identification, who is
the person described in and who executed the foregoing instrument,
and who, after being duly sworn, says that execution hereof is his/her
free act and deed for the uses and purposes herein mentioned.
SWORN TO AND SUBSCRIBED before me the undersigned Notary
Public by hand and official seal the day and year last aforesaid.

[Signature]
Notary Public:

Commission No. DD 772723

My Commission Expires: MAY 18, 2012



IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

David Pellegrino
WITNESS:
DAVID PELLEGRINO

Lisa Ann Sport
Lisa Ann Sport
Lisa Ann Herunston (married name)

Marcia Sport
WITNESS:
Marcia Sport

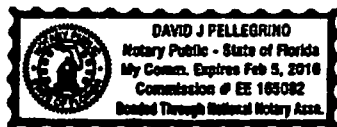
STATE OF FLORIDA
COUNTY OF ESCAMBIA

I HEREBY CERTIFY that on the day of April 9, 2012, before me personally appeared Lisa Ann Sport, who is personally known to me or produced FL Drivers License As identification, who is the person described in and who executed the foregoing instrument, and who, after being duly sworn, says that execution hereof is his/her free act and deed for the uses and purposes herein mentioned. SWORN TO AND SUBSCRIBED before me the undersigned Notary Public by hand and official seal the day and year last aforesaid.

David Pellegrino
Notary Public:

Commission No. EE 165082

My Commission Expires: FEB 5 2016



IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Deanne Gaston
WITNESS:
DIANNE GASTON

Olga Ann Helms
Olga Ann Helms

Betty G. Sport
WITNESS:
BETTY G SPORT

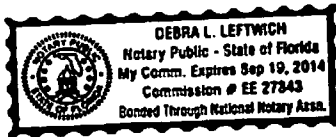
STATE OF FLORIDA
COUNTY OF ESCAMBIA

I HEREBY CERTIFY that on the day of MARCH 29, 2012, before me personally appeared Olga Ann Helms, who is personally known to me or produced FD-11453-UN-38-786 As identification, who is the person described in and who executed the foregoing instrument, and who, after being duly sworn, says that execution hereof is his/her free act and deed for the uses and purposes herein mentioned. SWORN TO AND SUBSCRIBED before me the undersigned Notary Public by hand and official seal the day and year last aforesaid.

Debra L. Leftwich
Notary Public.

Commission No. EE 27343

My Commission Expires: 9-19-14





Print Date:
8/16/2012 8:59:55 AM



ERNIE LEE MAGAHA
Clerk of the Circuit Court
Escambia County, FL
P.O. Box 333
Pensacola, FL 32591
850-595-3930

Transaction #: 955938
Receipt #: 201248981
Cashier Date: 8/16/2012 8:59:49 AM
(KSTYRON)

Customer Information	Transaction Information	Payment Summary
() CHARLES R DAVIS 701 KINGSFIELD RD CANTONMENT, FL 32533	Date Received: 08/16/2012 Source Code: Over the Counter Q Code: Return Code: Over the Counter Trans Type: Recording Agent Ref Num:	Total Fees \$118.00 Total Payments \$118.00

1 Payments	
CREDIT	\$118.00

1 Recorded Items		
(QCD) QUIT CLAIM DEED	BK/PG: 6896/55 CFN:2012063169 Date: 8/16/2012 8:59:48 AM From: SPORT BETTY G To: DAVIS CHARLES R	
Recording @ 1st=\$10 Add'l=\$8.50 ea.	5	\$44.00
Indexing @ 1st 4 Names Free, Add'l=\$1 ea.	8	\$4.00
Deed Doc Stamps @ \$0.70 per \$100	10000	\$70.00

0 Search Items

0 Miscellaneous Items

ECPA Home



Chris Jones Escambia County Property Appraiser

oldowner

Real Estate Search | Tangible Property Search | Amendment 1 Calculations

Back

Navigate Mode Account Reference

[Printer Friendly Version](#)

General Information		2012 Certified Roll Assessment	
Reference:	011S311001004003	Improvements:	\$0
Account:	090077000	Land:	\$19,000
Owners:	SPORT ANNIE LOIS	Total:	\$19,000
Mail:	3451 E KINGSFIELD RD PENSACOLA, FL 32514	Save Our Homes:	\$0
Situs:	3450 STEFANI RD 32533	Disclaimer	
Use Code:	VACANT RESIDENTIAL <input type="checkbox"/>	Amendment 1 Calculations	
Taxing Authority:	COUNTY MSTU		
Tax Inquiry:	Open Tax Inquiry Window		
Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector			
Sales Data		2012 Certified Roll Exemptions	
Sale Date	Book Page	Value	Type
01/1975	873 892	\$2,000	WD
01/1970	506 973	\$100	WD
		Official Records (New Window)	
		View Instr	
		View Instr	
Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court			
		Legal Description	
		LT 4 BLK 3 PINE HILLS PB 4 P 83 OR 873 P 892	
		Extra Features	
		None	

Parcel Information [Restore Map](#) [Get Map Image](#) [Launch Interactive Map](#)

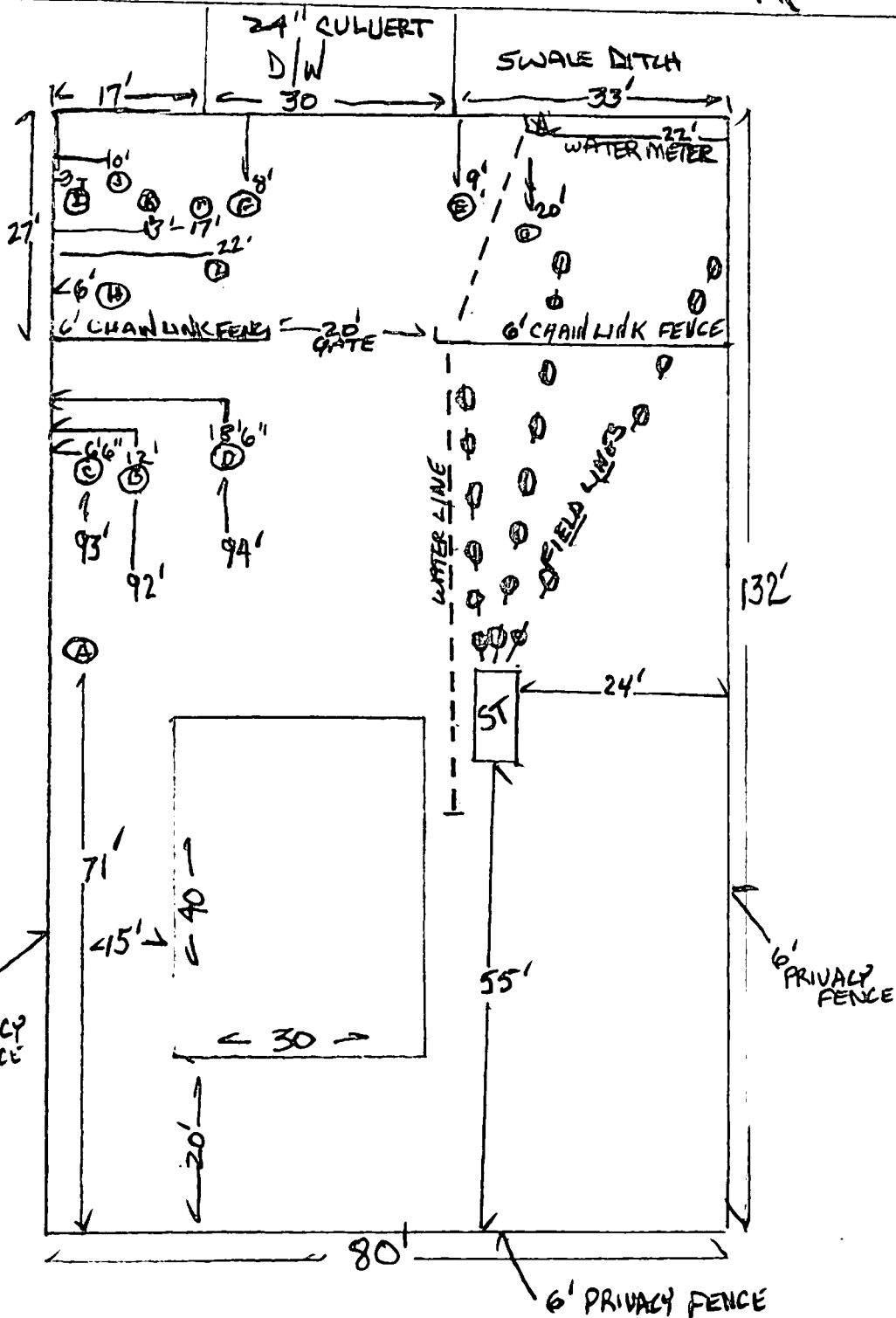
CHARLES "DICKIE" DAVIS

N →

3450 STEFANI RD

ROAD R/W

ROAD R/W



- TREES**
- A - PINE - 4'6" C
 - B - OAK - 5'9" C
 - C - OAK - 7'4" C
 - D - PINE - 6'2" C
 - E - OAK-H - 9' C
 - F - OAK-H - 7'6" C
 - G - PINE - 6' C
 - H - PINE - 4'6" C
 - I - PINE - 7'1" C
 - J - PINE - 3'6" C
 - K - PINE - 4'8" C
 - L - PINE - 4'6" C
 - M - PINE - 3'10" C

1/2" = 10 feet

Invoice Detail

Permit ID #: PBA120800020

Invoice #: 654508

Invoice Date: 08/16/2012 15:02:51

Period	Fee Item
FINAL	VARIANCE APPLICATION

Qty	Fee
1.0	\$350.00

Total Fee: \$350.00

Board of Adjustment

6. C.

Meeting Date: 09/12/2012
CASE: V-2012-12
APPLICANT: David J. Pinder, Agent for Junior Food Stores of West Florida, Inc. and Sandra O' Gara
ADDRESS: 14254 & 14250 Perdido Key Dr.
PROPERTY REFERENCE NO.: 14-3S-32-1001-001-083,
14-3S-32-1001-000-083
ZONING DISTRICT: C-1PK, Perdido Key Commercial
FUTURE LAND USE: MU-PK, Mixed Use Perdido Key

SUBMISSION DATA:
REQUESTED VARIANCE:

As part of a redevelopment project, the Applicant is seeking to reduce the required number of parking spaces from 46 to 35.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 7.02.00.C.15

15. Restaurants (not drive-in) and bars. One space for each 50 square feet of floor area used for customer service with a minimum of 20 spaces.

CRITERIA

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section 2.05.00

CRITERION (1)

That there are special circumstances or conditions applicable to the building or land in question that are peculiar to such property that do not apply generally to other land or buildings in the vicinity.

FINDINGS-OF-FACT

Section 2.05.02 of the Land Development Code defines special circumstances or conditions specifically as follows: "Such special conditions shall be limited to unusual physical characteristics inherent in the specific piece of property and not common to properties similarly situated. Such physical characteristics include, but are not limited to, exceptional narrowness, shallowness, shape, topographic conditions, or the presence of sensitive environmental resources, any or all of which will result in peculiar or practical difficulties in the quiet enjoyment and use of the property".

This existing retail development covers 2 parcels with a shared parking lot. The parking lot covers the entire front of the property and there is no room for expansion. This unique physical

arrangement presents difficulties in changing any of the internal uses as each use has a different parking requirement.

CRITERION (2)

That the variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the Applicant.

FINDINGS-OF-FACT

The variance is necessary for the preservation and enjoyment of a substantial property right given the unique physical features of the existing development.

CRITERION (3)

That such a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

FINDINGS-OF-FACT

This variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

CRITERION (4)

The variance will not, in any manner, alter other provisions of this Code or Comprehensive Plan.

FINDINGS-OF-FACT

This variance will not alter other provisions of the Land Development Code or Comprehensive Plan.

CRITERION (5)

That the variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA.

FINDINGS-OF-FACT

The requested parking variance is the minimum necessary given the physical limitations present in the redevelopment of this site.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the variance as submitted.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

V-2012-12

Board of Adjustment

6. C.

Meeting Date: 09/12/2012
CASE: V-2012-12
APPLICANT: David J. Pinder, Agent for Junior Food Stores of West Florida, Inc. and Sandra O' Gara
ADDRESS: 14254 & 14250 Perdido Key Dr.
PROPERTY REFERENCE NO.: 14-3S-32-1001-001-083,
14-3S-32-1001-000-083
ZONING DISTRICT: C-1PK, Perdido Key Commercial
FUTURE LAND USE: MU-PK, Mixed Use Perdido Key

SUBMISSION DATA:

REQUESTED VARIANCE:

As part of a redevelopment project, the Applicant is seeking to reduce the required number of parking spaces from 46 to 35.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 7.02.00.C.15

15. Restaurants (not drive-in) and bars. One space for each 50 square feet of floor area used for customer service with a minimum of 20 spaces.

CRITERIA

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section 2.05.00

CRITERION (1)

That there are special circumstances or conditions applicable to the building or land in question that are peculiar to such property that do not apply generally to other land or buildings in the vicinity.

FINDINGS-OF-FACT

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This existing retail development covers 2 parcels with a shared parking lot. The parking lot covers the entire front of the property and there is no room for expansion. This unique physical

arrangement presents difficulties in changing any of the internal uses as each use has a different parking requirement.

CRITERION (2)

That the variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the Applicant.

FINDINGS-OF-FACT

The variance is necessary for the preservation and enjoyment of a substantial property right given the unique physical features of the existing development.

CRITERION (3)

That such a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

FINDINGS-OF-FACT

This variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

CRITERION (4)

The variance will not, in any manner, alter other provisions of this Code or Comprehensive Plan.

FINDINGS-OF-FACT

This variance will not alter other provisions of the Land Development Code or Comprehensive Plan.

CRITERION (5)

That the variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA.

FINDINGS-OF-FACT

The requested parking variance is the minimum necessary given the physical limitations present in the redevelopment of this site.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the variance as submitted.

BOARD OF ADJUSTMENT FINDINGS:



OLD RIVER

RIVER RD

SEMMES ST

SEMMES ST



PERDIDO-KEY-DR

GULF OF MEXICO



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

V-2012-12 LOCATION MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD



PRPK

PRPK

C-1PK

C-1PK

PERDIDO KEY DR

CCPK

CCPK

S-1PK

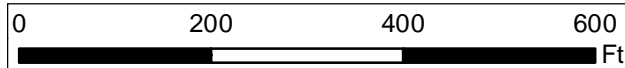
GULF OF MEXICO



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

V-2012-12 500' RADIUS ZONING



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS



MU-PK

MU-PK

PERDIDO KEY DR

MU-PK

MU-PK

REC

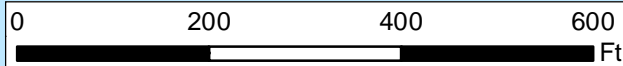
GULF OF MEXICO



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Andrew Holmer
Planning and Zoning Dept.

V-2012-12 FUTURE LAND USE



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS



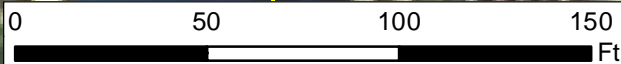
PERDIDO KEY DR









This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

V-2012-12 AERIAL MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD
-  PARCELS

PINDER-MARTIN ASSOCIATES, INC.
Architecture Consulting
1001 N. 12th Avenue
Pensacola, FL 32501
AA26000896
IB26000688
Phone 850-439-9110
pindermartin@bellsouth.net

August 20, 2012

Hand Delivered

BOARD OF ADJUSTMENT

Escambia County
3363 West Park Place
Pensacola, FL 32505

Re: Variance Request – 14254 Perdido Key Drive

Dear Board of Adjustment:

The petitioner requests a Variance seeking consideration and approval for reduced parking requirements at the existing property of 14254 Perdido Key Drive. Our intentions are to renovate the empty section of the building for a restaurant type use. Meeting the performance measure of the parking count, per Article 7, impacts this endeavor. In making this request, we provide evidence that this project complies with the specific rules governing this use and that the project satisfactorily provides for the following criteria:

1. Special Circumstance or Conditions

The proposed project is the renovation of a discontinued 3000 SF convenience store into the restaurant, Mediterranean Bistro, 360. The renovation will occur in the western end of the existing building. The building and site improvements were completed in 1983 prior to the enactment of the regulation. There are special circumstances unique to the property. These special circumstances are tangible conditions involving the existing shape, lot size, and current driveway ingress/egress. Peculiar to this site is the current asphalt parking lot and driveways configuration which exist without room for expansion only reconfiguration of existing patterns.

2. Necessity for variance

The variance is necessary for the preservation and enjoyment of a substantial property right as defined herein and not only to serve as a convenience to the applicant. The petitioner's equally important need for this parking design is to ensure harmony and a peaceful coexistence with the neighboring businesses by not impacting their current delivery patterns. The proposed restaurant would compliment the adjacent retail uses as well as serve the active community.

The restaurant use is considered a 'change of use' to the existing center thus enacting parking provisions of the Land Development Code. The narrow property shape compounded by no rear access limits the type of parking configurations. Current businesses need the existing driveways to allow appropriate maneuverability of delivery trucks. The planned customer parking spaces, landscaping, truck delivery stall, and

dumpster enclosures impact the total achievable parking count. Without the variance, the restaurant type use would not be permitted.

3. Authorization of the Variance

The authorization of this variance will not be detrimental to the public health, safety or general welfare. Such finding would include no concerns such as fire safety, structural stability, clearance, preservation of light and open space, and visual and aesthetic concerns. Granting of this variance will not impair adjacent landowners in respect to property values nor lessen the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

4. Respect of Code and Comprehensive Plan

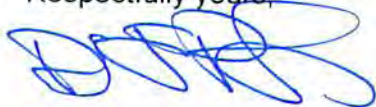
That granting of the variance would not constitute a special privilege. The proposed variance is consistent with all other relevant provisions of this code. The planned renovation will meet the definition of redevelopment with the substantial renewal of the parking site. The existing site plan (attached for review) has been reconfigured to achieve the maximum parking possible with the provisions for landscaping, vehicle maneuverability and deliveries but sufficient land is not available on site to meet the provision of the parking requirements.

Existing impervious/pervious surface ratios shall not increase. In effect, the impervious will be reduced with the installation of landscaping.

5. Minimum Requirements

This request for discharging a portion of the parking count is the minimum necessary for the preservation and enjoyment of a substantial property right. The parking design shown maximizes the property parking use and is not presented as a convenience to the user. The justification for this is that the proposed change is the only way for the desired restaurant use to advance.

Respectfully yours,



David J. Pinder, RA, LEED AP
Pinder-Martin Associates, Inc.

Attachment

APPLICATION

Please check application type:

Administrative Appeal

Development Order Extension

Conditional Use Request for: _____

Variance Request for: 14254 PERDIDO KEY DRIVE

Rezoning Request from: _____ to: _____

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: JUNIOR FOOD STORES OF WEST FLORIDA, INC Phone: 850.682.5171
SANDRA O'GARA Phone: 850.501.1004

Address: P.O. BOX 847 CRESTVIEW, FL 32536 Email: DAVE.DAIGLE@TOMT.COM
31 STAR LAKE DR PENSACOLA 32507

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 14254 PERDIDO KEY DRIVE ~~14250 PERDIDO KEY DRIVE~~

Property Reference Number(s)/Legal Description: _____
143532-1001-001-083 AND 143532-1001-000-083

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.



 Signature of Owner/Agent

DAVID J. PINDER

 Printed Name Owner/Agent

08.21.12

 Date

 Signature of Owner

 Printed Name of Owner

 Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 20____
 by _____.

Personally Known OR Produced Identification . Type of Identification Produced: _____

 Signature of Notary
 (notary seal must be affixed)

 Printed Name of Notary

FOR OFFICE USE ONLY CASE NUMBER: _____

Meeting Date(s): _____ Accepted/Verified by: _____ Date: _____

Fees Paid: \$ _____ Receipt #: _____ Permit #: _____

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 14250 PERDIDO KEY DRIVE,
Florida, property reference number(s) 143532-1001-000-083

I hereby designate DAVID J. PINDER for the sole purpose
of completing this application and making a presentation to the:

Planning Board and the Board of County Commissioners to request a rezoning on the above
referenced property.

Board of Adjustment to request a(n) VARIANCE on the above referenced property.

This Limited Power of Attorney is granted on this 21 day of AUGUST the year of,
2012, and is effective until the Board of County Commissioners or the Board of Adjustment has
rendered a decision on this request and any appeal period has expired. The owner reserves the right to
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development
Services Bureau.

Agent Name: DAVID J. PINDER Email: djpinder@bellsouth.net

Address: 1001 N. 12th AVE. PENSACOLA 32501 Phone: 850-439-9110

Sandra O'Gara
Signature of Property Owner

SANDRA O'GARA
Printed Name of Property Owner

8-20-12
Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 20th day of August 2012,
by Sandra O'Gara

Personally Known OR Produced Identification . Type of Identification Produced: FL ID

Leighton Schuck
Signature of Notary

Leighton Schuck
Printed Name of Notary

(Notary Seal)



AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 14254 PERDIDO KEY DRIVE,
Florida, property reference number(s) 143532-1001-001-083
I hereby designate DAVID J. PINDER for the sole purpose
of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above
referenced property.
- Board of Adjustment to request a(n) VARIANCE on the above referenced property.

This Limited Power of Attorney is granted on this 21 day of AUGUST the year of,
2012, and is effective until the Board of County Commissioners or the Board of Adjustment has
rendered a decision on this request and any appeal period has expired. The owner reserves the right to
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development
Services Bureau.

