

AGENDA  
ESCAMBIA COUNTY PLANNING BOARD  
QUASI-JUDICIAL HEARING  
September 3, 2019–8:30 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. Approval of Minutes

**RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the August 6, 2019 Planning Board Rezoning Meeting.

5. Acceptance of Rezoning Planning Board Meeting Packet.
6. Quasi-judicial Process Explanation.
7. Public Hearings.
  - A. Case #: Z-2019-13  
Applicant: Wiley C. "Buddy" Page, Agent for Dorothy Thompson  
Address: 2071 Atwood Dr  
Property Size: 3.5 (+/-) acres  
From: (Com) Commercial district

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)

B. Case #: Z-2019-14  
Applicant: Wiley C. "Buddy" Page, Agent for Jennifer Reese, Owner  
Address: 9500 Hillview Drive  
Property Size: .34 (+/-) acres  
From: MDR, Medium Density Residential district (10 du/acre)  
To: Com, Commercial district (25 du/acre)

C. Case #: Z-2019-15  
Applicant: Allara Mills-Gutcher, Agent, Gulf Power Company, Owner  
Address: 11999 N. Pate Street  
Property Size: 36.1 (+/-) acres  
From: HC/LI, Heavy Commercial and Light Industrial district (25 du/acre)  
To: Ind, Industrial district (du density limited to vested residential development)

8. Adjournment.



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

**Planning Board-Rezoning**  
**Meeting Date: 09/03/2019**

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**4. A.**

**Agenda Item:**

Approval of Minutes

**RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the August 6, 2019 Planning Board Rezoning Meeting.

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**Attachments**

Meeting minutes 8-6-19

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# DRAFT

## RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING August 6, 2019

CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
PENSACOLA, FLORIDA  
(8:30 A.M. – 8:44 A.M.;9:37 a.m.-11:54 A.M)

Present: Reid Rushing  
Jay Ingwell  
Wayne Briske, Chairman  
Timothy Pyle  
Alan Gray  
Eric Fears

Staff Present: Allyson Lindsay, Urban Planner II  
Griffin Vickery, Urban Planner, Planning & Zoning  
Horace Jones, Director, Development Services  
John Fisher, Senior Urban Planner, Planning & Zoning  
Juan Lemos, Senior Planner, Planning & Zoning

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 Alan Gray, Seconded by Timothy Pyle  
  
Motion was made to waive the reading of the legal advertisement  
**Vote:** 6 - 0 Approved
4. Acceptance of Rezoning Planning Board Meeting Packet.  
  
Motion by Timothy Pyle, Seconded by Alan Gray  
Motion was made to accept the meeting packet for August 6, 2019 meeting  
**Vote:** 6 - 0 Approved
5. Quasi-judicial Process Explanation.
6. Public Hearings.
  - A. Case #: Z-2019-08  
Applicant: Adam Cobb, Emmanuel Sheppard & Condon, Agent for Navy Federal Credit Union, Owner  
Address: 5501 Frank Reeder Rd and 9045 Security Place  
Property Size: 98.03 (+/-) acres  
From: None, No zoning designation  
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 Eric Fears, Seconded by Alan Gray

Motion was made to recommend approval for transmittal to DEO.

**Vote:** 6 - 0 Approved

- B. Case #: Z-2019-09  
Applicant: Tom Hammond, Agent for  
Randall Builders Group, LLC  
Address: 10307 Tanton Road  
Property 4.5+/- acres  
Size:  
From: MDR, Medium Density  
Residential(10 du/acre) LDR,  
Low Density Residential  
(four du/acre)  
To: MDR, Medium Density  
Residential(10 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 Timothy Pyle, Seconded by Reid Rushing

Motion was made to recommend approval to the BCC

**Vote:** 6 - 0 Approved

- C. Case #: Z-2019-10  
Applicant: Wiley C. "Buddy" Page,  
Agent for Bhupt Patel, Owner  
Address: 2425 E Johnson Ave  
Property .47 (+/-) acres  
Size:  
From: MDR, Medium Density  
Residential district (10  
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 Jay Ingwell

Motion was made to recommend approval to the BCC

**Vote:** 6 - 0 Approved

- D. Case #: Z-2019-11

Applicant: Wiley C. "Buddy" Page,  
Agent for David and Willie  
Bailey, Trustees  
Address: 2001 W Nine Mile Rd  
Property Size: 3.67(+/-) acres  
From: HDMU, High Density Mixed  
use ( 25 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 Eric Fears, Seconded by Jay Ingwell  
Motion was made to recommend approval to the BCC.

**Vote:** 6 - 0 Approved

E. Case #: Z-2019-12  
Applicant: Wiley C. "Buddy" Page,  
Agent for Curtis and Kelli  
Sumrock  
Address: 11545 Sorrento Rd  
Property Size: 18.78 (+/-) acres  
From: LDR, Low Density  
Residential district (4  
du/acre)  
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 Alan Gray, Seconded by Eric Fears  
Motion was made to recommend denial to the BCC.

**Vote:** 5 - 0 Approved

Other: Wayne Briske (ABSENT)

7. Adjournment.

## Planning Board-Rezoning

7. A.

**Meeting Date:** 09/03/2019  
**CASE :** Z-2019-13 Withdrawn by Agent  
**APPLICANT:** Wiley C. "Buddy" Page, Agent for Dorothy Thompson, Owner  
**ADDRESS:** 2071 Atwood Drive  
**PROPERTY REF. NO.:** 18-1S-30-5201-000-024  
**FUTURE LAND USE:** MU-U, Mixed-Use Urban  
**DISTRICT:** 4  
**OVERLAY DISTRICT:** Atwood  
**BCC MEETING DATE:** 10/03/2019

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### **SUBMISSION DATA:**

#### **REQUESTED REZONING:**

**FROM: (Com)** Commercial district

**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)

#### **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.

**CPP FLU 1.3.1 Future Land Use Categories.** The Mixed-Use Urban (MU-U) Future land Use category is intended for an intense mix of residential and non-residential uses while promoting compatible infill development and the separation of urban and suburban land

uses within the category as a whole.

The range of allowable uses includes residential, retail and services, professional office, light industrial, recreational facilities, public and civic, limited agriculture. The maximum residential density is 25 dwelling units per acre.

**CPP 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 redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

## **FINDINGS**

The proposed amendment to HC-LI/NA is **consistent** with the intent and purpose of Future Land Use category MU-U, as stated in CPP FLU 1.3.1; however, due to the physical location of the parcel, some of the listed allowable uses under the FLU would be restricted due to the accessibility concerns. The amendment is 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.

## **FINDINGS**

The proposed amendment is **not consistent** with the intent and purpose of the Land Development Code. The parcel does meet the requirements under Sec. 3-2.11 (e) Location Criteria. The applicant did not provide a compatibility analysis. Due to the physical location of the parcel, the proposed zoning district is not suitable for areas able to receive bulk deliveries by truck in locations served by major transportation networks and able to avoid undesirable effects on nearby property and residential uses, as stated in Sec. 3-2.11 (f) Rezoning to HC/LI. Site visit by staff reveals Atwood, Gregg and Northcross streets are two-lane local roads needed to travel adjacent to residential subdivisions, and existing residential land uses in order to access Davis Highway (+/-0.41 mile) or Olive road (+/- 0.35 mile), the nearest arterial roads.

### **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 **will not be compatible** with surrounding existing uses in the

area. Within the 500 radius, staff identified properties with zoning districts HC/LI, Commercial and MDR. The only existing HC/LI zoned parcel within the buffer is located on the South of Interstate 10 and houses the Coca-Cola bottling company. In contrast, this parcel does have direct access to Davis Hwy. North of Interstate 10, there are twenty five single-family residences, a mobile home park, a hotel and a restaurant.

#### **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 amendment **would create spot zoning** based on the definition in the LDC. Although some of the adjacent and nearby parcels are also zoned Commercial, the current land use for those properties is residential. If approved, the HC/LI zoning for this parcel will be isolated and would allow for potential uses that would not be similar in density or intensity to the surrounding area.

#### **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**

There are **no changed conditions** in the area. The primary intent of the requested HC/LI district is to allow light manufacturing, large-scale wholesale and retail uses, major services, and other more intense uses than those allowed under the existing Commercial district. Based on site visit, the commercial zoning and uses are located within parcels that have direct access to Davis Hwy and operate under the commercial designation; however, those parcels that have no direct access to Davis Hwy and depend on local roads to transport goods onto the existing arterial roads, will always have a compatibility problem based on access and location issues; furthermore, based on the physical characteristics of the area, the granting of the zoning request to HC/LI would allow for more intense uses that will have to traverse near predominantly residential neighborhoods subdivisions.

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## Attachments

Request to Drop Project

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**From:** [budpage1](#)  
**To:** [Allyson Lindsay](#)  
**Subject:** Re: Atwood Rezoning  
**Date:** Friday, August 23, 2019 9:23:06 AM

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Allyson, please drop from agenda and remove sign. Thanks...buddy

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Allyson Lindsay <[malindsay@myescambia.com](mailto:malindsay@myescambia.com)>  
Date: 8/23/19 8:16 AM (GMT-06:00)  
To: budpage1 <[budpage1@att.net](mailto:budpage1@att.net)>  
Subject: Atwood Rezoning

*Buddy,*

*We need to pull the sign if you do not intend to go forward with this rezoning. Let me know ASAP, please*

Allyson Lindsay, Urban Planner II

Development Services

Planning & Zoning

850-595-3547

Florida has a very broad public records law. Under Florida law, both the content of emails and email addresses are public records. If you do not want the content of your email or your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in person.

**Planning Board-Rezoning**

**7. B.**

**Meeting Date:** 09/03/2019  
**CASE :** Z-2019-14  
**APPLICANT:** Wiley C. "Buddy" Page, Agent for Jennifer Reese, Owner  
**ADDRESS:** 9500 Hillview Drive  
**PROPERTY REF. NO.:** 05-1S-30-0407-190-001  
**FUTURE LAND USE:** MU-U, Mixed-Use Urban  
**DISTRICT:** 5  
**OVERLAY DISTRICT:** N/A  
**BCC MEETING DATE:** 10/03/2019

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**SUBMISSION DATA:**

**REQUESTED REZONING:**

**FROM:** MDR, Medium Density Residential district (10 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.

**CPP FLU 1.3.1 Future Land Use Categories.** The Mixed-Use Urban (MU-U) Future Land Use (FLU) category is intended for an intense mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole. Range of allowable uses include: Residential, Retail and Services, Professional Office, Light Industrial, Recreational Facilities, Public



and Civic, limited agriculture. The maximum residential density is 25 dwelling units per acre.

**CPP 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).

**CPP FLU 2.1.2 Compact Development.** To promote compact development, FLUM amendments and residential rezonings to allow higher residential densities may be allowed in the Mixed-Use Urban (MU-U) and Mixed-Use Suburban (MU-S) future land use categories.

## **FINDINGS**

The proposed amendment to Commercial is consistent with the intent and purpose of Future Land Use category MU-U, as stated in CPP FLU 1.3.1. The range of allowable uses under the MU-U FLU category provides for a mixture of commercial and residential development, as described in the application. The property is located in an area around Nine Mile Road that has been under redevelopment for the past several years. The project will promote the use of existing public roads, utilities and infrastructure, fulfilling the requirements under CPP FLU 1.5.1. The proposed rezoning would also promote higher residential density in the MU-U FLU category as stated in CPP FLU 2.1.2.

### **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. 3-2.7 Medium Density Residential district (MDR).**

**(a) Purpose.** The Medium Density Residential (MDR) district establishes appropriate areas and land use regulations for residential uses at medium densities within suburban or 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 than the Low Density Residential district. Residential uses within the MDR district are limited to single-family and two-family dwellings. The district allows non-residential uses that are compatible with suburban and urban residential neighborhoods.

#### **Sec. 3-2.10 Commercial district (Com).**

**(a) 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.

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

**(1) Residential.** The following residential uses are allowed throughout the district, but if within the 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 new or expanded manufactured home parks or subdivisions.
- 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.** Retail sales, including medical marijuana dispensing facilities, sales of alcoholic beverages and automotive fuels, but excluding motor vehicle sales and permanent outdoor storage. See also conditional uses in this district.

**(3) Retail services.** The following retail services, excluding permanent outdoor storage:

- a. Car washes, automatic or manual, full service or self-serve.
- b. Child care facilities.
- c. Hotels, motels and all other public lodging, including boarding and rooming houses.
- 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, and outdoor work.
- g. Restaurants and brewpubs, including on-premises consumption of alcoholic beverages, drive-in and drive-through service, and brewpubs with the distribution of on-premises produced alcoholic beverages for off-site sales. The parcel boundary of any restaurant or brewpub with drive-in or drive-through service shall be at least 200 feet from any LDR or MDR zoning district unless separated by a 50-foot or wider street right-of-way.

See also conditional uses in this district.

**(4) Public and civic.**

- a. Broadcast stations with satellite dishes and antennas, including towers.
- b. Cemeteries, including family cemeteries.
- c. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.
- d. Educational facilities, including preschools, K-12, colleges, and vocational schools.
- e. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.
- f. Foster care facilities.
- g. Funeral establishments.
- h. Hospitals.
- i. Offices for government agencies or public utilities.
- j. Places of worship.

k. Public utility structures, including telecommunications towers, but excluding any industrial uses.

l. Warehousing or maintenance facilities for government agencies or for public utilities. See also conditional uses in this district.

**(5) Recreation and entertainment.**

a. Campgrounds and recreational vehicle parks on lots five acres or larger.

b. Indoor recreation or entertainment facilities, including movie theaters, bowling alleys, skating rinks, arcade amusement centers, bingo facilities and shooting ranges, but excluding bars, nightclubs or adult entertainment facilities.

c. Marinas, private and commercial.

d. Parks without permanent restrooms or outdoor event lighting.

See also conditional uses in this district.

**(6) Industrial and related.**

a. Printing, binding, lithography and publishing.

b. Wholesale warehousing with gross floor area 10,000 sq.ft. or less per lot.

See also conditional uses in this district.

**(7) Agricultural and related.**

a. Agricultural food production primarily for personal consumption by the producer, but no farm animals.

b. Nurseries and garden centers, including adjoining outdoor storage or display of plants.

c. Veterinary clinics.

See also conditional uses in this district.

**(8) Other uses.**

a. Billboard structures.

b. Outdoor storage if minor and customarily incidental to the allowed principal use, and if in the rear yard, covered, and screened from off-site view, unless otherwise noted.

c. Parking garages and lots, commercial.

d. Self-storage facilities, excluding vehicle rental.

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

**(1) Residential.**

a. Group living not among the permitted uses of the district.

b. Home occupations with non-resident employees.

**(2) Retail sales.**

a. Boat sales, new and used.

b. Automobile sales, used autos only, excluding parcels fronting on any of the following streets: Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR 292); Blue Angel Parkway (SR 173); Pine Forest Road, south from Interstate 10 to State Road 173; Navy Boulevard (SR 295 and US 98); and Scenic Highway (SR 10A and US 90). Additionally, the parcel shall be no larger than one acre and provided with a permanent fence, wall, or other structural barrier of sufficient height and mass along all road frontage to prevent encroachment into the right-of way other than through approved site access.

c. Automobile rental limited to the same restrictions as used automobile sales.

d. Utility trailer, heavy truck (gross vehicle weight rating more than 8500 lbs), and recreational vehicle sales, rental, or service limited to the same restrictions as used automobile sales.

**(3) Retail services.**

a. Restaurants not among the permitted uses of the district.

b. Service and repair of motor vehicles, small scale (gross floor area 6000 sq. ft. or less per lot), excluding painting and body work and outdoor work and storage.

**(4) Public and civic.**

a. Cemeteries, including family cemeteries.

b. Clubs, civic and fraternal.

c. Cinerators.

d. Homeless shelters.

**(5) Recreation and entertainment.**

a. Bars and nightclubs.

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.**

(a) Borrow pits and reclamation activities 20 acres minimum and (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and land use and regulations in Part III, the Land Development Code, chapter 4. \*Borrow pits are prohibited on land zoned GMD prior to the adoption of the Commercial (Com) zoning.

(b) Microbreweries, microdistilleries, microwineries.

(7) Agricultural and related. 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.

**(8) Other uses.**

a. Outdoor sales not among the permitted uses of the district.

b. Outdoor storage not among the permitted uses of the district, including outdoor storage of trailered boats and operable recreational vehicles, but no repair, overhaul, or salvage activities. All such storage shall be screened from residential uses and maintained to avoid nuisance conditions.

c. Self-storage facilities, including vehicle rental as an accessory use.

d. Structures of permitted uses exceeding the district structure height limit.

**(e) 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.

**(5) Documented compatibility.** A compatibility analysis prepared by the applicant provides competent substantial evidence of unique circumstances regarding the potential uses of parcel that were not anticipated by the alternative criteria, and the proposed use, or rezoning as applicable, will be able to achieve long-term compatibility with existing and potential uses. Additionally, the following conditions exist:

- a. The parcel has not been rezoned by the landowner from the mixed-use, commercial, or industrial zoning assigned by the county.
- b. If the parcel is within a county redevelopment district, the use will be consistent with the district's adopted redevelopment plan, as reviewed and recommended by the Community Redevelopment Agency (CRA).

**(f) Rezoning to Commercial.** Commercial 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 appropriate to provide transitions between areas zoned or used as high density mixed-use and areas zoned or used as heavy commercial or industrial. Rezoning to Commercial is subject to the same location criteria as any new non-residential use proposed within the Commercial district.

## **FINDINGS**

The proposed amendment **is not** consistent with the intent and purpose of the Land Development Code. The Commercial 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. The proposed amendment **does not** meet the location criteria requirements, as stated in Sec. 3-10(e), due to the property being located along a local road and is abutting a single-family residential zoning district of MDR. The applicant has submitted a compatibility analysis. The Planning Board or the BCC have the right to waive the locational criteria upon reviewing the compatibility analysis submitted by the applicant. The parcel has not been rezoned by the landowner from the mixed-use, commercial, or industrial zoning assigned by the county. The parcel is not within a county redevelopment district.

### **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 residential uses in the area. Within the 500' radius impact area, staff observed properties with zoning districts Com, HDR (High-Density Residential), and MDR. The current property has an established residential use. The commercial uses for the proposed rezoning **is compatible** with the properties located to the south of the subject property, yet those properties have frontages along Nine Mile Road, an arterial road. In particular, the gas station property that adjoins the property is apart of the same residential subdivision of the subject property. A single family residential use is located on the site. Single family residential uses are located to the north of the property and have frontages on local streets. The more intense uses of the Com zoning district **would not be compatible** with the residential use adjoining the site and to the north of the subject parcel as the majority of the surrounding property is residential. The proposed rezoning to Com would encroach on the existing and well-established residential subdivision. The proposed rezoning would promote strip commercial development in the residential area. The applicant has submitted a copy of the plat depicting the commercial property. See exhibit A "Plainfield Subdivision" and exhibit B "Subdivisions". All site plan regulations such as parking, buffering and uses would have to meet all the Land Development Code regulations.

### **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 zoning of Com would not be spot zoning by definition, however the district **would not be transitional** in character between the adjoining districts. The differences with those districts would be significant in that the Com district allows for more intense commercial than the residential uses of the MDR district. The current area to the south has a concentration of commercial zoning and uses already in place. The subject parcel has a residential use. The parcel does adjoin a parcel to the north which is a current single family resident with a MDR zoning, but also joins a much more intense zoning Com to the south. The subject parcel also fronts a local road.

**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 changed**. Directly west of the subject property is a new retail development. Within the area surrounding the property, new retail uses have been established within the existing Com zoning district. See exhibit C "Surrounding Development" map.

