

## STAFF ANALYSIS

### Variance 2015-V-066

#### General Information:

<b>Applicant:</b>	CEFCO Retail Facility/Costorde LLC
<b>Representative:</b>	Denise Anderson of Costorde LLC
<b>Project Location:</b>	5973 Highway 90, Milton, FL
<b>Parcel Number:</b>	17-1N-28-0000-04901-0000, 17-1N-28-0000-03800-0000, and 17-1N-28-0000-04900-0000
<b>Request 1:</b>	Variance request to allow hazardous or potentially hazardous materials be stored or located in residential zones or within five hundred (500) feet of any residential zone.
<b>Request 2:</b>	Variance request to reduce the corner clearance on a major arterial road from 440 feet to 155 feet to accommodate a driveway on Avalon Boulevard.
<b>Request 3:</b>	Variance request to reduce the connection spacing requirement on a major arterial road from 440 feet to 338 feet to the north and from 440 feet to 113 feet to the south to accommodate a second driveway on Avalon Boulevard.  (LDC 7.01.14.D.3.c, 4.04.03.D.1.b.2, 4.04.03.D.3.a)
<b>Zoning District:</b>	HCD (Highway Commercial Development)/R1M (Mixed Residential Subdivision)
<b>Current Conditions:</b>	Vacant building



**Land Development Code Criteria:**

**7.01.14 Standards Regulating Nuisances:**

D. Fire and Explosive Hazards - All operations, activities and uses shall be conducted so as to comply with the performance standards governing fire and explosion hazards prescribed below. Such uses shall comply with the rules and regulations of the National Fire Code published by the National Fire Protection Association as well as Chapter 69A, "Rules of the Marshal," and Chapter 62, "Open Burning", Florida Administrative Code.

3. Fire Hazard Liquids and Gases:

- c. In no case shall hazardous or potentially hazardous materials be stored or located in residential zones or within five hundred (500) feet of any residential zone.

**4.04.03 Considerations in Reviewing Site Plans**

D. Access Management Corridors - This Section shall apply to properties that abut the roadways designated in the table below. The access classification system and standards of the Florida Department of Transportation shall apply to all roadways on the State Highway System. The designated roadways as shown in the table below may be amended by resolution of the Board of County Commissioners

- 1. Access Management System and Standards: The following access management system has been developed for roadways under state and local jurisdiction.
  - b. The spacing requirements for driveway connections for parcels located on access management corridors will be as follows:
    - 2. All roadways under County jurisdiction will meet the following spacing requirements:

Roadway Classification	Connection Spacing (in feet)	
<b>Principle Arterial (Interstate Highway)</b>	<b>Interchange Only</b>	
	> 45 mph	< 45 mph
Major/Minor Arterial	660	440
Major Collector	440	245

3. Corner Clearance

- a. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for the roadway.

**2.04.00 SPECIAL EXCEPTIONS, VARIANCES AND CONDITIONAL USES:** The BOA shall have the following duties and powers:

B. No variances shall be authorized under this provision unless the Board finds that all of the following conditions exist:

1. The special circumstances or conditions applying to the building or land in question are peculiar to such property and do not apply generally to other land or buildings in the vicinity.

**Is this criterion met?            No**

**Staff Analysis: Staff has determined that there are no special circumstances regarding the land or building in question, and that this parcel does not possess unique qualities with respect to size or exceptional shallowness that are peculiar to such property and not to other lots within the area.**

**The applicant is seeking relief from the section of the Ordinance which regulates hazardous or potentially hazardous materials within five hundred (500) feet of any residential zone, relief from the Ordinance which regulates driveway spacing on a major arterial road, and relief from the Ordinance which regulates corner clearance for connections on a major arterial road.**

**The property is currently a vacant building that in the past was used for commercial purposes as an auto parts store.**

2. The variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.

**Is this criterion met?            No**

**Staff Analysis: This Variance request is not necessary for the preservation and enjoyment of a substantial property right and is merely a convenience to the property owner.**

3. The authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of Santa Rosa County.

**Is this criterion met?            No/Yes**

**Staff Analysis: It is anticipated that the authorization of this Variance will increase congestion to public streets or impair the public safety.**

**It is not anticipated that the authorization of this Variance will unreasonably diminish or impair established property values within the surrounding area.**

4. The variance will not impair the intent of the zoning ordinance or zoning district map.

**Is this criterion met?            No**

**Staff Analysis: If authorized, a Variance without special circumstances would impair the intent of the zoning ordinance.**

5. To permit the reduction of parking or loading requirements whenever the character or use of a building is such as to render unnecessary the full provision of parking or loading facilities as specified herein or whenever the strict enforcement of such provision would impose an unreasonable hardship as contrasted with merely granting an advantage or convenience.

