

AGENDA
ESCAMBIA COUNTY BOARD OF ADJUSTMENT
February 21, 2018–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Swearing in of Staff and acceptance of staff as expert witness
3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.
4. Proof of Publication and waive the reading of the legal advertisement.
5. Approval of Resume Minutes.
 - A. Approval of Resume Meeting Minutes from the February 1, 2018, Board of Adjustment Meeting.
6. **Consideration of the following cases:**
 - A. **Case No.: CU-2018-02**
Address: 800 Michigan Avenue
Request: Conditional Use to allow the sale of alcohol within 1000' of a place of worship
Requested by: Ronald Denny, Agent for Timothy Vaughn, Owner
 - B. **Case No.: CU-2018-03**
Address: 5970 W Nine Mile Road
Request: Conditional Use approval to allow for a place of worship in LDR zoning
Requested by: Christ Community Baptist Church, Mark Davis
7. Discussion Items.

8. Old/New Business.

9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, March 21, 2018 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Adjournment.

Board of Adjustment

5. A.

Meeting Date: 02/21/2018

Attachments

Draft February 1, 2018 Board of Adjustment Meeting Minutes

DRAFT

RESUMÉ OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD February 1, 2018

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:30 A.M. – 9:01 A.M.)

Present: Auby Smith
Bill Stromquist
Judy Gund
Jennifer Rigby
Michael Godwin
Walker Wilson

Absent: Frederick J. Gant

Staff Present: Andrew Holmer, Division Manager, Planning & Zoning
Caleb MacCartee, Urban Planner, Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Kayla Meador, Sr Office Assistant
Kristin Hual, Assistant County Attorney

REGULAR BOA AGENDA

1. Call to Order.
2. Swearing in of Staff and acceptance of staff as expert witness
3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.

Motion by Vice Chairman Bill Stromquist, Seconded by Board Member Judy Gund

Motion was made to accept the February 1, 2018 BOA Meeting packet.
Vote: 6 - 0 Approved
4. Proof of Publication and waive the reading of the legal advertisement.

Motion by Vice Chairman Bill Stromquist, Seconded by Michael Godwin

The Clerk provided proof of publication and motion was made to accept.

Vote: 6 - 0 Approved

5. Approval of Resume Minutes.

A. Approval of Resume Meeting Minutes from the December 20, 2017 Board of Adjustment Meeting.

Motion by Vice Chairman Bill Stromquist, Seconded by Michael Godwin

Motion was made to approve the December BOA Resume Meeting Minutes.

Vote: 6 - 0 Approved

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

A. **Case No.: CU-2017-16**

Address: 5831 Pensacola Boulevard

Request: Conditional Use to Allow Automobile Sales, Used Autos Only

Requested by: Emily Webster, Agent for RAC Land LLC, Owner

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

No BOA member acknowledged visiting the site.

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

Motion by Vice Chairman Bill Stromquist, Seconded by Board Member Judy Gund

Motion was made to accept Staff's Findings of Fact and to approve the Conditional Use with the condition that they must pass Site Plan Review.

Vote: 6 - 0 Approved

B. **Case No.: CU-2018-01**

Address: 1671 Success Lane

Request: A Conditional Use to Operate a Medical Heliport
From This Location

Requested by: James Hughs, Agent for Daniel Harrison, Owner

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

No BOA member acknowledged visiting the site.

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

Motion by Vice Chairman Bill Stromquist, Seconded by Michael Godwin

Motion was made to accept Staff's Findings of Fact and to approve the Conditional Use with the condition that it must pass Site Plan Review.

Vote: 6 - 0 Approved

C. **Case No.: V-2018-01**

Address: 5869 Kaiser Lane

Request: A Variance to Reduce the Required 11.50 Feet Side
Setback to a 3.0 Feet Side Setback to Construct a
Residential Addition

Requested by: Patrick and Paula Pulaski, Owners

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

No BOA member acknowledged visiting the site.

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

Motion by Vice Chairman Bill Stromquist, Seconded by Walker Wilson

Motion was made to agree with Staff's Findings of Fact and to approve the Variance.

Vote: 6 - 0 Approved

7. Discussion Items.

8. Old/New Business.

9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, February 21, 2018, at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Adjournment.

Board of Adjustment**6. A.**

Meeting Date: 02/21/2018
CASE: CU-2018-02
APPLICANT: Ronald Denny, Agent for Timothy Vaughn, Owner
ADDRESS: 800 Michigan Ave
PROPERTY REFERENCE NO.: 44-1S-30-2000-002-009
ZONING DISTRICT: HC/LI, Heavy Commercial and Light Industrial district
FUTURE LAND USE: MU-U, Mixed-Use Urban
OVERLAY DISTRICT: Palafox

SUBMISSION DATA:**REQUESTED CONDITIONAL USE:**

Conditional Use request to allow on-premise alcohol consumption within 1000' of a place of worship

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section:4-7.5(e)

CRITERIA:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section 2-6.4
Sale of Alcohol, Section 4-7.5(e)

CRITERION (a)

General compatibility. The proposed use can be conducted and operated in a manner that is compatible with adjacent properties and other properties in the immediate area. As prescribed in the LDC 4-7.5 (e), the BOA shall review the following with regard to the condition of general compatibility:

1. The existing times of use of the places of worship or child care facilities coincide with the hours of operation of the subject business.
2. The 1000-foot minimum distance is not achieved.
3. The conflicting uses are visible to each other.
4. Any on-premises consumption is outdoors.
5. Any conditions or circumstances mitigate any incompatibility.

FINDINGS-OF-FACT

1. The applicant did not state the hours of operation.
2. Within the 1000' there are 4 places of worship. See attached Exhibit 1.

3. The proposed conflicting use is not directly visible to the other conflicting uses in the area.
4. The applicant did not state that all alcohol consumption will be within the confines of the building.
5. The applicant has not provided the days of operation. The restaurant and churches in the area may or may not have hours of operation that will coincide with each other. This site has existed has a bar in the past, yet has been out of operation for more than 365 calendar days.

CRITERION (b)

Facilities and services. Public facilities and services, especially those with adopted levels of service, will be available, will provide adequate capacity to serve the proposed use consistent with capacity requirements.

FINDINGS-OF-FACT

The facilities and services appear to provide adequate capacity to serve the proposed use. The site is currently a restaurant. Additional levels of service will be reviewed during the Site Plan Review process, as applicable.

CRITERION (c)

On-site circulation. Ingress to and egress from the site and its structures will be sufficient, particularly regarding vehicle and pedestrian safety and convenience, efficient traffic flow and control, on-site parking and loading, and emergency vehicle access.

FINDINGS-OF-FACT

The existing ingress to and egress from the site and its structures appear to be sufficient for the proposed use. Additional requirements for the proposed use such as parking will be provided during the Site Plan Review process.

CRITERION (d)

Nuisances and hazards. The scale, intensity, and operation of the use will not generate unreasonable noise, glare, dust, smoke, odor, vibration, electrical interference, or other nuisances or hazards for adjoining properties and other properties in the immediate area.

FINDINGS-OF-FACT

The business should not generate unreasonable noise, glare, dust, smoke, odor, vibration, electrical interference, or other nuisances or hazards for adjoining properties and other properties in the immediate area

CRITERION (e)

Solid waste. All on site solid waste containers will be appropriately located for functional access, limited off-site visibility and minimal odor and other nuisance impacts.

FINDINGS-OF-FACT

Solid waste for the facility is currently provided and will be utilized for the proposed use.

CRITERION (f)

Screening and buffering. Where not otherwise required by the LDC, screening and buffering will be provided if appropriate to the proposed use and site.

FINDINGS OF FACT:

The subject property does not abut any residential uses and the proposed use does not require additional buffering. With regards to the conflicting uses, the churches in the area are not directly visible from the subject property.

CRITERION (g)

Signs and lighting. All exterior signs and lights, whether attached or freestanding, will be compatible with adjoining properties and other properties in the immediate area, especially regarding glare and traffic safety.

FINDINGS OF FACT:

All existing signs and lighting appear to be compatible with adjoining properties and other properties in the area. All exterior signs and lights, whether attached or freestanding, will be reviewed during the Site Plan Review process and must meet the LDC requirements for the zoning.

CRITERION (h)

Site characteristics. The size, shape, location and topography of the site appear adequate to accommodate the proposed use, including setbacks, intensity, bulk, height, open space and aesthetic considerations.

FINDINGS OF FACT:

The characteristics of the site appear to adequately accommodate the proposed use. The site characteristics for parking, setbacks and other considerations will be addressed during the Site Plan Review process.

CRITERION (i)

Use requirements. The proposed use complies with any additional conditional use requirements of the applicable zoning district, use, or other provisions of the LDC.

FINDINGS OF FACT:

The parcel is in HC/LI zoning district which allows restaurants and brewpubs, including on-premise consumption of alcoholic beverages. The site is located in the Palafox Community Redevelopment Area, yet there are no overlay restrictions that prohibit this requested use.

STAFF FINDINGS

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

The project must meet all conditions imposed through the Development Review process.

