

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
QUASI-JUDICIAL HEARING
December 4, 2018–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.
4. Approval of Minutes.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the November 8, 2018 Planning Board Rezoning Meeting.
5. Acceptance of Rezoning Planning Board Meeting Packet.
6. Quasi-judicial Process Explanation.
7. Public Hearings.
 - A. Case #: Z-2018-11
Applicant: Gilbert Nelson, Owner
Address: Dogwood Place
Property Size: 9.1 (+/-) acres
From: HDMU, High Density Mixed-use district (25 du/acre)
To: Com, Commercial district (25 du/acre)
 - B. Case #: Z-2018-19
Applicant: Wiley C. "Buddy" Page, Agent for Albert Burner Trustee
Address: University Parkway
Property Size: 0.20 (+/-) acres
From: HDR, High Density Residential district (18 du./acre)

To: HDMU, High Density Mixed-use district (25 du/acre)

8. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Rezoning

4. A.

Meeting Date: 12/04/2018

Agenda Item:

RECOMMENDATION: That the Planning Board review and approve the Meeting Resume' Minutes of the November 8, 2018 Planning Board Rezoning Meeting.

Attachments

Draft November 8, 2018 Planning Board Rezoning Meeting Minutes

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING November 8, 2018

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:38 A.M. – 10:17 A.M.)
(10:24 A.M. - 12:20 P.M.)
(12:24 P.M. - 12:47 P.M.)

Present: Reid Rushing
Timothy Pyle
Patty Hightower
Eric Fears
William Clay
Stephen Opalenik

Absent: Jay Ingwell
Wayne Briske, Chairman
Alan Gray

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning
Caleb MacCartee, Urban Planner, Planning & Zoning
John Fisher, Senior Urban Planner, Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Kayla Meador, Sr Office Assistant
Meredith Crawford, Assistant County Attorney

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.

Motion by Eric Fears, Seconded by Reid Rushing

Motion was made to approve the proof of publication and to waive the reading of the legal advertisement.

Vote: 4 - 0 Approved

Other: Jay Ingwell (ABSENT)
Wayne Briske (ABSENT)
Alan Gray (ABSENT)

4. Approval of Minutes.

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the October 1, 2018, Planning Board Rezoning Meeting.

Motion by Reid Rushing, Seconded by Eric Fears

Motion was made to approve the Rezoning Planning Board meeting minutes from October 1, 2018.

Vote: 4 - 0 Approved

Other: Jay Ingwell (ABSENT)

Wayne Briske (ABSENT)
Alan Gray (ABSENT)

5. Acceptance of Rezoning Planning Board Meeting Packet.

Motion by Eric Fears, Seconded by Reid Rushing

Motion was made to accept the Rezoning Planning Board meeting packet for November 8, 2018.

Vote: 4 - 0 Approved

Other: Jay Ingwell (ABSENT)
Wayne Briske (ABSENT)
Alan Gray (ABSENT)

6. Quasi-judicial Process Explanation.

7. Public Hearings.

- A. Case #: Z-2018-14
Applicant: Catalina Filip, Agent for Fil's Group, LLC., Owner
Address: 8925 Gulf Beach Highway
Property Size: 2.79 +/- acres
From: MDR, Medium Density Residential district (10 du/acre)
To: HC/LI, Heavy Commercial and Light Industrial district (25 du/acre)

No planning board member acknowledged visiting the site.

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

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

Motion by Reid Rushing, Seconded by Eric Fears

Motion was made to recommend approval to the BCC, waive locational criteria, and find Criteria B and C compatible with surrounding uses.

Vote: 4 - 0 Approved

Other: Jay Ingwell (ABSENT)
Wayne Briske (ABSENT)
Alan Gray (ABSENT)

- B. Case #: Z-2018-15
Applicant: Wiley C. "Buddy" Page, Agent for Gulf Beach Self Storage, Inc. Owner
Address: 8939 Gulf Beach Highway
Property Size: 4.29 (+/-) acres
From: HC/LI, Heavy Commercial and Light Industrial district (25 du/acre) and MDR, Medium Density Residential district (10 du/acre)

To: HC/LI-NA, Heavy Commercial and Light Industrial district, prohibiting the subsequent establishment of any microbreweries, microdistilleries, microwineries, bars, nightclubs, or adult entertainment uses (25 du/acre)

No planning board member acknowledged visiting the site.

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

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

Motion by Eric Fears, Seconded by William Clay

Motion was made to recommend approval to the BCC, based on the Mr. Page's rebuttal on Criteria B.

Vote: 4 - 0 Approved

Other: Jay Ingwell (ABSENT)
Wayne Briske (ABSENT)
Alan Gray (ABSENT)

C. Case #: Z-2018-16
Applicant: Wiley C. "Buddy" Page,
Agent for James Campbell,
Owner
Address: 1250 Fairchild Street
Property Size: 4 (+/-) acres
From: HC/LI, Heavy Commercial
and Light Industrial district
(25 du/acre)
To: HDR, High Density
Residential district (18
du/acre)

No planning board member acknowledged visiting the site.

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

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

Motion by Reid Rushing, Seconded by William Clay

Motion was made to recommend approval to the BCC.

Vote: 4 - 0 Approved

Other: Jay Ingwell (ABSENT)
Wayne Briske (ABSENT)
Alan Gray (ABSENT)

D. Case #: Z-2018-17

Applicant: Wiley C. "Buddy" Page,
agent for RNL Investment
Group, LLC, Owner
Address: 8891 Burning Tree Rd
Property Size: 3.52 (+/-) acres and 7.56
(+/-) acres
Northern Portion:
From: Rec, Recreation district (du
density limited to vested
development)
To: MDR, Medium Density
residential (10 du/acre)
Southern Portion:
From: Rec, Recreation district (du
density limited to vested
development)
To: Com, Commercial district (25
du/acre)

No planning board member acknowledged visiting the site.

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

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

Motion by Eric Fears, Seconded by Reid Rushing

Motion was made to recommend approval to the BCC, finding Criteria B and C compatible based on Mr. Page's rebuttal.

Vote: 4 - 0 Approved

Other: Jay Ingwell (ABSENT)
Wayne Briske (ABSENT)
Alan Gray (ABSENT)

E. Case #: Z-2018-18
Applicant: Kshitij Patel, Agent for
Michael and Tammy Matche,
Owners
Address: 5950 West Nine Mile Road
Property Size: 0.97 (+/-) acres
From: LDR, Low Density
Residential district (four
du/acre)
To: HDMU, High Density
Mixed-use district (25
du/acre)

No planning board member acknowledged visiting the site.

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

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

Motion by Eric Fears, Seconded by Reid Rushing

Applicant requested to change rezoning request to LDMU.

Motion was made to recommend approval to the BCC, of the applicant's amended request to LDMU.

Vote: 4 - 0 Approved

Other: Jay Ingwell (ABSENT)
Wayne Briske (ABSENT)
Alan Gray (ABSENT)

F. That the Planning Board review and make recommendation to the Board of County Commissioners (BCC) on the following Vested Rights case:

Case No.: VRD-2018-01
Project Address: 3411 John Street
Property Reference No.: 16-2S-30-1001-330-004
Zoning District: HDMU, High Density Mixed-use district (25 du/acre)
FLU Category: MU-U, Mixed-Use Urban
Vested Rights for: Allow a MH in HDMU zoning
Applicant: Tanaya Rosa, Agent for Keith L. Davis, Owner

No planning board member acknowledged visiting the site.

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

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

Motion by Eric Fears, Seconded by Reid Rushing

Motion was made to accept into evidence the redacted medical paperwork provided by the applicant.

Vote: 4 - 0 Approved

Other: Jay Ingwell (ABSENT)
Wayne Briske (ABSENT)
Alan Gray (ABSENT)

Motion by Reid Rushing, Seconded by Eric Fears

Motion was made to recommend approval of the Vested Rights case to the BCC, based on the evidence presented.

Vote: 4 - 0 Approved

Other: Jay Ingwell (ABSENT)
Wayne Briske (ABSENT)
Alan Gray (ABSENT)

8. Adjournment.

Planning Board-Rezoning

7. A.

Meeting Date: 12/04/2018
CASE : Z-2018-11
APPLICANT: Gilbert Nelson, Owner
ADDRESS: Dogwood Place
PROPERTY REF. NO.: 34-2S-30-0040-010-003
FUTURE LAND USE: MU-S, Mixed-Use Suburban
DISTRICT: 3
OVERLAY DISTRICT: Brownsville
BCC MEETING DATE: 01/10/2019

SUBMISSION DATA:

REQUESTED REZONING:

FROM: HDMU, High Density Mixed-use district (25 du/acre)

TO: Com, Commercial district (25 du/acre)

RELEVANT AUTHORITY:

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

APPROVAL CONDITIONS

Criterion a., LDC Sec. 2-7.2(b)(4)

Consistent with Comprehensive Plan

The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. If the rezoning is required to properly enact a proposed FLU map amendment transmitted for state agency review, the proposed zoning is consistent with the proposed FLU and conditional to its adoption.

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

CPP FLU 1.3.1 Future Land Use Categories. The Mixed-Use Suburban (MU-S) Future Land Use (FLU) category is intended for a mix of residential and nonresidential uses

while promoting compatible infill development and the separation of urban and suburban land uses. Range of allowable uses include: Residential, Retail and Services, Professional Office, Recreational Facilities, Public and Civic. The maximum residential density is twenty five dwelling units per acre.

FLU 1.1.9 Buffering. In the LDC, Escambia County shall ensure the compatibility of adjacent land uses by requiring buffers designed to protect lower intensity uses from more intensive uses, such as residential from commercial. Buffers shall also be used to protect agricultural activities from the disruptive impacts of nonagricultural land uses and protect nonagricultural uses from normal agricultural activities.

FINDINGS

The proposed amendment to Com is **consistent** with the intent and purpose of Future Land Use category MU-S as stated in CPP FLU 1.3.1. The Comprehensive Plan allows for a mix of residential and commercial uses to include recreational facilities.

Criterion b., LDC Sec. 2-7.2(b)(4)

Consistent with The Land Development Code

The proposed zoning is consistent with the purpose and intent and with any other zoning establishment provisions prescribed by the proposed district in Chapter 3.

LDC Sect. 3-2.9 HDMU

Purpose. The High Density Mixed-use (HDMU) district establishes appropriate areas and land use regulations for a complimentary mix of high density residential uses and compatible non-residential uses within urban areas. The primary intent of the district is to provide for a mix of neighborhood retail sales, services and professional offices with greater dwelling unit density and intensity than the Low Density Mixed-use district. Additionally, the HDMU district is intended to rely on urban street connectivity and encourage vertical mixes of commercial and residential uses within the same building to accommodate a physical pattern of development characteristic of village main streets and older neighborhood commercial areas. Residential uses within the district include all forms of single-family, two-family and multi-family dwellings.

LDC Sect. 3-2.10 Com

Purpose. The Commercial (Com) district establishes appropriate areas and land use regulations for general commercial activities, especially the retailing of commodities and services. The primary intent of the district is to allow more diverse and intense commercial uses than the neighborhood commercial allowed within the mixed-use districts. To maintain compatibility with surrounding uses, all commercial operations within the Commercial district are limited to the confines of buildings and not allowed to produce undesirable effects on surrounding property. To retain adequate area for commercial activities, new and expanded residential development within the district is limited, consistent with the Commercial (C) future land use category.

Sec. 3-3.4 Brownsville Overlay (Brn-OL).

Purpose. The Brownsville Overlay (Brn-OL) district establishes supplemental land use regulations to support the objectives of the adopted Brownsville area community redevelopment plan. The intent of the additional land use controls is to enhance the character of an area undergoing revitalization, support existing commercial corridors, and protect the unique and historic character of the Brownsville community.

LDC 3-2.10 Location criteria. All new non-residential uses proposed within the

Commercial district that are not part of a planned unit development or not identified as exempt by the district shall be on parcels that satisfy at least one of the following location criteria:

(1) Proximity to intersection. Along an arterial or collector street and within one-quarter mile of its intersection with an arterial street.

(2) Proximity to traffic generator. Along an arterial or collector street and within a one-quarter mile radius of an individual traffic generator of more than 600 daily trips, such as an apartment complex, military base, college campus, hospital, shopping mall or similar generator.

(3) Infill development. Along an arterial or collector street, in an area where already established non-residential uses are otherwise consistent with the Commercial district, and where the new use would constitute infill development of similar intensity as the conforming development on surrounding parcels. Additionally, the location would promote compact development and not contribute to or promote strip commercial development.

(4) Site design. Along an arterial or collector street, no more than one-half mile from its intersection with an arterial or collector street, not abutting a single-family residential zoning district (RR, LDR or MDR), and all of the following site design conditions:

- a. Any Intrusion into a recorded subdivision is limited to a corner lot.
- b. A system of service roads or shared access is provided to the maximum extent made feasible by lot area, shape, ownership patterns, and site and street characteristics.
- c. Adverse impacts to any adjoining residential uses are minimized by placing the more intensive elements of the use, such as solid waste dumpsters and truck loading/unloading areas, furthest from the residential uses.

FINDINGS

The proposed amendment **is not** consistent with the intent and purpose of the Land Development Code. The Commercial zoning designation allows for more intense commercial uses than the current HDMU, neighborhood commercial. The parcel is within the Brownsville redevelopment area which strives to enhance the character of the area and supporting existing commercial corridors. Although the parcel is within 1/4 mile of an intersection with an arterial street, the parcel fronts a local road and not an arterial or collector as mandated by the criteria. The parcel can not be accessed from Mobile Highway or New Warrington Rd due to the connecting ramp from Mobile Highway to New Warrington Rd., which will be evaluated by Traffic and Transportation, Access management.

Criterion c., LDC Sec. 2-7.2(b)(4)

Compatible with surrounding uses

All the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law.

FINDINGS

The proposed amendment **is not compatible** with surrounding existing uses in the area. Within the 500' radius impact area, staff observed properties with zoning districts HDMU and Com. It is recognized that there are commercial zoning categories across Dogwood and Mobile Highway although both are not within line of sight as well as being separated by a divided roadway. The proposed parcel is adjacent to an existing apartment complex, therefore it would allow for intense commercial uses with the potential to create adverse impacts on the existing residential development.

Criterion d., LDC Sec. 2-7.2(b)(4)

Appropriate if spot zoning

Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site specific balancing of interests between the isolated district and adjoining lands.

As per LDC Chapter 6, Spot Zoning is: *Zoning applied to an area of land, regardless of its size, that is different from the zoning of all contiguous land. Such isolated or "spot" zoning is usually higher in its density or intensity of use than the adjoining zoning and may, therefore, extend privileges not generally extended to property similarly located in the area. Spot zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining zoning it carries a higher burden of demonstration that, if authorized, it will contribute to or result in logical and orderly development.*

FINDINGS

The request to rezone to Commercial is spot zoning due to the adjacent parcels currently zoned HDMU, with commercial zoning across Dogwood to the south. There are commercial properties to the south, west and across New Warrington Road is an HC/LI zoned parcel.

Criterion e., LDC Sec. 2-7.2(b)(4)

Appropriate with changed or changing conditions

If the land uses or development conditions within the area surrounding the property of rezoning have changed, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and the permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl.

