

AGENDA  
ESCAMBIA COUNTY PLANNING BOARD  
October 8, 2012–8:35 a.m.  
Escambia County Central Office Complex  
3363 West Park Place, Room 104

1. Call to Order.
2. Proof of Publication.
3. Approval of Minutes.
  - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the September 10, 2012 Quasi-Judicial Rezoning Meeting and Planning Board Meeting.
  - B. Planning Board Monthly Action Follow-up Report for September 2012.
  - C. Planning Board 6-Month Outlook for October, 2012
4. Public Hearings.
  - A. A Public Hearing Concerning the Review of an LDC Ordinance Amending Articles 2 Administration  
That the Planning Board review and recommend to the Board of County Commissioners (BCC) an LDC Ordinance amending part III of the Escambia County Code of Ordinances (1999), the Land Development Code, as amended; Amending Article 2, Section 2.02.04., and Article 2, Section 2.04.00. of the Land Development Code by divesting the Escambia County Board of Adjustment of jurisdiction over appeals of administrative decisions regarding building permits issued by the Escambia County building inspections department.
  - B. LDC Ordinance - Article 3 & 7 - Marine Turtle Lighting and Protection Ordinance  
That the Planning Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 3 "Definitions", Article 7.03.00 "Barrier Island Lighting", and Article 7.13.00 "Wetlands and Environmentally Sensitive Lands".
  - C. A Public Hearing - Small Scale Amendment SSA 2011-03

That the Planning Board review and recommend adoption to the Board of County Commissioners (BCC) a Small Scale Amendent - SSA 2011-03; amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the future land use map designation.

5. Action/Discussion/Info Items.
  - A. Planning Board Interpretation(PBI 2012-03) - Gasoline Distribution Business in C-2  
Request for Planning Board interpretation on Gasoline Distribution Business in C-2 Zoning District.
  - B. CPA-2012-06 - Amending Future Land Use Element MU-PK; removing certain restrictions on development, height, and density.  
Presented by Andrew Holmer
  - C. LDC Ordinance - Article 6 Zoning Districts, CCPK  
Presented by Andrew Holmer
6. Public Forum.
7. Director's Review.
8. County Attorney's Report.
9. Scheduling of Future Meetings.  
  
The next Regular Planning Board meeting is scheduled for **Monday, November 5, 2012 at 8:35 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.
10. Announcements/Communications.
11. Adjournment.



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**3.**

**Meeting Date:** 10/08/2012

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**Information**

**Agenda Item:**

Approval of Minutes.

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the September 10, 2012 Quasi-Judicial Rezoning Meeting and Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for September 2012.

C. Planning Board 6-Month Outlook for October, 2012

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**Attachments**

Quasi-Judicial Resume'

Planning Board Regular Mtg Resume'

Monthly Action Follow-up

Six Month Outlook

# DRAFT

## RESUMÉ OF THE QUASI-JUDICIAL HEARING September 10, 2012

CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
PENSACOLA, FLORIDA  
(8:30 A.M. –12:12 P.M.)

Present: Wayne Briske, Chairman  
Tim Tate, Vice Chairman  
David Luther Woodward  
Dorothy Davis  
Robert V. Goodloe  
Karen Sindel  
Alvin Wingate  
Patty Hightower, School Board (non-voting)  
Stephanie Oram, Navy (Non voting)

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning  
Andrew Holmer, Senior. Planner, Planning & Zoning  
Horace Jones, Division Mgr., Planning & Zoning  
John Fisher, Urban Planner, Planning & Zoning  
Juan Lemos, Senior Planner, Planning & Zoning  
Stephen West, Assistant County Attorney

1. The meeting was called to order at 9:07 a.m.
2. Invocation/Pledge of Allegiance was given by Mr. Wingate.
3. Proof of Publication was given by the Planning Board Coordinator.

Motion by Dorothy Davis, Seconded by Tim Tate

Motion was made to accept the Planning Board packet with the staff findings of fact and to waive the reading of the legal advertisement.

**Vote:** 7 - 0 Approved - Unanimously

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

No planning board member acknowledged visiting the site.

No planning board member acknowledged any ex parte communication regarding this item.

Mr Woodward refrained from voting on this matter due to any conflict of interest.

Motion by Tim Tate, Seconded by Robert V. Goodloe

Motion was made to recommend approval of the rezoning case Z-2012-16 and accept the staff findings.

**Vote:** 6 - 0 Approved

Other: David Luther Woodward (RECUSE)

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)

No planning board member acknowledged visiting the site.

No planning board member acknowledged any ex parte communication regarding this item.

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

Motion by Dorothy Davis, Seconded by Alvin Wingate

Motion was made to recommend approval of rezoning case 2012-18 and accept staff findings.

**Vote:** 7 - 0 Approved - Unanimously

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)

Mr. Goodloe, Mr. Wingate and Mrs. Sindel acknowledged visiting the site.

No planning board member acknowledged any ex parte communication regarding this item.

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

Motion by Robert V. Goodloe, Seconded by Karen Sindel

Motion was made to recommend approval of the rezoning and accept the staff findings.

**Vote:** 7 - 0 Approved - Unanimously

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)

Mr. Wingate acknowledged visiting the site.

No planning board member acknowledged any ex parte communication regarding this item.

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

Motion by Karen Sindel, Seconded by Tim Tate

Motion was made to recommend approval of the rezoning and disagree with staff findings on criterion 3, stating that it is compatible with the surrounding uses in the area.

**Vote:** 7 - 0 Approved - Unanimously

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)

No planning board member acknowledged visiting the site.

No planning board member acknowledged any ex parte communication regarding this item.

Mr. Tate refrained from voting on this matter due to any conflict of interest.

Motion by Karen Sindel, Seconded by Alvin Wingate

Motion was made to recommend approval of the rezoning and accept staff findings

**Vote:** 6 - 0 Approved

Other: Tim Tate (RECUSE)

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)

Mr. Wingate, Mr. Goodloe and Mrs. Sindel acknowledged visiting the site.

No planning board member acknowledged any ex parte communication regarding this item.

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

Motion by David Luther Woodward, Seconded by Karen Sindel

Motion was made to recommend denial of the rezoning from R-5 to ID-1 and to accept staff findings.

**Vote:** 5 - 2 Approved

Voted No: Tim Tate  
Dorothy Davis

6. Meeting adjourned at 12:12 p.m..



# DRAFT

## RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD September 10, 2012

CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
PENSACOLA, FLORIDA  
(8:40 A.M. – 9:07 A.M.)  
(12:26 P.M. - 1:10 P.M.)

Present: Wayne Briske, Chairman  
Tim Tate, Vice Chairman  
David Luther Woodward  
Dorothy Davis  
Robert V. Goodloe  
Karen Sindel  
Alvin Wingate  
Patty Hightower, School Board (non-voting)  
Stephanie Oram, Navy (Non voting)

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning  
Andrew Holmer, Senior. Planner, Planning & Zoning  
Horace Jones, Division Mgr., Planning & Zoning  
John Fisher, Urban Planner, Planning & Zoning  
Juan Lemos, Senior Planner, Planning & Zoning  
Stephen West, Assistant County Attorney

1. The meeting was called to order and 8:40.to discuss the Barrier Lighting Ordinance. Meeting recessed at 9:07 and resumed at 12:26.
2. Proof of Publication was given by the Planning Board Coordinator.  
  
Motion by Tim Tate, Seconded by Karen Sindel  
  
Motion was made to waive the reading of the legal advertisement  
  
**Vote:** 7 - 0 Approved - Unanimously
3. Approval of Minutes.

A. **RECOMMENDATION** : That the Planning Board review and approve the Meeting Resume' Minutes of the August 13, 2012 Quasi-Judicial Rezoning Meeting and Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for August 2012.

C. Planning Board 6-Month Outlook for September 2012.

Motion by Tim Tate, Seconded by Karen Sindel

Motion was made to approve the resume' minutes of the Augusts 13, 2012 meeting.

**Vote:** 7 - 0 Approved - Unanimously

4. Public Hearings.

A. A Public Hearing - LDC Ordinance - Administrative Appeals

That the Planning Board review and recommend to the Board of County Commissioners (BCC) an Ordinance amending part III of the Escambia County Code of Ordinances (1999), the Land Development Code, as amended; Amending Article 2, Section 2.02.04., and Article 2, Section 2.04.00. of the Land Development Code by divesting the Escambia County Board of Adjustment of jurisdiction over appeals of administrative decisions regarding building permits issued by the Escambia County building inspections department.

Motion by David Luther Woodward, Seconded by Alvin Wingate

Motion was made to reject the Ordinance to the Board of County Commissioners.

**Vote:** 7 - 0 Approved - Unanimously

5. Action/Discussion/Info Items.

A. Discussion-LDC Ordinance Barrier Island Lighting

The Chairman, Mr. Briske recommended to have members of the public and HBA be notified of the ordinance for any input or concerns.

B. Discussion-Will the Planning Board consider reviewing Chapters 1, 2, 3, of the LDC for review and approval.

Planning Board members will review chaptcers 1,2, 3 of the LDC. Would like it as soon as possible.

6. Public Forum.

7. Director's Review.

Nothing to report

8. County Attorney's Report.

No information at this time.

9. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Monday, October 8, 2012 at 8:30 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

10. Announcements/Communications.

11. The meeting adjourned at 1:10 p.m.



T. Lloyd Kerr, AICP, Director  
Development Services

## MEMORANDUM

**TO:** Planning Board

**FROM:** Denise Halstead  
Planning & Zoning Division

**DATE:** September 24, 2012

**RE:** Monthly Action Follow-Up Report for October 2012

Following is a status report of Planning Board (PB) Agenda Items for the Month of **October**. Some items include information from previous months in cases where final disposition has not yet been determined. Post-monthly actions are included (when known) as of report preparation date. Items are listed in chronological order, beginning with the PB initial hearing on the topic.

## PROJECTS, PLANS, & PROGRAMS

### 1. Perdido Key Master Plan

01/12/12	BCC directed staff to send out a Request for Letters of Interest
06/28/12	BCC selected Duany Plater-Zyberk & Company, LLC.
08/15/12	Site Visit - Duany Plater-Zyberk & Company, LLC.
09/13/12	Workshop was held at Perdido Bay Community Center
10/15–10/22	Charrette

## COMMITTEES & WORKING GROUP MEETINGS

- 11/19/12 LDC Re-write Workshop (Map and Text)  
12/10/12 Planning Board-Public Hearing

## COMPREHENSIVE PLAN AMENDMENTS

- 1. Comprehensive Plan Text Amendment - Ordinance amending the 2030 Escambia County Comprehensive Plan to remove all references to Florida Rule 9J-5; to remove all references to Department of Community Affairs and replace with Florida Department of Economic Opportunity (FDEO); to remove all references to Florida Statute 163.3101 and replace with Florida Statute 163.3161.**

01/09/12	PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment.
03/01/12	BCC approved transmittal to DEO
05/17/12	BCC adopted

07/09/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment repealing and replacing Ordinance 2012-18.  
08/09/12 BCC approved

**2. Comprehensive Plan Text Amendment – FLU 5 OSP (CPA 2012-03) Ordinance amending the Escambia County Comprehensive Plan 2030, amending policy FLU 5.5.2 regarding the locational criteria for traditional urban neighborhoods, new suburban neighborhoods and conservation neighborhoods in specific area plans.**

07/09/12 PB reviewed and recommended to the Board of County Commissioners transmittal to the Department of Economic Opportunity (DEO).  
08/09/12 BCC approved transmittal to DEO.

**3. Comprehensive Plan Text Amendment- Small Scale Amendment (SSA-2012-02) amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use Map designation.**

08/13/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment.  
08/23/12 BCC approved

**4. Comprehensive Plan Text Amendment- Large Scale Amendment (CPA-2012-02) amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use Map designation.**

08/13/12 PB reviewed and recommended to the Board of County Commissioners transmittal to the Department of Economic Opportunity (DEO).  
08/23/12 BCC approved transmittal to DEO

**5. Comprehensive Plan Text Amendment – House Bill 503, amending the Comprehensive Plan 2030 consistent with Chapter 2012-205, Laws of Florida; removing references from the Comprehensive Plan 2030 requiring an applicant to obtain a permit or approval from any State or Federal agency as a condition of processing a development permit under certain conditions.**

08/13/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment CPA 2012-04.  
09/06/12 BCC approved transmittal to DEO

**LAND DEVELOPMENT CODE ORDINANCES**

**1. Article 3 Local Criteria for Local Roads**

05/14/12 PB recommended approval of the ordinance  
08/09/12 BCC approved

**2. Article 13 Flood Plain Revision - SRIA**

05/14/12 PB recommended approval of the ordinance  
08/09/12 BCC approved

**3. Article 2, 4, 7, 12 - House Bill 503**

08/13/12 PB recommended approval of the ordinance  
9/06/12 BCC Adopted

**4. Article 2 Appeals**

09/10/12 PB rejected the ordinance to the BCC  
10/04/12 BCC meeting- Administrator Pulled & sent back to PB  
10/08/12 PB to review and make recommendation to BCC

**REZONING CASES**

**1. Rezoning Case Z-2012-09**

05/14/12 PB recommended denial of rezoning  
06/28/12 BCC remanded case to the Planning Board to consider rezoning the R-5 portion to ID-1  
08/13/12 PB recommended staff revise findings for ID-1 and bring back to the September 10<sup>th</sup> PB meeting  
09/10/12 PB recommended denial of rezoning  
10/04/12 BCC meeting