Agent Name: DAVID J. PINDER Email: DJPINDER@BELLSOUTH.NET

Address: 1001 N. 12th AVE, PENSACOLA, FL 32501 Phone: 850-439-9110

[Signature]
Signature of Property Owner

Mark W. Salisbury
Printed Name of Property Owner

8-21-12
Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF Florida COUNTY OF Okaloosa

The foregoing instrument was acknowledged before me this 21st day of August 2012
by Personally Known

Personally Known OR Produced Identification . Type of Identification Produced: _____

[Signature]
Signature of Notary

Printed Name of Notary



BARBARA R. DOBSON
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD988635
Expires 5/14/2014

Janet Holley

Ad Valorem Taxes and Non-Ad Valorem Assessments

Escambia County Tax Collector

REAL ESTATE 2011 66802

Account Number	Payor	Exemptions	Taxable Value	Millage Code
10-3558-100		See Below	See Below	06

JUNIOR FOOD STORES OF WEST
FLORIDA INC
PO BOX 847
CRESTVIEW FL 32536

143S32-1001-001-083 14254 PERDIDO
KEY DR W 60 FT OF LT 83 GULF BEACH
S/D PB 4 P 52 SEC
14/26/27/31/34/35 T3SR 32W OR 1922
P 275

Ad Valorem Taxes				
Taxing Authority	Rate	Exemption Amount	Taxable Value	Taxes Levied
COUNTY	6.9755		\$216,967	\$1,513.45
PUBLIC SCHOOLS				
By Local Board	2.2480		\$216,967	\$487.74
By State Law	5.5730		\$216,967	\$1,209.16
SHERIFF	0.6850		\$216,967	\$148.62
WATER MANAGEMENT	0.0400		\$216,967	\$8.68
Total Millage		15.5215	Total Taxes \$3,367.65	

Non-Ad Valorem Assessments		
Code	Levying Authority	Amount
NFP	FIRE (CALL 595-4960)	\$111.00
Total Assessments		\$111.00
Taxes & Assessments		\$3,478.65

Janet Holley

Ad Valorem Taxes and Non-Ad Valorem Assessments

Escambia County Tax Collector

REAL ESTATE 2011 66735

Account Number	Payor	Exemptions	Taxable Value	Millage Code
10-3558-000		See Below	See Below	06

O GARA SANDRA PHIPPS &
 O GARA JOSEPH D TRUSTEES
 31 STAR LAKE DR
 PENSACOLA FL 32507

143S32-1001-000-083 14250 PERDIDO
 KEY DR E 140 FT OF LT 83 GULF
 BEACH S/D PB 4 P 52 OR 1666 P 683
 OR 4443 P 1012 OR 5519 P 1954 OR
 5987 P 1600 SEC 14/26/27/34/35 T3S
 R32W

Ad Valorem Taxes				
Taxing Authority	Rate	Exemption Amount	Taxable Value	Taxes Levied
COUNTY	6.9755		\$396,878	\$2,768.42
PUBLIC SCHOOLS				
By Local Board	2.2480		\$396,878	\$892.18
By State Law	5.5730		\$396,878	\$2,211.80
SHERIFF	0.6850		\$396,878	\$271.86
WATER MANAGEMENT	0.0400		\$396,878	\$15.88
Total Millage	15.5215			\$6,160.14

Non-Ad Valorem Assessments		
Code	Levying Authority	Amount
NFP	FIRE (CALL 595-4960)	\$288.60
Total Assessments		\$288.60
Taxes & Assessments		\$6,448.74



NORTHWEST FLORIDA LAND SURVEYING, INC.

7142 BELGIUM CIRCLE
PENSACOLA, FL 32526
(850) 432-1052

A PROFESSIONAL SERVICE ORGANIZATION



PREPARED FOR: WANDA LEWS

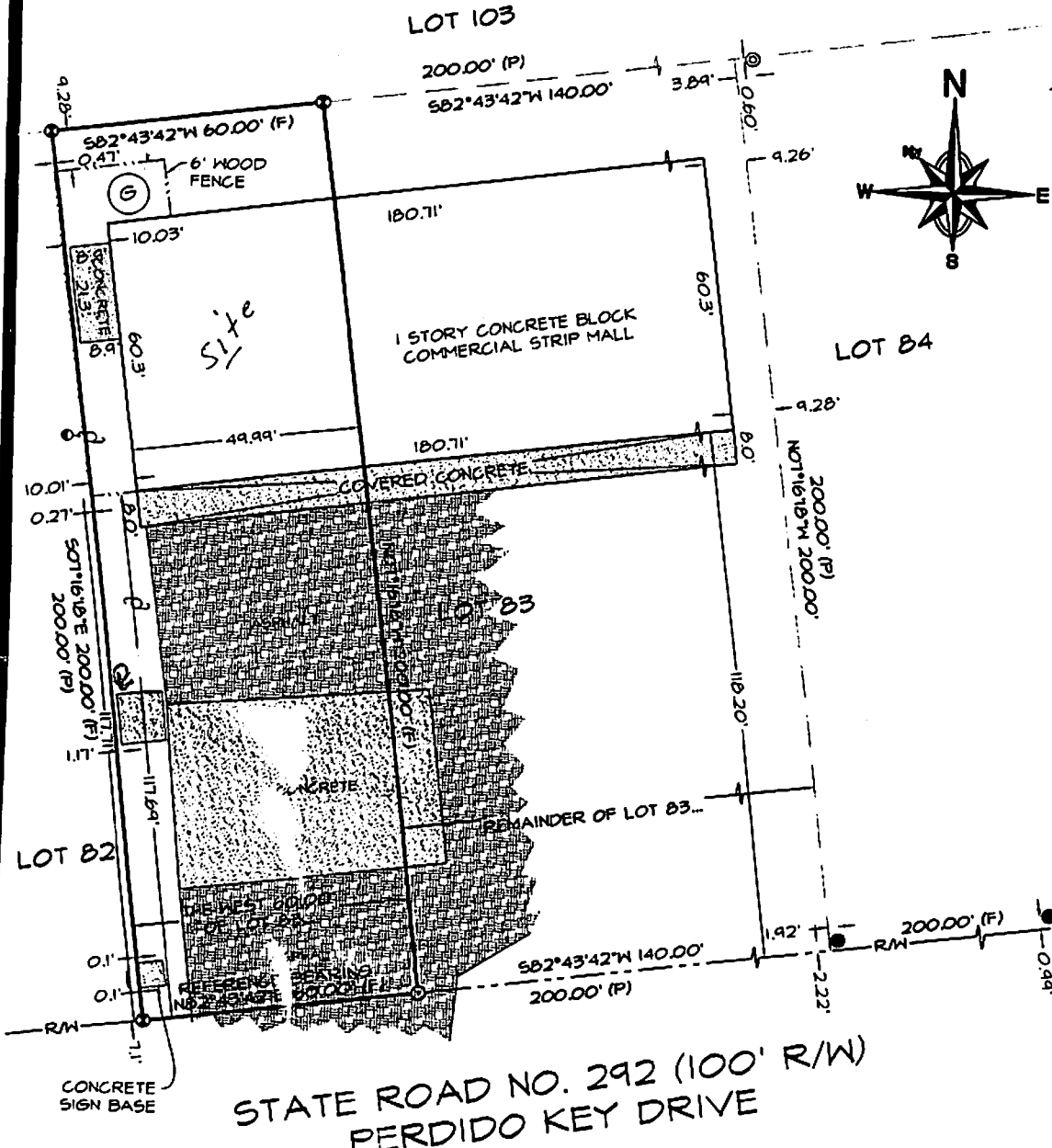
JOB NO.: 10-18173-11

REQUESTED BY: WANDA LEWS

DATE: JULY 19, 2011

PROPERTY ADDRESS: 14254 PERDIDO KEY DRIVE

SCALE: 1"=40'



BOUNDARY SURVEY WITH IMPROVEMENTS

SHEET 1 OF 2

MEASUREMENTS MADE TO UNITED STATES STANDARDS

P.C. JAS D.M.T. JAS T.Y.P. _____ C.H.E.K. FRI

DESCRIPTION: SEE SHEET 2 OF 2

SEC. 34 , TWP. 35 , RGE. 32W , ESCAMBIA COUNTY, STATE OF FLORIDA.

RECORDED --- BOOK --- . PAGE --- . *THE ENCROACHMENTS ARE AS SHOWN*

FIELD DATE: 7-19-06 , FIELD BOOK: FRT3 , PG. 78

NORTHWEST FLORIDA LAND SURVEYING, INC.
FLORIDA CORPORATION NUMBER 7277

Fred R. Thompson
FRED R. THOMPSON PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NUMBER 3027 STATE OF FLORIDA

REVISIONS:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR



PREPARED FOR: WANDA LEWIS

JOB NO.: 10-18173-11

REQUESTED BY: WANDA LEWIS

DATE: JULY 19, 2011

PROPERTY ADDRESS: 14254 PERDIDO KEY DRIVE

SCALE: ~~1"=50'~~

DESCRIPTION AS FURNISHED:

THE WEST 60 FEET OF LOT 83, GULF BEACH SUBDIVISION AS RECORDED IN FLAT BOOK 4 AT PAGE 52 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.

GENERAL NOTES:

1. THE BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARINGS OF NORTH 82 DEGREES 43 MINUTES 42 SECONDS EAST ALONG THE SOUTH LINE OF THE PROPERTY.
2. THE SURVEY DATUM AS SHOWN HEREON IS REFERENCED TO THE DESCRIPTION AS FURNISHED AND TO EXISTING FIELD MONUMENTATION.
3. NO TITLE SEARCH WAS PROVIDED TO NOR PERFORMED BY NORTHWEST FLORIDA LAND SURVEYING, INC. FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, STATE AND/OR FEDERAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY.
4. THE PROPERTY AS SHOWN HEREON IS LOCATED IN FLOOD ZONE "AO", DEPTH 1 FOOT, AS DETERMINED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP OF ESCAMBIA COUNTY, FLORIDA (UNINCORPORATED AREAS), MAP NUMBER 12033C 0512 G, REVISED SEPTEMBER 29, 2006.
5. THIS SURVEY DOES NOT DETERMINE OWNERSHIP.
6. THIS SURVEY MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, TO THE BEST OF MY KNOWLEDGE AND BELIEF.
7. THE MEASUREMENTS AS SHOWN HEREON WERE MADE TO UNITED STATES STANDARDS.
8. THE MEASUREMENTS OF THE BUILDINGS AND/OR FOUNDATIONS SHOWN HEREON DO NOT INCLUDE CONCRETE FOOTERS OR EAVE OVERHANGS.
9. FENCE LOCATIONS SHOWN HEREON MAY BE EXAGGERATED AND NOT TO SCALE FOR CLARITY PURPOSES
10. 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 THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM, WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER, FRED R. THOMPSON, AND IS TO BE RETURNED TO OWNER UPON REQUEST.
11. THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL HARD COPY ISSUED ON THE SURVEY DATE WITH A RAISED SEAL TO INSURE THE ACCURACY OF THE INFORMATION AND TO FURTHER INSURE THAT NO CHANGES OR MODIFICATIONS HAVE BEEN MADE. NO RELIANCE SHOULD BE MADE ON A DOCUMENT TRANSMITTED BY COMPUTER OR OTHER ELECTRONIC MEANS UNLESS FIRST COMPARED TO THE ORIGINAL SIGNED AND SEALED DOCUMENT.
12. THIS SURVEY MAY BE SUBJECT TO ADDITIONAL REQUIREMENTS BY COUNTY, STATE OR OTHER AGENCIES.
13. ENCROACHMENTS ARE SHOWN.

DENOTES:

- ⊙ ~ 1/2" CAPPED IRON ROD, NUMBERED 7277 (PLACED)
- ~ NAIL AND DISK, NUMBERED 7277 (PLACED)
- ~ 1/2" IRON ROD, UNNUMBERED (FOUND)
- ⊗ ~ 1" IRON PIPE, UNNUMBERED (FOUND)
- ⊕ ~ UTILITY POLE
- ⊙ ~ GUY ANCHOR
- ⊙ ~ GRINDER
- (D) ~ DEED INFORMATION
- (P) ~ PLATTED INFORMATION
- (F) ~ FIELD INFORMATION
- RAW ~ RIGHT OF WAY
- SEC. ~ SECTION
- TWP. ~ TOWNSHIP
- R&E. ~ RANGE

BOUNDARY SURVEY WITH IMPROVEMENTS

SHEET 2 OF 2

MEASUREMENTS MADE TO UNITED STATES STANDARDS

P.C.: JAS DRAFTED: JAS TYPED: _____ CHECKED: FRT

DESCRIPTION: SEE ABOVE DESCRIPTION

SEC. 34, TWP. 3S, RGE. 32W, ESCAMBIA COUNTY, STATE OF FLORIDA.
 RECORDED -- BOOK --, PAGE --. *THE ENCROACHMENTS ARE AS SHOWN*
 FIELD DATE: 7-19-06, FIELD BOOK: FRT3, PG. 78

NORTHWEST FLORIDA LAND SURVEYING, INC.
 FLORIDA CORPORATION NUMBER 7277

 FRED R. THOMPSON PROFESSIONAL LAND SURVEYOR
 FLORIDA REGISTRATION NUMBER 3027 STATE OF FLORIDA

REVISIONS:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR

LOT 103

200.00' (P)

S82°43'42"W 140.00'

S82°43'42"W 60.00' (F)

9.26'

(G)

PROPOSED RESTAURANT

LOT 84

9.28'

N07°16'18"W 200.00'
200.00' (P)

(14)

LOT 83

EX. ASPHALT

(1)

EX. CONCRETE

(5)

(6)

(6)

(3)

LOT 82

EX. ASPHALT

200.00' (P)

S82°43'42"W 140.00'

R/W

R/W

STATE ROAD NO. 292 (100' R/W)
~~PERDIDO KEY DRIVE~~

1"=30'

35
CONCEPTUAL SITE PLAN



Board of Adjustment

6. D.

Meeting Date: 09/12/2012

CASE: CU-2012-10

APPLICANT: Buddy Page, Agent for
Kishorbhai Patel

ADDRESS: 5300 West Jackson Street

PROPERTY REFERENCE NO.: 35-2S-30-6000-034-001

ZONING DISTRICT: R-6, Neighborhood
Commercial and Residential
District, (cumulative) high
density

FUTURE LAND USE: MU-U, Mixed Use-Urban

OVERLAY DISTRICT: NONE

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

Conditional Use Approval to allow the sale of gasoline on property zoned R-6.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section:LDC 6.05.13.C.5

5. Automobile service operations, including indoor repair and restoration (not including painting), and sale of gasoline (and related service station products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.

CRITERIA:

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section 2.05.03**

CRITERION (1)

On-site circulation. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe.

FINDINGS-OF-FACT

Ingress and egress are from Jackson Street and De Luna Drive (side street).
On-site parking and traffic flow will be addressed during the site plan review process.

CRITERION (2)

Nuisance. Adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference, hazardous materials, etc.) of the conditional use on adjoining properties and properties generally in the District.

FINDINGS-OF-FACT

This proposed Conditional Use is not expected to produce unfavorable impacts to the surrounding properties.

CRITERION (3)

Solid Waste. Refuse and service areas with particular reference to concurrency requirements and items (1) and (2) above.

FINDINGS-OF-FACT

The applicant will provide solid waste services.

CRITERION (4)

Utilities. Utilities with reference to concurrency requirements, location, availability and compatibility with surrounding land uses.

FINDINGS-OF-FACT

Potable water will be provided by ECUA and power by Gulf Power.

CRITERION (5)

Buffers. The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and the intent of Policy FLU 1.1.9 of the Comprehensive Plan and the provisions of Section 7.01.06 of the Land Development Code are fulfilled.

FINDINGS-OF-FACT

Buffering standards will be implemented in accordance with Article 7 of the Escambia County Land Development Code. The requirements will be reviewed during the site plan review process.

CRITERION (6)

Signs. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.

FINDINGS-OF-FACT

All proposed signage will be addressed during the site plan review process to comply with Article 8 of the Escambia County Land Development Code.

CRITERION (7)

Environment impact. Impacts to protected trees, wetlands, water bodies, stormwater management or other natural features of the subject parcel.

FINDINGS-OF-FACT

According to the National Wetland Inventory there appear to be no wetlands on site, however, this item, along with stormwater management will be reviewed during site plan review.

CRITERION (8)

Neighborhood impact. General compatibility with adjacent properties and other property in the immediate area.

FINDINGS-OF-FACT

The existing convenience store predates zoning and adding gas pumps would be compatible with the existing use of the property.

CRITERION (9)

Other requirements of Code. The proposed Conditional Use is consistent with all other relevant provisions of this Code.

FINDINGS-OF-FACT

This Conditional Use is consistent with all other relevant provisions of this Code.

STAFF RECOMMENDATION

Staff recommends that the Board approve the proposed Conditional Use request as submitted.

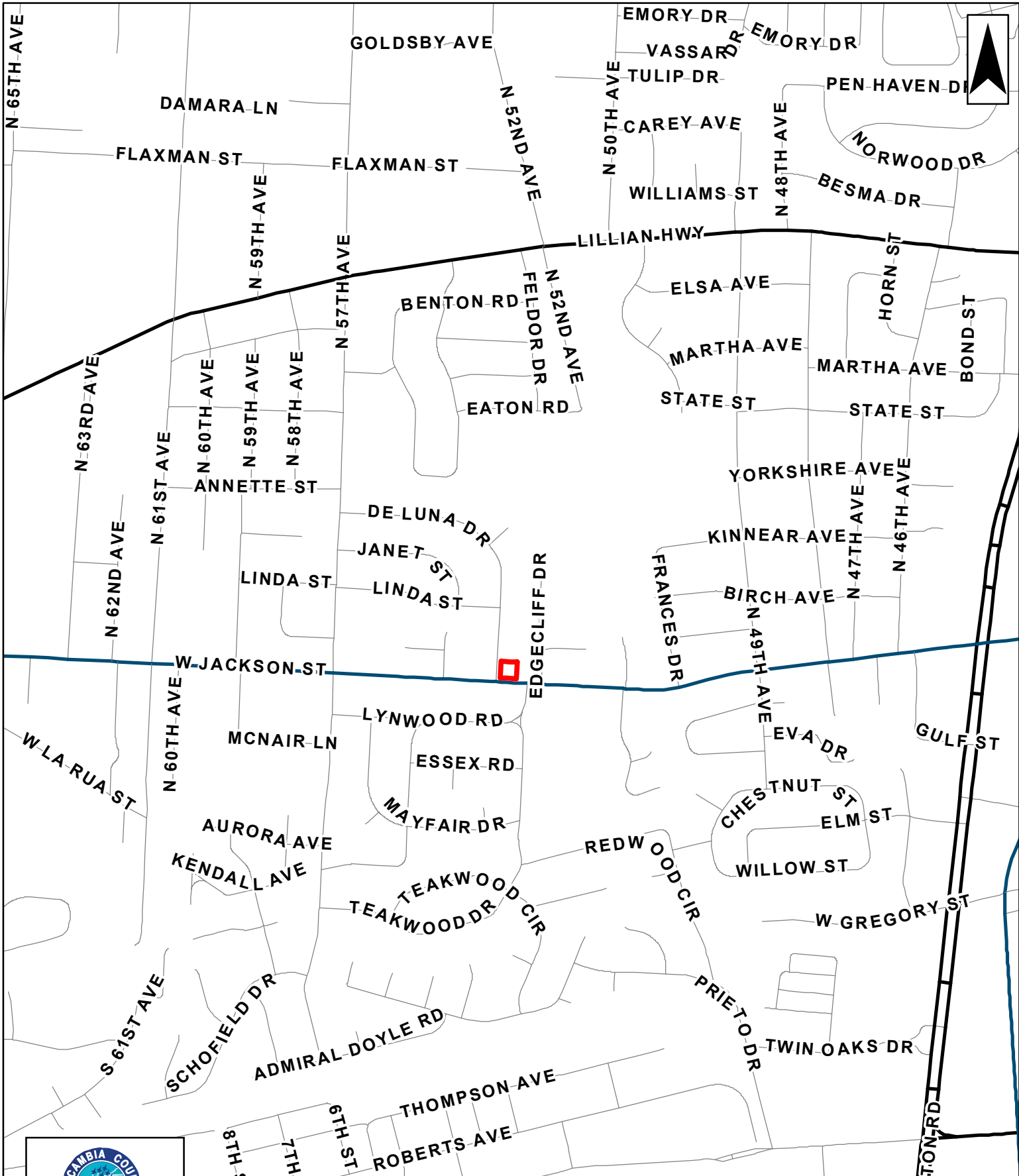
BOARD OF ADJUSTMENT FINDINGS:

Attachments

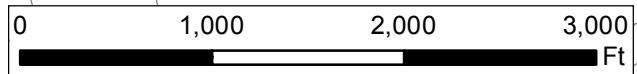
Working Case File

CU-2012-10

CU-2012-10



CU-2012-10 LOCATION MAP

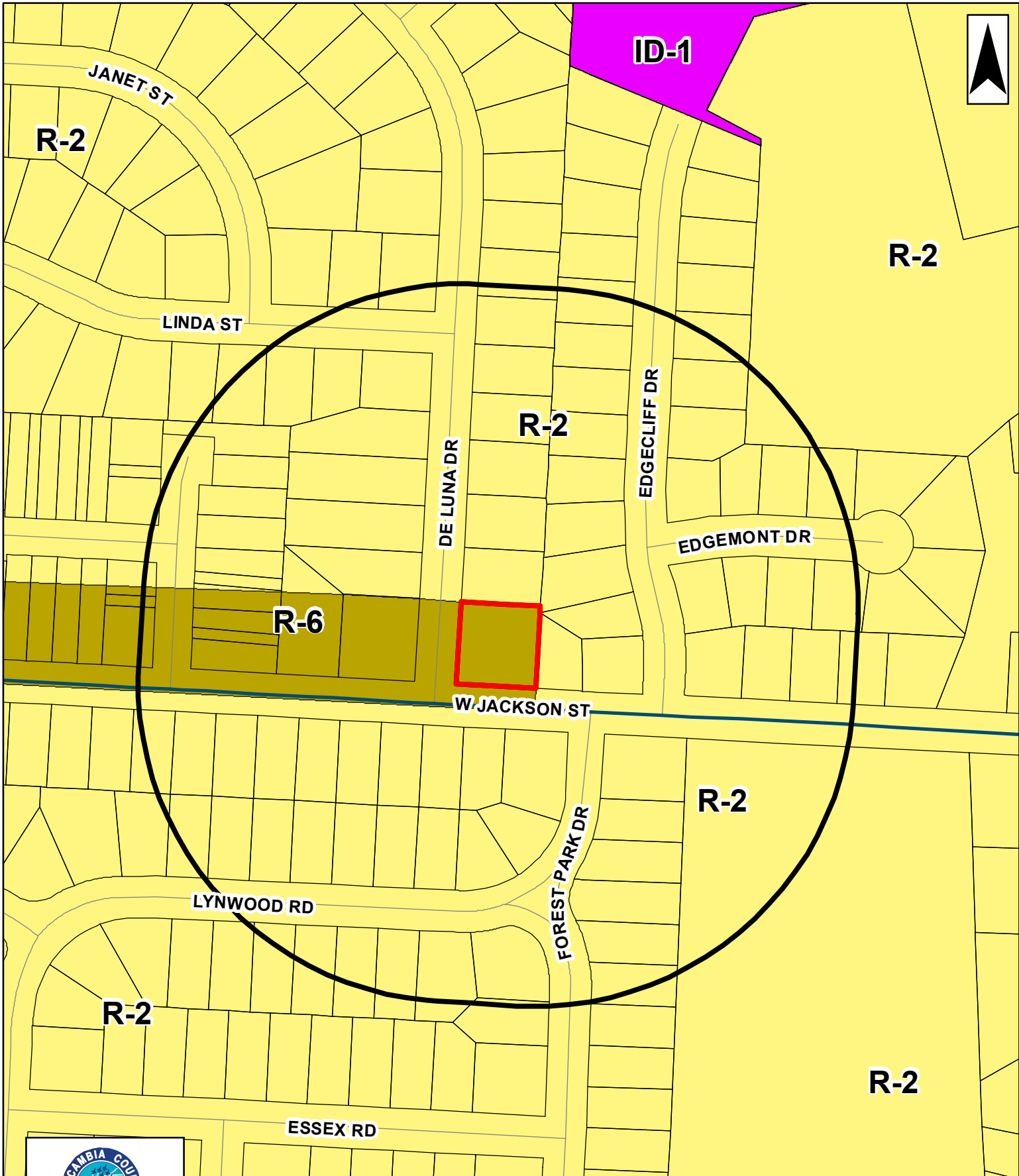


- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.



