

AGENDA
ESCAMBIA COUNTY BOARD OF ADJUSTMENT
March 20, 2019–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Swearing in of Staff and acceptance of staff as expert witness
3. Swear in New Board Member, Mr. Willie Kirkland, Jr.
4. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.
5. Proof of Publication and waive the reading of the legal advertisement.
6. Approval of Resume Minutes.
 - A. Approval of Resume Meeting Minutes from the February 20, 2019 Board of Adjustment Meeting.
7. **Consideration of the following cases:**
 - A. **Case No.: CU-2019-03**
Address: 1600 N Blue Angel Parkway
Request: Conditional use to allow for a salvage yard
Requested by: Kenneth Horne and Associates, Agent for Kirk Clark, Perdido Paying and Grading, LLC, Owner
 - B. **Case No.: CU-2019-04 ***APPLICANT HAS REQUESTED A CONTINUACE OF THIS CASE TO THE NEXT BOA MEETING*****
Address: 4300 BLK Molino Road
Request: Conditional Use request to allow for a telecommunication tower greater than 150 feet in height in the Rural Residential (RR) zoning district

Requested Staci Matz with Integrisite, Agent for Tony Lathan, Owner
by:

8. Discussion Items.

9. Old/New Business.

10. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, April 17, 2019, at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

11. Adjournment.

Board of Adjustment
Meeting Date: 03/20/2019

6. A.

Attachments

Draft February 20, 2019 Board of Adjustment Meeting Minutes

DRAFT

RESUMÉ OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD February 20, 2019

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:32 A.M. – 9:47 A.M.)
(9:54 A.M. - 11:50 A.M.)
(12:03 P.M. - 2:20 P.M.)

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

Absent: VACANT

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning
Andrew Holmer, Division Manager, Planning & Zoning
Horace Jones, Director, Development Services
Kayla Meador, Administrative Assistant
Kristin Hual, Assistant County Attorney

REGULAR BOA AGENDA

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

Motion by Board Member Auby Smith, Seconded by Vice Chairman Walker Wilson

Motion was made to accept the February 20, 2019 BOA meeting packet.
Vote: 6 - 0 Approved
4. Proof of Publication and waive the reading of the legal advertisement.

Motion by Board Member Auby Smith, Seconded by Board Member Michael Godwin

The Clerk provided proof of publication and motion was made to accept.
Vote: 6 - 0 Approved
5. Approval of Resume Minutes.
 - A. Approval of Resume Meeting Minutes from the January 16, 2019 Board of Adjustment Meeting.

Motion by Board Member Auby Smith, Seconded by Board Member Michael Godwin

Motion was made to approve the January 16, 2019 BOA Resume Meeting Minutes.
Vote: 6 - 0 Approved
6. **Consideration of the following cases:**
 - A. **CASE NO.: AP-2017-02**
ADDRESS: 11400 Blk. Gulf Beach Hwy.
REQUESTED APPEAL: An appeal of a compatibility decision by the Planning Official
REQUESTED BY: David Theriaque, Agent for Teramore Development, LLC and Shu Shurett and Leo Huang, Owners

Motion by Board Member Auby Smith, Seconded by Board Member Michael Godwin

Motion was made to re-open case and only hear from "expert witness".

Vote: 5 - 1 Approved

Voted No: Board Member Jennifer Rigby

Motion by Board Member Auby Smith, Seconded by Board Member Michael Godwin

Motion was made to accept Shawna Martin as expert witness in Planning and Zoning and Growth Management.

Vote: 6 - 0 Approved

Motion by Vice Chairman Walker Wilson, Seconded by Board Member Michael Godwin

Motion was made to accept Shawna Martin's resume.

Vote: 6 - 0 Approved

Motion by Vice Chairman Walker Wilson, Seconded by Board Member Judy Gund

Motion was made to deny appeal based on evidence presented by expert witness testimony.

Vote: 4 - 2 Approved

Voted No: Chairman Bill Stromquist
Board Member Michael Godwin

7. Discussion Items.

8. Old/New Business.

9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, March 20, 2019 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Adjournment.

Board of Adjustment

7. A.

Meeting Date: 03/20/2019
CASE: CU-2019-03
APPLICANT: Kenneth Horne and Associates, Agent for Kirk Clark, Perdido Paving and Grading, LLC, Owner
ADDRESS: 1600 N Blue Angel Parkway
PROPERTY REFERENCE NO.: 12-2S-31-3107-000-000
ZONING DISTRICT: HC/LI, Heavy Commercial Light Industrial
FUTURE LAND USE: MU-U, Mixed-Use Urban
OVERLAY DISTRICT: N/A

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:
Conditional use to allow for a salvage yard.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section:3-2.11(c)(5).c

c. Salvage yards not otherwise requiring approval as solid waste processing facilities.

CRITERION (a)

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

FINDINGS-OF-FACT

The adjacent property to the south is zoned HC/LI with an existing business that has outside storage and the adjacent property to the east is unimproved right-of-way. To the north the property is zoned MDR and is vacant. Furthermore, the proposed use would have to be reviewed and approved through the Site Plan Review Process.

CRITERION (b)

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

FINDINGS-OF-FACT

The applicant has stated that water, electric and sewer facilities are presently used on the adjacent property to the south with adequate capacity to serve the use of any expansion to the subject property. All the following facilities and services would still need

to be reviewed and approved through the Site Plan Review Process.

CRITERION (c)

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

FINDINGS-OF-FACT

It appears there are two driveways to the site along Blue Angel Parkway. A site plan was has been submitted during the site plan pre-application process. The county would relying on Florida Department of Transportation for comments since Blue Angel Parkway is a State roadway for ingress and egress access. There are no measurements at this time particularly regarding vehicle and pedestrian safety and convenience efficient traffic flow and control, on-site parking and loading, and emergency vehicle access, these will be reviewed during the Site Plan Review process.

CRITERION (d)

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

FINDINGS-OF-FACT

The site is surrounded by vacant land, right-of-way with a similar use or intensity to the south. No nuisances and hazards appear to effect the surrounding uses at this time. The avoidance of nuisances and hazards to the adjacent properties and properties in the immediate area will be evaluated during the Site Plan Review process.

CRITERION (e)

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

FINDINGS-OF-FACT

The applicant states solid waste service is available for eh subject property, however, it is not anticipated to a need for at this time for the proposed use. This will be further evaluated during the Site Plan Review Process.

CRITERION (f)

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

FINDINGS OF FACT

The project will need to be approved through the Site Plan Review Process and meet the following Design Manual (DSM) criteria.

DSM 2-2 Landscape areas and quantities.

