

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
QUASI-JUDICIAL HEARING
August 13, 2012–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Invocation/Pledge of Allegiance to the Flag.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.
4. Quasi-judicial Process Explanation.
5. Public Hearings.
 - A. Z-2012-09 (Remanded by BCC 6/28/12)

Address: 2006 Border St
From: R-5, Urban Residential/Limited Office District, (cumulative) High Density and ID-1, Light Industrial District (cumulative) (no residential uses allowed)
To: ID-2, General Industrial District (noncumulative)
 - B. Z-2012-12

Address: Hanks Rd
From: P, Public District
To: VAG-1, Villages Agriculture District
 - C. Z-2012-17

Address: 3840 Navy Blvd
From: R-2, Single Family District (cumulative)
To: C-1, Retail Commercial District (cumulative)
6. Adjournment.

Planning Board-Rezoning

5. A.

Meeting Date: 08/13/2012

CASE : Z-2012-09 (Remanded by BCC 6/28/12)

APPLICANT: Wiley C. "Buddy" Page,
Agent for Rick Evans, Owner

ADDRESS: 2006 Border Street

PROPERTY REF. NO.: 16-2S-30-2300-001-023

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

DISTRICT: 3

OVERLAY AREA: Englewood Redevelopment
Area

BCC MEETING DATE: 09/06/2012

Information

SUBMISSION DATA:

REQUESTED REZONING:

**FROM: R-5, Urban Residential/Limited Office District, (cumulative) High Density
ID-1, Light Industrial District (cumulative) (no residential uses allowed)**

TO: ID-2, General Industrial District (noncumulative)

RELEVANT AUTHORITY:

- (1) Escambia County Comprehensive Plan
- (2) Escambia County Land Development Code
- (3) Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993)
- (4) Resolution 96-34 (Quasi-judicial Proceedings)
- (5) Resolution 96-13 (Ex-parte Communications)

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

Comprehensive Plan Policy (CPP) FLU 1.1.10 Locational Criteria. The LDC shall include locational criteria for broad categories of proposed non-residential land uses. The site criteria for such uses shall address the transportation classification of, and access to adjoining streets, the proximity of street intersections and large daily trip generators (i.e. college or university), the surrounding land uses, the ability of a site to accommodate the proposed use while adequately protecting adjoining uses and resources, and other criteria that may be appropriate to those categories of uses.

CPP FLU 1.3.1 Future Land Use Categories. General descriptions, range of allowable uses and residential densities and non-residential intensities for all future land use categories in Escambia County. The Mixed-Use Urban (MU-U) Future Land Use (FLU) category is intended

for an intense mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole. Range of allowable uses include: Residential, Retail and Services, Professional Office, Light Industrial, Recreational Facilities, Public and Civic. The minimum residential density is 3.5 dwelling units per acre and the maximum residential density is 25 dwelling units per acre.

CPP FLU 1.5.3 New Development and Redevelopment in Built Areas. To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed-Use Suburban, Mixed-Use Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

FINDINGS

The proposed amendment is **not consistent** with the intent and purpose of CPP FLU 1.3.1 Future Land Use Categories, as stated above in the intent of the Mixed-Use Urban category, it does allow for intense residential uses and non-residential uses (commercial) for compatible infill development. Furthermore, the range of uses extends from residential to light-industrial. Staff concurs that the cumulative nature of the ID-2 zoning category does allow for light industrial which is specifically mentioned in MU-U. However, the allowable uses within the ID-2 zoning category extend beyond light-industrial. As a matter of fact, the allowable uses of ID-2 include heavy industrial land uses, highly intense manufacturing and processing operations, construction/heavy equipment operations, and other equivalent concentrations of potential noxious uses. With this understanding, staff concludes that the future land use designation of MU-U is not consistent with the proposed rezoning request of ID-2. The proposed amendment is **not consistent** with the intent and purpose of CPP FLU 1.1.10 Locational Criteria further addressed with the Land Development Code consistency, Criterion 2.

CRITERION (2)

Consistent with The Land Development Code.

Whether the proposed amendment is in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

LDC 6.05.12. R-5 Urban Residential/Limited Office District, (cumulative) high density.

This district is intended to provide for high density urban residential uses and compatible professional office development, and designed to encourage the establishment and maintenance of a suitable higher density residential environment and low intensity services. These uses form a transition area between lower density residential and commercial development. Maximum density is 20 dwelling units per acre except in the Low Density Residential (LDR) future land use category where the maximum density is 18 dwelling units per acre. Refer to Article 11 for uses, heights and densities allowed in R-5, urban residential/limited office areas located in the Airport/Airfield Environs.

LDC 6.05.18. ID-1 Light Industrial District (cumulative) (no residential uses allowed).

This district is intended primarily for research-oriented activities, light manufacturing and processing not involving the use of materials, processes or machinery likely to cause undesirable effects upon nearby industrial establishments of this type. The uses shall be within completely enclosed buildings wherever practical and provide a buffer between commercial districts and other higher intensive industrial uses. The uses which this district is designed to accommodate include general assembly, warehousing and distribution activities. In addition, major repair and service activities, as well as manufacturing activities meeting performance

standards are intended to be accommodated in this district. Finally, commercial trade and service activities not compatible with activities adapted to more restrictive districts, but which satisfy site plan criteria and performance criteria of this Code, should be accommodated in this district. Residential development is excluded from this district, both to protect residences from undesirable influences and to ensure the preservation of adequate areas for industrial development. Refer to the overlay districts within section LDC 6.07.00 for additional regulations imposed on individual parcels with ID-1 zoning located in the Scenic Highway Overlay District or C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District. All industrial development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (FLU 1.1.10) and in Article 7. Refer to Article 11 for uses, heights and densities allowed in ID-1, light industrial areas located in the Airport/Airfield Environs.

LDC 6.05.19. ID-2 General Industrial District (noncumulative).

This district is intended to accommodate industrial uses which cannot satisfy the highest level of performance standards. It is designed to accommodate manufacturing, processing, fabrication, and other activities which can only comply with minimal performance standards. No residential development is permitted in this district, thereby insuring adequate area for industrial activities. Community facilities and trade establishments that provide needed services to industrial development also may be accommodated in this district. All industrial development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (FLU 1.1.10) and in Article 7. Refer to Article 11 for uses allowed in ID-1, light industrial areas located in the Airport/Airfield Environs.

B. Permitted uses.

1. Manufacturing or industrial uses permitted in the ID-1 light industrial district.
2. Asphalt plants.
3. Concrete plants.
4. Iron works.
5. Landfills.
6. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
7. Paper mills.
8. Refineries.
9. Rendering plants and slaughter houses.
10. Steel mills.
11. Solid waste transfer stations, collection points, and/or processing facilities.
12. Public utility and service structures.
13. Junkyards, salvage yards, and waste tire processing facilities.
14. Other uses similar to those listed herein. Recommendations on other permitted uses shall be made by the planning board (LPA) and based on an application for such other use. Final determination shall be made by the BCC upon receipt of the planning board's (LPA's) recommendation.

LDC 6.05.17.F. Roadway Access. Direct access must be provided from a collector or arterial roadway and such access may be provided by curb cuts on the collector or arterial roadway or a private or public commercial access road linking the use with the collector or arterial roadway provided that such private or public road does not traverse a predominately residential neighborhood or subdivision between the use and the collector or arterial roadway. No permit shall be issued or any proposed use which requires access through a residential neighborhood or subdivision.

LDC 7.20.07. Industrial Locational Criteria (ID-CP, ID-1, ID-2).

New industrial development must meet the following locational criteria:

1. Industrial uses shall be located so that the negative impacts of industrial land uses on the functions of natural systems shall, as a first priority, be avoided. When impacts are unavoidable, those impacts shall be minimized.
2. Sites for industrial development shall be accessible to essential public and private facilities and services at the levels of service adopted in the Comprehensive Plan.
3. New industrial uses in the MU-1, AA-13, and AA-15 categories may be permitted provided such use conforms to the permitted uses listed in the ID-CP and ID-1 zoning categories. Industrial and MU-6 categories allow all types of industrial uses.
4. Sites for industrial uses shall be located with convenient access to the labor supply, raw material sources and market areas.
5. New industrial uses shall be located on parcels of land large enough to adequately support the type of industrial development proposed and minimize any adverse impacts upon surrounding properties. Compatibility of land uses shall be ensured consistent with Comprehensive Plan Policy 7.A.3.8. (FLU 1.1.9)
6. These industrial locational criteria apply to those future land use categories where industrial development is permitted and does not provide or permit industrial land uses in those categories that do not provide for such uses.

FINDINGS

The proposed amendment is **not consistent** with the roadway access requirements as stated in LDC 6.05.17.F of the Land Development Code which states that access to the parcel must be from a collector or arterial roadway. Direct access to the property is provided by Border Street, a local public two lane roadway. Should this amendment be approved, the industrial locational requirements set forth in LDC 7.20.07 will be reviewed during the site plan review process. There are no natural systems or sensitive land that may be affected by this proposed request.

CRITERION (3)

Compatible with surrounding uses.

Whether and the extent to which the proposed amendment is compatible with existing and proposed uses in the area of the subject property(s).

FINDINGS

The proposed amendment is **not compatible** with surrounding existing uses in the area. Within the 500' radius impact area, staff observed properties with zoning districts ID-1, C-2 and R-5. Cloverland Subdivision, (PB3, PG52) is within the radius. There are 21 single family residences, one mobile home park, six mobile homes, seven vacant residential properties, one church, four open storage properties and one wholesale parcel.

CRITERION (4)

Changed conditions.

Whether and the extent to which there are any changed conditions that impact the amendment or property(s).

FINDINGS

The proposed amendment **does have** changed conditions that impact the rezoning request by

the applicant. This parcel is designated as part of the Englewood Community Redevelopment Area, under the Community Redevelopment Plan adopted by the Board of County Commissioners July 6, 2000 and updated March 19, 2009. It appears that the proposed amendment, as stated, would not meet the intent of the adopted plan. This issue will have to be addressed by the Community Redevelopment Agency staff.

CRITERION (5)

Effect on natural environment.

Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment.

FINDINGS

According to the National Wetland Inventory, wetlands and hydric soils **were not** indicated on the subject property. There are no natural systems or sensitive land that may be affected by this proposed request. When applicable, further review during the site plan review process will be necessary to determine if there would be any significant adverse impact on the natural environment.

CRITERION (6)

Development patterns.

Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

FINDINGS

The proposed amendment **would not** result in a logical and orderly development pattern, as the allowed uses and intensities for the ID-2 zoning are incompatible with the intent of the Englewood Redevelopment Plan, which identify the less intense industrial uses and specific standards adopted by the County Commissioners for the redevelopment area.

Attachments

Z-2012-09

Z-2012-09

1 with them?
 2 MR. PAGE: Yes, we do.
 3 MR. BRISKE: Mr. Page acknowledged he does.
 4 Pleasure of the Board. Further discussion or the
 09:41AM 5 Chair will entertain a motion.
 6 MS. DAVIS: I would like to place a motion,
 7 please. I'm going to sign the Petitioner's
 8 request for a change in zoning from VAG-1 to ID-1
 9 together with Staff's findings and accept the
 09:41AM 10 findings of the Staff, I should say.
 11 MR. BRISKE: Thank you, Ms. Davis.
 12 Mr. West.
 13 MR. WEST: So it's clear on the record, if you
 14 could just include in the motion that it's the
 09:42AM 15 revised findings that Mr. Jones has presented.
 16 MR. BRISKE: Ms. Davis.
 17 MS. DAVIS: I recommend that we accept the
 18 revised findings of the Staff on zoning Case
 19 Z-2012-08 requesting VAG-1 to ID-1.
 09:42AM 20 MR. BRISKE: Thank you for the motion. Do I
 21 have a second?
 22 MR. TATE: Second.
 23 MR. BRISKE: Seconded by Mr. Tate. Any
 24 discussion? All those in favor, say aye.
 08:35AM 25 (Board members vote.)
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1 MR. BRISKE: Opposed?
 2 (None.)
 3 MR. BRISKE: Motion carries unanimously. All
 4 right.
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1 **CASE: Z-2012-09**
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 3 APPLICANT: Wiley C. "Buddy" Page, Agent for Rick Evans,
 Owner
 4 ADDRESS: 2006 Border Street
 PROPERTY REFERENCE NO.: 16-2S-30-2300-001-023
 5 FUTURE LAND USE: MU-U, Mixed Use Urban
 COMMISSIONER DISTRICT: 3
 6 OVERLAY AREA: Englewood Redevelopment Area
 7 FROM: R-5, Urban Residential/Limited Office District,
 (cumulative) High Density
 8 ID-1, Light Industrial District (cumulative) (no residential
 uses allowed)
 9
 10 TO: ID-2, General Industrial District (noncumulative)
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 12 MR. BRISKE: Our next case is case Z-2012-09.
 13 And this is a request from R-5, Urban Residential,
 14 Limited Office District High Density ID-1 to ID-2,
 09:43AM 15 General Industrial District.
 16 Members of the Board, has there been any
 17 ex parte communication between you, the Applicant,
 18 the Applicant's agents, attorneys, witnesses, fellow
 19 Planning Board members or anyone from the general
 08:56AM 20 public prior to this hearing? I'll also ask if you
 21 visited the subject site. And please disclose if
 22 you are a relative or a business associate of the
 23 Applicant or the Applicant's agent.
 24 Starting with Mr. Stitt.
 08:56AM 25 MR. STITT: Mr. Chairman, no to all the above.
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1 MS. HIGHTOWER: None to all the above.
 2 MR. GOODLOE: No ex parte or relation to the
 3 owners, but I have visited the site.
 4 MR. WOODWARD: No to all of the above.
 08:51AM 5 MR. BRISKE: The Chairman, no to all of the
 6 above.
 7 MR. TATE: No to all of the above.
 8 MS. DAVIS: No to all of the above.
 9 MR. WINGATE: I am familiar with the property.
 08:51AM 10 I just drove by to observe.
 11 MS. SINDEL: No to all of the above.
 12 MR. BRISKE: Thank you. Staff, was there a
 13 notice of hearing sent to all the interested
 14 parties?
 08:51AM 15 MS. HALSTEAD: Yes, sir, it was.
 16 MR. BRISKE: Thank you. And was that notice of
 17 the hearing also posted on the subject property?
 18 MS. HALSTEAD: Yes, sir.
 19 MR. BRISKE: If there are no objections by Mr.
 08:51AM 20 Page, we'll have the Staff present the maps and the
 21 photographs.
 22 MR. LEMOS: Juan Lemos, Escambia County
 23 Planners.
 24 The locational wetlands map is up on your
 09:44AM 25 screen showing the location of the parcel with no
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1 wetlands. This is the aerial photograph for the
 2 parcels. Future land use showing Mixed Use Urban.
 3 The existing land uses of the property surrounding
 4 the proposed parcel. This is our 500 foot buffer
 09:44AM 5 and shows the zoning for the surrounding areas
 6 within the 500 foot buffer. This is our public
 7 meeting sign, posted sign.
 8 This is looking towards the southwest. Looking
 9 towards the west from the property. Looking
 09:45AM 10 northeast. This is looking at the actual site on
 11 this and looking northeast. This is looking
 12 northwest from the site. And looking southwest.
 13 This is our 500 foot radius map for the mailings and
 14 the mailing list.
 09:45AM 15 MR. BRISKE: Board members, any questions of
 16 the maps or the photography?
 17 Okay. Mr. Page. Sir, I'll remind you that
 18 you're still under oath. And if you would, just
 19 again for this case, please state your name and
 09:45AM 20 address.
 21 MR. PAGE: Thank you, Mr. Chairman. Buddy
 22 Page, 5337 Hamilton Lane in Pace.
 23 MR. BRISKE: Thank you, sir.
 24 MR. PAGE: Mr. Chairman –
 09:46AM 25 MR. BRISKE: I'm sorry. I have to ask you
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1 these questions because we're quasi-judicial. Do
 2 you understand that you have the burden of providing
 3 substantial competent evidence that the proposed
 4 rezoning is consistent with the Comprehensive Plan
 09:46AM 5 and further the goals, objectives and policies of
 6 that plan, and is not in conflict with any portion
 7 of the County's Land Development Code?
 8 MR. PAGE: Yes, I do.
 9 MR. BRISKE: And have you received a copy of
 09:46AM 10 the rezoning hearing package with the Staff's
 11 Findings-of-Fact?
 12 MR. PAGE: I have, Mr. Chairman.
 13 MR. BRISKE: Thank you, sir. Please proceed.
 14 MR. PAGE: Thank you, Mr. Chairman. A brief
 09:46AM 15 history of this site, Mr. Chairman, I think is in
 16 order. This particular site has been used
 17 historically as the Hinote Septic Tank – concrete
 18 septic tank business since 1956. And they produced
 19 probably, I would say for many years, the only
 09:46AM 20 concrete septic tank product available in two or
 21 three counties for some period of time.
 22 When it was purchased, they wanted to continue
 23 that type of use, given the fact that it is a very
 24 small parcel of property. They had a batch plant
 09:47AM 25 concrete operation ongoing, which is basically a
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1 portable type of device with the tanks up in the
 2 air. The product is made. And it is either formed
 3 there or it's sold by the cubic yard to landscapers
 4 or a truck type of operation.
 09:47AM 5 About a month and a half after they began doing
 6 this with the different type of equipment, they
 7 received a – actually, a code enforcement officer
 8 apparently drove by and told them that they would
 9 probably need to check rezoning because they didn't
 09:48AM 10 think a concrete plant in that particular area was
 11 an allowed use. So the owner and his partners
 12 checked, and sure enough – it was prior to my
 13 time – wasn't allowed. Simply was not allowed in
 14 that area even though it had been used for that type
 09:48AM 15 of thing for some period of time.
 16 So they set about to change the zoning to a
 17 category that would allow that type of operation.
 18 And under Criteria 1, consistency with the
 19 Comprehensive Plan, Mr. Chairman, it talks about not
 09:48AM 20 being consistent, but it would be for compatible
 21 infill. The owners of the property feel – felt and
 22 still feel what they are proposing is compatible
 23 with the area. It is rail front, as the Board
 24 knows. It has an operation north of it and south of
 09:49AM 25 it that is highly nonresidential. The property has
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1 – a portion of it is industrial now, ID-1, but they
 2 simply could not put that use in place.
 3 And it also says here under Criteria 2, Mr.
 4 Chairman, moving on to that – and I read under
 09:49AM 5 605.18, the uses for which this district is designed
 6 to accommodate include general assembly warehousing
 7 and distribution facilities; in addition, major
 8 repair and service activities, as well as
 9 manufacturing activities meeting performance
 09:49AM 10 standards.
 11 So we originally thought that – this is a
 12 small operation. By the time you take the two acres
 13 and take away the landscaping, the holding pond that
 14 was designed for it and engineered, by the time you
 09:50AM 15 take all that away it's going to be small operation.
 16 And these portable type of concrete facilities
 17 certainly meet the EPA and the Florida DEP
 18 requirements on the thing that concrete plants
 19 always have to fight, and that's called fugitive
 09:50AM 20 dust emissions. They have baffles, they have fans,
 21 they have a number of things to control fugitive
 22 dust or dust that escapes out. So we felt like we
 23 could meet all of that being – in many other areas
 24 it already does meet those qualifications. Why
 09:50AM 25 can't it meet it here. And by doing that then it
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1 could be something that does not produce a noxious
 2 use and it would then meet performance standards.
 3 Under roadway access, moving along. One of the
 4 other concerns that was presented here is that of
 09:50AM 5 something like this being located on what is
 6 essentially a residential street. Mr. Chairman,
 7 Border Street might have some residences on the
 8 westerly side of Border Street, but we would submit
 9 that Border Street always has been and will continue
 09:51AM 10 to be a shortcut underneath the viaduct at Mobile
 11 Highway where Martines used to be, straight up and
 12 connecting into Fairfield Drive. It is not a
 13 classic residential street where people just simply
 14 pull in, go a certain number of blocks and pull into
 09:51AM 15 their homes.
 16 On the right-hand side, almost exclusively all
 17 the way up, it is either an ID-1 or 2 type of
 18 activity, not necessarily being zoned for that. So
 19 we think that roadway access in terms of some
 09:51AM 20 concern about Border being designated as just a
 21 local residential road is perhaps a misnomer.
 22 Almost comparing that to the same thing as
 23 Stumpfield Drive going through Marcus Pointe before
 24 it gets back into the industrial area. There are
 09:52AM 25 tractor trailer trucks that drive right through that

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1 subdivision to get to the back, and that's a County
 2 industrial park designed just that way. So we don't
 3 think that what we are requesting here is certainly
 4 going to have much more impact than a tractor
 09:52AM 5 trailer truck pulling in front of quarter million
 6 dollar home in the Marcus Pointe area.
 7 And, Mr. Chairman, also under industrial use
 8 criteria, I read under Number 4, it says, sites for
 9 industrial uses shall be located in convenient areas
 09:52AM 10 to the labor supply, raw materials and sources for
 11 market areas. We think that being located in there
 12 certainly would give rise to some economic
 13 opportunity. And the owners are aware that it is in
 14 a redevelopment area. As a matter of fact, Border
 09:52AM 15 Street separates Englewood Redevelopment area from
 16 yet another redevelopment area right across the
 17 street. They also are aware that there are a number
 18 of financial incentives involved in being in a
 19 community redevelopment area, especially where there
 09:53AM 20 may be some subsidy towards wages for a certain
 21 period of time if you meet the criteria of hiring
 22 people that are within that particular area. So
 23 they're aware of that and will certainly take
 24 advantage, if approved.
 09:53AM 25 Under Criteria 5, the effect on the natural

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1 environment. They have documentation that the type
 2 of equipment that they have operating on the site,
 3 which they removed when they found out it was not
 4 zoned, that can meet that type of situation.
 09:53AM 5 The development patterns that are in that area,
 6 we have not observed any new type of residential
 7 activities going on in there. It appears to us that
 8 when something becomes available it becomes
 9 converted over to a nonresidential use.
 09:53AM 10 And, Mr. Chairman, with regard to comments from
 11 the community redevelopment area, my only comment
 12 perhaps would be in response to Item 2, which has a
 13 percentage breakdown that says at the very end of
 14 that paragraph, the majority of the industrial uses
 09:54AM 15 are located along the railroad track west of
 16 Hollywood Avenue. That's right where we are.
 17 That's exactly where we are. So that's the only
 18 response we would have probably for that.
 19 I would also, in closing, Mr. Chairman,
 09:54AM 20 indicate to you that as a roadmap of activity, if
 21 you will, we know and this Board knows if we have a
 22 particular type of use that we need to change the
 23 adopted map, we have a procedure dealing with Staff
 24 in terms of filling out the appropriate forms. We
 09:55AM 25 know the roadmap on how to go before this body and

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1 the County Commissioners and have things presented
 2 for consideration for change. That's not the case
 3 with the community redevelopment area process.
 4 And I was just speaking Mr. Wilkins about that.
 09:55AM 5 There is no procedure. There is no application to
 6 make changes to that. If this Board reviewed and
 7 approved that in 2009 and it went to the County
 8 Commissioners, we don't know how to change it.
 9 There's no process. There's no roadmap for that.
 09:55AM 10 So we have a conundrum here. While we can deal with
 11 one body, we can't necessarily openly deal with the
 12 other, because to date, that's simply not been
 13 considered and put into place. Mr. Wilkins may
 14 certainly correct me on that, but that was my
 09:55AM 15 understanding of our discussion.
 16 So Mr. Chairman, we are requesting the ID-2
 17 because of a specific use that the owner was using
 18 the property for, shut it down, moved it off site.
 19 Matter of fact, is in operation right now. I think
 09:56AM 20 Mr. Campbell has it up in the good town of Century
 21 right now, operating up there benefiting those
 22 folks, but he wants to bring that back down and set
 23 it up at that location.
 24 The other problem that we have – and I'll
 09:56AM 25 close with this – is ID-2 is very similar to what