BOA DECISION

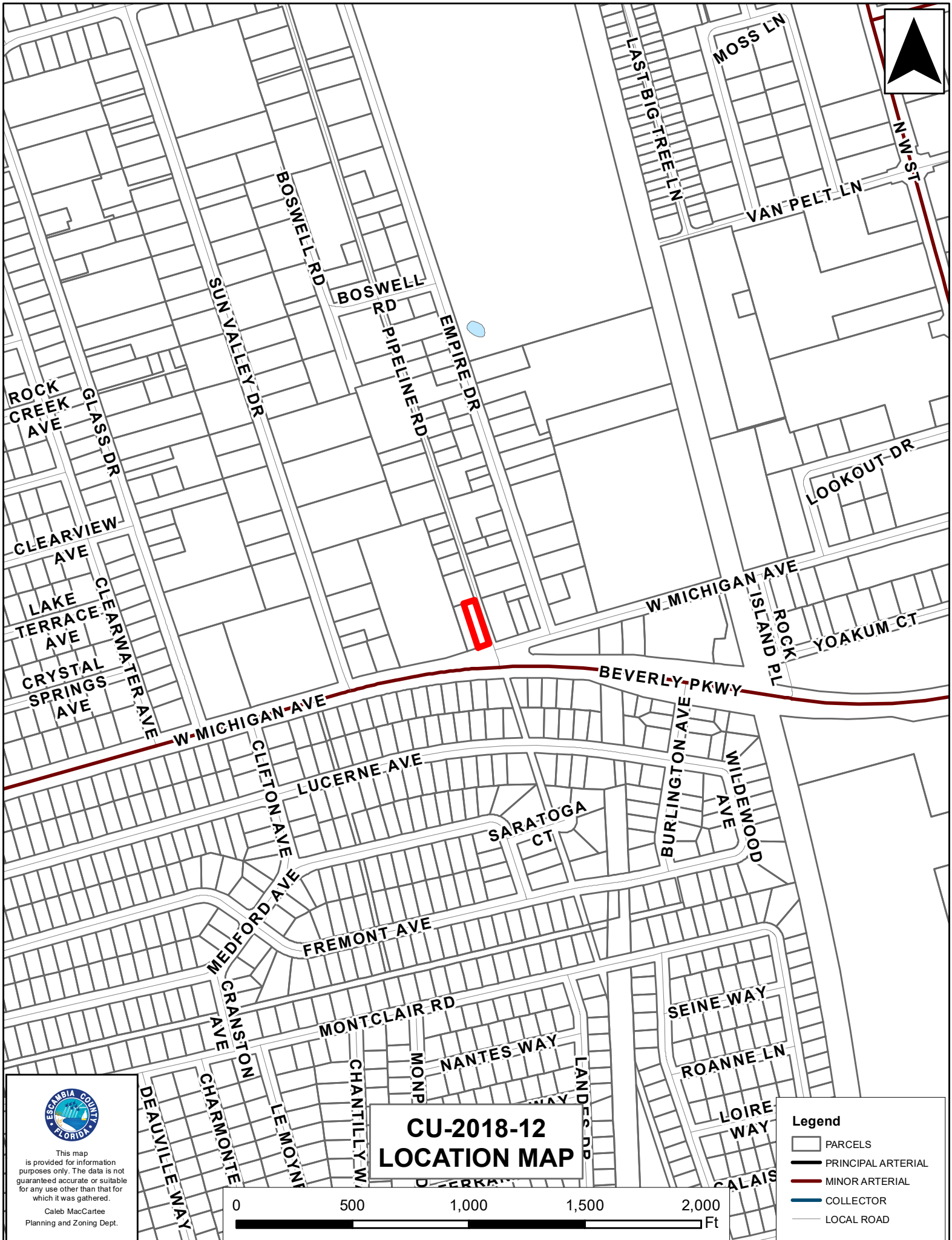
BOARD OF ADJUSTMENT FINDINGS


Attachments

Working Case File

Exhibit 1

CU-2018-02

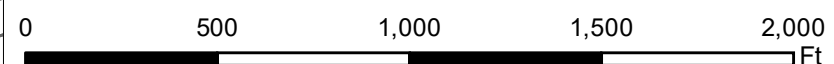


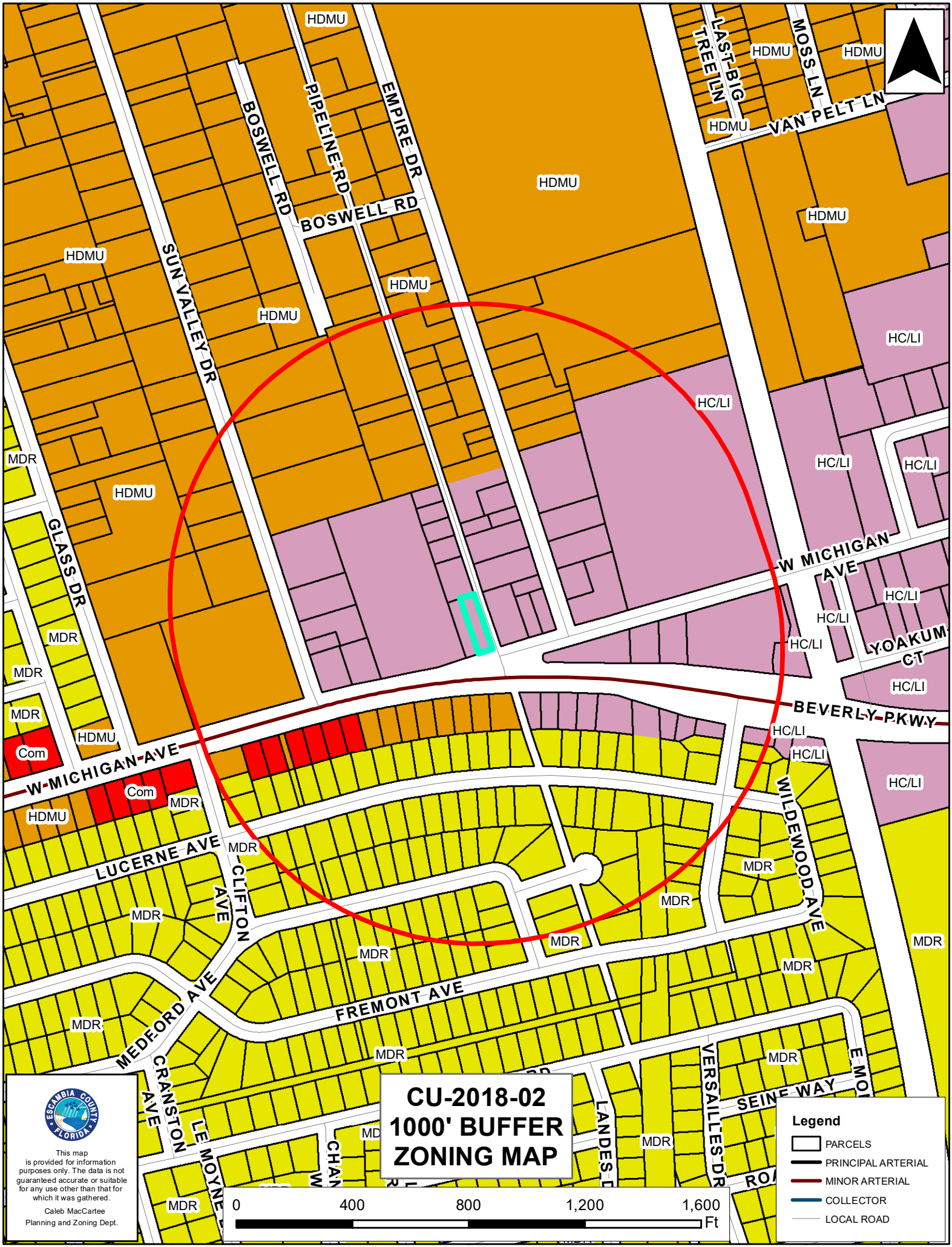



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Caleb MacCartee
Planning and Zoning Dept.