Additionally, variances from access management connection standards may be granted where the effect of the variance would be to enhance the safety or operation of the roadway.

**Is this criterion met?            No**

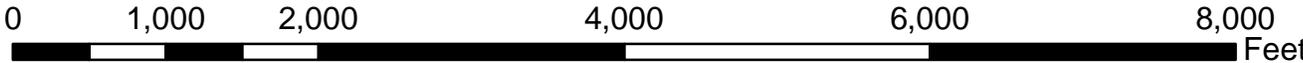
**Staff Analysis: The proposed request does not apply to the reduction of parking or loading requirements but it does apply to access management connection standards. It is anticipated that if authorized, a Variance for reduction of the corner clearance on Avalon Boulevard will increase congestion to public streets or impair the public safety.**

**If the Variance is approved, are there any potential building code issues?**

It is not anticipated that there will be any potential building code issues.



**2015-V-066  
Location**



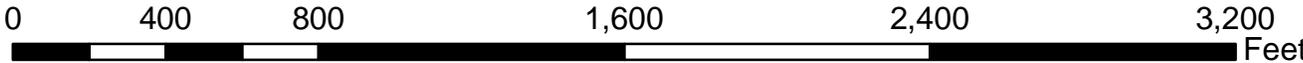
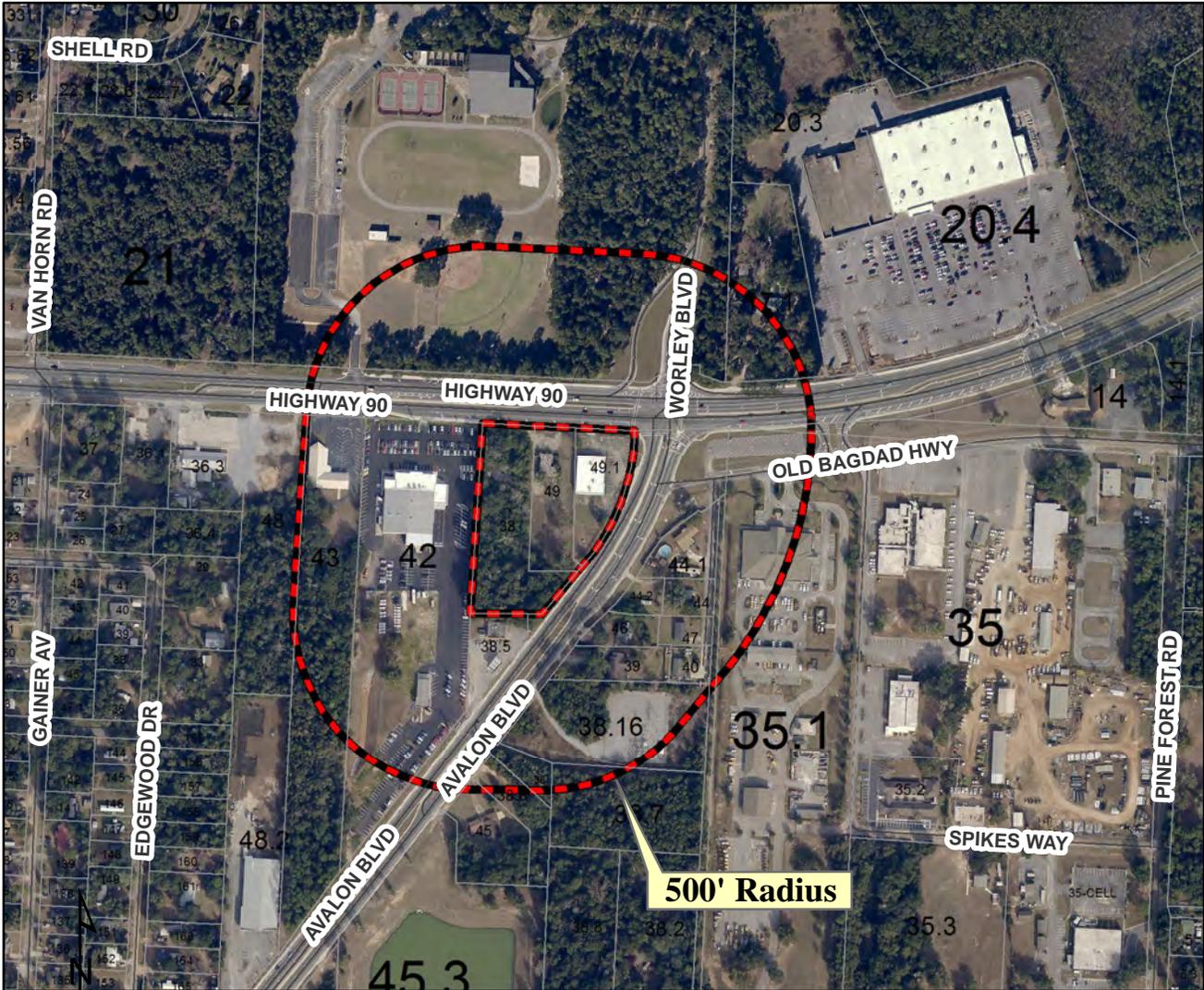
**Legend**