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09:56AM 1 this Board looked at over the past year or so as far
 2 as the things that are allowed under C-1 – or
 3 rather C-2, the bars, the nightclubs and how that
 4 competes and generally gets a lot of neighborhoods
 5 up in arms when they hear that type of thing is
 6 coming in because it will allow that. Well, this
 7 Board separated that out so that it now has its own
 8 specific use. The problem we have with ID-2 is –
 9 and this would be a complicated one, and I
 09:56AM 10 acknowledge for the Staff – would be to identify
 11 some of those things that would require ID-2
 12 categories that could be compatible. We think we
 13 have something here that meets all the rules and
 14 regulations but it happens to be a concrete plant,
 09:57AM 15 and for that name, it's simply shipped over to
 16 something that is very difficult to accomplish in
 17 these types of areas.
 18 So Mr. Chairman, I will conclude my remarks.
 19 Thank you.
 09:57AM 20 MR. BRISKE: Board members, questions of Mr.
 21 Page 4.
 22 MR. TATE: I have a question.
 23 MR. BRISKE: Mr. Tate.
 24 MR. TATE: Mr. Page, you mentioned that this
 09:57AM 25 was an ongoing use. You just mentioned that it's
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1 since shut down and moved. And that's occurred
 2 since code enforcement came; is that correct?
 3 MR. PAGE: That's correct.
 4 MR. TATE: Prior to code enforcement coming,
 09:57AM 5 this was a – the septic tanks that were formed and
 6 built there, that continued to be in operation? It
 7 was the company that was sold or was that closed and
 8 somebody else bought it and is doing the same thing?
 9 I need to understand.
 09:57AM 10 MR. PAGE: I think a fair assessment would be
 11 to say that the Hinote plant shut down. Some period
 12 of time passed. This owner got together with some
 13 guys up in Cantonment that are in the concrete and
 14 rock business. They decided to buy the property.
 09:58AM 15 And I think it was closed down for more than –
 16 perhaps more than a year.
 17 MR. TATE: So it wasn't a continuing operation?
 18 MR. PAGE: That's a fair statement, yes, sir.
 19 MR. TATE: Thank you. That's all the questions
 09:58AM 20 I have.
 21 MR. BRISKE: Mr. Page, did you have any other
 22 witnesses that you wanted to present?
 23 MR. PAGE: No, sir.
 24 MR. BRISKE: Any other questions from the
 09:58AM 25 Board? Okay. Staff's findings, please.
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1 MR. LEMOS: Chairman, Board members, I would
 2 like to say, because this is in the Englewood
 3 Redevelopment area, I would ask you to please
 4 consider having the representative from the
 09:58AM 5 redevelopment area after I go through my findings,
 6 so they can present their findings.
 7 Once again, this is R-5, ID-1, requesting ID-2,
 8 General Industrial District, noncumulative.
 9 From our findings, number one, the proposed
 10 amendment is not consistent with the intent and
 11 purpose of CPP Future Land use 1.3.1 Future Land Use
 12 Categories, as stated above in the intent of the
 13 Mixed Use Urban category. It does allow for intense
 14 residential uses and nonresidential uses,
 15 commercial, for compatible infill development.
 16 Furthermore, the range of uses extends from
 17 residential to light industrial. Staff concurs that
 18 the cumulative nature of the ID-2 zoning category
 19 does allow for light industrial which is
 20 specifically mentioned in the Mixed Use Urban.
 21 However, the allowable uses within the ID-2 zoning
 22 category extend beyond light industrial. As a
 23 matter of fact, the allowable uses of ID-2 include
 24 heavy industrial land uses, highly intense
 25 manufacturing and processing operations,
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1 construction, heavy equipment operations, and other
 2 equivalent concentrations of potential noxious uses.
 3 With this understanding, Staff concludes that the
 4 future land use designation of Mixed Use Urban is
 5 not consistent with the proposed rezoning request of
 6 ID-2.
 7 The proposed amendment is also not consistent
 8 with the intent and purpose of CPP Future Land Use
 9 1.1.10 Locational Criteria further addressed with
 10 the Land Development Code consistency.
 11 Criterion 2. Under Criterion 2, the proposed
 12 amendment is not consistent with the roadway access
 13 requirements as stated in LDC 6.05.17.F of the Land
 14 Development Code which states that access to the
 15 parcel must be from a collector or arterial roadway.
 16 Direct access to the property is provided by Border
 17 Street, a local public two lane roadway. Should
 18 this amendment be approved, the industrial
 19 locational requirements set forth in LDC 7.20.07
 20 will be reviewed during the site plan review
 21 process. There are no natural systems or sensitive
 22 lands that may be affected by this proposed request.
 23 Under Criterion 3, the proposed amendment is
 24 not compatible with the surrounding existing uses in
 25 the area. Within the 500 foot radius impact area,
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1 Staff observed properties with zoning districts
 2 ID-1, C-2 and R-5. Cloverland Subdivision, Property
 3 Book 3, Page 52 is within the radius. There are 21
 4 single family residences, one mobile home park, six
 5 mobile homes, seven vacant residential properties,
 6 one church and four open storage properties and one
 7 wholesale parcel.
 8 Under Criterion 4, the proposed amendment does
 9 have changed conditions that impact the rezoning
 10 request by the applicant. This parcel is designated
 11 as part of the Englewood Community Redevelopment
 12 Area, under the Community Redevelopment Plan adopted
 13 by the Board of County Commissioners on July 6, 2000
 14 and updated March 19, 2009. It appears that the
 15 proposed amendment, as stated, would not meet the
 16 intent of the adopted plan. This issue will have to
 17 be addressed by the Community Redevelopment Agency
 18 staff.
 19 Criterion 5, according to the National Wetland
 20 Inventory, wetlands and hydric soils were not
 21 indicated on the subject property. There are no
 22 natural systems or sensitive lands that may be
 23 affected by this proposed request. When applicable,
 24 further review during the site plan review process
 25 will be necessary to determine if there will be any
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1 significant adverse impact on the natural
 2 environment.
 3 And Criterion 6, the proposed amendment will
 4 not result in a logical and orderly development
 5 pattern, as the allowed uses and intensities for the
 6 ID-2 zoning are incompatible with the intent of the
 7 Englewood Redevelopment Plan, which identify the
 8 less intense industrial uses and specific standards
 9 adopted by the County Commissioners for the
 10 redevelopment area.
 11 That concludes the findings.
 12 MR. BRISKE: Board members, any questions for
 13 the Findings-of-Fact?
 14 Mr. Page, do you wish to cross-examine?
 10:03AM 15 MR. PAGE: No, sir.
 16 MR. BRISKE: Okay. Thank you. David, are you
 17 going to be the one presenting? Please come
 18 forward.
 19 (WHEREUPON, the Mr. Forte was sworn).
 10:03AM 20 MR. BRISKE: David, please state your name and
 21 address and your position for the record?
 22 MR. FORTE: David Forte, Urban Planner II, with
 23 the Escambia County Community Redevelopment Agency.
 24 Pleasure to see the Board again. I believe
 10:03AM 25 there's only one Board member since the last time
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1 I've been here, so Mr. Woodward, nice to meet you.
 2 MR. WOODWARD: Thank you.
 3 MR. FORTE: I would like to go through the CRA
 4 comments, if that's okay, just to get them on the
 10:03AM 5 record.
 6 MR. BRISKE: Okay.
 7 MR. FORTE: This is for 2006 Border Street,
 8 Z-2012-09 in the Englewood Redevelopment District.
 9 The rezoners request for the above mentioned
 10:04AM 10 property is located in the Englewood Community
 11 Redevelopment area. The plan which was originally
 12 adopted by the Board of County Commissioners in July
 13 of 2000 and updated in March of 2009 is intended to
 14 accomplish several key objectives to help revitalize
 10:04AM 15 and improve the Englewood Redevelopment District.
 16 These key objectives include appearance, citizen
 17 involvement, code compliance, infrastructure
 18 improvements, residential and commercial
 19 reinvestment, traffic commingling and circulation
 10:04AM 20 and zoning and land use administration.
 21 The zoning and land use objective is intended
 22 to support and implement zoning policies that
 23 protected residential neighborhoods and encourage
 24 compatible commercial, industrial reinvestment.
 10:04AM 25 MR. BRISKE: David, if I could ask you – this
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1 is part of the record as part of the
 2 Findings-of-Fact. So if you would just summarize
 3 each of them instead of reading them verbatim, just
 4 in the essence of time. So just summarize the
 10:04AM 5 comments, because we have the verbatim – the
 6 document is in the record.
 7 MR. FORTE: Yes, sir. Will do.
 8 MR. BRISKE: Thank you.
 9 MR. FORTE: Comment Number 1, we state on Page
 10:05AM 10 8, the redevelopment plan, major findings were as
 11 follows: It talks about, and particularly Number 2,
 12 a secondary – a second priority is reinvestment in
 13 the four principal commercial corridors, Pace
 14 Boulevard, West Street – W Street, E Street and
 10:05AM 15 Fairfield Drive. The Border Street, Hollywood
 16 Avenue railroad corridor affords a unique
 17 opportunity for an urban, commerce or a light
 18 industrial park.
 19 One of the major findings in the ERP was – the
 10:05AM 20 ERP, I'm sorry, the Englewood Redevelopment Plan –
 21 was the potential opportunity for the urban commerce
 22 or light industrial park.
 23 The concern for the rezoning to the ID-2 zoning
 24 district would allow more intense industrial uses
 10:05AM 25 such as land use, rendering plants, slaughter
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1 houses, junk yards, salvage yards and such.
 2 Number 2, ERP on Page 17 touches on the
 3 existing land uses for the Englewood Redevelopment
 4 District. Mr. Page had talked about the percentages
 10:06AM 5 earlier. That is correct, it does state though, the
 6 CRA understands that the industrial uses are a
 7 tremendous economic factor when properly planned and
 8 managed. Industrial uses are in the vast minority
 9 throughout the Englewood Redevelopment District and
 10:06AM 10 definitely need proper promotion for the economic
 11 viability of the area.
 12 The CRA supports existing uses allowed under
 13 this ID-1 zoning. However, the additional intensive
 14 uses that in turn would be allowed under the IS-2
 10:06AM 15 zoning district would become intrusive to the
 16 surrounding residential areas.
 17 Number 3, we talk about – the CRA talks about
 18 the inconsistency with the Future Land Use, MU-U,
 19 and we support Staff's findings. The current zoning
 10:06AM 20 of ID-1 supports the intent of the MU-U, Future Land
 21 Use. However, the proposed rezoning to ID-2 would
 22 be in conflict with the MU-U category as ID-2 allows
 23 for the uses I've stated earlier.
 24 The applicant, in the CRA's position, would
 10:07AM 25 need to apply for a future land use map amendment to
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1 amend to MU-U to ID-1 prior to the rezoning request
 2 for – to meet the plan that they are intending.
 3 Number 4. I'll just state that the proposed
 4 rezoning from ID-1 to ID-2 would create the first
 10:07AM 5 and only ID-2 zoning property within the Englewood
 6 Redevelopment District. The CRA feels the zoning
 7 amendment would result in spot zoning, and as
 8 mentioned above in Comment Number 3, the amendment
 9 would be inconsistent with the future land use
 10:07AM 10 category of MU-U. As the Border Street, Hollywood
 11 Avenue corridor has the potential to become urban
 12 commerce or light industrial park serviced by the
 13 existing railroad, the CRA cannot support the
 14 rezoning of the current ID-1 to ID-2. CRA
 10:07AM 15 respectfully requests that the Board deny the
 16 rezoning request.
 17 I would like to ask one thing, if I can. I
 18 believe Mr. Page was talking about, and Mr. Tate you
 19 were asking about when the use was ended or stopped
 10:08AM 20 and then reopened or done again. A nonconforming
 21 use – and I think Horace can touch on this better
 22 than I can – the nonconforming use, I believe you
 23 have 365 days, one year to –
 24 MR. JONES: Yes.
 10:08AM 25 MR. FORTE: That you can, I guess, go back and
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1 redo the use that's been – that's occurred on that
 2 site. However, when you go over that 365 day limit
 3 you have to go back and meet what the Land
 4 Development Code or any codes of the County require.
 10:08AM 5 So I would like to just state that.
 6 MR. BRISKE: Okay.
 7 MR. WOODWARD: Let me just ask you a question.
 8 So you're saying this is not a grandfathered
 9 situation?
 10:08AM 10 MR. FORTE: Grandfathered in up to that 365
 11 days. So it's a nonconforming –
 12 MR. WOODWARD: If it was a nonconforming use
 13 that predated the plan, wouldn't it be allowed to
 14 continue as long as it didn't have the one year
 10:09AM 15 interruption; is that correct, Horace?
 16 MR. JONES: And that is –
 17 MR. FORTE: Correct. It's the one year
 18 interruption that –
 19 MR. WOODWARD: And this was not used for over a
 20 year?
 21 MR. JONES: That's correct.
 22 MR. WOODWARD: So the grandfathering is gone?
 23 MR. JONES: Absolutely.
 24 MR. BRISKE: David, Mr. Page indicated that
 10:09AM 25 there is no mechanism in place for adjustments to be
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1 made to your plan. Could you address that or maybe
 2 someone else can address that?
 3 MR. FORTE: I know Keith was – I think he was
 4 saying Mr. Wilkins had a conversation. The only
 10:09AM 5 thing I could say is these plans are – they go
 6 through an extensive public participation process
 7 where we meet with probably three or four workshops,
 8 with all the residents in the areas. They are
 9 brought before the Planning Board and the Board of
 10:09AM 10 County Commissioners for adoption. We do our best
 11 to try to every year update one of our plans. So
 12 this year we're actually working on Brownsville.
 13 Last year we did Barrancas. So about every five
 14 years each plan will be updated. That's what I
 10:10AM 15 could speak about.
 16 MR. BRISKE: But there's no mechanism for
 17 amendment. Mr. Wilkins?
 18 Good morning, sir. Please be sworn in.
 19 (WHEREUPON, Mr. Wilkins was sworn).
 10:10AM 20 MR. BRISKE: Please state your name, address
 21 and position for the record.
 22 MR. WILKINS: Good morning. My name is Steve
 23 Wilkins. I am Escambia County's Director of
 24 Community and Environment, 221 Palafox Place.
 10:10AM 25 I wasn't in the room when Mr. Page made the
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1 comments, so I don't know exactly what was said.
 2 However, our conversation prior was with regards to
 3 the ability to amend plans. But a point to be made,
 4 I believe, is that the CRA plans are just that, they
 5 are plans. They are not in code. Therefore, there
 6 is nothing necessarily to appeal or nothing to be
 7 applied regulatorily in the sense of the Land
 8 Development Code. And that was the discussion we
 9 had with regards to amending a boundary of a CRA
 10 area, because those areas are adopted by ordinance.
 11 So to amend that you would have to amend an
 12 ordinance.
 13 But otherwise, as far as regulatory standards
 14 go with the plans, they are plans and therefore,
 15 appeals don't necessarily apply. And so that's the
 16 context of hearing that secondhand. If you have any
 17 questions I'll be glad to answer them.
 18 MR. BRISKE: Mr. Page, do you have any
 19 questions for these witnesses, either David or Mr.
 20 Wilkins?
 21 MR. PAGE: Mr. Chairman, my comment perhaps
 22 would be more of an administrative one. You are
 23 being asked to listen to a presentation today from
 24 CRA for which a document exists that, as I indicated
 25 earlier, can't be changed. I'm not necessarily
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1 interested in a conversation on changing the
 2 boundary of the CRA as much as I am the designated
 3 land use recommendations that are made therein.
 4 There's no mechanism for that.
 5 As Mr. Wilkins indicated, too, it's not a part
 6 of the code. This Board, set up under 163, is
 7 responsible for all of the activities associated
 8 with the Comprehensive Plan and the Land Development
 9 Code, not the CRA as it's presently configured. So
 10 it's difficult for me to understand why this Board
 11 has to hear that presentation when you can't vote on
 12 it, you can't change it, you can't do anything with
 13 it, as we can't.
 14 Keith and I talked about a better mechanism to
 15 make that work better, where we have one planning
 16 department that we know how to work. We have
 17 another planning department, if you will, that's
 18 doing things a little differently. We certainly
 19 would like to see them work a little bit better than
 20 they do now.
 21 But as we sit here today, this Board has no
 22 control over that CRA, as I see it and as I
 23 understand the way it's been situated.
 24 MR. TATE: Can I address the CRA issue?
 25 MR. BRISKE: Yes, please.
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1 MR. TATE: I think, Mr. Page, and also speaking
 2 with our friends from the Community Redevelopment
 3 Agency, both this Board and Staff have disagreed
 4 with the findings of the plan in the past. And
 5 while it's a tool, it's not the final decision that
 6 we use in regards to any decision that this Board
 7 makes or even the findings of Staff in regards to a
 8 particular rezoning case.
 9 MR. PAGE: Glad to hear that.
 10 MR. TATE: Yes. So it's a tool, not a bottom
 11 line for us.
 12 MR. PAGE: Thank you.
 13 MR. KERR: Mr. Chairman, if I may.
 14 MR. BRISKE: Lloyd were you here –
 15 MR. KERR: I'm sorry. No, I was late coming in
 16 the room.
 17 MR. BRISKE: We'll ask him to be sworn in,
 18 please.
 19 (WHEREUPON, Mr. Kerr was sworn).
 20 MR. BRISKE: State your name and address and
 21 your position, please.
 22 MR. KERR: Lloyd Kerr. I'm the Director of
 23 Development Services for Escambia County.
 24 MR. BRISKE: Thank you.
 25 MR. KERR: And I just want to remind the Board
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1 that the overlay areas are a part of our Land
 2 Development Code. So inasmuch as the zoning would
 3 be – and any questions regarding the development
 4 and the rezoning and subsequent development, would
 5 be subject to those requirements that are already in
 6 the Land Development Code. And many of the things
 7 that are in the Land Development Code incorporate
 8 the suggestion or recommendations that have come in
 9 the past from earlier plans.
 10 MR. BRISKE: Mr. Wilkins testified that the
 11 code was an ordinance and therefore, I believe as an
 12 ordinance – and Mr. West, you may correct us if
 13 this is wrong – but as an ordinance it has a
 14 bearing on the decision that the Board would make
 15 even though it's not directly written in the Land
 16 Development Code; is that correct?
 17 MR. WEST: Yes, that would be correct. The
 18 ordinance does create a boundary and establish those
 19 redevelopment areas. That's my recollection of what
 20 the ordinances say. And beyond that there's the
 21 plan that is updated, as Mr. Wilkins said.
 22 MR. BRISKE: Okay. Thank you. Questions.
 23 MS. DAVIS: I have a question of Mr. West. I
 24 notice that the parcel, the south side of the parcel
 25 has a church adjacent to it. Now, changing this to
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1 Industrial II, how would that affect – the bars,
 2 for example, could not be open that close to a
 3 church and there are various things that are
 4 prohibited. How would that work?
 10:16AM 5 MR. WEST: Just like you said, there are
 6 restrictions on what can go next to churches,
 7 specifically alcohol related.
 8 MS. DAVIS: But we can still change it to
 9 industrial.
 10:16AM 10 MR. WEST: Again, as Mr. Tate mentioned
 11 earlier, there are additional restrictions that
 12 arise in different parts of the code, and that's one
 13 of them.
 14 MR. BRISKE: I noticed on this map – if we
 10:16AM 15 could zoom in a little bit. It appears that those
 16 are individual parcels that are within this red box;
 17 is that correct? There's a portion of one of them
 18 that kind of – little point of it that sticks out
 19 past the – is that considered a parcel, and would
 10:16AM 20 we have very split zoning on that parcel if this
 21 went forward?
 22 MS. CAIN: No, sir. Actually, this is now all
 23 one parcel. The applicant has actually combined all
 24 parcels so it's one property reference number.
 10:17AM 25 MR. BRISKE: Of the – I believe it was maybe
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1 the zoning map, the colored zoning map, maybe we can
 2 see that.
 3 MS. CAIN: It's still ID-1. Yes, at the top
 4 portion of that, which is now all one parcel, is
 10:17AM 5 ID-1.
 6 MR. BRISKE: But look down at the lower
 7 right-hand side of where the little blue square is.
 8 Down a little bit more. It appears that a piece of
 9 that was originally a parcel that was included.
 10:17AM 10 MS. CAIN: I'm not sure that the lines really
 11 match up. But they started out as three parcels and
 12 the applicant chose to combine all three.
 13 MR. BRISKE: Do you see what I'm talking about?
 14 MR. LEMOS: That could be a result of the GIS,
 10:17AM 15 the pixelation of the system, itself, on the
 16 software and hardware we use with GIS. Sometimes
 17 the lines just don't match up the way they're
 18 supposed to be. I see what you're talking about on
 19 that lower eastern corner.
 10:17AM 20 MR. BRISKE: Just a little tiny piece there.
 21 But it appears that that line is intended to cover
 22 those parcels up there, which you're now saying are
 23 all one parcel. They've been joined together.
 24 MR. LEMOS: They are one property.
 10:18AM 25 MR. BRISKE: Board members, additional
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1 questions? We're going to go into the public
 2 comment. We do have a speaker signed up on this
 3 one, and then we'll come back and let Mr. Page cover
 4 some more information.
 10:18AM 5 Excuse me. For those members of the public who
 6 wish to speak, please note that the Planning Board
 7 bases our decisions only on the criteria and
 8 exceptions described in Section 2.0802D of the Land
 9 Development Code. During our deliberations, the
 10:10AM 10 Planning Board does not consider general statements
 11 of support or opposition. Accordingly, please limit
 12 your testimony to the criteria and exceptions
 13 described in Section 2.0802D.
 14 Also, please note that only those individuals
 09:11AM 15 who are here before the Planning Board today
 16 speaking will be allowed to speak at the subsequent
 17 Board of County Commissioners.
 18 So far I do have one speaker signed up. Mr.
 19 Ronald Stewart, please.
 10:19AM 20 Good morning, sir. I'll ask that you be sworn
 21 in and then after that we'll have you state your
 22 name and address for the record.
 23 (WHEREUPON, Mr. Stewart was sworn).
 24 MR. BRISKE: Good morning, sir. Please state
 10:19AM 25 your name and address for the record.
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1 MR. STEWART: Good morning. My name is Ronald
 2 Stewart. I live at 1321 Border Street.
 3 I'm here just to say no again. The last time I
 4 appeared before you was December 14th. And I
 10:19AM 5 appeared before you and asked you to stop destroying
 6 my neighborhood. There are people that live in that
 7 neighborhood. I'm one of the victims that live
 8 there now.
 9 I will ask the Attorney General to open a
 10:19AM 10 criminal investigation into the Board of County
 11 Commissioners, the Board of Adjustment. You have
 12 conspired and extorted through force and
 13 intimidation to deprive my family of our right to
 14 life, liberty and our property. You have tortured
 10:20AM 15 us. You have harassed us, threatened us for the
 16 last five years. You have destroyed and stolen the
 17 value of our properties our – for your industrial
 18 park infrastructure already built – it's
 19 intimidation.
 10:20AM 20 Already – the pits are done. The road is
 21 paved. We've got street lights. None of them
 22 happened before all this came about. There are
 23 people – and I don't know how you people can sit
 24 back there and do this – there are people, 60, 70,
 10:20AM 25 80 years old. My next door neighbor is in a
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1 wheelchair and his wife is blind. The pots dance
 2 off their shelves. We have to listen to this crap
 3 all day long. We are at war, because one
 4 statement – wiped out 100 gold fish. I realize
 10:20AM 5 they're just gold fish, but they're dead. My
 6 aquariums had to be emptied because of your
 7 decision.
 8 You're going to kill somebody before it's over
 9 with. I have called the Sheriff's Department and
 10:21AM 10 told them because of the crap that that new machine
 11 that you put out there – the guy was screaming at
 12 three o'clock in the morning, he was going to kill
 13 somebody. I, like a sorry human being, did not call
 14 that night. I waited until the next morning when my
 10:21AM 15 conscience caught up with me and then I called the
 16 Sheriff and told him what had happened.
 17 I don't know what you guys are doing. Y'all
 18 are trying to run us all out of our homes. Nobody
 19 in that neighborhood – Border Street is being
 10:21AM 20 turned into a dump. The bottom end of it is nothing
 21 but scrap yards, trash, and it just keeps getting
 22 worse.
 23 The cement company – you know, when I was a
 24 child the cement company was working. That was the
 10:22AM 25 last time I saw it working. I'm 54 years old now.
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1 You know, enough. We're choking on this crap.
 2 Every morning our cars are covered with this stuff.
 3 Our homes are being shaken. Down there where this
 4 cement company is has turned into a dump.
 10:22AM 5 You know, Pensacola is too beautiful. I raised
 6 my kids to welcome tourists here. And all you're
 7 doing is destroying the damn thing. Please stop.
 8 Thank you very much. Any questions?
 9 MR. BRISKE: Any questions for Mr. Stewart?
 10:22AM 10 MR. STEWART: I didn't think so.
 11 MR. BRISKE: Mr. Page, do you wish to –
 12 MR. PAGE: I have nothing further.
 13 MR. BRISKE: Okay. Anyone else that wishes to
 14 speak on this matter? Okay. I hereby close the
 10:22AM 15 public comment portion of the hearing.
 16 Mr. Page, I'll give you the opportunity for any
 17 closing statements. You said you have none.
 18 MR. PAGE: None.
 19 MR. BRISKE: Members of the Board, discussion
 10:23AM 20 or a motion?
 21 MR. GOODLOE: Mr. Chairman, I have a motion.
 22 MR. BRISKE: Yes, sir.
 23 MR. GOODLOE: I recommended the denial of the
 24 rezoning application to the Board of County
 10:23AM 25 Commissioners and adopt the Findings-of-Fact
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1 provided in the rezoning hearing package Z-2012-09.
 2 MS. SINDEL: I second.
 3 MS. SINDEL: A motion and a second.
 4 Discussion. All those in favor, say aye.
 08:35AM 5 (Board members vote.)
 6 MR. BRISKE: Opposed?
 7 Mr. Page, the request has been denied.
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1 CASE: Z-2012-11
 2
 3 APPLICANT: Carol J. Simpson. Agent for Mary J. Moye, John W.
 Huelsbeck, Jr., Linda Aligood, Owner
 4 ADDRESS: 11 Eden Lane
 PROPERTY REFERENCE NO: 02-11N-31-34-02-000-009
 5 FUTURE LAND USE: MU (Medium Density Residential) Urban
 COMMISSIONER DISTRICT: 5
 6 OVERLAY AREA: NA
 REQUESTED REZONING:
 7 FROM: V-4, Villages Multifamily Residential District
 TO: VR-2, Villages Rural Residential District
 8
 9
 10:23AM 10 MR. BRISKE: Like I stated at the beginning of
 11 the meeting our next case, Z-2012-10 has a couple of
 12 items that will have to be considered in the regular
 13 Planning Board meeting, so we're going to move that
 14 one to the end of the agenda. So we'll move forward
 10:24AM 15 with Case Z-2012-11, which is 11 Eden Lane, V-4,
 16 Villages Multifamily Residential District
 17 to a VR-2, Villages Rural Residential District.
 18 Members of the Board, once again I'll ask if
 19 there's been any ex parte communication on this case
 with the Applicant, the agents, attorneys, witnesses
 20 or with any fellow Planning Board members or anyone
 08:56AM 21 from the general public prior to this hearing. I'll
 22 also ask that you disclose if you have visited the
 23 subject property. And if you are a relative or a
 24 business associate of the Applicant or the
 08:56AM 25 TAYLOR REPORTING SERVICES, INCORPORATED

JUNE 28, 2012
REZONING CASE Z-2012-09
2006 BORDER STREET
BUDDY PAGE AGENT, RICK EVANS OF EVANS CONTRACTING, INC.

Commissioner Wilson B. Robertson, Chairman (Robertson)
Commissioner Gene M. Valentino, Vice Chairman (Valentino)
Commissioner Grover C. Robinson IV (Robinson)
Commissioner Kevin W. White (White)
Commissioner Marie K. Young (Young)
Charles R. "Randy" Oliver (Oliver)
Alison Rogers (Rogers)
T. Lloyd Kerr (Kerr)
Wiley C. "Buddy" Page (Page)

Kerr Number 9 is 2006 Border Street. The request here is to zone from R-5 and ID-1 to ID-2. The Planning Board recommended denial on this Petition.

Robertson All right. Mr. Page signed up to speak for three minutes.

Page Thank you, Mr. Chairman. Buddy Page, 5337 Hamilton Lane in Pace. This particular piece of property, as you can see from the overhead, Mr. Chairman, is split zoning. The northerly portion of it is already ID-1, the southerly portion, I believe, is R-5. We wanted all of that to be ID-2, only because the property has a history of use in that it was formerly, for 20 years or more, the Hinote Septic Tank plant site, where they actually poured concrete and made the septic tanks and sold those in the area. In order to do that, they have to have a batch mix concrete plant, which they had on site. At some point, Code Enforcement came by and told them they may need to check and be sure that they can continue to do that at this site. They checked and found out a concrete plant in this area is simply in this area is simply allowed. Well, what about our history? Well, it just didn't come out that way. They acquired a couple of extra pieces of property, the business had been out of business for over a year, so there were some other difficulties that came in. So the investors took the, Mr. Campbell and others, took the concrete plant and went to Century with it. The present owner is still attempting to try to get it rezoned to allow for a small batch plant concrete facility to go in. Mr. Chairman, the problem that we have with this is similar to other things where we have a scale of uses that are all lumped together in an ID-2 category. Concrete plants, it just says concrete plants. There are a lot of types of concrete plants and certainly on something around two to three acres you can't get a real large facility to be constructed there. So that was my comment, Mr. Chairman, and also this is another location where we have rail frontage and an opportunity to do some things here with ID-2 and it's not being held up for

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zoning reasons and for the recommendations that are contained in the County's Neighborhood Redevelopment Plans as well.

Robertson Commissioner White.

White Here again's another one the Future Land Use is wrong to be able to try to do anything with this. I'm with you, Grover, I don't know how we approved some of this stuff when we done it – didn't take into consideration.

Kerr And, Commissioner, if I may, Mixed Use-Urban does allow for ID-1 and that.

White He wants ID-2.

Robinson He wants ID-2.

Kerr No, I understand, but the question was about how do we get to the MU-U and it's because of the zoning because of the prior Future Land Use on there that we went to the MU-U. I mean we – that is all part of that.

White Buddy, would it be helpful since part of it's already zoned ID-1 if we did the part that's R-5 make it all ID-1?

Page Yes, sir, it certainly would.

Robinson Can I ask?

Robertson You want to go to Commissioner Robinson right now?

White Yeah, 'cause I'm trying to (indecipherable).

Robertson Commissioner Robinson.

Robinson Let me ask the question here. It seems like we're getting hung up on our uses, that we lump everybody together. Is it perhaps something that we should evaluate 'cause we don't have to go back on some of these things for Future Land Use if we look at issues that deal with our uses and perhaps give them conditional uses in certain zonings?

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- Kerr I think certainly we could look at that, although I think the fact that we make a distinction between ID-1 and ID-2 is because of the severity of the use.
- Robinson But we make no distinction between anything dealing with concrete, and clearly this property within its history has operated as such. That's the part that the public doesn't understand.
- Kerr Well, correct, but it was a nonconforming use and it was evidently, if you'll read the – and in reading the testimony, you'll see that there was a speaker who spoke to the noise and to the vibration and to the dust and so forth. And so it does have some noxious offensive type things connected with it. I don't know how long the plant was in operation, but it evidently had ceased operation and long enough so that it was out of – it could not be grandfathered.
- White Buddy.
- Robertson Commissioner White's next and then Commissioner Valentino.
- White Buddy. So you're saying that – 'cause I think I got a solution is we could send this back to the Planning Board to consider the R-5 parcel, since they did not consider that in the original, to do it to ID-1. Does that get you where you need to be?
- Page That would be to the delight of the owner.
- White OK. Then I'll move to send back to the Planning Board to consider the remainder of the subject parcel to ID-1.
- Valentino Second.
- Robertson OK. Did you want to speak, Commissioner Robinson.
- Valentino Mr. Chairman, I have a comment, but very brief, since this is what I do agree with. Lloyd, the problem we seem to be having with these is that there's a – and I'm just as guilty as the other two admissions, that we're not – I'm not sure the map – the Future Land Use Maps are grabbing the Future Land Use intentions. It's going to have a separate issue. It ripples directly into economic development and availability of parcels being able to – I know we adopted it – but no disrespect to anybody but I just think that we should become a little bit more

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aggressive and willing, without the encumbrance on the applicant, to move to the more intense use without such a hardship because of an outdated Future Land Use Map. That's my concern. Please consider that in the future as we're going forward because it's going to happen again. This isn't the only one.

Robertson OK. Please vote. Passes four zero with one (*Commissioner Robinson*) out of the room.

Planning Board-Rezoning

5. B.

Meeting Date: 05/14/2012

CASE : Z-2012-09

APPLICANT: Wiley C. "Buddy" Page,
Agent for Rick Evans, Owner

ADDRESS: 2006 Border Street

PROPERTY REFERENCE NO.: 16-2S-30-2300-001-023

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

COMMISSIONER DISTRICT: 3

OVERLAY AREA: Englewood Redevelopment
Area

BCC MEETING DATE: 06/28/2012

Information

SUBMISSION DATA:

REQUESTED REZONING:

**FROM: R-5, Urban Residential/Limited Office District, (cumulative) High Density
ID-1, Light Industrial District (cumulative) (no residential uses allowed)**

TO: ID-2, General Industrial District (noncumulative)

RELEVANT AUTHORITY:

- (1) Escambia County Comprehensive Plan
- (2) Escambia County Land Development Code
- (3) Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993)
- (4) Resolution 96-34 (Quasi-judicial Proceedings)
- (5) Resolution 96-13 (Ex-parte Communications)

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

Comprehensive Plan Policy (CPP) FLU 1.1.10 Locational Criteria. The LDC shall include locational criteria for broad categories of proposed non-residential land uses. The site criteria for such uses shall address the transportation classification of, and access to adjoining streets, the proximity of street intersections and large daily trip generators (i.e. college or university), the surrounding land uses, the ability of a site to accommodate the proposed use while adequately protecting adjoining uses and resources, and other criteria that may be appropriate to those categories of uses.

CPP FLU 1.3.1 Future Land Use Categories. General descriptions, range of allowable uses and residential densities and non-residential intensities for all future land use categories in Escambia County. The Mixed-Use Urban (MU-U) Future Land Use (FLU) category is intended

for an intense mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole. Range of allowable uses include: Residential, Retail and Services, Professional Office, Light Industrial, Recreational Facilities, Public and Civic. The minimum residential density is 3.5 dwelling units per acre and the maximum residential density is 25 dwelling units per acre.

CPP FLU 1.5.3 New Development and Redevelopment in Built Areas. To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed-Use Suburban, Mixed-Use Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

FINDINGS

The proposed amendment is **not consistent** with the intent and purpose of CPP FLU 1.3.1 Future Land Use Categories, as stated above in the intent of the Mixed-Use Urban category, it does allow for intense residential uses and non-residential uses (commercial) for compatible infill development. Furthermore, the range of uses extends from residential to light-industrial. Staff concurs that the cumulative nature of the ID-2 zoning category does allow for light industrial which is specifically mentioned in MU-U. However, the allowable uses within the ID-2 zoning category extend beyond light-industrial. As a matter of fact, the allowable uses of ID-2 include heavy industrial land uses, highly intense manufacturing and processing operations, construction/heavy equipment operations, and other equivalent concentrations of potential noxious uses. With this understanding, staff concludes that the future land use designation of MU-U is not consistent with the proposed rezoning request of ID-2. The proposed amendment is **not consistent** with the intent and purpose of CPP FLU 1.1.10 Locational Criteria further addressed with the Land Development Code consistency, Criterion 2.

CRITERION (2)

Consistent with The Land Development Code.

Whether the proposed amendment is in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

6.05.12. R-5 Urban Residential/Limited Office District, (cumulative) high density.

This district is intended to provide for high density urban residential uses and compatible professional office development, and designed to encourage the establishment and maintenance of a suitable higher density residential environment and low intensity services. These uses form a transition area between lower density residential and commercial development. Maximum density is 20 dwelling units per acre except in the Low Density Residential (LDR) future land use category where the maximum density is 18 dwelling units per acre. Refer to Article 11 for uses, heights and densities allowed in R-5, urban residential/limited office areas located in the Airport/Airfield Environs.

