

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
QUASI-JUDICIAL HEARING
July 6, 2020–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.
4. Approval of Minutes.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the June 1, 2020, Planning Board Rezoning Meeting.
5. Acceptance of Rezoning Planning Board Meeting Packet.
6. Quasi-judicial Process Explanation.
7. Public Hearings.
 - A. Case #: Z-2020-05
Applicant: William Joseph, Agent for Patrick Neville, Owner
Address: 8838 Fowler Avenue
Property
Size:
From: HDMU, High Density Mixed Use district (25 du/acre)
To: HC/LI-NA, Heavy Commercial Light Industrial district, prohibiting the subsequent establishment of any microbreweries, microdistilleries, microbreweries, bars, nightclubs, or adult entertainment uses (25 du/acre)
 - B. Case #: Z-2020-06

Applicant: Tom Hammond, Agent for Anthony Baroco, Owner
Address: Halcyon Circle
Property Size: 9.99 (+/-) acres
From: MDR, Medium Density Residential district (ten du/acre)
To: Com, Commercial (25 du/acre)

8. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Rezoning
Meeting Date: 07/06/2020

4. A.

Agenda Item:

RECOMMENDATION: That the Planning Board review and approve the Meeting Resume' Minutes of the June 1, 2020, Planning Board Rezoning Meeting.

Attachments

Draft June 1, 2020 Rezoning Planning Board Meeting Minutes

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING June 1, 2020

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:35 A.M. – 9:30 A.M.)

Present: Reid Rushing
Jay Ingwell
Wayne Briske, Chairman
Patty Hightower
Eric Fears
Gary Sammons
Walker Wilson
Stephen Opalenik

Absent: Timothy Pyle

Staff Present: Allyson Lindsay, Urban Planner II
Andrew Holmer, Division Manager, Planning & Zoning
Horace Jones, Director, Development Services
Juan Lemos, Senior Planner, Planning & Zoning
Kayla Meador, Administrative Supervisor
Kia Johnson, Assistant County Attorney
Kim Wilson, Urban Planner I

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 Walker Wilson, Seconded by Eric Fears

Motion was made to waive the reading of the legal advertisement.

Vote: 4 - 0 Approved

Other: Reid Rushing (ABSENT)
Jay Ingwell (ABSENT)
Timothy Pyle (ABSENT)

4. Approval of Minutes.
5. Acceptance of Rezoning Planning Board Meeting Packet.

Motion by Eric Fears, Seconded by Gary Sammons

Motion was made to accept the meeting package.

Vote: 4 - 0 Approved

Other: Reid Rushing (ABSENT)
Jay Ingwell (ABSENT)
Timothy Pyle (ABSENT)

6. Quasi-judicial Process Explanation.

7. Public Hearings.

- A. Case #: 2020-03
Applicant: Tom Hammond, Agent for
Forrest Homes and Steele
Construction Inc., Owner
Address: 5250 Blue Angel Parkway
Property Size: 7.66 (+/-) acres
From: LDR, Low Density
Residential (4 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 Eric Fears, Seconded by Walker Wilson

Motion was made to recommend approval to the BCC.

Vote: 6 - 0 Approved

Other: Timothy Pyle (ABSENT)

- B. Case #: Z-2020-04
Applicant: William Stokes, Esq./Clark
Partington, Agent for Joe
Baudendistel/Home Page
Services, LLC
Address: 1303 Gulf Beach Highway
Property Size: 0.32 (+/-) acres
From: HDMU, High Density
Mixed-use district (25
du/acre)
To: Com, Commercial district (25
du/acre)

Applicant requested that this case be dropped from the agenda and will come back to a later meeting.

8. Adjournment.

Planning Board-Rezoning

7. A.

Meeting Date: 07/06/2020
CASE : Z-2020-05
APPLICANT: William Joseph, Agent for Patrick Neville, Owner
ADDRESS: 8838 & 8840 Fowler Ave
PROPERTY REF. NO.: 10-1S-30-1101-081-001
FUTURE LAND USE: MU-U, Mixed Use Urban
DISTRICT: 3
OVERLAY DISTRICT: N/A
BCC MEETING DATE: 08/06/2020

SUBMISSION DATA:

REQUESTED REZONING:

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

TO: HC/LI-NA, Heavy Commercial Light Industrial district, prohibiting the subsequent establishment of any microbreweries, microdistilleries, microbreweries, 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 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 Allowable Uses: Residential, retail and services, professional office, light industrial, recreational facilities, public and civic, limited agriculture.

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 under utilized 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 Heavy Commercial/ Light Industrial **is consistent** with the intent and purpose of Future Land Use category MU-U, as stated in CPP FLU 1.3.1. Based on the applicants history of the parcel since 2004, it was previously used as an operational pavement striping business, a listed use under the light industrial services of the MU-U FLU category. Redevelopment of this property will promote the efficient use of utilities and infrastructure and redevelopment of an under-utilized property making the proposed use compatible with the intent of CPP FLU 1.5.1.

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.

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

(2) 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.

(3) Documented compatibility. A compatibility analysis prepared by the applicant provides competent substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative criteria, and the proposed use 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).

FINDINGS

The proposed amendment **is not** consistent with the intent and purpose of the Land Development Code. All new non-residential uses proposed within the Heavy Commercial/Light Industrial district that are not part of a planned unit development or not identified as exempt by the district shall be on parcels that satisfy the location criteria

requirements. Fowler Ave is local street which does not meet the location criteria within the Heavy Commercial/Light Industrial district. If the rezoning is approved, it would encourage non-residential uses and more intense uses than allowed in the commercial district. (Please see additional comments and review from Transportation & Traffic Operations(TTO). The applicant did not provide a compatibility analysis for review.

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

Compatible with surrounding uses

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

FINDINGS

The proposed amendment **is not compatible** with surrounding existing uses in the area. Adjacent parcels are zoned high density mixed use residential. Within the 500 foot radius, there are properties with zoning districts Medium-Density Residential, High Density Mixed Use and Conservation. A car towing business across Fowler Ave to the west, one vacant residential parcel, three single-family residences, two parcels with multi-family/ apartments, zoned high density mixed use. The applicant did not provide a compatibility analysis for review.

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 **will create spot zoning**, based on the LDC definition in Chapter 6, as the requested Heavy Commercial/Light Industrial zoning is different from the zoning of all contiguous land. Site visit reveals the parcel's location about midway between Detroit and Nine Mile Rd, with the northern portion of Fowler near Nine Mile and the southernly portion near Detroit being more commercially developed towards

both major intersection. The proposed zoning request would not create a logical zoning transition between the High Density Mixed Use districts and other existing zoning districts in the adjacent 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.

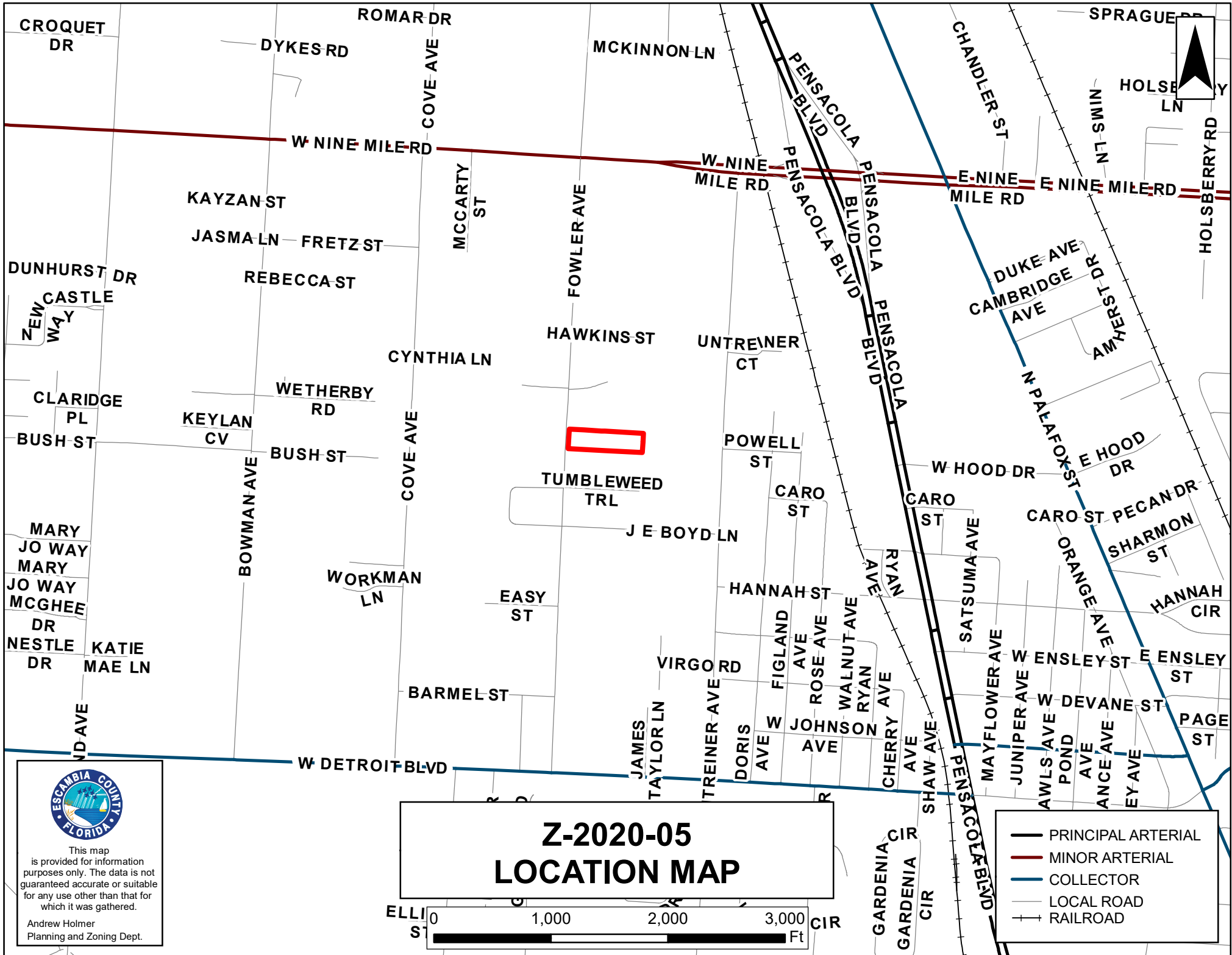
FINDINGS

The land uses or development conditions within the area surrounding the property of rezoning **have or have not** changed. Based on the applicant, the current commercial uses have existed since 2004. The site is located midway between Detroit Ave and Nine Mile Rd in an area that is currently developed. Allowing a commercial zoning for the property would contribute to commercial development sprawl. The applicant did not provide a compatibility analysis for review.

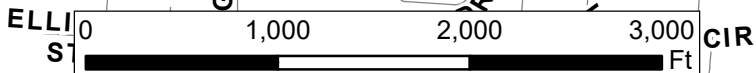
Attachments

Working Case File


Z-2020-05



**Z-2020-05
LOCATION MAP**



- 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.
 Andrew Holmer
 Planning and Zoning Dept.