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2015-V-066

Aerial

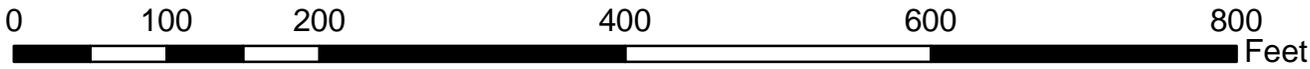


Legend

 PendingZBSeptember

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2015-V-066  
Close Up Aerial

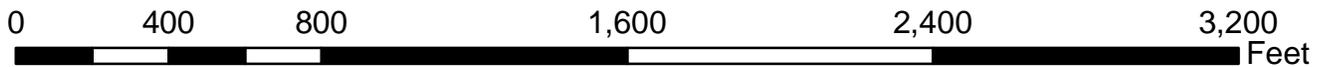
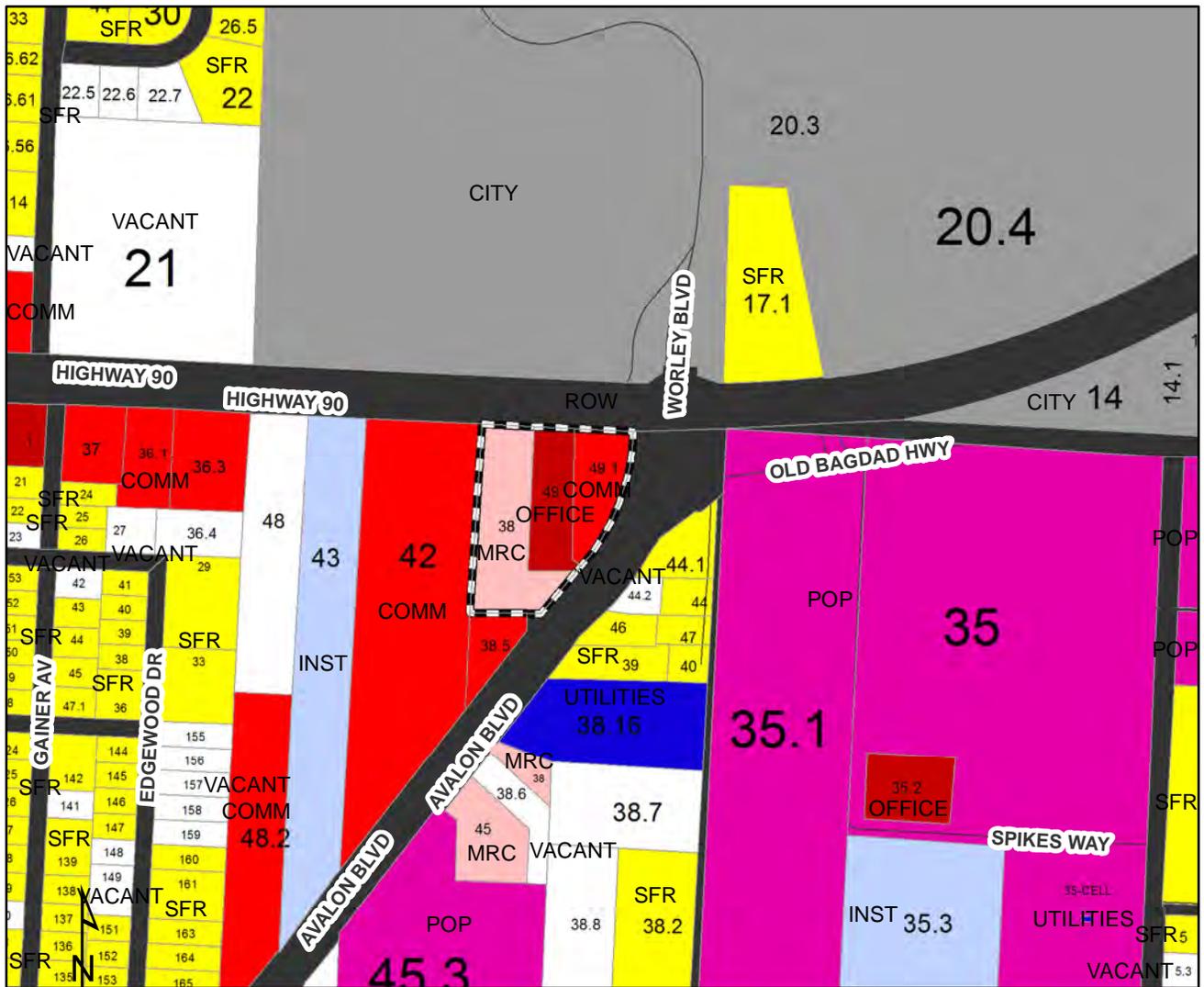


Legend

 Pending ZB September

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# 2015-V-066 Existing Land Use



## Legend



Pending ZB September

### Existing Land Use

#### CATEGORY

- Agriculture
- Agriculture, Homestead
- Condo's/Townhomes
- City
- Commercial
- Industrial