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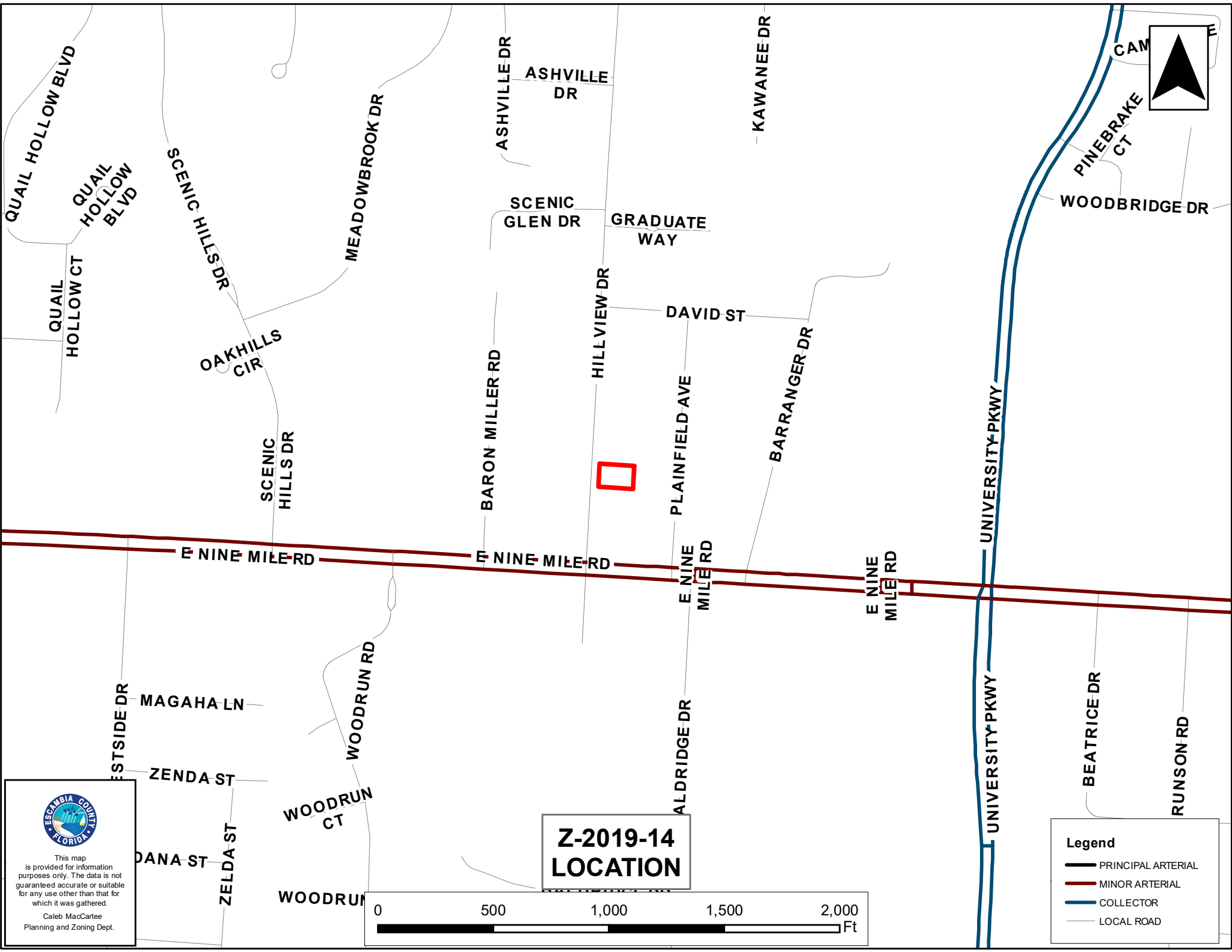
**Attachments**

Working case file 14

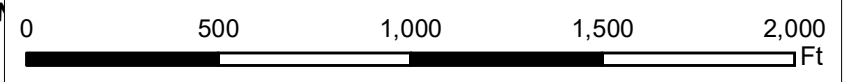
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Z-2019-14





**Z-2019-14  
LOCATION**

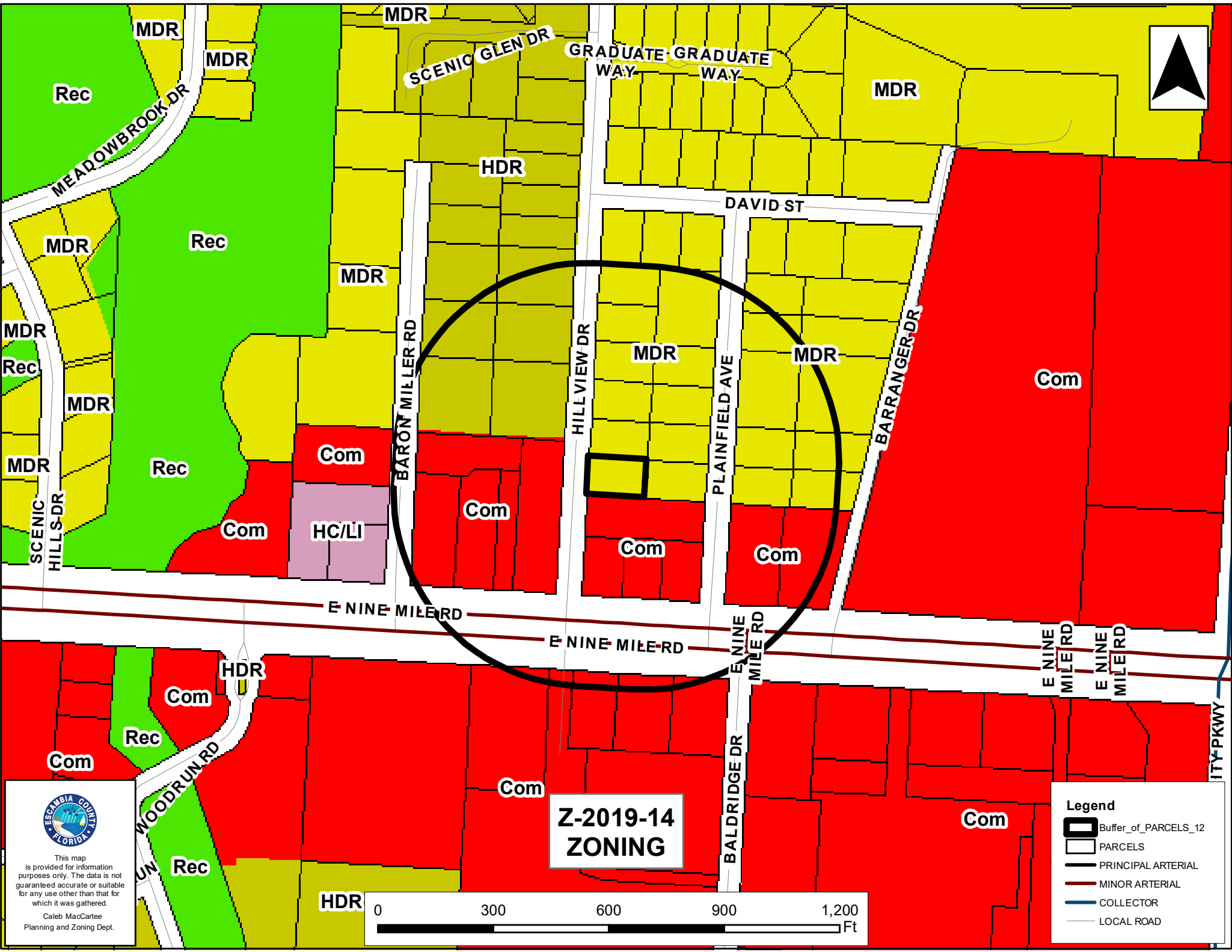


This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

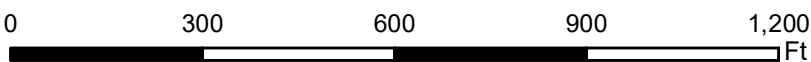

Caleb MacCartee  
Planning and Zoning Dept.

**Legend**

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD









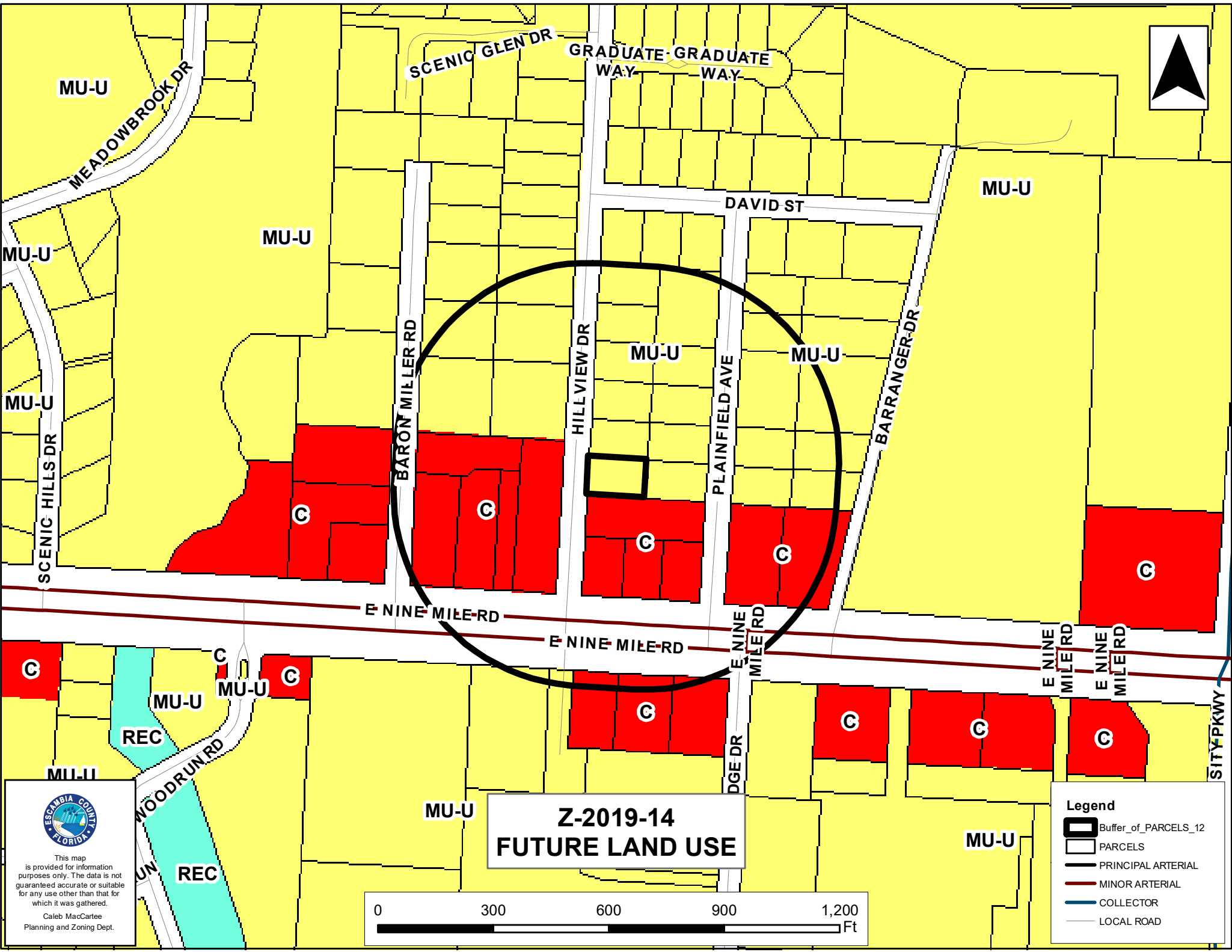
**Z-2019-14  
ZONING**

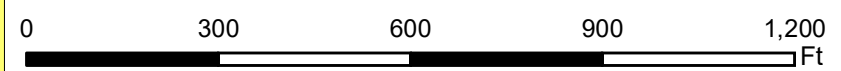

This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.  
Caleb MacCartee  
Planning and Zoning Dept.

**Legend**

-  Buffer\_of\_PARCELS\_12
-  PARCELS
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD









**Z-2019-14  
FUTURE LAND USE**

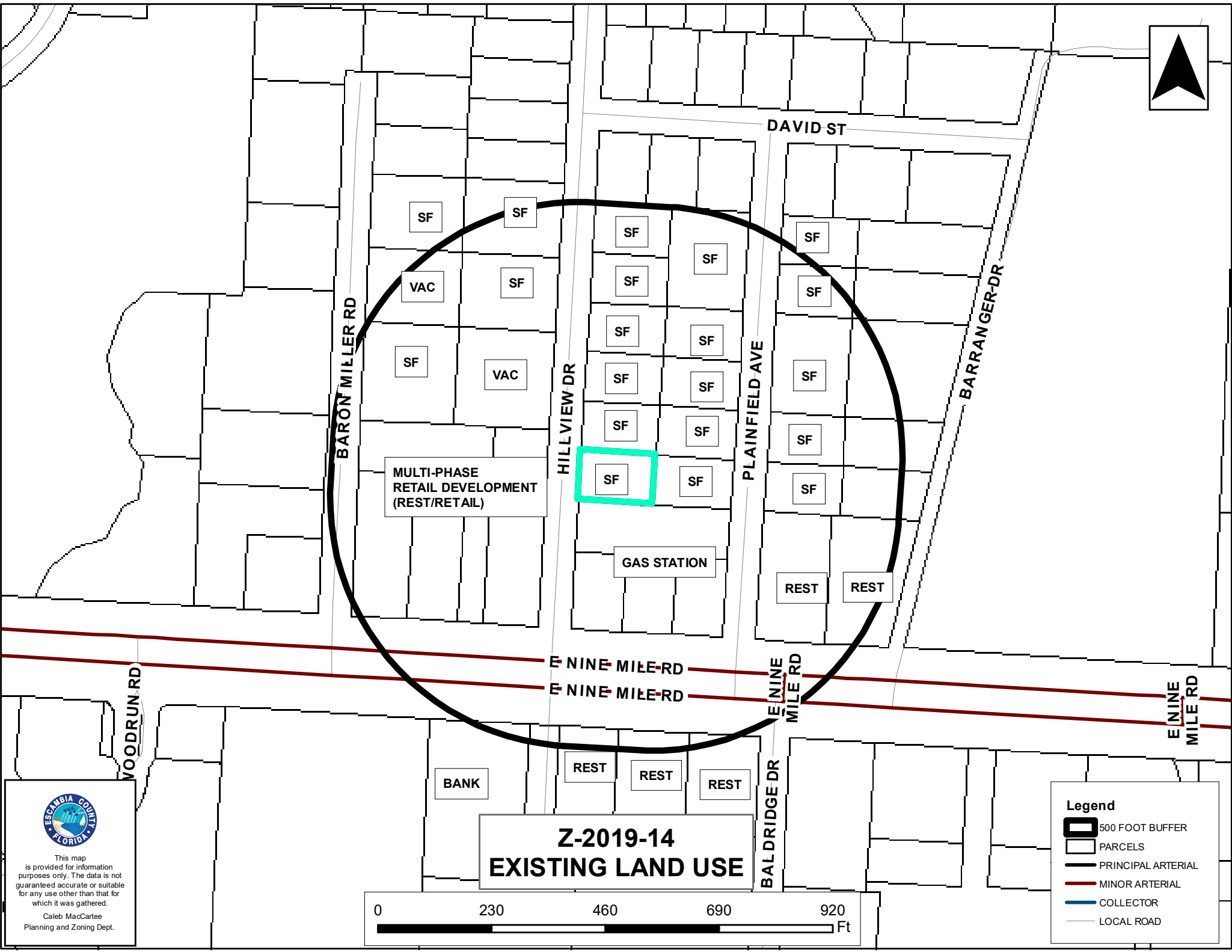



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Caleb MacCartee  
Planning and Zoning Dept.

**Legend**

-  Buffer\_of\_PARCELS\_12
-  PARCELS
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



MULTI-PHASE  
RETAIL DEVELOPMENT  
(REST/RETAIL)

SF

SF

GAS STATION

REST

REST

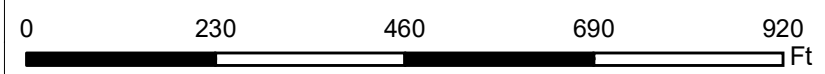
BANK

REST







REST


REST

**Z-2019-14  
EXISTING LAND USE**



**Legend**

-  500 FOOT BUFFER
-  PARCELS
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



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

Caleb MacCartee  
Planning and Zoning Dept.



HILLVIEW DR

PLAINFIELD AVE

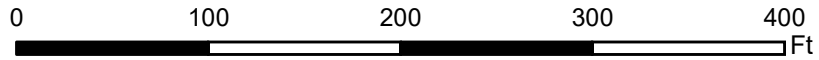


Z-2019-14  
AERIAL



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.

Caleb MacCartee  
Planning and Zoning Dept.



**Legend**

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

HIGHLANDS AT  
SCENIC HILLS  
P014015

UNIVERSITY  
OAKS  
P018021

SCENIC HILLS COUNTRY  
CLUB ESTATES  
P004077

PLAINFIELD  
P008047

UNIVERSITY  
TOWN CENTER  
P016051

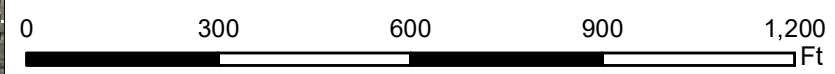
Z-2019-14  
SUBDIVISIONS

WOODRUN  
P0075



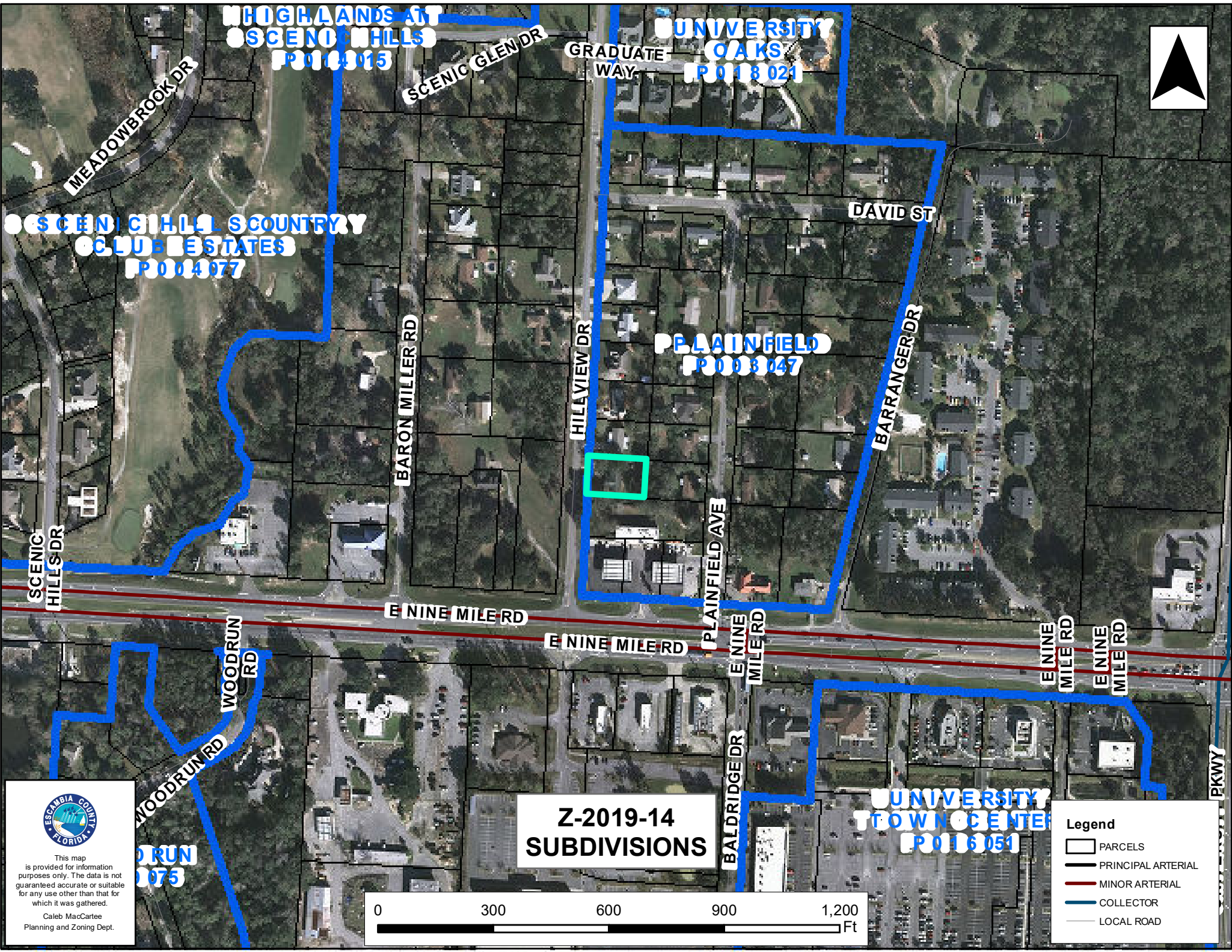
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Caleb MacCartee  
Planning and Zoning Dept.



**Legend**

	PARCELS
	PRINCIPAL ARTERIAL
	MINOR ARTERIAL
	COLLECTOR
	LOCAL ROAD





# SURROUNDING DEVELOPMENT WITH 500' BUFFER

RETAIL SHOPS PHASE III  
18113780PSP  
12/12/2018

RETAIL SHOPS MASTER PLAN REVISED  
PSP170100001  
7/26/2017

RETAIL SHOPS PHASE 3 SUB  
18041363PSD-MSD  
6/6/2018

RETAIL SHOPS PHASE 1 REVISED  
PSP161200187  
7/26/2017

FOOSACKLYS  
PSP170500075  
8/2/2017

KRISPY KREME  
18082784PSP  
9/19/2018

BURGER KING  
18093260PSP  
10/31/2018

BARON MILLER RD

HILLYVIEW DR

PLAINFIELD AVE

BARRANGER DR

E NINE MILE RD

E NINE MILE RD

E NINE MILE RD

BALDRIDGE DR

WOODRIF



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

Caleb MacCartee  
Planning and Zoning Dept.

### Legend

- Buffer\_of\_PARCELS\_11
- PARCELS

Date: 8/22/2019

1 inch = 200 feet





# NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2019-14

CURRENT ZONING: MDR PROPOSED ZONING: COM

## PLANNING BOARD

DATE: 09/03/19 TIME: 8:30 a.m.

### LOCATION OF HEARING

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

## BOARD OF COUNTY COMMISSIONERS

DATE: 10/03/19 TIME: 5:45 p.m.