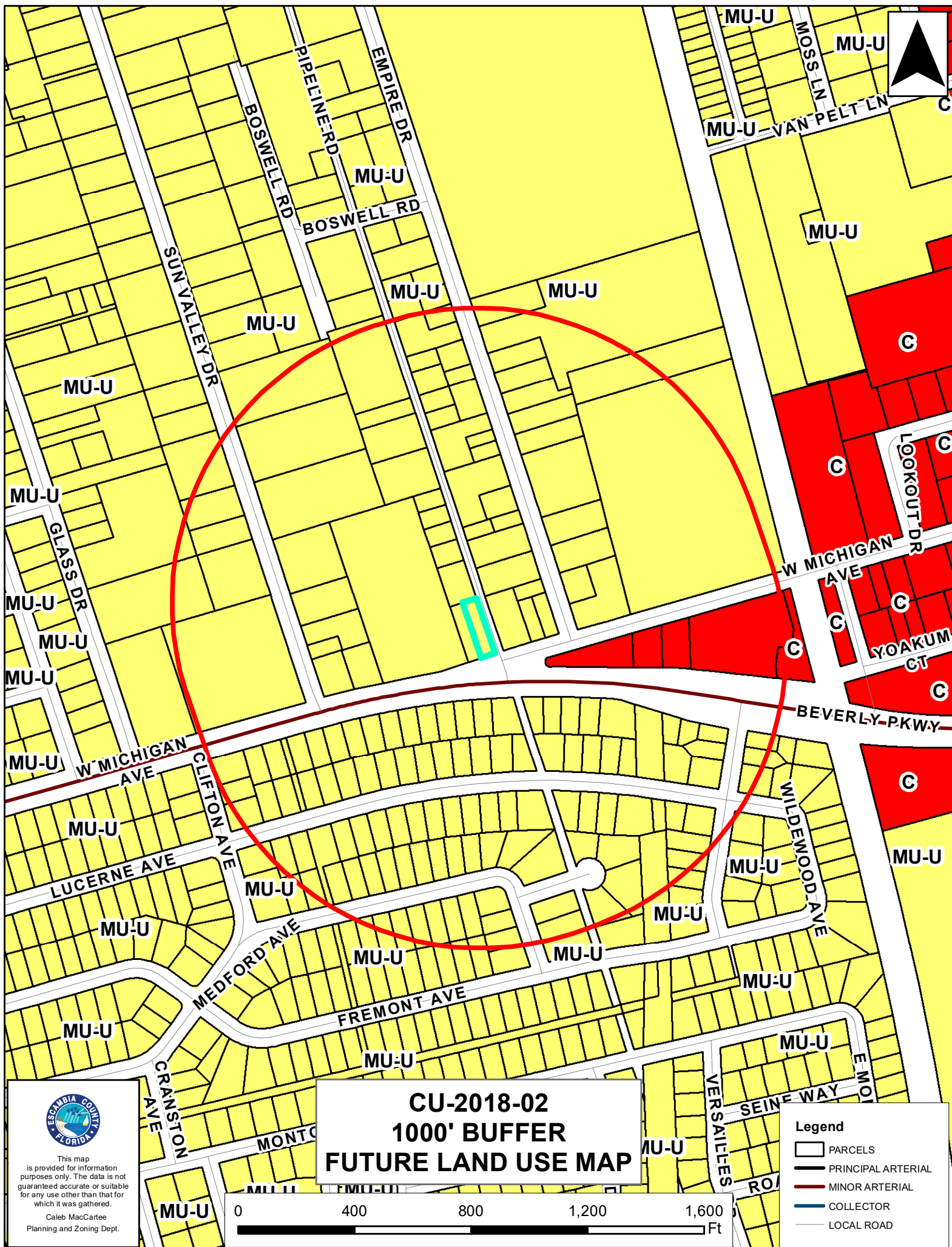
**CU-2018-12
LOCATION MAP**

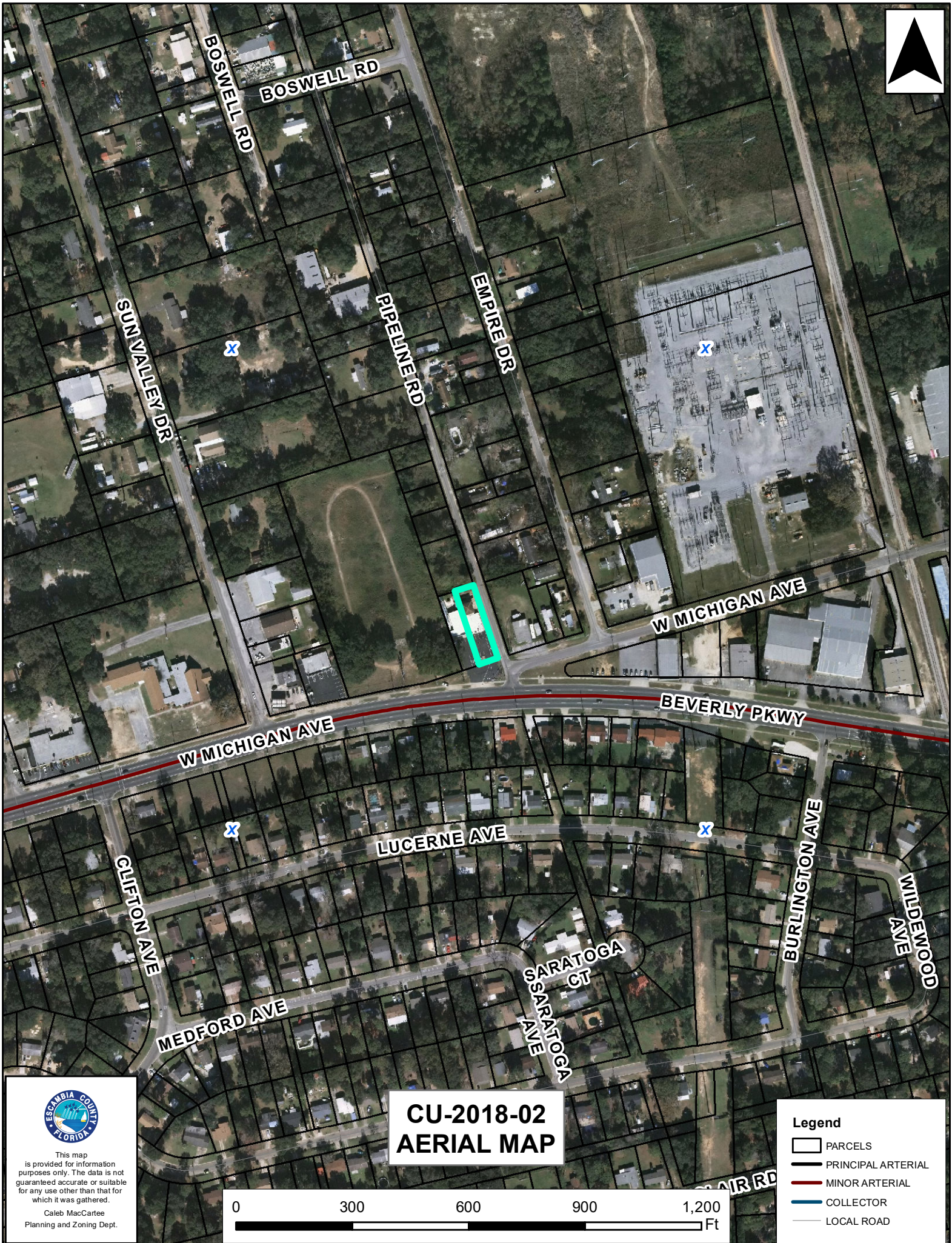






This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
 Caleb MacCartee
 Planning and Zoning Dept.





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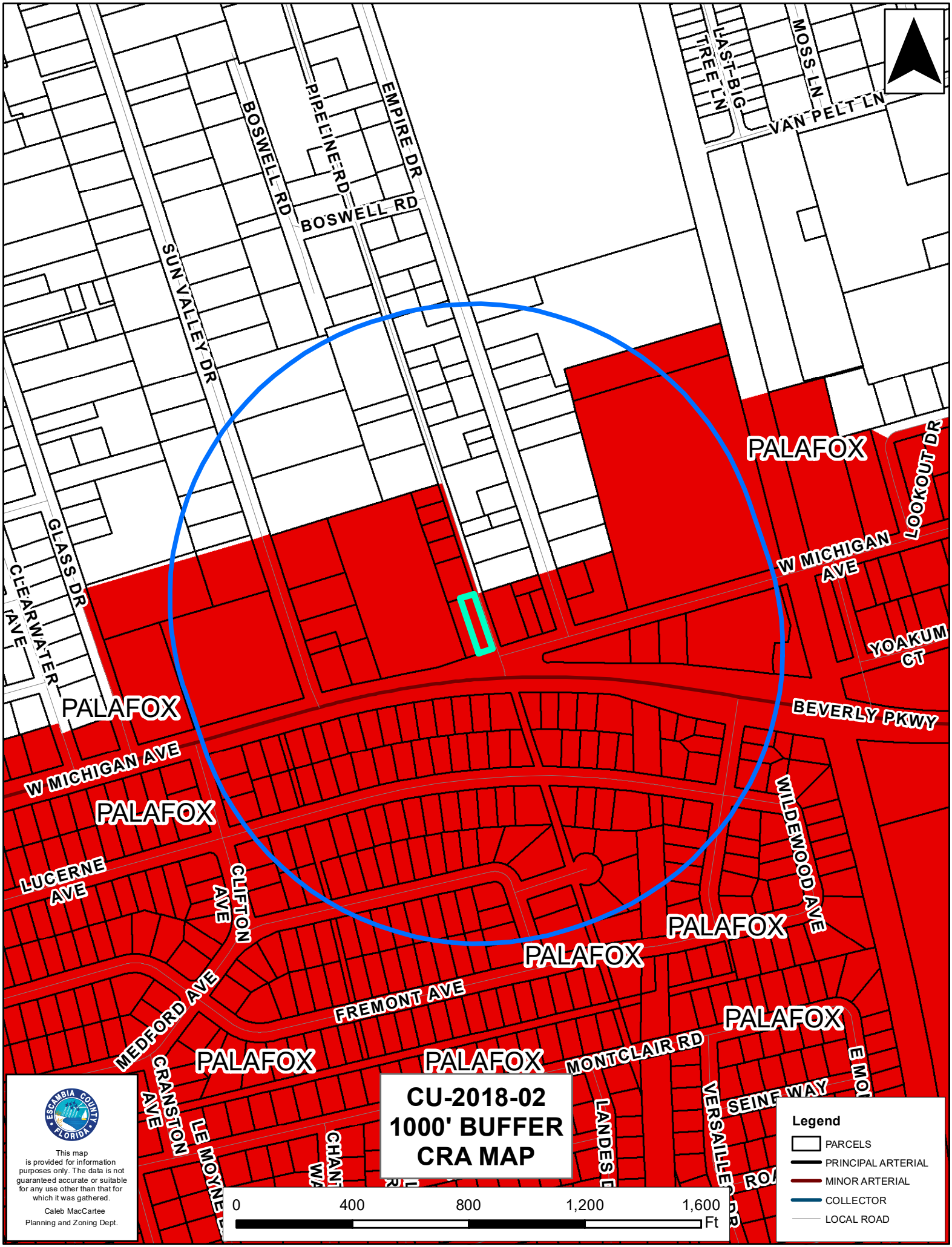
Caleb MacCartee
Planning and Zoning Dept.

CU-2018-02 AERIAL MAP

0 300 600 900 1,200
Ft

Legend

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



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Caleb MacCartee
Planning and Zoning Dept.