**2. Rezoning Case Z-2012-12**

08/13/12 PB recommended approval of rezoning  
08/23/12 BCC approved

**3. Rezoning Case Z-2012-13**

07/09/12 PB recommended approval of rezoning  
08/09/12 BCC approved

**4. Rezoning Case Z-2012-14**

07/09/12 PB recommended approval of rezoning  
08/09/12 BCC approved

**5. Rezoning Case Z-2012-15**

07/09/12 PB recommended approval of rezoning  
08/09/12 BCC approved

**6. Rezoning Case Z-2012-16**

09/10/12 PB recommended approval of rezoning  
TBD BCC meeting- waiting on Future Land Use Change approval from DEO

- 7. Rezoning Case Z-2012-17**  
08/13/12 PB recommended approval of rezoning  
09/06/12 BCC approved
- 8. Rezoning Case Z-2012-18**  
09/10/12 PB recommended approval of rezoning  
10/04/12 BCC meeting
- 9. Rezoning Case Z-2012-19**  
09/10/12 PB recommended approval of rezoning  
10/04/12 BCC meeting
- 10. Rezoning Case Z-2012-20**  
09/10/12 PB recommended approval of rezoning  
10/04/12 BCC meeting
- 11. Rezoning Case Z-2012-21**  
09/10/12 PB recommended approval of rezoning  
10/04/12 BCC meeting

# PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR OCTOBER 2012

(Revised 09/20/12)

A.H. = Adoption Hearing      T.H. = Transmittal Hearing      P.H. = Public Hearing

\* Indicates topic/date is estimated—subject to staff availability for project completion and/or citizen liaison

Meeting Date	LDC Changes Public Hearing	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
<b>Monday, October 8, 2012</b>	<ul style="list-style-type: none"> <li>• Ord-Barrier Island Lighting</li> <li>• Administrative Appeals</li> </ul>	SSA-2012-03	<ul style="list-style-type: none"> <li>• Z-2012-22</li> <li>• Z-2012-23</li> <li>• Z-2012-24</li> <li>• Z-2012-25</li> </ul>	PBI- 2012-03 CPA-2012-06-FLU MU-U LDC Ord CCPK zoning
<b>Monday, November 5, 2012</b>	<ul style="list-style-type: none"> <li>• CIP Annual Report Update</li> </ul>			<ul style="list-style-type: none"> <li>• Replace Flood Plain Ord</li> </ul>
<b>Monday November 19, 2012 Workshop 8:30 a.m.</b>	<ul style="list-style-type: none"> <li>• LDC Text &amp; Map</li> </ul>			<ul style="list-style-type: none"> <li>• LDC Text &amp; Map discussions</li> </ul>
<b>Monday, December 10, 2012</b>	<ul style="list-style-type: none"> <li>• LDC Re-write</li> </ul>			
<b>Monday, January 14, 2013</b>				
<b>Monday, February 11, 2013</b>				
<b>Monday, March 11, 2013</b>				<ul style="list-style-type: none"> <li>• JLUS</li> </ul>

Disclaimer: This document is provided for informational purposes only. Schedule is subject to change. Verify all topics on the current meeting agenda one week prior to the meeting date.





## BOARD OF COUNTY COMMISSIONERS

### Escambia County, Florida

#### Planning Board-Regular

4. A.

**Meeting Date:** 10/08/2012

**Issue:** A Public Hearing Concerning the Review of an LDC Ordinance Amending Articles 2 Administration

**From:** T. Lloyd Kerr, AICP, Department Director

**Organization:** Development Services

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#### Information

##### **RECOMMENDATION:**

That the Planning Board review and recommend to the Board of County Commissioners (BCC) an LDC Ordinance amending part III of the Escambia County Code of Ordinances (1999), the Land Development Code, as amended; Amending Article 2, Section 2.02.04., and Article 2, Section 2.04.00. of the Land Development Code by divesting the Escambia County Board of Adjustment of jurisdiction over appeals of administrative decisions regarding building permits issued by the Escambia County building inspections department.

##### **BACKGROUND:**

Through its Land Development Code, the Escambia County Board of County Commissioners has established an Escambia County Board of Adjustment and has vested the Board of Adjustment with the authority to hear appeals of certain administrative decisions rendered by Escambia County staff. The Board of Adjustment presently has the authority to hear appeals of administrative decisions approving the issuance of building permits by the Escambia County Building Inspections Department. However, County staff believes that this appeals process fosters uncertainty and delay for building permit applicants and could unduly restrict construction and development. Accordingly, County staff is seeking to divest the Board of Adjustment of its jurisdiction over administrative appeals related solely to the approval of building permits. An applicant or an affected party would still retain the right to challenge any building permit approvals through court or any other available legal means.

##### **BUDGETARY IMPACT:**

No budgetary impact is anticipated by the adoption of this Ordinance.

##### **LEGAL CONSIDERATIONS/SIGN-OFF:**

The attached Ordinance has been reviewed and approved for legal sufficiency by Ryan Ross, Assistant County Attorney. Any recommended legal comments are attached herein.

##### **PERSONNEL:**

No additional personnel are required for implementation of this Ordinance.

##### **POLICY/REQUIREMENT FOR BOARD ACTION:**

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

**IMPLEMENTATION/COORDINATION:**

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

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**Attachments**

Ordinance Draft

ORDINANCE NUMBER 2012-\_\_\_\_\_

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**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE, AS AMENDED; AMENDING ARTICLE 2, SECTION 2.02.04., AND ARTICLE 2, SECTION 2.04.00. OF THE LAND DEVELOPMENT CODE BY DIVESTING THE ESCAMBIA COUNTY BOARD OF ADJUSTMENT OF JURISDICTION OVER APPEALS OF ADMINISTRATIVE DECISIONS REGARDING BUILDING PERMITS ISSUED BY THE ESCAMBIA COUNTY BUILDING INSPECTIONS DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, through its Land Development Code, the Escambia County Board of County Commissioners has established an Escambia County Board of Adjustment and has vested the Board of Adjustment with the authority to hear appeals of certain administrative decisions rendered by Escambia County staff; and

**WHEREAS**, the Board of Adjustment presently has the authority to hear appeals of administrative decisions related to the issuance of building permits made by the Escambia County Building Inspections Department; and

**WHEREAS**, to eliminate uncertainty and delay for building permit applicants, the Board of County Commissioners seeks to divest the Board of Adjustment of its authority to hear appeals of administrative decisions approving the issuance of building permits.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**

**Section 1.** Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Article 2, Section 2.02.04., is hereby amended as follows:

**2.02.00. Permits required.**

*2.02.04. Appeals, variances and conditional uses.* No permit or development order may be issued by the county administrator, or his/her designee, for any development if such development would violate the terms and conditions of this Code. If an application for a conditional use, variance or administrative appeal, as defined and regulated by this Code, has been submitted, no permit or development order, with or without conditions, will be issued until the matter has been resolved pursuant to the provisions of this article.

**Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Article 2, Section 2.04.00., is hereby amended as follows:

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**2.04.00 Appeal of administrative decisions.**

When it is alleged that there is an error in any order, requirement, decision or determination regarding issuance or denial of a development order, land use certificate or permit made by an administrative official in the administration of this chapter, the issue in dispute shall be taken before the board of adjustment. For cases on Pensacola Beach, the appeal shall first be reviewed by the Santa Rosa Island Authority Board, which shall then forward a recommendation to the BOA. An action sufficient to confer standing on a person aggrieved by an administrative decision, or administration of the Land Development Code would be an official action granting, denying or granting with conditions an application for a development order, ~~permit~~ or land use certificate, or an administrative decision denying an application for a building permit issued by the Escambia County Building Inspections Department. This section shall not apply to citations issued by code enforcement officers or to administrative decisions approving a building permit issued by the Escambia County Building Inspections Department.

**Section 3. Severability.**

It is declared the intent of the Board of County Commissioners that if any subsection, clause, sentence, provision or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**Section 4. Inclusion in Code.**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the sections, subsections and other provisions of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intentions.

**Section 5. Effective Date.**

This Ordinance shall become effective upon filing with the Department of State.

# DRAFT

1 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

2  
3 **BOARD OF COUNTY COMMISSIONERS**  
4 **OF ESCAMBIA COUNTY, FLORIDA**

5  
6 **By:** \_\_\_\_\_  
7 **Wilson B Robertson, Chairman**

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10 **ATTEST: ERNIE LEE MAGAHA**  
11 **Clerk of the Circuit Court**

12  
13 **By:** \_\_\_\_\_  
14 **Deputy Clerk**

15  
16 **(SEAL)**

17  
18 **ENACTED:**

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20 **FILED WITH THE DEPARTMENT OF STATE:**

21  
22 **EFFECTIVE DATE:**



## BOARD OF COUNTY COMMISSIONERS

### Escambia County, Florida

#### Planning Board-Regular

4. B.

**Meeting Date:** 10/08/2012

**Issue:** LDC Ordinance - Article 3 & 7 - Marine Turtle Lighting and Protection Ordinance

**From:** Keith Wilkins, REP, Department Director

**Organization:** Community & Environment

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#### Information

##### **RECOMMENDATION:**

That the Planning Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 3 "Definitions", Article 7.03.00 "Barrier Island Lighting", and Article 7.13.00 "Wetlands and Environmentally Sensitive Lands" .

##### **BACKGROUND:**

Escambia County is one of the last coastal communities in Florida with nesting marine turtles to adopt formal lighting standards on it's barrier islands. On average, our beaches are home to 39 marine turtle nests per year, producing over 4,000 hatchlings per year. Existing lighting from development is sufficient to cause most hatchlings to become disoriented and move north rather than into the Gulf of Mexico as they emerge from the nest. Currently, dedicated volunteers "nest sit" identified nests in an effort to mitigate the impacts of lighting. This ordinance will help reduce excess lighting from impacting marine turtles and other wildlife while maintaining human safety.

##### **BUDGETARY IMPACT:**

This ordinance would require retrofit of existing lighting along Via De Luna and at the Casino Parking Lot. County staff is working to obtain grants to fund the retrofit.

##### **LEGAL CONSIDERATIONS/SIGN-OFF:**

The attached Ordinance has been reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any recommended legal comments are attached herein.

##### **PERSONNEL:**

No additional personnel are required for implementation of this Ordinance.

##### **POLICY/REQUIREMENT FOR BOARD ACTION:**

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

##### **IMPLEMENTATION/COORDINATION:**

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the Community and Environment Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

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### **Attachments**

Ordinance Draft

ORDINANCE NO 2012-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, TO PROTECT SEA TURTLES; ESTABLISHING LIGHTING STANDARDS FOR NEW CONSTRUCTION AND EXISTING LIGHTING ON BARRIER ISLANDS THAT PROTECT SEA TURTLE HATCHLINGS; PROHIBITING ACTIVITIES DISRUPTIVE TO SEA TURTLES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Escambia County, Florida, has a coastal community with an extensive shoreline on the Gulf of Mexico; and

WHEREAS, Escambia County's extensive shoreline provides important nesting habitat for several species of sea turtles; and

WHEREAS, Escambia County's shoreline is developed or may be developed with lighted structures on the shoreline in close proximity to sea turtle nesting areas; and

WHEREAS, structures which are built on or near the shoreline usually include some source of artificial lighting; and

WHEREAS, scientific studies conclude that certain types of artificial lighting and other unrestricted beach uses have a detrimental effect on nesting sea turtles and their hatchlings by inhibiting nesting and interfering with the natural lighting cues used by hatchlings to properly orient to the open waters of the Gulf of Mexico; and

WHEREAS, proper light management may also positively affect other species of wildlife that utilize Escambia County's coastal areas, and

WHEREAS, Escambia County recognizes and respects the rights of citizens to use their property to the full extent and for their personal enjoyment; and

WHEREAS, it is the goal of the Escambia County Board of County Commissioners (the "Board") to promote effective management of exterior and interior lighting to provide both safe and secure nighttime use of private property



1 by property owners and minimize disturbances to nesting sea turtles, their  
2 hatchlings, and other coastal wildlife; and

3  
4 **WHEREAS**, the Board desires to implement this ordinance with the  
5 intention of reducing the detrimental affects of artificial lighting or other human  
6 actions on sea turtles and other coastal wildlife;

7  
8 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
9 **COMMISSIONERS OF ESCAMBIA COUNTY, THAT THE ESCAMBIA**  
10 **COUNTY LAND DEVELOPMENT CODE BE AMENDED AS FOLLOWS:**

11  
12 **Section 1.** The findings as outlined in the WHEREAS clauses above are  
13 hereby adopted.

14  
15 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land  
16 Development Code of Escambia County, Article 3 and Article 7, Section 7.03.00,  
17 and Article 7.13.00 are hereby amended as follows (words underlined are  
18 additions and words ~~stricken~~ are deletions):

19  
20 **Article 3 of the Escambia County Land Development Code is hereby**  
21 **amended to add the following definitions (insertions are underlined,**  
22 **deletions have ~~strikethrough~~):**

23  
24 Artificial light or artificial lighting. The light emanating from a manmade  
25 point source of light.

26  
27 Bug light. A lamp that is tinted yellow in order to attenuate its emission of  
28 short wavelength visible light and thus reduce its attractiveness to insects. This  
29 does not include insect killing devices (bug zappers) that attract insects.

30  
31 Cumulatively illuminated. Illuminated by numerous artificial light sources  
32 that as a group illuminate any portion of the beach or dune system seaward of  
33 the crest of the primary dune.

34  
35 Directly illuminated. Illuminated by one or more point sources of light  
36 directly visible to an observer on the beach.

37  
38 Disorientation. Inability of hatchling or adult sea turtles to orient properly to  
39 the Gulf of Mexico.