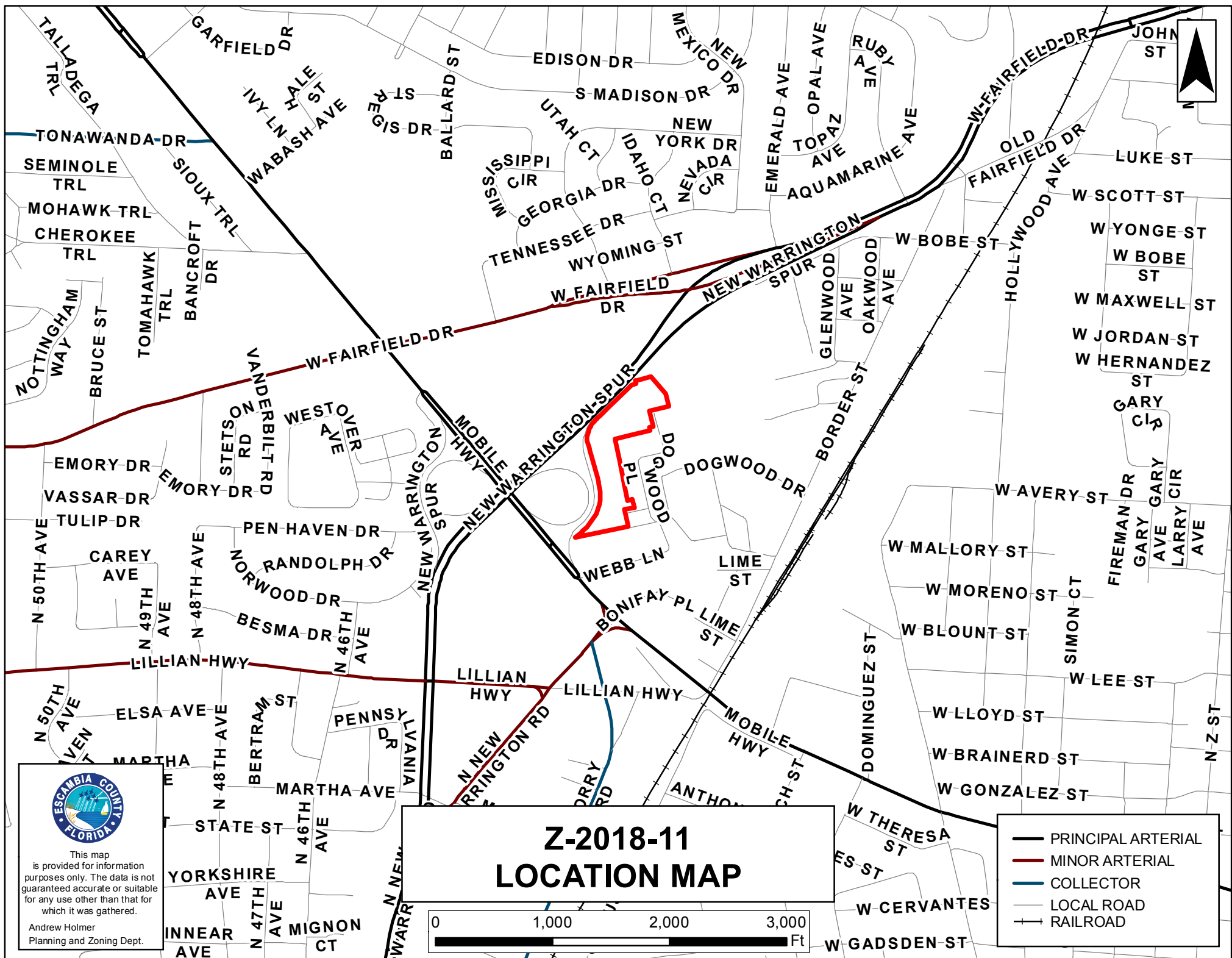
FINDINGS

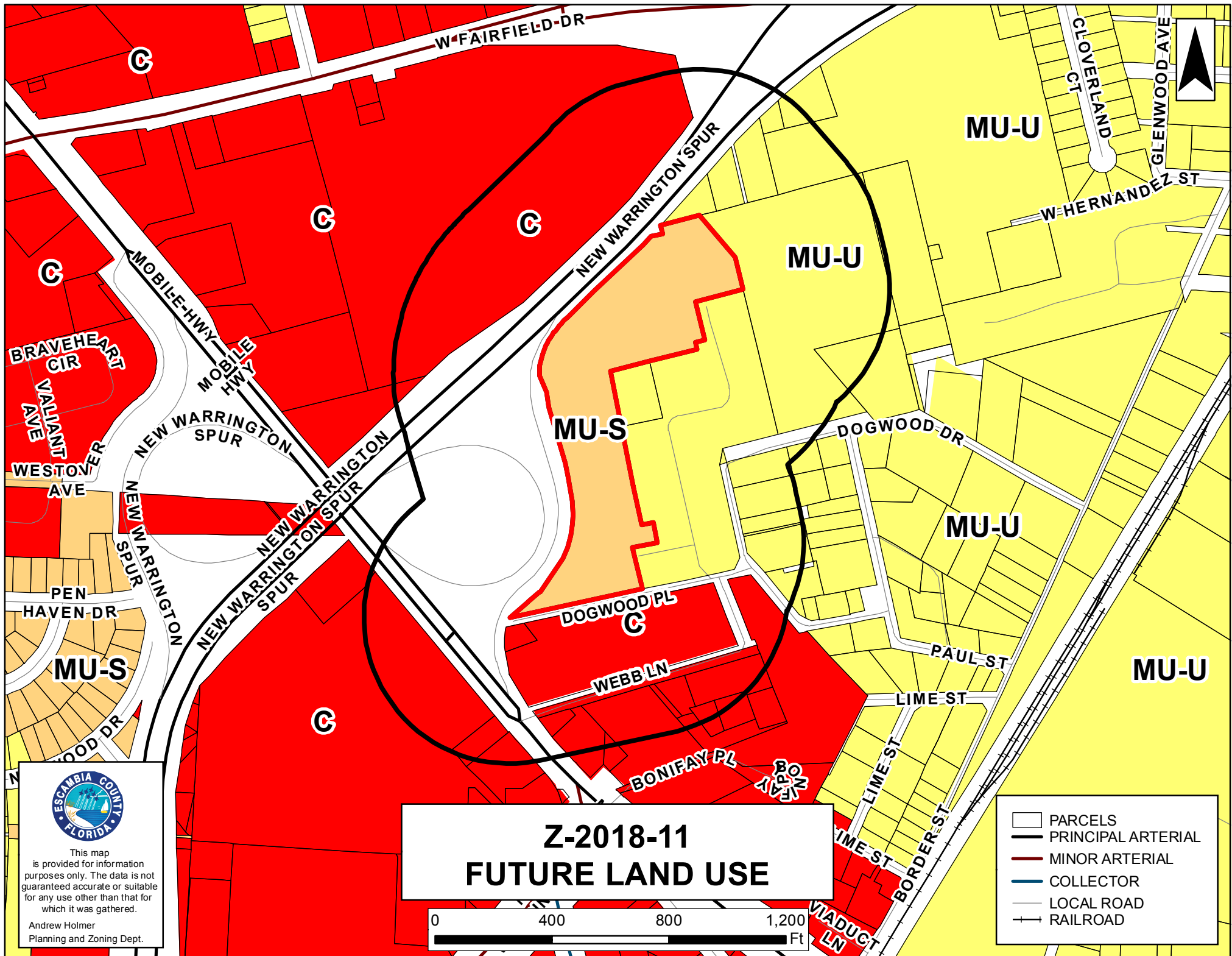
The land uses or development conditions within the area surrounding the property of rezoning **have not** changed in uses or intensities. The parcel is not along an arterial or collector street, in an area where already established non-residential uses are otherwise consistent with the Commercial district, and where the new use would constitute infill development of similar intensity as the conforming development on surrounding parcels.

Attachments

Working Case File

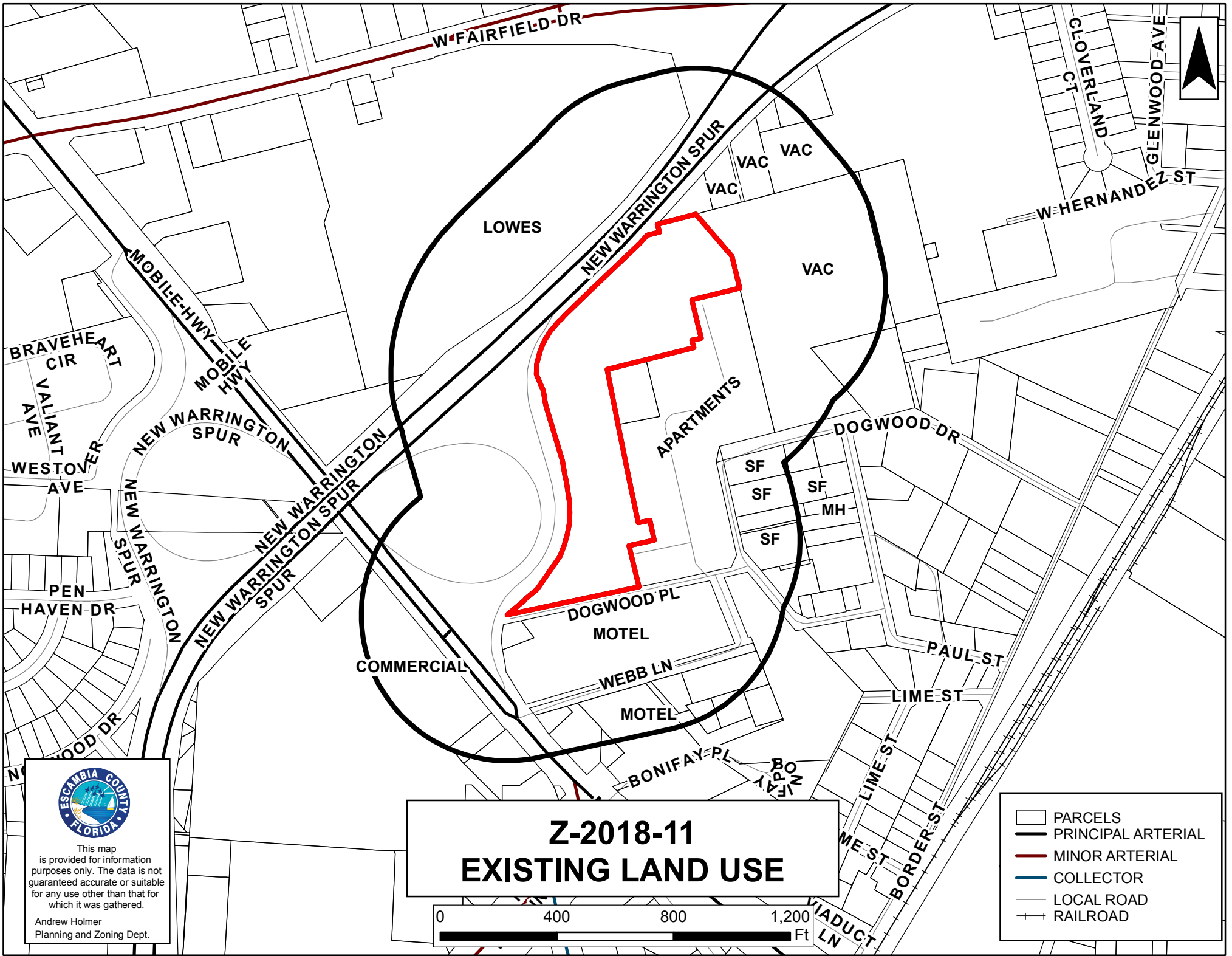
Z-2018-11





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.



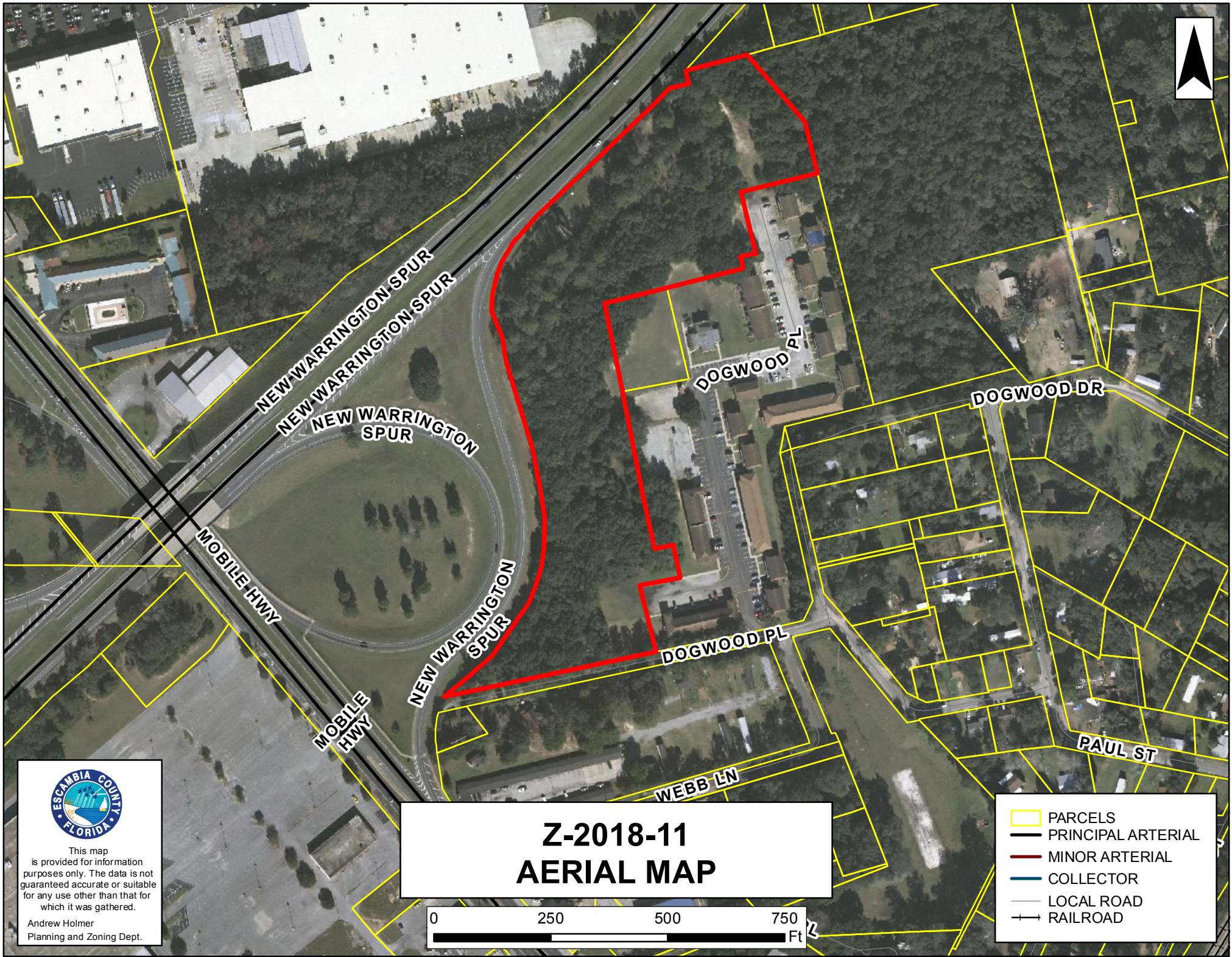
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Andrew Holmer
Planning and Zoning Dept.