2-2.1 Parcel total. No parcel shall provide less than 15 percent landscape area, regardless of the minimum pervious lot coverage required by the applicable zoning district. On-site permeable retention/detention ponds and permeable swales qualify as landscape area if their maximum depths are no more than three feet and their side slopes are no steeper than 2:1 (horizontal to vertical).

2-2.3 Buffers. Based on broad land use categories, where a proposed new use or expanding existing use is likely to adversely impact an adjoining use, a landscape buffer is required to minimize or eliminate those impacts. The buffer shall protect the lower intensity use from the higher intensity use and provide an aesthetically attractive barrier between the uses. It shall function to reduce or eliminate incompatibility between uses such that the long-term continuation of either use is not threatened by impacts from the other. Buffers shall be provided according to the following standards:

a. **Required by use.** The character of adjoining land uses primarily determines the type of buffering required.

1. **Residential and non-residential.** All residential uses shall be buffered from all non-residential uses, other than passive recreation, conservation, or agricultural uses, according to the buffer types established in this section and following non-residential categories:

a. **Heavy commercial and industrial.** Heavy commercial and industrial uses consistent with the Heavy Commercial and Light Industrial (HC/LI) and Industrial (Ind) zoning districts shall provide a Type-C buffer supplemented with an opaque fence or wall.

CRITERION (g)

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

FINDINGS OF FACT

The applicant did not intend to have a sign or exterior lights on the property at this time, however during the Site Plan review process both the sign and exterior lights will be address.

CRITERION (h)

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

FINDINGS OF FACT

Based on the applicant's submitted plan for Development Review pre-application

the size, shape and location of the parcel will accommodate the proposed use.

CRITERION (i)

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

FINDINGS OF FACT

Based on the applicants submitted preapplication site plan for development review, the proposed can meet all of the following criteria to use the property as a salvage yard with the completion of an Development Order.

STAFF FINDINGS

Staff recommends approval of the Conditional Use to allow for further review through the Development Review Process in order to receive a Development Order.