MDR

Con

HDMU

Com

HC/LI

FOWLER AVE

MDR

HDMU

Con

HC/LI

UNTRAINER AVE

POWELL ST

HDMU

TUMBLEWEED TRL

MDR

HDMU

CARO ST

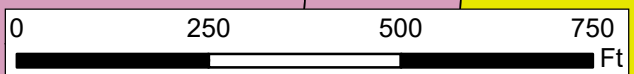
SAGEBRUSH TRL

HDMU

J E BOYD LN

MDR

**Z-2020-05
500' RADIUS ZONING**

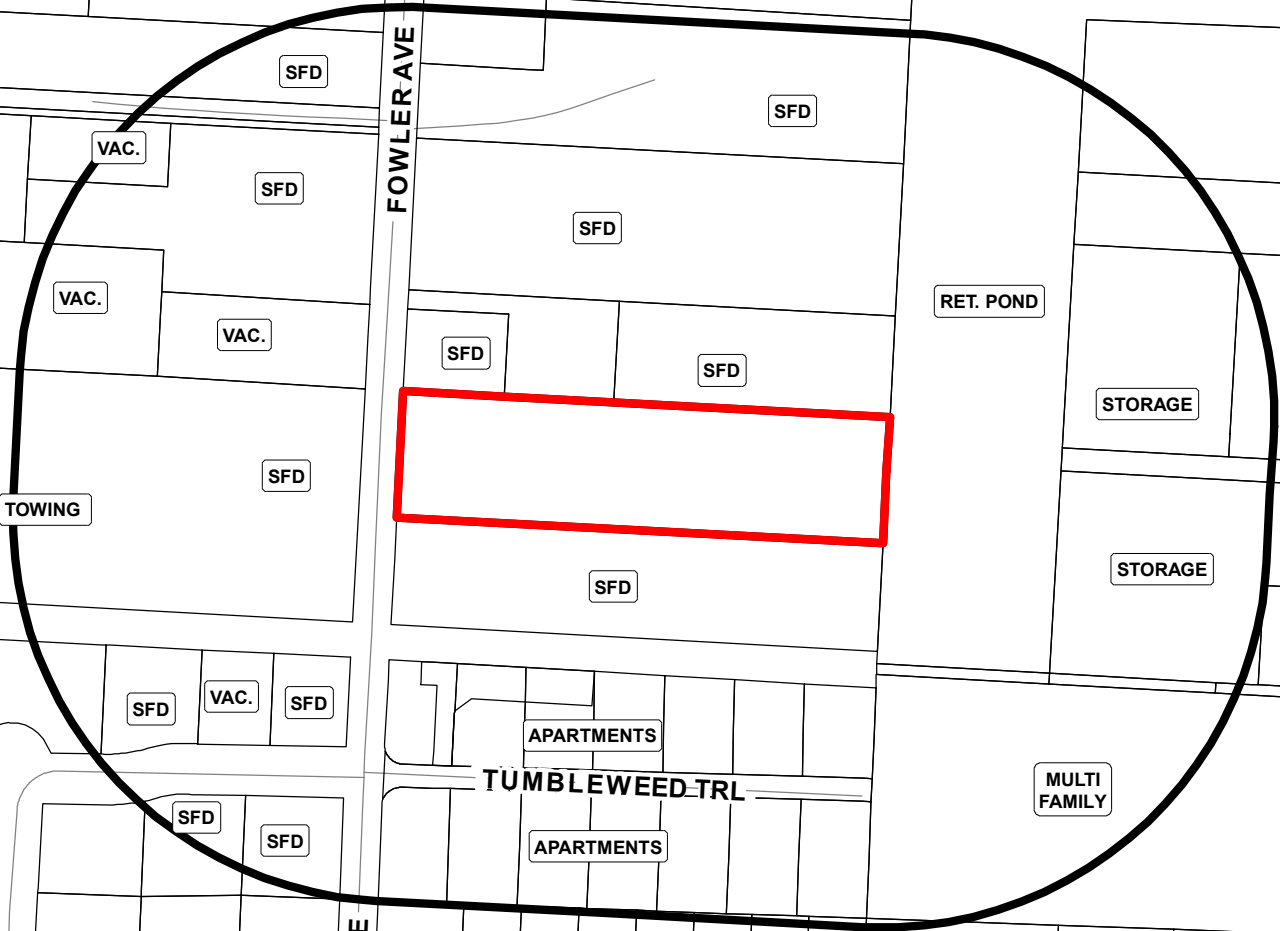


- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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.

Andrew Holmer
Planning and Zoning Dept.



FOWLER AVE

UNTRAINER AVE

FOWLER AVE

POWELL ST

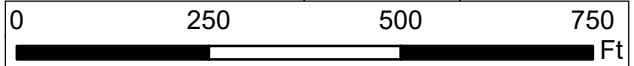
CARO ST

J-E-BOYD LN

SAGEBRUSH TRL

TUMBLEWEED TRL

Z-2020-05 EXISTING LAND USE



- 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.


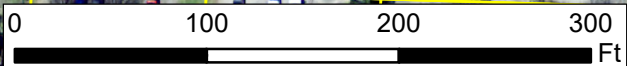
Andrew Holmer
Planning and Zoning Dept.



FOWLER AVE









Z-2020-05 AERIAL MAP



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

Andrew Holmer
Planning and Zoning Dept.

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



Notice of Public Hearing Sign





Looking East from parcel



Looking East off Fowler Rd



Looking North on Fowler Rd





Looking South on Fowler Rd





Looking West onto parcel



Escambia County Planning and Zoning

Development Services Department

3363 West Park Place

Pensacola, FL 32505

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

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

Rezoning Application

FOR OFFICE USE ONLY – Case Number Z-2020-05 Accepted by: LL PB Meeting TBD

1. Contact Information:

A. Property Owner/Applicant: Patrick Neville

Mailing Address: 1901 North East Avenue Panama City, FL 32405

Business Phone: (850) 215-4875 Cell: (850) 8114-0620

Email: pneville@ecstripping.com

B. Authorized Agent (if Applicable): William Joseph

Mailing Address: 2791 Glen Eden Drive Pensacola, FL 32514

Business Phone: (850) 477-4484 Cell: (850) 450-1978

Email: wjoseph@ecstripping.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: 8838 & 8840 Fowler Avenue Pensacola, FL 32534

Parcel ID (s): 10-1S-30 1101-081-001

B. Total acreage of the subject property: 2.4

C. Existing Zoning: HDMU

Proposed Zoning: HC/LI-NA; explain why necessary and/or appropriate

In 2004 Coastline Striping Inc. was established and began operating as a pavement striping company on the subject parcel. A 2009 buyout changed the property ownership to Emerald Coast Striping and likewise occupied the property as a pavement marking company. Another buyout in 2017 changed the property occupant to Ozark Striping Company for 15 months. As of January 1, 2020, Emerald Coast Striping is the occupant and owner of subject parcel. With this 16-year history the property use has always been compatible with adjacent

uses as so well described in **Sec. 3-1.6 Compatibility** “we have always been able to” **(a) General.** “maintain the necessary balance between the need and interest of different land uses, allowing neighboring uses to coexist successfully in a stable fashion over time, protecting the investments in each”. Furthermore the property meets and exceeds the **3-2.11 (e.) Location criteria (2) Site Design a.** Separated from MDR by a 66’ right of way, **b.** no intrusion into a recorded residential subdivision **c.** road frontage access consist of dual drive with fencing well behind the right of way providing the maximum extent feasible given the lot area **d.** The 2.4 acer lot size offers the ability to manage more intensive elements of the use in a way to create the least impact as possible to our adjacent uses. **e.** this area has established non-residential uses consistent with he HC/LI-NA zoning classification as described below. Emerald Coast Striping’s owner sees this as an opportunity to resolve any conflict with zoning and move onto complete compliance with all Federal, State, and County regulations as it pertains to property development. This compliance will include but not be limited to achieving concurrency with Escambia County’s development plan, storm water compliance, building compliance, etc. The resolution to these issues will promote a much more compatible use in that permits may be issued for the property. Allowing for enclosing existing pole barns, irrigation, lighting, etc. This rezoning will trigger the above referenced chain of events. The proximity to HC/LI zoning (225’ east, 940’ south, 1,058 north) combined with the fact the property is currently zoned allowing a much more intensive use than Emerald Coast Striping’s activities on the property **(Sec. 3-2.9 High Density Mixed-use (HDMU) (b) Permitted Uses (2) Retail sales** “gross floor area no greater than 35,000 sq. ft.). With only 6,835 sq. ft. of buildings on subject property with no expectations of further developing.

FLU Category: MU/Urban

D. Is the subject Property developed (if Yes, explain): The property has a total of 6,835 sq. ft. of structures. A double wide manufacture office, two pole barns (with one being closed in on three sides), and a utility shed. When we are successful with this rezoning request, we are prepared to submit a commercial package to Escambia County Development Review Committee to correct any compliance issues that may be outstanding. This rezoning is a big part of bringing this property into compliance. There are no plans to increase the use intensity or develop the property further.

E. Sanitary Sewer _____ Septic x

3. **Amendment Request**

Approval condition. 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 supplemental 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. According to Section 3-1.3 (i) "Zoning and Future Land Use" "Table of General Distribution and Extent of Use" chart the Future Land Use category of Mixed Use-Urban (MU-U) allows the for current zoning of HDMU and requested zonings of HC/LI-NA. The FLU classification specifically restricts the proposed zoning of HC/LI to a maximum dwelling units per acre of 25.

- 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 primary intent of the district HC/LI is to allow light manufacturing, large-scale wholesale and retail uses, major services, and other more intense uses than allowed in the Commercial district. This classification being limited by the compatibility with surrounding uses is reflected in Attachment "A" use map reflecting uses regardless of zoning classification. With actual zoning classifications for the roadway reflected on Attachment "B". Subject parcel roadway is approximately 5,226' long running south off Nine Mile Road to Detroit Blvd. The majority (4,326') of the west side of the roadway is zoned MDR separated by a 66' Right of Way. The east side of the road way has (2,760') Heavy Commercial and Light Industrial (HC/LI) and the remaining 2,466' has a High Density Mixed-use (HDMU) zoning designation making the entire east side of roadway having a commercial zoning classification and Mixed Use Future Land Use Classification. The property use is consistent with proposed zoning. The proposed zoning use definition in Section 3-2.11 Heavy Commercial and Light Industrial HC/LI (8) Other Uses b. Building or construction trades shop and warehouse, including on-site outside storage. This property is within 940' of HC/LI zoning to the south, 1,058' from HC/LI to the north, 225' from HC/LI to the east and separated by a 50' County right of way from MDR to the west. The parcel complies with Sec. 3-2.11 Heavy Commercial and Light Industrial (HC/LI-NA) (e) Locational Criteria (2) Site Distance Subject parcel is 2,328', 312' less than the required half mile, from a signalized intersection of an arterial street (Nine Mile Road).

- c. **Compatible with surroundings.** All the permitted uses of the proposed zoning, not just anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the

compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law. The Fowler Street corridor consist of a mixed use of residential and commercial zonings and uses (as depicted on Attachment "A" Property Use Map & "B" Zoning Classifications Map). The corridor between Nine Mile Road and Detroit Blvd. on the east side of Fowler Avenue consist of HDMU & HC/LI zoning combined with the Future Land Use Classification of Mixed Use/Urban allowing for commercial uses. Lots along Fowler Avenue are large which aids in being compatible with surroundings by strategically performing activities away from adjacent uses that otherwise may be impactful. With an approval for this requested zoning would only aid further in keeping the surroundings compatible by allowing for improvements that would further mitigate any impacts to an adjacent use. A permit application will be submitted to the Escambia County Development review Committee when all aspects of compatibility will be investigated by County Staff. Some of the measures may be more stringent than typical requirements.

- 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 district, or the difference with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site-specific balancing of interest between the isolated district and adjoining lands.

As per LDC Chapter , 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, will contribute to or result in logical and orderly development.

The property is currently zoned HDMU like 47% of the east side of roadway with the other 53% having a HC/LI zoning. The adjacent property to the east is currently zoned HC/LI only being separated by an Escambia County retention pond of 200' in width (designated in light blue on both Attachment "A the Use map and Attachment "B" zoning Classification map). It obviously shows an intent is to develop the east side of Fowler Ave. commercially and the west side residentially. The zoning even creates a corridor on either intersecting roadways on the north and south end (Detroit Blvd. to the south and Nine Mile Road to the north) by caring a HC/LI zoning down both side one lot deep. Again, obviously creating a corridor for commercial development as reflected on Attachment "A".

- e. **Appropriate with changes or changing condition**
The area is expanding rapidly due to the influx of Navy Federal personnel coming to the area combine with the up grade to Nine Mile Road into a four-lane roadway. All properties for sale on the roadway are being marketed as commercial. The subject parcel is **not creating a new use** just merely bringing an

existing use, since 2004, into compliance. This will pave the way to submit to the Escambia County Development Review Committee to achieve compliance with all other Federal, State, and County regulations. Also considering the dimensions referenced above in b. Consistent with zoning provisions. The property is 2.4 acres providing the ability for additional mitigation steps insuring the use remains compatible with adjacent uses. Currently residential to the north, that the previous owner developed and remains owner of one of the two residential structures. To the south vacant property with an "accessory" structure.

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): 10-1S-30 1101-081-001

Property Address: 8838 Fowler Avenue Pensacola, FL 32534

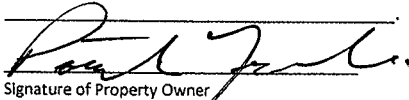
I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed 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 11th DAY OF April, YEAR OF 2020


Signature of Property Owner

Patrick Neville
Printed Name of Property Owner

4/11/2020
Date

Signature of Property Owner

Printed Name of Property Owner

Date

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.

