

AGENDA
ESCAMBIA COUNTY BOARD OF ADJUSTMENT
October 10, 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 September 12, 2012 Resume Minutes.
6. **Consideration of the following cases:**
 - A. **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
 - B. **Case No.:** V-2012-13
Address: 7420 W Nine Mile Rd
Request: Reducation in the 10 foot lanscaping buffering on the East and West side of the property to a (five) 5 foot landscaping buffering.
Requested by: Paul J. Roberts, Owner
 - C. **Case No.:** V-2012-14
Address: 8891 Burning Tree Rd.
Request: Replace a temporary sign with permanent sign larger than three square feet.
Requested by: Dr. James R. Barnett, Agent for UWF Business Enterprises, Inc.
 - D. **Case No.:** V-2012-15
Address: 1593 Bulevar Menor

Request: Seeking variances to pier requirements specific to Santa Rosa Island

Requested by: Keith Johnson, Agent for Tim Jones

E. **Case No.:** CU-2012-12

Address: 2105 E Olive Rd

Request: Seeking conditional use approval for a bar in C-1 zoning.

Requested by: Larry Richardson, Agent for Willaim Waller, Owner

F. **Case No.:** CU-2012-13

Address: 5625 Segura Ave

Request: Applicant request a Conditional Use for the sale of boats in C-1.

Requested by: Emile T. Petro, Agent for Stuart Kaplan and Gail Taylor

G. **Case No.:** CU-2012-14

Address: 60 W. Nine Mile Rd

Request: On premise alcohol consumption within 1000' of child care facility.

Requested by: Gil Osterloh, Agent for Ensley Shopping Center, LTD

H. **Case No.:** CU- 2011-11 (Remanded)

Location: 9100 Eight Mile Creek Rd.

Request: Recreational Facility in R-1 zoning

Requested by: T. A. Borowski, Jr. Agent for East Hill Christian School, Owners

7. Discussion Items.

8. Old/New Business.

9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, November 14, 2012 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Adjournment.

Attachments

9-12-12 Resume Minutes

DRAFT

RESUMÉ OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD September 12, 2012

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:35 A.M. – 11:05 A.M.)

Present: Don Carlos
Auby Smith
David Karasek
Jennifer Rigby
Bill Stromquist

Absent: LuTimothy May
Bobby Price, Jr.

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning
Andrew Holmer, Senior. Planner, Planning & Zoning
Brenda Wilson, Urban Planner, Planning & Zoning
Horace Jones, Division Mgr., Planning & Zoning

REGULAR BOA AGENDA

1. Meeting called to order at 8:35 a.m.
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.

Motion by Jennifer Rigby, Seconded by Vice Chairman Auby Smith

Motion was made to accept BOA meeting package.

Vote: 5 - 0 Approved - Unanimously

4. Proof of Publication and waive the reading of the legal advertisement.

Motion by Jennifer Rigby, Seconded by Vice Chairman Auby Smith

Motion made to waive reading of legal ad.

Vote: 5 - 0 Approved - Unanimously

5. Approval of July 18, 2012 Resume Minutes

Motion by Jennifer Rigby, Seconded by Vice Chairman Auby Smith
Motion was made to approve meeting minutes of August 15, 2012.

Motion was made to hear the Conditional Use cases first. Smith made the motion
and Stromquest 2nd.

Motion was made to proceed without the County Attorney present. Smith made
the motion and Karasek 2nd.

Vote: 5 - 0 Approved - Unanimously

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.

No BOA member acknowledged any ex parte communication regarding this item

No BOA member acknowledged visiting the site.

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

Motion by Vice Chairman Auby Smith, Seconded by David Karasek

Motion was made to accept variance case and staff's findings.

Vote: 5 - 0 Approved - Unanimously

B. **Case No.: V-2012-11**

Address: 3450 Stefani Rd.
Request: Rear setback variance
Requested by: Charles Davis

Motion by Vice Chairman Auby Smith, Seconded by David Karasek

Motion was made to approve variance case and staff's findings.

Vote: 5 - 0 Approved - Unanimously

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

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

No BOA member acknowledged visiting the site.

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

Motion by Vice Chairman Auby Smith, Seconded by Bill Stromquist
Motion was made to continue the case to the next meeting to allow applicant to design site plan.

Vote: 5 - 0 Approved - Unanimously

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

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

No BOA member acknowledged visiting the site.

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

Motion by Vice Chairman Auby Smith, Seconded by Bill Stromquist
Motion was made to approve the condition use and accept staff's findings.

Vote: 5 - 0 Approved - Unanimously

E. Case No.: CU-2012-11

Address: 9625 Chemstrand Rd
Request: Allow a 12,000 sq. ft. auto parts store
Requested by: Bill Holman, Agent for Juanita V. Johns, Revocable Trust

No BOA member acknowledged any ex parte communication regarding this item

No BOA member acknowledged visiting the site.

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

Motion by Vice Chairman Auby Smith, Seconded by Bill Stromquist
Motion was made to approve conditional use and accept staff's findings.

Vote: 5 - 0 Approved - Unanimously

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 at 11:05 a.m.

Board of Adjustment

6. A.

Meeting Date: 10/10/2012
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

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:



OLD RIVER

RIVER RD

SEMMES ST

SEMMES ST



PERDIDO-KEY-DR

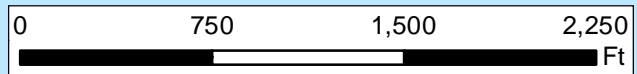
GULF OF MEXICO



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

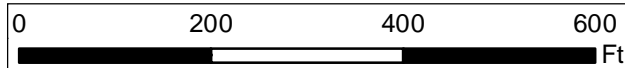
GULF OF MEXICO



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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



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 FUTURE LAND USE



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



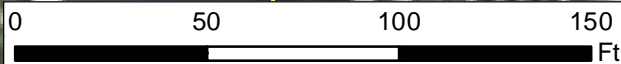
PERDIDO KEY DR









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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

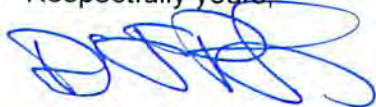
That granting of the variance would not constitute a special privilege. The proposed variance is consistent with all other relevant provisions of this code. The planned renovation will meet the definition of redevelopment with the substantial renewal of the parking site. The existing site plan (attached 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 850. 682-5171
SANDRA O'GARA Phone: 850. 501-1004
Address: P.O. BOX 847 CRESTVIEW, FL 32536
31 STAR LAKE DR PENSACOLA 32507 Email: DAUG.DAIGLE@TOMT.COM

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			\$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 LEWIS

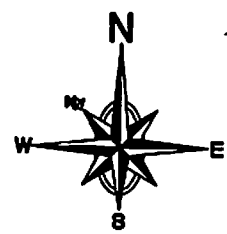
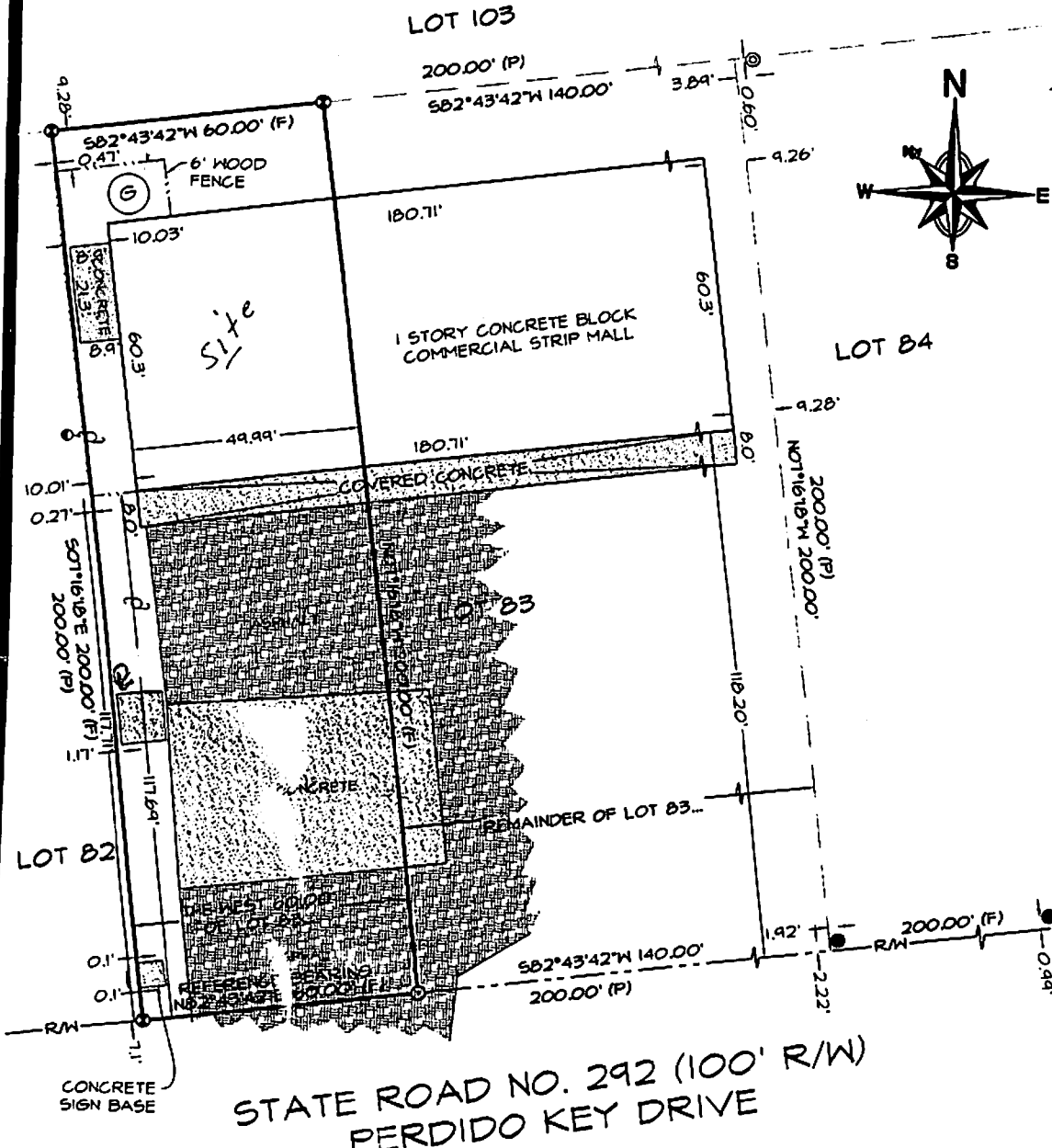
JOB NO.: 10-18173-11

REQUESTED BY: WANDA LEWIS

DATE: JULY 19, 2011

PROPERTY ADDRESS: 14254 PERDIDO KEY DRIVE

SCALE: 1"=30'



BOUNDARY SURVEY WITH IMPROVEMENTS

SHEET 1 OF 2

MEASUREMENTS MADE TO UNITED STATES STANDARDS

P.C. JAS D.M.T. JAS T.Y.P.E.R. FRJ

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 NOT 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'
CONCEPTUAL SITE PLAN

35



Board of Adjustment

6. B.

Meeting Date: 10/10/2012
CASE: V-2012-13
APPLICANT: Paul J. Roberts, Owner
ADDRESS: 7420 W Nine Mile Rd
PROPERTY REFERENCE NO.: 01-1S-32-4303-001-002
ZONING DISTRICT: R-6
FUTURE LAND USE: MU-S

SUBMISSION DATA:
REQUESTED VARIANCE:

The applicant is seeking to reduce the required ten foot landscaping buffer on both sides of the property to five feet . The applicant is also seeking to remove the ten foot front landscaping buffer. In addition, the applicant is seeking a variance to reduce the required nine parking spaces down to six.

RELEVANT AUTHORITY:

**Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended),
Section: 7.02.06.A.2 & 7.02.06.C & 7.02.06.D & 7.01.05.K**

A. Zoning districts. The following spatial relationships between zoning districts require a buffer:
2. AMU-1, AMU-2, R-4, R-5, R-6, V-4, VM-1, or VM-2 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-2A, V-3, V-5, VR-1, VR-2).

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

7.01.05. *Landscaping standards.* To ensure attainment of the objectives of this article and to ensure that design standards will be met in the event that a landscaping plan is required pursuant to section 7.01.03A, development and revegetation of altered sites shall be consistent with the following standards:

K. *Front perimeter landscape.* A minimum ten-foot wide strip of privately owned land located along the property line adjacent to the street right-of-way shall be landscaped. Width of sidewalks shall not be included within the ten-foot wide front perimeter landscape area. For those parcels with multiple street frontage, the ten-foot wide minimum landscape strip shall be located along the designated frontage of the property. Other street frontage of the same lot shall have a minimum five-foot wide landscape strip which shall form an attractive boundary between the parcel and the street right-of-way. All frontage strips may be credited toward the ten percent minimum landscaped area required by subpart J. above.

**Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended),
Section: 7.02.00.C.1 &
7.02.00.C.9**

1. Residential districts. One-family and two-family dwellings, two spaces for each dwelling unit; multiple-family dwellings, 1 1/2 spaces for each dwelling unit.

9. Retail and commercial (other than those specifically cited in this section).

Up to 2,000 sq. ft. . . . One space for each 200 sq. ft. of floor area

2,001 to 4,000 sq. ft. . . . One space for each 300 sq. ft. of floor area

4,001 to 10,000 sq. ft. . . . One space for each 400 sq. ft. of floor area

Above 10,000 sq. ft. . . . One space for each 500 sq. ft. of floor area

When a building includes retail/commercial plus warehouse space, the parking requirement for each type space of use shall apply for that portion of the building.

CRITERIA

**Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended),
Section 6.05.05.F.5**

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 is unique in that it was developed as a gas station prior to zoning in Escambia County. The existing building encroaches into the current building setbacks, creating a

non-conformity and severely limiting the options for landscape buffering. Removing the front landscaping buffer requirement will allow for the full 24 feet of access needed for parking.

In addition, the limited size of the parking and access area present a severe hardship in meeting the current parking requirement of nine spaces.

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 variances are necessary for the preservation and enjoyment of a substantial property right that would normally be associated with a commercial 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

These variances 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

These variances 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 variances are the minimum necessary to redevelop this property given the physical limitations.

STAFF RECOMMENDATION:

Section 2.05.02 of the LDC specifies, "No variance shall be authorized under this provision unless the BOA finds that all of the required conditions exist."

Staff finds that the applicant does meet all of the required criteria for the granting of the variances.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

V-2012-13

I Paul Roberts, request the following with my variance application for the property at 7420 West Nine Mile Road aka Twin Gables Retail Complex:

1. An exception regarding the 10' landscape buffer requirement between adjacent zoning districts.

The existing building is located 6'1" from East property line and 3'7" from the West property line. Existing paved parking area is located 7'7" from the East property line and 3'7" from the West property line limiting the available buffer area. A variance of 4'0" to the buffer area along the East property line and a variance of 6'6" to the buffer area along the West property line are requested.

2. An exception regarding the height of the existing 6 foot fence at the front building line.

The existing fence is owned by the adjacent property owner.

3. An exception regarding the required number of parking spaces.

The existing building location and existing impervious paving cannot be configured to provide more than 6 of the 9 LDC required parking spaces. A property width of 75 feet and a distance of 54 feet from the existing building front to the right-of-way require a variance of 3 parking spaces.

4. An exception regarding the required 10' landscape buffer along right-of-way.

The existing building location from the right-of-way is only 54'. The required 5'0" access, 18'0" parking space depth, and 24' backup space only leaves 7'0" of area available for a landscape buffer. Exemption of the landscape buffer will allow proper backup and eliminate potential visual barrier.

I Paul Roberts, request the following with my variance application:

1. An exception regarding the 10'-0" landscape buffer requirement between adjacent zoning districts. Due to site limitations and parking requirement, a 5'-0 landscape buffer is the maximum that can be achieved.
2. An exception regarding the height of the existing 6 foot fence at the front building line. The existing fence is owned by the adjacent property owner.
3. An exception regarding the required number of parking spaces. Due to site limitations and location of existing structure, the required 9 spaces per the Escambia County Land Development Code cannot not be achieved. 6 spaces is the maximum that can be provided. (Property width is 75 feet)

SPICEWOOD RD

FRANK REEDER RD

HIL REE LN

ALOHA LN

WINDY HILL RD

TOWER RIDGE RD

BOO LN

BRIDLEWOOD RD

SUWANEE RD

BRIDLE PINES LN

BRIDLEWOOD LN

DARLENE CIR

W NINE MILE RD

MOBILE HWY

WAHOO DR

SILCOX LN

CHESTER DR

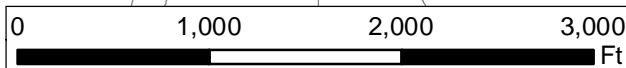
PHELPS LN



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-2012-13 LOCATION MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



R-R

R-R

ID-2

R-6

TOWER RIDGE RD

W NINE MILE RD

R-3

C-2

R-R

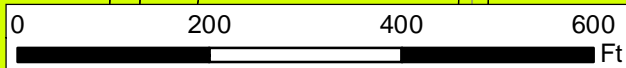
MOBILE HWY



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-2012-13 500' RADIUS ZONING



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



MU-S

MU-S

MU-S

I

TOWER RIDGE RD

W NINE MILE RD

C

RC

MOBILE HWY

RC



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-2012-13 FUTURE LAND USE MAP



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



TOWER RIDGE RD

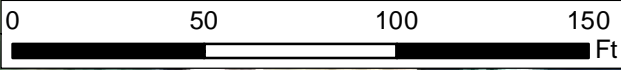
W-NINE-MILE-RD








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-2012-13 AERIAL MAP



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

APPLICATION

Please check application type:
Administrative Appeal
Development Order Extension
Conditional Use Request for:
Variance Request for: see attached request letter
Rezoning Request from: to:

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

Owner(s) Name: Paul J. Roberts Phone: 485-5724/712-6024

Address: 9500 Magnolia Springs Road Email: robertspj@iwon.com

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: 7420 West Nine Mile Road

Property Reference Number(s)/Legal Description: 011S324303001002

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.

Handwritten signature of Paul J. Roberts

Paul J. Roberts
Printed Name Owner/Agent

5 Sep 2012
Date

Signature of Owner

Printed Name of Owner

Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 5 day of September 20 12, by Paul J. Roberts

Personally Known OR Produced Identification Type of Identification Produced: R163-690-55-465-0

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

Judy Denise Halstead
Printed Name of Notary



FOR OFFICE USE ONLY
CASE NUMBER: V-2012-13
Meeting Date(s): Oct. 17, 2012 Accepted/Verified by: Date: 9-5-12
Fees Paid: \$ 350.00 Receipt #: 562822 Permit #: PBA 120900022

APPLICATION ATTACHMENTS CHECKLIST

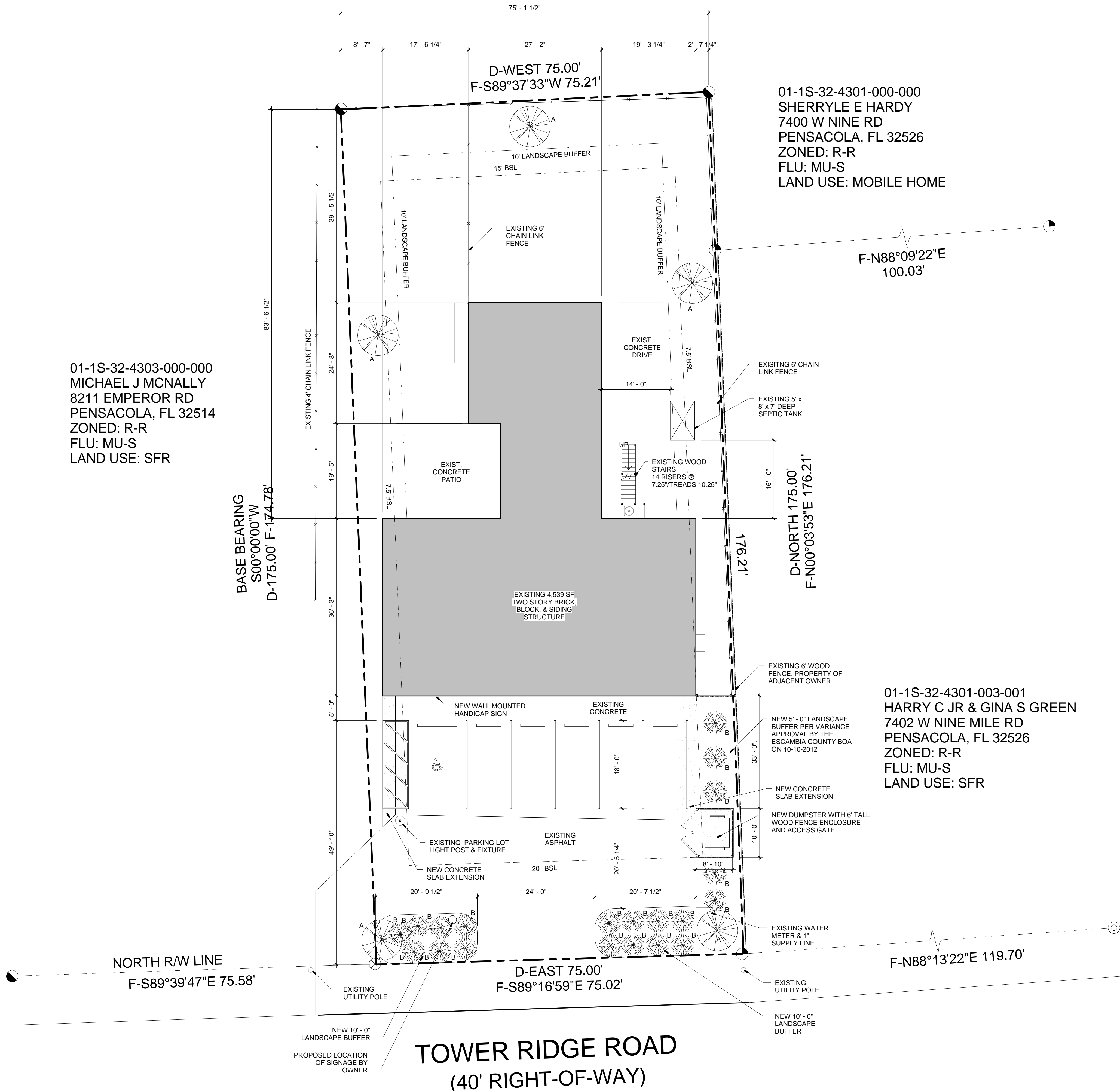
- | | | | |
|-------|-----|---|--|
| ✓ | 1. | For BOA, original letter of request, typed or written in blue ink & must include the reason for the request and address all criteria for the request as outlined in LDC Article 2.05 (dated, signed & notarized – notarization is only necessary if an agent will be used). | <i>Please note: Forms with signatures dated more than sixty (60) days prior to application submittal will not be accepted as complete.</i> |
| ✓ | 2. | Application/Owner Certification Form - Notarized Original (page 1) (signatures of ALL legal owners or authorized agent are required) | |
| N/A | 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 | |
| ✓ | 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. | |
| _____ | 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 make the following three appointments with the Coordinator.

Appointment for pre-application meeting: _____

Appointment to turn in application: _____

Appointment to receive findings-of-fact: _____



01-1S-32-4303-000-000
 MICHAEL J MCNALLY
 8211 EMPEROR RD
 PENSACOLA, FL 32514
 ZONED: R-R
 FLU: MU-S
 LAND USE: SFR

01-1S-32-4301-000-000
 SHERRYLE E HARDY
 7400 W NINE RD
 PENSACOLA, FL 32526
 ZONED: R-R
 FLU: MU-S
 LAND USE: MOBILE HOME

01-1S-32-4301-003-001
 HARRY C JR & GINA S GREEN
 7402 W NINE MILE RD
 PENSACOLA, FL 32526
 ZONED: R-R
 FLU: MU-S
 LAND USE: SFR

TOWER RIDGE ROAD
 (40' RIGHT-OF-WAY)

SITE DATA

LOT AREA:
 13,181 SF / 0.33 Ac.

BUILDING USE:
 MIXED - RETAIL / RESIDENTIAL

PARKING:
 PER ECLDC
 REQUIRED (RETAIL): 7 SPACES (2,168 SF / 300 SF)
 REQUIRED (RESIDENTIAL): 2 SPACES (2 SPACES PER DWELLING UNIT)

PER PENDING PARKING VARIANCE APPROVAL BY THE ESCAMIBA COUNTY BOA ON 10-10-2012

REQUIRED: 6 SPACES
 PROVIDED: 6 SPACES (5 STD.; 1 HDCCP)

STORMWATER:
 REQUIRED (PER ECLDC):
 PERVIOUS: 25% MIN.
 IMPERVIOUS: 75% MAX.

EXISTING:
 PERVIOUS: 4,945 SF (38%)
 IMPERVIOUS: 8,180 SF (62%)

REMOVED:
 IMPERVIOUS: 394 SF (3%)

PROPOSED:
 IMPERVIOUS: 164 SF (1%)

TOTAL IMPERVIOUS: 4,715 SF (36%)

ZONING:
 R-6 (REZONED FROM RR TO R-6 WHICH ALLOWS FOR FLU CATEROGY LDR. APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS IN NOVEMBER 2011, CASE #Z-2011-16)

PROP. REF. NO.:
 01-1S-32-4303-001-002

ADDRESS:
 7420 W. NINE MILE ROAD
 PENSACOLA, FL

SITE NOTES

- THERE WILL BE NO PROTECTED TREES REMOVED DURING CONSTRUCTION ACTIVITIES.
- PROVIDE STREET ADDRESS WITH MIN. 6" HIGH LETTERS ON BUILDING EXTERIOR VISIBLE FROM VEHICLE APPROACH.
- 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.
- ALL DISTURBED AREAS WHICH ARE NOT PAVED SHALL BE STABILIZED WITH SEEDING, FERTILIZER AND MULCH, HYDROSEED AND/OR SOD.
- THE OWNER OR OWNER REPRESENTATIVE 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.
- NOTIFY SUNSHINE UTILITIES 48 HOURS IN ADVANCE PRIOR TO DIGGING WITHIN R/W: 1-800-432-4770.
- ANY DAMAGE TO EXISTING ROADS DURING CONSTRUCTION WILL BE REPAIRED BY THE DEVELOPER PRIOR TO FINAL "AS-BUILT" SIGN OFF FROM THE COUNTY.
- THE CONTRACTOR SHALL NOTIFY FDOT 48 HOURS IN ADVANCE PRIOR TO INITIATING ANY WORK IN THE STATE RIGHT-OF-WAY.

FEMA F.I.R.M. INFO TABLE					
FLOOD ZONE	NFIP COMMUNITY NUMBER	MAP NUMBER	PANEL NUMBER	MAP SUFFIX	MAP REVISION DATE
X	120080	12033C	0270	G	29-SEPT-06

TREE / SHRUB REQUIREMENTS		
LOCATION	TREES/SHRUBS REQUIRED	TREES/SHRUBS PROVIDED
FRONTAGE	75/50' = 2 TREES (75/50') x 10 = 15 SHRUBS	2 NEW CRAPE MYRTLES 15 NEW INDIAN HAWTHORNS
LANDSCAPE BUFFER	246/100' = 3 TREES	3 NEW CRAPE MYRTLES

PLANT SCHEDULE				
SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	QTY
A	CRAPE MYRTLE	LAGERSTROEMIA INDICA	9' MIN. HEIGHT	5
B	INDIAN HAWTHORN	RHAPHIOLEPIS INDICA	3' HEIGHT	20

213 S. Baylen St
 Pensacola, FL 32502
 v: 850-470-6399
 f: 850-470-6397
 www.dalsal.com
 AR 0016385

THIS DOCUMENT SHOWS ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED IN ANY PART WITHOUT WRITTEN CONSENT OF THE ARCHITECT'S PRINCIPALS

CERTIFICATION

TWIN GABLES RETAIL COMPLEX
 7420 W. Nine Mile Rd.
 Pensacola, FL

DRAWN BY: NC
 CHECKED BY: JSS

ISSUE DATE:
 9-5-12

REVISIONS
 No. Des. Date

SHEET TITLE:

SITE PLAN

SHEET NO.:

C101

PROJECT NO.
 12040



Development Services Department

Building Inspections Division

3363 West Park Place
Pensacola, Florida, 32505
(850) 595-3550
Molino Office - (850) 587-5770

RECEIPT

Receipt No. : **562822**

Date Issued. : 09/05/2012

Cashier ID : KLHARPER

Application No. : PBA120900022

Project Name : V-2012-13

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check			
	1194	\$350.00	App ID : PBA120900022
		\$350.00	Total Check

Received From : PAUL J ROBERTS

Total Receipt Amount : **\$350.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA120900022	655614	350.00	\$0.00	7420 W NINE MILE RD, PENSACOLA, FL, 32526

Total Amount :	350.00	\$0.00	Balance Due on this/these Application(s) as of 9/5/2012
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Board of Adjustment

6. C.

Meeting Date: 10/10/2012
CASE: V-2012-14
APPLICANT: Dr. James R. Barnett, Agent for UWF Business Enterprises, Inc.
ADDRESS: 8891 Burning Tree Rd.
PROPERTY REFERENCE NO.: 06-1S-30-1000-000-024
ZONING DISTRICT: S-1, Outdoor Recreational District
FUTURE LAND USE: MU-U, Mixed Use Urban

SUBMISSION DATA:

REQUESTED VARIANCE:

The Applicant is seeking to replace a temporary sign in an S-1 zoning district. The S-1 district only allows for permanent identification signs of three square feet or less. Any signage over that amount requires a variance.

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 8.01.01.B

8.04.01. Exempt signs. The following signs are exempt from the permitting requirements of section 8.02.00 of this article. However, exempt signs shall be safely constructed, situated and maintained in such manner as to not create a hazard or nuisance to the public.

B. Identification signs of three square feet or less.

CRITERIA

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section 6.05.05.F.5

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 golf course parcel is zoned S-1, a district that does not have associated sign permitting requirements. Any signs in that district will fall under LDC 8.04.01 *Exempt signs*, with the limitation of three square feet or less for identification signs. This presents practical difficulties given the use of the overall parcel and severely restricts the applicant's ability to advertise associated uses.

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 practical difficulties associated with the zoning and use of the land.