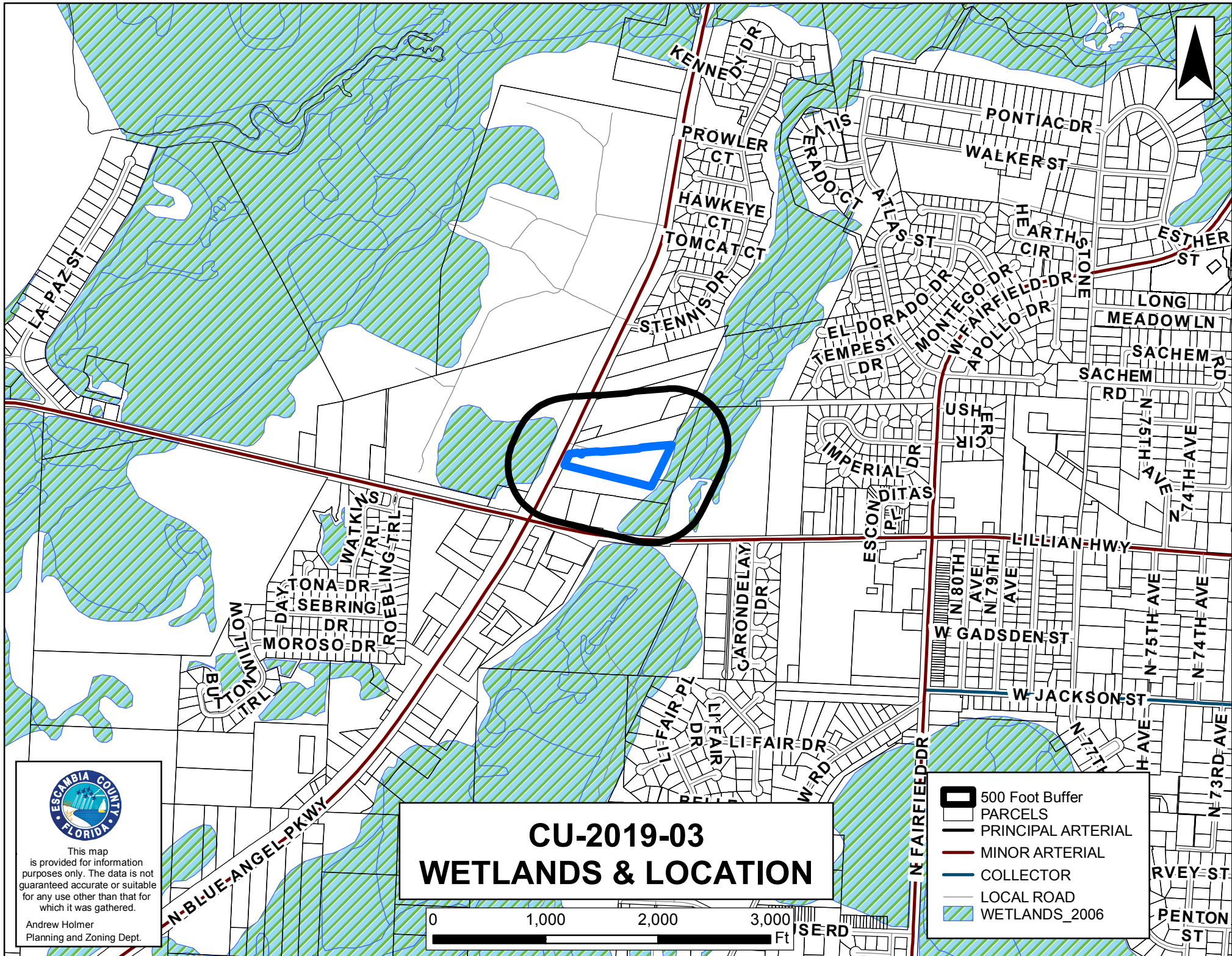
BOA DECISION

BOARD OF ADJUSTMENT FINDINGS

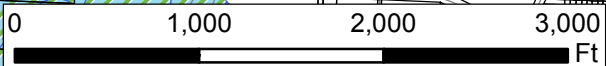
Attachments

Working Case File

CU-2019-03



CU-2019-03 WETLANDS & LOCATION

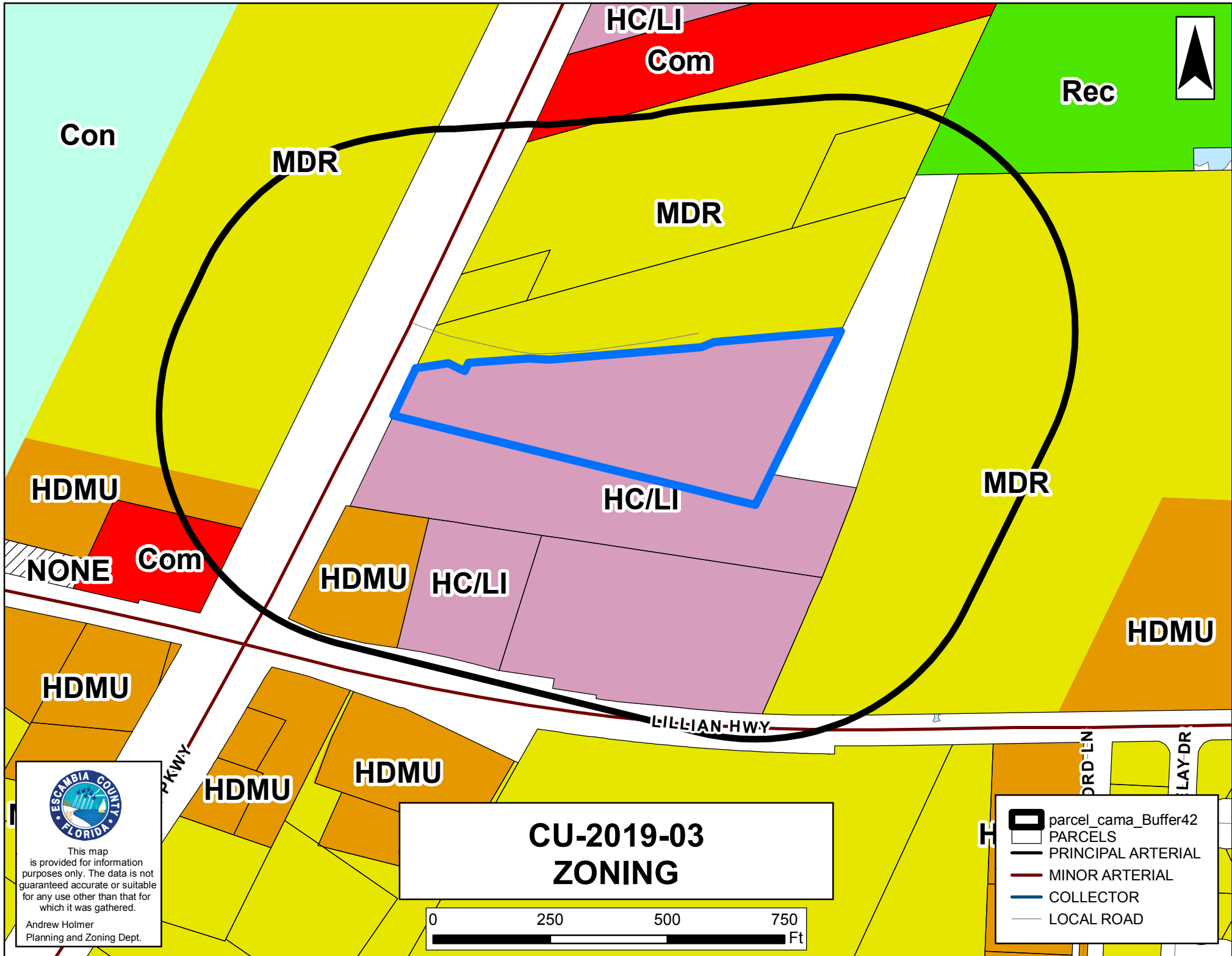


- 500 Foot Buffer
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- WETLANDS_2006



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.



Con

MDR

HC/LI

Com

Rec

MDR

HDMU

MDR

NONE

Com

HC/LI

HDMU

HC/LI

HDMU

HDMU

LILIAN-HWY

HDMU

HDMU

ORD-LN

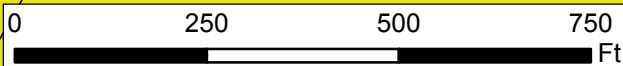
LAY-DR



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.

**CU-2019-03
ZONING**



- parcel_cama_Buffer42
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD

REC



MU-U

LILIAN-HWY

PKWY

N

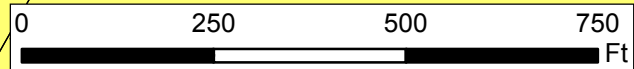
Y-DR



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.