40  
41 Full cut-off fixture. A fixture with a flat, horizontally oriented lens and  
42 opaque sides that does not permit light distribution above a horizontal plane  
43 located at the bottom of the fixture.

1 Hatchling. Any individual of a species of sea turtle, within or outside of a  
2 nest, which has recently hatched from an egg.

3  
4 Illuminate the Beach. Artificial lighting that casts a discernable shadow on  
5 a flat, white object held by an observer on the beach, with the observer  
6 positioned between the light source and the object. Illumination of the beach is  
7 most discernable on a dark, cloudless night.

8  
9 Indirectly illuminated. Illuminated by one or more point sources of light not  
10 directly visible to an observer on the beach.

11  
12 Light trespass. Light that directly or indirectly illuminates the beach or  
13 environmentally sensitive area.

14  
15 Long wavelength. Light with wavelengths greater than 580 nm that emit  
16 light in the yellow to red color spectrum.

17  
18 Low-pressure sodium light. An electric discharge lamp containing sodium,  
19 neon, and argon and that appears amber-yellow when lighted.

20  
21 Point source of light. A bulb, lamp, filament or other manmade source  
22 within a fixture that emanates light, including, but not limited to incandescent,  
23 tungsten-iodine (quartz), mercury vapor, fluorescent, metal halide, neon,  
24 halogen, high pressure sodium, and low pressure sodium light sources, as well  
25 as natural gas lights, torches, camp and bonfires. When a lamp is contained  
26 within a translucent fixture, the entire fixture shall be considered the point source  
27 of light.

28  
29 Pole lighting. A light fixture set on a base or pole which raises the source  
30 of light higher than forty-eight (48) inches off the ground.

31  
32 Recessed Ceiling Fixture. Fixture recessed into the ceiling such that no  
33 portion of the lamp extends below the horizontal plane of the ceiling.

34  
35 Sea turtle nesting season. The period from May 1 through October 31 of each  
36 year.

37  
38 Shield. An opaque covering, canopy or other such device fitted over a light  
39 source that blocks the light source from being observed from the beach and  
40 prevents the light from illuminating the beach.

41  
42 Tinted glass. Any tinted glass treated to achieve an industry-approved,  
43 inside-to-outside light transmittance value of 45% or less. Such transmittance is

1 limited to the visible spectrum (400 to 700 nanometers) and is measured as the  
2 percentage of light that is transmitted through the glass.

3  
4 *Translucent fixture.* A fixture consisting of a material (e.g., frosted glass)  
5 that transmits light but causes sufficient diffusion to prevent a distinct image of  
6 the lamp inside.

7  
8 *Up-lighting.* Lighting fixtures that are directed upward, usually onto objects  
9 (flags, monuments, signs, buildings, landscape, etc.).

10  
11 *Wildlife lighting.* Artificial lighting that minimizes the potential for negative  
12 affects to the nocturnal behaviors of nesting and hatchling sea turtles and other  
13 wildlife. Based on the premise of Keep it Low, Keep it Shielded, and Keep  
14 it Long, the following criteria apply:

- 15  
16 A. The light source is mounted as low to the ground or floor as practicable  
17 through the use of fixtures such as, low-mounted wall fixtures, low  
18 bollards, and ground-level fixtures;  
19 B. The lumens emitted by the light source are the minimal required for the  
20 intended application;  
21 C. The light source is contained within a full cut-off or fully shielded fixture  
22 such that no light is broadcast above a horizontal plane and the point  
23 source of light and any reflective surfaces of the fixture are not directly  
24 visible from the beach;  
25 D. The lamps emitting predominately long-wavelength light (>580 nm).  
26 These long-wavelength light sources include low pressure sodium vapor  
27 lamps, incandescent bug lamps, amber and red LEDs, true red neon  
28 lamps, and other lamps certified by the Florida Fish and Wildlife  
29 Commission as “Wildlife Lighting”.

30  
31 The luminaires, light fixtures, lamps, and other light sources that have been  
32 certified as meeting the criteria of Wildlife Lighting can be found on the joint  
33 Florida Fish and Wildlife Conservation Commission and the U.S. Fish and  
34 Wildlife Service Wildlife Lighting Certification Program (LCP) website URL:

35  
36 <http://myfwc.com/conservation/you- conserve/lighting/certified/>

37  
38 *Window tinting.* Tinting or film that meets the standards for tinted glass.

39  
40 **Article 7.03.00 is hereby amended as part of the Escambia County Land**  
41 **Development Code (insertions are underlined, deletion have ~~strikethrough~~):**

42  
43 **7.03.00 Exterior Lighting**  
44

1 Exterior lighting in and around buildings and in parking lots is permitted in all  
2 districts. Lighting is to be located for safety and visual effect. With the exception  
3 of street lights, it shall be installed so as not to shine directly on adjacent  
4 property. Lighting shall avoid annoyance from brightness and glare. Artificial  
5 beachfront lighting should be designed and positioned in such a way that it is not  
6 disruptive or have an adverse impact on the activities of Florida's endangered  
7 sea turtles. The Florida Department of Environmental Protection (DEP)  
8 guidelines for protection of nesting habitat, nesting females and hatchling marine  
9 turtles from the negative effects of artificial lighting can be found in their pamphlet  
10 titled "Sea Turtles and Lights."

## 11 **7.03.00 Barrier Island Lighting**

### 12 **7. 03.01 Exemptions**

- 13
- 14
- 15
- 16 A. Lights mandated by Federal regulations (e.g., Federal Aviation  
17 Administration) for illuminating obstructions in navigable airspace and  
18 lights required by the U.S. Coast Guard for boat navigation are exempt  
19 from the provisions of this section provided such lights have been  
20 reviewed and approved in accordance with requirements of the Federal  
21 Endangered Species Act. Also exempted are traditional holiday lights  
22 used outside the sea turtle nesting season.

### 23 **7.03.02 Standards for new construction activities**

- 24
- 25
- 26 A. In order to provide the highest level of protection for nesting sea turtles,  
27 their hatchlings, and other coastal wildlife, the following standards shall  
28 apply to artificial light sources on all new coastal construction (including  
29 redevelopment and substantial improvements) on Escambia County  
30 barrier islands for which a building permit was issued on or after the  
31 effective date of this ordinance:
- 32
- 33 1. The point source of light or any reflective surface of the light fixture  
34 shall not be directly visible to an observer on the beach and the light  
35 shall not directly, indirectly, or cumulatively illuminate any portion of  
36 the beach or dune system seaward of the crest of the primary dune.
- 37
- 38 2. Unless otherwise exempted herein, only Wildlife Lighting, as defined  
39 in this Ordinance, shall be used for all exterior applications, with the  
40 exception that long-wavelength lamps are only required in fixtures  
41 within line-of-sight of the beach.
- 42
- 43 3. Up-lighting that is directly visible from the beach or illuminates the  
44 beach shall not be used. Up-lighting of the United States Flag is

1 exempt from this prohibition if the flag is not within line-of-sight of the  
2 beach.

- 3
- 4 4. All exterior ceiling mounted fixtures, including recessed ceiling lights  
5 and light kits on ceiling fans, are prohibited for applications within line-  
6 of-sight of the beach. These fixtures may be utilized in other areas  
7 not within the line-of-sight of the beach.
- 8
- 9 5. Lighting that does not conform to the definition of Wildlife Lighting  
10 (e.g., not fully shielded) may be used for interior open-air courtyards  
11 provided the light fixture is positioned under an eave, overhang, or  
12 other type of structure such that light is not permitted to escape  
13 directly skyward and uses an incandescent lamp 25 watts or less, a  
14 compact fluorescent lamp 11 watts or less, or a long wavelength light  
15 source.
- 16
- 17 6. Pole-mounted lights shall only be used for those applications where  
18 mounting the lights at lower elevations cannot practicably achieve the  
19 required foot candles to conform to the Florida Building Code and a  
20 waiver to those Building Code requirements, as provided under State  
21 Statute and Florida Administrative Code Rule, has been requested  
22 and denied. Where used, these fixtures and lamps shall be properly  
23 shielded and may not be mounted at a height greater than 12 feet  
24 above the ground. Pole-mounted lights shall not be used for pathway  
25 or access area lighting.
- 26
- 27 7. Lighting of dune walkovers and elevated crossovers to the beach is  
28 prohibited.
- 29
- 30 8. Temporary lighting of construction sites shall be restricted to the  
31 minimal number of lights necessary to conform to state and/or federal  
32 safety regulations (e.g., OSHA).
- 33
- 34 9. Interior stairwells, elevators and enclosed parking garages that allow  
35 light to escape through windows or other openings within line-of-sight  
36 of the beach shall comply with the definition of "wildlife lighting".
- 37
- 38 10. Signs shall be sited on the landward side of structures, when possible.  
39 Signs that must be placed on the seaward side of structures shall be  
40 positioned, when possible, such that they are not in line-of-sight of the  
41 beach and shall be mounted perpendicular to the beach. All signs  
42 shall be externally illuminated from above (downward) with full cut-off  
43 luminaires. If placement of signs within line-of-site of the beach is

1 unavoidable, long-wavelength lighting, such as amber or red LED  
2 lamps, shall be required.

- 3
- 4 11. Tinted glass shall be installed on all windows and glass doors.
- 5
- 6 12. Roadway lighting within line-of-sight of the beach shall use low-  
7 pressure sodium lights (LPS) 55 watts or less and full cut-off fixtures  
8 mounted no higher than 20 feet above the ground. Additional  
9 shielding shall be installed if the light sources can be observed from  
10 the beach. High-intensity lighting applications not within line-of-sight of  
11 the beach shall use either full cut-off LPS 55 watts or less or full cut-  
12 off high pressure sodium (HPS) lights 150 watts or less mounted no  
13 higher than 25 feet above the ground.
- 14
- 15 13. Utility leased lighting including “yard” or security lights, shall comply in  
16 all respects with the standards imposed for roadway lighting in Article  
17 7.03.02(12) above.
- 18
- 19 14. Outdoor light fixtures producing light directly by the combustion of  
20 fossil fuels (such as kerosene lanterns, gas lamps, etc.) shall be  
21 allowed provided such fixtures are not within line-of-sight of the  
22 beach, are top shielded, are not open torches, not mantle based, and  
23 use only a single gas jet.
- 24
- 25 15. Before granting any building permit, the Escambia County Building  
26 Department shall determine that all proposed construction complies in  
27 all respects with the standards imposed in this section. Detailed  
28 project lighting plans shall be submitted to the County showing the  
29 location of all exterior light sources relative to adjacent nesting habitat.  
30 The plans must identify the location, number and type of lighting to be  
31 used for all fixtures. A letter from the FWC showing approval of the  
32 project lighting plan may be submitted in lieu of the lighting plan if  
33 such approval is a requirement for site development.
- 34
- 35 16. Should the light fixtures practically permitted by Section 7.03.02 fail to  
36 provide sufficient light to comply with the Florida Building Code,  
37 alternative lighting may be used provided a waiver to Florida Building  
38 Code requirements, as provided under State Statute and Florida  
39 Administrative Code Rule, has been requested and denied. In that  
40 case, a combination of full-cutoff LPS fixtures supplemented by full-  
41 cutoff HPS fixtures, if needed, may be used to provide the required  
42 level of illumination, and the most effective light management  
43 practices available (best available technology) shall be utilized to



1 minimize light trespass. Conflicts with other applicable state and/or  
2 federal laws or regulations may be resolved in a similar manner.

3  
4 17. Upon the issuance of a certificate of occupancy for any new  
5 development within direct line-of-sight of the beach, compliance with  
6 the beachfront lighting standards set forth in this article shall be  
7 approved as follows:

8 a. Upon completion of the construction activities, the inspector shall  
9 conduct a site inspection which includes a night survey with all  
10 beachfront lighting turned on.

11 b. The inspector shall prepare and report the inspection findings in  
12 writing identifying:

13 1) The date and time of initial inspection;

14 2) The extent of compliance with the lighting standards;

15 3) All areas of observed noncompliance, if applicable;

16 4) Any action(s) taken to remedy observed noncompliance, if  
17 applicable;

18 5) The inspector, in cases where remedial action is necessary,  
19 shall notify the owner or developer of the results of the  
20 inspection and shall schedule a date and time for it  
21 subsequent inspection.  
22

### 23 **7.03.03 Standards for existing lighting**

24  
25 A. In order to provide the highest level of protection for nesting sea turtles,  
26 their hatchlings, and other wildlife, all existing artificial light sources,  
27 including utility leased lighting, within Escambia County barrier islands  
28 shall be brought into compliance with the provisions of this ordinance as  
29 follows:

30  
31 1. The point source of light or any reflective surface of the light fixture  
32 shall not be directly visible to an observer on the beach and the light  
33 shall not directly, indirectly, or cumulatively illuminate any portion of  
34 the beach or dune system seaward of the crest of the primary dune.