<u>William Joseph</u> Signature of Owner/Agent	<u>William Joseph</u> Printed Name Owner/Agent	<u>4/11/2020</u> Date
<u>Patrick Neville</u> Signature of Owner	<u>Patrick Neville</u> Printed Name of Owner	<u>4/11/2020</u> Date

STATE OF Florida COUNTY OF Bay
 The foregoing instrument was acknowledged before me this 11th day of April 2020
 by Patrick Neville & William Joseph
 by means of physical presence or online notarization. Type of Identification Produced: personally known

Faith L. Cooke Faith L. Cooke
 Signature of Notary Printed Name of Notary (notary seal)





Scott Lunsford - Escambia County Tax Collector

EscambiaTaxCollector.com



facebook.com/ECTaxCollector



twitter.com/escambiatc



SCAN TO PAY ONLINE

2019 Real Estate Property Taxes

Notice of Ad Valorem and Non-Ad Valorem Assessments

ACCOUNT NUMBER	MILLAGE CODE	ESCROW CODE	PROPERTY REFERENCE NUMBER
02-0027-100	06		101S301101081001

PROPERTY ADDRESS:
8838 FOWLER AVE

EXEMPTIONS:

S - 024621 / 009196 JMS56284

EMERALD COAST PROPERTY INVESTMENTS LLC
1230 WEST BEACH DR
PANAMA CITY FL 32401-2117



AD VALOREM TAXES

TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE AMOUNT	TAXES LEVIED
COUNTY	6.6165	121,853		121,853	806.24
PUBLIC SCHOOLS					
By Local Board	2.0990	121,853		121,853	255.77
By State Law	3.9440	121,853		121,853	480.59
WATER MANAGEMENT	0.0327	121,853		121,853	3.98
SHERIFF	0.6850	121,853		121,853	83.47
M.S.T.U. LIBRARY	0.3590	121,853		121,853	43.75

TOTAL MILLAGE 13.7362

AD VALOREM TAXES 1673.80

LEGAL DESCRIPTION

NON-AD VALOREM ASSESSMENTS

TAXING AUTHORITY	RATE	AMOUNT
FIRE PROTECTION		125.33
FOR QUESTIONS ON THIS SECTION ONLY, CALL (850) 595-4960		
NON-AD VALOREM ASSESSMENTS		125.33

Pay online at EscambiaTaxCollector.com

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

COMBINED TAXES AND ASSESSMENTS 1799.13

AMOUNT DUE IF PAID BY	NOV 30, 2019	DEC 31, 2019	JAN 31, 2020	FEB 29, 2020	MAR 31, 2020
	\$ 1727.16	\$ 1745.16	\$ 1763.15	\$ 1781.14	\$ 1799.13

RETAIN FOR YOUR RECORDS

EMERALD COAST

PROPERTY INVESTMENTS LLC

1088

Scott Lunsford Escambia Co. Tax Collector

11/5/2019

1,727.16

Description: FOWLER AVE (NEAR 8840 FOWLER)
 Start Date: 05/19/2020
 Start Time: 0800

Time	Direction: N					Direction: S					Combined Total
	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total	
0000	3	1	1	0	5	3	4	2	4	13	18
0100	1	1	2	0	4	5	0	1	3	9	13
0200	0	0	0	1	1	1	1	0	0	2	3
0300	0	0	2	1	3	1	2	1	0	4	7
0400	0	4	3	4	11	1	1	0	2	4	15
0500	4	3	3	7	17	5	4	2	4	15	32
0600	7	9	13	21	50	7	14	6	24	51	101
0700	18	17	16	20	71	22	20	20	15	77	148
0800	19	19	11	22	71	19	20	24	26	89	160
0900	17	31	16	20	84	14	19	27	18	78	162
1000	23	26	18	23	90	21	29	31	25	106	196
1100	30	22	20	26	98	21	29	25	25	100	198
1200	29	24	28	9	90	32	29	37	35	133	223
1300	26	23	25	23	97	25	30	33	27	115	212
1400	27	28	21	34	110	38	33	29	31	131	241
1500	21	28	28	25	102	23	26	28	23	100	202
1600	21	27	31	38	117	28	22	36	27	113	230
1700	25	24	34	28	111	31	26	22	27	106	217
1800	27	16	20	19	82	30	29	30	17	106	188
1900	14	25	13	17	69	34	14	25	17	90	159
2000	11	10	14	10	45	24	22	21	16	83	128
2100	6	6	2	6	20	18	9	10	15	52	72
2200	5	2	6	4	17	6	5	7	3	21	38
2300	6	2	0	1	9	1	7	8	4	20	29

24-Hour Totals: 1374 1618 2992

	Direction: N		Peak Volume Information		Direction: S		Combined Directions	
	Hour	Volume	Hour	Volume	Hour	Volume	Hour	Volume
A.M.	845	86	800	89	845	172		
P.M.	1615	121	1200	133	1400	241		
Daily	1615	121	1200	133	1400	241		

Description: FOWLER AVE (NEAR 8840 FOWLER)
 Start Date: 05/20/2020
 Start Time: 0800

Time	Direction: N					Direction: S					Combined Total	
	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total		
0000	3	0	0	2	5	1	6	0	4	11	16	
0100	1	0	0	0	1	2	2	1	2	7	8	
0200	0	0	0	0	0	0	0	0	0	0	0	
0300	1	1	0	1	3	0	0	3	0	3	6	
0400	1	3	2	4	10	1	0	1	0	2	12	
0500	5	3	6	5	19	2	3	6	7	18	37	
0600	7	4	15	19	45	9	20	9	9	47	92	
0700	13	15	15	27	70	13	17	26	22	78	148	
0800	12	17	11	19	59	20	23	18	15	76	135	
0900	14	22	15	17	68	14	24	18	23	79	147	
1000	16	19	14	23	72	18	23	23	24	88	160	
1100	24	13	14	22	73	20	24	16	26	86	159	
1200	23	21	21	21	86	28	27	21	29	105	191	
1300	21	21	21	21	84	28	27	28	35	118	202	
1400	22	17	20	16	75	29	27	26	24	106	181	
1500	21	27	27	29	104	24	29	16	36	105	209	
1600	32	28	22	34	116	28	36	24	23	111	227	
1700	31	21	24	20	96	28	28	23	23	102	198	
1800	15	20	22	12	69	29	18	22	26	95	164	
1900	13	14	16	7	50	19	18	17	17	71	121	
2000	11	11	7	7	36	18	10	16	15	59	95	
2100	5	10	12	6	33	13	19	7	17	56	89	
2200	3	6	3	3	15	8	7	4	11	30	45	
2300	4	4	1	1	10	7	5	6	2	20	30	
24-Hour Totals:					1199						1473	2672

	Direction: N		Peak Volume Information		Direction: S		Combined Directions	
	Hour	Volume	Hour	Volume	Hour	Volume	Hour	Volume
A.M.	730	71	730	91	730	162		
P.M.	1530	116	1545	124	1545	235		
Daily	1530	116	1545	124	1545	235		

Description: FOWLER AVE NORTH OF LOWES DRIVEWAY
 Start Date: 05/19/2020
 Start Time: 0800

Time	Direction: N					Direction: S					Combined Total
	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total	
0000	5	5	2	0	12	2	3	2	4	11	23
0100	2	1	2	0	5	4	0	1	4	9	14
0200	1	0	0	1	2	1	1	1	1	4	6
0300	0	0	2	1	3	1	1	1	1	4	7
0400	0	3	1	2	6	1	2	3	3	9	15
0500	2	3	4	10	19	7	5	5	12	29	48
0600	11	12	17	27	67	16	15	14	30	75	142
0700	17	24	22	25	88	31	34	23	35	123	211
0800	28	28	32	38	126	32	50	61	61	204	330
0900	52	59	58	36	205	64	54	65	61	244	449
1000	52	57	47	63	219	44	53	59	55	211	430
1100	57	64	54	56	231	64	53	48	59	224	455
1200	56	53	58	42	209	78	75	66	65	284	493
1300	58	62	51	60	231	63	57	58	62	240	471
1400	61	52	62	65	240	70	56	66	55	247	487
1500	65	65	68	59	257	35	51	65	60	211	468
1600	55	67	47	63	232	51	44	56	61	212	444
1700	55	47	44	56	202	54	51	55	39	199	401
1800	32	35	43	42	152	51	48	45	42	186	338
1900	39	39	35	29	142	53	20	26	33	132	274
2000	27	16	20	19	82	32	24	25	19	100	182
2100	16	11	7	10	44	22	12	9	15	58	102
2200	6	2	6	4	18	5	7	7	2	21	39
2300	7	3	0	1	11	2	7	6	4	19	30

24-Hour Totals: 2803 3056 5859

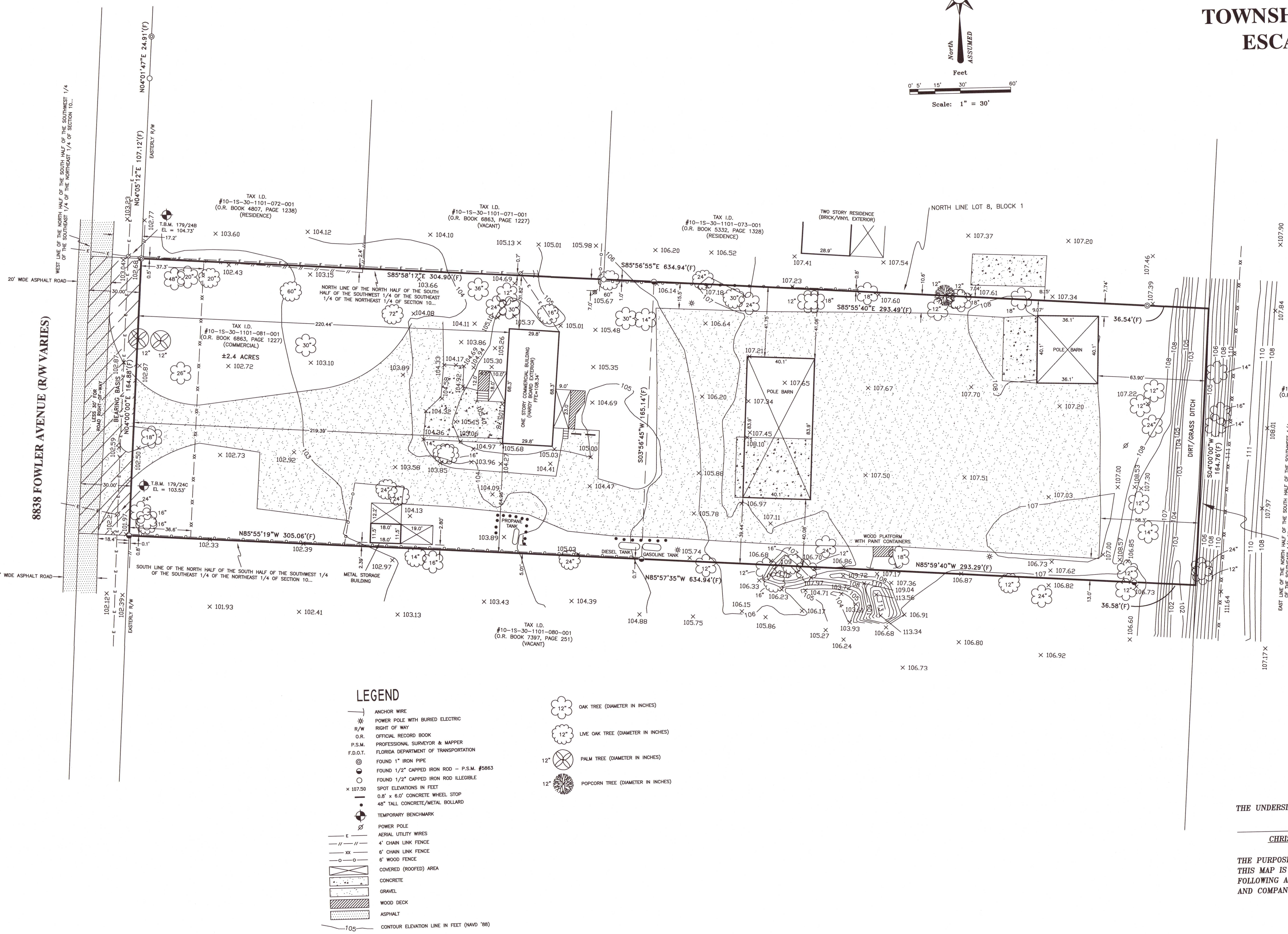
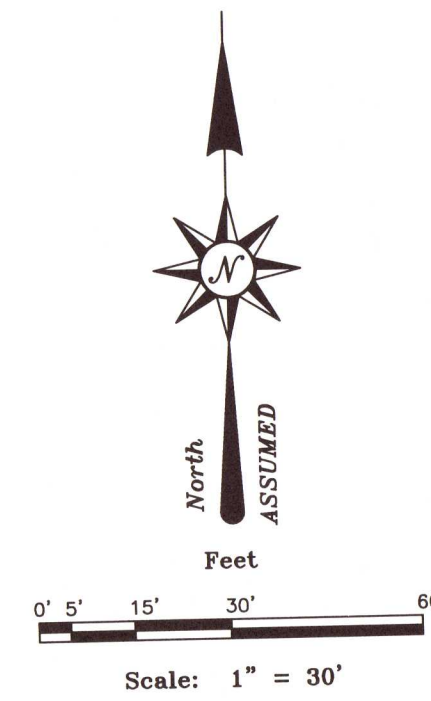
	Direction: N		Peak Volume Information Direction: S		Combined Directions	
	Hour	Volume	Hour	Volume	Hour	Volume
A.M.	845	207	845	244	845	451
P.M.	1445	263	1200	284	1200	493
Daily	1445	263	1200	284	1145	501

Description: FOWLER AVE NORTH OF LOWES DRIVEWAY
 Start Date: 05/20/2020
 Start Time: 0800

Time	Direction: N					Direction: S					Combined Total	
	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total		
0000	4	0	0	3	7	3	4	0	6	13	20	
0100	5	0	0	1	6	1	2	1	2	6	12	
0200	0	0	0	0	0	1	0	0	0	1	1	
0300	3	1	0	1	5	0	0	2	1	3	8	
0400	1	3	0	1	5	1	1	1	4	7	12	
0500	3	3	7	4	17	4	1	6	15	26	43	
0600	9	6	23	24	62	17	23	17	24	81	143	
0700	16	18	29	40	103	24	24	44	49	141	244	
0800	31	32	25	35	123	35	41	46	54	176	299	
0900	41	43	31	33	148	39	45	40	44	168	316	
1000	39	37	40	40	156	44	44	59	51	198	354	
1100	52	50	45	31	178	49	44	44	52	189	367	
1200	44	46	53	49	192	55	61	56	39	211	403	
1300	58	42	44	42	186	45	42	44	43	174	360	
1400	55	51	43	44	193	55	51	41	56	203	396	
1500	49	40	53	54	196	40	48	52	47	187	383	
1600	50	53	43	68	214	47	53	51	53	204	418	
1700	60	47	40	37	184	43	39	46	34	162	346	
1800	26	39	38	31	134	47	21	32	36	136	270	
1900	28	29	38	18	113	27	31	29	28	115	228	
2000	31	18	17	15	81	22	21	24	21	88	169	
2100	7	8	21	9	45	12	21	7	15	55	100	
2200	5	6	6	9	26	6	10	5	9	30	56	
2300	8	3	1	2	14	8	6	3	2	19	33	
24-Hour Totals:					2388						2593	4981