ID-1

R-2

R-2

JANET ST

LINDA ST

R-2

EDGECLIFF DR

EDGEMONT DR

DE LUNA DR

R-6

W JACKSON ST

R-2

FOREST PARK DR

LYNWOOD RD

R-2

R-2

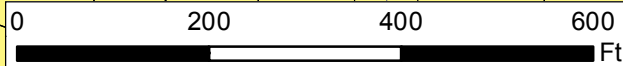
ESSEX RD



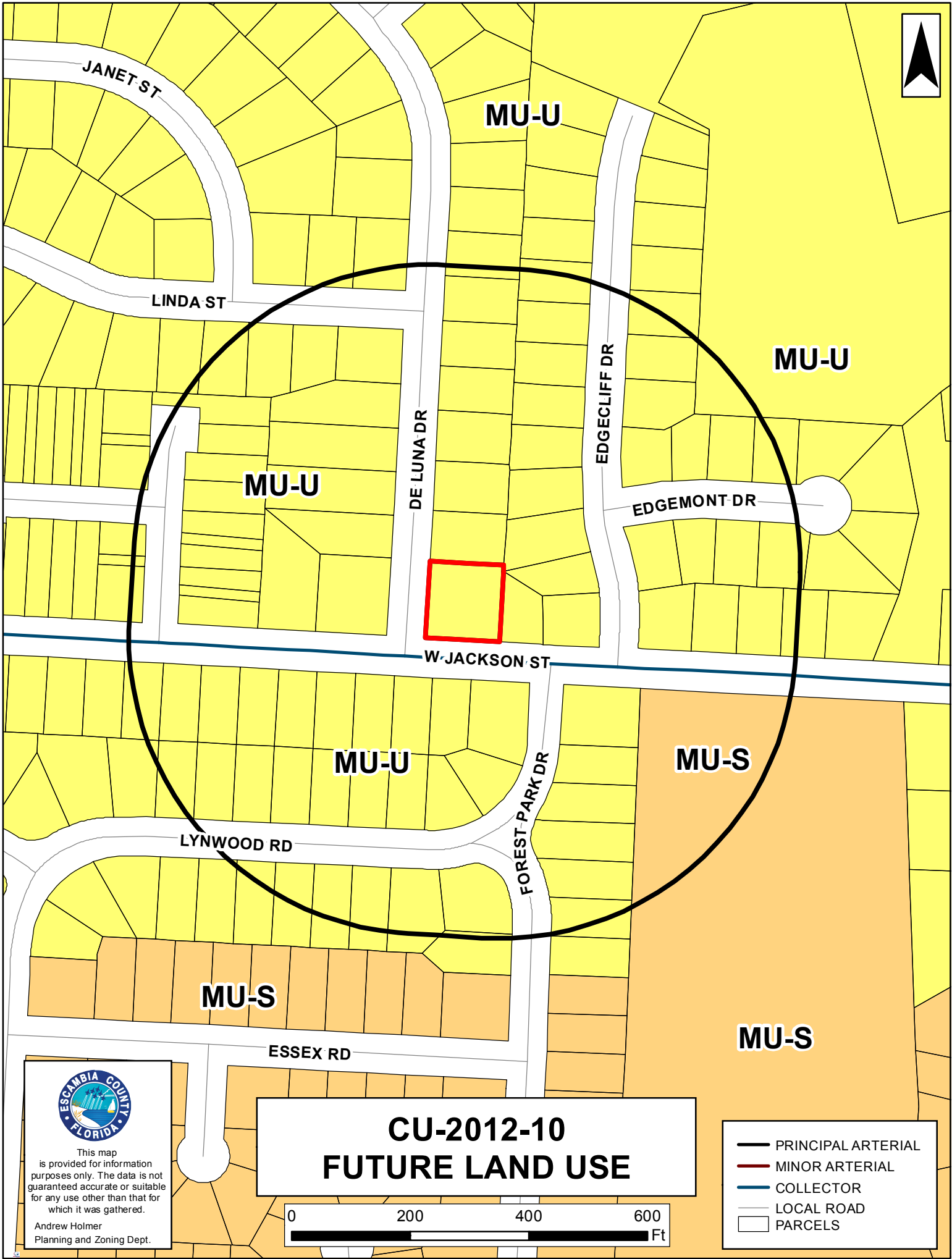
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

CU-2012-10 500' RADIUS ZONING



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



JANET ST

MU-U

LINDA ST

MU-U

MU-U

DE LUNA DR

EDGECLIFF DR

EDGEMONT DR

W-JACKSON ST

MU-U

MU-S

LYNWOOD RD

FOREST PARK DR

MU-S

MU-S

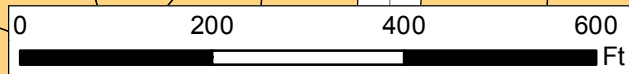
ESSEX RD



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Andrew Holmer
Planning and Zoning Dept.

CU-2012-10 FUTURE LAND USE




- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



DE LUNA DR

W JACKSON ST

FOREST PARK DR








This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

CU-2012-10 AERIAL MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS

Wiley C. "Buddy" Page, MPA, APA
Professional Growth Management Services, LLC

5337 Hamilton Lane
Pace, Florida 32571
Office 850.994.0023 Cell 850.232.9853
budpage1@mchsi.com

June 29, 2012
VIA HAND DELIVERY

Mr. Drew Holmer, Senior Planner
Escambia Development Services
3363 West Park Place
Pensacola, Florida 32501

RE: Conditional Use
Parcel No. 35-2S-30-6000-034-001
Address: 5300 West Jackson St.
Existing Zoning Category: R-6

Dear Mr. Holmer:

The attached application requests approval for a conditional use to allow the sale of gasoline as provided under LDC 6.05.13.C.5 as follows:

*5. Automobile service operations, including indoor repair and restoration (not including painting), and **sale of gasoline** (and related service station Products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.*

The site has been an existing neighborhood convenience store operation ongoing since 1989 resulting in:

1. On site circulation will remained substantially unchanged with pumps installed;
- 2.No change in perceived commercial nuisance levels;
- 3.Solid waste services are currently provided on site;
- 4.All utilities on presently provided;
- 5 Buffers will not be impacted;
- 6.Signage changes are not anticipated beyond code allowances;
- 7.Gasoline tank installation permits will be required to allow County/State review and approval;
- 8.Gasoline sales are not anticipated to change the existing general neighborhood compatibility;
- 9.The request is otherwise compatible and consistent with other provisions of the adopted Escambia County Land Development Code.

Please advise if you have any questions or require anything further. Thank you.

Sincerely yours,

Wiley C. "Buddy" Page

APPLICATION

Please check application type:
[] Administrative Appeal
[] Development Order Extension
[X] Conditional Use Request for:
[] Variance Request for:
[] Rezoning Request from: to:

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: Kishorbhai Patel Phone:

Address: 5300 West Jackson Street Email:

[] Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 5300 West Jackson Street

Property Reference Number(s)/Legal Description: 35-2S-30-6000-034-001

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

Signature of Owner/Agent
Signature of Owner

Printed Name Owner/Agent
KISHOR PATEL
Printed Name of Owner

Date
7/31/12
Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 31st day of July 2012 by KISHOR PATEL

Personally Known [] OR Produced Identification [X] Type of Identification Produced: FLDLP340515593090

Signature of Notary
(notary seal must be affixed)

Printed Name of Notary
Karen S Spitsbergen



FOR OFFICE USE ONLY
CASE NUMBER: CU-2012-10
Meeting Date(s): 8-15-12 Accepted/Verified by: K Spitsbergen Date:
Fees Paid: \$ 1050 Receipt #: 1558494 Permit #: PBA120700017

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 5300 West Jackson Street,
Florida, property reference number(s) 35-2S-30-600-034-001

I hereby designate Wiley C. "Buddy" Page for the sole purpose
of completing this application and making a presentation to the:

Planning Board and the Board of County Commissioners to request a rezoning on the above
referenced property.

Board of Adjustment to request a(n) _____ on the above referenced property.

This Limited Power of Attorney is granted on this _____ day of _____ the year of,
_____, and is effective until the Board of County Commissioners or the Board of Adjustment has
rendered a decision on this request and any appeal period has expired. The owner reserves the right to
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development
Services Bureau.

Agent Name: Wiley C. "Buddy" Page Email: budpage1@mchsi.com

Address: 5337 Hamilton Lane Pace, FL 32571 Phone: 850-232-9853

Signature of Property Owner
[Handwritten Signature]
Signature of Property Owner

Printed Name of Property Owner
KISHOR PATEL
Printed Name of Property Owner

Date
7/31/12
Date

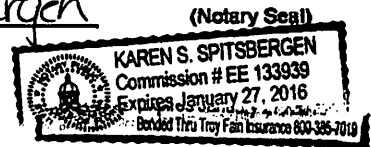
STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 31st day of July 20 12
by Kishor Patel

Personally Known OR Produced Identification . Type of Identification Produced: FLDL P340515593090

[Handwritten Signature]
Signature of Notary

Karen S Spitsbergen
Printed Name of Notary



Commercial Contract

1. PARTIES AND PROPERTY: KISHOR PATEL ("Buyer")

agrees to buy and CAO VAN TRAN & VINH THI LE (H & W) ("Seller")

agrees to sell the property as: Street Address: 5300 W. JACKSON ST. PENSACOLA, FL.

Legal Description: LOT 34 BLK ONE DELUNA PARK SUBD. ACCORDING TO PLAT RECORDED PLAT BOOK 3 PAGE 20, OF PUBLIC RECORDS OF ESCROW COUNTY FL.

and the following Personal Property: _____

(all collectively referred to as the "Property") on the terms and conditions set forth below.

2. PURCHASE PRICE: THIS IS A CASH SALE \$ 168,000.00
~~\$ 150,000.00~~

(a) Deposit held in escrow by Citizen's Title Group \$ 1,000.00
("Escrow Agent") (checks are subject to actual and final collection)

Escrow Agent's address: 7139 Suite B Ninth Ave Pensacola, FL 32505 Phone: _____

(b) Additional deposit to be made to Escrow Agent within _____ days after Effective Date \$ _____

(c) Additional deposit to be made to Escrow Agent within _____ days after Effective Date \$ _____

(d) Total financing (see Paragraph 5) \$ _____

(e) Other _____ \$ _____

(f) All deposits will be credited to the purchase price at closing. Balance to close, subject to adjustments and prorations, to be paid with locally drawn cashier's or official bank check(s) or wire transfer. \$ 167,000.00
~~\$ 149,000.00~~

3. TIME FOR ACCEPTANCE; EFFECTIVE DATE; COMPUTATION OF TIME: Unless this offer is signed by Seller and Buyer and an executed copy delivered to all parties on or before 6/25/12, this offer will be withdrawn and the Buyer's deposit, if any, will be returned. The time for acceptance of any counter offer will be 3 days from the date the counter offer is delivered. The "Effective Date" of this Contract is the date on which the last one of the Seller and Buyer has signed or initialed and delivered this offer or the final counter offer. Calendar days will be used when computing time periods, except time periods of 5 days or less. Time periods of 5 days or less will be computed without including Saturday, Sunday, or national legal holidays. Any time period ending on a Saturday, Sunday, or national legal holiday will extend until 5:00 p.m. of the next business day. Time is of the essence in this Contract.

4. CLOSING DATE AND LOCATION:

(a) Closing Date: This transaction will be closed on ASAP (Closing Date), unless specifically extended by other provisions of this Contract. The Closing Date will prevail over all other time periods including, but not limited to, Financing and Due Diligence periods. In the event insurance underwriting is suspended on Closing Date and Buyer is unable to obtain property insurance, Buyer may postpone closing up to 5 days after the insurance underwriting suspension is lifted.

Buyer [Signature] and Seller _____ acknowledge receipt of a copy of this page, which is Page 1 of 8 Pages.

334 Each person signing this Contract on behalf of a party that is a business entity represents and warrants to the other
335 party that such signatory has full power and authority to enter into and perform this Contract in accordance with its
336 terms and each person executing this Contract and other documents on behalf of such party has been duly authorized
337 to do so.

338 _____
339 _____
340 KISHOR PATEL
341 (Typed or Printed Name of Buyer)

Date: 6/23/12

342 Title: _____

Tax ID No: _____

343 _____
344 _____

Telephone: _____

345 _____
346 (Typed or Printed Name of Buyer)

Date: _____

347 Title: _____

Tax ID No: _____

348 Buyer's Address for purpose of notice: _____

Telephone: _____

349 Facsimile: _____

Email: _____

350 _____
351 _____

Date: _____

352 _____
353 (Typed or Printed Name of Seller)

Tax ID No: _____

354 Title: _____

Telephone: _____

355 _____
356 _____

Date: _____

357 _____
358 (Typed or Printed Name of Seller)

Tax ID No: _____

359 Title: _____

Telephone: _____

360 Seller's Address for purpose of notice: _____

361 Facsimile: _____

Email: _____

The Florida Association of REALTORS® makes no representation as to the legal validity or adequacy of any provision of this form in any specific transaction. This standardized form should not be used in complex transactions or with extensive riders or additions. This form is available for use by the entire real estate industry and is not intended to identify the user as a REALTOR®. REALTOR® is a registered collective membership mark which may be used only by real estate licensees who are members of the NATIONAL ASSOCIATION OF REALTORS® and who subscribe to its Code of Ethics. The copyright laws of the United States (17 U.S. Code) forbid the unauthorized reproduction of this form by any means including facsimile or computerized forms.

362 Buyer [Signature] and Seller () () acknowledge receipt of a copy of this page, which is Page 8 of 8 Pages.

NOTE: Measurements made in accordance with United States standards.

SURVEYOR'S NOTES:

1. Subject to setbacks, easements, and restrictions of record.
2. This survey is subject to any facts that may be disclosed by a full and accurate title search.

STREET ADDRESS: 5300 West Jackson Street

LEGAL DESCRIPTION:

Lot 34, Block 1, De Luna Park Subdivision, a portion of Section 35, Township 2 South, Range 30 West, according to plat filed in Plat Book 3 at page 20 of the records of Escambia County.

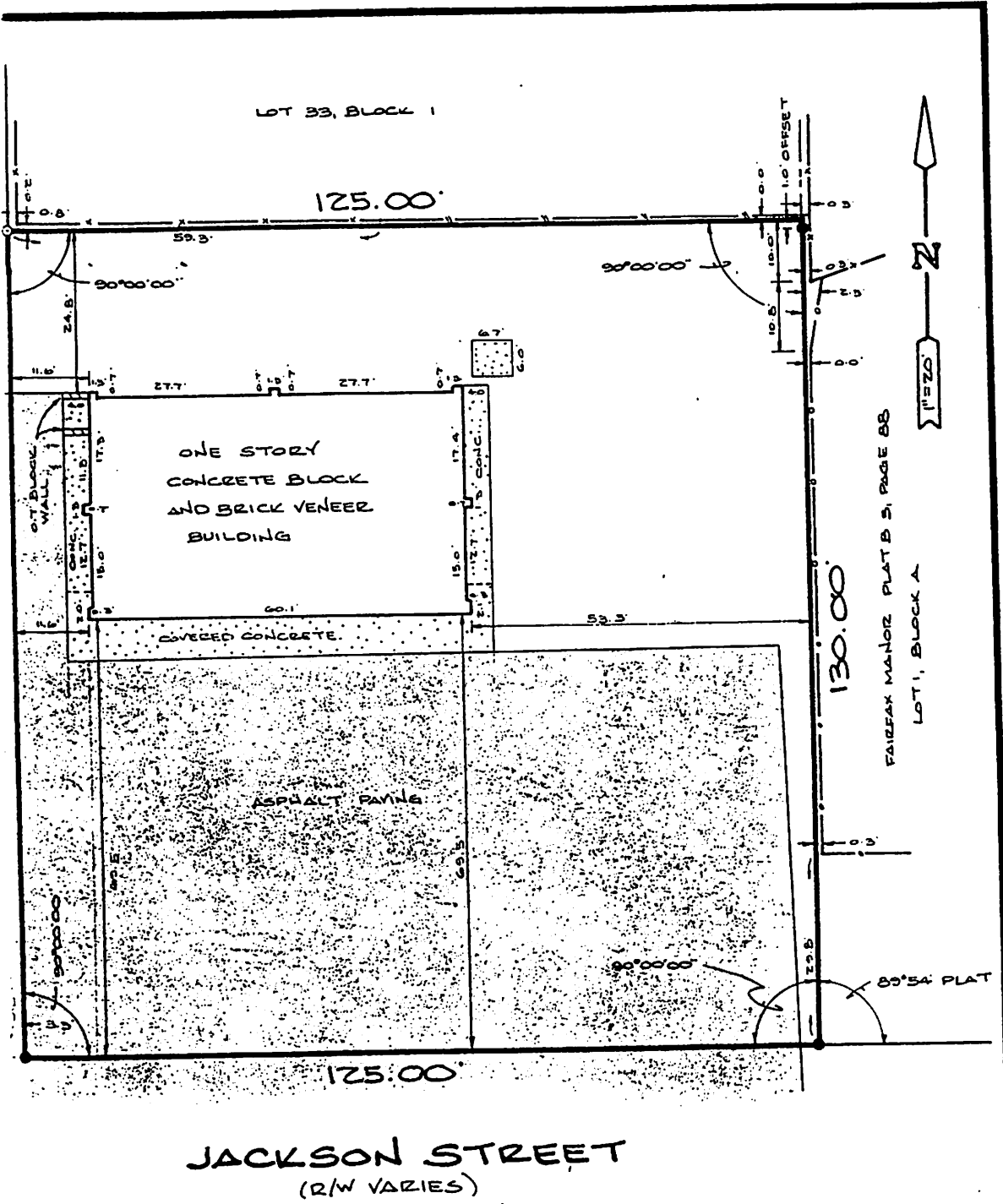
LEGEND:

- CONC. Concrete
- ⊙ Sign post
- Iron pipe found
- 1/2" Capped iron rod set #1748
- x— Chain link fence
- o— Wood fence
- "—— Wire fence

DELUNA DRIVE 66'R/W

A BOUNDARY SURVEY AND
LOCATION OF IMPROVEMENTS

OSCAR W. PITTMAN
 REGISTERED LAND SURVEYOR
 3407 NORTH "L" STREET
 PENSACOLA FLORIDA 32505
 PHONE: (904) 434-6666



JACKSON STREET
 (R/W VARIES)

Source of Information: RECORDED PLAT - DE LUNA PARK - PLAT BOOK 3, PAGE 20

Bearing Reference N.A.

Elevation Reference _____

Ordered By MR. LEON LENO Job No. ZZZAO-95 File No. B-8265

Date of Plat 6-30-95 I hereby certify the survey shown hereon meets the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027, Florida Statutes.

Date of Survey 6-29-95

F.B. 648 Page 26-27

Scale 1" = 20'

Encroachments _____

Oscar W. Pittman
 Oscar W. Pittman
 Registered Land Surveyor No 1748

NOT VALID UNLESS
 IMPRINTED WITH
 EMBOSSED SEAL

Recertified _____

Revised _____

67

CU-2012-10

Board of Adjustment

6. A.

Meeting Date: 08/15/2012

CASE: CU-2012-10

APPLICANT: Buddy Page, Agent for
Kishorbhai Patel

ADDRESS: 5300 West Jackson Street

PROPERTY REFERENCE NO.: 35-2S-30-6000-034-001

ZONING DISTRICT: R-6, Neighborhood
Commercial and Residential
District, (cumulative) high
density

FUTURE LAND USE: MU-U, Mixed Use-Urban

OVERLAY DISTRICT: NONE

Information

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

Conditional Use Approval to allow the sale of gasoline on property zoned R-6.

RELEVANT AUTHORITY:

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Section:LDC 6.05.13.C.5

5. Automobile service operations, including indoor repair and restoration (not including painting), and sale of gasoline (and related service station products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.

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Section 2.05.03**

CRITERION (1)

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FINDINGS-OF-FACT

Ingress and egress are from Jackson Street and De Luna Drive (side street).
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FINDINGS-OF-FACT

This proposed Conditional Use is not expected to produce unfavorable impacts to the surrounding properties.