6.05.18. ID-1 Light Industrial District (cumulative) (no residential uses allowed).

This district is intended primarily for research-oriented activities, light manufacturing and processing not involving the use of materials, processes or machinery likely to cause undesirable effects upon nearby industrial establishments of this type. The uses shall be within completely enclosed buildings wherever practical and provide a buffer between commercial districts and other higher intensive industrial uses. The uses which this district is designed to accommodate include general assembly, warehousing and distribution activities. In addition, major repair and service activities, as well as manufacturing activities meeting performance

standards are intended to be accommodated in this district. Finally, commercial trade and service activities not compatible with activities adapted to more restrictive districts, but which satisfy site plan criteria and performance criteria of this Code, should be accommodated in this district. Residential development is excluded from this district, both to protect residences from undesirable influences and to ensure the preservation of adequate areas for industrial development. Refer to the overlay districts within section LDC 6.07.00 for additional regulations imposed on individual parcels with ID-1 zoning located in the Scenic Highway Overlay District or C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District. All industrial development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (FLU 1.1.10) and in Article 7. Refer to Article 11 for uses, heights and densities allowed in ID-1, light industrial areas located in the Airport/Airfield Environs.

6.05.19. ID-2 General Industrial District (noncumulative).

This district is intended to accommodate industrial uses which cannot satisfy the highest level of performance standards. It is designed to accommodate manufacturing, processing, fabrication, and other activities which can only comply with minimal performance standards. No residential development is permitted in this district, thereby insuring adequate area for industrial activities. Community facilities and trade establishments that provide needed services to industrial development also may be accommodated in this district. All industrial development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (FLU 1.1.10) and in Article 7. Refer to Article 11 for uses allowed in ID-1, light industrial areas located in the Airport/Airfield Environs.

B. Permitted uses.

1. Manufacturing or industrial uses permitted in the ID-1 light industrial district.
2. Asphalt plants.
3. Concrete plants.
4. Iron works.
5. Landfills.
6. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
7. Paper mills.
8. Refineries.
9. Rendering plants and slaughter houses.
10. Steel mills.
11. Solid waste transfer stations, collection points, and/or processing facilities.
12. Public utility and service structures.
13. Junkyards, salvage yards, and waste tire processing facilities.
14. Other uses similar to those listed herein. Recommendations on other permitted uses shall be made by the planning board (LPA) and based on an application for such other use. Final determination shall be made by the BCC upon receipt of the planning board's (LPA's) recommendation.

LDC 6.05.17.F. Roadway access. Direct access must be provided from a collector or arterial roadway and such access may be provided by curb cuts on the collector or arterial roadway or a private or public commercial access road linking the use with the collector or arterial roadway provided that such private or public road does not traverse a predominately residential neighborhood or subdivision between the use and the collector or arterial roadway. No permit shall be issued or any proposed use which requires access through a residential neighborhood or subdivision.

LDC 7.20.07. Industrial locational criteria (ID-CP, ID-1, ID-2).

New industrial development must meet the following locational criteria:

1. Industrial uses shall be located so that the negative impacts of industrial land uses on the functions of natural systems shall, as a first priority, be avoided. When impacts are unavoidable, those impacts shall be minimized.
2. Sites for industrial development shall be accessible to essential public and private facilities and services at the levels of service adopted in the Comprehensive Plan.
3. New industrial uses in the MU-1, AA-13, and AA-15 categories may be permitted provided such use conforms to the permitted uses listed in the ID-CP and ID-1 zoning categories. Industrial and MU-6 categories allow all types of industrial uses.
4. Sites for industrial uses shall be located with convenient access to the labor supply, raw material sources and market areas.
5. New industrial uses shall be located on parcels of land large enough to adequately support the type of industrial development proposed and minimize any adverse impacts upon surrounding properties. Compatibility of land uses shall be ensured consistent with Comprehensive Plan Policy 7.A.3.8. (FLU 1.1.9)
6. These industrial locational criteria apply to those future land use categories where industrial development is permitted and does not provide or permit industrial land uses in those categories that do not provide for such uses.

FINDINGS

The proposed amendment is **not consistent** with the roadway access requirements as stated in LDC 6.05.17.F of the Land Development Code which states that access to the parcel must be from a collector or arterial roadway. Direct access to the property is provided by Border Street, a local public two lane roadway. Should this amendment be approved, the industrial locational requirements set forth in LDC 7.20.07 will be reviewed during the site plan review process. There are no natural systems or sensitive land that may be affected by this proposed request.

CRITERION (3)

Compatible with surrounding uses.

Whether and the extent to which the proposed amendment is compatible with existing and proposed uses in the area of the subject property(s).

FINDINGS

The proposed amendment is **not compatible** with surrounding existing uses in the area. Within the 500' radius impact area, staff observed properties with zoning districts ID-1, C-2 and R-5. Cloverland Subdivision, (PB3, PG52) is within the radius. There are 21 single family residences, one (1) mobile home park, six (6) mobile homes, seven (7) vacant residential properties, one (1) church, four (4) open storage properties and one (1) wholesale parcel.

CRITERION (4)

Changed conditions.

Whether and the extent to which there are any changed conditions that impact the amendment or property(s).

FINDINGS

The proposed amendment **does have** changed conditions that impact the rezoning request by

the applicant. This parcel is designated as part of the Englewood Community Redevelopment Area, under the Community Redevelopment Plan adopted by the Board of County Commissioners July 6, 2000 and updated March 19, 2009. It appears that the proposed amendment, as stated, would not meet the intent of the adopted plan. This issue will have to be addressed by the Community Redevelopment Agency staff.

CRITERION (5)

Effect on natural environment.

Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment.

FINDINGS

According to the National Wetland Inventory, wetlands and hydric soils **were not** indicated on the subject property. When applicable, further review during the site plan review process will be necessary to determine if there would be any significant adverse impact on the natural environment.

CRITERION (6)

Development patterns.

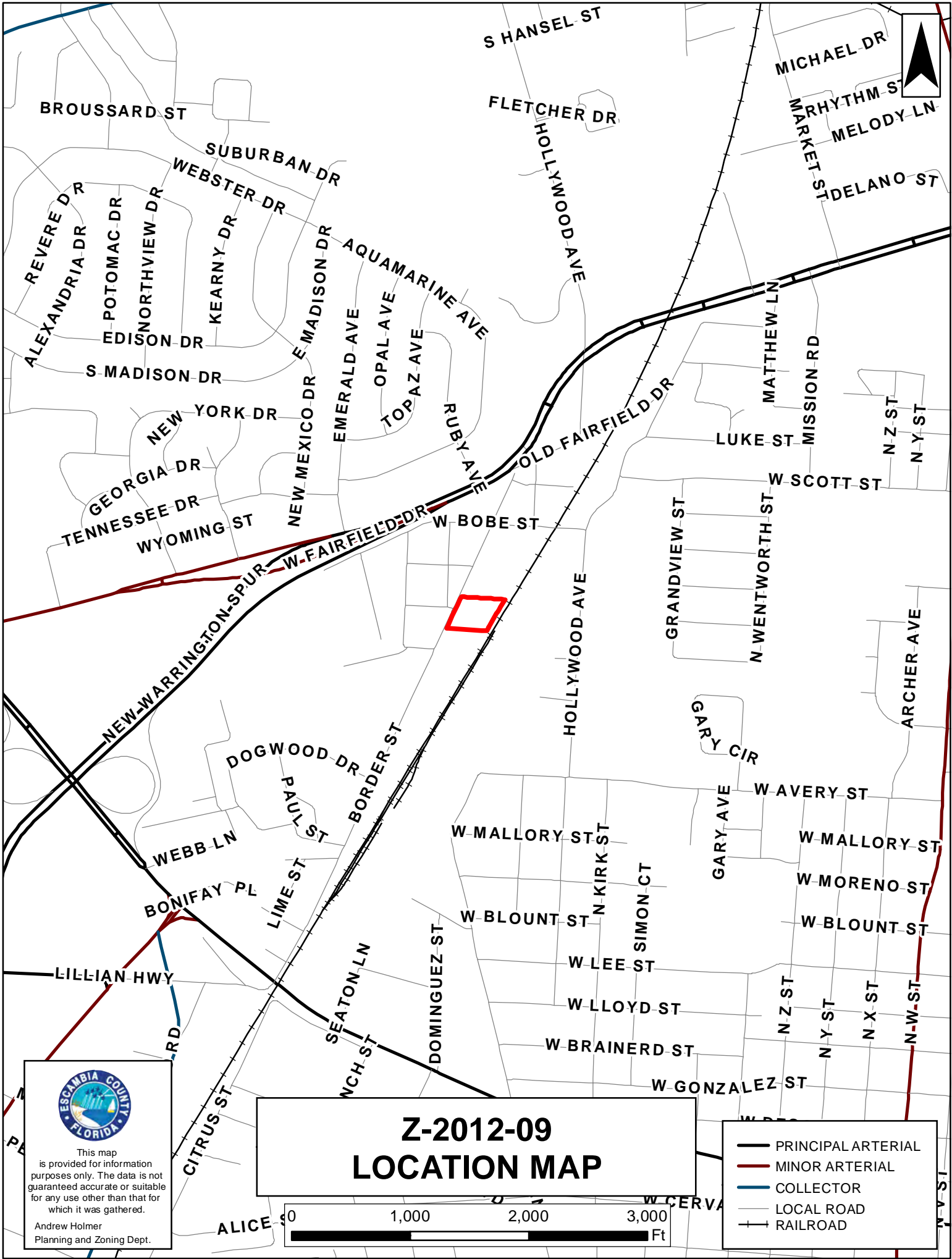
Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

FINDINGS

The proposed amendment **would not** result in a logical and orderly development pattern, as the allowed uses and intensities for the ID-2 zoning are incompatible with the intent of the Englewood Redevelopment Plan, which identify the less intense industrial uses and specific standards adopted by the County Commissioners for the redevelopment area.

Attachments

Z-2012-09



BROUSSARD ST

S HANSEL ST

MICHAEL DR

SUBURBAN DR

FLETCHER DR

MARKET ST

MELODY LN

DELANO ST

REVERE DR
ALEXANDRIA DR
POTOMAC DR

NORTHVIEW DR
KEARNY DR

WEBSTER DR

AQUAMARINE AVE
EMERALD AVE
OPAL AVE
TOPAZ AVE

HOLLYWOOD AVE

S MADISON DR

NEW YORK DR

E MADISON DR
NEW MEXICO DR

RUBY AVE

OLD FAIRFIELD DR

LUKE ST

MISSION RD

N Z ST

N Y ST

GEORGIA DR
TENNESSEE DR

WYOMING ST

W FAIRFIELD DR

W BOBE ST

W SCOTT ST

NEW WARRINGTON SPUR

GRANDVIEW ST

N WENTWORTH ST

ARCHER AVE

DOGWOOD DR

PAUL ST
LIME ST

BORDER ST

HOLLYWOOD AVE

GARY CIR

W AVERY ST

WEBB LN

W MALLORY ST

W MALLORY ST

BONIFAY PL

W BLOUNT ST

W MORENO ST

W BLOUNT ST

LILLIAN HWY

DOMINGUEZ ST

W LEE ST

W LLOYD ST

W BRAINERD ST

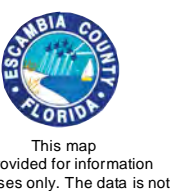
W GONZALEZ ST

N Z ST

N Y ST

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N W ST



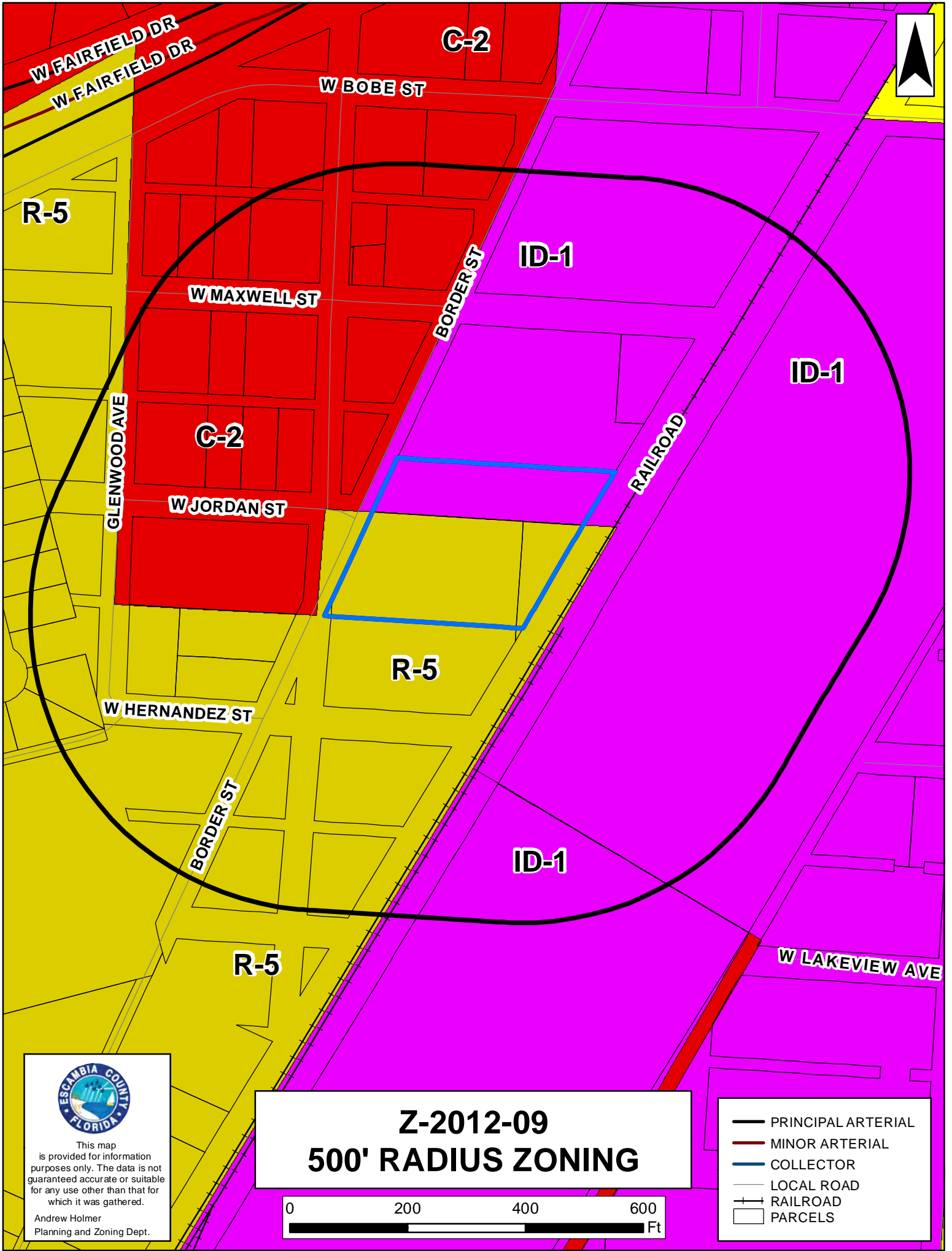

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Andrew Holmer
Planning and Zoning Dept.

Z-2012-09 LOCATION MAP



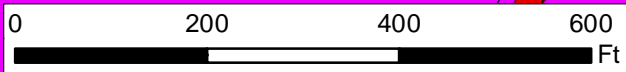
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD










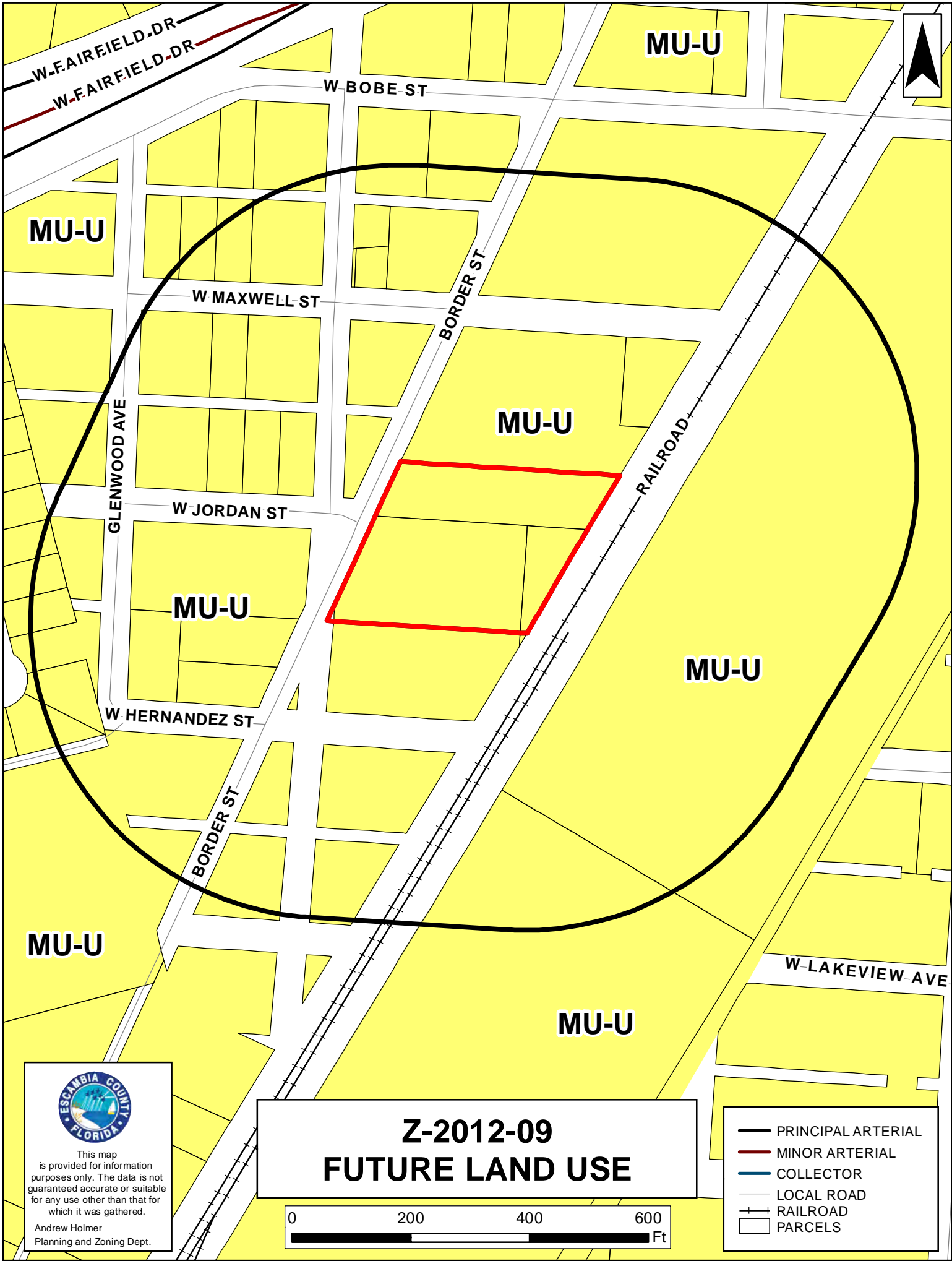
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Andrew Holmer
Planning and Zoning Dept.

Z-2012-09
500' RADIUS ZONING



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



MU-U

MU-U

W MAXWELL ST

MU-U

W JORDAN ST

MU-U

MU-U

W HERNANDEZ ST

MU-U

MU-U

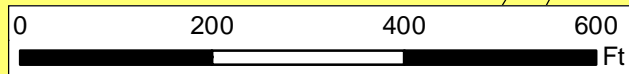
W LAKEVIEW AVE



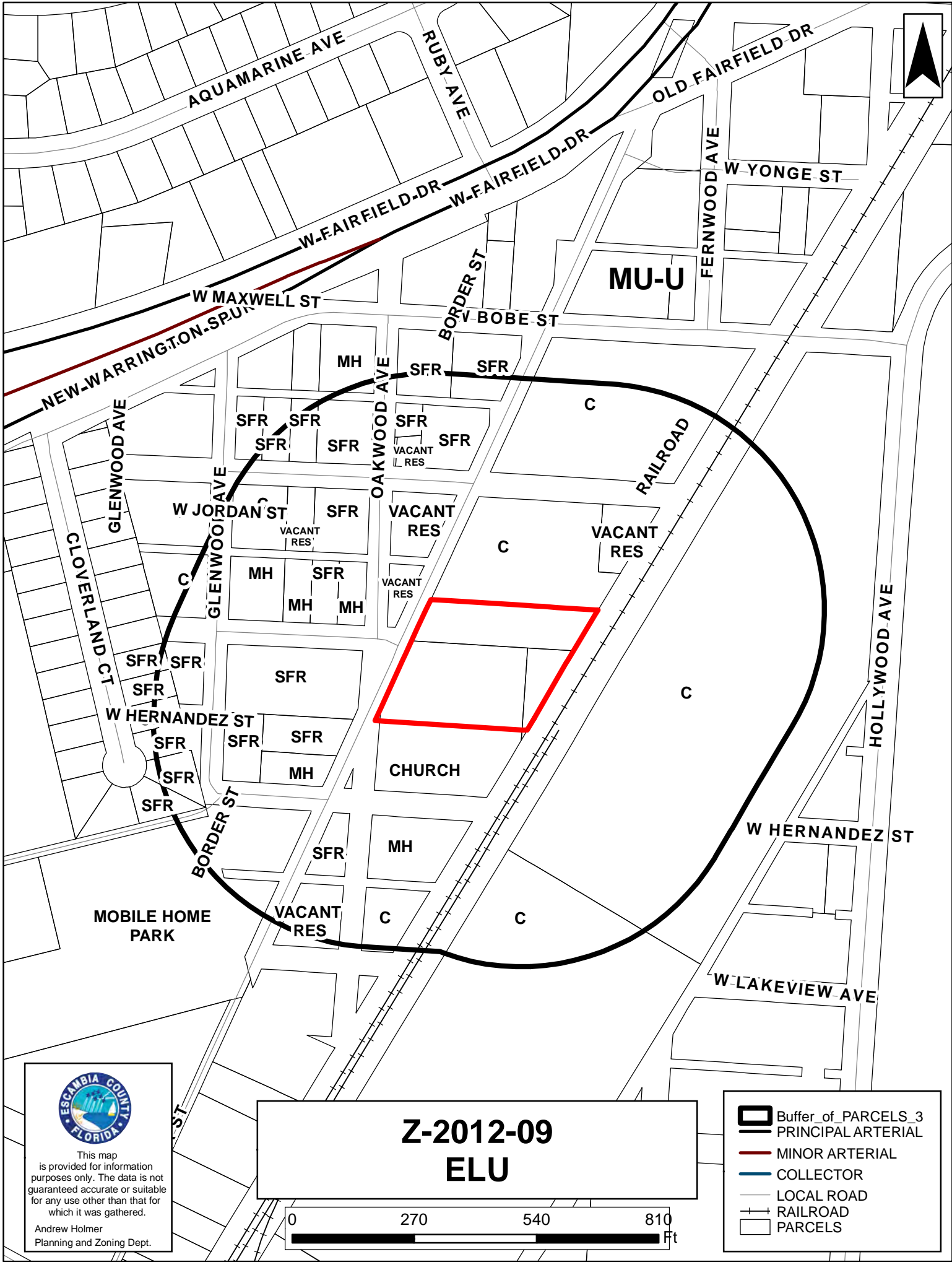
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Andrew Holmer
Planning and Zoning Dept.

Z-2012-09 FUTURE LAND USE



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



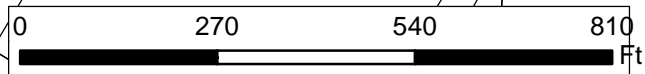









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 Andrew Holmer

 Planning and Zoning Dept.

Z-2012-09 ELU



-  Buffer_of_PARCELS_3
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD
-  PARCELS



W MAXWELL ST

OAKWOOD AVE

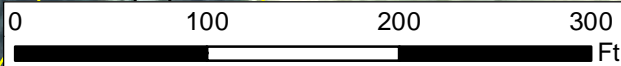
BORDER ST









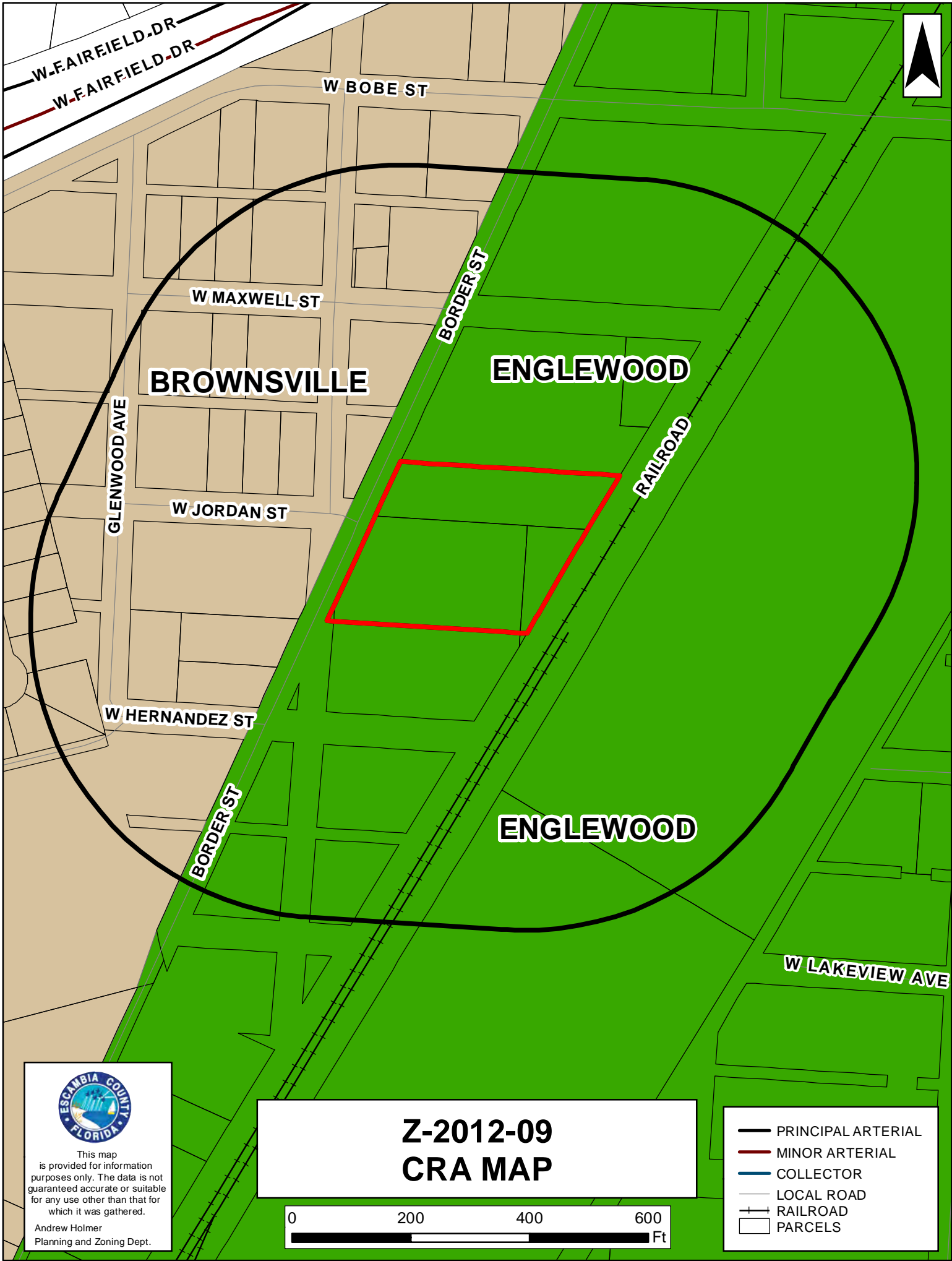
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Andrew Holmer
Planning and Zoning Dept.

Z-2012-09 AERIAL MAP



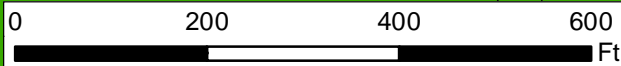
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD
-  PARCELS



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Andrew Holmer
Planning and Zoning Dept.

Z-2012-09 CRA MAP



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



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: **ZZ-2012-091-1**
CURRENT ZONING: **R5/ID-1** PROPOSED ZONING: **ID-2**

PLANNING BOARD

DATE: **8/13/12** TIME: **8:30 AM**

LOCATION OF HEARING

ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE
ROOM 104 BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: **9/6/12** TIME: **5:45 PM**

LOCATION OF HEARING

ESCAMBIA COUNTY GOVERNMENT CENTER
221 PALAFOX PLACE
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION ABOUT THIS CASE PLEASE CALL
DEVELOPMENT SERVICES AT 595-3475 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY



LOOKING SOUTHWEST



LOOKING WEST



LOOKING NORTHEAST



LOOKIN EAST ON TO THE SITE



LOOKING NORTHEAST



LOOKING NORTHWEST



LOOKING SOUTHWEST



**BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA**

The mission of the CRA is to enhance the quality of life within the County's Redevelopment Areas and Enterprise Zone by encouraging private sector reinvestment, promoting economic development and providing public sector enhancements.

INTEROFFICE MEMORANDUM

TO: Planning Board

FROM: David Forte, Urban Planner II, Community Redevelopment Agency (CRA)

THRU: Eva A. Peterson, CRA Manager

DATE: Tuesday, May 2, 2012

RE: Rezoning, May 14, 2012 meeting – 2006 Border Street – Z-2012-09 –
Englewood Redevelopment District

The rezoning request for the above mentioned property is located within the Englewood Community Redevelopment Area Plan (ERP). The plan, which was originally adopted by the Board of County Commissioners in July of 2000 and updated in March of 2009, is intended to accomplish several key objectives to help revitalize and improve the Englewood Redevelopment District. These key objectives include appearance, citizen involvement, code compliance, infrastructure improvements, residential and commercial reinvestment, traffic calming and circulation, and zoning and land use administration.