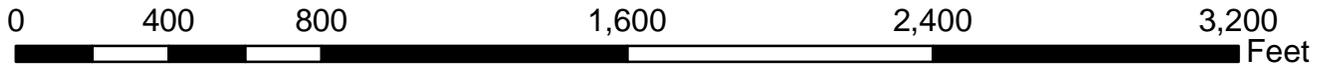
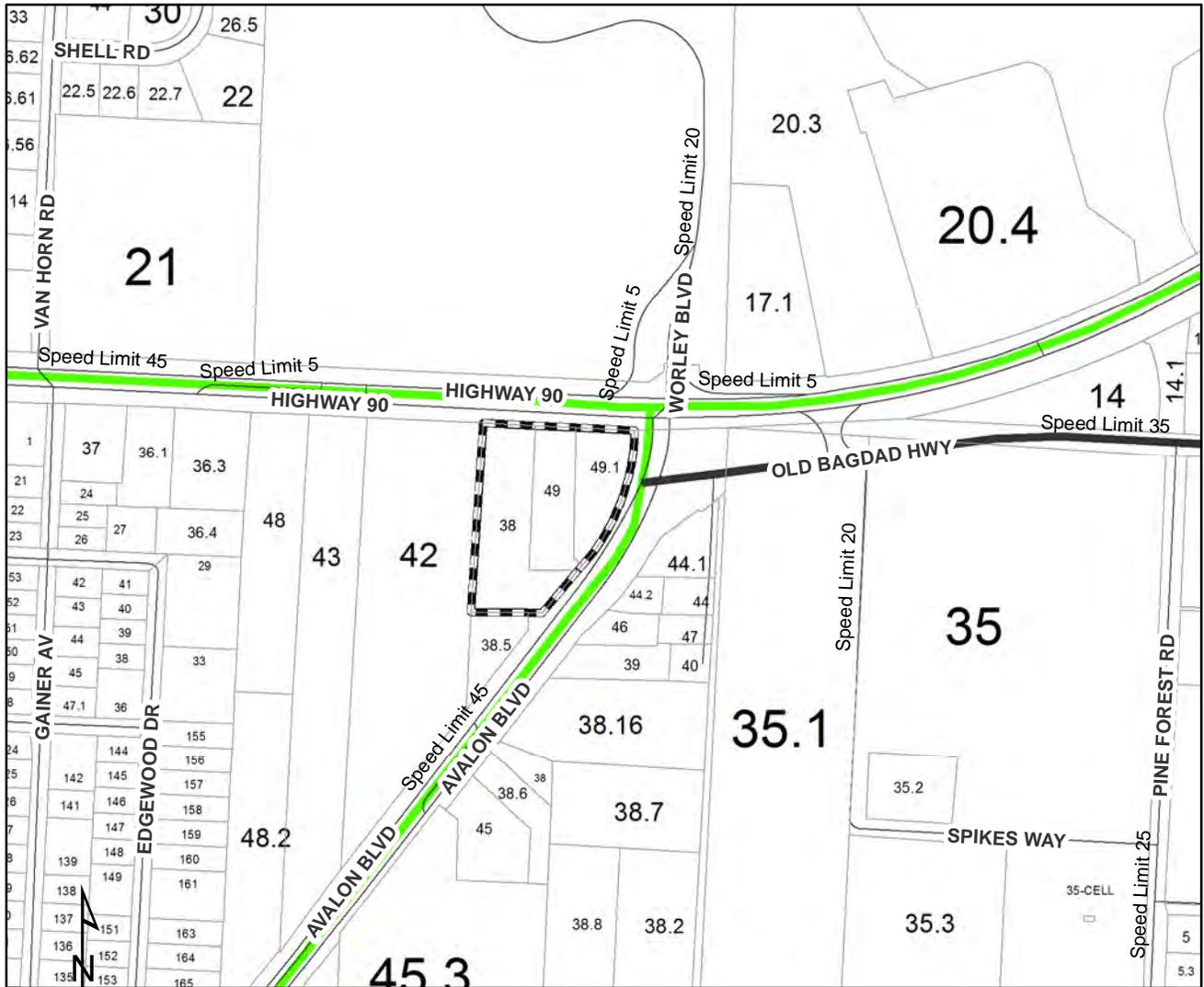
- Institutional
- Multi-Family Residential <5
- Multi-Family Residential >5
- Military
- Mixed Residential/Commercial
- Office
- Public Owned Property
- Rail
- Recreation/Commercial

- Recreation/Open Space
- Right of Way
- Single Family Residential
- Silviculture
- Uncategorized
- Utilities
- Vacant
- Water

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# 2015-V-066 Access Management



## Legend

-  Pending ZB September
-  Principle Arterial - Interstate
-  Major Arterial
-  Minor Arterial
-  Major Collector
-  Major Collector w/Additional Restrictions
-  Minor Collector

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U.S. HIGHWAY 90 STATE ROAD #10 150' R/W  
368'

36'  
DRIVEWAY

PARCEL # 17-1N-28-0000-03800-0000  
ZONING: HCD  
CURRENT USE: VACANT

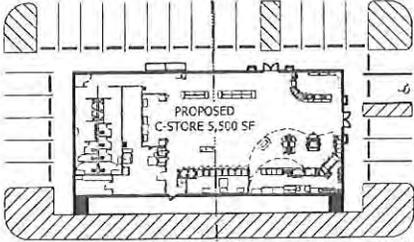
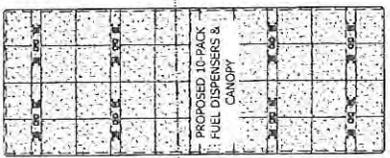
PARCEL # 17-1N-28-0000-04900-0000  
ZONING: HCD  
CURRENT USE: VACANT