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 variance is necessary given the unique use of the land and the associated hardships.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the requested variance.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

V-2012-14

September 10, 2012

Escambia County Board of Adjustments

Re: Nine-Mile Road Sign Variance Request

Dear Board of Adjustments Members:


Effective July 1, 2012, the Scenic Hills Country Club became owned and operated by the University of West Florida's, Business Enterprises, Incorporated (B.E.I.), a Florida 501 C (3) Not-for-Profit Corporation. B.E.I. requests approval of a variance to increase the size of the sign as compared to the code. The new sign will replace the existing plywood and painted sign. This new sign will illustrate an aesthetic improvement and image for the Country Club. Variance criteria responses are included herein:

- 1) Special circumstances: The Scenic Hills Country Clubhouse building located 1-Mile north of the East 9-Mile Road/Scenic Hills Drive intersection cannot be seen by highway motorists. The Country Club property is located along East 9-Mile Road on either side of Scenic Hills Drive. The needed sign will be a two sided installation at the current location of the existing plywood sign.
- 2) Necessary as a property right: The proposed sign is needed for advertisement and to direct customers to turn north from East 9-Mile Road and along Scenic Hills Drive. This sign will be necessary to achieve Country Club success.
- 3) Impact of the authorization: The needed sign will improve public safety by eliminating last second turning decisions on a heavily trafficked road, and direct motorists north to the Clubhouse building.
- 4) Alter code provisions or comprehensive plan: The B.E.I. is requesting an increase in sign size as compared to the code, not a change of location. The current sign's closest point to the property line is 4'-0. The proposed and needed sign replacement will be located at the same location, 4'-0 within the property line.

- 5) Making use of the land: The needed sign replacement will improve visibility and maximize use of the Country Club property.

The UWF BEI, Inc will appreciate your consideration for approval.

Respectfully,



Dr. James (Jim) R. Barnett, Associate Vice President
Facilities Development and Operations
University of West Florida

- C: Mr. Andrew Holmer, Senior Urban Planner, Escambia County Development Services
Mr. Dave O'Brien, Associate Vice President, Business and Property Development

Attachments:

Application for Variance
Check for \$350 – Requesting a Variance
Affidavit of Owner and Limited Power of Attorney
Proof of Ownership - Special Warranty Deed
Photos of Existing and Proposed Signage
Legal Description of Property- four Boundary Survey Sheets (to scale) with Legal Description

APPLICATION

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

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

Owner(s) Name: Dr. James R. Barnett Phone: 850-474-2005

Address: 11000 University Parkway, Bldg 90 Pensacola, FL 32514 Email: jbarnett@uwf.edu

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: 8891 Burning Tree Road Pensacola, FL 32514

Property Reference Number(s)/Legal Description: Sections 5 and 6, Township 1 South, Range 30 West, Escambia County, Florida

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 (Handwritten signature)
Signature of Owner

Dr. James R. Barnett
Printed Name Owner/Agent

7 Sept 12
Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 7th day of September 2012, by James R. Barnett

Personally Known OR Produced Identification. Type of Identification Produced:

Signature of Notary (Handwritten signature)
(notary seal must be affixed)

Megan Doyle
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 Block R, Scenic Hills Country Club Subdivision,
Florida, property reference number(s) 01-4332-000

I hereby designate Dr. James R. Barnett 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 _____ 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: James R. Barnett Email: jbarnett@uwf.edu

Address: 11000 University Parkway, Bldg. 90 Phone: 850/474-2005

Matthew D. Altier
Signature of Property Owner

Matthew D. Altier, CEO, UWF Business Enterprises, Inc.
Printed Name of Property Owner

9-7-2012

Signature of Property Owner

Printed Name of Property Owner

Date

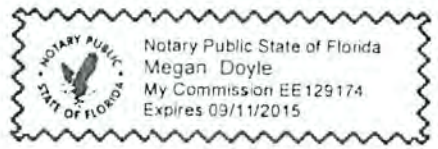
STATE OF Florida COUNTY OF Escambia

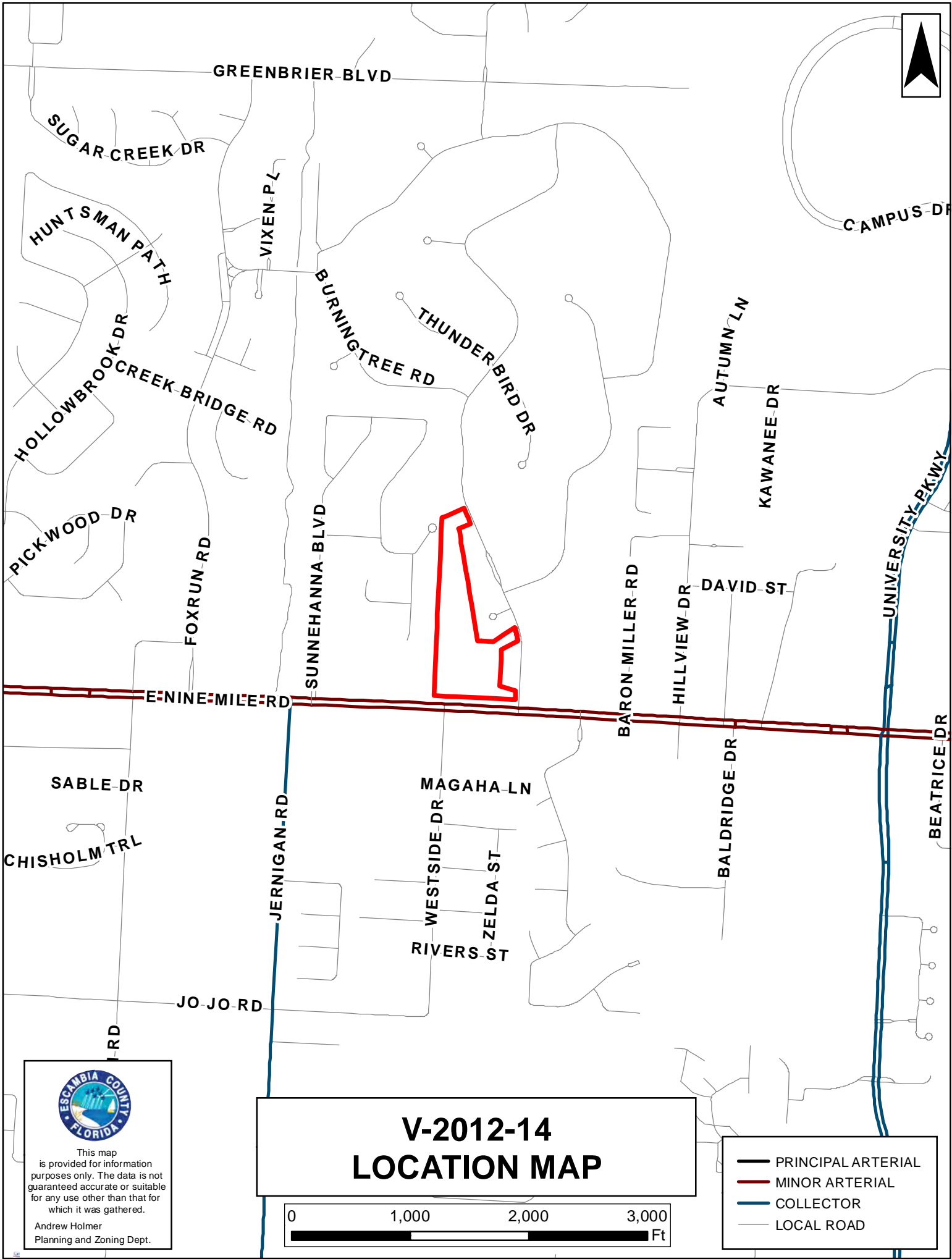
The foregoing instrument was acknowledged before me this 7th day of September 2012.

Personally Known OR Produced Identification Type of Identification Produced: _____

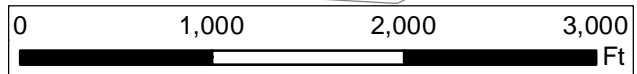
Megan Doyle
Signature of Notary





megan Doyle (Notary Seal)
Printed Name of Notary






V-2012-14 LOCATION MAP

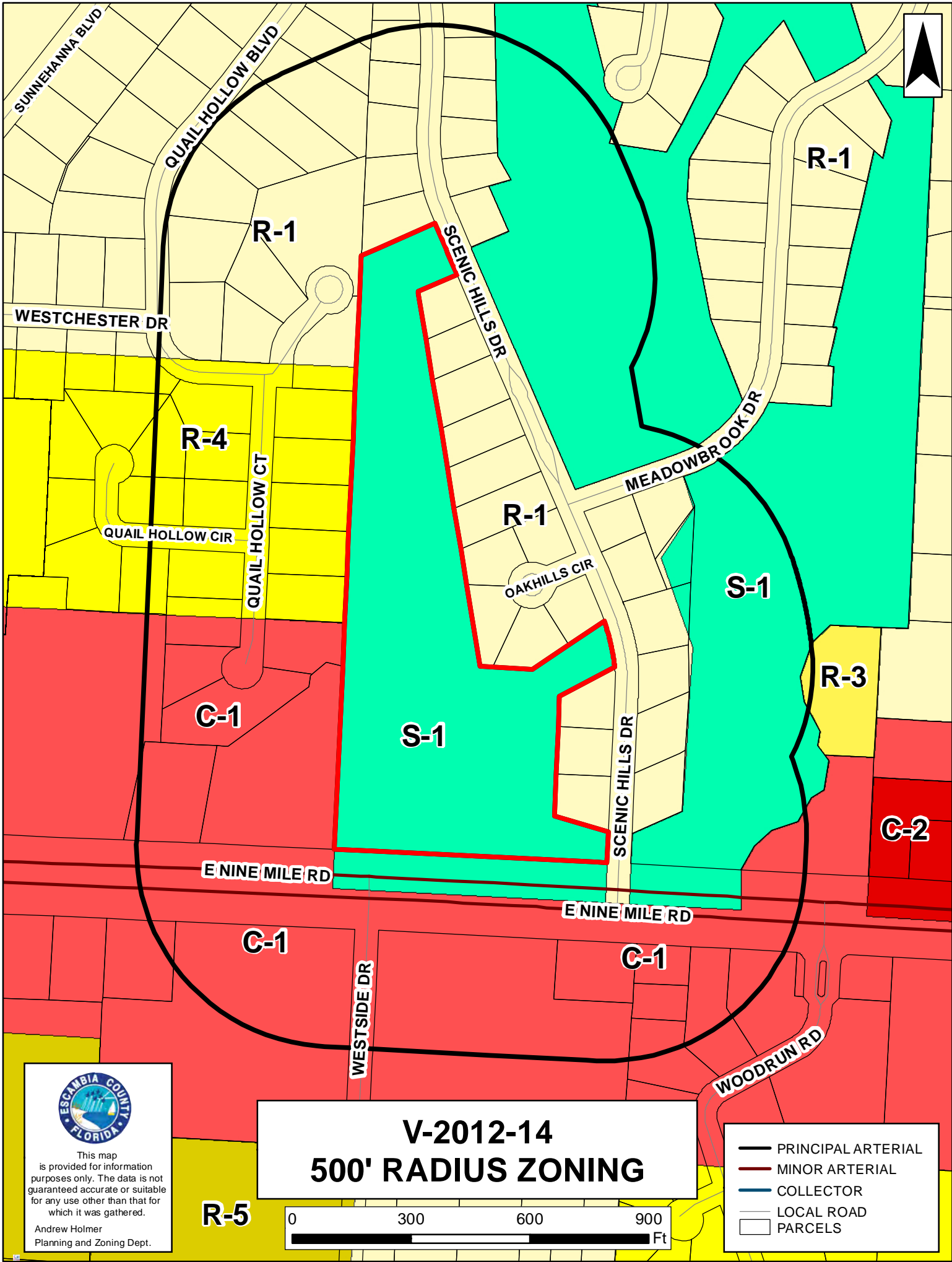


-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



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.



SUNNEHANNA BLVD

QUAIL HOLLOW BLVD

WESTCHESTER DR

R-1

R-1

SCENIC HILLS DR

R-4

MEADOWBROOK DR

QUAIL HOLLOW CIR

QUAIL HOLLOW CT

R-1

S-1

OAKHILLS CIR

C-1

R-3

S-1

SCENIC HILLS DR

C-2

E NINE MILE RD

E NINE MILE RD

C-1

C-1

WESTSIDE DR

WOODRUN RD

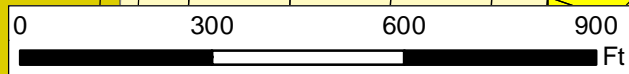
R-5



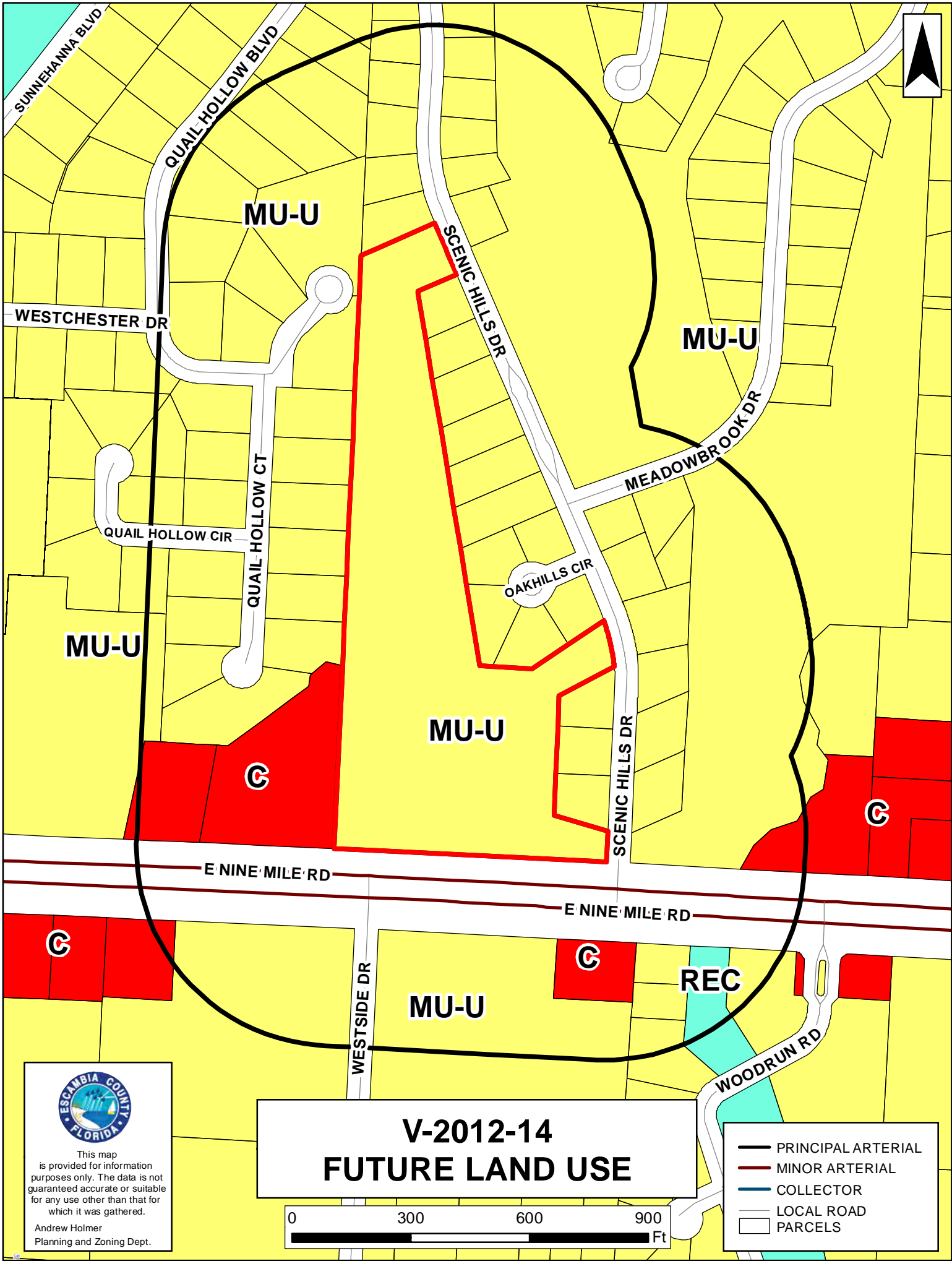
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

V-2012-14 500' RADIUS ZONING



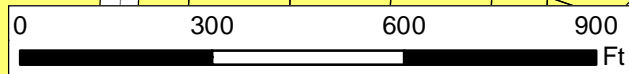
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



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.

V-2012-14 FUTURE LAND USE



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



MEADOWBROOK

QUAIL HOLLOW CT

E NINE MILE RD

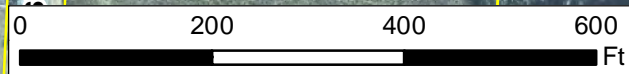
**SIGN
LOCATION**



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-2012-14 AERIAL MAP



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



**SIGN
LOCATION**



SCENIC HILLS DR

E NINE MILE RD

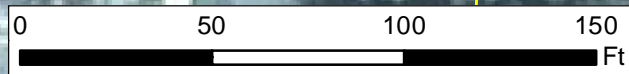
E NINE MILE RD



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-2012-14 DETAIL AERIAL MAP



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

**THIS INSTRUMENT PREPARED BY
AND RETURN TO:**
Megan J. Ellis, Esquire
Foley & Lardner LLP
100 North Tampa Street, Suite 2700
Tampa, FL 33602

Tax Parcel Folio #:01-4332-000

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made effective this 1st day of July, 2012 between **THE FAIRWAYS GROUP, L.P.**, a Delaware limited partnership, whose address is 8930 Championsgate Boulevard, Championsgate, Florida 33896 (hereinafter called the "Grantor"), and **UWF BUSINESS ENTERPRISES, INC.**, a Florida not-for-profit corporation, whose address is 11000 University Parkway, Building 10, Room 123, Pensacola, Florida 32514 (hereinafter called the "Grantee").

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it in hand paid, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, its successors and assigns forever, all that certain parcel of land lying and being in the County of Escambia, State of Florida, as more particularly described in the Exhibit "A" annexed hereto and by this reference made a part hereof.

TOGETHER WITH all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

SUBJECT TO real estate taxes and assessments for 2012 and all subsequent years, and the covenants, conditions, easements and restrictions recorded in the public records of Escambia County, Florida.

TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the said Grantee, its successors and assigns, in fee simple forever.

And the Grantor does specially warrant the title to said land subject to the matters referred to above and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but not otherwise.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Grantor has caused these presents to be duly authorized in its name and by those thereunto duly authorized, the day and year first above written.

Witnesses:

The Fairways Group, L.P.,
a Delaware limited partnership

By: Fairways Golf Corporation, a Delaware corporation, its General Partner

Name: *[Signature]*
Print Name: LISA R. PODE

By: *[Signature]*
Name: Ron Jackson
Title: Chief Executive Officer/President

Name: *[Signature]*
Print Name: K. E. Rusk

STATE OF FLORIDA
COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me this 27th day of June, 2012, by Ron E. Jackson as Chief Executive Officer and President of Fairways Golf Corporation, a Delaware corporation, the sole general partner of The Fairways Group, L.P., on behalf of the corporation. He is personally known to me or produced _____ as identification.



[Signature]
NOTARY PUBLIC
Name: PAULA GAMBLE
My Commission Expires: 6/15/2014

EXHIBIT A
Legal Description

PARCEL 1 (NORTH)

A portion of Parcel 1 and all of Lot 13 and a portion of Lot 22, Block R, SCENIC HILLS COUNTRY CLUB SUBDIVISION, a Subdivision of a portion of Sections 5 and 6, Township 1 South, Range 30 West, Escambia County, Florida, according to the plat recorded in Plat Book 4, at page 77 of the Public Records of said County; together with a portion of said Section 5, the entire tract being more particularly described as follows:

Begin at the Southwest corner of Lot 1, Block Q, of said subdivision thence North 89° 18' 50" East along the Southerly line of Block Q and its Easterly extension for a distance of 1140.02 feet; thence North 45° 19' 05" East for a distance of 201.55 feet to a point on the Southerly right of way line of Greenbrier Boulevard (100' right of way); thence North 89° 18' 50" East along said Southerly right of way line for a distance of 634.62 feet to the Northeast corner of said Parcel 1; thence South 00° 32' 34" West along the East line of said Parcel 1 (said line also being the West line of the University of West Florida and the West line of Autumn Chase as recorded in Plat Book 10 at page 93 of the Public Records of said County) for a distance of 2251.22 feet to the Southwest corner of Lot 1 of said Autumn Chase; thence South 89° 38' 21" East along the South side of said Lot 1 for a distance of 25.00 feet to the Northwest corner of Lot 2, Block A, University Park, as recorded in Plat Book 7 at page 35 of the Public Records of said County; thence South 00° 32' 34" West along the West line of said Block A and its' Southerly extension for a distance of 252.47 feet to a point on the Northwesterly right of way line of Hillview Road (66' right of way); thence South 45° 21' 39" West along said Northwesterly right of way for a distance of 26.08 feet to the point of tangency of a circular curve concave to the Southeast having a radius of 126.00 feet and a delta angle of 45° 00' 00"; thence Southwesterly along said right of way line and the arc of said curve for an arc distance of 98.96 feet (chord bearing South 22° 51' 40" West, chord = 96.44') to the end of said curve; thence South 00° 14' 31" East along said right of way line for a distance of 0.18 feet; thence South 89° 59' 09" West along the North line of Highlands at Scenic Hills (as recorded in Plat Book 14, at page 15 of the Public Records of said County) and its' Easterly extension for a distance of 656.52 feet to the Northwest corner of the retention area as shown on said plat of said subdivision; thence South 00° 01' 12" West along the West line of said subdivision for a distance of 249.90 feet; thence North 89° 58' 48" West for a distance of 6.57 feet to a point on the Easterly right of way line of Meadowbrook Drive (60' right of way), said point being on circular curve concave to the West having a radius of 399.65 feet and a delta angle of 15° 58' 20"; thence Northwesterly along said right of way line and the arc of said curve for an arc distance of 111.41 feet (chord bearing North 04° 35' 36" West, chord = 111.05); to the point of tangency of said curve; thence North 12° 34' 46" West along said right of way line for a distance of 315.38 feet to a point on the Southerly right of way line of Burning Tree Road (60' right of way); thence North 81° 36' 28" East along said Southerly right of way line for a distance of 256.29 feet to the point of curvature of a non-tangent curve concave to the Northwest having a radius of 178.18 feet and a delta angle of 19° 18' 02"; thence Northeasterly along said right of way line and the arc of said curve for an arc distance of 60.02 feet (chord bearing North 71° 57' 07" East, chord = 59.74') to the Southwest corner of Lot 1, Block R of the aforesaid Scenic Hills Country Club Subdivision; thence South 84° 34' 57" East along the South line of said Lot 1 for a distance of 210.83 feet to the Southeast corner of said Lot 1; thence North 05° 25' 03" East along the Easterly lines of lots 1 through 12, inclusive, of said Block R for a distance of 1219.91 feet to the Northeast corner of said Lot 12; thence South 86° 44' 14" West along the Northerly line of said Lot 12 for a distance of 134.42 feet to the Easterly right of way line of the aforesaid Burning Tree Road, said point being on a circular curve concave to the Southwest having a radius of 250.37 feet and delta angle of 20° 35' 46"; thence Northwesterly along said right of way line for an arc distance of 90.00 feet (chord bearing = North 20° 35' 46" West, chord = 89.52') to the most Southerly corner of Lot 14 of said Block R; thence North 70° 54' 33" East along the Southeasterly line of said Lot 14 for a distance of

134.16 feet to the most Easterly corner of said Lot 14; thence North 30° 19' 55" West (this course and the next four courses are along the Northeasterly line of Lots 14 through 21, inclusive, of said Block R) for a distance of 410.35 feet; thence North 31° 06' 24" West for a distance of 19.23 feet; thence North 34° 00' 57" West for a distance of 52.60 feet; thence North 36° 08' 33" West for a distance of 256.97 feet; thence North 38° 22' 04" West for a distance of 114.25 feet to the most Northerly corner of said Lot 21; thence South 87° 08' 13" West for a distance of 88.62 feet; thence south 41° 41' 19" West for a distance of 64.12 feet to a point on the Northerly right of way line of the aforesaid Burning Tree Road, said point being on a circular curve concave to the South having a radius of 601.05 feet and a delta angle of 66° 55' 58"; thence Northwesterly, Westerly, and Southwesterly along said right of way line and the arc of said curve for an arc distance of 702.14 feet (chord bearing = North 80° 41' 25" West, chord = 662.89') to the end of said curve; thence South 65° 47' 57" West (this course and the next four courses are along the said right of way line) for a distance of 86.95 feet to the point of curvature of a non-tangent curve concave to the Northwest having a radius of 542.96 feet and a delta angle of 19° 55' 36"; thence Southwesterly along the arc of said curve for an arc distance of 188.83 feet (chord bearing = South 75° 48' 39" West, chord = 187.88') to the end of said curve; thence South 85° 49' 21" West for a distance of 128.64 feet to the point of curvature of a non - tangent circular curve concave to the Southeast having a radius of 290.44 feet and a delta angle of 13° 51' 00"; thence Southwesterly along the arc of said curve for an arc distance of 70.21 feet (chord bearing = South 78° 52' 26" West, chord = 70.00') to the end of said curve; thence South 71° 56' 20" West for a distance of 23.11 feet to a point on the arc of a circular curve concave to the East having a radius of 300.55 feet and a delta angle of 17° 51' 53"; thence Northwesterly along the arc of said curve (this course and the next two courses are along the Easterly right of way line of Tam O'Shanter Road 60' right of way) for an arc distance of 93.71 feet (chord bearing = North 03° 45' 19" West, chord = 93.33') to the point of tangency of said curve; thence North 05° 10' 37" East for a distance of 101.42 feet to the point of curvature of a non-tangent circular curve concave to the West having a radius of 602.96 feet and a delta angle of 05° 27' 14"; thence Northeasterly along the arc of said curve for an arc distance of 57.39 feet (chord bearing = North 02° 27' 04" East, chord = 57.37') to the Point of Beginning.

LESS AND EXCEPT:

That portion of the above described lands conveyed by Quit Claim Deed to Patrick A. Tillery and Linda E. Tillery, husband and wife, dated May 15, 2002 and recorded May June 3, 2002 in Official Records Book 4913, Page 436, of the public records of Escambia County, Florida.

ALSO LESS AND EXCEPT:

That portion of the above described lands conveyed by Quit Claim Deed to Jay Robert Cook and Elizabeth A. Cook, husband and wife, dated May 15, 2002 and recorded June 3, 2002 in Official Records Book 4913, Page 455, of the public records of Escambia County, Florida.

PARCEL 1 (SOUTH)

A portion of Parcel 1, SCENIC HILLS COUNTRY CLUB SUBDIVISION, a Subdivision of a portion of Sections 5 and 6, Township 1 South, Range 30 West, Escambia County, Florida, as recorded in Plat Book 4, at page 77 of the Public Records of said County and a portion of Lots 2, 3, 4, 5, 6, and 7, Block V, Scenic Hills Country Club Subdivision, according to the said plat, the entire tract being more particularly described as follows:

Commence at the Southwest corner of the said Parcel 1; thence South 89° 27' 33" East along the South line of the said Parcel 1 for a distance of 234.84 feet, more or less, to a point on the centerline of Thompson Bayou Creek for the Point of Beginning, thence North 89° 27' 33" West along the line last

traversed for a distance of 234.84 feet, more or less, to the said Southwest corner of Parcel 1; thence North 00° 00' 08" East (this course and the next eight courses are along the Westerly line of the said Parcel 1) for a distance of 70.45 feet; thence North 63° 20' 08" East for a distance of 130.00 feet; thence North 00° 00' 08" East for a distance of 430.00 feet; thence North 23° 52' 49" West for a distance of 228.52 feet; thence North 34° 17' 14" East for a distance of 165.77 feet; thence North 22° 00' 59" West for a distance of 80.00 feet to a point on the Southeasterly right of way line of Meadowbrook Drive (60' right of way), said point being the point of curvature of a circular curve concave to the Northwest having a radius of 373.77 feet and a delta angle of 44° 17' 21"; thence Northeasterly along the arc of the said curve for an arc distance of 288.92 feet, (chord = 281.78', chord bearing = North 45° 49' 20" East); thence South 89° 06' 05" East for a distance of 170.00 feet; thence North 02° 54' 10" West for a distance of 101.10 feet to the Northeast corner of Lot 1 of the said Block V; thence North 89° 21' 19" West along the North line of the said Lot 1 for a distance of 15.16 feet; thence North 08° 59' 57" East for a distance of 101.06 feet; thence North 89° 24' 19" West for a distance of 10.11 feet; thence North 08° 59' 57" East for a distance of 462.09 feet to a point on the Southeast line of Lot 8 of the said Block V; thence South 49° 39' 47" East along the said Southwest line of Lot 8 for a distance of 29.27 feet to the most Southerly corner of said Lot 8; thence North 08° 59' 57" East (this course and the next course are along the Easterly line of the said Lot 8) for a distance of 99.99 feet; thence North 34° 12' 54" West for a distance of 103.00 feet to a point on the said Southeasterly right of way line of Meadowbrook Drive, said point being on the arc of a circular curve concave to the Northwest having a radius of 399.65 feet and a delta angle of 04° 18' 03"; thence Northeasterly along the arc of the said curve for an arc distance of 30.00 feet (chord = 29.99', chord bearing = North 52° 05' 59" East) to the Southwest corner of the parcel of property described in Official Records Book 2925 at page 698 of the said Public Records; thence South 39° 49' 44" East (this course and the next course are along the South line of the said parcel of property) for a distance of 15.00 feet; thence North 89° 47' 56" East for a distance of 138.64 feet to a point on the East line of the said Parcel 1; thence South 00° 01' 12" West along the said East line of Parcel 1, being the West line of Highlands at Scenic Hills according to the plat recorded in Plat Book 14, at page 15 of the said Public Records, for a distance of 1378.07 feet; thence North 89° 37' 48" West along the South line of the said Parcel 1 for a distance of 260.08 feet, more or less to a point on the said centerline of Thompson Bayou Creek; thence meander Southerly along the said centerline of Thompson Bayou Creek for a distance of 730 feet, more or less to the Point of Beginning.

LESS AND EXCEPT:

That portion of the above described property conveyed to Alex L. Davis and Margaret Davis husband and wife, by Warranty Deed, recorded April 28, 2010 in Official Records Book 6585, Page 168, and re-recorded July 16, 2010 in Official Records Book 6614, Page 460, of the public records of Escambia County, Florida.