### LOCATION OF HEARING

ERNIE LEE MAGAHA GOVERNMENT BLDG  
221 PALAFOX PLACE  
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:  
DEVELOPMENT SERVICES AT 595-3475 OR VISIT  
[WWW.MYESCAMBIA.COM](http://WWW.MYESCAMBIA.COM)

PLEASE DO NOT REMOVE THIS SIGN  
PROPERTY OF ESCAMBIA COUNTY

PUBLIC HEARING SIGN





LOOKING SOUTHWEST ACROSS HILLVIEW



LOOKING SOUTH ON TO HILLVIEW





**LOOKING EAST ONTO PROPERTY**



**LOOKING NORTH ALONG HILLVIEW**





LOOKING WEST ACROSS HILLVIEW

**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: July 17, 2019**

**RE: Transportation & Traffic Operations (TTO) Comments – Z-2019-14**

TTO Staff has reviewed the Rezoning Case Z-2019-12 9500 Hillview Drive (MDR to Com), agenda item for the Planning Board meeting scheduled for August 6, 2019. Please see the below comments.

Hillview Drive is a two-lane local roadway without paved shoulders. It is approximately 20 feet wide with a right-of-way of 66 feet. 9500 Hillview Drive is roughly 563 feet north of E Nine Mile Road.

Neither the County nor the Florida Department of Transportation have projects scheduled on Hillview Drive.

Per the Florida-Alabama TPO's Congestion Management Process Plan, East Nine Mile Road is classified as a Minor Arterial with a Maximum LOS of D and a corresponding daily volume threshold of 17,700. Near Hillview Drive, the daily volume on Nine Mile Road is 15,500. Hillview Drive is classified as a local street and assumed to be functioning within its allowable capacity for traffic volumes. The most recent daily traffic count on Hillview Drive was 950.

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., Engineering Department Director  
Allyson Lindsay, Development Services Department**

**Wiley C. "Buddy" Page, MPA, APA**  
Professional Growth Management Services, LLC  
5337 Hamilton Lane Pace, Florida 32571  
Cell 850.232.9853  
[budpapel@att.net](mailto:budpapel@att.net)

August 10, 2018  
VIA HAND DELIVERY

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

**RE: Rezoning request:**  
**Parcel: 05-1S-30-0407-190-001**  
**Owner: Jennifer Reese**  
**Address: 9500 Hillview Drive**

Dear Mr. Jones:

The attached application requests Planning Board consideration for the rezoning of the referenced parcel from MDR Medium Density Residential to Commercial.

The application contains the required filing fee together with additional information regarding proof of ownership, location maps and a compatibility analysis.

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

Very truly yours,



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>

19062151PPB

### Rezoning Application

FOR OFFICE USE ONLY - Case Number: 22019-12 Accepted by: AL PB Meeting: 8/6/19

**1. Contact Information:**

A. Property Owner/Applicant: Jennifer Reese

Mailing Address: 8925 Scenic Hill Drive Pensacola, Florida 32514

Business Phone: \_\_\_\_\_ Cell: 850-390-6473

Email: jeremy@rnlig.com

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: 9500 Hillview Drive

Parcel ID (s): 05-1S-30-0407-190-001

B. Total acreage of the subject property: 0.3479ac

C. Existing Zoning: MDR

Proposed Zoning: Commercial

FLU Category: MU-U

D. Is the subject property developed (if yes, explain): Rental unit on site

E. Sanitary Sewer:  Septic:



**3. Amendment Request**

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

Owner intends to utilize site for retail uses allowed under the Commercial zoning classification.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- B. Rezoning Approval Conditions – Please address ALL the following approval conditions for your rezoning request. (use supplement sheets as needed)**

- 1. Consistent with Comprehensive Plan.** The proposed rezoning is consistent with the goals, objectives, and policies of the Comprehensive Plan and not in conflict with any of its provisions.

The proposed zoning category is listed as an permitted use under the Mixed Use Urban FLU categories per CPP FLU 1.3.1 which states " The Mixed-Use Urban (MU-U) category is intended for an intense mix of residential and non-residential uses while promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole. Range of uses include residential, retail and services, professional office, light industrial, recreational facilities, public and civic, limited agriculture "  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2. Consistent with LDC.** The proposed rezoning is consistent with the stated purposes and intent of the LDC and not in conflict with any of its provisions.

The proposed zoning category is consistent with the intent and stated purposes of the LDC as particularly found at Sec. 3-2-10 which states: The Commercial 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."  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. Compatibility.** All land uses, development activities, and conditions allowed by the proposed zoning are compatible with the surrounding conforming uses, activities and conditions and are able to coexist in relative proximity to them in a stable fashion over time such that no use, activity, or condition negatively impacts another. The appropriateness of the rezoning is not limited to any specific use that may be proposed but is evident for all permitted uses of the requested zoning. This condition shall not apply to any conditional uses of the proposed district or compatibility with nonconforming or unapproved uses, activities, or conditions. The proposed zoning category uses will be compatible with existing adjacent uses in the area.  
Property zoning within a 500' radius include Commercial, High and Medium Density Residential classifications.
- 
- 
- 

- 4. Changed conditions.** The area to which the proposed rezoning would apply has changed, or is changing, to such a degree that it is in the public interest to encourage new uses, density, or intensity in the area through rezoning. The 9 Mile Road corridor continues to attract additional development activities. A large commercial development is under construction directly across the street from the subject property.
- 
- 
- 

- 5. Development patterns.** The proposed rezoning would contribute to or result in a logical and orderly development pattern. If approved, the resulting zoning category will be logical and orderly with existing development patterns and uses in the area. The subject site is adjacent to Dodge's Fried Chicken Convenience Center to the south and across the street from a large commercial development across the street.
- 
- 
- 

- 6. Effect on natural environment.** The proposed rezoning would not increase the probability of any significant adverse impacts on the natural environment. Impacts on the natural environment will be minimal, if any.
- 
- 
- 
- 
- 
-

**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): 05-1S-30-0407-190-001

Property Address: 9500 Hillview Drive Pensacola, FL 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 21 DAY OF September, YEAR OF 2017

Jennifer Reese  
Signature of Property Owner

Jennifer Reese  
Printed Name of Property Owner

9/21/17  
Date

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Date



**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 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.

Jennifer Reese  
Signature of Owner  
Signature of Owner

Jennifer Reese  
Printed Name Owner/Agent  
Printed Name of Owner

7/27/18  
Date  
Date

STATE OF Florida COUNTY OF Escambia The foregoing instrument was acknowledged before me this 27 day of July 2018, by \_\_\_\_\_.

Personally Known  OR Produced Identification . Type of Identification Produced: \_\_\_\_\_

Jaime Moreau  
Signature of Notary

Jaime Moreau  
Printed Name of Notary



THIS INSTRUMENT PREPARED BY:  
Partnership Title Company, LLC  
1015 North 12<sup>th</sup> Avenue  
Pensacola, FL 32501  
File # 17FL-5879

**WARRANTY DEED**

TAX ID # 05-1S-30-0407-190-001

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

KNOW ALL MEN BY THESE PRESENTS: That Scott Darryl Hines Grantor\*,  
Address: 4129 El Camino Way, Apt L, Palo Alto, CA 94306, for and in consideration of Ten Dollars (\$10.00) and  
other good and valuable considerations the receipt of which is hereby acknowledged has bargained, sold, conveyed  
and granted unto: Jennifer Reese, a married woman Grantee\*,  
Address: 8925 Scenic Hill Drive, Pensacola, Florida 32514, grantee's heirs, executors, administrators and assigns,  
forever, the following described property, situate, lying and being in the County of Escambia, State of Florida, to wit:

**SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION**  
**The above described property is not the homestead of the Grantor herein.**

Subject to taxes for current year and to valid easements and restrictions of record affecting the above  
property, if any, which are not hereby reimposed. Subject also to oil, gas and mineral reservations of record.  
Said grantor does fully warrant the title to said land and will defend the same against the lawful claims of all  
persons whomsoever.

\*Wherever used herein, the term "grantee/grantor" shall include the heirs, personal representatives,  
successors and/or assigns of the respective parties hereto, the use of singular member shall include  
the plural, and the plural the singular, the use of any gender shall include the genders.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal this 16 day of March, 2017.

Signed, sealed and delivered  
in the presence of:

  
Scott Darryl Hines

Witness #1 Sign: Mandit  
Witness #1 Print Name: MAULIK ANIL PANDIT

Witness #2 Sign: Violeta Santa Gertra  
Witness #2 Print Name: VIOLETA SANTA GERTRA

STATE OF California  
COUNTY OF SANTA CLARA

THE FOREGOING INSTRUMENT was acknowledged before me this 16 day of March, 2017, by Scott Darryl  
Hines, who have provided drivers' licenses as identification, and who did take an oath.

My Commission expires: DEC. 10. 2018

Mandit  
Notary Public

(Notary Seal)



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Lot 19, Block 1, Plainfield Subdivision, a subdivision of a portion of Section 5, Township 1 South, Range 30 West, according to plat filed in Plat Book 3 at Page 47 of the public records of Escambia County, Florida.



**General Information**  
**Reference:** 051S300407190001  
**Account:** 013943100  
**Owners:** REESE JENNIFER  
**Mail:** 8925 SCENIC HILL DR  
 PENSACOLA, FL 32514  
**Situs:** 9500 HILLVIEW DR 32514  
**Use Code:** SINGLE FAMILY RESID  
**Taxing Authority:** COUNTY MSTU  
**Tax Inquiry:** [Open Tax Inquiry Window](#)  
 Tax Inquiry link courtesy of Scott Lunsford  
 Escambia County Tax Collector

**Assessments**

Year	Land	Imprv
2018	\$16,625	\$59,343
2017	\$16,625	\$54,206
2016	\$16,625	\$51,476

[Disclaime](#)

[Amendment 1/Portabil](#)

> [File for New Homestead](#)

**Sales Data**

Sale Date	Book	Page	Value	Type	Official Records (New Window)
03/16/2017	7681	1658	\$50,000	WD	<a href="#">View Instr</a>
11/28/2016	7628	388	\$100	OT	<a href="#">View Instr</a>
01/1977	1082	138	\$100	WD	<a href="#">View Instr</a>

Official Records Inquiry courtesy of Pam Childers  
 Escambia County Clerk of the Circuit Court and Comptroller

**2018 Certified Roll Exemptio**  
 None

**Legal Description**  
 LT 19 BLK 1 PLAINFIELD PB 3 P

**Extra Features**  
 None

**Parcel Information**

**Section Map Id:**  
 05-1S-30

**Approx. Acreage:**  
 0.3479

**Zoned:**  
 MDR

**Evacuation & Flood Information**  
[Open Report](#)



[View Florida Department of Environmental Protection\(DEP\) Data](#)



## **Compatibility Analysis**

9500 Hillview Drive (formally Jones Drive)

Parcel No. 05-1S-30-0407-190-001

As shown on the attached location map, this site is located just north of 9 Mile Road adjacent and north of Dodge's Connivance store. The site measures some 0.35 acres and is zoned MDR Medium Density Residential with a Future Land Use classification of MU-U Mixed Use Urban. The applicant seeks to change the zoning to Commercial to allow the site and existing building to be used for retail sales or service.

The site is located in the 9500 block of Hillview Drive which runs from 9 Mile Road on the south north and east to the Azalea Trace retirement community. With growth from the University, Hillview Drive serves as a bypass allowing southbound UWF traffic to turn west at the traffic light then south to 9 Mile Road thus bypassing the congested intersection of University Parkway and 9 Mile Road. As a result of the increased traffic the county has installed traffic bumps/humps to slow down the increased traffic. Recently the county approved a new retail center directly across the street from the subject property. This approval denied direct 9 Mile Road traffic access for the project requiring a side entrance and exit using Hillview Drive one of which is across from the subject site (see attached photos). This new development has several eating establishments favored by students which use Hillview Drive for travel.

The area surrounding the site is largely zoned HDR and MDR to the north with commercial to the west, and south of the site. Adjacent neighbor Dodge's is a 24 hour convenience store and eatery. Like the new retail development mentioned earlier, Dodge's has an entrance way allowing ingress and egress to and from Hillview Drive. The proposed change and use, while it would constitute infill, would promote compact development and not promote ribbon or strip commercial development. Much development exists along 9 Mile Road with adjacent residential properties suggesting the two uses can and do exist with a compatible relationship.

# PLAINFIELD

ESCAMBIA COUNTY, FLORIDA

## A SUBDIVISION OF A PORTION OF SECTION 5, T1S, R30W

J. W. COOK  
REG. SURVEYOR

SCALE = 1" = 100'

PENSACOLA, FLA.  
DECEMBER 1955

### DEDICATION

MRS. BERTA D. BARRANGER, A WIDOW, THE OWNER OF THE LAND HEREON DESCRIBED AND SUBDIVIDED, HEREBY APPROVE AND ADOPT THIS PLAT THEREOF AND DEDICATE TO THE USE OF THE PUBLIC, THE STREETS AS INDICATED HEREON.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

*Richard J. Hines*     *Berta D. Barranger* (ORAL)  
*J. W. Cook*

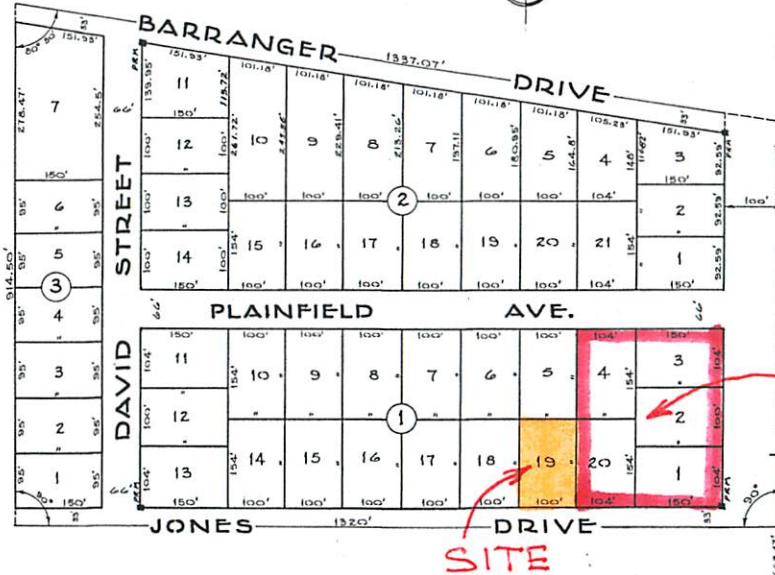
STATE OF FLORIDA  
COUNTY OF ESCAMBIA

BEFORE THE SUBSCRIBER PERSONALLY APPEARED MRS. BERTA D. BARRANGER, KNOWN TO ME TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND SHE ACKNOWLEDGED THAT SHE EXECUTED THE SAME THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 13<sup>TH</sup> DAY OF DECEMBER 1955.

*J. W. Cook*  
NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXPIRES 12-19-58

NOTARY SEAL



### DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 5, T1S, R30W, THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 5 A DISTANCE OF 663.47 FEET TO POINT OF BEGINNING, THENCE NORTH AT RIGHT ANGLE 1320 FEET, THENCE EAST AT RIGHT ANGLE 314.50 FEET, THENCE SOUTHERLY WITH AN INTERIOR ANGLE OF 80°50' A DISTANCE OF 1337.07 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION, THENCE WEST ALONG SAID LINE 701.67 FEET TO POINT OF BEGINNING LESS THE SOUTH 100 FEET FOR 1/2 OF THE NINE MILE ROAD.

### CERTIFICATE OF APPROVAL OF COUNTY COMMISSIONERS

I, LANGLEY BELL, COUNTY CLERK OF ESCAMBIA COUNTY, FLA., HEREBY CERTIFY THAT THE WITHIN PLAT, BEING PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY AT THEIR MEETING HELD THIS DAY OF DECEMBER 1955, WAS APPROVED FOR FILING BY THE SAID BOARD AND I, CLERK OF SAID BOARD INSTRUCTED SO TO CERTIFY HEREOF.

*Langley Bell*  
COUNTY CLERK, ESCAMBIA COUNTY, FLA.

### COUNTY CLERK'S CERTIFICATE

I, LANGLEY BELL, CLERK OF THE CIRCUIT COURT OF ESCAMBIA COUNTY, FLA. HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH ALL THE REQUIREMENTS OF THE PLAT ACT (CHAPTER 10275 OF THE 1955 ACTS OF THE LEGISLATURE OF FLA.) AND THIS SAME WAS FILED FOR RECORD ON THE DAY OF DECEMBER 1955, AND IN PLAT BOOK NO. 3 OF SAID COUNTY AT PAGE NO. 47.

*Langley Bell*  
CLERK OF CIRCUIT COURT  
ESCAMBIA COUNTY, FLA.

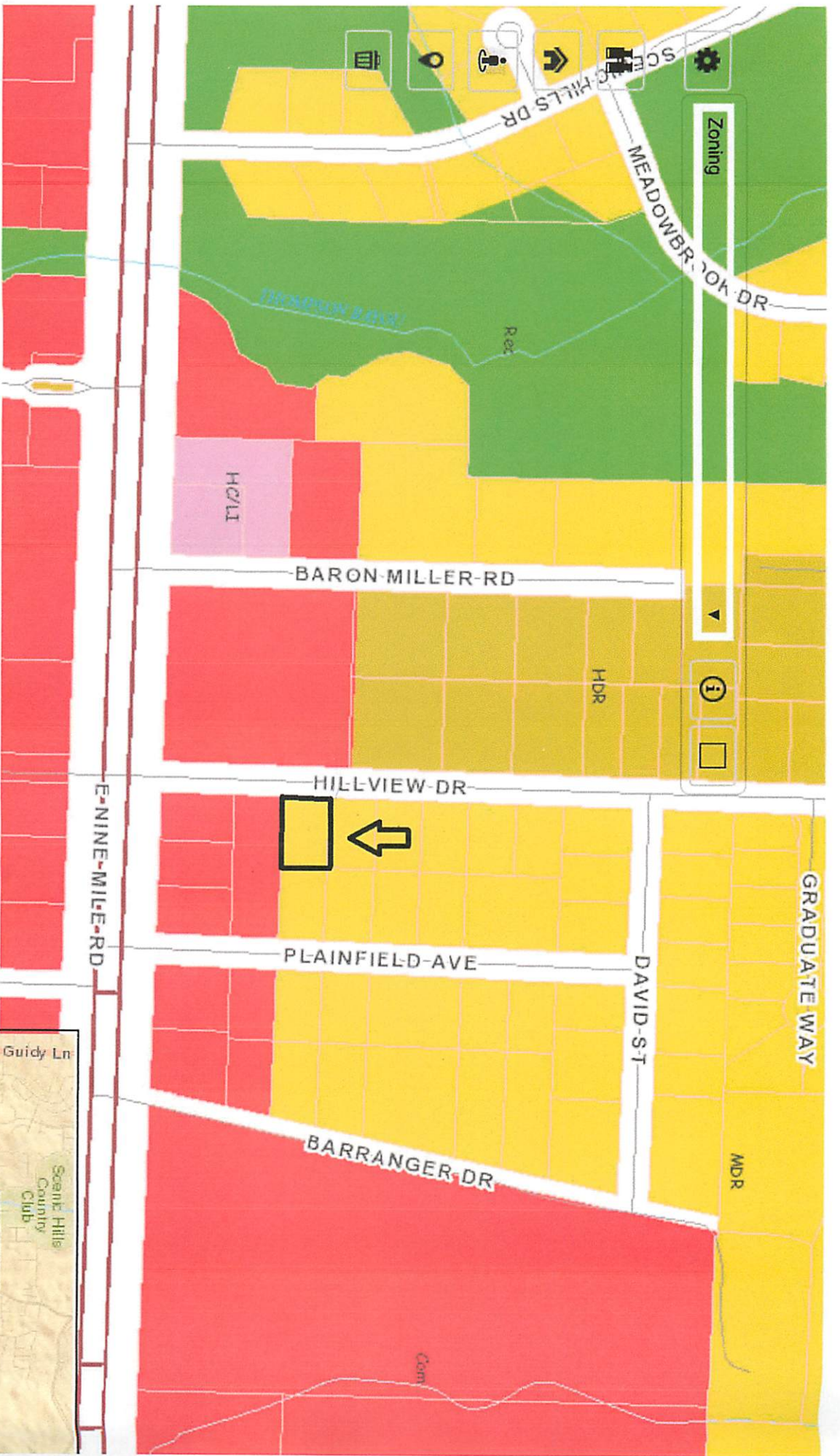
### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND HEREON DESCRIBED; THAT SAID LAND HAS BEEN SUBDIVIDED AND STAKED AS INDICATED; THAT PERMANENT REFERENCE MONUMENTS (INDICATED B.R.M.) HAVE BEEN PLACED AS REQUIRED BY THE PLAT ACT (CHAPTER 10275 OF THE 1955 ACTS OF THE LEGISLATURE OF FLORIDA) THAT THE SIGN (°) MEANS FEET OR MINUTE AND THAT THE SIGN (') MEANS SECONDS.