35  
36 2. All exterior signs within line-of-sight of the beach shall be externally  
37 illuminated from above (downward) with full cut-off luminaires.  
38

- 1           3. Up-lighting shall be prohibited, because it contributes to skyglow,  
2           which can be disruptive to nesting and hatchling sea turtles. Up-  
3           lighting of the United States Flag is exempt from this prohibition if the  
4           flag is not within line-of-sight of the beach.  
5
- 6           4. Documented disorientation of nesting or hatchling sea turtles caused  
7           by interior lighting may be a violation of the U.S. Endangered Species  
8           Act and/or the Florida Marine Turtle Protection Act. Consequently,  
9           voluntary application of one or more of the following measures, as  
10           applicable, are encouraged to reduce or eliminate the negative effects  
11           of interior light emanating from doors and windows within line-of-sight  
12           of the beach:
  - 13
  - 14           a. Install tinted glass or apply window tinting;
  - 15
  - 16           b. Rearrange lamps and other moveable light fixtures away from  
17           windows;
  - 18
  - 19           c. Use opaque window treatments (shades, curtains, blinds, etc.) at  
20           night to shield interior lights from the beach;
  - 21
  - 22           d. Turn off unnecessary lights.
- 23
- 24           5. Lighting of dune walkovers and elevated crossovers to the beach is  
25           prohibited.  
26
- 27           6. Roadway lighting within line-of-sight of the beach shall use low-  
28           pressure sodium lights (LPS) 55 watts or less and full cut-off fixtures  
29           mounted no higher than 20 feet above the ground. Additional  
30           shielding shall be installed if the light sources can be observed from  
31           the beach. High-intensity lighting applications not within line-of-sight of  
32           the beach shall use either full cut-off LPS 55 watts or less or full cut-  
33           off high pressure sodium (HPS) lights 150 watts or less mounted no  
34           higher than 25 feet above the ground.  
35
- 36           7. All existing artificial light sources must comply with the standards set  
37           forth in Article 7.03.02 by January 1, 2018.  
38
- 39           8. Fixtures which cannot be brought into compliance with the standards  
40           set forth in Section 7.03.02 shall be removed unless such lighting is:  
41           (a) required to comply with the Florida Building Code; (b) the use of  
42           Wildlife Lighting would not achieve the compliance standards set forth  
43           in those regulations; and (c) a waiver to those Building Code  
44           requirements, as provided under State Statute and Florida



1 Administrative Code Rule, has been requested and denied. In that  
2 case, a combination of full-cutoff LPS fixtures supplemented by full-  
3 cutoff HPS fixtures, if needed, may be used to provide the required  
4 level of illumination, and the most effective light management  
5 practices available (best available technology) shall be utilized to  
6 minimize light trespass. Conflicts with other applicable state and/or  
7 federal laws or regulations may be resolved in a similar manner.

8  
9 **7.03.04 Enforcement and Penalties.**

- 10  
11 A. Enforcement procedures and penalties under this ordinance shall be those  
12 set forth in sections 162.06 through 162.13, Florida Statutes, and Chapter  
13 30, Escambia County Cody of Ordinances as may be amended from time  
14 to time. The intent of Escambia County is to enforce only the terms of this  
15 ordinance and not any state or federal laws.  
16  
17 B. No permit may be issued by the County to improve or expand any facility  
18 constructed or modified in violation of this article until the violation has  
19 been corrected.  
20

21 **Article 7.13.00 is hereby amended as part of the Escambia County Land**  
22 **Development Code (insertions are underlined, deletion have ~~strikethrough~~):**

23  
24 **7.13.03.R. Prohibition of Activities Disruptive to Sea Turtles. The following**  
25 **activities and situations are prohibited on the beach from sunset to sunrise**  
26 **during the sea turtle nesting season:**

- 27  
28 1. The operation of all motorized vehicles, except emergency, law  
29 enforcement, and permitted wildlife monitoring personnel who are  
30 acting in conformance with such permit.  
31  
32 2. By January 1, 2015, all temporary structures (including but not limited  
33 to) beach chairs, umbrellas, cabanas, personal water crafts, boats, or  
34 other items that have the potential for entrapment or disruption of  
35 marine turtles shall be removed from the beach from sunset to  
36 sunrise.  
37  
38 a. If it is not practical to remove beach furniture from the beach daily,  
39 the furniture may be stacked or placed into boxes with a 50'  
40 minimum width between staging areas.  
41  
42  
43  
44

1 **Section 3. Severability.**

2  
3 If any section, sentence, clause or phrase of this Ordinance is held to be invalid  
4 or unconstitutional by any Court of competent jurisdiction, then said holding shall  
5 in no way affect the validity of the remaining portions of this Ordinance.  
6

7 **Section 4. Inclusion in Code.**

8  
9 It is the intention of the Board of County Commissioners that the provisions of  
10 this Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the  
11 sections, subsections and other provisions of this Ordinance may be renumbered  
12 or re-lettered and the word "ordinance" may be changed to "section," "article," or  
13 such other appropriate word or phrase in order to accomplish such intentions.  
14

15 **Section 5. Effective Date.**

16  
17 This Ordinance shall become effective upon filing with the Department of State.  
18

19 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
20  
21

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

24  
25 **By:** \_\_\_\_\_  
26 **Wilson B. Robertson, Chairman**  
27

28 **ATTEST: ERNIE LEE MAGAHA**  
29 **Clerk of the Circuit Court**  
30

31 **By:** \_\_\_\_\_  
32 **Deputy Clerk**

33 **(SEAL)**  
34

35 **ENACTED:**  
36

37 **FILED WITH THE DEPARTMENT OF STATE:**  
38

39 **EFFECTIVE DATE:**  
40  
41



## BOARD OF COUNTY COMMISSIONERS Escambia County, Florida

### Planning Board-Regular

4. C.

**Meeting Date:** 10/08/2012

**Issue:** A Public Hearing - Small Scale Amendment SSA 2011-03

**From:** T. Lloyd Kerr, AICP, Department Director

**Organization:** Development Services

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### Information

#### **RECOMMENDATION:**

That the Planning Board review and recommend adoption to the Board of County Commissioners (BCC) a Small Scale Amendment - SSA 2011-03; amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the future land use map designation.

#### **BACKGROUND:**

Wiley C. "Buddy" Page, Agent for Michael Oneill. requested an amendment to change the Future Land Use category for a parcel totaling 9.93 (+/-) acres from Mixed Use Suburban to Industrial. The attached implementing ordinance proposes amending Chapter 7 of the Comprehensive Plan, "Future Land Use Element", to amend the Year 2030 Future Land Use Map.

The proposed amendment consists of 9.93 (+/-) acres which is under the 10 acres or less requirement for a small scale amendment as stated in 163.3187(a). This amendment is the third small scale amendment for this calendar year, therefore it will not exceed the maximum of 120 acres in a calendar year as stated in F.S 163.3187(b)

#### **BUDGETARY IMPACT:**

No budgetary impact is anticipated by the adoption of this Ordinance.

#### **LEGAL CONSIDERATIONS/SIGN-OFF:**

The attached Ordinance has been reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any recommended legal comments are attached herein.

#### **PERSONNEL:**

No additional personnel are required for implementation of this Ordinance.

#### **POLICY/REQUIREMENT FOR BOARD ACTION:**

Comprehensive Plan Section 4.07 requires a public hearing review by the local planning agency (Planning Board) of any proposed amendment to the plan prior to adoption by the Board of County Commissioners in a subsequent public hearing.

**IMPLEMENTATION/COORDINATION:**

Upon recommendation by the Planning Board, the Board of County Commissioners will hold a public hearing to review and adopt the amendment package. Upon adoption the Future Land Use Map will be modified to reflect the amendment.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

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**Attachments**

Draft Ordinance

Staff Analysis

Application Packet

ORDINANCE NO. 2012-\_\_\_

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**AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE ESCAMBIA COUNTY COMPREHENSIVE PLAN: 2030, AS AMENDED; AMENDING CHAPTER 7, "THE FUTURE LAND USE ELEMENT," PROVIDING FOR AN AMENDMENT TO THE 2030 FUTURE LAND USE MAP, CHANGING THE FUTURE LAND USE CATEGORY OF A PARCEL WITHIN SECTION 14, TOWNSHIP 1N, RANGE 31W, PARCEL NUMBER 1001-007-002, TOTALING 9.93 (+/-) ACRES, LOCATED ON STONE BOULEVARD, FROM MIXED-USE SUBURBAN (MU-S) TO INDUSTRIAL (I); PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County adopted its Comprehensive Plan on January 20, 2011; and

**WHEREAS**, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend and enforce comprehensive plans for the development of the County; and

**WHEREAS**, the Escambia County Planning Board conducted a public hearing and forwarded a recommendation to the Board of County Commissioners to approve changes (amendments) to the Comprehensive Plan; and

**WHEREAS**, the Board of County Commissioners of Escambia County, Florida finds that the adoption of this amendment is in the best interest of the County and its citizens;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Escambia County, Florida, as follows:

1 **Section 1. Purpose and Intent**

2  
3 This Ordinance is enacted to carry out the purpose and intent of, and exercise the  
4 authority set out in, the Community Planning Act, Sections 163.3161 through 163.3215,  
5 Florida Statutes.  
6

7  
8 **Section 2. Title of Comprehensive Plan Amendment**

9  
10 This Comprehensive Plan amendment shall be entitled – "Small Scale Amendment  
11 2012-03."  
12

13  
14 **Section 3. Changes to the 2030 Future Land Use Map**

15  
16 The 2030 Future Land Use Map, as adopted by reference and codified in Part II of the  
17 Escambia County Code of Ordinances, the Escambia County Comprehensive Plan:  
18 2030, as amended; Chapter 7, "Future Land Use Element," Policy FLU 1.1.1; and all  
19 notations, references and information shown thereon, is further amended to include the  
20 following future land use change depicted on the map attached as Exhibit "A":  
21

22  
23 Parcel "A" as shown on the legal description and sketch by Pitman, Glaze  
24 and Associates, Inc., Drawing Number C-6777, dated September 6, 2012,  
25 lying within Section 14, Township 1N, Range 31W, Parcel Number 1001-  
26 007-002, totaling 9.93 (+/-) acres, located on Stone Boulevard, from  
27 Mixed-Use Suburban (MU-S) to Industrial (I).  
28

29  
30 **Section 4. Severability**

31  
32 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
33 unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect  
34 the validity of the remaining portions of this Ordinance.  
35

36  
37 **Section 5. Inclusion in the Code**

38  
39 It is the intention of the Board of County Commissioners that the provisions of this  
40 Ordinance shall be codified as required by Section 125.68, Florida Statutes, and that  
41 the sections, subsections and other provisions of this Ordinance may be renumbered or  
42 relettered and the word "ordinance" may be changed to "section," "article," or such other  
43 appropriate word or phrase in order to accomplish such intentions.

1 **Section 6. Effective Date**

2  
3 Pursuant to Section 163.3187(5)(c), Florida Statutes, this Ordinance shall not become  
4 effective until 31 days after adoption. If challenged within 30 days after adoption, this  
5 Ordinance shall not become effective until the Department of Economic Opportunity or  
6 the Administration Commission enters a final order determining the Ordinance to be in  
7 compliance.  
8

9  
10 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

11  
12 BOARD OF COUNTY COMMISSIONERS  
13 OF ESCAMBIA COUNTY, FLORIDA

14  
15  
16 By: \_\_\_\_\_  
17 Wilson B. Robertson, Chairman

18  
19 ATTEST: ERNIE LEE MAGAHA  
20 CLERK OF THE CIRCUIT COURT

21  
22  
23 By: \_\_\_\_\_  
24 Deputy Clerk

25  
26  
27 (SEAL)

28  
29  
30 ENACTED:

31  
32 FILED WITH THE DEPARTMENT OF STATE:

33  
34 EFFECTIVE DATE:  
35  
36  
37

## Comprehensive Plan Amendment Staff Analysis

### General Data

**Project Name:** SSA 2012-03  
**Location:** 85 Stone Blvd  
**Parcel #s:** 14-1N-31-1001-007-002  
**Acreage:** 9.99 (+/-) acres  
**Request:** From Mixed Use Suburban (MU-S) to I- Industrial  
**Agent:** Wiley C. "Buddy" Page, Agent for Michael O'Neill

**Meeting Dates:** Planning Board October 8, 2012  
BCC November, 1, 2012

### Summary of Proposed Amendment:

The proposed amendment is for a 9.99 (+/-) acre parcel that is accessed from Stone Lake Blvd via an easement. The subject property is abutting and adjacent to an existing ID-2 zoned parcel.

The proposed small scale amendment meets the following conditions in order to be classified as a small scale comprehensive plan amendment:

- a) The parcel is 9.99 (+/-) acres which is under the 10 acres or fewer as stated in 163.3187(a).
- b) This amendment is the third small scale amendment for this calendar year, therefore it will not exceed the maximum of 120 acres in a calendar year as stated in F.S 163.3187(b).
- c) The proposed amendment is not located within a designated area of critical state concern.

The agent has requested a future land use (FLU) map amendment to change the future land use category of a 9.99(+/-) acre parcel from Mixed Use Suburban Future Land Use to Industrial Future Land Use. The zoning designation for the referenced parcel is ID-CP (Industrial Commerce Park). The intent of the proposed FLU change is to allow for industrial uses consistent with existing properties to the north and across Highway 29. The applicant will submit the subject parcel for a rezoning.



## **Land Use Impacts:**

### Residential Impact

Under Comprehensive Plan Policy 1.3.1, the current Mixed Use Suburban (MU-S) Future Land Use category has a maximum intensity of 1.0 Floor Area Ratio (FAR) and no Minimum Intensity for non-residential uses. It allows for a mix of residential and non-residential uses such as residential, retail and services, professional office, recreational facilities and public and civic.

The proposed amendment to Industrial Future Land Use category allows for a Maximum Intensity of 1.0 FAR. It allows for light to intensive industrial, ancillary retail and office and no new residential development is allowed.