PUBLIC HEARING SIGN



LOOKING EAST ALONG BEVERLY PKWY



LOOKING SOUTH FROM SUBJECT PROPERTY



LOOKING WEST ALONG WEST MICHIGAN AVE



LOOKING NORTH ONTO THE SUBJECT PROPERTY





LOOKING EAST

Escambia County Planning and Zoning

Development Services Department

3363 West Park Place

Pensacola, FL 32505

Phone: (850) 595-3475 • Fax: (850) 595-3481

<http://myescambia.com/business/ds>

Board of Adjustment Application

FOR OFFICE USE ONLY - Case Number: CU-2018-02 Accepted by: _____ BOA Meeting: X

* Conditional Use Request for: ~~Alcohol sales~~ Alcohol Sales

Variance Request for: _____

1. Contact Information:

A. Property Owner/Applicant: Ronald Denton Timothy Vaughn

Mailing Address: 800 Michigan Ave Pensacola, FL 32505

Business Phone: _____ Cell: 985-969-7953

Email: rgeorgia@rockgate.com

B. Authorized Agent (if applicable): _____

Mailing Address: _____

Business Phone: _____ Cell: _____

Email: _____

Note: Owner must complete the attached Agent Affidavit. If there is more than one owner, each owner must complete an Agent Affidavit. Application will be voided if changes to this application are found.

2. Property Information:

A. Existing Street Address: 800 Michigan Ave Pensacola, FL 32505

Parcel ID (s): _____

B. Total acreage of the subject property: 1 Acre

C. Existing Zoning: HC/LI

FLU Category: MU-U

D. Is the subject property developed (if yes, explain): It is part of an existing strip center

E. Sanitary Sewer: ✓ Septic: _____

3. Amendment Request

- A. Please provide a general description of the proposed request, explaining why it is necessary and/or appropriate.

I am opening a Restaurant and will have some live music and would like to be able to offer Beer & Wine to my customers.

- B. For Variance Request – Please address **ALL** the following approval conditions for your Variance request. (use supplement sheets as needed)

1. Special conditions and circumstances exist which are peculiar to the land, structure or building and which are not applicable to other lands, structures or buildings in the same zoning district.

2. The special conditions and circumstances do not result from the actions of the applicant.

C. For Conditional Use Request – Please address *ALL* the following approval conditions for your Conditional Use request. (use supplement sheets as needed)

- 1. General compatibility.** The proposed use can be conducted and operated in a manner that is compatible with adjacent properties and other properties in the immediate area. *If this is for the sale of alcohol within a 1000 ft of a place of worship or child care facility; please explain a-e below: a.) The existing times of use of the places of worship or child care facilities coincide with the hours of operation of the subject business b.) The 1000-foot minimum distance is not achieved. c.) The conflicting uses are visible to each other. d.) Any on-premises consumption is outdoors. e.) Any conditions or circumstances mitigate any incompatibility.*

My business is primarily a restaurant offering live music which will include some gospel groups and family events including some musical training for children and adults occasionally.

This is a restaurant proposing to offer beer and wine. Food and Music are our priority. There have been bars in this location for years. We are a BBQ Family Restaurant.

- 2. Facilities and services.** Public facilities and services, especially those with adopted levels of service, will be available, will provide adequate capacity to serve the proposed use consistent with capacity requirements.

The facility is adequate for all individuals with no steps and handicaps accessible.

3. **On-site circulation.** Ingress to and egress from the site and its structures will be sufficient, particularly regarding vehicle and pedestrian safety and convenience, efficient traffic flow and control, on-site parking and loading, and emergency vehicle access.

There is easy access and adequate parking.

4. **Nuisances and hazards.** The scale, intensity, and operation of the use will not generate unreasonable noise, glare, dust, smoke, odor, vibration, electrical interference, or other nuisances or hazards for adjoining properties and other properties in the immediate area.

There will be no nuisances or hazards

5. **Solid waste.** All on-site solid waste containers will be appropriately located for functional access, limited off-site visibility and minimal odor and other nuisance impacts.

*that's under control
ECSA pickup*

6. **Screening and buffering.** Where not otherwise required by the LDC, screening and buffering will be provided if appropriate to the proposed use and site.

*Not an issue
Commercial zoning surrounded by commercial businesses
So I will comply.*

7. **Signs and lighting.** All exterior signs and lights, whether attached or freestanding, will be compatible with adjoining properties and other properties in the immediate area, especially regarding glare and traffic safety.

*No issue,
signs will be permitted as required*

8. **Site characteristics.** The size, shape, location and topography of the site appear adequate to accommodate the proposed use, including setbacks, intensity, bulk, height, open space and aesthetic considerations.

It's been a business for years in this location

9. **Use requirements.** The proposed use complies with any additional conditional use requirements of the applicable zoning district, use, or other provisions of the LDC.

Zoned for what I am proposing

4. **Please complete the following form (if applicable): Affidavit of Owner/Limited Power of Attorney**

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY
(if applicable)

As owner of the property located at 800 Michigan Ave
Pensacola, Florida, property reference number(s) _____

_____ I hereby
designate Ronald Denney for the sole purpose of completing this
application and making a presentation to the Board of Adjustment on the above referenced property.
This Limited Power of Attorney is granted on this 10th day of Dec the year of, 2018, and is
effective until the Board of Adjustment has rendered a decision on this request and any appeal period
has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a
written, notarized notice to the Development Services Department.

Agent Name: Ronald Denney
Email: rgeorgiarack@aol.com

Address: 800 W Michigan Ave Pensacola, FL 32505
Phone: _____

Timothy A. Vaughn
Signature of Property Owner

Timothy A. Vaughn 1/10/18
Printed Name of Property Owner Date

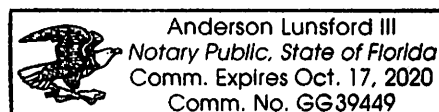
STATE OF Florida COUNTY OF Escambia
The foregoing instrument was acknowledged before me this 10th day of January 20 18
by Timothy A Vaughn

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: FL-DL

Anderson Lunsford III
Signature of Notary

Anderson Lunsford III
Printed Name of Notary

(Notary Seal)



5. Submittal Requirements

A. ☒ Completed application: All applicable areas of the application shall be filled in and submitted to the Planning and Zoning Department, 3363 West Park Place, Pensacola, FL 32505.

B. ☒ Application Fees: To view fees visit the website:
<http://myescambia.com/business/board-adjustment> or contact us at 595-3475.

Note: Fees include all notices and advertisements required for the public hearing and a \$5 technical fee. Payments must be submitted prior to 3 pm of the closing date of acceptance of application. Please make checks payable to Escambia County. MasterCard and Visa are also accepted.

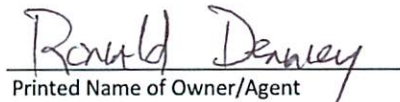
C. ☒ Legal Proof of Ownership (ex: copy of Tax Notice or Warranty Deed) **AND** a Certified Boundary Survey (Include Corporation/LLC documentation if applicable.)

D. ☒ Signed and Notarized Affidavit of Owner/Limited Power of Attorney AND Concurrency Determination Acknowledgement (pages 4 and 5).

By my signature, I hereby certify that:

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

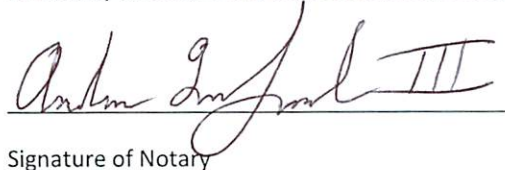

Signature of Owner/Agent

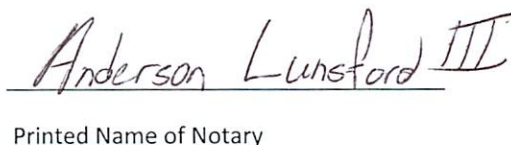

Printed Name of Owner/Agent

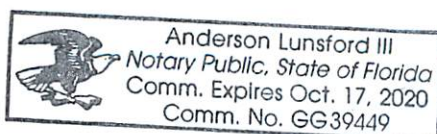
STATE OF FL COUNTY OF Escambia The foregoing instrument was acknowledged before me this 10 day February of

2018, by Ronald Denney Jr

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: FL-DL D500732590230


Signature of Notary


Printed Name of Notary



(Notary Seal)



Scott Lunsford • Escambia County Tax Collector

EscambiaTaxCollector.com

facebook.com/ECTaxCollector

twitter.com/escambiatc



SCAN TO PAY ONLINE

2017 Real Estate Property Taxes

Notice of Ad Valorem and Non-Ad Valorem Assessments

ACCOUNT NUMBER	MILLAGE CODE	ESCROW CODE	PROPERTY REFERENCE NUMBER
04-1825-000	06		441S302000002009

PROPERTY ADDRESS:
800 MICHIGAN AVE

EXEMPTIONS:

16E - 0395 / 0102 JHS70148
VAUGHN TIMOTHY ALAN
825 MCKENZIE ROAD
CANTONMENT FL 32533-8012

AD VALOREM TAXES

TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE AMOUNT	TAXES LEVIED
COUNTY	6.6165	67,362		67,362	445.70
PUBLIC SCHOOLS					
By Local Board	2.2480	67,362		67,362	151.43
By State Law	4.3830	67,362		67,362	295.25
WATER MANAGEMENT	0.0353	67,362		67,362	2.38
SHERIFF	0.6850	67,362		67,362	46.14
M.S.T.U. LIBRARY	0.3590	67,362		67,362	24.18