*J. W. Cook*  
LAND SURVEYOR, FLA. REG. CERT. NO. 450



ZONING = MDR



100m  
300ft



# A BOUNDARY SURVEY AND LOCATION OF IMPROVEMENTS

NORTH SCALE 1" = 30'

## LEGEND:

- R/W Right of way
- 1/2" Capped iron rod set #7073
- ⊙ 1/2" Capped iron rod found #noted
- ⊕ 1/2" Iron rod found
- 1" Iron pipe found
- ⊙ Crimped iron pipe found
- x — Chain link fence

## SURVEYOR'S NOTES:

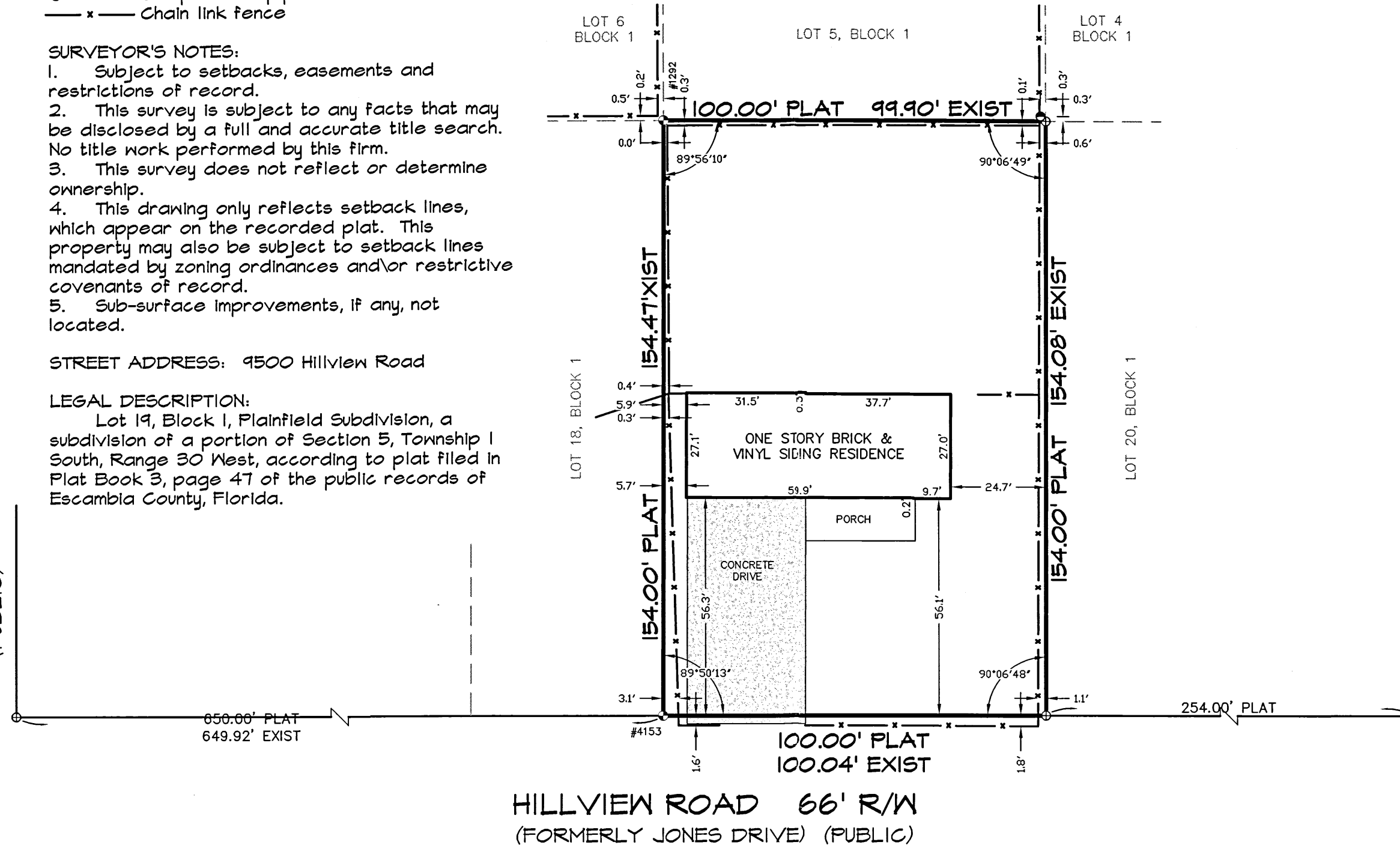
1. Subject to setbacks, easements and restrictions of record.
2. This survey is subject to any facts that may be disclosed by a full and accurate title search. No title work performed by this firm.
3. This survey does not reflect or determine ownership.
4. This drawing only reflects setback lines, which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

STREET ADDRESS: 9500 Hillview Road

## LEGAL DESCRIPTION:

Lot 19, Block 1, Plainfield Subdivision, a subdivision of a portion of Section 5, Township 1 South, Range 30 West, according to plat filed in Plat Book 3, page 47 of the public records of Escambia County, Florida.

DAVID STREET 66' R/W  
(PUBLIC)

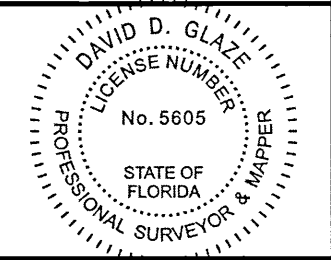


HILLVIEW ROAD 66' R/W  
(FORMERLY JONES DRIVE) (PUBLIC)

NINE MILE ROAD 200' R/W

TAX MAPS; (PUBLIC RECORDS); RECORDED PLAT.  
SOURCE OF INFORMATION: PLAINFIELD (P.B. 3, P. 47); SURVEYS ON FILE WITH THIS FIRM Measurements made in accordance with United States Standards.  
Bearing Reference: N.A.

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



SHEET	OF
1	1
File No.	B-13074
Job No.	38048-18
Scale	1" = 30'
Date of Survey	11-8-2018
Date of Plat	11-8-2018
Date of Revision	
FB	1658 PG 16-17
FB	PG
Encroachments	FENCES
Drawn By	PMJ
Checked By	DDG

Ordered By: MR. JEREMY REESE, Elevation Reference.  
I hereby certify that this survey was made under my responsible charge and meets the Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17.050, 5J-17.051 and 5J-17.052, pursuant to Section 472.027 Florida Statutes. **LB No. 7075**

David D. Glaze, PSM #5605  Walter J. Glaze, PSM #6190  
This survey is valid only if it contains the original seal and original signature of the signing surveyor.





PRZ 171000026  
19062151PPR

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

05-15-30-0407-190-001  
Property Reference Number

Buddy Page  
Name

9500 Hillview  
Address

Owner  Agent

Referral Form Included? **Y/N**

**MAPS PREPARED**

- Zoning
  - FLU
  - Aerial
  - Other: \_\_\_\_\_
- Redevelopment Area\*: \_\_\_\_\_

**PROPERTY INFORMATION**

Current Zoning: MDR Size of Property: .34 +/-  
 Future Land Use: Com Commissioner District: 5  
 Overlay/AIPD: no Subdivision: Plainfield  
 Sanitary Sewer  Septic Tank \_\_\_\_\_

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

**COMMENTS**

Desired Zoning: Com

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

Reason to Commercial for retail services. Locational  
criteria will be difficult to meet, on a local roadway - Hillview  
It is part of a recorded S/D. Compatibility documentation  
is required. Currently a SFD on site. want retail store  
DRC pre-app requested prior

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

Staff present: A Can Date: 10/4/17

Applicant/Agent Name & Signature: [Signature] 3-8-18 ✓

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

**Planning Board-Rezoning**

**7. C.**

**Meeting Date:** 09/03/2019  
**CASE :** Z-2019-15  
**APPLICANT:** Allara Mills-Gutcher, Agent, Gulf Power Company, Owner  
**ADDRESS:** 11999 N. Pate Street  
**PROPERTY REF. NO.:** 25-1N-30-1003-000-000, 25-1N-30-1006-000-000,  
25-1N-30-1006-000-001  
**FUTURE LAND USE:** Industrial (I), Pending  
LSA-2019-02  
**DISTRICT:** 5  
**OVERLAY DISTRICT:** N/A  
**BCC MEETING DATE:**

**SUBMISSION DATA:**

**REQUESTED REZONING:**

**FROM:** HC/LI, Heavy Commercial and Light Industrial district (25 du/acre)

**TO:** Ind, Industrial district (du density limited to vested residential development)

**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 Industrial (I) is **consistent** with the intent and purpose of Future Land Use (FLU) category Industrial (I) as stated in CPP FLU 1.3.1. The rezoning will pending on the approval of LSA-2019-02 from HC/LI to Industrial (I). The Industrial (I) FLU is “Intended for a mix of industrial development and ancillary office and commercial uses that are deemed to be compatible with adjacent or nearby properties. Industrial areas shall facilitate continued industrial operations within the county and proved jobs and employment security for present and future residents.” “Range of Allowable Uses: Light to industrial, ancillary retail and office. No new residential development is allowed.” The amendment is also consistent with the intent of FLU 1.5.1, by making use of the existing public and private 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. 3-2.11 Heavy Commercial and Light Industrial district (HC/LI).**

**(a) Purpose.** The Heavy Commercial and Light Industrial (HC/LI) district establishes appropriate areas and land use regulations for a complementary mix of industrial uses with a broad range of commercial activities. The primary intent of the district is to allow light manufacturing, large-scale wholesale and retail uses, major services, and other more intense uses than allowed in the Commercial district. The variety and intensity of non-residential uses within the HC/LI district is limited by the applicable FLU and their compatibility with surrounding uses. All commercial and industrial operations are limited to the confines of buildings and not allowed to produce undesirable effects on other property. To retain adequate area for commercial and industrial activities, other uses within the district are limited.

**(b) Permitted uses.** Permitted uses within the HC/LI district are limited to the following:

**(1) Residential.** Any residential uses outside of the Industrial (I) future land use category but if within the Commercial (C) future land use category (and not the principal single-family dwelling on an existing lot of record), only as part of a predominantly commercial development; and excluding new or expanded manufactured (mobile) home parks and subdivisions. See also conditional uses in this district.

**(2) Retail sales.** Retail sales, including Low-THC marijuana dispensing facilities, sales of alcoholic beverages, sales of automotive fuels, and sales of new and used automobiles, motorcycles, boats, and manufactured (mobile) homes.

**(3) Retail services.**

- a. Car washes, automatic or manual, full service or self-serve.
- b. Child care facilities.
- c. Hotels, motels and all other public lodging, including boarding and rooming houses.
- 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. Rental of automobiles, trucks, utility trailers and recreational vehicles.
- g. Repair services, including appliance repair, furniture refinishing and upholstery, watch and jewelry repair, small engine and motor services, and major motor vehicle and boat service and repair, but excluding outdoor work or storage.
- h. Restaurants and brewpubs, including on-premises consumption of alcoholic beverages, drive-in and drive-through service, and brewpubs with the distribution of on-premises produced alcoholic beverages for off-site sales. The parcel boundary of any restaurant or brewpub with drive-in or drive-through service shall be at least 200 feet from any LDR or MDR zoning district unless separated by a 50-foot or wider street right-of-way.
- i. Taxi and limousine services.

See also conditional uses in this district.

**(4) Public and civic.**

- a. Broadcast stations with satellite dishes and antennas, including towers.
- b. Cemeteries, including family cemeteries.
- c. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.
- d
- . **Educational facilities, including preschools, K-12, colleges, and vocational schools.**
- e. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.
- f. Funeral establishments.
- g. Homeless shelters.
- h. Hospitals.
- i. Offices for government agencies or public utilities.
- j. Places of worship.
- k. Public utility structures, including telecommunications towers, but excluding industrial uses not otherwise permitted.

See also conditional uses in this district.

(Ord. No. 2015-24, § 1, 7-7-15)

**(5) Recreation and entertainment.**

- a. Commercial entertainment facilities, indoor or outdoor, including movie theatres, amusement parks, and stadiums, but excluding motorsports facilities. Carnival-type amusements shall be at least 500 feet from any residential district. Bars, nightclubs, and adult entertainment are prohibited in areas with the zoning designation HC/LI-NA or areas zoned ID-CP or ID-1 prior to adoption of HC/LI zoning.



- b. Commercial recreation facilities, passive or active, including those for walking, hiking, bicycling, camping, recreational vehicles, swimming, skateboarding, bowling, court games, field sports, and golf, but excluding off-highway vehicle uses and outdoor shooting ranges. Campgrounds and recreational vehicle parks require a minimum lot area of five acres.
- c. Marinas, private and commercial.
- d. Parks, with or without permanent restrooms or outdoor event lighting.

See also conditional uses in this district.

**(6) Industrial and related.** The following industrial and related uses, except within MU-S.

- a. Light industrial uses, including research and development, printing and binding, distribution and wholesale warehousing, and manufacturing, all completely within the confines of buildings and without adverse off-site impacts.
- b. Marinas, industrial.
- c. Microbreweries, microdistilleries, and microwineries, except in areas with the zoning designation HC/LI-NA.

See also conditional uses in this district.

**(7) Agricultural and related.**

- a. Food produced primarily for personal consumption by the producer, but no farm animals.
- b. Nurseries and garden centers, including adjoining outdoor storage or display of plants.
- c. Veterinary clinics, excluding outside kennels.

See also conditional uses in this district.

**(8) Other uses.** Within MU-S, outside storage is permitted only when adequately screened per LDC regulations.

- a. Billboards structures, excluding areas zoned ID-CP, GBD, or GID prior to adoption of HC/LI zoning.
- b. Building or construction trades shops and warehouses, including on-site outside storage.
- c. Bus leasing and rental facilities, not allowed within MU-S.
- d. Deposit boxes for donation of used items when placed as an accessory structure on the site of a charitable organization.
- e. Outdoor adjacent display of plants by garden shops and nurseries.
- f. Outdoor sales.
- g. Outdoor storage of trailered boats and operable recreational vehicles, excluding repair, overhaul or salvage activities.
- h. Parking garages and lots, commercial, not allowed within MU-S.
- i. Sales and outdoor display of prefabricated storage sheds.
- j. Self-storage facilities, including vehicle rental as an accessory use.

**(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2, the BOA, or the BCC as noted, may conditionally allow the following uses within the HC/LI district:

**(1) Residential.** Caretaker residences not among the permitted uses of the district and for

permitted non-residential uses.

**(2) Retail services.** Restaurants not among the permitted uses of the district.

**(3) Public and civic.** Cinerators.

**(4) Recreation and entertainment.**

- a. Motorsports facilities on lots 20 acres or larger.
- b. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
- c. Shooting ranges, outdoor.

**(5) Industrial and related.** The following industrial and related uses, except within MU-S:

- a. Asphalt and concrete batch plants if within the Industrial (I) future land use category and within areas zoned GID prior to adoption of HC/LI zoning.
- b. Borrow pits and reclamation activities 20 acres minimum and (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part III, the Land Development Code, chapter 4.) \*Borrow pits are prohibited on land zoned GBD, GID, and WMU prior to the adoption of the HC/LI zoning.
- c. Salvage yards not otherwise requiring approval as solid waste processing facilities.
- d. Solid waste processing facilities, including solid waste collection points, solid waste transfer facilities, materials recovery facilities, recovered materials processing facilities, recycling facilities and operations, resource recovery facilities and operations, and volume reduction plants.

The conditional use determination for any of these solid waste facilities shall be made by the BCC in lieu of any hearing before the BOA. The applicant shall submit a site boundary survey, development plan, description of anticipated operations, and evidence that establishes each of the following conditions in addition to those prescribed in Chapter 2:

1. Trucks have access to and from the site from adequately wide collector or arterial streets and do not use local residential streets.
  2. The scale, intensity, and operation of the use will not generate unreasonable noise, traffic, objectionable odors, dust, or other potential nuisances or hazards to contiguous properties.
  3. The processing of materials will be completely within enclosed buildings unless otherwise approved by the BCC.
  4. The plan includes appropriate practices to protect adjacent land and resources, minimize erosion, and treat stormwater; landscaping and buffering for adjacent uses; hours of operation; methods to comply with maximum permissible noise levels; means of access control to prevent illegal dumping; and plans for materials storage.
- (6) Agricultural and related. Kennels or animal shelters not interior to veterinary clinics.

**(7) Other uses.**

- a. Structures of permitted uses exceeding the district structure height limit.
- b. Heliports.

- (e) Location criteria.** All new non-residential uses proposed within the HC/LI district that are not part of a planned unit development or not identified as exempt by district regulations shall be on parcels that satisfy at least one of the following location criteria:
- (1) Parcel previously zoned GBD within the MU-S FLU along Hwy 29 or SR 95A.** Parcels previously zoned GBD and within the MU-S future land use category which are located along and directly fronting U.S. Highway 29 or State Road 95A
- (2) Proximity to intersection.** Along an arterial street and within one-quarter mile of its intersection with an arterial street.
- (3) Site design.** Along an arterial street, no more than one-half mile from its intersection with an arterial street, and all of the following site design conditions:
- a. Not abutting a RR, LDR or MDR zoning district
  - b. Any intrusion into a recorded residential subdivision is limited to a corner lot
  - c. A system of service roads or shared access is provided to the maximum extent feasible given the lot area, lot shape, ownership patterns, and site and street characteristics.
  - d. 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.
  - e. Location in an area where already established non-residential uses are otherwise consistent with the HC/LI, 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.

### **Sec. 3-2.12 Industrial district (Ind).**

**(a) Purpose.** The Industrial (Ind) district establishes appropriate areas and land use regulations for a broad range of industrial uses. The primary intent of the district is to accommodate general assembly, outdoor storage, warehousing and distribution, major repair and services, manufacturing, salvage and other such uses and activities that contribute to a diverse economic base but cannot satisfy the compatibility requirements and higher performance standards of other districts. The Industrial district is also intended to provide appropriate locations and standards that minimize dangers to populations and the environment from heavy industrial activities, and to preserve industrial lands for the continuation and expansion of industrial production.

Non-industrial uses within the district are limited to ensure the preservation of adequate areas for industrial activities. New or expanded residential development is generally prohibited.

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

**(1) Residential.** No new residential uses, including accessory dwelling units, except caretaker residences for permitted non-residential uses. Caretaker and vested single-family dwellings include manufactured (mobile) homes.

**(2) Retail sales.** No retail sales except as permitted industrial and related uses.

**(3) Retail services.** No retail services except as permitted industrial and related uses.

**(4) Public and civic.**

a. Cinerators, including direct disposition.

b. Emergency service facilities, including law enforcement, firefighting, and medical

assistance.

c. Public utility structures, including telecommunications towers.

**(5) Recreation and entertainment.** No recreation or entertainment uses.

**(6) Industrial and related.**

a. Bulk storage.

b. Industrial uses, light and heavy, including research and development, printing and binding, distribution and wholesale warehousing, processing of raw materials, manufacturing of finished and semi-finished products, salvage yards, solid waste transfer and processing facilities, materials recovery and recovered materials processing facilities, landfills, concrete and asphalt batch plants, power plants, and mineral extraction. c. Solid waste collection points.

**(7) Agricultural and related.** No agricultural or related uses except as permitted industrial and related uses.

**(8) Other uses.** [reserved]

**(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2, the BOA or BCC as noted, may conditionally allow the following uses within the Industrial district.

**(1)** The BOA may conditionally allow the following uses:

a. A permitted use of the industrial district to exceed the district structure height limit.

b. Borrow pits and reclamation activities 20 acres minimum (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part III, the Land Development Code, chapter 4.)

**(2)** The BCC may conditionally allow solid waste processing facilities, including solid waste collection points, solid waste transfer facilities, materials recovery facilities, recovered materials processing facilities, recycling facilities and operations, resource recovery facilities and operations, and volume reduction plants.

For any of these solid waste facilities the applicant shall submit, to the Planning Official or his designee, a site boundary survey, development plan, description of anticipated operations, and evidence that establishes each of the following conditions in addition to those prescribed in Chapter 2 to the Planning department:

a. Trucks have access to and from the site from adequately wide collector or arterial streets and do not use local residential streets.

b. The scale, intensity, and operation of the use will not generate unreasonable noise, traffic, objectionable odors, dust, or other potential nuisances or hazards to contiguous properties.

c. The processing of materials will be completely within enclosed buildings unless otherwise approved by the BCC.

d. The plan includes appropriate practices to protect adjacent land and resources, minimize erosion, and treat stormwater; landscaping and buffering for adjacent uses; hours of operation; methods to comply with maximum permissible noise levels; means of access control to prevent illegal dumping; and plans for materials storage.

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

**(1) Density.** Dwelling unit density limited to vested residential development.

**(2) Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.

**(3) Structure height.** A maximum structure height of 150 feet above highest adjacent

grade.

**(4) Lot area.** No minimum lot area unless prescribed by use.

**(5) Lot width.** A minimum width of 100 feet at the street right-of-way for all new lots.

**(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent maximum semi-impervious and impervious cover) for all uses. A maximum of 75 percent of lot area occupied by principal and accessory buildings.

**(7) Structure setbacks.** For all principal structures, minimum setbacks are:

**a. Front and rear.** Twenty-five feet in both front and rear.

**b. Sides.** On each side of a single-family detached dwelling on an existing lot of record, 10 feet or 10 percent of the lot width at the street right-of-way, whichever is less, but at least five feet. For all other structures, 15 feet on each side.

**(8) Other requirements.**

**a. Access.** For any industrial use south of Well Line Road, site access shall be provided by curb cuts on an arterial or collector street. Alternatively, a private or public street may link the site to an arterial or collector, provided that the private or public street does not traverse a residential subdivision or predominantly residential neighborhood between the site and the arterial or collector street.