	Direction: N		Peak Volume Information		Direction: S		Combined Directions	
	Hour	Volume	Hour	Volume	Hour	Volume	Hour	Volume
A.M.	845	150	830	184	830	328		
P.M.	1615	224	1200	211	1615	424		
Daily	1615	224	1145	224	1615	424		

BOUNDARY & TOPOGRAPHIC SURVEY 8838 FOWLER AVENUE A PORTION OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA



LEGEND

- ANCHOR WIRE
- POWER POLE WITH BURIED ELECTRIC
- RIGHT OF WAY
- OFFICIAL RECORD BOOK
- P.S.M. PROFESSIONAL SURVEYOR & MAPPER
- F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
- FOUND 1" IRON PIPE
- FOUND 1/2" CAPPED IRON ROD - P.S.M. #5863
- FOUND 1/2" CAPPED IRON ROD ILLEGIBLE
- SPOT ELEVATIONS IN FEET
- 0.8' x 6.0' CONCRETE WHEEL STOP
- 48" TALL CONCRETE/METAL BOLLARD
- TEMPORARY BENCHMARK
- POWER POLE
- AERIAL UTILITY WIRES
- 4' CHAIN LINK FENCE
- 6' CHAIN LINK FENCE
- 6' WOOD FENCE
- COVERED (ROOFED) AREA
- CONCRETE
- GRAVEL
- WOOD DECK
- ASPHALT
- 105' CONTOUR ELEVATION LINE IN FEET (NAVD '88)
- OAK TREE (DIAMETER IN INCHES)
- LIVE OAK TREE (DIAMETER IN INCHES)
- PALM TREE (DIAMETER IN INCHES)
- POPCORN TREE (DIAMETER IN INCHES)

LEGAL DESCRIPTION:

(PREPARED BY UNDERSIGNED AT CLIENTS REQUEST)
The North Half of the South Half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 10, Township 1 South, Range 30 West, Escambia County, Florida, less one-half of the right-of-way for 30 foot road way on Quarter Section lines, being Lot 8 of Block 1 of a subdivision of Section 10, according to the Plat recorded in Deed Book 89, Page 369, of the Public Records of Escambia County, Florida.

PARENT PARCEL

LEGAL DESCRIPTION: (O.R. BOOK 7471, PAGE 1315)
The North Half of the South Half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 10, Township 1 South, Range 30 West, Escambia County, Florida, less one-half of the right-of-way for 30 foot road way on Quarter Section lines and less the East 330.00 feet, being Lot 8 of Block 1 of a subdivision of Section 10, according to the Plat recorded in Deed Book 89, Page 369, of the Public Records of Escambia County, Florida.

SURVEYOR'S REPORT:

- ELEVATION FOR TEMPORARY BENCHMARKS AND TOPOGRAPHIC SURVEY REFERENCED TO A TEMPORARY BENCHMARK, BEING AN "X" CUT IN THE NORTH BONNET BOLT OF THE FIRE HYDRANT LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF FOWLER AVENUE AND HAWKINS STREET. ELEVATION: 110.60' NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
- BENCHMARKS(B.M.):
A. T.B.M. 174/24B IS A SET COTTON SPINDLE IN THE WEST FACE OF A POWER POLE LOCATED APPROXIMATELY 5 FEET WEST OF NORTHWEST PROPERTY CORNER OF SUBJECT PARCEL. ELEVATION: 104.73' (NAVD 88)
B. T.B.M. 174/24C IS A COTTON SPINDLE IN THE NORTH FACE OF A POWER POLE LOCATED APPROXIMATELY 5 FEET WEST AND 12 FEET NORTH OF SOUTHWEST PROPERTY CORNER OF SUBJECT PARCEL. ELEVATION: 103.53' (NAVD '88)
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. THE SURVEYOR DOES NOT CERTIFY THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED, OR THE UNDERGROUND UTILITIES COMPRISE ALL SUCH UTILITIES.
- THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
- TO ASSURE THE CONTRACTOR IS ON THE SAME VERTICAL AND HORIZONTAL DATUM AS THIS SURVEY, IT IS STRONGLY RECOMMENDED THAT VERTICAL CHECKS BE MADE BETWEEN TWO BENCH MARKS AND THAT HORIZONTAL CHECKS BE MADE BETWEEN THREE CONTROL POINTS OR PROPERTY CORNERS.
- CALL SUNSHINE ONE UTILITY LOCATORS AT (800) 432-4770 BEFORE DIGGING.
- THERE IS A WATER METER 3.2' WEST OF THE SOUTHWEST PROPERTY CORNER.

THE UNDERSIGNED CLIENT(S) ACKNOWLEDGE RECEIPT AND ACCEPTANCE OF THIS SURVEY:

CHRIS FOREHAND

THE PURPOSE OF THIS SURVEY IS FOR TITLE TRANSACTION AND ITS ACCOMPANYING MORTGAGE. THIS MAP IS CERTIFIED AS MEETING THE FLORIDA STANDARDS OF PRACTICE TO THE FOLLOWING AND IS FOR THE BENEFIT OF ONLY THE FOLLOWING LISTED CLIENT(S), AGENT(S) AND COMPANIES:

CHRIS FOREHAND
PANHANDLE ENGINEERING, INC.

CLIENT: CHRIS FOREHAND

BEARING BASIS: N04°00'00"E EASTERLY R/W (ASSUMED)

TYPE OF SURVEY: BOUNDARY & TOPO WITH IMPROVEMENTS

SOURCE OF INFORMATION:
FIELD EVIDENCE
DEEDS OF RECORD
PLAT RECORDED IN:
PRIOR SURVEYS/DRAWINGS

GENERAL NOTES:
1. Fence locations as drawn are not to scale. 1A. This drawing only reflects setback lines, which appear on the recorded plat. 1B. This drawing only reflects setback lines, which appear on the recorded plat. 2A. This drawing only reflects setback lines, which appear on the recorded plat. 2B. This drawing only reflects setback lines, which appear on the recorded plat. 3. Footings, foundations, or any other subsurface structures were not located unless otherwise noted. 4. All bearings and/or angles and distances are Deed and Actual unless otherwise noted. 5. All measurements were taken in accordance with United States standards. The accuracy shown meet the standards required in the appropriate land area. 6. No Title Search of the Public Records has been performed by this firm and lands shown hereon were not abstracted by this firm for ownership, easements, or right-of-ways. The parcel shown hereon may be subject to setbacks, easements, zoning, and restrictions that may be found in the Public Records of said County.

EMPIRE LAND SURVEYING, INC.
PROFESSIONAL LAND SURVEYING • SERVING NORTHWEST FLORIDA
8720 N. PALAFOX STREET, PENSACOLA, FLORIDA 32534
PHONE: 850-477-3745 -- FAX: 850-477-3705
LICENSED BUSINESS #6993, STATE OF FLORIDA

REVISIONS	FIELD BOOK	DATE
1.) TOPOGRAPHIC SURVEY	179/24-25	02/10/17
2.) LOCATE TREES	179/66	04/18/17

POSSIBLE ENCROACHMENTS:
FENCES, AERIAL UTILITY WIRES, DITCH

NOT VALID WITHOUT THE ORIGINAL BLUE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SURVEYORS CERTIFICATE
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 LAND SURVEYORS IN FLORIDA ADMINISTRATION CODE CHAPTER 5J-17.050, 5J-17.051 AND 5J-17.052, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

APRIL 21, 2017 LELAND M. EMPJE, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER, NO. 5766, STATE OF FLORIDA DATE

SCALE:	1" = 30'
FIELD DATE:	11/19/15
ORDER NO.:	286-15-2
FIELD BOOK:	171/55

Fowler Ave.

- Zoning
- MDMU
- HC/LI
- MDR
- Com

Legend

Escambia County

Attachment "B" Zoning Map



Google Earth

© 2020 Google

1000 ft



Fowler Ave.

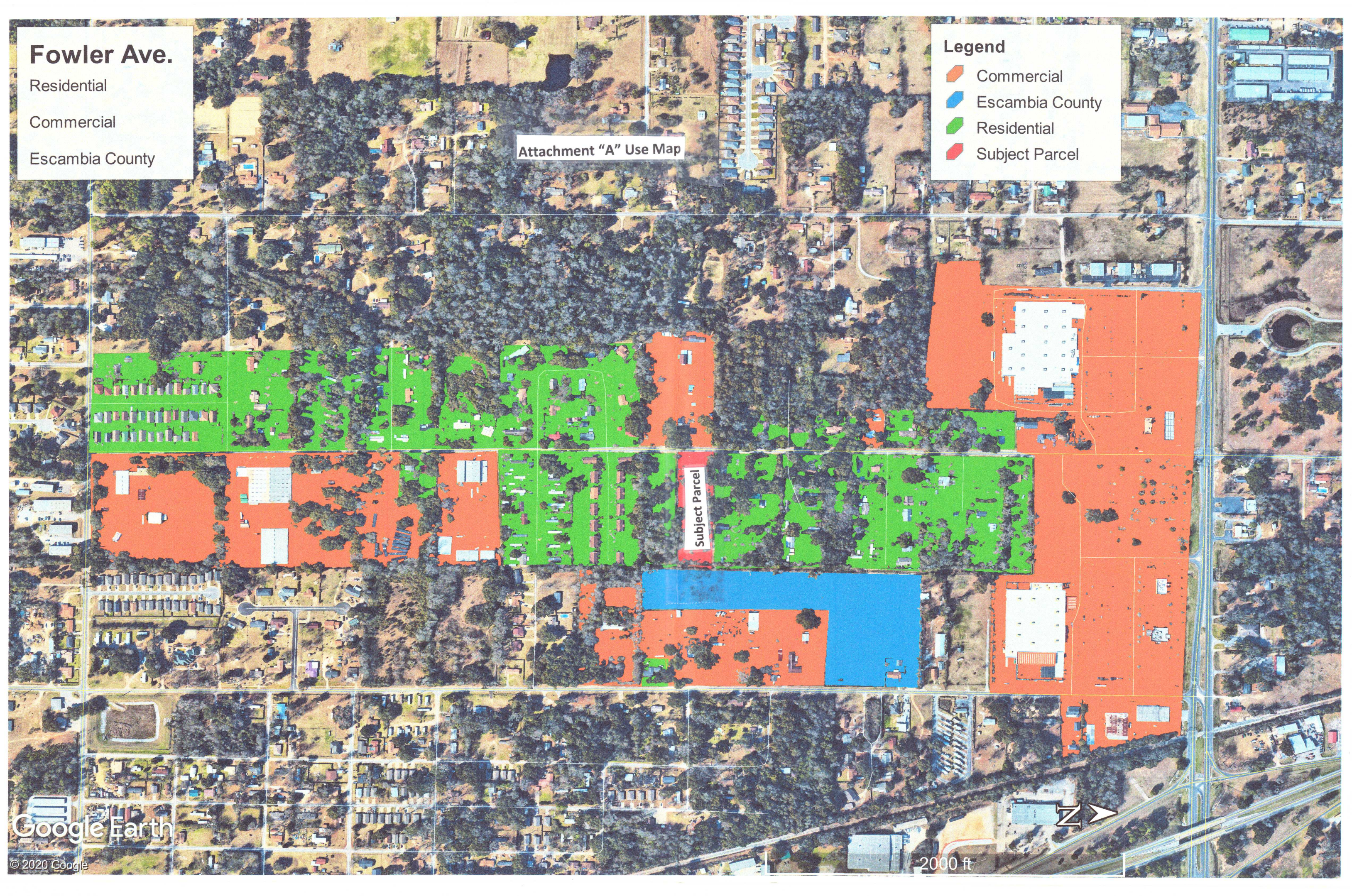
Residential
Commercial
Escambia County

Attachment "A" Use Map

Legend

- Commercial
- Escambia County
- Residential
- Subject Parcel

Subject Parcel





**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**

DATE: June 23, 2020

RE: Transportation & Traffic Operations (TTO) Comments – Z-2020-5

TTO Staff has reviewed the Rezoning Case Z-2020-5 8838 Fowler Avenue (HDMU to LI-NA), agenda item for the Planning Board meeting scheduled for July 2, 2020. Please see the below comments.

Fowler Avenue is a 2-lane roadway without paved shoulders. Near the parcel in question, the traveling roadway width varies from 21 to 22 feet. The right-of-way width is 50 feet.

Fowler Avenue is classified as a local road and is not included in the Florida-Alabama TPO's Congestion Management Process Plan. According to the Land Development Code and for locational purposes only, the County Engineer may designate a local roadway as a collector if all five criteria are met. Fowler Avenue was not designated as a collector street because all five criteria were not met. The five criteria are listed below.