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FINDINGS-OF-FACT

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CRITERION (4)

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FINDINGS-OF-FACT

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FINDINGS-OF-FACT

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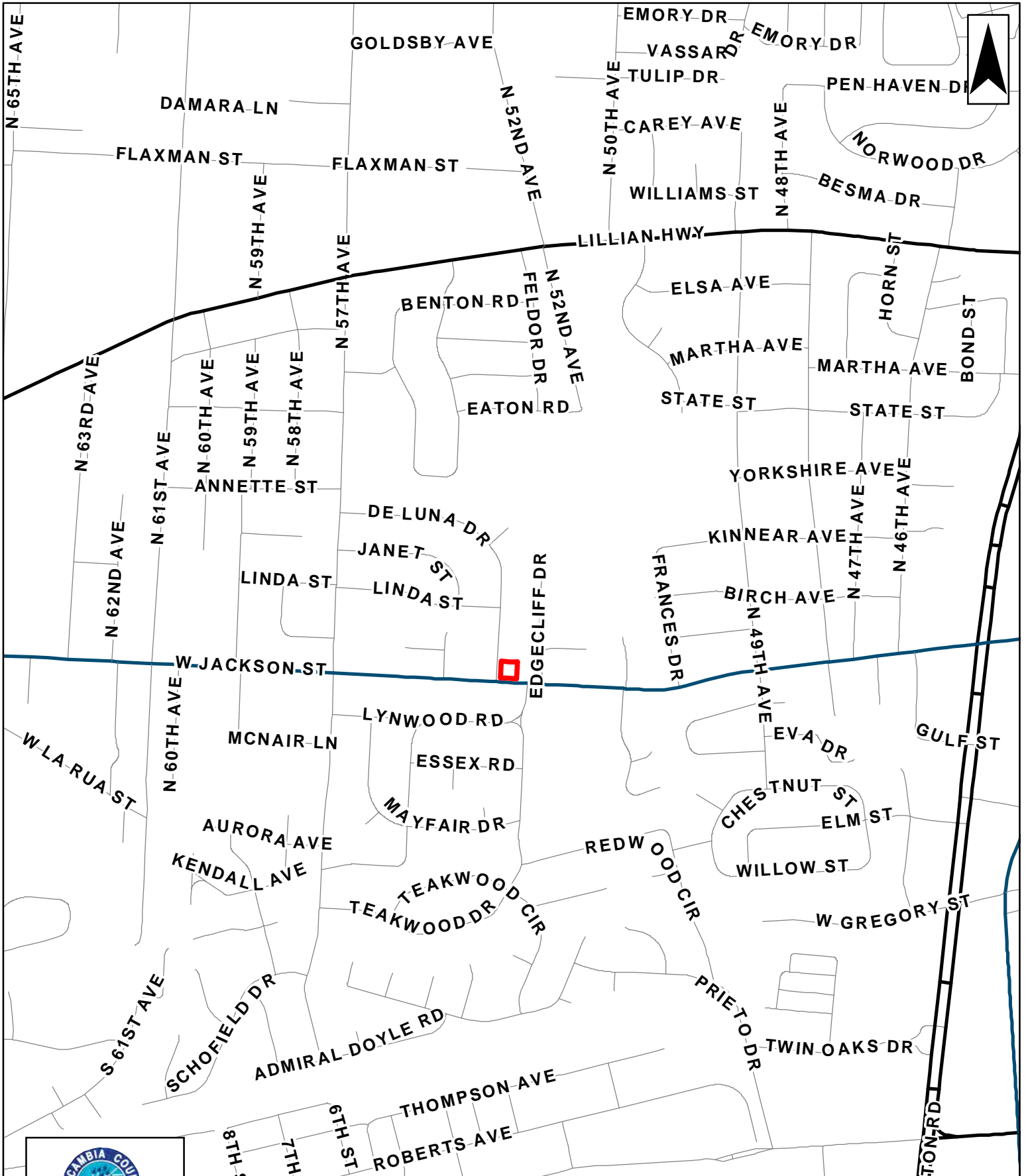
STAFF RECOMMENDATION

Staff recommends that the Board approve the proposed Conditional Use request as submitted.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

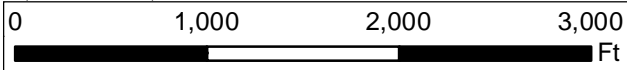
Working Case File



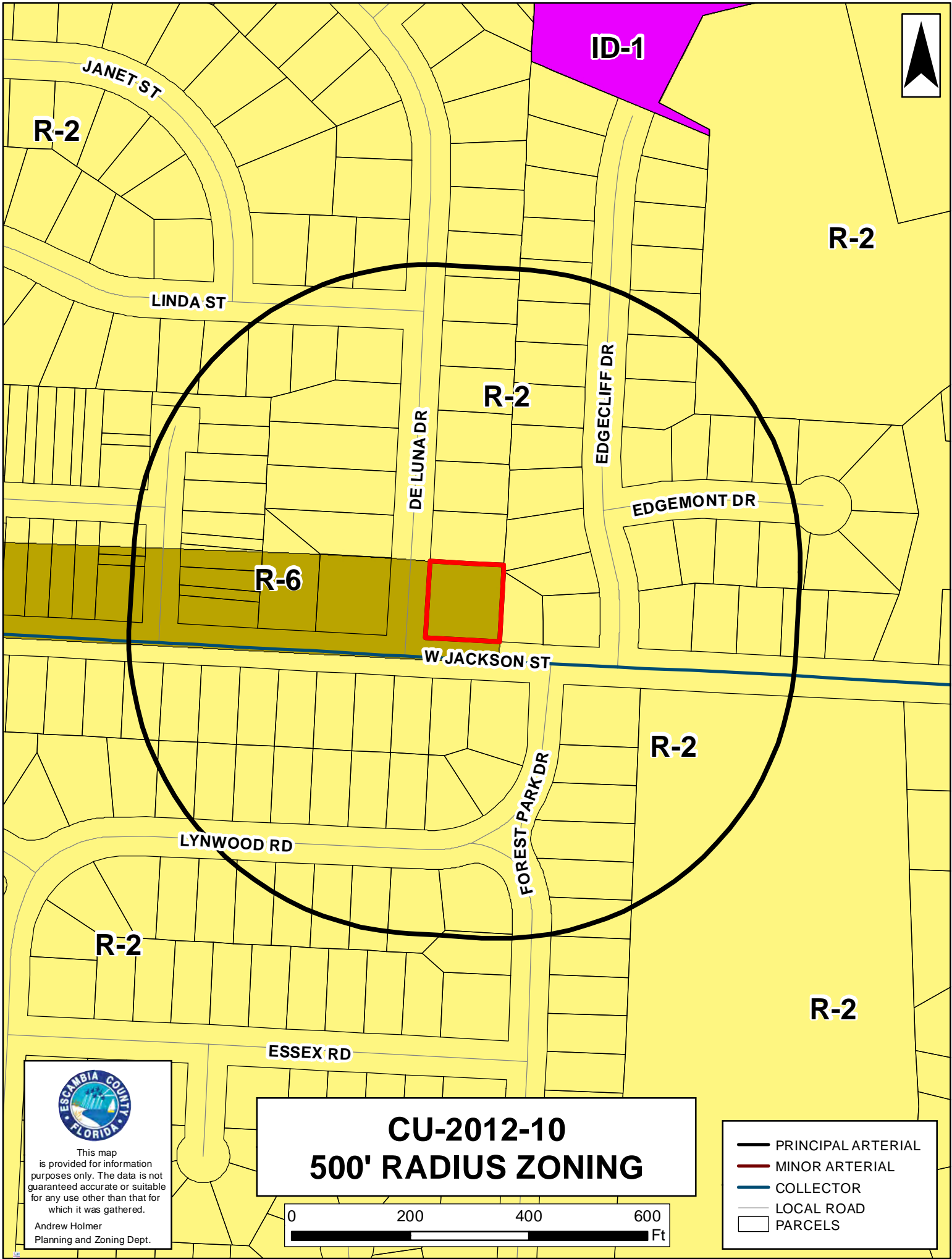
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

CU-2012-10 LOCATION MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



ID-1

R-2

R-2

JANET ST

LINDA ST

R-2

DE LUNA DR

EDGECLIFF DR

EDGEMONT DR

R-6

W JACKSON ST

R-2

LYNWOOD RD

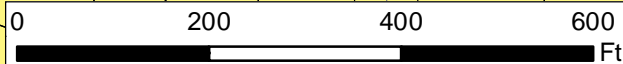
FOREST PARK DR

R-2

R-2

ESSEX RD

CU-2012-10 500' RADIUS ZONING

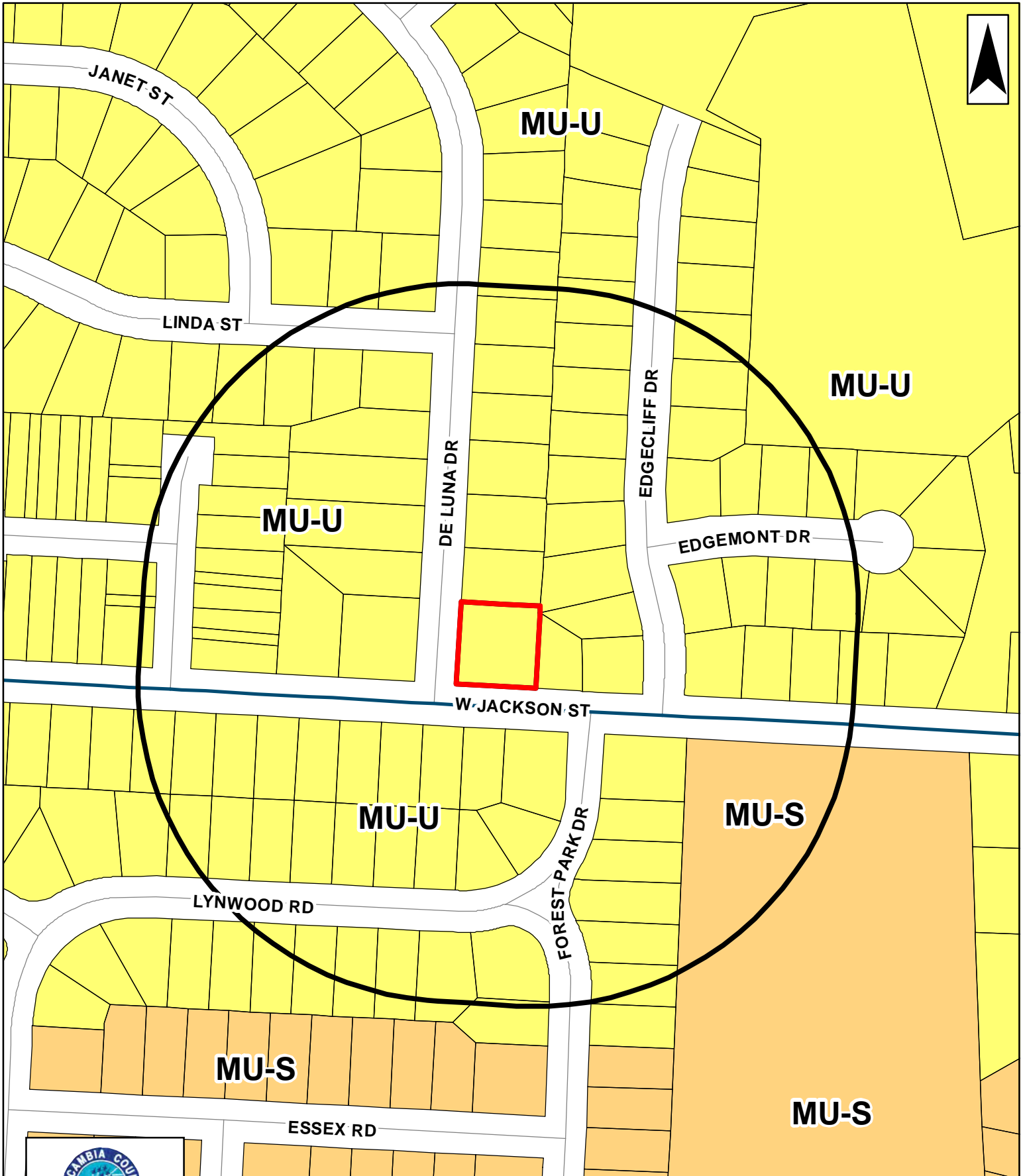



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



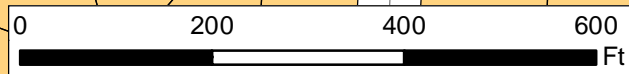
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Andrew Holmer
Planning and Zoning Dept.




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 Andrew Holmer
 Planning and Zoning Dept.

**CU-2012-10
 FUTURE LAND USE**




-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



DE LUNA DR

W JACKSON ST

FOREST PARK DR








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Andrew Holmer
Planning and Zoning Dept.

CU-2012-10 AERIAL MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS

Wiley C. "Buddy" Page, MPA, APA
Professional Growth Management Services, LLC

5337 Hamilton Lane
Pace, Florida 32571
Office 850.994.0023 Cell 850.232.9853
budpage1@mchsi.com

June 29, 2012
VIA HAND DELIVERY

Mr. Drew Holmer, Senior Planner
Escambia Development Services
3363 West Park Place
Pensacola, Florida 32501

RE: Conditional Use
Parcel No. 35-2S-30-6000-034-001
Address: 5300 West Jackson St.
Existing Zoning Category: R-6

Dear Mr. Holmer:

The attached application requests approval for a conditional use to allow the sale of gasoline as provided under LDC 6.05.13.C.5 as follows:

*5. Automobile service operations, including indoor repair and restoration (not including painting), and **sale of gasoline** (and related service station Products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.*

The site has been an existing neighborhood convenience store operation ongoing since 1989 resulting in:

1. On site circulation will remained substantially unchanged with pumps installed;
- 2.No change in perceived commercial nuisance levels;
- 3.Solid waste services are currently provided on site;
- 4.All utilities on presently provided;
- 5 Buffers will not be impacted;
- 6.Signage changes are not anticipated beyond code allowances;
- 7.Gasoline tank installation permits will be required to allow County/State review and approval;
- 8.Gasoline sales are not anticipated to change the existing general neighborhood compatibility;
- 9.The request is otherwise compatible and consistent with other provisions of the adopted Escambia County Land Development Code.

Please advise if you have any questions or require anything further. Thank you.

Sincerely yours,

Wiley C. "Buddy" Page

APPLICATION

Please check application type: Conditional Use Request for: _____
 Administrative Appeal Variance Request for: _____
 Development Order Extension Rezoning Request from: _____ to: _____

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: Kishorbhai Patel Phone: _____

Address: 5300 West Jackson Street Email: _____

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 5300 West Jackson Street

Property Reference Number(s)/Legal Description: 35-2S-30-6000-034-001

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

Signature of Owner/Agent _____
[Signature]
Signature of Owner _____

Printed Name Owner/Agent _____
KISHOR PATEL
Printed Name of Owner _____

Date _____
7/31/12
Date _____

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 31st day of July 20 12,
by KISHOR PATEL

Personally Known OR Produced Identification Type of Identification Produced: FLDL P340515593090

Signature of Notary _____
[Signature]
Signature of Notary _____
(notary seal must be affixed)

Printed Name of Notary _____
Karen S Spitsbergen
Printed Name of Notary _____



FOR OFFICE USE ONLY CASE NUMBER: CU-2012-10
Meeting Date(s): 8-15-12 Accepted/Verified by: K Spitsbergen Date: _____
Fees Paid: \$ 1050 Receipt #: 51558494 Permit #: PBA120700017

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 5300 West Jackson Street,
Florida, property reference number(s) 35-2S-30-600-034-001

I hereby designate Wiley C. "Buddy" Page for the sole purpose
of completing this application and making a presentation to the:

Planning Board and the Board of County Commissioners to request a rezoning on the above
referenced property.

Board of Adjustment to request a(n) _____ on the above referenced property.

This Limited Power of Attorney is granted on this _____ day of _____ the year of,
_____, and is effective until the Board of County Commissioners or the Board of Adjustment has
rendered a decision on this request and any appeal period has expired. The owner reserves the right to
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development
Services Bureau.

Agent Name: Wiley C. "Buddy" Page Email: budpage1@mchsi.com

Address: 5337 Hamilton Lane Pace, FL 32571 Phone: 850-232-9853

Signature of Property Owner

Signature of Property Owner

Printed Name of Property Owner

KISHOR PATEL

Printed Name of Property Owner

Date

7/31/12

Date

STATE OF Florida

COUNTY OF Escambia

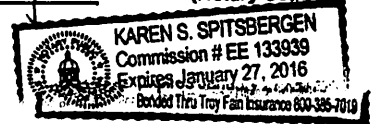
The foregoing instrument was acknowledged before me this 31st day of July 20 12
by Kishor Patel

Personally Known OR Produced Identification . Type of Identification Produced: FLDL P340515593090

Signature of Notary

Karen S Spitsbergen
Printed Name of Notary

(Notary Seal)



Commercial Contract

1. PARTIES AND PROPERTY: KISHOR PATEL ("Buyer")

agrees to buy and CAO VAN TRAN & VINH THI LE (H & W) ("Seller")

agrees to sell the property as: Street Address: 5300 W. JACKSON ST. PENSACOLA, FL.

Legal Description: LOT 34 BLK ONE DELUNA PARK SUBD. ACCORDING TO PLAT RECORDED PLAT BOOK 3 PAGE 20, OF PUBLIC RECORDS OF ESCROW COUNTY FL.

and the following Personal Property: _____

(all collectively referred to as the "Property") on the terms and conditions set forth below.

2. PURCHASE PRICE: THIS IS A CASH SALE \$ 168,000.00
~~\$ 150,000.00~~

(a) Deposit held in escrow by Citizen's Title Group \$ 1,000.00
("Escrow Agent") (checks are subject to actual and final collection)

Escrow Agent's address: 7139 Suite B Ninth Ave Pensacola, FL 32205 Phone: _____

(b) Additional deposit to be made to Escrow Agent within _____ days after Effective Date \$ _____

(c) Additional deposit to be made to Escrow Agent within _____ days after Effective Date \$ _____

(d) Total financing (see Paragraph 5) \$ _____

(e) Other _____ \$ _____

(f) All deposits will be credited to the purchase price at closing. Balance to close, subject to adjustments and prorations, to be paid with locally drawn cashier's or official bank check(s) or wire transfer. \$ 167,000.00
~~\$ 149,000.00~~

3. TIME FOR ACCEPTANCE; EFFECTIVE DATE; COMPUTATION OF TIME: Unless this offer is signed by Seller and Buyer and an executed copy delivered to all parties on or before 6/25/12, this offer will be withdrawn and the Buyer's deposit, if any, will be returned. The time for acceptance of any counter offer will be 3 days from the date the counter offer is delivered. The "Effective Date" of this Contract is the date on which the last one of the Seller and Buyer has signed or initialed and delivered this offer or the final counter offer. Calendar days will be used when computing time periods, except time periods of 5 days or less. Time periods of 5 days or less will be computed without including Saturday, Sunday, or national legal holidays. Any time period ending on a Saturday, Sunday, or national legal holiday will extend until 5:00 p.m. of the next business day. Time is of the essence in this Contract.

4. CLOSING DATE AND LOCATION:

(a) Closing Date: This transaction will be closed on ASAP (Closing Date), unless specifically extended by other provisions of this Contract. The Closing Date will prevail over all other time periods including, but not limited to, Financing and Due Diligence periods. In the event insurance underwriting is suspended on Closing Date and Buyer is unable to obtain property insurance, Buyer may postpone closing up to 5 days after the insurance underwriting suspension is lifted.

Buyer [Signature] and Seller _____ acknowledge receipt of a copy of this page, which is Page 1 of 8 Pages.

334 Each person signing this Contract on behalf of a party that is a business entity represents and warrants to the other
335 party that such signatory has full power and authority to enter into and perform this Contract in accordance with its
336 terms and each person executing this Contract and other documents on behalf of such party has been duly authorized
337 to do so.

338 _____
339 _____
340 KISHOR PATEL
341 (Typed or Printed Name of Buyer)

Date: 6/23/12

342 Title: _____

Tax ID No: _____

343 _____
344 _____

Telephone: _____

345 _____
346 (Typed or Printed Name of Buyer)

Date: _____

347 Title: _____

Tax ID No: _____

348 Buyer's Address for purpose of notice: _____

Telephone: _____

349 Facsimile: _____

Email: _____

350 _____
351 _____

Date: _____

352 _____
353 (Typed or Printed Name of Seller)

Tax ID No: _____

354 Title: _____

Telephone: _____

355 _____
356 _____

Date: _____

357 _____
358 (Typed or Printed Name of Seller)

Tax ID No: _____

359 Title: _____

Telephone: _____

360 Seller's Address for purpose of notice: _____

361 Facsimile: _____

Email: _____

The Florida Association of REALTORS® makes no representation as to the legal validity or adequacy of any provision of this form in any specific transaction. This standardized form should not be used in complex transactions or with extensive riders or additions. This form is available for use by the entire real estate industry and is not intended to identify the user as a REALTOR®. REALTOR® is a registered collective membership mark which may be used only by real estate licensees who are members of the NATIONAL ASSOCIATION OF REALTORS® and who subscribe to its Code of Ethics. The copyright laws of the United States (17 U.S. Code) forbid the unauthorized reproduction of this form by any means including facsimile or computerized forms.

362 Buyer [Signature] and Seller () () acknowledge receipt of a copy of this page, which is Page 8 of 8 Pages.

NOTE: Measurements made in accordance with United States standards.

SURVEYOR'S NOTES:

1. Subject to setbacks, easements, and restrictions of record.
2. This survey is subject to any facts that may be disclosed by a full and accurate title search.

STREET ADDRESS: 5300 West Jackson Street

LEGAL DESCRIPTION:

Lot 34, Block 1, De Luna Park Subdivision, a portion of Section 35, Township 2 South, Range 30 West, according to plat filed in Plat Book 3 at page 20 of the records of Escambia County.

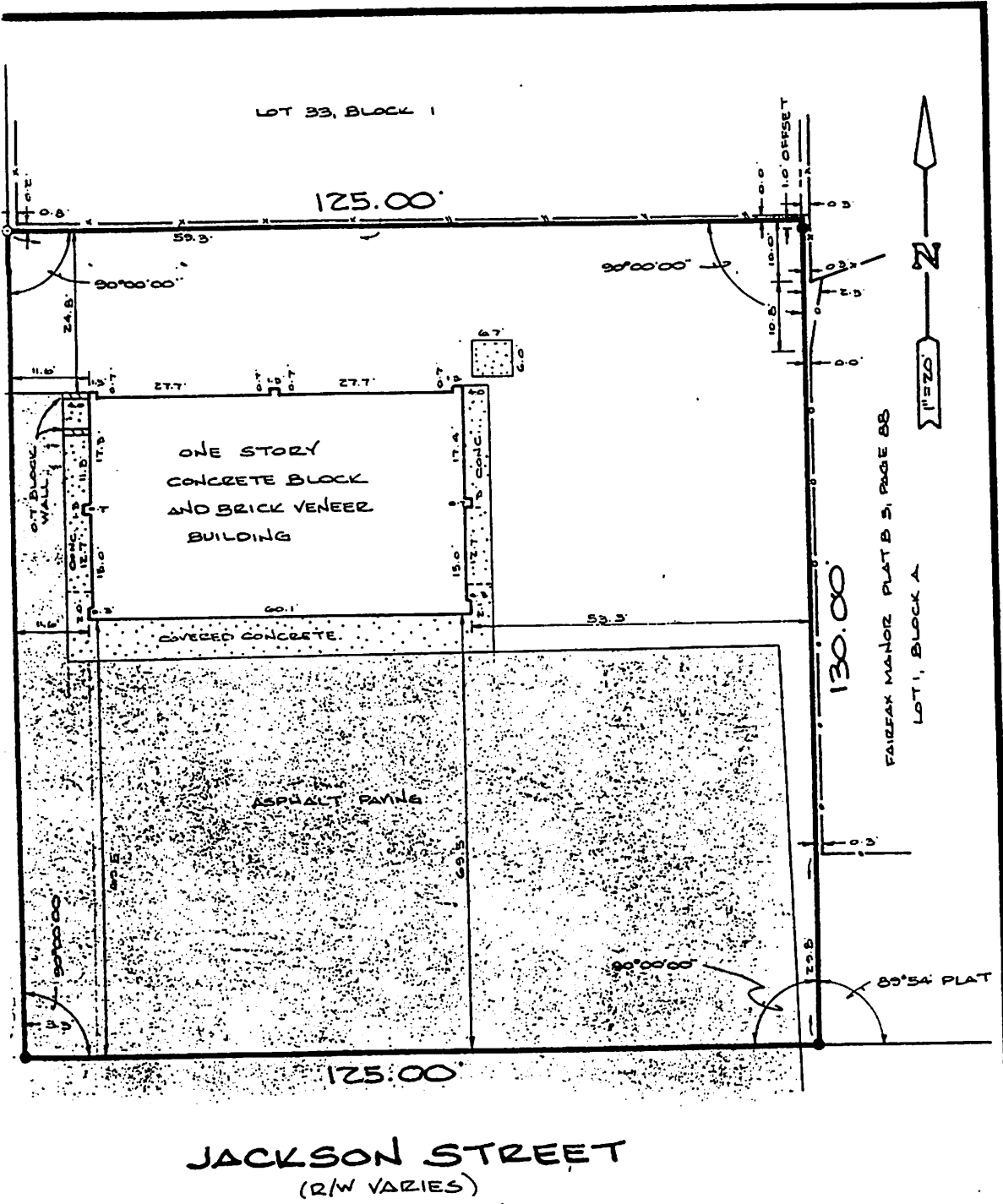
LEGEND:

- CONC. Concrete
- ⊙ Sign post
- Iron pipe found
- 1/2" Capped iron rod set #1748
- x— Chain link fence
- o— Wood fence
- "—— Wire fence

DELUNA DRIVE 66'R/W

A BOUNDARY SURVEY AND
LOCATION OF IMPROVEMENTS

OSCAR W. PITTMAN
 REGISTERED LAND SURVEYOR
 3407 NORTH "L" STREET
 PENSACOLA FLORIDA 32505
 PHONE: (904) 434-6666



JACKSON STREET
 (R/W VARIES)

Source of Information: RECORDED PLAT - DE LUNA PARK - PLAT BOOK 3, PAGE 20

Bearing Reference N.A.