**b. Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development regulations and standards.

**(e) Location criteria.** All new industrial uses proposed within the Industrial district that are not part of a planned unit development shall be on parcels that satisfy all of the following location criteria:

**(1)** Located so that the negative impacts of the uses on the functions of natural systems are avoided if possible, and minimized when unavoidable.

**(2)** Accessible to essential public facilities and services at the levels of service adopted in the Comprehensive Plan.

**(3)** Located on parcels of land large enough to adequately support the type of industrial development proposed and minimize any adverse impacts upon surrounding properties through effective buffering so that the proposed use is compatible with surrounding uses.

**(f) Rezoning to Ind.** Industrial zoning may be established only within the Industrial (I) future land use category. The district is appropriate where conflicts with other uses can be minimized through orderly zoning transitions and effective buffering, and where sufficient access to transportation and other public facilities is available. Rezoning to Industrial is subject to the same location criteria as any new industrial use proposed within the Industrial district. (Ord. No. 2016-15, § 1, 2-18-16; Ord. No. 2019-18, §, 3, 4-4-19)

## **FINDINGS**

The proposed amendment **is consistent** with the intent and purpose of the Land Development Code. The rezoning would allow for the expansion of Gulf Power, Crist Plant that is adjacent to the surrounding area. All the permitted uses of the proposed zoning would be supported by the already existing Industrial activities surrounding the subject properties.

**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 2500' radius impact area, staff observed properties with zoning districts HC/LI, Industrial, Commercial, Public, MDR, and LDR. There are single-family parcels, vacant parcels, and University of West Florida.

### **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 parcel is currently vacant and has HC/LI zoning classification. A rezoning to Industrial **would not be** considered spot zoning the parcel adjacent to the north and west is already zoned Industrial.

### **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 change**. The rezoning change would allow for the Crist Plant to expand its operation for the ever growing area and needs to expand its utility power operations. The proposed classification of Industrial (I) is consistent and compatible with



the classification and uses of surrounding land.

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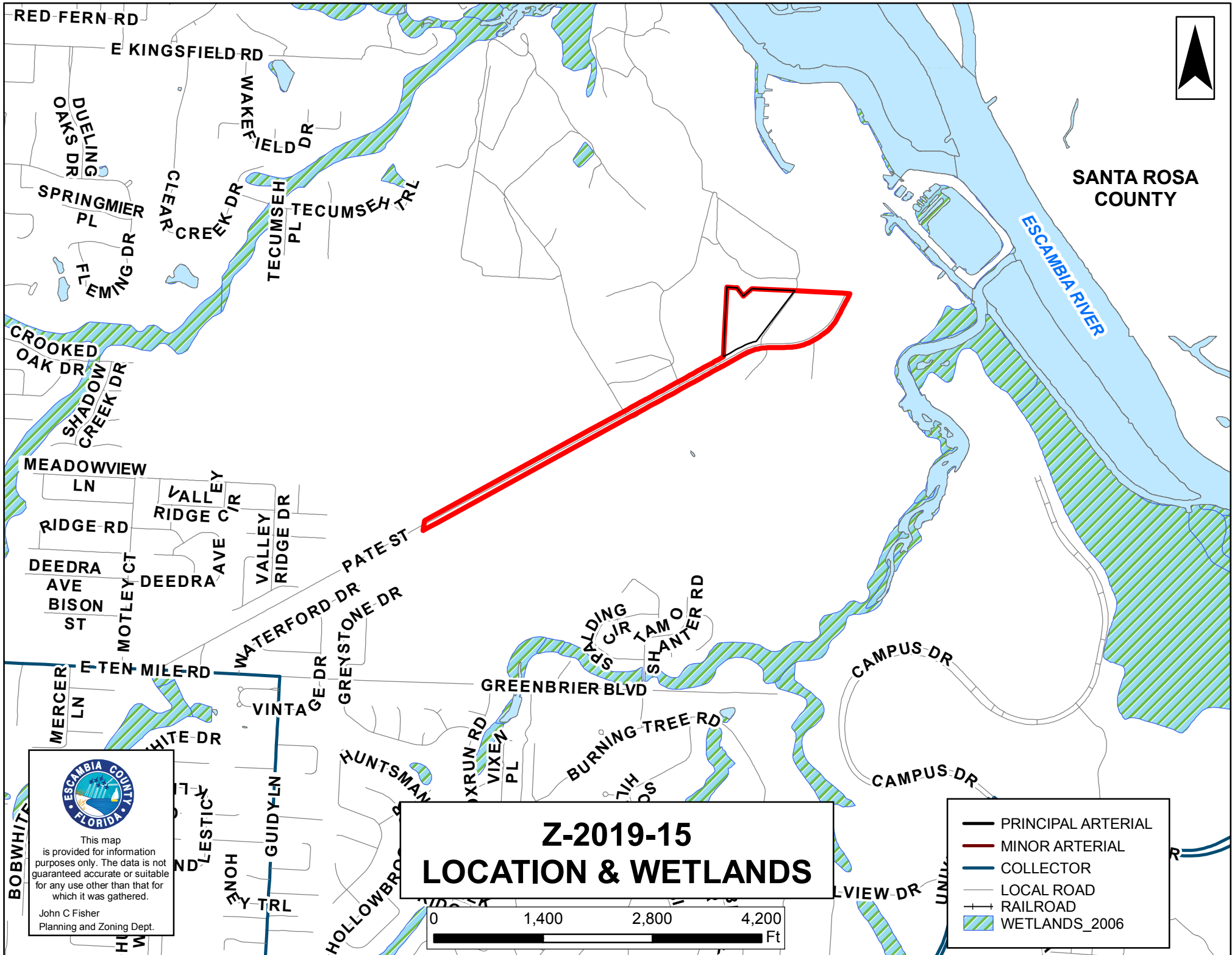
## **Attachments**

Working Case File 15

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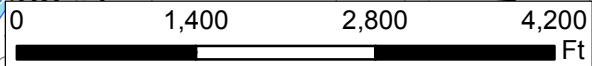
Z-2019-15




SANTA ROSA COUNTY

ESCAMBIA RIVER

**Z-2019-15  
LOCATION & WETLANDS**



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- WETLANDS\_2006

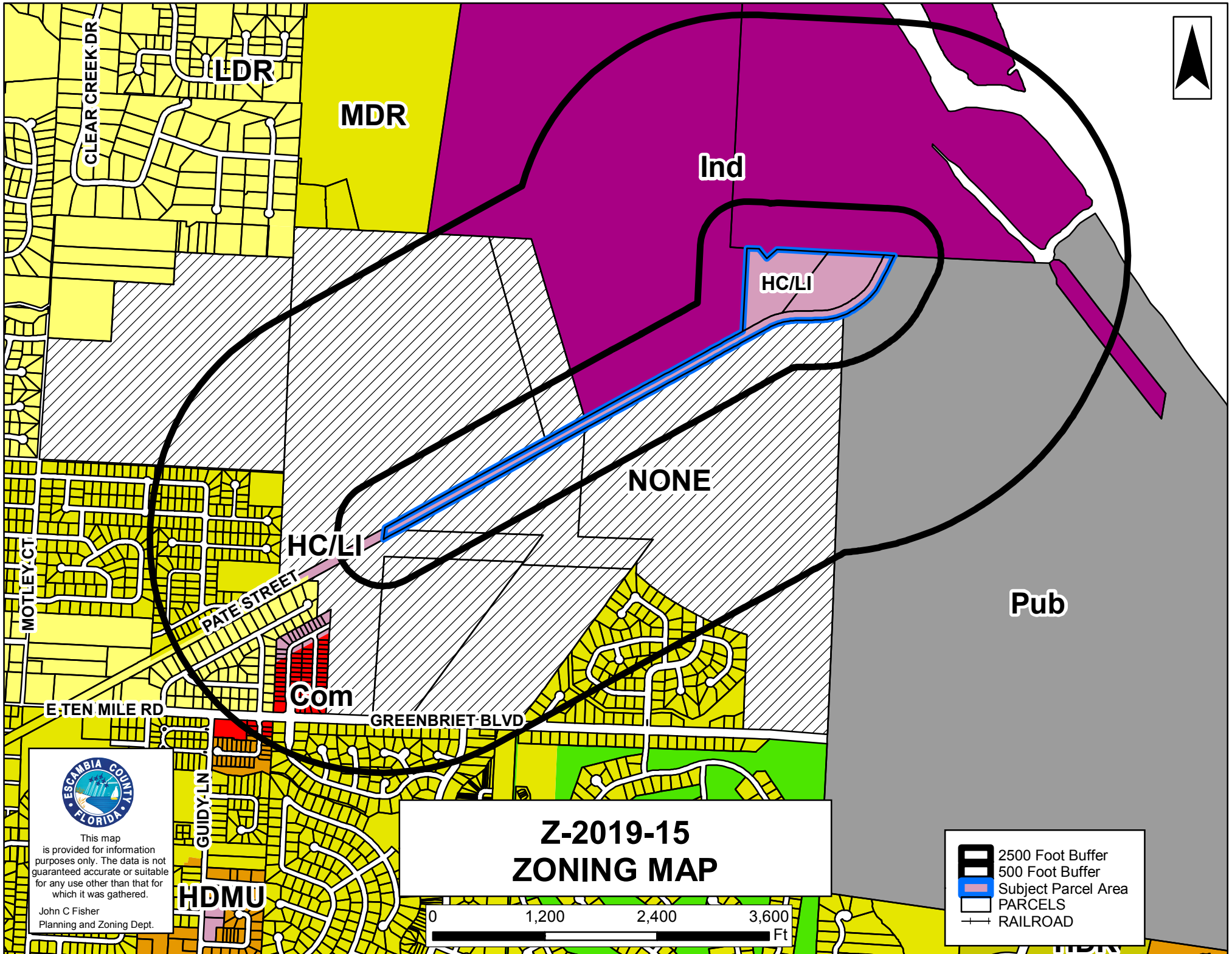


This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

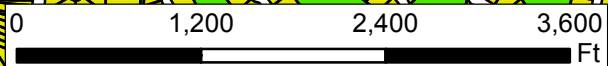
John C Fisher  
Planning and Zoning Dept.

RED FERN RD  
E KINGSFIELD RD  
WAKEFIELD DR  
TECUMSEH PL  
TECUMSEH TRL  
CROOKED OAK DR  
SHADOW CREEK DR  
MEADOWVIEW LN  
RIDGE RD  
DEEDRA AVE  
BISON ST  
MOTLEY CT  
VALLEY RIDGE DR  
VALLEY RIDGE CIR  
AVE  
WATERFORD DR  
GREYSTONE DR  
PATE ST  
GREENBRIER BLVD  
SPALDING CIR  
TAMOSHANTER RD  
BURNING TREE RD  
CAMPUS DR  
CAMPUS DR  
VINTAGE DR  
HUNTSMAN  
XRUN RD  
VIXEN PL  
MERCER LN  
TEN MILE RD  
WHITE DR  
BOBWHITE  
LESTICKY  
HONEY  
GUIDY LN  
HOLLOWBROOK


CAMPUS DR  
UNIVERSITY DR

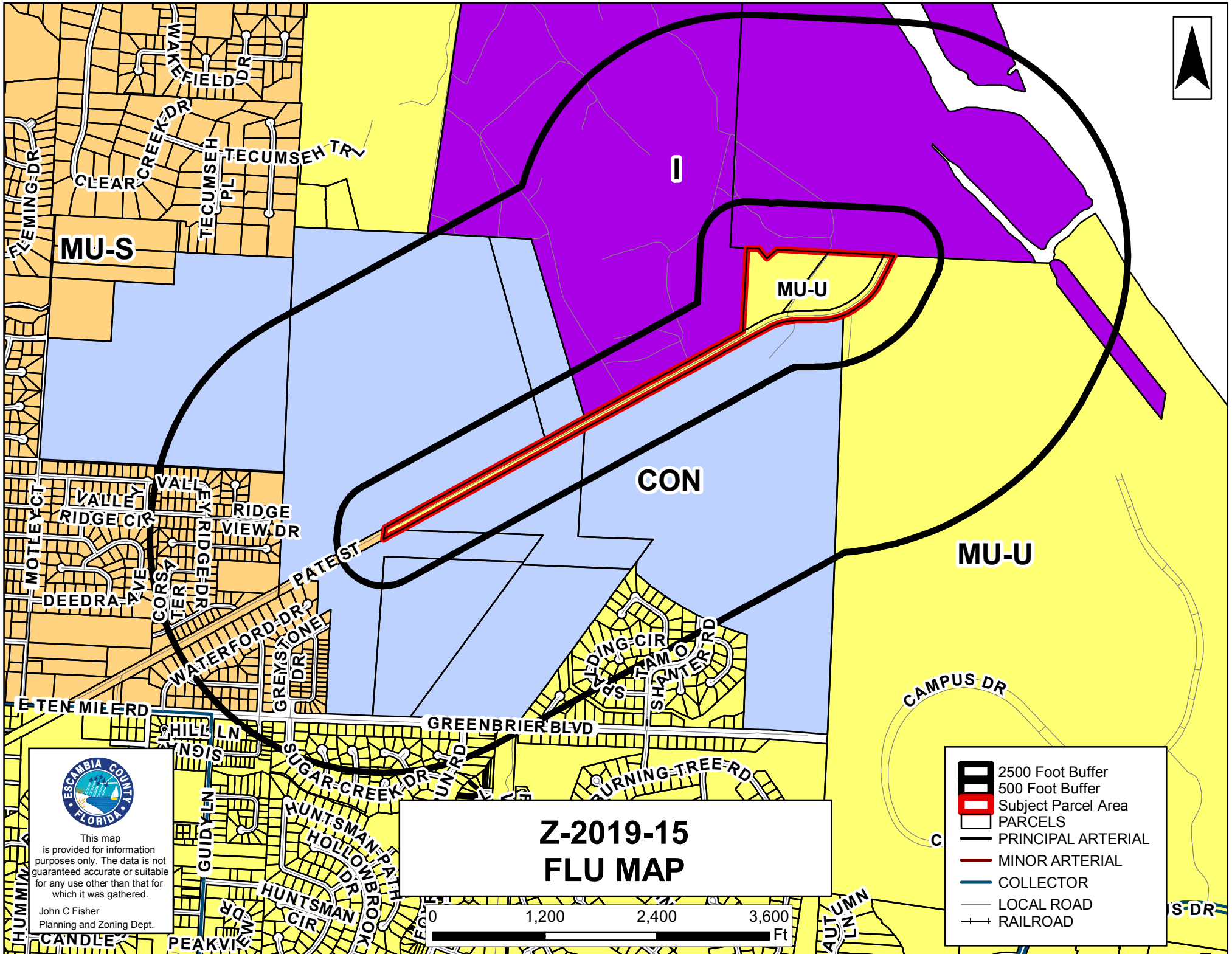


# Z-2019-15 ZONING MAP



- 2500 Foot Buffer
- 500 Foot Buffer
- Subject Parcel Area
- PARCELS
- RAILROAD

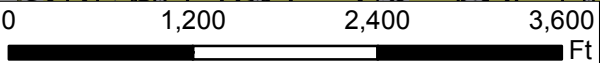
  
 This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.  
 John C Fisher  
 Planning and Zoning Dept.



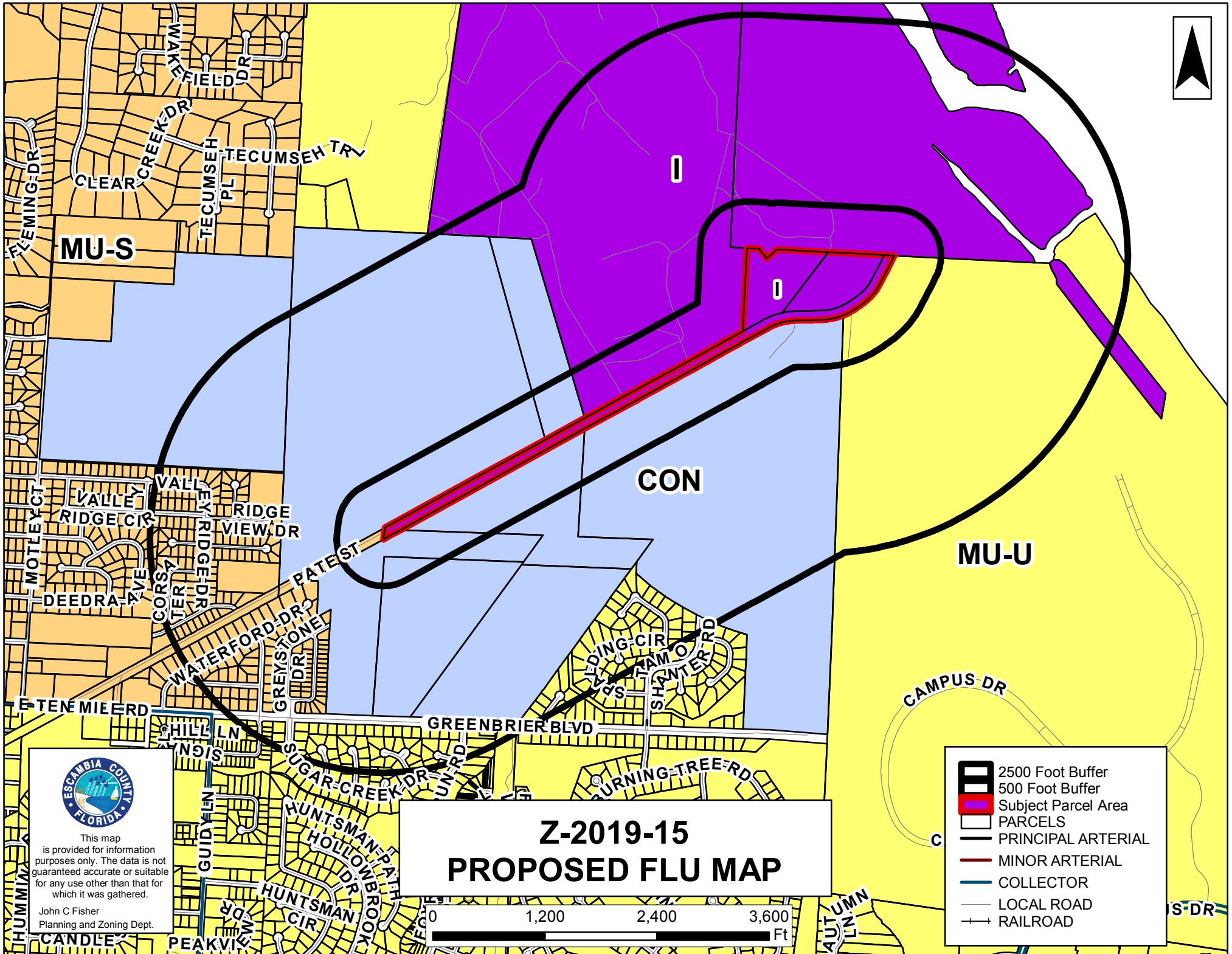
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

John C Fisher  
Planning and Zoning Dept.

# Z-2019-15 FLU MAP



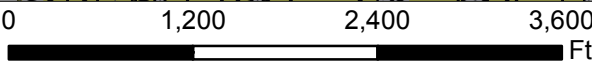
- 2500 Foot Buffer
- 500 Foot Buffer
- Subject Parcel Area
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD



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

John C Fisher  
Planning and Zoning Dept.

# Z-2019-15 PROPOSED FLU MAP











- 2500 Foot Buffer
- 500 Foot Buffer
- Subject Parcel Area
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD





# Z-2019-15 AERIAL MAP

-  Subject Parcel Area
-  PARCELS
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD

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

John C Fisher  
Planning and Zoning Dept.