TOTAL MILLAGE 14.3268

AD VALOREM TAXES 965.08

LEGAL DESCRIPTION

NON-AD VALOREM ASSESSMENTS

LEGAL DESCRIPTION	TAXING AUTHORITY	RATE	AMOUNT
BEG AT INTER OF W LI OF UNITED GAS LINE PIPE CO R/W AND N R/W LI OF MICHIGAN AVE W ALG N R/W LI OF MICHIGAN AVE 50 FT N PARL TO UNITED GAS LINE PIPE CO R/W 200 FT ELY PARL TO MICHIGAN AVE See Additional Legal on Tax Roll	FIRE PROTECTION		125.33
FOR QUESTIONS ON THIS SECTION ONLY, CALL (850) 595-4960			
NON-AD VALOREM ASSESSMENTS			125.33

Pay online at EscambiaTaxCollector.com

Payments must be in U.S. funds drawn from a U.S. bank

COMBINED TAXES AND ASSESSMENTS 1090.41

AMOUNT DUE	NOV 30, 2017	DEC 31, 2017	JAN 31, 2018	FEB 28, 2018	MAR 31, 2018
IF PAID BY	\$ 1046.79	\$ 1057.70	\$ 1066.60	\$ 1079.51	\$ 1090.41

RETAIN FOR YOUR RECORDS

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

2017 Real Estate Property Taxes

ACCOUNT NUMBER
04-1825-000
PROPERTY ADDRESS
800 MICHIGAN AVE

VAUGHN TIMOTHY ALAN
825 MCKENZIE ROAD
CANTONMENT FL 32533-8012

Make checks payable to:

Scott Lunsford

Escambia County Tax Collector

P.O. BOX 1312
PENSACOLA, FL 32591

Payments in U.S. funds from a U.S. bank

PAY ONLY ONE AMOUNT

AMOUNT IF PAID BY NOV 30, 2017
\$ 1046.79
AMOUNT IF PAID BY DEC 31, 2017
\$ 1057.70
AMOUNT IF PAID BY JAN 31, 2018
\$ 1066.60
AMOUNT IF PAID BY FEB 28, 2018
\$ 1079.51
AMOUNT IF PAID BY MAR 31, 2018
\$ 1090.41

DO NOT FOLD, STAPLE, OR MUTILATE

1 041825000 2017 8



Development Services Department

Escambia County, Florida

For Office Use Only

Invoice# _____

Fee \$ \$80.00

(fee includes \$5 technical fee)

SITE INSPECTION APPLICATION

Requestor's Information

Owner/Applicant: <u>Ronald Denny</u>	Date: <u>12-14-17</u>
Phone #: <u>985-969-7953</u>	Fax #: _____
Escrow Account # _____ (if applicable):	
Property Address: <u>800 W. Michigan Ave Pensacola, FL 32505</u>	
Property Reference #: _____	
Property Reference # can be obtained from the Property Appraiser's Office at 434-2735 or at www.escpa.org	
Driving Directions: _____	
Type of Inspection:	
<input checked="" type="checkbox"/> Alcohol Uses (Land Development Code Chapter 4, Article 7; to determine if a Church or School is within 1,000 feet of a business selling alcoholic beverages for on-premise consumption.)	
<input type="checkbox"/> Signs (Land Development Code Chapter 5, Article 8)	
<input type="checkbox"/> Other: (Land Development Code _____; to determine: _____)	
This verification relates to zoning for the specified property and is provided for information purposes only. This form DOES NOT imply or confer development rights for any desired use or activity on the specified parcel. Prior to the issuance of any permits, the applicant must submit a complete application to the County and must comply with all other applicable State and Local Regulations. Requestor, please sign below verifying that you have read and understand, and accept, this disclaimer:	
SIGNATURE X <u>Ronald L Denny</u>	Date: <u>12-14-17</u>

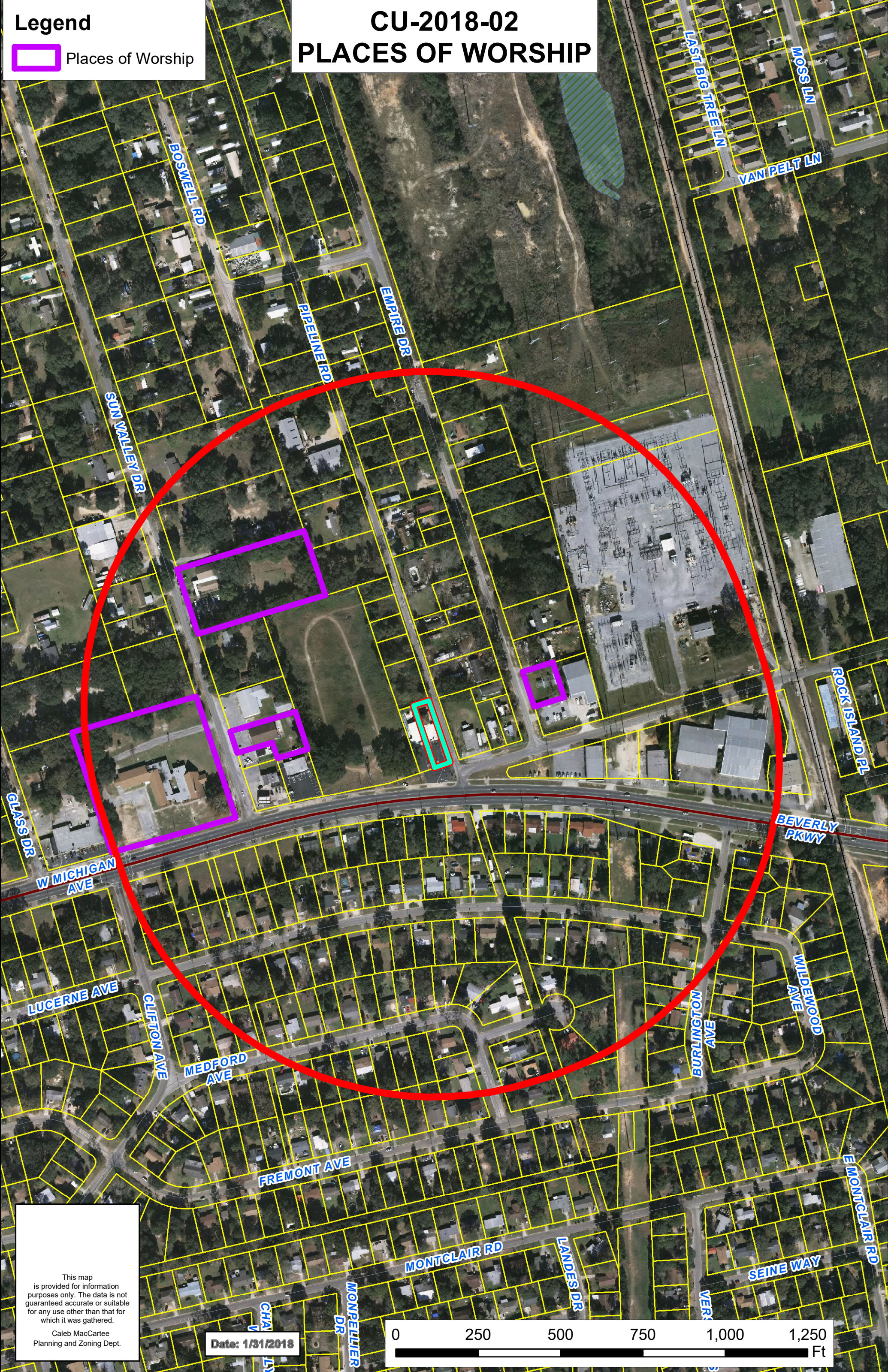
ONLY OFFICE USE

Zoning District: <u>MC/LI</u>	Future Land Use Category: <u>MU-U</u>	Zoning Overlay District: Yes () No () If Yes, check one: Barrancas () Brownsville () Scenic Hwy () Warrington () Palafox (✓) Englewood ()
Findings of Inspection: <u>several churches within the 1000' ft radius.</u> <u>measurement</u>		
Inspector (signature): <u>[Signature]</u>	Date: _____	
Director/Designee (signature): _____	Date: _____	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date: _____

Legend

 Places of Worship

CU-2018-02
PLACES OF WORSHIP



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.

Caleb MacCartee
Planning and Zoning Dept.

Date: 1/31/2018



Board of Adjustment**6. B.**

Meeting Date: 02/21/2018
CASE: CU-2018-03
APPLICANT: Christ Community Baptist Church, Mark Davis
ADDRESS: 5970 West Nine Mile Road
PROPERTY REFERENCE NO.: 06-1S-31-4402-002-001
ZONING DISTRICT: LDR, Low Density Residential
FUTURE LAND USE: MU-S, Mixed-Use Suburban
OVERLAY DISTRICT: N/A

SUBMISSION DATA:**REQUESTED CONDITIONAL USE:**

The applicant is seeking a Conditional Use approval to allow for a place of worship in LDR zoning.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section: 3-2.5.c.2.e

e. Places of worship.

CRITERIA:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section 2-6.4

CRITERION (a)

General compatibility. The proposed use can be conducted and operated in a manner that is compatible with adjacent properties and other properties in the immediate area.

FINDINGS-OF-FACT

The proposed use is a place of worship, there are no formal site plans submitted at this time. The conditional use would allow for the church to obtain any building permits or Development Orders for any construction needed. The site is adjacent to low density residential parcels and uses and the proposed use can be compatible.

CRITERION (b)

Facilities and services. Public facilities and services, especially those with adopted levels of service, will be available, will provide adequate capacity to serve the proposed use consistent with capacity requirements.

FINDINGS-OF-FACT

The level of service and adequate capacity to serve the proposed use are available and will be addressed during the Site Plan Review process.