The Zoning and Land Use objective is intended to support and implement zoning policies that protect residential neighborhoods and encourage compatible commercial/industrial reinvestment.

CRA Comments:

- 1) The ERP states on page 8, “The Redevelopment Plan’s major findings were as follows: 1. Code enforcement combined with residential reinvestment assistance is considered a priority to improvement efforts in the Englewood Redevelopment Area. 2. A second priority is reinvestment in the four principal commercial corridors (Pace Boulevard, “W” Street, “E” Street, and Fairfield Drive). 3. The Border Street/Hollywood Avenue railroad corridor affords a unique opportunity for an urban commerce or light industrial park...”**

One of the major findings of the ERP was the potential opportunity for the Border Street/Hollywood Avenue railroad corridor to become an urban commerce or light

industrial park. Both park opportunities would support general commercial to light industrial type uses, in which the ID-1 zoning district states “*Intent and purpose.* This district is intended primarily for research-oriented activities, light manufacturing and processing not involving the use of materials, processes or machinery likely to cause undesirable effects upon nearby industrial establishments of this type. The uses shall be within completely enclosed buildings wherever practical and provide a buffer between commercial districts and other higher intensive industrial uses. The uses which this district is designed to accommodate include general assembly, warehousing and distribution activities. In addition, major repair and service activities, as well as manufacturing activities meeting performance standards are intended to be accommodated in this district. Finally, commercial trade and service activities not compatible with activities adapted to more restrictive districts, but which satisfy site plan criteria and performance criteria of this Code, should be accommodated in this district.”

The concern for a rezoning to the ID-2 zoning district would allow more intense industrial uses such as landfills, rendering plants and slaughter houses, junkyards, salvage yards, etc.

- 2) **The ERP on page 17 touches on the existing land uses for the Englewood Redevelopment District and states, “The Englewood Redevelopment Area is composed of 2,353 parcels across 883.2 acres, excluding roads and rights-of-way. Four primary land uses are represented: Residential (comprising approximately 39% of total land use), Institutional (approximately 28%), Commercial (approximately 16%), Vacant (approximately 13%), and Industrial (approximately 4%). A more detailed description of these land-use types follows below.” The ERP goes on to state on page 19, “Industrial and utilities are by far the smallest land use types in the Englewood Redevelopment Area. Together they account for less than 4% of total acreage and 74 of the area’s 2,353 parcels. The majority of the industrial uses are located along the railroad west of Hollywood Avenue.”**

The CRA understands that industrial uses are a tremendous economic factor when properly planned and managed as it generates jobs, increases property values which in turn increases the ad valorem tax base, and provides goods for consumers. Industrial uses are the vast minority throughout the Englewood Redevelopment District and definitely need proper promotion for the economic viability for the area. The CRA supports the existing uses allowed under the ID-1 zoning for the property; however, the additional intensive uses that, in turn, would be allowed under the ID-2 zoning district would become intrusive to the surrounding residential areas.

- 3) **The ERP on page 22 details the future land use categories located within the Englewood Redevelopment District; however, the Comprehensive Plan, which amended the future land use categories, has been updated through the Evaluation & Appraisal Report Based Amendments (EAR 2010) since the ERP has been updated (2008). The future land use category for the proposed site at the time of adoption of the EAR was Mixed Use-1, but the current future land use category for the site is Mixed Use-Urban (MU-U). FLU Policy 1.3.1 states “Intended for an intense mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole.” And further the MU-U category states the range of**

allowable uses are “Residential, Retail and Services, Professional Office, Light Industrial, Recreational Facilities, Public and Civic.”

The current zoning of ID-1 supports the intent of the MU-U future land use category as it would allow for light industrial type uses; however, the proposed rezoning to ID-2 would be in conflict with the MU-U category as ID-2 allows for all types of industrial uses including intensive industrial. The applicant would need to apply for a future land use map amendment from MU-U to Industrial (I) prior to the rezoning request from ID-1 to ID-2. The ranges of allowable uses within the Industrial future land use category are “light to intensive industrial, ancillary retail and office, and no new residential development is allowed.” The rezoning amendment is inconsistent with the Comprehensive Plan as the amendment would be inconsistent with the MU-U future land use category.

- 4) **The ERP of page 26 details the land development regulations for the Englewood Redevelopment District. The plan states, “Three primary zoning categories are represented in the Englewood Redevelopment Area—residential, commercial, and industrial (Fig. 2.5). As with land use, the share of each zoning designation reflects the dominance of the corresponding land use, with residential occupying just over 60% of the total acreage, commercial occupying a little more than 31%, and industrial representing the remaining proportion. More specifically, these three zoning categories are divided among seven particular divisions, R-2, R-4, R-5, R-6.C-1, C-2 and ID-1.”**

The proposed rezoning from ID-1 to ID-2 would create the first and only ID-2 zoning properties within the Englewood Redevelopment District. The CRA feels the zoning amendment would result in spot zoning and, as mentioned above under comment #3, the amendment would be inconsistent with the MU-U future land use category.

As the Border Street/Hollywood Avenue corridor has the potential to become an urban commerce or light industrial park, serviced by the existing railroad, the CRA cannot support the rezoning of the current ID-1 zoning to the proposed ID-2 zoning for the reasons stated above. The CRA respectfully requests that the Board deny the rezoning request.

If you have any questions or concerns, please contact me at the following:

David Forte

Work: 850.595.3595

Cell: 850.554.8187

Email: dvforte@myescambia.com

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

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

April 4, 2012
VIA HAND DELIVERY

Ms. Allyson Cain
Escambia County Planning Dept.
3363 West Park Avenue
Pensacola, Florida 32505

RE: Parcel Number 16-2S-30-2300-001-023
Location: Border Street and Jordan
Rezoning to ID-2

Dear Ms. Cain:

Please find our rezoning application attached which requests a change to the parcel referenced above that currently has split zoning of residential/industrial one to Industrial Two for the entire parcel. If approved, this will facilitate the continued use of the property as a concrete manufacturing operation.

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

Sincerely,

Wiley C."Buddy" Page



Development Services Department

Escambia County, Florida

APPLICATION

Please check application type:

Administrative Appeal

Development Order Extension

Conditional Use Request for: _____

Variance Request for: _____

Rezoning Request from: ID-1 & R-5 to: ID-2

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

Owner(s) Name: Evans Contracting, Inc. Phone: 968-1957

Address: 289 Nowak Road Cantonment, FL 32533 Email: evanscontracting@att.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: 2006 Border Street Pensacola, Florida 32501

Property Reference Number(s)/Legal Description: 16-2S-30-2300-001-023 & 16-2S-30-2300-001-011 + 027

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

Evans Contracting, Inc.
Printed Name Owner/Agent

Date

Signature of Owner

Printed Name of Owner

Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 4th day of January 20 12.

by Kathleen E. Castellani Rick Evans

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

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

Katherine E Castellani
Printed Name of Notary

FOR OFFICE USE ONLY CASE NUMBER: Z-2012-09

Meeting Date(s): PB 5/14; BCC 6/28 Accepted/Verified by: AC Date: 4/4/12

Fees Paid: \$1,750 Receipt #: 552580/552582 Permit #: PRZ 120400009

3363 West Park Place Pensacola, FL 32505
(850) 595-3475 * FAX: (850) 595-3481





Development Services Department

Escambia County, Florida

FOR OFFICE USE:

CASE #: Z-2012-09

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 16-2S-30-2300-001-023 & 16-2S-30-2300-001-011 8027

Property Address: 2006 Border Street Pensacola, Florida 32501

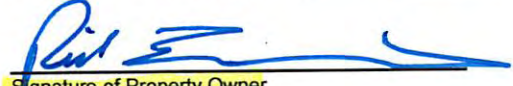
I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed 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 4th DAY OF January, YEAR OF 2012.


Signature of Property Owner

Evans Contracting, Inc.
Printed Name of Property Owner

Date

Signature of Property Owner

Printed Name of Property Owner

Date



Development Services Department FOR OFFICE USE:
Escambia County, Florida

CASE #: Z-2012-09

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 2006 Border Street Pensacola, Florida 32501,
Florida, property reference number(s) 16-2S-30-2300-001-023 & 16-2S-30-2300-001-011 + 027

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

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

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

Agent Name: Wiley C. "Buddy" Page Email: budpage1@mchsi.com
Address: 5337 Hamilton Lane Pace, Florida 32571 Phone: 850.232.9853

[Signature]
Signature of Property Owner

Evans Contracting, Inc.
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 4th day of January 20 12,
by Rick Evans

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

[Signature]
Signature of Notary

Katherine E Castellani (Notary Seal)
Printed Name of Notary



3363 West Park Place Pensacola, FL 32505
(850) 595-3475 * FAX: (850) 595-3481

2011 FOR PROFIT CORPORATION ANNUAL REPORT

FILED REC'D APR 04 2012
Feb 07, 2011
Secretary of State

DOCUMENT# P99000036830

Entity Name: EVANS CONTRACTING, INC.

Current Principal Place of Business:

289 NOWAK RD.
CANTONMENT, FL 32533

New Principal Place of Business:

Current Mailing Address:

289 NOWAK RD.
CANTONMENT, FL 32533

New Mailing Address:

FEI Number: 59-3574220 FEI Number Applied For () FEI Number Not Applicable () Certificate of Status Desired ()

Name and Address of Current Registered Agent:

EVANS, RICK
289 NOWAK RD.
CANTONMENT, FL 32533 US

Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

OFFICERS AND DIRECTORS:

Title: P
Name: EVANS, RICK
Address: 289 NOWAK RD
City-St-Zip: CANTONMENT, FL 32533

Title: VP
Name: EVANS, CONNIE
Address: 289 NOWAK RD
City-St-Zip: CANTONMENT, FL 32533

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: RICK EVANS

PRES

02/07/2011

Electronic Signature of Signing Officer or Director

Date

REC'D APR 04 2012

Rec
Doc 1120.00

RETURN TO:
CITIZENS TITLE GROUP, INC.
4300 BAYOU BLVD., SUITE 31
PENSACOLA, FL 32503

WARRANTY DEED (INDIVIDUAL)

This WARRANTY DEED, dated **January 10, 2007** by **Dennis R Hinote, a married man**, whose post office address is **7400 Hidden Valley Pensacola, FL 32526** hereinafter called the GRANTOR, to **Evans Contracting Inc, a Florida Corporation** whose post office address is **289 Nowak Road Cantonment, FL 32533** hereinafter called the GRANTEE: (Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in **Escambia** County, Florida, viz:

SEE ATTACHED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF

Said property is not the homestead of the Grantor(s) under the laws and Constitution of the State of Florida in that neither Grantor(s) nor any member of the household of Grantor(s) reside thereon.

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

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

TO HAVE AND TO HOLD, the same in fee simple forever.


AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, 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.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:


Witness
Print Name: Karen McClammy

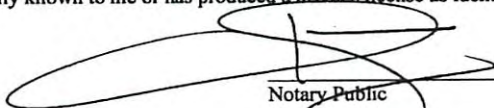
Witness
Print Name: Adrian F. Hammond, Jr.


Dennis R Hinote

STATE OF FLORIDA
COUNTY OF ESCAMBIA

THE FOREGOING INSTRUMENT was acknowledged before me this **January 10, 2007** by **Dennis R Hinote, a married man** who is/are personally known to me or has produced a **driver's license** as identification.

(SEAL)


Notary Public
Print Name: _____
My Commission Expires: _____

Prepared by:
Karen McClammy, an employee of
Citizens Title Group, Inc.,
4300 Bayou Boulevard, Suite 31
Pensacola Florida 32503
Incident to the issuance of a title insurance policy.
File Number: 06-121903
Parcel ID #: 162S30-2300-001-023

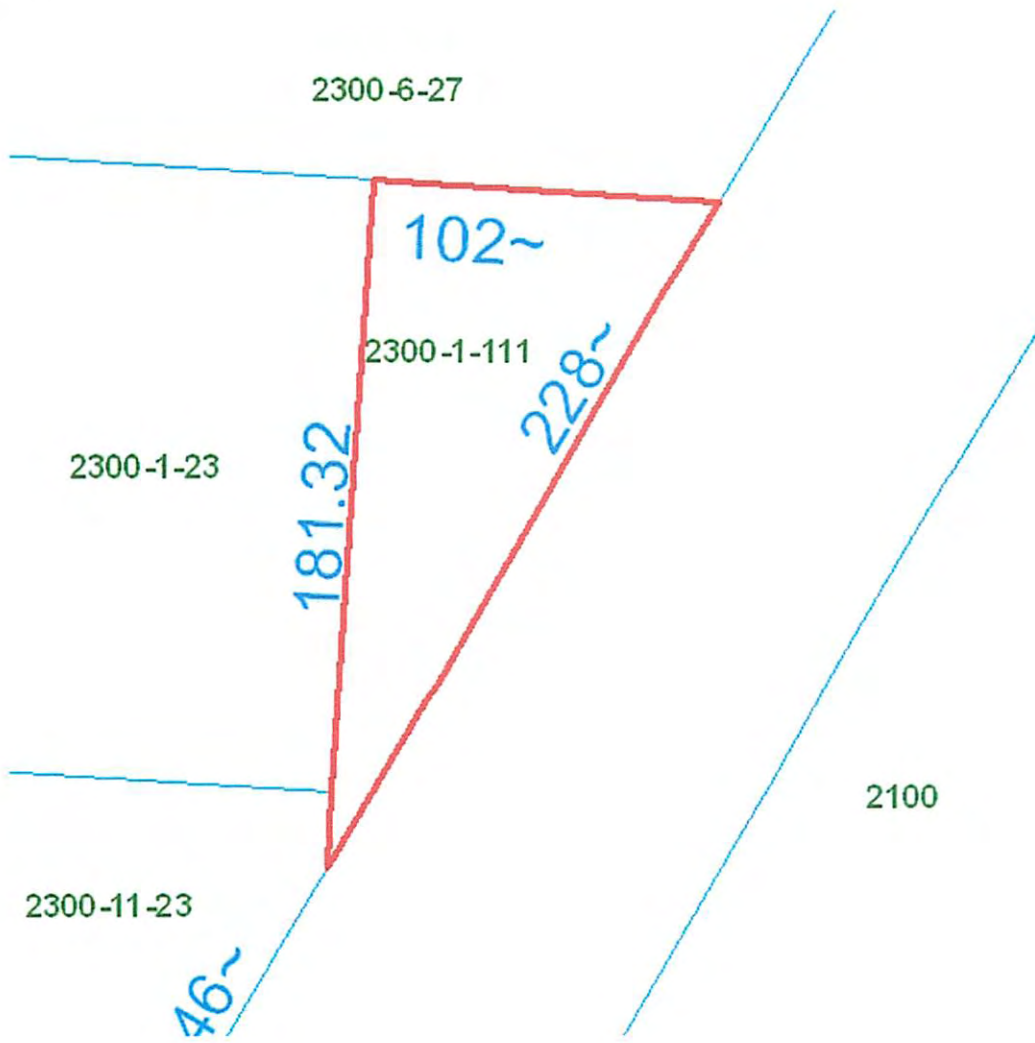


Schedule A

THAT PORTION OF OAKCREST SUBDIVISION, AS RECORDED IN DEED BOOK 67 AT PAGE 28 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.

DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF EASTERLY RIGHT-OF-WAY LINE OF CITRUS STREET (BORDER STREET) AS DESCRIBED IN OFFICIAL RECORDS BOOK 240 AT PAGE 667 OF THE PUBLIC RECORDS OF SAID COUNTY AND THE SOUTHERN RIGHT-OF-WAY LINE OF MAXWELL STREET; THENCE S 22 DEGREES 15 MINUTES 00 SECONDS W ALONG THE EAST RIGHT-OF-WAY LINE OF CITRUS STREET FOR 251.13 FEET FOR THE BEGINNING; THENCE S 89 DEGREES 57 MINUTES 42 SECONDS E FOR 359.04 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE GULF FLORIDA AND ALABAMA RAILROAD; THENCE S 28 DEGREES 44 MINUTES 40 SECONDS W ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 310.00 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF ALLEY RUNNING THROUGH BLOCK 23 OF SAID OAKCREST SUBDIVISION; THENCE NORTH 89 DEGREES 57 MINUTES 42 SECONDS WEST ALONG SAID SOUTH LINE FOR 321.17 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF CITRUS STREET; THENCE N 22 DEGREES 15 MINUTES 00 SECONDS E ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 293.70 FEET TO THE POINT OF BEGINNING.



REC'D APR 04 2012

023

06-0266-000

Rec
Doc 1120.00

RETURN TO:
CITIZENS TITLE GROUP, INC.
4300 BAYOU BLVD., SUITE 31
PENSACOLA, FL 32503

**WARRANTY DEED
(INDIVIDUAL)**

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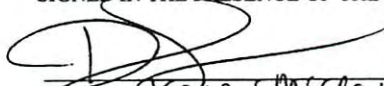
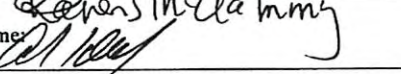
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

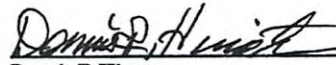
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IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

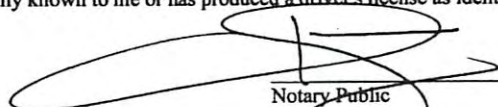

Witness
Print Name: Karen McClammy

Witness
Print Name: Adrian F. Hammond, Jr.


Dennis R Hinote

STATE OF FLORIDA
COUNTY OF ESCAMBIA

THE FOREGOING INSTRUMENT was acknowledged before me this **January 10, 2007** by **Dennis R Hinote, a married man** who is/are personally known to me or has produced a **driver's license** as identification.

(SEAL)


Notary Public
Print Name: _____
My Commission Expires: _____

Prepared by:
Karen McClammy, an employee of
Citizens Title Group, Inc.,
4300 Bayou Boulevard, Suite 31
Pensacola Florida 32503
Incident to the issuance of a title insurance policy.
File Number: 06-121903
Parcel ID #: 162S30-2300-001-023

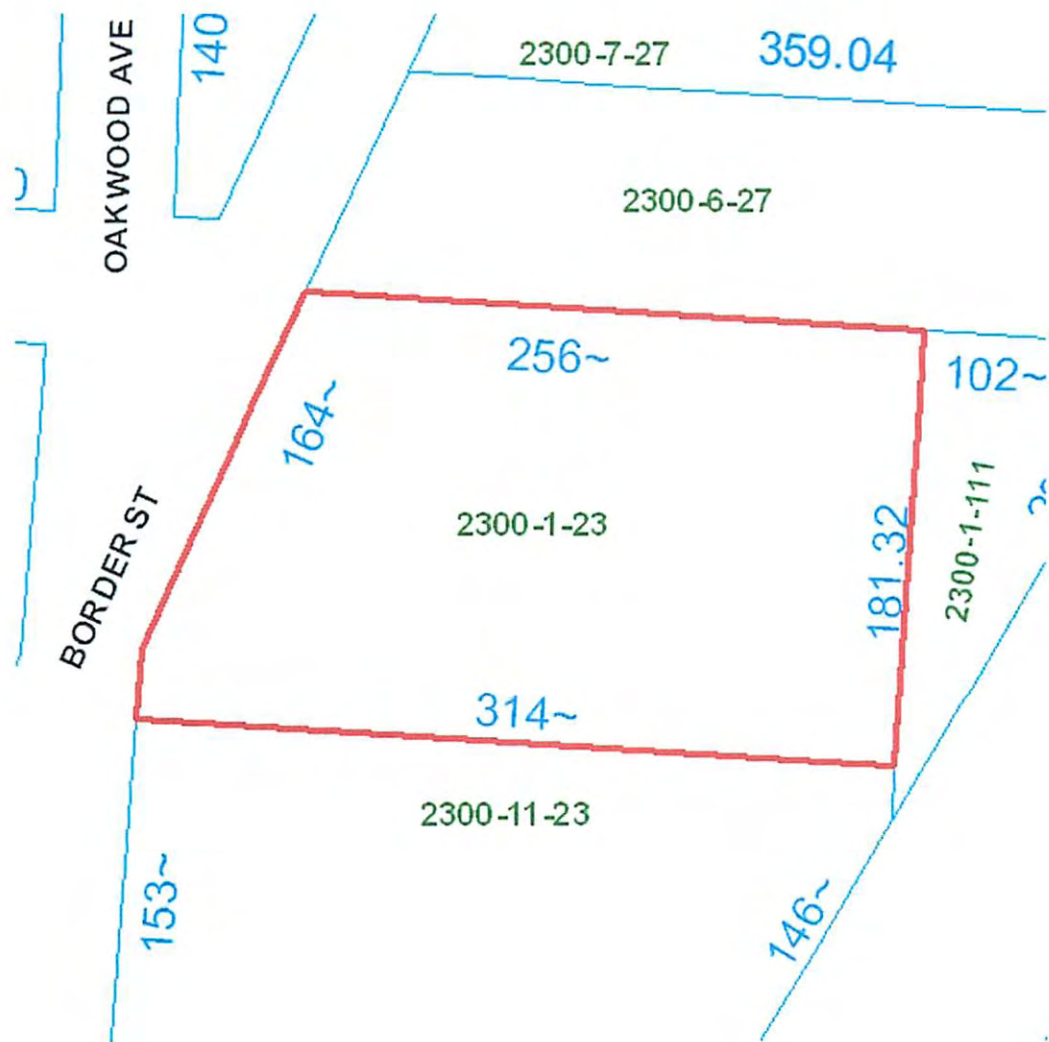


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COMMENCE AT THE POINT OF INTERSECTION OF EASTERLY RIGHT-OF-WAY LINE OF CITRUS STREET (BORDER STREET) AS DESCRIBED IN OFFICIAL RECORDS BOOK 240 AT PAGE 667 OF THE PUBLIC RECORDS OF SAID COUNTY AND THE SOUTHERN RIGHT-OF-WAY LINE OF MAXWELL STREET; THENCE S 22 DEGREES 15 MINUTES 00 SECONDS W ALONG THE EAST RIGHT-OF-WAY LINE OF CITRUS STREET FOR 251.13 FEET FOR THE BEGINNING; THENCE S 89 DEGREES 57 MINUTES 42 SECONDS E FOR 359.04 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE GULF FLORIDA AND ALABAMA RAILROAD; THENCE S 28 DEGREES 44 MINUTES 40 SECONDS W ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 310.00 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF ALLEY RUNNING THROUGH BLOCK 23 OF SAID OAKCREST SUBDIVISION; THENCE NORTH 89 DEGREES 57 MINUTES 42 SECONDS WEST ALONG SAID SOUTH LINE FOR 321.17 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF CITRUS STREET; THENCE N 22 DEGREES 15 MINUTES 00 SECONDS E ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 293.70 FEET TO THE POINT OF BEGINNING.



027

Rec
Doc 1120.00

RETURN TO:
CITIZENS TITLE GROUP, INC.
4300 BAYOU BLVD., SUITE 31
PENSACOLA, FL 32503

WARRANTY DEED (INDIVIDUAL)

This WARRANTY DEED, dated **January 10, 2007** by **Dennis R Hinote, a married man**, whose post office address is **7400 Hidden Valley Pensacola, FL 32526** hereinafter called the GRANTOR, to **Evans Contracting Inc, a Florida Corporation** whose post office address is **289 Nowak Road Cantonment, FL 32533** hereinafter called the GRANTEE: (Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

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SEE ATTACHED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF

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


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

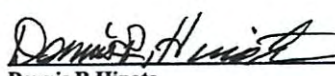
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IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

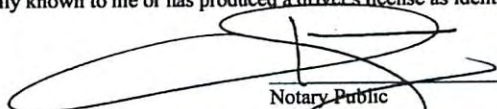

Witness Karen McClammy
Print Name: Karen McClammy
Witness Adrian F. Hammond, Jr.
Print Name: Adrian F. Hammond, Jr.


Dennis R Hinote

STATE OF FLORIDA
COUNTY OF ESCAMBIA

THE FOREGOING INSTRUMENT was acknowledged before me this **January 10, 2007** by **Dennis R Hinote, a married man** who is/are personally known to me or has produced a driver's license as identification.

(SEAL)


Notary Public
Print Name:
My Commission Expires:

Prepared by:
Karen McClammy, an employee of
Citizens Title Group, Inc.,
4300 Bayou Boulevard, Suite 31
Pensacola Florida 32503
Incident to the issuance of a title insurance policy.
File Number: 06-121903
Parcel ID #: 162S30-2300-001-023



LOCATIONAL CRITERIA

1. Does not abut a single-family residential zoning district (R-1, R-2, V-1, V2, V-2A or V-3);

RESPONSE:

As shown on the area zoning map, the subject site is surrounded by ID-1,C-2 and R-5 zoning only.

2. Includes a six-foot privacy fence as part of any required buffer and develops the required landscaping and buffering to ensure long-term compatibility with adjoining uses as described in Policy 7.A.3.8 and article 7;

RESPONSE:

The site will comply with all required fencing and buffering requirements of the Land Development Code.

3. Negative impacts of these land uses on surrounding residential areas shall be minimized by placing the lower intensity uses on the site (such as stormwater ponds and parking) next to abutting residential dwelling units and placing the higher intensity uses (such as truck loading zones and dumpsters) next to the roadway or adjacent commercial properties;

RESPONSE:

The site plan will be submitted to the County for review to assure compliance with potential impacts on the surrounding neighborhood.

4. Intrusions into recorded subdivisions shall be limited to 300 feet along the collector or arterial roadway and only the corner lots in the subdivision;

RESPONSE:

According to County records, this lot was originally on the southeast corner of Border Street and Jordan Street. Jordan Street has since been vacated

5. A system of service roads or shared access facilities shall be required, to the maximum extent feasible, where permitted by lot size, shape, ownership patterns, and site and roadway characteristics.

RESPONSE:

The attached proposed site plan shows existing ingress and egress to the site from Border Street.

6. The property is located in areas where existing commercial or other intensive development is established and the proposed development would constitute infill development. The intensity of the use must be of a comparable intensity of the zoning and development on the surrounding parcels and must promote compact development and not promote ribbon or strip commercial development.

RESPONSE:

The area is under transition due in large part to the rail facilities to the east and other scattered industrial uses to the north and south east of the site.

SUMMARY:

The site meets all of the required criteria as identified above. As such, the site is consistent with minimum locational requirements contained at **7.20.06 General commercial and light manufacturing locational criteria (2)**.

REC'D APR 04 2012



P. O. Box 15311 • 9255 Sturdevant Street
Pensacola, Florida 32514-0311
ph: 850 476-5110 • fax: 850 494-7346

June 9, 2009

David Fitzpatrick, P.E., P.A.
10250 North Palafox St
Pensacola, FL 32534
Fax 476-7708

Re: **Border Street Concrete Plant (2000 Border St.)**

Dear Mr. Fitzpatrick:

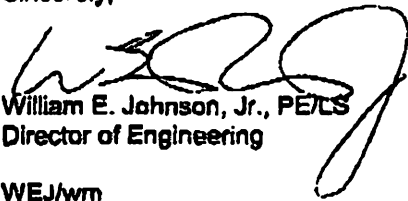
In response to your inquiry concerning availability of water and sewer services for the above referenced project, ECUA anticipates no problems in water supply or sewage treatment plant capacity. Our review indicates this project will not degrade ECUA's water and sewer systems to a degree which would cause these systems to fail to meet the adopted levels of service as defined in the Escambia County Comprehensive Plan.

For the purpose of concurrency review, ECUA will guarantee the availability of water and sewer system capacity up to the requested demand and flow for a period not to exceed one year from the date of this letter. The administration of the Concurrency Review Process is the sole responsibility of Escambia County. This letter is provided to assist in that process.

Connection of the proposed project to ECUA's systems is the responsibility of the developer. Extensions to the ECUA potable water distribution and sewage collection systems to serve this project must be designed and constructed in accordance with ECUA's policies and procedures and all applicable permitting requirements. Wastewater capacity impact fees are due and payable prior to issuance of building permits. Water capacity impact fees are due prior to actual connection to the ECUA system.

ECUA also has the capacity to provide solid waste disposal service to this location.

Sincerely,


William E. Johnson, Jr., PE/LS
Director of Engineering

WEJ/wm

cc: Evans Contracting, Inc. 289 Nowak Rd, Cantonment, FL 32533
File

\\ecuaeng\engdata\tracking\concurrency-availability ltr from request for service form\concurrency availability ltr 2009\border st concrete plant fitzpatrick was.doc

Logan Fink
District One

Lola Benson
District Two

Elvin McCorvey
District Three

Debo Peridna
District Four

Larry Walker
District Five

Data and Analysis

Location

This site is located at 2006 Border Street in west Pensacola in the Brownsville area. It is approximately ½ mile south of Fairfield Drive and adjacent to the CSX Railroad track along its easterly property line. Border Street is a short two-lane County maintained roadway extending from Cervantes Street on the south to Fairfield Drive on the north.

Background

This site was previously owned by the Hinote Septic Tank Company from the mid-1960s until it was sold in 2007. During this period Hinote manufactured concrete septic tanks on site. This process involved the use of concrete batch making equipment, large forms and steel reinforcing rods. Hinote loaded the 500 or 1,000 gallon tanks on flatbed trucks using skid cranes for delivery to residential and commercial customers. In 1989 the County zoned the northern portion of the property ID-1, while the southerly portion was zoned R-5.

According to the Property Appraiser's records, in January 2007, Hinote sold to Evans Contracting, Inc. who leased the site to another concrete operation known as "A Perfect Mix" who operated on site for two years. By March 2009 the lease was assumed by AKON Concrete after the existing tenant closed and removed his equipment and the site. While gathering state air permits from the Florida Department of Environmental Protection, Alabama-based AKON learned that the property requires C-2 zoning and a change in the land use in order to legally operate in Escambia county, even though the property has a history of industrial-type activities prior to the adoption of zoning.

Project Description

AKON consists of one storage tower containing the raw powdered product and a

second tower where it is mixed with aggregate and water for the final product. This is the same type equipment and process used by previous tenant, "A Perfect Mix". The process requires a storage area for sand and gravel which is located in the northeast portion of the site. Office space is contained in a construction-site type trailer and no permanent structure(s) is proposed.