GREENBRIER BLVD

RIDGE VIEW DR

SAFETY FIRST AVE

PATE ST

MAG GREGORIO  
WILKING CIR  
ADIRONDACK

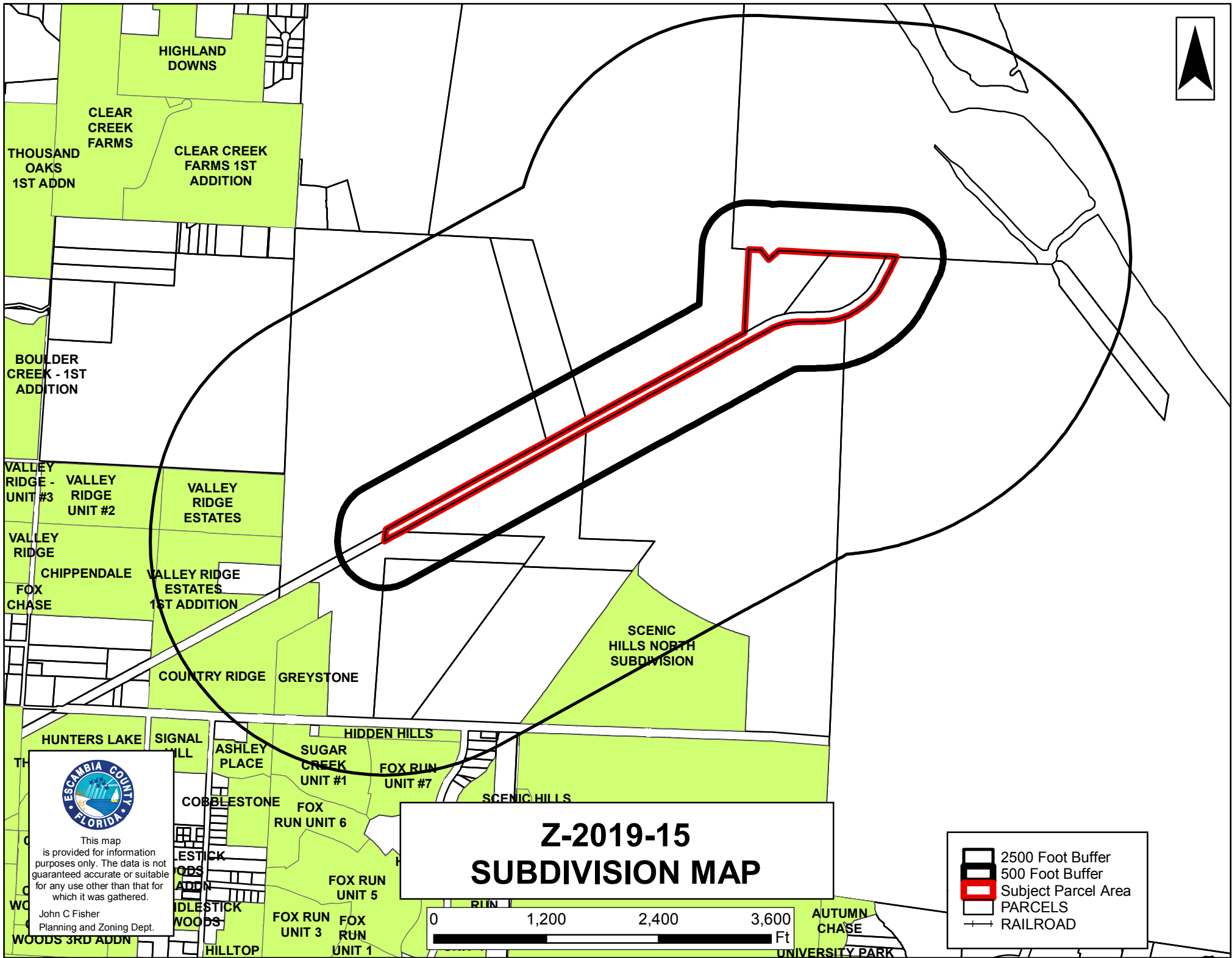

TECUMSEH PL  
TECUMSEH CT  
TECUMSEH TR

FORD DR

FOX RUN RD

CAMPUS 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.

John C Fisher  
Planning and Zoning Dept.

# Z-2019-15 SUBDIVISION MAP



-  2500 Foot Buffer
-  500 Foot Buffer
-  Subject Parcel Area
-  PARCELS
-  RAILROAD





**NOTICE OF  
PUBLIC HEARING  
FUTURE LAND USE CHANGE**

CASE NO.: LSA-2019-02

CURRENT FLU: MU-U PROPOSED FLU: I

**PLANNING BOARD**

DATE: 09/03/19 TIME: 8:35 a.m.

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

**BOARD OF COUNTY COMMISSIONERS**

DATE: 10/03/19 TIME: 5:46 p.m.

**LOCATION OF HEARING**  
ERNIE LEE MAGAHA GOVERNMENT BLDG  
221 PALAFOX PLACE  
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:  
DEVELOPMENT SERVICES 595-3475 OR VISIT  
[WWW.MYESCAMBIA.COM](http://WWW.MYESCAMBIA.COM)

PLEASE DO NOT REMOVE THIS SIGN  
PROPERTY OF ESCAMBIA COUNTY



**NOTICE OF  
PUBLIC HEARING  
REZONING**

CASE NO.: Z-2019-15

CURRENT ZONING: HC/LI PROPOSED ZONING: I

**PLANNING BOARD**

DATE: 09/03/19 TIME: 8:30 a.m.

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

**BOARD OF COUNTY COMMISSIONERS**

DATE: TIME:

**LOCATION OF HEARING**  
ERNIE LEE MAGAHA GOVERNMENT BLDG  
221 PALAFOX PLACE  
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:  
DEVELOPMENT SERVICES AT 595-3475 OR VISIT  
[WWW.MYESCAMBIA.COM](http://WWW.MYESCAMBIA.COM)

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PROPERTY OF ESCAMBIA COUNTY

**Public Hearing Signs**





Looking South From Pate Street



**ESCAMBIA COUNTY FLORIDA**

**NOTICE OF PUBLIC HEARING  
FUTURE LAND USE CHANGE**

CASE NO.: LSA-2019-02

CURRENT FLU: MU-U PROPOSED FLU: I

**PLANNING BOARD**

DATE: 09/03/19 TIME: 8:35 a.m.

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DEVELOPMENT SERVICES 595-3475 OR VISIT  
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN  
PROPERTY OF ESCAMBIA COUNTY

**ESCAMBIA COUNTY FLORIDA**

**NOTICE OF PUBLIC HEARING  
REZONING**

CASE NO.: Z-2019-15

CURRENT ZONING: HC/LI PROPOSED ZONING: I

**PLANNING BOARD**

DATE: 09/03/19 TIME: 8:30 a.m.

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

**BOARD OF COUNTY COMMISSIONERS**

DATE: TIME:

**LOCATION OF HEARING**  
ERNIE LEE MAGAHA GOVERNMENT BLDG  
221 PALAFOX PLACE  
1ST FLOOR BOARD MEETING ROOM

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

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PROPERTY OF ESCAMBIA COUNTY

**Looking Southwest from Pate Street**





**NOTICE OF PUBLIC HEARING REZONING**

CASE NO.: Z-2019-15

CURRENT ZONING: HC/LI PROPOSED ZONING: I

**PLANNING BOARD**

DATE: 09/03/19 TIME: 8:30 a.m.

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

**BOARD OF COUNTY COMMISSIONERS**

DATE: [ ] TIME: [ ]

**LOCATION OF HEARING**  
 ERNIE LEE MAGAHA GOVERNMENT BLDG  
 221 PALAFOX PLACE  
 1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:  
 DEVELOPMENT SERVICES AT 985-3475 OR VISIT  
 WWW.MYESCAMBIA.COM

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**NOTICE OF PUBLIC HEARING FUTURE LAND USE CHANGE**

CASE NO.: LSA-2019-02

CURRENT FLU: MU-U PROPOSED FLU: I

**PLANNING BOARD**

DATE: 09/03/19 TIME: 8:35 a.m.

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

**BOARD OF COUNTY COMMISSIONERS**

DATE: 10/03/19 TIME: 5:46 p.m.

**LOCATION OF HEARING**  
 ERNIE LEE MAGAHA GOVERNMENT BLDG  
 221 PALAFOX PLACE  
 1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:  
 DEVELOPMENT SERVICES 985-3475 OR VISIT  
 WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN  
 PROPERTY OF ESCAMBIA COUNTY

Looking West From Gulf Power Property



**NOTICE OF PUBLIC HEARING REZONING**

**CASE NO.:** Z-2019-15

**CURRENT ZONING:** HC/LI **PROPOSED ZONING:** I

**PLANNING BOARD**

**DATE:** 09/03/19 **TIME:** 8:30 a.m.

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

**BOARD OF COUNTY COMMISSIONERS**

**DATE:**  **TIME:**

**LOCATION OF HEARING**  
 ERNIE LEE MAGAHA GOVERNMENT BLDG  
 221 PALAFOX PLACE  
 1ST FLOOR 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

**NOTICE OF PUBLIC HEARING FUTURE LAND USE CHANGE**

**CASE NO.:** LSA-2019-02

**CURRENT FLU:** MU-U **PROPOSED FLU:** I

**PLANNING BOARD**

**DATE:** 09/03/19 **TIME:** 8:35 a.m.

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

**BOARD OF COUNTY COMMISSIONERS**

**DATE:** 10/03/19 **TIME:** 5:46 p.m.

**LOCATION OF HEARING**  
 ERNIE LEE MAGAHA GOVERNMENT BLDG  
 221 PALAFOX PLACE  
 1ST FLOOR BOARD MEETING ROOM

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 DEVELOPMENT SERVICES 595-3475 OR VISIT  
 WWW.MYESCAMBIA.COM

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

**Looking North onto Gulf Power Property**



**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: August 19, 2019**

**RE: Transportation & Traffic Operations (TTO) Comments – Z-2019-15**

TTO Staff has reviewed the Rezoning Case Z-2019-15 agenda item for the Planning Board meeting scheduled for September 3, 2019 regarding the three subject properties on Pate Road. Please see the below comments.

Pate Road is a two-lane facility with the roadway width of 24 feet and right-of-way width of 100 feet.

Escambia County does not have any capital improvement projects scheduled for this roadway within its Capital Improvements Program. In addition, the Florida Department of Transportation does not show any projects on Pate Road in planning, design or construction within its 5 Yr. Work Program.

Pate Road is classified as a local street and assumed to be functioning within its allowable capacity for traffic volumes.

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., Engineering Department Director  
John C. Fisher, Development Services Department**



**the planning collaborative**

## Letter of Transmittal

Date: July 16, 2019

To: Allyson Lindsay  
Escambia County  
Planning and Zoning Division  
3363 W. Park Place  
Pensacola, FL 32505

From: Allara Mills Gutcher, AICP  
Managing Principal  
the planning collaborative  
2311 Lee Street  
Lynn Haven, FL 32444

Project Name: Crist Plant Rezoning

Purpose: Rezoning Request for September 3, 2019 Planning Board

Materials Submitted:

- 1) Letter of Transmittal (this document)
- 2) Rezoning Application
- 3) Attachment A – Rezoning Application
- 4) Check for \$2,122.50

All materials are also submitted via electronic transfer to  
[malindsay@myescambia.com](mailto:malindsay@myescambia.com)



## 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: \_\_\_\_\_ Accepted by: \_\_\_\_\_ PB Meeting: \_\_\_\_\_

**1. Contact Information:**

**A. Property Owner/Applicant:** Gulf Power Company

Mailing Address: 1 Energy Place, Pensacola, FL 32520

Business Phone: 561.691.2766 Cell: 561.704.5911

Email: jacquelyn.kingston@fpl.com

**B. Authorized Agent (if applicable):** Allara Mills-Gutcher

Mailing Address: 2311 Lee Street, Lynn Haven, FL 32444

Business Phone: 850.319.9180 Cell: 850.319.9180

Email: allara@theplanningcollaborative.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:** 11999 Pate Street, also addressed simply as Steam Plant Rd.

Parcel ID (s): 25 1N 30 1006 000 000 (11 acres), 25 1N 30 1006 000 001  
(10.6 acres), and 25 1N 30 1003 000 000 (14.5 acres)

**B. Total acreage of the subject property:** 36.1 acres

**C. Existing Zoning:** HC/LI

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

The amendment is needed to allow for the expansion of power generation  
at the Gulf Power Crist Plant.

FLU Category: Industrial (proposed) MU-U is existing

D. Is the subject property developed (if yes, explain): The western parcel was previously used as a wastewater facility. The eastern parcel currently supports the existing facility.

E. Sanitary Sewer: N/A Septic: N/A

**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.

This rezoning request follows a Comprehensive Plan Future Land Use Map amendment for the same parcels, to a designation of Industrial. The request is compatible and consistent with the planned use of the parcel.

Please see Attachment A for additional commentary.

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 zoning is consistent with the purpose and intent of the Industrial zoning district. The purpose and intent of the requested zoning district includes the establishment of "a broad range of industrial uses."

Please see Attachment A for additional commentary.



- 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.

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Please see Attachment A for additional commentary

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- 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*

---

By definition, spot zoning is not applicable because the subject parcels are contiguous to existing Industrial zoned parcels on the north and west. The roadway is used to serve the development and is contiguous to the two parcels.

---

- 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.

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The need for the rezoning is due to the need to expand the existing power plant.

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It is in the public interest to allow for the expansion of the plant to best serve the energy needs of the community.

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**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): 251N30 1006 000 000, 251N30 1006 000 001, and 251N30 1003 000 000

Property Address: 11999 N. Pate Street, Pensacola, also as Steam Plant Road

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

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

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

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For 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 16 DAY OF July, YEAR OF 2019

  
\_\_\_\_\_  
Signature of Property Owner

SAM A. FORREST  
\_\_\_\_\_  
Printed Name of Property Owner

7/16/19  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Date



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

As owner of the property located at 11999 N. Pate Street (also as Steam Plant Road),  
Pensacola, Florida, property reference number(s) 251N30 1003 000 000, 251N30 1006-  
000-000, & 251N30 1006 000 001 I hereby designate Allara Mills-Gutcher, AICP  
\_\_\_\_\_ 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 16 day of July  
the year of, 2019, 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: Allara Mills-Gutcher Email: allara@theplanningcollaborative.com  
Address: 2311 Lee Street - Lynn Haven, FL 32444 Phone: 850.319.9180

[Signature]  
\_\_\_\_\_  
Signature of Property Owner

SAM A. FORREST  
\_\_\_\_\_  
Printed Name of Property Owner

7/16/19  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Date

STATE OF Florida COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 16 day of July 20 19,  
by Sam A. Forrest.

Personally Known  OR Produced Identification . Type of Identification Produced: \_\_\_\_\_

maritza miranda-wise  
\_\_\_\_\_  
Signature of Notary

Maritza Miranda-Wise  
\_\_\_\_\_  
Printed Name of Notary



(Notary Seal)

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.  X  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.  X  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.

*Allara Mills-Gutcher*   
 Signature of Owner/Agent

*[Signature]*   
 Signature of Owner

Allara Mills-Gutcher   
 Printed Name Owner/Agent

SAM A. FORREST   
 Printed Name of Owner

6/20/19   
 Date

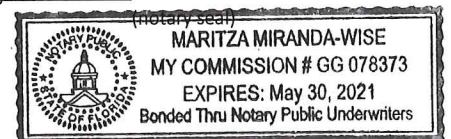
7/16/19   
 Date

STATE OF  Florida  COUNTY OF  Palm Beach  The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by \_\_\_\_\_.

Personally Known  OR Produced Identification . Type of Identification Produced: \_\_\_\_\_

*Maritza Miranda-Wise*   
 Signature of Notary

*Maritza Miranda-Wise*   
 Printed Name of Notary





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SCAN TO PAY ONLINE

# 2018

# REAL ESTATE

# TAXES

## Notice of Ad Valorem and Non-Ad Valorem Assessments

ACCOUNT NUMBER	MILLAGE CODE	ESCROW CODE	PROPERTY REFERENCE NUMBER
11-1033-200	06	278	251N301006000000

GULF POWER CO  
 1 ENERGY PL  
 PENSACOLA, FL 32520-0093

PROPERTY ADDRESS:  
 STEAM PLANT RD

EXEMPTIONS:

### AD VALOREM TAXES

TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE AMOUNT	TAXES LEVIED
COUNTY	6.6165	171,995	0	171,995	1,138.00
PUBLIC SCHOOLS					
BY LOCAL BOARD	2.1250	171,995	0	171,995	365.49
BY STATE LAW	4.2000	171,995	0	171,995	722.38
WATER MANAGEMENT	0.0338	171,995	0	171,995	5.81
SHERIFF	0.6850	171,995	0	171,995	117.82
M.S.T.U. LIBRARY	0.3590	171,995	0	171,995	61.75
<b>TOTAL MILLAGE</b>		<b>14.0193</b>			
				<b>AD VALOREM TAXES</b>	<b>\$2,411.25</b>

### LEGAL DESCRIPTION

### NON-AD VALOREM ASSESSMENTS

LEGAL DESCRIPTION	TAXING AUTHORITY	RATE	AMOUNT
BEG AT NE COR OF SEC NLY ALG EXTENSION OF E LI OF SD SEC 5097 6/10 FT MORE OR LE See Additional Legal on Tax Roll	FP FIRE PROTECTION		15.33
	<b>NON-AD VALOREM ASSESSMENTS</b>		<b>\$15.33</b>

### Pay online at EscambiaTaxCollector.com

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**COMBINED TAXES AND ASSESSMENTS \$2,426.58**

<b>If Paid By</b>	<b>Nov 30, 2018</b>				
<b>Please Pay</b>	<b>\$0.00</b>				

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PENSACOLA, FL 32591

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

### PAY ONLY ONE AMOUNT

AMOUNT IF PAID BY	<b>Nov 30, 2018</b>
	<b>0.00</b>
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	

DO NOT FOLD, STAPLE, OR MUTILATE

ACCOUNT NUMBER
11-1033-200
PROPERTY ADDRESS
STEAM PLANT RD

GULF POWER CO  
 1 ENERGY PL  
 PENSACOLA, FL 32520-0093

Paid 11/19/2018 Receipt # EEX-18-00320259 \$2,329.52

Paid By GULF POWER COMPANY



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# REAL ESTATE

# TAXES

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ACCOUNT NUMBER	MILLAGE CODE	ESCROW CODE	PROPERTY REFERENCE NUMBER
11-1033-300	06	278	251N301006000001

GULF POWER CO  
 1 ENERGY PL  
 PENSACOLA, FL 32520-0093

PROPERTY ADDRESS:  
 UNKNOWN

EXEMPTIONS:

AD VALOREM TAXES					
TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE AMOUNT	TAXES LEVIED
COUNTY	6.6165	29,002	0	29,002	191.89
PUBLIC SCHOOLS					
BY LOCAL BOARD	2.1250	29,002	0	29,002	61.63
BY STATE LAW	4.2000	29,002	0	29,002	121.81
WATER MANAGEMENT	0.0338	29,002	0	29,002	0.98
SHERIFF	0.6850	29,002	0	29,002	19.87
M.S.T.U. LIBRARY	0.3590	29,002	0	29,002	10.41
<b>TOTAL MILLAGE 14.0193</b>					<b>AD VALOREM TAXES \$406.59</b>

LEGAL DESCRIPTION	TAXING AUTHORITY	RATE	AMOUNT
BEG AT SW COR OF CRIST STEAM PLANT PROP DB 171 P 277 N 89 DEG 14 MIN 23 SEC E AL See Additional Legal on Tax Roll	FP FIRE PROTECTION		15.33
	<b>NON-AD VALOREM ASSESSMENTS</b>		<b>\$15.33</b>

**Pay online at EscambiaTaxCollector.com**

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

**COMBINED TAXES AND ASSESSMENTS \$421.92**

<b>If Paid By</b>	<b>Nov 30, 2018</b>				
<b>Please Pay</b>	<b>\$0.00</b>				

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 PENSACOLA, FL 32591

Pay online at EscambiaTaxCollector.com

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

### PAY ONLY ONE AMOUNT

AMOUNT IF PAID BY	<b>Nov 30, 2018</b>
	<b>0.00</b>
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	

**DO NOT FOLD, STAPLE, OR MUTILATE**

<b>ACCOUNT NUMBER</b>
11-1033-300
<b>PROPERTY ADDRESS</b>
UNKNOWN

GULF POWER CO  
 1 ENERGY PL  
 PENSACOLA, FL 32520-0093

Paid 11/19/2018 Receipt # EEX-18-00320261 \$405.04

Paid By GULF POWER COMPANY



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# REAL ESTATE

# TAXES

## Notice of Ad Valorem and Non-Ad Valorem Assessments

ACCOUNT NUMBER	MILLAGE CODE	ESCROW CODE	PROPERTY REFERENCE NUMBER
11-1033-000	06	278	251N301003000000

GULF POWER CO  
1 ENERGY PL  
PENSACOLA, FL 32520-0093

PROPERTY ADDRESS:  
GREENBRIER BLVD

EXEMPTIONS:

**PAY DELINQUENT TAXES BY CASH, CASHIER'S CHECK OR MONEY ORDER**

AD VALOREM TAXES						
TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE AMOUNT	TAXES LEVIED	
COUNTY	6.6165		0	0	0.00	
PUBLIC SCHOOLS						
BY LOCAL BOARD	2.1250		0	0	0.00	
BY STATE LAW	4.2000		0	0	0.00	
WATER MANAGEMENT	0.0338		0	0	0.00	
SHERIFF	0.6850		0	0	0.00	
M.S.T.U. LIBRARY	0.3590		0	0	0.00	
<b>TOTAL MILLAGE</b>				<b>14.0193</b>	<b>AD VALOREM TAXES</b>	<b>\$0.00</b>

LEGAL DESCRIPTION	NON-AD VALOREM ASSESSMENTS		
	TAXING AUTHORITY	RATE	AMOUNT
100 FT BY 6502 FT ACROSS SEC DB 171 P 538			
<b>NON-AD VALOREM ASSESSMENTS</b>			<b>\$0.00</b>

**Pay online at EscambiaTaxCollector.com**

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

**COMBINED TAXES AND ASSESSMENTS \$0.00**

<b>If Received By</b>	<b>Jul 31, 2019</b>				
<b>Please Pay</b>	<b>\$0.00</b>				

RETAIN FOR YOUR RECORDS

## 2018 REAL ESTATE TAXES

DETACH HERE AND RETURN THIS PORTION WITH YOUR PAYMENT

<b>ACCOUNT NUMBER</b>
11-1033-000
<b>PROPERTY ADDRESS</b>
GREENBRIER BLVD

GULF POWER CO  
1 ENERGY PL  
PENSACOLA, FL 32520-0093

Make checks payable to:  
**Scott Lunsford, CFC**  
Escambia County Tax Collector  
P.O. BOX 1312  
PENSACOLA, FL 32591  
Pay online at EscambiaTaxCollector.com

