

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
QUASI-JUDICIAL HEARING
September 10, 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-2012-16
Applicant: Donna Schneider, Owner
Address: Hanks Rd
From: P, Public District
To: VAG-1, Village Agriculture District
 - B. Z-2012-18
Applicant: David Crowder, Owner
Address: 1011 Perdido Rd
From: VR-1, Villages Rural Residential District (one unit per 4 acres)
To: VR-2, Villages Rural Residential District (one unit per .75 acres)
 - C. Z-2012-19
Applicant: Larry Richardson, Agent for Gerald W. Adcox, Owner
Address: 5603 N W St
From: R-6, Neighborhood Commercial and Residential District,
(cumulative) High Density/ID-1, Light Industrial District (cumulative)
(no residential uses allowed)
To: ID-1, Light Industrial District (cumulative) (no residential uses
allowed)
 - D. Z-2012-21
Applicant: Oanh Tran, Agent for Raymond Ayers, Owner
Address: 4100 W Fairfield Dr

From: R-2, Residential District (cumulative)/C-1, Retail Commercial District (cumulative)

To: C-1, Retail Commercial District (cumulative)

E. Z-2012-20

Applicant: Jesse W. Rigby, Agent for Pensacola Christian College

Address: 120 Cummings Rd, 100 Oleander St, 107 Oleander St, 111 Oleander St, 115 Oleander St

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

To: R-4, Multiple-Family District (cumulative), Medium-High Density (18 du/acre)

F. Z-2012-09 (Remanded by BCC 6/28/12)

Applicant: Wiley C. "Buddy" Page, Agent for Rick Evans Contracting

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-1, Light Industrial District (cumulative) (no residential uses allowed)

6. Adjournment.

Planning Board-Rezoning

5. A.

Meeting Date: 09/10/2012

CASE : Z-2012-16

APPLICANT: Donna Schneider, Owner

ADDRESS: Hanks Rd

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

FUTURE LAND USE: Recreational (REC)

DISTRICT: 5

OVERLAY AREA: NA

BCC MEETING DATE:

SUBMISSION DATA:

REQUESTED REZONING:

FROM: P, Public District

TO: VAG-1, Village Agricultural 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.

Agricultural (AG) FLU is intended for routine agricultural and silvicultural related activities and very low density residential uses. Also allows for commercial activity limited to those endeavors

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-2 district is characterized by the following types of agricultural lands: (a) Small rural land areas of highly productive agricultural soils that may not be economically viable in a mainstream farming operation due to their size, and changes being undertaken in the surrounding area; or (b) Rural land areas with a mix of small farm operations and a typical rural residential density of one unit per four acres. The soils of these areas are least valuable for agricultural production and most suitable for future conversion out of the rural land market; or (c) Rural land areas which are not being used to support large farming operations, and that are characterized by a mix of natural resources and soils typically unsuitable for urban residential densities or other urban uses unless sewered.

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 intent and purpose of VAG-1 is characterized by land resources necessary to support large farming operations and the permitted uses range from single family residences to agricultural and agricultural related activities.

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 all properties inside and outside of the 500' radius impact area to have a 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.

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.

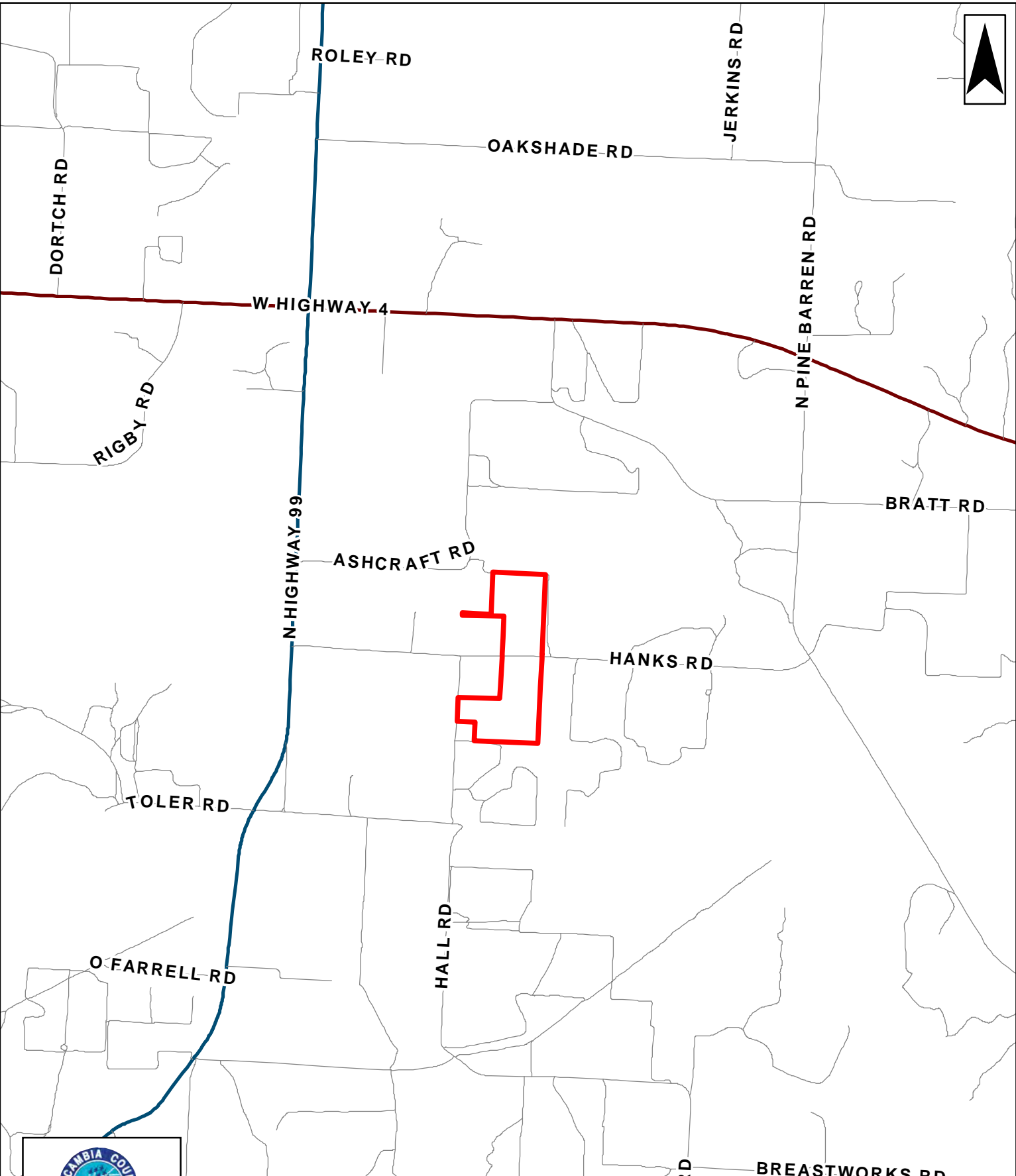
FINDINGS


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

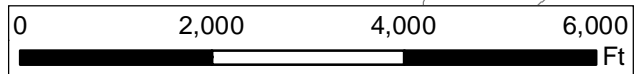
Z-2012-16





Z-2012-16




 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-2012-16
500' LOCATION MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



VAG-1

ASHCRAFT RD

VAG-1

HANKS RD

P

VAG-1

VAG-1

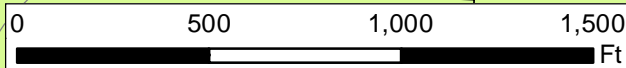
WIGGINS LN








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Andrew Holmer
Planning and Zoning Dept.

Z-2012-16 500' RADIUS ZONING



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



AG

ASHCRAFT RD

AG

AG

HANKS RD

AG

WIGGINS LN

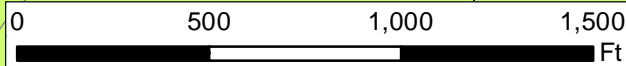
AG








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Andrew Holmer
Planning and Zoning Dept.

Z-2012-16 FUTURE LAND USE

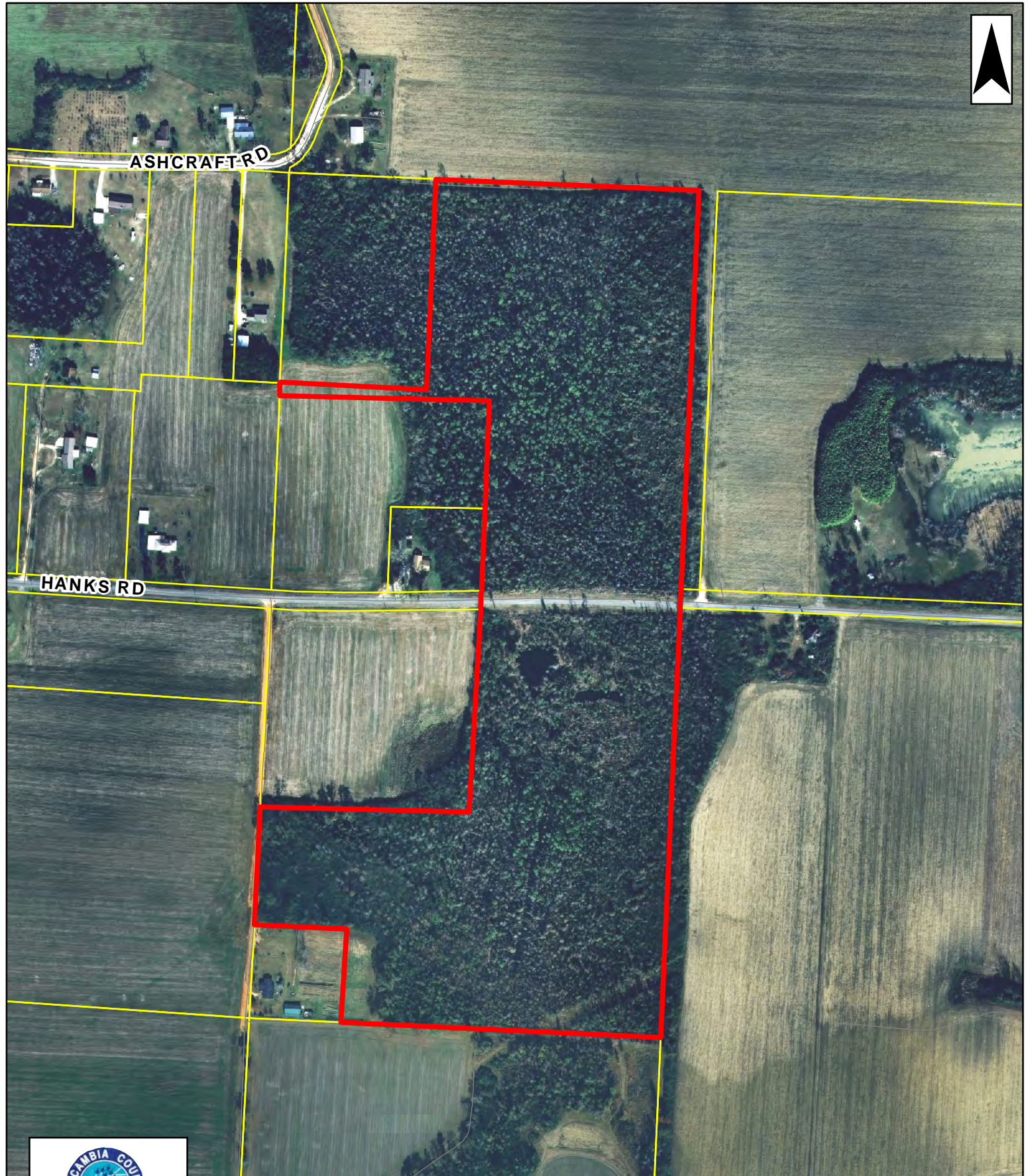


-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



ASHCRAFT RD

HANKS RD








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Andrew Holmer
Planning and Zoning Dept.

Z-2012-16 AERIAL MAP

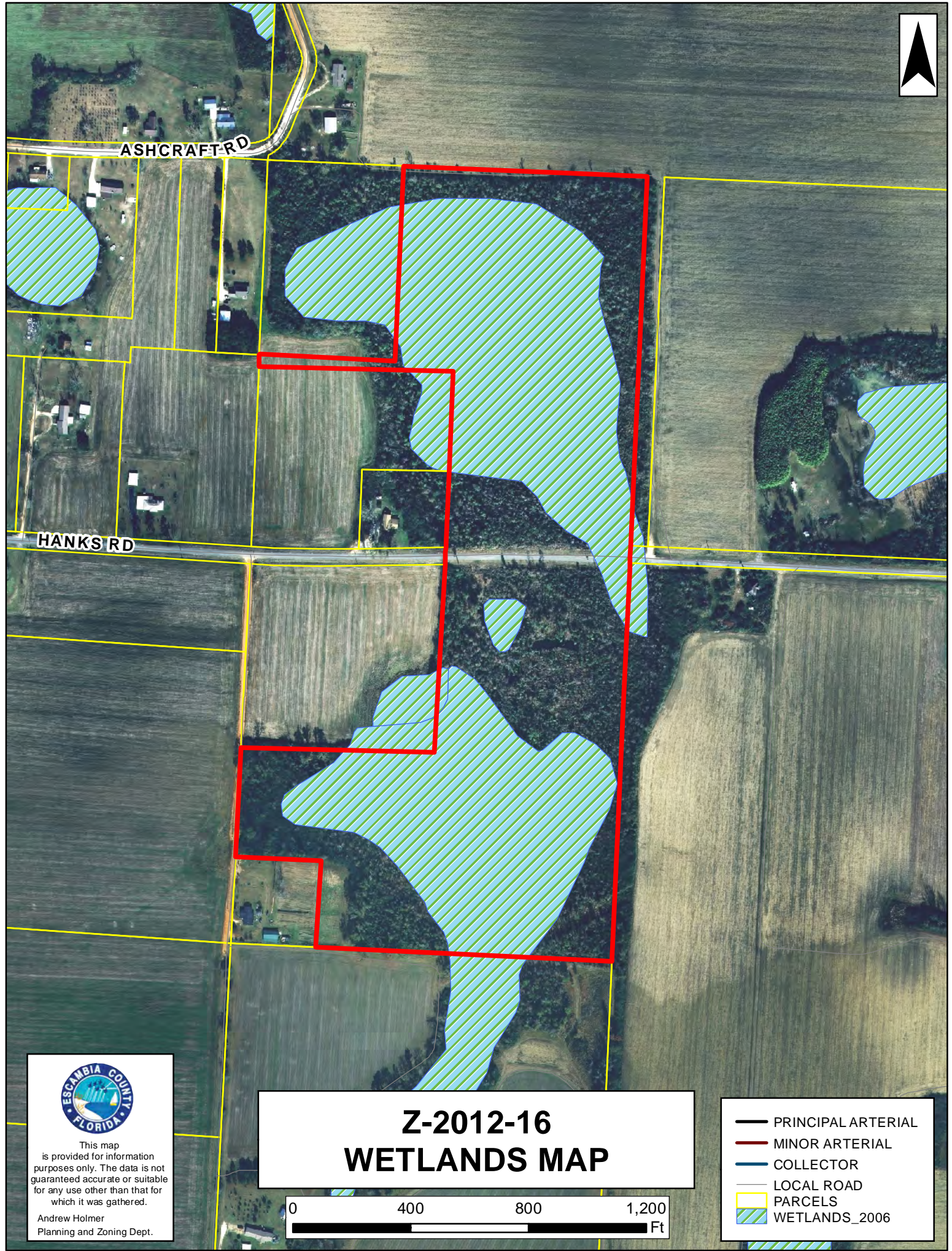


-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



ASHCRAFT RD

HANKS RD









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Andrew Holmer
Planning and Zoning Dept.

Z-2012-16 WETLANDS MAP



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



NOTICE OF PUBLIC HEARING REZONING

CASE NO. Z-2012-16
CURRENT ZONING: P PROPOSED ZONING: VAG-1

PLANNING BOARD

DATE: 9/10/12 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: TBD TIME: TBD

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 905-3475 OR VISIT
WWW.YESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

PUBLIC MEETING SIGN



LOOKING EAST



LOOKING NORTH



LOOKING SOUTH



LOOKING NORTHEAST



Development Services Department
Escambia County, Florida

APPLICATION

Z-2012-16

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.

x Kate Schriber Kate Schneider 5-10-12
Signature of Owner/Agent Printed Name Owner/Agent Date

x Donna C. Schneider Donna C. Schneider 5-10-12
Signature of Owner #2 Printed Name of Owner 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 Margaret A. Cain
Signature of Notary Printed Name of Notary
(notary seal must be affixed)

FOR OFFICE USE ONLY CASE NUMBER Z-2012-16

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

Fees Paid: \$ NA Receipt #: NA Permit #: PRZ 120600016



Development Services Department
Escambia County, Florida

FOR OFFICE USE:
CASE #: Z-2012-16

Small parcel

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 14-SN-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 Schuch
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. Rezoning: Boundary Survey of subject property to include total acreage, all easements, and signed & sealed by a surveyor registered in the state of Florida.
 BOA: Site Plan drawn to scale.
- 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.

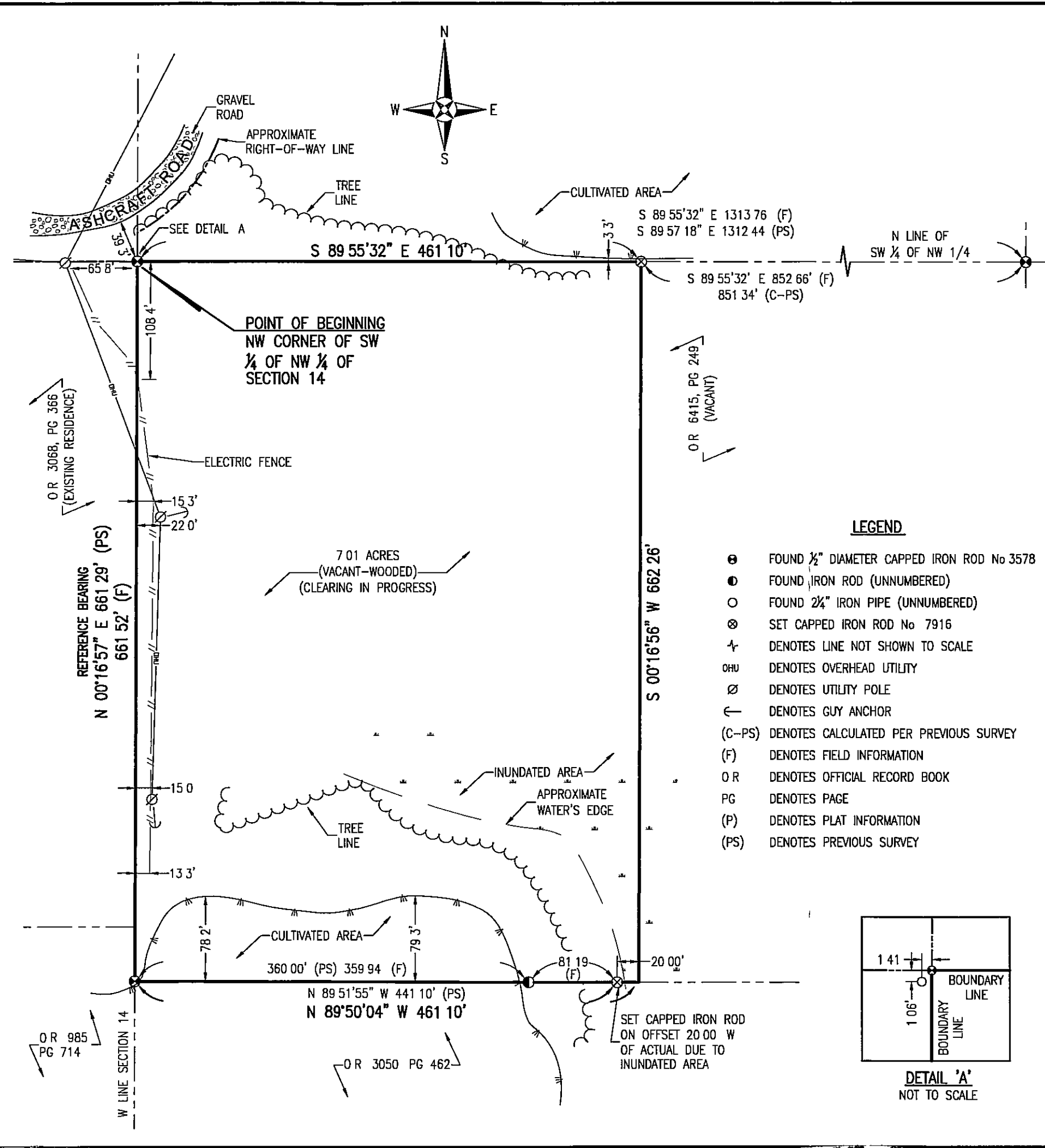
Please make the following three appointments with the Coordinator.

Appointment for pre-application meeting: _____

Appointment to turn in application: _____

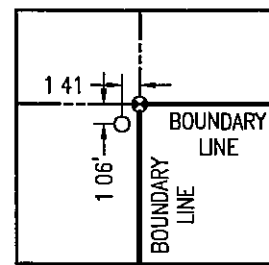
Appointment to receive findings-of-fact: _____

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

SURVEY FOR
MR STEVE HANKS

A PORTION OF
 SECTION 14 TOWNSHIP 5 NORTH
 COUNTY ESCAMBIA

NO	DATE	APPR.	REVISION/ACTION TAKEN

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

BOUNDARY SURVEY

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

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

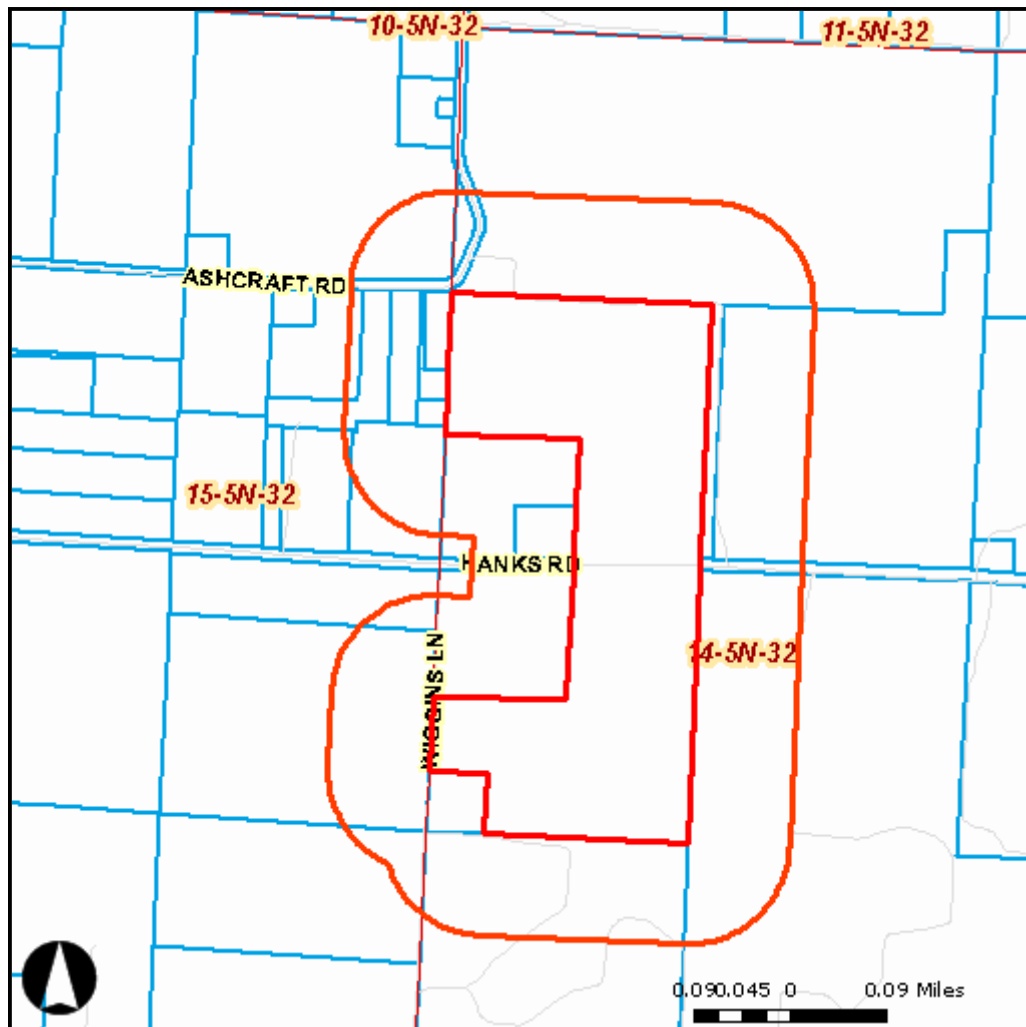
FAIRCLOTH DALE G
5190 N HWY 99
CENTURY FL 32535

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. B.

Meeting Date: 09/10/2012

CASE : Z-2012-18

APPLICANT: David Crowder, Owner

ADDRESS: 1011 Perdido Rd

PROPERTY REF. NO.: 09-1N-31-1000-331-003

FUTURE LAND USE: MU-S, Mixed Use Suburban

DISTRICT: 5

OVERLAY AREA: N/A

BCC MEETING DATE: 10/04/2012

SUBMISSION DATA:

REQUESTED REZONING:

FROM: VR-1, Villages Rural Residential District (one unit per 4 acres)

TO: VR-2, Villages Rural Residential District (one unit per .75 acres)

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 Suburban (MU-S) Future Land Use (FLU) category is intended for a mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses. Range of allowable uses include: Residential, Retail and Services, Professional Office, Recreational Facilities, Public and Civic. The minimum residential density is two dwelling units per acre and the maximum residential density is ten 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 to VR-2 **is consistent** with the intent and purpose of Future Land Use category MU-S as stated in CPP FLU 1.3.1. It allows for residential, retail and services, professional office, recreational facilities and public and civic. The proposed amendment will utilize the existing public roads, and infrastructures currently in place as stated in CPP FLU 1.5.3

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.

6.05.23. VR Villages Rural Residential Districts. VR-1-Gross density: One unit per four acres. VR-2-Gross density: One unit per 0.75 acre. The intent and purpose of the districts is for a single-family residential district characterized by rural land development patterns. Rural community nonresidential uses are allowed. Home occupations are considered permitted uses. Mobile homes are allowed as single-family dwellings. Mobile home subdivisions are allowed. Mobile home parks are allowed as conditional uses. Parcels designated as VR are generally not assessed as agriculturally productive parcels. **VR-1** densities reflect large lot rural land development patterns, while **VR-2** densities reflect the need for more affordable lot sizes for single family and mobile home development.

Permitted Uses:

Single-family residences.

2. Agricultural, farm animals and agricultural-related activities and customary accessory buildings.
3. Silviculture.
4. Mariculture and aquaculture.
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 dwelling, 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 subpart C. or D., below.
16. Feed and farm equipment stores.
17. Home-based "cottage businesses" such as crafts, florists, woodworking, sewing, and other similar uses.
18. Other rural area related commercial uses meeting the locational requirements of Comprehensive Plan Policy 8.A.11.
19. Golf courses, tennis centers, swimming clubs, and customary attendant facilities and accessory buildings.
20. Home occupations.
21. Existing auto salvage business.
22. Family day care homes and family foster homes.
23. 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).

FINDINGS

The proposed amendment **is consistent** with the intent and purpose of the Land Development Code. The proposed amendment allows for residential and rural community non-residential development with the densities in VR-2 reflecting more affordable lot sizes for single family development.

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 VR-1 and VR-2. There are four mobile homes, six single family residence and four vacant parcels.

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 **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.

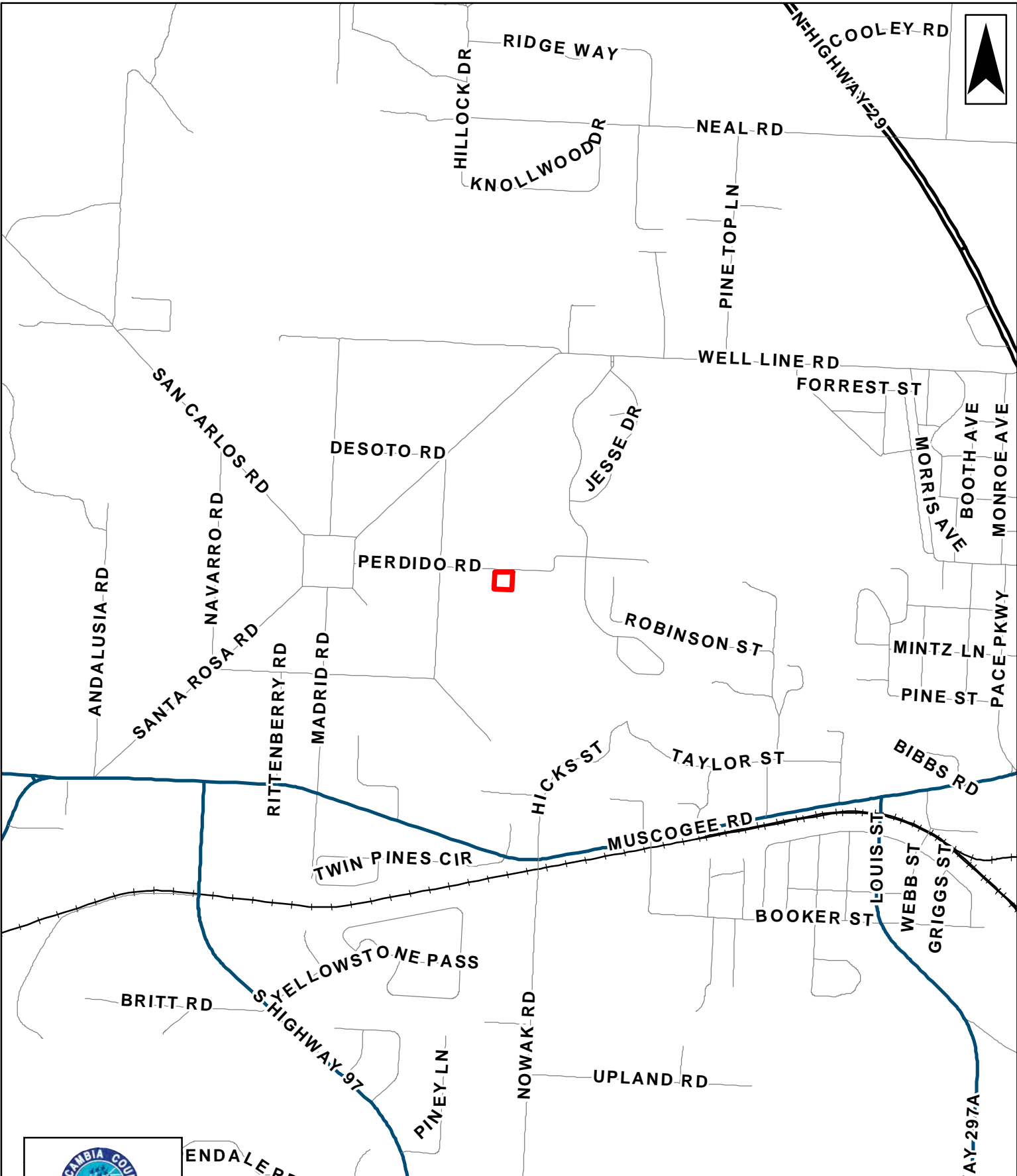
FINDINGS

The proposed amendment **would result** in a logical and orderly development pattern because all surrounding parcels are residential uses with zoning designations of VR-1 or VR-2.

Attachments

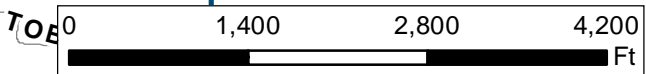

Z-2012-18

Z-2012-18



Z-2012-18 LOCATION MAP

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

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

Andrew Holmer
Planning and Zoning Dept.



VR-1

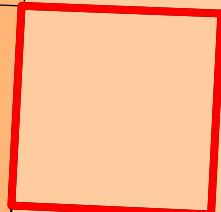
VR-2

BALBOA RD

VR-1

PERDIDO RD

PERDIDO RD



VR-2

VR-1

VR-2

VR-2



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-2012-18 500' RADIUS ZONING



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



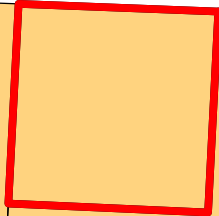
MU-S

BALBOA RD

MU-S

PERDIDO RD

PERDIDO RD



MU-S

MU-S

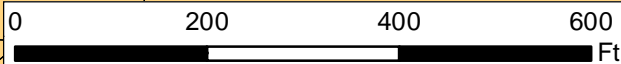
MU-S



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Andrew Holmer
Planning and Zoning Dept.

Z-2012-18 FUTURE LAND USE



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



BALBOA RD

PERDIDO RD

SF

MH

MH

VAC

MH

PERDIDO RD

SF

SF

MH

VAC

VAC

SF

SF

VAC

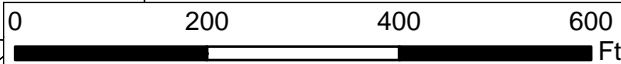
SF



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Andrew Holmer
Planning and Zoning Dept.

Z-2012-18 EXISTING LAND USE



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



PERDIDO 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-2012-18 AERIAL MAP



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

Public Notice Sign

 **NOTICE OF PUBLIC HEARING REZONING**

CASE NO.: Z-2012-18

CURRENT ZONING: VR-1 **PROPOSED ZONING:** VR-2

PLANNING BOARD

DATE: 9/10/12 **TIME:** 8:30 a.m.

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

BOARD OF COUNTY COMMISSIONERS

DATE: 10/4/12 **TIME:** 5:45 p.m.

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 904-6475 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY



Looking south onto subject property

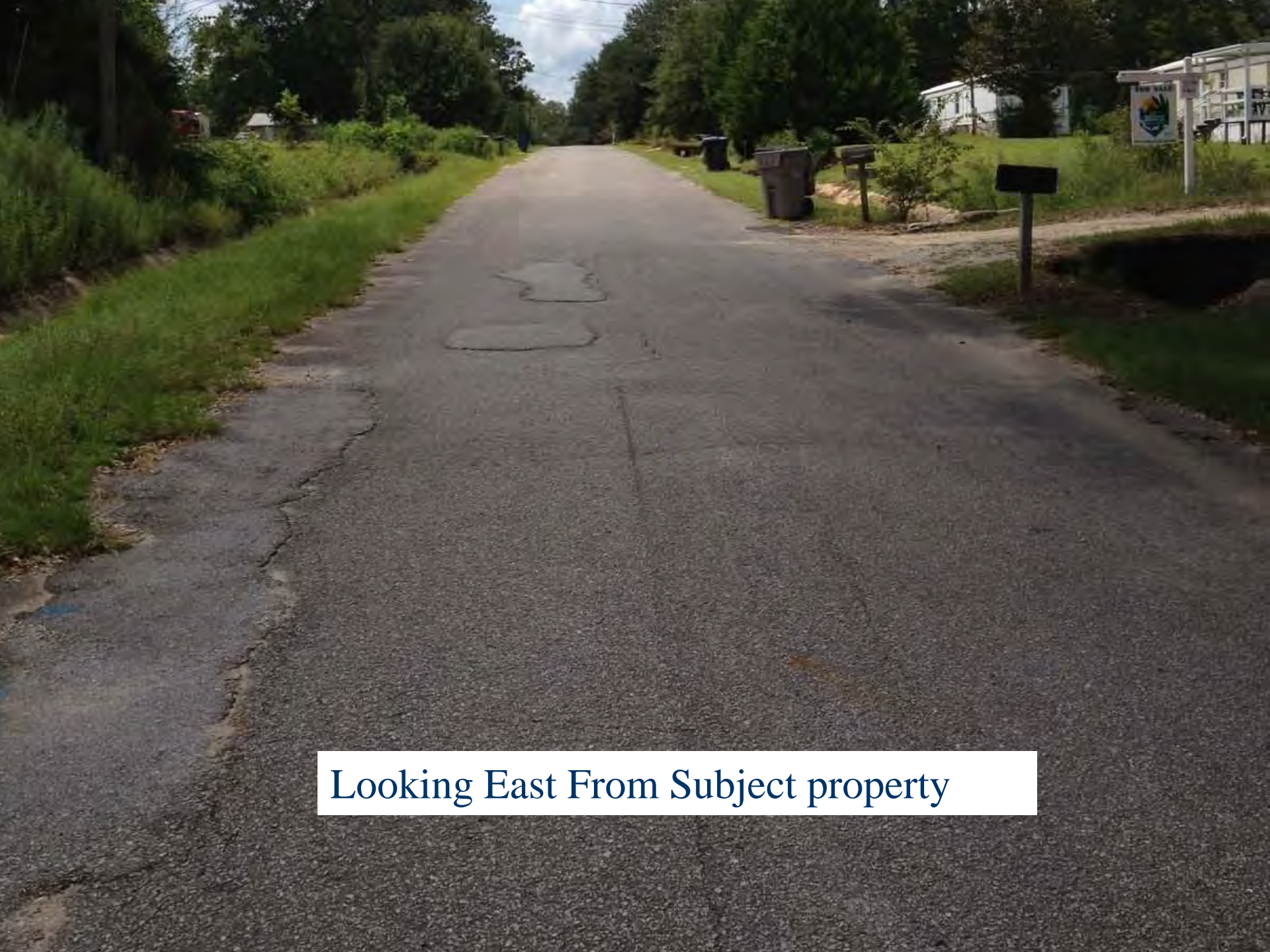
 NOTICE OF PUBLIC HEARING REZONING
CASE NO.: Z-2012-18
CURRENT ZONING: VR-1 PROPOSED ZONING: PLANNING
DATE: 9/10



Looking north from subject property



Looking northwest from subject property



Looking East From Subject property



Looking West from Subject property

July 26, 2012

Request for Rezoning

The real estate subject to this request was a family conveyance. The family member/owner tied the lot to the financing of a mobile home placed on it. When the owner defaulted on the loan, the finance company was forced to repossess. I subsequently purchased the lot and mobile home from the finance company.

It has become desirable to replace the mobile home with a permanent dwelling. This cannot be done under the current VR-1 zoning. I am therefore requesting the zoning be changed to VR-2 to allow this.

Item 1- The requested change is in compliance with the Comprehensive Plan as outlined in Chapter 7.

Item 2- The requested change is consistent with the Land Development Code.

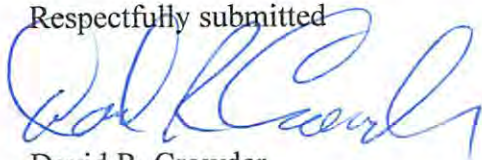
Item 3- The requested change is compatible with surrounding uses. Most of the land in the area is already zoned VR-2. Residential development in close proximity has increased the desirability and value of the entire area. This change for my lot can only be an asset to the community.

Item 4- There will be no changed conditions as the lot already has a single family dwelling on it that will be replaced with another.

Item 5- There will be no effect on the natural environment. The entire lot is high and dry.

Item 6- The change will better align usage of this lot with the development patterns of the area.

Respectfully submitted



David R. Crowder



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: UR-1 to: UR-2

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

Owner(s) Name: DAVID R. CROWDER Phone: 572-9078

Address: 4600 Marina Hwy #9, PMB 355, Panama City, FL 32506 Email: QTWINGER@HOTMAIL.COM

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


Property Address: 1011 PERDIDO ROAD


Property Reference Number(s)/Legal Description: 09-TN-31-1000-331-003

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 _____ Printed Name Owner/Agent _____ Date _____

Signature of Owner  _____

 _____

Printed Name of Owner: DAVID R. CROWDER Date: 7-25-2012

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 25 day of July, 2012, by DAVID R. CROWDER

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

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

FOR OFFICE USE ONLY

Meeting Date(s): PB 9/10; BCC 10/4/12 Accepted/Verified by: _____ Date: 7/25/12

Fees Paid: \$ 1050.00 Receipt #: 559980 Permit #: PR212070018

CASE NUMBER: 2-2012-18



Development Services Department
Escambia County, Florida

FOR OFFICE USE:

CASE # 2-2012-18

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 09-1N-31-1000-331-003

Property Address: 1011 Perdido Road

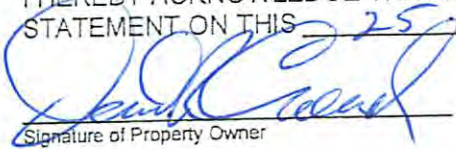
I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed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

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

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

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to 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 25 DAY OF July, YEAR OF 2012.