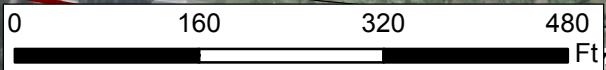
CU-2019-03
FLU



- parcel_cama_Buffer42
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



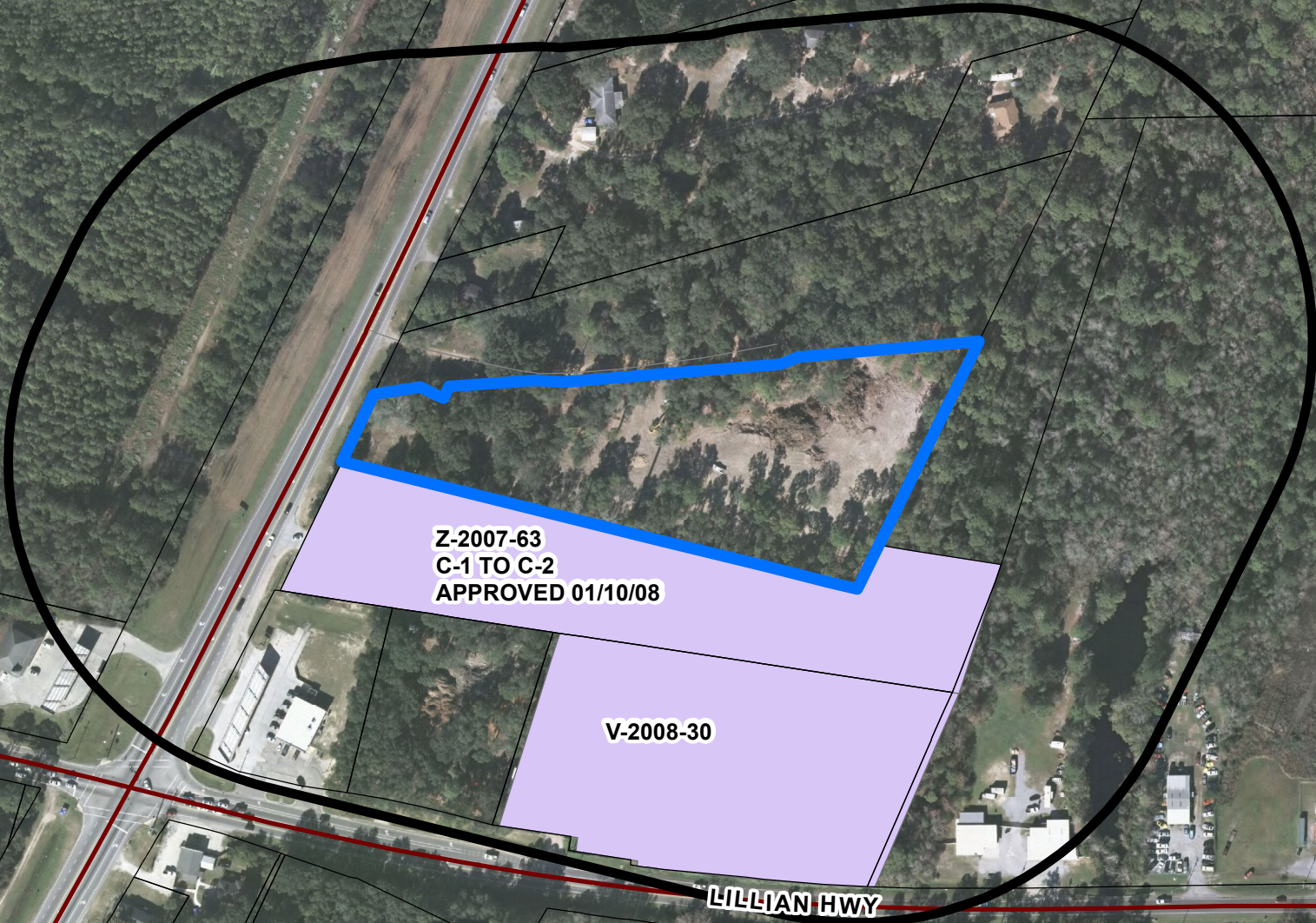
CU-2019-03 AERIAL



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

Andrew Holmer
Planning and Zoning Dept.

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



**Z-2007-63
C-1 TO C-2
APPROVED 01/10/08**

V-2008-30

LILLIAN HWY

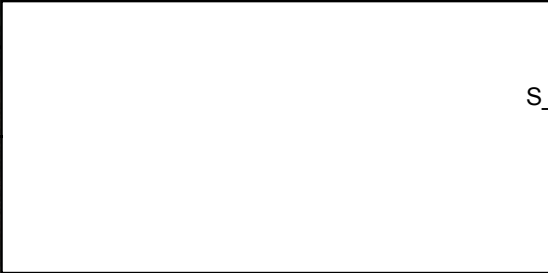
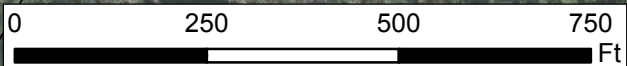
PKWY



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.

CU-2019-03 REZONING & BOA CASES





**NOTICE OF
PUBLIC HEARING
BOARD OF ADJUSTMENT**

TYPE OF REQUEST:

CASE NO:

DATE: **TIME:**

LOCATION OF HEARING

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

**FOR MORE INFORMATION CALL:
DEVELOPMENT SERVICES AT 595-3475 OR VISIT
WWW.MYESCAMBIA.COM**

**PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY**

PUBLIC HEARING SIGN



LOOKING NORTH ALONG BLUE ANGEL PARKWAY



LOOKING EAST INTO THE SUBJECT PROPERTY



LOOKING SOUTH ALONG BLUE ANGEL PARKWAY

190245 WPBA

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

Board of Adjustment Application

FOR OFFICE USE ONLY - Case Number: CU-19-03 Accepted by: DL/km BOA Meeting: 3/20/19

Conditional Use Request for: Salvage yard in HC/LI

Variance Request for: _____

1. Contact Information:

A. Property Owner/Applicant: Kirk Clark, Perdido Paving and Grading LLC

Mailing Address: PO Box 3333 Pensacola, FL 32516

Business Phone: _____ Cell: (850) 777-9981

Email: perdidogp7@aol.com

B. Authorized Agent (if applicable): Kenneth Horne and Associates

Mailing Address: 7201 N 9th Ave, Suite 6, Pensacola FL 32504

Business Phone: (850) 471-0093 Cell: _____

Email: nick@kh-a.com

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: 1600 N Blue Angel Pkwy Pensacola, FL 32506

Parcel ID (s): 12-2S-31-3107-000-000

B. Total acreage of the subject property: 4.7

C. Existing Zoning: HC/LI

FLU Category: MU-U

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

E. Sanitary Sewer: X Septic: _____

3. Amendment Request

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

The owner of the above parcel wishes to use the site for a salvage yard. The property currently has a zoning of HC/LI and FLU of MU-U. The current zoning allows for the proposed salvage yard as a conditional use.

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

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

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

3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this land development code to other lands, buildings or structures in the same zoning district.

4. Strict application of the provisions of the land development code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code and would create an unnecessary and undue hardship on the applicant.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

6. The granting of the variance will be consistent with the general intent and purpose of the land development code and that such variance will not be injurious to the area or otherwise detrimental to the public welfare.

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

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

The proposed use can be conducted and operated in a manner that is compatible with the adjacent properties and surrounding area. The immediate surrounding area to the south contains commercial uses. The areas to the north, east and west are undeveloped.

The proposed use does not constitute a negative neighborhood impact.

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

Existing public facilities and services in immediate proximity to the proposed development are capable of providing the levels of service necessary to support the proposed use.

The salvage yard will be addressed on an arterial road, Blue Angel Parkway with adequate capacity to serve the use.

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

The site currently has a gravel driveway access connection directly to Blue Angel Parkway.

A gravel loop road is proposed for on-site circulation. The design of this proposed road will be detailed during the Site Plan Review process. The proposed use will not impede on-site circulation.

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

The proposed use will not create unreasonable noise, glare, smoke, odor or other harmful effects to any extent that would exceed allowable uses under the current zoning designation.

Adjoining properties are either commercial with similar expected nuisances and/or vacant.

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

Solid waste service is available for the subject property, however, it is not anticipated to be needed for the proposed use. If solid waste service is deemed necessary, containers can be located on-site with appropriate access, limited visibility, and minimal odor as required.

- 6. Screening and buffering.** Where not otherwise required by the LDC, screening and buffering will be provided if appropriate to the proposed use and site. The existing buffer/screening vegetation is planned to remain. Should additional plantings be required, they will be detailed during the Site Plan Review process

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

No new signage or lighting is being proposed at this time. Should they be desired later, they will be designed/permitted to comply with appropriate Escambia County standards.

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

The proposed parcel is adequately sized to accommodate the proposed use. The parcel allows for ingress/egress, abundant open space for landscaping and more than enough room for required setbacks and buffers.

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

Based on meeting with a Planner and having had a DRC Pre-Application review, we believe the Conditional Use is consistent with all other relevant provisions of this code.