Area Spatial Analysis

Much of the area on and around Border Street was constructed in the late 1940s and early 1950s without benefit of any land use development control mechanisms. While heavy commercial and industrial uses are typically attracted to rail corridors, the presence of the CSX tracks has caused the area to support small lot residential uses with most being mobile homes in the area.

As shown on the attached maps, the site is comprised of three lots. The northern most lot (PN 2300-006-027) is zoned ID-1, while the two southerly lots (PN2300-001-023 and 2300-001-111) are both zoned R-5. All three lots are classified as MU-1 Mixed Use on the Future Land Use

Map. In order to continue the property as a concrete operation, the site will require a change in the land use from MU-1 to ID Industrial and a change in zoning from R-5 and C-1 to ID-2 status.

Property on the north side of site is owned by *Pav'r Construction, Inc.* and used as a waste container rental operation with outside storage along the common property line. This site is zoned ID-1. As stated earlier, property to the east is owned by *CSX Railroad* which provides rail service south to the industrial area south of Navy Boulevard and west of Pace Boulevard containing Armstrong World and Arizona Chemical among others. Property south of the site is zoned R-5 and appears to be used for intensive outside storage activities. Across from the site, Escambia County owns property on the west side of Border Street and uses it as a storm water retention pond facility.

Economic Redevelopment Areas

Border Street serves as a dividing line with property on the east side of the street being in the Englewood Redevelopment Area and land on the west side of Border Street being in the Brownsville Redevelopment Area.

The site has the distinction of being within one redevelopment area and across the street from yet another area designated for redevelopment. This designation may qualify the owners for certain economic incentives such as matching funds for façade/landscape improvements, sales tax rebates on capital equipment purchases and perhaps matching funds for qualified employee hourly wages. Generally, the designation of an area for economic development incentives indicates that the unit of local government is supportive of compatible change and/or expansion of an activity that leads to neighborhood and overall economic improvements.

Analysis

This site is located in unincorporated Escambia County which adopted land use regulations in 1989. Prior to adopting zoning and development regulations, this area was substantially developed, largely based upon what ever the property owner wanted to do. As a result, the area contains a mixture of uses, from low intensity single family residential to high intensity commercial and industrial activities, many of which share a common property line.

Some thirty-five parcels of property are located within 500 feet of the site. This 500 foot circle is bisected by a rail road and Border Street, which is a well traveled local road way. Border Street appears to divide the land uses within the 500 circle surrounding the site. As observed in the field, there are seven properties located on the east side of Border Street within the circle and seven located on the west side. Of the seven east side properties, six are non-residential including a junk yard, a construction container rental operation, the AKON concrete facility, and a vacant commercial building. On the west side of Border Street, within the 500 foot circle, the seven uses include a mobile home park, vacant lots, a county stormwater pond,

and five single family homes. Clearly, then, existing land uses appear to be divided by Border Street with industrial and heavy commercial uses on the east side and residential uses on the west side of the street.

The existing AKON concrete operation backs up to the CSX Railroad and ID-1 Industrial zoning on the eastern side of the site. Zoning north of the site is ID-1 while a junk yard zoned R-5 was observed adjacent and south of the site. The county holding pond west of the site is zoned C-2 and R-5. This pattern shows that the site is surrounded by either non-residential uses and properties that are non-conforming with the adopted Escambia County Zoning Map. Moreover, C-2 zoning is designated for almost the entire residential areas on the west side of Border Street which allows many uses not generally compatible with residential land uses.

This area, then, contains a strong contrast between actual land uses and those uses allowed and prohibited by the Land Development Code. Again, the existing development pattern shows industrial and heavy commercial uses located on the East side of Border Street in the immediate area surrounding the site.

Potable Water

Calculations for potable water demand are as follows:

$$\begin{aligned} 10 \text{ employees @ } 350\text{gpdpe} &= 3,500 \text{ gpd} \\ \text{Concrete production requirements} &= 10,000 \text{ gpd} \end{aligned}$$

From this we can fix the initial consumption of potable water to be approximately 13,500 gpd. The attached letter from the Emerald Coast Utility Authority (ECUA) affirms that sufficient potable water capacity is available to support the facility.

Sanitary Sewer

According to the ECUA Engineering Department, the nearest service is located over

one mile away. As such, the existing septic tank located on site will continue to be utilized.

Recreation

This Future Land Use Amendment anticipates that this existing operation will continue to have no impact on area recreation facilities because of its non-residential characteristics.

Traffic

Border Street is classified as a local roadway by the Escambia County Engineering Department. The right-of-way varies in width from 66 feet along the northerly one third of its length about 30-40 feet on the majority of the balance to the south.

The attached spreadsheet is a print-out using the Florida Department of Transportation software known as "TIPS" (Traffic Internal capture and Passby Software). Using the Institute of Traffic Engineers land use code 110 (General Light Industrial) and 10 employees as the independent variable, some 61 strips will be generated from the site on a daily basis. The nature of concrete business dictates that the vast majority of trips will be made in the early hours (7:00am to 10:00am), thus avoiding any PM peak hour traffic situation.

As stated earlier, this site has been generating concrete related trips onto Border Street for well over 25 years. The current operator will continue operations with between 3 and 5 trucks meaning traffic impact should not change and the level of service for the roadway should not be affected.

DRAINAGE

Stormwater will be directed to a holding pond located near the southwest corner of the site. Wash from the concrete trucks will be directed to a separate holding pond as shown on the attached site plan. The design of the ponds and other site improvements will be reviewed by county and state officials for regulatory

compliance. Additionally, a neighborhood stormwater retention pond has been constructed by Escambia County. directly across the street from the site.

URBAN SPRAWL

This is an existing land use located in an area that has historically exhibited heavy non-residential uses. This use is not urban sprawl as defined under Florida Administrative Code Rule 9J-5.003 (134).



Development Services Department
Escambia County, Florida

**PLANNING BOARD
REZONING PRE-APPLICATION SUMMARY FORM**

16-2S-30-2300-001-023 & 111
Property Reference Number

Buddy Page (Evans)
Name

Border St & Jordan 32505
Address

Owner Agent

Referral Form Included? **Y / N**

MAPS PREPARED

- Zoning
- FLU
- Aerial
- Other: _____

PROPERTY INFORMATION

Current Zoning: R-5 Size of Property: _____ +/-
 Future Land Use: MU-U Commissioner District: _____
 Overlay/AIPD: none Subdivision: Oakerest
 Redevelopment Area*: Englewood CRA
 *For more info please contact the CRA at 595-3217 prior to application submittal.

COMMENTS

Desired Zoning: ID-1 ID-2
 Is Locational Criteria applicable? yes If so, is a compatibility analysis required? yes

located along local road

4/15/10

met to discuss properties 1/4/10
Phonema: There is an updated Redevelopment Plan for Englewood
no conflict with MU-U FLU for request to ID-1

- Applicant will contact staff for next appointment
- Applicant decided against rezoning property
- Applicant was referred to another process
- BOA DRC Other: _____
Process Name

Staff present: Lynette Harris, Allyson Cain, Drew Holmer, Horace Jones Date: _____

Applicant/Agent Name & Signature: Buddy Page

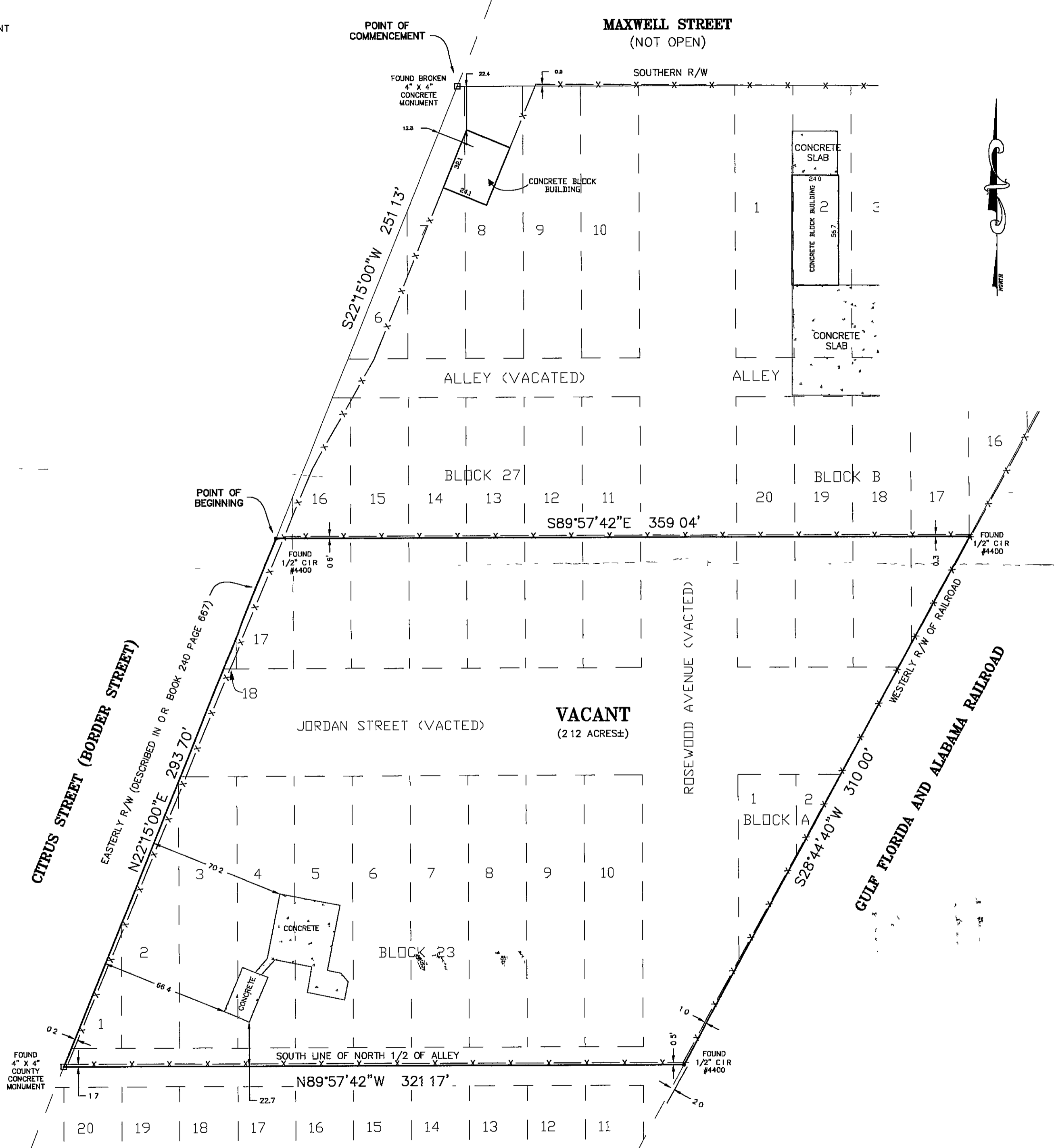
No comment made by any persons associated with the County during any pre-application conference or discussion shall be considered either as approval or rejection of the proposed development, development plans, and/or outcome of any process.

MEASUREMENTS MADE TO UNITED STATES STANDARDS
LEGEND.
 BSL ~ BUILDING SETBACK LINE
 PC ~ POINT OF CURVATURE
 PT ~ POINT OF TANGENCY
 PCP ~ PERMANENT CONTROL POINT
 R ~ RADIUS
 L ~ LENGTH OF ARC
 C ~ CHORD DISTANCE
 CB ~ CHORD BEARING
 R/W ~ RIGHT-OF-WAY
 CIR ~ CAPPED IRON ROD
 D ~ DEED
 A ~ ACTUAL
 CHAINLINK FENCE ~ -X-
 WOOD FENCE ~ -O-

BOUNDARY SURVEY



GARY F. BYRD, LLC
 Professional Surveying & Mapping
 800 Byrd Lane
 Pensacola, Florida 32526
 Phone (850) 485-1675 Fax (850) 941-4986
 554-6734



LAND DESCRIPTION
 THAT PORTION OF OAKCREST SUBDIVISION AS RECORDED IN DEED BOOK 67 AT PAGE 28 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA DESCRIBED AS FOLLOWS COMMENCE AT THE POINT OF INTERSECTION OF EASTERLY RIGHT-OF-WAY LINE OF CITRUS STREET (BORDER STREET) AS DESCRIBED IN OFFICIAL RECORD BOOK 240 AT PAGE 667 OF THE PUBLIC RECORDS OF SAID COUNTY AND THE SOUTHERN RIGHT-OF-WAY LINE OF MAXWELL STREET, THENCE S 22°15'00" W ALONG THE EAST RIGHT-OF-WAY LINE OF CITRUS STREET FOR 251.13 FEET TO THE BEGINNING, THENCE S 89°57'42" E FOR 359.04 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE GULF FLORIDA AND ALABAMA RAILROAD THENCE S 28°44'40" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 310.00 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF ALLEY RUNNING THROUGH BLOCK 23 OF SAID OAKCREST SUBDIVISION, THENCE N 89°57'42" W ALONG SAID SOUTH LINE FOR 321.17 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF CITRUS STREET, THENCE N 22°15'00" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 293.70 FEET TO THE POINT OF BEGINNING
 SOURCE OF INFORMATION DESCRIPTION AS FURNISHED BY CLIENT ALL BEARINGS AND/OR ANGLES AND DISTANCES ARE PLAT EXCEPT AS NOTED
 THERE MAY BE ADDITIONAL RESTRICTIONS, EASEMENTS AND/OR RIGHT-OF-WAYS THAT WERE NOT FURNISHED TO THIS FIRM THAT MAY BE FOUND IN THE PUBLIC RECORDS OF SAID COUNTY FOOTINGS FOUNDATIONS OR ANY OTHER SUBSURFACE STRUCTURES NOT LOCATED
 NO TITLE WORK PERFORMED BY THIS FIRM
 I HEREBY CERTIFY TO CITIZENS TITLE GROUP INC EVANS CONTRACTING INC DENNIS R HINOTE WESTCOR LAND INSURANCE COMPANY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027 FLORIDA STATUTES

DRAWING RELEASE DATE: 01-08-07
 SCALE 1" = 40'
 SHEET 1 OF 1

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS, SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES

Gary F. Byrd
 GARY F. BYRD
 FLORIDA LAND SURVEYOR #4400

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL EMBOSSED SEAL OF A FLORIDA SURVEYOR



Development Services Department

Building Inspections Division

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

RECEIPT

Receipt No. : **552580**

Date Issued. : 04/04/2012

Cashier ID : GELAWREN

Application No. : PRZ120400009

Project Name : Z-2012-09

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	10309	\$1,750.00	App ID : PRZ120400009
		\$1,750.00	Total Check

Received From : EVANS CONTRACTION INC

Total Receipt Amount : **\$1,750.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PRZ120400009	645718	1,750.00	\$0.00	0 BORDER ST & JORDAN , PENSACOLA, FL, 32505
PRZ120400009	645719	70.00	\$0.00	0 BORDER ST & JORDAN , PENSACOLA, FL, 32505
Total Amount :	1,820.00		\$0.00	Balance Due on this/these Application(s) as of 4/5/2012



Development Services Department

Building Inspections Division

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

RECEIPT

Receipt No. : **552582**

Date Issued. : 04/04/2012

Cashier ID : GELAWREN

Application No. : PRZ120400009

Project Name : Z-2012-09

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Cash		\$70.00	App ID : PRZ120400009
		\$70.00	Total Cash

Received From : BUDDY PAGE

Total Receipt Amount : **\$70.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PRZ120400009	645718	1,750.00	\$0.00	0 BORDER ST & JORDAN , PENSACOLA, FL, 32505
PRZ120400009	645719	70.00	\$0.00	0 BORDER ST & JORDAN , PENSACOLA, FL, 32505
Total Amount :		1,820.00	\$0.00	Balance Due on this/these Application(s) as of 4/5/2012

OREN INTERNATIONAL INC
1995 HOLLYWOOD AVE
PENSACOLA FL 32505

EVANS CONTRACTING INC
289 NOWAK RD
CANTONMENT FL 32533

D & S OF PENSACOLA INC
4419 CEDARBROOK CIR
PENSACOLA FL 32526

PAV'R CONSTRUCTION INC
501 E GREGORY ST # 3
PENSACOLA FL 32502

BODIE DANIEL P & GERMAINE R
2004 GLENWOOD AVE
PENSACOLA FL 32505

SILCOX ROBERT H
3800 W MAXWELL ST
PENSACOLA FL 32505

ONGMAN GLORIA J
22880 POPLAR RD
ROBERTSDALE AL 36567

TERRY JOHN G
3816 W MAXWELL ST
PENSACOLA FL 32505

GIBBES TIMOTHY & DEBORAH
12 CLOVERLAND CT
PENSACOLA FL 32505

HENDRIX JAMES E
C/O WANDA HENDRIX WHITE
205 HUNTERS HILL LN
MOLINO FL 32577

BANK OF AMERICA
C/O ROBERTSON ANSCHUTZ
3010 N MILITARY STE 300
BOCA RATON FL 33431

WILSON STEVE H
817 NORTH 48TH AVE
PENSACOLA FL 32506

RHODES EARL J & CHARLENE E
1800 1/2 BORDER ST
PENSACOLA FL 32505

MULLINS CHARLIE & GLADYS E
1800 N BORDER ST
PENSACOLA FL 32505

MARTIN LUCINDA
4415 DEAUVILLE WAY
PENSACOLA FL 32503

BODIE STEVE R
1375 LA PAZ
PENSACOLA FL 32506

PENSACOLA HABITAT FOR
HUMANITY INC
PO BOX 13204
PENSACOLA FL 32591

PENSACOLA HABITAT FOR
HUMANITY
1060 GUILLEMARD ST
PENSACOLA FL 32501

JAHNKE JOSHUA J
59 LINCOLN ST
HUDSON MA 01749

DOWNEY JOSEPH M
16 CLOVERLAND CT
PENSACOLA FL 32508

SOUTHERN STAR AUTO GROUP LLC
2201 GLENWOOD AVE
PENSACOLA FL 32505

SCHAFFER REAL ESTATE HOLDINGS
LLC
1632 SUNSET POINTE
DESTIN FL 32541

FOLMAR DARRYL D
2101 OAKWOOD AVE
PENSACOLA FL 32505

ANGELOS AUTO PARTS INC
42 SANDALWOOD ST
PENSACOLA FL 32505

WILLIS SABRINA LYNN
2123 NORTH T ST
PENSACOLA FL 32505

AARON LILLIAN SHAW LIFE EST
3820 W JORDAN ST
PENSACOLA FL 32505

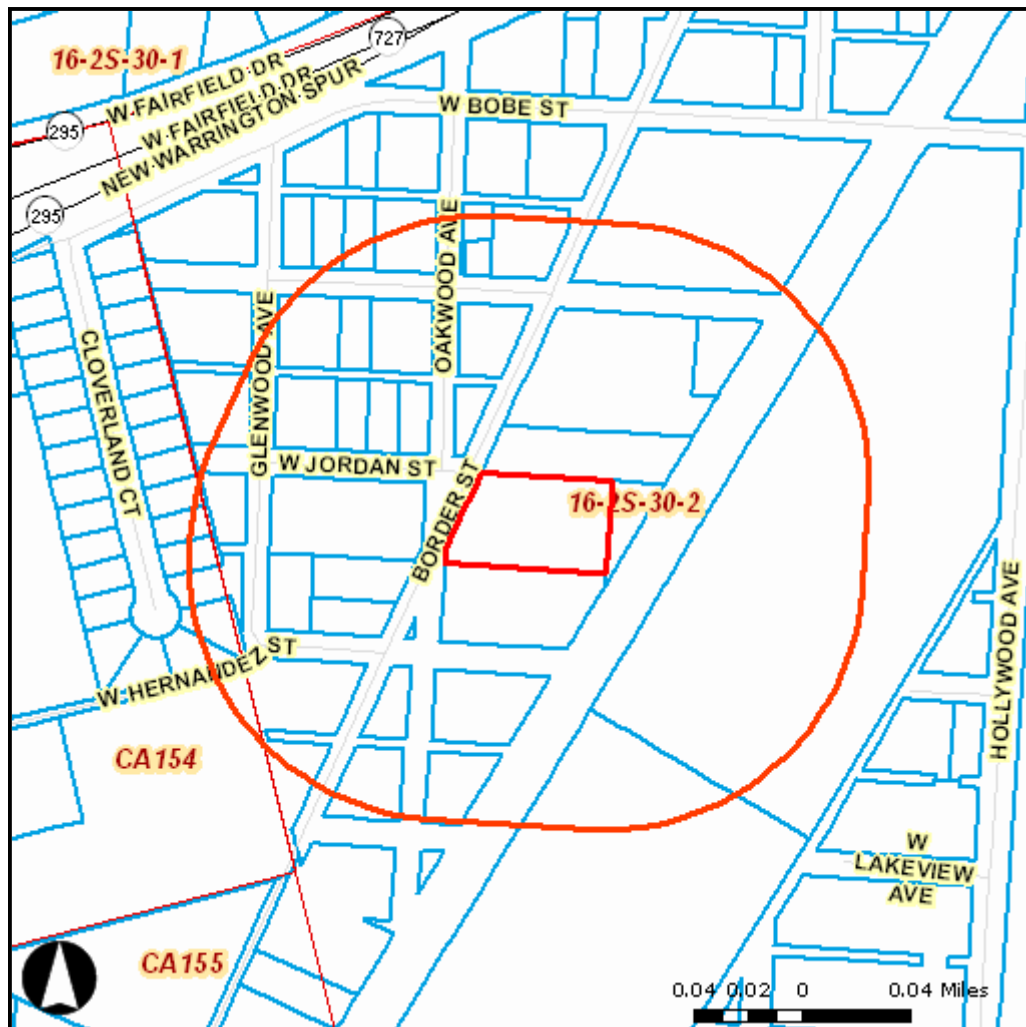
HENDRICKS JAMES GAWEN
8411 KAUSE RD
PENSACOLA FL 32506

BROWN JAMES &
2208 OAKWOOD AVD
PENSACOLA FL 32505

HARBORTH HARVEY & BARBARA A
14 CLOVERLAND CT
PENSACOLA FL 32505

FOLKER TIMOTHY W & ROSEMARY
711 MEADOWVIEW LN
PENSACOLA FL 32504

ECPA Map



Map Grid



Major Roads

- City Road
- County Road
- Interstate
- State Road
- US Highway

All Roads



Property Line



PLEASE NOTE: This product has been compiled from the source data of the Inter-Local Mapping and Geographic Information Network (IMAGINE) project of Escambia County. The ESCAMBIA COUNTY PROPERTY APPRAISER I-MAP Service is for reference purposes only and not to be considered as a legal document or survey instrument. Relying on the information contained herein is at the user's own risk. We assume no liability for any use of the information contained in the I-MAP Service or any resultant loss.



BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

Development Services Department
3363 West Park Place, Pensacola, FL 32505
(850) 595-3475 - Phone
(850) 595-3481 - FAX
www.myescambia.com

Escambia County Planning Board
Public Hearing
Speaker Request Form

Please Print Clearly

Meeting Date: 5-14

Rezoning Quasi-judicial Hearing

Rezoning Case #: 08 + 09

OR

Regular Planning Board Meeting

Agenda Item Number/Description:

[X] In Favor [] Against

*Name: BUDDY PAGE

*Address: 5337 Hamilton Ln *City, State, Zip: PACE

Email Address: budpage1@mchs1.com Phone: 232-9853

Please indicate if you:

[X] would like to be notified of any further action related to the public hearing item.

[] do not wish to speak but would like to be notified of any further action related to the public hearing item.

All items with an asterisk * are required.

Chamber Rules

- 1. All who wish to speak will be heard and granted uniform time to speak (normally 3 – 5 minutes).
2. You must sign up to speak. This form must be filled out and given to the Clerk in order to be heard.
3. When the Chairman calls you to speak, come to the podium, adjust the microphone so you can be heard, then state your NAME and ADDRESS for the record.
4. Please keep your remarks BRIEF and FACTUAL.
5. Should there be a need for information to be presented to the Board, please provide 13 copies for distribution. The Board will determine whether to accept the information into evidence. Once accepted, copies are given to the Clerk for Board distribution.
6. Speakers will refrain from the use of obscene language, "fighting words" likely to incite violence from the individual(s) to whom the words are addressed, or other language which is disruptive to the orderly and fair progress of discussion at the meeting.
7. During public hearings, at the Chairman's discretion, if there is a controversial item in which Escambia County citizens are involved, he may institute a provision against clapping, if he/she feels that clapping or the noise will deter open speech between the two parties.



BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

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Escambia County Planning Board
Public Hearing
Speaker Request Form

Please Print Clearly

Meeting Date: 5-14-12

Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: Z-2012-09 OR

Agenda Item Number/Description:

In Favor Against

*Name: Ronald L Stewart

*Address: 1321 Borders *City, State, Zip: Pensacola, FL 32505

Email Address: Phone: 457-3716

Please indicate if you:

- [x] would like to be notified of any further action related to the public hearing item.
[] do not wish to speak but would like to be notified of any further action related to the public hearing item.

All items with an asterisk * are required.

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7. During public hearings, at the Chairman's discretion, if there is a controversial item in which Escambia County citizens are involved, he may institute a provision against clapping, if he/she feels that clapping or the noise will deter open speech between the two parties.

Planning Board-Rezoning

5. B.

Meeting Date: 08/13/2012

CASE : Z-2012-12

APPLICANT: Kale Schneider, Owner

ADDRESS: Hanks Rd

PROPERTY REF. NO.: 14-5N-32-2301-000-000

FUTURE LAND USE: REC, Recreational

DISTRICT: 5

OVERLAY AREA: NA

BCC MEETING DATE: 08/23/2012

Information

SUBMISSION DATA:

REQUESTED REZONING:

FROM: P, Public District

TO: VAG-1, Village Agriculture District

RELEVANT AUTHORITY:

- (1) Escambia County Comprehensive Plan
- (2) Escambia County Land Development Code
- (3) Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993)
- (4) Resolution 96-34 (Quasi-judicial Proceedings)
- (5) Resolution 96-13 (Ex-parte Communications)

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

Comprehensive Plan Policy (CPP) FLU 1.1.1 Development Consistency. New development and redevelopment in unincorporated Escambia County shall be consistent with the Escambia County Comprehensive Plan and the Future Land Use Map (FLUM).

CPP FLU 1.3.1 Future Land Use Categories. The Recreational (REC) Future Land Use (FLU) category is intended for recreational opportunities for the Escambia County citizens including a system of public and private park facilities. Range of allowable uses include: Active and passive recreation activities and amenities Park facilities such as boat launch, basketball courts, tennis courts, baseball and softball fields, meeting halls and the like. No new residential development is allowed.

CPP FLU 1.5.3 New Development and Redevelopment in Built Areas. To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and

intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

FINDINGS

The proposed amendment to VAG-1 **is not consistent** with the intent and purpose of Future Land Use category REC as stated in CPP FLU 1.3.1 The current use of the land is residential which is **not** consistent with the land use category of Recreational (REC) intended for active and passive recreational activities and amenities.

The parcel is going through a future land use change from REC to AG. If the FLU amendment is to be granted, the rezoning request **would then be consistent** with the Agricultural Future Land Use category.

CRITERION (2)

Consistent with The Land Development Code.

Whether the proposed amendment is in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

FINDINGS

LDC 6.05.32 P, Public District. A. Intent and purpose. Publicly owned parcels for educational and correctional facilities and purposes, other public institutional uses, borrow pits and associated reclamation activities, collection and/or processing of solid waste, and sanitary landfills.

LDC 6.05.22. VAG, Villages Agriculture Districts. The villages agricultural districts are typically characterized by agriculturally-assessed parcels held for agricultural production and very low density residential development in agricultural communities. Single-family residential and rural community uses that directly support agricultural activities are allowed. The intent and purpose of VAG- district is characterized by land resources necessary or used to support large farming operations.

B. Permitted uses.

1. Agricultural, farm animals and agricultural-related activities and customary accessory buildings.
2. Silviculture.
3. Mariculture and aquaculture.
4. Single-family residences.
5. Campground and recreational vehicle parks.
6. Public utility.
7. Stables, private and public (minimum lot size two acres).
8. Animal hospitals, clinics and kennels (minimum lot size two acres).
9. Display and sale of fruit, vegetables and similar agricultural products.
10. Mobile homes as single-family dwellings, subject to the other relevant provisions of this Code.
11. Places of worship.
12. Educational facilities.
13. Clubs and lodges.
14. Guest residences.
15. Public utility and service structures not included in subparts C. or D., below.
16. Feed and farm equipment stores.

17. Other rural area related commercial uses meeting the locational requirements of Comprehensive Plan Policy 8.A.11.
18. Commercial communication towers less than 150 feet or less in height.
19. Home-based "cottage businesses" such as crafts, florists, woodworking, sewing, and similar uses.
20. Home occupations.
21. Family day care homes and family foster homes.
22. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
23. Motorized commercial recreation uses (minimum lot size 20 acres).
24. Golf courses, tennis centers, swimming clubs and customary attendant facilities and accessory buildings.
25. Hunting preserves, shooting ranges, gun and rifle clubs, etc.

The proposed amendment **is consistent** with the intent and purpose of the Land Development Code. The proposed amendment allows for a wide range of uses from agricultural, residential and non residential uses all of which would support a mix of small farm operations and rural residential.

CRITERION (3)

Compatible with surrounding uses.

Whether and the extent to which the proposed amendment is compatible with existing and proposed uses in the area of the subject property(s).

FINDINGS

The proposed amendment **is compatible** with surrounding existing uses in the area. Staff observed 7 single family residences and the remaining properties within the 500' radius impact area are agricultural land; all having the zoning designation of VAG-1.

CRITERION (4)

Changed conditions.

Whether and the extent to which there are any changed conditions that impact the amendment or property(s).

FINDINGS

Staff found no changed conditions that would impact the amendment or property(s).

CRITERION (5)

Effect on natural environment.

Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment.

FINDINGS

According to the National Wetland Inventory, wetlands and hydric soils were indicated on the subject property. When applicable, further review during the site plan review process will be

necessary to determine if there would be any significant adverse impact on the natural environment.