Signature of Property Owner

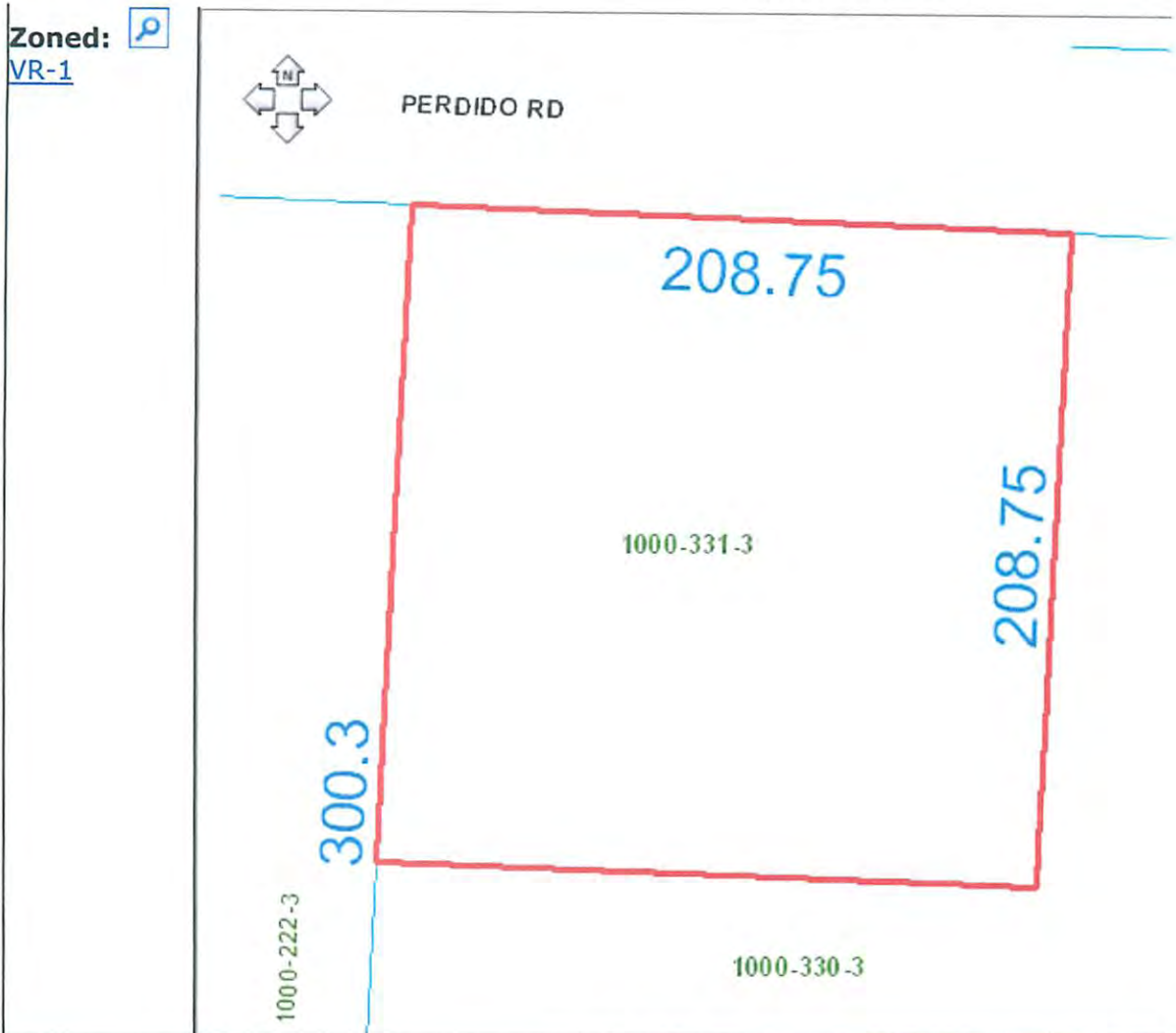
David R. Green
Printed Name of Property Owner

7/25/12
Date

Signature of Property Owner

Printed Name of Property Owner

Date



Buildings

Building 1 - Address:1011 PERDIDO RD, Year Built: 1999, Effective Year: 1999

Structural Elements

- MH FLOOR SYSTEM-TYPICAL**
- MH EXTERIOR WALL-VINYL/METAL**
- NO. PLUMBING FIXTURES-6.00**
- DWELLING UNITS-1.00**
- MH ROOF FRAMING-GABLE HIP**
- MH ROOF COVER-COMP**
- SHINGLE/WOOD*
- MH INTERIOR FINISH-**
- DRYWALL/PLASTER*
- MH FLOOR FINISH-CARPET**
- NO. STORIES-1.00**
- MH FLOOR FINISH-VINYL**
- MH MILLWORK-TYPICAL**
- MH HEAT/AIR-HEAT & AIR**
- MH STRUCTURAL FRAME-TYPICAL**

Areas - 1056 Total SF

BASE AREA - 1056



Images

None

OFFICE of VITAL STATISTICS

CERTIFIED COPY

FLORIDA CERTIFICATE OF DEATH

IN
VENT
LINK

LOCAL FILE NO. 361

1. DECEDENT'S NAME (First, Middle, Last, Suffix) Linda Ann Crowder				2. SEX Female	
3. DATE OF BIRTH (Month, Day, Year) January 22, 1950		4a. AGE-Last Birthday (Years) 59	4b. UNDER 1 YEAR Months: _____ Days: _____	4c. UNDER 1 DAY Hours: _____ Minutes: _____	5. DATE OF DEATH (Month, Day, Year) September 24, 2009
6. SOCIAL SECURITY NUMBER		7. BIRTHPLACE (City and State or Foreign Country) Eupora, Mississippi		8. COUNTY OF DEATH Escambia	
9. PLACE OF DEATH (Check only one) HOSPITAL: <input checked="" type="checkbox"/> Inpatient <input type="checkbox"/> Emergency Room/Outpatient <input type="checkbox"/> Dead on Arrival NON-HOSPITAL: <input type="checkbox"/> Hospice Facility <input type="checkbox"/> Nursing Home/Long Term Care Facility <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other (Specify)					
10. FACILITY NAME (If not institution, give street address) Sacred Heart Hospital			11a. CITY, TOWN, OR LOCATION OF DEATH Pensacola		11b. INSIDE CITY LIMITS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
12. MARITAL STATUS (Specify) <input checked="" type="checkbox"/> Married <input type="checkbox"/> Married, but Separated <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Never Married			13. SURVIVING SPOUSE'S NAME (If wife, give maiden name) David Ronald Crowder		
14a. RESIDENCE - STATE Florida		14b. COUNTY Escambia	14c. CITY, TOWN, OR LOCATION Pensacola		14d. ZIP CODE 32526
14d. STREET ADDRESS 7471 Jamesville Road			14e. APT. NO.	14f. ZIP CODE 32526	14g. INSIDE CITY LIMITS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
15a. DECEDENT'S USUAL OCCUPATION (Indicate type of work done during most of working life.) Do not use "Retired" Homemaker			15b. KIND OF BUSINESS/INDUSTRY Own Home		
16. DECEDENT'S RACE (Specify the race/races to indicate what decedent considered himself/herself to be. More than one race may be specified.) <input checked="" type="checkbox"/> White <input type="checkbox"/> Black or African American <input type="checkbox"/> American Indian or Alaskan Native (Specify tribe) <input type="checkbox"/> Asian Indian <input type="checkbox"/> Chinese <input type="checkbox"/> Filipino <input type="checkbox"/> Japanese <input type="checkbox"/> Korean <input type="checkbox"/> Vietnamese <input type="checkbox"/> Other Asian (Specify) <input type="checkbox"/> Native Hawaiian <input type="checkbox"/> Guamanian or Chamorro <input type="checkbox"/> Samoan <input type="checkbox"/> Other Pacific Isl. (Specify) <input type="checkbox"/> Other (Specify)					
17. DECEDENT OF HISPANIC OR HAITIAN ORIGIN? (Specify if decedent was of Hispanic or Haitian Origin.) <input type="checkbox"/> Yes (If Yes, specify) <input checked="" type="checkbox"/> No <input type="checkbox"/> Mexican <input type="checkbox"/> Puerto Rican <input type="checkbox"/> Cuban <input type="checkbox"/> Central/South American <input type="checkbox"/> Other Hispanic (Specify) <input type="checkbox"/> Haitian					
18. DECEDENT'S EDUCATION (Specify the decedent's highest degree or level of school completed at time of death.) <input type="checkbox"/> 8th or less <input checked="" type="checkbox"/> High school but no diploma <input type="checkbox"/> High school diploma or GED <input type="checkbox"/> College but no degree <input type="checkbox"/> College degree (Specify): <input type="checkbox"/> Associate <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate					19. WAS DECEDENT EVER IN U.S. ARMED FORCES? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
20. FATHER'S NAME (First, Middle, Last, Suffix) John Henry Phelps			21. MOTHER'S NAME (First, Middle, Maiden Surname) Lois L. Alford		
22a. INFORMANT'S NAME David Ronald Crowder		22b. RELATIONSHIP TO DECEDENT Husband		23a. INFORMANT'S MAILING - STATE Florida	
23b. CITY OR TOWN Pensacola		23c. STREET ADDRESS 7471 Jamesville Road		23d. ZIP CODE 32526	
24. PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) Pensacola Crematory			25a. LOCATION - STATE Florida		25b. LOCATION - CITY OR TOWN Pensacola
26a. METHOD OF DISPOSITION <input type="checkbox"/> Burial <input type="checkbox"/> Entombment <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Donation <input type="checkbox"/> Removal from State <input type="checkbox"/> Other (Specify)					
26b. IF CREMATION, DONATION OR BURIAL AT SEA, WAS MEDICAL EXAMINER APPROVAL GRANTED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		27a. LICENSE NUMBER (of Licensee) F0-45325	27b. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH <i>[Signature]</i>		
28. NAME OF FUNERAL FACILITY Trahan Family Funeral Home			28a. FACILITY'S MAILING - STATE Florida		28b. ZIP CODE 32505
29b. CITY OR TOWN Pensacola		29c. STREET ADDRESS 419 Yoakum Court		29d. ZIP CODE 32505	
30. CERTIFIER: <input checked="" type="checkbox"/> Certifying Physician - To the best of my knowledge, death occurred at the time, date and place, and due to the cause(s) and manner stated. (Check one) <input type="checkbox"/> Medical Examiner - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date and place, due to the cause(s) and manner stated.					
31a. (Signature and Title of Certifier) <i>[Signature]</i> PHYSICIAN (M.D.)		31b. DATE SIGNED (mm/dd/yyyy) 9/25/2009	32. TIME OF DEATH (24 hr.) 2243	33. MEDICAL EXAMINER'S CASE NUMBER	
34a. LICENSE NUMBER (of Certifier) 0052930		34b. CERTIFIER'S NAME Dr. Steven DeCesare		35. NAME OF ATTENDING PHYSICIAN (if other than Certifier)	
36a. CERTIFIER'S - STATE Florida		36b. CITY OR TOWN Pensacola		36c. STREET ADDRESS 5153 North 9th Avenue	36d. ZIP CODE 32504
37. SUBREGISTRAR - Signature and Date <i>[Signature]</i>		38a. LOCAL REGISTRAR - Signature <i>[Signature]</i>		38b. DATE FILED BY REGISTRAR (Mo., Day, Yr.) SEP 28 2009	

DEMOGRAPHIC INFORMATION TO BE COMPLETED BY: FUNERAL DIRECTOR

MEDICAL CERTIFIER

State of Florida, Department of Health, Vital Statistics

Jeanie L. Carpenter
CHIEF DEPUTY REGISTRAR

SEP 28 2009

THE ABOVE SIGNATURE CERTIFIES THAT THIS IS A TRUE AND CORRECT COPY OF THE OFFICIAL RECORD ON FILE IN THIS OFFICE. THIS DOCUMENT IS PRINTED OR PHOTOCOPIED ON SECURITY PAPER WITH A WATERMARK OF THE GREAT SEAL OF THE STATE OF FLORIDA ON THE FRONT, AND THE BACK CONTAINS SPECIAL LINES WITH TEXT AND SEALS IN THERMOCHROMIC INK.

WARNING:



25564989

CERTIFICATION OF VITAL RECORD



* 2 5 5 6 4 9 8 9 *

VOID IF ALTERED OR ERASED

REC'D JUL 25 2012

Prepared by:
Sharon Fleming
Guarantee Title Of Northwest Florida, Inc.
4861 West Spencerfield Road
Pace, Florida 32571

File Number: 1120

General Warranty Deed

Made this January 20, 2009 A.D. By Green Tree Servicing, LLC, Formerly known as Green Tree Financial Servicing Corp, a Delaware Company, whose address is: _____, hereinafter called the grantor, to David R. Crowder, and Linda A. Crowder, husband and wife, whose post office address is: 4600 Mobile Hwy #9, hereinafter called the grantee:

PMB 355, Pensacola, Florida 32506-3500

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

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$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:

One (1) acre square being 208.75 feet by 208.75 feet on the Northwest corner of the following described parcel; all of farm Lot 33, and that portion of farm Lot 32 lying North of a centerline of a small ravine running from the Southwest to the Northeast, comprising approximately 2 1/2 (two and one-half) acres, lying and being in Block C, according to plat of Pensacola Highlands Subdivision recorded in Deed Book 102 at page 178 of the Public Records of Escambia County, Florida, all lying and being in Section 9, Township 1 North, Range 31 West, together with that certain 1999 Horton Homes, Mirage, 66 x 16, Mobile Home, VIN # H208154G

Parcel ID Number: 09-1N-31-1000-331-083

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of the grantor and those claiming by, thru, or under the grantor, but no other, and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2009; oil, gas and mineral rights of record, if any, and conditions, easements, restrictions, reservations and limitations of record, if any.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Lancey Cook
Witness Printed Name Lancey Cook

George A. Caliz (Seal)
George A. Caliz, as Authorized Signatory
Green Tree Servicing, LLC, Formerly known as Green Tree Financial Servicing Corp
Address: _____

Dawn M Taylor
Witness Printed Name Dawn M Taylor

Address: _____ (Seal)

State of Minnesota
County of Ramsey

The foregoing instrument was acknowledged before me this 20th day of January, 2009, by George A. Caliz as Authorized Signatory Green Tree Servicing, LLC, Formerly known as Green Tree Financial Servicing Corp, a Delaware Company, who is/are personally known to me or who has produced _____ as identification.

Delores E. Kargleder
Notary Public
Print Name: DELORES E. KARGLEDER
My Commission Expires: 1/31/2010



**WRITTEN CONSENT
OF THE
MANAGING MEMBER
OF
GREEN TREE SERVICING LLC**

DATED AS OF DECEMBER 17, 2008

(Authorized Signers)

The following Resolutions are adopted by the Managing Member of Green Tree Servicing LLC pursuant to the Delaware Limited Liability Company Act:

WHEREAS, the Managing Member has previously adopted by Written Action, Resolutions authorizing the Officers and certain other designated individuals of Green Tree Servicing LLC, f/k/a Conesco Finance Servicing Corp. (the "LLC") to execute real estate documents on behalf of the LLC; and

WHEREAS, the Managing Member of the LLC has determined that it is necessary to update the list of individuals authorized to execute such documents on behalf of the LLC;

NOW, THEREFORE BE IT RESOLVED, that effective January 1, 2009 through March 31, 2009, any of the following Officers of the LLC and/or each of the following individuals are hereby authorized to execute documents on behalf of the LLC relating to Mortgages, Mortgage Assignments, Mortgage Cancellations, Mortgage Satisfactions, Security Deeds, Security Deed Cancellations, Deeds of Releases, Releases of Liens, Deeds of Trust, Deeds of Trust Assignments, Deeds of Releases, Deeds of Trust Satisfactions, Subordination Agreements, Warranty Deeds and other similar real estate instruments relating to the loans the LLC services or owns:

Officers

Keith A. Anderson	President
Brian F. Corey	Senior Vice President and Secretary
Cheryl A. Collins	Senior Vice President and Treasurer
James P. Van House	Vice President
Wanda J. Lamb-Lindow	Assistant Secretary

Other Authorized Individuals

Ann Serafina	Randy Shannon	Brad Thielke
Dominic Baglio	Gerald Hicks	Michael Ann Yedlicka
George C. Dumler	Bradley S. Johnson	Ruth Hernandez
Thomas Franco	Robin D. Bryant	Julie Stanley
Kent Smith	John Schaefer	Kurt T. Sass
Richard Passarelli	Tami Lopez	Michael Salen
Steve Marion	Lauren A. Rushen	Lisa Palomarez
Christian Medina	Julie Duarte	Monica Medina
Greg Lein	Kevin Miller	George Cruz
Cory Guindon	William J. Ashley	Jeffrey A. Eizenga
Andy J. Watson	Mark C. Foley	

RESOLVED FURTHER, that effective January 1, 2009 through March 31, 2009, any of the following Officers of the LLC and/or each of the following individuals are hereby authorized to execute documents on behalf of the LLC relating to Loan Payoffs, Titles, Releases of Security Interests on U.C.C. Financing Statements, or other similar documents relating to the loans the LLC services or owns:

Officers

Keith A. Anderson	President
Brian F. Corey	Senior Vice President and Secretary
Cheryl A. Collins	Senior Vice President and Treasurer
James P. Van House	Vice President
Wanda J. Lamb-Lindow	Assistant Secretary

Other Authorized Individuals

Ann Serafina	Kevin L. Miller	Randy Shannon
Brad Thielke	Julie Stanley	John Schaefer
Greg Lein	Jeffrey Sis	Michael Ann Yedlicka
Thomas Franco	Kent Smith	Gerald Hicks
Lauren A. Rushen	George Cruz	Robin D. Bryant
Cindy S. Wright	Kathy Tuohy	Kurt T. Sass
Michael Salen	Christine Maerling	Delia Phipps
George C. Dumler	Bradley S. Johnson	Tami Lopez
Stephanie Rodgers	Kris Smith	Christina Regynski
Julie Duarte	Lisa Palomarez	Christian Medina
Debbie A. Hayashi	Steve Marion	Monica Medina

RESOLVED, that effective January 1, 2009 through March 31, 2009, any of the following Officers of the LLC and/or each of the following individuals are hereby authorized to execute documents on behalf of the LLC to transfer titles and obtain duplicate titles of repossessed manufactured homes relating to the loans the LLC services or owns:

Officers

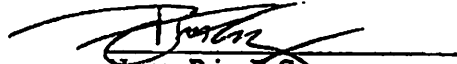
Keith A. Anderson	President
Brian F. Corey	Senior Vice President and Secretary
Cheryl A. Collins	Senior Vice President and Treasurer
James P. Van House	Vice President
Wanda J. Lamb-Lindow	Assistant Secretary

Other Authorized Individuals

Tim Bauer	Bob Eller	Jim F. Demaio
Jerry Karlik	Karen M. Morgison	Gene R. Farrens
Thad C. Pope	Steve W. Neumann	Cameron Wood
Scott R. Campbell	Brad W. Hardwick	Jeff Michener
Gene Seliger	Stewart M. Derrick	Christy L. Christensen
Mike Theissen	Richard M. Donaldson	Clay O. Borders
April Frazier	Sherilyn K. VanEss	Jim R. Grantham
Richard J. Daugherty	William J. Ashley	Jeff Koenig
Charlie Simmons	Kerry Velez	Steve Hare
Patrick Henneberg	Linda Swatsenbarg	Steve Bishop
Bart McKnight	Joyce Williams	Jana McNeely
Thomas CdsBaca	Brenda O'Dell	Bill Rogers
Kris Wade	Corb Modene	Deon Conway
George Schifferdecker	Jamie Pellini	Ronald "Buddie" L. Stiles
Sandy Jeltana	Jayne Streeter	Thomas Krehel
Jeffrey Goldsmith	Sharon Roach	Trebia Johns
Barb Livingston	Ernest Sanchez	Robert Corder
William Roachell	Jeffrey A. Eizenga	Randal Brian Wingate
Cory Guindon		

RESOLVED FURTHER, that execution of any of the above-mentioned documents by any of the foregoing individuals is hereby ratified and approved.

GREEN TREE SERVICING CORP.
Its Managing Member

A handwritten signature in black ink, appearing to read "Brian F. Coey", written over a horizontal line.

Name: Brian F. Coey
Title: Senior Vice President and Secretary

FROM : ESCAMBIA COUNTY ROAD DEPT FAX FAX NO. : 8509372126

Dec. 29 2008 07:08AM P2

**RESIDENTIAL SALES
ABUTTING ROADWAY
MAINTENANCE DISCLOSURE**

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

Name Street: Perdido Rd

Legal Address of Property: 1011 Perdido Rd-Parcel No. 09-1N-31-1000-331-003

The County has accepted has not accepted the above abutting roadway for maintenance at the above address.

This form completed by: **Public Works, Roads & Bridges Division
601 Hwy 297A
Cantonment, Florida 32533**

AS TO SELLER (S)

NO SIGNATURE GIVEN _____

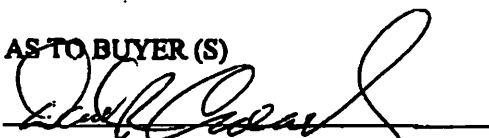
Seller's Name _____

Witness' Name _____

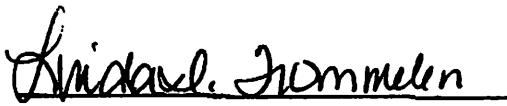
Seller's Name _____

Witness' Name _____

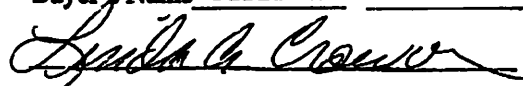
AS TO BUYER (S)



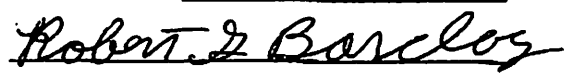
Buyer's Name Dafid R. Crowder



Witness' Name Linda D. Trommelen



Buyer's Name Linda A. Crowder



Witness' Name ROBERT G BARCLAY

**THIS FORM APPROVED BY THE
ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS
Effective 4/5/95**



Development Services Department
Escambia County, Florida

PLANNING BOARD
REZONING PRE-APPLICATION SUMMARY FORM

09-1N-31-1000-331-003
Property Reference Number

David Crowder
Name
qtwinger@hotmail.com

1011 Perdido Rd
Address

Owner Agent Referral Form
Included? Y/N

MAPS PREPARED

PROPERTY INFORMATION

- Zoning
- FLU
- Aerial
- Other: _____

Current Zoning: VR-1 Size of Property: 1 +/-
 Future Land Use: MU-5 Commissioner District: 5
 Overlay/AIPD: NA Subdivision: _____
 Redevelopment Area*: NA

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

COMMENTS

Desired Zoning: VR-2

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

Parcel was previously a family conveyance - in which family sold. The current owner, who wishes to sell parcel. VR-1 is 1.00/4 acres. Owner wishes to rezone to VR-2.

PB Mtg: Sept 10 - deadline 8/2

BCC Mtg: Oct 4th

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

* Allyson - 595-3547

Staff present: Allyson Cain; Brenda Wilson

Date: 7/17/12

Applicant/Agent Name & Signature: _____

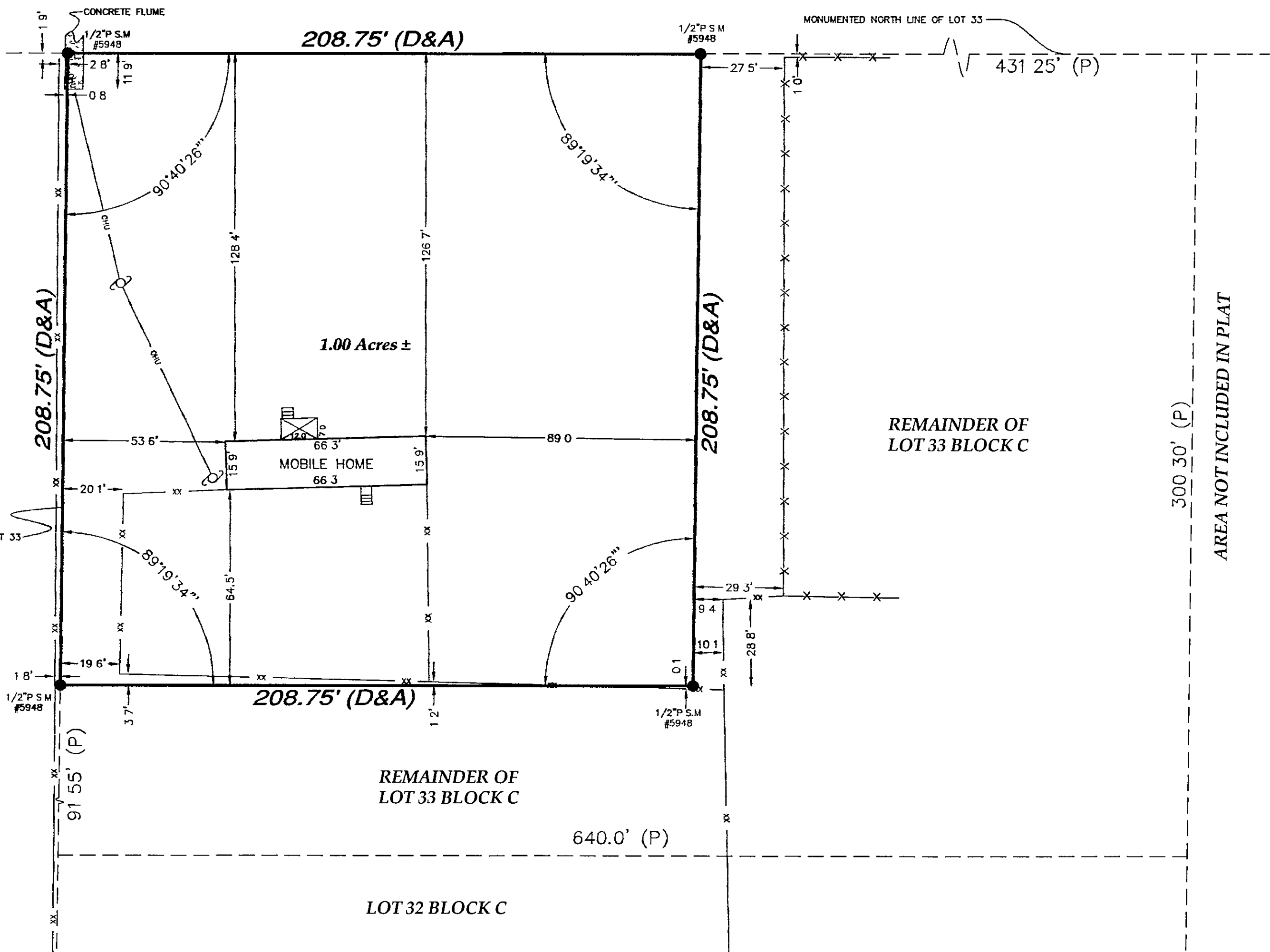
No comment made by any persons associated with the County during any pre-application conference or discussion shall be considered either as approval or rejection of the proposed development, development plans, and/or outcome of any process.

BOUNDARY SURVEY

A Portion Of Section 9, Township 1 North, Range 31 West,
County Of Escambia, State Of Florida

PERDIDO ROAD

(60' R/W)



LOT 22 BLOCK C

1.00 Acres ±

REMAINDER OF
LOT 33 BLOCK C

REMAINDER OF
LOT 33 BLOCK C

LOT 32 BLOCK C

AREA NOT INCLUDED IN PLAT

LAND DESCRIPTION

One (1) Acre square being 208.75' feet by 208.75' feet on the Northwest corner of the following described parcel all of Farm Lot 33, and that portion of Farm Lot 32 lying North of a centerline of a small ravine running from the Southwest to the Northeast comprising approximately 2 1/2 (two and one-half) Acres, lying and being in Block C, according to plat of Pensacola Highlands Subdivision recorded in Deed Book 102 at Page 178 of the public records of Escambia County Florida all lying and being in Section 9 Township 1 North Range 31 West

Source of Information Recorded Plat. Description as furnished by client 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 This survey does not reflect or determine ownership

This drawing reflects only those building setback lines that are noted and/or appear on the recorded plat

Address #1011 Perdido Road

The address shown hereon is based on information furnished by the client and/or their agents Said address has not been verified with the US Postal Service Any certifications shown hereon do not apply or cover the said address

I hereby certify that this survey meets the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 Florida Statutes

NOTICE THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SURVEYOR'S CERTIFICATE

I hereby certify 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

Alvin R. Walker II
Alvin R Walker II, P.S.M. No 5948
State of Florida

LEGEND

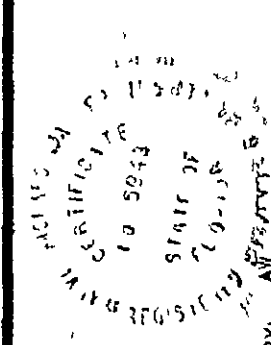
- - 4" x 4" (PRM) Permanent Reference Monument Found
- - 4" x 4" Concrete Monument Found
- - Capped Iron Rod Found
- - Iron Rod Unnumbered Found
- ⊕ - Iron Pipe Unnumbered Found
- - (P.C.P) Permanent Control Point Found
- ▲ - Nail & disk Four
- - 1/2" Capped Iron Rod L.S. #5948 Set
- ⊖ - Utility Pole
- ⊘ - Guy Anchor Wire
- E-T-C- Aerial Electric, Telephone, Cable Lines
- Ele- Elevation
- X- Chain Link Fence
- XX- Wire Fence
- - Wood Fence R/W
- Right of Way BSL - Building Setback Line
- CONC - Concrete
- CL - Centerline
- PL - Property Line
- POL - Point on Line
- CM - Concrete Monument
- P.B.C - Point of Commencement
- P.B. - Point of Beginning
- P.C - Point of Curvature
- P.T - Point of Tangency
- P.I - Point of Intersection
- P.R.C - Point of Reverse Curvature
- P.C.C - Point of Compound Curvature
- R - Radius
- Δ - Delta
- L - Length of Arc
- C - Chord
- CB - Chord Bearing
- T - Tangent
- (P) - Plat
- (D) - Description or Deed
- (A) - Actual
- (TYP) - Typical
- LB - Licensed Business
- LS - Licensed Surveyor
- ⊗ - Indicates Covered
- ⊙ - Benchmark
- - Set Hub & Tack
- NR - Non-Radial
- N.T.S - Not to Scale

FAX NO.
(850) 968-0301

ALVIN R. WALKER
LAND SURVEYING

1108 KATHLEEN AVENUE CANTONMENT, FL 32533

TELEPHONE NO.
(850) 968-0300



JOB NO. 09-12-006
CAD FILE: 0912006
SCALE: 1"=30'
REQUESTED BY: David Crowder
DATE OF SURVEY: 12-28-08
FIELD BOOK: 4
PAGE: 19-22
ENCROACHMENTS: AS SHOWN
REVISIONS:
DRAWN BY: ALFREDO B. SANCHEZ



Development Services Department

Building Inspections Division

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

RECEIPT

Receipt No. : **559980**

Date Issued. : 07/25/2012

Cashier ID : KLHARPER

Application No. : PRZ120700018

Project Name : Z-2012-18

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check			
	1327	\$1,050.00	App ID : PRZ120700018
		\$1,050.00	Total Check

Received From : CROWDER DAVID

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

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PRZ120700018	652852	1,050.00	\$0.00	1011 PERDIDO RD, CANTONMENT, FL, 32533

Total Amount :	1,050.00	\$0.00	Balance Due on this/these Application(s) as of 7/25/2012
-----------------------	-----------------	--------	--

JENNINGS J E & SYLVIA B
160 BALBOA RD
CANTONMENT FL 32533

BLAIR RANDY W
11424 REDLANDS RD
LUSBY MD 20657

JACKSON MARK W & BRANDY N
1021 PERDIDO RD
CANTONMENT FL 32533

NORTON RICHARD D
838 CANDY LN
CANTONMENT FL 32533

CROWDER DAVID R
PMB 355 4600 MOBILE HWY STE 9
PENSACOLA FL 32506

GALYEAN CAROLYN LEE
150 BALBOA RD
CANTONMENT FL 32533

MOSLEY PHYLLIS C
144 BALBOA RD
CANTONMENT FL 32533

LAND ROBERT F
132 BALBOA RD
CANTONMENT FL 32533

ADAMS MARGARET C
8 PECAN DR
PENSACOLA FL 32534

WALKER M LISA
1005 PERDIDO RD
CANTONMENT FL 32533

LOWERY HOWARD H & BETTY J
154 BALBOA RD
CANTONMENT FL 32533

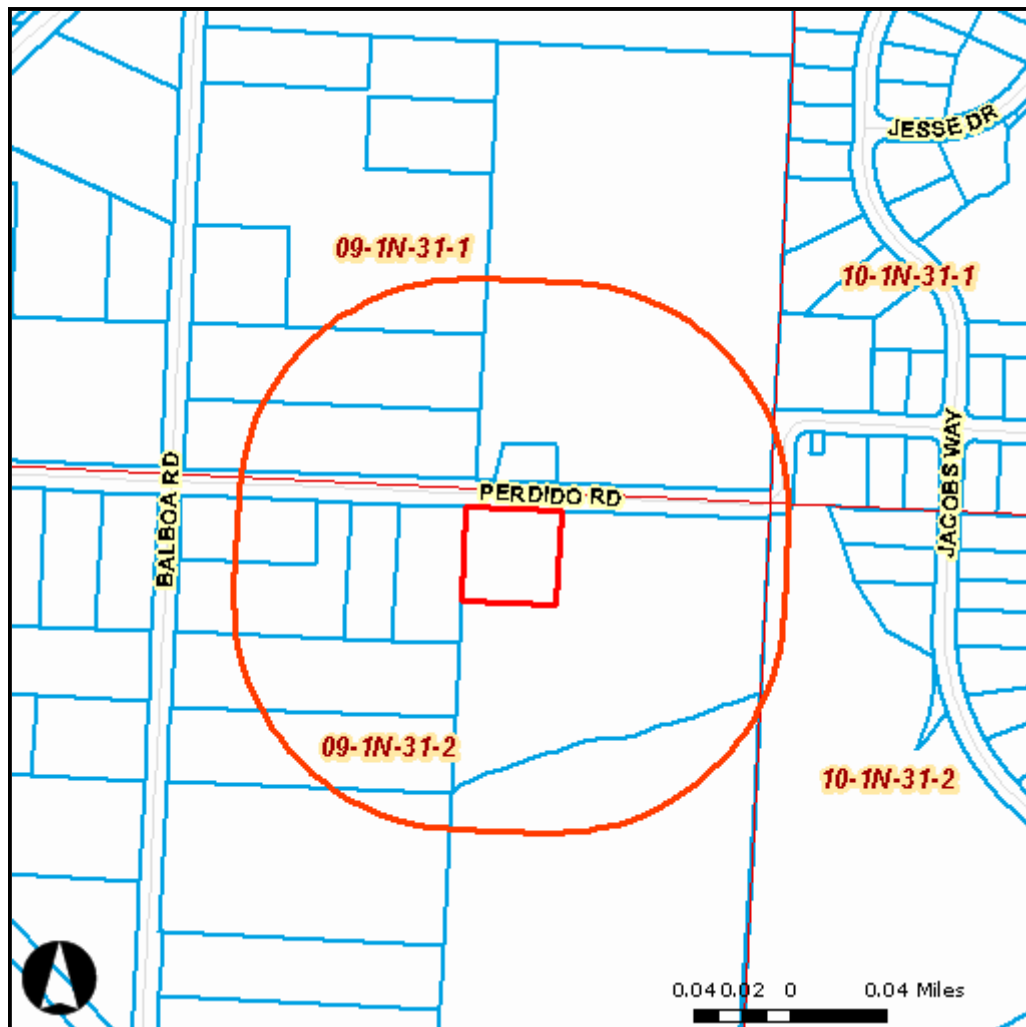
MERRITT FOY & LINDA JANE
1016 PERDIDO RD
CANTONMENT FL 32533

SIMMONS WILLIAM R & RITA M
136 BALBOA RD
CANTONMENT FL 32533

RAWLS DEVA
7352 HWY 95 A NORTH
MOLINO FL 32577

OWEN AMANDAH
1006 PERDIDO RD
CANTONMENT FL 32533-7849

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: 09/10/2012

CASE : Z-2012-19

APPLICANT: Larry Richardson, Agent for
Gerald W. Adcox, Owner

ADDRESS: 5603 N W St

PROPERTY REF. NO.: 44-1S-30-1105-000-001

FUTURE LAND USE: C, Commercial

DISTRICT: 3

OVERLAY AREA: NA

BCC MEETING DATE: 10/04/2012

SUBMISSION DATA:

REQUESTED REZONING:

FROM: R-6, Neighborhood Commercial and Residential District, (cumulative) High Density/ID-1, Light Industrial District (cumulative) (no residential uses allowed)

TO: ID-1, Light Industrial District (cumulative) (no residential uses allowed)

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 the unincorporated Escambia County shall be consistent with the Escambia County Comprehensive Plan and Future Land Use Map (FLUM).

Comprehensive Plan Policy CPP FLU 1.3.1 Future Land Use Categories. The Commercial (C) Future Land Use (FLU) category is intended for professional office, retail, wholesale, service and general business trade. Residential development may be permitted only if secondary to a primary commercial development. The range of allowable uses include: Residential, Retail and Services, Professional Office, Light Industrial, Recreational Facilities, Public and Civic. The maximum residential density is 25 dwelling units per acre.

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. Buffers shall also be used to protect agricultural activities from the disruptive impacts of nonagricultural land uses and protect nonagricultural uses from normal activities.

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 ID-1 **is consistent** with the intent and purpose of Future Land Use category Commercial as stated in CPP FLU 1.3.1. As referenced in CPP FLU 1.1.1 and CPP FLU 1.3.1, the Commercial Future Land Use designation allows for a range of commercial uses from retail (including wholesale and professional office) and service/general business trade to light industrial type uses. Comprehensive Plan Policy 1.1.9 requires Escambia County to ensure adequate buffering to protect lower intensity uses from more intensive uses i.e. residential from commercial. These guidelines are stated within the Land Development Code.

CPP FLU1.5.3 promotes and encourages redevelopment in built areas within the Commercial Future Land Use category with existing public roads and service infrastructure. The parcel in question is within the property boundaries of an existing commercial establishment. Based upon the background information of this parcel and the existing commercial operation, staff finds that the proposed amendment would comply with Comprehensive Plan FLU 1.5.3. Per the Comprehensive Plan Policy FLU 1.1.1 thru Comprehensive Plan Policy FLU 1.5.3 as listed in Criterion (1), staff concludes that the proposed amendment **is consistent** with the Comprehensive Plan with the understanding that provisions for adequate buffering will be addressed as defined by the Land Development Code.

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.

6.05.13. R-6 neighborhood commercial and residential district, (cumulative) high density.

A. Intent and purpose of district. This district is intended to provide for a mixed use area of residential, office and professional, and certain types of neighborhood convenience shopping, retail sales and services which permit a reasonable use of property while preventing the development of blight or slum conditions. This district shall be established in areas where the intermixing of such uses has been the custom, where the future uses are uncertain and some redevelopment is probable. The maximum density is 25 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-6, neighborhood commercial and residential areas located in the Airport/Airfield Environs. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with R-6 zoning located in the Scenic Highway Overlay District, C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District, or RA-1(OL) Barrancas Redevelopment Area Overlay District. All neighborhood commercial (R-6) development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policies 7.A.4.13 and 8.A.1.13) and in article 7.

B. Permitted uses.

1. Any use permitted in the R-5 district.
2. Retail sales and services (gross floor area of building not to exceed 6,000 square feet). No permanent outside storage allowed.
 - a. Food and drugstore, including convenience stores without gasoline sales.
 - b. Personal service shop.
 - c. Clothing and dry goods store.
 - d. Hardware, home furnishings and appliances.
 - e. Specialty shops.
 - f. Banks and financial institutions.
 - g. Bakeries, whose products are made and sold at retail on the premises.
 - h. Florists shops provided that products are displayed and sold wholly within an enclosed building.
 - i. Health clubs, spa and exercise centers.
 - j. Studio for the arts.
 - k. Martial arts studios.
 - l. Bicycle sales and mechanical services. m. Other retail/service uses of similar type and character of those listed herein above.
3. Laundromats and dry cleaners (gross floor area not to exceed 4,000 square feet).
4. Restaurants.
5. Automobile service stations (no outside storage, minor repair only).
6. Appliance repair shops (no outside storage or work permitted).
7. Places of worship and educational facilities/institutions.
8. Fortune tellers, palm readers, psychics, etc.
9. 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).
10. Mobile home subdivision or park.

C. Conditional uses.

1. Any conditional use allowed in the R-5 district.
2. Drive-through restaurants (fast food or drive-in, by whatever name known).
3. Any building exceeding 120 feet height.
4. Neighborhood commercial uses that do not exceed 35,000 square feet of floor area.
5. Automobile service operations, including indoor repair and restoration (not including painting), and sale of gasoline (and related service station products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.
6. Mini-warehouses meeting the following standards:
 - a. One acre or less in size (building and accessory paved area);
 - b. Three-foot hedge along any right-of-way line;
 - c. Dead storage use only (outside storage of operable vehicles including cars, light trucks, RVs, boats, and similar items).
 - d. No truck, utility trailer, and RV rental service or facility allowed, see C-2.
7. Radio broadcasting and telecasting stations, studios, and offices with satellite dishes and antennas. On-site towers are prohibited. (See section 6.08.02.L.)
8. Temporary structures. (See section 6.04.16)
9. Arcade amusement centers and bingo facilities.