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

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

As owner of the property located at 1600 N Blue Angel Pkwy 32506, Florida, property reference number(s) 12-2S-31-3107-000-000 I hereby designate Kenneth Horne & Associates for the sole purpose of completing this application and making a presentation to the Board of Adjustment on the above referenced property. This Limited Power of Attorney is granted on this _____ day of _____ the year of _____, and is effective until the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development Services Department.

Agent Name: Kenneth Horne & Associates
Email: nick@kh-a.com

Address: 7201 N 9th Ave, Suite 6, 32504 Phone: (850) 471-0093

Signature of Property Owner

Printed Name of Property Owner Kirk A. Clark Date 2/8/19

STATE OF Florida COUNTY OF Escambia
The foregoing instrument was acknowledged before me this 8th day of February 20 19,
by Kirk A. Clark

Personally Known OR Produced Identification Type of Identification Produced: FL. Driver's License

Belinda G. Rowell
Signature of Notary

Belinda G. Rowell
Printed Name of Notary

(Notary Seal)

BELINDA G. ROWELL
NOTARY PUBLIC, STATE OF FLORIDA
Commission No. GG 24815
My Commission Expires Nov. 7, 2020

5. Submittal Requirements

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

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

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

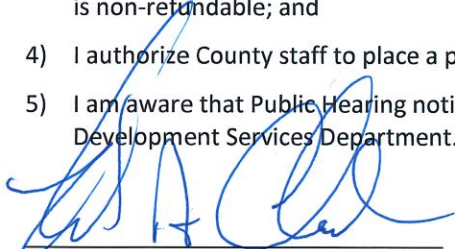
C. _____ Legal Proof of Ownership (ex: copy of Tax Notice or Warranty Deed) **AND**

D. _____ A **Certified Boundary Survey** (Include Corporation/LLC documentation if applicable.)

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 place a public notice sign(s) on the property referenced herein.; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Department.


Signature of Owner/Agent

Kirk A. Clark
Printed Name of Owner/Agent

STATE OF Florida COUNTY OF Escambia The foregoing instrument was acknowledged before me this 8th day February of _____ 20 19, by Kirk A. Clark

Personally Known OR Produced Identification Type of Identification Produced: FL Drivers License


Signature of Notary

Belinda G. Rowell
Printed Name of Notary

(Notary Seal)

BELINDA G. ROWELL
NOTARY PUBLIC, STATE OF FLORIDA
Commission No. GG 24815
My Commission Expires Nov. 7, 2020

PERDIDO GRADING & PAVING LLC

June 20, 2018

PO BOX 3333

Pensacola, FL 32516

Perdidogp7@AOL.COM

850-777-9981

CGC057529

DRC

Attention: To Whom It May Concern

Regards: Land Use 1600 N. Blue Angel Hwy.

Perdido Grading and Paving is a local contracting firm owned and operated by Kirk A. Clark Sr. a State Certified General Contractor (CGC057529). It is our intent to use this property as our laydown yard to store raw materials and our equipment for our use only. It is also our intent in the near future to establish our office on this property.

Thank you,
Kirk Clark

If you have any questions, contact Kirk Clark@ 850-777-9981

Return to: **Mary Riddle**
Name: **SETCO Services, LLC - Pensacola**
Address: **121 Palafox Place**
Pensacola, FL 32502
This Instrument Prepared:
MARY RIDDLE
SETCO Services, LLC - Pensacola
121 Palafox Place
Pensacola, FL 32502

Documentary Stamp Taxes were collected in the amount of (\$959.00) based on the purchase price amount of (\$137,000.00).

as a necessary incident to the fulfillment of conditions contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s): **122S313107000000**
File No: **N00323**

WARRANTY DEED

STATE OF FLORIDA

COUNTY OF ESCAMBIA

This Warranty Deed Made **November 2, 2015**, by **Ruth Hendricks a/k/a Minnie Ruth Hendricks, an unmarried woman**, hereinafter referred to as the Grantor, whose post office address is: 8411 Kause Rd, Pensacola, FL 32506, to **Perdido Grading and Paving, L.L.C., a Florida limited liability company** hereinafter referred to as the Grantee, whose post office address is: P.O. Box 3333, Pensacola, FL 32516.

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

SEE EXHIBIT "A" ATTACHED HERE TO AND BY REFERENCE MADE A PART HEREOF.

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

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

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

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to January 1, 2015, reservations, restrictions and easements of record, if any.

(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context may require.)

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:

Witness No. 1 Signature: Richard David Valletto
Printed Name: Richard David Valletto

Witness No. 2 Signature: MARY RIDDLE Ruth Hendricks
Printed Name: MARY RIDDLE Ruth Hendricks

STATE OF FLORIDA
COUNTY OF Escambia

The foregoing instrument was acknowledged before me this the 2nd day of November, 2015,
by Ruth Hendricks, who is known to me or who has produced FL DL as
photo identification.

(AFFIX NOTARY SEAL HERE)