Z-2018-11 EXISTING LAND USE

0 400 800 1,200
Ft

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



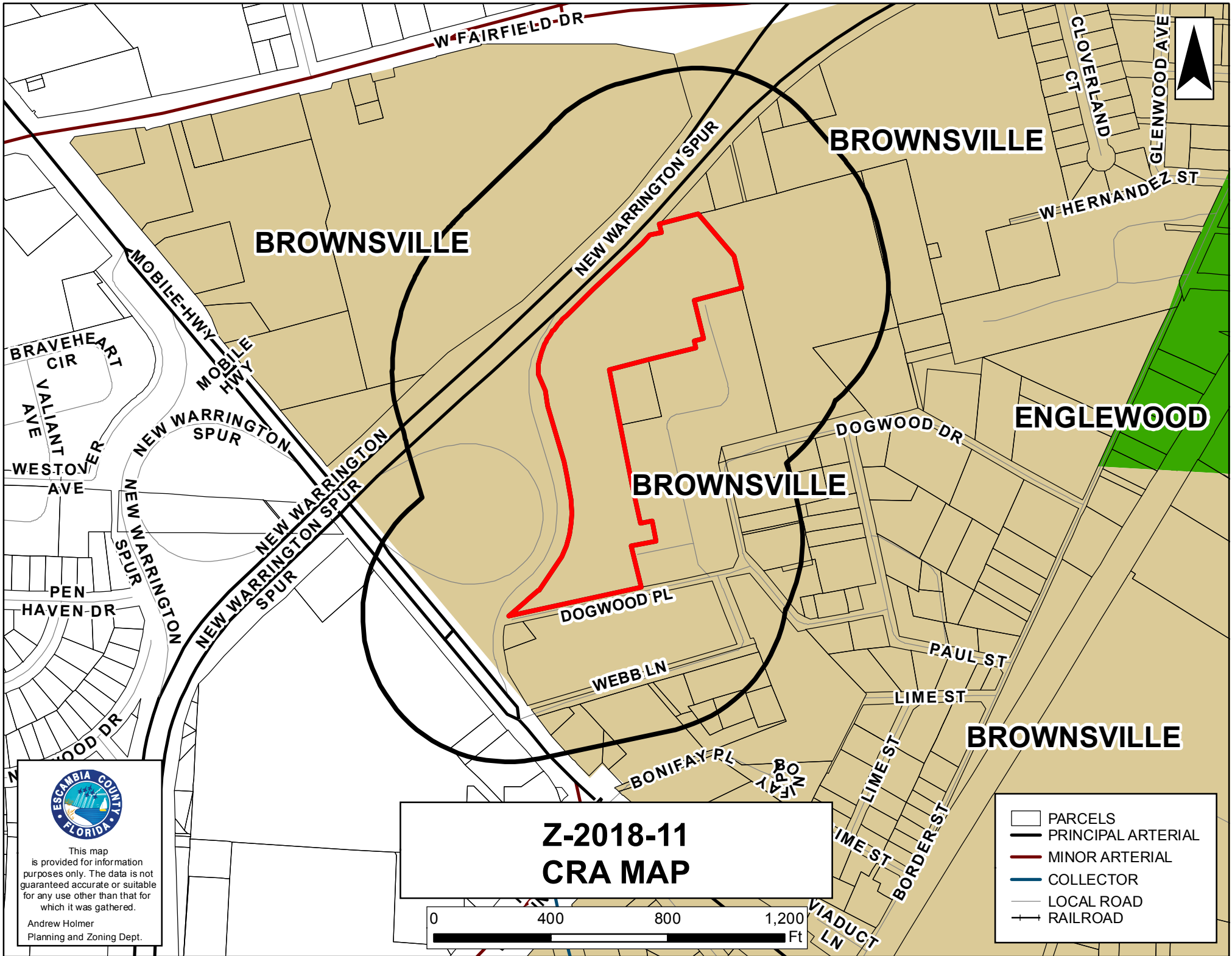
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Andrew Holmer
Planning and Zoning Dept.

Z-2018-11 AERIAL MAP

0 250 500 750
Ft

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





Public Hearing Sign at
ramp



Looking east along spur

NOTICE OF PUBLIC HEARING FOR REZONING

ESCAMBIA COUNTY FLORIDA

CASE NO.: Z-2018-11

CURRENT ZONING: HDMU PROPOSED ZONING: [REDACTED]

PLANNING BOARD

DATE: 09/04/18 TIME: 8:30

LOCATION OF HEARING: ESCAMBIA COUNTY CENTRAL OFFICE, 3363 WEST PARK PLACE, BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: 10/04/18 TIME: 5:45

LOCATION OF HEARING: [REDACTED]

ERNIE LEE MAGAWA



Public Hearing Sign on
Dogwood



Looking west along Dogwood;
parcel on right



Looking west along Dogwood





At Dogwood intersection



Looking west along Dogwood;
Drive to apartments on left



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>

Rezoning Application

FOR OFFICE USE ONLY - Case Number: 2-2018-11 Accepted by: C. H. H. H. PB Meeting: 9/4/2018

1. Contact Information:

A. Property Owner/Applicant:

Nelson, Gilbert + Darvene (deceased)

Mailing Address: 6076 Forest Green Road 32505

Business Phone: NA Cell: 850-384-5310

Email: Gilbert.Nelson@Att.net

B. Authorized Agent (if applicable):

N.A.

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:

Dogwood Dr.
None Assigned-Unknown

Property reference

Parcel ID (s): 3425300040010003

acft # 07-0046-850

B. Total acreage of the subject property:

9.1

C. Existing Zoning:

HDIMU

Proposed Zoning: Commercial; explain why necessary and/or appropriate

Because I want to a business there.

FLU Category: MU-S

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

E. Sanitary Sewer: ☒ Septic: ☐

3. **Amendment Request**

Approval conditions. The applicant has the burden of presenting competent substantial evidence to the reviewing board establishing that the requested zoning district would contribute to or result in a logical and orderly development pattern. The appropriate surrounding area within which uses and conditions must be considered may vary with those uses and conditions and is not necessarily the same area required for mailed notification. A logical and orderly pattern shall require demonstration of each of the following conditions:

Please address ALL the following approval conditions for your rezoning request. (use supplement sheets as needed)

- a. **Consistent with Comprehensive Plan.** The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. If the rezoning is required to properly enact a proposed FLU map amendment transmitted for state agency review, the proposed zoning is consistent with the proposed FLU and, conditional to its adoption.

The FLU of MU-S
allows Commercial - The Comprehensive
Plan of MU-S allows for residential and commercial.
This will be used for a seasonal accommodations
as a RV park

- b. **Consistent with zoning district provisions.** The proposed zoning is consistent with the purpose and intent and with any other zoning establishment provisions prescribed by the proposed district in Chapter 3

Yes An RV park is allowed in
commercial zoning. This property
is 9.1 acres

- c. Compatible with surroundings.** All of the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law.

Yes Compatible with surroundings

There are other residential properties
in the area
See Attached Page 8

- d. Appropriate if spot zoning.** Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site-specific balancing of interests between the isolated district and adjoining lands.

As per LDC Chapter 6, Spot Zoning is: Zoning applied to an area of land, regardless of its size, that is different from the zoning of all contiguous land. Such isolated or "spot" zoning is usually higher in its density or intensity of use than the adjoining zoning and may, therefore, extend privileges not generally extended to property similarly located in the area. Spot zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining zoning it carries a higher burden of demonstration that, if authorized, it will contribute to or result in logical and orderly development

Not Spot Zoning OK

- e. Appropriate with changed or changing conditions.** If the land uses or development conditions within the area surrounding the property of rezoning have changed, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and the permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl.

Conditions have not changed OK

4. Please complete the following Forms: Concurrency Determination Acknowledgement and Affidavit of Owner/Limited Power of Attorney (if applicable).

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

Property Reference Number(s): 342530004 001 0003

Property Address: Dogwood Dr
Unknown - Not Assigned

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

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

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

- The necessary facilities or services are in place at the time a development permit is issued.
- A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 16th DAY OF July, YEAR OF 2018

[Signature]
Signature of Property Owner

Gilbert Nelson
Printed Name of Property Owner

7/16/18
Date

[Signature]
Signature of Property Owner

Kim L. Wilson
Printed Name of Property Owner

07/14/18
Date



KIM L. WILSON
MY COMMISSION # FF 981182
EXPIRES: May 10, 2020
Bonded Thru Budget Notary Services

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

(if applicable)

As owner of the property located at Dogwood Dr.
unknown - not assigned, Florida, property reference number(s) 342S 300040010003

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

Agent Name: NA Email: _____

Address: _____ Phone: _____

Gilbert Nelson
Signature of Property Owner

Gilbert Nelson
Printed Name of Property Owner

7/13/18
Date

Signature of Property Owner

Printed Name of Property Owner

Date

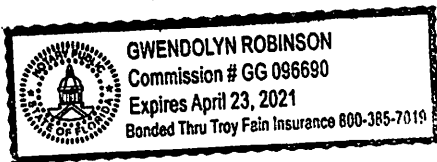
STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 14 day of July 2018
by _____.

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: FL Driver License

Gwendolyn Robinson
Signature of Notary

Gwendolyn Robinson
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/ds/planning-board> or contact us at 595-3547

Note: Application fees include a \$5 technical fee. Cost of the public notice mailing is to be borne by the applicant. 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 (a 3% fee will be added for credit card payments).

- 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. _____ Compatibility Analysis (if applicable): If the subject property does not meet the roadway requirements of Locational Criteria, a compatibility analysis prepared by the applicant is required to provide substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative criteria. (See "Documented Compatibility" within the request zoning district of the LDC.)
- E. _____ Signed and Notarized Affidavit of Owner/Limited Power of Attorney AND Concurrence 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 enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.


Signature of Owner/Agent

Gilbert Nelson
Printed Name Owner/Agent

7/16/18
Date

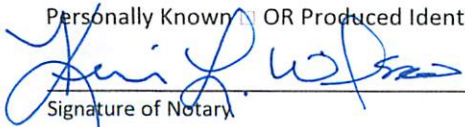
Signature of Owner

Printed Name of Owner

Date

STATE OF Florida COUNTY OF Escambia The foregoing instrument was acknowledged before me this 16th day of July 20 18, by Gilbert Nelson.

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


Signature of Notary

Kim L. Wilson
Printed Name of Notary



LOCATION CRITERIA

1. The 9 acre property is located on Dogwood Place connected to Webb Lane that serves as the only way to get to my property, although it is surrounded by the Warrington Road access ramp that DOT will not allow entrance or exits to the ramp.
2. There are motels, 96 unit apartment complex, laundry mat, gas station, U-haul business & restaurant in the area at my property that are already existing within ¼ mile of my property. They exceed the 600 trips a day requirement.
3. The rezoning to commercial will be compatible with other uses in the area as well as allowing visitors to enjoy the natural nature in an RV Park in it's pristine state which is now heavily wooded containing many mature trees with plans to leave as many as possible during and after development.
4. The property is in the Brownsville redevelopment area that has no restrictions for the proposed use of a RV park. D
5. Any new development plans will be looked at and secure approval in the development review stage before any site work is commenced.



Scott Lunsford • Escambia County Tax Collector

EscambiaTaxCollector.com facebook.com/ECTaxCollector twitter.com/escambiatc



SCAN TO PAY ONLINE

2017 Real Estate Property Taxes

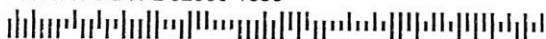
Notice of Ad Valorem and Non-Ad Valorem Assessments

| ACCOUNT NUMBER | MILLAGE CODE | ESCROW CODE | PROPERTY REFERENCE NUMBER |
|----------------|--------------|-------------|---------------------------|
| 07-0046-850 | 06 | | 342S300040010003 |

PROPERTY ADDRESS:

EXEMPTIONS:

7E - 00575 / 01396 JMS08001
 NELSON GILBERT & DARVENE
 6076 FOREST GREEN RD
 PENSACOLA FL 32505-1850



AD VALOREM TAXES

| TAXING AUTHORITY | MILLAGE RATE | ASSESSED VALUE | EXEMPTION AMOUNT | TAXABLE AMOUNT | TAXES LEVIED |
|------------------|--------------|----------------|------------------|----------------|--------------|
| COUNTY | 6.6165 | 129,676 | | 129,676 | 858.00 |
| PUBLIC SCHOOLS | | | | | |
| By Local Board | 2.2480 | 129,676 | | 129,676 | 291.51 |
| By State Law | 4.3830 | 129,676 | | 129,676 | 568.37 |
| WATER MANAGEMENT | 0.0353 | 129,676 | | 129,676 | 4.58 |
| SHERIFF | 0.6850 | 129,676 | | 129,676 | 88.83 |
| M.S.T.U. LIBRARY | 0.3590 | 129,676 | | 129,676 | 46.55 |

TOTAL MILLAGE 14.3268

AD VALOREM TAXES 1857.84

LEGAL DESCRIPTION

NON-AD VALOREM ASSESSMENTS

BEG AT SE COR OF ELLINOR VILLAGE
 S/D PB 2 P 40 N 16 DEG 09 MIN W
 ALG ELY LI OF S/D 33 FT N 74 DEG
 01 MIN E 117 36/100 FT S 43 DEG
 29 MIN E 207 91/100 FT S 16 DEG
 30 MIN E 627 75/100 FT S 73 DEG
 See Additional Legal on Tax Roll

| TAXING AUTHORITY | RATE | AMOUNT |
|------------------|------|--------|
| FIRE PROTECTION | | 15.30 |

FOR QUESTIONS ON THIS SECTION ONLY, CALL (850) 595-4960

NON-AD VALOREM ASSESSMENTS 15.30

Pay online at EscambiaTaxCollector.com

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

COMBINED TAXES AND ASSESSMENTS 1873.14

| AMOUNT DUE | NOV 30, 2017 | DEC 31, 2017 | JAN 31, 2018 | FEB 28, 2018 | MAR 31, 2018 |
|------------|--------------|--------------|--------------|--------------|--------------|
| IF PAID BY | \$ 1798.21 | \$ 1818.95 | \$ 1835.68 | \$ 1854.41 | \$ 1873.14 |

RETAIN FOR YOUR RECORDS

**NELSON DEVELOPERS, LLC**

6076 Forest Green Rd
Pensacola, FL 32505
(850) 476-1000
Cell (850) 324-5310

REGIONS BANK
BEVERLY PARKWAY BRANCH
PENSACOLA, FL 32505
63-466/631

211

11/25/2017

PAY TO THE
ORDER OF

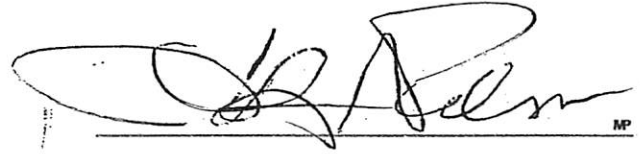
Escambia County Tax Collector

\$ **1,798.21

One Thousand Seven Hundred Ninety-Eight and 21/100*****

DOLLARS 

MEMO


MP**2017 Real Estate
Property Taxes****ACCOUNT NUMBER**

07-0046-850

PROPERTY ADDRESS

NELSON GILBERT & DARVENE
6076 FOREST GREEN RD
PENSACOLA FL 32505-1850

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

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

✓ \$ 1798.21

AMOUNT IF PAID BY DEC 31, 2017

\$ 1816.95

AMOUNT IF PAID BY JAN 31, 2018

\$ 1835.68

AMOUNT IF PAID BY FEB 28, 2018

\$ 1854.41

AMOUNT IF PAID BY MAR 31, 2018

\$ 1873.14

DO NOT FOLD, STAPLE, OR MUTILATE

1 070046850 2017 8

7-16-18 8:20 AM

HOW I ACQUIRED THE PROPERTY.