Elevation Reference _____

Ordered By MR. LEON LENO Job No. ZZZAO-95 File No. B-8265

Date of Plat 6-30-95 I hereby certify the survey shown hereon meets the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027, Florida Statutes.

Date of Survey 6-29-95

F.B. 648 Page 26-27

Scale 1" = 20'

Encroachments _____

Oscar W. Pittman
 Oscar W. Pittman
 Registered Land Surveyor No 1748

NOT VALID UNLESS
 IMPRINTED WITH
 EMBOSSED SEAL

Recertified _____

Revised _____

67

Board of Adjustment

6. E.

Meeting Date: 09/12/2012

CASE: CU-2012-11

APPLICANT: Bill Homan, Agent for Juanita V. Johns, Revocable Trust

ADDRESS: 9625 Chemstrand Road

PROPERTY REFERENCE NO.: 08-1S-30-1003-004-003

ZONING DISTRICT: R-6, Neighborhood Commercial and Residential District, (cumulative) high density

FUTURE LAND USE: MU-U, Mixed Use-Urban

OVERLAY DISTRICT: None

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

Conditional Use Approval to allow the construction of a 12,000 sf (+/-) auto parts store in R-6 zoning.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section:LDC 6.05.13.C.4

4. Neighborhood commercial uses that do not exceed 35,000 square feet of floor area.

CRITERIA:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section 2.05.03

CRITERION (1)

***On-site circulation.* Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe.**

FINDINGS-OF-FACT

Ingress and egress will be from Chemstrand Road. On-site parking and traffic flow will be addressed during the site plan review process.

CRITERION (2)

Nuisance. Adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference, hazardous materials, etc.) of the conditional use on adjoining properties and properties generally in the District.

FINDINGS-OF-FACT

This proposed Conditional Use is not expected to produce any unfavorable impacts to the surrounding properties.

CRITERION (3)

Solid Waste. Refuse and service areas with particular reference to concurrency requirements and items (1) and (2) above.

FINDINGS-OF-FACT

The applicant will provide solid waste services.

CRITERION (4)

Utilities. Utilities with reference to concurrency requirements, location, availability and compatibility with surrounding land uses.

FINDINGS-OF-FACT

Potable water will be provided by ECUA and power by Gulf Power.

CRITERION (5)

Buffers. The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and the intent of Policy FLU 1.1.9 of the Comprehensive Plan and the provisions of Section 7.01.06 of the Land Development Code are fulfilled.

FINDINGS-OF-FACT

Buffering standards will be implemented in accordance with Article 7 of the Escambia Land Development Code. The requirements will be reviewed during the site plan review process.

CRITERION (6)

Signs. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.

FINDINGS-OF-FACT

All proposed signage will be addressed during the site plan review process to comply with Article 8 of the Escambia County LDC.

CRITERION (7)

Environment impact. Impacts to protected trees, wetlands, water bodies, stormwater management or other natural features of the subject parcel.

FINDINGS-OF-FACT

According to the National Wetland Inventory there appear to be no wetlands on the site. All other environmental impacts and stormwater management will be addressed during the site plan review process.

CRITERION (8)

Neighborhood impact. General compatibility with adjacent properties and other property in the immediate area.

FINDINGS-OF-FACT

The proposed Conditional Use will be compatible with adjacent properties and other property in the immediate area.

CRITERION (9)

***Other requirements of Code.* The proposed Conditional Use is consistent with all other relevant provisions of this Code.**

FINDINGS-OF-FACT

This Conditional Use is consistent with all other relevant provisions of this Code.

STAFF RECOMMENDATION

Staff recommends that the Board approve the proposed Conditional Use as submitted.

BOARD OF ADJUSTMENT FINDINGS:


Attachments

Working Case File

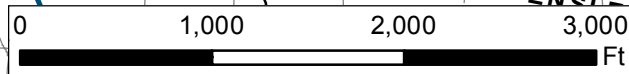
CU-2012-11






CU-2012-11

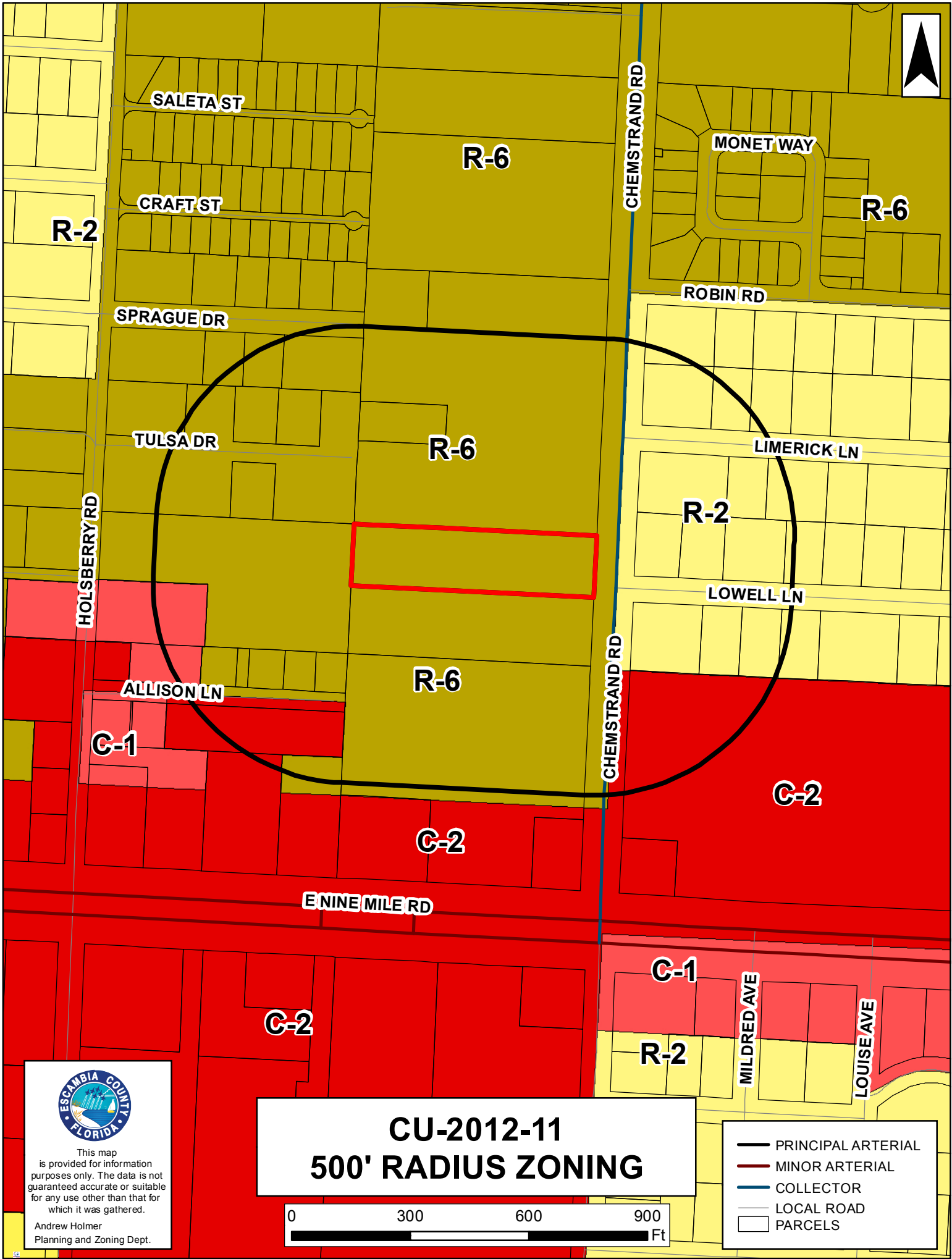



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 Andrew Holmer
 Planning and Zoning Dept.

CU-2012-11 LOCATION MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD



R-2

SALETA ST

CRAFT ST

SPRAGUE DR

TULSA DR

HOLSBERRY RD

ALLISON LN

C-1

ENINE MILE RD

C-2

R-6

R-6

R-6

C-2

CHEMSTRAND RD

CHEMSTRAND RD

MONET WAY

R-6

ROBIN RD

LIMERICK LN

R-2

LOWELL LN

C-2

C-1

R-2


MILDRED AVE

LOUISE AVE

CU-2012-11 500' RADIUS ZONING

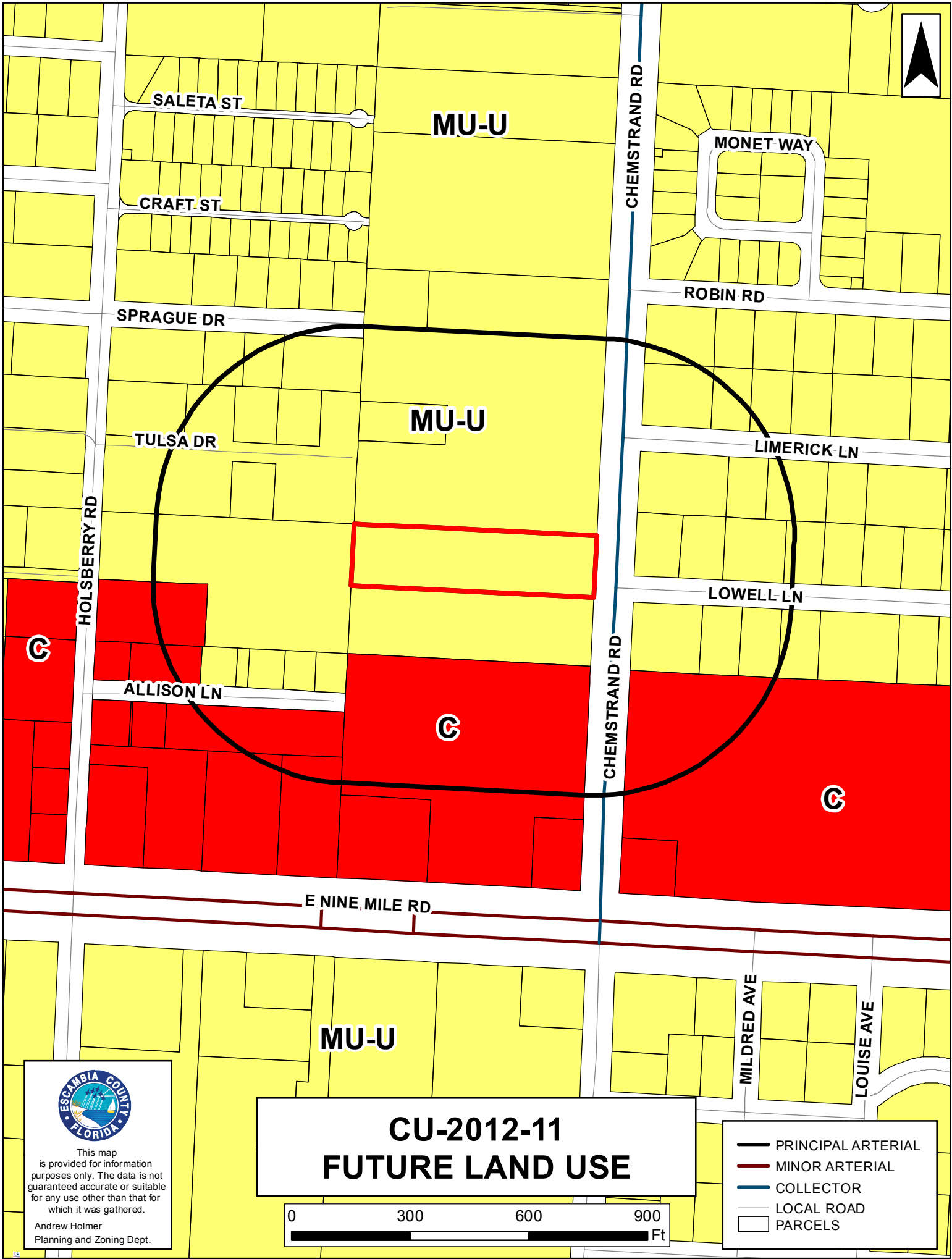


- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- ▭ PARCELS



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.



MU-U

MU-U

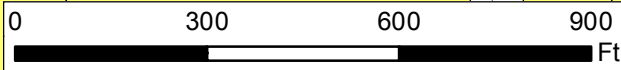
MU-U

CU-2012-11 FUTURE LAND USE



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Andrew Holmer
Planning and Zoning Dept.



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



TULSA DR

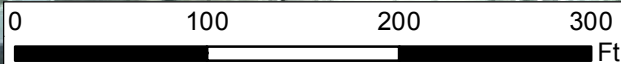
CHEMSTRAND RD









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Andrew Holmer
Planning and Zoning Dept.

CU-2012-11 AERIAL MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD
-  PARCELS

Detailed Builders, LLC

P.O. Box 13647
Pensacola, FL 32591
(850) 232-8308

July 19, 2012

Conditional use letter of request for Napa Auto Parts Store.

Request: conditional use approval to construct a 12,000sf +/- auto parts store. Building will be a single story pre-engineered metal building.

Address: 9625 Chemstrand Road, Pensacola, FL 32534

Zoning: Current zone is R-6. Up to 6000 sf is allowed for a commercial development. Greater than 6000 sf requires a conditional use approval.

FLU: MUU

Existing Parcel Use: The existing parcel is currently a mixed use occupancy. A single family residence (approx 2200 sf), in the rear, and a commercial use building (approx 1000 sf) in the front. Located to the south approximately 500' is Gulfwinds Credit Union and a commercial strip mall.

Parcel Appearance: Subject parcel is kept as the lawn for the residence and existing commercial building. Oak trees are the predominant species with some other species intermingled. The majority of the trees are located along the sides of the parcel. There is a drainage ditch running along Chemstrand Road frontage. Chemstrand Road is curbed along the frontage. An existing driveway cut with concrete apron is located close to the center of the frontage.

Proposed Project Design Considerations:

- 1. Building Use:** Building will be a warehouse with a retail sales counter area. It is strictly retail sales and part storage no repairs /service stations will done onsite.
- 2. Entrance Driveway:** According to Escambia County DRC pre-application comments it will be necessary to align the proposed driveway with Lowell Lane across Chemstrand. Our design will accommodate this requirement.
- 3. Environmental Impact:** Our design will be in accordance with the latest edition of the Escambia County Land Development Code. In addition the storm water system will be in accordance with the latest NFWFMD ERP II rule. The site will be landscaped per the LDC. Protected trees will be preserved where practical. However, in the event that we must remove protective trees, we will follow the LDC fulfilling the replacement tress requirements. There appear to be no other environmental impacts as to wetlands and water bodies.

4. **Overall Site Development:** The existing residence will remain. The proposed development will be confined to the front yard of the existing residence. The proposed 12,000 sf building will be accompanied by paved drives and parking for employees and patrons. A service road will run along the side of the building to accommodate deliveries by larger trucks. The rear employee parking lot will be designed to accommodate these trucks as they turn around to exit. There will be a dumpster enclosure to accommodate trash as per the LDC. Refuse generated will be primarily paper in nature no harmful chemicals would be disposed. All signage will be as per building codes and have minimal impact.
5. **Utilities:** Potable water will be provided by ECUA. There is currently an 8" water main across Chemstrand Road. An existing fire hydrant is located directly across from the proposed development. Sanitary sewer will be by septic tank. There is no sanitary sewer in the vicinity of the development.
6. **Neighborhood Impact:** The proposed development is located within 500 feet of Gulfwinds Credit Union and a strip mall. The existing building was used commercially as neighborhood retail. The property to the north has a single family residence similar to the one that will remain on the development.

Please feel free to address any additional comments at the above number and address.

Thank you for your consideration.

Sincerely,

William P. Holman

State of Florida, County of Escambia.

The foregoing instrument was acknowledged before me this 19th day of July 2012.

By William P. Holman

Personally known or produced identification _____

Tonja Brown
Signature of notary

Tonja Brown
Printed name of notary



APPLICATION

Please check application type:

Conditional Use Request for: _____

Administrative Appeal Variance Request for: _____

Development Order Extension Rezoning Request from: _____ to: _____

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: Juanita Virginia Johns Revocable Trust Phone: _____

Address: 9625 Chestnut Road, P'cola 32524 Email: _____

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 9625 Chestnut Road, P'cola FL 32534

Property Reference Number(s)/Legal Description: 08 15 30 100 300 4003

N 157 FT OF E 1/2 OF LT 3 LESS E 50 FT FOR ST RD R/W S/O OF E 1/2
OR 4830 P 869

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

[Signature]
Signature of Owner/Agent

William P. Holman
Printed Name Owner/Agent

7/17/12
Date

[Signature]
Signature of Owner

Mark F. McDaniel
Printed Name of Owner

7/17/12
Date

STATE OF Florida

COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 17th day of July 2012
by William P. Holman AND Mark F. McDaniel, BOTH

Personally Known OR Produced Identification . Type of Identification Produced: _____

[Signature]
Signature of Notary
(notary seal must be affixed)

TERRENCE K. DENNY
Printed Name of Notary



FOR OFFICE USE ONLY CASE NUMBER: CU-2012-11

Meeting Date(s): Aug 15, 2012 Accepted/Verified by: K Spitsbergen Date: 7/19/12

Fees Paid: \$ 1050⁰⁰ Receipt #: _____ Permit #: PBA 120700018

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 9625 Chemstrand Rd.
Florida, property reference number(s) 0815301003004003

I hereby designate Bill Holman for the sole purpose
of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above referenced property
- Board of Adjustment to request a(n) conditional use on the above referenced property.

This Limited Power of Attorney is granted on this _____ day of _____ the year of _____ and is effective until the Board of County Commissioners or the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development Services Bureau.

Agent Name: Bill Holman Email: bholman@detailedbuild.com
Address: P.O. Box 13647 Pensacola FL 32596 Phone: 850-232-8308

Trustee - Juanita Virginia Johns Rosario Juanita Virginia Johns Rosario Trust 6/29/11
Signature of Property Owner Printed Name of Property Owner Date

Juanita D. Rosario Juanita D. Rosario 6/29/12
Signature of Property Owner Printed Name of Property Owner Date

STATE OF Alabama COUNTY OF Houston
The foregoing instrument was acknowledged before me this 29th day of June 2012
by Melanie Agosta Johnson

Personally Known: OR Produced Identification: Type of Identification Produced: Drivers License
Melanie Agosta Johnson Melanie Agosta Johnson (Notary Seal)
Signature of Notary Printed Name of Notary



**MY COMMISSION EXPIRES
DECEMBER 21, 2015**

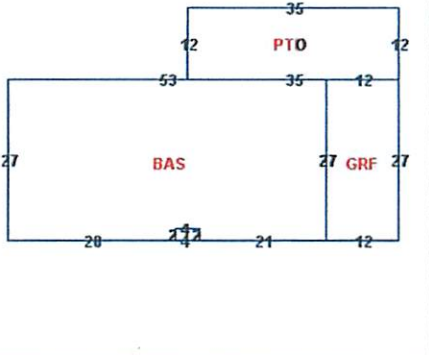
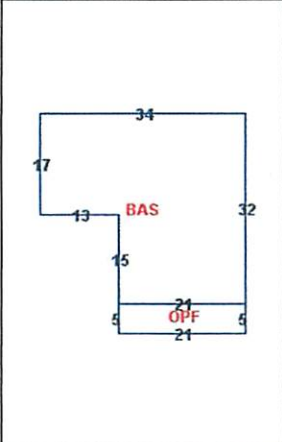
Current Owner

[Back](#)

Source: Escambia County Property Appraiser

[Restore Full Page Version](#)

General Information Reference: 081S301003004003 Account: 014619000 Owners: JOHNS JUANITA V & BOGGAN LARRY G & ROSARIO LANITA D TRUSTEES FOR JOHNS JUANITA VIRGINIA REVOCABLE TRUST Mail: C/O LANITA ROSARIO 9625 CHEMSTRAND RD PENSACOLA, FL 32514 Situs: 9625 CHEMSTRAND RD 32534 Use Code: STORE/OFFICE/SFR Taxing Authority: COUNTY MSTU Tax Inquiry: Open Tax Inquiry Window Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector		2011 Certified Roll Assessment Improvements: \$67,613 Land: \$83,600 Total: \$151,213 Save Our Homes: \$0 Disclaimer Amendment 1 Calculations																								
Sales Data <table border="1"> <thead> <tr> <th>Sale Date</th> <th>Book</th> <th>Page</th> <th>Value</th> <th>Type</th> <th>Official Records (New Window)</th> </tr> </thead> <tbody> <tr> <td>09/14/2009</td> <td>6506</td> <td>837</td> <td>\$100</td> <td>OT</td> <td>View Instr</td> </tr> <tr> <td>01/2002</td> <td>4830</td> <td>869</td> <td>\$100</td> <td>WD</td> <td>View Instr</td> </tr> <tr> <td>01/1973</td> <td>687</td> <td>733</td> <td>\$100</td> <td>WD</td> <td>View Instr</td> </tr> </tbody> </table> Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court		Sale Date	Book	Page	Value	Type	Official Records (New Window)	09/14/2009	6506	837	\$100	OT	View Instr	01/2002	4830	869	\$100	WD	View Instr	01/1973	687	733	\$100	WD	View Instr	2011 Certified Roll Exemptions None Legal Description N 157 FT OF E1/2 OF LT 3 LESS E 50 FT FOR STATE RD R/W S/D OF E 1/2 OR 4830 P 869... Extra Features None
Sale Date	Book	Page	Value	Type	Official Records (New Window)																					
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Parcel Information Restore Map Get Map Image Launch Interactive Map Section Map Id: 08-1S-30-2 Approx. Acreage: 2.2000 Zoned: R-6																										

Buildings	
Building 1 - Address:9625 CHEMSTRAND RD, Year Built: 1980, Effective Year: 1980	
Structural Elements FOUNDATION-SLAB ON GRADE EXTERIOR WALL-BRICK-FACE NO. PLUMBING FIXTURES-6.00 DWELLING UNITS-1.00 ROOF FRAMING-HIP ROOF COVER-DIMEN/ARCH SHNG INTERIOR WALL-DRYWALL-PLASTER FLOOR COVER-CARPET NO. STORIES-1.00 DECOR/MILLWORK-AVERAGE HEAT/AIR-CENTRAL H/AC STRUCTURAL FRAME-WOOD FRAME	
Areas - 2175 Total SF BASE AREA - 1423 GARAGE FIN - 324 OPEN PORCH FIN - 8 PATIO - 420	
Building 2 - Address:9615 CHEMSTRAND RD, Year Built: 1958, Effective Year: 1958	
Structural Elements FOUNDATION-SLAB ON GRADE EXTERIOR WALL-CONCRETE BLOCK NO. PLUMBING FIXTURES-2.00 ROOF FRAMING-FLAT/SHED ROOF COVER-ROLLED ROOFING INTERIOR WALL-EXPOSED BLK/BRK STORY HEIGHT-8.00 NO. STORIES-1.00 INTERIOR WALL-DRYWALL-PLASTER FLOOR COVER-CARPET FLOOR COVER-CONCRETE-FINISH DECOR/MILLWORK-BELOW AVERAGE HEAT/AIR-UNIT HEATERS STRUCTURAL FRAME-MASONRY PIL/STL	
Areas - 998 Total SF BASE AREA - 893 OPEN PORCH FIN - 105	

Images



5/19/03



5/10/12



5/10/12

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

Pre-Application Reviewer Comments

Site Plan Pre-Application Reviewer Comments

Denise
Halstead

Escambia County Professional Engineer
The Professional Engineer and Surveyor License
Development Services Bureau, Inc.
Professional Engineer License No. 100
Issue: 2012 on 12/21/12

DRC Meeting Date: June 6, 2012
Project #: PSP120500045
Project Name: NAPA Auto Parts-Chemstrand
Project Address: 9625 Chemstrand Road

This is a preliminary review designed to provide information and guide the applicant through the Development Review Process. Once your project has been formally submitted (fees paid and application processed) to Escambia County for review, there may be additional Land Development Code and Comprehensive Plan regulations that may be applicable.