Mary Riddle
Notary Public
Printed Name: _____
My Commission Expires: _____



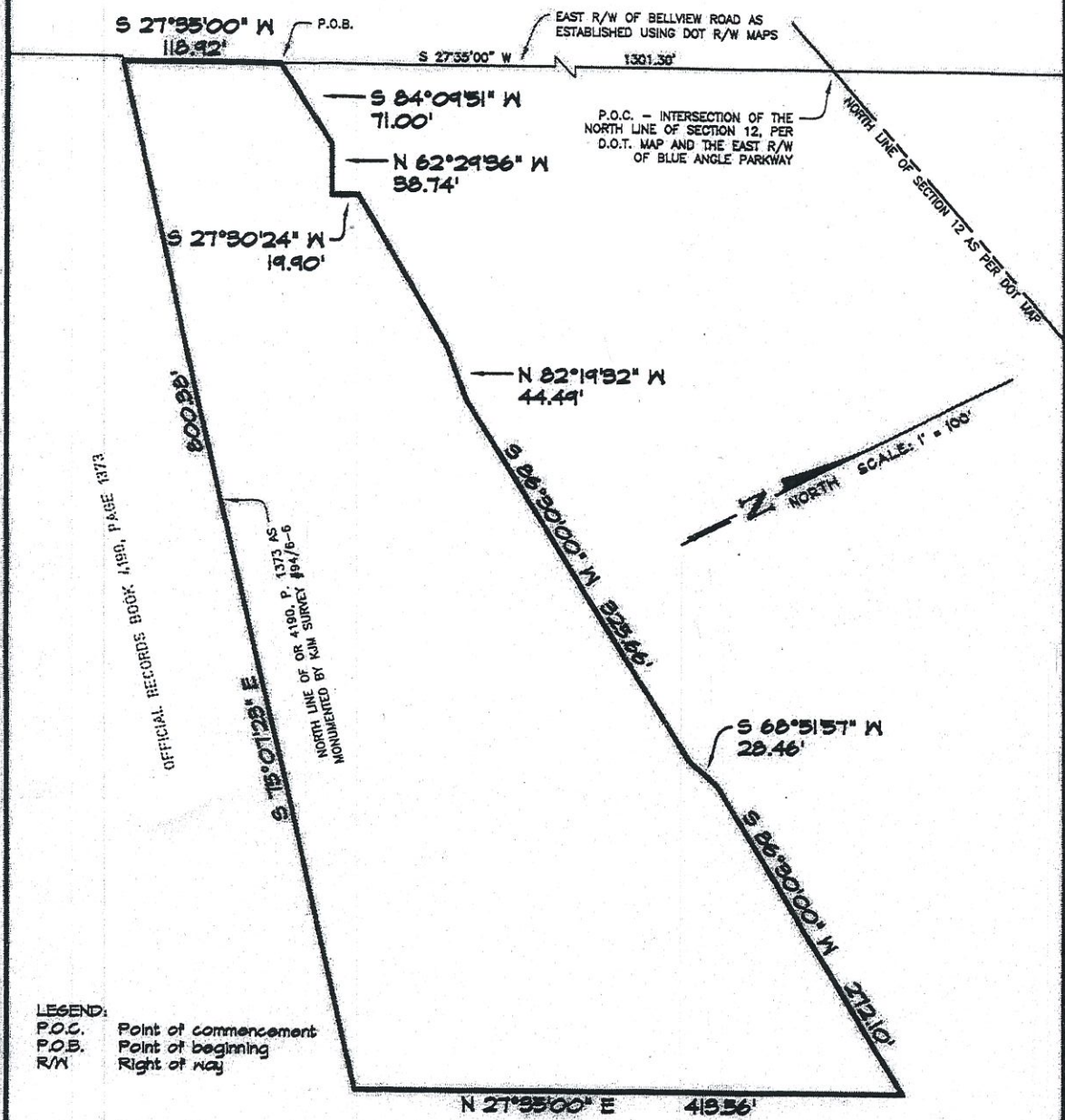
Exhibit "A"

Commence at the intersection of the North line of Section 12, Township 2 South, Range 31 West, Escambia County, Florida, as per deed description as shown on Department of Transportation map, Section 48190-2504 and the East right of way line of Blue Angel Parkway (Old Bellview Road, R/W varies); thence South 27 degrees 35'00" West along said East right of way line for a distance of 1301.30 feet for the Point of Beginning. Thence continue South 27 degrees 35'00" West along said East right of way line for a distance of 118.92 feet to the North line of a parcel described in Official Records Book 4190, Page 1373, as monuments by KJM Survey #94/6-6; thence South 75 degrees 07'23" East along said North line for a distance of 800.38 feet; thence North 27 degrees 35'00" East for a distance of 413.53 feet; thence South 86 degrees 30'00" West for a distance of 272.10 feet; thence South 68 degrees 51'57" West for a distance of 28.46 feet; thence South 86 degrees 30'00" West for a distance of 325.66 feet; thence North 82 degrees 19'32" West for a distance of 44.49 feet; thence South 86 degrees 30'00" West for a distance of 128.76 feet; thence South 27 degrees 30'24" West for a distance of 19.90 feet; thence North 62 degrees 29'36" West for a distance of 38.74 feet; thence South 84 degrees 09'51" West for a distance of 71.00 feet to the Point of Beginning. All lying and being in Section 12, Township 2 South, Range 31 West, Escambia County, Florida.

122S313107000000



BLUE ANGEL PARKWAY OLD BELLVIEW ROAD R/W VARIES



LEGEND:
 P.O.C. Point of commencement
 P.O.B. Point of beginning
 R/W Right of way

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION AND SURVEYOR'S NOTES

SHEET 1 OF 2

DOT R/W MAP, SECTION 48190-2504; SURVEYS BY WINSTON WHEAT, KJM AND THIS FIRM
 Measurements made in accordance to United States Standards.

I hereby certify that this survey was made under my responsible charge and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6, Florida Administration Code, pursuant to Section 472.027 Florida Statutes.

Bearing Reference NORTH BASED ON THE EAST R/W OF BLUE ANGEL PARKWAY AS S 27°35'00" W	
Ordered By: MR. CHARLES HOSKINS	Job No. 3115-04
Scale 1" = 100'	File No. A-12409
FB _____ PG _____	Drawn By TEB
Elevation Reference _____	
Date of Plat 8-6-04	NOT VALID UNLESS IMPRINTED WITH EMBOSSED SEAL AND SIGNED BY SURVEYOR
Date of Survey _____	
Encroachments _____	

Walter J. Glaze
David D. Glaze Walter J. Glaze Alvin R. Walker
 PSM #5605 PSM #6190 PSM #5948



LEGAL DESCRIPTION:

Commence at the intersection of the north line of Section 12, Township 2 South, Range 31 West, Escambia County, Florida as per deed description as shown on Department of Transportation map, Section 48190-2504 and the east right of way line of Blue Angle Parkway (Old Bellview Road, R/W varies); thence South 27 degrees 35' 00" West along said east right of way line for a distance of 1301.30 feet for the point of beginning.

Thence continue South 27 degrees 35' 00" West along said east right of way line for a distance of 118.92 feet to the north line of a parcel described in Official Records Book 4190 at page 1373 as monuments by KJM Survey #94/6-6; thence South 75 degrees 07' 23" East along said north line for a distance of 800.38 feet; thence North 27 degrees 35' 00" East for a distance of 413.53 feet; thence South 86 degrees 30' 00" West for a distance of 272.10 feet; thence South 68 degrees 51' 57" West for a distance of 28.46 feet; thence South 86 degrees 30' 00" West for a distance of 325.66 feet; thence North 82 degrees 19' 32" West for a distance of 44.49 feet; thence South 86 degrees 30' 00" West for a distance of 128.76 feet; thence South 27 degrees 30' 24" West for a distance of 19.90 feet; thence North 62 degrees 29' 36" West for a distance of 38.74 feet; thence South 84 degrees 09' 51" West for a distance of 71.00 feet to the point of beginning.

All lying and being in Section 12, Township 2 South, Range 31 West, Escambia County, Florida and containing 4.70 acres, more or less.

SURVEYOR'S NOTES:

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

LEGEND:

- P.O.C. Point of commencement
P.O.B. Point of beginning
R/W Right of way

SHEET 2 OF 2

DOT R/W MAP, SECTION 48190-2504; SURVEYS BY

Source of Information: **WINSTON WHEAT, KJM AND THIS FIRM**
Measurements made in accordance to United States Standards.