D. Off-street parking regulations. See section 7.02.00.

E. Site and building requirements. Lot coverage, lot width, yard requirements and building height limitations (unless modified pursuant to subpart C above) are the same as the R-5 district.

F. Landscaping. See section 7.01.00.

G. Signs. See article 8.

H. Locational criteria. See article 7 and Comprehensive Plan Policies 7.A.4.13 and 8.A.1.13.

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.

B. Permitted uses.

1. Any nonresidential use permitted in the preceding district.
2. Research and development operations, commercial communication towers 150 feet or less in height, light manufacturing, processing or fabricating uses, enclosed storage structures and accessory structures and activities subject to the performance standards in sections 7.03.00 and 7.06.00.
3. Commercial businesses with outside storage when such storage is adequately screened and/or buffered in accordance with section 7.01.06.E.
4. Other uses similar to those permitted herein. Determination on other permitted uses shall be made by the planning board.
5. Semiconductor or microchip fabrication.
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)

LDC 7.20.07. Industrial locational criteria (ID-1). 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. Sites for industrial uses shall be located with convenient access to the labor supply, raw material sources and market areas.
4. 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 1.1.9.
5. These industrial locational criteria apply to those future land use categories where industrial development 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 consistent** with the intent and purpose of the Land Development Code.

The subject parcel is currently split-zoned which is not consistent with the LDC, this proposed amendment would eliminate this inconsistency. The proposed amendment is consistent with the roadway access requirements as stated in LDC 7.20.07 with direct access to an minor arterial roadway 'W' Street and when applicable, further review during the site plan review process will be necessary to determine further buffering requirements.

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-5, R-6, ID-1 and C-2. There are 13 commercial properties, 20 residential properties, and one church.

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-2009-05 located at 5717 N 'W' Street. The rezoning case was from R-6 to ID-1 and was approved by the Planning Board on October 26, 2009 and also approved by the BCC on December 10, 2009.

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.

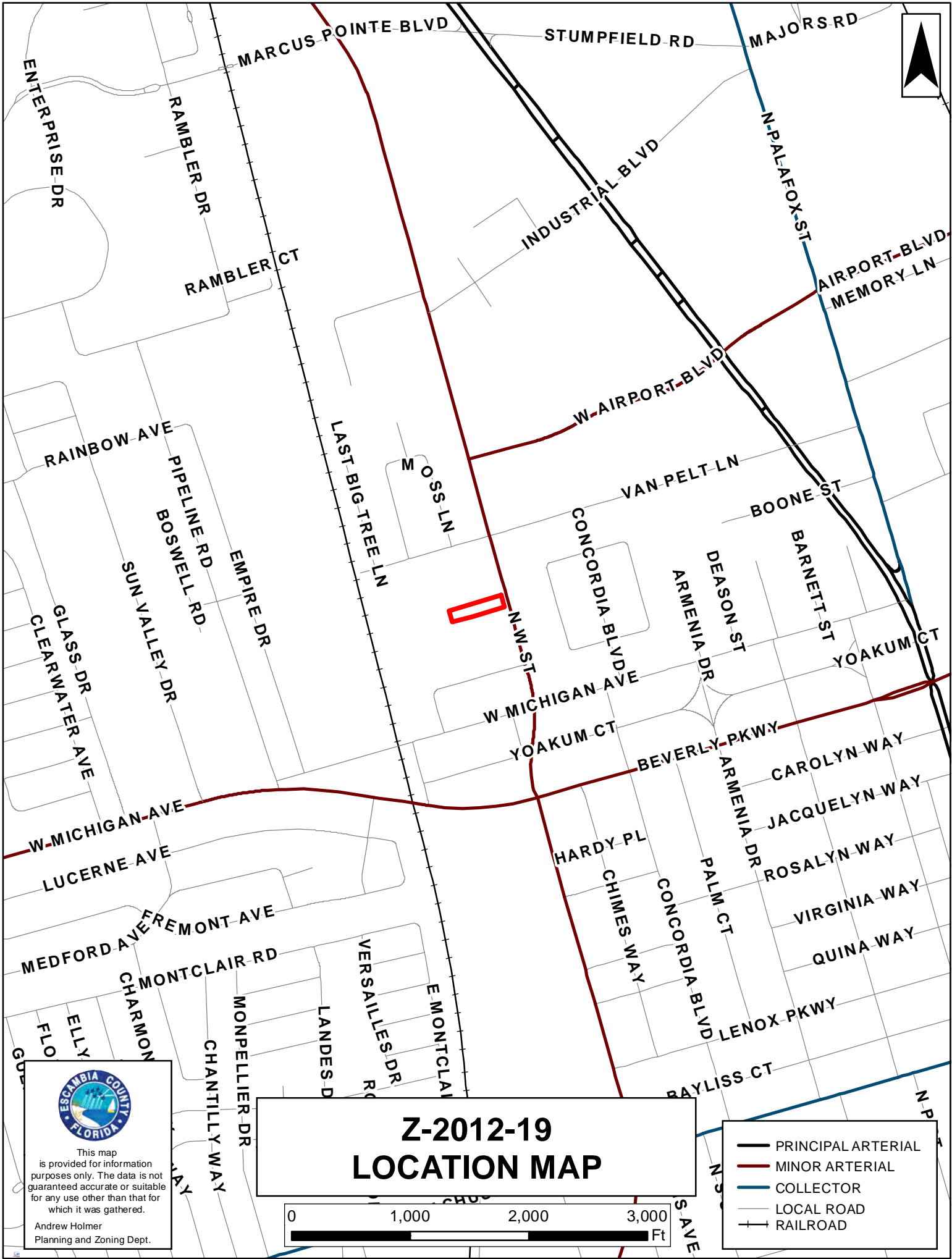
FINDINGS

The proposed amendment **would result** in a logical and orderly development pattern. The property is located with connection to an existing business and is a split zoned lot with ID-1 already existing on the East side of the property.

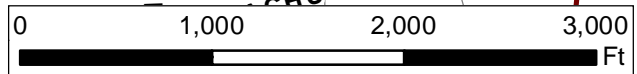
Attachments

Z-2012-19


Z-2012-19



Z-2012-19 LOCATION MAP

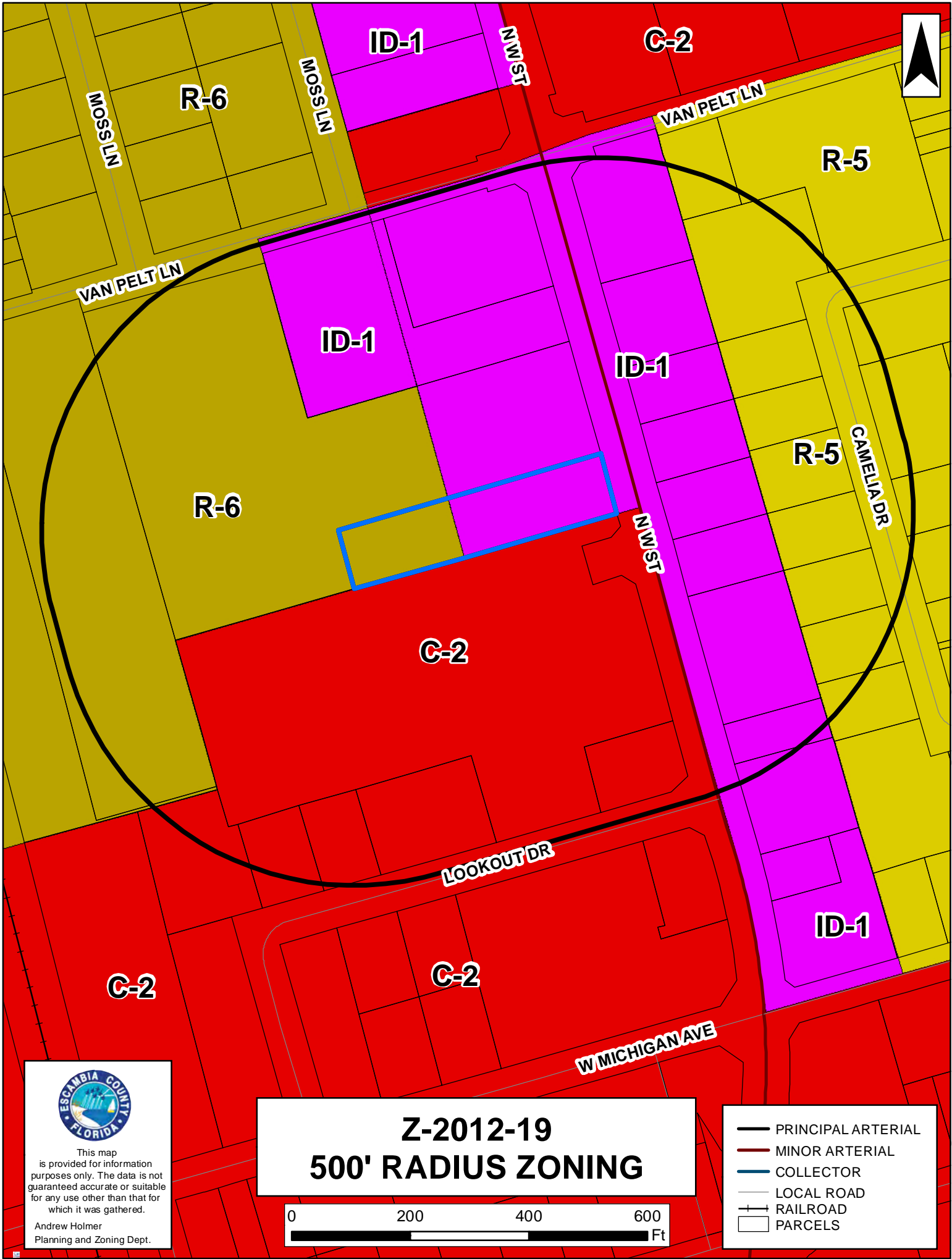



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD



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

Andrew Holmer
Planning and Zoning Dept.










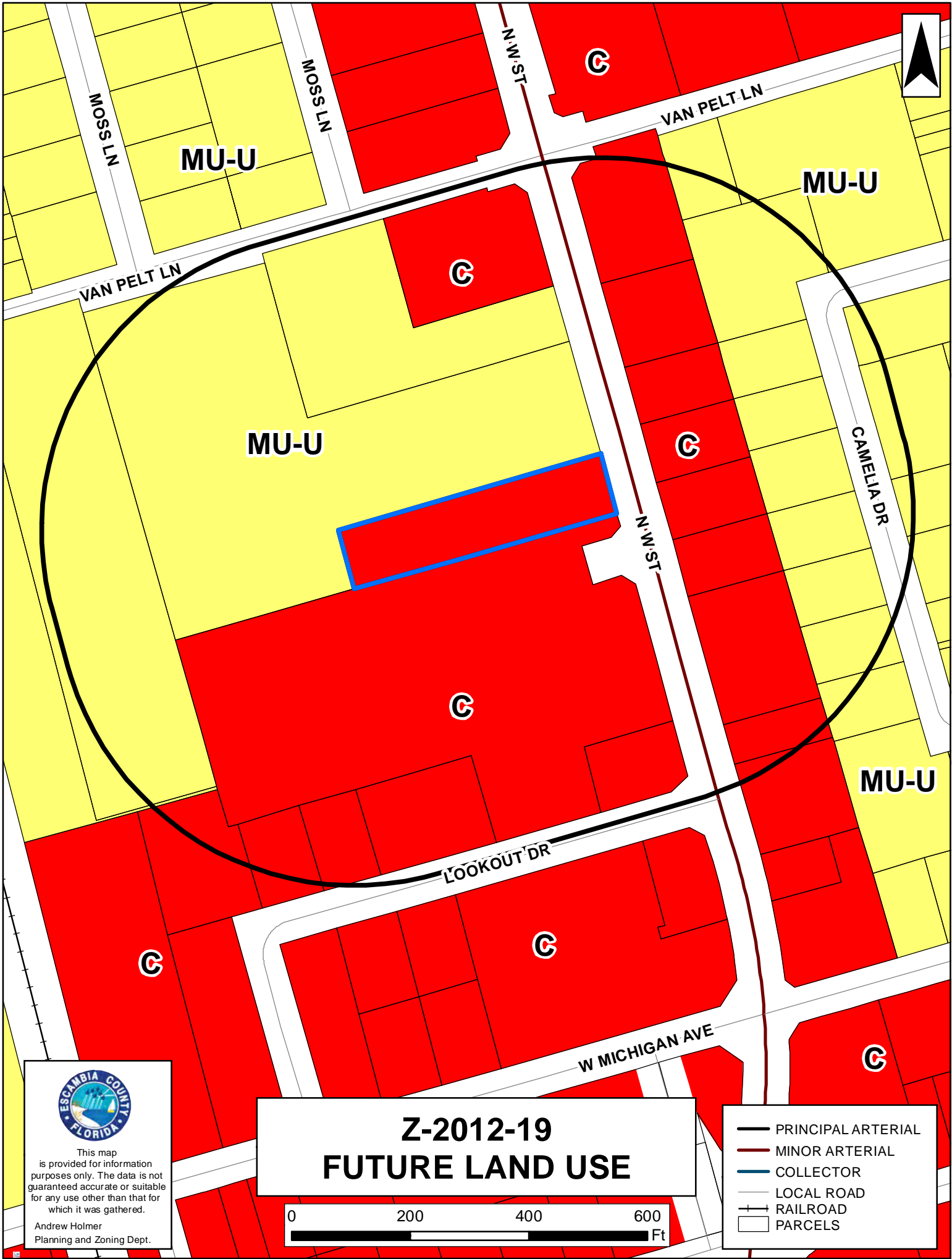
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2012-19 500' RADIUS ZONING



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



MU-U

MU-U

MU-U

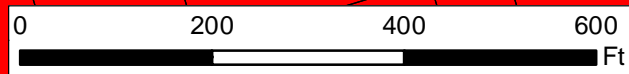
MU-U



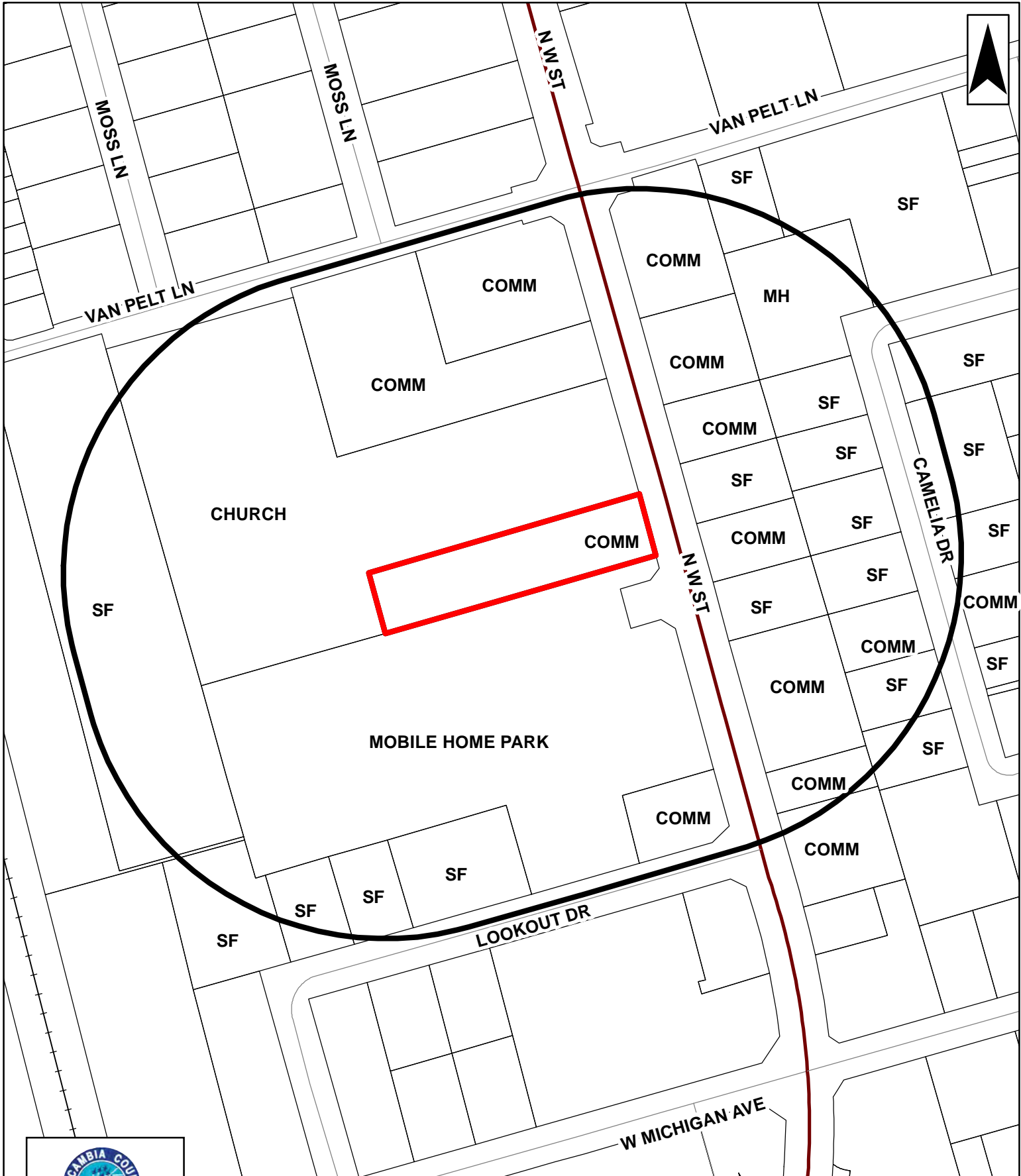

This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2012-19 FUTURE LAND USE



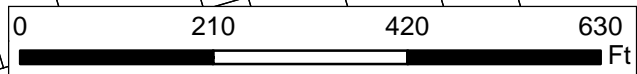
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS










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

Andrew Holmer
Planning and Zoning Dept.

Z-2012-19 EXISTING LAND USE



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



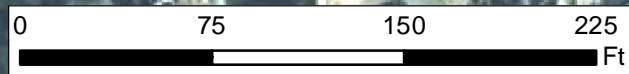
N.W. ST



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-2012-19 AERIAL MAP



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



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2012-19
CURRENT ZONING: ID-1 R-6 PROPOSED ZONING: ID-1

PLANNING BOARD

DATE: 9/10/12 TIME: []

LOCATION OF HEARING
ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3383 WEST PARK PLACE
ROOM 104 BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: 10/4/12 TIME: []

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

WORSHIP CENTER
CHURCH OF GOD
1000 W. 23rd ST
TALLAHASSEE, FL 32304



Public Hearing Sign



Looking North along 'W' Street



Looking North East from Subject Property



Looking East Across 'W' Street
from Subject Property



Looking West At Subject Property, Rezoning Area Is Located Behind The Building.



Subject
Area

Looking East, Subject Area Is At The
Rear Of the Building.



Looking South Along 'W' Street



Development Services Department
Escambia County, Florida

APPLICATION

Please check application type:	<input type="checkbox"/> Conditional Use Request for: _____
<input type="checkbox"/> Administrative Appeal	<input type="checkbox"/> Variance Request for: _____
<input type="checkbox"/> Development Order Extension	<input checked="" type="checkbox"/> Rezoning Request from: <u>ID-1/R-6</u> to: <u>ID-1</u>

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

Owner(s) Name: Adcox Imports Inc Phone: 850-982-4007

Address: 3103 BRITANNY TRACE PENSACOLA FL 32504 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: 5603 N 'W' ST. PENSACOLA FL 32505

Property Reference Number(s)/Legal Description: 4415301105000001 04-1797-100

SEE ATTACHED LEGAL DESCRIPTION

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.

Larry Richardson
Signature of Owner/Agent

Larry Richardson
Printed Name Owner/Agent

7-29-12
Date

[Signature]
Signature of Owner

GENALYN ACOX
Printed Name of Owner

7-29-12
Date

STATE OF FLORIDA COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 29 day of JULY 20 12

by _____

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

Charles K. Rhodes III
Signature of Notary
(notary seal must be affixed)

CHARLES K RHODES III
Printed Name of Notary



FOR OFFICE USE ONLY		CASE NUMBER: <u>Z-2012-19</u>
Meeting Date(s): <u>Sept 10 / Oct 4</u>	Accepted/Verified by: _____	Date: <u>7/31/12</u>
Fees Paid: <u>\$1,050</u>	Receipt #: <u>560344</u>	Permit #: <u>PR2120700019</u>



Development Services Department
Escambia County, Florida

FOR OFFICE USE:

CASE # 2012-19

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 4415301105 000001

Property Address: 5603 N. 'W' ST PENSACOLA FL 32505

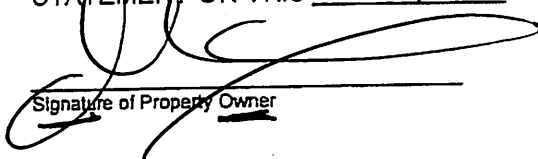
I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed 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 29 DAY OF JULY, YEAR OF 2012.



Signature of Property Owner

Gerald W. Adcox

Printed Name of Property Owner

7-29-12

Date

Signature of Property Owner

Printed Name of Property Owner

Date



Development Services Department
Escambia County, Florida

FOR OFFICE USE:
CASE #: 2-2012-19

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 5603 N 'W' STREET PENSACOLA, FL., 32505,
Florida, property reference number(s) 4415301105000001

I hereby designate ~~XXXXXXXXXX~~ LARRY RICHARDSON for the sole purpose
of completing this application and making a presentation to the:

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

This Limited Power of Attorney is granted on this 29 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: LARRY RICHARDSON Email: richlr@bellsouth.net
Address: PO Box 11182 Pensacola FL 32524 Phone: 850-449-9024

[Signature]
Signature of Property Owner

Gerald W. Acox
Printed Name of Property Owner

7-29-12
Date

Signature of Property Owner

Printed Name of Property Owner

Date

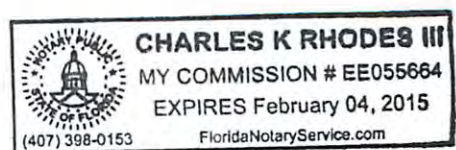
STATE OF FLORIDA COUNTY OF ESCAMBIA
The foregoing instrument was acknowledged before me this 29 day of JULY 20 12,
by _____.

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

[Signature]
Signature of Notary

CHARLES K RHODES III
Printed Name of Notary

(Notary Seal)



REZONING CRITERIA

1. **CONSISTENCY WITH THE COMPREHENSIVE PLAN: THE PROPERTY LOCATED AT 5503 N. 'W' STREET IS SURROUNDED BY MANY COMMERCIAL BUSINESSES ALL EITHER COMMERCIAL OR LIGHT INDUSTRIAL. THE USE OF 5503 N. 'W' STREET IS CONSISTENT WITH THE COMPREHENSIVE PLAN.**
2. **CONSISTENCY WITH THIS CODE: THE PROPERTY LOCATED AT 5503 N. 'W' STEET IS CONSISTENT WITH THE STATED PURPOSE AND INTENT OF THE LAND DEVELOPMENT CODE AND IS NOT IN CONFLICT WITH ANY PORTION OF THE LAND DEVELOPMENT CODE.**
3. **COMPATIBILITY WITH SURROUNDING USES: THE USE OF THE PROPERTY AT 5503 N. 'W' STREET IS ALLOWED IN ID-1 AND IS COMPATIBLE WITH THE AREA AND EXISTING USES SURROUNDING IT.**
4. **CHANGING CONDITIONS: THERE ARE NO CHANGED CONDITIONS THAT WILL IMPACT THE ADMENDMENT OR PROPERTY.**
5. **EFFECT ON NATURAL ENVIRONMENT: NONE**
6. **DEVELOPMENT PATTERNS. THE PROPOSED ADMENDMENT MATCHES THE DEVELOPMENT PATTERN OF THE AREA IN A LOGICAL AND ORDERLY PATTERN**

41.50
70

DEED DOC STAMPS PD @ ESC CO \$ 0.70
08/31/99 ERNIE LEE WARDEN, CLERK
By: *Sally [Signature]*

REC'D JUL 31 2012

THIS DOCUMENT PREPARED BY:

Richard M. Colbert, Esquire
Clark, Partington, Hart, Larry,
Bond, Stackhouse & Stone
125 West Romana Street, Suite 800
Post Office Box 13010
Pensacola, Florida 32591-3010
(904) 434-9200

TAX PARCEL I.D. No.: 44-18-30-1105-000-001

STATE OF FLORIDA

COUNTY OF ESCAMBIA

CORRECTIVE WARRANTY DEED

THIS CORRECTIVE WARRANTY DEED, made effective the 22nd day of January, 1999, by PIZZA HUT OF FLORIDA, INC., a Florida corporation, hereinafter called the Grantor, whose address is Post Office Box 783186, Wichita, Kansas 67278-3186, in favor of ADCOX IMPORTS, INC., a Florida corporation, whose address is 6511 North "W" Street, Pensacola, Florida 32505, hereinafter called the Grantee:

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN and NO/100 (\$10.00) DOLLARS 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, lying and being in Escambia County, Florida (the "Property"), as described on Exhibit "A" attached hereto and made a part hereof.

SUBJECT to ad valorem taxes for the current year and subsequent years.

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

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

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

THIS CORRECTIVE WARRANTY DEED is made, delivered, and recorded solely for the purpose of correcting that certain Warranty Deed made by Grantor in favor of Grantee dated January 22, 1999, recorded in Official Records Book 4364, Page 206, Public Records of Escambia County, Florida, to reflect the execution of the deed by an authorized officer of the Grantor.

IN WITNESS WHEREOF, the Grantor has caused this Warranty Deed to be executed by its duly authorized corporate officer effective as of the date set forth above.

Sheryl Brown
Sheryl Brown
Print/Type Name of Witness

Julie Shultz
Julie Shultz
Print/Type Name of Witness

GRANTOR:
PIZZA HUT OF FLORIDA, INC.,
a Florida corporation

By: *Brian H. Cole*
[Print/Type Name] Brian H. Cole
Its: President

[CORPORATE SEAL]

STATE OF *Texas*

REC'D JUL 31 2012

E X H I B I T "A"

A PORTION OF SECTION 44, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 44, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE NORTH 15°44'34" WEST ALONG THE EAST LINE OF SAID SECTION 44 FOR A DISTANCE OF 880 FEET; THENCE SOUTH 74°35'44" WEST FOR A DISTANCE OF 51.89 FEET TO THE WEST RIGHT-OF-WAY LINE OF ALLERTON DRIVE ("W" STREET EXTENSION) AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 74°35'44" WEST FOR A DISTANCE OF 432.87 FEET; THENCE NORTH 15°24'16" WEST FOR A DISTANCE OF 100 FEET; THENCE NORTH 74°35'44" EAST FOR A DISTANCE OF 432.87 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID ALLERTON DRIVE; THENCE SOUTH 15°24'16" EAST ALONG SAID WEST RIGHT-OF-WAY LINE FOR A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

RCD Aug 31, 1999 04:10 pm
Escambia County, Florida

Ernie Lee Magaha
Clerk of the Circuit Court
INSTRUMENT 99-654617

REC'D JUL 3 1 2012

Escambia County Tax Collector

generated on 7/23/2012 8:26:58 AM CDT

Tax Record

Last Update: 7/23/2012 8:26:58 AM CDT

Ad Valorem Taxes and Non-Ad Valorem Assessments

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

Account Number	Tax Type	Tax Year		
04-1797-100	REAL ESTATE	2011		
Mailing Address ADCOX IMPORTS INC 3103 BRITTANY TRCE PENSACOLA FL 32504		Property Address 5603 N W ST GEO Number 441S30-1105-000-001		
Exempt Amount	Taxable Value			
See Below	See Below			
Exemption Detail NO EXEMPTIONS	Millage Code 06	Escrow Code		
Legal Description (click for full description) 441S30-1105-000-001 5603 N W ST BEG AT SE COR OF SEC N 15 DEG 44 MIN 34 SEC W ALG E LI OF SEC 880 FT S 74 DEG 35 MIN 44 SEC W 51 89/100 FT TO W R/W LI ALLERTON DR (W STREET EXTEN 80 FT R/W) FOR POB CONT S 74 DEG 35 See Tax Roll For Extra Legal				
Ad Valorem Taxes				
Taxing Authority	Rate	Assessed Exemption Value	Taxable Value	Taxes Levied
COUNTY	6.9755	313,565	0	\$313,565 \$2,187.27
PUBLIC SCHOOLS				
By Local Board	2.2480	313,565	0	\$313,565 \$704.89
By State Law	5.5730	313,565	0	\$313,565 \$1,747.50
SHERIFF	0.6850	313,565	0	\$313,565 \$214.79
WATER MANAGEMENT	0.0400	313,565	0	\$313,565 \$12.54
Total Millage		15.5215	Total Taxes	\$4,866.99
Non-Ad Valorem Assessments				
Code	Levying Authority	Amount		
NFP	FIRE (CALL 595-4960)	\$203.98		
Total Assessments		\$203.98		
Taxes & Assessments		\$5,070.97		
If Paid By	Amount Due			
	\$0.00			

Date Paid	Transaction	Receipt	Item	Amount Paid
3/26/2012	PAYMENT	65167.0001	2011	\$5,070.97

REC'D JUL 31 2012



Development Services Department
Escambia County, Florida

PLANNING BOARD
REZONING PRE-APPLICATION SUMMARY FORM

44-15-30-1105-000-001
Property Reference Number

Richardson
Name

5603 N W St
Address

Owner Agent Referral Form Included? Y N

MAPS PREPARED

- Zoning
- FLU
- Aerial
- Other: _____

PROPERTY INFORMATION

Current Zoning: R-6 / ID-1 Size of Property: 1.1 +/-
 Future Land Use: C Commissioner District: 3
 Overlay/AIPD: NA Subdivision: _____
 Redevelopment Area*: _____

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

COMMENTS

Desired Zoning: ID-1

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

Parcel is split zoned R-6 + ID-1. Customer wants to rezone the parcel that is R-6 to ID-1. Told customer about rezoning process will contact owner to discuss rezoning.

- 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 Can / Barbara Wynn Date: 7/11/12

Applicant/Agent Name & Signature: Emma Britton

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.



Development Services Department

Building Inspections Division

3363 West Park Place

Pensacola, Florida, 32505

(850) 595-3550

Molino Office - (850) 587-5770

RECEIPT

Receipt No. : **560344**

Date Issued. : 07/31/2012

Cashier ID : DAROSE

Application No. : PRZ120700019

Project Name : Z-2012-19

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check			
	3204	\$1,050.00	App ID : PRZ120700019
		\$1,050.00	Total Check

Received From : ADCOX IMPORTS, INC

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

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PRZ120700019	653223	1,050.00	\$0.00	5603 N W ST, PENSACOLA, FL, 32505

Total Amount : **1,050.00**

\$0.00

Balance Due on this/these
Application(s) as of 7/31/2012

SDII GLOBAL PARTNERS INC
4509 GEORGE RD
TAMPA FL 33634

HALL MARVIN LAVON
989 VAN PELT LN
PENSACOLA FL 32505

HALL O R JR & FAYE C
991 VAN PELT LN
PENSACOLA FL 32505

TATUM JACK & JUANITA W
840 LOOKOUT DR
PENSACOLA FL 32505

JACKSON LEROY
842 LOOKOUT DR
PENSACOLA FL 32505

HUGGINS HUSTON H
900 LOOKOUT DR
PENSACOLA FL 32505

GRANBERRY ROBERT
PO BOX 37263
PENSACOLA FL 32526

STERN COMMERCIAL PROPERTY
LLC
5599 NORTH W ST
PENSACOLA FL 32505-2435

ADCOX IMPORTS INC
3103 BRITTANY TRCE
PENSACOLA FL 32504

CHURCH OF GOD
5715 NORTH W ST
PENSACOLA FL 32505

BOBE THOMAS C EST
PO BOX 517
GULF SHORES AL 36547

BARRON NETTIE H
5925 SARAH DR
PENSACOLA FL 32503

GULF POWER CO
1 ENERGY PLACE
PENSACOLA FL 32520

DOYLE VICKIE
85 CAMELLIA DR
PENSACOLA FL 32505

KELLEY LISA G
81 CAMELIA DR
PENSACOLA FL 32505

JOHNSON DIANE M FAVREAU
77 CAMELLIA DR
PENSACOLA FL 32505

LEGG ANDREW J
73 CAMELIA DR
PENSACOLA FL 32505

GREENSWALT JAMES R
1116 CONCORDIA BLVD
PENSACOLA FL 32505

WELCH H W
60 CAMELIA DR
PENSACOLA FL 32505

PARRISH MARTHA SUE
771 VAN PELT LN
PENSACOLA FL 32505

STOKES ADRIAN O & MUREL H
721 VAN PELT LN
PENSACOLA FL 32505

SIMS BETTY LORENE
62 CAMELLIA DR
PENSACOLA FL 32505

SELF ANGEL Z
70 CAMELLIA DR
PENSACOLA FL 32505

ROBINSON RONNIE C
5508-A NORTH W ST
PENSACOLA FL 32505

SKEPI ALLI L
5590 NORTH W ST
PENSACOLA FL 32505

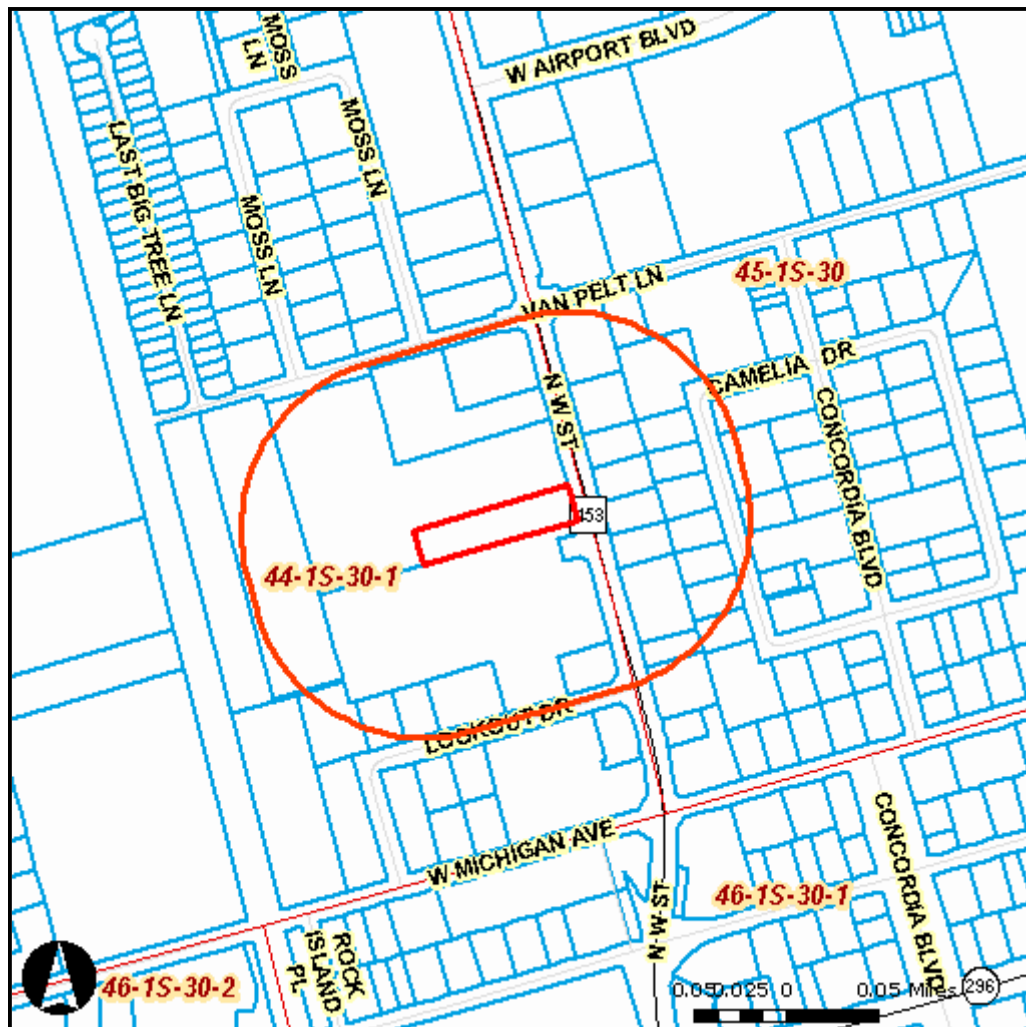
SMITH FRANK J
5622 NORTH W ST
PENSACOLA FL 32505

WILLIAMS CONNIE
2306 MALYSA PLACE
PENSACOLA FL 32504

SELECT MOTOR CARS INC
5708 NORTH "W" ST
PENSACOLA FL 32526

JOHNSON SHANE L
5712 NORTH W ST
PENSACOLA FL 32505

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. D.

Meeting Date: 09/10/2012

CASE : Z-2012-21

APPLICANT: Oanh Tran, Agent for
Raymond Ayers, Owner

ADDRESS: 4100 W Fairfield Dr

PROPERTY REF. NO.: 15-2S-30-6200-090-005

FUTURE LAND USE: C, Commercial

DISTRICT: 2

OVERLAY AREA: N/A

BCC MEETING DATE: 10/04/2012

SUBMISSION DATA:

REQUESTED REZONING:

FROM: R-2, Residential District (cumulative)/C-1, Retail Commercial District (cumulative)

TO: C-1, Retail Commercial District (cumulative)

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 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).

1.3.1 Future Land Use Categories. The Commercial (C) Future Land Use (FLU) category is intended for professional office, retail, wholesale, service and general business trade. Residential development may be permitted only if secondary to a primary commercial development. Range of allowable uses include: Residential, Retail and Services, Professional Office, Light Industrial, Recreational Facilities, Public and Civic. The maximum residential density is 25 dwelling units per acre.

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 C-1 **is consistent** with the intent and purpose of the commercial future land use category as stated in CPP FLU 1.3.1. The commercial future land use category allows for residential, professional offices and retail services. Granting the amendment would be compatible with the existing future land uses along Fairfield Drive while using the existing public roads, utilities and service infrastructure.

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.

A. Intent and purpose of district. 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. New residential uses located in a commercial FLU category are only permitted as part of a predominantly commercial development in accordance with Policy FLU 1.3.1 of the Comprehensive Plan.

FINDINGS

The proposed amendment **is consistent** with the intent and purpose of the Land Development Code. The majority of the parcel is currently zoned Commercial, not to mention the left/right parcels that are currently active commercial businesses. The County discourages split zoning and for this reason granting the rezoning request will eliminate a split zoned parcel while allowing for the revitalization effort of a under utilized parcel of land.

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

Within the 500' radius impact area, staff observed properties with zoning districts C-1 and R-2.

There are three commercial parcels, one apartment complex, one nursing home, one church, one mobile home, one vacant parcel and 41 single family homes.

The proposed amendment **is not compatible** with surrounding existing uses in the area. The reference parcel has road frontage along the arterial roadway of Fairfield Drive, there are several existing commercial businesses on the same side of the road.

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 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.