CRITERION (6)

Development patterns.

Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

FINDINGS

The proposed amendment **would result** in a logical and orderly development pattern due to the fact that all surrounding parcels currently have the VAG-1 zoning designation.

Attachments

Z-2012-12

Z-2012-12

Planning Board-Rezoning

5. A.

Meeting Date: 07/09/2012

CASE : Z-2012-12

APPLICANT: Kale Schneider, Owner

ADDRESS: Hanks Rd

PROPERTY REF. NO.: 14-5N-32-2301-000-000

FUTURE LAND USE: REC, Recreational

DISTRICT: 5

OVERLAY AREA: NA

BCC MEETING DATE: 07/26/2012

Information

SUBMISSION DATA:

REQUESTED REZONING:

FROM: P, Public District

TO: VAG-1, Village Agriculture District

RELEVANT AUTHORITY:

- (1) Escambia County Comprehensive Plan
- (2) Escambia County Land Development Code
- (3) Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993)
- (4) Resolution 96-34 (Quasi-judicial Proceedings)
- (5) Resolution 96-13 (Ex-parte Communications)

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

Comprehensive Plan Policy (CPP) FLU 1.1.1 Development Consistency. New development and redevelopment in unincorporated Escambia County shall be consistent with the Escambia County Comprehensive Plan and the Future Land Use Map (FLUM).

CPP FLU 1.3.1 Future Land Use Categories. The Recreational (REC) Future Land Use (FLU) category is intended for recreational opportunities for the Escambia County citizens including a system of public and private park facilities. Range of allowable uses include: Active and passive recreation activities and amenities Park facilities such as boat launch, basketball courts, tennis courts, baseball and softball fields, meeting halls and the like. No new residential development is allowed.

CPP FLU 1.5.3 New Development and Redevelopment in Built Areas. To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and

intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

FINDINGS

The proposed amendment to VAG-1 **is not consistent** with the intent and purpose of Future Land Use category REC as stated in CPP FLU 1.3.1 The current use of the land is residential which is **not** consistent with the land use category of Recreational (REC) intended for active and passive recreational activities and amenities.

The parcel is going through a future land use change from REC to AG. If the FLU amendment is to be granted, the rezoning request **would then be consistent** with the Agricultural Future Land Use category.

CRITERION (2)

Consistent with The Land Development Code.

Whether the proposed amendment is in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

FINDINGS

LDC 6.05.32 P, Public District. A. Intent and purpose. Publicly owned parcels for educational and correctional facilities and purposes, other public institutional uses, borrow pits and associated reclamation activities, collection and/or processing of solid waste, and sanitary landfills.

LDC 6.05.22. VAG, Villages Agriculture Districts. The villages agricultural districts are typically characterized by agriculturally-assessed parcels held for agricultural production and very low density residential development in agricultural communities. Single-family residential and rural community uses that directly support agricultural activities are allowed. The intent and purpose of VAG- district is characterized by land resources necessary or used to support large farming operations.

B. Permitted uses.

1. Agricultural, farm animals and agricultural-related activities and customary accessory buildings.
2. Silviculture.
3. Mariculture and aquaculture.
4. Single-family residences.
5. Campground and recreational vehicle parks.
6. Public utility.
7. Stables, private and public (minimum lot size two acres).
8. Animal hospitals, clinics and kennels (minimum lot size two acres).
9. Display and sale of fruit, vegetables and similar agricultural products.
10. Mobile homes as single-family dwellings, subject to the other relevant provisions of this Code.
11. Places of worship.
12. Educational facilities.
13. Clubs and lodges.
14. Guest residences.
15. Public utility and service structures not included in subparts C. or D., below.
16. Feed and farm equipment stores.

17. Other rural area related commercial uses meeting the locational requirements of Comprehensive Plan Policy 8.A.11.
18. Commercial communication towers less than 150 feet or less in height.
19. Home-based "cottage businesses" such as crafts, florists, woodworking, sewing, and similar uses.
20. Home occupations.
21. Family day care homes and family foster homes.
22. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
23. Motorized commercial recreation uses (minimum lot size 20 acres).
24. Golf courses, tennis centers, swimming clubs and customary attendant facilities and accessory buildings.
25. Hunting preserves, shooting ranges, gun and rifle clubs, etc.

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Attachments

Z-2012-12



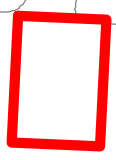
W-HIGHWAY-4

BRATT RD

GODWIN RD

N-HIGHWAY-99

ASHCRAFT RD



HANKS RD

WIGGINS LN

WATER TANK RD

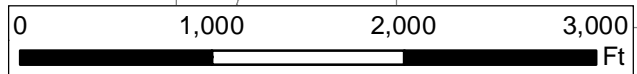
HALL RD







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.

Z-2012-12 LOCATION MAP



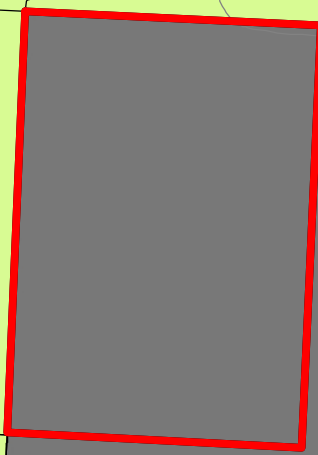
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



VAG-1

VAG-1

ASHCRAFT RD



P

VAG-1

P

HANKS RD

VAG-1

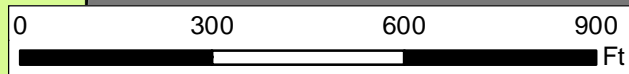
P



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.

Z-2012-12 500' RADIUS ZONING



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



AG

AG

ASHCRAFT RD

REC

AG

HANKS RD

AG

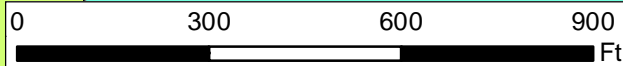
AG



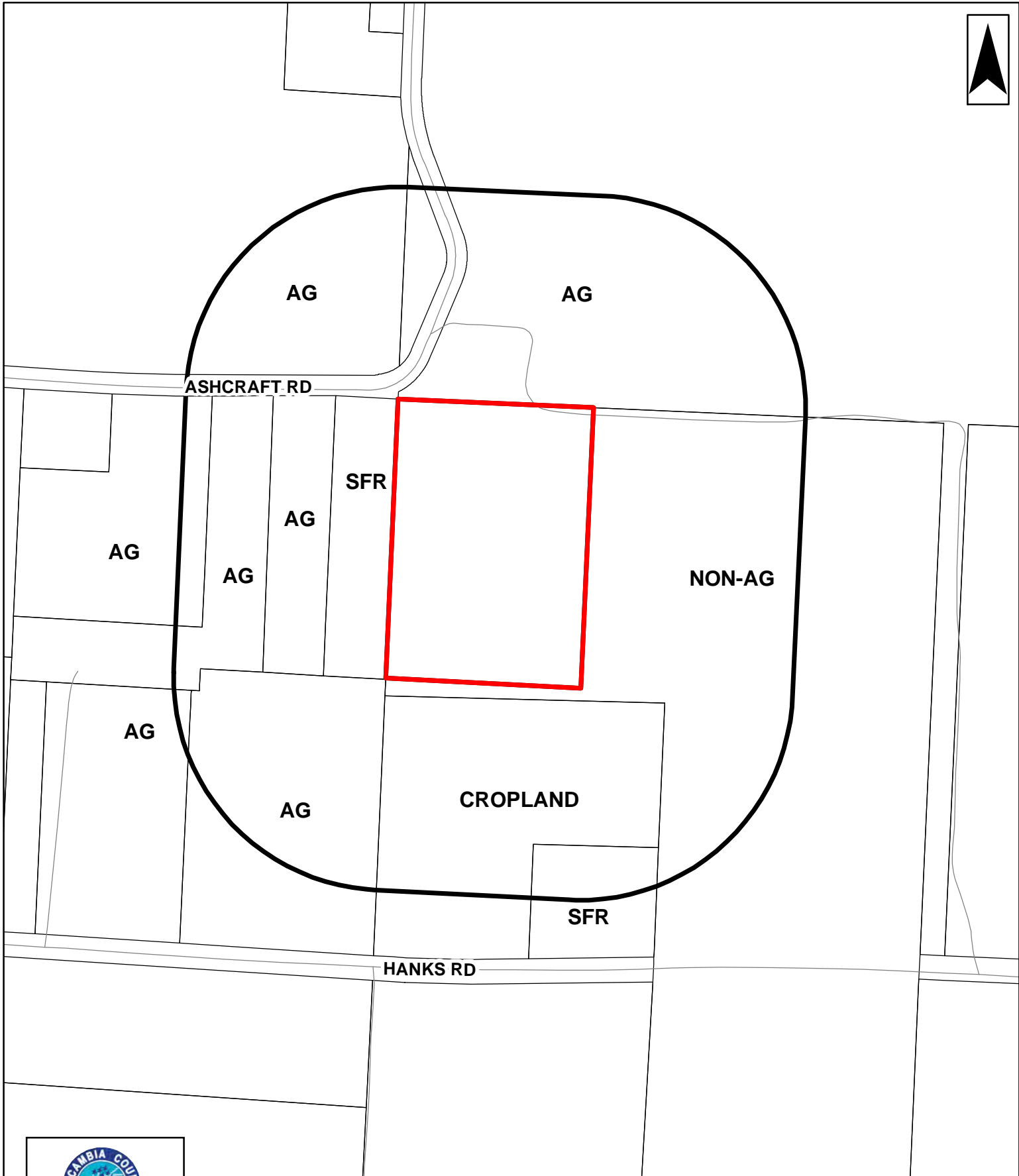
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Andrew Holmer
Planning and Zoning Dept.

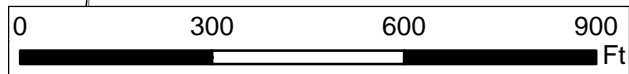
Z-2012-12 FUTURE LAND USE




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



**Z-2012-12
EXISTING LAND USE**



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



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Andrew Holmer
Planning and Zoning Dept.



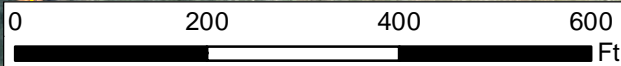
ASHCRAFT RD








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Andrew Holmer
Planning and Zoning Dept.

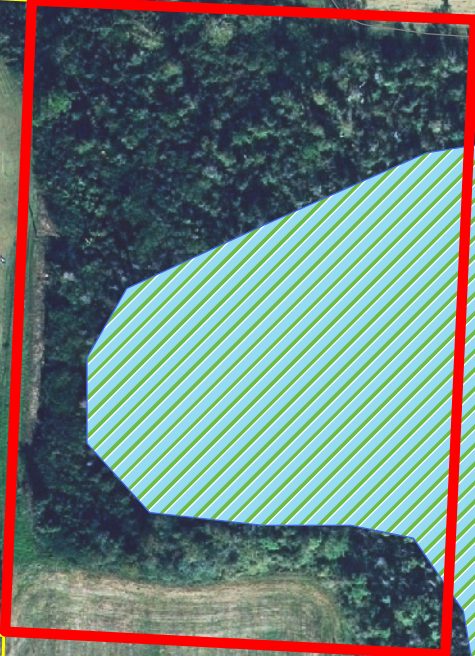
Z-2012-12 AERIAL MAP



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



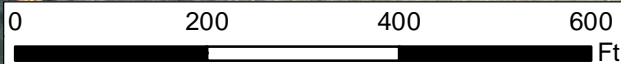
ASHCRAFT RD



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Andrew Holmer
Planning and Zoning Dept.

Z-2012-12 WETLANDS MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS
-  WETLANDS_2006



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2012-12

CURRENT ZONING: P PROPOSED ZONING: VAG-1

PLANNING BOARD

DATE: 8/13/12 TIME: 8:30 am

LOCATION OF HEARING

ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE
ROOM 104 BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: 8/23/12 TIME: 5:45 pm

LOCATION OF HEARING

ESCAMBIA COUNTY GOVERNMENT CENTER
221 PALAFOX PLACE
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION ABOUT THIS CASE PLEASE CALL
DEVELOPMENT SERVICES AT 595-3475 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY



LOOKING EAST



LOOKING NORTHEAST



LOOKING WEST



LOOKING SOUTH



Development Services Department
Escambia County, Florida

APPLICATION

2-2012-12

Please check application type:

Administrative Appeal

Development Order Extension

Conditional Use Request for: _____

Variance Request for: _____

Rezoning Request from: P to: VAG-1

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

Owner(s) Name: Kate Schneider Phone: _____

Address: 9061 Bratt Rd 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: Hanks Rd

Property Reference Number(s)/Legal Description: 14-SN-32-2301-000-000

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.

Kate Schiold
Signature of Owner/Agent

Kate Schneider
Printed Name Owner/Agent 5-10-12
Date

Donna C. Schneider
Signature of Owner #2

Donna C. Schneider
Printed Name of Owner 5-10-12
Date

STATE OF Florida

COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 10th day of May, 2012,
by Mr & Mrs Schneider

Personally Known OR Produced Identification Type of Identification Produced: 715536516441880

Margaret A. Cain
Signature of Notary
(notary seal must be affixed)

Margaret A. Cain
Printed Name of Notary

FOR OFFICE USE ONLY

Meeting Date(s): PB 7/9/12 Accepted/Verified by: ACam Date: 5/10/12

Fees Paid: \$ NA Receipt #: NA Permit #: PRZ 120500012



Development Services Department
Escambia County, Florida

FOR OFFICE USE: Z-2012-12
CASE #: Z-2012-12

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 14-SW-32-2301-000-000
Property Address: Hanks Rd

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 10th DAY OF May, YEAR OF 2012.

Kate Schindl
Signature of Property Owner

Kate Schneider
Printed Name of Property Owner

5-10-12
Date

Donna C. Schneider
Signature of Property Owner

Donna C. Schneider
Printed Name of Property Owner

5-10-12
Date



AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

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

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

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

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

Agent Name: _____ Email: _____

Address: _____ Phone: _____

Signature of Property Owner Printed Name of Property Owner Date

Signature of Property Owner Printed Name of Property Owner Date

STATE OF _____ COUNTY OF _____

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

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

Signature of Notary Printed Name of Notary (Notary Seal)



APPLICATION
ATTACHMENTS CHECKLIST

- NA 1. For BOA, original letter of request, typed or written in blue ink & **must** include the reason for the request and address all criteria for the request as outlined in LDC Article 2.05 (dated, signed & notarized – notarization is only necessary if an agent will be used).
- 2. Application/Owner Certification Form - Notarized Original (page 1) (signatures of ALL legal owners or authorized agent are required)
- 3. Concurrency Determination Acknowledgment form - Original (if applicable) (page 2)
- 4. Affidavit of Owner & Limited Power of Attorney form - Notarized Original (if applicable) (page 3) (signatures of ALL legal owners are required)
- 5. Legal Proof of Ownership (e.g. copy of Tax Notice or Warranty Deed). Include Corporation/LLC documentation or a copy of Contract for Sale if applicable.
- 6. Legal Description of Property Street Address / Property Reference Number
- 7. a) Rezoning: Boundary Survey of subject property to include total acreage, all easements, and signed & sealed by a surveyor registered in the state of Florida.
 b) BOA: Site Plan drawn to scale.
- NA 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.
- NA 9. Pre-Application Summary Form, Referral Form, Zoning Verification Request Form and/or copy of citation from Code Enforcement Department if applicable.
- NA 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: _____

This document was prepared by:
Stephen G. West, Assistant County Attorney
Escambia County Attorney's Office
221 Palafox Place, Suite 430
Pensacola, Florida 32502
(850) 595-4970

**STATE OF FLORIDA
COUNTY OF ESCAMBIA**

DEED

THIS DEED is made this 13th day of January, 2009, by Escambia County, a political subdivision of the State of Florida, acting by and through its duly authorized Board of County Commissioners, whose address is 221 Palafox Place, Pensacola, Florida 32502 (Grantor), and Kale R. and Donna C. Schneider a/k/a Kale R. and Donna C. Schnieder, husband and wife, whose address is 9061 Bratt Road, Century, Florida 32535 (Grantee).

WITNESSETH, that Grantor, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration in hand paid by Grantee, the receipt of which is acknowledged, conveys to Grantee and Grantee's heirs, executors, administrators, successors and assigns forever, the land described as follows:

The Southwest quarter of the Northwest quarter less 660.00 feet square in the Southwest corner thereof; and the Northwest quarter of the Southwest quarter less 660.00 feet square in the Northwest corner thereof; and less 295.20 feet square in the Southwest corner thereof; all in Section 14, Township 5 North, Range 32 West, Escambia County, Florida; and less the following described property for road right-of-way:

Commence at the Southeast corner of the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 14, Township 5 North, Range 32 West, Escambia County, Florida; thence go North 00° 19' 46" West a distance of 47.49 feet to the north right-of-way line of Hanks Road, said point also being the POINT OF BEGINNING; thence go North 86° 23' 17" East along said North right-of-way line a distance of 120.34 feet to a point of curvature of a circular curve being concave to the South and having a radius of 2025.00 feet and a central angle of 03° 16' 57" ; thence go Easterly along the arc of said curve for a distance of 116.01 feet (chord bearing North 88° 01' 46" East ~ chord distance 116.01 feet) to a point of tangency; thence go North 89° 40' 14" East a distance of 415.26 feet; thence departing said North right-of-way line go South 00° 23' 20" East a distance of 58.00 feet to the South right-of-way of said road; thence go South 89° 40' 14" West along said South right-of-way line a distance of 415.32 feet to a point of curvature of a circular curve being concave to the South and having a radius of 1967.00 feet and central angle of 03° 16'

57" ; thence go Westerly along the arc of said curve a distance of 112.69 feet (chord bearing South 88° 01' 46" West ~ chord distance 112.68 feet) to a point of tangency; thence go South 86° 23' 17" West a distance of 123.67 feet; thence departing said South right-of-way line go North 00° 19' 46" West a distance of 10.61 feet to the point of beginning. All lying in Section 14, Township 5 North, Range 32 West, Escambia County, Florida, and containing 0.867 acres, more or less.

Subject to the following:

1. Easement to the United Gas Pipe Line Company.
2. All utilities remaining in place and use.

A portion of Parcel Identification Number 14-5N-32-2301-000-000 (the Property).

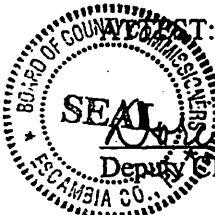
THIS CONVEYANCE IS SUBJECT TO taxes for the year 2009 and subsequent years; conditions, easements, and restrictions of record, if any, but this reference does not operate to reimpose them; zoning ordinances and other restrictions and prohibitions imposed by applicable governmental authorities.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman of the Board on the day and year first above written.

ESCAMBIA COUNTY, FLORIDA by and through its duly authorized BOARD OF COUNTY COMMISSIONERS

Marie Young
Marie Young Chairman

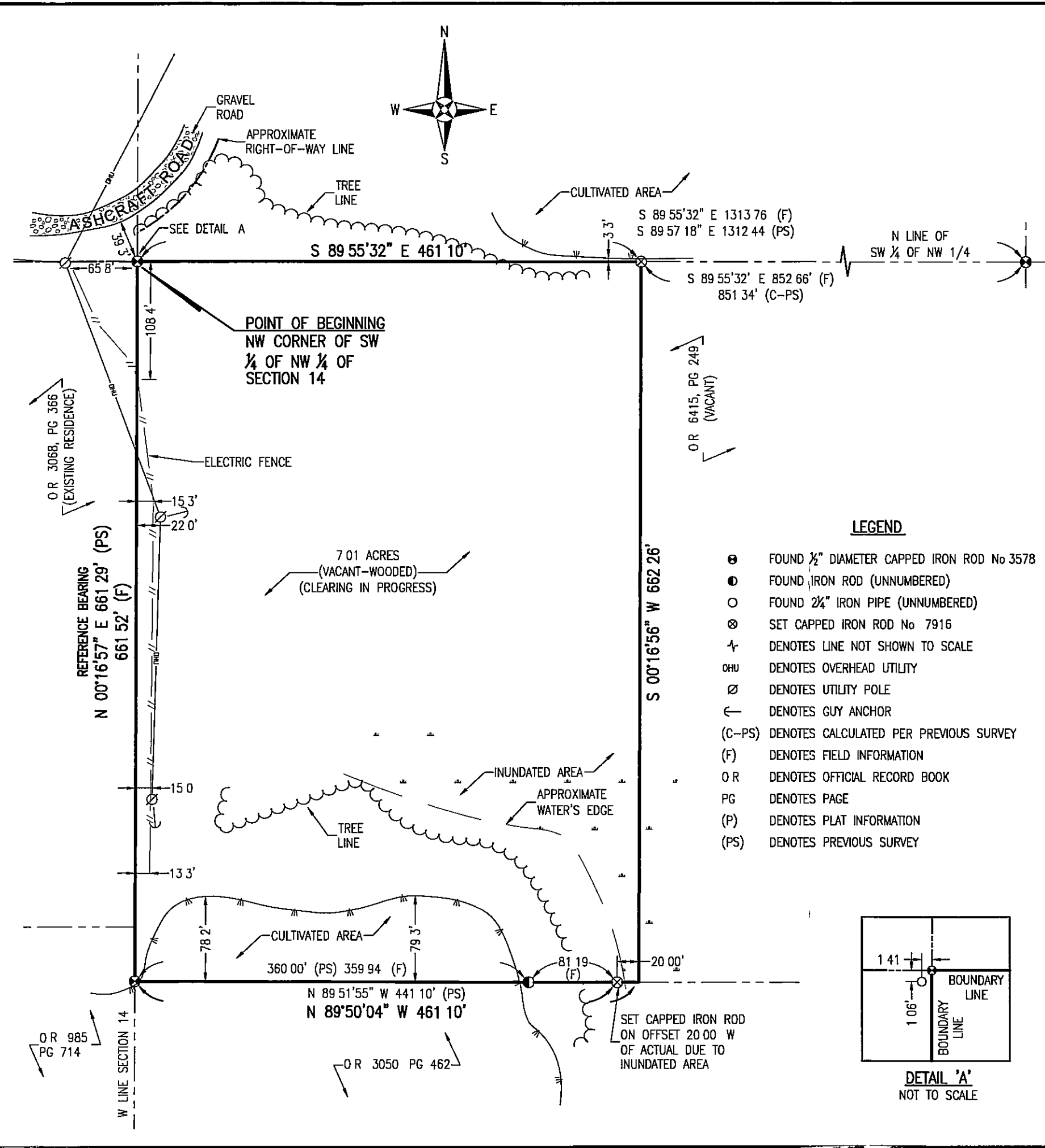
Ernie Lee Magaha
Clerk of the Circuit Court



Ernie Lee Magaha
Deputy Clerk

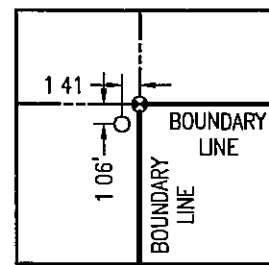
BCC Approved: 4/3/08

PA 2012 2012.020 STEVE HANKS BOUNDARY SURVEY HANKS DWG



LEGEND

- ⊙ FOUND 1/2" DIAMETER CAPPED IRON ROD No 3578
- FOUND IRON ROD (UNNUMBERED)
- FOUND 2 1/4" IRON PIPE (UNNUMBERED)
- ⊗ SET CAPPED IRON ROD No 7916
- ↖ DENOTES LINE NOT SHOWN TO SCALE
- OHU DENOTES OVERHEAD UTILITY
- ⊘ DENOTES UTILITY POLE
- ← DENOTES GUY ANCHOR
- (C-PS) DENOTES CALCULATED PER PREVIOUS SURVEY
- (F) DENOTES FIELD INFORMATION
- O R DENOTES OFFICIAL RECORD BOOK
- PG DENOTES PAGE
- (P) DENOTES PLAT INFORMATION
- (PS) DENOTES PREVIOUS SURVEY



DESCRIPTION

(AS PREPARED BY REBOL-BATTLE & ASSOCIATES)

A PARCEL OF LAND BEING ENTIRELY IN SECTION 14, TOWNSHIP 5 NORTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 32 WEST, ESCAMBIA COUNTY FLORIDA THENCE SOUTH 89 DEGREES 55 MINUTES 32 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER FOR A DISTANCE OF 461 10 FEET THENCE DEPARTING SAID NORTH LINE PROCEED SOUTH 00 DEGREES 16 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 662 26 FEET THENCE PROCEED NORTH 89 DEGREES 50 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 461 10 FEET TO THE WEST LINE OF THE AFOREMENTIONED SECTION 14 THENCE PROCEED NORTH 00 DEGREES 16 MINUTES 57 SECONDS EAST ALONG SAID WEST SECTION LINE FOR A DISTANCE OF 661 52 FEET TO THE AFOREMENTIONED NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14 AND THE POINT OF BEGINNING

CONTAINS 7.01 ACRES MORE OR LESS

GENERAL NOTES

- 1 NORTH AND THE SURVEY DATUM SHOWN HEREON ARE REFERENCED TO A PREVIOUS SURVEY BY SCHUMER'S PROFESSIONAL SURVEYING, INC DATED 5-5-2008 AND NUMBERED 08F-022 DEEDS OF RECORD AND EXISTING FIELD MONUMENTATION
- 2 NO TITLE SEARCH TITLE OPINION OR ABSTRACT WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY THERE MAY BE DEEDS OF RECORD UNRECORDED EEDS EASEMENTS, RIGHTS-OF-WAY, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY
- 3 IT IS THE OPINION OF THE UNDERSIGNED SURVEYOR & MAPPER THAT THE PARCEL OF LAND SHOWN HEREON IS IN ZONE 'X', AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR ESCAMBIA COUNTY FLORIDA, COMMUNITY PANEL NUMBER 12033C0035G, EFFECTIVE DATE OF SEPTEMBER 26, 2006
- 4 VISIBLE IMPROVEMENTS ARE AS SHOWN HEREON
- 5 VISIBLE UTILITIES ARE AS SHOWN HEREON
- 6 VISIBLE ENCROACHMENTS ARE AS SHOWN HEREON
- 7 THIS IS A NEW PARCEL SURVEYED PER THE CLIENTS REQUEST THE PARENT TRACT DESCRIPTION IS RECORDED IN OFFICIAL RECORD BOOK 6415 AT PAGE 249 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY FLORIDA
- 8 THIS SURVEY DOES NOT REPRESENT NOR GUARANTEE OWNERSHIP
- 9 THIS SURVEY IS CERTIFIED TO MR STEVE HANKS
- 10 THE SUBJECT PROPERTY SHOWN HEREON DOES NOT APPEAR TO HAVE ACCESS TO THE ADJACENT COUNTY ROADWAY (ASHCRAFT ROAD) AS PER MAPS OF RECORD

SURVEYOR'S CERTIFICATION

The survey shown hereon was prepared in compliance with the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17 Florida Administrative Code, pursuant to Section 471.027 Florida Statutes to the best of my knowledge and belief

Mark A. Norris
 MARK A. NORRIS
 PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE NO 6211
 2/22/12

REBOL-BATTLE & ASSOCIATES
 CIVIL AND ENVIRONMENTAL ENGINEERS
 2501 N. HIGHWAY 90A, SUITE 300
 PANAMA CITY, FLORIDA 32360
 TELEPHONE 850.433.0400 FAX 850.433.0448
 E-MAIL 850.433.0407 LTR018

BOUNDARY SURVEY
 PREPARED FOR: MR. STEVE HANKS
 REQUESTED BY: MR. STEVE HANKS

BOUNDARY SURVEY
 PROJECT: 2012-020
 DRAWN BY: CBD
 CHECKED BY: MAN
 SCALE: 1" = 100'
 F.B. 12-1
 PG. 30
 DATE: 2-13-2012

BOUNDARY SURVEY
 SURVEY FOR: MR. STEVE HANKS
 A PORTION OF: RANGE 32 WEST, TOWNSHIP 5 NORTH, COUNTY ESCAMBIA, STATE FLORIDA

1 of 1

MORGAN OTHA D & CHRISTINE
3831 ASHCRAFT RD
CENTURY FL 32535

FEARS JUANITA
3460 HANKS RD
CENTURY FL 32535

WIGGINS FLORINE
4710 WIGGINS LN
CENTURY FL 32535

HANKS CARY S JR & CATHERINE A
193 CEDAR GROVE PKWY
MAYLENE AL 35114

HANKS STEVEN L & THERESA W
3855 ASHCRAFT RD
CENTURY FL 32535

SCHNEIDER KALE R
9061 BRATT RD
CENTURY FL 32535

LITTRELL LARRY J
29100 ONO BLVD
ORANGE BEACH AL 36561

PARKER WILLIAM R
4410 HALL RD
MCDAVID FL 32568

HANKS CARY S
3911 ASHCRAFT RD
CENTURY FL 32535

BOLERJACK JAMES D
3560 HANKS RD
CENTURY FL 32535

MORGAN DALTON O & CAROLYN E
2850 BREASTWORKS RD
MCDAVID FL 32568

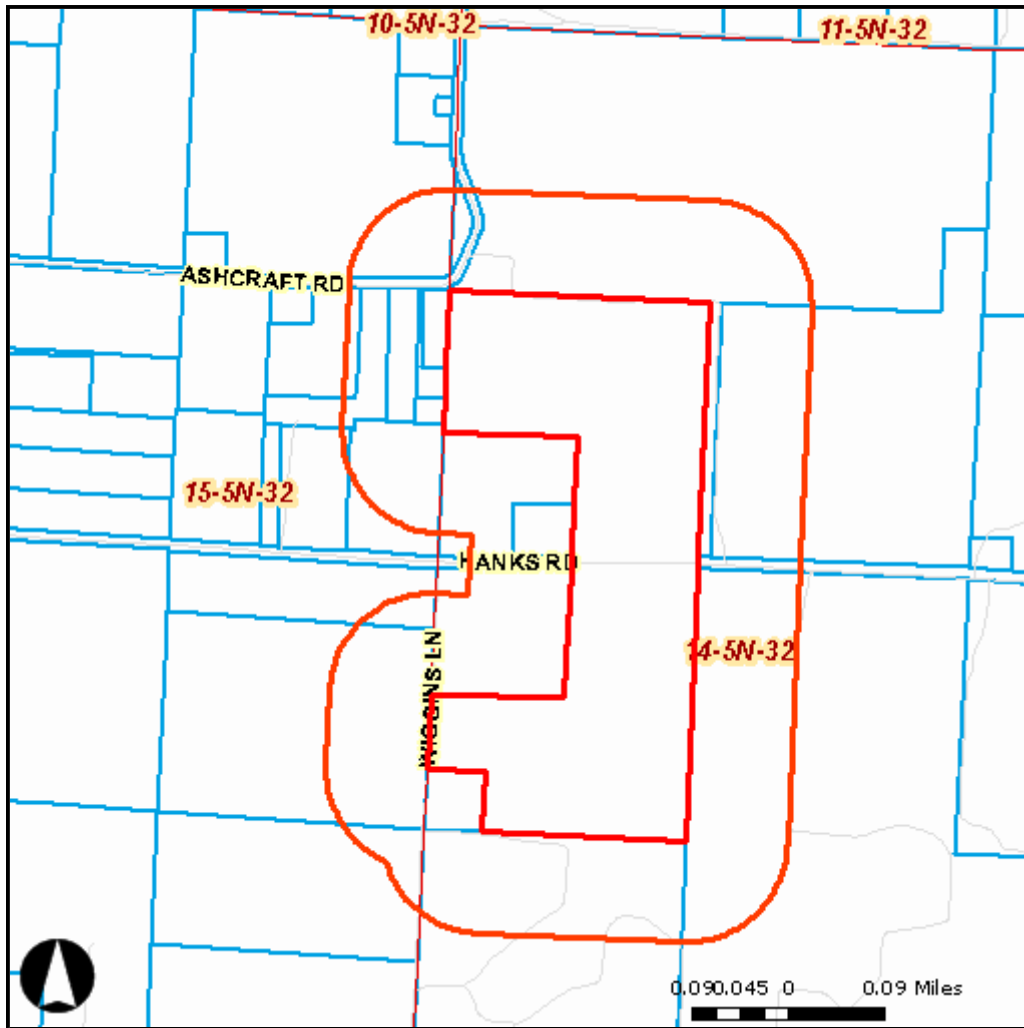
FAIRCLOTH DALE G
5190 N HWY 99
CENTURY FL 32535

BROWN MELBA E
3860 ASHCRAFT RD
CENTURY FL 32535

HANKS HOWARD E & MYRLE D
3540 HANKS RD
CENTURY FL 32535

WHATLEY EDWIN L & SHIRLEY
3601 HANKS RD
CENTURY FL 32535

ECPA Map



Map Grid



Major Roads

- City Road
- County Road
- Interstate
- State Road
- US Highway

All Roads



Property Line



PLEASE NOTE: This product has been compiled from the source data of the Inter-Local Mapping and Geographic Information Network (IMAGINE) project of Escambia County. The ESCAMBIA COUNTY PROPERTY APPRAISER I-MAP Service is for reference purposes only and not to be considered as a legal document or survey instrument. Relying on the information contained herein is at the user's own risk. We assume no liability for any use of the information contained in the I-MAP Service or any resultant loss.