CRITERION (c)

On-site circulation. Ingress to and egress from the site and its structures will be sufficient, particularly regarding vehicle and pedestrian safety and convenience, efficient traffic flow and control, on-site parking and loading, and emergency vehicle access.

FINDINGS-OF-FACT

The property in question is surrounded by low density residential parcels. To the south is State Road 10/Nine Mile Road. The property has existing access from Nine Mile Road. A full Site Plan Review process will be needed to determine necessary driveways and parking.

CRITERION (d)

Nuisances and hazards. The scale, intensity, and operation of the use will not generate unreasonable noise, glare, dust, smoke, odor, vibration, electrical interference, or other nuisances or hazards for adjoining properties and other properties in the immediate area.

FINDINGS-OF-FACT

Staff does not find any nuisances or hazards associated with the proposed use.

CRITERION (e)

Solid waste. All on site solid waste containers will be appropriately located for functional access, limited off-site visibility and minimal odor and other nuisance impacts.

FINDINGS-OF-FACT

Solid waste service is currently available and in the area. Any future building will be reviewed at the Site Plan Review process

CRITERION (f)

Screening and buffering. Where not otherwise required by the LDC, screening and buffering will be provided if appropriate to the proposed use and site.

FINDINGS OF FACT:

Screening and buffering standards will be reviewed during any Site Plan Review process as required by the Land Development Code.

CRITERION (g)

Signs and lighting. All exterior signs and lights, whether attached or freestanding, will be compatible with adjoining properties and other properties in the immediate area, especially regarding glare and traffic safety.

FINDINGS OF FACT:

Any future buildings will be reviewed during the Site Plan Review Process or at the front counter Development Services Department.

CRITERION (h)

Site characteristics. The size, shape, location and topography of the site appear adequate to accommodate the proposed use, including setbacks, intensity, bulk, height, open space and aesthetic considerations.

FINDINGS OF FACT:

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

CRITERION (i)

Use requirements. The proposed use complies with any additional conditional use requirements of the applicable zoning district, use, or other provisions of the LDC.

FINDINGS OF FACT:

The LDC does not provide additional Conditional Use requirements for this proposed use.

STAFF FINDINGS

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

This project must meet any conditions imposed through the Site Plan Review process.

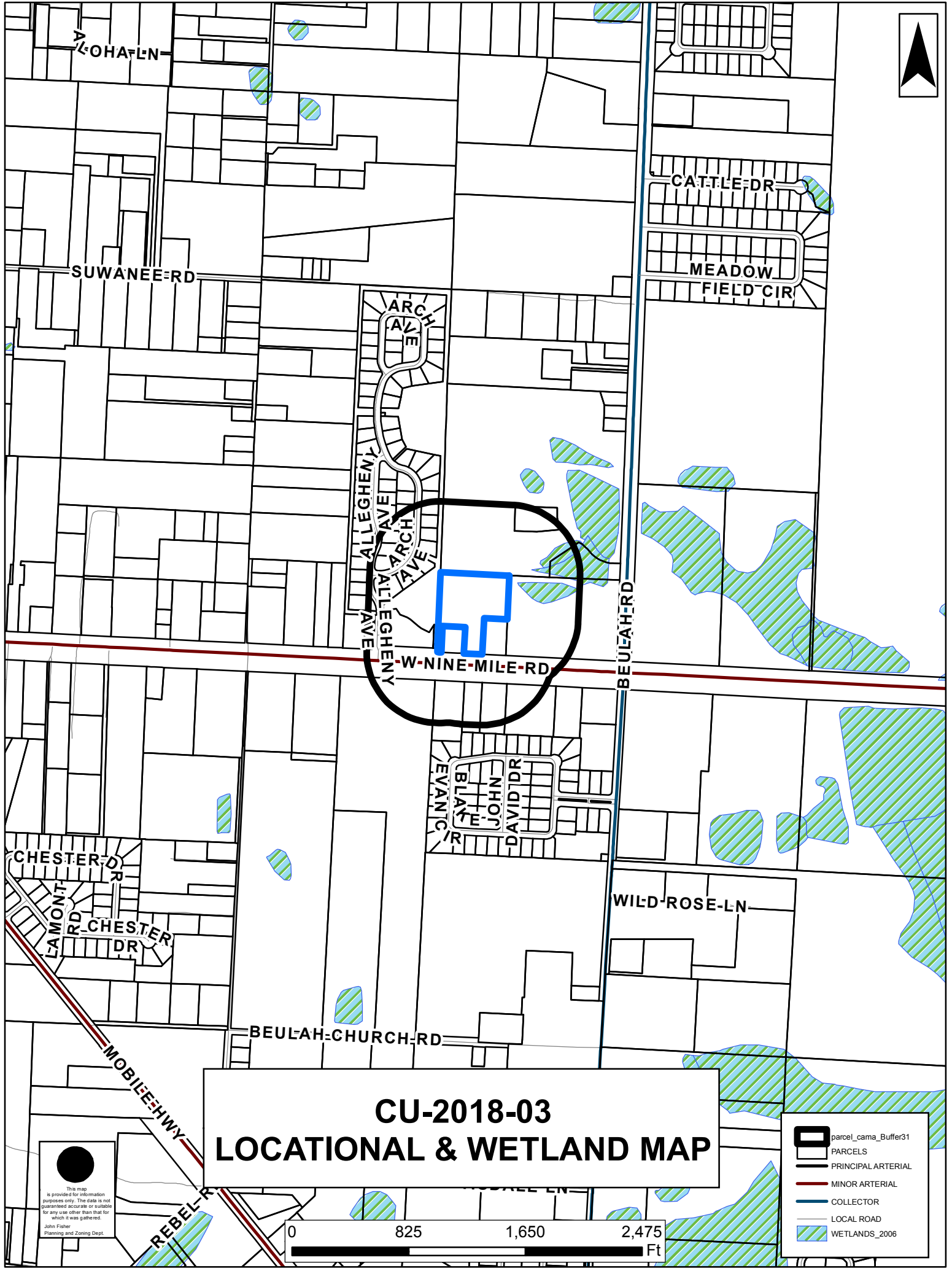
BOA DECISION

BOARD OF ADJUSTMENT FINDINGS

Attachments

Working Case File

CU-2018-03

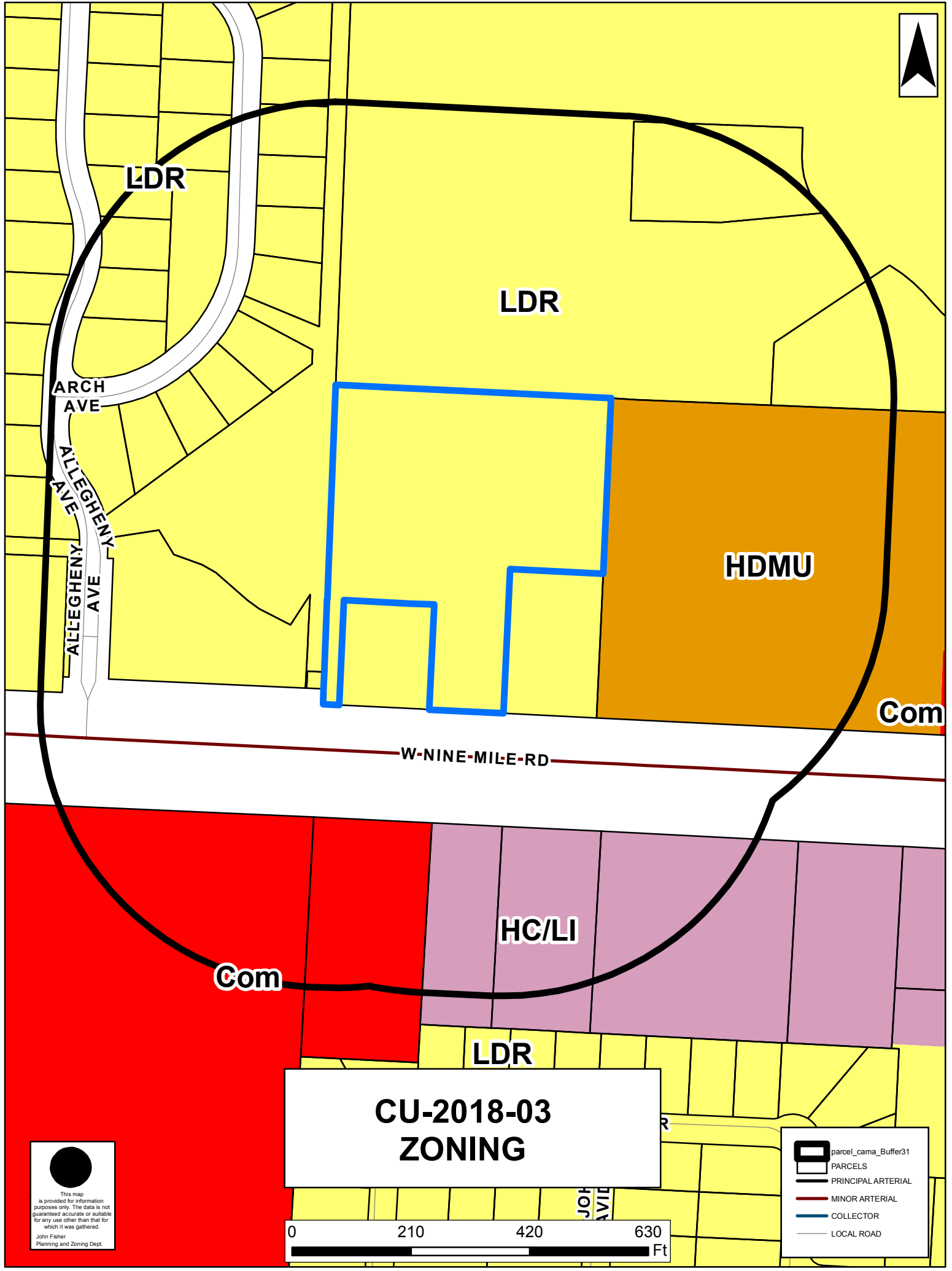


CU-2018-03 LOCATIONAL & WETLAND MAP

- parcel_cama_Buffer31
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- WETLANDS_2006

0 825 1,650 2,475 Ft

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.
John Fisher
Planning and Zoning Dept.