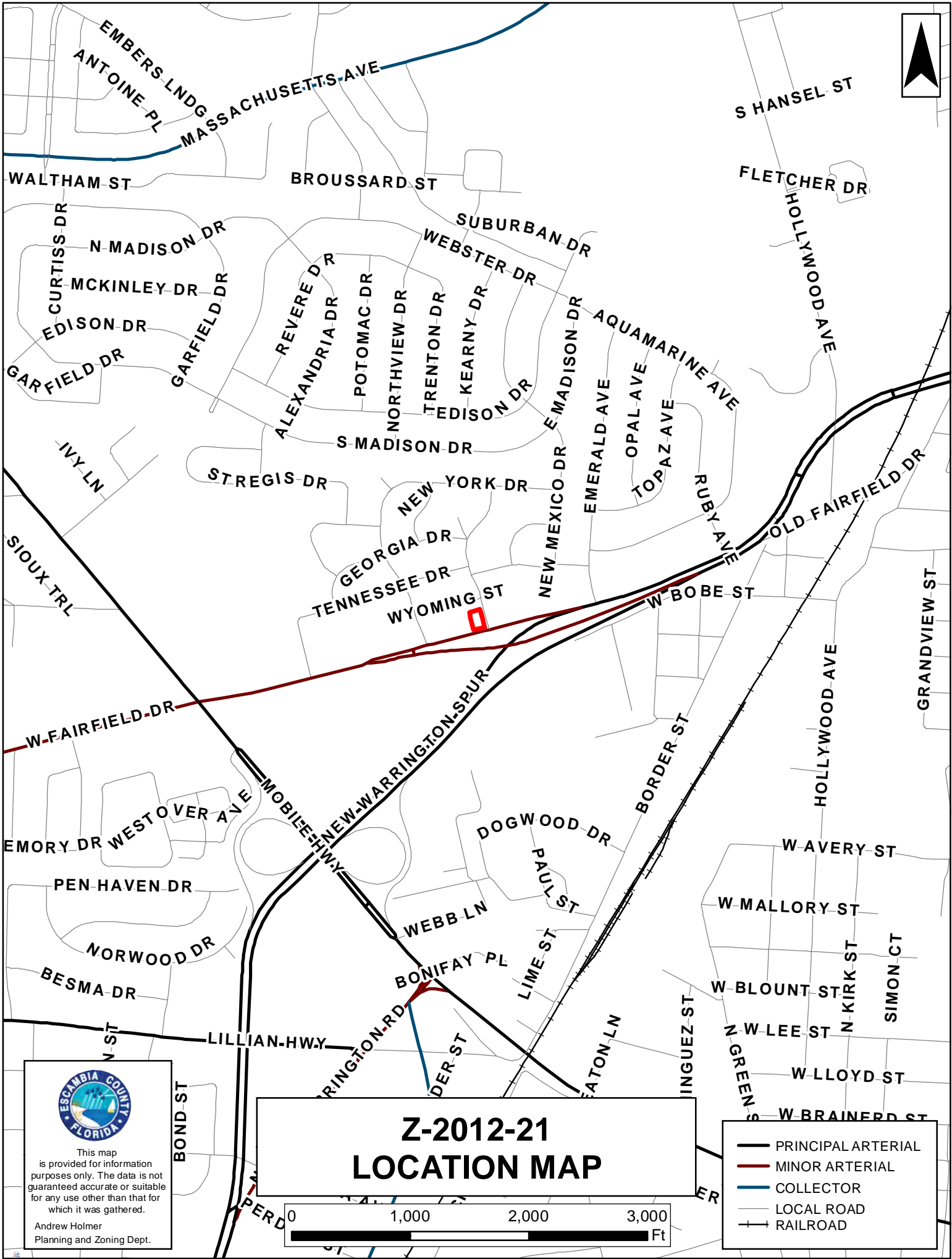

FINDINGS

The proposed amendment **would result** in a logical and orderly development pattern because currently the arterial roadway has existing linear commercial development, which is a characteristic of this particular roadway classification.

Attachments

Z-2012-21

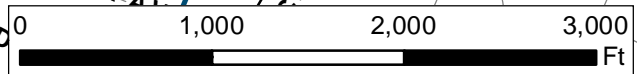
Z-2012-21









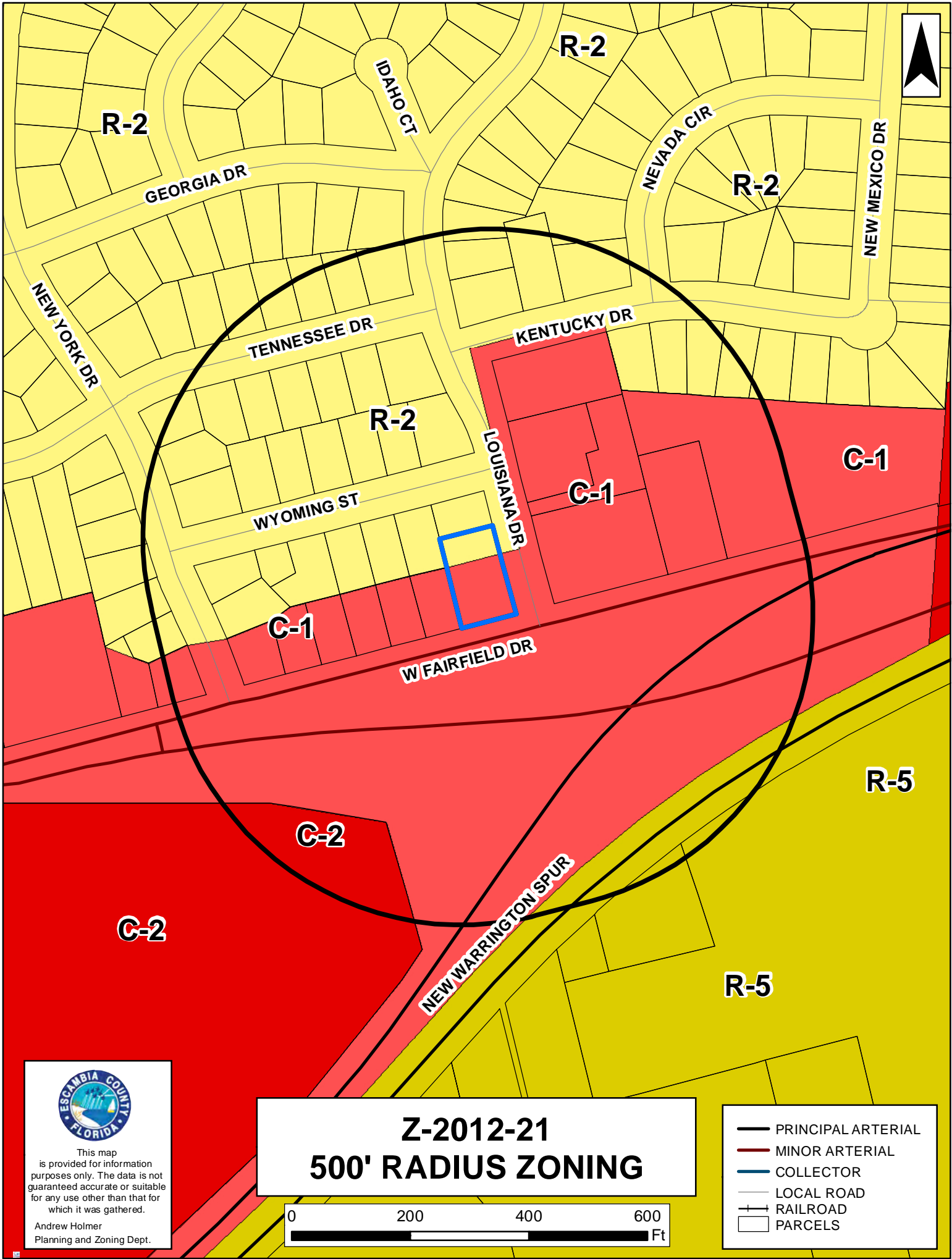
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.


Andrew Holmer
Planning and Zoning Dept.

Z-2012-21 LOCATION MAP

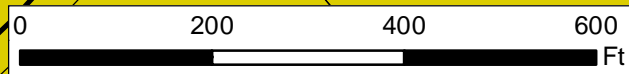








-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD

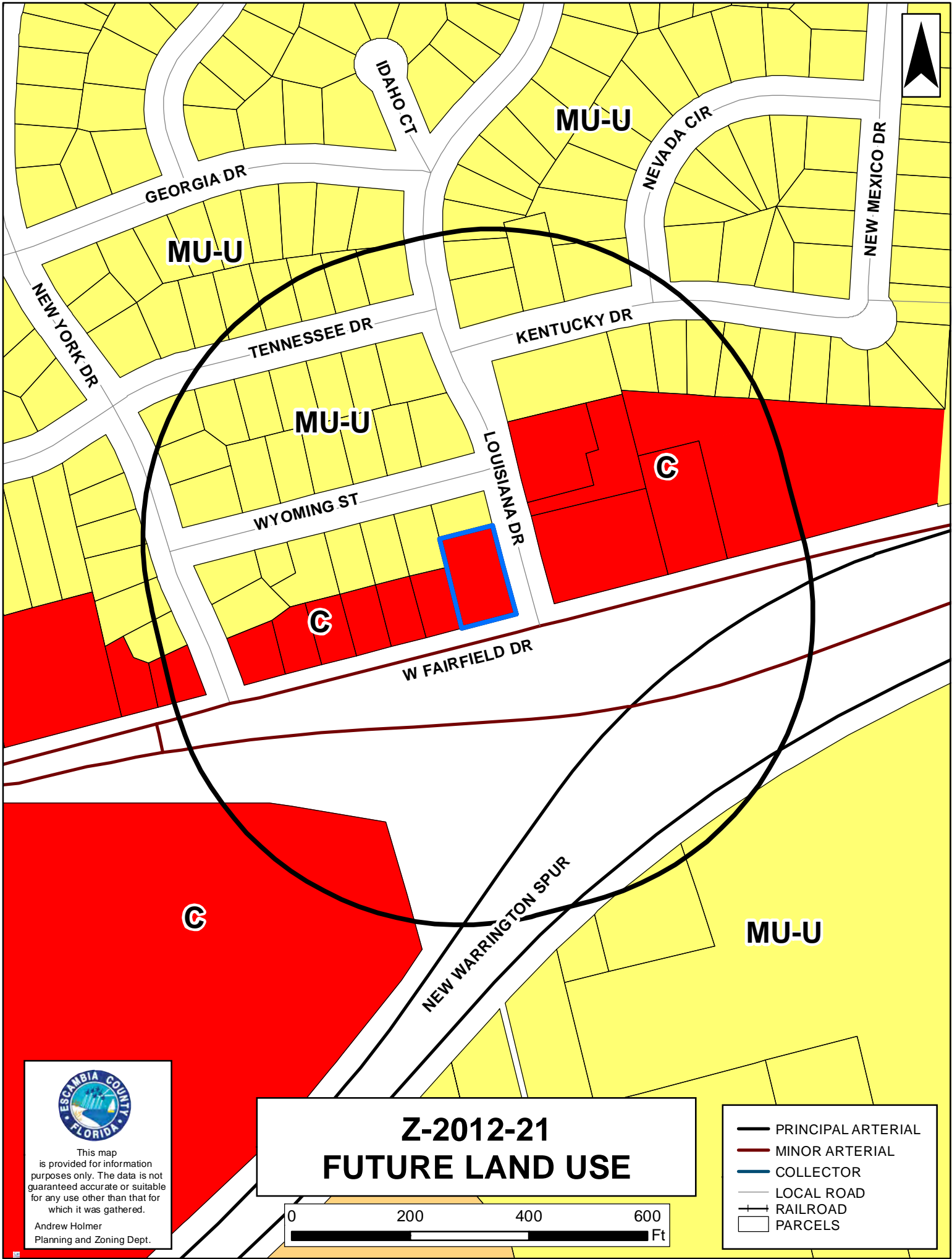




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 Andrew Holmer
 Planning and Zoning Dept.

Z-2012-21
500' RADIUS ZONING









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




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 Andrew Holmer
 Planning and Zoning Dept.

**Z-2012-21
 FUTURE LAND USE**



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



WYOMING ST

LOUISIANA DR

W FAIRFIELD DR

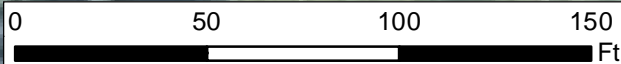
W FAIRFI









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-2012-21 AERIAL MAP



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



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: **Z-2012-21**
CURRENT ZONING: **C-1R-2** PROPOSED ZONING: **C-1TM**

PLANNING BOARD

DATE: **9/10/12** 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: **10/4/12** 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 onto subject property



Looking south from subject property



Looking east from subject property



Looking north from subject property



Looking west from subject property

Oanh Tran
818 Christian Drive
Pensacola, FL 32506

August 2, 2012

RE: REZONING REQUEST

Dear Sir or Madame:

As an agent for Mr. Raymond Ayers, I respectfully request rezoning for the property located at 4100 W. Fairfield Drive, Pensacola, FL. I have addressed each of the criteria required for rezoning below for your review:


1. Consistency with the Comprehensive Plan: Property is located at 4100 W. Fairfield Drive, Pensacola, FL. Future land use is zoned C-1. It is consistent with the Comprehensive Plan.
2. Consistence with this Code: The proposed rezoning is consistent with the current zoning and surrounding area. It is not in conflict with the Land Development Code. The property is approximately .33 acres. Total heated area is 5576 sq ft, however building has been vacant for over six years and is just a shell with no utilities or fixtures, water or sewer services. Sewer has been run to the building. Currently the front $\frac{3}{4}$ of the building is zoned C-1. The back $\frac{1}{4}$ portion of the building is zoned R-2. It is all one structure under one roof. The rezoning request is to make the entire building/lot C-1 for the purposes of operating a convenience/grocery store.
3. Compatibility with surrounding uses: The proposed zoning is compatible with existing and proposed uses in this area. There are currently various businesses with C-1 zoning all in this vicinity. The property is approximately .33 acres. Total heated area is 5576 sq ft, however building has been vacant for over six years. It is currently just a shell with no utilities or fixtures, water or sewer services. Sewer has been run to the building.
4. Changed conditions: There are no changed conditions that affect the amendment of this property.
5. Effect on natural environment: There will be no adverse impacts on the natural environment. The existing building interior will be remodeled. Existing structure to remain the same. Infrastructure is in place for drainage and it is not in an area where there any wetlands.

Page (2)

6. Development patterns: The proposed amendment is consistent with a logical and orderly development pattern for the surrounding area. There is currently a grocery store operated by the requestor adjacent to this building. Grocery store would relocate to subject property.

I plan to purchase the subject property and have a signed contract with Mr. Ayers contingent upon rezoning to C-1 for the purposes of operating a convenience/grocery store. Thank you for your consideration on my behalf.

Kind Regards,



Oanh Tran



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/C-1 to: C-1

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

Owner(s) Name: Danh Tran, agent for Raymond Ayers Phone: (850) 221-2892

Address: 818 Christian Drive, Pensacola, FL Email: danhtran1969@yahoo.com

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

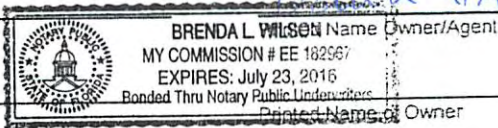
Property Address: 4100 W Fairfield H Drive, Pensacola FL 32506

Property Reference Number(s)/Legal Description: see attached
152530620009005

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: Danh VAN Tran Date: 8/2/12



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 August 20 12, by Danh Van Tran.

Personally Known OR Produced Identification . Type of Identification Produced: Florida Driver license

Signature of Notary: Brenda L. Wilson Printed Name of Notary: Brenda L. Wilson
(notary seal must be affixed)

FOR OFFICE USE ONLY

Meeting Date(s): PB - Accepted/Verified by: A. Cam Date: 8/2/12

Fees Paid: \$ 1,050⁰⁰ Receipt #: _____ Permit #: PRZ-120800021



Development Services Department
Escambia County, Florida

FOR OFFICE USE:

CASE #: Z-2012-21

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 15-25-30-6200-090-005

Property Address: 4100 W. Fairfield

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 _____ DAY OF _____, YEAR OF _____.

[Signature]
Signature of Property Owner

JANU TIRAN
Printed Name of Property Owner

8/2/12
Date

Signature of Property Owner

Printed Name of Property Owner

Date



Development Services Department
Escambia County, Florida

FOR OFFICE USE:
CASE #: Z-2012-21

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 4100 W. Fairfield Drive, Pensacola, FL
Florida, property reference number(s) 1525 306 2 000 9 005
I hereby designate Danh Tran 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 25th 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: Danh Tran Email: danhtran1969@yahoo.com

Address: 818 Christian Drive Phone: (850) 457-9323
Pensacola, FL 32506

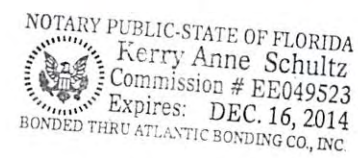
[Signature] Raymond Ayers 7/27/12
Signature of Property Owner Printed Name of Property Owner Date

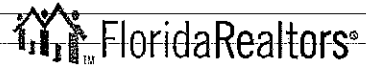
Signature of Property Owner Printed Name of Property Owner Date

STATE OF Florida COUNTY OF Santa Rosa
The foregoing instrument was acknowledged before me this 27th day of July 20 12.

by Raymond Ayers
Personally Known OR Produced Identification . Type of Identification Produced: _____

[Signature] Kerry Anne Schultz, Esquire (Notary Seal)
Signature of Notary Printed Name of Notary





Commercial Contract

1* 1. PARTIES AND PROPERTY: _____ TRAN, OANH _____ ("Buyer")

2* agrees to buy and _____ AYERS, RAYMOND _____ ("Seller")

3* agrees to sell the property as: Street Address: 4100 W FAIRFIELD DRIVE, PENSACOLA, FL 32505

4* _____

5* Legal Description: N 161 10/100 FT OF S 164 58/100 FT OF LT 9 BLK E 1ST ADDN TO OAKCREST OR 6349 P

6* 160 0B 3 P 44 OJ 28 P 849 STATE RD S-289-A R/W

7* and the following Personal Property: _____

8* _____

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

10* 2. PURCHASE PRICE: \$ _____ 75,000.00

11* (a) Deposit held in escrow by _____ TEENA COBB, ERA LEGACY REALTY \$ _____ 1,000.00
12 ("Escrow Agent") (checks are subject to actual and final collection)

13* Escrow Agent's address: _____ 31 HOFFMAN DRIVE, GULF BREEZE, FL 32561 Phone: _____ 850-501-5875

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

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

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

17* (e) Other _____ \$ _____

18 (f) All deposits will be credited to the purchase price at closing. Balance to close, subject
19* to adjustments and prorations, to be paid with locally drawn cashier's or official bank \$ _____ 74,000.00
20 check(s) or wire transfer.

21 3. TIME FOR ACCEPTANCE; EFFECTIVE DATE; COMPUTATION OF TIME: Unless this offer is signed by Seller
22* and Buyer and an executed copy delivered to all parties on or before _____ July 19, 2012 _____, this offer will be
23 withdrawn and the Buyer's deposit, if any, will be returned. The time for acceptance of any counter offer will be 3
24 days from the date the counter offer is delivered. The "Effective Date" of this Contract is the date on which the
25 last one of the Seller and Buyer has signed or initialed and delivered this offer or the final counter offer.
26 Calendar days will be used when computing time periods, except time periods of 5 days or less. Time periods of 5
27 days or less will be computed without including Saturday, Sunday, or national legal holidays. Any time period ending
28 on a Saturday, Sunday, or national legal holiday will extend until 5:00 p.m. of the next business day. Time is of the
29 essence in this Contract.

30 4. CLOSING DATE AND LOCATION:

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

36* Buyer (OT) () and Seller (R) (A) acknowledge receipt of a copy of this page, which is Page 1 of 8 Pages.

37* (b) Location: Closing will take place in ESCAMBIA County, Florida. (If left blank, closing
38 will take place in the county where the property is located.) Closing may be conducted by mail or electronic means.

39 **5. THIRD PARTY FINANCING:**

40* **BUYER'S OBLIGATION:** Within ____ days (5 days if left blank) after Effective Date, **Buyer** will apply for third party
41* financing in an amount not to exceed ____% of the purchase price or \$ _____, with a fixed interest rate
42* not to exceed ____% per year with an initial variable interest rate not to exceed ____%, with points or commitment
43* or loan fees not to exceed ____% of the principal amount, for a term of ____ years, and amortized over _____
44 years, with additional terms as follows:

45* **NO FINANCING CONTINGENCY**

46 **Buyer** will timely provide any and all credit, employment, financial and other information reasonably required by any
47* lender. **Buyer** will use good faith and reasonable diligence to (i) obtain Loan Approval within ____ days (45 days if
48 left blank) from Effective Date (Loan Approval Date), (ii) satisfy terms and conditions of the Loan Approval, and
49 (iii) close the loan. **Buyer** will keep **Seller** and Broker fully informed about loan application status and authorizes the
50 mortgage broker and lender to disclose all such information to **Seller** and Broker. **Buyer** will notify **Seller** immediately
51 upon obtaining financing or being rejected by a lender. **CANCELLATION:** If **Buyer**, after using good faith and
52* reasonable diligence, fails to obtain Loan Approval by Loan Approval Date, **Buyer** may within ____ days (3 days if left
53 blank) deliver written notice to **Seller** stating **Buyer** either waives this financing contingency or cancels this Contract.
54 If **Buyer** does neither, then **Seller** may cancel this Contract by delivering written notice to **Buyer** at any time
55 thereafter. Unless this financing contingency has been waived, this Contract shall remain subject to the
56 satisfaction, by closing, of those conditions of Loan Approval related to the Property. **DEPOSIT(S) (for purposes**
57 **of Paragraph 5 only):** If **Buyer** has used good faith and reasonable diligence but does not obtain Loan
58 Approval by Loan Approval Date and thereafter either party elects to cancel this Contract as set forth above or the
59 lender fails or refuses to close on or before the Closing Date without fault on **Buyer's** part, the Deposit(s) shall be
60 returned to **Buyer**, whereupon both parties will be released from all further obligations under this Contract, except for
61 obligations stated herein as surviving the termination of this Contract. If neither party elects to terminate this Contract
62 as set forth above or **Buyer** fails to use good faith or reasonable diligence as set forth above, **Seller** will be entitled to
63 retain the Deposit(s) if the transaction does not close.

64* **6. TITLE:** **Seller** has the legal capacity to and will convey marketable title to the Property by statutory warranty
65* deed other _____, free of liens, easements and encumbrances of record or
66 known to **Seller**, but subject to property taxes for the year of closing; covenants, restrictions and public utility
67 easements of record; existing zoning and governmental regulations; and (list any other matters to which title will be
68* subject) _____

69* _____
70 provided there exists at closing no violation of the foregoing and none of them prevents **Buyer's** intended use of the
71* Property as _____

72 **(a) Evidence of Title:** The party who pays the premium for the title insurance policy will select the closing agent
73* and pay for the title search and closing services. **Seller** will, at (check one) **Seller's** **Buyer's** expense and
74* within ____ days after Effective Date or at least 5 days before Closing Date deliver to **Buyer** (check one)
75* (i.) a title insurance commitment by a Florida licensed title insurer setting forth those matters to be
76 discharged by **Seller** at or before Closing and, upon **Buyer** recording the deed, an owner's policy in the amount
77 of the purchase price for fee simple title subject only to exceptions stated above. If **Buyer** is paying for the
78 evidence of title and **Seller** has an owner's policy, **Seller** will deliver a copy to **Buyer** within 15 days after
79 Effective Date.
80* (ii.) an abstract of title, prepared or brought current by an existing abstract firm or certified as correct by an
81 existing firm. However, if such an abstract is not available to **Seller**, then a prior owner's title policy acceptable
82 to the proposed insurer as a base for reissuance of coverage may be used. The prior policy will include copies
83 of all policy exceptions and an update in a format acceptable to **Buyer** from the policy effective date and
84 certified to **Buyer** or **Buyer's** closing agent together with copies of all documents recited in the prior policy and
85 in the update. If such an abstract or prior policy is not available to **Seller** then (i.) above will be the evidence of
86 title.

87 **(b) Title Examination:** **Buyer** will, within 15 days from receipt of the evidence of title deliver written notice to **Seller**
88 of title defects. Title will be deemed acceptable to **Buyer** if (1) **Buyer** fails to deliver proper notice of defects or

89* **Buyer** (OT) () and **Seller** (R) (A) acknowledge receipt of a copy of this page, which is Page 2 of 8 Pages.

90* (2) Buyer delivers proper written notice and Seller cures the defects within 15 days from receipt of the notice
91 ("Curative Period"). If the defects are cured within the Curative Period, closing will occur within 10 days from receipt
92 by Buyer of notice of such curing. Seller may elect not to cure defects if Seller reasonably believes any defect
93 cannot be cured within the Curative Period. If the defects are not cured within the Curative Period, Buyer will have
94 10 days from receipt of notice of Seller's inability to cure the defects to elect whether to terminate this Contract or
95 accept title subject to existing defects and close the transaction without reduction in purchase price.

96 (c) Survey: (check applicable provisions below)

97* (i.) Seller will, within 15 days from Effective Date, deliver to Buyer copies of prior surveys, plans,
98 specifications, and engineering documents, if any, and the following documents relevant to this transaction:

99* _____
100 prepared for Seller or in Seller's possession, which show all currently existing structures. In the event this
101 transaction does not close, all documents provided by Seller will be returned to Seller within 10 days from the
102 date this Contract is terminated.

103* Buyer will, at Seller's Buyer's expense and within the time period allowed to deliver and examine title
104 evidence, obtain a current certified survey of the Property from a registered surveyor. If the survey reveals
105* encroachments on the Property or that the improvements encroach on the lands of another, Buyer will
106* accept the Property with existing encroachments such encroachments will constitute a title defect to be
107 cured within the Curative Period.

108 (d) Ingress and Egress: Seller warrants that the Property presently has ingress and egress.

109 7. PROPERTY CONDITION: Seller will deliver the Property to Buyer at the time agreed in its present "as is"
110 condition, ordinary wear and tear excepted, and will maintain the landscaping and grounds in a comparable condition.
111 Seller makes no warranties other than marketability of title. In the event that the condition of the Property has
112 materially changed since the expiration of the Due Diligence Period, Buyer may elect to terminate the Contract and
113 receive a refund of any and all deposits paid, plus interest, if applicable. By accepting the Property "as is", Buyer
114 waives all claims against Seller for any defects in the Property. (Check (a) or (b))

115* (a) As Is: Buyer has inspected the Property or waives any right to inspect and accepts the Property in its "as is"
116 condition.

117* (b) Due Diligence Period: Buyer will, at Buyer's expense and within 45 days from Effective Date ("Due
118 Diligence Period"), determine whether the Property is suitable, in Buyer's sole and absolute discretion, for Buyer's
119 intended use and development of the Property as specified in Paragraph 6. During the Due Diligence Period,
120 Buyer may conduct any tests, analyses, surveys and investigations ("Inspections") which Buyer deems necessary
121 to determine to Buyer's satisfaction the Property's engineering, architectural, environmental properties; zoning and
122 zoning restrictions; flood zone designation and restrictions; subdivision regulations; soil and grade; availability of
123 access to public roads, water, and other utilities; consistency with local, state and regional growth management and
124 comprehensive land use plans; availability of permits, government approvals and licenses; compliance with
125 American with Disabilities Act; absence of asbestos, soil and ground water contamination; and other inspections
126 that Buyer deems appropriate to determine the suitability of the Property for Buyer's intended use and
127 development. Buyer will deliver written notice to Seller prior to the expiration of the Due Diligence Period of
128 Buyer's determination of whether or not the Property is acceptable. Buyer's failure to comply with this notice
129 requirement will constitute acceptance of the Property in its present "as is" condition. Seller grants to Buyer, its
130 agents, contractors and assigns, the right to enter the Property at any time during the Due Diligence Period for the
131 purpose of conducting Inspections; provided, however, that Buyer, its agents, contractors and assigns enter the
132 Property and conduct Inspections at their own risk. Buyer will indemnify and hold Seller harmless from losses,
133 damages, costs, claims and expenses of any nature, including attorneys' fees at all levels, and from liability to any
134 person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer will not engage
135 in any activity that could result in a mechanic's lien being filed against the Property without Seller's prior written
136 consent. In the event this transaction does not close, (1) Buyer will repair all damages to the Property resulting
137 from the Inspections and return the Property to the condition it was in prior to conduct of the Inspections, and
138 (2) Buyer will, at Buyer's expense release to Seller all reports and other work generated as a result of the
139 Inspections. Should Buyer deliver timely notice that the Property is not acceptable, Seller agrees that Buyer's
140 deposit will be immediately returned to Buyer and the Contract terminated.

141 (c) Walk-through Inspection: Buyer may, on the day prior to closing or any other time mutually agreeable to the

142* Buyer OT () and Seller R () acknowledge receipt of a copy of this page, which is Page 3 of 8 Pages.

143 parties, conduct a final "walk-through" inspection of the Property to determine compliance with this paragraph and
144 to ensure that all Property is on the premises.

145 **8. OPERATION OF PROPERTY DURING CONTRACT PERIOD:** Seller will continue to operate the Property and any
146 business conducted on the Property in the manner operated prior to Contract and will take no action that would
147 adversely impact the Property, tenants, lenders or business, if any. Any changes, such as renting vacant space, that
148* materially affect the Property or Buyer's intended use of the Property will be permitted only with Buyer's consent
149* without Buyer's consent.

150 **9. CLOSING PROCEDURE:** Unless otherwise agreed or stated herein, closing procedure shall be in accordance with
151 the norms where the Property is located.

152 (a) **Possession and Occupancy:** Seller will deliver possession and occupancy of the Property to Buyer at
153 closing. Seller will provide keys, remote controls, and any security/access codes necessary to operate all locks,
154 mailboxes, and security systems.

155 (b) **Costs:** Buyer will pay Buyer's attorneys' fees, taxes and recording fees on notes, mortgages and financing
156 statements and recording fees for the deed. Seller will pay Seller's attorneys' fees, taxes on the deed and
157 recording fees for documents needed to cure title defects. If Seller is obligated to discharge any encumbrance at or
158 prior to closing and fails to do so, Buyer may use purchase proceeds to satisfy the encumbrances.

159 (c) **Documents:** Seller will provide the deed; bill of sale; mechanic's lien affidavit; originals of those assignable
160 service and maintenance contracts that will be assumed by Buyer after the Closing Date and letters to each
161 service contractor from Seller advising each of them of the sale of the Property and, if applicable, the transfer of its
162 contract, and any assignable warranties or guarantees received or held by Seller from any manufacturer,
163 contractor, subcontractor, or material supplier in connection with the Property; current copies of the condominium
164 documents, if applicable; assignments of leases, updated rent roll; tenant and lender estoppels letters; tenant
165 subordination, non-disturbance and attornment agreements (SNDAs) required by the Buyer or Buyer's lender;
166 assignments of permits and licenses; corrective instruments; and letters notifying tenants of the change in
167 ownership/rental agent. If any tenant refuses to execute an estoppels letter, Seller will certify that information
168 regarding the tenant's lease is correct. If Seller is an entity, Seller will deliver a resolution of its Board of Directors
169 authorizing the sale and delivery of the deed and certification by the appropriate party certifying the resolution and
170 setting forth facts showing the conveyance conforms to the requirements of local law. Seller will transfer security
171 deposits to Buyer. Buyer will provide the closing statement, mortgages and notes, security agreements, and
172 financing statements.

173 (d) **Taxes and Prorations:** Real estate taxes, personal property taxes on any tangible personal property, bond
174 payments assumed by Buyer, interest, rents (based on actual collected rents), association dues, insurance
175 premiums acceptable to Buyer, and operating expenses will be prorated through the day before closing. If the
176 amount of taxes for the current year cannot be ascertained, rates for the previous year will be used with due
177 allowance being made for improvements and exemptions. Any tax proration based on an estimate will, at request
178 of either party, be readjusted upon receipt of current year's tax bill; this provision will survive closing.

179 (e) **Special Assessment Liens:** Certified, confirmed, and ratified special assessment liens as of the Closing Date
180 will be paid by Seller. If a certified, confirmed, and ratified special assessment is payable in installments, Seller will
181 pay all installments due and payable on or before the Closing Date, with any installment for any period extending
182 beyond the Closing Date prorated, and Buyer will assume all installments that become due and payable after the
183 Closing Date. Buyer will be responsible for all assessments of any kind which become due and owing after Closing
184 Date, unless an improvement is substantially completed as of Closing Date. If an improvement is substantially
185 completed as of the Closing Date but has not resulted in a lien before closing, Seller will pay the amount of the last
186 estimate of the assessment. This subsection applies to special assessment liens imposed by a public body and
187 does not apply to condominium association special assessments.

188 (f) **Foreign Investment in Real Property Tax Act (FIRPTA):** If Seller is a "foreign person" as defined by FIRPTA,
189 Seller and Buyer agree to comply with Section 1445 of the Internal Revenue Code. Seller and Buyer will
190 complete, execute, and deliver as directed any instrument, affidavit, or statement reasonably necessary to comply
191 with the FIRPTA requirements, including delivery of their respective federal taxpayer identification numbers or

192* Buyer (OT) () and Seller (R) () acknowledge receipt of a copy of this page, which is Page 4 of 8 Pages.

193 Social Security Numbers to the closing agent. If Buyer does not pay sufficient cash at closing to meet the
194 withholding requirement, Seller will deliver to Buyer at closing the additional cash necessary to satisfy the
195 requirement.

196 **10. ESCROW AGENT:** Seller and Buyer authorize Escrow Agent or Closing Agent (collectively "Agent") to
197 receive, deposit, and hold funds and other property in escrow and, subject to collection, disburse them in accordance
198 with the terms of this Contract. The parties agree that Agent will not be liable to any person for misdelivery of
199 escrowed items to Seller or Buyer, unless the misdelivery is due to Agent's willful breach of this Contract or gross
200 negligence. If Agent has doubt as to Agent's duties or obligations under this Contract, Agent may, at Agent's option,
201 (a) hold the escrowed items until the parties mutually agree to its disbursement or until a court of competent
202 jurisdiction or arbitrator determines the rights of the parties or (b) deposit the escrowed items with the clerk of
203 the court having jurisdiction over the matter and file an action in interpleader. Upon notifying the parties of such action,
204 Agent will be released from all liability except for the duty to account for items previously delivered out of escrow. If
205 Agent is a licensed real estate broker, Agent will comply with Chapter 475, Florida Statutes. In any suit in which Agent
206 interpleads the escrowed items or is made a party because of acting as Agent hereunder, Agent will recover
207 reasonable attorney's fees and costs incurred, with these amounts to be paid from and out of the escrowed items and
208 charged and awarded as court costs in favor of the prevailing party.

209 **11. CURE PERIOD:** Prior to any claim for default being made, a party will have an opportunity to cure any alleged
210 default. If a party fails to comply with any provision of this Contract, the other party will deliver written notice to the non-
211*complying party specifying the non-compliance. The non-complying party will have 5 days (5 days if left blank) after
212 delivery of such notice to cure the non-compliance. Notice and cure shall not apply to failure to close.

213 **12. RETURN OF DEPOSIT:** Unless otherwise specified in the Contract, in the event any condition of this Contract is
214 not met and Buyer has timely given any required notice regarding the condition having not been met, Buyer's deposit
215 will be returned in accordance with applicable Florida Laws and regulations.

216 **13. DEFAULT:**

217 (a) In the event the sale is not closed due to any default or failure on the part of Seller other than failure to make
218 the title marketable after diligent effort, Buyer may either (1) receive a refund of Buyer's deposit(s) or (2) seek
219 specific performance. If Buyer elects a deposit refund, Seller will be liable to Broker for the full amount of the
220 brokerage fee.

221 (b) In the event the sale is not closed due to any default or failure on the part of Buyer, Seller may either (1) retain
222 all deposit(s) paid or agreed to be paid by Buyer as agreed upon liquidated damages, consideration for the
223 execution of this Contract, and in full settlement of any claims, upon which this Contract will terminate or (2) seek
224 specific performance. If Seller retains the deposit, Seller will pay the Brokers named in Paragraph 20 fifty percent
225 of all forfeited deposits retained by Seller (to be split equally among the Brokers) up to the full amount of the
226 brokerage fee. If Buyer fails to timely place a deposit as required by this Contract, Seller may either (1) terminate
227 the Contract and seek the remedy outlined in this subparagraph or (2) proceed with the Contract without waiving
228 any remedy for Buyer's default.

229 **14. ATTORNEY'S FEES AND COSTS:** In any claim or controversy arising out of or relating to this Contract, the
230 prevailing party, which for purposes of this provision will include Buyer, Seller and Broker, will be awarded reasonable
231 attorneys' fees, costs, and expenses.

232 **15. NOTICES:** All notices will be in writing and may be delivered by mail, overnight courier, personal delivery, or
233 electronic means. Parties agree to send all notices to addresses specified on the signature page(s). Any notice,
234 document, or item given by or delivered to an attorney or real estate licensee (including a transaction broker)
235 representing a party will be as effective as if given by or delivered to that party.

236 **16. DISCLOSURES:**

237 (a) **Commercial Real Estate Sales Commission Lien Act:** The Florida Commercial Real Estate Sales
238 Commission Lien Act provides that a broker has a lien upon the owner's net proceeds from the sale of commercial
239 real estate for any commission earned by the broker under a brokerage agreement. The lien upon the owner's net

240* Buyer (OT) () and Seller (LD) acknowledge receipt of a copy of this page, which is Page 5 of 8 Pages.

241 proceeds is a lien upon personal property which attaches to the owner's net proceeds and does not attach to any
242 interest in real property. This lien right cannot be waived before the commission is earned.

243 (b) **Special Assessment Liens Imposed by Public Body:** The Property may be subject to unpaid special
244 assessment lien(s) imposed by a public body. (A public body includes a Community Development District.) Such
245 liens, if any, shall be paid as set forth in Paragraph 9(e).

246 (c) **Radon Gas:** Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in
247 sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that
248 exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon
249 and radon testing may be obtained from your county public health unit.

250 (d) **Energy-Efficiency Rating Information:** Buyer acknowledges receipt of the information brochure required by
251 Section 553.996, Florida Statutes.

252 **17. RISK OF LOSS:**

253 (a) If, after the Effective Date and before closing, the Property is damaged by fire or other casualty, Seller will bear
254 the risk of loss and Buyer may cancel this Contract without liability and the deposit(s) will be returned to Buyer.
255 Alternatively, Buyer will have the option of purchasing the Property at the agreed upon purchase price and Seller
256 will credit the deductible, if any and transfer to Buyer at closing any insurance proceeds, or Seller's claim to any
257 insurance proceeds payable for the damage. Seller will cooperate with and assist Buyer in collecting any such
258 proceeds. Seller shall not settle any insurance claim for damage caused by casualty without the consent of the
259 Buyer.

260 (b) If, after the Effective Date and before closing, any part of the Property is taken in condemnation or under the
261 right of eminent domain, or proceedings for such taking will be pending or threatened, Buyer may cancel this
262 Contract without liability and the deposit(s) will be returned to Buyer. Alternatively, Buyer will have the option of
263 purchasing what is left of the Property at the agreed upon purchase price and Seller will transfer to the Buyer at
264 closing the proceeds of any award, or Seller's claim to any award payable for the taking. Seller will cooperate with
265 and assist Buyer in collecting any such award.

266* **18. ASSIGNABILITY; PERSONS BOUND:** This Contract may be assigned to a related entity, and otherwise is
267* not assignable is assignable. If this Contract may be assigned, Buyer shall deliver a copy of the assignment
268 agreement to the Seller at least 5 days prior to Closing. The terms "Buyer," "Seller" and "Broker" may be singular or
269 plural. This Contract is binding upon Buyer, Seller and their heirs, personal representatives, successors and assigns
270 (if assignment is permitted).

271 **19. MISCELLANEOUS:** The terms of this Contract constitute the entire agreement between Buyer and Seller.
272 Modifications of this Contract will not be binding unless in writing, signed and delivered by the party to be bound.
273 Signatures, initials, documents referenced in this Contract, counterparts and written modifications communicated
274 electronically or on paper will be acceptable for all purposes, including delivery, and will be binding. Handwritten or
275 typewritten terms inserted in or attached to this Contract prevail over preprinted terms. If any provision of this Contract
276 is or becomes invalid or unenforceable, all remaining provisions will continue to be fully effective. This Contract will be
277 construed under Florida law and will not be recorded in any public records.

278 **20. BROKERS:** Neither Seller nor Buyer has used the services of, or for any other reason owes compensation to,
279 a licensed real estate Broker other than:

280* (a) **Seller's Broker:** ASSIST 2 SELL REAL ESTATE DARLENE SISTRUNK
281 (Company Name) (Licensee)
282* _____
283 (Address, Telephone, Fax, E-mail)

284* who is a single agent is a transaction broker has no brokerage relationship and who will be compensated
285* by Seller Buyer both parties pursuant to a listing agreement other (specify) _____

286* _____ PER MLS DATED JUNE 27, 2012

287* Buyer OT and Seller DA acknowledge receipt of a copy of this page, which is Page 6 of 8 Pages.

288* (b) Buyer's Broker: ERA LEGACY REALTY TEENA COBB
289 (Company Name) (Licensee)
290* 31 HOFFMAN DRIVE GULF BREEZE FL 32561@example.com
291 (Address, Telephone, Fax, E-mail)

292* who is a single agent is a transaction broker has no brokerage relationship and who will be compensated
293* by Seller's Broker Seller Buyer both parties pursuant to an MLS offer of compensation other (specify)

294*
295 (collectively referred to as "Broker") in connection with any act relating to the Property, including but not limited to
296 inquiries, introductions, consultations, and negotiations resulting in this transaction. Seller and Buyer agree to
297 indemnify and hold Broker harmless from and against losses, damages, costs and expenses of any kind, including
298 reasonable attorneys' fees at all levels, and from liability to any person, arising from (1) compensation claimed which is
299 inconsistent with the representation in this Paragraph, (2) enforcement action to collect a brokerage fee pursuant to
300 Paragraph 10, (3) any duty accepted by Broker at the request of Seller or Buyer, which is beyond the scope of
301 services regulated by Chapter 475, Florida Statutes, as amended, or (4) recommendations of or services provided and
302 expenses incurred by any third party whom Broker refers, recommends, or retains for or on behalf of Seller or Buyer.