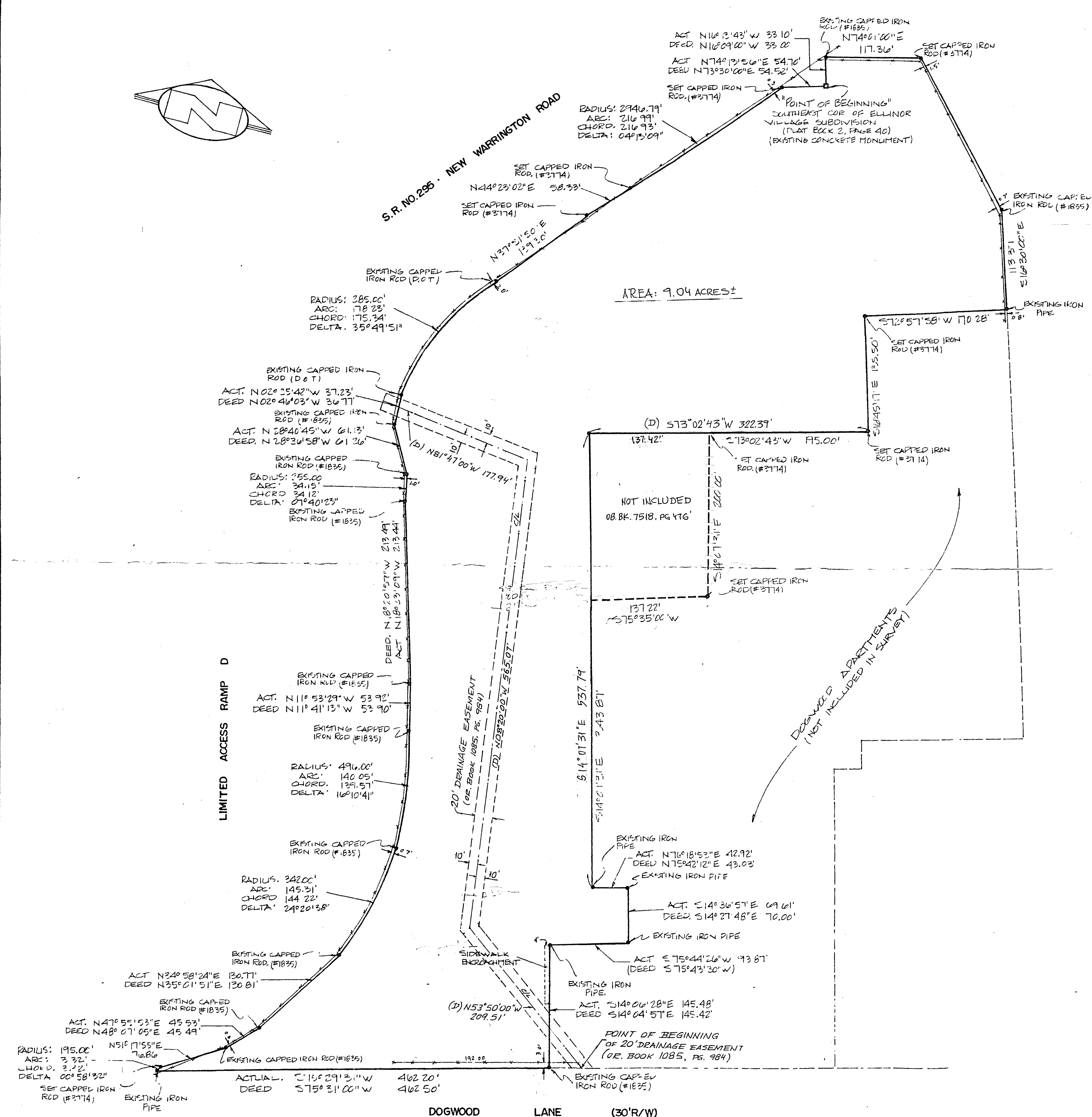
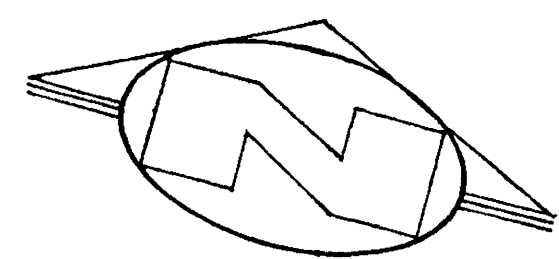
- ① WAS APPOINTED BY COURT FOR closure BACK IN MID 70'S
- ② LATER ABOUT 1975-76 I BOUGHT THE PROPERTY FROM A NEW YORK BANK WHO FORECLOSED ON THE DEVELOPER.
- ③ PROPERTY CONSISTED OF 96 APTS CLUB HOUSE-POOL etc PLUS 9 ACRES OF LAND DESIGNED FOR SECOND PHASE OF APARTMENTS
- ④ ABOUT 1990 I SOLD THE APARTMENTS & KEPT THE 9 ACRES OF LAND — SO NO WARRANTY DEED WAS EVER PREPARED.
- ⑤ COUNTY RECORDS LIST GILBERT NELSON & DANELE NELSON AS OWNER OF THE 9 ACRES ENCLOSED IS A COPY OF DANELE NELSON'S ~~DEED~~ DEATH. C.N.



GEORGIA DEATH CERTIFICATE

State File Number 2015GA000067616

| | | | | | | | |
|--|--|---|--|---|--|--|--|
| 1. DECEDENT'S LEGAL FULL NAME (First, Middle, Last) DARVENE CRAIN NELSON | | 1a. IF FEMALE, ENTER LAST NAME AT BIRTH CRAIN | | 2. SEX FEMALE | | 2a. DATE OF DEATH (Mo., Day, Year) ACTUAL DATE OF DEATH 11/09/2015 | |
| 3. SOCIAL SECURITY NUMBER [REDACTED] | | 4a. AGE (Years) 79 | | 4b. UNDER 1 YEAR Mos. Days Hours Mins. | | 5. DATE OF BIRTH (Mo., Day, Year) [REDACTED] | |
| 6. BIRTHPLACE FLORIDA | | 7a. RESIDENCE - STATE GEORGIA | | 7b. COUNTY DEKALB | | 7c. CITY, TOWN ATLANTA | |
| 7d. STREET AND NUMBER 1000 BRIARCLIFF ROAD NE | | 7e. ZIP CODE 30308 | | 7f. INSIDE CITY LIMITS? NO | | 8. ARMED FORCES? NO | |
| 8a. USUAL OCCUPATION BUSINESS OWNER | | 8b. KIND OF INDUSTRY OR BUSINESS PLUMBING | | | | | |
| 9. MARITAL STATUS DIVORCED | | 10. SPOUSE NAME JOSEPH H. "MONK" CRAIN | | | | 11. FATHER'S FULL NAME (First, Middle, Last) JOSEPH H. "MONK" CRAIN | |
| 12. MOTHER'S MAIDEN NAME (First, Middle, Last) MITTIE LEE PARKER | | 13a. INFORMANT'S NAME (First, Middle, Last) JOHN G. NELSON | | | | 13b. RELATIONSHIP TO DECEDENT SON | |
| 13c. MAILING ADDRESS 645 GREYSTONE PARK NE ATLANTA GEORGIA 30324 | | | | 14. DECEDENT'S EDUCATION HIGH SCHOOL GRADUATE OR GED COMPLETED | | | |
| 15. ORIGIN OF DECEDENT (Italian, Mex., French, English, etc.) NO, NOT SPANISH/HISPANIC/LATINO | | | | 16. DECEDENT'S RACE (White, Black, American Indian, etc.) (Specify) WHITE | | | |
| 17a. IF DEATH OCCURRED IN HOSPITAL | | | | 17b. IF DEATH OCCURRED OTHER THAN HOSPITAL (Specify) PRUITT HEALTHCARE-NURSING HOME | | | |
| 18. HOSPITAL OR OTHER INSTITUTION NAME (If not in either give street and no.) 1000 BRIARCLIFF ROAD NE | | | | 19. CITY, TOWN or LOCATION OF DEATH ATLANTA | | 20. COUNTY OF DEATH DEKALB | |
| 21. METHOD OF DISPOSITION (specify) REMOVAL FROM STATE | | 22. PLACE OF DISPOSITION SERENITY GARDENS CEMETERY 6208 STEWART STREET MILTON FLORIDA 32570 | | | | 23. DISPOSITION DATE (Mo., Day, Year) 11/13/2015 | |
| 24a. EMBALMER'S NAME SEAN MAYS | | 24b. EMBALMER LICENSE NO. 5006 | | 25. FUNERAL HOME NAME AIRPORT MORT SHIPPING SVC | | | |
| 25a. FUNERAL HOME ADDRESS 744 SOUTH CENTRAL AVENUE ATLANTA GEORGIA 30354 | | | | | | | |
| 26a. SIGNATURE OF FUNERAL DIRECTOR CHAD DENTON RIKE | | | | 26b. FUN. DIR. LICENSE NO. AMENDMENTS 4414 | | | |
| 27. DATE PRONOUNCED DEAD (Mo., Day, Year) 11/09/2015 | | | | 28. HOUR PRONOUNCED DEAD 11:59 PM | | | |
| 29a. PRONOUNCER'S NAME Colleen A. Wright | | | | 29b. LICENSE NUMBER RN181933 | | 29c. DATE SIGNED 11/09/2015 | |
| 30. TIME OF DEATH 11:59 PM | | | | 31. WAS CASE REFERRED TO MEDICAL EXAMINER NO | | | |
| 32. Part I: Enter the chain of events-diseases, injuries, or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, Of ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. | | | | | | Approximate interval between onset and death | |
| IMMEDIATE CAUSE (Final disease or condition resulting in death) | | | | | | UNKNOWN | |
| A. CARDIOPULMONARY ARREST | | | | | | UNKNOWN | |
| B. CEREBRAL VASCULAR DISEASE | | | | | | UNKNOWN | |
| C. | | | | | | | |
| D. | | | | | | | |
| Part II: Enter significant conditions contributing to death but not related to cause given in Part I A. If female, indicate if pregnant or birth occurred within 90 days of death. | | | | | | 33. WAS AUTOPSY PERFORMED? NO | |
| 34. HYPERTENSION, QUADRIPLEGIA | | | | | | 34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? | |
| 35. TOBACCO USE CONTRIBUTED TO DEATH UNKNOWN | | 36. IF FEMALE (range 10-54) PREGNANT NOT APPLICABLE | | 37. ACCIDENT, SUICIDE, HOMICIDE, UNDETERMINED (Specify) NATURAL | | | |
| 38. DATE OF INJURY (Mo., Day, Year) | | 39. TIME OF INJURY | | 40. PLACE OF INJURY (Home, Farm, Street, Factory, Office, Etc.) (Specify) | | 41. INJURY AT WORK? (Yes or No) | |
| 42. LOCATION OF INJURY (Street, Apartment Number, City or Town, State, Zip, County) | | | | | | | |
| 43. DESCRIBE HOW INJURY OCCURRED | | | | | | 44. IF TRANSPORTATION INJURY | |
| 45. To the best of my knowledge death occurred at the time, date and place and due to the cause(s) stated. Medical Certifier (Name, Title, License No.) LATONIA MARIE ADDISON 057786 | | | | | | 46. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. Medical Examiner/Coroner (Name, Title, License No.) | |
| 45a. DATE SIGNED (Mo., Day, Year) 11/19/2015 | | 45b. HOUR OF DEATH 11:59 PM | | 46a. DATE SIGNED (Mo., Day, Year) | | 46b. HOUR OF DEATH | |
| 47. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH LATONIA MARIE ADDISON PO BOX 2747 NORCROSS GEORGIA 30091 | | | | | | | |
| 48. REGISTRAR (Signature) /S/ DONNA L. MOORE | | | | | | 49. DATE FILED - REGISTRAR (Mo., Day, Year) 11/24/2015 | |



LEGAL DESCRIPTION

LEGAL DESCRIPTION:

BEGIN AT THE SOUTHEAST CORNER OF ELLINOR VILLAGE SUBDIVISION AS RECORDED IN PLAT BOOK 2, AT PAGE 40 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA; THENCE N16°09'00"W ALONG THE EASTERLY LINE OF SAID ELLINOR SUBDIVISION 33.00 FEET; THENCE N74°01'00"E A DISTANCE OF 117.36 FEET; THENCE S43°29'00"E A DISTANCE OF 207.91 FEET; THENCE S16°30'00"E A DISTANCE OF 113.37 FEET; THENCE S72°57'58"W A DISTANCE OF 170.28 FEET; THENCE S16°45'17"E A DISTANCE OF 135.50 FEET; THENCE S73°02'43"W A DISTANCE OF 332.42 FEET; THENCE S14°07'31"E A DISTANCE OF 537.81 FEET; THENCE S75°43'30"W A DISTANCE OF 93.87 FEET; THENCE S14°04'57"E A DISTANCE OF 145.42 FEET TO THE NORTH RIGHT-OF-WAY LINE OF DOGWOOD LANE (30 FOOT RIGHT-OF-WAY); THENCE S75°31'00"W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 462.50 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF LIMITED ACCESS RAMP OF STATE ROAD NO. 295 (NEW WARRINGTON ROAD), SAID POINT BEING ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 195.00 FEET; THENCE GO NORTHEASTERLY ALONG SAID CURVED RIGHT-OF-WAY LINE AN ARC DISTANCE OF 3.32 FEET (CHORD BEARING N24°22'56"E, CHORD DISTANCE 3.32 FEET); THENCE N51°51'17"55"E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 76.86 FEET; THENCE N48°07'05"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 45.49 FEET; THENCE N35°01'51"E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 130.81 FEET; THENCE GO ALONG A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 342.00 FEET AN ARC DISTANCE OF 145.31 FEET (CHORD BEARING N14°04'24"E, CHORD DISTANCE 144.22 FEET); THENCE GO ALONG A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 496.00 FEET, AN ARC DISTANCE OF 140.05 FEET (CHORD BEARING N06°11'14"W, CHORD DISTANCE 139.57 FEET); THENCE N11°41'13"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 53.90 FEET; THENCE N18°20'57"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 213.49 FEET; THENCE GO ALONG A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 255.00 FEET, AN ARC DISTANCE OF 34.15 FEET (CHORD BEARING N13°30'48"W, CHORD DISTANCE 34.12 FEET); THENCE N28°36'58"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 61.26 FEET; THENCE N02°46'03"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 36.77 FEET; THENCE GO ALONG A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 285.00 FEET, AN ARC DISTANCE OF 178.23 FEET, (CHORD BEARING N26°38'48"E, CHORD DISTANCE 175.34 FEET); THENCE GO N37°51'50"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 139.30 FEET; THENCE GO N44°23'02"E ALONG THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 295 A DISTANCE OF 58.33 FEET TO A POINT OF CURVATURE; THENCE GO ALONG A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 2946.79 FEET, AN ARC DISTANCE OF 216.99 FEET (CHORD BEARING N42°16'28"E, CHORD DISTANCE 216.93 FEET) TO A POINT ON THE SOUTHERLY LINE OF SAID ELLINOR VILLAGE SUBDIVISION; THENCE GO N73°30'00"E ALONG SAID SOUTHERLY LINE OF ELLINOR VILLAGE SUBDIVISION A DISTANCE OF 54.52 FEET TO THE POINT OF BEGINNING; THE ABOVE DESCRIBED PARCEL CONTAINING 9.04 ACRES MORE OR LESS.

| | | | |
|---|----------|---|------------|
| Basis of Mapping | | | |
| EXIST LINE ELLINOR VILLAGE SUB | | | |
| CERTIFICATE | | | |
| THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND THAT THE ABOVE GROUND SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027 FLORIDA STATUTES. | | | |
| INVESTIGATOR | DATE | FB # | |
| N.A. D. (Legal Desc.) | 10-10-87 | | |
| REGISTERED LAND SURVEYOR NO. | DATE | ORDER NO. | FIELD BOOK |
| 25160 | 09-08-87 | 50-1 | 174 |
| SCALE | TYPE | OWNER | |
| 1" = 60' | BOUNDARY | | |
| Bulter & Associates Land Surveying | | ACREAGE • TOPOS • SUBDIVISIONS • PLANNING • COMMERCIAL 4227 N. DAVIS HWY. SUITE B PENSACOLA, FLORIDA 32503 • (904) 433-2772 | |



Board of County Commissioners • Escambia County, Florida

Tonya Gant, Director
Neighborhood & Human Services Department

Clara Long, Division Manager
Community Redevelopment Agency

August 6, 2018

Horace Jones, Director
Escambia County Planning & Zoning Division
3363 West Park Place
Pensacola, FL 32505

**SUBJECT: REZONING REQUEST FOR THE FOLLOWING:
PARCEL# 34-2S-30-0040-010-003 FROM HDMU TO COMM
ADDRESS: DOGWOOD DRIVE**

Horace,

I have reviewed the Rezoning Request package for the abovementioned location and my comments are below:

Sec. 3-3.4 (Brownsville Overlay)

(e) Site and building requirements.