## **Infrastructure Availability:**

### **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).*

### **FLU 2.1.1 Infrastructure Capacities**

*Urban uses shall be concentrated in the urbanized areas with the most intense development permitted in the Mixed-Use Urban (MU-U) areas and areas with sufficient central water and sewer system capacity to accommodate higher density development. Land use densities may be increased through Comprehensive Plan amendments. This policy is intended to direct higher density urban uses to those areas with infrastructure capacities sufficient to meet demands and to those areas with capacities in excess of current or projected demand. Septic systems remain allowed through Florida Health Department permits where central sewer is not available.*

### **GOAL CMS 1 Concurrency Management System**

*Escambia County shall adopt a Concurrency Management System to ensure that facilities and services needed to support development are available concurrent with the impacts of such development.*

### **OBJ CMS 1.1 Level of Service Standards**

*Ensure that Escambia County's adopted Level of Service (LOS) standards for roadways, mass transit, potable water, wastewater, solid waste, stormwater, public schools and recreation will be maintained.*

### **CMS 1.2.1 Concurrency Determination.**

*The test for concurrency shall be met and the determination of concurrency shall be made prior to the approval of an application for a development order or permit that*

*contains a specific plan for development, including the densities and intensities of the proposed development. If an applicant fails concurrency, he/she may apply to satisfy the requirements of the concurrency management system through the proportionate fair share program. For applicants participating in the proportionate fair share program, the BCC must approve a proportionate fair share agreement before a certificate of concurrency can be issued.*

### **Potable Water**

Emerald Coast Utility Authority (ECUA) would be the potable water provider for the parcel. The adopted level of service (LOS) standards for, potable water, are established in Comprehensive Plan Policy INF 4.1.7. ECUA standard is 250 gallons per capita per day per residential connection per day. For non-residential uses, the LOS requirements shall be based upon an Equivalent Residential Connection (ERC) to be calculated by the service provider at the time of application.

Unlike residential development for which population can be estimated from proposed dwelling units (households), non-residential development has no associated population that can be used to evaluate the potential impacts on the provider's adopted per capita LOS.

Potable water service exists in the area of the subject parcel with a 12 inch water line on the north side of Becks Lake Road and the west side of Stone Blvd.

### **Sanitary Sewer**

The adopted level of service standards for sanitary sewer established in Comprehensive Plan Policy INF 1.1.9 are an average of 210 gallons per residential connection per day and a peak of 350 gallons per residential connection per day. The policy also states that the LOS requirements for non-residential uses shall be based upon an equivalent residential connection calculated by the provider and on the size of the non-residential water meter. However, neither the Emerald Coast Utilities Authority (ECUA) nor any other provider presently has sewer collection lines that can serve the parcel. The nearest connection is on the west side of Highway 29 on Muscogee Road. The agent's letter states there are existing stormwater facilities, water and sewer available to the parcel on Stone Blvd.

### **Solid Waste Disposal**

*As established in Comprehensive Plan policy INF 2.1.4, the adopted LOS standard for solid waste disposal in the county is six pounds per capita per day. Solid waste from the parcel will be disposed at the Perdido Landfill. The current build-out of the 424-acre landfill facility is 74 acres. Based on population growth projections and estimated annual Class 1 municipal solid waste (MSW) received, the estimated remaining life of the landfill is 70 years.*

No solid waste provider for the parcel was determined but the area currently has Emerald Coast Utilities Authority for the waste, which could go to the Perdido Landfill.

Based on the level of service standards and estimated life of the landfill, there will not be an additional impact on capacity.

### **Stormwater Management**

*Comprehensive Plan Policy INF 3.1.9 establishes the following minimum level of service standards for drainage:*

- a. The post development run-off rate shall not exceed the pre-development run-off rate for a 25-year storm event, up to and including an event with greatest intensity. However, the County Engineer may reduce detention/retention storage requirements for developments that provide a direct discharge of treated stormwater to the Gulf of Mexico, Escambia Bay, Pensacola Bay, or Perdido Bay.*
- b. Compliance with environmental resource permitting and other stormwater design and performance standards of the Florida Department of Environmental Protection and Northwest Florida Water Management District as prescribed in the Florida Administrative Code.*
- c. The contribution of the new development to any existing, functioning area-wide drainage system shall not degrade the ability of the area-wide system to adequately retain/detain/store and control stormwater run-off.*
- d. The design and construction for all major channels of stormwater systems under arterial and collector roads shall be predicated upon, and designed to control stormwater from, at least a 100-year storm event.*

Any new development on the parcel must meet these LOS requirements and may necessitate the construction of stormwater management facilities. Drainage LOS compliance would be addressed as part of the site development review process.

### **Traffic Concurrency**

*Under Comp Plan CMS 1.1.2 **Primary Tasks**. The County Administrator, or designee, shall be responsible for the five primary tasks described below:*

- a. Maintaining an inventory of existing public facilities and capacities or deficiencies;*
- b. Determining concurrency of proposed development that does not require BCC approval;*
- c. Providing advisory concurrency assessments and recommending conditions of approval to the BCC for those applications for development orders that require BCC approval;*
- d. Reporting the status of all public facilities covered under this system to the BCC and recommending a schedule of improvements for those public facilities found to have existing deficiencies; and*
- e. Administering the Proportionate Fair Share Program as outlined in the Land Development Code (LDC) and the Escambia County Concurrency Management System*

*Procedure Manual, if the County CMS-1 and an applicant choose to utilize this program to mitigate transportation impacts on transportation facilities found to have deficient capacity during the process of testing for concurrency.*

The county's Transportation & Traffic Operations Division analyzed the impacts on area roads from trips generated by potential use of the parcel. The analysis estimated the impacted road segments of U.S. Highway 29 and Muscogee Rd (CR-184) would all maintain their adopted levels of service established in Comprehensive Plan Policy Mobility Element (MOB)1.1.2 and would meet the test for concurrency prescribed by Land Development Code (LDC) Section 5.12.00. Potential trip generation was based on "industrial park" land use as defined by the Institute of Transportation Engineers. That use is a more trip-intensive use than possible heavy industrial use and is a best-fit characterization of the potential impacts of the industrial FLU.

**SUMMARY:** Test for concurrency and allocation for capacity on roadways, potable water, wastewater, solid waste, stormwater shall be determined at the time of site plan review.

### **Impact on Wellheads, Historically Significant Sites and the Natural Environment:**

#### **Wellheads:**

*CON 1.4.1 **Wellhead Protection.** Escambia County shall provide comprehensive wellhead protection from potential adverse impacts to current and future public water supplies. The provisions shall establish specific wellhead protection areas and address incompatible land uses, including prohibited activities and materials, within those areas.*

The nearest potable wellhead, ECUA Cantonment well, is approximately 1400 feet northeast of the parcel site. The site is within the 20 year travel time contour of that well. All impacts to the wellhead protection area must be reviewed and mitigated as part of the site plan review process.

#### **Historically Significant Sites:**

*FLU 1.2.1 **State Assistance.** Escambia County shall utilize all available resources of the Florida Department of State, Division of Historical Resources in the identification of archeological and/or historic sites or structures within the County. The County will utilize guidance, direction and technical assistance received from this agency to develop provisions and regulations for the preservation and protection of such sites and structures. In addition, the County will utilize assistance from this agency together with other sources, such as the University of West Florida, in identifying newly discovered historic or archaeological resources. The identification will include an analysis to determine the significance of the resource.*

The agent did not provide information regarding the identification of archeological and/or historical site or structures in or near the subject parcel.

**Wetlands:**

*CON 1.1.2 **Wetland and Habitat Indicators.** Escambia County has adopted and will use the National Wetlands Inventory Map, the Escambia County Soils Survey, and the Florida Fish and Wildlife Conservation Commission's (FFWCC) LANDSAT imagery as indicators of the potential presence of wetlands or listed wildlife habitat in the review of applications for development approval. The Escambia County Hydric Soils Map is attached to this ordinance as Exhibit N.*

As indicated on the National Wetland Inventory maps, there appears to be no environmentally sensitive lands on the subject parcel. Any future development shall be reviewed for compliance with the all the federal, state and local regulations prior to the issuance of any site plan approval.

**Comprehensive Plan Consistency and Relevant Policies:**

**FLU 1.3 Future Land Use Map Designations:**

*"Designate land uses on FLUM to discourage urban sprawl, promote mixed use, compact development in urban areas, and support development compatible with the protection and preservation of rural areas."*

***Industrial Future Land Use Category:***

*FLU 1.3.1 states that the Industrial FLU "is intended for a mix of industrial development and ancillary office and commercial uses that are deemed to be compatible with adjacent or nearby properties. Industrial areas shall facilitate continued industrial operations within the County and provide jobs and employment security for present and future residents.*

New industrial uses in the I-Industrial category may be permitted provided such use conforms to the permitted uses listed in the ID-2 zoning category. The adjacent or nearby properties are currently being utilized for industrial type uses. If this amendment is granted, the agent must submit an application for the quasi-judicial rezoning process prior to receiving a development order.

*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).*

The site must meet all the level of service standards for any future industrial development on the parcel.

FUTURE LAND USE MAP AMENDMENT APPLICATION

SSA 2012-03

PPB 1209 00005

**(THIS SECTION FOR OFFICE USE ONLY):**

TYPE OF REQUEST: SMALL SCALE FLU AMENDMENT  \_\_\_\_\_  
LARGE SCALE FLU AMENDMENT \_\_\_\_\_

Current FLU: MU-S Desired FLU: I Zoning: ID-CP Taken by: A Cain

Planning Board Public Hearing, date(s): October 8, 2012

BCC Public Hearing, proposed date(s): Nov 1, 2012

Fees Paid \_\_\_\_\_ Receipt # \_\_\_\_\_ Date: \_\_\_\_\_

**OWNER'S NAME AND HOME ADDRESS AS SHOWN ON PUBLIC RECORDS OF ESCAMBIA COUNTY, FL**

Name: 85 Stone, LLC

Address: 8500 Fowler Avenue

City: Pensacola State: Florida Zip Code: 32534

Telephone: ( ) 850 429 5212

Email: mikeo@kjsupply.com

**DESCRIPTION OF PROPERTY:**

Street address: 85 Stone Boulevard Pensacola, Florida 32533

Subdivision:

N / A

Property reference number: Section 14 Township 1N Range 31

Parcel 1001 Lot 007 Block 002

Size of Property (acres) 9.9+-



**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION FOR  
FUTURE LAND USE CHANGE REQUEST**

By my signature, I hereby certify that:

- 1) I am duly qualified as owner 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 there are no guarantees as to the outcome of this request, the application fee is non-refundable; and
- 4) The signatory below will be held responsible for the balance of any advertising fees associated with required public hearings for this amendment request (Payment due within 90 days of invoice date) or future planning and zoning applications will not be accepted; and
- 5) I authorize County Staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection; and
- 6) I authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County Staff.

[Signature] 85 Stone, LLC  
Signature (Property Owner) Printed Name Date

Signature (Agent's Name (or owner if representing oneself) Printed Name Date

Address: 8500 Fowler Avenue

City: Pensacola State: FL Zip: 32534

Telephone ( ) 850 - 554-7489 Fax # ( ) 850 - 484-3586

Email: mike0@kjsupplyco.com

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The forgoing instrument was acknowledged before me this 15 day of August, year of 2012 by Michael Overall who ( ) did ( ) did not take an oath. He/she is (  ) personally known to me, ( ) produced current Florida/Other driver's license, and/or ( ) produced current \_\_\_\_\_ as identification.

[Signature] 8/15/12 Michael Dean Soutullo  
Signature of Notary Public Date Printed Name of Notary

My Commission Expires NOV. 21, 2012 Commission No. DD 815990  
(Notary seal must be affixed)



**AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY**

As owner of the property located at 85 Stone Blvd. Pensacola, FL,  
Pensacola, Florida, Property Reference Number(s) 14-1N-31-1001-007-002,  
I hereby designate Wiley C. "Buddy" Page, for the sole purpose of completing this application  
and making a presentation to the Planning Board, sitting as the Local Planning Agency, and the  
Board of County Commissioners, to request a change in the Future Land Use on the above  
referenced property.


This Limited Power of Attorney is granted on this \_\_\_\_\_ day of \_\_\_\_\_, the year of  
\_\_\_\_\_, and is effective until the Board of County Commissioners 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 Planning and  
Engineering Department.

		85 Stone, LLC
<b>Signature of Property Owner</b>	<b>Date</b>	<b>Printed Name of Property Owner</b>
<b>Signature of Agent</b>	<b>Date</b>	<b>Printed Name of Agent</b>

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

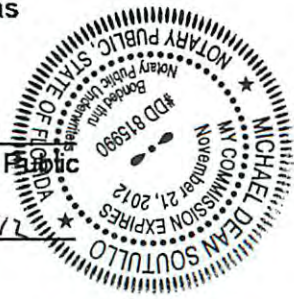
The foregoing instrument was acknowledged before me this 15 day of August, year of  
2012, by Michael ONELL who ( ) did ( ) did not take an  
oath.

He/she is (  ) personally known to me, ( ) produced current Florida/Other driver's license,  
and/or ( ) produced current \_\_\_\_\_ as  
identification.

	8/15/12	Michael Dean Soutullo
<b>Signature of Notary Public</b>	<b>Date</b>	<b>Printed Name of Notary Public</b>

Commission Number DD845990 My Commission Expires NOV 21, 2012

(Notary seal must be affixed)





**FUTURE LAND USE MAP AMENDMENT APPLICATION  
CONCURRENCY DETERMINATION ACKNOWLEDGMENT**

Project name:

85 Stone, LLC

Property reference #: Section 14 Township 1N Range 31

Parcel # 1001-007-002

Project Address:

85 Stone Boulevard, Pensacola, Florida 32533

I/We acknowledge and agree that no future development permit (other than a rezoning/reclassification) shall be approved for the subject parcel(s) prior to the issuance of a certificate of concurrency for such proposed development based on the densities and intensities contained within such future development permit application.