303 21. OPTIONAL CLAUSES: (Check if any of the following clauses are applicable and are attached as an addendum to
304 this Contract):

- 305* Arbitration Seller Warranty Existing Mortgage
- 306* Section 1031 Exchange Coastal Construction Control Line Buyer's Attorney Approval
- 307* Property Inspection and Repair Flood Area Hazard Zone Seller's Attorney Approval
- 308* Seller Representations Seller Financing Other _____

309 22. ADDITIONAL TERMS:

- 310* CLOSING WITH FOUNTAIN, SHULTZ & ASSOCIATES IN PENSACOLA.
- 311* OFFER IS CONTINGENT UPON BUYERS SATISFACTORY RESULTS OF AN ENVIRONMENTAL STUDY.
- 312* BUYER MAY CANCEL BASED ON INSPECTION RESULTS.
- 313* OFFER IS CONTINGENT UPON ZONING ALL PROPERTY AS C-1 AND FOR THE PURPOSE OF BUILDING A
- 314* CONVENIENCE STORE.
- 315* SELLER STATES THAT PROPERTY IS ON SEWER, NOT SEPTIC.
- 316* OFFER IS CONTINGENT UPON PERFORMING DUE DILIGENCE TO DISCOVER IF ANY ENVIRONMENTAL
- 317* HAZARDS EXIST WITH RESPECT TO BUILDING. BUYER MAY CANCEL BASED ON INSPECTION RESULTS.
- 318* CLOSING TO BE HELD WITHIN 15 DAYS AFTER COMPLETION OF REZONING.
- 319* BUYER AND SELLER AGREE TO SPLIT THE COST OF SURVEY EQUALLY.
- 320* _____

321 THIS IS INTENDED TO BE A LEGALLY BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, SEEK THE
322 ADVICE OF AN ATTORNEY PRIOR TO SIGNING. BROKER ADVISES BUYER AND SELLER TO VERIFY ALL
323 FACTS AND REPRESENTATIONS THAT ARE IMPORTANT TO THEM AND TO CONSULT AN APPROPRIATE
324 PROFESSIONAL FOR LEGAL ADVICE (FOR EXAMPLE, INTERPRETING CONTRACTS, DETERMINING THE
325 EFFECT OF LAWS ON THE PROPERTY AND TRANSACTION, STATUS OF TITLE, FOREIGN INVESTOR
326 REPORTING REQUIREMENTS, ETC.) AND FOR TAX, PROPERTY CONDITION, ENVIRONMENTAL AND OTHER
327 ADVICE. BUYER ACKNOWLEDGES THAT BROKER DOES NOT OCCUPY THE PROPERTY AND THAT ALL
328 REPRESENTATIONS (ORAL, WRITTEN OR OTHERWISE) BY BROKER ARE BASED ON SELLER
329 REPRESENTATIONS OR PUBLIC RECORDS UNLESS BROKER INDICATES PERSONAL VERIFICATION OF
330 THE REPRESENTATION. BUYER AGREES TO RELY SOLELY ON SELLER, PROFESSIONAL INSPECTORS
331 AND GOVERNMENTAL AGENCIES FOR VERIFICATION OF THE PROPERTY CONDITION, SQUARE FOOTAGE
332 AND FACTS THAT MATERIALLY AFFECT PROPERTY VALUE.

333* Buyer (OT) () and Seller (LN) () acknowledge receipt of a copy of this page, which is Page 7 of 8 Pages.

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

DocuSigned by:
338* Oanh Tran
339 OANH TRAN

Date: 7/17/2012

340* OANH TRAN
341 (Typed or Printed Name of Buyer)

Tax ID No: _____

342* Title: _____

Telephone: _____

343* _____
344

Date: _____

345* _____
346 (Typed or Printed Name of Buyer)

Tax ID No: _____

347* Title: _____

Telephone: _____

348* Buyer's Address for purpose of notice: _____

349* Facsimile: _____

Email: _____

350* Raymond Ayers
351 RAYMOND AYERS

Date: 7/19/2012

352* RAYMOND AYERS
353 (Typed or Printed Name of Seller)

Tax ID No: _____

354* Title: _____

Telephone: _____

355* _____
356

Date: _____

357* _____
358 (Typed or Printed Name of Seller)

Tax ID No: _____

359* Title: _____

Telephone: _____

360* Seller's Address for purpose of notice: _____

361* Facsimile: _____

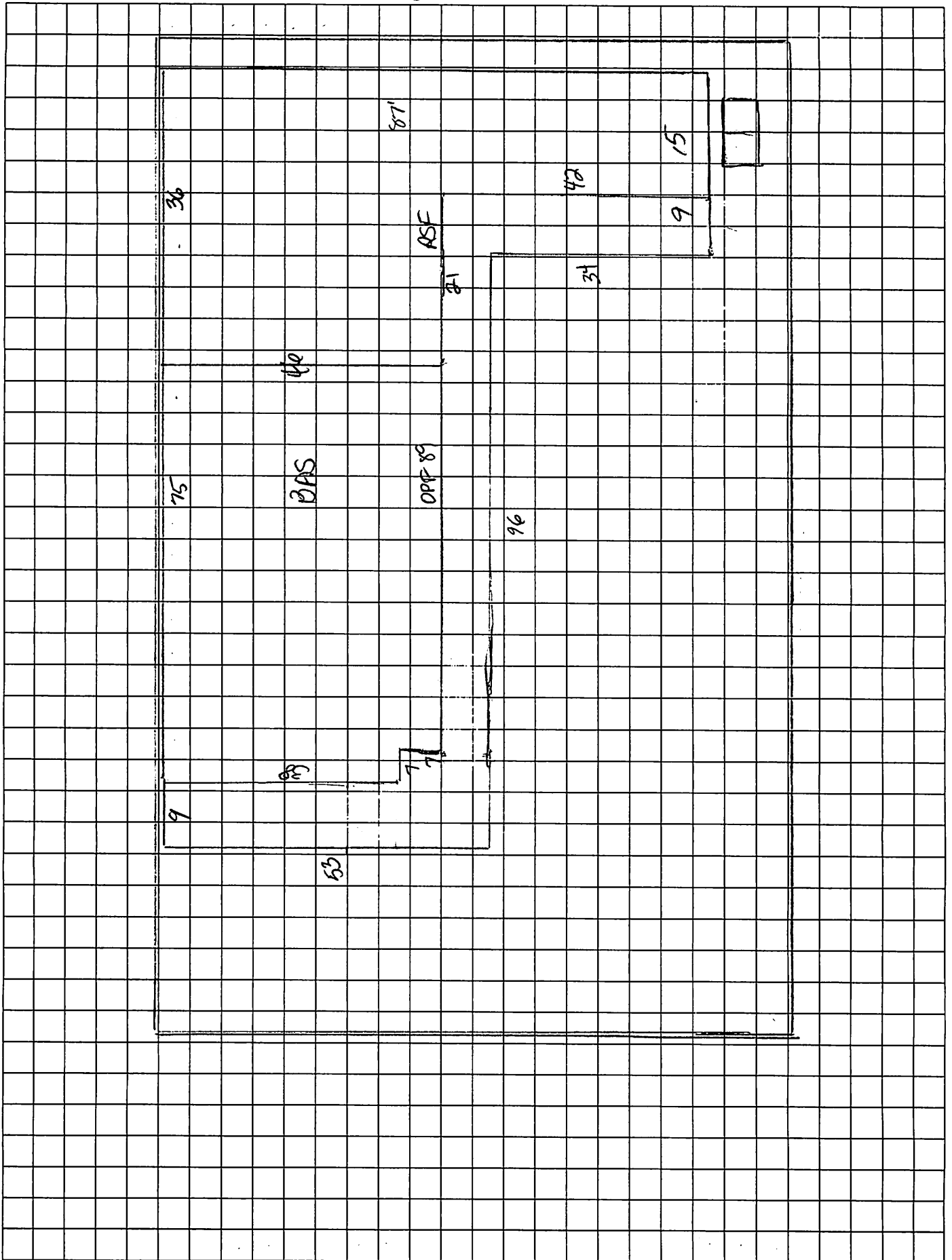
Email: _____

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362* Buyer OT and Seller (R) (A) acknowledge receipt of a copy of this page, which is Page 8 of 8 Pages.

100'

157.88'



Mayfair Grocery Future Site

4100 FAIRFIELD DR

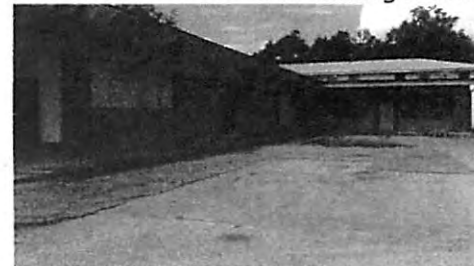
PENSACOLA, FL 32505

Price: \$79,900

MLS#: 414784p - CMS-BUS-
Area: (08) Northwest Pensacola
Name:
Address: 4100 FAIRFIELD DR
City: PENSACOLA
County: ESCAMBIA
Bldg SqFt: 5,576
Available Building SQFT: 26,404
\$/SqFt: 3.03
Zoning: C-1
Parcel ID: 152S306200009000005

Status: Active
Date Listed: 09/07/2011
Zip: 32505
Acreage: 0.35
Lot Dim:
Lot Front: 258
Lot Depth: 158
Off Class:

Click photo for additional media and enlargement



Directions: WEST ON FAIRFIELD, PROPERTY SITS ON THE RIGHT SIDE OF THE ROAD, ACROSS FROM THE OVER PASS
Prop Desc: GREAT LOCATION FOR A DAYCARE, LOUNGE, OR LAUNDRY/DRYING CLEANING

Lease Info:
Financing: n/a
Down Pymnt: **Loan Pymnt:** **Cash Flow:**
Gross Inc: **Ann. Exp:** **NOI:**
Cap Rate: %

AreaDesc:
AgntNotes: CALL LISTING AGENT FOR MORE INFORMATION -----> [Click here to report an inaccuracy on this listing <---](#)
TenantInfo:

Ind Clernce:	Ind Dock High:	Ind Grnd Lvl:
Ind Electric:	Ind Rail:	Ind Sprinkler:
SpecialSaleType: As Is	Lan Price/Acre:	Ret Anchors:
Mul Exp/Sqft:	Mul Exp Types:	Mul Exp/Unit:
Mul GRM:	Mul Num Unit:	Mul Price/Unit:
Mul Schd Inc:	Mul Vacancy:	Apx YrBlt: 1967
AssignOfIntrst: N	CntngncyRsn:	

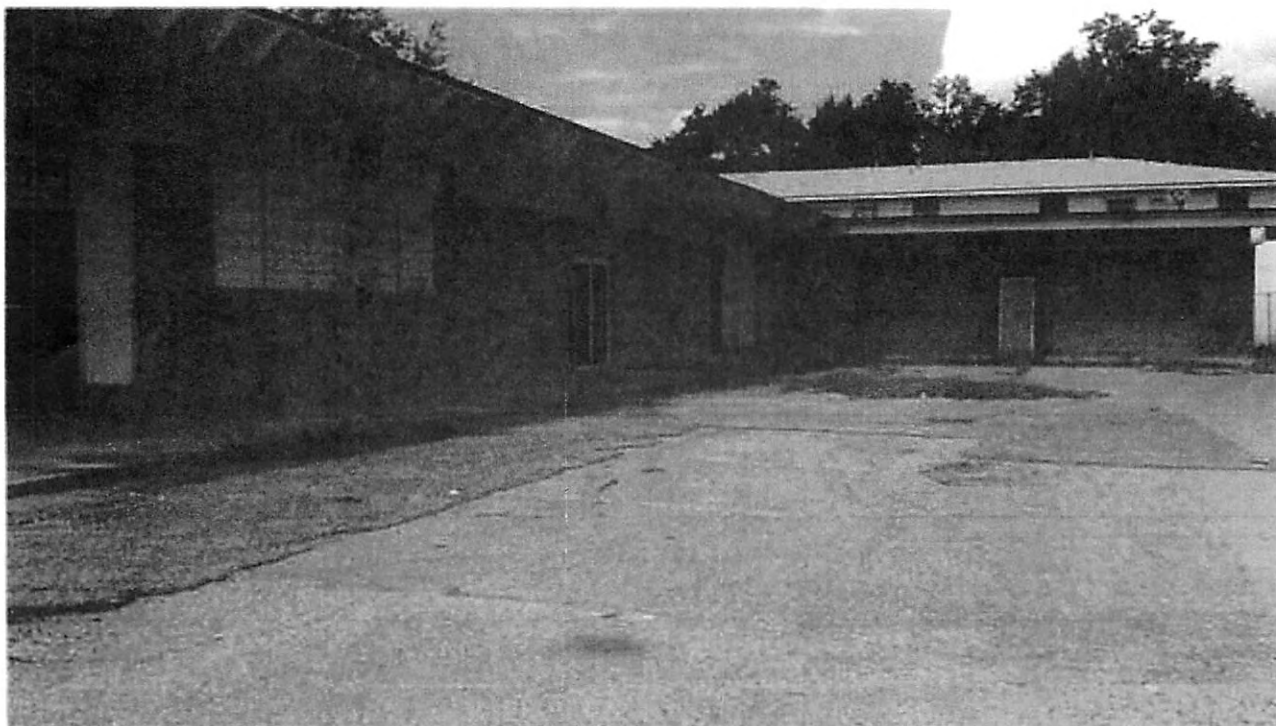
Type Use: Automotive, BeautyShop, Business, ChldCarCtr, CocktailLng, Gym/Health, Laundromat

List Agent: (9835) <u>DARLENE SISTRUNK</u>	Manner Comp Pd: Call for Details	Agency
List Office: (BSCR01) ASSIST 2 SELL REAL ESTATE	Comp: 2 %	
Co-Off: ()	Variable:	
Contacts:	Co-Agt: ()	

Office Phone Agent Cell Ph Office Fax
850-429-0100 850-380-1519 850-429-0190

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Prepared by TEENA COBB of ERA LEGACY REALTY on 7/13/2012 5:47:59 AM**

#414784 - 4100 FAIRFIELD DR, PENSACOLA, FL





Chris Jones
Escambia County
Property Appraiser

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.

Print Tool Copy Map Image

Use numeric selection labels **Record**
Search Download Selection Data (1 row)

Reference: 15-2S-30-6200-090-005
Account: 05-5765-000
Section Map: 15-2S-30-2
Situs: 4100 W FAIRFIELD DR
Subdivision:
OAKCREST 1ST ADDN PB 3 P 44 1ST ADDN RE S/D C
Owner: AYERS RAYMOND
Mailing Address:
5419 LODGE CREEK DR
HOUSTON, TX 77066
Last Sale: 3/9/2012, \$100
Property Use: STORE, 1 STORY
Approx. Acreage: 0.3300
Building Count: 1
Total Heated Area: 5576
Zoned: C-1;R-2

Include radius in selection (5280 ft)

Radius is used only with single parcel selection

Lookup Options: Auto Selected
Reference Nbr Lookup Results

Ex: 012N334444555666





Chris Jones

Escambia County Property Appraiser

[Back](#)



Navigate Mode **Account**

Reference



<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="6" style="text-align: left;">General Information</th> </tr> <tr> <td>Reference:</td> <td colspan="5">152S306200090005</td> </tr> <tr> <td>Account:</td> <td colspan="5">055765000</td> </tr> <tr> <td>Owners:</td> <td colspan="5">AYERS RAYMOND</td> </tr> <tr> <td>Mail:</td> <td colspan="5">5419 LODGE CREEK DR HOUSTON, TX 77066</td> </tr> <tr> <td>Situs:</td> <td colspan="5">4100 W FAIRFIELD DR 32505</td> </tr> <tr> <td>Use Code:</td> <td colspan="5">STORE, 1 STORY <input type="checkbox"/></td> </tr> <tr> <td>Taxing Authority:</td> <td colspan="5">COUNTY MSTU</td> </tr> <tr> <td>Tax Inquiry:</td> <td colspan="5">Open Tax Inquiry Window</td> </tr> <tr> <td colspan="6">Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector</td> </tr> </table>	General Information						Reference:	152S306200090005					Account:	055765000					Owners:	AYERS RAYMOND					Mail:	5419 LODGE CREEK DR HOUSTON, TX 77066					Situs:	4100 W FAIRFIELD DR 32505					Use Code:	STORE, 1 STORY <input type="checkbox"/>					Taxing Authority:	COUNTY MSTU					Tax Inquiry:	Open Tax Inquiry Window					Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector						<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">2011 Certified Roll Assessment</th> </tr> <tr> <td>Improvements:</td> <td style="text-align: right;">\$1,835</td> </tr> <tr> <td>Land:</td> <td style="text-align: right;">\$65,019</td> </tr> <tr> <td>Total:</td> <td style="text-align: right;">\$66,854</td> </tr> <tr> <td><u>Save Our Homes:</u></td> <td style="text-align: right;">\$0</td> </tr> <tr> <td colspan="2" style="text-align: center;">Disclaimer</td> </tr> <tr> <td colspan="2" style="text-align: center;">Amendment 1 Calculations</td> </tr> </table>	2011 Certified Roll Assessment		Improvements:	\$1,835	Land:	\$65,019	Total:	\$66,854	<u>Save Our Homes:</u>	\$0	Disclaimer		Amendment 1 Calculations	
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Buildings	
Building 1 - Address:4100 W FAIRFIELD DR, Year Built: 1967, Effective Year: 1967	
<p>Structural Elements</p> <p>FOUNDATION-SLAB ON GRADE</p> <p>EXTERIOR WALL- CONCRETE BLOCK</p> <p>NO. PLUMBING FIXTURES-8.00</p> <p>EXTERIOR WALL- BRICK-BLK.BKUP.</p> <p>ROOF FRAMING- CONCRETE</p> <p>ROOF COVER-BLT UP MTL/GYP</p> <p>STORY HEIGHT- 10.00</p> <p>NO. STORIES-1.00</p> <p>INTERIOR WALL- PANEL-PLYWOOD</p> <p>INTERIOR WALL- DRYWALL-PLASTER</p> <p>FLOOR COVER- TERRAZZO</p> <p>DECOR/MILLWORK- AVERAGE</p> <p>HEAT/AIR-CENTRAL H/AC</p> <p>STRUCTURAL FRAME-MASONRY PIL/STL</p>	<p>119</p>

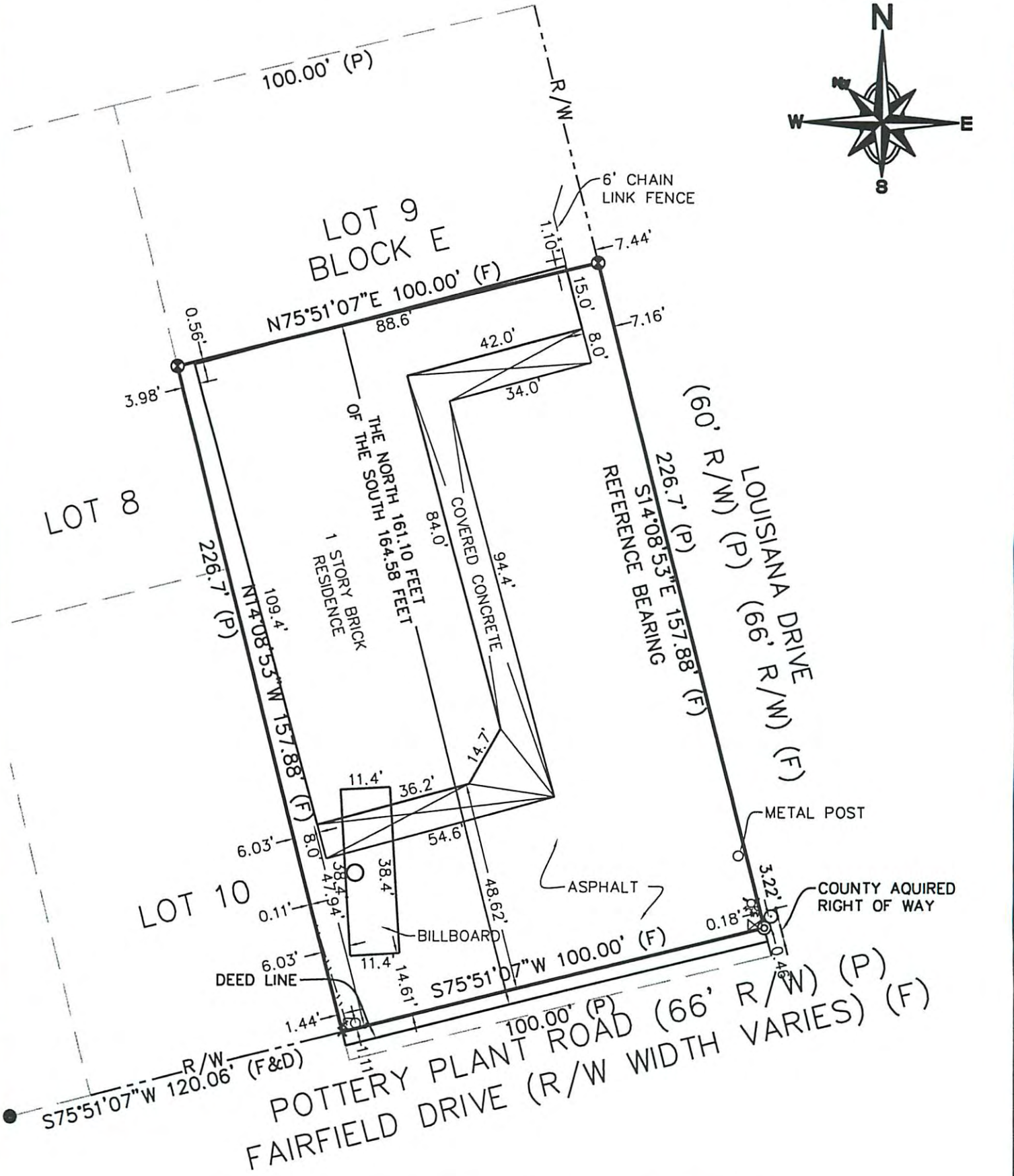


PREPARED FOR: OANH TRAN
 REQUESTED BY: TINA COBB ERA REALTY

JOB NO.: 10-18413-12
 DATE: JULY 30, 2012

PROPERTY ADDRESS: 4100 FAIRFIELD DRIVE

SCALE: 1"=30'



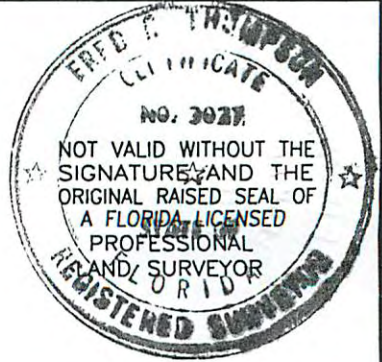
BOUNDARY SURVEY WITH IMPROVEMENTS

SHEET 1 OF 2 *MEASUREMENTS MADE TO UNITED STATES STANDARDS* P.C.: JR DRAFTED: JAS TYPED: JAS CHECKED: FRT

DESCRIPTION: SEE SHEET 2 OF 2
 SEC. 15, TWP. 1S, RGE. 30W, ESCAMBIA COUNTY, STATE OF FLORIDA.
 RECORDED O.R. BOOK 6349, PAGE 160. *THE ENCROACHMENTS ARE AS SHOWN*
 FIELD DATE: 7-27-12, FIELD BOOK: FRT6, PG. 52

NORTHWEST FLORIDA LAND SURVEYING, INC.
 FLORIDA CORPORATION NUMBER 7277
Fred R. Thompson 7/30/12
FRED R. THOMPSON PROFESSIONAL LAND SURVEYOR
 FLORIDA REGISTRATION NUMBER **3027** STATE OF FLORIDA

REVISIONS:





NORTHWEST FLORIDA LAND SURVEYING, INC.
 7142 BELGIUM CIRCLE
 Pensacola, FL 32528
 (850) 432-1052

A PROFESSIONAL SERVICE ORGANIZATION

REC'D AUG - 2 2012



PREPARED FOR: OANH TRAN
 REQUESTED BY: TINA COBB ERA REALTY

JOB NO.: 10-18413-12
 DATE: JULY 30, 2012

PROPERTY ADDRESS: 4100 FAIRFIELD DRIVE SCALE: 1"=30'

DESCRIPTION AS FURNISHED: (OFFICIAL RECORDS BOOK: 6349, PAGE: 160)
 THE NORTH 161.10 FEET OF THE SOUTH 164.58 FEET OF LOT 9, BLOCK E, OF 1ST ADDITION TO OAKCREST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 44, OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.

- GENERAL NOTES:
1. THE BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARING OF SOUTH 14 DEGREES 08 MINUTES 53 SECONDS EAST ALONG THE EAST LINE OF THE PROPERTY.
 2. THE SURVEY DATUM AS SHOWN HEREON IS REFERENCED TO THE DESCRIPTION AS FURNISHED AND TO EXISTING FIELD MONUMENTATION.
 3. NO TITLE SEARCH WAS PROVIDED TO NOR PERFORMED BY NORTHWEST FLORIDA LAND SURVEYING, INC., FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, STATE AND/OR FEDERAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY.
 4. THE PROPERTY AS SHOWN HEREON IS LOCATED IN FLOOD ZONE "X", BASE FLOOD ELEVATION N/A, AS DETERMINED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP OF ESCAMBIA COUNTY, FLORIDA (UNINCORPORATED AREAS), MAP NUMBER 12033C 0370 G, REVISED SEPTEMBER 29, 2006.
 5. THIS SURVEY DOES NOT DETERMINE OWNERSHIP.
 6. THIS SURVEY MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.050 - 5J-17.173052 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 7. THE MEASUREMENTS AS SHOWN HEREON WERE MADE TO UNITED STATES STANDARDS.
 8. THE MEASUREMENTS OF THE BUILDINGS AND/OR FOUNDATIONS SHOWN HEREON DO NOT INCLUDE CONCRETE FOOTERS OR EAVE OVERHANGS.
 9. FENCE LOCATIONS SHOWN HEREON MAY BE EXAGGERATED AND NOT TO SCALE FOR CLARITY PURPOSES
 10. FEDERAL AND STATE COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOT TO BE COPIED OR REPRODUCED IN WHOLE OR PART AND IS NOT TO BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM, WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER, FRED R. THOMPSON, AND IS TO BE RETURNED TO OWNER UPON REQUEST.
 11. THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL HARD COPY ISSUED ON THE SURVEY DATE WITH A RAISED SEAL TO INSURE THE ACCURACY OF THE INFORMATION AND TO FURTHER INSURE THAT NO CHANGES, ALTERATIONS OR MODIFICATIONS HAVE BEEN MADE. NO RELIANCE SHOULD BE MADE ON A DOCUMENT TRANSMITTED BY COMPUTER OR OTHER ELECTRONIC MEANS UNLESS FIRST COMPARED TO THE ORIGINAL SIGNED AND SEALED DOCUMENT.
 12. THIS SURVEY MAY BE SUBJECT TO ADDITIONAL REQUIREMENTS BY COUNTY, STATE OR OTHER AGENCIES.
 13. ENCROACHMENTS ARE AS SHOWN.

- DENOTES:
- ⊕ ~ 1/2" CAPPED IRON ROD, NUMBERED 7277 (PLACED)
 - ⊙ ~ NAIL AND DISK, NUMBERED 7277 (PLACED)
 - ~ NAIL AND DISK, UNNUMBERED (FOUND)
 - x ~ "x" SCRIBED IN CONCRETE (FOUND)
 - (P) ~ PLATTED INFORMATION
 - (F) ~ FIELD INFORMATION
 - R/W ~ RIGHT OF WAY
 - SEC. ~ SECTION
 - TWP. ~ TOWNSHIP
 - RGE. ~ RANGE
 - O.R. ~ OFFICIAL RECORD
 - PG. ~ PAGE

CERTIFICATIONS:
 FOUNTAIN, SCHULTZ & ASSOCIATES, P.L.
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
 OANH TRAN

BOUNDARY SURVEY WITH IMPROVEMENTS

SHEET 2 OF 2 *MEASUREMENTS MADE TO UNITED STATES STANDARDS* P.C.: JR DRAFTED: JAS TYPED: JAS CHECKED: FRT

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NORTHWEST FLORIDA LAND SURVEYING, INC.
 FLORIDA CORPORATION NUMBER 7277

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

REVISIONS:



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

RECEIPT

Receipt No. : **560585**

Date Issued. : 08/02/2012

Cashier ID : VHOWENS

Application No. : PRZ120800021

Project Name : Z-2012-21

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	2151	\$1,050.00	App ID : PRZ120800021
		\$1,050.00	Total Check

Received From : OANH TRAN

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

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PRZ120800021	653455	1,050.00	\$0.00	4100 W FAIRFIELD DR, PENSACOLA, FL, 32505

Total Amount :	1,050.00	\$0.00	Balance Due on this/these Application(s) as of 8/2/2012
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Development Services Department
Escambia County, Florida

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

15-25-30-6200-090-005
Property Reference Number

Danh Tran (850) 221-2892
Name danhtran1969@yahoo.com

4100 W. Fairfield Dr
Address

Teena Cobb (850) 501-5875
 Owner Agent teena.cobb@gmail.com
Referral Form Included? Y/N

MAPS PREPARED

- Zoning
- FLU
- Aerial
- Other: _____

PROPERTY INFORMATION

Current Zoning: R-2/C-1 Size of Property: .33 +/-
 Future Land Use: C Commissioner District: _____
 Overlay/AIPD: N/A Subdivision: Mayfair Oakrest
 Redevelopment Area*: N/A

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

COMMENTS

Desired Zoning: C-1

Is Locational Criteria applicable? yes If so, is a compatibility analysis required? no

Applicant wishes to purchase property once rezoning is approved to C-1. Majority of parcel is C-1 + wishes to rezone R-2 portion to C-1.

PB Meeting Sept 10th. Deadline August 2nd
BCC Meeting Oct. 4th

- 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: 7/23/12

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.

SAVAGE RONNIE M
1016 TORTUGA DR
PENSACOLA FL 32534

FLOWERS DEBRA
9658 WATERSHED DR
JACKSONVILLE FL 32220

BOYKINS GARRY SEAN
1806 N BARCELONA ST
PENSACOLA FL 32501

HSU KURTIS
575 W RINCON AVE
CAMPBELL CA 95008

ODOM CHARLOTTE
201 TENNESSEE DR
PENSACOLA FL 32505

OWENS DOROTHY DIANE
5622 ESPERANTO DR
PENSACOLA FL 32526

FREEMAN DOROTHY JAMES
1858 BROYHILL LANE
PENSACOLA FL 32526

BRICKER RANDY LLC
207 TENNESSEE DR
PENSACOLA FL 32505

NGUYEN TRI SI & TUYET THI
1007 N 69TH AVE
PENSACOLA FL 32506

HIBBS EMMA J
213 TENNESSEE DR
PENSACOLA FL 32505

TIMBROOK MICHAEL D
4116 W FAIRFIELD DR
PENSACOLA FL 32505

WILLIAMS EUNICE
309 N 57TH AVE
PENSACOLA FL 32506

WILLIAMS JANE E
12 WYOMING ST
PENSACOLA FL 32505

JACKSON LANDING PROPERTIES LLC
309 GEORGIA DR
PENSACOLA FL 32505

BRADLEY JOISE A
10 WYOMING ST
PENSACOLA FL 32506

WATSON CHRISTOPHER S
PO BOX 34474
PENSACOLA FL 32507-4474

CORN RICHARD D & MARY A
205 EARL CT
PENSACOLA FL 32507

BATCHELOR CHARLES W & ELIZABETH V
2500 FARRIS AVE
PENSACOLA FL 32526

MCCLLOUD DIANA V
6 WYOMING ST
PENSACOLA FL 32505

JOHN ALLEN INVESTMENT GROUP LLC
977 CRIMSON HEIGHTS CT
FORT WALTON BEACH FL 32547

HAY RONNIE D & NEPPIE B
9538 TOWER RIDGE RD
PENSACOLA FL 32526

DIXON JOSPEH D
9101 CARIBBEAN DR
PENSACOLA FL 32506

MACPHERSON TERESA K
204 TENNESSEE DR
PENSACOLA FL 32505

COX JAMES H IV & CHARLOTTE A
3325 ADRIAN RD
PENSACOLA FL 32504

SCRUGGS CARL J & ANNA E
1918 W BELMONT ST
PENSACOLA FL 32501

MCPHAUL CLAYTON H
5620 CERNY RD
PENSACOLA FL 32526

COWAN ELIZABETH KAY
3 NEVADA CIR
PENSACOLA FL 32505

ROZIER JACKIE
PO BOX 3719
PENSACOLA FL 32516-3719

CATTELL EULA M
1150 BRONSON RD
PENSACOLA FL 32506

REDDING KENNETH GREGORY JR
437 TAMPICO WAY
PENSACOLA FL 32506-6029

HERRING TOMMY N
3 NEW YORK DR
PENSACOLA FL 32505

ROBINSON ANTHONY T
11730 S WENTWORTH AVE
CHICAGO IL 60628

SHARPE KATHY A
5 WYOMING ST
PENSACOLA FL 32505

THOMPSON SUE ANN
3552 PINE FOREST RD
CANTONMENT FL 32533

YOUSEF HASHEM R
7101 JOY ST H6
PENSACOLA FL 32504

MERCHANT BRIAN D
5 NEW YORK DR
PENSACOLA FL 32505

GILCHRIST DAVID H
7 KENTUCKY DR
PENSACOLA FL 32505

SHUFORD THOMAS & SHARON
7185 SCHWAB DR
PENSACOLA FL 32504

KNAPP LEONARD A
7 WYOMING ST
PENSACOLA FL 32505

SHANNON EMMA
9 KENTUCKY DR
PENSACOLA FL 32505

CHIEFS ENDEAVORS LLC
PO BOX 4634
PENSACOLA FL 32507

BROWN JAMES E
101 KENTUCKY DR
PENSACOLA FL 32507

TRIPP DEBORAH J
11 WYOMING DR
PENSACOLA FL 32505

FREE SAMMIE E & JACQUELINE
103 KENTUCKY DR
PENSACOLA FL 32505

AYERS RAYMOND
5419 LODGE CREEK DR
HOUSTON TX 77066

BROWN VINCENT L
PO BOX 33237
PENSACOLA FL 32508

THIERGART OTTO E & LOIS B
9195 GULF BEACH HWY
PENSACOLA FL 32507

DATU FEDERICO I & CRISTINA M
4108 W FAIRFIELD DR
PENSACOLA FL 32505

DUVAL ANN L
8401 BRIESE LN
PENSACOLA FL 32514

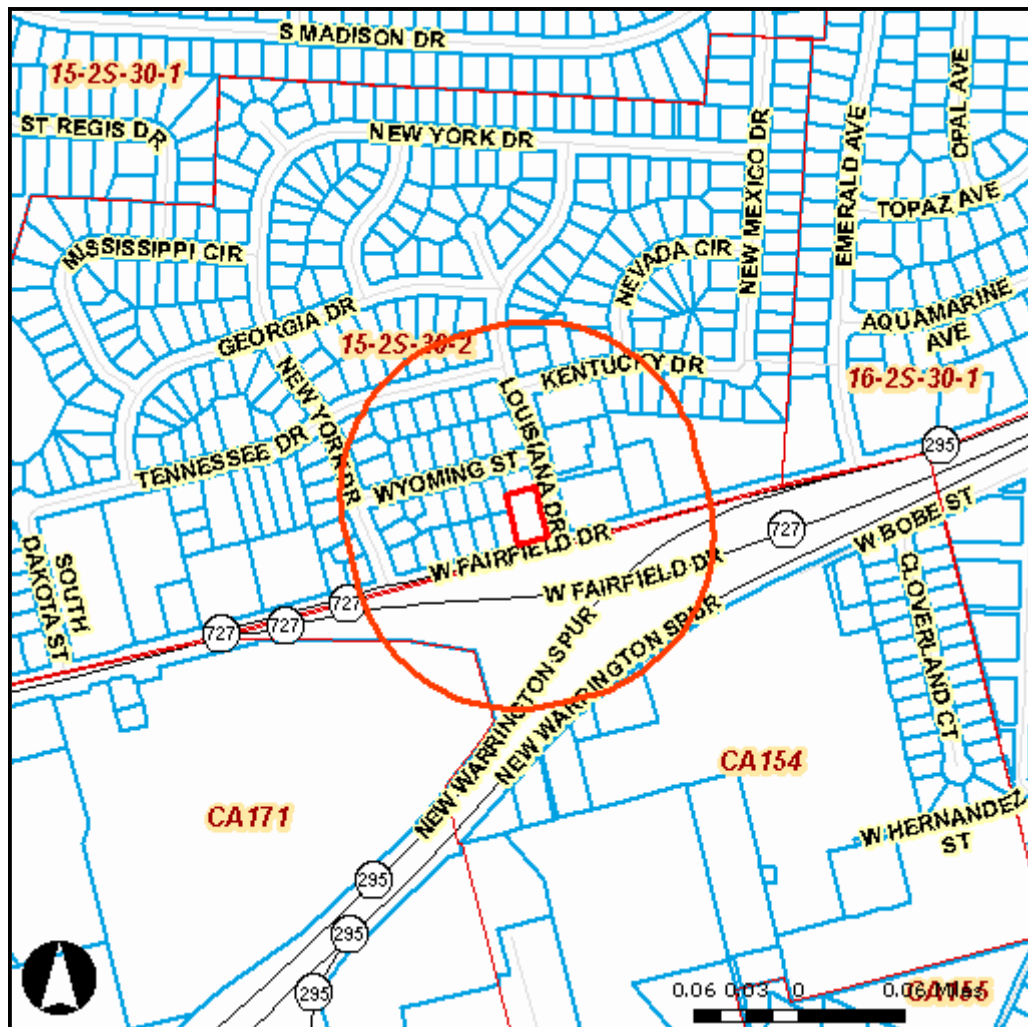
GLORY TO GOD
4000 W FAIRFIELD DR
PENSACOLA FL 32505

SALTER WILLIAM O & HELEN M
PO BOX 422
MILTON FL 32572

DELUNA MOBILE HOME PARK LLC
4005 W BOBE ST
PENSACOLA FL 32505

LOWES HOME CENTERS INC
ATTN TAX DEPT 1ETA (1142)
PO BOX 1000
MOORESVILLE NC 28115

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. E.

Meeting Date: 09/10/2012

CASE : Z-2012-20

APPLICANT: Jesse W. Rigby, Agent for
Pensacola Christian College

ADDRESS: 120 Cummings Rd, 100
Oleander St, 107 Oleander
St, 111 Oleander St, 115
Oleander St

PROPERTY REF. NO.: 35-1S-30-9000-000-015
35-1S-30-9002-003-005
35-1S-30-9002-006-005
35-1S-30-9002-009-005
35-1S-30-9002-004-005
35-1S-30-9000-000-015

FUTURE LAND USE: MU-U, Mixed Use Urban

DISTRICT: 3

OVERLAY AREA: NA

BCC MEETING DATE: 10/04/2012

SUBMISSION DATA:

REQUESTED REZONING:

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

TO: R-4, Multiple-Family District, (cumulative), Medium-High Density (18 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 2.1.2 Compact Development. To promote compact development, FLUM amendments and residential rezonings to allow higher residential densities may be allowed in the Mixed-Use Urban (MU-U) and Mixed-Use Suburban (MU-S) future land use categories.

FINDINGS

The proposed amendment **is consistent** with the intent of **CPP FLU 1.5.3** as it does promote the efficient use of existing public roads, utilities and service infrastructure and to maximize the use development densities within the FLU category. The proposed amendment is listed as a permitted use under the FLU Mixed-Use Urban. The proposed amendment to R-4 **is consistent** with the intent and purpose of Future Land Use category Mixed-Use Urban (MU-U) as stated in **CPP FLU 1.3.1** and **it does** support the principles of infill development while still maintaining the residential nature of the surrounding areas.

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

6.05.07. R-2 single-family district (cumulative), low-medium density.

Intent and purpose of district. 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.

6.05.11. R-4 multiple-family district, (cumulative) medium high density.

Intent and purpose of district. This district is intended to provide for the development of medium high density residential uses and structures. This land use is designed to encourage the efficient use of land and maintain a buffer between lower density residential and business, commercial and industrial districts. The maximum density is 18 dwelling units per acre. Refer to article 11 for uses, heights and densities allowed in R-4, multiple-family areas located in the Airport/Airfield Environs. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with R-3 zoning located in the RA-1(OL) Barrancas Redevelopment Area

Overlay District.

B. Permitted uses.

1. Any use permitted in the R-3 district.
2. Multifamily dwellings. If in a Commercial Future Land Use Category, new residential uses are only permitted as part of a predominantly commercial development in accordance with Comprehensive Plan Policy 7.A.4.7.g.
3. Boarding and lodging houses.
4. Community residential home.
5. Kindergartens, child care centers and foster care centers.
6. Nursing homes, retirement homes, convalescent homes, adult congregate living facilities, and similar uses, except in the Coastal High Hazard Area (CHHA) future land use categories.

C. Conditional uses.

1. Any conditional use allowed in the R-3 districts.
2. Hospitals, except in the Coastal High Hazard Area (CHHA) future land use categories, and clinics, except animal hospitals and veterinary clinics.
3. Dormitories, fraternity and sorority houses.
4. Retail/office/service type commercial uses when such uses are part of a multistory structure and is accessory to the predominant residential use of such structure.