1. *Twenty-two-foot width of pavement (two lanes) or more. (The measured width directly in front of the applicant's address, 8838 Fowler Avenue was 22 feet. However, the roadway width was measured at 21 feet less than 350 feet on either side of the driveway. Therefore, the roadway width criterion is not met)*
2. *Posted speed limit of 35 mph or more. (35MPH posted)*
3. *Signalized intersection on the segment or at its termini. (signal at the Nine Mile intersection)*
4. *Connection to a collector or arterial street. (Nine Mile to the north – Arterial and Detroit to the south – Collector)*
5. *Average annual daily traffic at least 1,500 vehicles. (24-hour traffic counts were performed on 5/19/2020 and 5/20/2020 and resulted in daily traffic counts of 2,992 and 2,672, respectively.)*

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
Christine Fanchi, TTO Division, Engineering Department
Joy Jones, P.E., Engineering Department Director
Kim Wilson, Development Services Department**

Planning Board-Rezoning

7. B.

Meeting Date: 07/06/2020
CASE : Z-2020-06
APPLICANT: Tom Hammond, Agent for Anthony Baroco, Owner
ADDRESS: Halcyon Circle
PROPERTY REF. NO.: 26-2S-31-1000-004-001
FUTURE LAND USE: MU-S, Mixed Use Suburban
DISTRICT: 1
OVERLAY DISTRICT: N/A
BCC MEETING DATE: 08/06/2020

SUBMISSION DATA:

REQUESTED REZONING:

FROM: MDR, Medium Density Residential district (ten du/acre)

TO: Com, Commercial (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 Suburban (MU-S) Future Land Use (FLU) category is intended for a mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses. Range of allowable uses include:
Residential, Retail and Services, Professional Office, Recreational Facilities, Public and

Civic. The maximum residential density is twenty five dwelling units per acre.

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

FINDINGS

The proposed amendment to Com **is consistent** with the intent and purpose of Future Land Use category MU-S as stated in CPP FLU 1.3.1 which allows a mix of residential and non-residential uses. Buffering will be required to protect the residential uses from the more intense commercial activities, which will be reviewed during the site plan review process.

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

Consistent with The Land Development Code

The proposed zoning **is not** 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.

LDC Sect. 3-2.10 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

LDC 3-2.10 Location criteria. All new non-residential uses proposed within the Commercial district that are not part of a planned unit development or not identified as exempt by the district shall be on parcels that satisfy at least one of the following location criteria:

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

similar generator.

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

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

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

FINDINGS

The proposed amendment **is not** consistent with the intent and purpose of the Land Development Code due to the following reasons below.

The requested zoning to commercial would allow uses ranging from neighborhood commercial to light industrial and the intent of the MDR zoning is to allow for residential neighborhood development limited to single-family and two-family dwellings.

Further more, the site and building requirements for Commercial will be a substantial increase in density from 10 dwelling units per acre to 25 dwelling units per acre.

The property has addressed street frontage along Halcyon, a local roadway with the southern portion of the property facing Lillian highway, an arterial roadway. Although the property is within one quarter mile of its intersection with Bauer road, the roadway classification for Bauer is a collector not arterial as noted in LDC 3-2.10(e)(1). If the request to commercial is approved, this would allow for intense commercial activity to ingress/egress the local road currently utilized by an existing residential neighborhood.

The majority of parcels adjacent to and around the subject property are zoned MDR.

There are four commercially zoned parcels and two parcels of HDMU located across Lillian, there are four HDMU parcels adjacent to and to the west of the property. There is Crown Pointe, a residential subdivision to the east, zoned HC/LI. Vacant parcels would not count towards infill, as their uses are subject to their zoning designation.

There isn't enough commercial developments in the area to consider the change to be infill as listed in the criteria in 3-2.10(e)(3). A commercial use would not be similar in intensity or density to the surrounding residential parcels, contributing to strip commercial development and create adverse impacts on the residence in this area.

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

Compatible with surrounding uses

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

FINDINGS

The proposed amendment **is not** compatible with surrounding existing uses in the area. Within the 500 radius impact area, staff observed properties with zoning districts MDR, HDMU, Com, and HC/LI. There are single-family, a church, a commerce park consisting of retail sales and services. and vacant parcels in the area of the subject property. While there are HC/LI zoned parcels to the east, the use is residential in the form of a platted subdivision. The request to commercial would be a substantial upzoning that will impact the well established residential development. Being that the surrounding uses are primarily residential, changing the subject property to commercial would not be compatible to the current zoning of MDR.

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

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

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

FINDINGS

The request to change the zoning to Commercial **is** spot zoning due to the fact adjacent parcels are currently zoned MDR and HDMU, with the only commercial zoning across Lillian Highway to the south. A request to change the zoning to commercial would substantially increase the density more than the adjacent properties and would not be transitional in character. Commercial zoning provides transitions between areas zoned or used as high density mixed-use, heavy commercial, or industrial, which is not dominate in the area. Commercial zoning would allow more intense uses not allowed by parcels of residential zoning, therefore the request to commercial **would not contribute** to a logical and orderly development.

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.

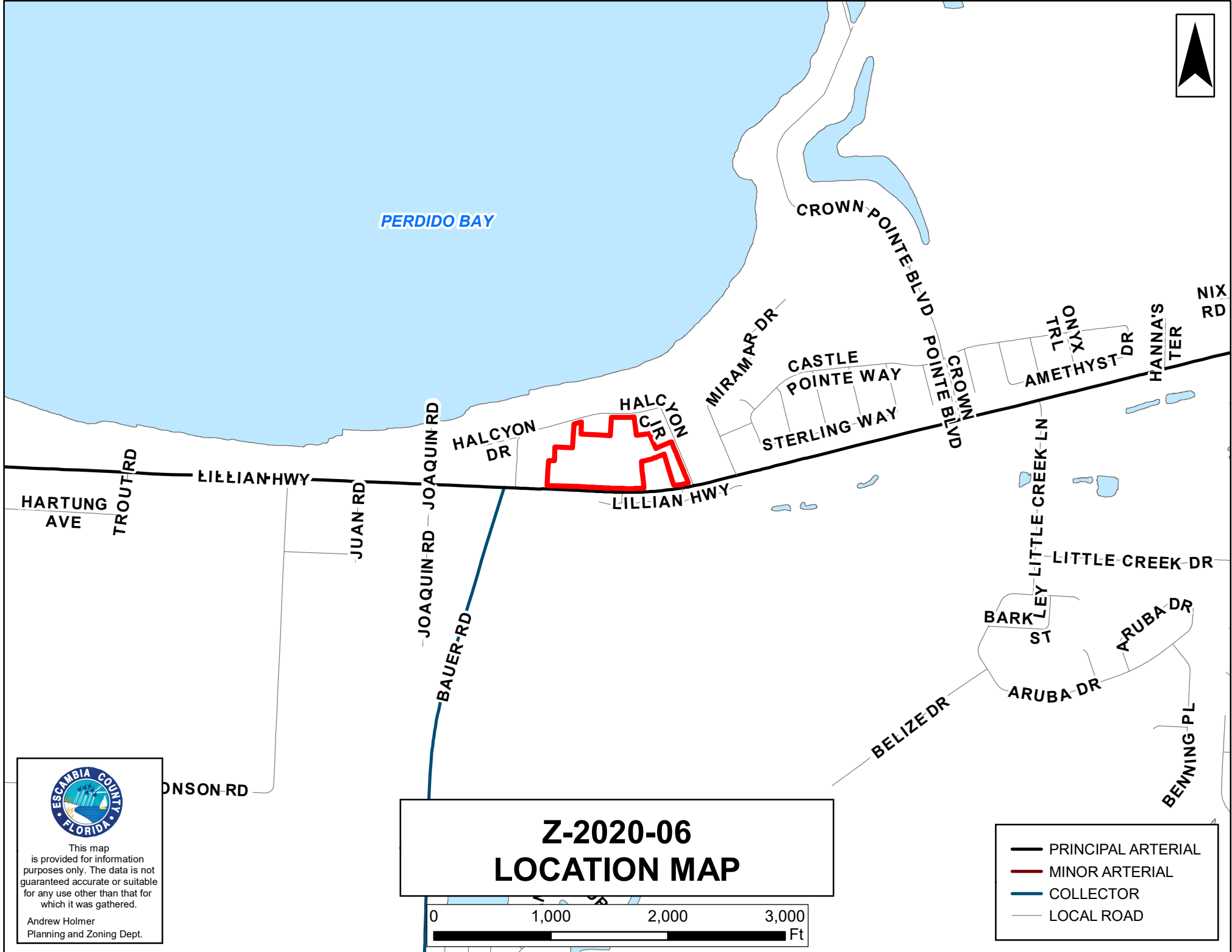
FINDINGS

There has been **no change** or additions to the land uses or in the area surrounding the the subject property and allowing the request to Commercial will allow more intense development for the surrounding residential uses, contributing to urban sprawl.

Attachments

Working Case File

Z-2020-06



PERDIDO BAY

CROWN POINTE BLVD

HARTUNG AVE

TROUT RD

LILLIAN HWY

JUAN RD

JOAQUIN RD - JOAQUIN RD

BAUER RD

HALCYON DR

HALCYON CIR

LILLIAN HWY

MIRAMAR DR

CASTLE POINTE WAY

STERLING WAY

CROWN POINTE BLVD

AMETHYST DR

HANNA'S TER

NIX RD

LITTLE CREEK LN

LITTLE CREEK DR

BARKLEY ST

ARUBA DR

ARUBA DR

BELIZE DR

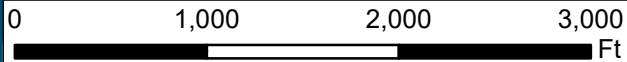
BENNING PL



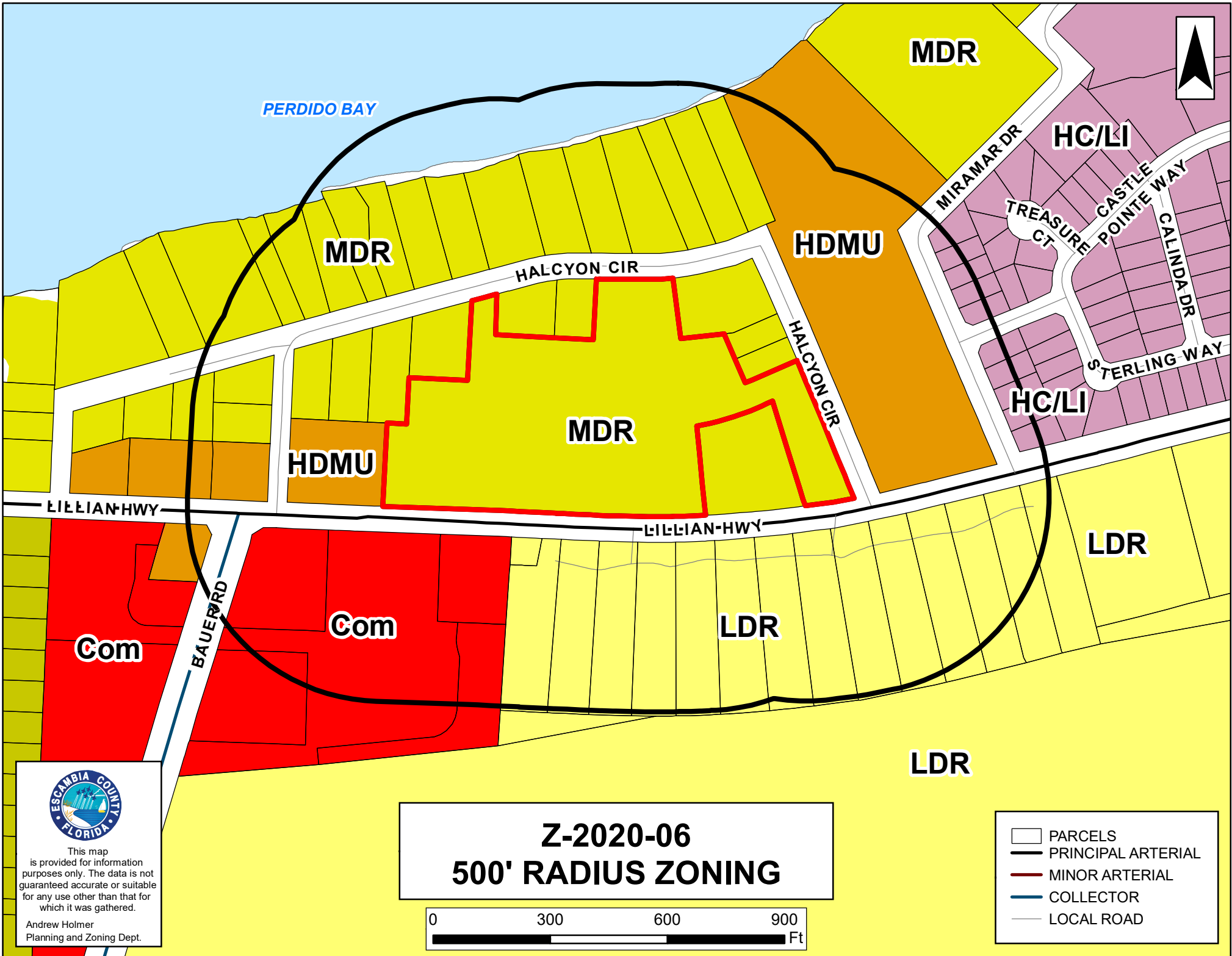
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2020-06 LOCATION MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