The following site and building requirements apply only to non-residential uses within the Brn-OL district:

(1) Structure height.. No structure height shall exceed 45 feet above highest adjacent grade. Any lower height required by use or underlying zoning district shall govern.

(2) Materials and detailing. New structures, additions, and renovations shall use materials and detailing that maintain the distinct character and harmony of the redevelopment district. Vinyl or metal siding is prohibited on the primary facades of buildings adjacent to public rights-of-way. Accessory structures shall use the same or similar materials, color, and style of the primary structure's façade if visible from a public way.

(3) Setbacks. New construction along Mobile Highway or Cervantes Street shall be set back a distance similar to that of adjacent buildings unless customer parking is provided adjacent to the street in support of CPTED principles. Exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the streetscape.

(4) Facades. a. Front facades. Front building facades more than 80 feet in width shall be divided into increments by changes in materials, bay windows, wall offsets, or similar methods. b. Rear façade. A minimum of 15 feet of a building's rear façade facing a public right of way, parking area, or open space shall consist of transparent materials, not including reflective glass.

(5) Natural features. Natural features shall be protected and integrated into site design and development where possible.

(6) Signs. Site signage is limited to one freestanding monument sign per development parcel, scaled primarily for pedestrians, and not to exceed 100 square feet in area and 12 feet in height, except for multi-tenant development where the sign may be up to 300 square feet. Sign colors, materials, and lighting shall avoid adverse visual impacts on surrounding properties. Wall signs shall not obstruct design details, windows, or cornices of the buildings to which they are attached. For individual tenants in a multi-tenant development, wall signs shall not exceed 20 square feet per sign.

(7) Lighting. Lighting should serve to illuminate facades, entrances, and signage to provide an adequate level of personal safety while enhancing the aesthetic Supp 1 LDC 3:71 appeal of the buildings. Building and signage lighting must be indirect, with the light source hidden from direct pedestrian and motorist view.

(8) Parking. Off-street parking shall be located in the rear. If the lot orientation cannot accommodate adequate rear parking, parking may be located on the side.

The purpose of the Brownsville Overlay district establishes supplemental land use regulations to support the objectives of the adopted Brownsville area community redevelopment plan. The intent of the additional land use controls is to enhance the character of an area undergoing revitalization and support a mix of commercial, industrial, and residential uses within the Brownsville area.

Both the Brownsville Overlay and the Brownsville Area Community Redevelopment Plan does not address rezoning nor RV Parks.

If you have any questions or comments, please contact me at 850-595-3596.

Sincerely,

Clara Long, CRA Division Manager

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

INTEROFFICE MEMORANDUM



**TO: Andrew Holmer, Manager
Development Services Department**

**FROM: Terri V. Malone, AICP, Transportation Planner
Transportation & Traffic Operations Division**

**THRU: David Forte, Manager
Transportation & Traffic Operations Division**

DATE: August 27, 2018

RE: Transportation & Traffic Operations (TTO) Comments – Z-2018-11

TTO Staff has reviewed the Rezoning Case (Z)-2018-11, Dogwood Place (34-25-30-0040-010-003), agenda item for the Planning Board meeting scheduled for December 4, 2018. Please see the below comments.

Dogwood Place is a narrow two-lane road that provides access to a large apartment complex. Pavement width is approximately 15 feet with a ROW of 33 feet. The property is in the southeast quadrant of the Mobile Highway interchange with New Warrington Spur although the property only has indirect access to Mobile Highway. This indirect access accomplished via a 90 degree turn onto another local Road, Webb Lane.

There are no ongoing or programmed projects for Dogwood Place or Webb Lane on the County's Capital Improvements Program or FDOT's Work Program.

Dogwood Place and Webb lane are classified as local streets and assumed to be functioning within their allowable capacity for traffic volumes. There is no available daily traffic volume data for Dogwood Place or Webb Lane.

TTO's review is solely based off the application submittal packet, so the comments above hold no bearing on any future TTO comments during the Development Review process.

**cc: Horace Jones, Development Services Department Director
Joy Jones, P.E., Public Works Department Director
Colby Brown, P.E., Public Works Department Deputy Director
Allyson Cain, Development Services Department**

Planning Board-Rezoning

7. B.

Meeting Date: 12/04/2018

CASE : Z-2018-19

APPLICANT: Wiley C. "Buddy" Page, Agent for Albert Burner, Trustee

ADDRESS: University Parkway

PROPERTY REF. NO.: 14-1S-30-3301-001-002

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

DISTRICT: 4

OVERLAY DISTRICT: N/A

BCC MEETING DATE: 01/10/2019

SUBMISSION DATA:

REQUESTED REZONING:

FROM: HDR, High Density Residential district (18 du/acre)

TO: HDMU, High Density Mixed-use district (25 du/acre)

RELEVANT AUTHORITY:

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

APPROVAL CONDITIONS

Criterion a., LDC Sec. 2-7.2(b)(4)

Consistent with Comprehensive Plan

The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. If the rezoning is required to properly enact a proposed FLU map amendment transmitted for state agency review, the proposed zoning is consistent with the proposed FLU and conditional to its adoption.

FLU 1.3.1 Future Land Use Categories. General descriptions, range of allowable uses, and residential densities and non-residential intensities for all future land use categories in Escambia County are outlined below.

FLU 1.5.1 New Development and Redevelopment in Built Areas. To promote the efficient use of existing public roads, utilities, and service infrastructure, the County will

encourage the redevelopment in underutilized properties to maximize development densities and intensities located in the MU-S, MU-U, Commercial, and Industrial Future Land Use categories (with the exception of residential development).

FINDINGS

The proposed amendment to HDMU is **consistent** with the intent and purpose of Future Land Use category MU-U as stated in CPP FLU 1.3.1. The MU-U FLU is intended for an intense mix of residential and non-residential uses while promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole. The listed Range of Allowable Uses includes residential, retail and services, professional office, light industrial, recreational facilities, public, civic and limited agriculture. The amendment is also consistent with the intent of FLU 1.5.1, by making use of the existing public roads and the availability of utilities and service infrastructure.

Criterion b., LDC Sec. 2-7.2(b)(4)

Consistent with The Land Development Code

The proposed zoning is consistent with the purpose and intent and with any other zoning establishment provisions prescribed by the proposed district in Chapter 3.

Sec. 3-2.8 High Density Residential district (HDR).

(a) Purpose. The High Density Residential (HDR) district establishes appropriate areas and land use regulations for residential uses at high densities within urban areas. The primary intent of the district is to provide for residential neighborhood development in an efficient urban pattern of well-connected streets and at greater dwelling unit density and diversity than the Medium Density Residential district. Residential uses within the HDR district include most forms of single-family, two-family and multi-family dwellings. Non-residential uses within the district are limited to those that are compatible with urban residential neighborhoods.

Sec. 3-2.9 High Density Mixed-use district (HDMU).

(a) Purpose. The High Density Mixed-use (HDMU) district establishes appropriate areas and land use regulations for a complimentary mix of high density residential uses and compatible non-residential uses within urban areas. The primary intent of the district is to provide for a mix of neighborhood retail sales, services and professional offices with greater dwelling unit density and diversity than the Low Density Mixed-use district. Additionally, the HDMU district is intended to rely on urban street connectivity and encourage vertical mixes of commercial and residential uses within the same building to accommodate a

physical pattern of development characteristic of village main streets and older neighborhood commercial areas. Residential uses within the district include all forms of single-family, two-family and multi-family dwellings.

(b) Permitted uses. Permitted uses within the HDMU district are limited to the following:

(1) Residential. The following residential uses are allowed throughout the district, but if within a Commercial (C) future land use category they are permitted only if part of a predominantly commercial development.

a. Group living, excluding dormitories, fraternity and sorority houses, and residential

facilities providing substance abuse

treatment, post-incarceration reentry, or similar services.

b. Manufactured (mobile) homes, including manufactured home subdivisions, but excluding new or expanded manufactured home parks.

c. Single-family dwellings (other than manufactured homes), detached or attached, including townhouses and zero lot line subdivisions.

d. Two-family and multi-family dwellings. See also conditional uses in this district.

(2) Retail sales. Small-scale (gross floor area 6000 sq.ft. or less per lot) retail sales, including Low-THC marijuana dispensing facilities, sales of beer and wine, but excluding sales of liquor, automotive fuels, or motor vehicles, and excluding permanent outdoor storage, display, or sales. See also conditional uses in this district.

(3) Retail services. The following small-scale (gross floor area 6000 sq.ft. or less per lot) retail services, excluding outdoor work or permanent outdoor storage:

a. Bed and breakfast inns.

b. Boarding and rooming houses.

c. Child care facilities.

d. Personal services, including those of beauty shops, health clubs, pet groomers, dry cleaners, and tattoo parlors.

e. Professional services, including those of realtors, bankers, accountants, engineers, architects, dentists, physicians, and attorneys.

f. Repair services, including appliance repair, furniture refinishing and upholstery, watch and jewelry repair, small engine and motor services, but excluding major motor vehicle or boat service or repair.

g. Restaurants, and brewpubs, including on-premises consumption of alcoholic beverages, but excluding drive-in or drive-through service and brewpubs with distribution of alcoholic beverages for off-site sales.

See also conditional uses in this district.

(4) Public and civic.

a. Preschools and kindergartens.

b. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.

c. Foster care facilities.

d. Places of worship.

e. Public utility structures, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

a. Marinas, private only.

b. Parks without permanent restrooms or outdoor event lighting. See also conditional uses in this district.

(6) Industrial and related. No industrial or related uses.

(7) Agricultural and related. Agricultural production limited to food primarily for personal consumption by the producer, but no farm animals.

(8) Other uses. [Reserved]

(c) Conditional uses. Through the conditional use process prescribed in Chapter 2, the BOA may conditionally allow the following uses within the HDMU district:

(1) Residential.

a. Dormitories.

- b. Fraternity and sorority houses.
- c. Manufactured (mobile) home parks.
- (2) Retail sales. Medium-scale (gross floor area greater than 6000 sq.ft. per lot, but no greater than 35,000 sq.ft.) retail sales, including sales of beer and wine and automotive fuels, but excluding sales of motor vehicles and liquor, and excluding permanent outdoor storage, display, or sales.
- (3) Retail services.
 - a. Medium-scale (gross floor area greater than 6000 sq. ft. per lot, but no greater than 35,000 sq. ft.) retail services, excluding motor vehicle service and repair.
 - b. Restaurants and brewpubs with drive-in or drive-through service and brewpubs with the distribution of on-premises produced alcoholic beverages for off-site sales.
 - c. Small-scale (gross floor area 6000 sq.ft. or less per lot) major motor vehicle service and repair, excluding painting or body work and outdoor work.
- (4) Public and civic.
 - a. Broadcast stations with satellite dishes and antennas, excluding towers.
 - b. Cemeteries, including family cemeteries.
 - c. Clubs, civic and fraternal.
 - d. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.
 - e. Cinerators.
 - f. Educational facilities not among the permitted uses of the district.
 - g. Funeral establishments.
 - h. Hospitals.
 - i. Offices for government agencies or public utilities.
 - j. Public utility structures exceeding the district structure height limit and telecommunications towers of any height, excluding any industrial uses.
 - k. Warehousing or maintenance facilities for government agencies or public utilities.
- (5) Recreation and entertainment.
 - a. Amusement arcade centers and bingo facilities.
 - b. Golf courses, tennis centers, swimming pools and similar active outdoor recreational facilities, including associated country clubs.
 - c. Parks with permanent restrooms or outdoor event lighting.
- (6) Industrial and related. Microbreweries, microdistilleries, and microwineries
- (7) Agricultural and related.
 - a. Horses or other domesticated equines kept on site, and stables for such animals, only as a private residential accessory with a minimum lot area of two acres and a maximum of one animal per acre.
 - b. Veterinary clinics.
- (8) Other uses.
 - a. Self-storage facilities with a maximum lot area of one acre and outdoor storage limited to operable motor vehicles and boats. No vehicle rental.
 - b. Structures of permitted uses exceeding the district structure height limit, excluding telecommunications towers.

FINDINGS

The proposed amendment **is consistent** with the intent and purpose of the Land Development Code. The proposed High Density Mixed-use zoning may be established

only within the Mixed-Use Suburban (MU-S), Mixed-Use Urban (MU-U), or Commercial (C) future land use categories. The district is suitable for areas where the intermixing of uses has been the custom, where future uses are uncertain, and some redevelopment is probable. The district is appropriate to provide transitions between areas zoned or used for medium or high density residential and areas zoned or used for commercial. The parcel is located along an arterial street, University Parkway and within one-quarter mile radius of a large shopping center, a traffic generator of more than 600 daily trips.

Criterion c., LDC Sec. 2-7.2(b)(4)

Compatible with surrounding uses

All the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law.

FINDINGS

The proposed amendment **is compatible** with surrounding existing uses in the area. Within the 500 radius impact area, staff observed properties with zoning districts MDR, HDR, HDMU and Commercial. One convalescence home, three vacant commercial parcels, two professional building, one office parcel, one multi-family development, thirty-four single family residences. The area has existing established non-residential uses, otherwise consistent with the HDMU district. Staff identified that all parcels to the south that are located adjacent to the residential subdivision, have the same zoning district and house professional office business activities. The new zoning would provide for similar intensity as the existing conforming development on the surrounding parcels.

Criterion d., LDC Sec. 2-7.2(b)(4)

Appropriate if spot zoning

Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site specific balancing of interests between the isolated district and adjoining lands.