PARCEL 2

A portion of Parcel 2; portions of Lots 2 through 6, inclusive, Block "G", a portion of Lot 1, Block H; Lot 9 Block M; and portions of Lots 2 through 4 inclusive Block U, Scenic Hills Country Club Subdivision, a subdivision of a portion of Section 5 and 6, Township 1 South, Range 30 West, Escambia County, Florida, according to the plat recorded in Plat Book 4, page 77 of the Public Records of said County; the entire tract being more particularly described as follows:

Commence at the intersection of the Easterly right of way Line of Scenic Hills Drive (60' right of way) and the Northerly right of way of Meadowbrook Drive (60' right of way) for the Point of Beginning, thence North 25° 56' 59" West along said Easterly right of way line for a distance of 664.02 feet; thence North 64° 03' 01" East for a distance of 110.00 feet; thence North 25° 56' 59" West for a distance of

120.00 feet to a point on the Southeasterly line of Lot 8, Block F, of said Subdivision; thence North 68° 06' 27" East along said lot line for a distance of 51.05 feet to the most Easterly corner of said Lot 8, thence North 31° 55' 43" West along the Easterly line of said Block F for a distance of 67.04 feet; thence North 04° 19' 31" West along said Easterly line for a distance of 776.45 feet to the Northeast corner of Lot 1, of said Block F; thence North 54° 29' 02" West along the Northerly line of said Lot 1 for a distance of 48.15 feet to a point on the aforesaid Easterly right of way line of Scenic Hills Drive; thence North 35° 30' 58" East along said right of way line for a distance of 107.09 feet to the Southwest corner of Lot 1, Block G of said subdivision; thence South 54° 29' 02" East along the Southwesterly line of said Block G for a distance of 135.42 feet; thence South 38° 35' 34" East for a distance of 67.62 feet; thence South 16° 53' 43" East for a distance of 288.65 feet to a point on the Northerly line of Lot 6 of said Block G; thence South 83° 40' 04" West along said Northerly line for a distance of 10.17 feet; thence South 16° 53' 43" East for a distance of 91.20 feet to a point on the Northerly line of Lot 7 of said Block G; thence North 87° 32' 55" West along said Northerly line for a distance of 15.90 feet to the Northwest corner of said Lot 7; thence South 16° 53' 43" East along the Westerly line of said Lot 7 for a distance of 201.31 feet to the point of curvature of a circular curve (cul-de-sac), concave to the Northeast having a radius of 60.00 feet and a delta angle of 60° 06' 50"; said point also lying on the right of way of Thunderbird Drive (60' right of way); thence Southeasterly along the arc of said curve and along said right of way for an arc distance of 62.95 feet (chord bearing of South 42° 43' 18" East; chord distance of 60.10 feet); thence South 17° 14' 08" West for a distance of 110.00 feet; thence South 83° 13' 24" East for a distance of 144.91 feet; thence North 27° 24' 33" East for a distance of 78.08 feet; thence North 20° 59' 50" East for a distance of 137.47 feet; thence North 12° 32' 13" East for a distance of 154.94 feet; thence North 38° 36' 25" West for a distance of 52.59 feet; thence South 89° 33' 50" West for a distance of 90.00 feet to a point on the Easterly right of way line of said Thunderbird Drive, said point lying on a circular curve concave to the Southwest and having a radius of 777.34 feet and a delta angle of 11° 26' 36"; thence Northwesterly along said right of way and the arc of said curve for an arc distance of 155.25 feet (chord bearing of North 06° 09' 31" West, chord distance of 154.99 feet); thence North 78° 07' 05" East for a distance of 130.00 feet; thence North 15° 34' 02" West for a distance of 116.64 feet to the most Easterly corner of Lot 6, Block H of said subdivision; thence North 22° 45' 14" West (this course and the next three courses are along the Northeasterly line of said Block H) for a distance of 110.82 feet; thence North 29° 45' 22" West for a distance of 110.82 feet; thence North 36° 45' 30" West for a distance of 110.82 feet; thence North 43° 45' 38" West for a distance of 86.15 feet to the Southeast corner of Lot 1 of said Block H; thence North 18° 35' 21" East for a distance of 126.66 feet to a point on the Northerly line of said Lot 1; thence North 43° 55' 48" West for a distance of 110.54 feet to a point on the aforesaid Easterly right of way line of Scenic Hills Drive, said point lying on a circular curve concave to the West having a radius of 321.33 feet and a delta angle of 55° 28' 06"; thence Northwesterly along said right of way and the arc of said curve for an arc distance of 311.08 feet (chord bearing of North 02° 44' 16" West, chord distance of 299.07 feet); thence North 43° 41' 37" East for a distance of 132.19 feet; thence North 46° 18' 23" West for a distance of 290.00 feet; thence North 43° 41' 37" East for a distance of 20.00 feet; thence North 42° 46' 39" West for a distance of 116.64 feet to the most Southerly corner of Lot 3, Block M of said subdivision; thence North 46° 47' 19" East along the Southeasterly line of said Block M for a distance of 624.15 feet to the most Easterly corner of Lot 8 of said Block M; thence North 30° 48' 23" West along the Northeasterly line of said Lot 8 for a distance of 128.55 feet to a point on the aforementioned Easterly right of way line of Scenic Hills Drive; thence North 59° 11' 37" East (this course and the next four courses are along the said right of way line) for a distance of 8.87 feet to a point on a non-tangent circular curve concave to the Northwest having a radius of 220.98 feet and a delta angle of 67° 35' 59"; thence Northeasterly along the arc of said curve for an arc distance of 260.72 feet (chord bearing of North 25° 23' 01" East chord distance of 245.86 feet) to the end of said curve; thence North 08° 24' 22" West for a distance of 172.88 feet to the point of curvature of a circular curve concave to the East having a radius of 322.95 feet and a delta angle of 10° 07' 56"; thence Northwesterly along the arc of said curve for an arc distance of 57.11 feet (chord bearing of North 03° 20' 22" West, chord distance of 57.04 feet) to the point of tangency of said curve; thence North 01° 43' 38" East for a distance of 122.91 feet to the Southerly right of way line

of Burning Tree Road (60' right of way), said point lying on a circular curve concave to the Southwest having a radius of 541.05 feet and a delta angle of $47^{\circ} 46' 17''$; thence Southeasterly along said Southerly right of way and the arc of said curve for an arc distance of 451.11 feet (chord bearing of South $76^{\circ} 26' 16''$ East, chord distance of 438.16 feet) to the most Northerly corner of Lot 20, Block S of said subdivision; thence South $36^{\circ} 17' 12''$ West along the Westerly line of said Block S for a distance of 174.03 feet to the most Westerly corner of said Lot 20; thence South $41^{\circ} 25' 27''$ East (this course and the next three courses are along the Westerly line of said Block S) for a distance of 463.82 feet; thence South $30^{\circ} 19' 55''$ East for a distance of 299.92 feet; thence South $15^{\circ} 19' 18''$ East for a distance of 65.47 feet; thence South $05^{\circ} 25' 03''$ West for a distance of 1126.81 feet to a point on the Northerly right of way line of the aforesaid Burning Tree Road; thence South $81^{\circ} 36' 28''$ West along said Northerly right of way line for a distance of 79.15 feet to the Southeast corner of Lot 1, Block T of said subdivision; thence North $09^{\circ} 48' 43''$ West (this course and the next five courses are along the Northeasterly line of said Block T) for a distance of 309.57 feet; thence North $10^{\circ} 13' 37''$ West for a distance of 108.73 feet; thence North $22^{\circ} 52' 13''$ West for a distance of 115.06 feet; thence North $36^{\circ} 21' 48''$ West for a distance of 115.06 feet; thence North $49^{\circ} 51' 22''$ West for a distance of 115.06 feet; thence North $60^{\circ} 52' 51''$ West for a distance of 103.20 feet to the Northwest corner of Lot 8 of said Block T; thence South $39^{\circ} 26' 07''$ West along the Westerly line of said Lot 8 for a distance of 110.00 feet to a point on a circular curve (cul-de-sac) concave to the Southeast having a radius of 60.00 feet and a delta angle of $156^{\circ} 04' 29''$, said point also lying on the right of way of the aforesaid Meadowbrook Drive; thence Northwesterly, Westerly, Southwesterly, and Southerly along said right of way and the arc of said curve for an arc distance of 163.44 feet (chord bearing of South $59^{\circ} 09' 09''$ West, chord distance of 117.39 feet) to the Northwest corner of Lot 13, Block U of said subdivision; thence South $11^{\circ} 10' 49''$ West along the West line of said Block U for a distance of 199.94 feet to the Southwest corner of said Lot 1; thence South $50^{\circ} 07' 46''$ East (this course and the next course are along the Westerly line of said Block U) for a distance of 153.20 feet; thence South $29^{\circ} 17' 14''$ East for a distance of 208.70 feet to the Northwest corner of Lot 8 of said Block U; thence South $77^{\circ} 25' 14''$ West along a Westerly extension of the North line of said Lot 8 for a distance of 141 feet, more or less, to a point on the bank of Governors Bayou Creek; thence meandering Southeasterly along said Creek Bank for a distance of 100 feet, more or less, to a point on a line passing through the Southwest corner of said Lot 8 having a bearing of South $77^{\circ} 25' 14''$ West, said line being a Westerly projection of the South line of said Lot 8; thence North $77^{\circ} 25' 14''$ East along said Westerly projection for a distance of 148 feet, more or less, to the aforesaid Southwest corner of said Lot 8; thence South $12^{\circ} 34' 46''$ East (this course and the next course arc along the aforesaid Westerly line of said Block U) for a distance of 199.83 feet; thence South $19^{\circ} 37' 04''$ west for a distance of 118.10 feet to the Northwest corner of Lot 4 of said Block U; thence North $77^{\circ} 25' 14''$ East along the North line of said Lot 4 for a distance of 29.54 feet; thence South $19^{\circ} 37' 04''$ West for a distance of 54.41 feet; thence South $20^{\circ} 37' 47''$ East for a distance of 210.77 feet to a point on the Northeasterly line of Lot 1 of said Block U; thence North $72^{\circ} 54' 00''$ West along said Northeasterly line for a distance of 31.61 feet to the most Northerly corner of said Lot 1; thence South $20^{\circ} 37' 47''$ East along the Westerly line of said Lot 1 for a distance of 206.08 feet to a point on the aforesaid Northerly right of way line of Meadowbrook Drive; said point lying on a circular curve concave to the Northwest having a radius of 339.65 feet and a delta angle of $15^{\circ} 47' 25''$; thence Southwesterly along said Northerly right of way and the arc of said curve for an arc distance of 93.60 feet (chord bearing of South $53^{\circ} 40' 21''$ West, chord distance of 93.31 feet) to the end of said curve; thence South $61^{\circ} 35' 10''$ West for a distance of 68.88 feet to the most Easterly corner of Lot 8, Block W of said subdivision; thence North $28^{\circ} 24' 50''$ West along the Northeasterly line of said Lot 8 for a distance of 190.00 feet to the most Northerly corner of said Lot 8; thence south $38^{\circ} 33' 45''$ West (this course and the next four courses are along the Westerly line or said Block W) for a distance of 156.81 feet; thence South $25^{\circ} 18' 12''$ West for a distance of 283.17 feet; thence South $02^{\circ} 15' 59''$ East for a distance of 100.12 feet; thence South $13^{\circ} 26' 25''$ East for a distance of 309.23 feet; thence South $25^{\circ} 39' 16''$ East for a distance of 216.80 feet to a point on the aforesaid Northerly right of way line of Meadowbrook Drive, said point lying on a circular curve concave to the Northwest having a radius of 313.77 feet and a delta angle of $40^{\circ} 24' 09''$; thence Southwesterly along said Northerly right of way and

the arc of said curve for an arc distance of 221.26 feet (chord bearing of South 47° 45' 44" West; chord distance of 216.70 feet) to the end of said curve; thence South 67° 59' 01" West along said Northerly right of way line for a distance of 272.05 feet to the Point of Beginning.

PARCEL 3 (SOUTH AND WEST STRIP)

A portion of Parcel 3, Scenic Hills Country Club Subdivision, a subdivision of a portion of Sections 5 and 6, Township 1 South, Range 30 West, Escambia County, Florida according to the plat recorded in Plat Book 4, at page 77 of the Public Records of said County and a portion of the said Section 6, the entire tract being more particularly described as follows:

Commence at the Southwest corner of Block K, Scenic Hills Country Club Subdivision, according to the said plat for the Point of Beginning. Thence North 00° 04' 25" West along the West line of said Block K for a distance of 904.46 feet to the South line of said Parcel 3; thence North 88° 05' 23" East along the South line of said Parcel 3 for a distance of 70.29 feet to the Westerly right of way line of Burning Tree Road (60' right of way); said point also being a point on the arc of a circular curve concave to the East having a radius of 482.34 feet and a delta angle of 03° 54' 43"; thence Northerly along the said Westerly right of way line and arc of the said curve for an arc distance of 32.93 feet (chord distance of 32.93 feet, chord bearing of North 00° 02' 44" East) to a point on the South right of way line of West Club Drive (60' right of way) according to the Deed recorded in Official Records Book 1396, at page 687 of the said Public Records; thence South 89° 55' 35" West along said South right of way line for a distance of 96.69 feet to a point on the West line of the West one half (1/2) of the Northeast one-quarter (1/4) of the said Section 6; thence South 00° 00' 13" West along said West line of the West 1/2 for a distance of 939.62 feet to the Southwest corner of the said West 1/2 of the Northeast 1/4; thence North 89° 57' 50" East along the South line of said Northeast 1/4 for a distance of 27.63 feet to the Point of Beginning. All lying and being in Section 6, Township 1 South, Range 30 West, Escambia County, Florida.

PARCEL 3, 4 (R/W STRIP)

A portion of Parcel 3 and of Parcel 4, Scenic Hills Country Club Subdivision, a subdivision of a portion of Sections 5 and 6, Township 3. South, Range 30 West, Escambia County, Florida according to the plat recorded in Plat Book 4, at page 77 of the Public Records of said County; a portion of the said Section 6, a portion of Burning Tree Road (60' right of way) as vacated in Official Records Book 1321, at page 430 of the said Public Records; a portion of Lot 10, Block J, Scenic Hills Country Club Subdivision according to the said plat and all of Lot 15, Block N, Scenic Hills Country Club Subdivision, according to the said plat; the entire tract being more particularly described as follows:

Commence at the most Westerly corner of Lot 14, Block N, Scenic Hills Country Club Subdivision, according to the said plat for the Point of Beginning, thence South 48° 25' 23" East along the Southwest line of said Lot 4 for a distance of 134.19 feet; thence North 49° 20' 40" East (this course and the next course are along the Southerly line of said Block N) for a distance of 633.14 feet; thence North 76° 50' 33" East for a distance of 697.26 feet to the West right of way line of Scenic Hills Drive (60' right of way); thence South 08° 24' 22" East along the said West right of way line for a distance of 125.55 feet to the Northeast corner of Block L, Scenic Hills Country Club Subdivision, according to the said plat; thence South 62° 07' 30" West (this course and the next five courses are along the Northerly, West, and Southwest lines of Block L) for a distance of 160.20 feet; thence South 62° 03' 37" West for a distance of 499.90 feet; thence South 66° 09' 35" West for a distance of 694.91 feet; thence South 00° 04' 10" West for a distance of 191.58 feet, thence South 61° 59' 29" East for a distance of 480.33 feet; thence South 56° 15' 15" East for a distance of 630.63 feet to a point on the West right of way of Scenic Hills Drive, said point also being on a circular curve concave to the West, having a radius of 261.33 feet and a delta angle of 32° 20' 45"; thence Southwesterly along the arc of said curve for an arc distance of 147.53 feet (chord = 145.58', chord bearing = South 19° 12' 28" West) to the Northeast corner of Block "I", Scenic Hills

Country Club Subdivision according to the said plat; thence North $54^{\circ} 29' 02''$ West (this course and the next six courses are along the Northerly, Northeasterly, Northwesterly, Southwesterly, and Southerly lines of said Block I) for a distance of 62.00 feet; thence North $70^{\circ} 28' 40''$ West for a distance of 607.72 feet; thence North $38^{\circ} 49' 13''$ West for a distance of 454.14 feet; thence South $49^{\circ} 54' 41''$ West for a distance of 367.07 feet; thence South $40^{\circ} 54' 46''$ East for a distance of 458.14 feet; thence South $60^{\circ} 34' 17''$ East for a distance of 518.45 feet; thence South $70^{\circ} 57' 46''$ East for a distance of 223.01 feet to the aforesaid West right of way of Scenic Hills Drive; thence South $35^{\circ} 30' 58''$ West (this course and the next course are along the said West right of way) for a distance of 118.88 feet to the point of curvature of a circular curve concave to the East having a radius of 500.92 feet and a delta angle of $04^{\circ} 30' 16''$; thence Southwesterly along the arc of said curve for an arc distance of 39.38 feet (chord = 39.37', chord bearing = South $33^{\circ} 13' 24''$ West) to the Northerly right of way of Burning Tree Road (60' right of way), said point being on a circular curve concave to the South having a radius of 316.48 feet and a delta angle of $34^{\circ} 02' 09''$; thence Northwesterly (this course and the next course are along the said Northerly right of way) along said curve for an arc distance of 186.00 feet (chord = 185.25', chord bearing = North $73^{\circ} 01' 16''$ West) to the point of tangency of said curve; thence South $89^{\circ} 57' 39''$ West for a distance of 202.36 feet to the Southeast corner of Block J, Scenic Hills Country Club Subdivision, according to the said plat; thence North $00^{\circ} 02' 21''$ West (this course and the next three courses are along the East and Northeasterly lines of said Block J) for a distance of 85.00 feet to the Northeast corner of said Block J; thence North $79^{\circ} 03' 20''$ West for a distance of 338.62 feet; thence North $44^{\circ} 47' 31''$ West for a distance of 74.98 feet; thence North $29^{\circ} 42' 45''$ West for a distance of 599.77 feet to the Southerly line of parcel described in O.R. Book 202, page 688, of the said public records; thence South $78^{\circ} 34' 12''$ West along the said Southerly line for a distance of 131.54 feet to the aforementioned East right of way of said Burning Tree Road, said point being on a circular curve concave to the East having a radius of 422.34 feet and a delta angle of $24^{\circ} 25' 21''$; thence Northwesterly along the said East right of way and the arc of said curve for an arc distance of 180.02 feet (chord = 178.66', chord bearing = North $08^{\circ} 35' 22''$ West) to the point of a cusp being of a circular curve, cul-de-sac, being described in O.R. Book 1396, page 687 of the said Public Records, having a radius of 40.00 feet; thence Northerly and Westerly along the arc of the said curve for an arc distance of 136.21 feet (chord = 79.31', chord bearing = North $50^{\circ} 45' 30''$ West) to the Northerly right of way line of West Club Drive (60' right of way) as described in O.R. Book 1396, page 682, of the said Public Records; thence South $89^{\circ} 55' 35''$ West (this course and the next course are along the said North right of way line and East right of way line according to O.R. Book 1396, page 687 of the said public records) for a distance of 9.53 feet; thence North $00^{\circ} 04' 25''$ West for a distance of 170.82 feet to a point on the boundary of Scenic Hills Country Club Villas (as recorded in Plat Book 10, page 83 of the said Public Records); thence North $59^{\circ} 55' 35''$ East (this course and the next three courses are along the Easterly line of said Scenic Hills Country Club Villas) for a distance of 135.16 feet; thence North $30^{\circ} 04' 25''$ West for a distance of 62.74 feet; thence North $37^{\circ} 29' 58''$ East for a distance of 98.92 feet; thence North $00^{\circ} 04' 25''$ west for a distance of 70.43 feet; thence North $06^{\circ} 56' 26''$ West for a distance of 83.66 feet to a point on said boundary of Scenic Hills Country Club Villas; thence North $00^{\circ} 04' 25''$ West (this course and the next five courses are along the Easterly line of said Scenic Hills Country Club Villas) for a distance of 142.85 feet; thence North $20^{\circ} 40' 43''$ West for a distance of 95.84 feet; thence North $05^{\circ} 56' 38''$ West for a distance of 127.11 feet; thence North $30^{\circ} 04' 25''$ West for a distance of 85.75 feet; thence South $89^{\circ} 55' 35''$ West for a distance of 106.40 feet; thence South $00^{\circ} 04' 25''$ East for a distance of 957.87 feet to the North right of way line of aforementioned West Club Drive; thence South $89^{\circ} 55' 35''$ West along said North right of way for a distance of 26.28 feet; thence North $00^{\circ} 00' 13''$ East for a distance of 1573.04 feet to the South right of way line of Greenbrier Road; thence North $89^{\circ} 18' 50''$ East along said South right of way line for a distance of 24.16 feet to the Northwest corner of Block P, Scenic Hills Country Club Subdivision, according to the said plat; thence South $00^{\circ} 04' 25''$ East along the West line of said Block P for a distance of 140.01 feet to the Southwest corner of said Block P; thence North $89^{\circ} 18' 50''$ East along the South line of said Block P for a distance of 1341.04 feet to the West right of way of Tam O'Shanter Road (60' right of way), said point being on the circular curve concave to the West, having a radius of 542.96 feet and a delta angle of $05^{\circ} 24' 31''$; thence Southerly along said right of

way line and curve for an arc distance of 51.25 feet (chord = 51.23', chord bearing = South 02° 28' 26" West) to the point of tangency; thence South 05° 10' 37" West along said West right of way for a distance of 20.34 feet to the Northeast corner of Block 0, Scenic Hills Country Club Subdivision according to the said plat; thence South 81° 34' 50" West (this course and the next three courses are along the Northwesterly and Southwesterly lines of said Block 0) for a distance of 181.40 feet; thence South 72° 10' 37" West for a distance of 474.43 feet; thence South 16° 00' 30" West for a distance of 497.18 feet; thence South 47° 00' 22" East for a distance of 189.32 feet to a point on the said Easterly right of way line of Burning Tree Road, said point being on the arc of a circular curve concave to the Northwest having a radius of 391.11 feet and a delta angle of 01° 29' 44"; thence Northeasterly along the arc of the said curve being the said Easterly right of way line for an arc distance of 10.21 feet (chord = 10.21', chord bearing = North 42° 06' 24" East) to the Point of Beginning.

LESS AND EXCEPT:

That portion of the above described parcel set forth and described in Corrective Quit Claim Deed, recorded February 5, 2009 in Official Records Book 6422, Page 820, of the public records of Escambia County, Florida. (Corrects Quit Claim Deed, recorded in Official Records Book 1396, Page 687)

ALSO LESS AND EXCEPT:

That portion of the above described parcel set forth and described in Corrective Warranty Deed, recorded July 7, 2006 in Official Records Book 5944, Page 1525, of the public records of Escambia County, Florida. (Corrects legal description in Corrective Warranty Deed, recorded in Official Records Book 4425, Page 1966 and Corrective Warranty Deed, recorded in Official Records Book 4417, Page 921 and that certain Corporate Warranty Deed, recorded in Official Records Book 3644, Page 978)

PARCEL 5

Parcel 5, Scenic Hills Country Club Subdivision, a subdivision of a portion of Sections 5 and 6, Township 1 South, Range 30 West, Escambia County, Florida according to the plat recorded in Plat Book 4, at page 77 of the Public Records of said County, the entire tract being more particularly described as follows:

Commence at the Southwest corner of the said Parcel 5 for the Point of Beginning, thence North 89° 57' 50" East (this course and the next five courses are along the lines of the said Parcel 5) along the North line of the Woodlands, according to the plat recorded in Plat Book 9, at page 56 of the said Public Records, for a distance of 678.31 feet; thence North 00° 00' 00" West for a distance of 14.62 feet to the Southerly right of way line of Burning Tree Road (60' right of way), said point also being on the arc of a circular curve concave to the South having a radius of 256.48 feet and a delta angle of 02° 54' 19"; thence West along the arc of the said curve for an arc distance of 13.01 feet (chord distance of 13.00 feet, chord bearing of North 88° 35' 11" West) to the point of tangency; thence South 89° 57' 39" West along said Southerly right of way for a distance of 462.36 feet to the point of curve of a circular curve concave to the Northeast having a radius of 334.10 feet and a delta angle of 30° 10' 42"; thence Northwesterly along said Southerly right of way and the arc of the said curve for an arc distance of 175.98 feet (chord distance of 173.95 feet, chord bearing of North 74° 57' 00" West); thence South 30° 08' 22" West for a distance of 69.64 feet to the Point of Beginning.

PARCEL 6

Parcel 6 and a portion of Lot 1, Block D, Scenic Hills Country Club Subdivision, a subdivision of a portion of Sections 5 and 6, Township 1 South, Range 30 West, Escambia County, Florida as recorded in

Plat Book 4, at page 77 of the Public Records of said County, the entire tract being more particularly described as follows:

Commence at the Southwest corner of the said Parcel 6 for the Point of Beginning, thence North 00° 00' 00" West along the West line of the said Parcel 6, being the East line of Woodlands Second Addition, according to the plat recorded in Plat Book 10 at page 23 of the said Public Records, and the East line of the Woodlands, according to the plat recorded in Plat Book 9 at page 56 of the said Public Records for a distance of 1493.56 feet to the Northwest corner of the said Parcel 6; thence North 64° 03' 42" East along the North line of the said Parcel 6 for a distance of 200.57 feet to the West right of way line of the Scenic Hills Drive (60' right of way); thence South 25° 56' 59" East along the said West right of way line for a distance of 141.96 feet; thence South 64° 03' 01" West for a distance of 102.42 feet to the Easterly line of a said Parcel 6, also being the Westerly line of Block D, Scenic Hills Country Club according to said plat; thence South 12° 38' 07" East (this course and the next ten courses are along the Easterly and South line of said Parcel 6) for a distance of 349.76 feet; thence South 10° 54' 54" East for a distance of 605.58 feet; thence North 88° 23' 13" East for a distance of 130.05 feet; thence North 54° 13' 13" East for a distance of 224.39 feet to the aforesaid Westerly right of way line, said point also being on the arc of a circular curve concave to the Southwest and having a radius of 468.22 feet and a delta angle of 16° 01' 44"; thence Southerly along the arc of the said curve for an arc distance of 130.99 feet, (chord distance of 130.56 feet, chord bearing of South 15° 22' 37" East); thence South 59° 15' 24" West for a distance of 156.16 feet; thence South 00° 00' 08" West for a distance of 301.85 feet; thence South 76° 29' 52" East for a distance of 142.00 feet to the aforesaid Westerly right of way line; thence South 00° 00' 08" West along said Westerly right of way for a distance of 69.85 feet to the Northerly right of way line of 9 mile road (State Highway #10, 200' right of way); thence North 89° 27' 33" West along said Northerly right of way line for a distance of 36.94 feet to the point of curvature of a circular curve concave to the South having a radius of 57395.80 feet and a delta angle of 00° 39' 14"; thence West along said Northerly right of way line and the arc of the said curve for an arc distance of 655.14 feet, (chord bearing of 655.14 feet, chord bearing of North 89° 47' 10" West) to the Point of Beginning.

Scenic Hills Sign – Proposed East Nine Mile Road



Proposed Two Panel, V-Shaped Sign – To be located at the current location of the existing sign (East Nine Mile Road, and Scenic Hills Drive Intersection on Scenic Hills Country Club Property)

Scenic Hills Sign – Current East Nine Mile Road



Current Two Panel, V-Shaped Sign- Located at East Nine Mile Road, and Scenic Hills Rive Intersection on Scenic Hills Country Club Property

Board of Adjustment

6. D.

Meeting Date: 10/10/2012
CASE: V-2012-15
APPLICANT: Keith Johnson, Agent for Tim Jones
ADDRESS: 1593 Bulevar Menor
PROPERTY REFERENCE NO.: 28-2S-26-1200-005-008
ZONING DISTRICT: MDR-PB, Medium Density
Pensacola Beach
FUTURE LAND USE: MU-PB, Mixed Use Pensacola
Beach

SUBMISSION DATA:

REQUESTED VARIANCE:

The Applicant is seeking variances to pier requirements specific to Santa Rosa Island per LDC Chapter 13. Piers on Santa Rosa Island must be situated on the middle one-third of a lot and terminal platforms must not exceed twice the width of the pier. The proposed pier will exceed the center one-third requirement by 10.9 feet and the proposed terminal platform terminal platform is three times the width of the pier.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 13.12.C.1.l & m

C. Requirements for piers to be constructed at Pensacola Beach.

1. Plans and construction requirements.

l. Piers shall be located within the middle one-third of lot (variances may be granted for large parcels, where the need for same can be shown).

m. No "T"s, as such, are allowed, but piers may be widened at the outer end on one or both sides. Maximum width may not exceed two times the pier width, and maximum length may not exceed three times the pier width.

CRITERIA

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section 6.05.05.F.5

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 subject property has a uniquely shaped patch of seagrass across the nearshore area that presents practical difficulties in the design of a pier. Escambia County has identified seagrasses as environmentally sensitive resources and seeks to minimize impacts upon them. The proposed plan provides maximum avoidance of this unique feature but does necessitate variances.

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 variances are the necessary for the preservation and enjoyment of a substantial property right associated with waterfront property.

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 variances are the minimum necessary for the proposed design considering the avoidance of seagrasses and safe access for loading and unloading of watercraft.

STAFF RECOMMENDATION:

Staff recommends that the Board approved the variance request as submitted.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

V-2012-15



September 12, 2012

Board of Adjustment
Escambia County Planning and Zoning Department
3363 West Park Place
Pensacola, FL 32505

Re: Letter of Request, Variance Application
Project: 1593 Bulevar Menor
Applicant: Tim Jones
WSI Project #2007-109

To Whom It May Concern:

On behalf of Mr. Tim Jones (herein referred as the applicant), please accept this letter as a formal request requesting a variance from Escambia County Land Development Code (LDC) 13.12.00.C.1 and 13.12.00.C.m. The applicant is requesting authorization to construct a 59-ft. x 4' access pier, 8-ft. x 12-ft. terminal platform, and 4-pole topless boat lift along the waterfront of 1593 Bulevar Menor on Pensacola Beach, Escambia County, Florida as depicted on the attached site plan drawings (Appendix A).

LDC 13.12.00.C.1 requires piers to be located within the middle one-third of the lot. The proposed structure is located within 5-ft. of the eastern riparian line. The proposed layout exceeds the middle one-third requirement by 10.9 feet. LDC 13.12.00.C.m restricts the configuration of the terminal platform. The terminal platform may not exceed two times the pier width. The proposed pier is four feet in width and the terminal platform width as proposed is twelve feet exceeding the required width by four feet.

The proposed pier presented in this request is a result of numerous meetings with Santa Rosa Island Authority (SRIA) staff, adjoining neighbors, and input received from two public meetings of the SRIA Architectural & Environmental Committee (See attached minutes of the August 22 & July 25, 2012 meetings – Appendix B). At the July 25, 2012 SRIA Architectural & Environmental Committee (AEC) meeting the applicant submitted a dock design (Appendix C) in full conformance with applicable state, federal, and Escambia County Land Development Code governing such. As noted in the meeting minutes, the waterward extension of the proposed dock drew criticism from the adjoining property owners. The dock proposed in the original application extended approximately 120-ft. into Santa Rosa Sound. Although the length was in conformance with all applicable code requirements the adjoining neighbors objected to the proposed dock based on potential obstruction of views. The original design was solely predicated upon conformance with state, federal, and local requirements along with the general desire of the applicant to wharf out to navigable waters and lift store a recreational watercraft.

At the July 25 & August 22 AEC meetings, the committee recommended the applicant and adjoining neighbors meet to develop an alternative plan that would address the neighbors concerns and meet the needs of the applicant. As noted, the adjoining neighbors requested the dock be shortened in general conformance with existing dock structures located on adjoining properties. Several alternative plans were proposed. Given the location of environmentally sensitive resources (seagrasses) with the riparian areas of the applicant's property along with the limited width of the lot, each alternative would require variances from those portions of the land development code (referenced above) that restrict the location of the dock to the middle one-third of the property and the configuration of the terminal platform. After significant deliberations with the

adjoining property owners and applicant they agreed to the dock layout depicted in this variance application. This plan was presented to the SRIA AEC meeting on August 22, 2012. The committee recommended approval of the proposed plan and recommended the applicant move forward with a variance request to Escambia County Board of Adjustment (BOA). In the event, the BOA does not grant the variance the committee unanimously granted approval to the applicant to construct the dock as submitted in the original application to SRIA.