PERDIDO BAY

MDR

HC/LI

MDR

HDMU

HALCYON CIR

MIRAMAR DR

TREASURE CT

CASTLE
POINTE WAY

CALLINDA DR

STERLING WAY

MDR

HC/LI

HDMU

LILLIAN HWY

LILLIAN HWY

LDR

Com

BAUER RD

Com

LDR

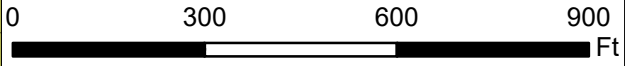
LDR



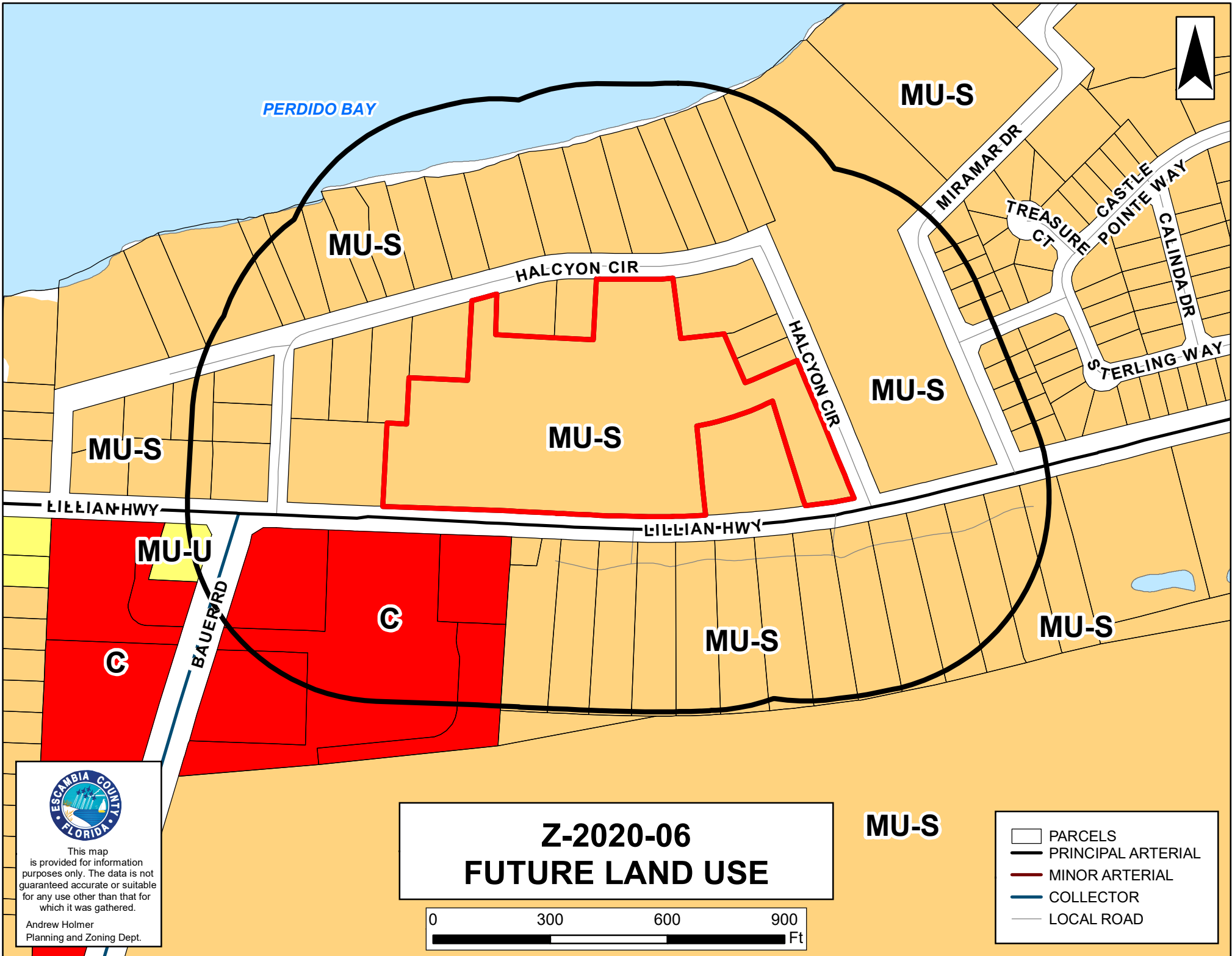
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2020-06
500' RADIUS ZONING



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



PERDIDO BAY

MU-S

MU-S

HALCYON CIR

MIRAMAR DR

TREASURE CT

CASTLE POINTE WAY

CALINDA DR

STERLING WAY

MU-S

MU-S

MU-S

LILLIAN HWY

LILLIAN HWY

MU-U

BAUER RD

C

C

MU-S

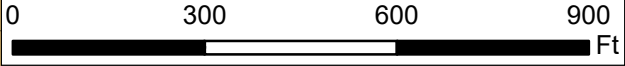
MU-S



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

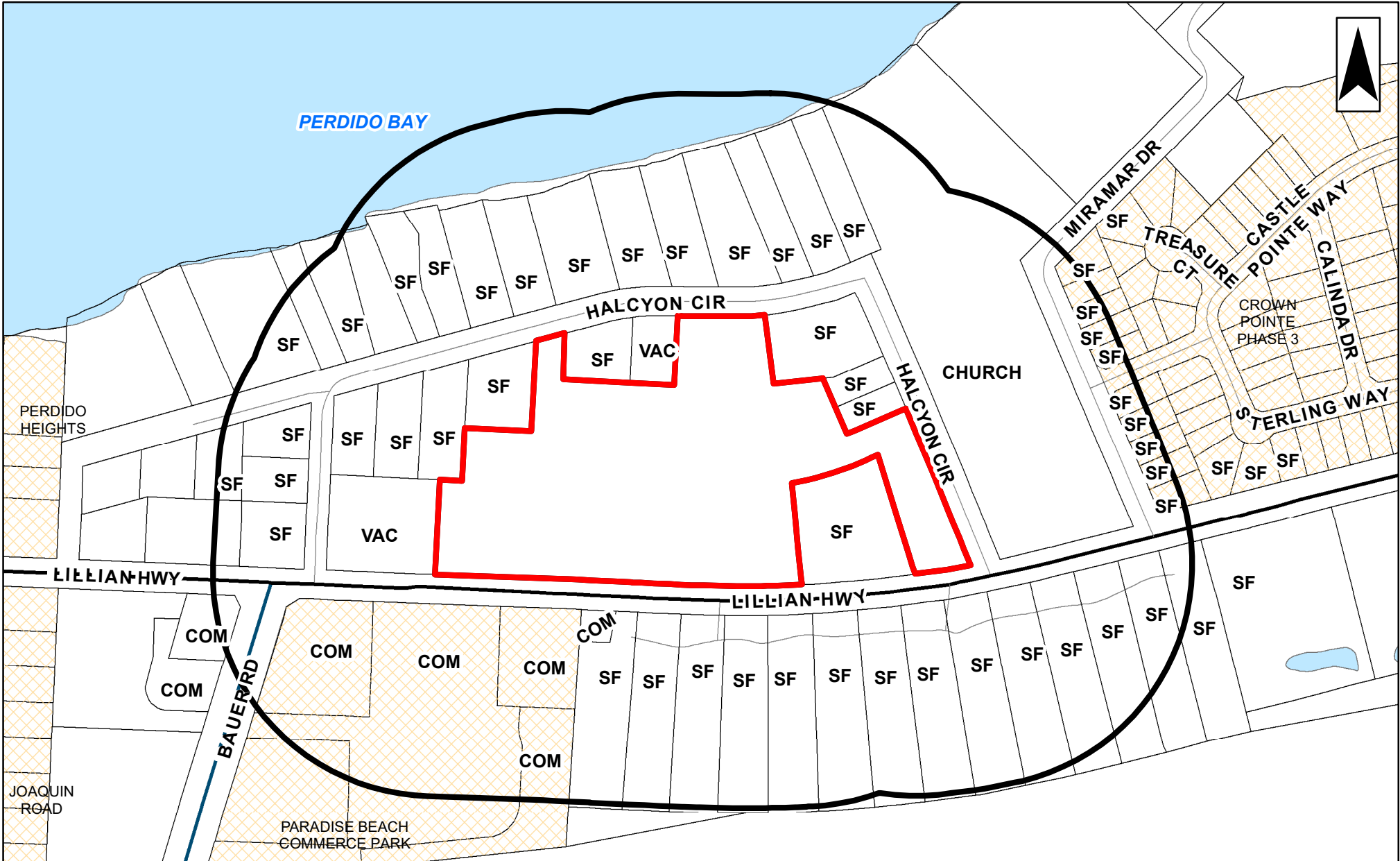
Andrew Holmer
Planning and Zoning Dept.

**Z-2020-06
FUTURE LAND USE**



MU-S

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



PERDIDO BAY

PERDIDO HEIGHTS

CROWN POINTE PHASE 3


LILLIAN HWY

LILLIAN-HWY

BAUER RD

JOAQUIN ROAD

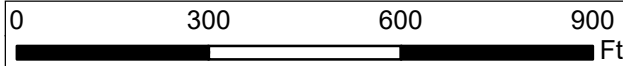
PARADISE BEACH COMMERCE PARK



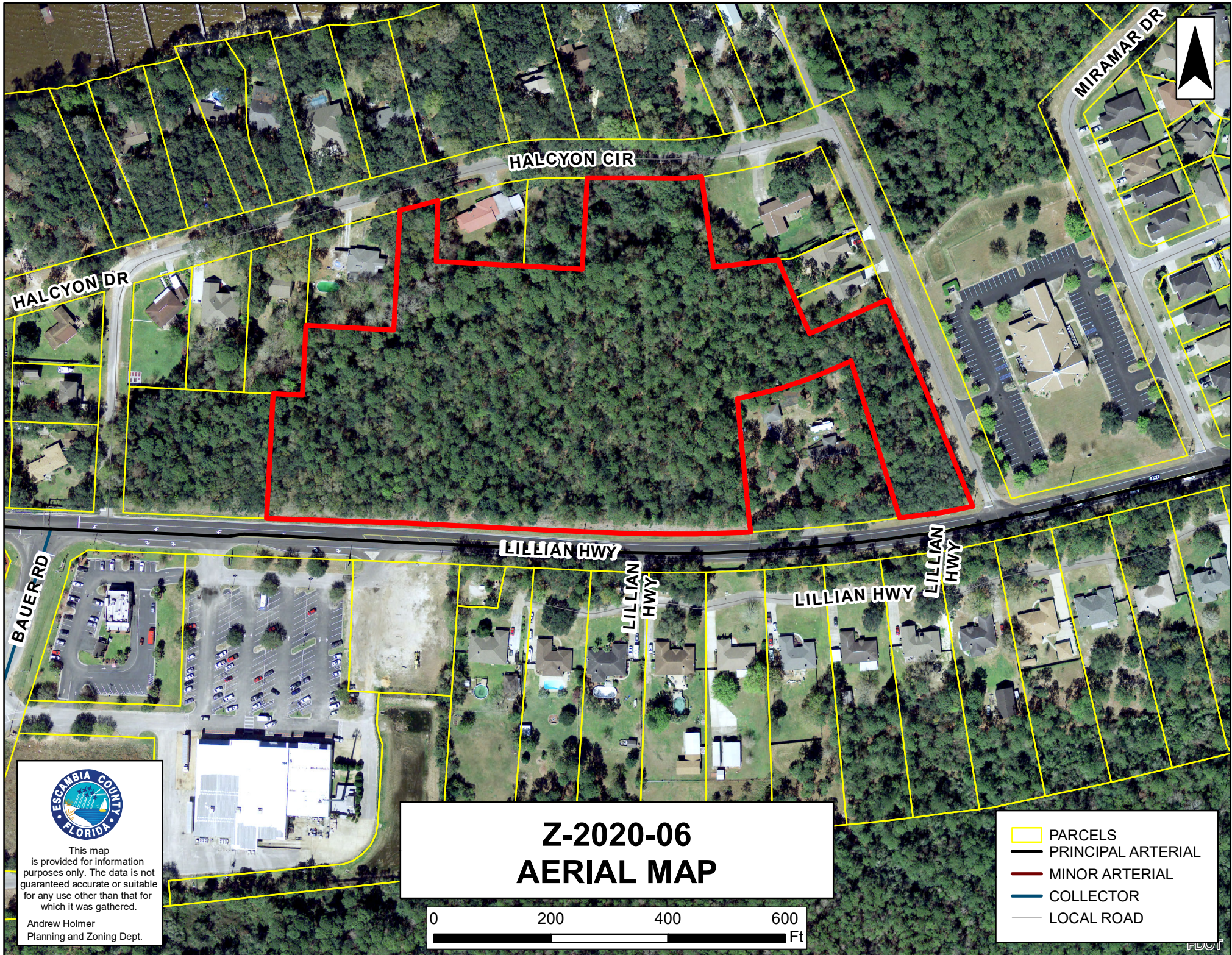
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

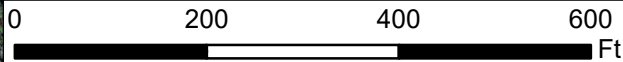
Z-2020-06 EXISTING LAND USE



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



**Z-2020-06
AERIAL MAP**



- 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.

Andrew Holmer
Planning and Zoning Dept.

Public hearing sign

NOTICE OF PUBLIC HEARING REZONING

ESCAMBIA COUNTY FLORIDA

CASE NO.: Z-2020-06

CURRENT ZONING: MDR PROPOSED ZONING: COM

PLANNING BOARD

DATE: 07/06/20 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: 08/06/20 TIME: 5:45 p.m.