As per LDC Chapter 6, Spot Zoning is: *Zoning applied to an area of land, regardless of its size, that is different from the zoning of all contiguous land. Such isolated or “spot” zoning is usually higher in its density or intensity of use than the adjoining zoning and may, therefore, extend privileges not generally extended to property similarly located in the area. Spot zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining zoning it carries a higher burden of demonstration that, if authorized, it will contribute to or result in logical and orderly development.*

FINDINGS

The proposed rezoning **would not be considered** spot zoning. Although the residential

subdivision with medium density residential zoning is located adjacent to the property, with the implementation of required setbacks, landscaping and buffering requirements within the LDC, the impact on those existing residential uses should be minimized. Similar intensity development already exist within the surrounding parcels.

Criterion e., LDC Sec. 2-7.2(b)(4)

Appropriate with changed or changing conditions

If the land uses or development conditions within the area surrounding the property of rezoning have changed, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and the permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl.

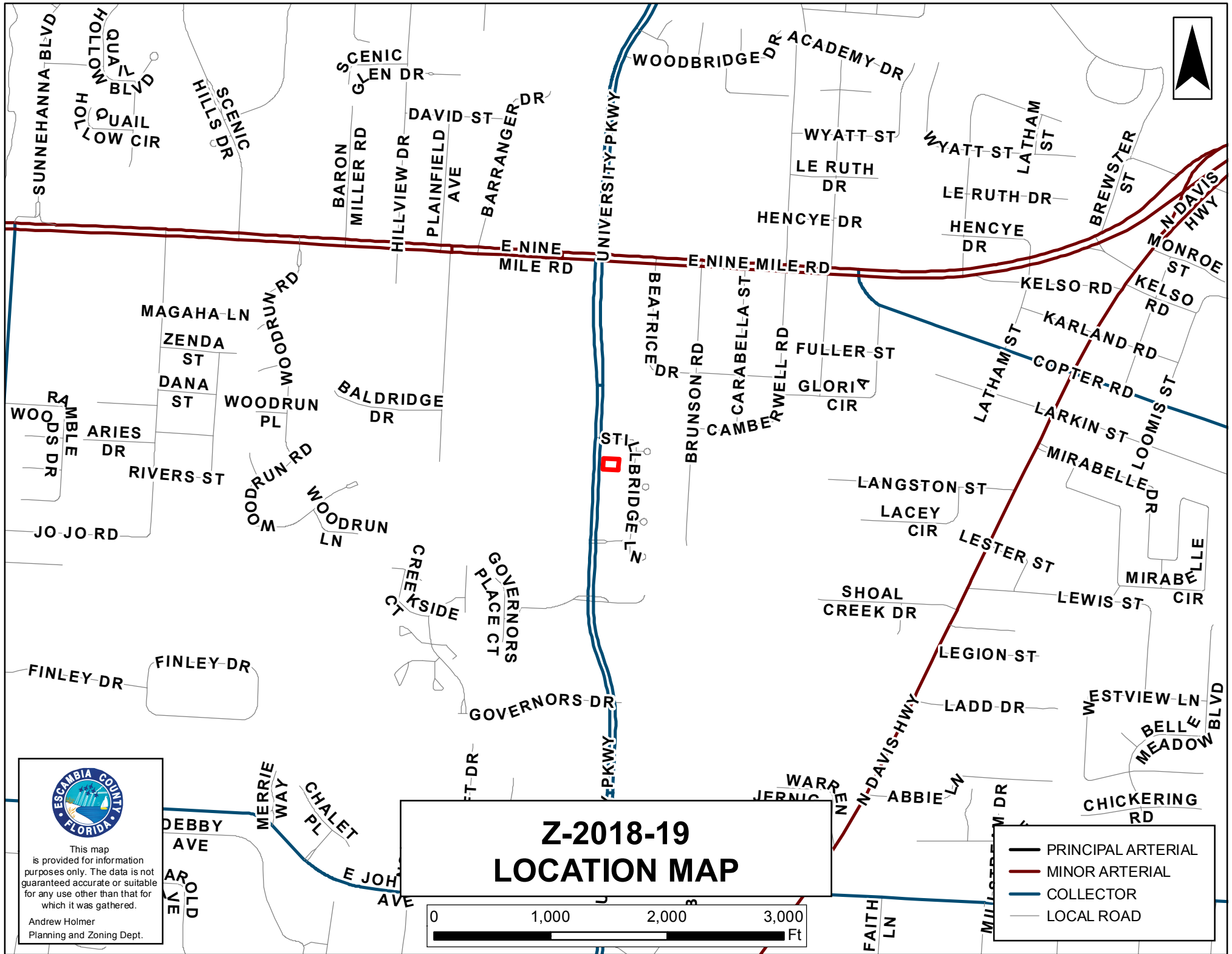
FINDINGS


The permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl. The parcel's location is adjacent to an arterial roadway with predominant heavy commercial and commercial uses between two major corridors, Davis Hwy and Nine Mile road. In contrast, the three existing residential subdivisions are developed offset of University Parkway, accommodating the primary commercial uses to the road frontage.

Attachments

Working Case File

Z-2018-19





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

Andrew Holmer
Planning and Zoning Dept.

Z-2018-19 LOCATION MAP

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1,000

2,000

3,000

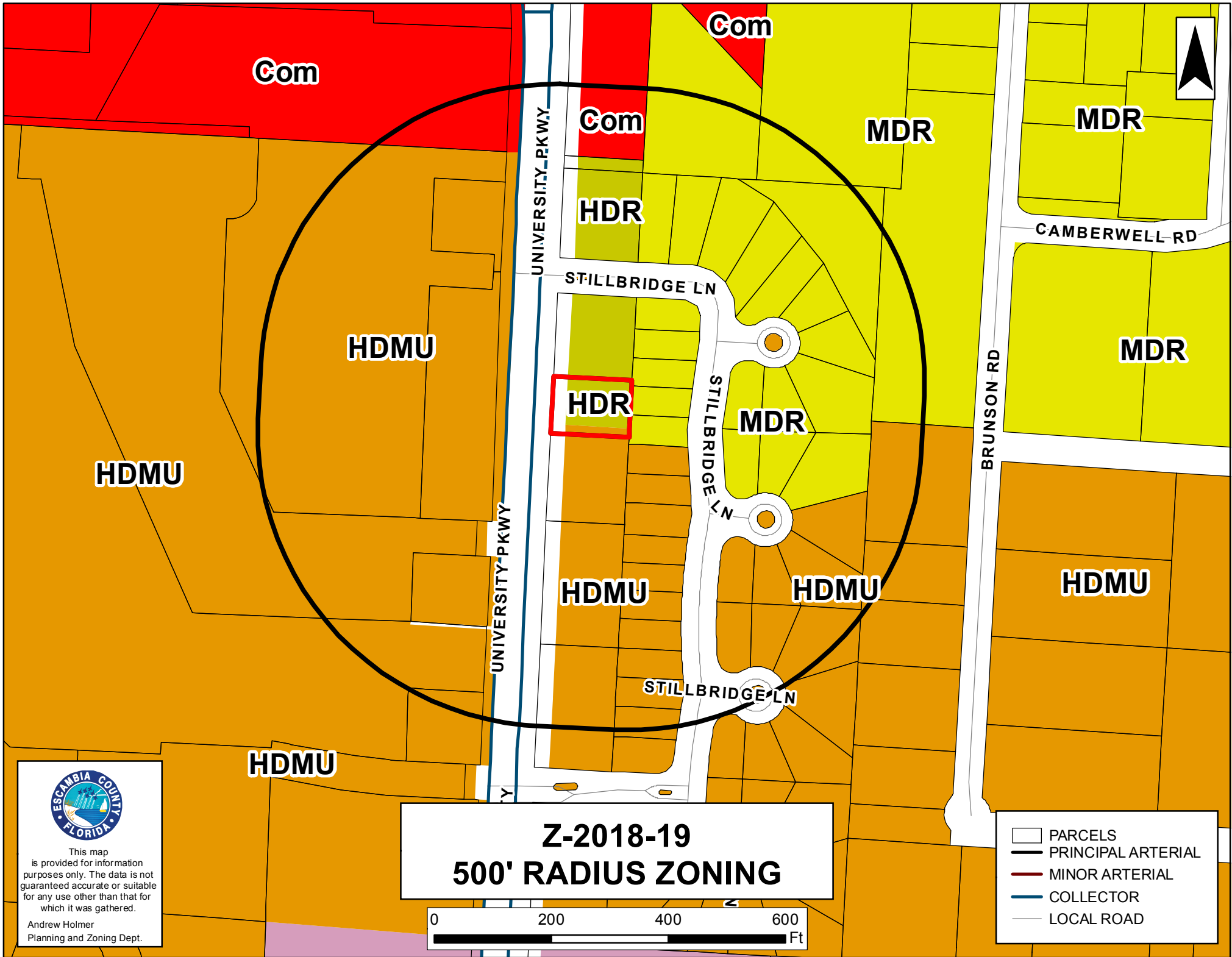
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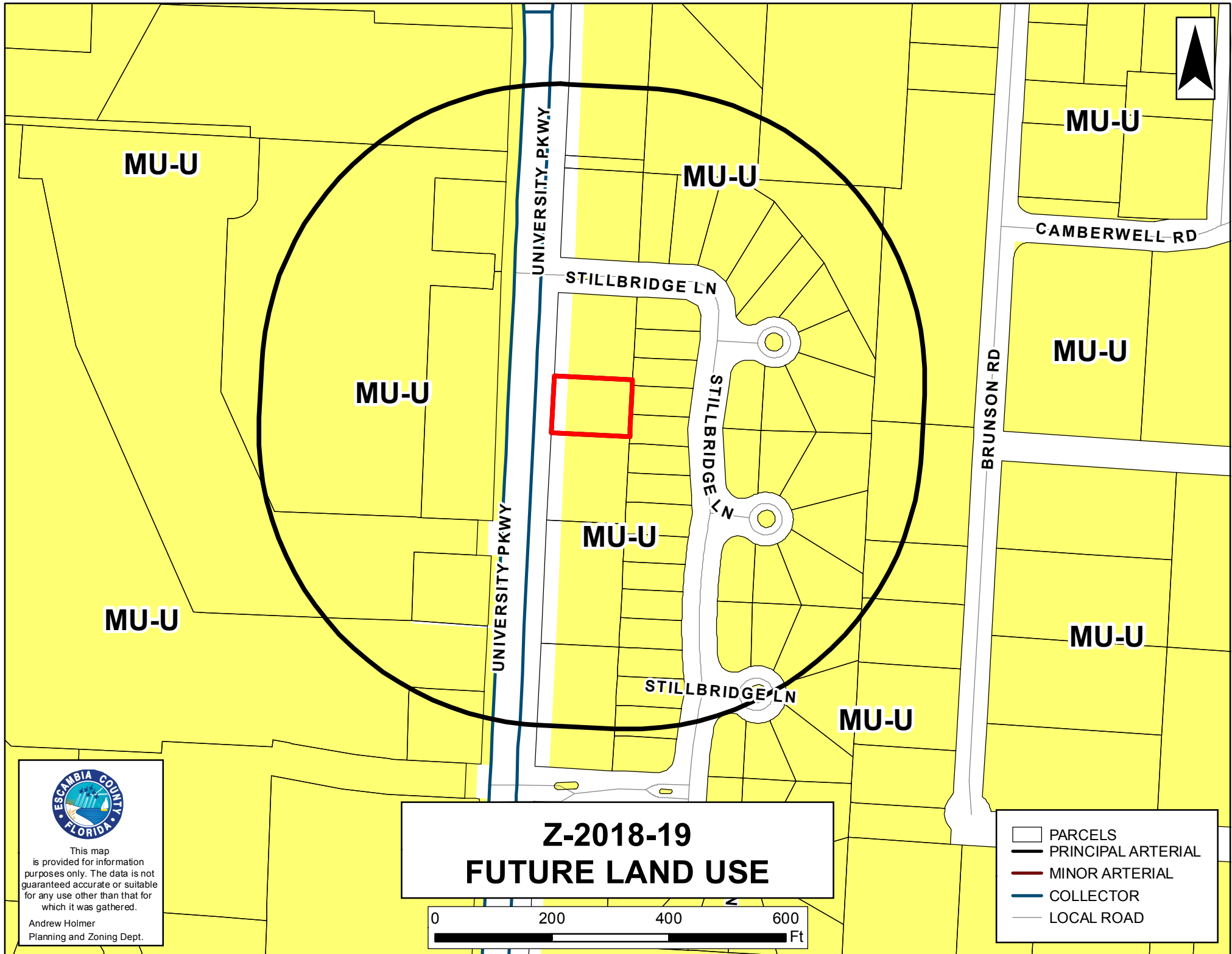
PRINCIPAL ARTERIAL

MINOR ARTERIAL

COLLECTOR

LOCAL ROAD





MU-U

MU-U

MU-U

CAMBERWELL RD

MU-U

MU-U

STILLBRIDGE LN

MU-U

STILLBRIDGE LN

STILLBRIDGE LN

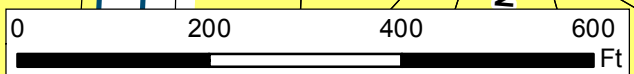
MU-U

MU-U

UNIVERSITY PKWY

BRUNSON RD

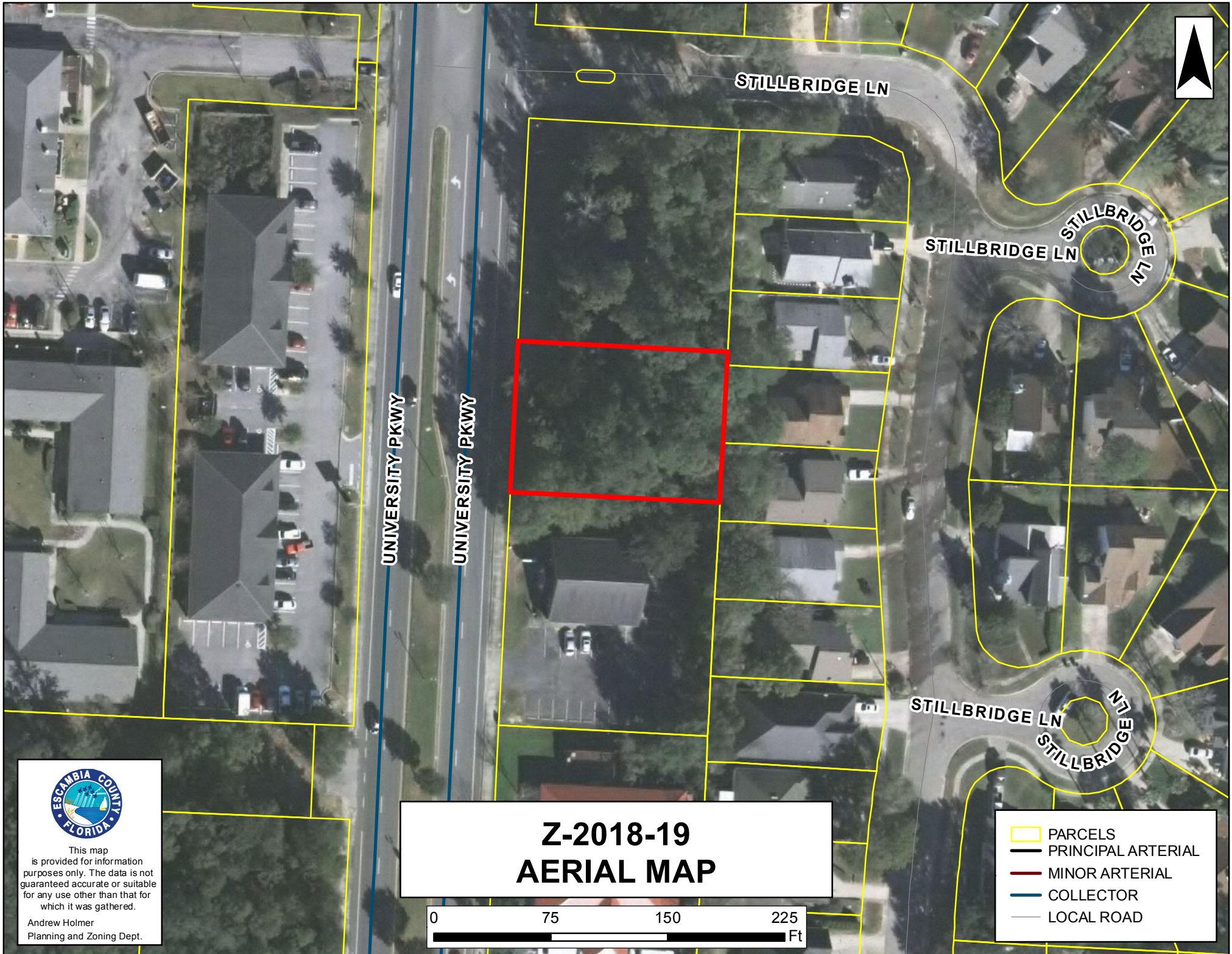
Z-2018-19 FUTURE LAND USE



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



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Andrew Holmer
Planning and Zoning Dept.