David Fitzpatrick - eng -

Please Address the Following Comments

Access Management

Reviewer: Jason Walters @ 850-595-3422
Jason_Walters@co.escambia.fl.us

- 1) The proposed driveway shall align with Lowell Lane [LDC 7.11.02.B].
- 2) Drive aisles with right angle parking stalls shall be 24 feet in width. Graphically show this dimension with your next submittal.
- 3) Provide the FDOT 211 and 279 studies (turn lane warrants) for the proposed new driveway on Chemstrand Road.
- 4) The new driveway shall not exceed 36 feet in width at the right-of-way.
- 5) Show the existing sidewalk along the Chemstrand Road frontage of the site. Provide a note on the site plan that states any construction activities that alter the sidewalk will meet the latest requirements of the Americans with Disabilities Act (ADA).
- 6) Site plans with buildings between 10,000-19,999 square feet shall provide a 12'x 55' loading zone. Insure that the loading zone will not inhibit any required parking stalls or drive aisles.
- 7) Additional comments may be forthcoming after your next submittal.

Stormwater

Reviewer: Roza I. Sestnov @ 850-595-3411
Roza_Sestnov@co.escambia.fl.us

- 1) The increase in impervious surface resulting from modifications to existing development with a net increase of less than 1000 sf would result in a stormwater exemption. If any additional gravel area is proposed to the site, it would be considered as semi-impervious area and will have to be included in impervious area with a coefficient of 0.6. It appears that this development may not qualify for this exemption.
- 2) Please provide a table listing existing and proposed impervious, semi-impervious, and pervious areas.
- 3) Provide a complete stormwater management plan with applicable stormwater calculations signed and sealed by a professional engineer registered in the state of Florida. Demonstrate compliance with Land Development Code 5.10.02A and 7.15.06.
- 4) Provide drainage calculations for retention/detention facilities, at minimum, must satisfy one of the following:
 - a) For a positive drainage outfall system, $Q_{post} < Q_{pre}$ for a 25-year frequency of critical duration, up to and including a 24-hour duration storm event, with metered positive discharge into an approved functioning drainage system.
 - b) For retention facilities designed with no positive outfall, the retention volume must be adequate to collect and percolate runoff from a 24-hour, 100-year design storm frequency including upland acreage runoff.
- * 5) FYI: Retention facilities have to be offset minimum 15 feet from septic systems.
- 6) When applicable please provide the following notes on the plans:
 - a) "The project engineer (engineer of record) shall provide to Escambia County "As-Built" record drawings for verification and approval by Escambia County one week prior to requesting a final inspection and certificate of occupancy, or provide "As-Built" certification that the project construction adheres to the permitted plans and specifications. The "As-Built" certification or the "As-Built" record drawings must be signed, sealed and dated by a registered Florida Professional Engineer"

Pre-Application Reviewer Comments

- b) "All aspects of the stormwater/drainage components and/or transportation components shall be completed prior to issuance of a final certificate of occupancy."
 - c) "No deviations or revisions from these plans by the contractor shall be allowed without prior approval from both the design engineer and the Escambia County. Any deviations may result in delays in obtaining a certificate of occupancy."
 - d) "The contractor shall install prior to the start of construction and maintain during construction all sediment control measures as required to retain all sediments on the site. Improper sediment control measures may result in Code Enforcement Violation."
 - e) "Retention/detention areas shall be substantially complete prior to any construction activities that may increase stormwater runoff rates. The contractor shall control stormwater during all phases of construction and take adequate measures to prevent the excavated pond from blinding due to sediments."
 - f) "All disturbed areas which are not paved shall be stabilized with seeding, fertilizer and mulch, hydroseed and/or sod."
 - g) "All new building roof drains, down spouts, or gutters shall be routed to carry all stormwater to retention/detention areas."
 - h) "Developer/Contractor shall reshape per plan specifications, clean out accumulated silt, and stabilize retention/detention pond(s) at the end of construction when all disturbed areas have been stabilized and prior to request for inspection."
 - i) "Contractor shall maintain record drawings during construction which show "as-built" conditions of all work including piping, drainage structures, topo of pond(s), outlet structures, dimensions, elevations, grading etc. Record drawings shall be provided to the Engineer of Record prior to requesting final inspection."
 - j) "The owner or his agent shall arrange/schedule with the County a final inspection of the development upon completion and any intermediate inspections at (850) 595-3472. As-built certification is required prior to request for final inspection/approval."
 - k) "Notify Sunshine Utilities 48 hours in advance prior to digging within R/W; 1-800-432-4770."
 - l) "Any damage to existing roads during construction will be repaired by the developer prior to final "as-built" sign off from the county."
 - m) "The contractor shall notify FDOT 48 hours in advance prior to initiating any work in the state rights-of-way."
- 7) Show applicable locations of erosion/sediment control measures, label on plans and provide a detail.
 - 8) Work proposed next to the R/W with existing swales systems may require additional provisions to repair/restore existing drainage swales as needed to ensure adequate drainage. R/W shoulder stabilization should be in accordance with FDOT Standard Specifications for Road and Bridge Construction latest edition. Please note on plans.
 - 9) If applicable include on plans energy dissipaters at discharge points of all pipes and flumes based upon applicable design velocities. Rip-rap dissipater detail(s) should include minimum stone weight (suggest 50 lb), spread and depth dimensions. Splash pad dissipater detail(s) should include construction specifications, dimensions, material etc.
 - 10) If applicable include cross-section detail(s) of proposed pond(s) including side slopes, the top and bottom elevations, pond embankment stabilization notes, associated inflow/outflow structures, etc.
 - 11) Include a cross section of all proposed swales/open ditches including side slopes, and the proper stabilization notes. Plan view should include % slope, elevations, contours, and grading requirements as necessary for construction purposes.
 - 12) Add general dimensions for new retention/detention area construction; primary length and width.
 - 13) Provide a complete grading/drainage plan by tying existing contours to proposed contours.
 - 14) Demonstrate on plans how stormwater runoff is conveyed to receiving drainage system.
 - 15) A geotechnical soil analyses report is required for projects > 10,000 total sq ft of impervious area.
 - 16) Identify existing drainage system abutting the site or relevant to the proposed storm system. If none exists, then explain where the stormwater flows to or from the site.

Pre-Application Reviewer Comments

- 17) Provide a copy of a Maintenance Plan to both the County and the entity/owner responsible for maintenance, which includes a listing setting for the scheduled maintenance needs and operation/maintenance instructions for the stormwater facilities and erosion repairs.
- 18) Include a brief summary of impacts to adjacent properties, receiving drainage system, and area-wide drainage systems for post development conditions. The stormwater design must provide reasonable assurance to protect adjacent properties.
- 19) It appears this project may require permitting through ERP. Please provide a copy of the permit approval or proof of exemption. If permit approval has not been obtained prior to site plan approval, a copy of the completed and signed ERP application will suffice for site plan approval. However, please forward a copy of the approval to our office once it is obtained.
- 20) For projects with construction activities that disturb >1 acre, or is a part of a larger common plan of development or sale that will disturb >1 acre and stormwater discharge is to the surface water of the state or to a municipal separate storm sewer system (MS4), an NPDES permit is required. Submit copy of "Notice of Intent" submitted the FDEP prior to commencement of construction if applicable.
- 21) Drainage fees shall be paid at the time of the final comparison submittal. Drainage fees will be determined at the time of route sheet sign off.

Planning

Reviewer: John Fisher @ 850-595-4651
John_Fisher@co.escambia.fl.us

- 1) Conditional use must be granted. 6.05.13.C.5. Automobile service operations, including indoor repair and restoration (not including painting), and sale of gasoline (and related service station products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.
- 2) What type of office will the existing house be?
- 3) On the plan **provide the property reference numbers** of the development **site and adjoining parcels**. Show any intersection of adjoining parcel boundaries with the development site parcel. (4.06.09) Show the entire parcel.
- 4) On the plan provide the zoning district(s), future land use category (FLU), and existing uses of the development site and adjoining parcel(s) (4.06.09.V).
- 5) On the plan designate the proposed and existing surfaces. Quantify them in square feet and percent of total to demonstrate the maximum impervious cover will not be exceeded and the minimum landscape area will be provided (4.06.09.Q, S).
- 6) For the parking area, show the proposed layout of drive aisles, parking stalls, and landscape islands (7.01.05.N and 7.02.00.H). Include dimensions (referenced minimum drive aisle width for right angle stalls is 24 feet).
- 7) Show setbacks and size dimensions of parking spaces, buildings, lot width, dock out from water, and other spaces as needed please be detailed as possible.
- 8) Show what means (raised curb, wheel stops, crossties, bollards, etc.) will be used to prevent vehicle encroachment beyond the parking surface, both at the lot perimeter and at internal landscape islands (7.01.05.N.2.d).
- 9) Show parking calculations with Handicap also labeled on site plan.
- 10) Provide a scaled drawing of exterior building elevations and a generalized floor plan identifying uses and areas (sq ft) within the proposed buildings (4.06.09.B).
- 11) On the plan quantify and symbolize the minimum number of required trees and shrubs for road frontage, parking lot, buffering, and screening. Quantify what exists and what is proposed. More than the County's minimum required landscaping may be proposed, but the plans must clearly distinguish between what is required and what is provided (proposed or existing).
- 12) Where is your dumpster going to be located? Provide a 6 ft privacy fence around the dumpster.
- 13) **If no trees are to be removed, Add a note to the site plan stating that no "protected trees" will be removed, destructively damaged, mutilated, relocated, disfigured, destroyed, cut down, or excessively pruned during construction activities (7.01.03.C1).**
- 14) The plan and notes do not accurately address proposed removal of protected trees and their mitigation (7.01.04.A.2 and 7.01.05.N.2.e). The table 7.01.00 may be used to summarize proposed tree removal and mitigation. Refer to the applicable LDC citations as necessary. Account for multi-trunk trees by using the equivalent cross-sectional area of a single-trunk tree, where equivalent diameter is the square root of the sum of

Pre-Application Reviewer Comments

the squares of multiple trunk diameters. In addition to any trees within the building area(s), if County or FDOT access management standards do not allow the drive to be located so as to avoid tree removal, trees at the immediate point of access would be exempt from mitigation. Apply the site area mitigation cap after any preservation credits have been applied.

- 15) On the plan symbolize tree barricades for existing trees that are to remain. Indicate they are to be installed prior to any land disturbance activity and are to remain through construction. Provide and reference a typical barricade construction detail. Symbolize the barricades to the extent of the tree canopies, or the general limit of proposed improvements, whichever is less (7.01.04.A.1).
- 16) Heritage and champion trees are protected in all land uses (7.01.02C) Please add a note to the site plan regarding the presence of heritage or champion trees. If any are located on the site, please show on the site plan.
- 17) The Land Development Code calls for the preservation and protection of certain existing trees. Tree removal shall be granted or denied based on standards in LDC sections 7.01.04.C.1 thru 7.01.04.C.6.
- 18) A tree mitigation table should be inserted on the site plan showing all protected trees for removal, their species, DBH, mitigation requirements, and credits if applicable. An example of the mitigation table is available at NESD.
- 19) Replacement trees should be like (canopy) types, but parking lot island or frontage trees need not be canopy types. Provide definitions of canopy (mature height 30 feet or greater) and understory (mature height less than 30 feet) trees.
- 20) Indicate that trees proposed to meet minimum County landscaping requirements must be at least 9 feet in height at time of planting. Specification of a minimum caliper is also recommended.
- 21) Freestanding signage is additionally limited to one sign per street frontage, a maximum 200 sq. ft. in area, a maximum 35 feet in height, and a minimum 200 feet from any other such site sign. Each freestanding sign is limited to a minimum 10 feet setback from rights-of-way and must maintain visual clearance along rights-of-way and at intersections. A valid Escambia County Sign Permit Must be obtained prior to erecting, constructing, altering, or relocating any site signage. For those signs placed on a corner, the side setback will be determined by measuring 35 feet along the intersections of the two public rights-of way.
- 22) **7.01.06. Buffering between zoning districts and uses.**
 - A. **Zoning districts.** The following spatial relationships between zoning districts require a buffer:
 3. C-1, C-1PK, C-2 GBD or GMD districts, where they are adjacent to single-family or two-family districts (RR, SDD, R-1, R-1PK, R-2, R-2PK, R-3, V-1, V-2, V-3, V-5, VR-1, VR-2, PUD) or multiple-family and office districts (R-3PK, R-4, R-5, R-6, V-4, VM-1, VM-2, PUD), or agricultural districts (AG and VAG).
 4. ID-P, ID-1, ID-2, GID districts, where adjacent to residential, commercial, agricultural or SDD districts.
 - B. **Land uses.** The following relationships between land uses require a buffer:
 1. Multiple-family, zero lot line or office uses, where they are adjacent to single-family or two-family uses.
 2. Commercial land uses, where they are adjacent to residential uses.
 3. Industrial land uses, where they are adjacent to residential, office, agricultural or commercial uses.
 - C. **Responsibility for buffer.** For buffers on parcels between zoning districts, the property owner requesting approval of a site plan or a building permit shall be responsible for providing and maintaining said buffer.
 - D. **Buffer standards.**
 1. **Function.** Buffers shall be designed to protect the lower intensity use from the more intensive use (agriculture from residential, residential from commercial, etc.) and provide an aesthetically attractive barrier between such uses. The buffer shall function to protect each land use from the intrusive effects of adjacent activities and minimize the adverse impacts of the uses upon each other. It is the intent of this part that the negative impacts of the uses upon each other are minimized or, preferably, eliminated by the buffer such that the long-term continuance of either use is not threatened by such impact and, therefore, incompatibility between uses is minimized or eliminated.
 2. **Type.** The buffer shall be a natural vegetative barrier or a landscaped barrier or combination thereof, supplemented with fencing or other manmade barriers within the required landscaped strip. These landscaped strips shall be of a minimum of ten feet in width and shall be landscaped for every 100 linear feet with plant coverage following Standard A-2 (for a ten-foot wide strip). Natural barriers proposed to

Pre-Application Reviewer Comments

remain shall meet these minimum requirements or the applicant must provide evidence that the existing natural barrier will fulfill the intent of subpart 1.

- 23) Include information on site plan per Escambia County LDC article 4.06.09, items A-W as applicable-see attachment.
- 24) Health Dept (Stephen Metzler 850-595-6700 stephen_metzler@doh.state.fl.us)-The project does not clearly indicate how the sewage is to be disposed. If your project has access to a sanitary sewer system, your project will be required to connect to it. If sanitary sewer system is not available you will need to make application with the Escambia County Health Department for a permit to install a new system or a permit for an inspection of an existing system. Additional information can be obtained from Mr. Barry Evans who can be contacted by phone at 850-595-6700 or by email at barry_evans@doh.state.fl.us.
- 25) ECUA (Wendell Kutzer 850-969-3310 wkutzer@ecua.org)-Project will need to submit to ECUA Engineering for review and permitting of water and/or sewer.
- 26) ECAT (Ted Woolcock 850-595-3228 ext 225 ted_woolcock@co.escambia.fl.us)-No comment.

Environmental Permitting

Reviewer: Brad Bane @ 850-595-4572
Bradley_Bane@co.escambia.fl.us

- 1) An Environmental "Site Specific Survey" shall be conducted on the parcel(s) proposed for development prior to approval. At a minimum, the survey should include a wetland determination and a site evaluation for threatened/endangered species and species habitat (LDC 7.13.02). The survey may be performed by County staff or other qualified professional. A copy of the County application is attached. Please contact Christina Smith at (850) 595-3475 to submit an application. Depending on the results of the survey additional comments may be necessary.

Floodplain Management

Reviewer: Juan Lemos @ 850-595-3467
Juan_Lemos@co.escambia.fl.us

- 1) Per Escambia County Land Development Code (LDC) Articles 4.02.05 e, 4.06.09 R and T, etc., flood zone elevation data and boundary information should be detailed on development plans. Construction in flood-prone areas shall comply with the county flood hazard prevention regulations as defined within Article 10 (part I or part II, as appropriate) of this ordinance.
- 2) When conveying flood zone(s) and flood zone map(s) information, staff requests that the following table (or a similar version thereof) be included on the plans, with the appropriate additional information inserted, for the parcel proposed for development: (*Note: figures given are constants)

The parcel shown for development is located within the following flood zones as detailed by FEMA FIRM (flood insurance rate map) information described below:

FLOOD Zone (s)	NFIP Community Number*	Map Number*	Panel Number(s)	Map Suffix*	Map Revision Date*	
	120080	12033C		G	September 29, 2006	

If your site lies within more than one flood zone, delineate and label each zone to include Base Flood Elevations. If you use more than one panel number include the numbers of all panels used.

Fire Safety

Reviewer: Kirk Stierwalt @ 850-595-1810
Kirk_Stierwalt@co.escambia.fl.us

- 1) Provide hydrant flow data, minimum of 1500 gal per min at 20 psi is required.
- 2) Provide access to building in back per NFPA 1 chapter 18.
- 3) Provide floor plan.

Pre-Application Reviewer Comments

Traffic Concurrency

Reviewer: Tommy Brown @ 850-595-3434
Thomas_Brown@co.escambia.fl.us

- 1) At a minimum, trip distribution/assignment will be required per Land Development Code 5.12.02. Applicant is encouraged to discuss methodology prior to preparing trip distribution.

Handicap Access

Reviewer: Rick Lee @ 850-595-3573
Rick_Lee@co.escambia.fl.us

- 1) Provide handicap accessible parking striping details, and sign detail.
- 2) Fine to be max \$250.00
3. Provide minimum 44" accessible route in front of handicap parking spaces.

Please contact each reviewer to schedule an appointment.

INITIAL TEST FOR TRAFFIC CONCURRENCY WORKSHEETS

DEVELOPMENT REVIEW COMMENTS

At a minimum, trip distribution/assignment will be required per Land Development Code 5.12.02. Applicant is encouraged to discuss methodology prior to preparing trip distribution.

Rev 01/28/03

Planning ID #: PSP120500045

Pre-App: X MP: PP: SP: Mini:

Project Name & Address: NAPA Auto Parts-Chemstrand, 9625 Chemstrand Rd

Roadway Facility: Chemstrand Rd from Nine Mile Rd to Old Chemstrand

Project Description: Retail District: TAZ:

Worksheet Prepared By: Thomas Brown, Jr Phone: (850) 595-34304 Date: 06/05/12

TRIP GENERATION

Source: latest edition of *Trip Generation*, ITE or data collected from related development may be accepted if sufficiently documented.

ITE Land Use: <u> Automobile Parts Sales </u>	ITE Code: <u> 843 </u>	Page #: <u> 1537 </u>	
Independent Variable: <u> 1000 Sq Ft Gross Floor Area </u>			
Size of Independent Variable:	11.948	[A]	
Average Rate for PH (4-6 P.M.) of Adjacent Street Traffic:	5.98	[B]	
Driveway Trips (A*B), result from fitted curve equation or trips from locally collected data:	71.4	[C]	
Internal Capture Rate Percentage (if applicable):		0%	[D]
Internal Trips (C*D):		0.0	[E]
Adjusted Driveway Trips (C-E):		71.4	[F]
Pass-By Trip Percentage (if applicable):		0%	[G]
Pass-By Trips (F*G):		0.0	[H]
New Driveway Trips (F-H):		71	[I]

AREA OF INFLUENCE FOR TRIP DISTRIBUTION / ASSIGNMENT

Is the number of New Driveway Trips [I], greater than 50 for commercial or greater than 5% of the Service Volume (column 22) for residential? YES [J]

 X If "YES" to [J], applicant is required to submit trip distribution for the proposed development. Applicant is encouraged to discuss methodology prior to preparing trip distribution.

 If NO" to [J], continue with PART I: *De Minimis* Determination on the following page.

ROADWAY IMPACT ANALYSIS

Complete an Attachment for each impacted roadway segment to determine if the traffic impact is *de minimis* (PART I).
If the impact is non *de minimis*, continue with PART II. Reference the latest edition of the *Traffic Volume and Level Of Service Report*.

Attachment 1 of 1

Project Name & Address: NAPA Auto Parts-Chemstrand, 9625 Chemstrand Rd
Roadway Facility: Chemstrand Rd from Nine Mile Rd to Old Chemstrand

PART I: *De Minimis* Determination

Based on the LDC Section 5.12.03 adopted March 1, 2001. Reference the latest edition of the *Traffic Volume and LOS Report*.