I/We also acknowledge and agree that no development permit or order (other than a rezoning/reclassification) will be issued at that time unless at least one of the concurrency management system standards is met as contained in the Escambia County Code of Ordinances, Part II, Section 6.04, namely:

- (1) The necessary facilities and services are in place at the time a development permit is issued; or
- (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- (3) The necessary facilities are under construction at the time a permit is issued; or
- (4) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued. NOTE: This provision only relates to parks and recreation facilities and roads. The LDC will include a requirement that the provision or construction of the facility or service must commence within one (1) year of the Development Order or Permit; or
- (5) 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 163.320, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. Any such agreement shall include provisions pursuant to paragraphs 1, 2, or 3 above.
- (6) The necessary facilities needed to serve new development are in place or under actual construction no more than three (3) years after issuance, by the County, of a certificate of occupancy or its functional equivalent. NOTE: This provision only relates to roads.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 15 DAY OF Aug, 2012

Owner's signature

85 Stone, LLC  
Owner's name (print)

Agent's signature

Agent's name (print)

**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

August 6, 2012  
VIA HAND DELIVERY

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

**RE: Small Scale Amendment for 85 Stone, LLC**  
**Property Parcel No. 14-1N-31-1001-007-002**  
**Change Requested: From MU-S to ID**

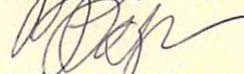
Dear Ms. Cain:

The attached application package seeks to change the Future Land Use Map (FLUM) land use classification to the above referenced property from the existing designation of Mixed Use Suburban MU-S to ID Industrial. The 9.9 acre site is located within the Stone Industrial Park area in Cantonment.

Although the site has been vacant for several years, it is otherwise complete with existing paving, stormwater facilities, water, sewer, three phase electrical service, and an 11,000sf metal building. Rail service is available on the north and west side of the property.

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

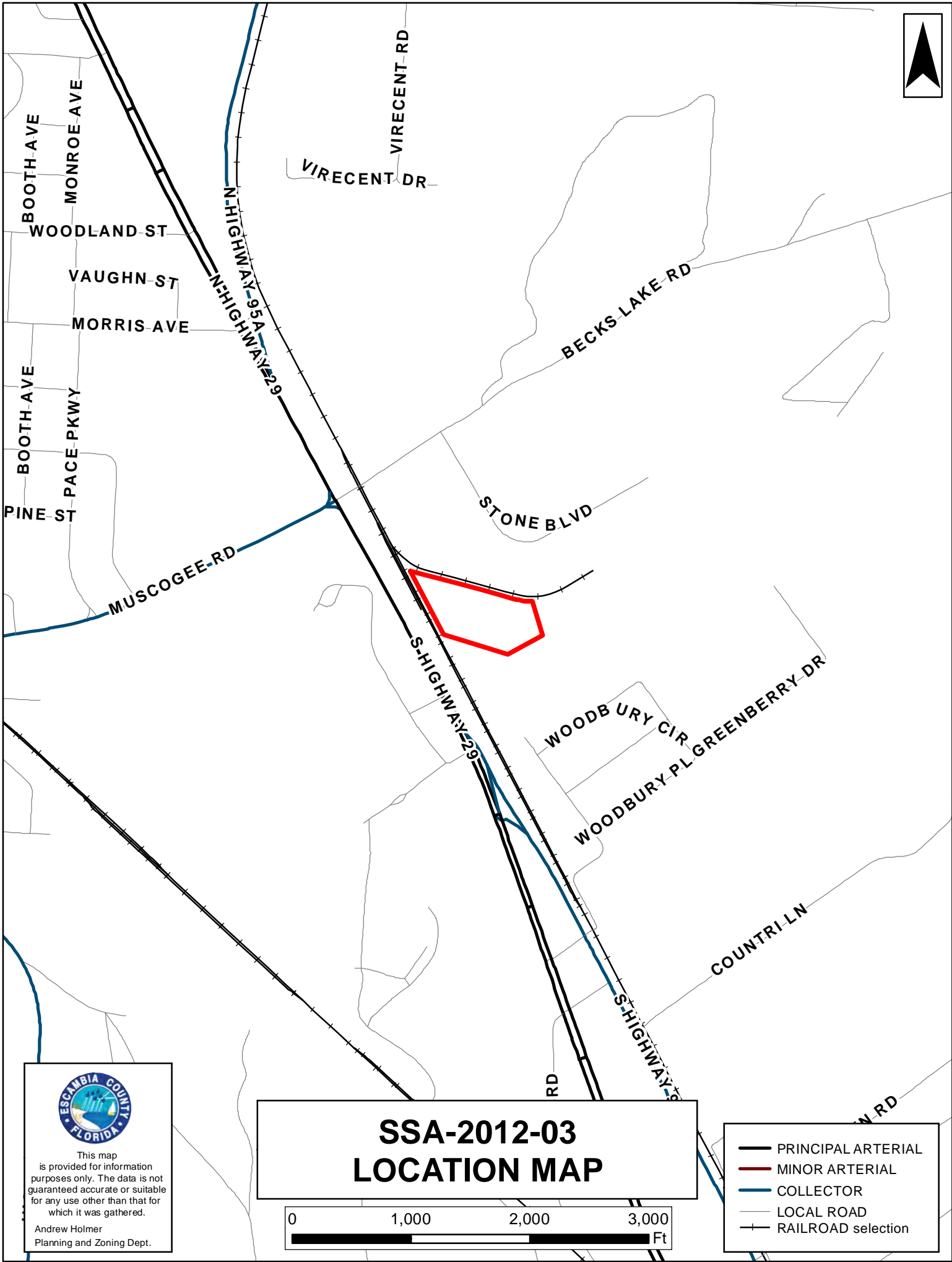
Sincerely yours,



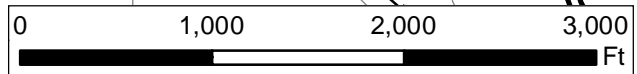
Wiley C. "Buddy" Page

Copy: Mr. Mike O'Neill





# SSA-2012-03 LOCATION MAP

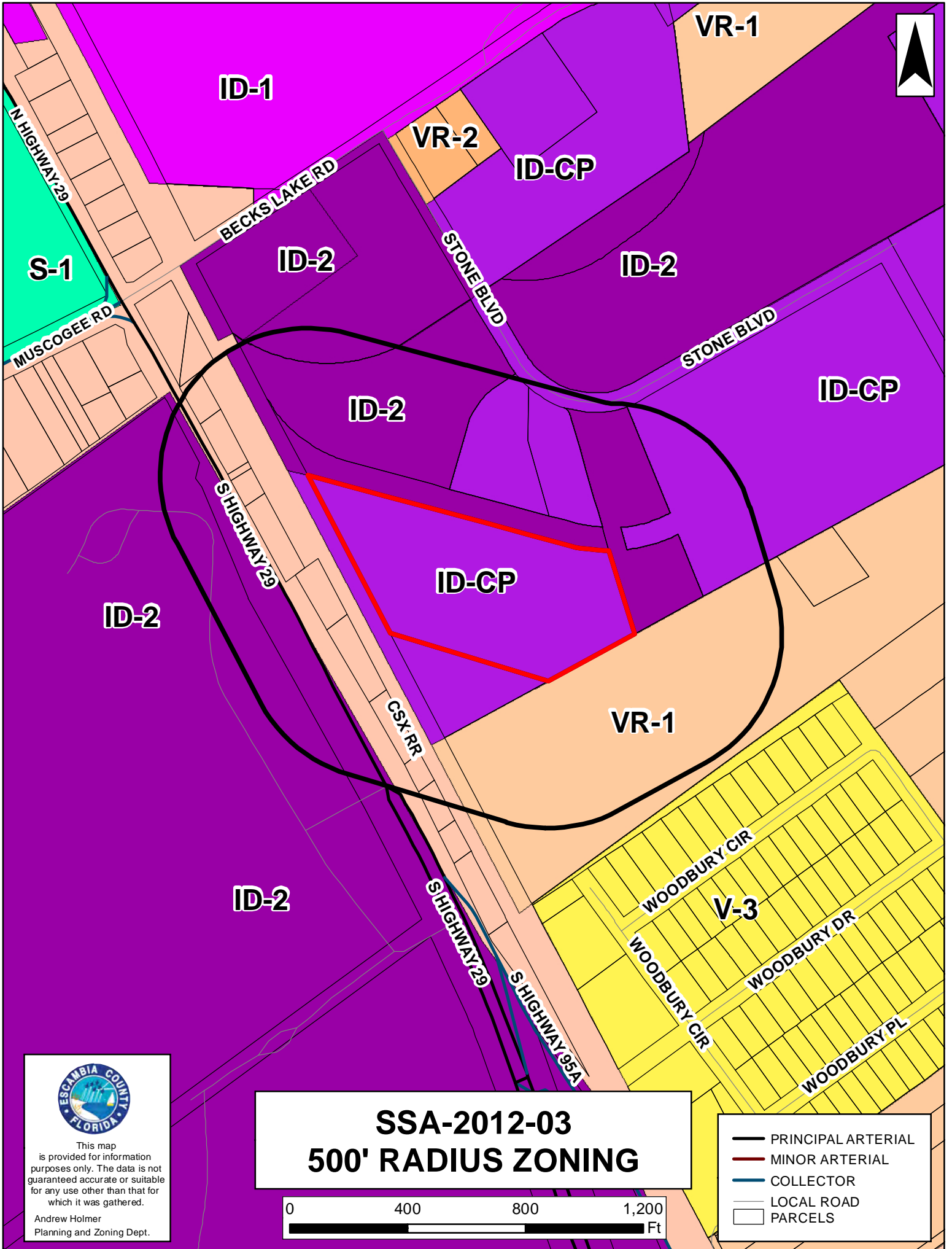


- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD selection

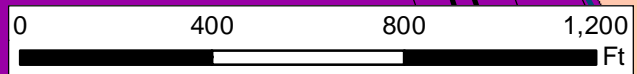


This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.


Andrew Holmer  
Planning and Zoning Dept.



**SSA-2012-03  
500' RADIUS ZONING**



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

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



MU-U

MU-S

MU-S

MU-S

MU-S

MU-S



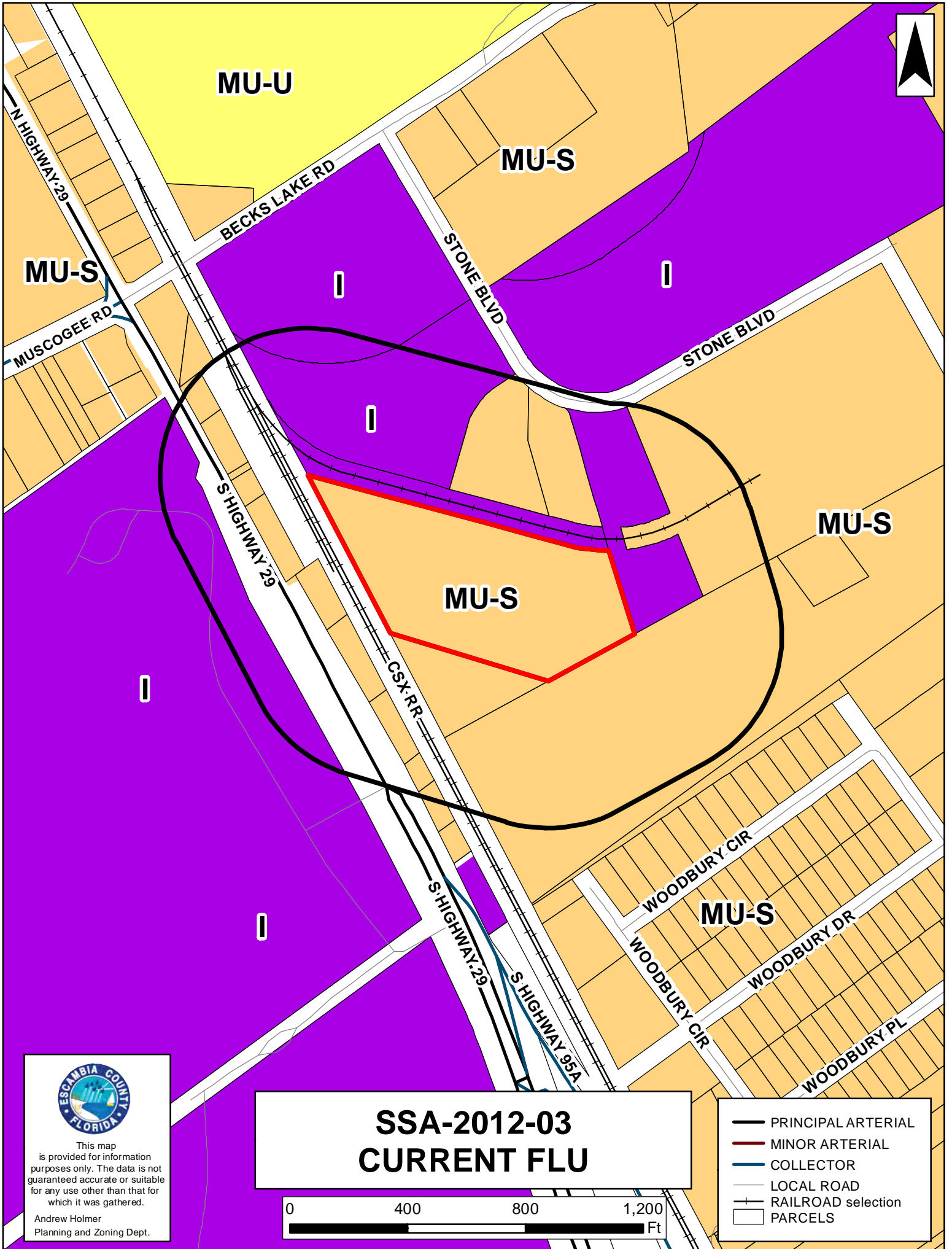
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer  
Planning and Zoning Dept.