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

PAY ONLY ONE AMOUNT	
AMOUNT IF PAID BY	<b>Jul 31, 2019</b> <b>0.00</b>
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	

**PAY DELINQUENT TAXES BY CASH, CASHIER'S CHECK OR MONEY ORDER**

**DO NOT FOLD, STAPLE, OR MUTILATE**



**LEGAL DESCRIPTION:**  
**PARCEL 1**

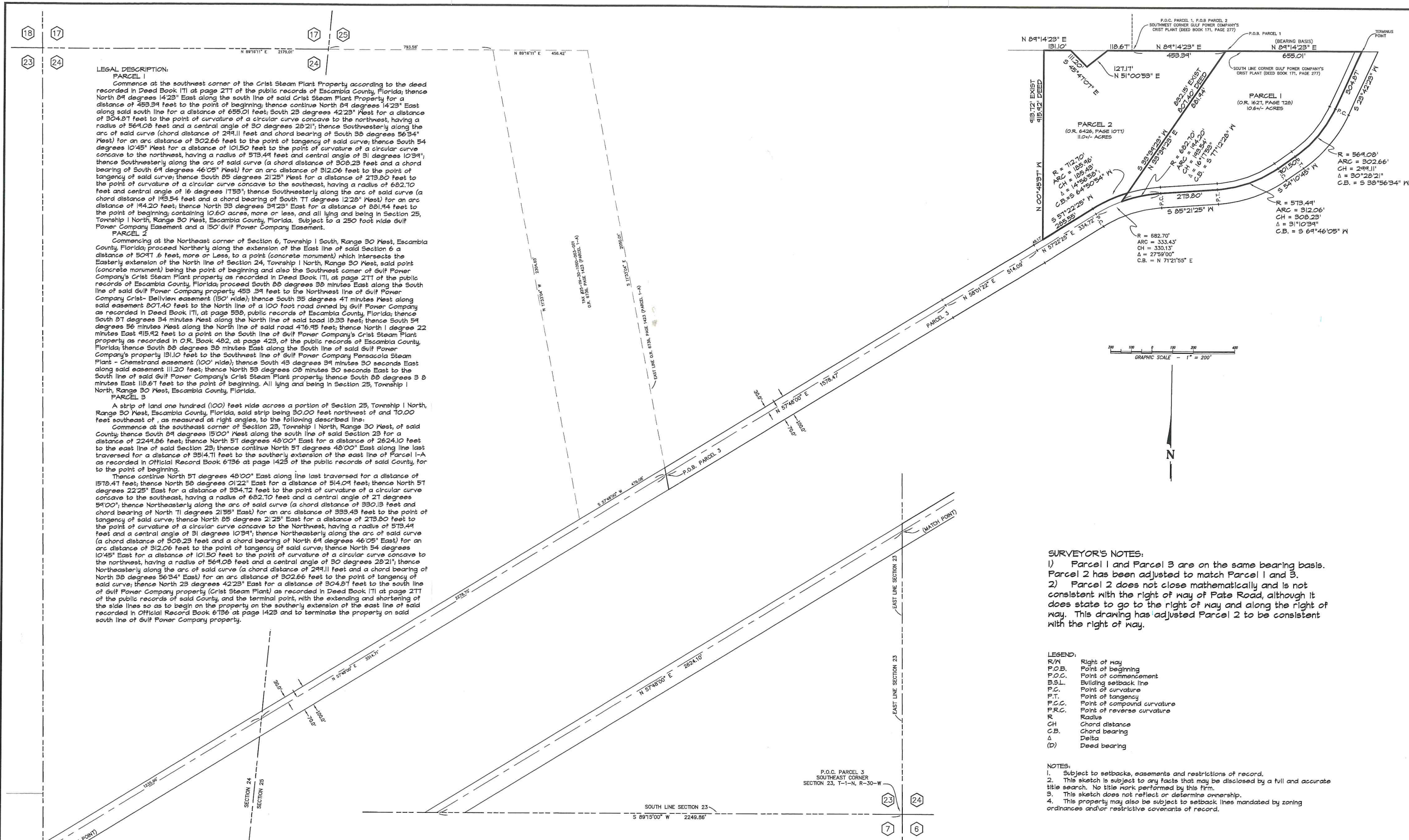
Commence at the southwest corner of the Crist Steam Plant Property according to the deed recorded in Deed Book 171 at page 277 of the public records of Escambia County, Florida; thence North 84 degrees 14'23" East along the south line of said Crist Steam Plant Property for a distance of 453.34 feet to the point of beginning; thence continue North 84 degrees 14'23" East along said south line for a distance of 655.01 feet; South 23 degrees 42'23" West for a distance of 304.87 feet to the point of curvature of a circular curve concave to the northwest, having a radius of 569.08 feet and a central angle of 30 degrees 28'21"; thence Southwesterly along the arc of said curve (chord distance of 249.11 feet and chord bearing of South 38 degrees 56'34" West) for an arc distance of 302.66 feet to the point of tangency of said curve; thence South 54 degrees 10'45" West for a distance of 101.50 feet to the point of curvature of a circular curve concave to the northwest, having a radius of 573.44 feet and central angle of 31 degrees 10'34"; thence Southwesterly along the arc of said curve (a chord distance of 308.23 feet and a chord bearing of South 64 degrees 46'05" West) for an arc distance of 312.06 feet to the point of tangency of said curve; thence South 85 degrees 21'25" West for a distance of 273.80 feet to the point of curvature of a circular curve concave to the southeast, having a radius of 682.70 feet and central angle of 16 degrees 17'33"; thence Southwesterly along the arc of said curve (a chord distance of 143.54 feet and a chord bearing of South 77 degrees 12'28" West) for an arc distance of 194.20 feet; thence North 33 degrees 39'23" East for a distance of 881.94 feet to the point of beginning, containing 10.60 acres, more or less, and all lying and being in Section 25, Township 1 North, Range 30 West, Escambia County, Florida. Subject to a 250 foot wide Gulf Power Company Easement and a 150 Gulf Power Company Easement.

**PARCEL 2**  
Commencing at the Northeast corner of Section 6, Township 1 South, Range 30 West, Escambia County, Florida; proceed Northerly along the extension of the East line of said Section 6 a distance of 5047.6 feet, more or Less, to a point (concrete monument) which intersects the Easterly extension of the North line of Section 24, Township 1 North, Range 30 West, said point (concrete monument) being the point of beginning and also the Southwest corner of Gulf Power Company's Crist Steam Plant Property as recorded in Deed Book 171, at page 277 of the public records of Escambia County, Florida; proceed South 88 degrees 30 minutes East along the South line of said Gulf Power Company property 453.34 feet to the Northwest line of Gulf Power Company Crist-Bellvien easement (150' wide); thence South 35 degrees 47 minutes West along said easement 807.40 feet to the North line of a 100 foot road owned by Gulf Power Company as recorded in Deed Book 171, at page 538, public records of Escambia County, Florida; thence South 87 degrees 34 minutes West along the North line of said road 18.33 feet; thence South 54 degrees 56 minutes West along the North line of said road 476.95 feet; thence North 1 degree 22 minutes East 915.42 feet to a point on the South line of Gulf Power Company's Crist Steam Plant Property as recorded in O.R. Book 482, at page 423, of the public records of Escambia County, Florida; thence South 88 degrees 30 minutes East along the South line of said Gulf Power Company's property 131.10 feet to the Southwest line of Gulf Power Company Pensacola Steam Plant - Chemstrand easement (100' wide); thence South 43 degrees 39 minutes 30 seconds East along said easement 111.20 feet; thence North 53 degrees 08 minutes 30 seconds East to the South line of said Gulf Power Company's Crist Steam Plant property; thence South 88 degrees 30 minutes East 118.67 feet to the point of beginning. All lying and being in Section 25, Township 1 North, Range 30 West, Escambia County, Florida.

**PARCEL 3**  
A strip of land one hundred (100) feet wide across a portion of Section 25, Township 1 North, Range 30 West, Escambia County, Florida, said strip being 30.00 feet northwest of and 70.00 feet southeast of, as measured at right angles, to the following described line:

Commence at the southeast corner of Section 23, Township 1 North, Range 30 West, of said County; thence South 84 degrees 15'00" West along the south line of said Section 23 for a distance of 2249.86 feet; thence North 57 degrees 48'00" East for a distance of 2624.10 feet to the east line of said Section 23; thence continue North 57 degrees 48'00" East along line last traversed for a distance of 354.71 feet to the southerly extension of the east line of Parcel 1-A as recorded in Official Record Book 6736 at page 1423 of the public records of said County, for to the point of beginning.

Thence continue North 57 degrees 48'00" East along line last traversed for a distance of 1578.47 feet; thence North 58 degrees 01'22" East for a distance of 514.09 feet; thence North 57 degrees 22'25" East for a distance of 334.72 feet to the point of curvature of a circular curve concave to the southeast, having a radius of 682.70 feet and a central angle of 27 degrees 54'00"; thence Northeastly along the arc of said curve (a chord distance of 330.13 feet and chord bearing of North 71 degrees 21'55" East) for an arc distance of 339.43 feet to the point of tangency of said curve; thence North 85 degrees 21'25" East for a distance of 273.80 feet to the point of curvature of a circular curve concave to the Northwest, having a radius of 573.44 feet and a central angle of 31 degrees 10'34"; thence Northeastly along the arc of said curve (a chord distance of 308.23 feet and a chord bearing of North 64 degrees 46'05" East) for an arc distance of 312.06 feet to the point of tangency of said curve; thence North 54 degrees 10'45" East for a distance of 101.50 feet to the point of curvature of a circular curve concave to the northwest, having a radius of 569.08 feet and a central angle of 30 degrees 28'21"; thence Northeastly along the arc of said curve (a chord distance of 249.11 feet and a chord bearing of North 38 degrees 56'34" East) for an arc distance of 302.66 feet to the point of tangency of said curve; thence North 23 degrees 42'23" East for a distance of 304.87 feet to the south line of Gulf Power Company property (Crist Steam Plant) as recorded in Deed Book 171 at page 277 of the public records of said County, and the terminal point, with the extending and shortening of the side lines so as to begin on the property on the southerly extension of the east line of said recorded in Official Record Book 6736 at page 1423 and to terminate the property on said south line of Gulf Power Company property.



**SURVEYOR'S NOTES:**  
1) Parcel 1 and Parcel 3 are on the same bearing basis. Parcel 2 has been adjusted to match Parcel 1 and 3.  
2) Parcel 2 does not close mathematically and is not consistent with the right of way of Pate Road, although it does state to go to the right of way and along the right of way. This drawing has adjusted Parcel 2 to be consistent with the right of way.

- LEGEND:**  
R/W Right of way  
P.O.B. Point of beginning  
P.O.C. Point of commencement  
B.S.L. Building setback line  
P.C. Point of curvature  
P.T. Point of tangency  
P.C.C. Point of compound curvature  
P.R.C. Point of reverse curvature  
R Radius  
CH Chord distance  
C.B. Chord bearing  
Δ Delta  
(D) Deed bearing

- 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. No title work performed by this firm.  
3. This sketch does not reflect or determine ownership.  
4. This property may also be subject to setback lines mandated by zoning ordinances and/or restrictive covenants of record.

Measurements made in accordance with United States Standards.  
Bearing Reference: NORTH BASED ON THE SOUTH LINE OF DEED BOOK 171 PAGE 277 AS N 84°14'23" E (DEED CALL PARCEL 1)  
Ordered By: MR. ROBERT LEONARD Elevation Reference:  
Encroachments:  
Source of Information: TAX MAPS, PUBLIC RECORDS, SURVEYS ON FILE WITH THIS FIRM; MAPS BY GULF POWER COMPANY

**A VISUAL AID OF A PORTION OF SECTION 25, T-1-N, R-30-W**

**PITTMAN, GLAZE AND ASSOCIATES, INC.**  
LAND SURVEYORS  
5700 N. DAVIS HIGHWAY, SUITE 3  
PENSACOLA, FL 32508  
Phone: (850) 434-6666 Fax: (850) 434-6661  
Email: pgsurvey@bellsouth.net

I hereby certify that this survey was made under my responsible charge and meets the Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17.050, 5J-17.051 and 5J-17.052, pursuant to Section 472.027 Florida Statutes.

**David D. Glaze** PSM #5605  
**Walter J. Glaze** PSM #6190

<b>LB No. 7073</b>		File No. C-2124
<b>NOT VALID WITHOUT SEAL AND SIGNATURE</b>		Job No. 38244-19
		Scale: 1" = 200'
		Date of Plat. 1-12-2014
		Date of Revision 7-15-2014
		FB: PG
		FB: PG
		Drawn by: F.M.J.
		Checked By: D.D.G.
SHEET 1	OF 1	



# Attachment A - Rezoning Application

Additional Commentary For a Rezoning Request to Industrial  
for the Crist Plant

Parcel ID Numbers 25-1N-30-1003-000-000, 25 1N 30 1006 000 000 and 25 1N 30 1006 001  
Escambia County, Florida

**Prepared for:**



**Gulf Power**<sup>®</sup>

Gulf Power Company  
1 Energy Place  
Pensacola, FL 32520

**For Submission To:**

Escambia County Planning and Zoning Division  
3363 West Park Place  
Pensacola, FL 32505

**Prepared by:**

The Planning Collaborative  
Allara Mills Gutcher, AICP  
Ph: 850.319.9180  
[allara@theplanningcollaborative.com](mailto:allara@theplanningcollaborative.com)



the planning collaborative

**July 13, 2019**

**TABLE OF CONTENTS**

Purpose and Introduction..... 2

General Site Location and Setting ..... 2

    Figure 1. General Location of Property..... 3

Responses to Zoning Application Request for Information ..... 3

    Figure 2. Future Land Use Map of Area..... 4

    Figure 3. Zoning Map of Area ..... 5

    Table 2. Zoning District Development Regulations Assigned to Property..... 7

Conclusions..... 9

EXHIBIT 1 – Aerial Photograph of Property and Surrounding Site.

EXHIBIT 2 – Flood Zone and Wetlands Map

## **INTRODUCTION AND PURPOSE**

This response is conducted to support the request for a Zoning Map change for three parcels totalling 36.1 acres (“Property”) from Heavy Commercial and Light Industrial (HC-LI) to Industrial. The proposed zoning change is part of an additional request by Gulf Power Company for a Future Land Use Map (FLUM) amendment to Industrial for the same parcels. This report responds to information requested by the Rezoning Application.

The request to rezone the Property to the Industrial district is due to the need to expand the existing power plant. It is in the public interest to allow for the expansion of the plant to best serve the energy needs of the community.

## **GENERAL SITE LOCATION AND SETTING**

The Property lies north of I-10 in unincorporated Escambia County and is accessible from Pate Street via E. Ten Mile Road. More specifically, the Property is located north and adjacent to Pate Street, west of the Escambia River (See Figure 1). The Property consists of 36.1 acres and is adjacent to the existing Crist Plant. The Public Land Survey System locates these three parcels within Section 25, Township 1N Range 30W. The Escambia County Property Appraiser’s Tax Identification Numbers are 25-1N-30-1003-000-000, 25-1N-30-1006-000-000 and 25-1N-30-1006-001.<sup>1</sup> The proposed rezoning consists of these three parcels which are contiguous to the existing Crist Plant site, owned by the Gulf Power Company. One of the parcels includes the roadway traveling northeast/southwest which lies east of the plant entrance gate.

The Property is currently undeveloped with exception to the roadway and contains some vegetative communities (Exhibit 1). The existing use of the eastern of the two developable parcels is classified as “Non Ag Acreage,” or property essentially vacant and not used for agriculture purposes. The western parcel of the two has a tax classification of “Utility, Gas, Electric”. The roadway is classified as “right-of-way”.<sup>2</sup>

Adjacent to the Property, the lands to the south across North Pate Street are owned by the Department of Education (University of West Florida), and are tax classified as “College” and “Non Ag Acreage”. These are 1,000 and 182.41 acres respectively. Contiguous to the north and west are existing Gulf Power Company lands, where the developed plant is sited. The remaining lands owned by Gulf Power adjacent to the Property total approximately 751.9 acres.<sup>3</sup>

---

<sup>1</sup> Escambia County Property Appraiser, referenced June 17, 2017.

<sup>2</sup> Escambia County Property Appraiser assigned Department of Revenue Tax Code, referenced June 17, 2019.

<sup>3</sup> Escambia County Property Appraiser referenced June 17, 2019.

Figure 1. General Location of Property.



Source: Escambia County GIS Interactive Map, June 17, 2019.

## **RESPONSES TO REZONING APPLICATION REQUEST FOR INFORMATION**

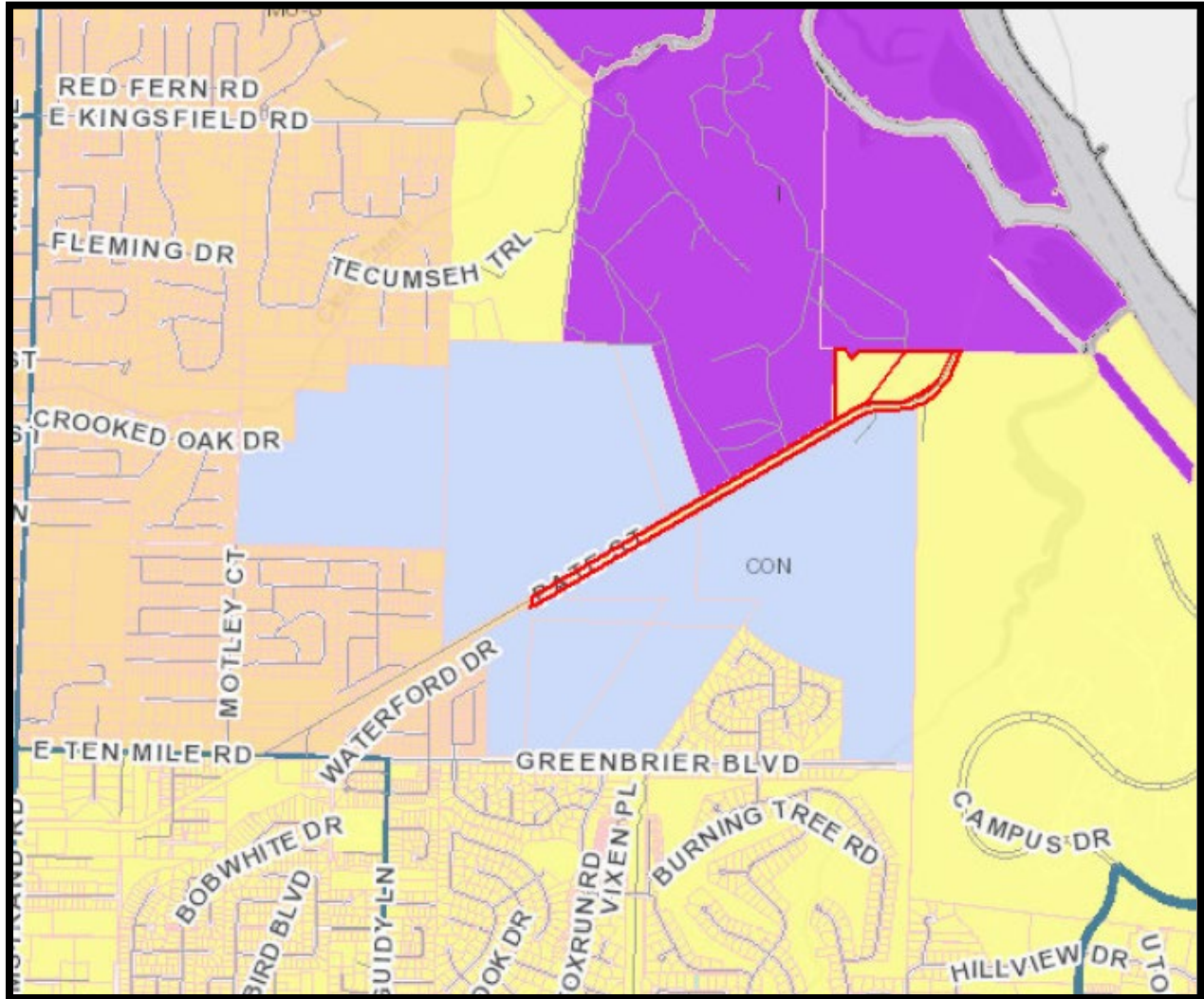
### *Consistent with Comprehensive Plan*

Part 3(a) of the Rezoning Application requests a consistency analysis with the Future Land Use category assigned to the Property. The application states that “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 application.”



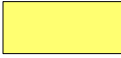


A Comprehensive Plan Future Land Use Map amendment to the Industrial category is required and has been submitted to correlate with this zoning change request. The applicant acknowledges that the FLUM amendment must precede the granting of the rezoning request. Therefore, by act of submission of a FLUM amendment, **this criterion is met.**

The Property currently has a Future Land Use designation of Mixed Use-Urban (MU-U), which includes the parcel encompassing Pate Street. Figure 2 depicts the current Future Land Use categories assigned to the Property and surrounding parcels. The existing parcels contiguous to the Property and also designated as Industrial are under the ownership of Gulf Power.

**Figure 2. Future Land Use Map of Area.**



Source: Escambia County GIS Interactive Map.