Planning Board-Rezoning

5. C.

Meeting Date: 08/13/2012

CASE : Z-2012-17

APPLICANT: Stephanie Lowry, Agent for
Team Player Properties LLC

ADDRESS: 3840 Navy Blvd

PROPERTY REF. NO.: 38-2S-30-1000-003-004

FUTURE LAND USE: MU-U

DISTRICT: 2

OVERLAY AREA: C-3, Warrington Overlay

BCC MEETING DATE: 09/06/2012

Information

SUBMISSION DATA:

REQUESTED REZONING:

FROM: R-2, Single-Family District (Cumulative), Low-Medium Density (7 du/acre)

TO: C-1, Retail Commercial District (Cumulative) (25 du/acre)

RELEVANT AUTHORITY:

- (1) Escambia County Comprehensive Plan
- (2) Escambia County Land Development Code
- (3) Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993)
- (4) Resolution 96-34 (Quasi-judicial Proceedings)
- (5) Resolution 96-13 (Ex-parte Communications)

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

Comprehensive Plan Policy (CPP) FLU 1.1.1 Development Consistency. New development and redevelopment in unincorporated Escambia County shall be consistent with the Escambia County Comprehensive Plan and the Future Land Use Map (FLUM)

CPP FLU 1.3.1 Future Land Use Categories The Mixed-Use Urban (MU-U) Future Land Use (FLU) category is intended for an intense mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole. Range of allowable uses include: Residential, Retail and Services, Professional Office, Light Industrial, Recreational Facilities, Public and Civic. The minimum residential density is 3.5 dwelling units per acre and the maximum residential density is 25 dwelling units per acre.

CPP FLU 1.5.3 New Development and Redevelopment in Built Areas. To promote the

efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development)

CPP FLU 1.1.9 Buffering. In the LDC, Escambia County shall ensure the compatibility of adjacent land uses by requiring buffers designed to protect lower intensity uses from more intensive uses, such as residential from commercial.

FINDINGS

The proposed amendment to C-1 **is consistent** with the intent and purpose of the Future Land Use category Mixed-Use Urban as stated in CPP FLU 1.3.1. because the future land use category is intended for an intense mix of residential and nonresidential uses. The proposed amendment is consistent with the intent of CPP FLU 1.5.3 promoting the efficient use of existing public roads, utilities and services infrastructure; notably to encourage redevelopment of underutilized property. Buffering requirements between the subject parcel and the adjoining neighborhood will be addressed at the time of the site plan review process.

CRITERION (2)

Consistent with The Land Development Code.

Whether the proposed amendment is in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

6.05.07. R-2 single-family district (cumulative), low-medium density. This district is intended to be a single-family residential area with large lots and low population density. The maximum density is seven dwelling units per acre. Refer to article 11 for uses and densities allowed in R-2, single-family areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with R-2 zoning located in the Scenic Highway Overlay District and RA-1(OL) Barrancas Redevelopment Area Overlay District.

6.05.14. C-1 Retail Commercial District (cumulative). This district is composed of lands and structures used primarily to provide for the retailing of commodities and the furnishing of selected services. The district provides for various commercial operations where all such operations are within the confines of the building and do not produce undesirable effects on nearby property.

Permitted Uses:

Any use permitted in the R-6 district.

2. Places of worship, educational institutions or facilities.

3. Personal service establishments such as, but not limited to, banks, beauty parlors, medical and dental clinics, restaurants including on-premises consumption of alcohol, financial institutions, professional and other offices, parking garages and lots, laundry and dry cleaning pickup stations, self-service coin-operated laundry and dry cleaning establishments, shoe repair, tailoring, watch and clock repair, locksmiths and data processing.

4. Retail business including, but not limited to: drug, package, hardware stores, book, stationery, china and luggage shops, newsstands, florists, photographic supplies and studios, wearing apparel shops, paint and wallpaper; accessory storage for retail uses.

5. Restaurants. Drive-in or drive-thru restaurants provided that the boundaries of the tract of land on which they are located are in excess of 200 feet from any R-1 or R-2 districts unless

- separated from such district by a three lane road (or larger) or a minimum 60-foot right-of-way.
6. Automobile repair shops for ignition, fuel, brake and suspension systems or similar uses.
 7. Automobile service stations including minor auto repairs.
 8. Automobile washing facility.
 9. Hotels and motels.
 10. Off-premises signs, billboards and other sign structures erected, located and maintained as provided for in article 8 of this Code.
 11. Grocery, produce, meat and convenience stores, including the incidental sale of gasoline.
 12. Health and fitness clubs.
 13. Hospitals.
 14. Printing, bookbinding, lithography and publishing companies.
 15. Interior decorating, home furnishing, and furniture stores.
 16. Music conservatory, dancing schools and art studios.
 17. Music, radio and television shops.
 18. Mortuary and funeral homes.
 19. Dry cleaning establishments provided that equipment used emits no smoke or escaping steam and uses nonflammable synthetic cleaning agents (perchloroethylene, trichloroethylene, etc.)
 20. Indoor movie theaters.
 21. Enclosed animal hospitals and veterinary clinics.
 22. Campgrounds.
 23. Secondhand stores and used clothing deposit box when such boxes are operated (placed) by charitable organizations.
 24. Wholesale warehousing (if less than 10,000 square feet).
 25. Mini-warehouses. No ancillary truck rental service or facility allowed without conditional use approval.
 26. Bowling alleys, skating rinks and billiard parlors providing such activities and facilities are enclosed within a soundproof building.
 27. Recreational and commercial marinas.
 28. Garden shops or nurseries displaying plants, shrubs, trees, etc., outdoors adjacent to the garden shop or nursery.
 29. Antique shops, pawn shops.
 30. Commercial communication towers 150 feet or less in height.
 31. Arcade amusement centers and bingo facilities.
 32. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

6.07.01. C-3(OL) Warrington commercial overlay district. This special performance district is intended to provide an enhanced level of protection for land uses in those commercial corridors which (1) are located within the Warrington Redevelopment Area, and (2) provide primary access (gateways) to the two major military installations. This is an overlay district and the regulations herein expand upon the existing C-1 and/or C-2 zoning district regulations otherwise imposed on individual parcels within the commercial corridor.

B. Applicability. This overlay district applies to all C-1 or C-2 zoned properties indicated on the zoning map as C-3OL. A generalized map of the C-4(OL) District is depicted in Figure 1; however, it is not the official zoning map and should be used only for preliminary determination of the application of the overlay zone.

C. Relationship to underlying zoning. All of the use listings and site design requirements of the underlying C-1 and C-2 commercial districts shall continue to apply. This C-3(OL) district adds one prohibited use and adds to the list of uses that shall require conditional use review and

approval by the board of adjustment. The conditional use review shall require a finding of fact on both those performance standards listed in section 2.05.03 of this Code and the additional performance standards listed in F., G., and H. below.

D. Prohibited uses. Portable food vendors.

E. Use requiring special conditional use review. 1. Convenience stores. 2. Retail sale of alcohol for off-premises consumption. 3. Bars and nightclubs. 4. Tattoo parlors. 5. Pawn shops and check cashing services. 6. Commercial amusement arcades, including billiard parlors and game machine arcades. 7. Automotive uses (including car sales, automobile rental agencies, car washes, auto repair facilities, tire sales, etc.). 8. Truck, utility trailer, and RV rental service or facility.

F. Performance standards.

1. Building and sign design. The choice of building materials, colors and building signage shall be compatible with the intent of this district and shall not have an adverse visual impact on surrounding properties of the two nearby Navy installations.

2. Color and materials. Colors shall be compatible with the general pattern existing on the commercial corridors within the Warrington area.

FINDINGS

The proposed amendment **is consistent** with the intent and purpose of the Land Development Code. However, staff has observed outside storage on the property. Outside storage is not allowed in C-1 Zoning.

The parcel is located in the C-3 (OL) Warrington Commercial Overlay District, the applicant must comply with all requirements of section 6.07.01. See CRA memo.

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

CRITERION (3)

Compatible with surrounding uses.

Whether and the extent to which the proposed amendment is compatible with existing and proposed uses in the area of the subject property(s).

FINDINGS

The proposed amendment **is compatible** with surrounding existing uses in the area.

Within the 500' radius impact area, staff observed properties with zoning districts R-2, C-1 and C-2. There are 34 residential properties and 15 commercial properties.

CRITERION (4)

Changed conditions.

Whether and the extent to which there are any changed conditions that impact the amendment or property(s).

FINDINGS

Staff found no changed conditions that would impact the amendment or property(s). For informational purposes staff found case Z-2011-19 located at 3910 W Navy Blvd. The rezoning case was for C-1 to C-2 and was approved by the Planning Board on December 12, 2011 but

denied by the BCC on January 5, 2012.

CRITERION (5)

Effect on natural environment.

Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment.

FINDINGS

According to the National Wetland Inventory, wetlands and hydric soils **were not** indicated on the subject property. When applicable, further review during the site plan review process will be necessary to determine if there would be any significant adverse impact on the natural environment.

CRITERION (6)

Development patterns.

Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

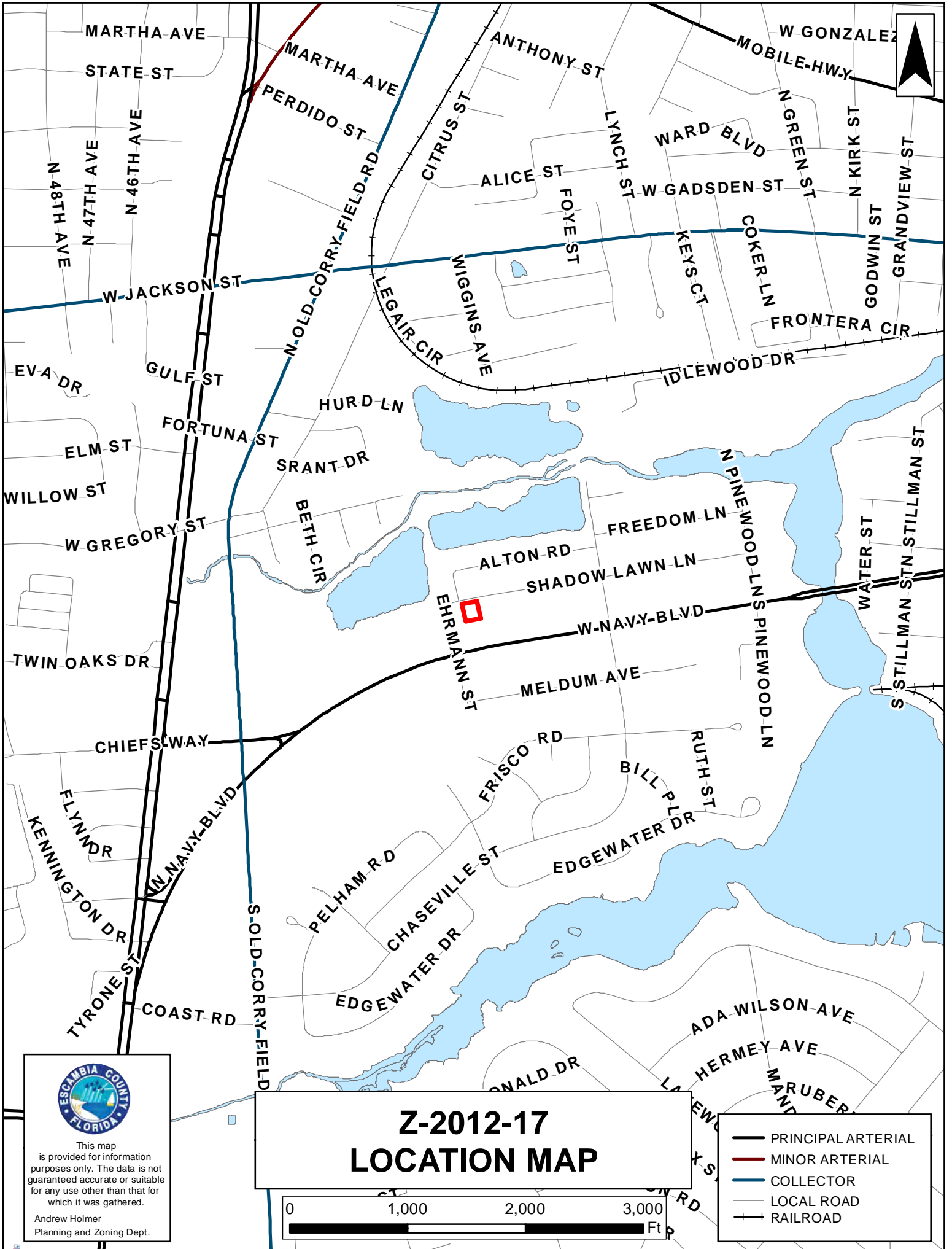
FINDINGS

The proposed amendment **would result** in a logical and orderly development pattern. The property is located with connection to an existing business that is looking to expand. The surrounding properties are already commercial with the exception of one residential connection to the west. However, property must comply with C-1 regulations and have no outside storage.

Attachments

Z-2012-17

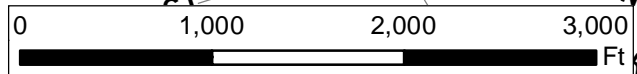
Z-2012-17



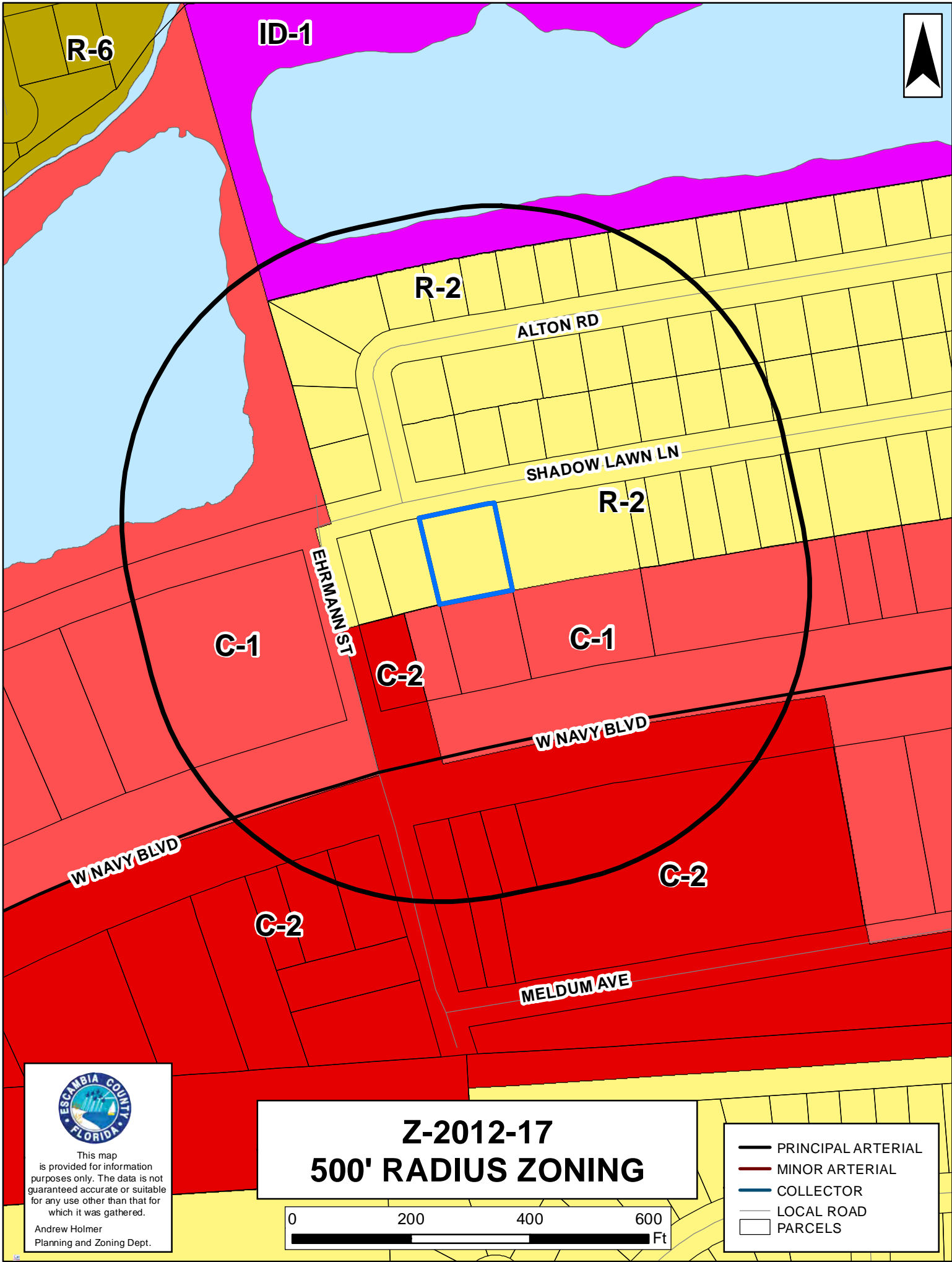
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2012-17 LOCATION MAP



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



R-6

ID-1

R-2

ALTON RD

SHADOW LAWN LN

R-2

EHRMANN ST

C-1

C-2

C-1

W NAVY BLVD

W NAVY BLVD

C-2

C-2

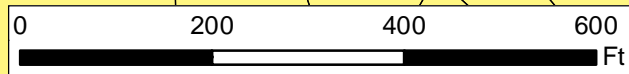
MELDUM AVE



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.

Z-2012-17 500' RADIUS ZONING



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



MU-U

G

ALTON RD

MU-U

SHADOW LAWN LN

MU-U

EHRMANN ST

G

W NAVY BLVD

W NAVY BLVD

G

MELDUM AVE

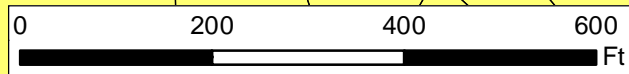
MU-U



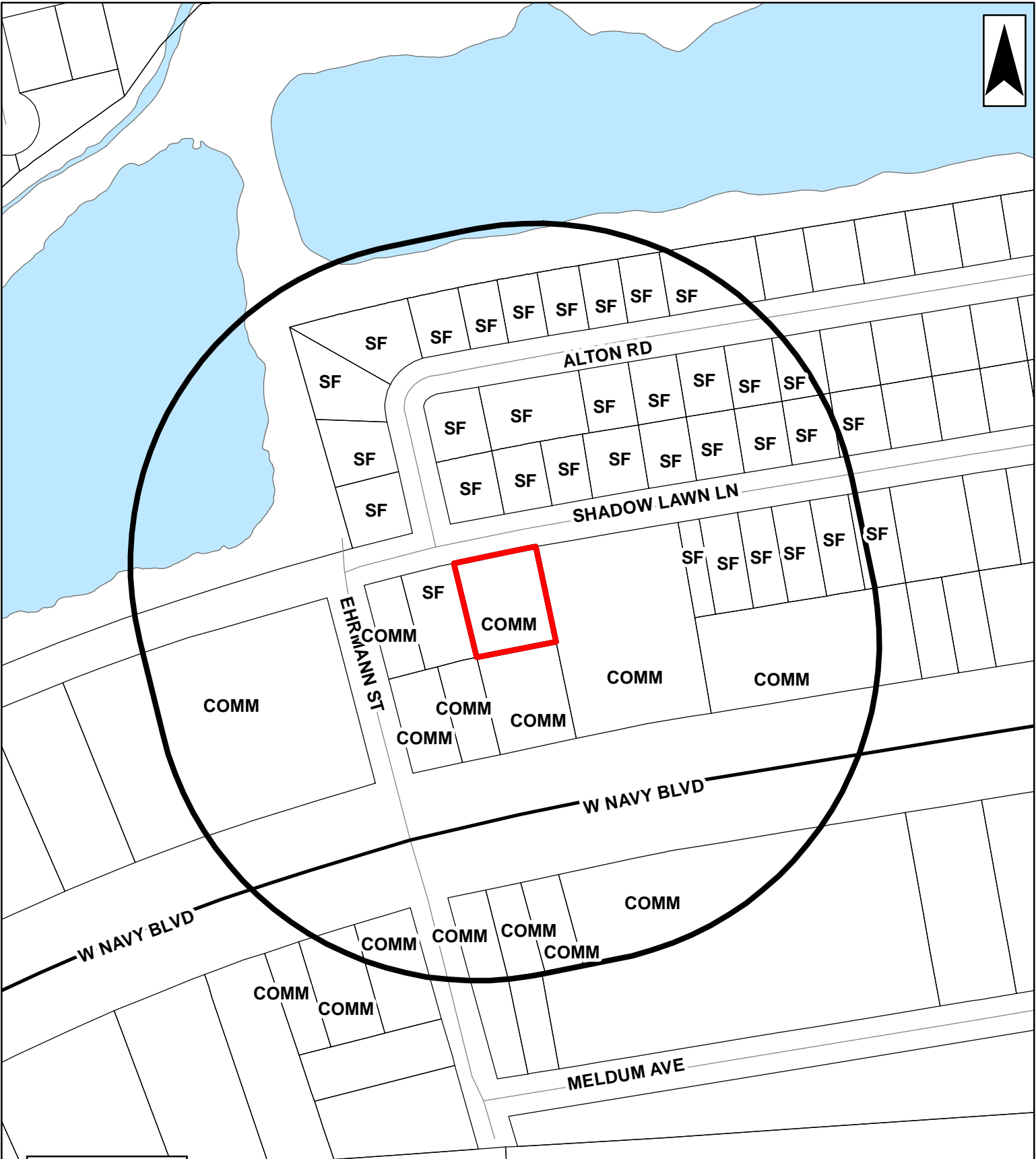
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Andrew Holmer
Planning and Zoning Dept.

Z-2012-17 FUTURE LAND USE



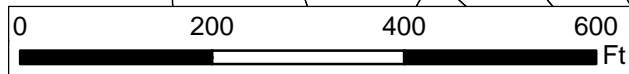
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



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.

Z-2012-17 EXISTING LAND USE



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



ALTON RD

SHADOW LAWN 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.

Z-2012-17 AERIAL MAP




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



WARRINGTON CRA

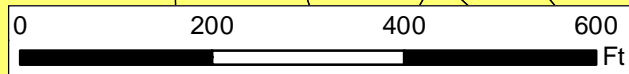
WARRINGTON CRA



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.

**Z-2012-17
CRA MAP**



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS
-  BARRANCAS
-  BROWNSVILLE
-  ENGLEWOOD
-  PALAFOX
-  WARRINGTON



**BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA**

The mission of the CRA is to enhance the quality of life within the County's Redevelopment Areas and Enterprise Zone by encouraging private sector reinvestment, promoting economic development and providing public sector enhancements.

INTEROFFICE MEMORANDUM

TO: Planning Board

FROM: David Forte, Urban Planner II, Community Redevelopment Agency (CRA)

THRU: Eva A. Peterson, CRA Manager

DATE: Tuesday, July 31, 2012

RE: Rezoning, August 13, 2012 meeting – 3840 Navy Blvd. – Z-2012-17 –
Warrington Redevelopment District

The Warrington Community Redevelopment Area Plan (WRP), originally adopted by the Board of County Commissioners in December of 1995, is intended to accomplish several key objectives to help revitalize and improve the Warrington Redevelopment District. The Zoning and Land Use objective is intended to support and implement zoning policies that protect residential neighborhoods and encourage compatible commercial/industrial reinvestment. The WRP states that the “retention of the predominantly C-1 Commercial zoning along the arterial highways is particularly important.”

Navy Boulevard is a major arterial corridor and serves as the primary gateway to Pensacola NAS. Understanding the importance of the corridor, the Board of County Commissioners adopted the Navy Boulevard Design Guidelines Manual on May 17, 2012. Also, the CRA is currently undergoing a Corridor Management Plan for the entire corridor from the Bayou Chico Bridge to the east to NAS to the south of the subject site totaling approximately 3.3 miles. The corridor is a vibrant roadway with vital commercial components that anchor the economic viability of the community as well as supports the residential surrounding the corridor. The proposal does not appear to conflict with the Design Guidelines Manual or the Corridor Management Plan.

The CRA is in support of the proposed application and respectfully requests that the Board approve the rezoning request.



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2012-17
CURRENT ZONING: R-2 PROPOSED ZONING: C-1

PLANNING BOARD

DATE: 8/13/12 TIME: 8:30 am

LOCATION OF HEARING

ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE
ROOM 104 BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: 9/6/12 TIME: 5:45 pm

LOCATION OF HEARING

ESCAMBIA COUNTY GOVERNMENT CENTER
221 PALAFOX PLACE
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION ABOUT THIS CASE PLEASE CALL
DEVELOPMENT SERVICES AT 595-3475 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY



Looking South onto the subject property.



Looking Southwest onto the subject property.



Looking West along Shadow Lawn lane..



Looking Northwest across from the subject property.



Looking South on the east side of the subject property.



Looking Northeast along Shadow Lawn Lane.



Looking South on the West Side of the subject property.



Looking Southeast onto the subject property.



Looking South onto Subject property



Looking North from Navy - subject parcel located behind the building.



Looking North from Navy - the subject parcel located behind the building



Looking North from Navy - subject parcel located behind the building



Development Services Department

Escambia County, Florida

APPLICATION

Please check application type:

Administrative Appeal

Development Order Extension

Conditional Use Request for: _____

Variance Request for: _____

Rezoning Request from: R-2/4 to: C-2NAC-1

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

Owner(s) Name: TEAM PLAYER PROPERTIES LLC Phone: 477-6804

Address: 5050 DIXIE ST, SUITE B 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: 3840, Navy Blvd,

Property Reference Number(s)/Legal Description: 38-25-30-1000-003-004,

By my signature, I hereby certify that:

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

Signature of Owner/Agent: [Signature] Printed Name Owner/Agent: GARY LOWRY Date: 07-02-2012

Signature of Owner: _____ Printed Name of Owner: _____ Date: _____

STATE OF FLORIDA COUNTY OF ESCAMBIA

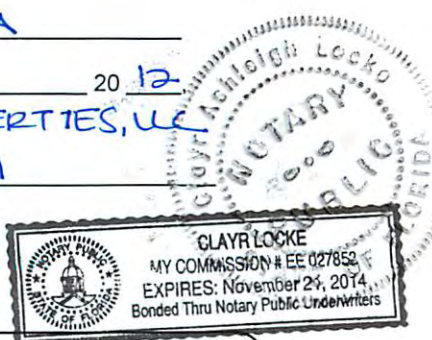
The foregoing instrument was acknowledged before me this 2ND day of JULY 20 12

by GARY LOWRY, PRESIDENT, TEAMPLAYER PROPERTIES, LLC

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

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

Printed Name of Notary: CLAYR LOCKE



FOR OFFICE USE ONLY

Meeting Date(s): Aug. 13, 2012 Accepted/Verified by: _____ Date: _____

Fees Paid: \$ 1050.00 Receipt #: _____ Permit #: PRZ 1207 00017



Development Services Department

Escambia County, Florida

FOR OFFICE USE:

CASE #: 2-2012-17

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 38-25-30-1000-003-004,

Property Address: 3840 Navy Blvd,

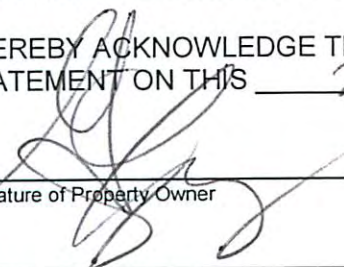
I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed 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 2ND DAY OF July, YEAR OF 2012.