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Andrew Holmer
Planning and Zoning Dept.

Z-2018-19 AERIAL MAP

0 75 150 225
Ft

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



**NOTICE OF
PUBLIC HEARING
REZONING**

CASE NO.: Z-2018-19

CURRENT ZONING: HDR PROPOSED ZONING: HDMU

PLANNING BOARD

DATE: 12/04/18 TIME: 8:30 AM

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

BOARD OF COUNTY COMMISSIONERS

DATE: 01/10/19 TIME: 5:45 PM

LOCATION OF HEARING
ERNE LEE MADAMA GOVERNMENT BLDG
221 PALAFOX PLACE
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:
DEVELOPMENT SERVICES AT 565-3475 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

PUBLIC HEARING SIGN



LOOKING SOUTH ONTO UNIVERSITY PARKWAY



LOOKING NORTH ALONG UNIVERSITY PARKWAY



LOOKING WEST ACROSS UNIVERSITY PARKWAY



LOOKING EAST ONTO SITE

Wiley C. "Buddy" Page, MPA, APA
Professional Growth Management Services, LLC
5337 Hamilton Lane Pace, Florida 32571
Cell 850.232.9853
budpagel@att.net

Nov. 20, 2018
VIA HAND DELIVERY

Mr. Horace Jones, Director
Department of Growth Management
3363 West Park Avenue
Pensacola, Florida 32505

RE: Rezoning request: HDR to HDMU
Parcel: 14-15-30-3301-001-002
Owner: Albert Bruner Trustee
Address: University Parkway

Dear Mr. Jones:

The attached application requests Planning Board consideration to rezone the referenced parcel of property from High Density Residential to High Density Mixed Use. As shown herein, the property has split zoning where the northerly portion is presently zoned HDR while the southerly portion is zoned HDMU.

The site is being purchase by a physician, whose offices are located adjacent and south of the site. He anticipates expanding the present office building onto the subject parcel. The current HDR zoning on the parcel precludes using it for office space while offices are a permitted use under the requested HDMU category.

The application contains the required filing fee together with additional information regarding proof of ownership, corporate papers, a certified boundary survey and location maps.

Please contact me if you have any questions or require anything further. Thank you.

Wiley C. "Buddy" Page



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>

Rezoning Application

FOR OFFICE USE ONLY - Case Number: Z-2018-19 Accepted by: A. Cain PB Meeting: 12/3/18

1. Contact Information:

A. Property Owner/Applicant: Albert H. & Margaret K. Bruner, Trustees

Mailing Address: 2135 Hallmark Drive Pensacola, Florida 32503

Business Phone: _____ Cell: 850-232-9853

Email: _____

B. Authorized Agent (if applicable): Wiley C. "Buddy" Page

Mailing Address: 5337 Hamilton Lane Pace, Florida 32571

Business Phone: _____ Cell: 850-232-9853

Email: budpage1@att.net

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: 9700 University Parkway Pensacola, Florida 32513

Parcel ID (s): _____
14-1S-30-3301-001-002

B. Total acreage of the subject property: 0.200ac

C. Existing Zoning: HDR

Proposed Zoning: HDMU; explain why necessary and/or appropriate

Owner desires to add additional medical office space onto adjacent lot. New lot is
zoned HDR which does not allow medical office space.

FLU Category: MU-U

D. Is the subject property developed (if yes, explain): _____

E. Sanitary Sewer: X Septic: _____

3. Amendment Request

Approval conditions. The applicant has the burden of presenting competent substantial evidence to the reviewing board establishing that the requested zoning district would contribute to or result in a logical and orderly development pattern. The appropriate surrounding area within which uses and conditions must be considered may vary with those uses and conditions and is not necessarily the same area required for mailed notification. A logical and orderly pattern shall require demonstration of each of the following conditions:

Please address *ALL* the following approval conditions for your rezoning request. (use supplement sheets as needed)

- a. **Consistent with Comprehensive Plan.** The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. If the rezoning is required to properly enact a proposed FLU map amendment transmitted for state agency review, the proposed zoning is consistent with the proposed FLU and conditional to its adoption.

The proposed zoning is consistent with provisions as shown on attached Exhibit A, which is found at page 86 Sec. 3-1.3 Zoning Implementation of FLU.

- b. **Consistent with zoning district provisions.** The proposed zoning is consistent with the purpose and intent and with any other zoning establishment provisions prescribed by the proposed district in Chapter 3

The proposed rezoning from HDR to HDMU is consistent with the provisions of Chapter 3.

- c. **Compatible with surroundings.** All of the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law.

The subject lot is owned by a physician who has existing offices located adjacent and south of the parcel. His plan is to expand his existing offices north onto the subject lot resulting in a larger medical facility. Properties west and south of the site are currently zoned HDMU, which is the same as is being requested by the owner. The requested rezoning category is compatible with surrounding uses.

- d. **Appropriate if spot zoning.** Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site-specific balancing of interests between the isolated district and adjoining lands.

As per LDC Chapter 6, Spot Zoning is: Zoning applied to an area of land, regardless of its size, that is different from the zoning of all contiguous land. Such isolated or "spot" zoning is usually higher in its density or intensity of use than the adjoining zoning and may, therefore, extend privileges not generally extended to property similarly located in the area. Spot zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining zoning it carries a higher burden of demonstration that, if authorized, it will contribute to or result in logical and orderly development

The requested zoning is the same as found on properties west and south of the site.

- e. **Appropriate with changed or changing conditions.** If the land uses or development conditions within the area surrounding the property of rezoning have changed, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and the permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl.

This proposed rezoning will allow an existing professional office space to expand to meet the increased demand for medical services in the area, which contains West Florida Hospital and several retirement communities.

4. Please complete the following Forms: Concurrency Determination Acknowledgement and Affidavit of Owner/Limited Power of Attorney (if applicable).

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

Property Reference Number(s): 14-1S-30-3301-001-002

Property Address: Vacant lot on University Parkway 32514

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

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

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

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 15 DAY OF October, YEAR OF 2018

Albert H. Bruner

Signature of Property Owner

Albert H. Bruner

Printed Name of Property Owner

10/15/18

Date

Margaret K. Bruner

Signature of Property Owner

Margaret K. Bruner

Printed Name of Property Owner

10/15/18

Date

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

(if applicable)

As owner of the property located at Vacant lot on University Parkway 32514
Pensacola, Florida, property reference number(s) 14-1S-30-3301-001-002
I hereby designate Wiley C. "Buddy" Page
for the sole purpose of completing this application and making
a presentation to the Planning Board and the Board of County Commissioners to request a rezoning on
the above referenced property. This Limited Power of Attorney is granted on this 15 day of Oct
the year of, 2018, and is effective until the Board of County Commissioners or the Board of
Adjustment has rendered a decision on this request and any appeal period has expired. The owner
reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice
to the Development Services Bureau.

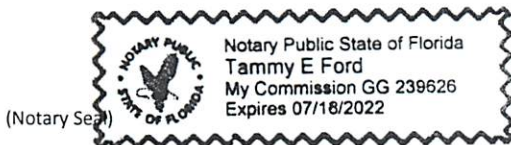
Agent Name: Wiley C. "Buddy" Page Email: budpage1@att.net
Address: 5337 Hamilton Lane Pace, Florida 32571 Phone: 850-232-9853

| | | |
|-----------------------------|--------------------------------|-----------------|
| <u>Albert H. Bruner</u> | <u>Albert H. Bruner</u> | <u>10/15/18</u> |
| Signature of Property Owner | Printed Name of Property Owner | Date |
| <u>Margaret K. Bruner</u> | <u>Margaret K. Bruner</u> | <u>10/15/18</u> |
| Signature of Property Owner | Printed Name of Property Owner | Date |

STATE OF Florida COUNTY OF Escambia
The foregoing instrument was acknowledged before me this 15 day of October 20 18
by Albert and Margaret Bruner.
Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: FL DL

Tammy E Ford
Signature of Notary

Tammy E Ford
Printed Name of Notary



5. Submittal Requirements

A. X 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. X Application Fees: To view fees visit the website:
<http://myescambia.com/business/ds/planning-board> or contact us at 595-3547

Note: Application fees include a \$5 technical fee. Cost of the public notice mailing is to be borne by the applicant. 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 (a 3% fee will be added for credit card payments).

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

D. N/A Compatibility Analysis (if applicable): If the subject property does not meet the roadway requirements of Locational Criteria, a compatibility analysis prepared by the applicant is required to provide substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative criteria. (See "Documented Compatibility" within the request zoning district of the LDC.)

E. _____ 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 enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau

Albert H. Bruner
Signature of Owner/Agent

Albert H. Bruner
Printed Name Owner/Agent

10/15/18
Date

Margaret K. Bruner
Signature of Owner

Margaret K. Bruner
Printed Name of Owner

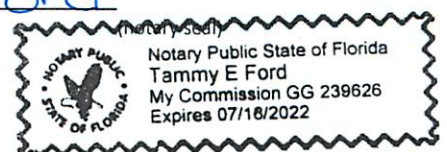
10/15/18
Date

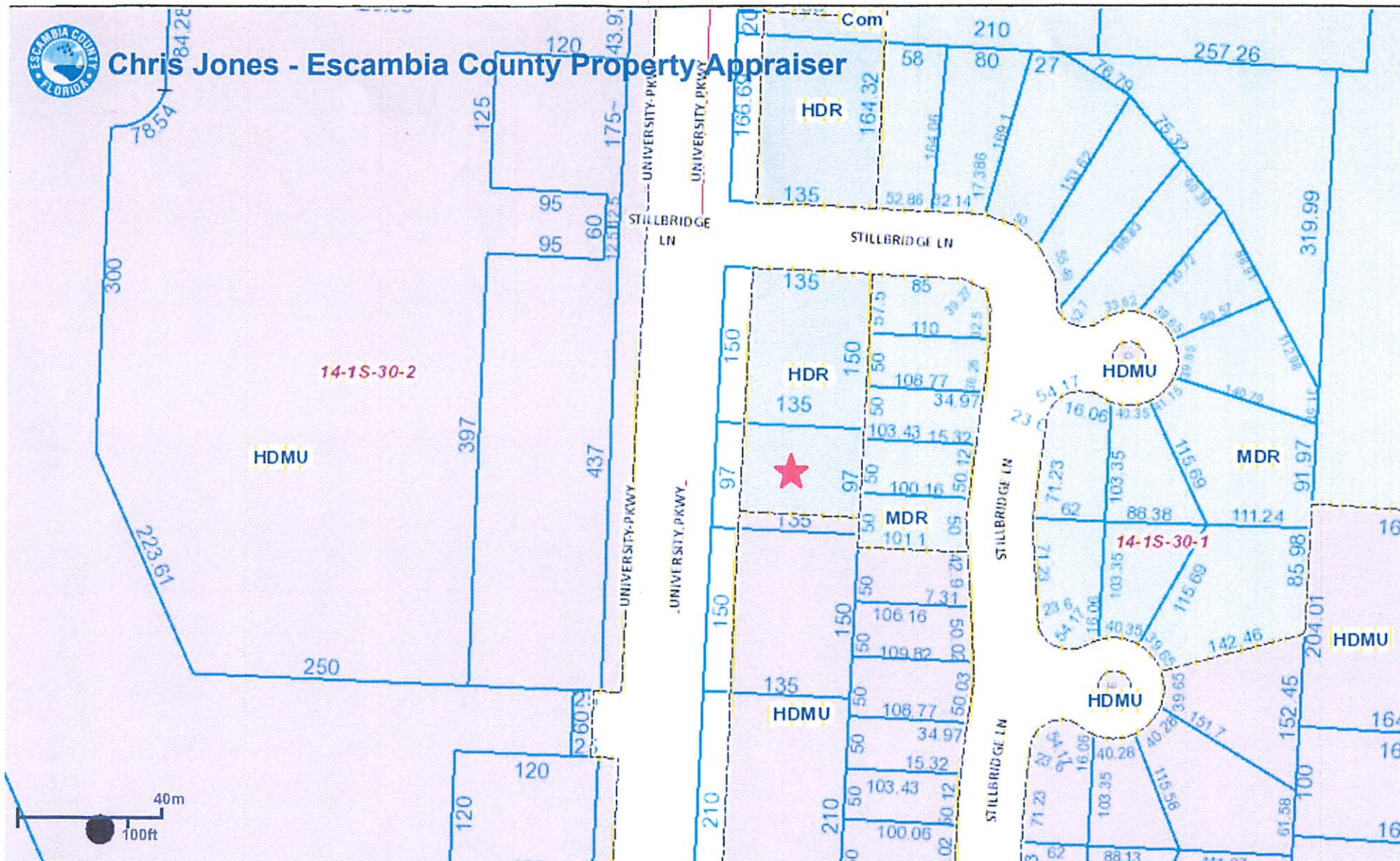
STATE OF Florida COUNTY OF Escambia The foregoing instrument was acknowledged before me this 15 day of October 20 18, by _____.

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

Tammy E Ford
Signature of Notary

Tammy E Ford
Printed Name of Notary





SITE LOCATION MAP - 9000 BLOCK UNIVERSITY PKWY

DEED DOC STAMPS PD & ESC CO \$ 0.70
03/20/99 ERNE LEE WINGARD, CLERK
By: Sally Mink

Prepared by:
Kathleen K. DeMaria
Smith, Sauer & DeMaria
P.O. Box 12446
Pensacola, Florida 32582-2446

WARRANTY DEED

THIS INDENTURE, Made this 19th day of May, 1999,
between Albert H. Bruner and Margaret K. Bruner, husband and wife, of the County of Escambia, State of Florida,
hereinafter referred to as "grantor" and Albert H. Bruner and Margaret K. Bruner as Trustees of that certain Trust
by and between Albert H. Bruner as Grantor and Albert H. Bruner and Margaret K. Bruner as Trustees, whose post
office address is 2135 Hallmark Drive, Pensacola, Florida 32503 and whose Social Security Number is _____
hereinafter called "grantee".