New Driveway Trips (F-H):	71		[J]
Trip Distribution (% exiting):	51%		[K]
Allocated Trips (I*K):	36		[L]
2-Way PM PH Service Volume (column 18):	2,110		[M]
1% of Service Volume (column 21 or M*.01):	21		[N]
Are Allocated Trips greater than 1% of the Service Volume (is L > N)?	15	YES	[O]
Existing Total Trips (column 16):	1,259		[P]
Proposed Total Trips (L+P):	1,295		[Q]
110% of Service Volume (column 23 or M*1.10):	2,321		[R]
Are Proposed Total Trips greater than 110% of the Service Volume (is Q > R)?	-1,026	NO	[S]
Is the roadway segment on a designated hurricane evacuation route (column 24)?		NO	[T]

_____ If "NO" for [O], [S], and [T], traffic impact is *de minimis*. No further analysis is required.

 X If "YES" for [O], [S], or [T], traffic impact is non *de minimis*. Continue with PART II.

_____ If "YES" to [T], continue with question [U] only, in PART II below; or

 X If "YES" to [O] and/or [S] only and "NO" to [T], continue with question [V] only, in PART II below.

PART II: Non *De Minimis* Concurrency Determination

If "YES" to [T], is the number of Proposed Total Trips greater than the Service Volume (is Q > M)?	-815	N/A	[U]
If "NO" to [T], is the number of Proposed Total Trips greater than 110% of the Service Volume (is Q > R)?	-1,026	NO	[V]

 X If "NO," the roadway segment meets the test for concurrency. No further analysis required.

- _____ If "YES," identify which method will be used to maintain the adopted Level of Service:
- _____ applying applicable trip reduction methods for service or commercial developments,
 - _____ conducting a Traffic Impact Analysis Report (TIAR),
 - _____ reducing the scale or scope of the proposed project,
 - _____ withdrawing the application, or
 - _____ identifying the roadway facility as part of the Transportation Concurrency Exception Area (TCEA) in a designated redevelopment area.

If additional information or further discussion is needed, please call for an appointment.

CU-2012-11

Board of Adjustment

6. B.

Meeting Date: 08/15/2012

CASE: CU-2012-11

APPLICANT: Bill Homan, Agent for Juanita
V. Johns, Revocable Trust

ADDRESS: 9625 Chemstrand Road

PROPERTY REFERENCE NO.: 08-1S-30-1003-004-003

ZONING DISTRICT: R-6, Neighborhood
Commercial and Residential
District, (cumulative) high
density

FUTURE LAND USE: MU-U, Mixed Use-Urban

OVERLAY DISTRICT: None

Information

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

Conditional Use Approval to allow the construction of a 12,000 sf (+/-) auto parts store in R-6 zoning.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section:LDC 6.05.13.C.4

4. Neighborhood commercial uses that do not exceed 35,000 square feet of floor area.

CRITERIA:

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section 2.05.03**

CRITERION (1)

On-site circulation. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe.

FINDINGS-OF-FACT

Ingress and egress will be from Chemstrand Road. On-site parking and traffic flow will be addressed during the site plan review process.

CRITERION (2)

Nuisance. Adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference, hazardous materials, etc.) of the conditional use on adjoining properties and properties generally in the District.

FINDINGS-OF-FACT

This proposed Conditional Use is not expected to produce any unfavorable impacts to the surrounding properties.

CRITERION (3)

Solid Waste. Refuse and service areas with particular reference to concurrency requirements and items (1) and (2) above.

FINDINGS-OF-FACT

The applicant will provide solid waste services.

CRITERION (4)

Utilities. Utilities with reference to concurrency requirements, location, availability and compatibility with surrounding land uses.

FINDINGS-OF-FACT

Potable water will be provided by ECUA and power by Gulf Power.

CRITERION (5)

Buffers. The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and the intent of Policy FLU 1.1.9 of the Comprehensive Plan and the provisions of Section 7.01.06 of the Land Development Code are fulfilled.

FINDINGS-OF-FACT

Buffering standards will be implemented in accordance with Article 7 of the Escambia Land Development Code. The requirements will be reviewed during the site plan review process.

CRITERION (6)

Signs. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.

FINDINGS-OF-FACT

All proposed signage will be addressed during the site plan review process to comply with Article 8 of the Escambia County LDC.

CRITERION (7)

Environment impact. Impacts to protected trees, wetlands, water bodies, stormwater management or other natural features of the subject parcel.

FINDINGS-OF-FACT

According to the National Wetland Inventory there appear to be no wetlands on the site. All other environmental impacts and stormwater management will be addressed during the site plan review process.

CRITERION (8)

Neighborhood impact. General compatibility with adjacent properties and other property in the immediate area.

FINDINGS-OF-FACT

The proposed Conditional Use will be compatible with adjacent properties and other property in the immediate area.

CRITERION (9)

***Other requirements of Code.* The proposed Conditional Use is consistent with all other relevant provisions of this Code.**

FINDINGS-OF-FACT

This Conditional Use is consistent with all other relevant provisions of this Code.

STAFF RECOMMENDATION

Staff recommends that the Board approve the proposed Conditional Use as submitted.

BOARD OF ADJUSTMENT FINDINGS:

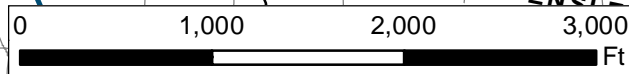
Attachments


[Working Case File](#)

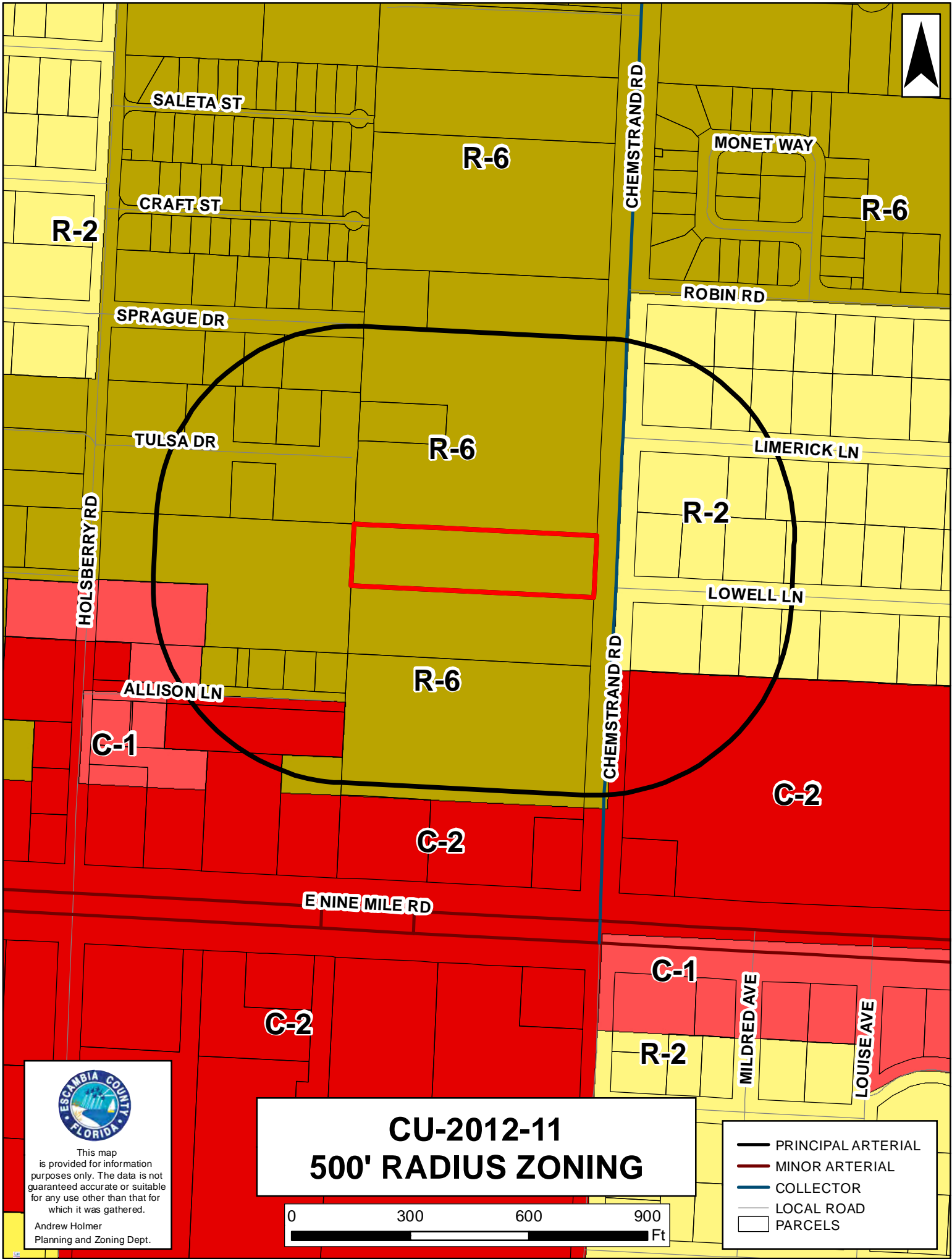


CU-2012-11 LOCATION MAP

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD




 This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
 Andrew Holmer
 Planning and Zoning Dept.



R-2

R-6

R-6

SPRAGUE DR

TULSA DR

R-6

R-2

LIMERICK LN

LOWELL LN

R-6

ALLISON LN

C-1

C-2

C-2

ENINE MILE RD

C-1

C-2

R-2


MILDRED AVE

LOUISE AVE

CU-2012-11 500' RADIUS ZONING

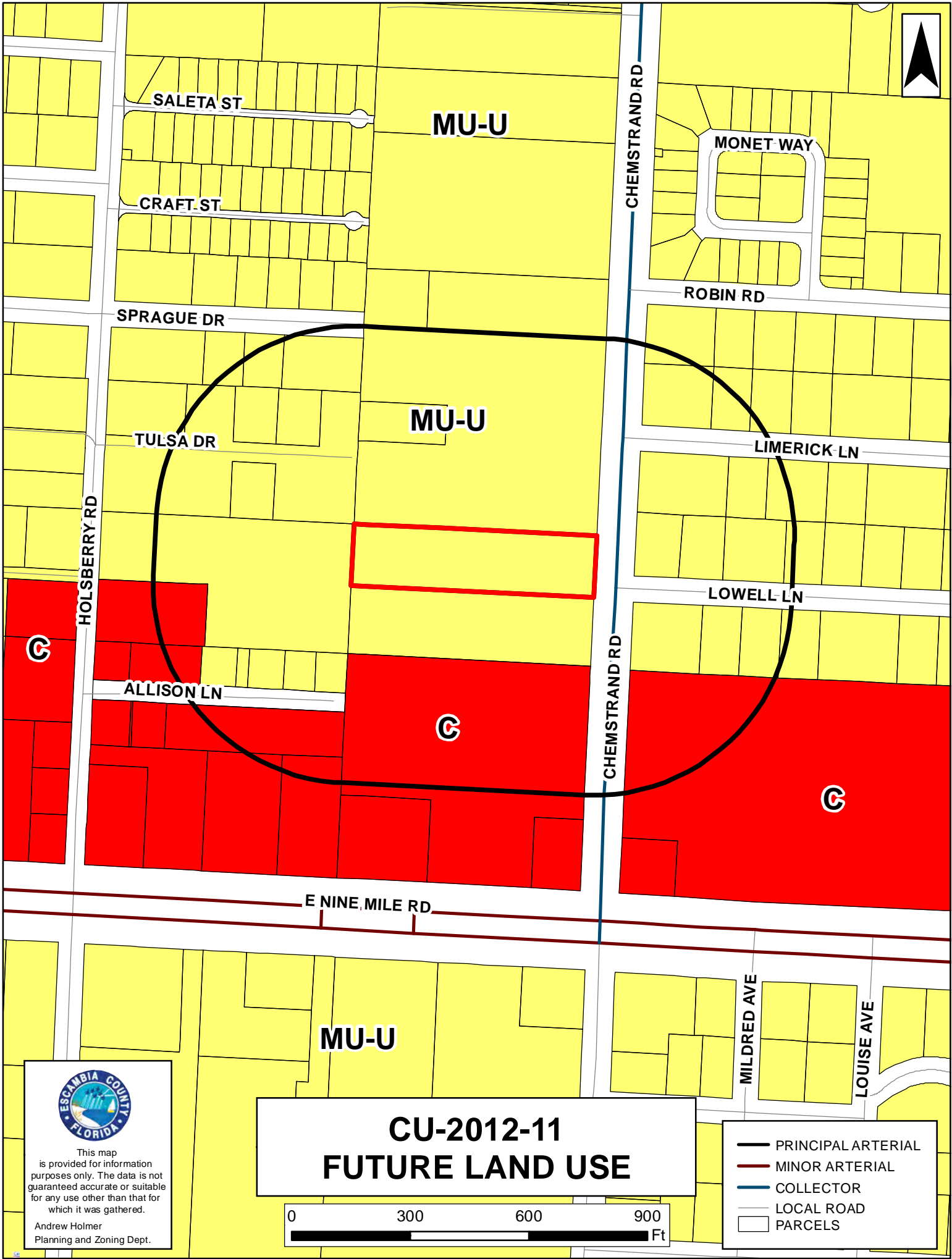


- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.








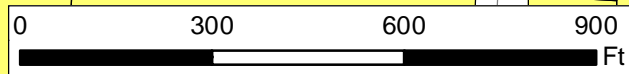
MU-U

MU-U

MU-U

CU-2012-11 FUTURE LAND USE

-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



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Andrew Holmer
Planning and Zoning Dept.



TULSA DR

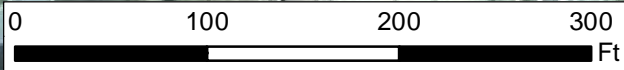
CHEMSTRAND RD









This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

CU-2012-11 AERIAL MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD
-  PARCELS

Detailed Builders, LLC

P.O. Box 13647
Pensacola, FL 32591
(850) 232-8308

July 19, 2012

Conditional use letter of request for Napa Auto Parts Store.

Request: conditional use approval to construct a 12,000sf +/- auto parts store. Building will be a single story pre-engineered metal building.

Address: 9625 Chemstrand Road, Pensacola, FL 32534

Zoning: Current zone is R-6. Up to 6000 sf is allowed for a commercial development. Greater than 6000 sf requires a conditional use approval.

FLU: MUU

Existing Parcel Use: The existing parcel is currently a mixed use occupancy. A single family residence (approx 2200 sf), in the rear, and a commercial use building (approx 1000 sf) in the front. Located to the south approximately 500' is Gulfwinds Credit Union and a commercial strip mall.

Parcel Appearance: Subject parcel is kept as the lawn for the residence and existing commercial building. Oak trees are the predominant species with some other species intermingled. The majority of the trees are located along the sides of the parcel. There is a drainage ditch running along Chemstrand Road frontage. Chemstrand Road is curbed along the frontage. An existing driveway cut with concrete apron is located close to the center of the frontage.

Proposed Project Design Considerations:

- 1. Building Use:** Building will be a warehouse with a retail sales counter area. It is strictly retail sales and part storage no repairs /service stations will done onsite.
- 2. Entrance Driveway:** According to Escambia County DRC pre-application comments it will be necessary to align the proposed driveway with Lowell Lane across Chemstrand. Our design will accommodate this requirement.
- 3. Environmental Impact:** Our design will be in accordance with the latest edition of the Escambia County Land Development Code. In addition the storm water system will be in accordance with the latest NFWFMD ERP II rule. The site will be landscaped per the LDC. Protected trees will be preserved where practical. However, in the event that we must remove protective trees, we will follow the LDC fulfilling the replacement tress requirements. There appear to be no other environmental impacts as to wetlands and water bodies.

4. **Overall Site Development:** The existing residence will remain. The proposed development will be confined to the front yard of the existing residence. The proposed 12,000 sf building will be accompanied by paved drives and parking for employees and patrons. A service road will run along the side of the building to accommodate deliveries by larger trucks. The rear employee parking lot will be designed to accommodate these trucks as they turn around to exit. There will be a dumpster enclosure to accommodate trash as per the LDC. Refuse generated will be primarily paper in nature no harmful chemicals would be disposed. All signage will be as per building codes and have minimal impact.
5. **Utilities:** Potable water will be provided by ECUA. There is currently an 8" water main across Chemstrand Road. An existing fire hydrant is located directly across from the proposed development. Sanitary sewer will be by septic tank. There is no sanitary sewer in the vicinity of the development.
6. **Neighborhood Impact:** The proposed development is located within 500 feet of Gulfwinds Credit Union and a strip mall. The existing building was used commercially as neighborhood retail. The property to the north has a single family residence similar to the one that will remain on the development.

Please feel free to address any additional comments at the above number and address.

Thank you for your consideration.

Sincerely,

William P. Holman

State of Florida, County of Escambia.

The foregoing instrument was acknowledged before me this 19th day of July 2012.

By William P. Holman

Personally known or produced identification _____

Tonja Brown
Signature of notary

Tonja Brown
Printed name of notary



APPLICATION

Please check application type:

Conditional Use Request for: _____

Administrative Appeal Variance Request for: _____

Development Order Extension Rezoning Request from: _____ to: _____

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: Juanita Virginia Johns Revocable Trust Phone: _____

Address: 9625 Chestnut Road, P'coh 32524 Email: _____

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 9625 Chestnut Road, P'coh FL 32534

Property Reference Number(s)/Legal Description: 08 15 30 100 300 4003

N 157 FT OF E 1/2 OF LT 3 LESS E 50 FT FOR ST RD R/W S/O OF E 1/2
OR 4830 P 869

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

[Signature]
Signature of Owner/Agent

William P. Holman
Printed Name Owner/Agent

7/17/12
Date

[Signature]
Signature of Owner

Mark F. McDaniel
Printed Name of Owner

7/17/12
Date

STATE OF Florida

COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 17th day of July 2012
by William P. Holman AND Mark F. McDaniel, BOTH

Personally Known OR Produced Identification . Type of Identification Produced: _____

[Signature]
Signature of Notary
(notary seal must be affixed)

TERRENCE K. DENNY
Printed Name of Notary



FOR OFFICE USE ONLY

CASE NUMBER: CU-2012-11

Meeting Date(s): Aug 15, 2012 Accepted/Verified by: K Spitsbergen Date: 7/19/12

Fees Paid: \$ 1050⁰⁰ Receipt #: _____ Permit #: PBA120700018

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 9625 Chemstrand Rd.
Florida, property reference number(s) 0815301003004003

I hereby designate Bill Holman for the sole purpose
of completing this application and making a presentation to the

Planning Board and the Board of County Commissioners to request a rezoning on the above
referenced property

Board of Adjustment to request a(n) conditional use on the above referenced property.

This Limited Power of Attorney is granted on this _____ day of _____ the year of
_____ and is effective until the Board of County Commissioners or the Board of Adjustment has
rendered a decision on this request and any appeal period has expired. The owner reserves the right to
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development
Services Bureau.

Agent Name: Bill Holman Email: bholman@detailedbuild.com

Address: P.O. Box 13647 Pensacola FL 32596 Phone: 850-232-8308

Trustee - Juanita Virginia Johns Juanita Virginia Johns Revocable Trust 6/29/11
Signature of Property Owner Printed Name of Property Owner Date
Juanita D. Rosario Juanita D. Rosario 6/29/12
Signature of Property Owner Printed Name of Property Owner Date

STATE OF Alabama COUNTY OF Houston

The foregoing instrument was acknowledged before me this 29th day of June 2012
by Melanie Agosta Johnson

Personally Known: OR Produced Identification: Type of Identification Produced: Drivers License

Melanie Agosta Johnson Melanie Agosta Johnson (Notary Seal)
Signature of Notary Printed Name of Notary

**MY COMMISSION EXPIRES
DECEMBER 21, 2015**

Current Owner

[Back](#)

Source: Escambia County Property Appraiser

[Restore Full Page Version](#)

General Information		2011 Certified Roll Assessment	
Reference:	081S301003004003	Improvements:	\$67,613
Account:	014619000	Land:	\$83,600
Owners:	JOHNS JUANITA V & BOGGAN LARRY G & ROSARIO LANITA D TRUSTEES FOR JOHNS JUANITA VIRGINIA REVOCABLE TRUST	Total:	\$151,213
Mail:	C/O LANITA ROSARIO 9625 CHEMSTRAND RD PENSACOLA, FL 32514	Save Our Homes:	\$0
Situs:	9625 CHEMSTRAND RD 32534	Disclaimer	
Use Code:	STORE/OFFICE/SFR	Amendment 1 Calculations	
Taxing Authority:	COUNTY MSTU		
Tax Inquiry:	Open Tax Inquiry Window		
Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector			

Sales Data		2011 Certified Roll Exemptions	
Sale Date	Book Page Value Type	Official Records (New Window)	
09/14/2009	6506 837 \$100 OT	View Instr	
01/2002	4830 869 \$100 WD	View Instr	
01/1973	687 733 \$100 WD	View Instr	
Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court			
		None	
		Legal Description	
		N 157 FT OF E1/2 OF LT 3 LESS E 50 FT FOR STATE RD R/W S/D OF E 1/2 OR 4830 P 869...	
		Extra Features	
		None	

Parcel Information [Restore Map](#) [Get Map Image](#) [Launch Interactive Map](#)

Section Map Id: 08-1S-30-2	
Approx. Acreage: 2.2000	
Zoned: R-6	

Buildings	
Building 1 - Address:9625 CHEMSTRAND RD, Year Built: 1980, Effective Year: 1980	
Structural Elements FOUNDATION-SLAB ON GRADE EXTERIOR WALL-BRICK-FACE NO. PLUMBING FIXTURES-6.00 DWELLING UNITS-1.00 ROOF FRAMING-HIP ROOF COVER-DIMEN/ARCH SHNG INTERIOR WALL-DRYWALL-PLASTER FLOOR COVER-CARPET NO. STORIES-1.00 DECOR/MILLWORK-AVERAGE HEAT/AIR-CENTRAL H/AC STRUCTURAL FRAME-WOOD FRAME	
Areas - 2175 Total SF BASE AREA - 1423 GARAGE FIN - 324 OPEN PORCH FIN - 8 PATIO - 420	
Building 2 - Address:9615 CHEMSTRAND RD, Year Built: 1958, Effective Year: 1958	
Structural Elements FOUNDATION-SLAB ON GRADE EXTERIOR WALL-CONCRETE BLOCK NO. PLUMBING FIXTURES-2.00 ROOF FRAMING-FLAT/SHED ROOF COVER-ROLLED ROOFING INTERIOR WALL-EXPOSED BLK/BRK STORY HEIGHT-8.00 NO. STORIES-1.00 INTERIOR WALL-DRYWALL-PLASTER FLOOR COVER-CARPET FLOOR COVER-CONCRETE-FINISH DECOR/MILLWORK-BELOW AVERAGE HEAT/AIR-UNIT HEATERS STRUCTURAL FRAME-MASONRY PIL/STL	
Areas - 998 Total SF BASE AREA - 893 OPEN PORCH FIN - 105	

Images



5/19/03



5/10/12



5/10/12

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

Pre-Application Reviewer Comments

Site Plan Pre-Application Reviewer Comments

Denise
Halstead

Florida State Board of Professional Engineers and Surveyors
The Professional Engineers and Surveyors License
Examination Process Rules, No.
6001, 6002 and 6003, Chapter 600, F.S.
and 6001 to 6003, F.A.C.