 Signature of Property Owner

 Signature of Property Owner

Grady Lowmy

 Printed Name of Property Owner

 Printed Name of Property Owner

07-02-2012

 Date

 Date



Development Services Department
Escambia County, Florida

FOR OFFICE USE:
CASE #: Z-2012-17

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 3840 1/2 Navy Blvd
Florida, property reference number(s) 38-25-30-1000-003-004

I hereby designate Stephanie Lowry 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 2 day of July 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: Stephanie Lowry Email: stephanie@lowrycompany.co
Address: 5050 Dixie Dr, Suite B Phone: 477-6804

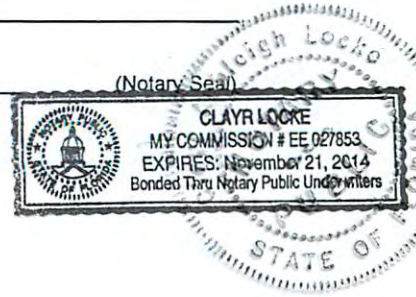
<u>[Signature]</u> Signature of Property Owner	<u>Gary Lowry</u> Printed Name of Property Owner	<u>07-02-2012</u> Date
_____ Signature of Property Owner	_____ Printed Name of Property Owner	_____ Date

STATE OF FLORIDA COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 2ND day of JULY 20 12,
by GARY LOWRY, PRESIDENT, TEAM PLAYER PROPERTIES, LLC

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

[Signature]
Signature of Notary
CLAYR LOCKE
Printed Name of Notary



2012 LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L09000086472

Entity Name: TEAM PLAYER PROPERTIES LLC

FILED
Apr 11, 2012 REC'D JUL 03 2012
Secretary of State

Current Principal Place of Business:

5650 DIXIE STREET
SUITE B
PENSACOLA, FL 32503

New Principal Place of Business:

Current Mailing Address:

5650 DIXIE STREET
SUITE B
PENSACOLA, FL 32503

New Mailing Address:

FEI Number: 27-2267751 FEI Number Applied For () FEI Number Not Applicable () Certificate of Status Desired ()

Name and Address of Current Registered Agent:

LOWRY, GARY W
5650 DIXIE STREET
SUITE B
PENSACOLA, FL FL US

Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: _____

Electronic Signature of Registered Agent

_____ Date

MANAGING MEMBERS/MANAGERS:

Title: MGR
Name: LOWRY, GARY
Address: 5650 DIXIE STREET, SUITE B
City-St-Zip: PENSACOLA, FL 32503 US

I hereby certify that the information indicated on this report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 608, Florida Statutes.

SIGNATURE: GARY LOWRY MR. 04/11/2012

Electronic Signature of Signing Managing Member, Manager, or Authorized Representative / Date

SPECIAL WARRANTY DEED

THE STATE OF FLORIDA §
 § **KNOW ALL MEN BY THESE PRESENTS**
COUNTY OF ESCAMBIA §

THAT, UPS CAPITAL BUSINESS CREDIT, a Connecticut state-chartered bank ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash in hand paid by TEAM PLAYER PROPERTIES, LLC (the "Grantee"), with an address of 5658 Dixie Street, Pensacola, FL 32503, has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto Grantee, the real property more particularly described on Exhibit "A" attached hereto, together with all rights, appurtenants, and improvements located thereon (the "Property").

This conveyance is being made by Grantor and accepted by Grantee subject to those certain title exceptions set forth in Exhibit "B" attached hereto and made a part hereof for all purposes, but only to the extent that such exceptions are valid, existing, and, in fact, affect the Property.

TO HAVE AND TO HOLD the Property, together with, all and singular, the rights and appurtenances thereto in anywise belonging, to Grantee and Grantee's heirs, executors, administrators, legal representatives, successors, and assigns forever; and subject to the exceptions set forth on the attached Exhibit "B", Grantor does hereby bind Grantor and Grantor's heirs, executors, administrators, legal representatives, successors, and assigns to warrant and forever defend, all and singular, the Property unto the Grantee and Grantee's heirs, executors, administrators, legal representatives, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof by, through, or under Grantor, but not otherwise.

(Signature Page Follows)

EXECUTED to be effective 6/20, 2012.

WITNESSES:

GRANTOR:

UPS CAPITAL BUSINESS CREDIT
a Connecticut state-chartered bank

[Signature]
W. U. A. Platosz

By: [Signature]

[Signature]
Brian P. Rice

Name: V JAMES SEICHTER
Title: SPECIAL ASSETS MANAGER

THE STATE OF CT §
 §
COUNTY OF Hartford § Windsor

This instrument was acknowledged before me on this 17th day of June, 2012 by V JAMES SEICHTER as Special Assets Manager of UPS CAPITAL BUSINESS CREDIT, a Connecticut state-chartered bank, on behalf of said entity.

[Signature]
Notary Public, State of CT

My Commission Expires:
3/31/16

(Print/Type Name of Notary)

JOANNA AVERSA
NOTARY PUBLIC
MY COMMISSION EXPIRES MAR. 31, 2016

We hereby certify that this is a true and exact copy of the original instrument.
BENCHMARK TITLE, LLC

By: [Signature]

EXHIBIT "A"

THE PROPERTY

Lots 3, 4, 39, 40, and 41, Westerly Heights, according to the map or plat thereof as recorded in Plat Book 2, Page 14, of the Public Records of Escambia County, Florida.

AND

THAT PORTION OF LOT 1, BLOCK 4, WESTERLY HEIGHTS, AS RECORDED IN PLAT BOOK 2, AT PAGE 14 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT A 4" X 4" CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF LOT 2, BLOCK 4 OF SAID WESTERLY HEIGHTS; THENCE GO SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 2 AND LOT 1, BLOCK 4, AND ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 4069.83 FEET (DELTA ANGLE - 01 DEGREES 20' 27", CHORD DISTANCE - 95.24 FEET, CHORD BEARING - S 75 DEGREES 28' 55" W) FOR AN ARC DISTANCE OF 95.24 FEET TO A CAPPED IRON ROD STAMPED "TRS 5939", AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 4, AND ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 4069.83 FEET (DELTA ANGLE - 80 DEGREES 44' 08", CHORD DISTANCE - 52.25 FEET, CHORD BEARING - S 74 DEGREES 27' 01" W) FOR AN ARC DISTANCE OF 52.25 FEET TO A CAPPED IRON ROD STAMPED "TRS 5939" ON THE EASTERLY RIGHT OF WAY LINE OF ERDMANN STREET (60' R/W), SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 4; THENCE GO N 16 DEGREES 29' 00" W ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 150.00 FEET TO A CAPPED IRON ROD STAMPED "TRS 5939" TO THE POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF SHADOWLAWN LANE (60' R/W), SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 4; THENCE GO NORTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE AND ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 4219.83 FEET (DELTA ANGLE - 00 DEGREES 47' 36", CHORD DISTANCE - 56.43 FEET, CHORD BEARING - N 74 DEGREES 27' 01" E) FOR AN ARC DISTANCE OF 56.43 FEET TO A CAPPED IRON ROD STAMPED "TRS 5939"; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE GO S 14 DEGREES 07' 27" E A DISTANCE OF 150.02 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

PERMITTED EXCEPTIONS

Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.

Standby fees, taxes and assessments by any taxing authority for the year 2012, and subsequent years.

Rights or claims of parties in possession.

All visible and apparent easements on or across the property, the existence of which are not shown of record.

Any portion of the subject property lying within the boundaries of any road or roadway, public or private.

Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.

Oil, gas, and other minerals of every kind and character, in, on, and under the property herein described.

The right to use the surface estate for ingress and egress and/or any other right or privilege incident to the ownership of the mineral estate.

Provisions of the Plat of Westerly Heights, recorded in Plat Book 2, Page 14 of the Public Records of Escambia County, Florida.

P:\Real Estate\JP12\UPS.Saleof 3840W.NavyBlvd.Pensacola.FL.0048\Deed.001

RE: Rezoning Properties located at 3840 Navy Blvd from R-2 to C-1**Property Reference Nos: 38-2S-30-1000-003-004****Owners: Team Player Properties, LLC**

Requesting a zoning change from R-2 to C-1

- *Consistency with the Comprehensive Plan*

The proposed amendment to C-1 is consistent with the Future Land Use of C (Commercial) and MU-U (Urban Use). This FLU is intended for an intense mix of residential and nonresidential uses. It allows Retail and services, light industrial uses, as well as residential uses. The properties were currently used as commercial businesses with outside storage.

- *Consistency with the Land Development Code*

The proposed amendment is consistent with the Land Development Code. The previous use of these properties includes a canvas company with outside storage of unused materials and inoperable vehicles. The proposed zoning of C-1 allows the commercial uses consistent with surrounding areas.

The amendment is consistent with the locational criteria since the properties are located along an arterial roadway approximately ¼ of a mile from the intersection with Chiefs Way. The properties are also located directly across the street from numerous C-2 zoned properties. Access to properties would be from Navy Boulevard.

- *Compatibility with Surrounding Uses*

The uses permitted in the C-1 zoning category would be compatible with the surrounding uses in the area. The surrounding uses include Hertz Equipment Rental (adjacent), Antiques and More Flea Market, Arco Starting and Charging, Paisano's Restaurant, vacant commercial properties, Plastic Arts Signs, and other commercial properties.

As previously noted, the properties were previously developed as Reddish Canvas & Awning. Uses included the manufacturing and assembly of canvas awnings and metal frames. Historical resources from a Phase I ESA that was conducted in May 2012 indicate the property has been developed with commercial uses since 1949.

- *Changed Conditions*

The proposed rezoning would not have an adverse impact on the surrounding area. The rezoning would allow the properties to be used as intended and enhance the area. Plans for the property include site cleanup and improvements.

- *Effect on Natural Environment*

The proposed amendment would not have an adverse impact on the environment.

- *Development Patterns*

The proposed amendment would result in a logical and orderly development pattern. As mentioned previously, there are C-2 zoned properties located across Navy Boulevard and at the corner of Navy Boulevard and Shadow Lane. The property was previously developed with a commercial uses. Additionally, Hertz Equipment Rental, which is a C-2 use with outside storage, is located adjacent to the subject property.



Development Services Department

Escambia County, Florida

PLANNING BOARD REZONING PRE-APPLICATION SUMMARY FORM

~~38-25-30-1000-040-004~~
~~38-25-30-1000-041-004~~
~~38-25-30-1000-061-004~~

Property Reference Number
38-25-30-1000-003-004

Address Navy Blvd

Name Stephanie Lowery

Owner Agent

Referral Form Included? **Y/N**

MAPS PREPARED

- Zoning
- FLU
- Aerial
- Other: _____

PROPERTY INFORMATION

Current Zoning: C-1 R-2 Size of Property: .44 +/-
 Future Land Use: MU-U Commissioner District: 2
 Overlay/AIPD: _____ Subdivision: Westerly Heights
 Redevelopment Area*: Warrington

*For more info please contact the CRA at 595-3217 prior to application submittal.

COMMENTS

Desired Zoning: C-2 C-1

Is Locational Criteria applicable? Yes If so, is a compatibility analysis required? _____

4 Parcels are within Warrington Commercial overlay see
to 02.7. Rezone from R-2/C-1 to C-2NA
Applicant now rezoning only one parcel + requests C-1
Zoning (38-25-30-1000-003-004)

[Signature] 7/3/12
[Signature]

- Applicant will contact staff for next appointment
 - Applicant decided against rezoning property
 - Applicant was referred to another process
 - BOA DRC Other: _____
- Process Name

Staff present: Allyson Cain Date: 3/30/12

Applicant/Agent Name & Signature: [Signature]

No comment made by any persons associated with the County during any pre-application conference or discussion shall be considered either as approval or rejection of the proposed development, development plans, and/or outcome of any process.

stephanie@lowrycompany.co



Development Services Department
Escambia County, Florida

FOR OFFICE USE:

CASE #: Z-2012-17

**APPLICATION
ATTACHMENTS CHECKLIST**

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

- 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 *Boundary survey*
- 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. *each parcel.*
b. BOA: Site Plan drawn to scale.
- 8. For Rezoning requests: If the subject parcel does not meet the roadway requirements of Locational Criteria (Comprehensive Plan 7.A.4.13 & LDC 7.20.00.), a compatibility analysis to request a waiver or an exemption to the roadway requirements will need to be submitted as part of the application.
- 9. Pre-Application Summary Form, Referral Form, Zoning Verification Request Form and/or copy of citation from Code Enforcement Department if applicable.
- 10. Application fees. (See Instructions page for amounts) Payment cannot be accepted after 3:00pm.

Please make the following three appointments with the Coordinator.

Appointment for pre-application meeting:

Appointment to turn in application: 7/3/12 2:00

Appointment to receive findings-of-fact: _____

*1050 plus -
1750.00 (2)
70.00 third
(2) 1050.00 truck*

Area behind former Reddish Canvas Building







Surrounding Commercial Uses



Hertz Equipment Rental





Arco - Marine electric motor repair



Commercial business located across Navy Blvd



Commercial properties located along Navy Blvd extending to intersection with Chiefs Way



BOUNDARY & IMPROVEMENTS SURVEY

A PORTION OF SECTIONS 37, 38 & 52, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA

THE UNDERSIGNED CLIENT(S) ACKNOWLEDGE RECEIPT AND ACCEPTANCE OF THIS SURVEY

GARY LOWRY

THE PURPOSE OF THIS SURVEY IS FOR A TITLE TRANSACTION AND ITS ACCOMPANYING MORTGAGE. THIS MAP IS CERTIFIED AS MEETING THE FLORIDA MINIMUM TECHNICAL STANDARDS TO THE FOLLOWING AND IS FOR THE BENEFIT OF ONLY THE FOLLOWING LISTED CLIENT(S), AGENT(S), AND COMPANIES

GARY LOWRY
 TEAM PLAYERS PROPERTIES, LLC
 FIRST AMERICAN TITLE INSURANCE COMPANY
 AFFILIATED TITLE OF MARION COUNTY, LTD

Description (Per information found in O.R. Book 6752, page 736) (Parcel One)

Lots 3, 4, 39, 40, and 41, Block 4, Westerly Heights, a subdivision of a portion of Section 38, Township 2 South, Range 30 West, according to the map or plat thereof as recorded in Plat Book 2, Page 14, of the Public Records of Escambia County Florida Together with the following described parcel

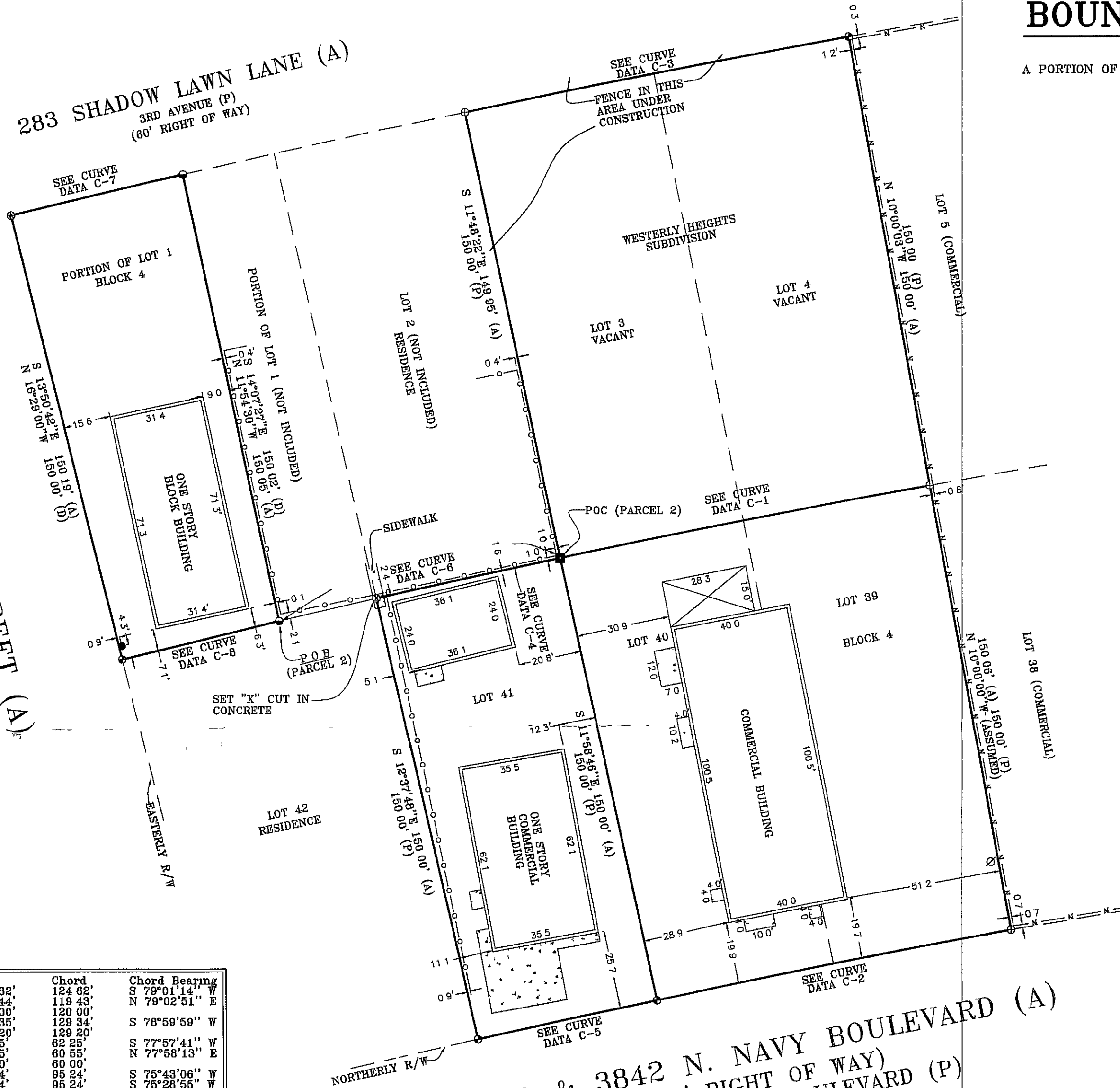
(Parcel Two)

THAT PORTION OF LOT 1, BLOCK 4, WESTERLY HEIGHTS, AS RECORDED IN PLAT BOOK 2, AT PAGE 14, OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT A 4" X 4" CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF LOT 2, BLOCK 4, OF SAID WESTERLY HEIGHTS, THENCE GO SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 2 AND LOT 1, BLOCK 4, AND ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 4069 83 FEET (DELTA ANGLE = 01 DEGREES 20' 27", CHORD DISTANCE = 95 24 FEET, CHORD BEARING = S 75 DEGREES 28' 55" W) FOR AN ARC DISTANCE OF 95 24 FEET TO A CAPPED IRON ROD STAMPED "TRS" 5939, AND THE POINT OF BEGINNING, THENCE CONTINUE ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 4, AND ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 4069 83 FEET (DELTA ANGLE = 00 DEGREES 44' 08", CHORD DISTANCE = 52 25 FEET, CHORD BEARING = S 74 DEGREES 27' 01" W) FOR AN ARC DISTANCE OF 52 25 FEET TO A CAPPED IRON ROD STAMPED "TRS 5939" ON THE EASTERLY RIGHT OF WAY LINE OF ERHMANN STREET (60' R/W), SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 4, THENCE GO N 16 DEGREES 29' 00" W ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 150 00 FEET TO A CAPPED IRON ROD STAMPED "TRS 5939", TO THE POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF SHADOW LAWN LANE (60' R/W), SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 4, THENCE GO NORTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE AND ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 4219 83 FEET (DELTA ANGLE = 00 DEGREES 47' 36", CHORD DISTANCE = 58 43 FEET, CHORD BEARING = N 74 DEGREES 27' 01" E) FOR AN ARC DISTANCE OF 58 43 FEET TO A CAPPED IRON ROD STAMPED "TRS 5939", THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE GO S 14 DEGREES 07' 27" E, A DISTANCE OF 150 02 FEET TO THE POINT OF BEGINNING



ERHMANN STREET (A)
 THIRD STREET (P)
 (60' RIGHT OF WAY)

283 SHADOW LAWN LANE (A)
 3RD AVENUE (P)
 (60' RIGHT OF WAY)



Curve	Delta Angle	Radius	Arc	Chord	Chord Bearing
1 (A)	2°00'01"	3569 83'	124 62'	124 62'	S 79°01'14" W
2 (A)	1°50'23"	3719 83'	119 44'	119 43'	N 79°02'51" E
3 (P)	1°50'23"	3719 83'	120 00'	120 00'	N 79°02'51" E
4 (A)	1°45'23"	4219 83'	129 35'	129 34'	S 76°58'59" W
5 (P)	1°45'15"	4219 83'	129 20'	129 20'	S 76°58'59" W
6 (A)	0°52'35"	4069 83'	62 25'	60 00'	S 77°57'41" W
7 (D)	0°52'37"	3919 83'	60 55'	60 55'	N 77°58'13" E
8 (A)	0°44'08"	4069 83'	52 25'	52 25'	S 75°43'06" W
9 (D)	0°44'08"	4069 83'	52 25'	52 24'	S 75°43'06" W
10 (D)	0°47'36"	4219 83'	58 43'	58 43'	N 74°27'01" E
11 (D)	0°47'36"	4219 83'	58 43'	58 43'	N 74°27'01" E
12 (A)	0°45'08"	4069 83'	53 34'	53 34'	N 76°27'26" E
13 (D)	0°44'08"	4069 83'	52 25'	52 25'	N 74°27'01" W

3840 & 3842 N. NAVY BOULEVARD (A)
 (200' RIGHT OF WAY)
 ADMIRAL MURRAY BOULEVARD (P)

DRAWN BY CHIP EVANS

LEGEND		R/W	Right of Way	⊙	LAMP POST
°	Degree	PRM	Permanent reference monument	⊙	Iron Pipe Found
'	Feet or Minutes	R	Radius	⊙	Capped Iron rod-set #6832
"	Inches or Seconds	RP	Radius Point	⊙	Nail & disk found
N	North	LA	Length of Arc	⊙	Nail & disk set # 6832
S	South	CH	Chord and Chord Bearing	⊙	Concrete Monument found
E	East	CS	Existing Spot Elevation	⊙	Utility Pole
W	West	CH >	Building Setback Line	⊙	E Utility wires overhead
PCP	Permanent Control Point	BSL	Deed	⊙	Concrete or Pavement
PRC	Point of Reverse curve	(D)	Actual field measurement	⊙	N-N-N Chain link fence
PC	Point of Curvature	(A)	Plat	⊙	Wooden fence
PT	Point of Tangency	(P)	1/2" Iron rod-Found	⊙	G-G-G Buried Gas Line
POC	Point of Commencement	⊙	Capped Iron rod-Found #6783	⊙	BC-BC-BC Buried Cable
POB	Point of Beginning	⊙	Capped Iron rod-Found ILLIGIBLE	⊙	Covered area (porch, airport, etc)
		⊙	Capped Iron rod-Found T R S	⊙	Denotes Spot Elevations

SOURCE OF INFORMATION Field Evidence, Recorded Plat

TYPE SURVEY Boundary & Improvements BASIS OF BEARING HELD THE EAST LINE OF LOTS 4 & 39 AS N 10°00'00"W

- Surveyors Notes**
- No Title Search of the Public Records has been performed by this firm and lands shown hereon were not abstracted by this firm for ownership, easements, or right-of-ways. The parcel shown hereon may be subject to setbacks, easements, zoning, and restrictions that may be found in the Public Records of said County.
 - Measurements shown were made to United States standards. The accuracy of measurements shown meet the standards required in the appropriate land area.
 - All bearings and/or angles and distances are Deed and Actual unless otherwise noted. Deed = (D), Actual Field Measurement = (A), Plat = (P).
 - Underground portions of foundations, footings, or other underground structures were not located unless otherwise noted.
 - Fence locations as shown are exaggerated and are not to scale for clarity purposes.

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Lands End Surveying, Inc.
 8192 SIX PENCE DRIVE, PENSACOLA, FLORIDA 32514
 Telephone 850-433-8545 FAX 850-433-8282
 Florida Licensed Business #6832
 LANDSENDSURVEYING.COM

REVISIONS	FIELD BOOK	DATE
RESURVEY	254/49-50	4-3-2012

SCALE 1" = 30'
 FIELD DATE 4-3-2012
 ORDER NO 148-2005
 FIELD BOOK 175/49,187/36-38

SURVEYORS CERTIFICATE

I HEREBY STATE THAT I HAVE RECENTLY SURVEYED OR THAT A SURVEY OF THE ABOVE PROPERTY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT THE ABOVE-GROUND SURVEY AND SUBSEQUENT MAP AS SHOWN ARE TO BE TRUE, ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY AND MAP MEET THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO RULE 17 050 THRU 17 052 AND ALSO STATUTE 472 027 OF THE FLORIDA STATUTES

[Signature]
 PROFESSIONAL LAND SURVEYOR NO 4947 STATE OF FLORIDA APRIL 3, 2012 LARRY E STEGALL, P L S
 DATE LARRY@LANDSENDSURVEYING.COM





Development Services Department

Building Inspections Division

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

RECEIPT

Receipt No. : **558728**

Date Issued. : 07/09/2012

Cashier ID : KLHARPER

Application No. : PRZ120700017

Project Name : Z-2012-17

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	1048	\$1,050.00	App ID : PRZ120700017
		\$1,050.00	Total Check

Received From : TEAM PLAYERS PROPERTIES

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

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PRZ120700017	651375	1,050.00	\$0.00	3840 NAVY BLVD, PENSACOLA, FL, 32507

Total Amount :

1,050.00

\$0.00

Balance Due on this/these
Application(s) as of 7/11/2012

STAFFORD JESSE J & EVA MAE
212 SHADOW LAWN LN
PENSACOLA FL 32507

BIBB OSCAR L
281 SHADOWLAWN AVE
PENSACOLA FL 32507

LANDERS JAMES J TRUST
1505 W GARDEN ST
PENSACOLA FL 32501

NAVARRO PEDRO
3931 W NAVY BLVD
PENSACOLA FL 325071256

SCHIRTZINGER PAUL M & MARGARET
215 ALTON RD
PENSACOLA FL 325071201

MARTIN BRANDI DANN
219 ALTON RD
PENSACOLA FL 32507

COLLIER LISA A
220 ALTON RD
PENSACOLA FL 32507

HOY ELLA M
227 ALTON RD
PENSACOLA FL 32507

MARKS BONNIE MARIE
229 ALTON RD
PENSACOLA FL 32507

BYRNE NIKKI D
230 ALTON RD
PENSACOLA FL 32507

UPS CAPITAL BUSINESS CREDIT
425 DAY HILL RD PO BOX 400
WINDSOR CT 06095

MILLER RONALD L TRUSTEE
3921 NAVY BLVD
PENSACOLA FL 32507

SUNSHINE & GULF INVESTMENT CO
2109 AUGUSTA AVE
PENSACOLA FL 32507

STRICKLAND R C
124 MASSACHUSETTS AVE
PENSACOLA FL 325054328

GINN SHARON LEE
1025 BREMAN AVE
PENSACOLA FL 32507

JACKSON YAMANDA
222 ALTON RD #A
PENSACOLA FL 32506

HUDSON DAVID L & DELOIS
223 ALTON RD
PENSACOLA FL 32507

BLOUNT TAMARA K
224 ALTON RD
PENSACOLA FL 32507

EZ DOES IT LLC
514 N BAYLEN ST
PENSACOLA FL 325013904

WILLOUGHBY ROGER L & JULIETA G
226 SHADOW LAWN LN
PENSACOLA FL 32507

FREEMAN JERRY D
8294 HWY 209
HOT SPRINGS NC 28743

HERTZ EQUIPMENT RENTAL CORP
225 BRAE BLVD PARK
RIDGE NJ 07656

FOSTER BILLY D & PAULINE W
7896 BAY MEADOWS DR
PENSACOLA FL 32507

T & A INVESTMENT PROPERTIES LLC
3920 W NAVY BLVD
PENSACOLA FL 32507

GILLIS CHARLES D & LOIS E
212 ALTON RD
PENSACOLA FL 32507

HUYNH BAU
221 ALTON RD
PENSACOLA FL 32507

OLDS GLORIA DENISE
222 ALTON RD # B
PENSACOLA FL 32507

PERFETTI JOSEPH
68 N DONELSON ST
PENSACOLA FL 32502

BROWNLEE SHIRLEY JEAN
4680 SETTLES RD
MOLINO FL 32577

ADKINSON RONALD S
232 ALTON RD
PENSACOLA FL 32507

WEYBURN CHESTER W & CATHERINE M
224 SHADOWLAWN LN
PENSACOLA FL 32507

WALLACE NATHAN J
5209 CARTIER RD
PENSACOLA FL 32507

HAAG WILLIAM R & PATRICIA
6024 KINGSWOOD DR
MILTON FL 32570

PORTUGAL ROGELIO
6419 BELLVIEW PINES PL
PENSACOLA FL 32526

BLANTON SANDY
4400 BAYOU BLVD STE 49B
PENSACOLA FL 32503

WALKER CEOLA
218 SHADOW LAWN
PENSACOLA FL 32507

BELMORE LAWRENCE E & LAVERA
2940 BRECKENRIDGE RD
PENSACOLA FL 32526

VICE CHRISTINA MARIA
214 SHADOWLAWN LN
PENSACOLA FL 32507

STAFFORD JESSE J & EVA MAE
212 SHADOW LAWN LN
PENSACOLA FL 32507

ECPA Map



Map Grid



Major Roads

- City Road
- County Road
- Interstate
- State Road
- US Highway

All Roads



Property Line



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