Land Development Code (LDC) 2.08.02.D.7.b Quasi-judicial rezonings. The proposed rezoning will constitute "spot zoning," that is an isolated zoning district that may be incompatible with the adjacent and nearby zoning districts and uses, or as spot zoning is otherwise defined by Florida law; The proposed amendment is consistent with the intent and purpose of the Land Development Code.

LDC 7.01.06. Buffering between zoning districts and uses.

- A. Zoning districts. The following spatial relationships between zoning districts require a buffer:
2. AMU-1, AMU-2, R-4, R-5, R-6, V-4, VM-1, or VM-2 districts, where they are adjacent to single-family or two-family districts (RR, SDD, R-1, R-1PK, R-2, R-2PK, R-3, V-1, V-2, V-2A, V-3, V-5, VR-1, VR-2).

FINDINGS

Staff agrees with the applicant that the proposed amendment **does not** constitute spot zoning; the proposed uses appear to be compatible with the residential nature of the surrounding properties and will provide transition from higher residential and commercial uses to lower use densities. Buffering requirement will apply, as stated in (LDC 7.01.06); further review during the site plan review process will be needed to ensure the buffering requirements and other performance standards have been met, should this amendment to R-4 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 C-1, R-2 and R-3, as reflected in the Existing Land Use map.

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 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.

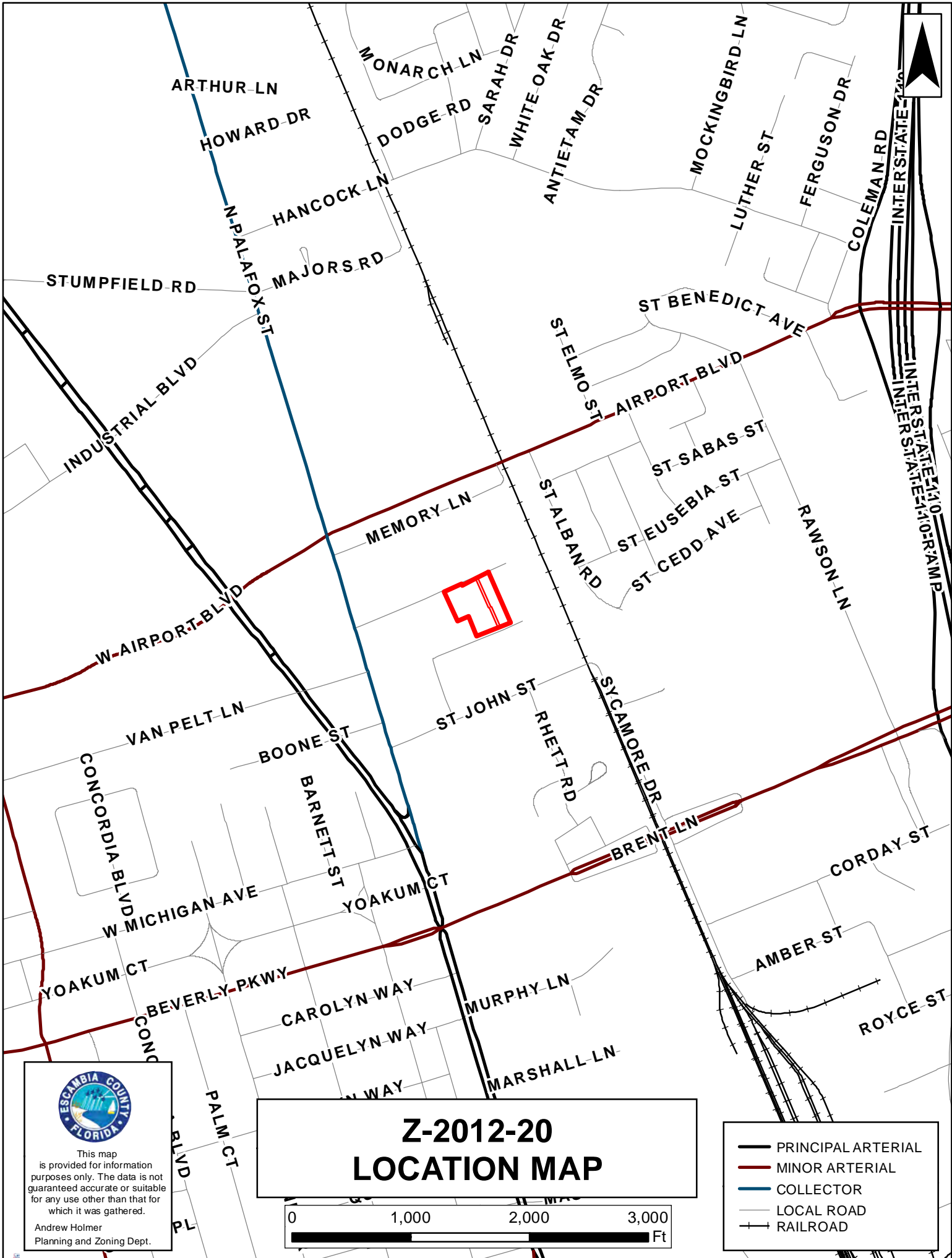
FINDINGS

The proposed amendment **would result** in a logical and orderly development pattern. The proposed rezoning would provide a physical buffer between areas of low density residential, R-2 from areas of commercial high density and intensity C-1, to the South, hence creating a transition area between the zoning districts.

Attachments

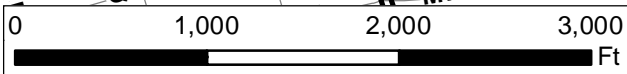
Z-2012-20


Z-2012-20



Z-2012-20 LOCATION MAP

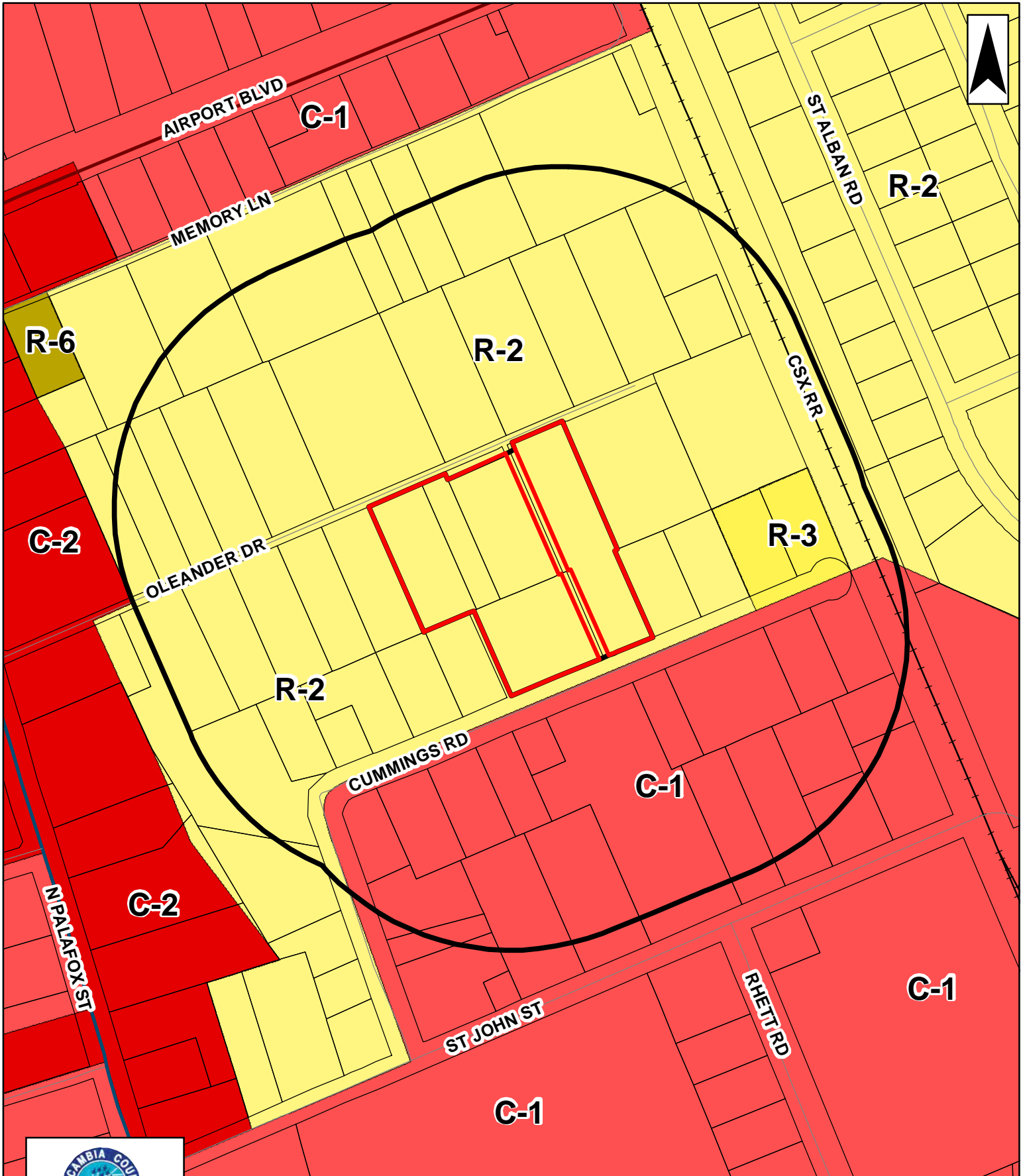

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD





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

Andrew Holmer
Planning and Zoning Dept.










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-2012-20
500' RADIUS ZONING



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



AIRPORT.BLV

MEMORY.LN

ST ALBAN RD

MU-U

MU-U

CSX.RR

OLEANDER DR

MU-U

MU-U

CUMMINGS RD

MU-U

N. PALAFOX ST

ST JOHN ST

RHETT RD

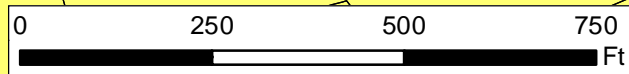
MU-U



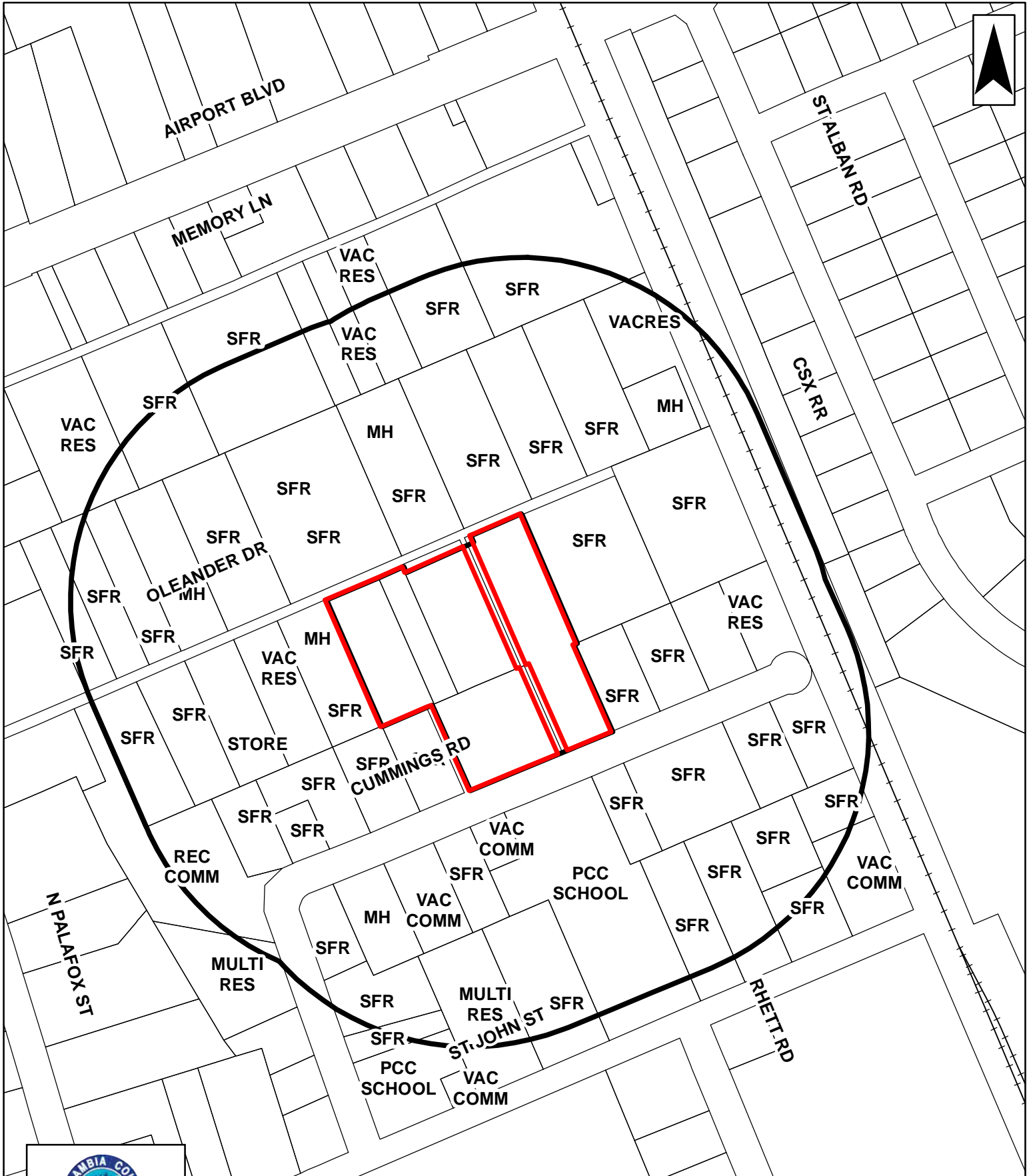
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2012-20 FUTURE LAND USE



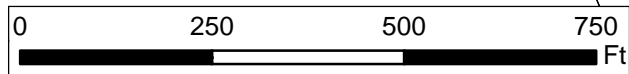
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS





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

Andrew Holmer
Planning and Zoning Dept.

Z-2012-20 EXISTING LAND USE



 RAILROAD
 PARCELS



OLEANDER DR

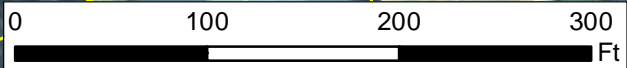
CUMMINGS RD



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-2012-20 AERIAL MAP



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



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2012-2001

CURRENT ZONING: R-2 PROPOSED ZONING: R-4

REZONING HEARING EXAMINER

DATE: 9/10/12 TIME: 0830 a.m
OVERFLOW TIME:

LOCATION OF HEARING
ESCAMBIA COUNTY COURTHOUSE
221 PALAFOX PLACE
3RD FLOOR BOARD ROOM
1ST Floor Mtg Room

BOARD OF COUNTY COMMISSIONERS

DATE: 10/4/12 TIME: 5:45 pm

LOCATION OF HEARING
ESCAMBIA COUNTY COURTHOUSE
221 PALAFOX PLACE
1ST FLOOR BCC CHAMBERS

FOR MORE INFORMATION ABOUT THIS CASE PLEASE CALL
THE PLANNING AND ENGINEERING DEPARTMENT 595-3475
OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY



Looking East from subject property



Looking Northeast



Looking Northwest



Looking South



Looking Southeast onto subject parcel



Looking southwest onto parcel



Looking west

CLARK PARTINGTON HART
LARRY BOND & STACKHOUSE

ATTORNEYS AT LAW

Pensacola • Destin • Tallahassee

Jesse W. Rigby
Direct (850) 434-3282
jrigby@cphlaw.com

August 1, 2012

Mr. Wayne Briske, Chairman
Escambia County Planning Board
3363 West Park Place
Pensacola, FL 32505

Re: Pensacola Christian College, Inc. – Rezoning Application

Dear Chairman Briske and Planning Board Members:

I represent Pensacola Christian College, Inc. ("PCC") with respect to this request to rezone five parcels of property from R-2 to R-4 (multiple-family district, medium high density). The five properties are identified by the property appraiser with separate property reference numbers. The five properties are owned by PCC and should be developed as one parcel. PCC's deeds to the five properties are also forwarded with the list of properties subject to the rezoning application. The combined size of the five parcels is approximately 3.7 acres. The list of properties is attached to this letter as Exhibit A. Exhibit B is a boundary survey of the combined parcels.

I have reviewed maps from the Escambia County GIS website to determine the zoning and future land use designation, but I have not printed the maps because I know County staff will provide the appropriate maps to you as part of the standard rezoning package.

PCC's intent is to develop the five parcels as a single development, for the purpose of providing rental housing for PCC staff members. PCC has developed similar rental housing in the past and plans to use it's very attractive existing architectural design that has proven successful. In general terms, the prior development can be described as a townhouse concept, but the units are rented by PCC to staff members.

I will address the six criteria at issue for a rezoning application.

125 West Romana Street • Suite 800 • Pensacola, Florida 32502
P.O. Box 13010 • Pensacola, Florida 32591-3010
Phone (850) 434-9200 • Fax (850) 432-7340
www.cphlaw.com

Consistency with the Comprehensive Plan:

The proposed zoning change is consistent with the Comprehensive Plan. The properties are located in the MU-U (mixed use urban) future land use category. This category is intended for an intense mix of residential and non-residential uses, while promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole. The maximum allowed density is 25 units per acre. The MU-U land use category supports R-4 zoning.

Consistency with the Code:

The intended multi-family residential development is a permitted use within the R-4 district. The proposed zoning change is NOT in conflict with any portion of the LDC and is consistent with the stated purpose and intent of the LDC.

Section 6.00.01, LDC, provides the legislative intent for residential districts. This rezoning application satisfies and is in compliance with the eight general goals listed in Section 6.00.01.

Section 6.05.11 describes the R-4 district. In general terms, the intent of the district is to provide for the development of medium high density residential uses and structures. The land use is designed to encourage the efficient use of land and to maintain a buffer between lower density residential and business, commercial and industrial districts. The maximum density is 18 dwelling units per acre.

PCC does not require development density that approaches 18 units per acre, and in fact, could meet its development needs with R-3 density; however, the intended use of the property is for multi-family dwellings, which may not be appropriate for the R-3 district.

R-4 zoning for the parcels at issue will provide efficient use of PCC property that is close to the PCC campus. It will also maintain a buffer between lower density residential uses to the north, west and east of the property, and the commercial uses to the south and immediately across Cummings Road. There is also extensive commercial development a short distance to the west of the property (within a commercial land use category) and a railroad industrial use a short distance to the east of the property. The residential use desired by PCC is consistent with the neighboring residential uses and provides buffering of the lower density residential uses from nearby higher intensity commercial and industrial uses.

Spot-zoning is defined in LDC § 2.08.02.D.7.b. The Code provides that spot zoning may, under appropriate circumstances, cause the County Commission to reject a rezoning request. The LDC defines spot zoning as "an isolated zoning district that may be incompatible with the adjacent and nearby zoning district in uses, or as spot zoning is otherwise defined by Florida law." Several factors demonstrate that this request does not constitute spot zoning as defined by Florida law, although it is not adjacent to existing R-4 zoning. However, it is adjacent to C-1 zoning to the south.

The first fact that demonstrates the absence of spot zoning is the acreage to be rezoned. The application is for approximately 3.7 acres. Reported Florida court cases addressing spot zoning have been limited to smaller parcels located within an area of quite inconsistent zoning. In this instance, R-4 is a residential district that is compatible with the R-2 and R-3 uses in the relative proximity to the property.

The classic Florida spot zoning case is *Bird-Kendall Homeowners Ass'n. v. Metropolitan Dade County Board of County Commissioners*, 695 So. 2d 908 (Fla. 3rd DCA 1997). The condemned rezoning was of a 0.23 acre parcel from an agricultural use to a business use so the owner could operate a feed store. The minimum lot size in the agricultural district was 5.0 acres. The court noted that spot zoning is the name given to the piecemeal rezoning of small parcels of land to a greater density, leading to disharmony with the surrounding area. "In characterizing the elements of spot zoning, a spot zoning challenge typically involves the examination of the following:

- 1) The size of the spot;
- 2) The compatibility with the surrounding area;
- 3) The benefit to the owner; and
- 4) The detriment to the immediate neighborhood."

695 So. 2d 910. While the requested rezoning will provide benefit to my client, the size of the "spot" is large, the intended use is compatible with the surrounding area, and there is no detriment to the immediate neighborhood. In summary, spot zoning is not an actual issue in this rezoning application.

Compatibility with Surrounding Uses:

The existing uses to the east, north and west are a mixture of relatively low density residential structures. There are some single-family homes and some mobile homes. Property to the south (across Cummings Road) is zoned commercial and is used for commercial purposes.

A short distance to the west is a very commercialized corridor along Old Palafox Highway. There is an active railroad line a short distance to the east of the property.

The R-4 uses are compatible with surrounding uses.

Changed Conditions:

There do not appear to be any significant changed conditions that have occurred within the last five to ten years.

Effect on Natural Environment:

There are no obvious wetland areas on the property. There is no indication of any natural environment issues relating to the property that cannot be addressed during the development review process.

Development Patterns:

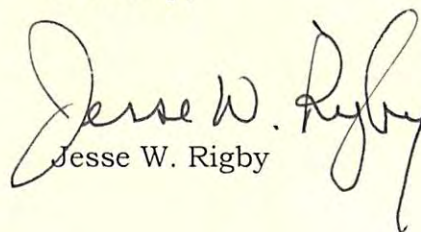
The PCC request for R-4 zoning will implement and complement the MU-U future land use category. The land use category is designed to promote infill development in those areas of the County that are developed with sufficient infrastructure and capacity to handle more dense and intense development. In general terms, the intent is to locate more dense development closer to the urban core of Escambia County. Although the residential areas that are generally north of Brent Lane and east of Old Palafox Highway are "mature" developments, the growth of PCC, and the development of medium density multi-family housing in the area is consistent with desired development patterns based on the MU-U future land use category.

PCC's intent to provide attractive rental housing close to the campus for PCC staff members promotes the comprehensive plan goal to better utilize the urban area and to reduce transportation impacts caused by the home to work commute each day.

Summary:

For the reasons stated herein, PCC has demonstrated compliance with each of the six criteria to be evaluated by the Planning Board. Accordingly, we request that the application to rezone these properties to R-4 be approved.

Sincerely,


Jesse W. Rigby

JWR\cw

cc: Pensacola Christian College, Inc.
Kenneth Horne & Associates, Inc.

Enclosures
A1128562.DOC



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 to: R-4

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

Owner(s) Name: Pensacola Christian College, Inc. Phone: 434-3282 (Agent)
 Address: P. O. Box 18000, Pensacola, FL 32503 Email: jrigby@cphlaw.com

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

Property Address: See attached sheet
 Property Reference Number(s)/Legal Description: _____
See attached sheet

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.

Jesse W. Rigby _____ Jesse W. Rigby, Esquire (Agent) _____ 7/31/2012
 Signature of Owner/Agent 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 31st day of July 20 12,
 by Jesse W. Rigby

Personally Known OR Produced Identification . Type of Identification Produced: _____
Constance M. Weiss _____ Constance M. Weiss _____
 Signature of Notary Printed Name of Notary
 (notary seal must be affixed)



CONSTANCE M. WEISS
COMMISSION # DD 811149
EXPIRES: Aug. 03, 2012

FOR OFFICE USE ONLY CASE NUMBER: Z-2012-20
 Meeting Date(s): PB Sept 10 BCC Oct 4 Accepted/Verified by: A Cam Date: 8/1/12
 Fees Paid: \$ 1960⁰⁰ Receipt #: _____ Permit #: PR2 120800020



Development Services Department

Escambia County, Florida

FOR OFFICE USE:

CASE #: 2-2012-20

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): See attached sheet

Property Address: 5 addresses of adjacent properties; see attached sheet

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 27th DAY OF JULY, YEAR OF 2012.

Troy Shoemaker
Signature of Property Owner

Dr. Troy Shoemaker, President
Printed Name of Property Owner

7/27/12
Date

Signature of Property Owner

Printed Name of Property Owner

Date



AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at (see attached sheet), Florida, property reference number(s) (see attached sheet)

I hereby designate Jesse W. Rigby, Esquire (Agent) 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, 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.

Agent Name: Jesse W. Rigby, Esquire Email: jrigby@cphlaw.com

Address: Clark Partington Hart Larry Bond & Stackhouse 125 W. Romana St., Ste. 800, Pensacola, FL 32502 Phone: 434-3282 (Agent)

Signature of Property Owner (Handwritten signature)

Dr. Troy Shoemaker, President Printed Name of Property Owner

7/27/12 Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 27th day of July 20 12, by Troy A. Shoemaker

Personally Known OR Produced Identification. Type of Identification Produced:

Signature of Notary (Handwritten signature)

EVIE LOOMER Printed Name of Notary

(Notary Seal)



EVIE LOOMER MY COMMISSION # DD 838297 EXPIRES: February 1, 2013 Bonded Thru Budget Notary Services

List of Properties to be Rezoned

<u>Survey Parcel #</u>	<u>Property Ref. #</u>	<u>Property Address</u>
1	351S309000000015	120 Cummings Road 32503
2	351S309002003005	100 Oleander Street 32503
3	351S309002004005	115 Oleander Street 32503
4	351S309002009005	111 Oleander Street 32503
5	351S309002006005	107 Oleander Street 32503

Exhibit A

44.00
1330.00

PREPARED BY:

RECORD & RETURN TO:

Lawyers Title Ins Corp oper as Lawyers Title Agency
2100 Creighton Road
Pensacola, Florida 32504

File No: PNS-05-08119

This Warranty Deed

Made this 13th day of May, 2005

by Louise T. Stultz a/k/a Louise Stultz, an unmarried woman
hereinafter called the grantor, to

Pensacola Christian College, INC.

whose post office address is: PO BOX 18000, Pensacola, FL 32503

hereinafter called the grantee:

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

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 Schedule "A" for legal description -

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 35-1S-30-9000-000-015

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

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

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

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

1st Witness Sign: [Signature]
Print Name: Angela A. Parker

[Signature: Louise T. Stultz]
Louise T. Stultz

2nd Witness Sign: [Signature: Crystal B. Davis]
Print Name: Crystal B. Davis

P. O. Box 2589
Orange Beach, FL 36561


State of Florida
County of Escambia

The foregoing instrument was acknowledged before me 12th day of May, 2005, by Louise T. Stultz, an unmarried woman who is personally known to me or who has produced driver license as identification

Notary Signature: [Signature: Crystal B. Davis]

Print Name: _____
My Commission Expires: _____

(SEAL)

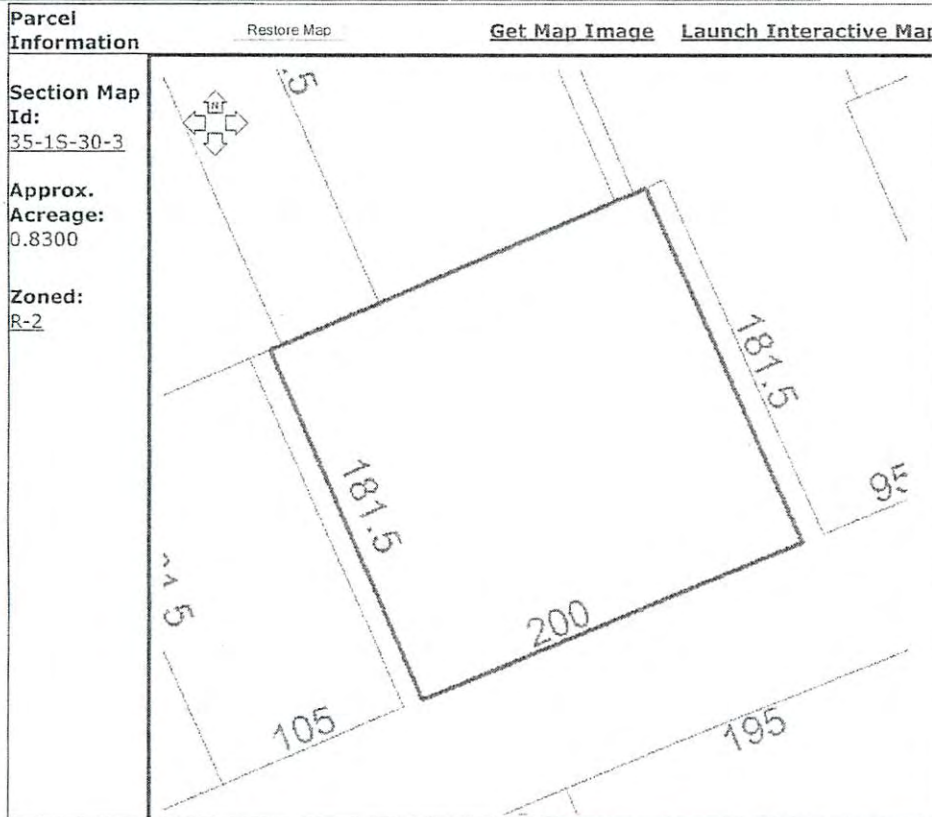
 Crystal B. Davis
State of Florida
My Comm. Exp. Sept. 12, 2007
Comm. # DD 032497

[Back](#)

Source: Escambia County Property Appraiser

[Restore Full Page Version](#)

General Information Reference: 351S309000000015 Account: 040598000 Owners: PENSACOLA CHRISTIAN COLLEGE INC Mail: PO BOX 18000 PENSACOLA, FL 32523 Situs: 120 CUMMINGS RD 32503 Use Code: MISC. RESIDENTIAL Taxing Authority: COUNTY MSTU Tax Inquiry: Open Tax Inquiry Window Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector		2011 Certified Roll Assessment Improvements: \$1,795 Land: \$9,462 Total: \$11,257 Save Our Homes: \$0 <p style="text-align: center;">Disclaimer</p> <p style="text-align: center;">Amendment 1 Calculations</p>																					
Sales Data		2011 Certified Roll Exemptions None																					
<table border="1"> <thead> <tr> <th>Sale Date</th> <th>Book Page</th> <th>Value</th> <th>Type</th> <th>Official Records (New Window)</th> </tr> </thead> <tbody> <tr> <td>05/2005</td> <td>5636 228</td> <td>\$190,000</td> <td>WD</td> <td>View Instr</td> </tr> <tr> <td>01/1976</td> <td>1011 441</td> <td>\$19,000</td> <td>WD</td> <td>View Instr</td> </tr> <tr> <td>01/1969</td> <td>427 888</td> <td>\$100</td> <td>WD</td> <td>View Instr</td> </tr> </tbody> </table> Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court	Sale Date	Book Page	Value	Type	Official Records (New Window)	05/2005	5636 228	\$190,000	WD	View Instr	01/1976	1011 441	\$19,000	WD	View Instr	01/1969	427 888	\$100	WD	View Instr	Legal Description LT 15 AND LT 16 LESS E 10 FT FOR COUNTY DRAINAGE EASEMENT MB A10 P 488/489 OR 5636 P 228...		
Sale Date	Book Page	Value	Type	Official Records (New Window)																			
05/2005	5636 228	\$190,000	WD	View Instr																			
01/1976	1011 441	\$19,000	WD	View Instr																			
01/1969	427 888	\$100	WD	View Instr																			
		Extra Features CARPORT GREENHOUSE UTILITY BLDG																					



Survey Parcel #1

Schedule "A"

Parcel 1:

120
Cummings
Lots 15 and 16, of the Cummings Subdivision, a subdivision of a part of Section 35, Township 1 South, Range 30 West, as described upon plat of said subdivision of record in Plat Book 1, at Page 86, of the Public Records of Escambia County, Florida, less the East 10 feet of said Lot 16, taken by Escambia County, Florida in Condemnation Proceedings.

Parcel 2:

100
Oleander
Lot 17 in Cummings Subdivision, as shown on plat of said subdivision of record in Plat Book 1 at Page 86 of the public records of Escambia County, Florida, less the west 10 feet, and, also, the following described property: Begin at the Southeast corner of Lot 5, Section 35 (Francisco Vidal Grant), Township 1 South, Range 30 West; thence run West along the south line of said Lot 5, 402.8 feet for point of beginning; thence continue west 125 feet; thence run north at right angles 276.5 feet; thence run east 125 feet; thence run south 276.5 feet to the point of beginning, all lying and being in said Section 35, Township 1 South, Range 30 West, less the west 20 feet of said parcel taken by Escambia County, a political subdivision of the State of Florida in a condemnation proceeding, according to plat recorded in Deed Book 83, Page 174.

Parcel 3:

115
Oleander
Commencing at the Southeast corner of Lot 5, Section 35, Township 1 South, Range 30 West; thence West along the South line of Lot 5 a distance of 527.08 feet to point of beginning; thence continue West 125 feet, thence North at right angles a distance of 276.5 feet; thence East 125 feet; thence South 276.5 feet to point of beginning, all lying and being in Section 35, Township 1 South, Range 30 West, Escambia County, Florida, less and excepting the North 22 feet thereof for road right-of-way.

44.00
1330.00

PREPARED BY:

RECORD & RETURN TO:

Lawyers Title Ins Corp oper as Lawyers Title Agency
2100 Creighton Road
Pensacola, Florida 32504

File No: PNS-05-08119

This Warranty Deed

Made this 13th day of May, 2005

by Louise T. Stultz a/k/a Louise Stultz, an unmarried woman
hereinafter called the grantor, to

Pensacola Christian College, Inc.

whose post office address is: **PO BOX 18000, Pensacola, FL 32503**

hereinafter called the grantee:

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

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 Schedule "A" for legal description -

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 35-1S-30-9000-000-015

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

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

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

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

1st Witness Sign:

Print Name:

[Signature]
Angela A. Parker

[Signature]
Louise T. Stultz

Louise T. Stultz

2nd Witness Sign:

Print Name:

[Signature]
Crystal B. Davis

P. O. Box 2589

Orange Beach, FL 36561

State of Florida

County of Escambia

The foregoing instrument was acknowledged before me 12th day of May, 2005, by Louise T. Stultz, an unmarried woman who is personally known to me or who has produced driver license as identification

Notary Signature:

Print Name:

My Commission Expires:

(SEAL)



Crystal B. Davis
State of Florida
My Comm. Exp. Sept. 12, 2006
Comm. # DD 032497

Schedule "A"

120
Cummings

Parcel 1:

Lots 15 and 16, of the Cummings Subdivision, a subdivision of a part of Section 35, Township 1 South, Range 30 West, as described upon plat of said subdivision of record in Plat Book 1, at Page 86, of the Public Records of Escambia County, Florida, less the East 10 feet of said Lot 16, taken by Escambia County, Florida in Condemnation Proceedings.

100
Oleander

Parcel 2:

Lot 17 in Cummings Subdivision, as shown on plat of said subdivision of record in Plat Book 1 at Page 86 of the public records of Escambia County, Florida, less the west 10 feet, and, also, the following described property: Begin at the Southeast corner of Lot 5, Section 35 (Francisco Vidal Grant), Township 1 South, Range 30 West; thence run West along the south line of said Lot 5, 402.8 feet for point of beginning; thence continue west 125 feet; thence run north at right angles 276.5 feet; thence run east 125 feet; thence run south 276.5 feet to the point of beginning, all lying and being in said Section 35, Township 1 South, Range 30 West, less the west 20 feet of said parcel taken by Escambia County, a political subdivision of the State of Florida in a condemnation proceeding, according to plat recorded in Deed Book 83, Page 174.

115
Oleander

Parcel 3:

Commencing at the Southeast corner of Lot 5, Section 35, Township 1 South, Range 30 West; thence West along the South line of Lot 5 a distance of 527.08 feet to point of beginning; thence continue West 125 feet, thence North at right angles a distance of 276.5 feet; thence East 125 feet; thence South 276.5 feet to point of beginning, all lying and being in Section 35, Township 1 South, Range 30 West, Escambia County, Florida, less and excepting the North 22 feet thereof for road right-of-way.

44.00
1330.00

PREPARED BY:

RECORD & RETURN TO:

Lawyers Title Ins Corp oper as Lawyers Title Agency
2100 Creighton Road
Pensacola, Florida 32504

File No: PNS-05-08119

This Warranty Deed

Made this 13th day of May, 2005

by Louise T. Stultz a/k/a Louise Stultz, an unmarried woman

hereinafter called the grantor, to

Pensacola Christian College, Inc.

whose post office address is: PO BOX 18000, Pensacola, FL 32503

hereinafter called the grantee:

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

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 Schedule "A" for legal description -

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 35-1S-30-9000-000-015

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

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

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

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

1st Witness Sign: [Signature]
Print Name: Angie A. Parker
2nd Witness Sign: [Signature]
Print Name: Crystal B. Davis

[Signature]
Louise T. Stultz


P. O. Box 2589
Orange Beach, FL 36561

State of Florida
County of Escambia

The foregoing instrument was acknowledged before me 12th day of May, 2005, by Louise T. Stultz, an unmarried woman who is personally known to me or who has produced driver license as identification

Notary Signature: [Signature]
Print Name: _____
My Commission Expires: _____

(SEAL)

 Crystal B. Davis
State of Florida
My Comm. Exp. Sept. 12, 2005
Comm. # DD 032497

Schedule "A"

Parcel 1:

120
Cummings

Lots 15 and 16, of the Cummings Subdivision, a subdivision of a part of Section 35, Township 1 South, Range 30 West, as described upon plat of said subdivision of record in Plat Book 1, at Page 86, of the Public Records of Escambia County, Florida, less the East 10 feet of said Lot 16, taken by Escambia County, Florida in Condemnation Proceedings.

Parcel 2:

#100
Oleander

Lot 17 in Cummings Subdivision, as shown on plat of said subdivision of record in Plat Book 1 at Page 86 of the public records of Escambia County, Florida, less the west 10 feet, and, also, the following described property: Begin at the Southeast corner of Lot 5, Section 35 (Francisco Vidal Grant), Township 1 South, Range 30 West; thence run West along the south line of said Lot 5, 402.8 feet for point of beginning; thence continue west 125 feet; thence run north at right angles 276.5 feet; thence run east 125 feet; thence run south 276.5 feet to the point of beginning, all lying and being in said Section 35, Township 1 South, Range 30 West, less the west 20 feet of said parcel taken by Escambia County, a political subdivision of the State of Florida in a condemnation proceeding, according to plat recorded in Deed Book 83, Page 174.

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Commencing at the Southeast corner of Lot 5, Section 35, Township 1 South, Range 30 West; thence West along the South line of Lot 5 a distance of 527.08 feet to point of beginning; thence continue West 125 feet, thence North at right angles a distance of 276.5 feet; thence East 125 feet; thence South 276.5 feet to point of beginning, all lying and being in Section 35, Township 1 South, Range 30 West, Escambia County, Florida, less and excepting the North 22 feet thereof for road right-of-way.