DRC Meeting Date: June 6, 2012
Project #: PSP120500045
Project Name: NAPA Auto Parts-Chemstrand
Project Address: 9625 Chemstrand Road

David Fitzpatrick - eng -

This is a preliminary review designed to provide information and guide the applicant through the Development Review Process. Once your project has been formally submitted (fees paid and application processed) to Escambia County for review, there may be additional Land Development Code and Comprehensive Plan regulations that may be applicable.

Please Address the Following Comments

Access Management

Reviewer: Jason Walters @ 850-595-3422
Jason_Walters@co.escambia.fl.us

- 1) The proposed driveway shall align with Lowell Lane [LDC 7.11.02.B].
- 2) Drive aisles with right angle parking stalls shall be 24 feet in width. Graphically show this dimension with your next submittal.
- 3) Provide the FDOT 211 and 279 studies (turn lane warrants) for the proposed new driveway on Chemstrand Road.
- 4) The new driveway shall not exceed 36 feet in width at the right-of-way.
- 5) Show the existing sidewalk along the Chemstrand Road frontage of the site. Provide a note on the site plan that states any construction activities that alter the sidewalk will meet the latest requirements of the Americans with Disabilities Act (ADA).
- 6) Site plans with buildings between 10,000-19,999 square feet shall provide a 12'x 55' loading zone. Insure that the loading zone will not inhibit any required parking stalls or drive aisles.
- 7) Additional comments may be forthcoming after your next submittal.

Stormwater

Reviewer: Roza I. Sestnov @ 850-595-3411
Roza_Sestnov@co.escambia.fl.us

- 1) The increase in impervious surface resulting from modifications to existing development with a net increase of less than 1000 sf would result in a stormwater exemption. If any additional gravel area is proposed to the site, it would be considered as semi-impervious area and will have to be included in impervious area with a coefficient of 0.6. It appears that this development may not qualify for this exemption.
- 2) Please provide a table listing existing and proposed impervious, semi-impervious, and pervious areas.
- 3) Provide a complete stormwater management plan with applicable stormwater calculations signed and sealed by a professional engineer registered in the state of Florida. Demonstrate compliance with Land Development Code 5.10.02A and 7.15.06.
- 4) Provide drainage calculations for retention/detention facilities, at minimum, must satisfy one of the following:
 - a) For a positive drainage outfall system, $Q_{post} < Q_{pre}$ for a 25-year frequency of critical duration, up to and including a 24-hour duration storm event, with metered positive discharge into an approved functioning drainage system.
 - b) For retention facilities designed with no positive outfall, the retention volume must be adequate to collect and percolate runoff from a 24-hour, 100-year design storm frequency including upland acreage runoff.
- * 5) FYI: Retention facilities have to be offset minimum 15 feet from septic systems.
- 6) When applicable please provide the following notes on the plans:
 - a) "The project engineer (engineer of record) shall provide to Escambia County "As-Built" record drawings for verification and approval by Escambia County one week prior to requesting a final inspection and certificate of occupancy, or provide "As-Built" certification that the project construction adheres to the permitted plans and specifications. The "As-Built" certification or the "As-Built" record drawings must be signed, sealed and dated by a registered Florida Professional Engineer"

Pre-Application Reviewer Comments

- b) "All aspects of the stormwater/drainage components and/or transportation components shall be completed prior to issuance of a final certificate of occupancy."
 - c) "No deviations or revisions from these plans by the contractor shall be allowed without prior approval from both the design engineer and the Escambia County. Any deviations may result in delays in obtaining a certificate of occupancy."
 - d) "The contractor shall install prior to the start of construction and maintain during construction all sediment control measures as required to retain all sediments on the site. Improper sediment control measures may result in Code Enforcement Violation."
 - e) "Retention/detention areas shall be substantially complete prior to any construction activities that may increase stormwater runoff rates. The contractor shall control stormwater during all phases of construction and take adequate measures to prevent the excavated pond from blinding due to sediments."
 - f) "All disturbed areas which are not paved shall be stabilized with seeding, fertilizer and mulch, hydroseed and/or sod."
 - g) "All new building roof drains, down spouts, or gutters shall be routed to carry all stormwater to retention/detention areas."
 - h) "Developer/Contractor shall reshape per plan specifications, clean out accumulated silt, and stabilize retention/detention pond(s) at the end of construction when all disturbed areas have been stabilized and prior to request for inspection."
 - i) "Contractor shall maintain record drawings during construction which show "as-built" conditions of all work including piping, drainage structures, topo of pond(s), outlet structures, dimensions, elevations, grading etc. Record drawings shall be provided to the Engineer of Record prior to requesting final inspection."
 - j) "The owner or his agent shall arrange/schedule with the County a final inspection of the development upon completion and any intermediate inspections at (850) 595-3472. As-built certification is required prior to request for final inspection/approval."
 - k) "Notify Sunshine Utilities 48 hours in advance prior to digging within R/W; 1-800-432-4770."
 - l) "Any damage to existing roads during construction will be repaired by the developer prior to final "as-built" sign off from the county."
 - m) "The contractor shall notify FDOT 48 hours in advance prior to initiating any work in the state rights-of-way."
- 7) Show applicable locations of erosion/sediment control measures, label on plans and provide a detail.
 - 8) Work proposed next to the R/W with existing swales systems may require additional provisions to repair/restore existing drainage swales as needed to ensure adequate drainage. R/W shoulder stabilization should be in accordance with FDOT Standard Specifications for Road and Bridge Construction latest edition. Please note on plans.
 - 9) If applicable include on plans energy dissipaters at discharge points of all pipes and flumes based upon applicable design velocities. Rip-rap dissipater detail(s) should include minimum stone weight (suggest 50 lb), spread and depth dimensions. Splash pad dissipater detail(s) should include construction specifications, dimensions, material etc.
 - 10) If applicable include cross-section detail(s) of proposed pond(s) including side slopes, the top and bottom elevations, pond embankment stabilization notes, associated inflow/outflow structures, etc.
 - 11) Include a cross section of all proposed swales/open ditches including side slopes, and the proper stabilization notes. Plan view should include % slope, elevations, contours, and grading requirements as necessary for construction purposes.
 - 12) Add general dimensions for new retention/detention area construction; primary length and width.
 - 13) Provide a complete grading/drainage plan by tying existing contours to proposed contours.
 - 14) Demonstrate on plans how stormwater runoff is conveyed to receiving drainage system.
 - 15) A geotechnical soil analyses report is required for projects > 10,000 total sq ft of impervious area.
 - 16) Identify existing drainage system abutting the site or relevant to the proposed storm system. If none exists, then explain where the stormwater flows to or from the site.

Pre-Application Reviewer Comments

- 17) Provide a copy of a Maintenance Plan to both the County and the entity/owner responsible for maintenance, which includes a listing setting for the scheduled maintenance needs and operation/maintenance instructions for the stormwater facilities and erosion repairs.
- 18) Include a brief summary of impacts to adjacent properties, receiving drainage system, and area-wide drainage systems for post development conditions. The stormwater design must provide reasonable assurance to protect adjacent properties.
- 19) It appears this project may require permitting through ERP. Please provide a copy of the permit approval or proof of exemption. If permit approval has not been obtained prior to site plan approval, a copy of the completed and signed ERP application will suffice for site plan approval. However, please forward a copy of the approval to our office once it is obtained.
- 20) For projects with construction activities that disturb >1 acre, or is a part of a larger common plan of development or sale that will disturb >1 acre and stormwater discharge is to the surface water of the state or to a municipal separate storm sewer system (MS4), an NPDES permit is required. Submit copy of "Notice of Intent" submitted the FDEP prior to commencement of construction if applicable.
- 21) Drainage fees shall be paid at the time of the final comparison submittal. Drainage fees will be determined at the time of route sheet sign off.

Planning

Reviewer: John Fisher @ 850-595-4651
John_Fisher@co.escambia.fl.us

- 1) Conditional use must be granted. 6.05.13.C.5. Automobile service operations, including indoor repair and restoration (not including painting), and sale of gasoline (and related service station products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.
- 2) What type of office will the existing house be?
- 3) On the plan **provide the property reference numbers** of the development **site and adjoining parcels**. Show any intersection of adjoining parcel boundaries with the development site parcel. (4.06.09) Show the entire parcel.
- 4) On the plan provide the zoning district(s), future land use category (FLU), and existing uses of the development site and adjoining parcel(s) (4.06.09.V).
- 5) On the plan designate the proposed and existing surfaces. Quantify them in square feet and percent of total to demonstrate the maximum impervious cover will not be exceeded and the minimum landscape area will be provided (4.06.09.Q, S).
- 6) For the parking area, show the proposed layout of drive aisles, parking stalls, and landscape islands (7.01.05.N and 7.02.00.H). Include dimensions (referenced minimum drive aisle width for right angle stalls is 24 feet).
- 7) Show setbacks and size dimensions of parking spaces, buildings, lot width, dock out from water, and other spaces as needed please be detailed as possible.
- 8) Show what means (raised curb, wheel stops, crossties, bollards, etc.) will be used to prevent vehicle encroachment beyond the parking surface, both at the lot perimeter and at internal landscape islands (7.01.05.N.2.d).
- 9) Show parking calculations with Handicap also labeled on site plan.
- 10) Provide a scaled drawing of exterior building elevations and a generalized floor plan identifying uses and areas (sq ft) within the proposed buildings (4.06.09.B).
- 11) On the plan quantify and symbolize the minimum number of required trees and shrubs for road frontage, parking lot, buffering, and screening. Quantify what exists and what is proposed. More than the County's minimum required landscaping may be proposed, but the plans must clearly distinguish between what is required and what is provided (proposed or existing).
- 12) Where is your dumpster going to be located? Provide a 6 ft privacy fence around the dumpster.
- 13) **If no trees are to be removed, Add a note to the site plan stating that no "protected trees" will be removed, destructively damaged, mutilated, relocated, disfigured, destroyed, cut down, or excessively pruned during construction activities (7.01.03.C1).**
- 14) The plan and notes do not accurately address proposed removal of protected trees and their mitigation (7.01.04.A.2 and 7.01.05.N.2.e). The table 7.01.00 may be used to summarize proposed tree removal and mitigation. Refer to the applicable LDC citations as necessary. Account for multi-trunk trees by using the equivalent cross-sectional area of a single-trunk tree, where equivalent diameter is the square root of the sum of

Pre-Application Reviewer Comments

the squares of multiple trunk diameters. In addition to any trees within the building area(s), if County or FDOT access management standards do not allow the drive to be located so as to avoid tree removal, trees at the immediate point of access would be exempt from mitigation. Apply the site area mitigation cap after any preservation credits have been applied.

- 15) On the plan symbolize tree barricades for existing trees that are to remain. Indicate they are to be installed prior to any land disturbance activity and are to remain through construction. Provide and reference a typical barricade construction detail. Symbolize the barricades to the extent of the tree canopies, or the general limit of proposed improvements, whichever is less (7.01.04.A.1).
- 16) Heritage and champion trees are protected in all land uses (7.01.02C) Please add a note to the site plan regarding the presence of heritage or champion trees. If any are located on the site, please show on the site plan.
- 17) The Land Development Code calls for the preservation and protection of certain existing trees. Tree removal shall be granted or denied based on standards in LDC sections 7.01.04.C.1 thru 7.01.04.C.6.
- 18) A tree mitigation table should be inserted on the site plan showing all protected trees for removal, their species, DBH, mitigation requirements, and credits if applicable. An example of the mitigation table is available at NESD.
- 19) Replacement trees should be like (canopy) types, but parking lot island or frontage trees need not be canopy types. Provide definitions of canopy (mature height 30 feet or greater) and understory (mature height less than 30 feet) trees.
- 20) Indicate that trees proposed to meet minimum County landscaping requirements must be at least 9 feet in height at time of planting. Specification of a minimum caliper is also recommended.
- 21) Freestanding signage is additionally limited to one sign per street frontage, a maximum 200 sq. ft. in area, a maximum 35 feet in height, and a minimum 200 feet from any other such site sign. Each freestanding sign is limited to a minimum 10 feet setback from rights-of-way and must maintain visual clearance along rights-of-way and at intersections. A valid Escambia County Sign Permit Must be obtained prior to erecting, constructing, altering, or relocating any site signage. For those signs placed on a corner, the side setback will be determined by measuring 35 feet along the intersections of the two public rights-of way.
- 22) **7.01.06. Buffering between zoning districts and uses.**
 - A. **Zoning districts.** The following spatial relationships between zoning districts require a buffer:
 3. C-1, C-1PK, C-2 GBD or GMD districts, where they are adjacent to single-family or two-family districts (RR, SDD, R-1, R-1PK, R-2, R-2PK, R-3, V-1, V-2, V-3, V-5, VR-1, VR-2, PUD) or multiple-family and office districts (R-3PK, R-4, R-5, R-6, V-4, VM-1, VM-2, PUD), or agricultural districts (AG and VAG).
 4. ID-P, ID-1, ID-2, GID districts, where adjacent to residential, commercial, agricultural or SDD districts.
 - B. **Land uses.** The following relationships between land uses require a buffer:
 1. Multiple-family, zero lot line or office uses, where they are adjacent to single-family or two-family uses.
 2. Commercial land uses, where they are adjacent to residential uses.
 3. Industrial land uses, where they are adjacent to residential, office, agricultural or commercial uses.
 - C. **Responsibility for buffer.** For buffers on parcels between zoning districts, the property owner requesting approval of a site plan or a building permit shall be responsible for providing and maintaining said buffer.
 - D. **Buffer standards.**
 1. **Function.** Buffers shall be designed to protect the lower intensity use from the more intensive use (agriculture from residential, residential from commercial, etc.) and provide an aesthetically attractive barrier between such uses. The buffer shall function to protect each land use from the intrusive effects of adjacent activities and minimize the adverse impacts of the uses upon each other. It is the intent of this part that the negative impacts of the uses upon each other are minimized or, preferably, eliminated by the buffer such that the long-term continuance of either use is not threatened by such impact and, therefore, incompatibility between uses is minimized or eliminated.
 2. **Type.** The buffer shall be a natural vegetative barrier or a landscaped barrier or combination thereof, supplemented with fencing or other manmade barriers within the required landscaped strip. These landscaped strips shall be of a minimum of ten feet in width and shall be landscaped for every 100 linear feet with plant coverage following Standard A-2 (for a ten-foot wide strip). Natural barriers proposed to

Pre-Application Reviewer Comments

remain shall meet these minimum requirements or the applicant must provide evidence that the existing natural barrier will fulfill the intent of subpart 1.

- 23) Include information on site plan per Escambia County LDC article 4.06.09, items A-W as applicable-see attachment.
- 24) Health Dept (Stephen Metzler 850-595-6700 stephen_metzler@doh.state.fl.us)-The project does not clearly indicate how the sewage is to be disposed. If your project has access to a sanitary sewer system, your project will be required to connect to it. If sanitary sewer system is not available you will need to make application with the Escambia County Health Department for a permit to install a new system or a permit for an inspection of an existing system. Additional information can be obtained from Mr. Barry Evans who can be contacted by phone at 850-595-6700 or by email at barry_evans@doh.state.fl.us.
- 25) ECUA (Wendell Kutzer 850-969-3310 wkutzer@ecua.org)-Project will need to submit to ECUA Engineering for review and permitting of water and/or sewer.
- 26) ECAT (Ted Woolcock 850-595-3228 ext 225 ted_woolcock@co.escambia.fl.us)-No comment.

Environmental Permitting

Reviewer: Brad Bane @ 850-595-4572
Bradley_Bane@co.escambia.fl.us

- 1) An Environmental "Site Specific Survey" shall be conducted on the parcel(s) proposed for development prior to approval. At a minimum, the survey should include a wetland determination and a site evaluation for threatened/endangered species and species habitat (LDC 7.13.02). The survey may be performed by County staff or other qualified professional. A copy of the County application is attached. Please contact Christina Smith at (850) 595-3475 to submit an application. Depending on the results of the survey additional comments may be necessary.

Floodplain Management

Reviewer: Juan Lemos @ 850-595-3467
Juan_Lemos@co.escambia.fl.us

- 1) Per Escambia County Land Development Code (LDC) Articles 4.02.05 e, 4.06.09 R and T, etc., flood zone elevation data and boundary information should be detailed on development plans. Construction in flood-prone areas shall comply with the county flood hazard prevention regulations as defined within Article 10 (part I or part II, as appropriate) of this ordinance.
- 2) When conveying flood zone(s) and flood zone map(s) information, staff requests that the following table (or a similar version thereof) be included on the plans, with the appropriate additional information inserted, for the parcel proposed for development: (*Note: figures given are constants)

The parcel shown for development is located within the following flood zones as detailed by FEMA FIRM (flood insurance rate map) information described below:

FLOOD Zone (s)	NFIP Community Number*	Map Number*	Panel Number(s)	Map Suffix*	Map Revision Date*	
	120080	12033C		G	September 29, 2006	

If your site lies within more than one flood zone, delineate and label each zone to include Base Flood Elevations. If you use more than one panel number include the numbers of all panels used.

Fire Safety

Reviewer: Kirk Stierwalt @ 850-595-1810
Kirk_Stierwalt@co.escambia.fl.us

- 1) Provide hydrant flow data, minimum of 1500 gal per min at 20 psi is required.
- 2) Provide access to building in back per NFPA 1 chapter 18.
- 3) Provide floor plan.

Pre-Application Reviewer Comments

Traffic Concurrency

Reviewer: Tommy Brown @ 850-595-3434
Thomas_Brown@co.escambia.fl.us

- 1) At a minimum, trip distribution/assignment will be required per Land Development Code 5.12.02. Applicant is encouraged to discuss methodology prior to preparing trip distribution.

Handicap Access

Reviewer: Rick Lee @ 850-595-3573
Rick_Lee@co.escambia.fl.us

- 1) Provide handicap accessible parking striping details, and sign detail.
- 2) Fine to be max \$250.00
3. Provide minimum 44" accessible route in front of handicap parking spaces.

Please contact each reviewer to schedule an appointment.

INITIAL TEST FOR TRAFFIC CONCURRENCY WORKSHEETS

DEVELOPMENT REVIEW COMMENTS

At a minimum, trip distribution/assignment will be required per Land Development Code 5.12.02. Applicant is encouraged to discuss methodology prior to preparing trip distribution.

Rev 01/28/03

Planning ID #: PSP120500045

Pre-App: X MP: PP: SP: Mini:

Project Name & Address: NAPA Auto Parts-Chemstrand, 9625 Chemstrand Rd

Roadway Facility: Chemstrand Rd from Nine Mile Rd to Old Chemstrand

Project Description: Retail District: TAZ:

Worksheet Prepared By: Thomas Brown, Jr Phone: (850) 595-34304 Date: 06/05/12

TRIP GENERATION

Source: latest edition of *Trip Generation*, ITE or data collected from related development may be accepted if sufficiently documented.

ITE Land Use: <u> Automobile Parts Sales </u>	ITE Code: <u> 843 </u>	Page #: <u> 1537 </u>
Independent Variable: <u> 1000 Sq Ft Gross Floor Area </u>		
Size of Independent Variable:	11.948	[A]
Average Rate for PH (4-6 P.M.) of Adjacent Street Traffic:	5.98	[B]
Driveway Trips (A*B), result from fitted curve equation or trips from locally collected data:	71.4	[C]
Internal Capture Rate Percentage (if applicable):		0% [D]
Internal Trips (C*D):		0.0 [E]
Adjusted Driveway Trips (C-E):		71.4 [F]
Pass-By Trip Percentage (if applicable):		0% [G]
Pass-By Trips (F*G):		0.0 [H]
New Driveway Trips (F-H):		71 [I]

AREA OF INFLUENCE FOR TRIP DISTRIBUTION / ASSIGNMENT

Is the number of New Driveway Trips [I], greater than 50 for commercial or greater than 5% of the Service Volume (column 22) for residential? YES [J]

 X If "YES" to [J], applicant is required to submit trip distribution for the proposed development. Applicant is encouraged to discuss methodology prior to preparing trip distribution.

 If NO" to [J], continue with PART I: *De Minimis* Determination on the following page.

ROADWAY IMPACT ANALYSIS

Complete an Attachment for each impacted roadway segment to determine if the traffic impact is *de minimis* (PART I).
If the impact is non *de minimis*, continue with PART II. Reference the latest edition of the *Traffic Volume and Level Of Service Report*.

Attachment 1 of 1

Project Name & Address: NAPA Auto Parts-Chemstrand, 9625 Chemstrand Rd
Roadway Facility: Chemstrand Rd from Nine Mile Rd to Old Chemstrand

PART I: *De Minimis* Determination

Based on the LDC Section 5.12.03 adopted March 1, 2001. Reference the latest edition of the *Traffic Volume and LOS Report*.

New Driveway Trips (F-H):	71		[J]
Trip Distribution (% exiting):	51%		[K]
Allocated Trips (I*K):	36		[L]
2-Way PM PH Service Volume (column 18):	2,110		[M]
1% of Service Volume (column 21 or M*.01):	21		[N]
Are Allocated Trips greater than 1% of the Service Volume (is L > N)?	15	YES	[O]
Existing Total Trips (column 16):	1,259		[P]
Proposed Total Trips (L+P):	1,295		[Q]
110% of Service Volume (column 23 or M*1.10):	2,321		[R]
Are Proposed Total Trips greater than 110% of the Service Volume (is Q > R)?	-1,026	NO	[S]
Is the roadway segment on a designated hurricane evacuation route (column 24)?		NO	[T]

_____ If "NO" for [O], [S], and [T], traffic impact is *de minimis*. No further analysis is required.

 X If "YES" for [O], [S], or [T], traffic impact is non *de minimis*. Continue with PART II.

_____ If "YES" to [T], continue with question [U] only, in PART II below; or

 X If "YES" to [O] and/or [S] only and "NO" to [T], continue with question [V] only, in PART II below.

PART II: Non *De Minimis* Concurrency Determination

If "YES" to [T], is the number of Proposed Total Trips greater than the Service Volume (is Q > M)?	-815	N/A	[U]
If "NO" to [T], is the number of Proposed Total Trips greater than 110% of the Service Volume (is Q > R)?	-1,026	NO	[V]

 X If "NO," the roadway segment meets the test for concurrency. No further analysis required.

- _____ If "YES," identify which method will be used to maintain the adopted Level of Service:
- _____ applying applicable trip reduction methods for service or commercial developments,
 - _____ conducting a Traffic Impact Analysis Report (TIAR),
 - _____ reducing the scale or scope of the proposed project,
 - _____ withdrawing the application, or
 - _____ identifying the roadway facility as part of the Transportation Concurrency Exception Area (TCEA) in a designated redevelopment area.

If additional information or further discussion is needed, please call for an appointment.