LB No. 7073

I hereby certify that this survey was made under my responsible charge and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6, Florida Administration Code, pursuant to Section 472.027 Florida Statutes.

David D. Glaze

David D. Glaze Walter J. Glaze Alvin R. Walker

PSM #5605 PSM #6190 PSM #5948

Bearing Reference **NORTH BASED ON THE EAST**
R/W OF BLUE ANGLE PARKWAY AS S 27°35'00" W

Ordered By: **MR. CHARLES HOSKING**

Scale **1" = 100'** Job No. **3115-04**

FB _____ PG _____ File No. **A-12410**

FB _____ PG _____ Drawn By **TEB**

Elevation Reference _____

Date of Plat **8-6-04**

Date of Survey _____

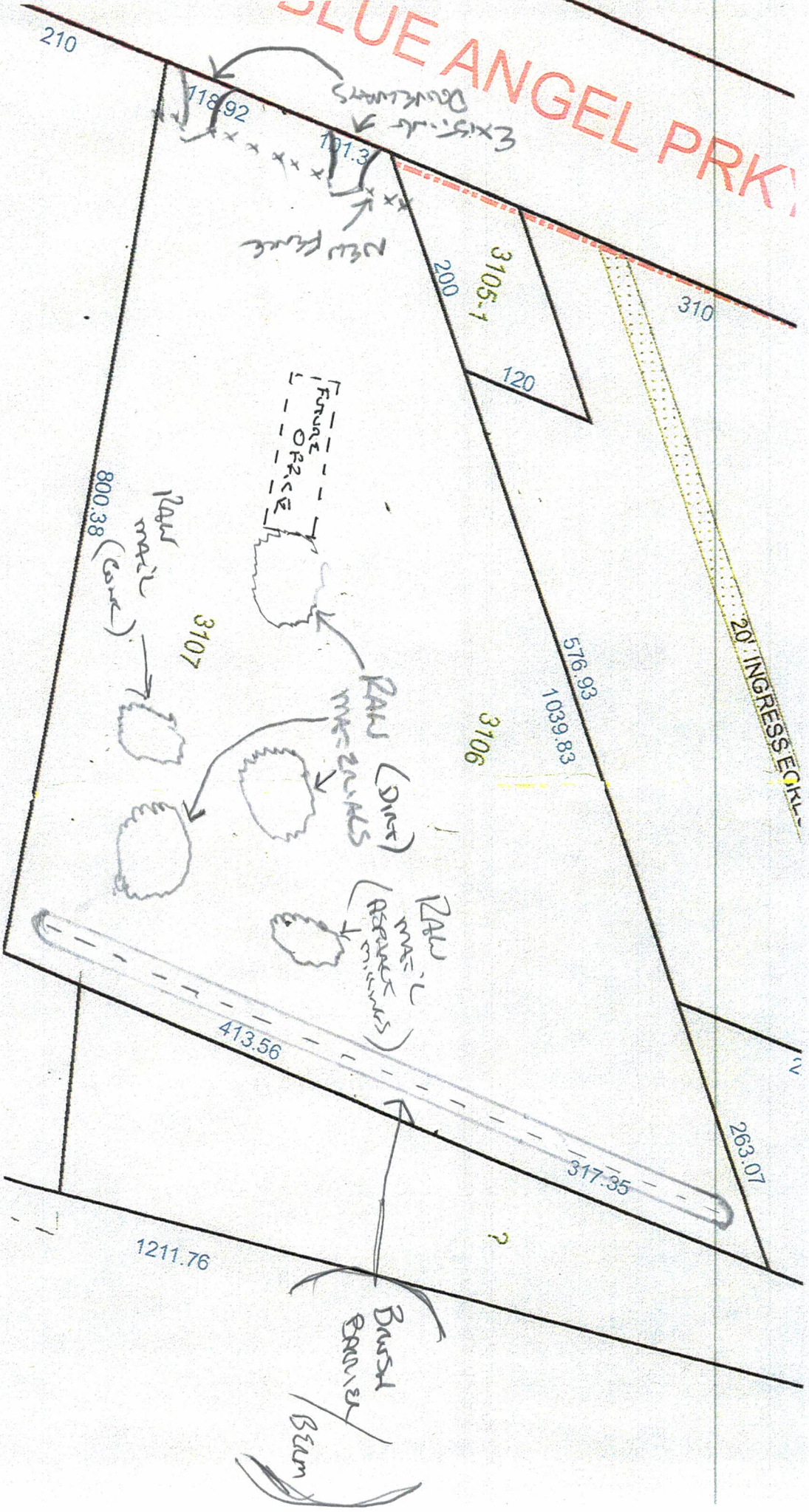
Encroachments _____

**NOT VALID
UNLESS IMPRINTED
WITH EMBOSSED
SEAL AND SIGNED
BY SURVEYOR**

Am

BLUE ANGEL PRK

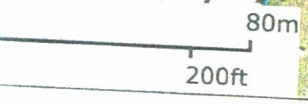
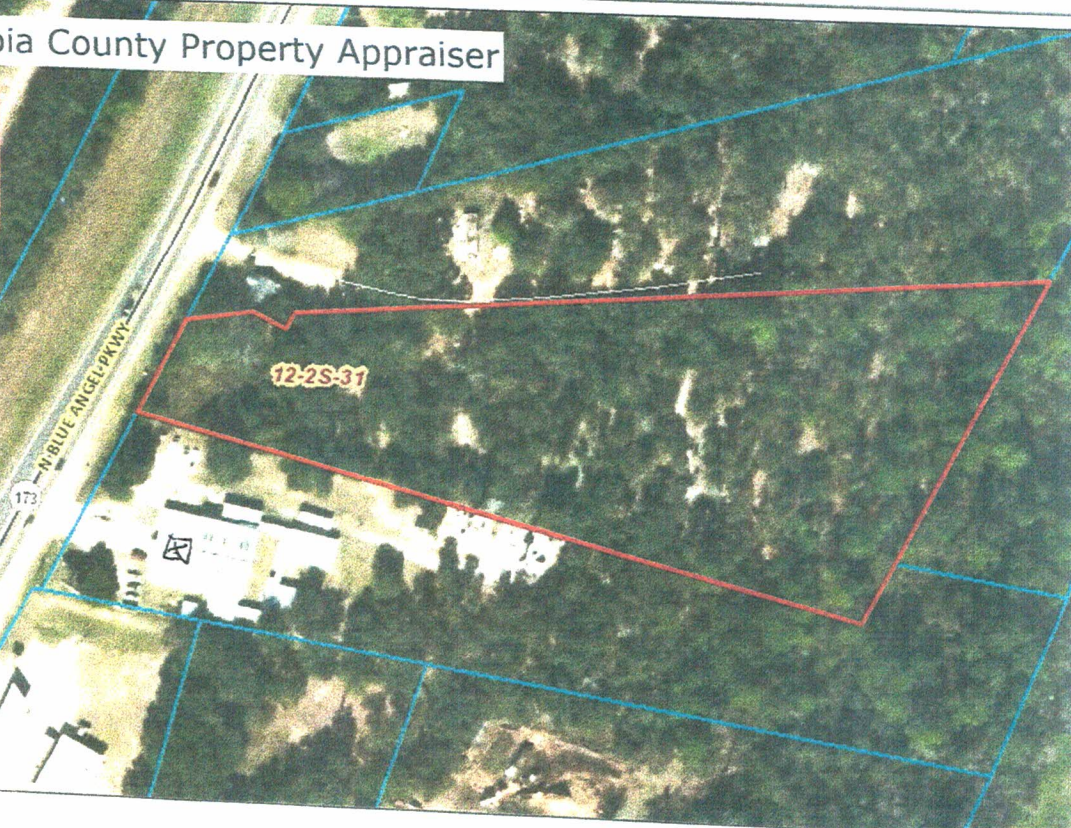
1600 N. BLUE ANGEL HWY