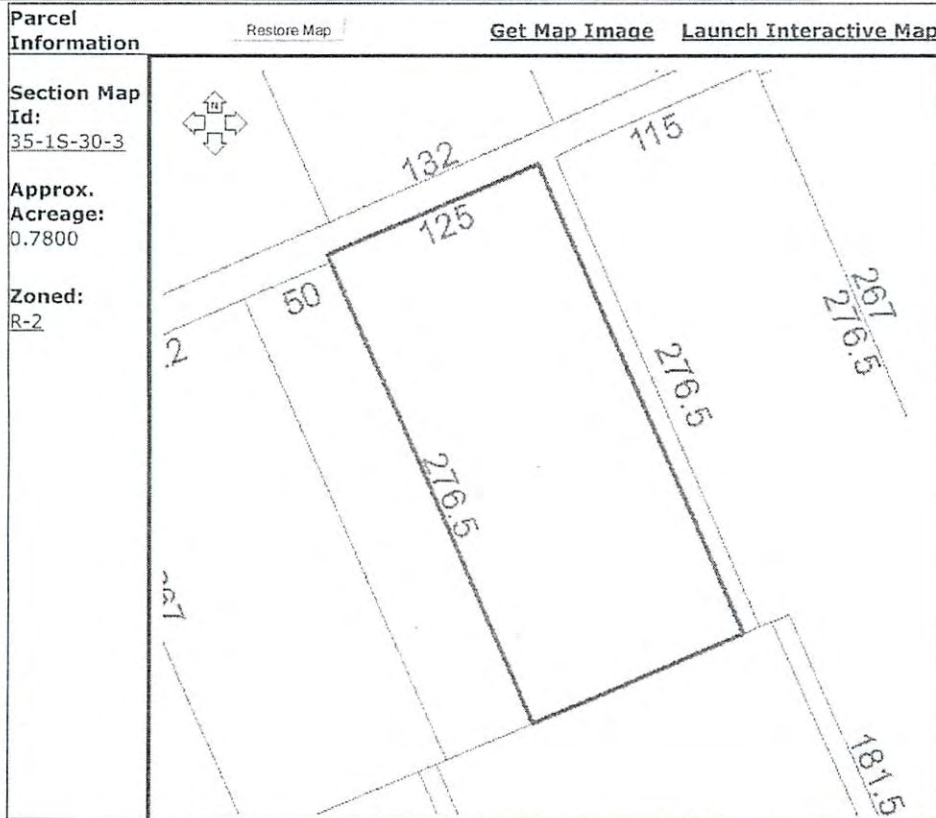
[Back](#)

Source: Escambia County Property Appraiser

[Restore Full Page Version](#)

General Information		2011 Certified Roll Assessment	
Reference:	351S309002004005	Improvements:	\$52,954
Account:	040665000	Land:	\$8,892
Owners:	PENSACOLA CHRISTIAN COLLEGE INC	Total:	\$61,846
Mail:	PO BOX 18000 PENSACOLA, FL 32523	<u>Save Our Homes:</u>	\$0
Situs:	115 OLEANDER DR 32503	Disclaimer	
Use Code:	SINGLE FAMILY RESID	Amendment 1 Calculations	
Taxing Authority:	COUNTY MSTU		
Tax Inquiry:	Open Tax Inquiry Window		
Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector			

Sales Data					2011 Certified Roll Exemptions	
Sale Date	Book Page	Value	Type	Official Records (New Window)	None	
05/2005	5636 228	\$190,000	WD	View Instr	<input type="text" value="Legal Description"/>	
01/1972	657 877	\$11,400	WD	View Instr	W 125 FT OF E 652 08/100 FT OF S 276 5/10 FT OF LT 5 S/D PLAT DB 83 P 174 LESS N 22 FT FOR RD R/W...	
01/1972	628 756	\$100	QC	View Instr	<input type="text" value="Extra Features"/>	
01/1967	336 726	\$11,500	WD	View Instr	WORKSHOP	
Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court						



Survey Parcel #3

Buildings	
Building 1 - Address: 115 OLEANDER DR, Year Built: 1960, Effective Year: 1960	
Structural Elements FOUNDATION-SLAB ON GRADE EXTERIOR WALL-VINYL SIDING NO. PLUMBING FIXTURES-8.00 DWELLING UNITS-1.00 ROOF FRAMING-GABLE ROOF COVER-COMPOSITION SHG INTERIOR WALL-DRYWALL-PLASTER FLOOR COVER-CARPET NO. STORIES-2.00 FLOOR COVER-VINYL/CORK DECOR/MILLWORK-AVERAGE HEAT/AIR-CENTRAL H/AC STRUCTURAL FRAME-WOOD FRAME	
Areas - 2276 Total SF BASE AREA - 1148 GARAGE UNFIN - 228 OPEN PORCH FIN - 184 OPEN PORCH UNF - 196 UPPER STORY FIN - 520	

Images

None

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

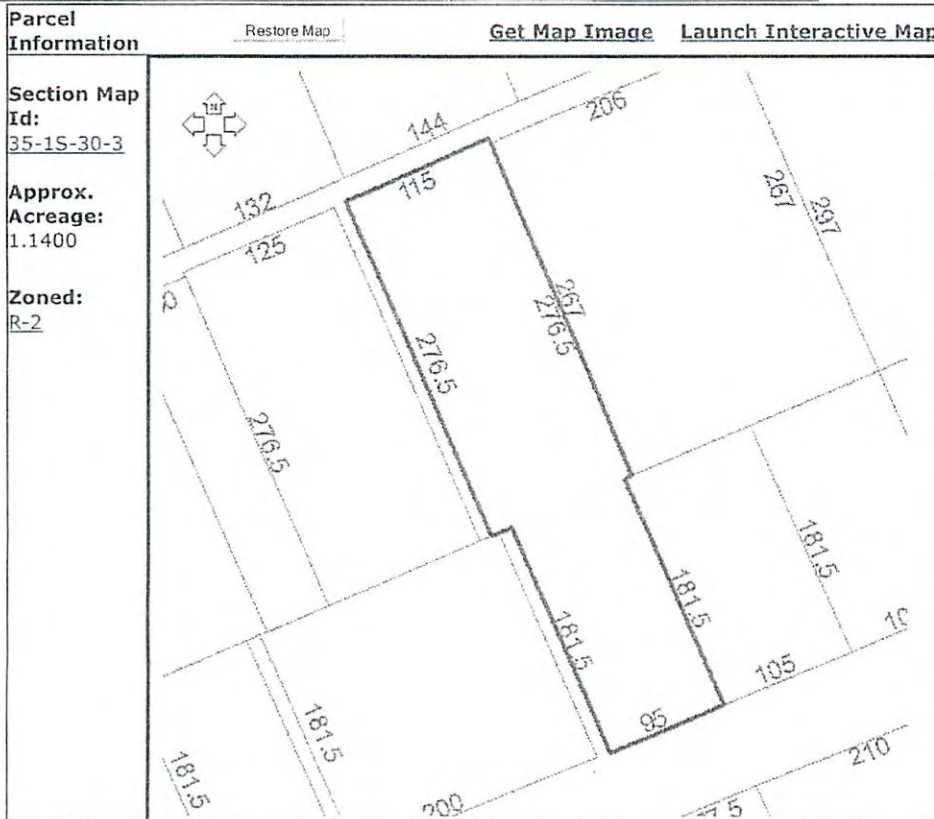
[Back](#)

Source: Escambia County Property Appraiser

[Restore Full Page Version](#)

General Information		2011 Certified Roll Assessment	
Reference:	351S309002003005	Improvements:	\$0
Account:	040664000	Land:	\$12,996
Owners:	PENSACOLA CHRISTIAN COLLEGE INC	Total:	\$12,996
Mail:	PO BOX 18000 PENSACOLA, FL 32523	Save Our Homes:	\$0
Situs:	100 OLEANDER DR BLK 32503	Disclaimer	
Use Code:	VACANT RESIDENTIAL	Amendment 1 Calculations	
Taxing Authority:	COUNTY MSTU		
Tax Inquiry:	Open Tax Inquiry Window		
Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector			

Sales Data					2011 Certified Roll Exemptions	
Sale Date	Book Page	Value	Type	Official Records (New Window)	None	
05/2005	5636 228	\$190,000	WD	View Instr	<input type="text" value="Legal Description"/>	
01/1974	859 363	\$100	WD	View Instr	LT 17 CUMMINGS S/D PB 1 P 86 LESS W 10 FT FOR CTY DRAINAGE EASEMENT MB A10 P 486/487 ALSO...	
Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court					<input type="text" value="Extra Features"/>	
					None	



Survey Parcel #2

35.00
511.00

PREPARED BY:

RECORD & RETURN TO:

Lawyers Title Ins Corp oper as Lawyers Title Agency
2100 Creighton Road
Pensacola, Florida 32504

File No: PNS-05-08524

This Warranty Deed

Made this 19th day of May, 2005

by **Ellen G. Wulf, an unmarried woman**

hereinafter called the grantor, to

Pensacola Christian College, Inc

whose post office address is: **PO Box 18000, Pensacola, FL**

hereinafter called the grantee:

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

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 Schedule "A" for legal description -

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 35-1S-30-9002-009-005

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

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

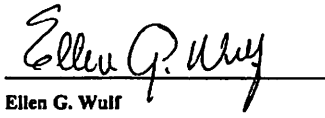
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful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


In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

1st Witness Sign: 

Print Name: Crystle A. Parker


Ellen G. Wulf

2nd Witness Sign: 

Print Name: Karen Henry

513 Winburn
Schertz, Texas 78158

State of Florida
County of Escambia

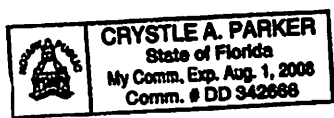
The foregoing instrument was acknowledged before me 19th day of May, 2005, by Ellen G. Wulf, an unmarried woman who is personally known to me or who has produced driver license as identification

Notary Signature: 

Print Name: _____

My Commission Expires: _____

(SEAL)

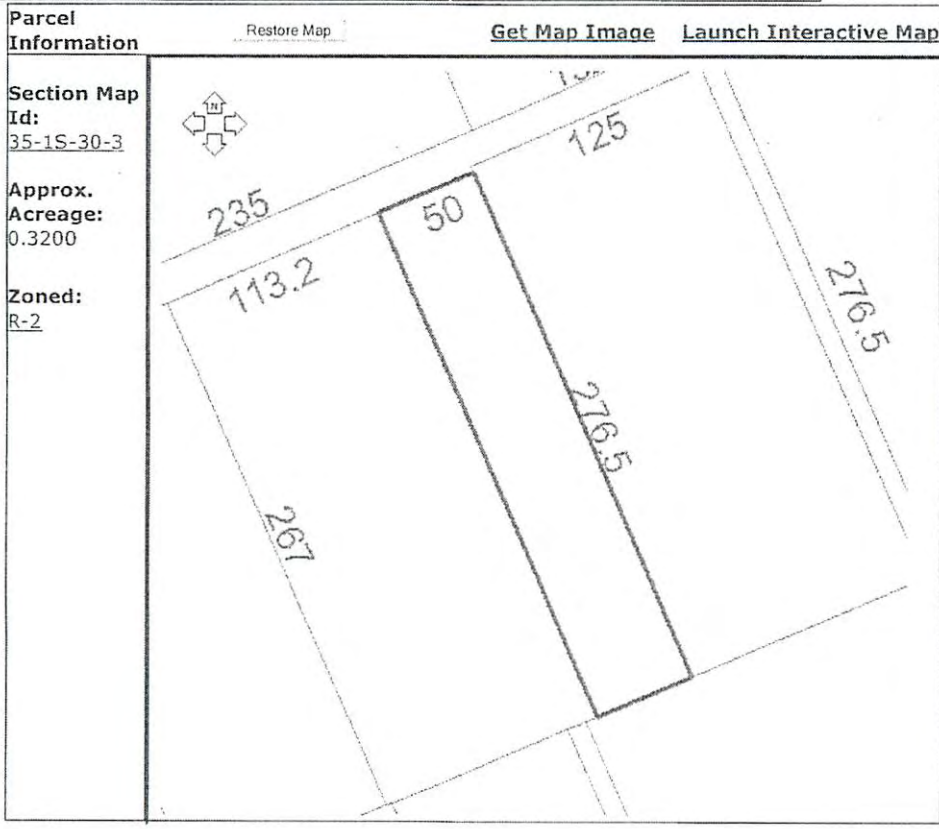


[Back](#)

Source: Escambia County Property Appraiser

[Restore Full Page Version](#)

General Information		2011 Certified Roll Assessment	
Reference:	351S309002009005	Improvements:	\$16,809
Account:	040670000	Land:	\$3,648
Owners:	PENSACOLA CHRISTIAN COLLEGE INC	Total:	\$20,457
Mail:	PO BOX 18000 PENSACOLA, FL 32523	Save Our Homes:	\$0
Situs:	111 OLEANDER AVE 32503	Disclaimer	
Use Code:	SINGLE FAMILY RESID	Amendment 1 Calculations	
Taxing Authority:	COUNTY MSTU		
Tax Inquiry:	Open Tax Inquiry Window		
Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector			
Sales Data		2011 Certified Roll Exemptions	
Sale Date	Book Page Value Type	None	
		Legal Description	
		W 50 FT OF E 702 08/100 FT OF LT 5 W OF L AND N RR OR 5645 P 44	
		Extra Features	
		UTILITY BLDG	
		Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court	



Survey Parcel #4

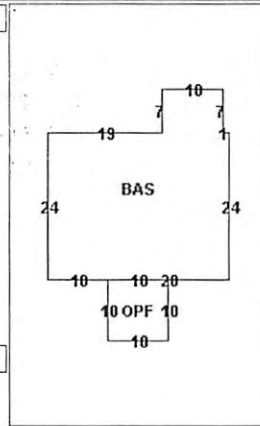


Buildings

Building 1 - Address:111 OLEANDER AVE, Year Built: 1953, Effective Year: 1953

Structural Elements

FOUNDATION-WOOD/NO SUB FLR
EXTERIOR WALL-SIDING-SHT.AVG.
NO. PLUMBING FIXTURES-3.00
DWELLING UNITS-1.00
ROOF FRAMING-GABLE
ROOF COVER-COMPOSITION SHG
INTERIOR WALL-DRYWALL-PLASTER
FLOOR COVER-CARPET
NO. STORIES-1.00
DECOR/MILLWORK-BELOW AVERAGE
HEAT/AIR-WALL/FLOOR FURN
STRUCTURAL FRAME-WOOD FRAME



Areas - 890 Total SF

BASE AREA - 790

OPEN PORCH FIN - 100

Images



8/29/02

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

Last Updated:07/13/2012 (tc.1266)

Schedule "A"

The West 50 feet of the East 702.08 feet of Lot 5 West of L & N Railroad, as more particularly described in Official Records Book 179, Page 777, being in Section 35, Township 1 South, Range 30 West, Escambia County, Florida. LESS AND EXCEPT the North 30 feet thereof for road right of way.

PNS-05-08524

PREPARED BY:

RECORD & RETURN TO:

Lawyers Title Ins Corp oper as Lawyers Title Agency
2100 Creighton Road
Pensacola, Florida 32504

File No: PNS-05-07367

This Warranty Deed

Made this 16th day of February, 2005

by William J. Grant and Margaret A. Grant, an unmarried woman as tenants in common with rights of survivorship

hereinafter called the grantor, to

Pensacola Christian College Inc.

whose post office address is: **PO Box 18000, Pensacola, FL 32523**

hereinafter called the grantee:

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

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 Schedule "A" for legal description -
- Property is not the constitutional homestead of William J. Grant as he does not reside thereon.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 35-1S-30-9002-006-005

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

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

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

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

1st Witness Sign: [Signature]
Print Name: Crystal A. Parker

[Signature]
William J. Grant

2nd Witness Sign: [Signature]
Print Name: Crystal B. Davis

[Signature]
Margaret A. Grant

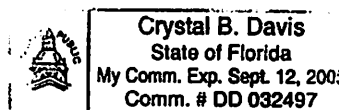
BY: [Signature] per attorney in fact
William J. Grant per attorney in fact
7050 Crawford Manor
Toccoa, GA 30577

State of Florida
County of Escambia

The foregoing instrument was acknowledged before me 16th day of February, 2005, by William J. Grant, individually and as attorney in fact for Margaret A. Grant, who is personally known to me or who has produced driver license as identification

Notary Signature: [Signature]
Print Name: _____
My Commission Expires: _____

(SEAL)



Schedule "A"

That portion of the Francisco Vidal Grant, Section 35, Township 1 South, Range 30 West, described as follows, to wit; Begin at the Southeastern corner of Lot 5 of said grant lying West of the right of way of the L & N Railroad and run Westward along its Southern line 9.88 chains to the starting point of this description; thence continue along its Southern line 2.47 chains, thence Northward parallel to the railroad 4.54 chains, more or less, to a point 30 feet from the Northern line, thence Eastward parallel to said Northern line 2.47 chains, thence Southward parallel to the railroad 4.54 chains, more or less, to the starting point, less the East 50 feet of the above described property as shown in Deed Book 368, Page 421, and less and except that portion of the above described property lying in road right of way, all lying and being in Escambia County, Florida.

PNS-05-07367

[Back](#)

Source: Escambia County Property Appraiser

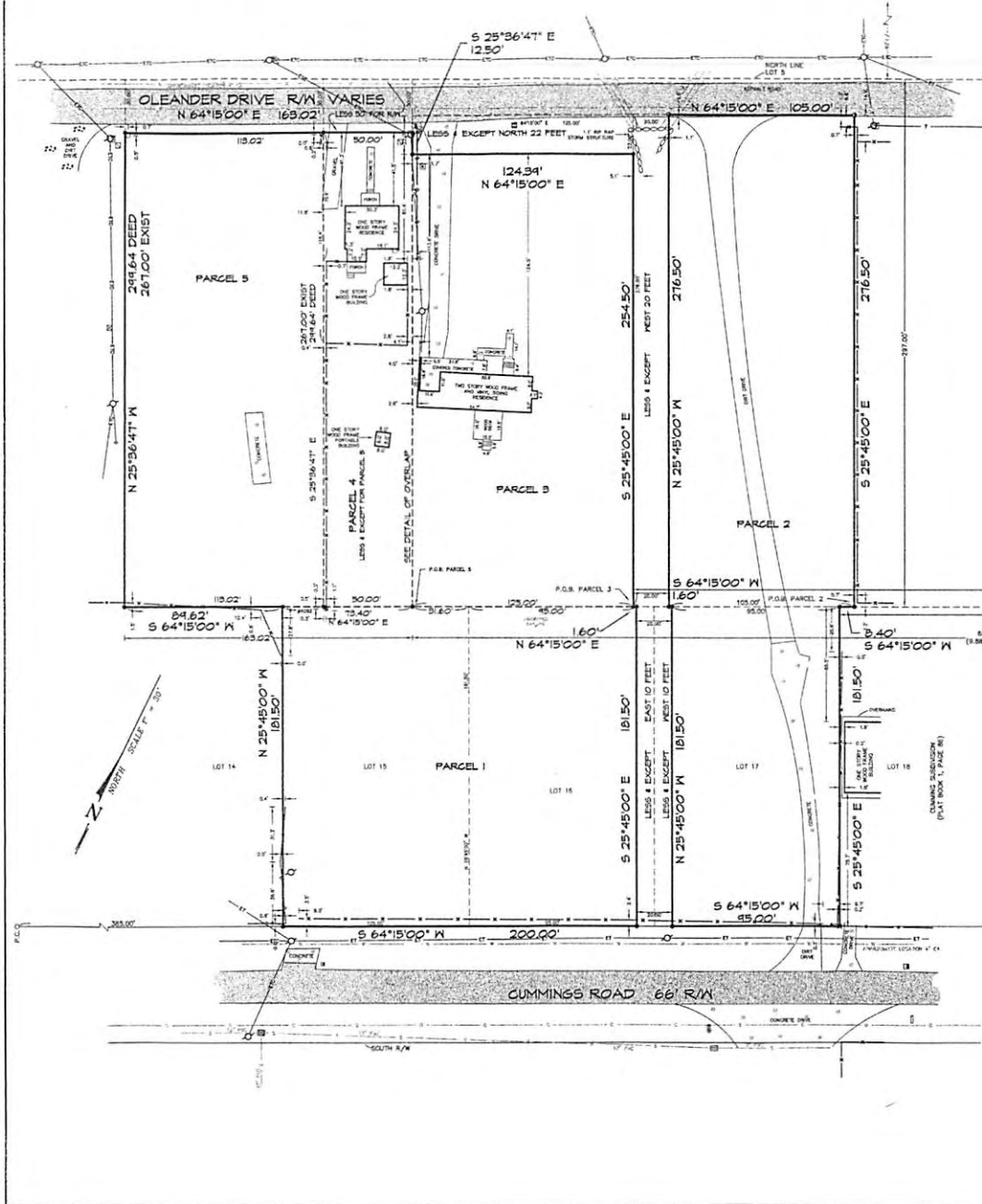
[Restore Full Page Version](#)

General Information		2011 Certified Roll Assessment	
Reference:	351S309002006005	Improvements:	\$0
Account:	040667000	Land:	\$7,980
Owners:	PENSACOLA CHRISTIAN COLLEGE INC	Total:	\$7,980
Mail:	PO BOX 18000 PENSACOLA, FL 32523	Save Our Homes:	\$0
Situs:	107 OLEANDER ST 32503	Disclaimer	
Use Code:	VACANT RESIDENTIAL	Amendment 1 Calculations	
Taxing Authority:	COUNTY MSTU		
Tax Inquiry:	Open Tax Inquiry Window		
Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector			

Sales Data		2011 Certified Roll Exemptions	
Sale Date	Book Page Value Type	Official Records (New Window)	None
02/2005	5583 1289 \$39,000 WD	View Instr	
05/1989	2704 996 \$100 WD	View Instr	
Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court			
		Legal Description	BEG AT SE COR OF LT 5 OF VIDAL GRANT W OF R/W OF L AND N RR WLY ALG S LI 9 88/100 CHAINS FOR POB...
		Extra Features	None



Survey Parcel #5



LEGAL DESCRIPTION:
Parcel 1:
Lots 5 and 16, of the Cummins Subdivision, a subdivision of a part of Section 35, Township 1 South, Range 30 West, as described upon plat of said subdivision of record in Plat Book 1, 2d Page 66, of the Public Records of Escambia County, Florida, less the East 10 feet of said Lot 5, taken by Escambia County, Florida in Consolidation Proceedings.

Parcel 2:
Lot 11 in Cummins Subdivision as shown on plat of said subdivision of record in Plat Book 1 at Page 66 of the public records of Escambia County, Florida, less the east 10 feet, and, also, the following described property: Begin at the Southeast corner of Lot 5, Section 35 (Francisco Vidal Grant), Township 1 South, Range 30 West, thence run West along the south line of said Lot 5, 402.00 feet for point of beginning, thence continue West 125 feet, thence run North at right angles 276.5 feet, thence run East 125 feet, thence run South 276.5 feet to point of beginning, all lying and being in said Section 35, Township 1 South, Range 30 West, less the east 20 feet of said parcel taken by Escambia County, a political subdivision of the State of Florida in a consolidation proceeding, according to plat recorded in Deed Book 63, Page 174.

Parcel 3:
Commencing at the Southeast corner of Lot 5, Section 35, Township 1 South, Range 30 West, thence West along the South line of Lot 5 a distance of 307.00 feet to point of beginning, thence continue West 125 feet, thence North at right angles a distance of 276.5 feet, thence East 125 feet, thence South 276.5 feet to point of beginning, all lying and being in Section 35, Township 1 South, Range 30 West, Escambia County, Florida, less and excepting the North 22 feet thereof for road right-of-way.

Parcel 4:
The West 50 feet of the East 702.00 feet of Lot 3, West of L. & N Railroad, as more particularly described in Official Record Book 77, page 777, being in Section 35, Township 1 South, Range 30 West, Escambia County, Florida. Less and Except the North 30 feet thereof for road right of way.

Parcel 5:
That portion of the Francisco Vidal Grant, Section 35, Township 1 South, Range 30 West, described as follows, to-wit: Begin at the Southeastern corner of Lot 5 of said grant lying West of the right of way of the L. & N Railroad and run Westward along the Southern line 4.00 chains (852.00 feet) to the starting point of the description, thence continue along its Southern line 2.41 chains (482.00 feet), thence Northward parallel to the railroad 4.54 (291.64 feet) chains, more or less, to a point 50 feet from the Northern line, thence Eastward parallel to said Northern line 2.41 chains (482.00 feet), thence Southward parallel to the railroad 4.54 (291.64 feet) chains, more or less, to the starting point, less the East 50 feet of the above described property as shown in Deed Book 368, Page 421, and less and except that portion of the above described property lying in road right of way, all lying and being in Escambia County, Florida.

SURVEYOR'S NOTES:
1. Subject to setbacks, easements and restrictions of record.
2. This survey is subject to any facts that may be disclosed by a full and accurate title search. No title work performed by this firm.
3. This survey does not reflect or determine ownership.
4. This drawing only reflects setback lines which appear on the recorded plat. The property may also be subject to setback lines mandated by zoning ordinances and/or restrictive covenants of record.
5. Footers and foundations below natural grade not located.

LEGEND:

R/W	Right of way	●	1/2" Capped iron rod # noted
P.O.B.	Point of beginning	×	hole set in concrete
P.O.C.	Point of commencement	○	potter meter
P.C.	Point of curvature	⊙	gas meter
P.T.	Point of tangency	⊗	Telephone equipment
●	1/2" capped iron rod set #1073	⊗	Sprinkler control valve
○	1" iron pipe found	⊗	potter faucet
●	Permanent control point set #1073	⊗	Backflow preventor
○	Potter pole	⊗	Gas line
—	Electric line	⊗	Water line
—	Cable line	⊗	
—	Telephone line	⊗	
—	Flood fence	⊗	
—	Chain link fence	⊗	
—	Wire fence	⊗	

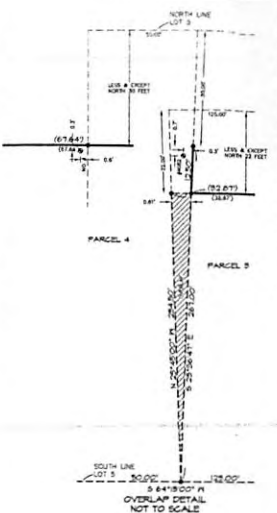


Exhibit B

Measurements made in accordance with United States Standards.
Bearing Reference: NORTH BASED ON THE INTERSECTION BOX CORNER ROAD
Created By: **W. BOB CHAPPELL**
Elastications: **FRANCO, APITAL, REPAIR**
SURVEYOR'S LICENSE NO. 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007, 10008, 10009, 10010, 10011, 10012, 10013, 10014, 10015, 10016, 10017, 10018, 10019, 10020, 10021, 10022, 10023, 10024, 10025, 10026, 10027, 10028, 10029, 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037, 10038, 10039, 10040, 10041, 10042, 10043, 10044, 10045, 10046, 10047, 10048, 10049, 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060, 10061, 10062, 10063, 10064, 10065, 10066, 10067, 10068, 10069, 10070, 10071, 10072, 10073, 10074, 10075, 10076, 10077, 10078, 10079, 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087, 10088, 10089, 10090, 10091, 10092, 10093, 10094, 10095, 10096, 10097, 10098, 10099, 10100, 10101, 10102, 10103, 10104, 10105, 10106, 10107, 10108, 10109, 10110, 10111, 10112, 10113, 10114, 10115, 10116, 10117, 10118, 10119, 10120, 10121, 10122, 10123, 10124, 10125, 10126, 10127, 10128, 10129, 10130, 10131, 10132, 10133, 10134, 10135, 10136, 10137, 10138, 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BROYLES GREGORY L
106 CUMMINGS RD
PENSACOLA FL 32503

PENSACOLA CHRISTIAN
COLLEGE INC
PO BOX 18000
PENSACOLA FL 32523

EDDINS CLYDE W SR & JULIA B
135 CUMMINGS RD
PENSACOLA FL 32503

LOUIE EMILY F
105 CUMMINGS RD
PENSACOLA FL 32503

MIDDLETON RUBIN & JOSIE
24 CUMMINGS RD
PENSACOLA FL 32503

RUCKER LLOYD C & IMOGENE
1845 ELMHURST DR
CLEARWATER FL 33765

GARY RITA
202 E ST JOHN ST
PENSACOLA FL 32503

FAUST GREGG T
198 ST JOHN ST
PENSACOLA FL 32503

13 ORLEANDER TRUST
29 CUMMINGS RD
PENSACOLA FL 32503

FRANCIS KEITH T & SUSAN T
127 OLEANDER ST
PENSACOLA FL 32503

TAYLOR GREGORY A &
MELINDA K
110 CUMMINGS RD
PENSACOLA FL 32503

CARTER THOMAS K
128 CUMMINGS RD
PENSACOLA FL 32503

ROPKE DORIS
129 CUMMINGS RD
PENSACOLA FL 32503

JEKEL BRIAN T & MARLENE R
26 CUMMINGS RD
PENSACOLA FL 32503

NEW GEORGE
3640 NEWS RD
WILLIAMSBURG VA 23188-7707

BOWEN SAMUEL H & NEVA M
103 OLEANDER ST
PENSACOLA FL 32503

SHUFORD THOMAS S JR
7185 SCHWAB DR
PENSACOLA FL 32504

HARVEY KEITH L
366 AIRPORT BLVD
PENSACOLA FL 32503

POWELL NAPOLEON
6950 COMMUNITY DR
PENSACOLA FL 32526

PITTMAN JESSIE & ERNESTINE
1724 EDISON
DETROIT MI 48206

UNITED STATES OF AMERICAC/O
URS ATTN BRIGIT K FLORES
10687 GASKINS WAY STE 101
MANASSAS VA 20109

NGUYEN THANH QUOC
2944 CORAL STRIP PKWY
GULF BREEZE FL 32563

BLACKBURN LARRY D
PO BOX 6502
PENSACOLA FL 32503

BROWN BRENDAN & VERONICA
104 CUMMINGS RD
PENSACOLA FL 32503

BOWEN S H & NEVA M
106 OLEANDER ST
PENSACOLA FL 32503

HOVIND ERIC
5800 NORTH W ST SUITE 9
PENSACOLA FL 32505

MAJORS JAMES F JR
126 OLEANDER ST
PENSACOLA FL 32503

HARTBARGER CARL T
109 SOUTHERN ST
PENSACOLA FL 32503

GULF COAST COMMUNITY
BANK
40 N PALAFOX ST
PENSACOLA FL 32502

FLOWERS LEO
125 MEMORY LN
PENSACOLA FL 32503

HABER ANGELA M
3822 PRYTANIA ST NEW
ORLEANS LA 70115

SKINNER JOYCE M
28 CUMMINGS RD
PENSACOLA FL 32503

THE FISHER COMPANY LLC
274 SEVERIN
PENSACOLA FL 32503

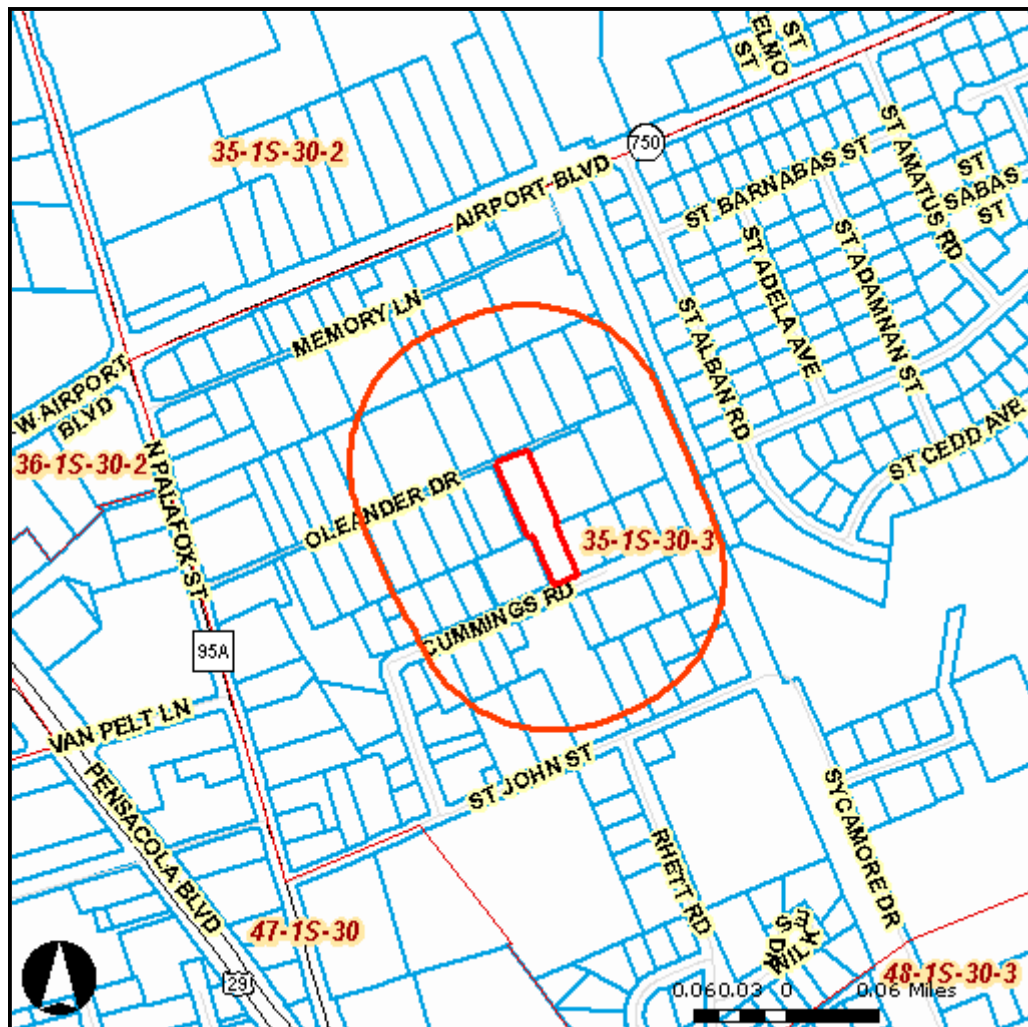
STUCKEY E C & CHRISTINA
103 MEMORY LN
PENSACOLA FL 32503

MAJORS SYBIL D
7 OLEANDER DR
PENSACOLA FL 32503

LAY GORDON K
10 OLEANDER ST
PENSACOLA FL 32503

DUBLIN TIMOTHY P
100 CUMMINGS RD
PENSACOLA FL 32503

ECPA Map



Map Grid



Major Roads

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

All Roads

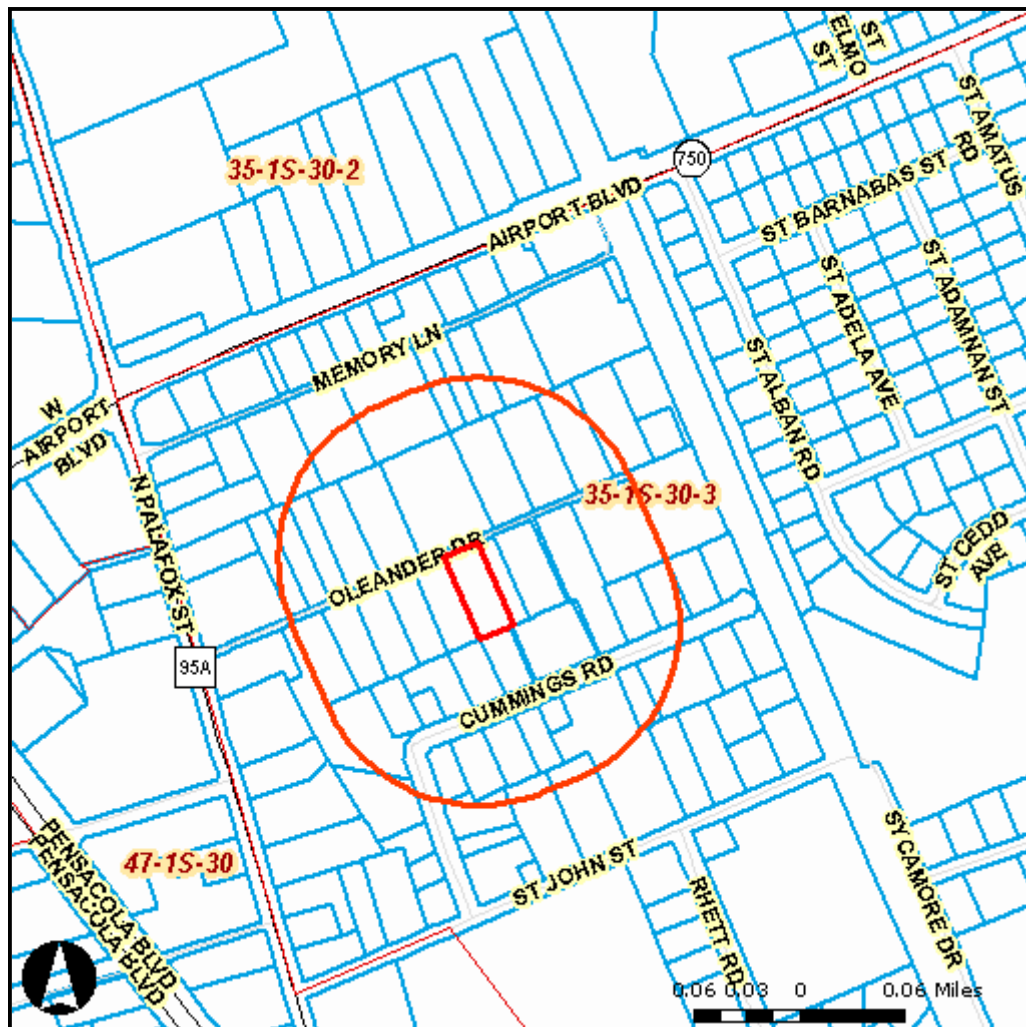


Property Line



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.

ECPA Map



Map Grid



Major Roads

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All Roads

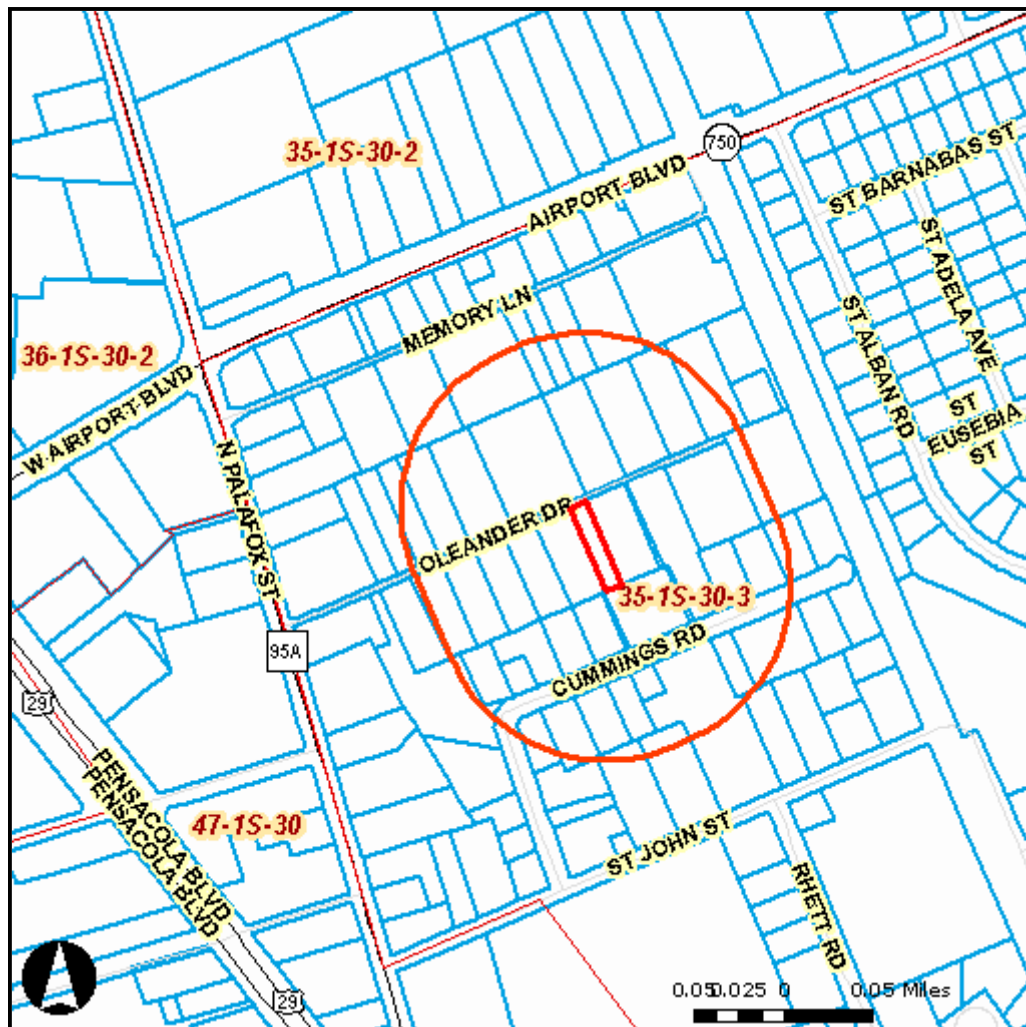


Property Line



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ECPA Map



Map Grid



Major Roads

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All Roads

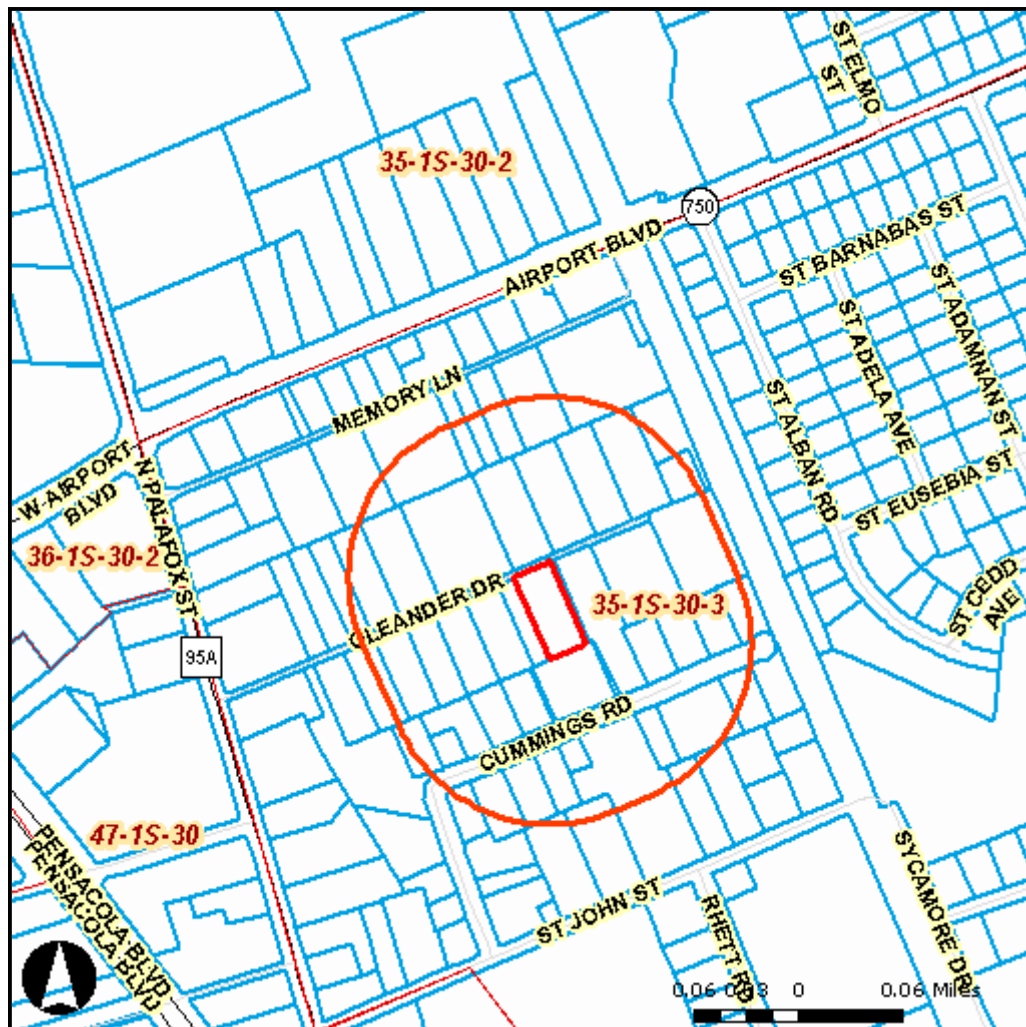


Property Line



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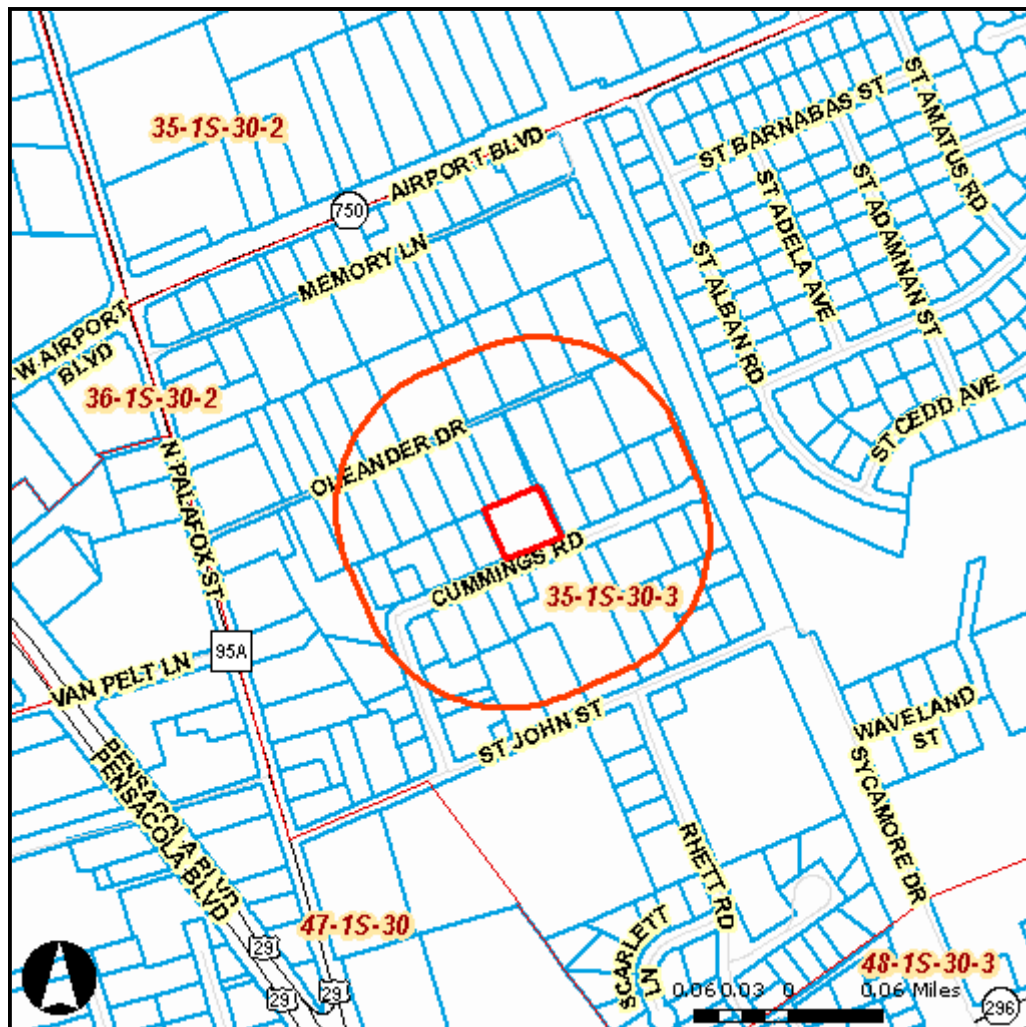


Property Line



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ECPA Map



Map Grid



Major Roads

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All Roads



Property Line



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Planning Board-Rezoning

5. F.

Meeting Date: 09/10/2012

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: 10/04/2012

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-1, Light Industrial District (cumulative) (no residential uses allowed)

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.