LDR

LDR

ARCH
AVE

ALLEGHENY
AVE

HDMU

Com

W-NINE-MILE-RD

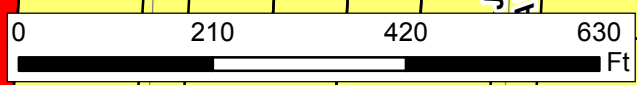
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HC/LI

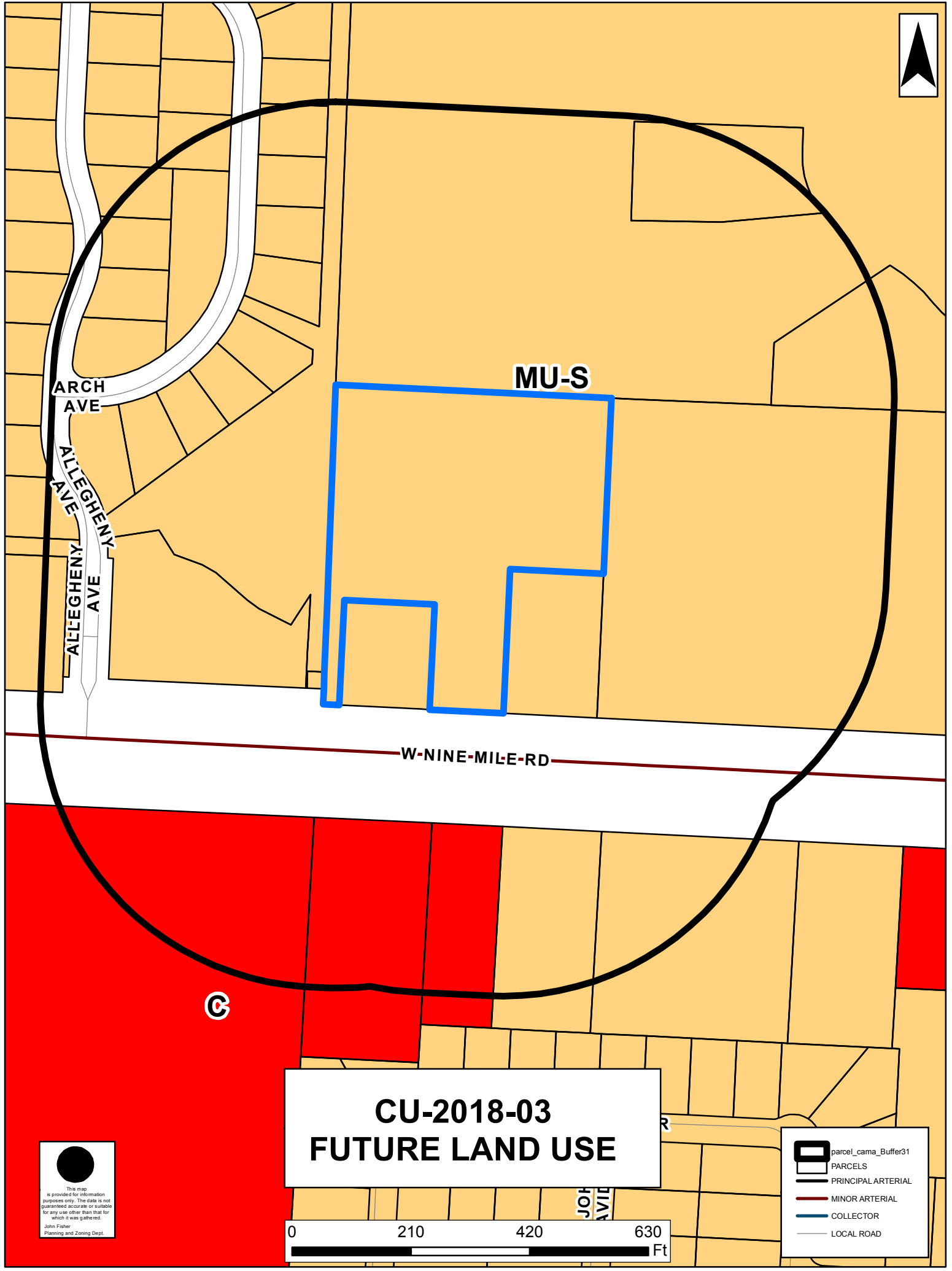
LDR

CU-2018-03 ZONING

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John Fisher
Planning and Zoning Dept.



- parcel_cama_Buffer31
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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W-NINE-MILE-RD

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CU-2018-03
FUTURE LAND USE

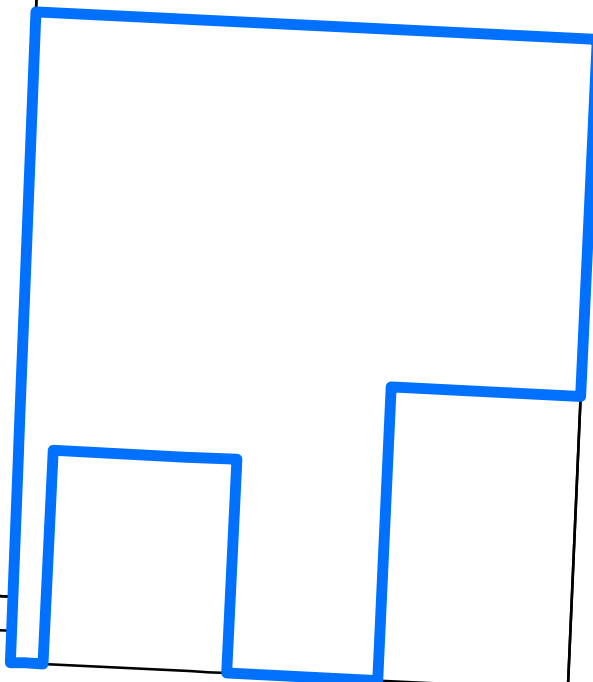
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- parcel_cama_Buffer31
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD

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



ARCH
AVE



W-NINE-MILE-RD

CU-2018-03
AERIAL

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.
John Fisher
Planning and Zoning Dept.

0 160 320 480 Ft

PARCELS
PRINCIPAL ARTERIAL
MINOR ARTERIAL
COLLECTOR
LOCAL ROAD

N-CIR



NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT

TYPE OF REQUEST: **CONDITIONAL
USE**

CASE NO: **CU-2018-03**

DATE: **02/21/18** TIME: **8:30 AM**

LOCATION OF HEARING

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

FOR MORE INFORMATION CALL:
DEVELOPMENT SERVICES AT 596-3475 OR VISIT
WWW.MYESCAMBIA.COM

PUBLIC HEARING SIGN HAVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY



LOOKING SOUTH ACROSS WEST NINE MILE ROAD





LOOKING WEST ALONG WEST NINE MILE ROAD



LOOKING NORTH AT THE SUBJECT PROPERTY



LOOKING NORTHWEST ALONG WEST NINE MILE ROAD



LOOKING EAST ALONG WEST NINE MILE ROAD

Escambia County Planning and Zoning
Development Services Department
3363 West Park Place
Pensacola, FL 32505
Phone: (850) 595-3475 • Fax: (850) 595-3481
<http://myescambia.com/business/ds>

Board of Adjustment Application

FOR OFFICE USE ONLY - Case Number: CV-2018-03 Accepted by: _____ BOA Meeting: 2/21/18

Conditional Use Request for: A worship center

Variance Request for: _____

1. Contact Information:

A. Property Owner/Applicant: Christ Community Baptist Church, Mark Davis
Mailing Address: P.O. Box 1118, Gonzalez, FL 32560
Business Phone: _____ Cell: 850-572-1801
Email: DRMAD1057@aol.com

B. Authorized Agent (if applicable): _____
Mailing Address: _____
Business Phone: _____ Cell: _____
Email: _____

Note: Owner must complete the attached Agent Affidavit. If there is more than one owner, each owner must complete an Agent Affidavit. Application will be voided if changes to this application are found.

2. Property Information:

A. Existing Street Address: 5970 West Nine Mile Rd.
Parcel ID (s): 06-15-31-4402-002-001

B. Total acreage of the subject property: 4.96

C. Existing Zoning: LDR
FLU Category: MU-5

D. Is the subject property developed (if yes, explain): No

E. Sanitary Sewer: _____ Septic: ✓

3. Amendment Request

- A. Please provide a general description of the proposed request, explaining why it is necessary and/or appropriate.

Section 3-2.5(c) 2.e requires that "Places of worship" receive a conditional use permit.

- B. For Variance Request – Please address **ALL** the following approval conditions for your Variance request. (use supplement sheets as needed)

1. Special conditions and circumstances exist which are peculiar to the land, structure or building and which are not applicable to other lands, structures or buildings in the same zoning district.