Chris Jones - Escambia County Property Appraiser

Reference: 122S313107000000 ☒
Account: 093808000
Section Map: 12-2S-31
Situs: 1600 N BLUE ANGEL PKWY
Complex:
Owner: HENDRICKS RUTH
Mailing Address:
8411 KAUSE RD
PENSACOLA, FL 32506
Last Sale: 12/23/2009, \$100
Property Use: VACANT COMMERCIAL
Approx. Acreage: 4.7000
Bldg. Count: 0
Total heated Area: 0
Zoned: HC/LI



Board of Adjustment

7. B.

Meeting Date: 03/20/2019
CASE: CU-2019-04
APPLICANT: Staci Matz with Integrisite, Agent for Tony Lathan, Owner
ADDRESS: 4300 BLK Molino Road
PROPERTY REFERENCE NO.: 01-2N-32-1320-000-004
ZONING DISTRICT: RR, Rural Residential district
FUTURE LAND USE: RC, Rural Community
OVERLAY DISTRICT: N/A

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

Conditional Use request to allow for a telecommunication tower greater than 150 feet in height in the Rural Residential (RR) zoning district.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section:3-2.3(c)(3)e.

(c) Conditional Use

e. Public utility structures greater than 150 feet in height, and telecommunications towers of any height, excluding any industrial uses.

CRITERIA:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section 2-6.4, Section 4-7.12 Telecommunications towers.

CRITERION (a)

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

FINDINGS-OF-FACT

The proposed tower, as described in the application documents, will be 265' in height. The structure will be located in a 0.90 (+/-) acres section of a 12.61 (+/-) acre parent parcel and will be accessed via Molino Road. There are several residential structures that will be located within the 500' distance of the proposed structure. Most properties within the 500' buffer of the property are used as single-family residences or agricultural land. One single family dwelling is located on the parcel and is located less than 500' feet from the tower. It appears that the use could be compatible with adjacent uses and

operate in a manner that would not impact properties in the immediate area.

CRITERION (b)

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

FINDINGS-OF-FACT

Public facilities and services were not addressed by the applicant. The availability of facilities and services will be evaluated during the site plan review process.

CRITERION (c)

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

FINDINGS-OF-FACT

According to the application, ingress to and egress from the site is proposed via connection to Molino Road. Further compliance with on-site circulation will be evaluated during the site plan review process.

CRITERION (d)

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

FINDINGS-OF-FACT

The applicant has provided documentation for the FCC application, coverage maps for the tower, and collocation information. Also, letters stating no objection to the tower from the FCC, FAA, FDOT and Escambia County Emergency Management have been submitted with the application. There appears to be no nuisances and hazards for adjoining properties in the immediate area.

CRITERION (e)

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

FINDINGS-OF-FACT

The applicant states that no solid waste will be associated with this site.

CRITERION (f)

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

FINDINGS OF FACT

The applicant states that screening and buffering will be provided as needed. Compliance with the LDC screening and buffering requirements will be evaluated during the site plan review process.

CRITERION (g)

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

FINDINGS OF FACT

The applicant states that all signs and lighting will be compatible with adjoining properties in the immediate area. Signs and lighting compatibility will be evaluated further during the site plan review process.

CRITERION (h)

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

FINDINGS OF FACT

The proposed development site appears to accommodate the proposed use. If the Conditional Use is approved, a formal project submittal thru the site plan review process must be made. All of the LDC standards and requirements will apply.

This parcel cannot be verified as an existing lot of record as the parent parcel has been split several times in the past. The parcel does not meet the minimum lot width requirement (100 feet) of the RR zoning district. It appears that the parcel is only 60' feet in width.

Lot of record. A lot that is part of a subdivision that has been recorded in the official records of Escambia County, or a lot or parcel described by metes and bounds, and the description of which has been so recorded or accepted on or before February 8, 1996. A lot of record does not include contiguous multiple lots under single ownership.

Sec. 3-2.3 Rural Residential district (RR).

(d) Site and building requirements. The following site and building requirements apply to uses within the RR district:

(5) Lot width. A minimum lot width of 40 feet at the street right-of-way for cul-de-sac lots and 100 feet at the street right-of-way for all other lots.

CRITERION (i)

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

FINDINGS OF FACT

Application requirements. Application for LDC compliance review of proposed telecommunication towers shall include the following completed documents for use in evaluating compliance, but applications for conditional use approval need not include the geotechnical report or environmental compliance checklist.

- a. A geotechnical exploration report. Applicant states this will be provided during the site plan review process.
- b. An FCC/NEPA environmental compliance checklist. Applicant states this will be provided during the site plan review process.
- c. Letters indicating no objection to the tower from the Federal Communications Commission, Federal Aviation Administration, Florida Department of Transportation, and Escambia County Emergency Management.
Federal Communications Commission-Received and provided as part of the application.
Federal Aviation Administration- Received and provided as part of the application.
Florida Department of Transportation-Received provided as part of the application.
Escambia County Emergency Management-Received and provided as part of the application.
- d. Coverage maps for this tower-Received and provided as part of the application
- e. Collocation information-Received and part of the application.

STAFF FINDINGS

Staff finds that the applicant has addressed all of the Conditional Use criteria for a telecommunications tower, as described in the LDC; however, the parcel does not meet the lot width requirements of the RR zoning district and cannot be confirmed as a lot of record. If approved, the applicant must submit a formal application for the project to the Development Review Committee and receive a Development Order prior to any site disturbance.

BOA DECISION

BOARD OF ADJUSTMENT FINDINGS