WITNESSETH, That said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS
(\$10.00), and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt
whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, Albert H. Bruner and
Margaret K. Bruner as Trustees of that certain Trust Agreement by and between Albert H. Bruner as Grantor and
Albert H. Bruner and Margaret K. Bruner as Trustees all of their interest in the following described land, situate,
lying and being in Escambia County, Florida, to wit:

See Exhibit "A"

THIS IS NOT THE HOMESTEAD OF THE GRANTOR.

Subject to taxes for the current year, zoning ordinances and restrictions, limitations and easements of record.

The above described property bearing Property Appraiser Parcel Identification No. 14-1S-30-3301-001-002.

And said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims
of all persons whomsoever. Grantor of the trust has conferred on the trustee the power and authority to protect,
conserve, sell, lease, encumber, or otherwise manage and dispose of the real property described in this instrument.

*"Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Kathleen K. DeMaria
Kathleen K. DeMaria
Printed Name of Witness

Albert H. Bruner
Albert H. Bruner

Aimee E. Janvris
Aimee E. Janvris
Printed Name of Witness

Social Security No. _____

Kathleen K. DeMaria
Kathleen K. DeMaria
Printed Name of Witness

Margaret K. Bruner
Margaret K. Bruner

Aimee E. Janvris
Aimee E. Janvris
Printed Name of Witness

Social Security No. _____

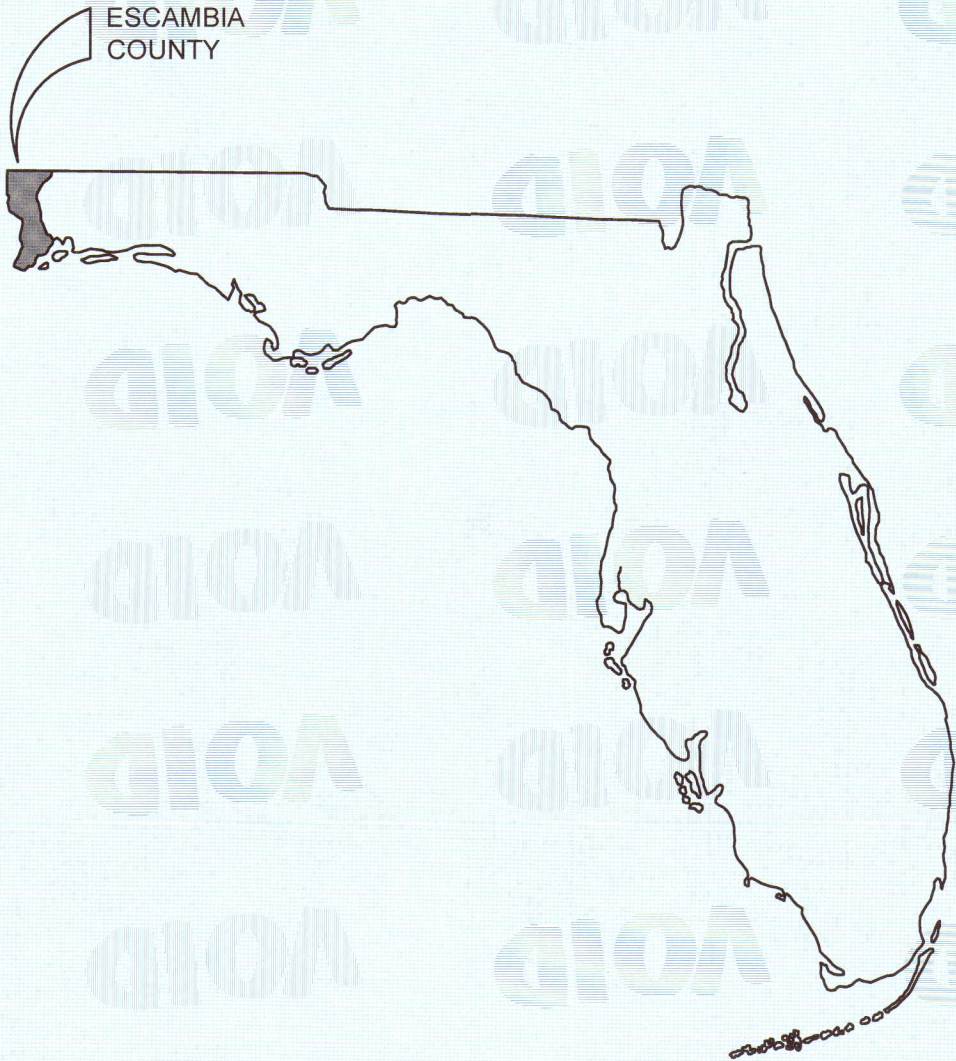
BOUNDARY SURVEY

© COPYRIGHT 2018 BY RONALD E. RUBEN II, P.S.M.

LEGAL DESCRIPTION

FROM WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 4413, AT PAGE 86, OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA

PARCEL B: COMMENCE AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE GO SOUTH 89 DEGREES 40 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF THE AFORESAID SECTION 14 A DISTANCE OF 2648.40 FEET TO THE NORTHEAST CORNER OF GOVERNMENT LOT 3; THENCE GO SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF THE AFORESAID GOVERNMENT LOT 3 A DISTANCE OF 1345.59 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF (S 1/2) OF THE AFORESAID GOVERNMENT LOT 3; THENCE CONTINUE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST ALONG THE AFORESAID EAST LINE OF GOVERNMENT LOT 3 A DISTANCE OF 374.32 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST ALONG THE AFORESAID EAST LINE OF GOVERNMENT LOT 3 A DISTANCE OF 97.00 FEET; THENCE GO SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST A DISTANCE OF 135.00 FEET TO A POINT ON THE EAST R/W LINE OF UNIVERSITY PARKWAY (100' R/W); THENCE GO NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST ALONG THE AFORESAID EAST R/W LINE OF UNIVERSITY PARKWAY A DISTANCE OF 97.00 FEET; THENCE GO NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST A DISTANCE OF 135.00 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL B IS SITUATED IN GOVERNMENT LOT 3, SECTION 14, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA.




GENERAL NOTES:

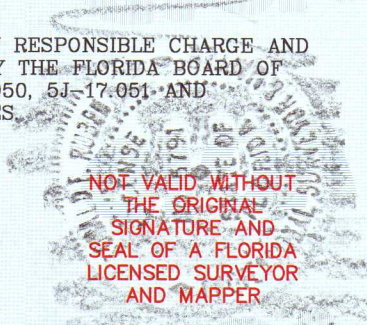
1. NORTH AND THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE BEARING OF NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF THE SUBJECT PARCEL.
2. THE MEASUREMENTS SHOWN HEREON WERE MADE TO UNITED STATES STANDARDS AND WERE RECORDED IN DECIMAL OF FEET UNLESS OTHERWISE MARKED.
3. NO TITLE SEARCH WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, BUILDING SETBACKS, STATE AND/OR FEDERAL JURISDICTIONAL AREAS RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS THAT COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
4. THE SURVEY DATUM SHOWN HEREON IS REFERENCED TO THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 4413, AT PAGE 86, OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA; PREVIOUS SURVEYS BY THIS FIRM; AND TO EXISTING FIELD MONUMENTATION.
5. STATE AND FEDERAL COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOT TO BE COPIED OR REPRODUCED EITHER IN WHOLE OR IN PART, OR TO BE USED FOR ANY OTHER FINANCIAL TRANSACTION. THIS DRAWING CANNOT BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM WITHOUT THE PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER.
6. IN ACCORDANCE WITH STATE OF FLORIDA ADMINISTRATIVE CODE, ANY ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED WITHOUT PRIOR WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER.
7. THE STRUCTURE DIMENSIONS IF ANY DO NOT INCLUDE THE EAVES OR OVERHANG OR THE FOUNDATION FOOTINGS.
8. IT IS THE OPINION OF THE UNDERSIGNED SURVEYOR AND MAPPER THAT THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE "X", BASE FLOOD ELEVATION NOT APPLICABLE, AS DETERMINED BY SCALE FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP OF ESCAMBIA COUNTY, FLORIDA NUMBERED 12033C0315 G, DATED SEPTEMBER 29, 2006.
9. ABOVE-GROUND UTILITIES AND EVIDENCE OF SUBTERRANEAN UTILITIES ARE SHOWN HEREON. THERE MAY BE ADDITIONAL SUBTERRANEAN UTILITIES WHICH ARE NOT SHOWN HEREON.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTERS 5J-17.050, 5J-17.051 AND 5J-17.052, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.


RONALD E. RUBEN II, P.S.M.
FLORIDA REGISTRATION NO. 5791

10/18/18
DATE

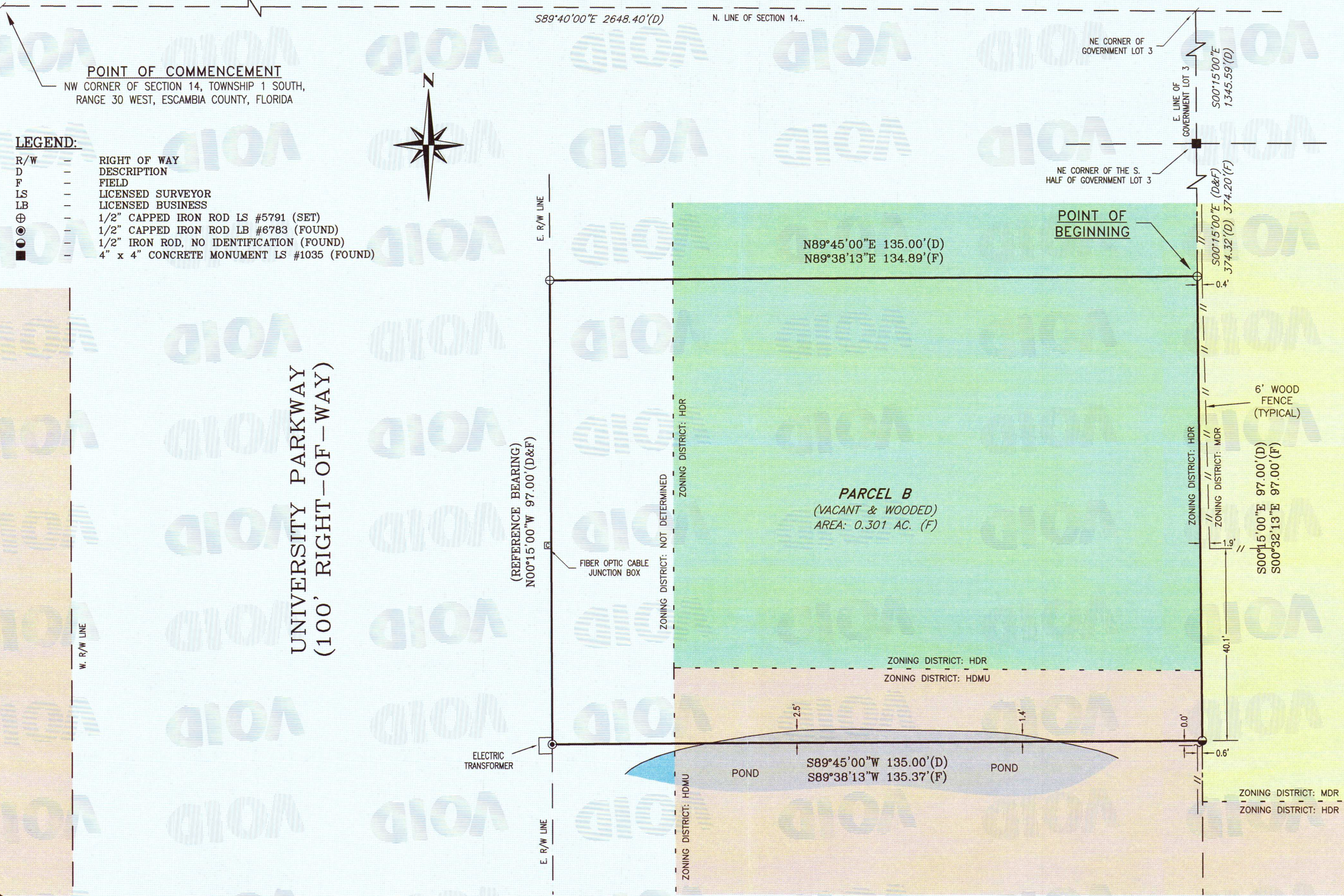


| JOB NO.: | FIELD DATE: | FIELD BOOK: | PAGE: |
|-----------------------------------|-------------|--------------|------------|
| 19604-18 | 10/16/18 | 629 | 7 |
| PROPERTY ADDRESS: | | | |
| UNIVERSITY PARKWAY, PENSACOLA, FL | | | |
| SCALE: | DRAWN BY: | PARTY CHIEF: | APPROVED: |
| 1"=20' | JWC | ABT | RER |
| ENCROACHMENTS: | | | SHEET NO.: |
| AS SHOWN | | | 1 OF 2 |

BOUNDARY SURVEY

A PORTION OF SECTION 14,
TOWNSHIP 1 SOUTH,
RANGE 30 WEST,
ESCAMBIA COUNTY, FLORIDA

BOUNDARY SURVEY
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RUBEN
SURVEYING & MAPPING
LICENSED BUSINESS NO.: 8034
913 GULF BREEZE PKWY., STE. 6
GULF BREEZE, FLORIDA 32561
PH: (850) 916-7382

| BOUNDARY SURVEY | | | | |
|---|-------------|----------------|-----------|------------|
| A PORTION OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA | | | | |
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| 19604-18 | 10/16/18 | 629 | 7 | |
| PROPERTY ADDRESS: | | ENCROACHMENTS: | | |
| UNIVERSITY PARKWAY, PENSACOLA, FL | | AS SHOWN | | |
| SCALE: | DRAWN BY: | PARTY CHIEF: | APPROVED: | SHEET NO.: |
| 1"=20' | JWC | ABT | RER | 2 OF 2 |

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

INTEROFFICE MEMORANDUM



**TO: Andrew Holmer, Division Manager
Development Services Department**

**FROM: Terri V. Malone, AICP, Transportation Planner
Transportation & Traffic Operations Division**

**THRU: David Forte, Division Manager
Transportation & Traffic Operations Division**

DATE: November 28, 2018

RE: Transportation & Traffic Operations (TTO) Comments – Z-2018-19

TTO Staff has reviewed the Rezoning Case (Z)-2018-19, 9000 Block of University Parkway, agenda item for the Planning Board meeting scheduled on December 4, 2018. Please see the below comments.

Currently, this section of University Parkway is a four-lane divided facility with paved shoulders/bike lanes, curb and gutter and sidewalks. The approximate pavement width in front of the property is 79 feet. Right of Way is 95 feet. The posted speed is 40 MPH.

Currently, there are no on-going or programmed projects on University Parkway showing in the County's Capital Improvement Program (CIP).

Per the TPO's Congestion Management Process Plan, this section of University Parkway is classified as an urban collector with an allowable daily vehicular capacity of 39,000 (LOS D) and a year 2017 daily volume of 27,500 vehicles.

TTO's review is solely based off the application submittal packet, so the comments above hold no bearing on any future TTO comments during the Development Review process.

**cc: Horace Jones, Development Services Department Director
Joy Jones, P.E., Public Works Department Director
Colby Brown, P.E., Public Works Department Deputy Director
Juan Lemos, CFM, Development Services Department**