2. The special conditions and circumstances do not result from the actions of the applicant.

C. For Conditional Use Request – Please address ALL the following approval conditions for your Conditional Use request. (use supplement sheets as needed)

- 1. General compatibility.** The proposed use can be conducted and operated in a manner that is compatible with adjacent properties and other properties in the immediate area. *If this is for the sale of alcohol within a 1000 ft of a place of worship or child care facility; please explain a-e below: a.) The existing times of use of the places of worship or child care facilities coincide with the hours of operation of the subject business b.) The 1000-foot minimum distance is not achieved. c.) The conflicting uses are visible to each other. d.) Any on-premises consumption is outdoors. e.) Any conditions or circumstances mitigate any incompatibility.*

The proposed facility will be a place of worship and Ministry which will have no negative impact on the community. There will be no alcohol sold or served on the premises: (a) the hours of operation may vary but usually will be Sundays from 10AM to noon and 5 PM to 7 PM, and Wednesdays from 6PM to 8PM. (b) not applicable. (c) Not applicable (there will be no conflicting uses). (d) There will be no indoor nor outdoor consumption of alcohol. (e) No known incompatibility.

- 2. Facilities and services.** Public facilities and services, especially those with adopted levels of service, will be available, will provide adequate capacity to serve the proposed use consistent with capacity requirements.

All needed public facilities are available. Since ECUA has no plans to provide sewer to this location, therefore our plans are to use the existing septic tank until sewer is available. There will be no commercial kitchen nor a child care center on site.

3. **On-site circulation.** Ingress to and egress from the site and its structures will be sufficient, particularly regarding vehicle and pedestrian safety and convenience, efficient traffic flow and control, on-site parking and loading, and emergency vehicle access.

Parking will be constructed with sufficient ingress and egress which will be provided through the existing culvert (thirty-four foot wide). There will be maintained clear entrance for emergency vehicle access.

4. **Nuisances and hazards.** The scale, intensity, and operation of the use will not generate unreasonable noise, glare, dust, smoke, odor, vibration, electrical interference, or other nuisances or hazards for adjoining properties and other properties in the immediate area.

Due to the nature of operations and the limited use of the site, there will be no unreasonable nuisances nor hazards to the surrounding community.

5. **Solid waste.** All on-site solid waste containers will be appropriately located for functional access, limited off-site visibility and minimal odor and other nuisance impacts.

All solid waste will be disposed of off-site in a legal manner that will not cause a nuisance to the community nor create a hazard.

6. **Screening and buffering.** Where not otherwise required by the LDC, screening and buffering will be provided if appropriate to the proposed use and site.

Due to the nature of the facility, there will be no need for screening or buffering. However, if a conflict occurs in the future, it will be handled in accordance with law.

7. **Signs and lighting.** All exterior signs and lights, whether attached or freestanding, will be compatible with adjoining properties and other properties in the immediate area, especially regarding glare and traffic safety.

Signs and site lighting will not be a part of the initial construction, but will be constructed at a later time as prescribed by law.

8. **Site characteristics.** The size, shape, location and topography of the site appear adequate to accommodate the proposed use, including setbacks, intensity, bulk, height, open space and aesthetic considerations.

see attached:

9. **Use requirements.** The proposed use complies with any additional conditional use requirements of the applicable zoning district, use, or other provisions of the LDC.

Yes

5. Submittal Requirements

- A. ✓ Completed application: All applicable areas of the application shall be filled in and submitted to the Planning and Zoning Department, 3363 West Park Place, Pensacola, FL 32505.
- B. ✓ Application Fees: To view fees visit the website:
<http://myescambia.com/business/board-adjustment> or contact us at 595-3475.

Note: Fees include all notices and advertisements required for the public hearing and a \$5 technical fee. Payments must be submitted prior to 3 pm of the closing date of acceptance of application. Please make checks payable to Escambia County. MasterCard and Visa are also accepted.

- C. ✓ Legal Proof of Ownership (ex: copy of Tax Notice or Warranty Deed) AND a Certified Boundary Survey (Include Corporation/LLC documentation if applicable.)
- D. _____ Signed and Notarized Affidavit of Owner/Limited Power of Attorney AND Concurrency Determination Acknowledgement (pages 4 and 5).

By my signature, I hereby certify that:

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

[Signature]
Signature of Owner/Agent

Christ Community Baptist Church, Inc.
MARK DAVIS, President
Printed Name of Owner/Agent

STATE OF FLORIDA COUNTY OF ESCAMBIA The foregoing instrument
was acknowledged before me this 11th day of JANUARY of
20 18, by MARK A. DAVIS

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced:

FLORIDA DNO 541
573620

[Signature]
Signature of Notary



(Notary Seal)

Prepared by and Return to:
Stephen R. Moorhead
McDonald Fleming Moorhead, Attorneys At Law,
4636 Summerdale Boulevard
Pace, Florida 32571
850-994-3838
File Number: SRM-09-3362

RECEIVED BY THE CLERK OF COURT
ESCAMBIA COUNTY FLORIDA
INST# 2010034570210000 at 02:44 PM
OFF REC BK 6561 PG 295-296 Doc Type QCD
RECORDING 517.50 Fee Stamp \$0.70

QUIT CLAIM DEED

This indenture made on January 29, 2010 A.D., by **George Marion Dyess and Ruby Jeanette Dyess**, husband and wife whose address is 5980 W. Nine Mile Road, Pensacola, FL 32514 hereinafter called the "grantor", to **Christ Community Baptist Church, Inc.** whose post office address is 9999 Chemstrand Road, Pensacola, FL 32514, hereinafter called the "grantee":

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

Witnesseth, that the grantor, for and in consideration of the sum of \$ TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in Escambia County, Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

Parcel Identification Number: 06-1S-31-4402-002-001

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

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

To Have and to Hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

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

Signed, sealed and delivered in the presence of these witnesses:

Witness Signature

FREDERICK J. K. GILMORE, JR.
Witness Print Name:

Witness Signature

Pennye Freeman
Witness Print Name:

George Marion Dyess
George Marion Dyess

Ruby Jeanette Dyess
Ruby Jeanette Dyess

State of Florida
County of Escambia

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me on February 16, 2010, by George

anywise appertaining.

To Have and to Hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

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

Signed, sealed and delivered in the presence of these witnesses:

Frederick J. K. Gilmore, Jr.
Witness Signature

FREDERICK J. K. GILMORE, JR.
Witness Print Name:

George M. Dyess
George Marion Dyess

Pennye Freeman
Witness Signature

Pennye Freeman
Witness Print Name:

Ruby Jeanette Dyess
Ruby Jeanette Dyess

State of Florida
County of Escambia

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me on February 16, 2010, by George Marion Dyess and Ruby Jeanette Dyess, husband and wife who is/are personally known to me or has/have produced valid driver's license as identification

Pennye Freeman
NOTARY PUBLIC

Pennye Freeman
Notary Print Name
My Commission Expires: _____

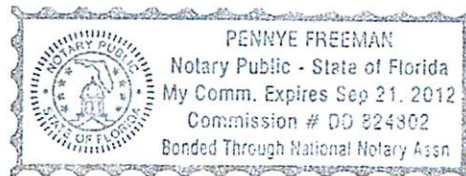


EXHIBIT "A"

THE WEST 500.00 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA. LESS STATE ROAD RIGHT OF WAY ALONG THE SOUTH SIDE.

ALSO LESS AND EXCEPT "A":

BEGIN AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE GO SOUTH 89 DEGREES 54'19" WEST ALONG THE SOUTH LINE OF SECTION 6 FOR A DISTANCE OF 1189.72 FEET; THENCE GO NORTH 00 DEGREES 34'09" WEST FOR A DISTANCE OF 87.94 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF NINE MILE ROAD (200' R/W); THENCE GO NORTH 83 DEGREES 41'07" EAST ALONG SAID NORTHERLY RIGHT OF WAY FOR A DISTANCE OF 27.92 FEET; THENCE GO NORTH 89 DEGREES 50'37" EAST FOR A DISTANCE OF 175.09 FEET FOR THE POINT OF BEGINNING; THENCE GO NORTH 00 DEGREES 34'09" WEST FOR A DISTANCE OF 255.01 FEET; THENCE GO NORTH 89 DEGREES 50'37" EAST FOR A DISTANCE OF 165.00 FEET; THENCE GO SOUTH 00 DEGREES 34'09" EAST FOR A DISTANCE OF 255.01 FEET TO SAID NORTHERLY RIGHT OF WAY; THENCE GO SOUTH 89 DEGREES 50'37" WEST FOR A DISTANCE OF 165.00 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT "B":

THE SOUTH 265.00 FEET OF THE EAST 160 FEET OF THE WEST 188.00 FEET OF THE WEST 500.00 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA.

4.96 ± Acres
(undeveloped for Future Use)

↑
slope

↑
slope

325'
NTS.

403'
NTS

50' x 75'
Steel Framed
Worship Center

165'

18" Pecan to Remain

16" Pecan to Remain
28" Pine

34' x 18' Pad
for H.C. Parking

Existing Septic
System

24" Pecan to Remain
25 Spaces
Grassed
Parking

12" Pecan to Remain

34' →
Grass/Drive

25 Spaces +
Grassed
Parking
24" Pecan to Remain

255'

ImperVIOUS Surfaces	
Building	3,750 S.F.
H/C Pad	612 S.F.
Side walks	500 S.F.
Total	4,862 S.F.
	< 2.3%

177'

34' wide compacted Pervious Entrance Drive

384 S.F. of Existing RCP

Section A-A NTS

↑
slope

↑
slope

147'

West Nine Mile Road.

225' NTS

F/H

Christ Community Baptist Church
Proposed Site Plan
5900 Block West Nine Mile Rd.
Scale 1" = 20'-0"