# SSA-2012-03 CURRENT FLU

0 400 800 1,200  
Ft

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





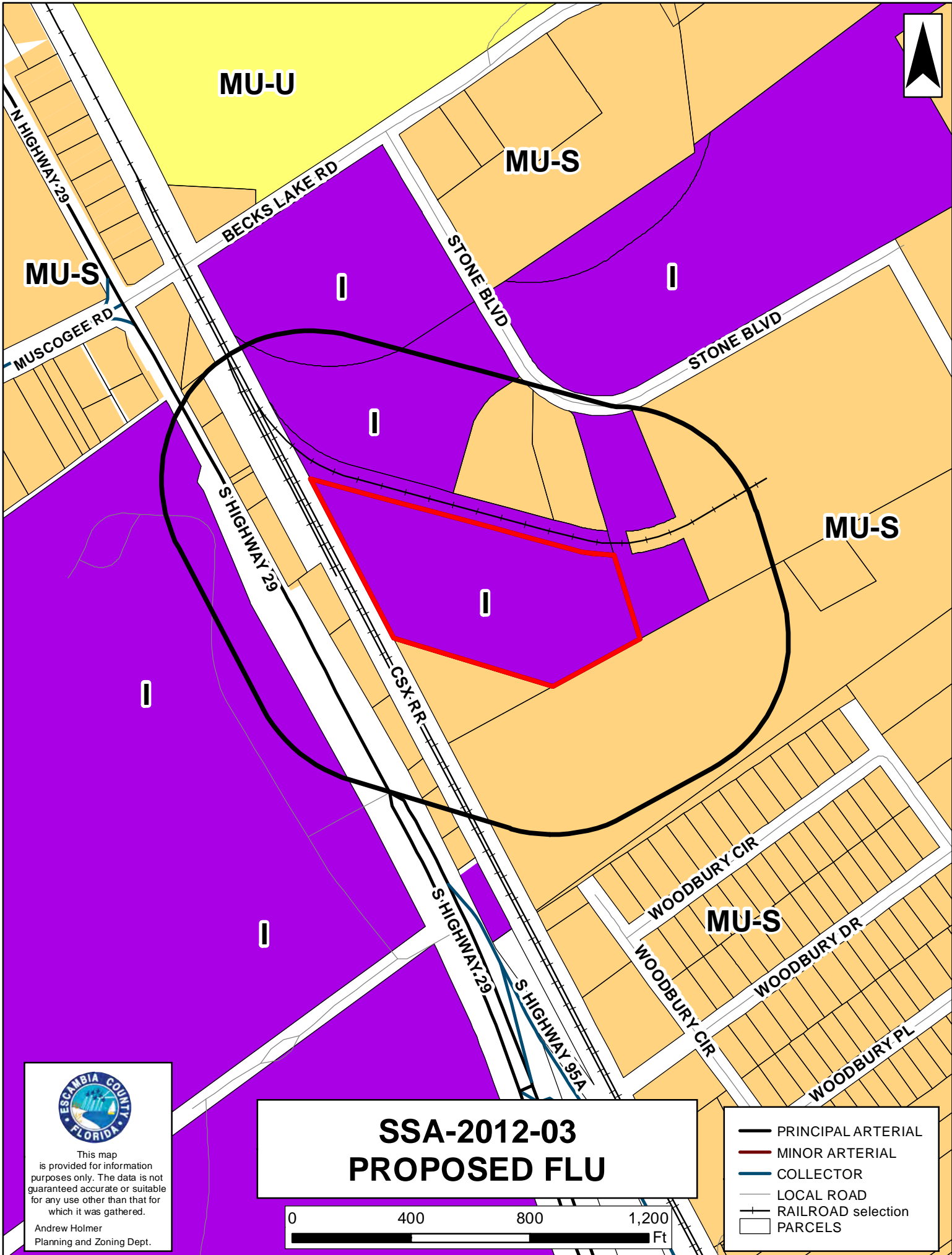
MU-U

MU-S

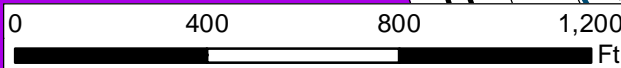
MU-S

MU-S

MU-S



# SSA-2012-03 PROPOSED FLU



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





STONE BL

S. HIGHWAY-29









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.

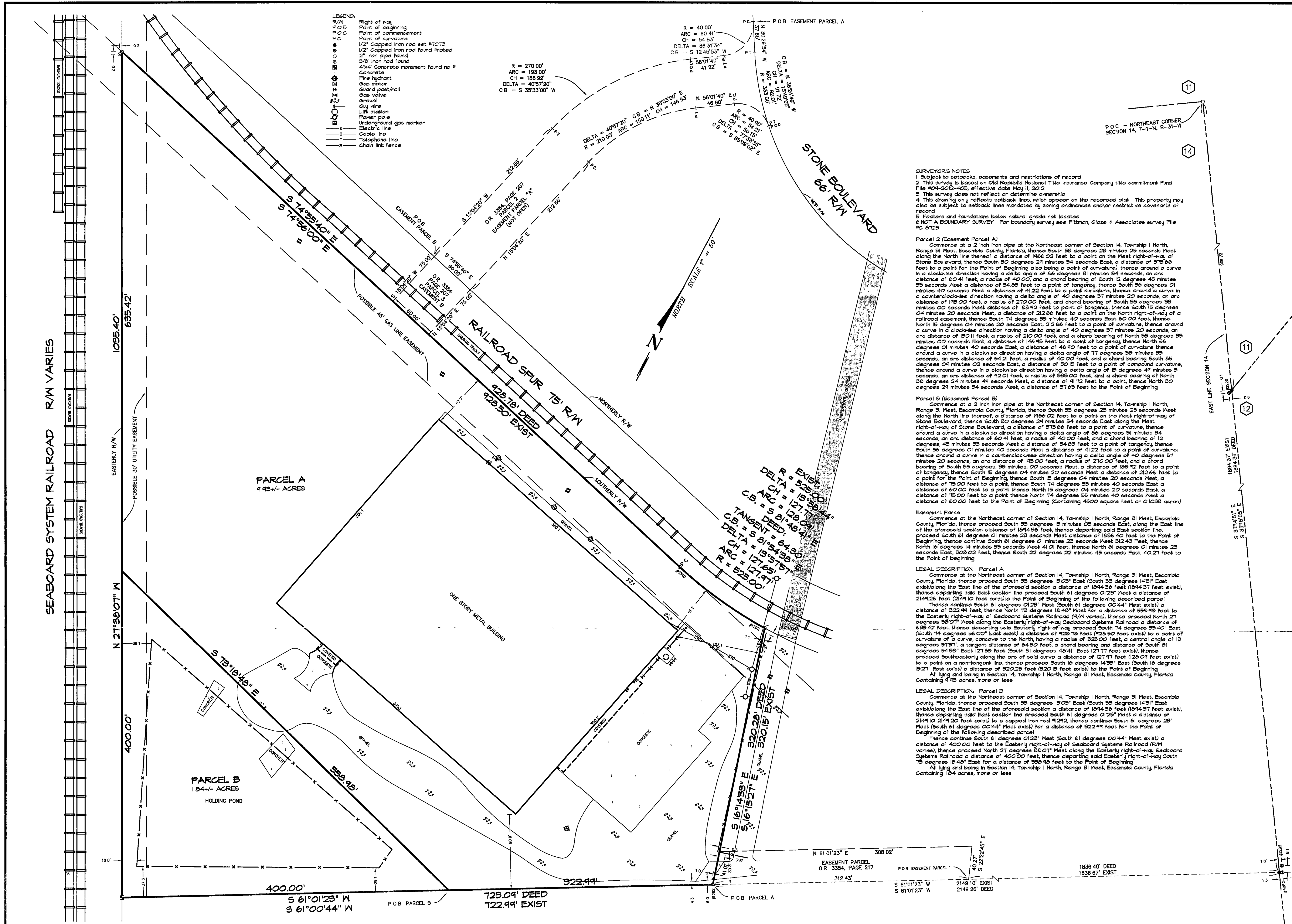
Andrew Holmer  
Planning and Zoning Dept.

# SSA-2012-03 AERIAL MAP



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





- LEGEND:
- R/W Right of way
  - P.O.B. Point of beginning
  - P.O.C. Point of commencement
  - P.C. Point of curvature
  - 1/2" Capped iron rod set #1078
  - 1/2" Capped iron rod found
  - 2" Iron pipe found
  - 5/8" Iron rod found
  - 4"x4" Concrete monument found no #
  - Concrete
  - Fire hydrant
  - Gas meter
  - Swamp post/rail
  - Gas valve
  - Gravel
  - Oil well
  - Life station
  - Power pole
  - Underground gas marker
  - Electric line
  - Cable line
  - Telephone line
  - Chain link fence

**SURVEYOR'S NOTES**

- Subject to setbacks, easements and restrictions of record
- This survey is based on Old Republic National Title Insurance Company title commitment Fund File #04-2012-405, effective date May 11, 2012
- This survey does not reflect or determine ownership
- This drawing only reflects setback lines, which appear on the recorded plat. This property may also be subject to setback lines mandated by zoning ordinances and/or restrictive covenants of record.
- Footers and foundations below natural grade not located
- NOT A BOUNDARY SURVEY For boundary survey see Pittman, Glaze & Associates survey File # 6725

**Parcel 2 (Easement Parcel A)**  
Commence at a 2 inch iron pipe at the Northeast corner of Section 14, Township 1 North, Range 31 West, Escambia County, Florida, thence South 55 degrees 23 minutes 25 seconds West along the North line thereof a distance of 1466.02 feet to a point on the West right-of-way of Stone Boulevard, thence South 50 degrees 24 minutes 54 seconds East, a distance of 575.66 feet to a point for the Point of Beginning also being a point of curvature, thence around a curve in a clockwise direction having a delta angle of 86 degrees 31 minutes 34 seconds, an arc distance of 60.41 feet, a radius of 40.00 feet and a chord bearing of South 12 degrees 45 minutes 55 seconds West a distance of 54.83 feet to a point of tangency, thence South 56 degrees 01 minutes 40 seconds West a distance of 41.22 feet to a point of curvature, thence around a curve in a counterclockwise direction having a delta angle of 40 degrees 57 minutes 20 seconds, an arc distance of 193.00 feet, a radius of 210.00 feet, and a chord bearing of South 55 degrees 35 minutes 00 seconds West a distance of 188.92 feet to a point of tangency, thence South 15 degrees 04 minutes 20 seconds East, a distance of 212.66 feet to a point of curvature, thence around a curve in a clockwise direction having a delta angle of 40 degrees 57 minutes 20 seconds, an arc distance of 150.11 feet, a radius of 210.00 feet, and a chord bearing of North 35 degrees 35 minutes 00 seconds East, a distance of 146.18 feet to a point of tangency, thence North 15 degrees 04 minutes 20 seconds East, a distance of 46.90 feet to a point of curvature, thence around a curve in a clockwise direction having a delta angle of 77 degrees 38 minutes 35 seconds, an arc distance of 54.21 feet, a radius of 40.00 feet, and a chord bearing South 85 degrees 07 minutes 02 seconds East, a distance of 50.15 feet to a point of compound curvature, thence around a curve in a clockwise direction having a delta angle of 15 degrees 44 minutes 5 seconds, an arc distance of 12.01 feet, a radius of 533.00 feet, and a chord bearing of North 38 degrees 24 minutes 44 seconds West, a distance of 41.12 feet to a point, thence North 30 degrees 24 minutes 54 seconds West, a distance of 57.65 feet to the Point of Beginning.

**Parcel 3 (Easement Parcel B)**  
Commence at a 2 inch iron pipe at the Northeast corner of Section 14, Township 1 North, Range 31 West, Escambia County, Florida, thence South 55 degrees 23 minutes 25 seconds West along the North line thereof, a distance of 1466.02 feet to a point on the West right-of-way of Stone Boulevard, thence South 50 degrees 24 minutes 54 seconds East along the West right-of-way of Stone Boulevard, a distance of 575.66 feet to a point of curvature, thence around a curve in a clockwise direction having a delta angle of 86 degrees 31 minutes 34 seconds, an arc distance of 60.41 feet, a radius of 40.00 feet, and a chord bearing of 12 degrees 45 minutes 55 seconds West a distance of 54.83 feet to a point of tangency, thence South 56 degrees 01 minutes 40 seconds West a distance of 41.22 feet to a point of curvature, thence around a curve in a counterclockwise direction having a delta angle of 40 degrees 57 minutes 20 seconds, an arc distance of 193.00 feet, a radius of 210.00 feet, and a chord bearing of South 55 degrees 35 minutes 00 seconds West, a distance of 188.92 feet to a point of tangency, thence South 15 degrees 04 minutes 20 seconds East, a distance of 212.66 feet to a point of curvature, thence around a curve in a clockwise direction having a delta angle of 40 degrees 57 minutes 20 seconds, an arc distance of 150.11 feet, a radius of 210.00 feet, and a chord bearing of North 35 degrees 35 minutes 00 seconds East, a distance of 146.18 feet to a point of tangency, thence North 15 degrees 04 minutes 20 seconds East, a distance of 46.90 feet to a point of curvature, thence around a curve in a clockwise direction having a delta angle of 77 degrees 38 minutes 35 seconds, an arc distance of 54.21 feet, a radius of 40.00 feet, and a chord bearing South 85 degrees 07 minutes 02 seconds East, a distance of 50.15 feet to a point of compound curvature, thence around a curve in a clockwise direction having a delta angle of 15 degrees 44 minutes 5 seconds, an arc distance of 12.01 feet, a radius of 533.00 feet, and a chord bearing of North 38 degrees 24 minutes 44 seconds West, a distance of 41.12 feet to a point, thence North 30 degrees 24 minutes 54 seconds West, a distance of 57.65 feet to the Point of Beginning.