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section 2.05.02 requires the applicant to demonstrate that the variance request meets the criteria outlined in code. The following is a summary detailing how the request meets each criterion.

Criterion A

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.

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 quite enjoyment and use of the property".

There is a small patch of seagrasses (defined by Escambia County Land Development Code as Environmentally Sensitive Resources) that occupy the nearshore areas of the applicant's riparian property. Most of the properties situated on Santa Rosa Sound and in the general vicinity of the subject property do not contain seagrass beds. The presence of the seagrass bed along the nearshore areas of the applicant's property result in practical difficulties in the construction of a dock and boat lift.

Criterion B

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.

In the context of variance applications, a "property right" is the ability to use or improve land in such a manner as would be lawful except for (1) the special circumstance or condition applicable to the building or land and (2) the particular land development regulation, from which a variance is sought, that prohibits such use or improvement. A property right is "substantial" if it involves a use or improvement or real worth and importance which is or may be enjoyed by other similarly situated land owners in the vicinity.

The dock and boatlift are necessary to allow the applicant to permanently store a recreational watercraft along the waterfront of a homesteaded property. There are several properties along Santa Rosa Sound that contain dock structures similar in design and configuration as proposed by the applicant. This is a use that is enjoyed by other similarly situated land owners in the vicinity of the property. With this said it is my opinion the proposed use meets the definition of a substantial property right and the requested variances are necessary for the preservation and enjoyment of a substantial property right as defined in the Escambia County Land Development Code.

Criterion C

The authorization of the 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.

Public interest criteria that should be considered in evaluating this variance request should include navigation and protection of marine resources. The applicant has secured authorizations from the Florida Department of Environmental Protection (DEP) and Department of the Army Corps of Engineers for the proposed activity. These agencies review the project and ensure that navigation and water quality is maintained on the water body affected.

In summary the authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or waterways, the danger of fire, imperil 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 D

The variance will not, in any manner, alter other provisions of this Code or the Comprehensive Plan, except this Code and the plan may be amended in the manner prescribed by law.

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

Criterion E

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


Authorization is being sought to construct a 59-ft. x 4' access pier, 8-ft. x 12-ft. terminal platform, and 4-pole topless boat lift. The orientation of the dock was chosen to minimize and avoid impacts to the existing seagrass beds. The same holds true for the proposed location of the platform and boatlift. The width of the proposed dock is the minimum necessary to facilitate safe use. The terminal platform is required to stage the recreational watercraft during the transition from the water to the boat lift. It is not safe to load/unload the watercraft while in the lift cradle. The platform provides an area where individuals and related gear (coolers, chairs, etc.) can be transferred from the boat to the dock. The square footage of the platform is allowable under the code just not the configuration. For example, Escambia County Code would allow a terminal platform that is 8-ft. wide and 12-ft. long. This configuration, however, would lengthen the dock required and increase its potential to obstruct adjoining property owner's view which is one of the primary considerations for the proposed variances. The configuration of the platform depicted on the drawings allows the vessel to be berthed shore parallel (east to west direction). This allows for a shorter access pier.

In our opinion the variance is the minimum necessary to make possible use of the waterfront and to enjoy a substantial property right expected with waterfront property along Santa Rosa Sound.

Your consideration in this matter would be greatly appreciated. Should any questions arise, please feel free to contact the undersigned at either the letterhead address or by telephone at 850-453-4700.


Sincerely,

WETLAND SCIENCES, INC.


Keith Johnson
Environmental Scientist

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 12 day of September, year of 2012 by Keith Johnson who () did () did not take an oath. He/she is () personally known to me, () produced Florida/Other Driver's License, and/or () produced current _____ as identification.

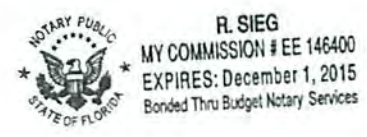

Signature of Notary Public


Name of Notary Public Printed

9/12/12
Date

12/1/15
My Commission Expires

EE 146400
Commission Number - Notary Seal must be affixed



APPLICATION

Please check application type:	<input type="checkbox"/> Conditional Use Request for: _____
<input type="checkbox"/> Administrative Appeal	<input checked="" type="checkbox"/> Variance Request for: <u>DOCK & BOATLIFT</u>
<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: Tim Jones Phone: 850-376-6062
 Address: 1593 Bulevar Menor Email: tim.jones@biogenidec.com

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: 1593 Bulevar Menor
 Property Reference Number(s)/Legal Description: 282s261200005008

By my signature, I hereby certify that:

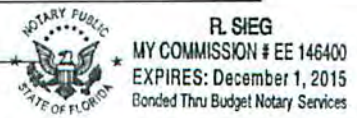
- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate 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.

<u>[Signature]</u> Signature of Owner/Agent	<u>Keith D. Johnson</u> Printed Name Owner/Agent	<u>9/12/12</u> Date
<u>[Signature]</u> Signature of Owner	<u>Tim Jones</u> Printed Name of Owner	<u>9/12/12</u> Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 12 day of September 20 12,
 by Keith Johnson & Tim Jones.

Personally Known OR Produced Identification . Type of Identification Produced: _____
[Signature] Ryan Sieg
 Signature of Notary Printed Name of Notary
 (notary seal must be affixed)



FOR OFFICE USE ONLY	CASE NUMBER: <u>V-2012-16</u>
Meeting Date(s): <u>October 10, 2012</u>	Accepted/Verified by: <u>Brenda J. Wilson</u> Date: <u>9-12-2012</u>
Fees Paid: \$ <u>350.00</u>	Receipt #: _____ Permit #: _____

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 1593 Bulevar Menor,
Florida, property reference number(s) 282s261200005008

I hereby designate Keith Johnson 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 _____ 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: Keith Johnson Email: keith@wetlandsciences.com
Address: 1829 Bainbridge Ave, Pensacola, FL 32507 Phone: 850-453-4700

[Signature]
Signature of Property Owner

Tim Jones
Printed Name of Property Owner

9/12/12
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 12 day of September 20 12,
by Tim Jones

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

[Signature]
Signature of Notary

Ryan Sieg
Printed Name of Notary

(Notary Seal)



R. SIEG
MY COMMISSION # EE 146400
EXPIRES: December 1, 2015
Bonded Thru Budget Notary Services



SANTA ROSA SOUND



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.

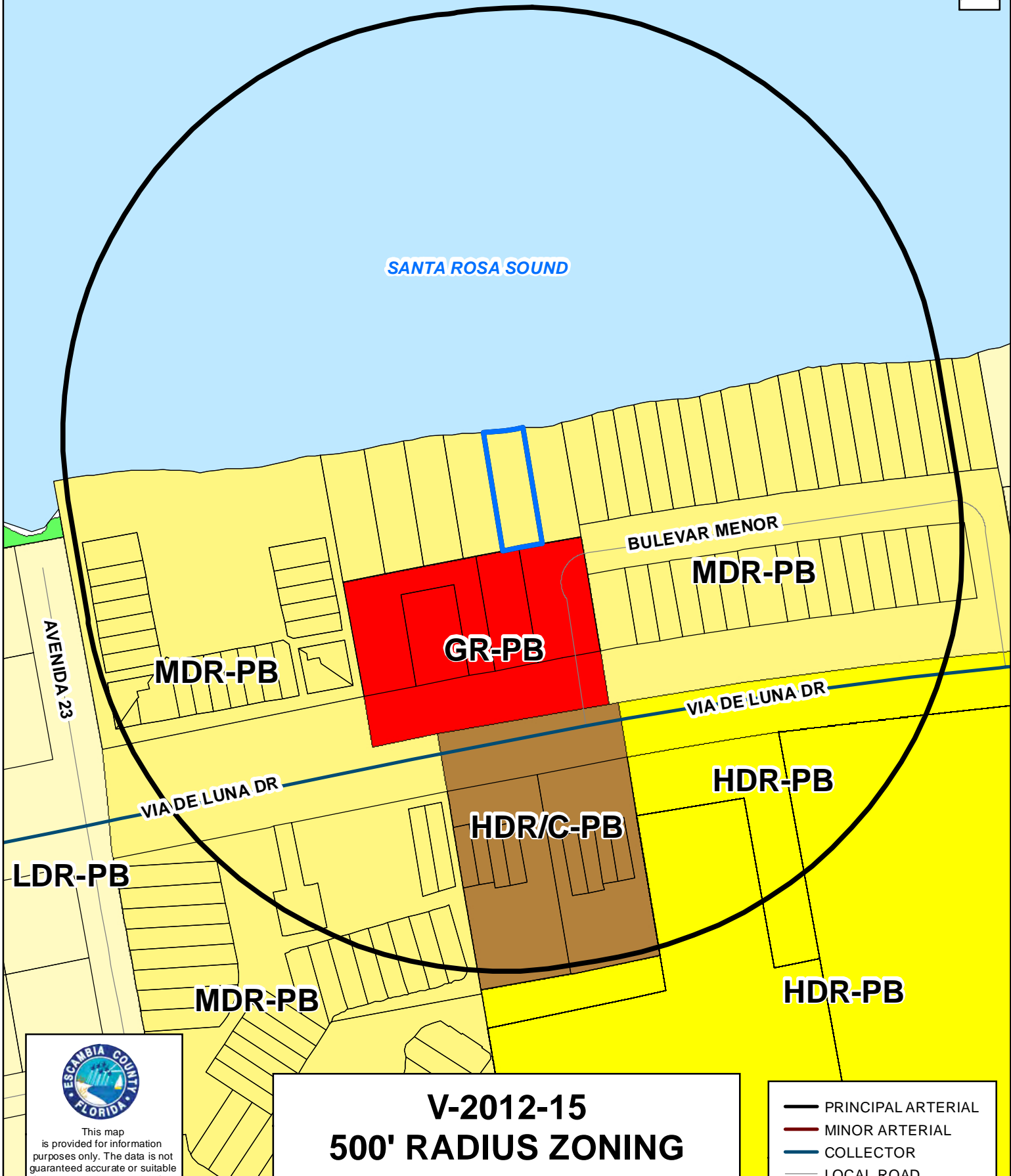
V-2012-15 LOCATION MAP



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



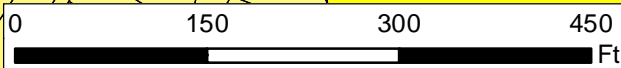
SANTA ROSA SOUND



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-2012-15 500' RADIUS ZONING



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



SANTA ROSA SOUND

MU-PB

BULEVAR MENOR

MU-PB

VIA DE LUNA DR

AVENIDA 23

VIA DE LUNA DR

MU-PB

MU-PB

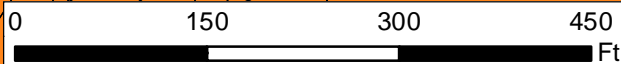
MU-PB



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.

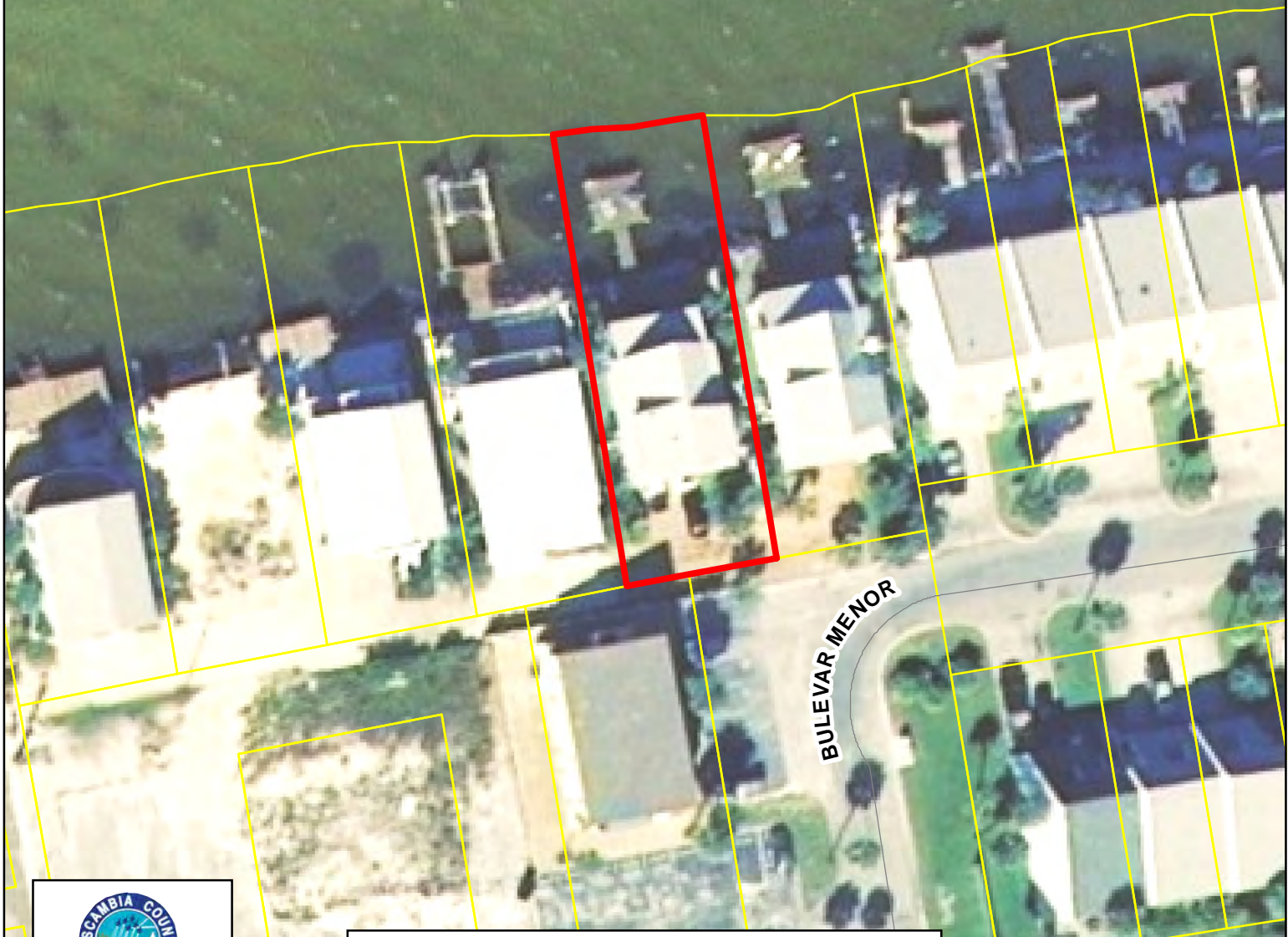

V-2012-15 FUTURE LAND USE



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



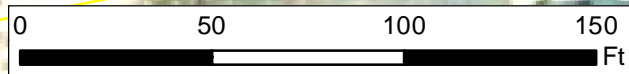
SANTA ROSA SOUND










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Andrew Holmer
Planning and Zoning Dept.

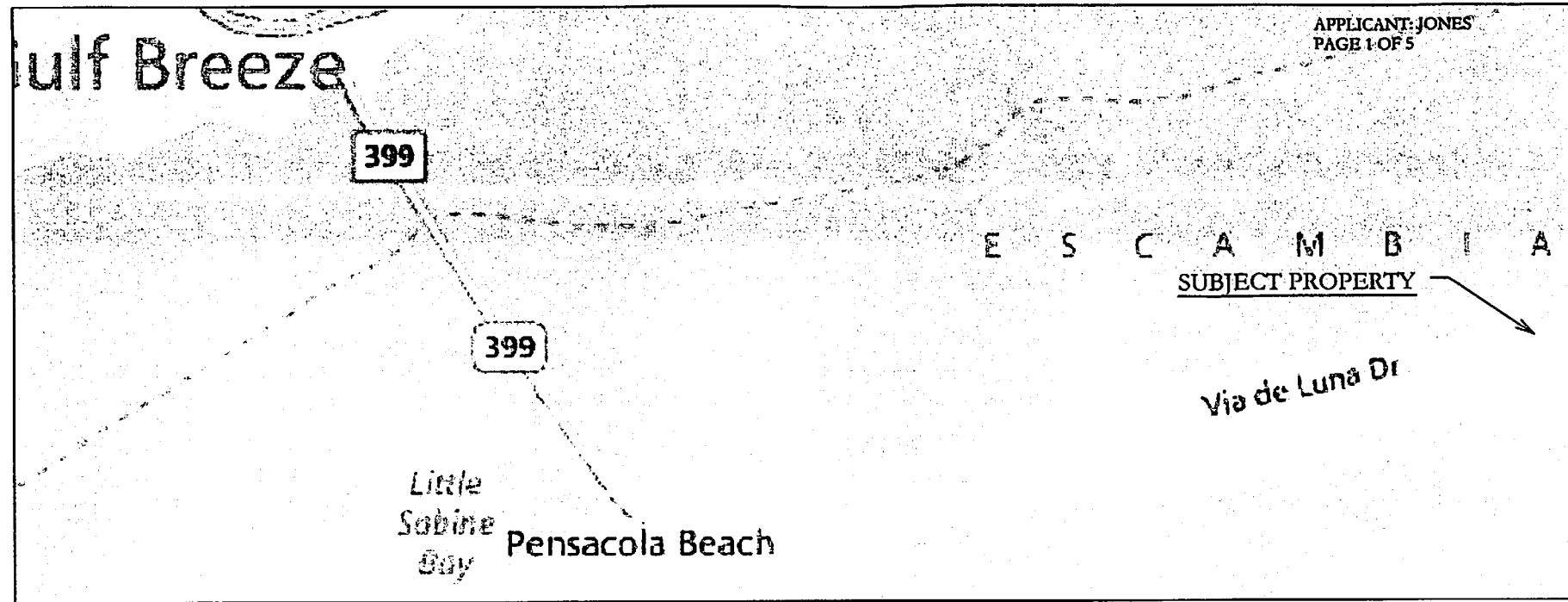
**V-2012-15
AERIAL MAP**



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

Appendix A

CIVIL SITE PLAN DRAWINGS DEPICTING EXISTING AND PROPOSED CONDITIONS



DIRECTIONS TO THE SITE FROM DOWNTOWN PENSACOLA: START OUT GOING EAST ON CHASE STREET/US-98 TOWARDS GULF BREEZE. CONTINUE TO FOLLOW US-98 FOR APPROXIMATELY 5.5 MILES. TURN RIGHT ONTO PENSACOLA BEACH ROAD. STOP AT TOLL BOOTH. CONTINUE ONTO VIA DELUNA DRIVE. TURN LEFT ONTO BULEVAR MENOR. ARRIVE AT 1593 BULEVAR MENOR ON THE LEFT HAND SIDE OF THE ROAD WITH AN ADDRESS OF 1593 BULEVAR MENOR. PLEASE CALL 850-453-4700 WITH ANY QUESTIONS.

SUBJECT PROPERTY

PARCEL ID#
28-2S-26-1200-005-008
PROPERTY OWNER
TIM JONES
1593 BULEVAR MENOR
PENSACOLA BEACH, FL 32561

PROJECT LOCATION

1593 BULEVAR MENOR
PENSACOLA BEACH, FL 32561

INDEX OF SHEETS

<u>SHEET NO</u>	<u>DESCRIPTION</u>
1	SITE LOCATION MAP
2	EXISTING SITE CONDITIONS
3	PROPOSED SITE CONDITIONS OVERLAID ONTO AERIAL
4	CLOSE UP PLAN VIEW



SITE LOCATION MAP

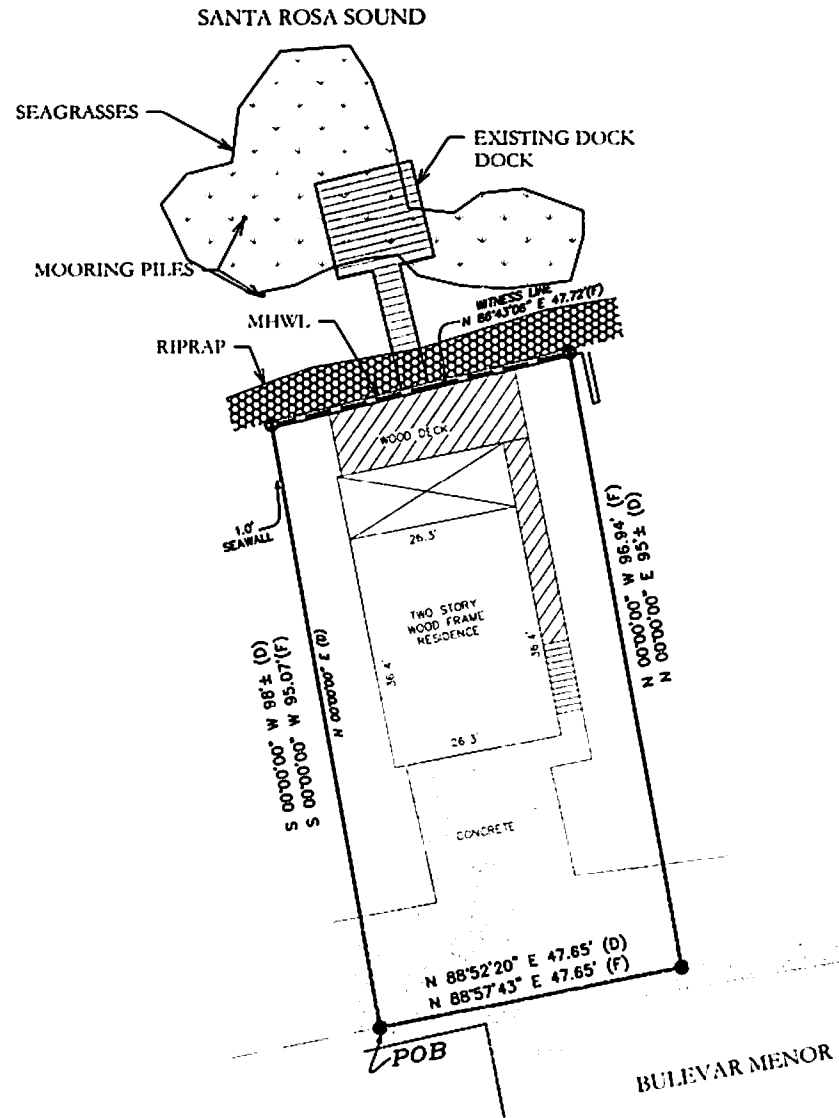
PROJECT #2007-109

DATE: JULY 10, 2012

DRAWN BY: JAT

SCALE: NTS





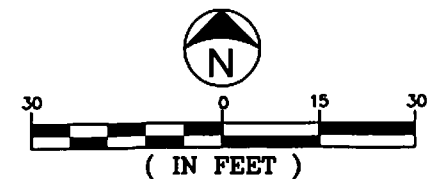
EXISTING SITE CONDITIONS

PROJECT #2007-109

DATE: JULY 10, 2012

DRAWN BY: JAT

SCALE: 1" = 30'





SANTA ROSA SOUND

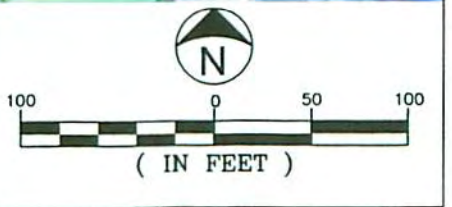
BULEVAR MENOR

VIA DELUNA

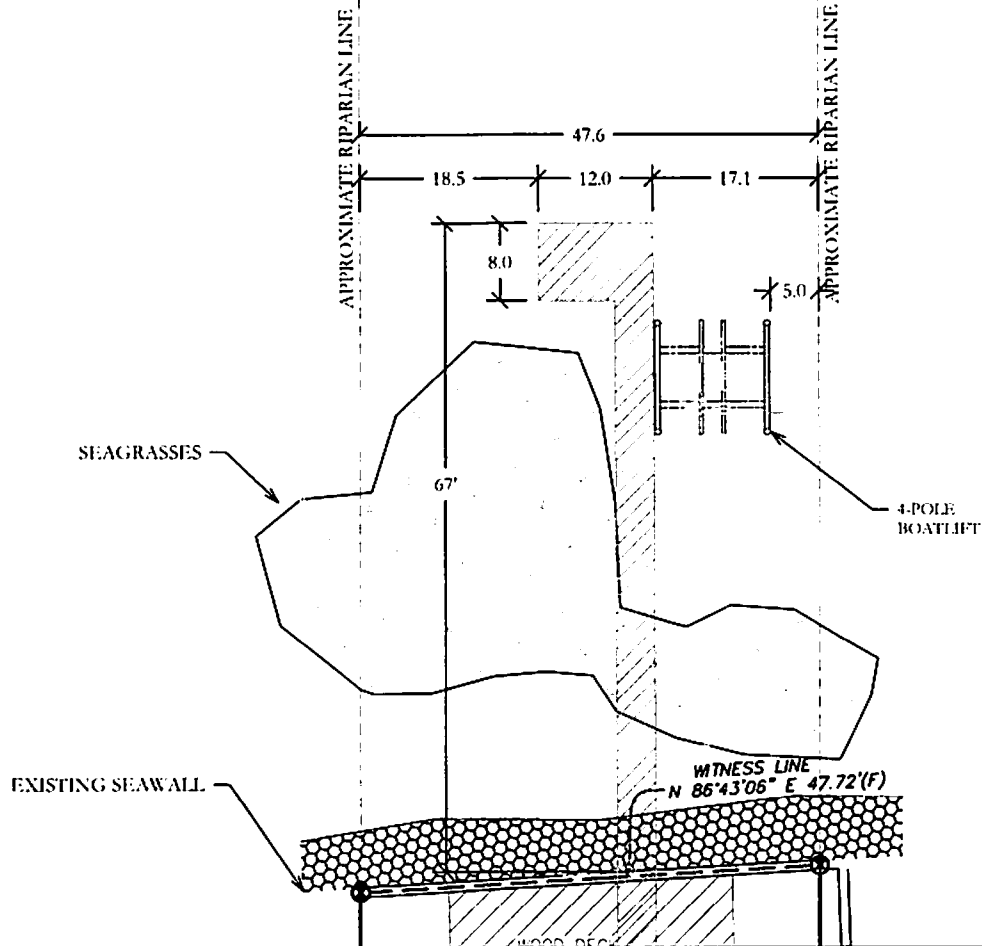
WETLAND

SCIENCES
 INCORPORATED

PROPOSED ACTIVITY DEPICTED ONTO AERIAL	
PROJECT #2007-109	DATE: JULY 10, 2012
DRAWN BY: JAT	SCALE: 1" = 100'



SANTA ROSA SOUND



WETLAND
SCIENCES
INCORPORATED

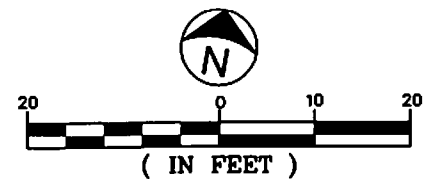
CLOSE UP PLAN VIEW

PROJECT #2007-109

DATE: AUGUST 3, 2012

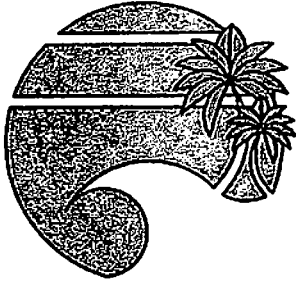
DRAWN BY: JAT

SCALE: 1" = 20'



Appendix B

SRIA AEC COMMITTEE MEETING MINUTES



PENSACOLA BEACH
SANTA ROSA ISLAND AUTHORITY

Board Members:

Dave Pavlock
Chairman

Vernon Prather
Vice-Chairman

Thomas Campanella
Secretary/Treasurer

Tammy Bohannon
Acting Secretary/Treasurer

Fred Gant
Elwyn Guernsey

W. A. "Buck" Lee
Executive Director

SANTA ROSA ISLAND AUTHORITY
ARCHITECTURAL & ENVIRONMENTAL COMMITTEE
JULY 25, 2012

MEMORANDUM

TO: Authority Members
FROM: Executive Director
DATE: July 26, 2012
RE: Minutes of July 25, 2012 Architectural & Environmental Committee Meeting

A regularly scheduled meeting of the Architectural & Environmental Committee was held on Wednesday July 25, 2012. Members present were Ms. Tammy Bohannon, Chairwoman and Mr. Ed Guernsey. Also present were Board Members Mr. Vernon Prather, Dr. Thomas Campanella and Mr. Dave Pavlock. Ms. Tammy Bohannon, Chairwoman of the Committee, appointed Dr. Campanella to the Committee during the first two (2) items, due to the absence of Mr. Fred Gant at the beginning of the meeting. Ms. Bohannon called the meeting to order and presented the following items.

Item # 1 - Mike Pinzone, Sunset Holdings, Inc. d/b/a Pensacola Beach Gulf Fishing Pier – 41 Fort Pickens Rd – Request approval to rename the restaurant to the "Pirates Cove Oyster Bar" and remove and replace the existing attached signage to reflect the new name. (AEC approval only)(Staff report by Paolo Ghio)

Mr. Ghio gave background on this item and stated staff recommended approval.

Upon motion of Dr. Thomas Campanella seconded by Mr. Mr. Ed Guernsey, the Committee unanimously approved staff's recommendation. (3-0)

Item # 2 - Mark McDaniel – 264 Sabine Drive – Lot 58 Block B – Villa Sabine – Request to construct a 10' x 30' marginal dock, 4 pole uncovered boat lift and 200 linear feet seawall. (Staff report by Paolo Ghio)

Mr. Ghio gave background on this item and stated staff recommended approval.



Development Services Department
 Building Inspections Division
 3363 West Park Place
 Pensacola, Florida, 32505
 (850) 595-3550
 Molino Office - (850) 587-5770

RECEIPT

Receipt No. : **563384**

Date Issued. : 09/13/2012

Cashier ID : DAROSE

Application No. : PBA120900025

Project Name : N/A

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	6932	\$350.00	App ID : PBA120900025
		\$350.00	Total Check

Received From : WETLAND SCIENCES INCORPORATED

Total Receipt Amount : **\$350.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA120900025	656172	350.00	\$0.00	1593 BULEVAR MENOR , PENSACOLA BEACH, FL, 32561

Total Amount:	350.00	\$0.00	Balance Due on this/these Application(s) as of 9/13/2012
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Invoice Detail

Permit ID #: PBA120900025
Invoice #: 656172
Invoice Date: 09/13/2012 08:46:35

Period	Fee Item
FINAL	VARIANCE APPLICATION

Qty	Fee
1.0	\$350.00

Total Fee: \$350.00

**WETLAND
SCIENCES
INCORPORATED**

(850) 453-4700
1829 Blairbridge Ave.
Pensacola, FL 32507

REGIONS BANK
63-466/631

6932

9/12/12

\$ 350.00/xx

DOLLARS

PAY TO THE ORDER OF ESCAMBIA COUNTY
THREE HUNDRED FIFTY AND NO CENTS



AUTHORIZED SIGNATURE

MEMO V-2012-16 VARIANCE FEE TIM JONES

⑈006932⑈ ⑈063104668⑈ 3400271284⑈

Details on Back

Security Features Included

Board of Adjustment

6. E.

Meeting Date: 10/10/2012

CASE: CU-2012-12

APPLICANT: Larry Richardson, Agent for
Willaim Waller, Owner

ADDRESS: 2105 E Olive Rd

PROPERTY REFERENCE NO.: 18-1S-30-5201-001-003

ZONING DISTRICT: C-1, Commercial

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

OVERLAY DISTRICT: N/A

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

Applicant is seeking conditional use approval for a bar in C-1 zoning.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section:6.05.14.C.8

8. Bars and night club

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

The site has access from Olive Road and Gregg Street. Access and parking will be reviewed for sufficiency 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

Any new nuisances associated with the proposed use must comply with all current County

Ordinances.