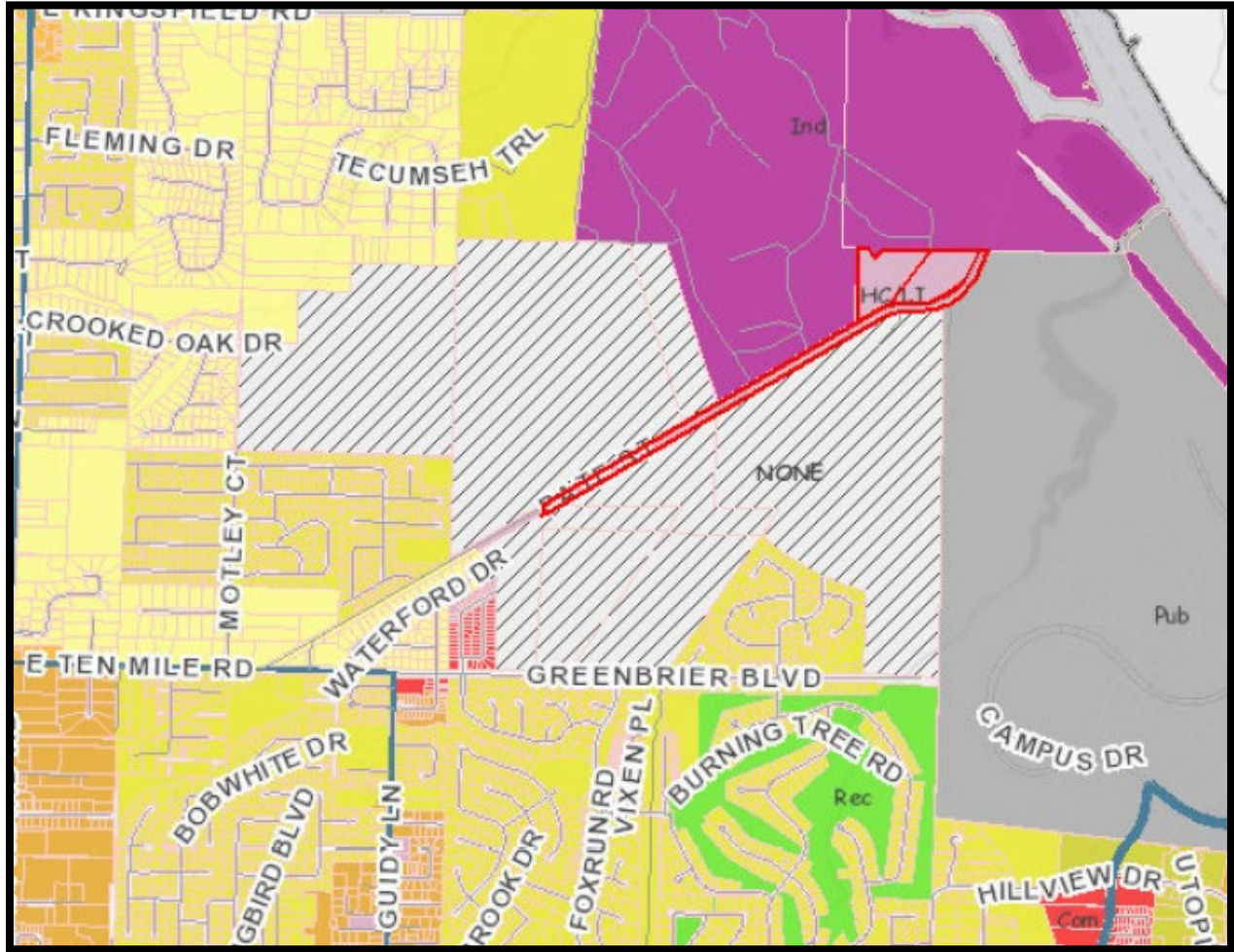
<b>Future Land Use Map Categories</b>			
Industrial (IND)		Mixed Use-Suburban (MU-S)	
Mixed Use-Urban (MU-U)		Subject Property	
Conservation (CON)			











*Consistent with Zoning District Provisions*

Part 3(b) of the application for rezoning identifies the need to ensure the request is consistent with the described zoning purpose. The Property is currently zoned as Heavy Commercial and Light Industrial (HC/LI). Figure 3 depicts the current zoning of the Property and the parcels within the vicinity of the Property.

**Figure 3. Zoning Map of Area.**



Source: Escambia County GIS Interactive Map.

<b>Zoning Districts</b>			
Industrial (Ind)		Low Density Residential (LDR)	
Commercial (Com)		Medium Density Residential (MDR)	
Public (Pub)		Heavy Commercial & Light Industrial (HC/LI)	
Subject Property		Recreation (Rec)	



Descriptions of the currently assigned zoning district and the requested (proposed) Industrial district are provided below.

Zoning District: Heavy Commercial and Light Industrial (HC/LI) - *existing*<sup>4</sup>

The HC/LI zoning designation has a stated purpose of establishing “appropriate areas and land use regulations for a complementary mix of industrial uses with a broad range of commercial activities. The primary intent of the district is to allow light manufacturing, large-scale wholesale and retail uses, major services, and other more intense uses than allowed in the commercial district.” Power plants are not listed as an allowable or conditional use in this district. The section further explains that any industrially defined activities must be confined to the interior of a building.

Zoning District: Industrial (I) - *proposed*<sup>5</sup>

The Industrial zoning district “establishes appropriate areas and land use regulations for a broad range of industrial uses”.

The district provides for myriad uses not allowed in other zoning districts, and includes “power plants” as described in Part (b)(6) of the section. **This criterion is met.**

Part (f) of this Section states the Industrial zoning district may only be allowed if the parcels are also designated as Industrial on the Future Land Use Map. **This criterion is met,** pending the Future Land Use Map amendment approval.

Additionally, locational criteria for the designation of the zoning district is referred to and is addressed in the analysis portion of this report. **This criterion is met** as described in the compatibility analysis section of this report.

Table 2 below concisely describes the development regulations that pertain to HC/LI which is currently assigned to the Property. In addition, the requirements for the Industrial district are also included, which will be applicable upon adoption of the proposed zoning change. This comparison shows that the development parameters are similar in each of the two districts, with the exception to the allowance of residential density in the HC/LI district. Therefore, any proposed use developed will not have a structurally built standard much in difference from the current zoning standard requirements.

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<sup>4</sup> Escambia County Land Development Code, Section 3-2.11

<sup>5</sup> Ibid, Section 3-2.12

**Table 2. Zoning District Development Regulations Assigned to Property.**

Development Regulation	Zoning District	
	HC/LI	Industrial
Max Density	25 d/u per acre <sup>1</sup>	None <sup>2</sup>
FAR	2.0 <sup>3</sup>	1.0
Max Height	150 feet	150 feet
Lot Width	None	100 feet at street right-of-way
Lot Area	None	None
Lot Coverage	Minimum pervious of 15% (85% max semi-impervious and impervious cover) <sup>4</sup>	Minimum pervious of 15% (85% max semi-impervious and impervious cover) <sup>4</sup>
Setbacks	Side: 10 feet Rear: 15 feet Front: 15 feet	Side: 15 feet Rear: 25 feet Front: 25 feet

Source: Escambia County Land Development Code Sections 3-2.11 and 3-2.12

<sup>1</sup> Only under certain locational conditions and is dependent upon land use.

<sup>2</sup> Except for care takers quarters and vested development.

<sup>3</sup> This FAR applies to lands designated as MU-U category. Once the land use is amended to Industrial, the FAR will decrease to 1.0.

<sup>4</sup> A maximum 75% of lot area occupied by principal and accessory buildings on lots of non-residential uses.

<sup>5</sup> A maximum of 75% of lot area occupied by principal and accessory buildings.

*Compatible with Surroundings*

In the development of this report, the following definition of compatibility set forth in §163.3164(9), *Florida Statutes*, was utilized:

“Compatibility means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”

The Escambia County Comprehensive Plan also provides a definition of “Incompatible/compatible development” in Chapter 3 Definitions. Section 3.04 Definitions states as follows:

“Incompatible development is new development proposed to be constructed next to existing development wherein the proximity of the two kinds of development would each diminish the usefulness of the other or would be detrimental to existing operations. The incompatibility can arise from either land use or structure size and design. Compatible development is new

development proposed to be constructed next to existing development in which the proximity of the two kinds of development would each complement or enhance the usefulness of the other.”

Finally, the County’s Land Development Regulations Chapter 6, Definitions, Section 6-0.3 Terms Defined provides the following definition for “compatible:

“*Compatible*. A condition in which land uses, activities or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use, activity, or condition is unduly negatively impacted directly or indirectly by another use, activity, or condition.”

As a note, the definition of “compatible” in Section 6-0.3 of the County’s Land Development Regulations is nearly identical to the definition of “compatibility” set forth in §163.3164(9), *Florida Statutes*.

The Escambia County Land Development Code offers site-specific guidance when analyzing compatibility when a new use is introduced. However, it is important to note that the use proposed is an extension of currently existing uses on the parcels which are contiguous to the subject Property on the north and west, and owned by Gulf Power. The parcels to the south, owned by the State of Florida, are currently undeveloped within several hundred feet of the subject Property.<sup>6</sup>

Section 3-1.6(c) of the Land Development Code which directs the evaluation of compatibility to “other measures” which are located in each of the zoning districts. These include reference to locational criteria, landscaping, buffering, and screening.

Section 3-2.12 (e) of the County’s Land Development Code lists the location criteria for the siting of new industrial uses inside the Industrial zoning district. These criteria are used in the determination that the proposed use can coexist in close proximity to existing uses in a stable fashion. These include the following, and are addressed inline accordingly.

*(1) Located so that the negative impacts of the uses on the functions of natural systems are avoided if possible, and minimized when unavoidable.*

Natural systems are not specifically defined in Chapter 6 of the Land Development Code, but “natural resources” are defined as those “including air, water, soils, wetlands, beaches, flood plains, forest, fisheries, wildlife, and any other such resource identified by Florida Statutes for conservation and protection.”

The Property is located in Flood Zone X outside of the Special Flood Hazard Area<sup>7</sup>, not within a flood plain, and has no wetlands on site (See Exhibit B)<sup>8</sup> No beaches exist on or are adjacent to the Property, and the Coastal High Hazard Area is outside of the boundary of either parcel that makes up the Property.<sup>9</sup>

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<sup>6</sup> Visual review of 2016 aerial photographs.

<sup>7</sup> FEMA Flood Insurance Rate Map Panel Number 12033C 0315G.

<sup>8</sup> U.S. Fish and Wildlife Service National Wetlands Inventory, sourced June 19, 2019.

<sup>9</sup> Escambia County GIS Interactive Mapping, sourced June 19, 2019.

The Property is an ideal location for the expansion of the Crist Plant due to its avoidance of natural resources, including flora and fauna. At the anticipated time of development, there may be trees that will be impacted by the footprint of the development, and Gulf Power will work with County staff to mitigate any impacts that are deemed unavoidable. Therefore, **this criterion is met.**

*(2) Accessible to essential public facilities and services at the levels of service adopted in the comprehensive plan.*

Article 2, Section 5-2.1 of the Escambia County Land Development Code establishes the levels of service standards for potable water, wastewater, solid waste, and stormwater. The development will not create demand for potable water, wastewater, or solid waste. No additional employees are needed to maintain the new facility. Stormwater systems will be designed and constructed to the applicable standards required by Escambia County. **This criterion is met.**

*(3) Located on parcels of land large enough to adequately support the type of industrial development proposed and minimize any adverse impacts upon surrounding properties through effective buffering so that the proposed use is compatible with surrounding uses.*

These two properties are of sufficient size to accommodate the plan for development. No adverse impacts such as unreasonable noise, glare, dust, smoke, odor, vibrations, electrical interference, or other nuisances will be generated that will adversely affect the use of adjoining properties not owned by Gulf Power. **This criterion is met.**

To comply with any necessary measure to determine the new use will be compatible with existing adjacent uses, Gulf Power will design the development to adhere to all requirements that are applicable for landscaping, screening and buffering the site.

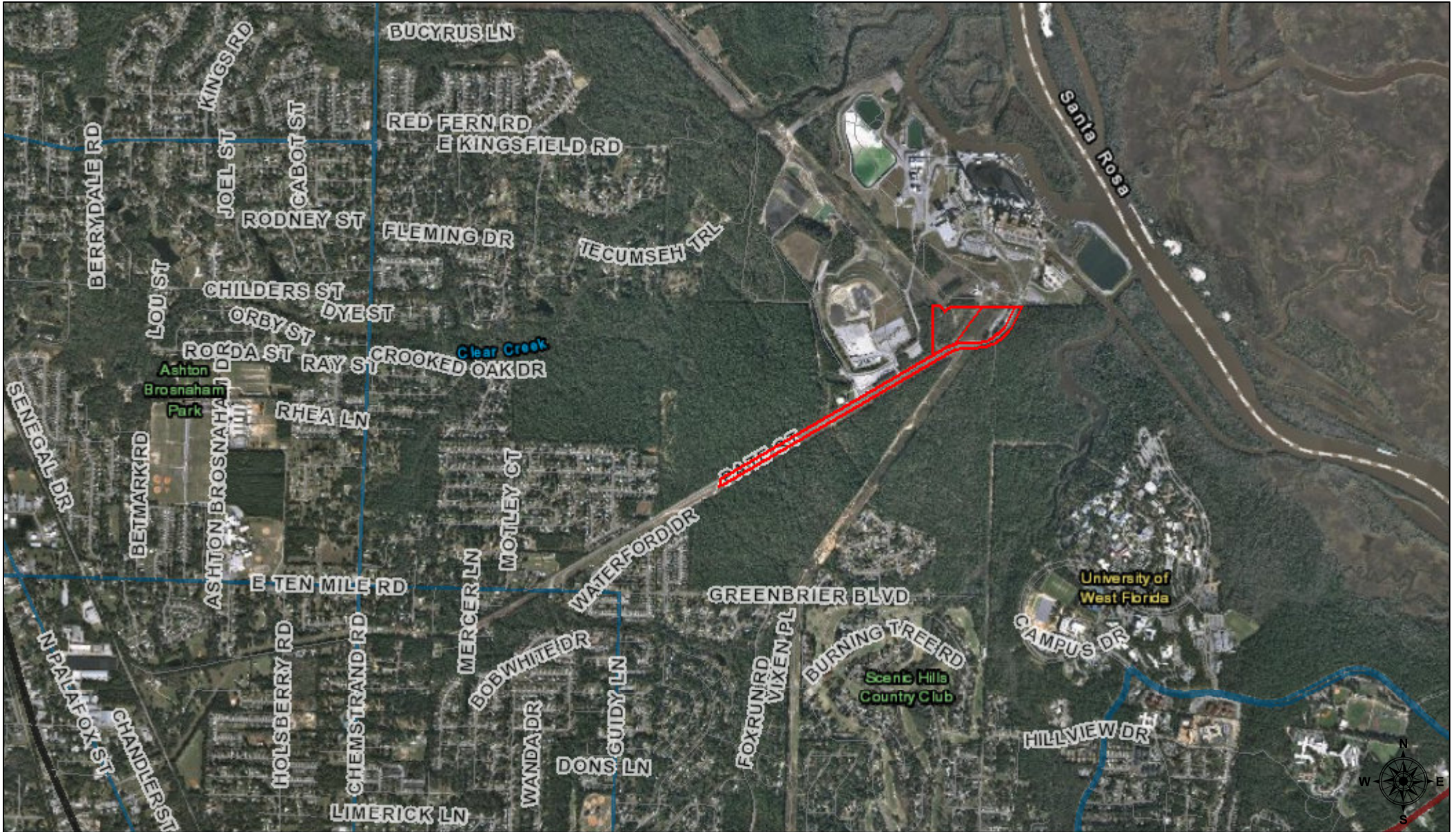
Pursuant to Chapter 2, Article 2, Section 2-2.7(b) of the Land Development Code which cites a compatibility confirmation must be submitted to the Planning Official, this analysis is submitted to affirm the proposed rezoning and subsequent development of the Property will be compatible with adjacent existing uses.

## **CONCLUSIONS**

The proposed rezoning request will not result in any land use conflicts with the adjacent uses. The impacts associated with the use are similar in nature to that which currently occurs at the existing power generation facility, and are conducive to other industrial uses. The policies and regulations that guide development within the Industrial zoning district are complementary to the existing uses and lands within the vicinity of the Property. All development regulations that pertain to the Industrial zoning district will be incorporated into any future site plan as designed by Gulf Power.

The proposed development will be compatible with existing surrounding development. The future expansion of the Crist Plant on the Property will comply with the requirements of the County's Comprehensive Plan and the County's Land Development Code. The adoption of the proposed zoning change will not create a condition that will negatively or adversely impact the surrounding uses over time. Thus, the proposed rezoning will allow development that will be compatible with the existing surrounding land uses.





July 13, 2019

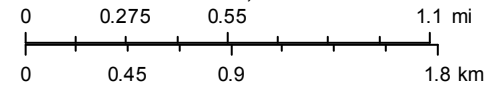
**Streets**

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL

- COLLECTOR
- LOCAL ROAD

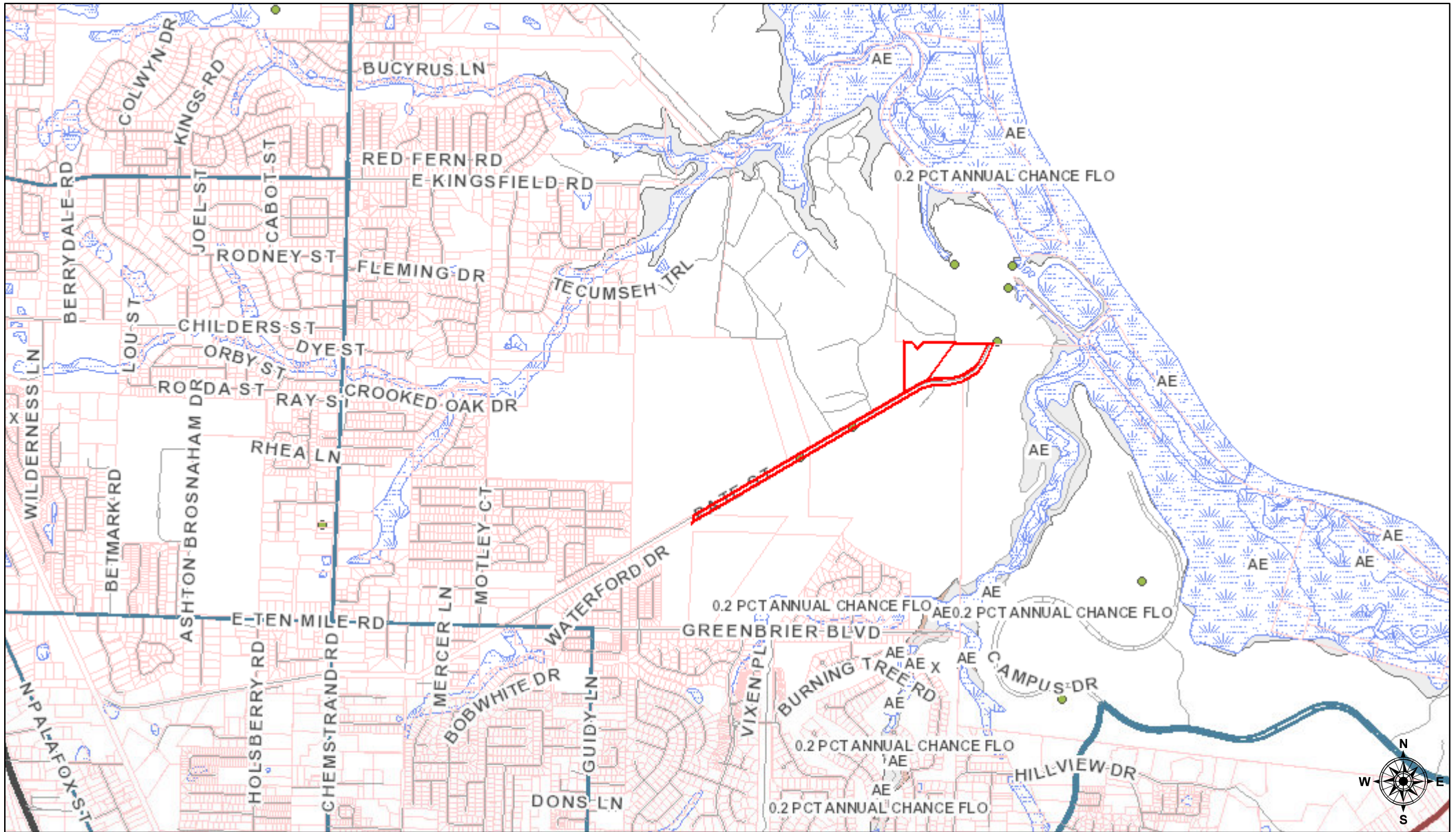
**SUBJECT PARCELS**

1:33,046



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community  
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





July 12, 2019

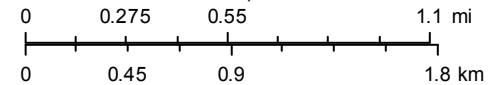
**Streets**

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL

- COLLECTOR
- LOCAL ROAD
- Parcels

- Well Head Protection Area Wells
- Subject Parcels
- Wetlands
- Flood Zones

1:33,046



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community