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

FOR MORE INFORMATION CALL:
DEVELOPMENT SERVICES AT 889-3478 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY



Looking onto subject
property from across
Lillian Hwy



Looking across Lillian
Hwy from subject
property

Looking west from property on Lillian Hwy





Looking east along Lillian
Hwy from property



Looking onto subject
property from
commerce park across
Lillian Hwy



Looking at the commerce
park across from the
western portion of subject
parcel



Another view of commercial development across Lillian Hwy.



Looking west toward traffic light at Lillian Hwy & Bauer Rd



Looking at residential
parcel on Lillian Hwy
adjacent to subject
property



looking down
the eastern
entrance of
Halcyon





looking west along
backside of Halcyon
Circle



Looking into the
subject property
from Halcyon Circle



Looking south toward
Lillian Hwy on the
western entrance of
Halcyon Circle



Looking onto the church on Lillian Hwy and Halcyon Circle



HAMMOND ENGINEERING, INC.
Florida Certificate of Authorization No. 00009130
Alabama Certificate of Authorization No. 3277

May 6, 2020

Mrs. Allyson Lindsay
Planning Board Coordinator
Development Services Bureau
3363 West Park Place
Pensacola, Florida 32505

Reference: 26-2S-31-1000-004-001
Halcyon Circle
HEI Project No. 19-030

Dear Allyson:

The above referenced parcels currently have a zoning of MDR and has not been developed. The parcel is located between Hwy 98 and Halcyon Circle just east of the Hwy 98/Bauer Road intersection in Escambia County, FL. We request the parcels be re-zoned to COM.

We have attached all of the required items listed on the re-zoning application. Please review these items and provide the county's findings at your earliest convenience. Should you have questions or comments, please give us a call.

Sincerely,

HAMMOND ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read 'Thomas G. Hammond, Jr.', is written over a faint, circular stamp or watermark.

Thomas G. Hammond, Jr., PE.
President

Attachments



Escambia County Planning and Zoning

Development Services Department

3363 West Park Place

Pensacola, FL 32505

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

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

Rezoning Application

FOR OFFICE USE ONLY - Case Number: Z-2020-06 Accepted by: A. Lindsay PB Meeting: TBD

1. Contact Information:

A. Property Owner/Applicant: ANTHONY BAROCO

Mailing Address: 14320 RIVER ROAD

Business Phone: 850-529-4331 Cell: 850-529-4331

Email: ANTHONYBAROCO@BELLSOUTH.NET

B. Authorized Agent (if applicable): Tom Hammond

Mailing Address: 3802 North S Street, Pensacola, FL 32505

Business Phone: 850-434-2603 Cell: 850-554-9389

Email: tom@selanddesign.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: HALCYON CIRCLE

Parcel ID (s): 26-2S-31-1000-004-001

B. Total acreage of the subject property: 9.99

C. Existing Zoning: MDR

Proposed Zoning: COM; explain why necessary and/or appropriate
Appropriate due to parcel location near Arterial (Hwy 98) and Collector (Bauer Rd)

intersection and existing commercial development in the area. Large are of wetlands along the north perimeter offer substantial buffering between proposed commercial use and existing residences

FLU Category: MU-S

D. Is the subject property developed (if yes, explain): vacant & undeveloped

E. Sanitary Sewer: X Septic: _____

3. Amendment Request

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

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

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

PLEASE SEE ATTACHED

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

PLEASE SEE ATTACHED

- 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.

PLEASE SEE ATTACHED

- 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

PLEASE SEE ATTACHED

- 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.

PLEASE SEE ATTACHED

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): 26-2S-31-1000-004-001

Property Address: HALCYON CIRCLE

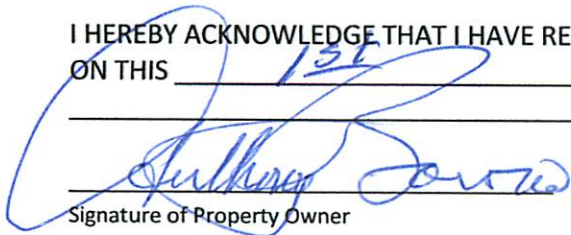
I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed 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 13th DAY OF MAY, YEAR OF 2020


Signature of Property Owner

ANTHONY BAROCO
Printed Name of Property Owner

5/1/20
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.

Signature of Owner/Agent

Thomas G Hammond Jr, PE
Printed Name Owner/Agent

4/29/2020
Date

Signature of Owner

Printed Name of Owner

Date

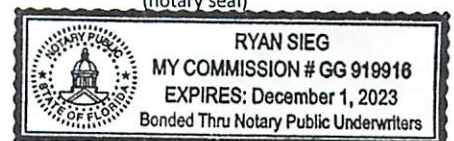
STATE OF Florida COUNTY OF Escambia The foregoing instrument was acknowledged before me this 29 day of April 20 20, by Thomas G. Hammond Jr

Personally Known OR Produced Identification . Type of Identification Produced: _____

Ryan Sieg
Signature of Notary

Ryan Sieg
Printed Name of Notary

(notary seal)



**Property Reference Numbers
26-2S-31-1000-004-001**

Re-zoning Criteria

A. Consistency with the Comprehensive Plan

The parcel is located in the Mixed Use- Suburban (MU-S) Future Land Use District which allows for commercial and residential uses as stated in the Comprehensive Plan, Chapter 7, FLU 1.3.1

FLUM Mixed-Use Suburban (MU-S)

General Description: Intended for a mix of residential and non-residential uses while promoting compatible infill development and the separation of urban and suburban land uses.

Range of Allowable Uses: Residential, retail sales & services, professional office, recreational facilities, public and civic, limited agriculture.

Standards:

Residential Maximum Density: 25 du/acre

Non-Residential Minimum Intensity: None

Maximum Intensity: 1.0 Floor Area Ratio (FAR)

Escambia County intends to achieve the following mix of land uses for new development within ¼ mile of arterial roadways or transit corridors by 2030:

a) Residential 8% to 25%

b) Public/Rec/Inst. 5% to 20%

c) Non-Residential:

Retail Service-30% to 50%

Office-25% to 50%

In areas beyond ¼ mile of arterial roadways or transit corridors, the following mix of land uses is anticipated:

a) Residential 70% to 85%

b) Public/Rec/Inst. 10% to 25%

c) Non-Residential 5% to 10%

The proposed re-zoning is consistent with the Comprehensive Plan.

B. Consistency with Zoning District provisions

The proposed re-zoning of the subject parcel to COM (Commercial) meets the LDC, Article 2, Section 3-2.10 (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 nonresidential use proposed within the commercial district.

The proposed re-zoning is consistent with the Land Development Code.

C. Compatibility with surroundings

The parcel is bordered by MDR & HDMU zoned parcels. Most of the adjoining parcels are developed as single-family residential homes and one of the parcels is not developed. The parcels southwest property corner is 360' from the centerline intersection of Bauer Road (collector) and Hwy 98 (arterial).

The subject parcel is directly across the street from a 34,000 + sf Greer's Cash Saver Market. According to the ITE Trip Generation Manual 9th Edition, Code 864, Page 1690, Discount Supermarkets generate 90.86 trips per 1000 sf per day. In this case, Greer's generates 3,089 trips per day. According to LDC, Article 2, Section 3-2.10 (e) (2), commercial developments meet locational criteria if the parcel is along an arterial road within a ¼ mile of a traffic generator of 600 daily trips or more. The proposed rezoning meets locational criteria for commercial zoning. Please see attached.

There is also a Hardees fast food restaurant, a Tom Thumb convenience store, and a Dollar General store located in close proximity and all centered around the Hwy 98 and Bauer Road intersection.

The parcel is encumbered by a large area of jurisdictional wetlands along the northern boundaries. These areas are to remain and will provide substantial buffering between existing residential uses and proposed commercial uses on the subject parcel.

The proposed re-zoning is compatible with the surrounding uses.

D. Appropriate if Spot Zoning

The proposed rezoning would result in spot zoning as defined in chapter 6 of the LDC because all of the commercial zoned parcels are across the street and are not "contiguous" to the subject parcel.

However as demonstrated above, the parcel is located along an arterial road, within ¼ mile intersection with a collector road, across the street from a traffic generator, and in close proximity to other commercial developments. The parcel meets the county locational criteria requirements for commercial development.

The subject parcel is located in the exact type location Escambia County requires for commercial development

Proposed re-zoning would create an appropriate "spot zoning" situation.

E. Appropriate with changed or changing conditions

We are not aware of any known or changed conditions that would affect the proposed rezoning request.

Greens Cash Saver Market



5, 2020

olygonLayer

Override 1

olygonLayer

Override 1

Streets

PRINCIPAL ARTERIAL

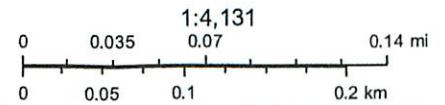
MINOR ARTERIAL

COLLECTOR

LOCAL ROAD

Parcels

County Outline



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

Discount Supermarket (854)

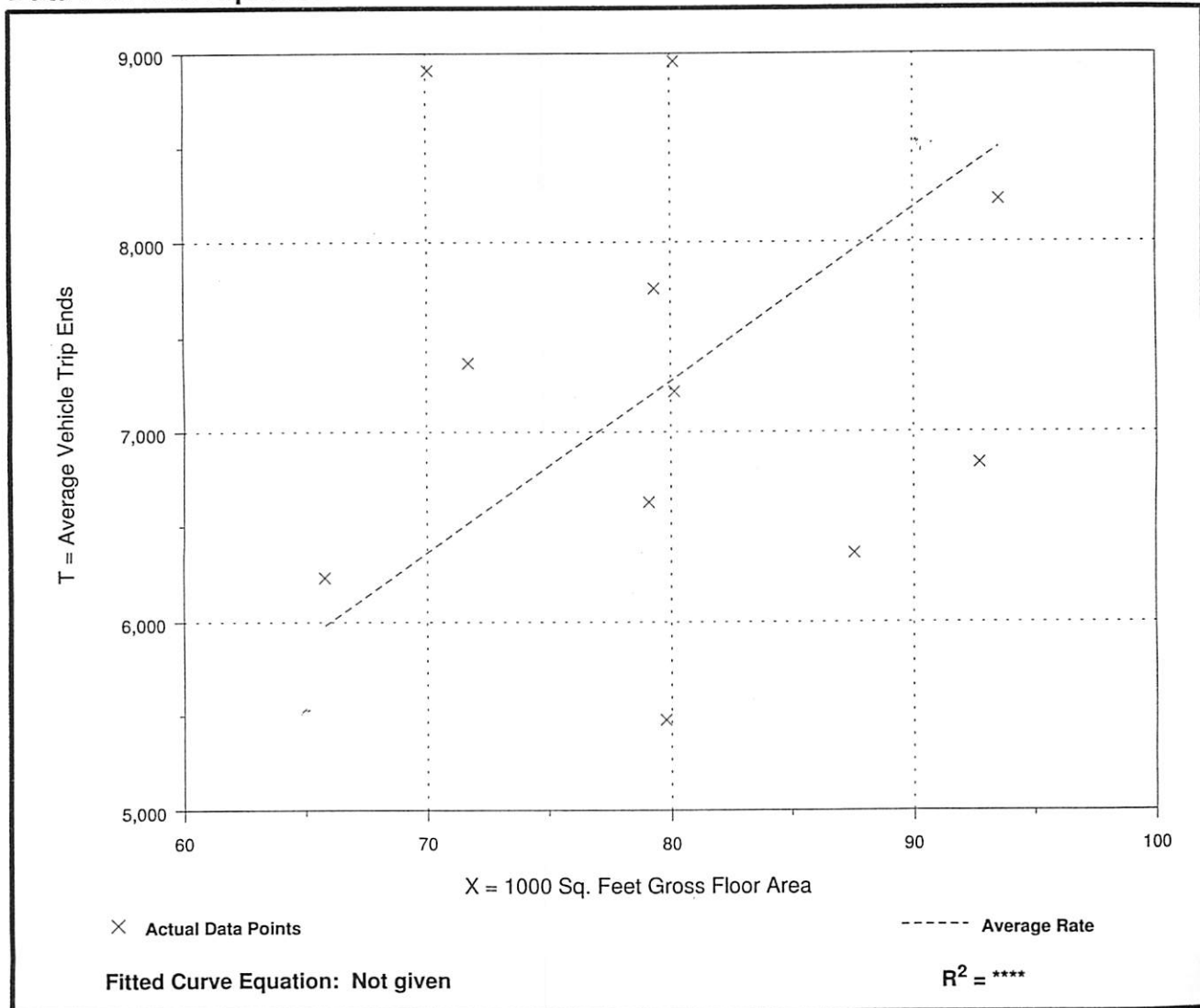
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday

Number of Studies: 11
Average 1000 Sq. Feet GFA: 80
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
90.86	68.66 - 127.13	19.14

Data Plot and Equation





Scott Lunsford, CFC • Escambia County Tax Collector

EscambiaTaxCollector.com

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twitter.com/escambiatc



2019

REAL ESTATE

TAXES

Notice of Ad Valorem and Non-Ad Valorem Assessments

SCAN TO PAY ONLINE

ACCOUNT NUMBER	MILLAGE CODE	ESCROW CODE	PROPERTY REFERENCE NUMBER
09-4629-125	06		2625311000004001

BAROCO ANTHONY
14320 RIVER RD
PENSACOLA, FL 32507

PROPERTY ADDRESS:
HALCYON CIR

EXEMPTIONS:

AD VALOREM TAXES					
TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE AMOUNT	TAXES LEVIED
COUNTY	6.6165	188,100	0	188,100	1,244.56
PUBLIC SCHOOLS					
BY LOCAL BOARD	2.0990	188,100	0	188,100	394.82
BY STATE LAW	3.9440	188,100	0	188,100	741.87
WATER MANAGEMENT	0.0327	188,100	0	188,100	6.15
SHERIFF	0.6850	188,100	0	188,100	128.85
M.S.T.U. LIBRARY	0.3590	188,100	0	188,100	67.53
TOTAL MILLAGE 13.7362			AD VALOREM TAXES \$2,583.78		

LEGAL DESCRIPTION	NON-AD VALOREM ASSESSMENTS		
	TAXING AUTHORITY	RATE	AMOUNT
ALL OF FRAC SEC LYING N OF LILLIAN HWY OR 6302 P 1839 LESS DB 271 P 407 RD R/W L See Additional Legal on Tax Roll	FP FIRE PROTECTION		15.30
	NON-AD VALOREM ASSESSMENTS		\$15.30

Pay online at EscambiaTaxCollector.com

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

COMBINED TAXES AND ASSESSMENTS \$2,599.08

If Paid By	Nov 30, 2019				
Please Pay	\$0.00				

RETAIN FOR YOUR RECORDS

2019 REAL ESTATE TAXES

DETACH HERE AND RETURN THIS PORTION WITH YOUR PAYMENT

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	Nov 30, 2019
	0.00
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	

DO NOT FOLD, STAPLE, OR MUTILATE

ACCOUNT NUMBER
09-4629-125
PROPERTY ADDRESS
HALCYON CIR

BAROCO ANTHONY
14320 RIVER RD
PENSACOLA, FL 32507

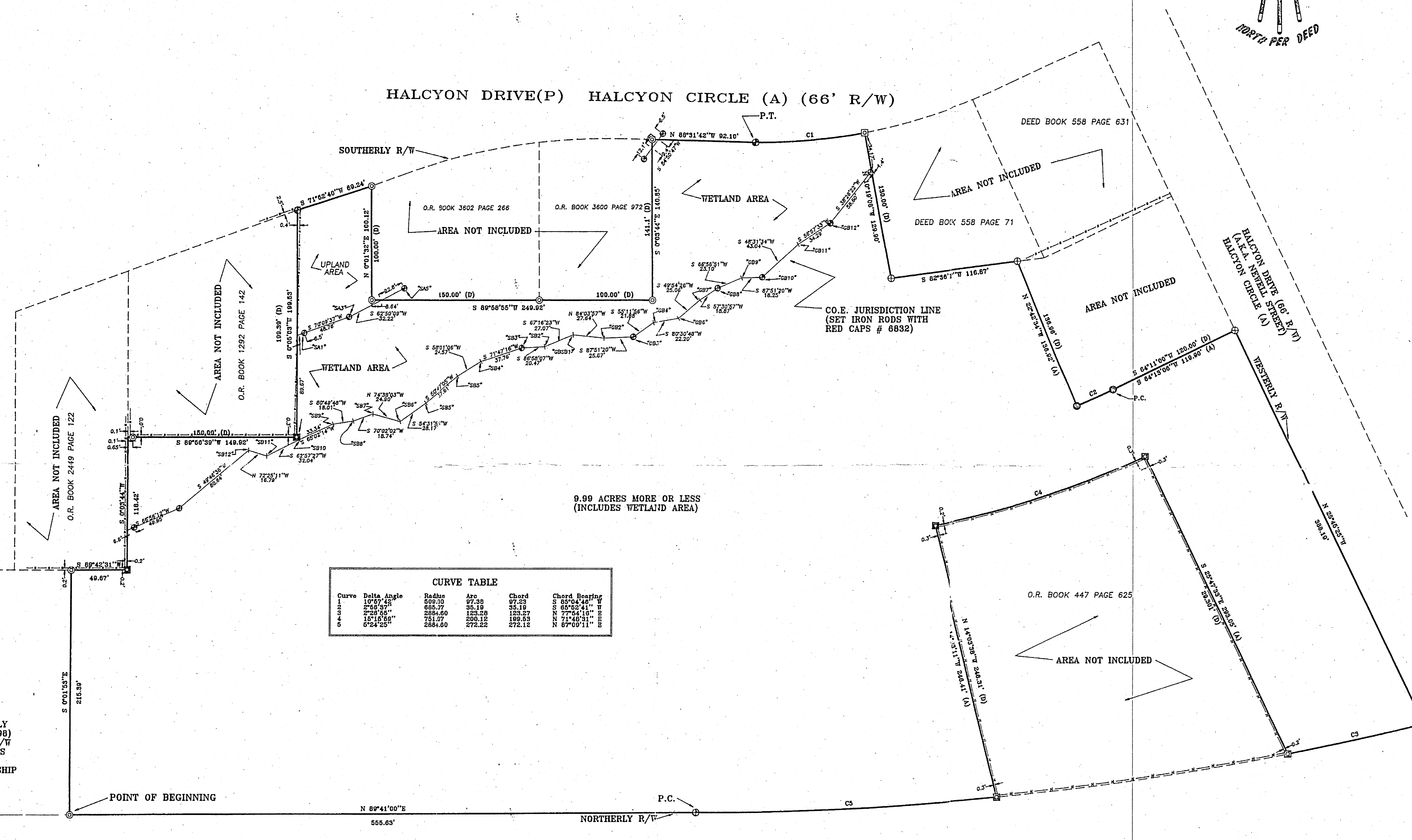
Anthony Baroco

BOUNDARY SURVEY

A PORTION OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY FLORIDA.

LEGAL DESCRIPTION (AS PREPARED PER CLIENTS REQUEST):

COMMENCING AT THE INTERSECTION OF THE NORTHERLY R/W LINE OF LILLIAN HIGHWAY (S.R. 298) (66' R/W) AND THE EASTERLY R/W LINE OF ACADIA STREET (50' R/W) AS RECORDED IN DEED BOOK 271 AT PAGE 407, SECTION 26, TOWNSHIP 2 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE GO NORTH 89°41'00" EAST ALONG SAID NORTHERLY R/W FOR A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°41'00" EAST ALONG SAID NORTHERLY R/W LINE FOR A DISTANCE OF 555.63' TO THE POINT OF CURVATURE OF A CURVE HAVING A RADIUS OF 2084.60 FEET, (DELTA 05°24'25", CHORD 272.12 FEET, CHORD BEARING OF NORTH 87°00'11" EAST); THENCE GO NORTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 272.22 FEET; THENCE DEPARTING SAID NORTHERLY R/W LINE AND SAID CURVE GO NORTH 14°03'11" WEST FOR A DISTANCE OF 246.41 FEET TO THE POINT ON A NON-TANGENT CURVE HAVING A RADIUS OF 751.07 FEET, (DELTA 15°15'59", CHORD 199.53 FEET, CHORD BEARING NORTH 71°48'31" EAST); THENCE GO NORTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 200.12 FEET; THENCE DEPARTING SAID CURVE GO SOUTH 25°47'33" EAST FOR A DISTANCE OF 293.05 FEET TO THE AFORESAID NORTHERLY R/W LINE OF LILLIAN AND SAID POINT BEING ON THE AFORESAID CURVE HAVING A RADIUS OF 2884.07 FEET (DELTA 2°26'55", CHORD 123.27 FEET, CHORD BEARING NORTH 77°54'16" EAST); THENCE GO NORTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 123.28 FEET TO THE WESTERLY R/W LINE OF HALCYON DRIVE (66' R/W); THENCE DEPARTING SAID NORTHERLY R/W OF LILLIAN HIGHWAY GO NORTH 25°45'25" WEST ALONG SAID WESTERLY R/W LINE FOR A DISTANCE OF 388.19 FEET; THENCE DEPARTING SAID WESTERLY R/W LINE GO SOUTH 64°13'08" WEST FOR A DISTANCE OF 119.90 FEET TO POINT OF CURVATURE OF A CURVE HAVING A RADIUS OF 685.07 FEET (DELTA 02°56'37", CHORD 35.19 FEET, CHORD BEARING SOUTH 65°52'41" EAST); THENCE GO SOUTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 35.19 FEET; THENCE DEPARTING SAID CURVE GO NORTH 22°42'34" WEST FOR A DISTANCE OF 136.92 FEET; THENCE GO SOUTH 82°36'17" WEST FOR A DISTANCE OF 118.87 FEET; THENCE GO NORTH 10°19'08" WEST FOR A DISTANCE OF 129.90 FEET TO THE SOUTHERLY R/W OF HALCYON DRIVE (66' R/W), AND SAID POINT BEING ON A CURVE HAVING A RADIUS OF 509.00 FEET (DELTA 10°57'42", CHORD 97.53, CHORD BEARING OF SOUTH 85°04'46" WEST); THENCE GO SOUTHWESTERLY ALONG SAID CURVE AND SOUTHERLY R/W LINE FOR AN ARC DISTANCE OF 97.58 FEET TO A POINT OF TANGENCY; THENCE GO NORTH 88°31'42" WEST ALONG SAID SOUTHERLY R/W LINE FOR A DISTANCE OF 92.10 FEET; THENCE DEPARTING SAID SOUTHERLY R/W GO SOUTH 00°03'55" EAST FOR A DISTANCE OF 140.85 FEET; THENCE GO SOUTH 89°58'55" WEST FOR A DISTANCE OF 249.92'; THENCE GO NORTH 00°01'32" EAST FOR A DISTANCE OF 100.12 FEET TO THE AFORESAID SOUTHERLY R/W LINE OF SAID HALCYON DRIVE (66' R/W); THENCE GO SOUTH 71°52'40" EAST ALONG SAID SOUTHERLY R/W LINE FOR A DISTANCE OF 69.24 FEET; THENCE DEPARTING SAID SOUTHERLY R/W GO SOUTH 00°05'03" WEST FOR A DISTANCE OF 199.53 FEET; THENCE GO SOUTH 89°56'39" WEST FOR A DISTANCE OF 149.92 FEET; THENCE GO SOUTH 00°03'44" WEST FOR A DISTANCE OF 118.42 FEET; THENCE GO SOUTH 89°42'31" WEST FOR A DISTANCE OF 49.07 FEET; THENCE GO SOUTH 00°01'53" EAST FOR A DISTANCE OF 215.39 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAIN 9.99 ACRES, MORE OR LESS.



NOTE: THE EXISTING FLAGS FOUND ARE LABELED "SB#_" & "GB#_"

NOTE: CORP OF ENGINEERS (C.O.E.) LINE IS AS PER FIELD LOCATION BY EDMISTEN & ASSOCIATES - ECOLOGICAL CONSULTANTS.

Surveyors Notes:

- No Title Search of the Public Records has been performed by this firm and lands shown hereon were not abstracted by this firm for ownership, easements, or right-of-ways. The parcel shown hereon may be subject to setbacks, easements, zoning, and restrictions that may be found in the Public Records of said County.
- Measurements shown were made to United States standards. The accuracy of measurements shown meet the standards required in the appropriate land area.
- All bearings and/or angles and distances are Deed and Actual unless otherwise noted: Deed = (D); Actual Field Measurement = (A); Plat = (P)
- Underground portions of foundations, footings, or other underground structures were not located unless otherwise noted.
- Fence locations as shown are exaggerated and are not to scale for clarity purpose.

LEGEND		SURVEYORS CERTIFICATE	
1	Degree	R/W	Right of Way
'	Foot or Minutes	P.R.M.	Permanent reference monument
"	Inches or Seconds	R.P.	Radius Point
N	North	L.A.	Length of Arc
S	South	C.C.B.	Chord and Chord Bearing
E	East	Δ	Central Angle
W	West	---	Building Setback Line
P.C.P.	Permanent Control Point	(D)	Deed
P.C.	Point of Curvature	(A)	Actual field measurement
P.T.	Point of Tangency	(P)	Plat
P.O.C.	Point of Commencement	○	1/2" Iron rod-Found
P.O.B.	Point of Beginning	⊙	Capped Iron rod-Found (CHOCTAW)
		⊙	Capped Iron rod-Found #8832
		⊙	Capped Iron rod-Found
		⊙	Concrete Monument found
		⊙	Utility Pole
		⊙	Meter
		⊙	Utility wires overhead
		⊙	Concrete or Pavement
		⊙	Chain link fence
		⊙	Wooden fence
		⊙	Buried Gas Line
		⊙	Buried Cable
		⊙	Covered area (Grass, carpet, etc.)
		⊙	Denotes Spot Elevations

LANDS END SURVEYING, INC.
 14 Live Oak Street, Suite D - Gulf Breeze, Florida 32561
 Telephone: 850-932-8585 FAX: 850-932-0004
 Florida LB 6832

TYPE SURVEY
 BOUNDARY SURVEY
 BASIS OF BEARING
 NORTHERLY R/W LILLIAN PER DEED
 CLIENT
 MR. BAARS

SCALE: 1" = 50'
 FIELD DATE: 1/19/99
 ORDER NO: 9884-98
 FIELD BOOK 45/41-45,45/88-72
 DRAWN BY: B.T.H.

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 LARRY E. STEGALL, P.L.S.
 LELAND M. EMPIE, P.S.II.
 JANUARY 19, 1999

NOT VALID WITHOUT THE ORIGINAL SURVEYOR'S SIGNATURE AND SEAL