CRITERION (3)

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

FINDINGS-OF-FACT

Solid Waste service will be provided by the applicant.

CRITERION (4)

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

FINDINGS-OF-FACT

Needed utilities will be provided by the applicant.

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

All applicable buffer standards must be met and 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

Any signs for the proposed business must meet the requirements of LDC article 8.

CRITERION (7)

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

FINDINGS-OF-FACT

Should environmental impacts be discovered during the site plan review process, they must be mitigated to meet LDC requirements.

CRITERION (8)

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

FINDINGS-OF-FACT

While the proposed use should be compatible with the zoning and uses along Olive Rd., buffering will be necessary to relieve any impacts on the residential are to the south.

CRITERION (9)

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

FINDINGS-OF-FACT

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

STAFF RECOMMENDATION

Staff recommends that the Board approved the proposed Conditional Use with the following condition:

The change of use must be approved through the Development Review Committee.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

CU-2012-12







CU-2012-12

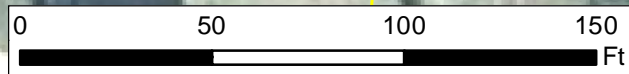


E OLIVE RD

GREGG RD

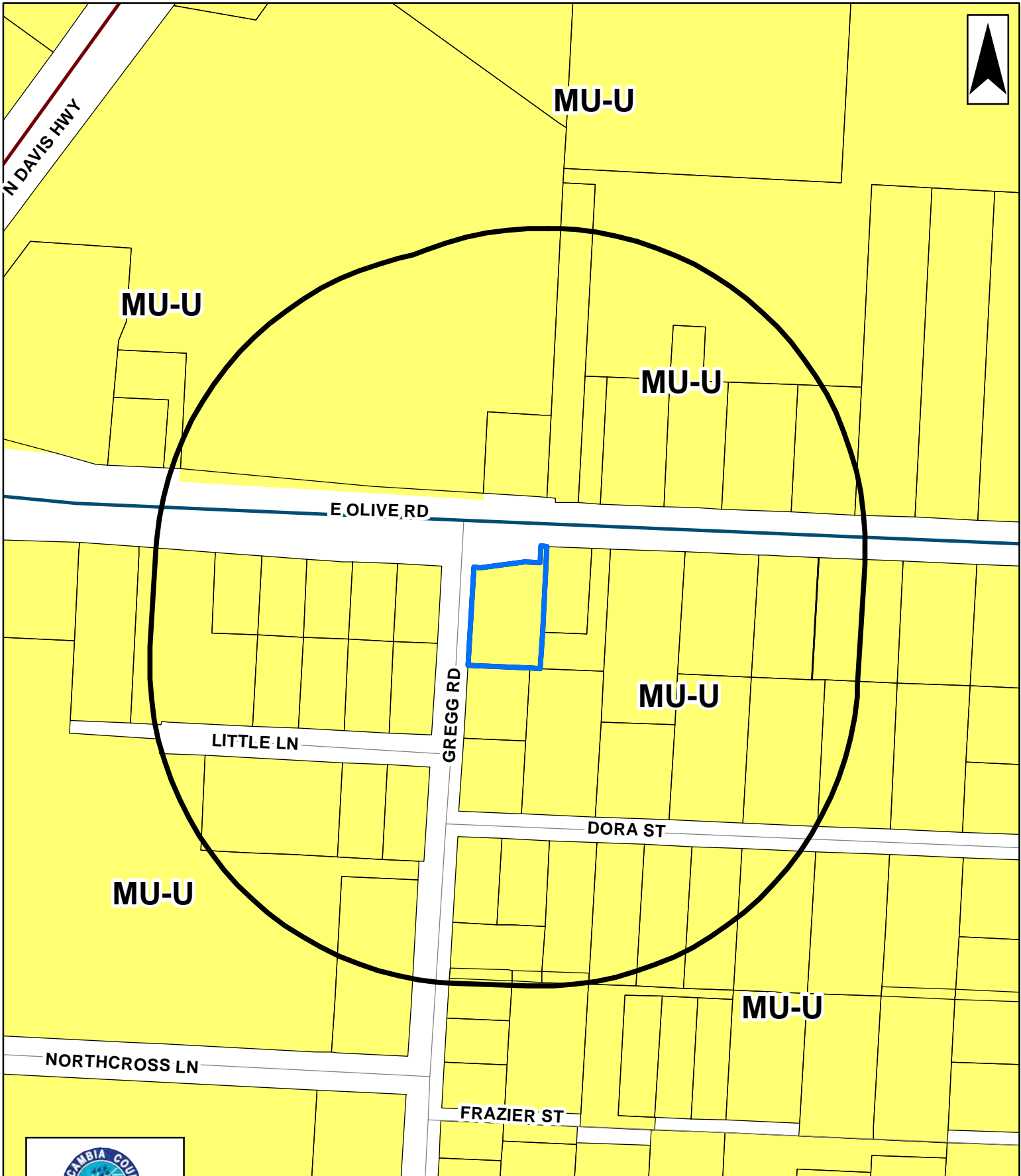
CU-2012-12 AERIAL MAP

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



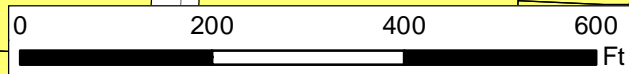
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.


Andrew Holmer
Planning and Zoning Dept.



CU-2012-12 FUTURE LAND USE

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



N DAVIS HWY

C-1

C-1

C-1

E OLIVER RD

C-1

LITTLE LN

GREGG RD

R-2

DORA ST

C-1

R-2

NORTHCROSS LN

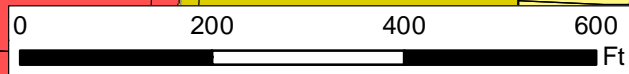
FRAZIER ST



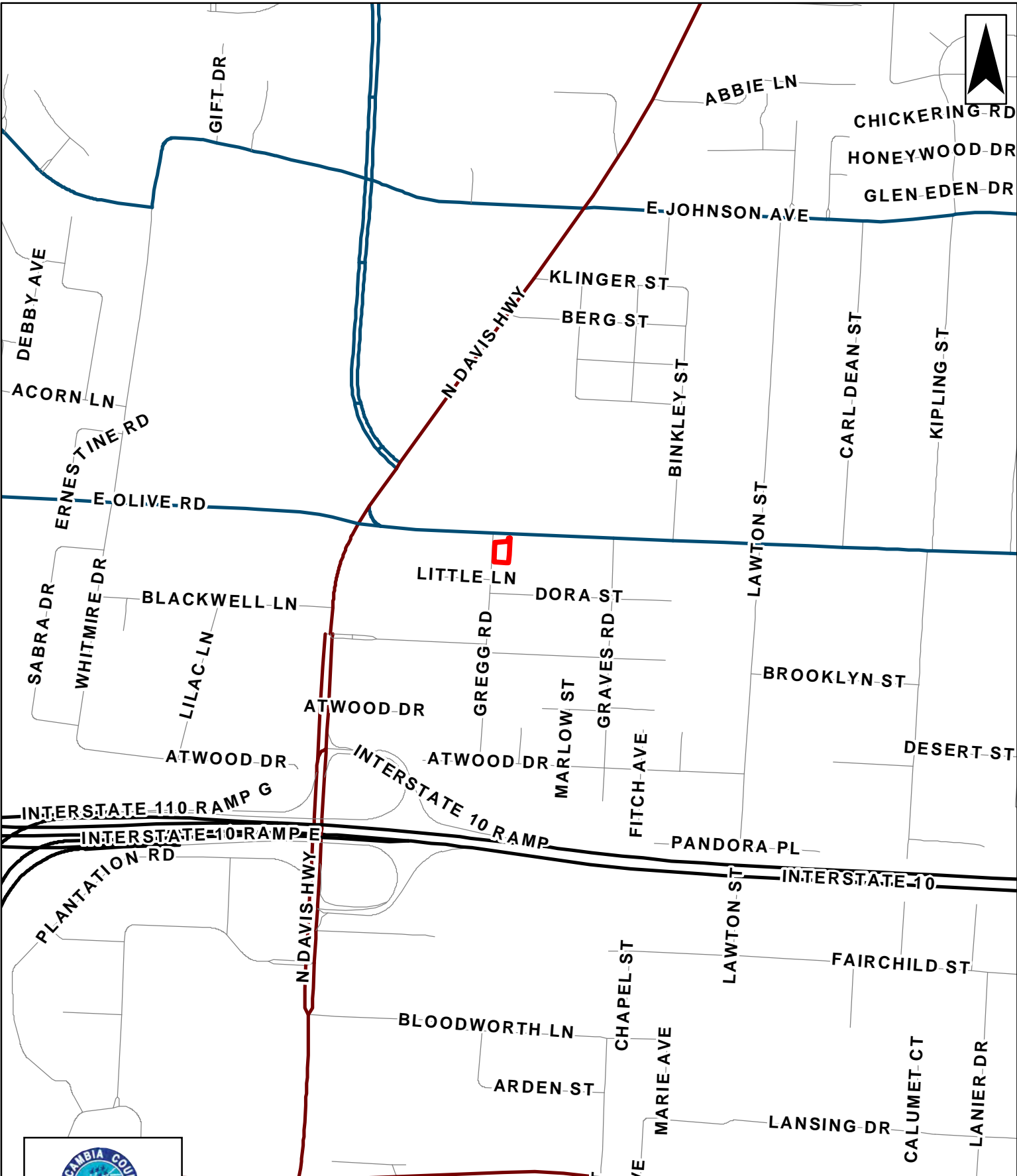
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Andrew Holmer
Planning and Zoning Dept.

CU-2012-12 500' RADIUS ZONING

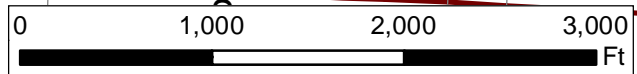







- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS




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 Andrew Holmer
 Planning and Zoning Dept.

CU-2012-12 LOCATION MAP



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

LETTER OF REQUEST FOR A CONDITIONAL USE CHANGE FOR 2105 E. OLIVE ROAD.

THE PROPERTY LOCATED ON THE CORNER OF OLIVE ROAD AND GREGG RD. IS A DEVELOPED PARCEL CONSISTING OF A SINGLE STORY BRICK BUILDING WITH 30 PAVED PARKING SPACES AND CURRENTLY OPERATED AS A PACKAGE STORE.

THE PROPERTY WAS OPERATED USING A 4-COP LICENSE FOR A NUMBER OF YEARS BUT WAS DOWNGRADED TO A 3-PS LICENSE AND USED ONLY FOR A PACKAGE STORE. THE COST OF MAINTAINING THE LICENSE IS LESS FOR THE 3-PS AND THE OWNER HAD NUMEROUS LOCATIONS TO PAY FOR.

THE ALCOHOL BEVERAGE DEPARTMENT ALLOWS FOR THE DOWNGRADE AND ALSO ALLOWS THE OWNER TO UPGRADE BACK TO A 4-COP WHEN THEY REQUEST IT. THE UPGRADE BACK TO THE 4-COP REQUIRES APPROVAL OF THE ZONING DEPARTMENT AND APPROVING THE CONDITIONAL USE I AM REQUESTING WOULD ALLOW THE UPAGADE.

THE PROPERTY AS IT EXIST OPERATES AS A PACKAGE STORE AND IS IN A COMMERCIAL AREA OF OTHER BARS, RESTAURANTS, AND SHOPPING CENTERS AND BUSINESS USES. THE PROPERTY AS I MENTIONED IS A CURRENT DEVELOPED PROPERTY.

I WOULD LIKE TO MENTION THAT A CONFIDENTIAL OFFER TO PURCHASE THIS PROPERTY FROM THE OWNERS OF O'RILEYS HAS BEEN AGREED TO BY BOTH PARTIES. O'RILEYS OPERATES OTHER LOCATIONS IN PENSACOLA AND IS A VERY BUSINESS ORIENTED OPERATION WHICH WILL IMPROVE THE APPERANCE AND OPERATION OF THE SUBJECT PROPERTY.

FOR THESE REASONS I ASK THAT THE BOARD OF ADJUSTMENT WILL APPROVE THE CONDITIONAL USE OF 2105 E. OLIVE ROAD.

09-10-2012

REZONING CRITERIA FOR 2105 E. OLIVE ROAD.

1. **CONSISTENCY WITH COMPREHENSIVE PLAN:** THE PROPOSED ADMENDMENT TO ALLOW A CONDITIONAL USE OF THE SUBJECT PROPERTY IS CONSISTENT WITH THE COMPREHENSIVE PLAN. THE CONDITIONAL USES OF C1 ALLOWS FOR A NUMBER OF USES SUCH AS DRIVE-IN OR DRIVE THRU RESTAURANTS, BARS AND NIGHTCLUBS, BOAT SALES, USED AUTO SALES, AUTO RENTAL AGENCIES ETC.
2. **CONSISTENCY WITH THE CODE:** THE PROPERTY IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE LAND DEVELOPMENT CODE. THE CURRENT ZONING IS C1 WHICH ALLOWS FOR A CONDITIONAL USE OF A BAR OR NIGHTCLUB.
3. **COMPATILIBITY WITH SURROUNDING USES:** THE PROPERTY IS SURROUNDED BY NUMEROUS COMMERCIAL USES IN THE AREA, SUCH AS USED AUTO DEALER, BAR, RESTAURANT SERVING ALCOHOL, 2 SHOPPING CENTERS, MAJOR DRUG STORES, AUTO SERVICING BUSINESS AND OTHER COMMERCIAL USES.
4. **CHANGED CONDITIONS:** THE CONDITIONAL USE WOULD NOT CHANGE THE CONDITIONS SINCE THE SAME USE EXIST IN THE SAME AREA.
5. **EFFECT ON NATURAL ENVIROMENT:** THIS PROPERTY IS ALREADY DEVELOPED AND MEETS CURRENT COUNTY CRITERIA AND IS STILL AN OPERATING BUSINESS.
6. **DEVELOPMENT PATTERNS:** THE UNCONDITIONAL USE WOULD NOT BE OUTSIDE OR DIFFERENT TO ANY OF THE CURRENT DEVELOPMENT THAT EXIST IN THE AREA.



Development Services Department
Escambia County, Florida

APPLICATION

Please check application type:		<input checked="" type="checkbox"/> Conditional Use Request for: _____
<input type="checkbox"/> Administrative Appeal		<input 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: William R. Waller Phone: 850-221-6110
Address: 5389 Hamilton Ln. Pace, FL 32571 Email: RichLR@Bellsouth.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: 2105 E. Olive Rd, Pensacola FL 32514
Property Reference Number(s)/Legal Description: 1815305201001003 : Acd 022691000

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

LAWRENCE BRIDGEMAN
Printed Name Owner/Agent

9-7-2012
Date

William R. Waller
Signature of Owner

WILLIAM R. WALLER
Printed Name of Owner

9-7-2012
Date

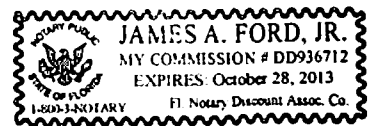
STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 7th day of September 2012
by William R. Waller

Personally Known OR Produced Identification Type of Identification Produced: FLDL

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

JAMES A. FORD, JR.
Printed Name of Notary



FOR OFFICE USE ONLY		CASE NUMBER: <u>CU-2012-12</u>
Meeting Date(s): <u>October 10, 2012</u>	Accepted/Verified by: <u>BL Wilson</u>	Date: <u>9-11-2012</u>
Fees Paid: \$ <u>1050.00</u>	Receipt #: <u>655978</u>	Permit #: <u>PBA120900024</u>



Development Services Department
Escambia County, Florida

FOR OFFICE USE:

CASE #:

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 1815305201001003

Property Address: 2105 E. Olive Rd Pensacola FL 32514

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 Section 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 7th DAY OF September, YEAR OF 2012.

Signature of Property Owner

William R. Waller

Signature of Property Owner

Printed Name of Property Owner

WILLIAM R. WALLER

Printed Name of Property Owner

Date

9-7-2012

Date



AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 2105 E Olive Rd Pensacola FL 32514,
Florida, property reference number(s) 1815305201001003

I hereby designate LAWRENCE RICHARDSON 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 7th day of September 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: LAWRENCE RICHARDSON Email: richlv@bellSouth.net

Address: 2299 SCENIC HWY M-4 PENSACOLA FL 32503 Phone: 850-449-9024

William R. Waller
Signature of Property Owner

WILLIAM R. WALLER
Printed Name of Property Owner

9-7-2012
Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF Florida COUNTY OF Escambia

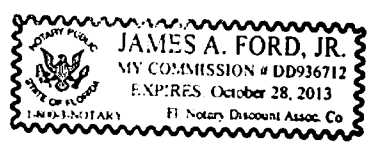
The foregoing instrument was acknowledged before me this 7th day of September 20 12,
by Lawrence Richardson.

Personally Known OR Produced Identification Type of Identification Produced: FLOL

[Signature]
Signature of Notary

James A. Ford, Jr.
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)
- 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. Rezoning: Boundary Survey of subject property to include total acreage, all easements, and signed & sealed by a surveyor registered in the state of Florida.
 - 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: _____

Escambia County Tax Collector

generated on 9/9/2012 1:31:17 PM CDT

Tax Record

Last Update: 9/9/2012 1:31:16 PM CDT

Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

Account Number		Tax Type		Tax Year	
02-2691-000		REAL ESTATE		2011	
Mailing Address WALLER WILLIAM R 5389 HAMILTON LN PACE FL 32571			Property Address 2105 E OLIVE RD GEO Number 181S30-5201-001-003		
Exempt Amount		Taxable Value			
See Below		See Below			
Exemption Detail		Millage Code		Escrow Code	
NO EXEMPTIONS		06			
Legal Description (click for full description) 181S30-5201-001-003 2105 E OLIVE RD BEG AT NW COR OF LT 3 E ALG N LI OF LT 20 FT FOR POB (SD PT IS ON EXTN OF E R/W LI OF GREGG RD) CONT ALG N LI OF LT 3 112 5/10 FT 89 DEG 42 MIN RT 215 13/100 FT 90 DEG 18 MIN RT See Tax Roll For Extra Legal					
Ad Valorem Taxes					
Taxing Authority	Rate	Assessed Value	Exemption Amount	Taxable Value	Taxes Levied
COUNTY	6.9750	196,295	0	\$196,295	\$1,569.26
PUBLIC SCHOOLS					
By Local Board	2.2400	196,295	0	\$196,295	\$441.27
By State Law	1.5730	196,295	0	\$196,295	\$1,044.95
SHERIFF	2.9850	196,295	0	\$196,295	\$134.46
WATER MANAGEMENT	0.0400	196,295	0	\$196,295	\$7.73
Total Millage		15.5215	Total Taxes	\$3,046.79	
Non-Ad Valorem Assessments					
Code	Levying Authority				Amount
NFP	FIRE (CALL 595-4960)				\$80.00
Total Assessments					\$80.00
Taxes & Assessments					\$3,126.79
If Paid By				Amount Due	
				\$0.00	
Date Paid	Transaction	Receipt	Item	Amount Paid	
3/30/2012	PAYMENT	74594.0001	2011	\$3,126.79	
Prior Year Taxes Due					
NO DELINQUENT TAXES					

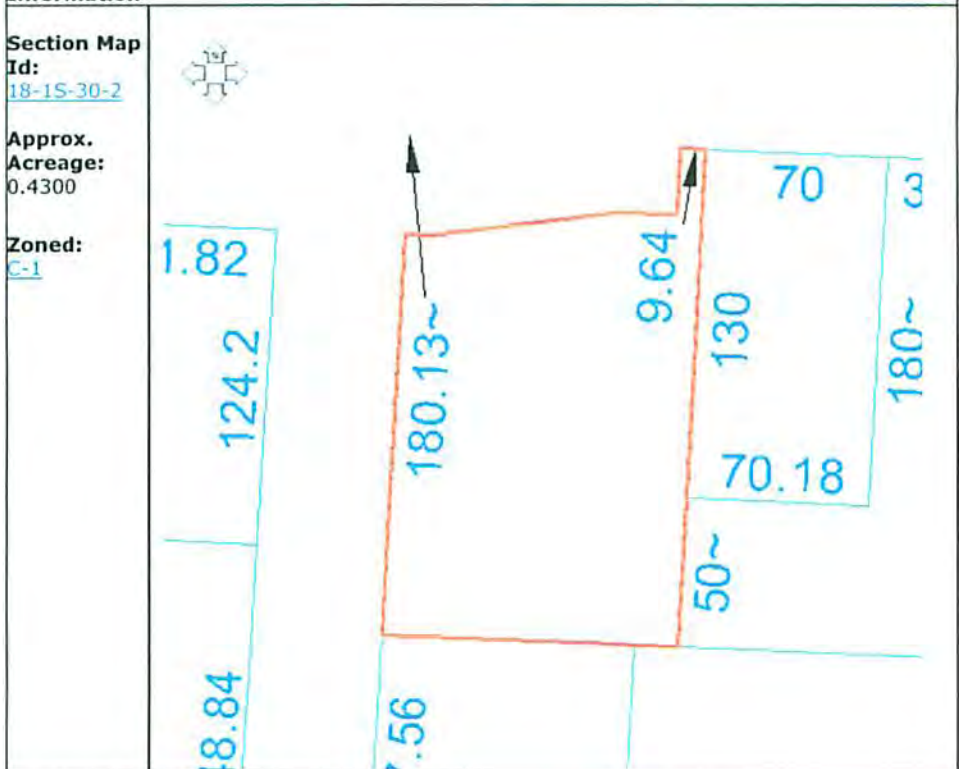
[Back](#)


Source: Escambia County Property Appraiser

[Restore Full Page Version](#)

General Information Reference: 181S305201001003 Account: 022691000 Owners: WALLER WILLIAM R Mail: 5389 HAMILTON LN PACE, FL 32571 Situs: 2105 E OLIVE RD 32514 Use Code: STORE, 1 STORY Taxing Authority: COUNTY MSTU Tax Inquiry: Open Tax Inquiry Window Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector		2012 Certified Roll Assessment Improvements: \$40,461 Land: \$153,316 Total: \$193,777 Save Our Homes: \$0 Disclaimer Amendment 1 Calculations																										
Sales Data		2012 Certified Roll Exemptions None																										
<table border="1"> <thead> <tr> <th>Sale Date</th> <th>Book Page</th> <th>Value</th> <th>Type</th> <th>Official Records (New Window)</th> </tr> </thead> <tbody> <tr> <td>12/2006</td> <td>6073 1939</td> <td>\$275,000</td> <td>QC</td> <td>View Instr</td> </tr> <tr> <td>12/2006</td> <td>6073 1717</td> <td>\$100</td> <td>CJ</td> <td>View Instr</td> </tr> <tr> <td>02/2005</td> <td>5579 114</td> <td>\$100</td> <td>CJ</td> <td>View Instr</td> </tr> <tr> <td>05/1995</td> <td>3766 688</td> <td>\$100</td> <td>CT</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)	12/2006	6073 1939	\$275,000	QC	View Instr	12/2006	6073 1717	\$100	CJ	View Instr	02/2005	5579 114	\$100	CJ	View Instr	05/1995	3766 688	\$100	CT	View Instr	Legal Description BEG AT NW COR OF LT 3 E ALG N LI OF LT 20 FT FOR POB (SD PT IS ON EXTN OF E R/W LI OF GREGG RD) CONT...		Extra Features ASPHALT PAVEMENT
Sale Date	Book Page	Value	Type	Official Records (New Window)																								
12/2006	6073 1939	\$275,000	QC	View Instr																								
12/2006	6073 1717	\$100	CJ	View Instr																								
02/2005	5579 114	\$100	CJ	View Instr																								
05/1995	3766 688	\$100	CT	View Instr																								

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



Buildings	
<div style="border: 1px solid black; padding: 2px;"> Building 1 - Address:2105 E OLIVE RD, Year Built: 1976, Effective Year: 1976 </div>	
<div style="border: 1px solid black; padding: 2px;"> Structural Elements FOUNDATION-SLAB ON GRADE EXTERIOR WALL-BRICK-FACE NO. PLUMBING FIXTURES-6.00 ROOF FRAMING-RIGID FRAME/BAR ROOF COVER-BLT UP MTL/GYP INTERIOR WALL-PANEL-PLYWOOD STORY HEIGHT-10.00 NO. STORIES-1.00 INTERIOR WALL-DRYWALL-PLASTER FLOOR COVER-TERRAZZO DECOR/MILLWORK-AVERAGE HEAT/AIR-CENTRAL H/AC STRUCTURAL FRAME-WOOD FRAME </div>	
<div style="border: 1px solid black; padding: 2px;"> Areas - 2052 Total SF BASE AREA - 1122 CANOPY - 270 CARPORT FIN - 462 UTILITY FIN - 198 </div>	
Images	



10/11/06



7/10/12

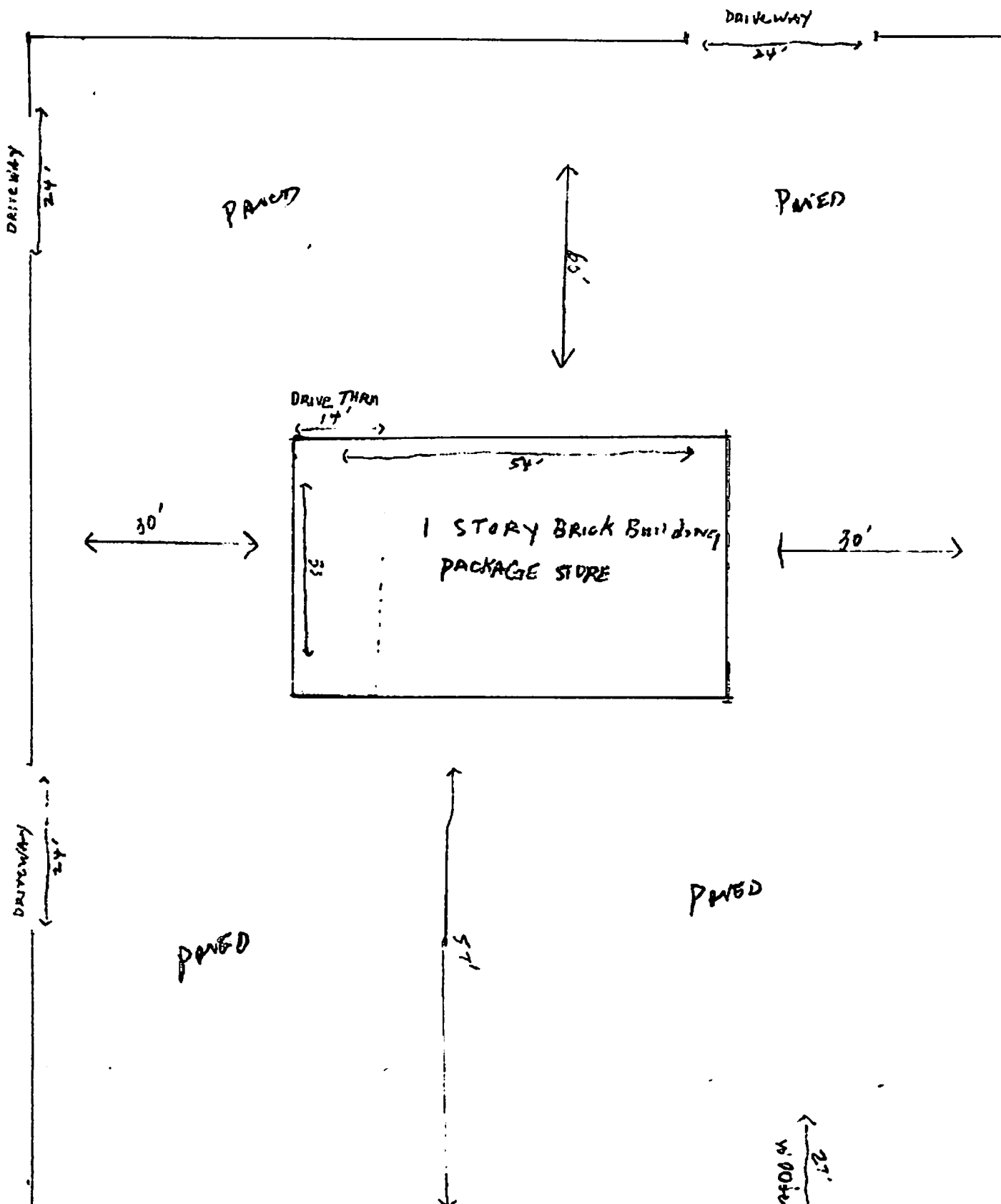
The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

Escambia County Property Appraiser
181S305201001003 - Full Legal Description

BEG AT NW COR OF LT 3 E ALG N LI OF LT 20 FT FOR POB (SD PT IS ON EXTN OF E R/W LI OF GREGG RD) CONT ALG N LI OF LT 3 112 5/10 FT 89 DEG 42 MIN RT 215 13/100 FT 90 DEG 18 MIN RT 112 5/10 FT TO PT ON EXTENDED E R/W LI OF GREGG RD 89 DEG 42 MIN RT 215 13/100 FT TO POB LESS R/W FOR OLIVE RD S/D OF SE 1/4 PLAT DB 100 P 494 OR 3766 P 688 OR 6073 P 1717/1939 LESS OR 3595 P 826 RD R/W

2105 E. OLIVE ROAD

GREGG RD



PARKING 30 SPACES INCLUDING AREA OF 23' PARKING



Property Map

[Need Help](#)



Map for Parcel Address: 2233 E Olive Rd Pensacola, FL 32514-6153. Parcel ID: 18-1S-30-5201-005-002

COPYRIGHT © 2012 COURTHOUSE RETRIEVAL SYSTEM. ALL RIGHTS RESERVED.
Information Deemed Reliable But Not Guaranteed.
Contact PAR at (850)434-5507 for Help.