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 **consistent** with the intent and purpose of the MU-U Future Land Use Category, as stated above. This category does allow for 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-1 zoning category does allow for light industrial which is specifically mentioned in MU-U.

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 6.05.17.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. Compliance with the Englewood Redevelopment Plan will 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

From observation of the zoning map, it would appear that the on-site development pattern is moving toward a commercial type area. However, there is an existing predominant pattern of a residential community; additional commercial or light industrial uses could be more intrusive and cause a negative impact to the existing residential community. The existing land use map and the findings in Criterion 3, provide support of the existing pattern of residential development in the surrounding area. Since this is the case, the proposed request **would not result** in a logical and orderly development pattern, as the allowed uses and intensities for the ID-1 zoning are incompatible with the existing predominant residential neighborhood.

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**
 2
 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)
 11
 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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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
 09:56AM 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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BUDDY PAGE AGENT, RICK EVANS OF EVANS CONTRACTING, INC.

- 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.

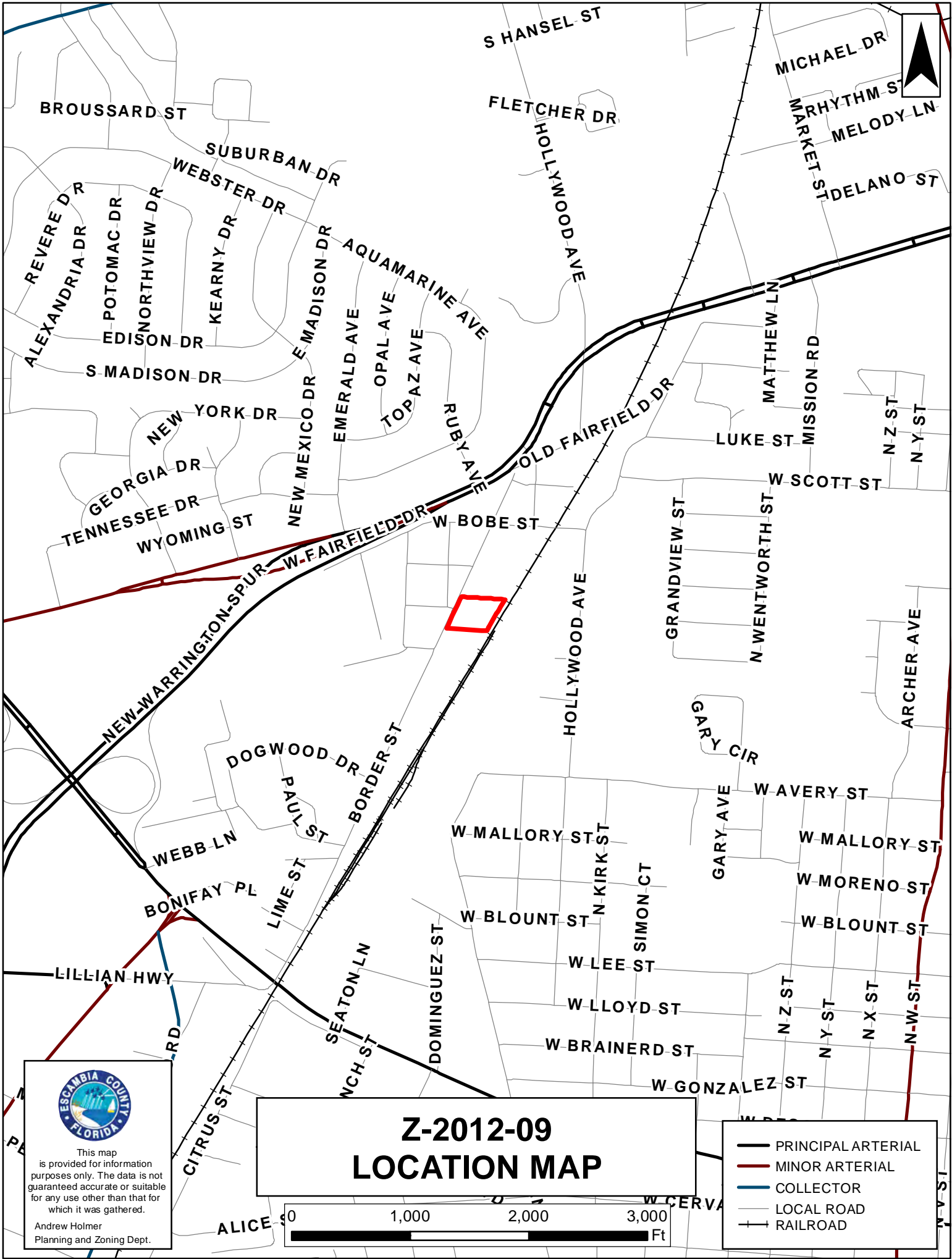
Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

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

MARKETHM ST

MELODY LN

IDELANO ST

REVERE DR
ALEXANDRIA DR
POTOMAC DR

NORTHVIEW DR
KEARNY DR

WEBSTER DR

E MADISON DR

AQUAMARINE AVE
EMERALD AVE
OPAL AVE
TOPAZ AVE

HOLLYWOOD AVE

S MADISON DR

NEW YORK DR

RUBY AVE

OLD FAIRFIELD DR

LUKE ST

MISSION RD

N Z ST

N Y ST

GEORGIA DR
TENNESSEE DR

WYOMING ST

NEW MEXICO DR
W FAIRFIELD DR

W BOBE ST

W SCOTT ST

NEW WARRINGTON SPUR

GRANDVIEW ST

N WENTWORTH ST

ARCHER AVE

DOGWOOD DR

PAUL ST

BORDER ST

HOLLYWOOD AVE

GARY CIR

W AVERY ST

WEBB LN

W MALLORY ST

W MALLORY ST

BONIFAY PL

LIME ST

SEATON LN

DOMINGUEZ ST

W BLOUNT ST

N KIRK ST

W MORENO ST

W BLOUNT ST

LILLIAN HWY

CITRUS ST

NCH ST

W BLOUNT ST

W LEE ST

W LLOYD ST

W BRAINERD ST

W GONZALEZ ST

N Z ST

N Y ST

N X ST

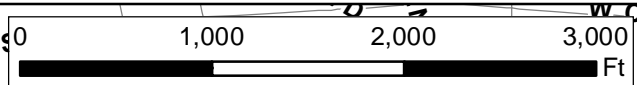
N W ST



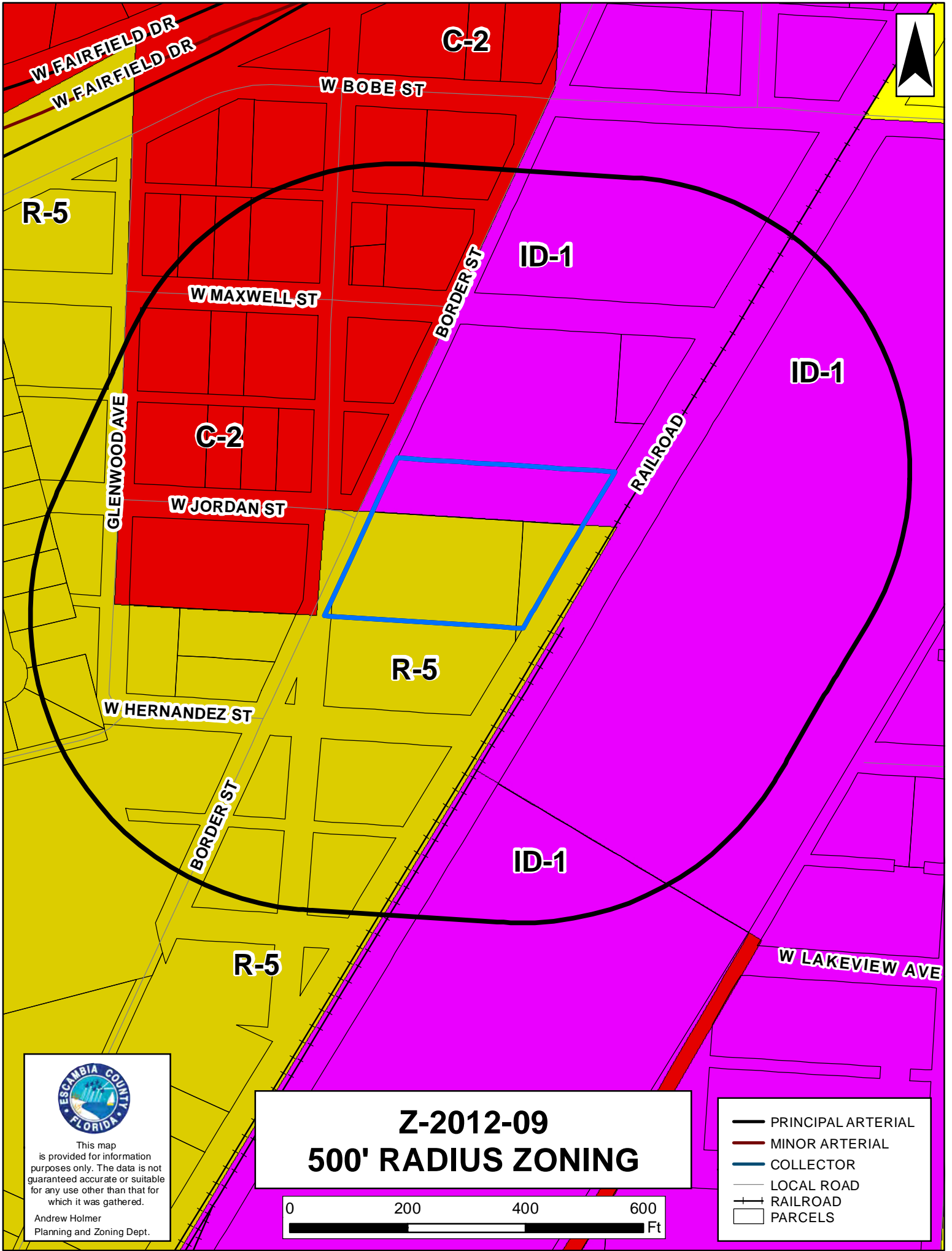

This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2012-09 LOCATION MAP



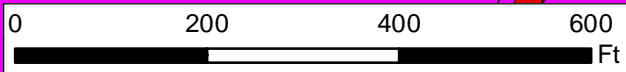
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD










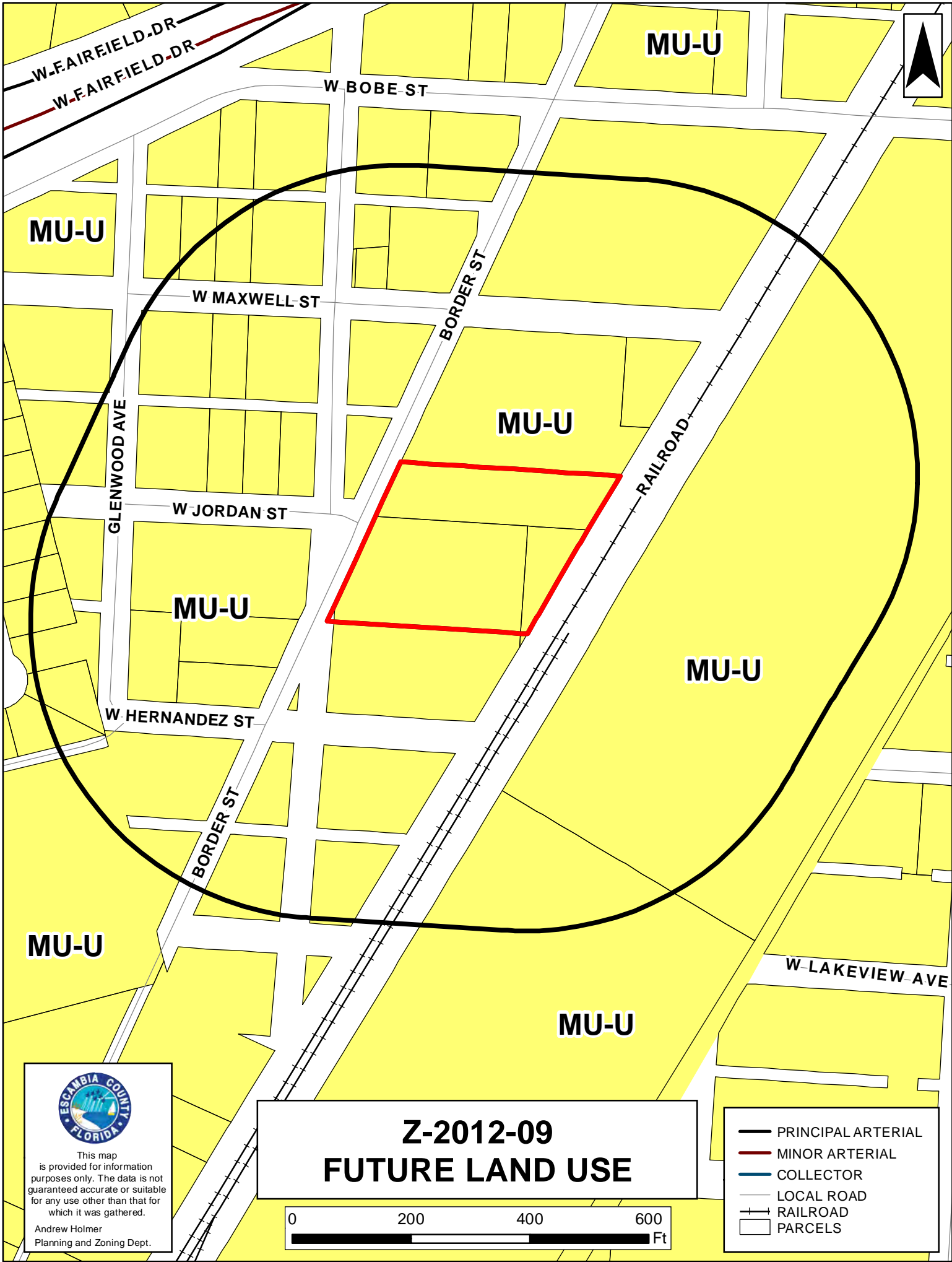
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2012-09
500' RADIUS ZONING



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



MU-U

MU-U

MU-U

MU-U

MU-U

MU-U

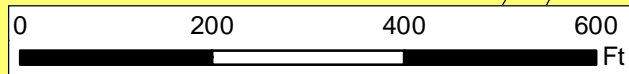
MU-U



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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



W MAXWELL ST

OAKWOOD AVE

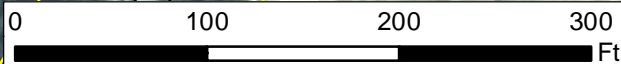
BORDER ST









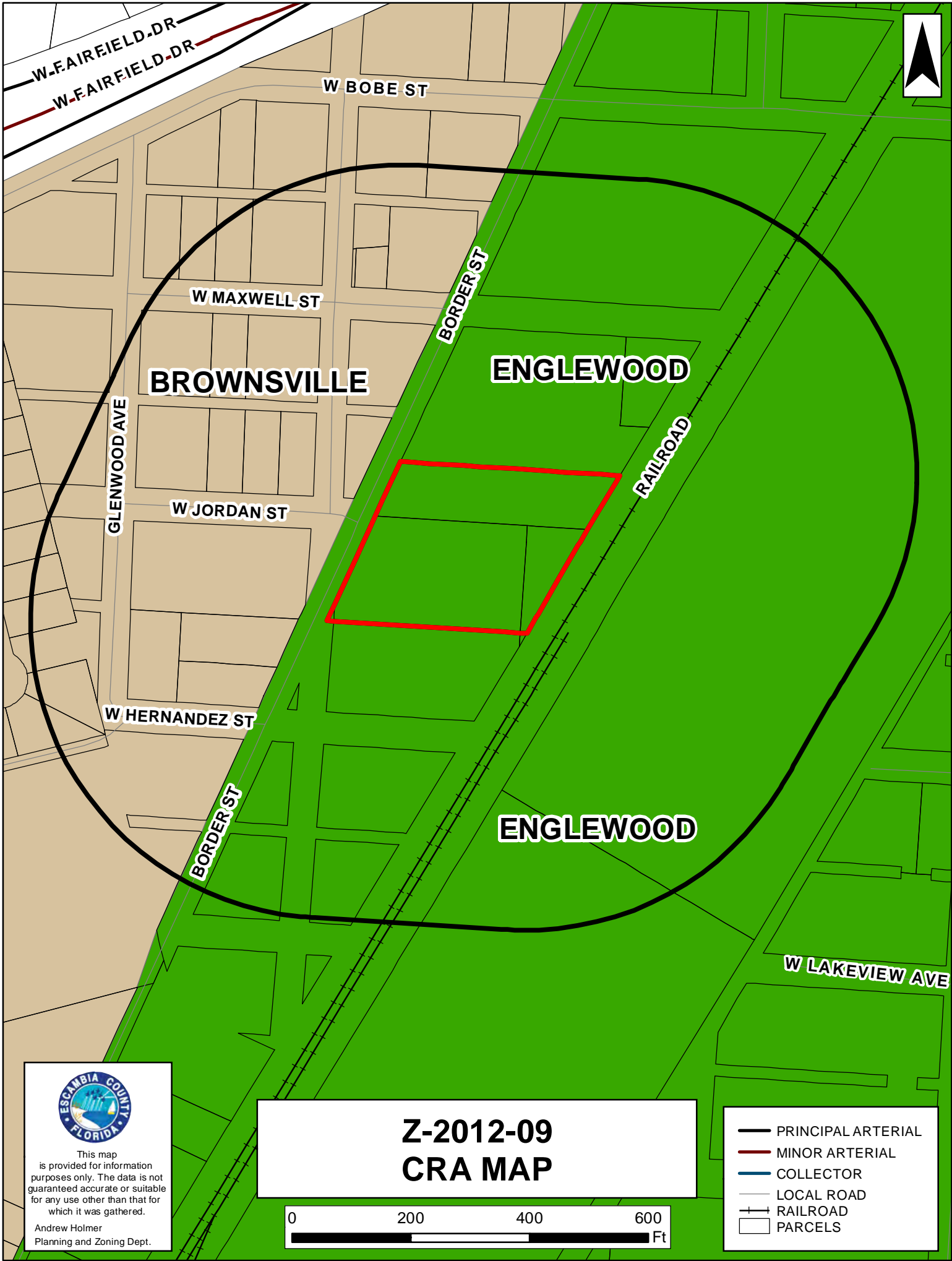
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Andrew Holmer
Planning and Zoning Dept.

Z-2012-09 AERIAL MAP



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



W.FAIRFIELD.DR
W.FAIRFIELD.DR

W BOBE ST

W MAXWELL ST

BROWNSVILLE

ENGLEWOOD

GLENWOOD AVE

BORDER ST

RAILROAD

W JORDAN ST

W HERNANDEZ ST

BORDER ST

ENGLEWOOD

W LAKEVIEW 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-2012-09
CRA MAP**



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



NOTICE OF PUBLIC HEARING REZONING

CASE NO.:

2012-092

CURRENT

PROPOSED

ZONING:

R-5 ID-1

ZONING:

ID-1

PLANNING BOARD

DATE: 9/10/12 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: 10/4/12 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: _____

Kathleen E. Castellani
Signature of Notary
(notary seal must be affixed)

Katherine E Castellani
Printed Name of Notary

FOR OFFICE USE ONLY

Meeting Date(s): PB 5/14; BCC 6/28 Accepted/Verified by: A Con 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

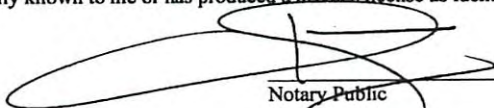
Witness
Print Name: Adrian F. Hammond, Jr.


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

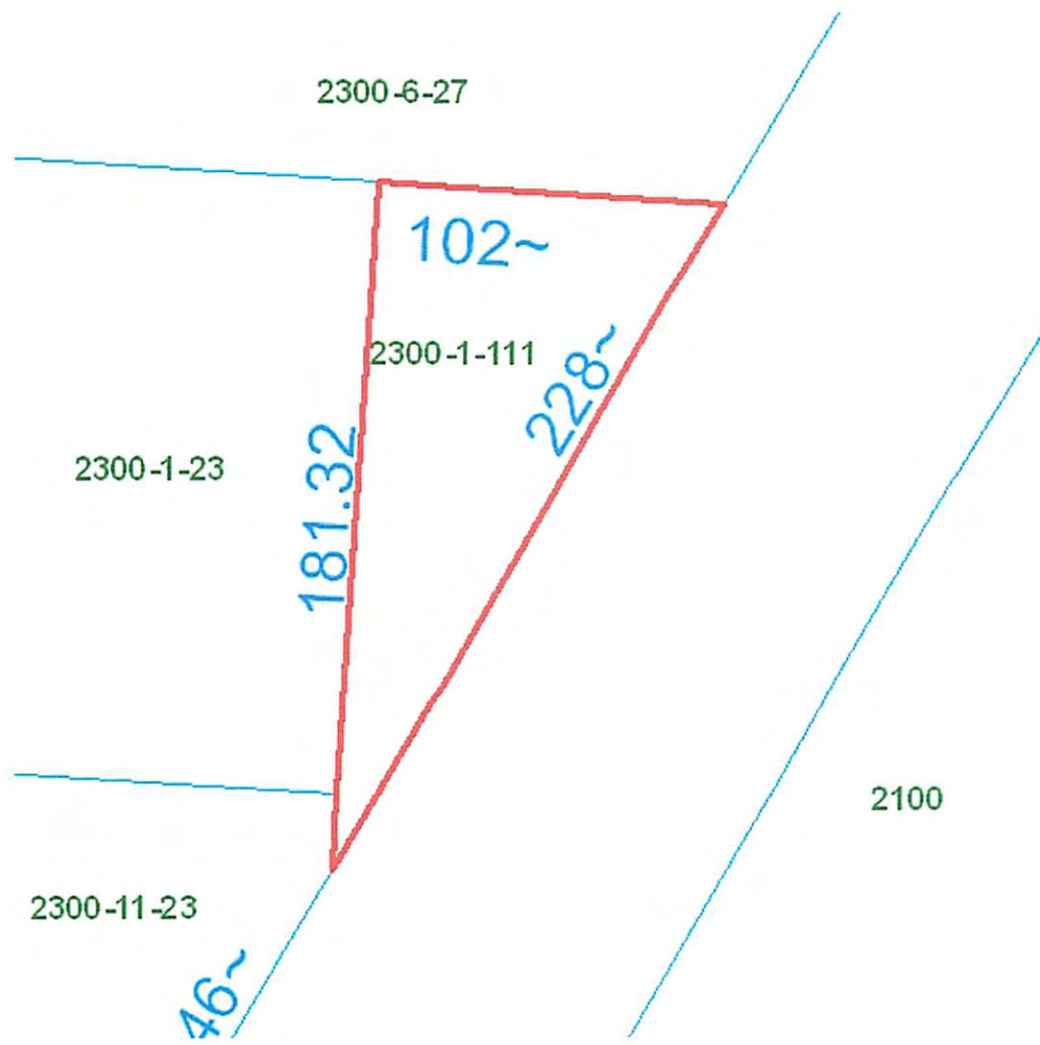


Schedule A

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

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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.

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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.

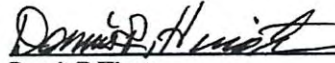
AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the 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

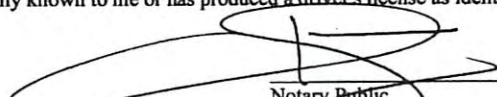
Witness
Print Name: Adrian F. Hammond, Jr.


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

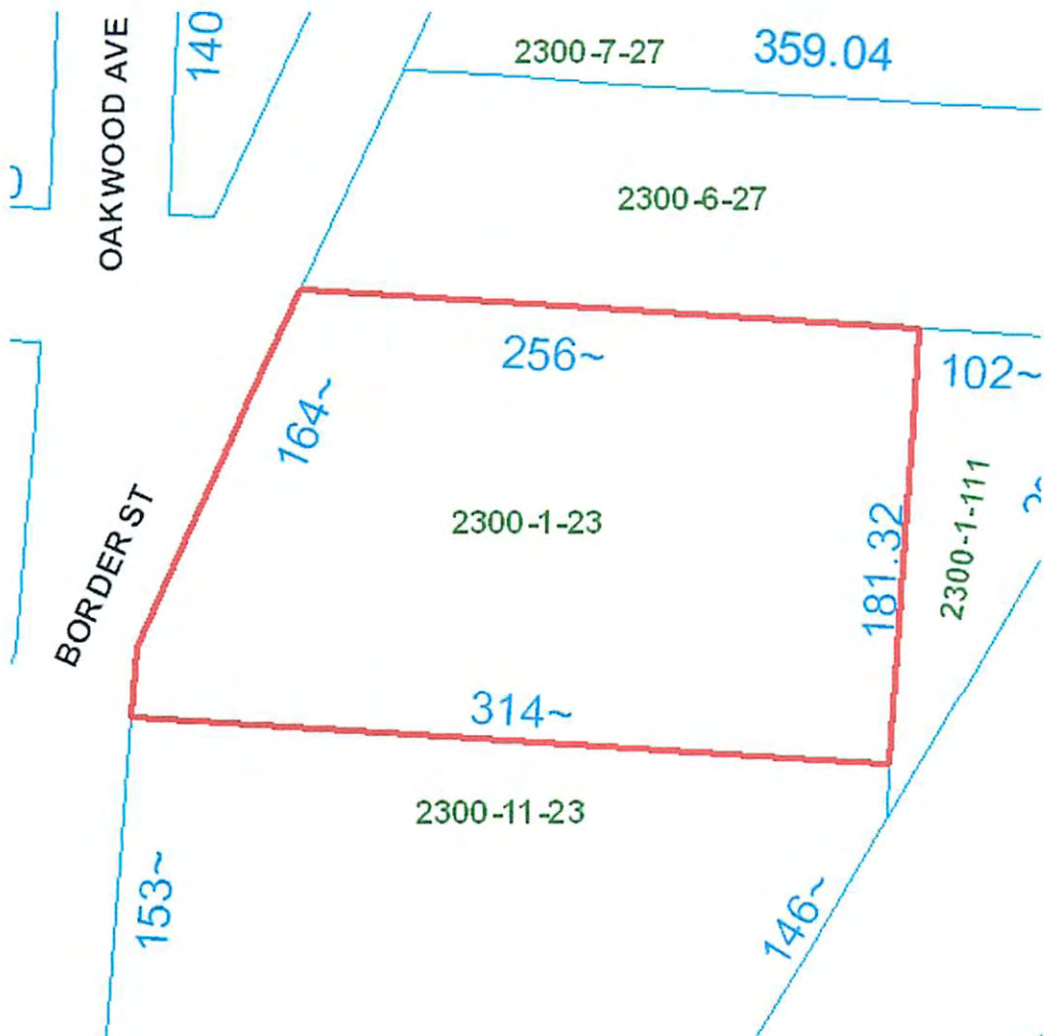


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Doc 1120.00

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

**WARRANTY DEED
(INDIVIDUAL)**

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

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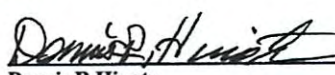
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IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

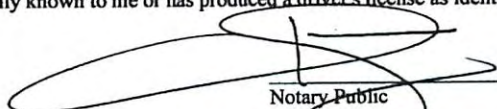

Witness Karen McClammy
Print Name: Karen McClammy
Witness Adrian F. Hammond, Jr.
Print Name: Adrian F. Hammond, Jr.


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:

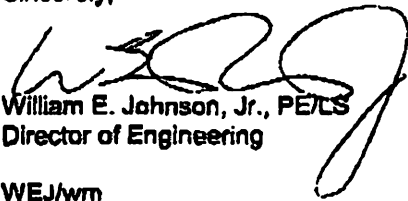
In response to your inquiry concerning availability of water and sewer services for the above referenced project, ECUA anticipates no problems in water supply or sewage treatment plant capacity. Our review indicates this project will not degrade ECUA's water and sewer systems to a degree which would 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

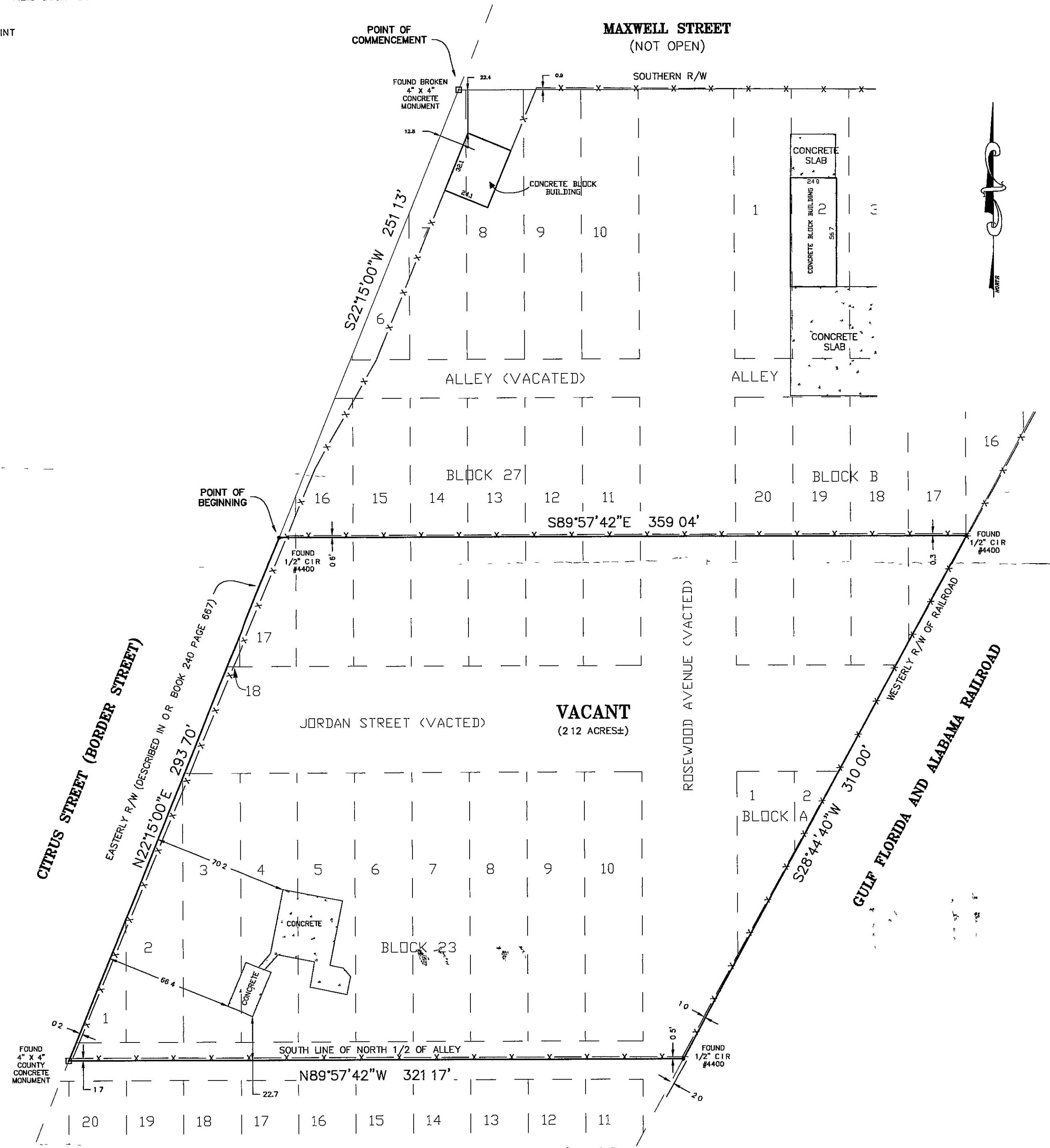
No comment made by any persons associated with the County during any pre-application conference or discussion shall be considered either as approval or rejection of the proposed development, development plans, and/or outcome of any process.

MEASUREMENTS MADE TO UNITED STATES STANDARDS
LEGEND.
 B S L ~ BUILDING SETBACK LINE
 P C ~ POINT OF CURVATURE
 P T ~ POINT OF TANGENCY
 P C P ~ PERMANENT CONTROL POINT
 R ~ RADIUS
 L ~ LENGTH OF ARC
 C ~ CHORD DISTANCE
 C B ~ CHORD BEARING
 R/W ~ RIGHT-OF-WAY
 C I R ~ CAPPED IRON ROD
 D ~ DEED
 A ~ ACTUAL
 CHAINLINK FENCE ~ —X—
 WOOD FENCE ~ —○—

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

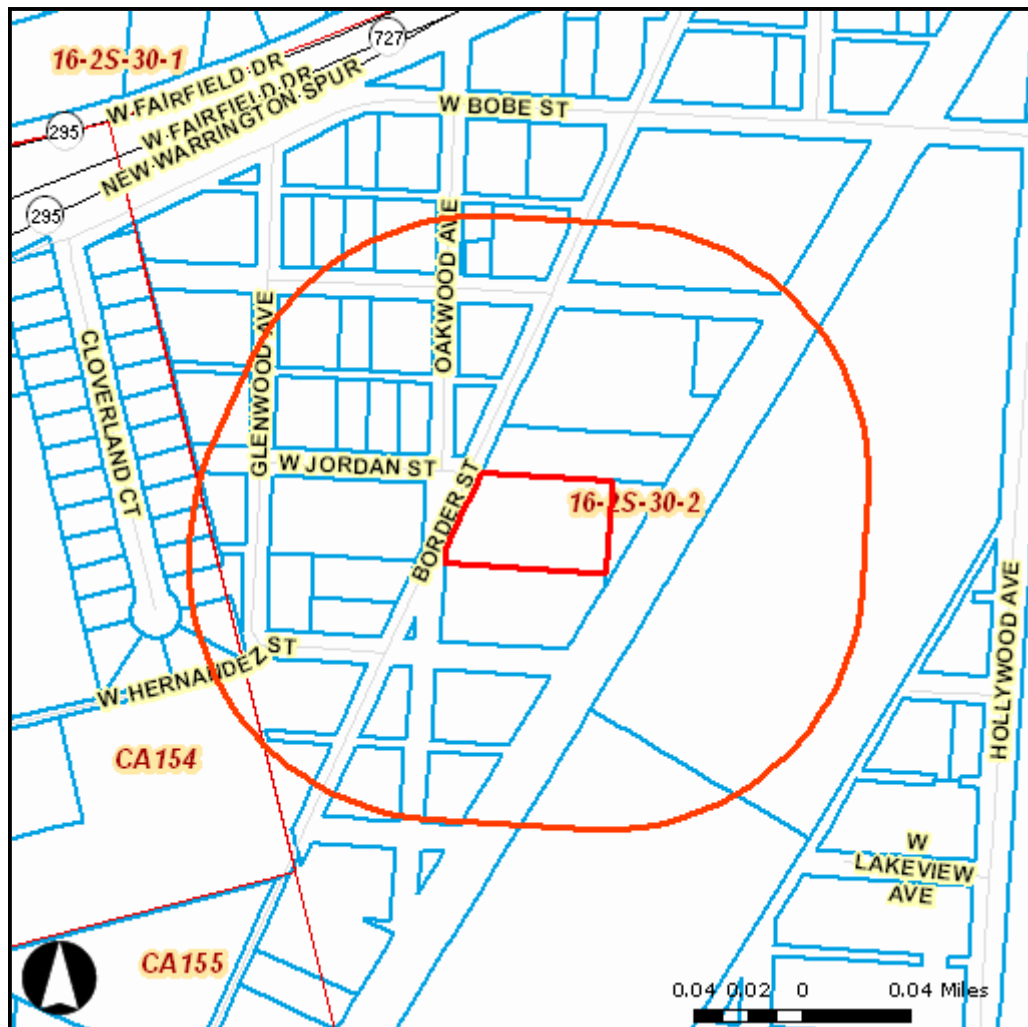
HENDRICKS JAMES GAWEN
8411 KAUSE RD
PENSACOLA FL 32506

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.



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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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