**Easement Parcel**  
Commence at the Northeast corner of Section 14, Township 1 North, Range 31 West, Escambia County, Florida, thence proceed South 55 degrees 15 minutes 05 seconds East, along the East line of the aforesaid section a distance of 1844.36 feet, thence departing said East section line, proceed South 61 degrees 01 minutes 23 seconds West a distance of 1836.40 feet to the Point of Beginning, thence continue South 61 degrees 01 minutes 23 seconds West a distance of 1836.40 feet to the Point of Beginning, thence North 73 degrees 18' 48" West for a distance of 358.48 feet to the Easterly right-of-way of Seaboard Systems Railroad (R/W varies), thence proceed North 27 degrees 38' 07" West along the Easterly right-of-way of Seaboard Systems Railroad a distance of 635.42 feet, thence departing said Easterly right-of-way proceed South 74 degrees 59' 40" East (South 74 degrees 56' 00" East exists) a distance of 428.78 feet (428.50 feet exist) to a point of curvature of a curve, concave to the North, having a radius of 525.00 feet, a central angle of 15 degrees 57' 51", a tangent distance of 64.30 feet, a chord bearing and distance of South 81 degrees 34' 30" East 127.65 feet (South 81 degrees 48' 41" East 127.77 feet exist), thence proceed southeasterly along the arc of said curve a distance of 127.77 feet (128.04 feet exist) to a point on a non-tangent line, thence proceed South 16 degrees 14' 53" East (South 16 degrees 15' 27" East exist) a distance of 320.28 feet (320.15 feet exist) to the Point of Beginning.

**LEGAL DESCRIPTION Parcel A**  
Commence at the Northeast corner of Section 14, Township 1 North, Range 31 West, Escambia County, Florida, thence proceed South 55 degrees 15' 05" East (South 55 degrees 14' 51" East existing) the East line of the aforesaid section a distance of 1844.36 feet (1844.37 feet exist), thence departing said East section line proceed South 61 degrees 01' 23" West a distance of 2144.26 feet (2144.10 feet exist) to the Point of Beginning of the following described parcel:  
Thence continue South 61 degrees 01' 23" West (South 61 degrees 00' 44" West exist) a distance of 322.94 feet to the Point of Beginning of the following described parcel:  
Thence continue South 61 degrees 01' 23" West (South 61 degrees 00' 44" West exist) a distance of 400.00 feet to the Easterly right-of-way of Seaboard Systems Railroad (R/W varies), thence proceed North 27 degrees 38' 07" West along the Easterly right-of-way of Seaboard Systems Railroad a distance of 635.42 feet, thence departing said Easterly right-of-way proceed South 74 degrees 59' 40" East (South 74 degrees 56' 00" East exist) a distance of 428.78 feet (428.50 feet exist) to a point of curvature of a curve, concave to the North, having a radius of 525.00 feet, a central angle of 15 degrees 57' 51", a tangent distance of 64.30 feet, a chord bearing and distance of South 81 degrees 34' 30" East 127.65 feet (South 81 degrees 48' 41" East 127.77 feet exist), thence proceed southeasterly along the arc of said curve a distance of 127.77 feet (128.04 feet exist) to a point on a non-tangent line, thence proceed South 16 degrees 14' 53" East (South 16 degrees 15' 27" East exist) a distance of 320.28 feet (320.15 feet exist) to the Point of Beginning.  
All lying and being in Section 14, Township 1 North, Range 31 West, Escambia County, Florida containing 4.93 acres, more or less.

**LEGAL DESCRIPTION Parcel B**  
Commence at the Northeast corner of Section 14, Township 1 North, Range 31 West, Escambia County, Florida, thence proceed South 55 degrees 15' 05" East (South 55 degrees 14' 51" East existing) the East line of the aforesaid section a distance of 1844.36 feet (1844.37 feet exist), thence departing said East section line proceed South 61 degrees 01' 23" West a distance of 2144.10 feet (2144.20 feet exist) to a capped iron rod #1242, thence continue South 61 degrees 23' West (South 61 degrees 00' 44" West exist) for a distance of 322.94 feet to the Point of Beginning of the following described parcel:  
Thence continue South 61 degrees 01' 23" West (South 61 degrees 00' 44" West exist) a distance of 400.00 feet to the Easterly right-of-way of Seaboard Systems Railroad (R/W varies), thence proceed North 27 degrees 38' 07" West along the Easterly right-of-way of Seaboard Systems Railroad a distance of 635.42 feet, thence departing said Easterly right-of-way proceed South 74 degrees 59' 40" East (South 74 degrees 56' 00" East exist) a distance of 428.78 feet (428.50 feet exist) to a point of curvature of a curve, concave to the North, having a radius of 525.00 feet, a central angle of 15 degrees 57' 51", a tangent distance of 64.30 feet, a chord bearing and distance of South 81 degrees 34' 30" East 127.65 feet (South 81 degrees 48' 41" East 127.77 feet exist), thence proceed southeasterly along the arc of said curve a distance of 127.77 feet (128.04 feet exist) to a point on a non-tangent line, thence proceed South 16 degrees 14' 53" East (South 16 degrees 15' 27" East exist) a distance of 320.28 feet (320.15 feet exist) to the Point of Beginning.  
All lying and being in Section 14, Township 1 North, Range 31 West, Escambia County, Florida containing 1.84 acres, more or less.

Measurements made in accordance with United States Standards  
 Bearing Reference: NORTH-BASED ON EAST LINE SECTION 14, AS SHOWN ON PLAT  
 Elevation Reference: MSL  
 Encroachments: FENCE, CONCRETE  
 Source of Information: TAX MAPS, PUBLIC RECORDS, SURVEYS BY THIS FIRM AND OTHER SOURCES  
 PREPARED BY: PITTMAN, GLAZE & ASSOCIATES, INC.

**PITTMAN, AND GLAZE ASSOCIATES, INC.**  
**LAND SURVEYORS**  
 5700 N. DAVIS HIGHWAY, SUITE 3  
 PENSACOLA, FL 32503  
 Phone (850) 434-6666 Fax (850) 434-6661  
 Email: pgsurvey@bellsouth.net

I hereby certify that this survey was made under my responsible charge and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17.050, 5J-17.051 and 5J-17.052, pursuant to Section 472.02, Florida Statutes.

**David D. Glaze**  
 PSM #5605

**Walter J. Glaze**  
 PSM #6180

Scale: 1" = 50'  
 File No: C-6711  
 Job No: 88108-12a  
 Date of Plot: 9-6-12  
 Date of Survey: 5-24-12  
 FB: 1801 PG: 1-5  
 FB: PG:  
 FB: PG:  
 Drawn by: FMJ





Development Services Department  
Escambia County, Florida

PLANNING BOARD  
REZONING PRE-APPLICATION SUMMARY FORM

11-W-31-1001-007-002  
Property Reference Number

Buddy Page  
Name

85 Stone Blvd  
Address

Owner  Agent

Referral Form Included?  Y  N

MAPS PREPARED

PROPERTY INFORMATION

- Zoning
- FLU
- Aerial
- Other: \_\_\_\_\_

Current Zoning: ID-CP Size of Property: 9.99 +/-  
 Future Land Use: MU-5 Commissioner District: 5  
 Overlay/AIPD: N/A Subdivision: \_\_\_\_\_  
 Redevelopment Area\*: \_\_\_\_\_

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

COMMENTS

Desired Zoning: ID-2

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

Applicant wants zoned ID-2 + change FLU to I-industrial  
9.99 acres small scale from MU-5

Parcel rezoning request - submitted to Z-2012-08 + SSA 2011-01

Schedule for Future Land Use Change:

PB - Oct 8 - deadline is Sept 6

BCC Nov 1, 2012

Schedule for Rezoning:

PB - Nov 5<sup>th</sup> + BCC - Dec 6<sup>th</sup>, 2012

- 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: Allison Cain, Andrew Holmer Date: 8/7/12

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.



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**5. A.**

**Meeting Date:** 10/08/2012

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**Information**

**Agenda Item:**

Request for Planning Board interpretation on Gasoline Distribution Business in C-2 Zoning District.

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**Attachments**

Interpretation Request



# Development Services Department

Escambia County, Florida

## Request for Planning Board Interpretation of a Provision or Section of the Land Development Code

*Per Article 2, Section 2.07.01 of the Land Development Code:* The Planning Board, sitting as the local planning agency (LPA), shall review and interpret any provisions of this Code for the purposes of clarification or determination of meaning and intent if questions should arise regarding the meaning, intent or interpretation of any provision or section. Such interpretation request shall be presented at the next regular planning board meeting if the request is received by the department of growth management staff at least 20 calendar days in advance of said meeting. \*

*\*Note: Although the request is submitted at the next regular Planning Board meeting, the actual interpretation is subject to the Planning Board's direction and may not be available until the following meeting (depending on the nature of the request and the extent of staff research required).*

Please call the office (595-3475) to make an appointment with the Planning Board Coordinator to personally discuss your request, to review the application form with you, to answer any questions you may have, and/or any possible alternatives to the request. This will prevent any unnecessary expenditures in the event that it is determined an interpretation is not needed. Fees cannot be waived and are non-refundable regardless of the interpretation. The requestor must be present at the Planning Board meeting.

**An application is not considered complete until the following information is received along with the submittal fee of \$175.00.** (Checks made payable to Escambia County, MasterCard & Visa are accepted)

### Applicant Information:

Name: David S. Lamar, P.E. Date: Sep 14, 2012

Address: P.O. Box 10605 Pensacola, FL 32524

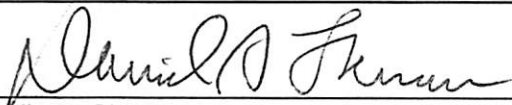
Phone: 850-434-0043 Other: 850-434-0057 fax Email: lamareng@bellsouth.net

### Provision and/or Section of the Land Development Code to be interpreted:

Article 6.05.16 (25)

### Reason for the Request: (Give a description of request and include any documentation to support request.) (use additional sheets as necessary)

We are requesting an interpretation from the LPA that the operation of a fuel truck dispatching/transportation business is a use similar to those uses specifically allowed under C-2 zoning (Section 6.05.16).  
Florida Rock and Tank Lines, Inc. currently operates a fuel truck dispatch/transportation facility located at 5827 N. Davis Highway (the SW corner of Davis Hwy and Airport Blvd). The property where they are now located (Parcel # 35-1S-30-2101-003-001) is zoned C-1.and the Property Appraiser's use designation is WAREHOUSE, DISRUBUTION. (see additional information attached)

 9/14/2012  
Applicant Signature Date

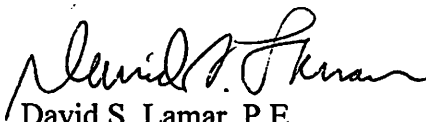
Florida Rock and Tank Lines, Inc. would like to relocate this operation to a slightly larger parcel which is zoned C-2. The new facility will be located on a vacant parcel on Stumpfield Road (38-1S-30-3001-000-002). The entire block containing this parcel is zoned C-2. The current operation has one (1) manager, three (3) dispatchers, two (2) shop personnel and eighteen (18) drivers. The new facility will accommodate the same number of personnel. With this move, they will expand the number of drivers from 18 to 22. The typical haul unit consists of a diesel cab pulling a tanker trailer. I believe this vehicle would be classified as a "semi".

The trucks and trailer units using this distribution center are dispatched from this facility to an off-site fuel depot to "take on" fuel for delivery to a third party. After the day's deliveries are made, the trucks and trailer units return to this facility where they are serviced, re-fueled and made ready for the next day's deliveries. No transfer of fuel (the delivered product) will be made at this facility. A 10,000 gallon above-ground fuel tank is used to fill the fuel tanks of the 22 delivery semis/tankers so they can make their daily runs.

A review of the Property Appraiser's web site indicates that there are several other uses, near this proposed facility, that are also zoned C-2 and classified as WAREHOUSE, DISTRIBUTION. One of these C-2 zoned properties houses Puckett Oil Co, Inc. This business is located at 7870 Pensacola Blvd on Parcel # 21-1S-30-1101-003-046.

County Staff has indicated their support for this use in this zoning classification; but referred us to the Planning Board because the specific use is not "listed" permitted use in C-2.

Respectfully submitted,



David S. Lamar, P.E.  
Project Civil Engineer



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

## RECEIPT

Receipt No. : **563597**

Date Issued. : 09/14/2012

Cashier ID : KLHARPER

Application No. : PPB120900006

Project Name : PBI 2012-02

### PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
<b>Check</b>			
	2878	\$175.00	App ID : PPB120900006
		<b>\$175.00</b>	Total Check

Received From : DAVID S. LAMAR PE

Total Receipt Amount : **\$175.00**

Change Due : \$0.00

### APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PPB120900006	656396	175.00	\$0.00	

**Total Amount :**

**175.00**

**\$0.00**

Balance Due on this/these  
Application(s) as of 9/14/2012