Development Services Department
Building Inspections Division
 3363 West Park Place
 Pensacola, Florida, 32505
 (850) 595-3550
 Molino Office - (850) 587-5770

RECEIPT

Receipt No. : **563193**

Date Issued. : 09/11/2012

Cashier ID : VHOWENS

Application No. : PBA120900024

Project Name : N/A

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	8772	\$1,050.00	App ID : PBA120900024
		\$1,050.00	Total Check

Received From : richardson real estate / WALLER WILLIAM R LAWRENCE RICHARDSON

Total Receipt Amount : **\$1,050.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA120900024	655978	1,050.00	\$0.00	2105 E OLIVE RD, PENSACOLA, FL, 32514

Total Amount: 1,050.00

Balance Due on this receipt: \$0.00
 App: 563193 09/11/2012

Invoice Detail

Permit ID #: PLU120901312
Invoice #: 655634
Invoice Date: 09/05/2012 12:52:17

Period: FINAL
Fee Item: SITE INSPECTION ALCOHOL

~~CU-2012-12~~
CU-2012-12

Qty: 1.0
Fee: \$75.00

Total Fee: \$75.00

18-15-30-5201-001-003

449-9024

Larry Richardson

2105 E Olive

Rich LR Bell South.net

PBA 120900024

Parcel is in
Pensacola Regional Airport
overlay -
Height Restriction of
350' MU-U FLU
C1-Zoning
District 4
Property to the East
CU-2011-02

Board of Adjustment

6. F.

Meeting Date: 10/10/2012

CASE: CU-2012-13

APPLICANT: Emile T. Petro, Agent for
Stuart Kaplan and Gail
Taylor, Owners

ADDRESS: 5625 Segura Ave.

PROPERTY REFERENCE NO.: 143S322000001009

ZONING DISTRICT: C-1 Retail Commercial
District (cumulative)

FUTURE LAND USE: C, Commercial

OVERLAY DISTRICT: N/A

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

Applicant request a Conditional Use for the sale of boats in C-1.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section: LDC 6.05.14.c.9. Boat Sales

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

The parcel is located north of Gulf Beach Hwy between Sorrento road and Segura street. The existing structures within the parcel can be accessed from both. As this parcel has three existing structures, the new proposed use will have to meet all of the current Land Development Code requirements identified 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

Based on the site visit and the applicant's written request, it appears that the proposed use will

not have an adverse impact on the surrounding properties. Further review of the proposed project will be done during the Site Plan Review process.

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's documents stated that ECUA currently provides refuse service to the existing facilities.

CRITERION (4)

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

FINDINGS-OF-FACT

The applicant's documents stated that ECUA currently provides electricity to the existing facilities.

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

The proposed use will be reviewed for landscape and buffer standards 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

Based on the applicants written proposal, there will be no new signs on-site. Any request for additional signs must be permitted and meet all of the requirements in accordance with the 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

The proposed project will be reviewed for environmental impacts and stormwater management 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

From analysis of the zoning map and of the current existing land uses surrounding the site, it is staff's opinion that the proposed use of the property would be compatible with the existing adjacent commercial uses.

CRITERION (9)

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

FINDINGS-OF-FACT

The proposed Conditional Use is compatible with all other relevant provisions of the Land Development Code.

STAFF RECOMMENDATION

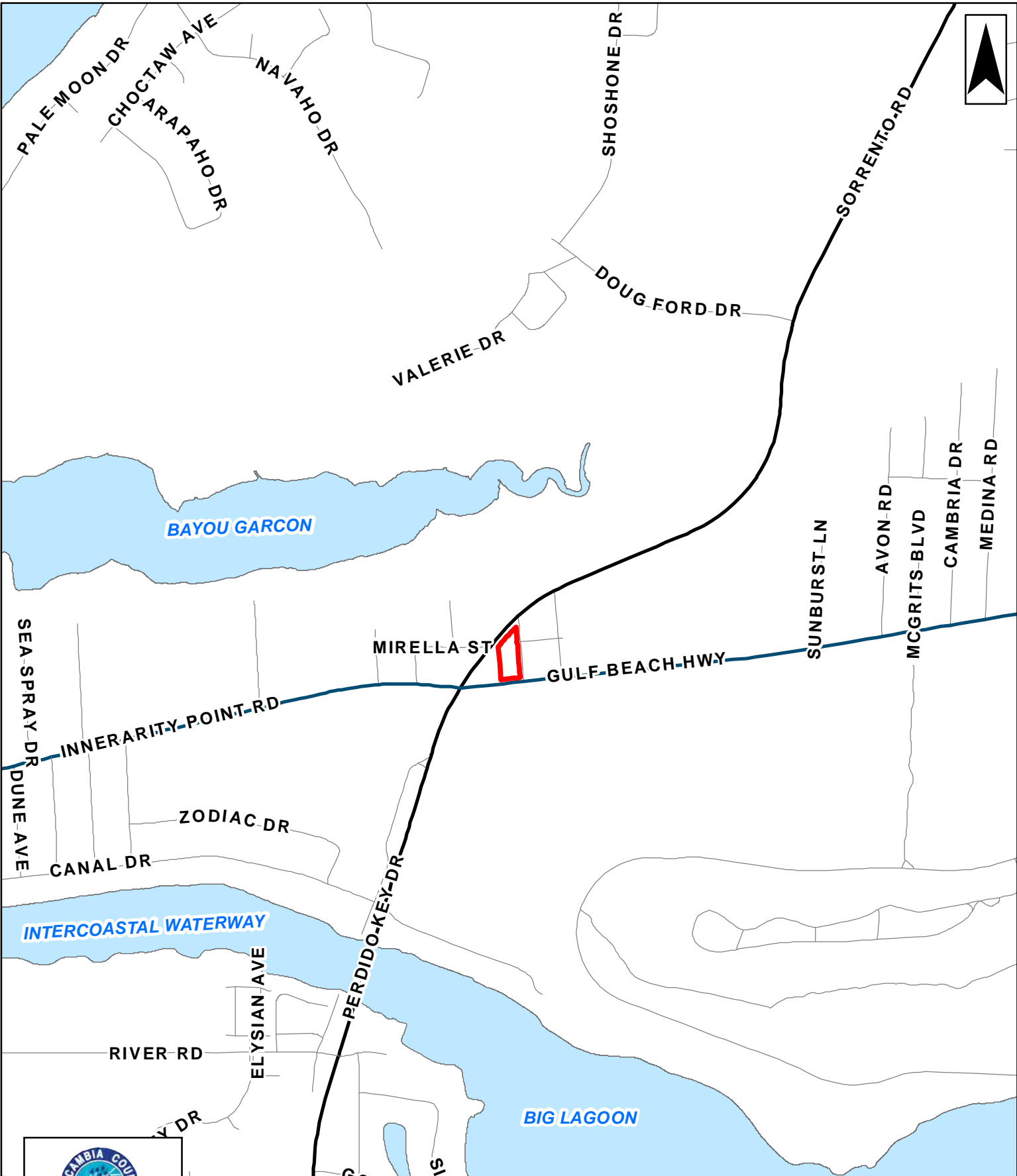
Staff recommends granting the conditional use request, pending Site Plan Review approval.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

CU-2012-13

CU-2012-13



CU-2012-13 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.



SDD

C-1

C-2

C-1

JACA AVE

CORINNA ST

SEGURA AVE

MIRELLA ST

C-2

MIRELLA ST

SORRENTO RD

GULF BEACH HWY

AYLLON AVE

INNERARITY POINT RD

C-2

C-1

REC

PERDIDO KEY DR

REC



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-2012-13 500' RADIUS ZONING



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



MU-S

MU-S

CORINNA ST

IACA AVE

SEGURA AVE

MIRELLA ST

MIRELLA ST

SORRENTO RD

AYLLON AVE

INNERARITY POINT RD

GULF BEACH HWY

MU-S

REC

PERDIDO KEY DR

REC



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Andrew Holmer
Planning and Zoning Dept.

CU-2012-13 FUTURE LAND USE



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



MIRELLA ST

SORRENTO RD

MIRELLA ST

SEGURA AVE

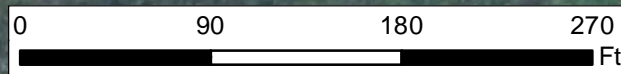
GULF BEACH HWY



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-2012-13 AERIAL MAP



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

CU-2012-13



1. Ingress & egress to property is from Gulf Beach Hwy, Sorrento & Segura. Double wide driveway. Parking for 18 vehicles.
2. None.
3. Refuse by ECUA
4. Electric provided by Gulf Power Company.
5. No buffers.
6. Sign in place for 11 years. On Gulf Beach Hwy side of building.
7. Will be none.
8. All other neighbors are comm. business. No impact.
9. No other requirements.

R. J. Barrington
 R. J. Barrington
 Accounting Manager
 850-492-7900

Emilio T. Petro, Jr.
 9/13/12



Brenda J Wilson

Brenda L. Wilson

9-13-2012

*Commission expires
 7-23-2016*

Emile Petro @ bell South Jet

APPLICATION

Please check application type:

Conditional Use Request for: BORT SALES

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: KAPLAN STUART R. & TAYLOR GAIL M. Phone: 850-492-7900

Address: 5625 SEGURA AVE, PENSACOLA, FL 32507 Email: KAPLANSTUB@GMAIL.COM

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: 5625-1 SEGURA AVE, PENSACOLA, FL 32507

Property Reference Number(s)/Legal Description: 143532200001009

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

STUART R. KAPLAN
Printed Name Owner/Agent

8-30-12
Date

[Signature]
Signature of Owner

GAIL M. TAYLOR
Printed Name of Owner

8-30-12
Date

STATE OF Florida

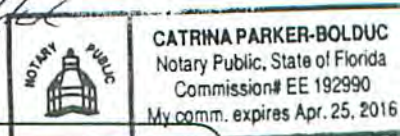
COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 30 day of August 20 12
by _____

Personally Known OR Produced Identification Type of Identification Produced: FI PL

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

CATRINA PARKER-BOLDUC
Printed Name of Notary



FOR OFFICE USE ONLY CASE NUMBER: CU-2012-13

Meeting Date(s): October 10, 2012 Accepted/Verified by: Brenda Wilson Date: 9-13-2012

Fees Paid: \$ 1050.00 Receipt #: _____ Permit #: _____

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 5625-1 SEGURA AVE, PENSACOLA, FL. 32507
Florida, property reference number(s) 143S32200001009

I hereby designate EMILE T. PETRO, JR. 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 30th 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: EMILE T. PETRO, JR. Email: EMILEPETRO@BELL SOUTH.NET
Address: 13700 RIVER ROAD, PENSACOLA, FL. 32507 Phone: 850-492-2588

Stuart R. Kaplan
Signature of Property Owner

Gail M. Taylor
Signature of Property Owner

STUART R. KAPLAN 8-30-12
Printed Name of Property Owner Date

GAIL M. TAYLOR 8-30-12
Printed Name of Property Owner Date

STATE OF Florida COUNTY OF ESCAMBIE
The foregoing instrument was acknowledged before me this 30 day of August 20 12
by _____

Personally Known OR Produced Identification . Type of Identification Produced: FL DL T460285505060
[Signature] CATRINA PARKER BOLDUC (Notary Seal)
Signature of Notary Printed Name of Notary





September 13, 2012

Escambia County Florida
Board of Adjustment
Pensacola, Florida

RE: Conditional Use of Property

To whom it may concern,

I am authorizing Mr. Robert J. Barrington, Accounting Manager of Ronin Corp., d.b.a Inside Out Furniture & Design, to be my representative at the October 10, 2012 meeting of the Board of Adjustments.

Sincerely yours,

Stuart R. Kaplan
5625 Segura Ave
Pensacola, Florida
850-492-7900 (office)

State of Florida

Came to and subscribed before me on the 13 of Sept, 2012.

by Stuart Kaplan

who Produced FDL

Notary [Signature]



5625 Segura Avenue
Pensacola, Florida 32507
888.492.2833
T 850.492.7900 F 850.492.2787
www.wefurnishdreams.com



Chris Jones

Escambia County Property Appraiser

[Real Estate Search](#) |
 [Tangible Property Search](#) |
 [Amendment 1 Calculations](#)

[Back](#)

Navigate Mode |
 Account |
 Reference

Printer Friendly Version

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">General Information</th> </tr> <tr> <td>Reference:</td> <td>143S322000001009</td> </tr> <tr> <td>Account:</td> <td>103981000</td> </tr> <tr> <td>Owners:</td> <td>KAPLAN STUART R & TAYLOR GAIL M</td> </tr> <tr> <td>Mail:</td> <td>5625 SEGURA AVE PENSACOLA, FL 32507</td> </tr> <tr> <td>Situs:</td> <td>5625 SEGURA AVE 32507</td> </tr> <tr> <td>Use Code:</td> <td>STORE, 1 STORY </td> </tr> <tr> <td>Taxing Authority:</td> <td>COUNTY MSTU</td> </tr> <tr> <td>Tax Inquiry:</td> <td>Open Tax Inquiry Window</td> </tr> <tr> <td colspan="2">Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector</td> </tr> </table>	General Information		Reference:	143S322000001009	Account:	103981000	Owners:	KAPLAN STUART R & TAYLOR GAIL M	Mail:	5625 SEGURA AVE PENSACOLA, FL 32507	Situs:	5625 SEGURA AVE 32507	Use Code:	STORE, 1 STORY	Taxing Authority:	COUNTY MSTU	Tax Inquiry:	Open Tax Inquiry Window	Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">2012 Certified Roll Assessment</th> </tr> <tr> <td>Improvements:</td> <td style="text-align: right;">\$219,622</td> </tr> <tr> <td>Land:</td> <td style="text-align: right;">\$166,312</td> </tr> <tr> <td>Total:</td> <td style="text-align: right;">\$385,934</td> </tr> <tr> <td>Save Our Homes:</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td colspan="2" style="text-align: center;">Disclaimer</td> </tr> <tr> <td colspan="2" style="text-align: center;">Amendment 1 Calculations</td> </tr> </table>	2012 Certified Roll Assessment		Improvements:	\$219,622	Land:	\$166,312	Total:	\$385,934	Save Our Homes:	\$0	Disclaimer		Amendment 1 Calculations	
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Parcel Information |
 [Restore Map](#) |
 [Get Map Image](#) |
 [Launch Interactive Map](#)

<p>Section Map Id: 14-3S-32-2</p> <p>Approx. Acreage: 1.1500</p> <p>Zoned: C-1</p>	
--	--

Buildings

Building 1 - Address:5625 SEGURA AVE, Year Built: 1986, Effective Year: 1986

Structural Elements

FOUNDATION-SLAB ON GRADE
EXTERIOR WALL-STUCCO
NO. PLUMBING FIXTURES-6.00
ROOF FRAMING-WOOD FRAME/TRUS
ROOF COVER-BLT UP MTL/GYP
INTERIOR WALL-DRYWALL-PLASTER
STORY HEIGHT-16.00
NO. STORIES-1.00
FLOOR COVER-CARPET
DECOR/MILLWORK-AVERAGE
HEAT/AIR-CENTRAL H/AC
STRUCTURAL FRAME-MASONRY PIL/STL



Areas - 9336 Total SF

BASE AREA - 9240

OPEN PORCH FIN - 96

Building 2 - Address:5625 SEGURA AVE, Year Built: 1998, Effective Year: 1998

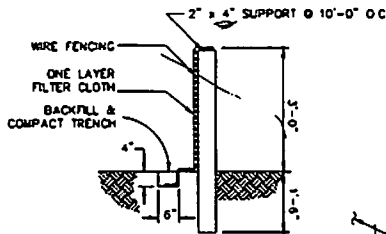
Structural Elements

FOUNDATION-SLAB ON GRADE
EXTERIOR WALL-METAL-MODULAR
ROOF FRAMING-STEEL TRUSS/FRM
ROOF COVER-METAL/MODULAR
INTERIOR WALL-DRYWALL-PLASTER
STORY HEIGHT-18.00
NO. STORIES-1.00
FLOOR COVER-CONCRETE-FINISH
DECOR/MILLWORK-BELOW AVERAGE
HEAT/AIR-CENTRAL H/AC
STRUCTURAL FRAME-RIGID FRAME

Areas - 3500 Total SF

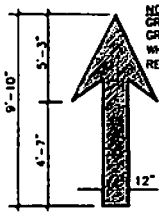
BASE AREA - 3500



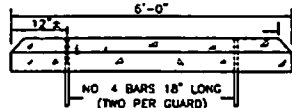


NOTE CONTRACTOR HAS OPTION TO BUILD ABOVE DETAILED SILT FENCE OR USE PRE-ASSEMBLED SILT FENCE. EROSION CONTROL IS TO BE CONSTRUCTED FIRST, STORMWATER POND IS SECOND, AND BOTH ARE TO BE IN-PLACE BEFORE ANY OTHER CONSTRUCTION IS BEGUN.

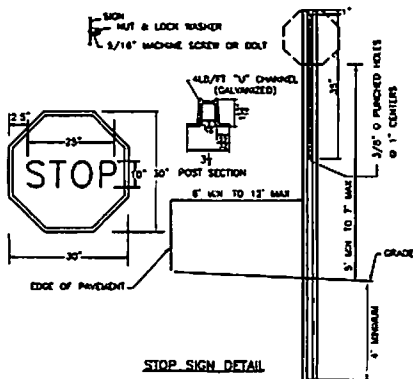
SILT FENCE DETAIL
NTS



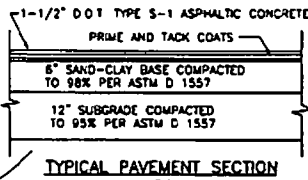
SEE FOOT TRAFFIC DESIGN STANDARDS, INDEX #17346, SHEET 1 OF 8
PAVEMENT ARROW DETAIL
NTS



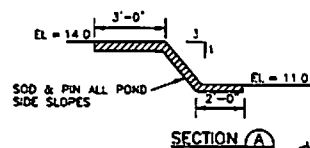
F.D.O.T. CONCRETE BUMPER GUARD
NTS



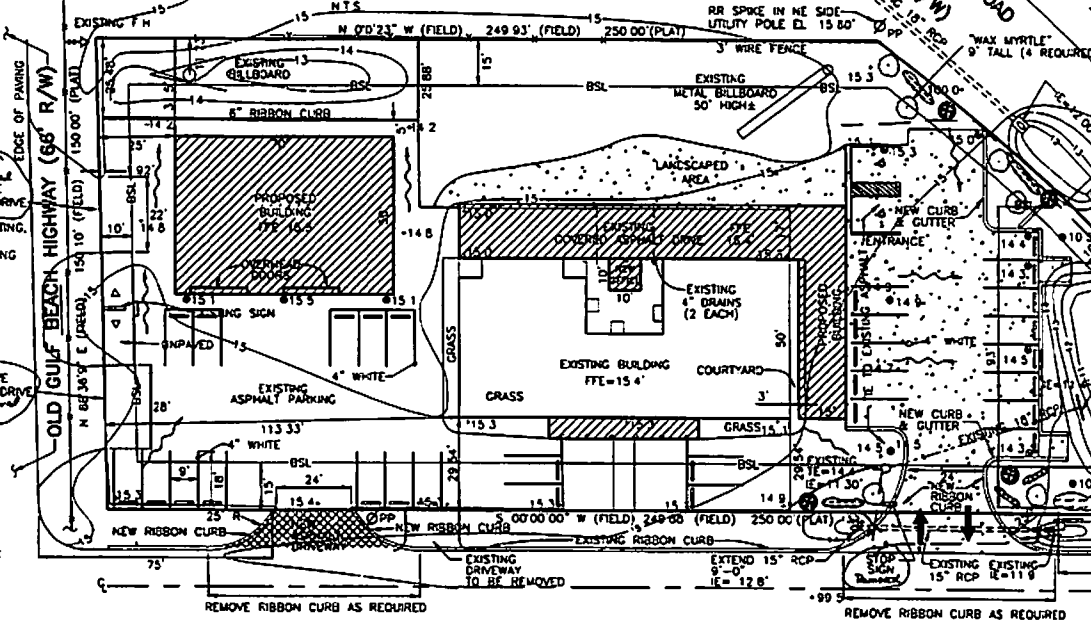
STOP SIGN DETAIL
NTS



TYPICAL PAVEMENT SECTION
NTS



SECTION A
NTS



GENERAL CONSTRUCTION NOTES

- GENERAL CONSTRUCTION NOTES TO BE USED BY THE CONTRACTOR FOR THIS PROJECT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- ALL UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO CONSTRUCTION.
- PROTECT ALL EXISTING UTILITIES AND STRUCTURES FROM DAMAGE DURING CONSTRUCTION.
- MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- USE BEST PRACTICES FOR EROSION CONTROL AND SILT FENCE INSTALLATION.
- PROTECT ALL EXISTING TREES AND LANDSCAPING.
- INSTALL ALL CURBS AND GUTTERS ACCORDING TO SPECIFICATIONS.
- PAVEMENT SHALL BE INSTALLED AND FINISHED ACCORDING TO THE TYPICAL PAVEMENT SECTION.
- ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
- PROTECT ALL EXISTING UTILITIES AND STRUCTURES FROM DAMAGE DURING CONSTRUCTION.
- USE BEST PRACTICES FOR EROSION CONTROL AND SILT FENCE INSTALLATION.
- PROTECT ALL EXISTING TREES AND LANDSCAPING.
- INSTALL ALL CURBS AND GUTTERS ACCORDING TO SPECIFICATIONS.
- PAVEMENT SHALL BE INSTALLED AND FINISHED ACCORDING TO THE TYPICAL PAVEMENT SECTION.
- ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.

LANDSCAPE PLAN

PROVIDE 2 GAL MYRTLE TREES, 1 GRAPE MYRTLE & 8 AZALEA'S PER 100' OF FRONTAGE ON SORRENTO ROAD & SEGURA AVE FROM N.E. PROPERTY LINE TO JUST PAST NEW BOUNDARY OPPOSITE WIRELLA STREET (EXC. CO. STANDARD A-3)

PROJECT INSIDE OUT FURNITURE		ADDRESS 5825 SEGURA AVE	
TOTAL SITE ACREAGE 48,787 SF = 1.12 ACRES			
SUPERVISED AND PERVIOUS AREA			
	EXISTING	PROPOSED	TOTAL
BUILDING	4628	0	8718
SIDWALK(S)	0	0	0
PARKING (ON/OFF)	21,387	0	9434
TOTAL IMPERVIOUS (INC. BLDG'S)	28,015	0	12,170
LANDSCAPE AREA	32,772	0	-9434
PERCENTAGE OF LANDSCAPE	46.68	0	22.48
PARKING REQUIREMENTS			
COMMERCIAL AREA INCLUDING ADDITIONS=	7844 SF		
NEW 8' X 12' WAREHOUSE=	3200 SF		
7844 SF / 1 SPACE / 300=	26	SPACES	
3200 SF / 1 SPACE / 1000 SF=	3.2	SPACES	
30 SPACES REQUIRED - 30 SPACES PROVIDED			
LANDSCAPE REQUIREMENTS			
TREES	EXISTING	PROPOSED	NET
	0	0	13
SITE INFORMATION			
ZONING	C-1	FLU	C
ADJACENT ZONING	C-1	ADJACENT FLU	C
PROPERTY REFERENCE NUMBER	14-35-32-2000-001-009		
SETBACKS FRONT = 15	SIDE = 10	REAR = 15	

Board of Adjustment

6. G.

Meeting Date:

10/10/2012

CASE:

CU-2012-14

APPLICANT:

Gil Osterloh, Agent for Ensley Shopping Center LTD

ADDRESS:

60 W Nine Mile Rd

PROPERTY REFERENCE NO.: 08-1S-30-3201-046-005

ZONING DISTRICT: C-2, General Commercial and Light Manufacturing District

FUTURE LAND USE:

C, Commercial

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

The Applicant is seeking Conditional Use approval for on premise alcohol consumption within a thousand feet of a child care facility.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section 7.14.01.E

E. Conditional use. The Board of Adjustment (BOA) may approve a conditional use for the sale of alcohol within 1,000 feet of a place of worship if it finds that all of the following required applicable conditions exist. Also, for purposes of this section only, a child care or day care facility shall not be treated as an educational facility and the BOA may approve a conditional use for the sale of alcohol within 1,000 feet radial spacing of the child care or day care facility if the BOA finds all the following conditions apply:

CRITERIA

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section 7.14.01.E.

CRITERION (1)

The applicant will suffer undue hardship by the literal application of the Code.

FINDINGS-OF-FACT

The tenant in this building has multiple restaurant locations in the local area with on premise alcohol sales. While these restaurants do offer take out, they are dine in facilities. The lack of alcohol sales at this location would create a hardship relative to their other locations and area competition.

CRITERION (2)

The authorization of the conditional use will not impair the 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

The proposed conditional use will not impair the 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 (3)

The conditional use will not, in any manner, alter other provisions of this Code or the Comprehensive Plan, except this Code and the plan may be amended in the manner prescribed by law.

FINDINGS-OF-FACT

The proposed conditional use will not, in any manner, alter other provisions of this Code or the Comprehensive Plan, except this Code and the Plan may be amended in the manner prescribed by law.

CRITERION (4)

The subject property is oriented to have the minimum impact on the surrounding properties.

FINDINGS-OF-FACT

Staff finds that the property is self contained and oriented to have the minimum impact on the surrounding properties.

CRITERION (5)

Adequate ingress and egress to the subject property and proposed or existing 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 is addressed.

FINDINGS-OF-FACT

Staff finds that the site does meet this criterion and all applicable land development code regulations

CRITERION (7)

The proposed establishment's general compatibility with adjacent properties and other property in the immediate area is adequately addressed.

FINDINGS-OF-FACT

The restaurant is compatible with the surrounding C-2 zoning and uses, and the addition of on premise consumption would not alter that compatibility.

CRITERION (8)

The proposed use is consistent with all other relevant provisions of this Code.

FINDINGS-OF-FACT

Staff finds that the proposed use is consistent with all other relevant provisions of this Code.

CRITERION (9)

The establishment meets the requirements to qualify as a responsible vendor as outlined in F.S. § 561.705, as amended.

FINDINGS-OF-FACT

The proposed establishment must participate in the State of Florida's responsible vendor program.

CRITERION (10)

For establishments seeking a conditional use to sell alcohol for off-premises consumption, the establishment meets the requirements for a 3PS (beer, wine, and liquor) license as described in F.S. § 565.02(1)(a), as amended.

FINDINGS-OF-FACT

Not applicable.

CRITERION (11)

For establishments seeking a conditional use to sell alcohol for on-premises consumption, the establishment meets the requirements for a state issued alcohol license for on premises consumption.

FINDINGS-OF-FACT

The operator will meet this criterion as they have for their other area locations.

RECOMMENDATION

Staff finds that the applicant does meet all of the requirements to allow on premise alcohol consumption at this restaurant and recommends approval of the conditional use.

Attachments

CU-2012-1

Gil Osterloh
Ensley Shopping Center Ltd.
11275 US Hwy 98 Ste. 6-249
Destin, FL 32550

September 20, 2012

Re: Conditional Use request for 60 W Nine Mile Rd

Andrew Holmer
Escambia County Senior Urban Planner
3363 West Park Place
Pensacola, FL 32504

Dear Mr. Holmer,

I represent the property owner of 60 W Nine Mile Rd. in Pensacola, Ensley Shopping Center, Ltd., as its agent (power of attorney attached) in this request to the Board of Adjustment to grant a conditional use for the issuance of a 4COP SRX special restaurant alcoholic beverage license for the sale of alcohol for consumption on premise at said address.

Ensley Shopping Center, Ltd. has leased the building at 60 W Nine Mile Rd, formerly a Kentucky Fried Chicken, to the successful Shrimp Basket restaurant chain. The tenant has recently completed, with the full approval of Escambia County, a complete renovation of the building and has converted it into a full-service sit-down restaurant operation. During the application process to procure the same type of special restaurant alcoholic beverage license that is in place at all of the other Shrimp Basket locations in Florida it was discovered that this newest Shrimp Basket at 60 W Nine Mile Rd. may be within 1000 feet of a child care facility. I believe my measurements, using Google Earth, placed the day care approximately 950 feet away from the Shrimp Basket's front entrance by way of ordinary pedestrian travel.

I have 32 years of experience in the food and beverage industry with the last 17 years working as a consultant and lobbyist for full service restaurant chains. Almost every full service sit-down restaurant chain has to provide alcoholic beverages for consumption on premises in order to economically survive. It may seem on the surface that the loss of a few beer or wine sales would not be so catastrophic to a restaurant but it becomes very apparent when it is realized that the establishment could lose an entire dinner order for a group of four if just one of those diners chooses to go to a place that offers alcoholic beverages for consumption on premise. It is my professional opinion that both the Shrimp Basket and Ensley Shopping Center Ltd. will suffer undue hardship by the literal application of the Code if the Shrimp Basket is not able to sell alcoholic beverages for consumption on premise. All of the other Shrimp Basket locations in the United States, including the three existing locations in Pensacola, provide alcoholic beverages for consumption on premise. Failure to provide such at the new location at 60 W Nine Mile Rd. would cause confusion with its customer base and loss of income due to customers that seek out other establishments that do offer on premise consumption of alcohol. If the Shrimp Basket is unable to effectively compete in its market it will lose income and the ability to stay open or either choose to move to another location that does offer the ability to sell alcohol for consumption on premise. Ensley Shopping Center would thus suffer an undue hardship through the loss of a very viable long-term tenant. Without the granting of this conditional approval, future lease prospects would be dim.

The authorization of this conditional use will not impair the 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 because all of these concerns were adequately addressed in the plan review process for the renovation of the building into a full service Shrimp Basket restaurant. The Shrimp Basket chain opened its first restaurant in Pensacola seven years ago and now operates three full service Shrimp Baskets that provide alcohol for consumption on premise. They have evidenced that they meet all codes and license requirements and they have never been cited for any of the beforementioned concerns. This new location at 60 W Nine Mile Rd. will carry on that tradition.

This conditional use will not, in any manner, alter other provisions of this Code or the Comprehensive Plan, except this Code and the plan may be amended in the manner prescribed by law. Allowing the sale of alcoholic beverages for consumption on premise at this location under a 4COP SRX special restaurant license is consistent with the Code and Comprehensive Plan of Escambia County and follows what other establishments of this type are allowed to do by law.

The subject property, 60 W Nine Mile Rd., is oriented to have the minimum impact on the surrounding properties. It is located on a major thoroughfare and is bounded by large commercial shopping centers. The allowance of alcoholic beverages for consumption on premise at a building that is already approved for full service restaurant use at this subject property would have the least minimum impact possible.

Adequate ingress and egress to the subject property and the renovation of the structure that sits on the property 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 has been addressed, and all submissions approved, with Escambia County. The building and renovation plans for 60 W Nine Mile Rd were submitted to Escambia County as a full service Shrimp Basket restaurant in the same manner as the other Shrimp Basket locations in Pensacola and was approved as such by the County.

There are no expected adverse impacts such as noise, glare, smoke, odor, or other harmful effects of the proposed establishment on the adjoining properties and properties generally in the district as this same type of establishment has been in operation in Pensacola since 2005 with no such adverse impacts being witnessed, recorded, or reported. The Shrimp Basket is not a late night operation that generates adverse noise levels and proper ventilation and grease traps prevent any offensive odors from being released.

The proposed establishment's general compatibility with adjacent properties and other property in the immediate area was adequately addressed, and approved by, Escambia County Planning and Zoning. The approved proposal was for a full service Shrimp Basket restaurant that would operate in the same manner and with the same menu as the other Shrimp Baskets in the area.

The proposed use, a Shrimp Basket full service restaurant with on premise consumption of alcohol, is consistent with all other relevant provisions of the Code and was approved as such by the County.

The establishment meets the requirements to qualify as a responsible vendor as outlined in F.S. 561.705, as amended, and will utilize the training program offered by Beverage Law Professionals, which is a leading provider of responsible vendor programs in Florida.

The establishment meets all requirements of the Division of Alcoholic Beverages and Tobacco for the issuance of a 4COP SRX special restaurant alcoholic beverage license. The covered space of the square footage of the building exceeds 2500 square feet and the seating capacity is 150 persons.

Both Ensley Shopping Center Ltd. and Shrimp Basket acknowledge that before any conditional use is approved or approved with conditions, the BOA shall make written findings, based on competent and substantial evidence, certifying compliance with specific rules governing such individual conditional

uses, and stating that satisfactory provisions and/or arrangements have been made concerning the applicable criteria above.

Given the above, I respectfully request that the Board of Adjustments grant a conditional use for on premise consumption of alcoholic beverages under a 4COP SRX special issue alcoholic beverage license for the property located at 60 W Nine Mile Rd. in Pensacola.

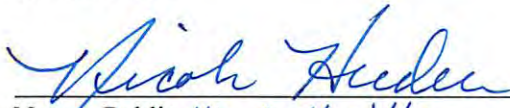
Sincerely,



Gil Osterloh
Agent for Ensley Shopping Center Ltd.

State of Florida
County of Walton

The foregoing instrument was acknowledged before me this 20th day of September, 2012 . This individual is personally known to me or provided Florida Driver License as identification.



Notary Public *Nicole Huddle*

My commission expires: *4/29/2016*



NICOLE HUDDLE
MY COMMISSION # EE 193839
EXPIRES: April 29, 2016
Bonded Thru Budget Notary Services

APPLICATION

Please check application type:
[] Administrative Appeal
[] Development Order Extension
[] Conditional Use Request for: 4COP SRX alcoholic beverage license within 1000 feet of a church or school
[] 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: ENSLEY SHOPPING CENTER LTD Phone: 850-380-7900
Address: 120 E MAIN ST. STE. A, PENSACOLA, FL 32502 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: 60 W NINE MILE RD., PENSACOLA, FL
Property Reference Number(s)/Legal Description: 081S303201046005

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 [Handwritten Signature]
GIL OSTERLOH
Printed Name Owner/Agent
9/19/12
Date

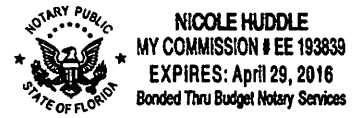
Signature of Owner
Printed Name of Owner
Date

STATE OF Florida COUNTY OF Walton

The foregoing instrument was acknowledged before me this 19 day of September 20 12, by Gil Osterloh

Personally Known [] OR Produced Identification [X] Type of Identification Produced: Florida Driver License

Signature of Notary [Handwritten Signature]
Nicole Huddle
Printed Name of Notary



FOR OFFICE USE ONLY
CASE NUMBER: CU-2012-14
Meeting Date(s): Accepted/Verified by: Date: 9-20-2012
Fees Paid: \$ Receipt #: Permit #:

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 60 W Nine Mile Rd., Pensacola,
Florida, property reference number(s) 081S303201046005
I hereby designate Gil Osterloh 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 20th day of September 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: Gil Osterloh Email: gil@beverage-law.com
Address: 11275 US Hwy 98 Ste. 6-249, Destin, FL 32550 Phone: 850-259-3541

Lianna M. Nash LIANNA M. NASH for ENSLEY SHOPPING CENTER LTD 9-20-12
Signature of Property Owner Printed Name of Property Owner 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 SEPTEMBER 20 12,
by LIANNA M. NASH.

Personally Known OR Produced Identification . Type of Identification Produced: _____
Marie Price MARIE PRICE (Notary Seal)
Signature of Notary Printed Name of Notary



APPLICATION ATTACHMENTS CHECKLIST

- X 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).
- X 2. Application/Owner Certification Form - Notarized Original (page 1) (signatures of ALL legal owners or authorized agent are required)
- N/A 3. Concurrency Determination Acknowledgment form - Original (if applicable) (page 2)
- X 4. Affidavit of Owner & Limited Power of Attorney form - Notarized Original (if applicable) (page 3) (signatures of ALL legal owners are required)
- X 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.
- X 6. Legal Description of Property Street Address / Property Reference Number
- X 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 1.1.10 & 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.
- X 10. Application fees. (See Instructions page for amounts) Payment cannot be accepted after 3:00pm.

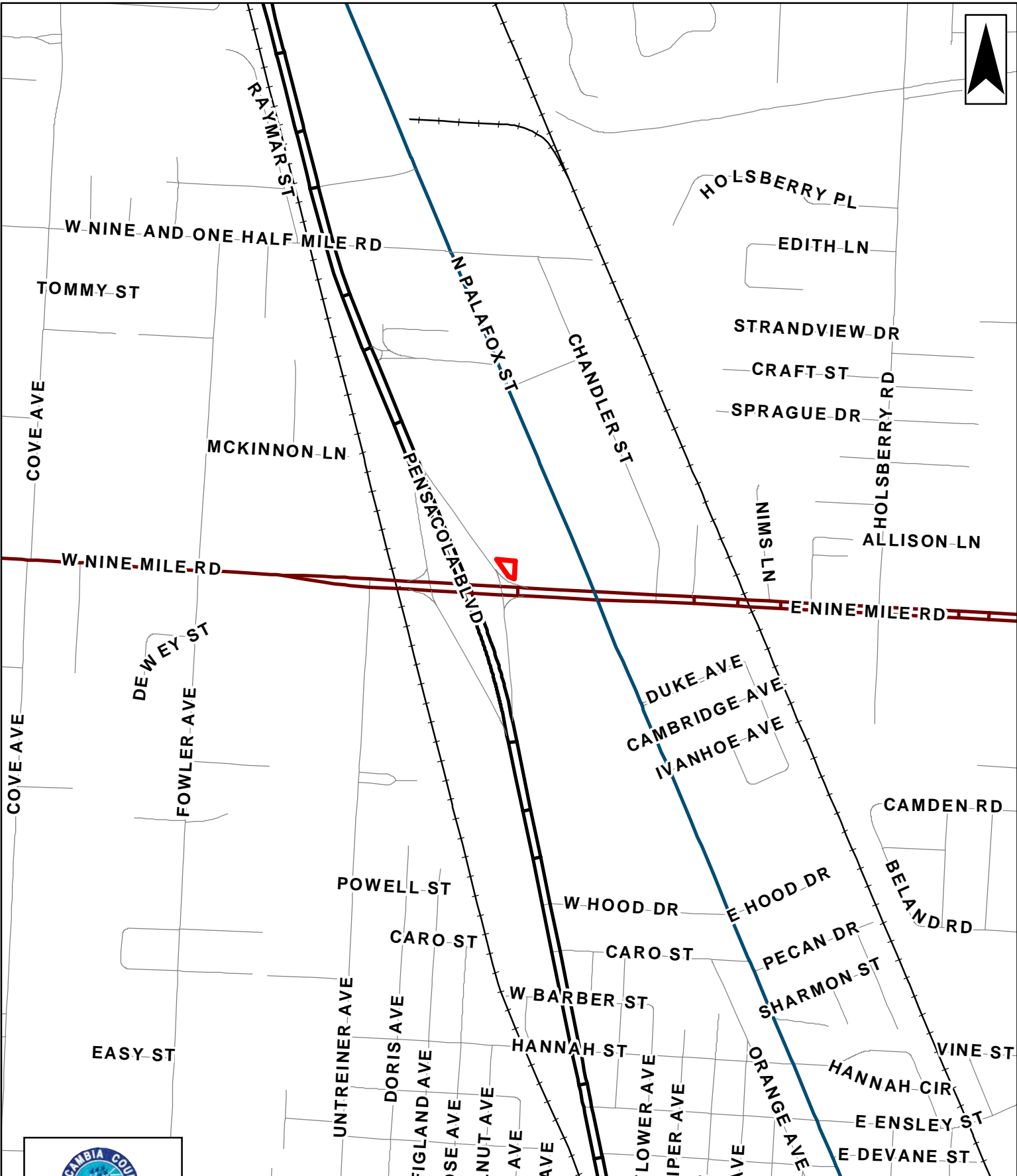
Please note: Forms with signatures dated more than sixty (60) days prior to application submittal will not be accepted as complete.

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: _____



W NINE AND ONE HALF MILE RD

TOMMY ST

COVE AVE

MCKINNON LN

W NINE MILE RD

DEWEY ST

FOWLER AVE

COVE AVE

EASY ST

T BLVD

RAYMAR ST

N PALAFOX ST

PENSACOLA BLVD

CHANDLER ST

HOLSBERRY PL

EDITH LN

STRANDVIEW DR

CRAFT ST

SPRAGUE DR

NIMS LN

HOLSBERRY RD

ALLISON LN

E NINE MILE RD

DUKE AVE

CAMBRIDGE AVE

IVANHOE AVE

CAMDEN RD

BELAND RD

POWELL ST

W HOOD DR

E HOOD DR

CARO ST

CARO ST

PECAN DR

UNTREINER AVE

DORIS AVE

FIGLAND AVE

SE AVE

NUT AVE

AVE

W BARBER ST

HANNAH ST

LOWER AVE

IPER AVE

AVE

ORANGE AVE

SHARMON ST

VINE ST

HANNAH CIR

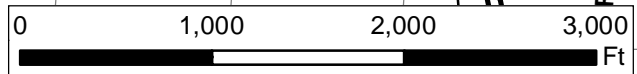
E ENSLEY ST

E DEVANE ST

PAGE ST

VANCE AVE

CU-2012-14 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-4

C-2

C-2

C-2

W NINE MILE RD

W NINE MILE RD

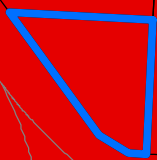
C-2

C-2

PENSACOLA BLVD

N PALAFOX ST

PENSACOLA BLVD



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-2012-14 500' RADIUS ZONING



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



MU-U

PENSACOLA BLVD

N. PALAFOX ST

W. NINE MILE RD

W. NINE MILE RD

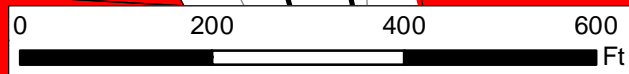
PENSACOLA BLVD



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-2012-14 FUTURE LAND USE



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









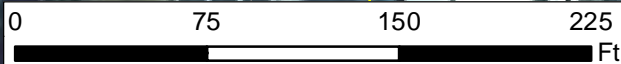
PENSACOLA BLVD

PENSACOLA BLVD

W-NINE MILE RD

CU-2012-14 AERIAL MAP

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

Janet Holley

Ad Valorem Taxes and Non-Ad Valorem Assessments

Escambia County Tax Collector

REAL ESTATE 2011 36679

Account Number	Payor	Exemptions	Taxable Value	Millage Code
01-4805-338		See Below	See Below	06

ENSLEY SHOPPING CENTER LTD
 120 E MAIN ST STE A
 PENSACOLA FL 32502

081S30-3201-046-005 60 W NINE MILE
 RD BEG AT INTER OF N LI OF LT 7
 BLK 5 PENSACOLA FARMLANDS S/D DB
 67 P 345 & WLY R/W LI SR 95-A(66
 FT R/W) S 24 DEG 02 MIN 55 SEC E
 ALG R/W LI 634 04/100 FT TO N R/W
 LI SR 10 (200 FT R/W) N 88 See Tax
 Roll For Extra Legal

Ad Valorem Taxes				
Taxing Authority	Rate	Exemption Amount	Taxable Value	Taxes Levied
COUNTY	6.9755		\$193,522	\$1,349.91
PUBLIC SCHOOLS				
By Local Board	2.2480		\$193,522	\$435.04
By State Law	5.5730		\$193,522	\$1,078.50
SHERIFF	0.6850		\$193,522	\$132.56
WATER MANAGEMENT	0.0400		\$193,522	\$7.74
Total Millage		15.5215	Total Taxes	
				\$3,003.75

Non-Ad Valorem Assessments		
Code	Levying Authority	Amount
NFP	FIRE (CALL 595-4960)	\$80.00
Total Assessments		\$80.00
Taxes & Assessments		\$3,083.75

TAX #08-15-30-3201-015-005
 ENSLEY SHOPPING CENTER LTD
 6565 NORTH "W" STREET, SUITE 260
 ESCAMBIA OFFICE PARK
 PENSACOLA, FLORIDA 32505

TAX #08-15-30-3201-046-005
 ENSLEY SHOPPING CENTER LTD
 6565 NORTH "W" STREET, SUITE 260
 ESCAMBIA OFFICE PARK
 PENSACOLA, FLORIDA 32505

TAX #08-15-30-3201-045-005
 ENSLEY SHOPPING CENTER LTD
 6565 NORTH "W" STREET, SUITE 260
 ESCAMBIA OFFICE PARK
 PENSACOLA, FLORIDA 32505

Shrimp Basket Ensley

RENOVATION

60 West Nine Mile Road
 CANTONMENT, FLORIDA 32533

LEGAL DESCRIPTION:

Commence at the intersection of the North line of Lot 7, Block 5, Pensacola Farmlands Subdivision, as recorded in Deed Book 67 at page 345 of the public records of Escambia County, Florida and the Westerly Right of Way line of State Road 95-A (66' R/W); thence South 24 degrees 02'55" East along said Right of Way line for a distance of 634.04 feet to the North Right of Way line of State Road 10 (200' R/W); thence North 88 degrees 02'55" West along said North Right of Way line for a distance of 564.20 feet to the Point of Beginning;
 Thence North 02 degrees 00'27" East for a distance of 248.93 feet; thence South 60 degrees 17'53" West for a distance of 186.60 feet to the East Right of Way line of an Acceleration Lane for U.S. Highway 29 (S.R. #95); thence South 36 degrees 48'00" East along said Right of Way for a distance of 173.26 feet; thence South 61 degrees 58'19" East along said Right of Way for a distance of 36.10 feet to said North Right of Way line of State Road 10; thence South 88 degrees 02'55" East along said Right of Way for a distance of 17.75 feet to the Point of Beginning.
 Containing 0.51 acres more or less and all lying and being in Section 8, Township 1 South, Range 30 West, Escambia County, Florida.
 Together with a non-exclusive easement for ingress, egress and access as set forth in a certain declaration of restrictive covenants and cross easements recorded in Official Record Book 2214 Page 22 of the Public Records of Escambia County.

The parcel shown for development is located within the following flood zone(s) as detailed by FEMA FIRM (Flood Insurance Rate Map) information described below:

Flood zone(s)	Community number	Map number	Panel number(s)	Suffix	Map Revision Date
X	120080	12033C	0295	F	February 23, 2000

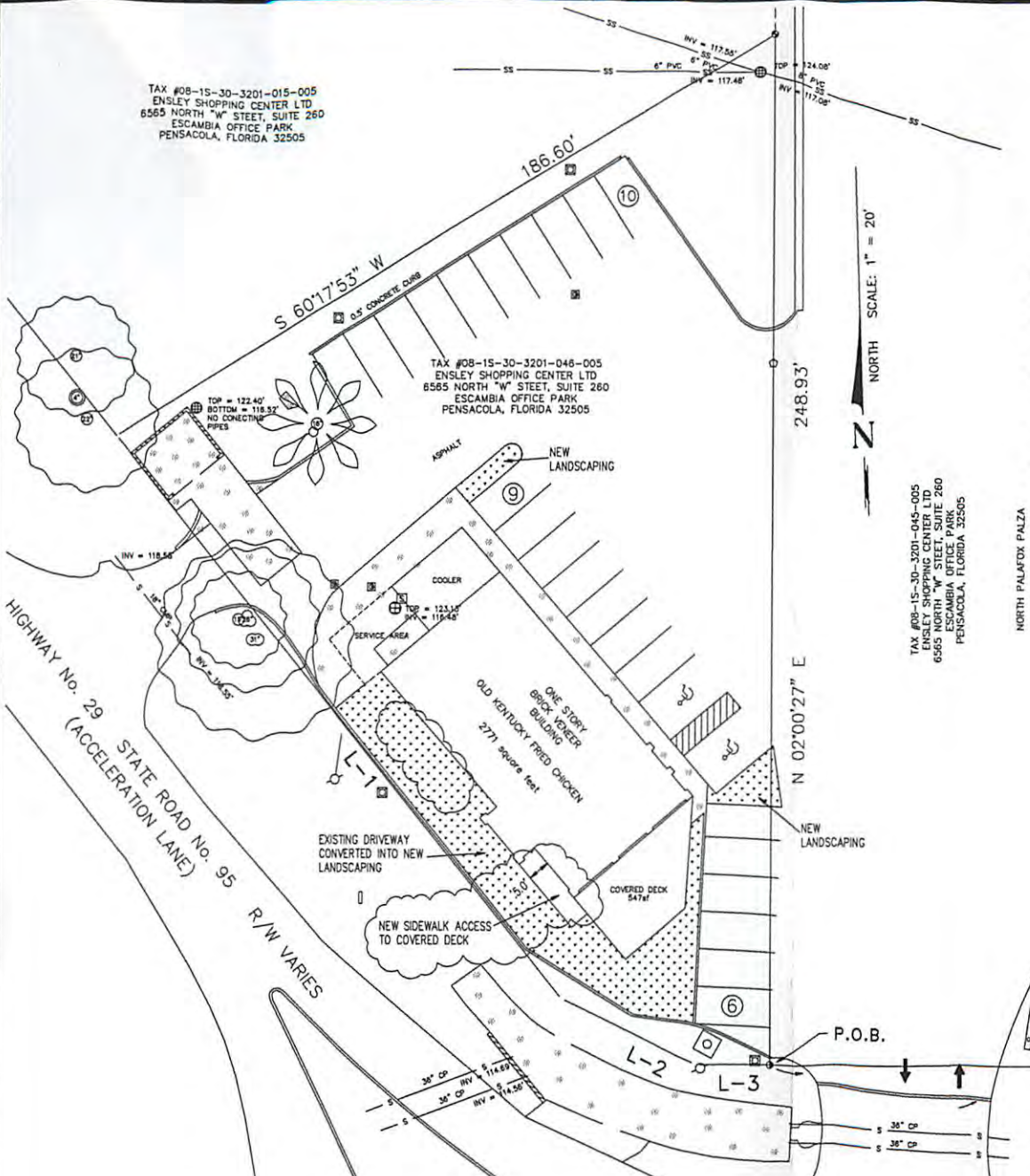
If site lies within more than one flood zone, please delineate & label each zone & include information in legend. Include all FEMA Panel #'s parcel falls within.

CONSTRUCTION NOTES:

- No deviations or revisions from these plans by the contractor shall be allowed without the design engineer both prior approval from and the Escambia County. Any deviations may result in delays in obtaining a certificate of occupancy.
- The contractor shall install prior to the start of construction and maintain during construction all sediment control measures as required to retain sediments on the site. Improper sediment control measures may result in code enforcement violation.
- All disturbed areas which are not paved are to be stabilized with seeding, fertilizer and mulch, hydroseed and/or sod. Ponds and swales tops and sides shall be sodded.
- The owner or his agen 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.
- Contractor shall notify Sunshine One Utilities 48 hours in advance prior to digging within R/W; 1-800-432-4770.
- Any damage to existing roads during construction will be repaired by the developer prior to final "asbuilt" sign off from the county.

SITE INFORMATION

TOTAL SITE ACREAGE:	0.51 ACRES - 22,412 SQ.FT.		
IMPERVIOUS and PERVIOUS AREA			
	EXISTING	CHANGE	TOTALS
BUILDING	2771sf	0sf	2771sf
SIDEWALK(S)	592sf	-167sf	425sf
IMPERVIOUS PAVING	14,259sf	-1,310sf	12,949sf
GRAVEL (#57 STONE)	0sf	0sf	0sf
TOTAL IMPERVIOUS AREA	17,622sf	-1,477sf	16,145sf
TOTAL PERVIOUS/LANDSCAPE AREA	4,790sf	+1,477sf	6,267sf
PERCENTAGE OF LANDSCAPE	21%	+7%	28%



3/8" = 14'

REVISONS		
COUNTY COMMENTS		
NO.	DATE	
1	5/25/12	

GARY S. BISHOP, P.E.
 6010 JAMESON CIRCLE - PACE, FL 32571
 VOICE: (850) 712-7618 FAX: (866) 631-9483
 E-MAIL: gsbishop@yahoo.com

SHRIMP BASKET ENSLEY
 RENOVATION
 ESCAMBIA COUNTY FLORIDA

DRAWN BY: CSB	DESIGNED BY: CSB	CHECKED BY: CSB	PROJECT NO: -
		DATE: 5/7/2012	FILE NO: 1211 C1.DWG
		SCALE: 1" = 14'	SHEET: C1

THIS DRAWING IS THE PROPERTY OF GARY S. BISHOP, P.E. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT HIS WRITTEN CONSENT. PROJECT AND IS TO BE RETURNED UPON REQUEST.

Board of Adjustment
Meeting Date: 10/10/2012

6. H.

Attachments

[CU-2011-11 Packet](#)

[Judges Final Order](#)

CU-2011-11



DEVELOPMENT SERVICES STAFF FINDINGS-OF-FACT

**Conditional Use Case: CU-2011-11
October 19, 2011**

I SUBMISSION DATA:

APPLICANT: T. A. Borowski, Jr, Agent for East Hill Christian School, Inc.

PROJECT ADDRESS: 9100 Eight Mile Creek Road

PROPERTY REFERENCE NO.: 11-1S-31-1301-001-001

ZONING DISTRICT: R-1, Single-Family District

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

II REQUESTED CONDITIONAL USE:

The Applicant is seeking Conditional Use approval for the construction of a recreational facility in an R-1 Zoning district.

Conditional Use (CU-2006-28), was granted in 2006 for construction of an educational facility with athletic fields, but expired because construction was never commenced.

III RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section 6.05.05.C.12

C. *Conditional uses.*

12. Public parks and recreation facilities.

IV CRITERIA

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

CU-2011-11

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 to the site is proposed through Eight Mile Creek Road with a secondary possible access from Surrey Drive as a rear access solely to be used for service and emergency access. Access will be reviewed 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

Nuisance impacts from the proposed use as a recreational facility should be minimal and confined to the subject property.

CRITERION (3)

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

FINDINGS-OF-FACT

Solid waste service will be provided at the site and will be further addressed during the site plan review process.

CRITERION (4)

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

FINDINGS-OF-FACT

Water and electrical services will be provided for the proposed facility.

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

The applicant proposes a landscape buffer along the road frontage, as well as along the remaining three sides of the property. A fence is anticipated that will only be designed to prevent vehicular traffic.

When applicable, further review during the site plan review process will be needed to ensure the buffering requirements and other performance standards have been met, should this Conditional Use be granted.

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 signs will meet the standards delineated in Article 8 of the Escambia County Land Development Code. This requirement will be further reviewed during the site plan review process.

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 Wetlands Inventory there appears to be no wetlands on-site. Stormwater management and all other environment impacts 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 recreational facility will be compatible with the current land use and surrounding areas.

CRITERION (9)

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

FINDINGS-OF-FACT

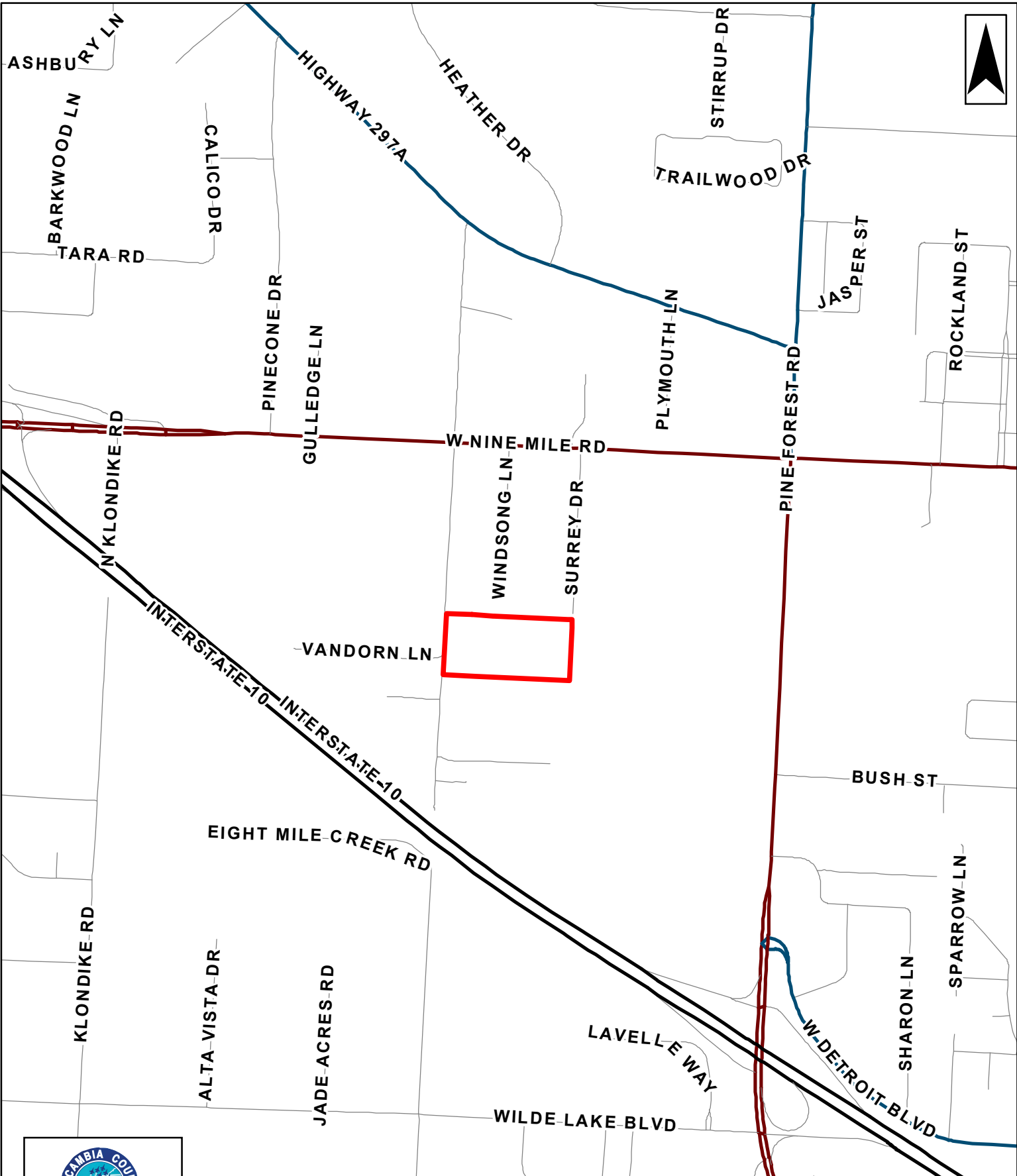

The proposed Conditional Use is consistent with all other relevant provisions of this Code.

Staff finds that the applicant has appropriately addressed the above requirements. The additional standards in this criterion will be further reviewed during the site plan review process.

V RECOMMENDATION

Staff recommends that the Board approve the proposed Conditional Use with the following condition:

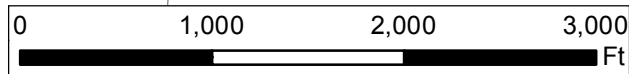
- Site plan approval by the Development Review Committee








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-2011-11 LOCATION MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



N EIGHT-MILE CREEK RD

WINDSONG LN

SURREY DR

VANDORN LN



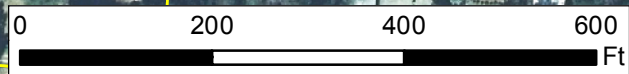
SOLO DOS FAMILIAF








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-2011-11 AERIAL MAP



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



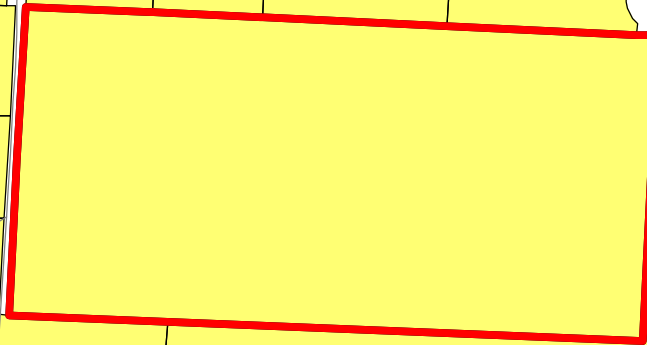
MU-U

MU-U

N EIGHT MILE CREEK RD

WINDSONG LN

SURREY DR



MU-U

MU-U

SOLO DOS FAMILIAF

MU-U

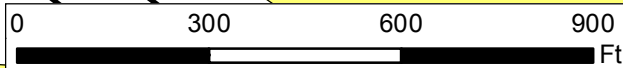
INTERSTATE 10



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Andrew Holmer
Planning and Zoning Dept.

CU-2011-11 FUTURE LAND USE



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



C-2

AG

C-2

N EIGHT MILE CREEK RD

WINDSONG LN

SURREY DR

AG

R-1

ID-1

R-R

C-2

R-1

SOLO DOS FAMILIAF

R-1

INTERSTATE 10

R-5

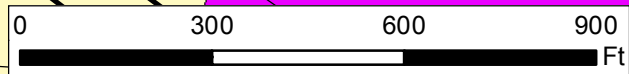
ID-1



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-2011-11 500' RADIUS ZONING



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

BOROWSKI & DUNCAN, P.A.

25 WEST CEDAR STREET, SUITE 525
PENSACOLA, FLORIDA 32502

T. A. BOROWSKI, JR.
ted@borowski-duncan.com

POST OFFICE BOX 12651
PENSACOLA, FLORIDA 32591-2651
PH (850) 429-2027 FAX (850) 429-7465

J. SCOTT DUNCAN
scott@borowski-duncan.com

September 8, 2011

Escambia County Board of Adjustment
3363 West Park Place
Pensacola, FL 32505

RE: East Hill Christian School, Inc.
9100 Eight Mile Creek Road
Partial ID 111S31-1301-001-001
Conditional Use Permit-Letter of Request

Dear Board of Adjustment:

This Letter of Request is submitted in support of East Hill Christian School, Inc.'s application for the issuance of a Conditional Use permit for the above referenced real property. The Conditional Use permit is required prior to allowing the construction of the East Brent Recreational Facility on the property that is located in an R-1 Zone. A Conditional Use was granted in 2006 for the purposes of constructing an educational facility with athletic fields (CU-2006-28), but said Conditional Use Permit expired as construction was never commenced. East Hill Christian School has contracted to sell the property to East Brent Baptist Church for the purposes of constructing the recreational facility, and the contract is conditioned upon the grant of a Conditional Use Permit. The criteria necessary to grant a Conditional Use Permit, as set forth in the Escambia County Land Development Code, are addressed below.

On-site Circulation: The proposed development is a recreational complex. Ingress and egress to the property is available via Eight Mile Creek Road that runs along the front (westerly) boundary of the property. The traffic flow and parking will be located on the west end of the property adjacent to Eight Mile Creek Road. Rear access is available from Surrey Drive, but is anticipated to be used solely for service and emergency access. Access to Eight Mile Creek Road shall be via State Highway 90 (Nine Mile Road).

Nuisance: The proposed facility is not anticipated to have any adverse impact on the adjoining properties generally in the district. Noise from sports events will occur largely during daylight hours and, in any event, will end at a reasonable hour of the evening. Lighting for the ball fields will be strategically located to minimize encroachment on nearby properties, and the Church will work with adjoining land owners and the county representatives during site plan review. The adjoining property to the east is a borrow pit with no residential structures; the

southern line is largely unimproved land, with the exception of a home located on Eight Mile Creek; and likewise, on the northern boundary there are only a few residences. Once the formal site plan process has commenced, a survey will identify precisely where these properties are located and dictate strategic placement of lightening to minimize any glare. Otherwise no smoke, odor, or other harmful effects (electrical interference, hazardous material, etc.) is anticipated.

Solid Waste: Solid Waste shall be handled by an onsite dumpster; refuse generated on site is anticipated to be limited to paper trash and items consistent with the operation of a concession stand. Removal will be by contracted trash removal services from receptacles managed by the Church.

Utilities: The utilities used shall be water, sewer, and electricity. All necessary utilities currently exist on site. Emerald Coast Utilities a (ECUA) maintains a three inch water line and a twelve inch sewage forced main on a right-of-way of North Eight Mile Creek Road.

Buffers: A landscape buffer shall be provided on the road frontage, as well as along the remaining three sides of the property. Although the site plan indicates a fence, it is anticipated that this will only be designed to prevent vehicular traffic.

Signs: Signs identifying the East Brent Recreational Facility shall be provided along the road frontage on Eight Mile Creek Road; a directional sign will be sought to be located at the Eight Mile Creek and State Highway 90 intersection.

Environmental Impact: The proposed development is within the twenty year time-travel contour of the new ECUA water well. The wellhead protection reports should be provided to the Neighborhood Environmental Services Department as part of the Escambia County Development Review Committee application prior to the start of construction. Any protected trees on site will be protected from damage during construction with approved barriers, and to the extent removal of these trees is required, same will be done in accordance with the Escambia County Land Development Code. The Florida Department of Environmental Protection required storm water runoff shall be contained in a storm water retention pond to be constructed on the Southwestern portion of the property, which is consistent with the natural topography of the land in its current state.

Neighborhood Impact: The property will be compatible with adjoining properties and the properties in the surrounding area. The neighborhood is mixed residential and commercial, including a large borrow pit owned by Panhandle Paving and Grating located to the east of the property. Having a recreational facility in the community will add value to the surrounding properties and offers an added benefit to families with children in the local community, as well as the developments which have arisen in recent areas in the immediate area.

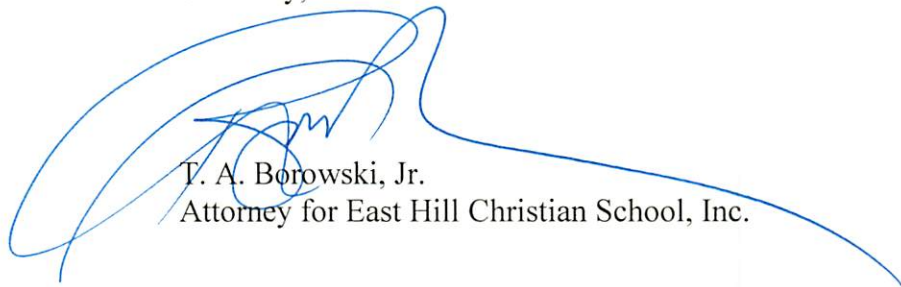
The site is located within the more highly accessible portions of the residential district. As a result of its proximity to State Highway 90 and Interstate 10, traffic along residential streets

other than the small portion of Eight Mile Creek Road leading to the site, is discouraged. The site is twelve hundred feet from the intersection of Eight Mile Creek Road and State Highway 90 and is only three quarters of a mile from the I-10 Interchange Exit 5. Residential traffic is also discouraged in the area due to the fact that Eight Mile Creek Road is not a through street south of State Highway 90.

Other Requirements of the Code: The proposed development will need to undergo a complete review by the Escambia County Development Review Committee to meet all requirements of Section 7 of the Escambia County Land Development Code prior to issuance of permits. The proposed building designs will undergo a complete review by the Escambia County Building Department and shall meet all requirements of the Florida Building Code for the proposed buildings' intended uses prior to issuance of a building permit. Florida Department of Environmental Protection and/or Northwest Florida Water Management District shall review, approve and permit the storm water management plan for the proposed project.

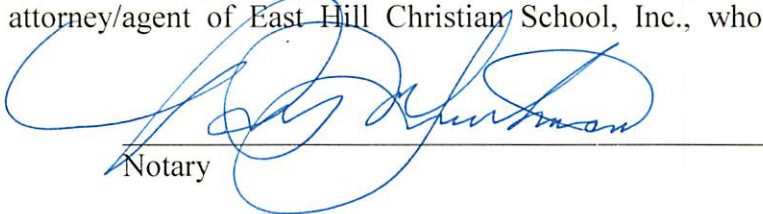
If any additional information is required, please do not hesitate to contact the undersigned.

Sincerely,



T. A. Borowski, Jr.
Attorney for East Hill Christian School, Inc.

This foregoing instrument was acknowledged before me this 8th day of September, 2011 by T. A. Borowski, Jr., as attorney/agent of East Hill Christian School, Inc., who is personally known to me.



Notary

APPLICATION

Please check application type: [X] Conditional Use Request for: Recreational Facility
[] 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: East Hill Christian School, Inc. Phone: 850-429-2027
Address: c/o T. A. Borowski, Jr., 25 W. Cedar St., Ste. 525, Pensacola, FL 32502 Email: ted@borowski-duncan.com

[] 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: 9100 Eight Mile Creek Road, Pensacola, FL 32516

Property Reference Number(s)/Legal Description: Sec. 11, Township 1-5, R 31W, 1301-001-001

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.

Handwritten signature of T. A. Borowski, Jr.

Signature of Owner/Agent

T. A. Borowski, Jr.
Printed Name Owner/Agent

9/7/11
Date

Signature of Owner

East Hill Christian School, Inc.
Printed Name of Owner

Date

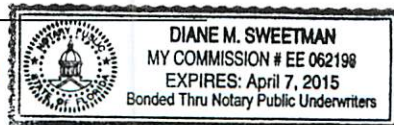
STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 7th day of September 20 11, by T.A. Borowski, Jr.

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

Handwritten signature of Diane M. Sweetman
Signature of Notary
(notary seal must be affixed)

Diane M. Sweetman
Printed Name of Notary



FOR OFFICE USE ONLY

CASE NUMBER: CU-2011-11

Meeting Date(s): 10-19-11 Accepted/Verified by: KSS/ADH Date: 9/8/11

Fees Paid: \$ 1050.00 Receipt #: Permit #: PBA 110900020

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 9100 Eight Mile Creek Road, Pensacola,
Florida, property reference number(s) 11 15 31-1301-001-001

I hereby designate T.A. Borowski, Jr. 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 7TH day of SEPTEMBER the year of, 2011, 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: T.A. Borowski, Jr. Email: ted@borowski-duncan.com
Address: 25 West Cedar St., Ste. 525, Pensacola, FL 32502 Phone: 850-982-4950

[Signature] BOARD PRESIDENT
Signature of Property Owner

East Hill Christian School
Printed Name of Property Owner

9/7/2011
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 7th day of September 20 11,
by Michael W. Halsett.

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

[Signature]
Signature of Notary

Traci Leigh Slay
Printed Name of Notary

(Notary Seal)

Traci Leigh Slay
Notary Public-State of Florida
My Commission Expires Feb 16, 2013
My Comm. # DD 851589

Prepared by and return to:
Janice S. Sugar

David A. Sapp, PA
4457 Bayou Boulevard
Pensacola, FL 32503
850-475-0500
File Number: 05-02-40-das

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 15th day of April, 2005, between Clara Belle Riley, a single woman, individually, and Clara Belle Riley, as Trustee of the Clara Belle Riley Revocable Trust Agreement dated July 29, 1997, whose post office address is 154 County Road, Leesburg, GA 31763, grantor, and East Hill Christian School, Inc., a Florida corporation whose post office address is 1301 E. Gadsden Street, Pensacola, FL 32501, grantee:

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

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

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Parcel Identification Number: 111S31-1301-000/001-001

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2004.

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

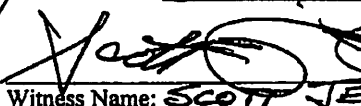
Signed, sealed and delivered in our presence:

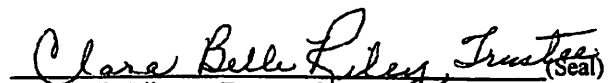

Witness Name: JANICE S. SUGAR


Witness Name: SCOTT JENNINGS

 (Seal)
Clara Belle Riley


Witness Name: JANICE S. SUGAR

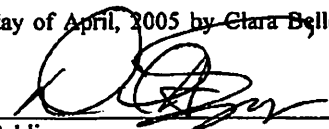

Witness Name: SCOTT JENNINGS

 (Seal)
Clara Belle Riley, as Trustee of the Clara Belle Riley
Revocable Trust Agreement dated July 29, 1997

State of Florida
County of Escambia

The foregoing instrument was acknowledged before me this 15th day of April, 2005 by Clara Belle Riley, who is personally known or has produced a driver's license as identification.

[Notary Seal]



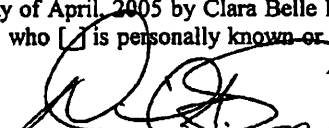
Notary Public

Printed Name: DAVID A. SAPP
Notary Public, State of Florida
My Commission Expires: My comm. exp. May 22, 2007
Comm. No. DD 214743

State of Florida
County of Escambia

The foregoing instrument was acknowledged before me this 15th day of April, 2005 by Clara Belle Riley, as Trustee of the Clara Belle Riley Revocable Trust Agreement dated July 29, 1997, who is personally known or has produced a driver's license as identification.

[Notary Seal]



Notary Public

Printed Name:
My Commission Expires: DAVID A. SAPP
Notary Public, State of Florida
My comm. exp. May 22, 2007
Comm. No. DD 214743

cl

EXHIBIT "A"

IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 31 WEST, BEGINNING AT A STAKE MARKING THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE RUN NORTH ALONG THE MIDLINE OF SAID SECTION A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE RUN EAST AT AN ANGLE OF 95°25' A DISTANCE OF 370 FEET; THENCE RUN SOUTH AT AN ANGLE OF 90° A DISTANCE OF 200 FEET; THENCE RUN WEST AT AN ANGLE OF 90° A DISTANCE OF 370 FEET; THENCE RUN NORTH ALONG THE MIDLINE OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 31 WEST A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION. (THIS IS A CORRECTED DESCRIPTION OF PROPERTY CONVEYED BY A DEED DATED 30 DECEMBER 1957, RECORDED IN DEED BOOK 480 AT PAGE 488 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.) COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 31 WEST; THENCE RUN SOUTH ALONG THE MIDLINE OF SECTION 11, FOR A DISTANCE OF 200 FEET FOR A POINT OF BEGINNING; THENCE RUN EAST AT AN ANGLE OF 95°25', A DISTANCE OF 370 FEET TO A POINT; THENCE RUN NORTH AT AN ANGLE OF 90°, A DISTANCE OF 200 FEET TO A POINT; THENCE RUN EAST AT AN ANGLE OF 90°, A DISTANCE OF 245 FEET TO A POINT; THENCE RUN SOUTH AT AN ANGLE OF 90° A DISTANCE OF 475 FEET TO A POINT; THENCE RUN WEST AT AN ANGLE OF 90° A DISTANCE OF 615 FEET, MORE OR LESS, TO A POINT INTERSECTING THE MIDLINE OF SECTION 11; THENCE RUN NORTH ALONG THE MIDLINE OF SECTION 11, A DISTANCE OF 275 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; COMMENCE AT A CONCRETE MONUMENT AT NORTHEAST CORNER OF SOUTHWEST 1/4 OF NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE WEST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 360.0 FEET TO POINT OF BEGINNING; THENCE CONTINUE ALONG SAME COURSE FOR A DISTANCE OF 344.0 FEET; THENCE SOUTHERLY WITH A DEFLECTION ANGLE OF 89°29'02" TO THE LEFT FOR A DISTANCE OF 475.0 FEET (SAID LINE BEING 615.0 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SOUTHWEST 1/4 OF NORTHEAST 1/4); THENCE EASTERLY WITH A DEFLECTION ANGLE OF 90°30'58" TO THE LEFT FOR 377.0 FEET; THENCE NORTHERLY WITH A DEFLECTION ANGLE OF 89°29'02" TO THE LEFT FOR A DISTANCE OF 409.0 FEET; THENCE WESTERLY WITH A DEFLECTION ANGLE OF 90°30'58" TO THE LEFT FOR 33.0 FEET; THENCE NORTHERLY WITH A DEFLECTION ANGLE OF 90°30'58" TO THE RIGHT FOR A DISTANCE OF 66.0 FEET TO THE POINT OF BEGINNING. COMMENCE AT A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE WEST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 327.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAME COURSE FOR A DISTANCE OF 33.0 FEET; THENCE SOUTHERLY ALONG THE LINE OF THE PROPERTY DESCRIBED IN O.R. BOOK 793, PAGE 17, OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA FOR A DISTANCE OF 66.0 FEET; THENCE EASTERLY ALONG THE LINE OF THE PROPERTY DESCRIBED IN SAID O. R. BOOK 793, PAGE 17 FOR A DISTANCE OF 33.0 FEET, THENCE NORTHERLY 66.0 FEET TO THE POINT OF BEGINNING. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION: (PER CLIENT'S REQUEST - PER FIELD MONUMENTATION): COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE GO NORTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID SECTION 11 FOR A DISTANCE OF 2646.69 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE GO SOUTH 00°19'31" WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF SECTION 11 FOR A DISTANCE OF 1321.02 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE GO NORTH 89°48'26" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER FOR A DISTANCE OF 20.00 FEET TO THE FIELD MONUMENTED EAST RIGHT-OF-WAY LINE OF EIGHT MILE CREEK ROAD FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°48'26" EAST ALONG SAID NORTH LINE OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11 FOR A DISTANCE OF 980.67 FEET; THENCE GO SOUTH 00°19'31" WEST FOR A DISTANCE OF 475.94 FEET; THENCE GO SOUTH 89°48'26" WEST FOR A DISTANCE OF 980.67 FEET TO THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE OF EIGHT MILE CREEK ROAD; THENCE GO NORTH 00°19'31" EAST ALONG SAID EAST RIGHT-OF-WAY LINE FOR A DISTANCE OF 475.94 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 11, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 10.71 ACRES, MORE OR LESS. SUBJECT TO A UTILITY EASEMENT ALONG THE WESTERLY 5.0 FEET OF THE ABOVE DESCRIBED PROPERTY.

CR

RESIDENTIAL SALES ABUTTING ROADWAY MAINTENANCE DISCLOSURE

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

Name of Roadway: 9100 Eight Mile Creek Road

Legal Address of Property: 9100 Eight Mile Creek Road, Pensacola, FL 32526

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

This form Completed by: David A. Sapp, PA
4457 Bayou Boulevard, Pensacola, FL 32503

AS TO SELLER(S):

Clara B Riley
Seller's Name: Clara Belle Riley, individually
and as Trustee

David A Sapp
Witness' Name: David A Sapp

Seller's Name: _____

Witness' Name: _____

AS TO BUYER(S):

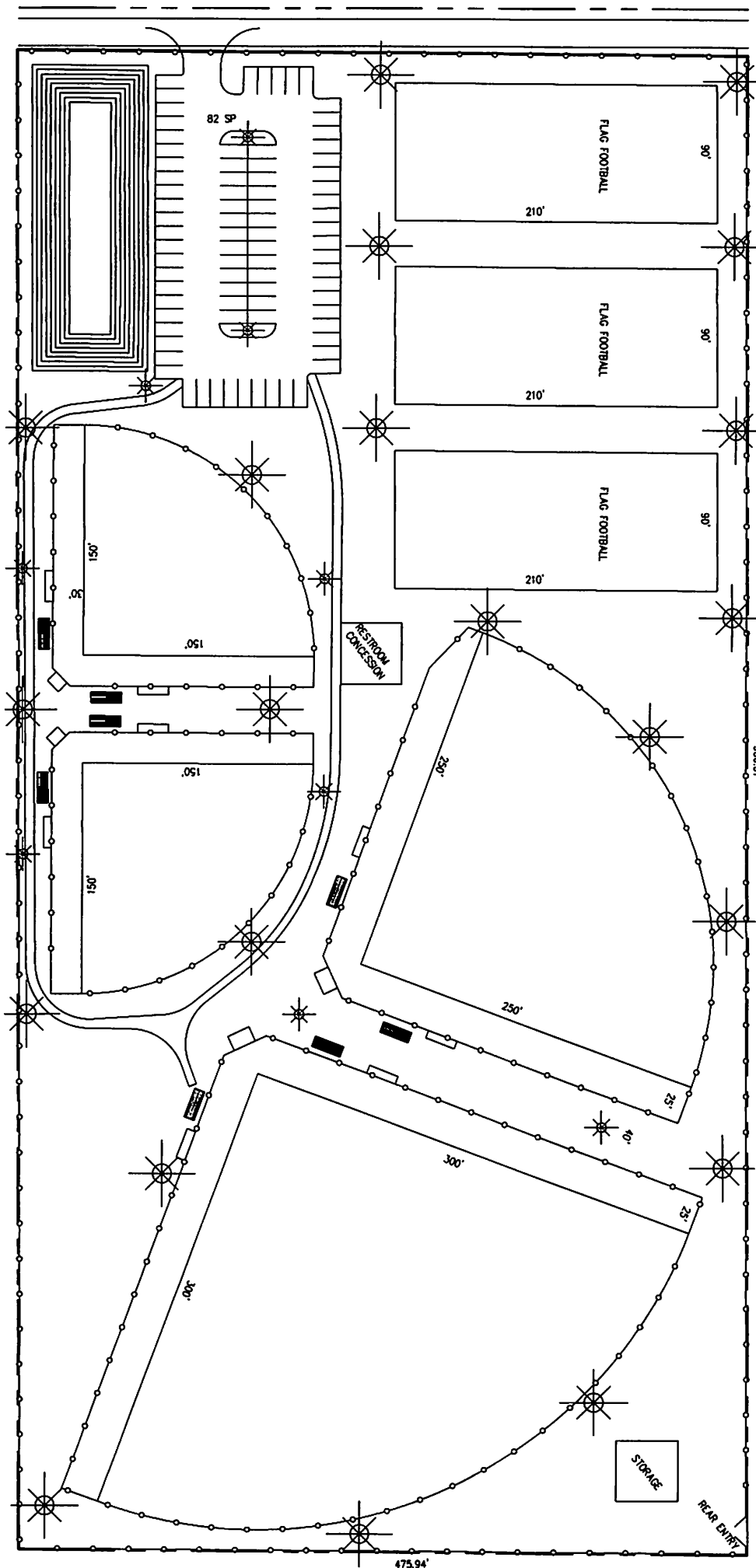
East Hill Christian School, Inc.
Elise Drinkard
Buyer's Name: By: Elise Drinkard, President

David A Sapp
Witness' Name: David A. Sapp

Linda Gibson
Buyer's Name: By: Linda Gibson, Secretary

David A Sapp
Witness' Name: David A. Sapp

THIS FORM APPROVED BY THE
ESCAMBIA COUNTY BOARD
OF COUNTY COMMISSIONERS
Effective 4/15/95
File No.:05-02-40-das





Development Services Department

Building Inspections Division

3363 West Park Place
Pensacola, Florida, 32505
(850) 595-3550
Molino Office - (850) 587-5770

RECEIPT

Receipt No. : **539986**

Date Issued. : 09/08/2011

Cashier ID : VHOWENS

Application No. : PBA110900020

Project Name : CU-2011-11

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	716	\$1,050.00	App ID : PBA110900020
		\$1,050.00	Total Check

Received From : BOROWSKI & DUNCAN, INC.

Total Receipt Amount : **\$1,050.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA110900020	633531	1,050.00	\$0.00	9100 EIGHT MILE CREEK RD, PENSACOLA, FL, 32534

Total Amount :

1,050.00

\$0.00

Balance Due on this/these
Application(s) as of 9/13/2011



BOARD OF ADJUSTMENT FINDINGS-OF-FACT

**Conditional Use Case: CU-2011-11
October 19, 2011**

I SUBMISSION DATA:

APPLICANT: T. A. Borowski, Jr, Agent for East Hill Christian School, Inc.

PROJECT ADDRESS: 9100 Eight Mile Creek Road

PROPERTY REFERENCE NO.: 11-1S-31-1301-001-001

ZONING DISTRICT: R-1, Single-Family District

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

II REQUESTED CONDITIONAL USE:

The Applicant is seeking Conditional Use approval for the construction of a recreational facility in an R-1 Zoning district.

Conditional Use (CU-2006-28), was granted in 2006 for construction of an educational facility with athletic fields, but expired because construction was never commenced.

III RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section 6.05.05.C.12

C. *Conditional uses.*

12. Public parks and recreation facilities.

IV CRITERIA

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

CU-2011-11

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 to the site is proposed through Eight Mile Creek Road with a secondary possible access from Surrey Drive as a rear access solely to be used for service and emergency access. Access will be reviewed 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

Nuisance impacts from the proposed use as a recreational facility should be minimal and confined to the subject property.

CRITERION (3)

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

FINDINGS-OF-FACT

Solid waste service will be provided at the site and will be further addressed during the site plan review process.

CRITERION (4)

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

FINDINGS-OF-FACT

Water and electrical services will be provided for the proposed facility.

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

The applicant proposes a landscape buffer along the road frontage, as well as along the remaining three sides of the property. A fence is anticipated that will only be designed to prevent vehicular traffic.

When applicable, further review during the site plan review process will be needed to ensure the buffering requirements and other performance standards have been met, should this Conditional Use be granted.

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 signs will meet the standards delineated in Article 8 of the Escambia County Land Development Code. This requirement will be further reviewed during the site plan review process.

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 Wetlands Inventory there appears to be no wetlands on-site. Stormwater management and all other environment impacts 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 recreational facility will be compatible with the current land use and surrounding areas.

CRITERION (9)

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

FINDINGS-OF-FACT

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

Staff finds that the applicant has appropriately addressed the above requirements. The additional standards in this criterion will be further reviewed during the site plan review process.

V RECOMMENDATION

The Board unanimously voted to deny the conditional use, based on their finding that criterion one (1) and two (2) were not met by the Applicant.



Board of County Commissioners • Escambia County, Florida

T. Lloyd Kerr, AICP, Director
Development Services

October 20, 2011

T. A. Borowski, Agent for
East Hill Christian School, Inc.
25 W Cedar St., Suite 525
Pensacola, Florida 32502

RE: Notification of Board of Adjustment (BOA) Action on October 19, 2011
Conditional Use Request: CU-2011-11; 9100 Eight Mile Creek Rd; 11-1S-31-
1301-001-001

Dear Applicant:

This letter is to inform you of the Board's action to **deny** your request for the following:

- **Conditional Use Approval for the construction of a recreational facility in an R-1 zoning.**

Section 2.05.01.D of the Land Development Code states:

Determinations made by the BOA regarding variances shall be valid for a period not to exceed two years. If an applicant does not apply for development approval (DRC process) or a building permit within said two-year period, the variance approval will expire. For conditional uses, the applicant must apply for development approval (DRC process) or building permit within four years following the determination made by the BOA. Once an applicant obtains a development order or building permit, the variance or conditional use will continue with the property.

This letter has been notarized should you choose to record it, and the attached Board of Adjustment Findings-of-Fact, in the Public Records of Escambia County per Florida Statutes, Section 28.222(3)(a). Since the Board of Adjustment has made a decision regarding your request, please remove the County sign posted on your property and return it to our office at 3363 West Park Place at your earliest convenience.

Should you have any questions or comments, please contact our office.

Sincerely,



Andrew D Holmer
Sr. Urban Planner

Attachments: BOA Findings-of-Fact

cc: **Kristin Hual**, Assistant County Attorney
Front Counter

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF ESCAMBA

Andrew D Holmer, who is personally known to me acknowledged the foregoing letter before me this 20th day of October 2011.



Signature of Notary Public



Karen S Spitsbergen

Name of Notary Printed

(Notary Seal)

My Commission Expires: _____

Commission Number:

****This decision DOES NOT determine, imply or confer development rights for any desired use or activity on the specified parcel. Additional review processes and/or permits may be required.****

IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA

EAST HILL CHRISTIAN SCHOOL, INC.,

Petitioner,

v.

CASE NO. 2011-CA-2231

ESCAMBIA COUNTY BOARD OF
ADJUSTMENT; and ESCAMBIA COUNTY,
a political subdivision of the State of Florida,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came on for review by this court upon Petitioner, East Hill Christian School, Inc's, Petition for Writ of Certiorari, and the Court having reviewed the Briefs filed by Petitioner and Respondent herein, having reviewed the entire transcript of the hearing before the Board of Adjustment, having received argument of counsel, and being otherwise fully advised in the premises, finds as follows.

The Petitioner owns approximately 10.7 acres which fronts on Eight Mile Creek in Escambia, Florida. Originally intended for a school with 500 to 700 students, along with athletic fields, a Conditional Use was applied, for and granted, in 2006 permitting such use. However, the school was never built.

In 2011, East Hill Christian School applied again for a Conditional Use permit for the purpose of developing athletic fields on the property. The property was, upon grant of the Conditional Use, to be conveyed to East Brent Baptist Church, Inc., which would develop the athletic fields for their children's recreation program.

✓

At the hearing before the Board of Adjustment, a number of neighbors attended and objected to the grant of the Conditional Use, and although the County Staff had recommended approval, the Board voted unanimously to deny Petitioner's application. Review was sought by the Petitioner on several grounds. Several of those grounds are addressed herein.

STANDARD OF REVIEW

The Court is mindful that the review of the Board's decision is limited to a three prong test: (1) Whether procedural due process was afforded the Petitioner; (2) Whether the essential requirements of the law have been observed, and (3) whether the decision is supported by competent substantial evidence. The Court is also mindful that because the Petitioner's property rights are at issue, once the Petitioner made a prima facis showing of entitlement to the Conditional Use Permit in the proceeding below, the burden was upon the parties opposing the Conditional Use to demonstrate that the criteria set forth in the applicable code were not met. For the reasons set forth below, that burden was not met.

PROCEDURAL DUE PROCESS

At the outset, the Court would note that the actions of the Board in at least two respects were irregular and inappropriate.

First, it is inappropriate for the Board sitting in a quasi judicial capacity to consider matters outside of the record presented to them, such as, in this case, Board Member Price's familiarity with his own church's recreational fields and program. Similarly, it is inappropriate for the Board Members, sitting in a quasi judicial capacity, to "keep score" and make its decision in whole or in part, based upon those members of the public "voting for" and/or "voting against" the Petitioner's application. Contrary to Mr. Price's statements at the conclusion of the hearing below, the neighbors do not have a "veto" power over the Petitioner's property.

Petitioner's constitutional property rights are not subject to the control of the neighbors and should not be so treated by the Board.

BURDEN

It is undisputed that the Petitioner made a Prima facis showing of entitlement to the Conditional Use. Among other things, the County Staff made a recommendation of approval predicated upon all of the criteria being met. Further, the board recognized the county staff as experts and admitted the staff opinion into evidence at the outset of the Board Meeting. Furthermore, the Petitioner presented evidence of the criteria being met. Upon doing so, the burden shifted to the opponents to demonstrate that the criteria were not met. This Court must review the facts only to determine whether there exists in the record, competent substantial evidence supporting the Boards determination that the criteria of access and/or nuisance were not met.¹

RES JUDICATA

As a legal matter, it is undisputed that the doctrine of Res Judicata applies to administrative proceedings, such as the proceeding below. In the 2006 proceeding, the Board granted the Conditional Use permitting the construction of a school anticipated to serve 500 to 700 students, along with athletic fields. Absent a substantial change in circumstances, which was not shown here, the Board is bound by its prior finding that the criteria were met in granting the 2006 Conditional Use.

EVIDENCE

In its Brief, the County refers generally to pages 12 through 64 of the transcript, which comprises virtually all of the evidence presented before the Board below. This Court has

¹ The County conceded at Oral Argument that the record was equivocal on whether criterion 8 was, or was not a part of the Board's decision, and thus withdrew any reliance on said criterion.

reviewed this transcript in its entirety and finds no competent substantial evidence to support the Board's finding that access does not exist to the Petitioner's parcel or that the proposed use would constitute a nuisance, in the legal usage of that term. While it is true, as the County argues, that the testimony of lay persons (the neighbors here) can constitute evidence, the Court finds that the unsubstantiated and speculative statements present in the record do not constitute competent substantial evidence supporting the Board's finding. Furthermore, the Court has carefully reviewed all of the testimony presented and finds that the record simply lacks competent substantial evidence justifying the Board's decision at all.

Finally, in addition to the matters above, it is also the opponent's burden to prove that the proposed use was, in fact, adverse to the public interest. As the County Staff had recommended approval of the application, it is clear that the County Staff did not seek to prove that the proposed use was adverse to the public interest, and nothing presented by the witnesses testifying addressed this burden at all.

CONCLUSION

Any one of the several issues addressed above would be sufficient on their own for reversal of the Board's decision. The legal doctrine of Res Judicata bound the Board, upon the evidence presented to it in this case, to grant the Conditional Use applied for in 2011. Failure of those opposing the Conditional Use to prove that the Conditional Use was in fact adverse to the public interest precludes a denial of the Conditional Use. The absence of competent substantial evidence in the record supporting the Board's decision requires this Court to overturn the Board's decision.

Therefore, it is hereby ORDERED AND ADJUDGED that the decision of the Board of Adjustment of Escambia County, Florida upon Conditional Use is hereby STRICKENED, and this cause is remanded to the Board for further proceedings consistent herewith.

/S/ JAN SHACKELFORD

HONORABLE JAN SHACKELFORD
CIRCUIT COURT JUDGE 8/31/12

COUNTY ATTORNEYS OFFICE

12 SEP2012

PM04:34