PARCEL # 17-1N-28-0000-04901-0000  
ZONING: HCD  
CURRENT USE: VACANT

PARCEL 3  
(FUTURE DEVELOPMENT)

PARCEL 2

PARCEL 1



EXIST: R = 600.85'  
ARC = 366.92'  
CH = 361.24'  
DELTA = 35°00'00"  
C.B. = S 19°01'33" W



RETENTION POND

PARCEL # 17-1N-28-0000-03605-0000  
ZONING: HCD  
CURRENT USE: CONVENIENCE (001100)

existing convenience store

N 88°17'58" W  
193.01'

S 01°23'47" W  
404.83'

S 88°40'02" E  
132.63'S

S 36°11'33" W  
169.59'

20.00' S 36°31'33" W  
48.07'

S 36°11'33" W  
169.59'

S 01°23'47" W  
404.83'

PARCEL # 17-1N-28-0000-04402-0000  
ZONING: RIM

PARCEL # 17-1N-28-0000  
ZONING: RIM

PARCEL # 17-1N-28-0000-04600-0000  
ZONING: RIM

PARCEL # 17-1N-28-0000  
ZONING: RIM

PARCEL # 17-1N-28-0000-03900-0000  
ZONING: RIM

PARCEL # 17-1N-28-0000  
ZONING: RIM

36'  
DRIVEWAY

S 01°31'28" W  
4.11'

155'

OLD BAGDAD HIGHWAY

REQUEST # 2

REQUEST # 3

N 01°25'24" E  
542.71'

existing map





# Santa Rosa County Development Services



Beckie Cato, AICP  
Planning and Zoning Director

Santa Rosa County Public Service Complex  
6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583  
[www.santarosa.fl.gov](http://www.santarosa.fl.gov)  
Office: (850) 981-7000

Rhonda C. Royals  
Building Official

## Variance Application

\* Application Instructions begin on Page 5

** For Official Use Only **	
Application No. <u>2015 -V - 066</u>	Date Received: <u>7/30/15</u>
Review Fee: <u>235 + 12.58</u>	Receipt No.: <u>254</u>
Zoning District: <u>HCD, B1M</u>	FLUM Designation: <u>Comm</u>

+ 5.087

VD #1

**Property Owner** Property Owner Name: Pensacola Candy Company / Cope Sharon as Trustee  
 Address: 380 Lurton St., Pensacola, FL 32505 / Carrol Family Trust, 12910 Meadowline Dr,  
Houston, TX 77082  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Applicant**  Check here and skip this section if the applicant is the Property Owner. Otherwise, complete this section and provide authorization from the Property Owner giving the Applicant the authority to pursue variance approvals.

Company: Costorde LLC.  
 Contact Name: Denise Anderson  
 Address: 9764 Whithorn Drive, Houston, TX 77095  
 Phone: 281-382-7117 Fax: \_\_\_\_\_  
 Email: Denise@mallettcommercial.com

**Property Information** Parcel ID Number(s): 5973 Hwy 90 5951 Hwy 90 4551 Avalon Blvd, Law  
17-1N-28-0000-04901-0000 / 17-1N-28-0000-04900-0000 / 17-1N-28-0000-03800-0000  
**-OR-** 1,474 1,701 2,512  
 Street Address of property for which the Variance is requested:  
 \_\_\_\_\_

**Variance Request**

What is the present use of the property? Vacant Residential Houses/ Vacant Commercial Building

Please describe the requested variance, including exact dimensions and purpose of the variance.  
Please see attached variance request descriptions

Please describe the special circumstances or conditions that apply to the building or land in questions which necessitate the variance request.

Please see attached variance request descriptions

Are the special conditions or circumstances described above the result of a proposed or prior action of the applicant? Yes \_\_\_ No x

Please explain why the literal enforcement of the provisions of the Land Development Code will result in unnecessary hardship.

Please see attached variance request descriptions

**Variance Provisions And Criteria**

Do you currently have a Code Enforcement Violation which pertains to this Variance request?

Yes  No

I understand that all decisions made by the Zoning Board of Adjustment are subject to appeal and that their decision does not become effective until the appeal time has successfully passed.

Yes  No

I understand that approval by the Zoning Board of Adjustments does not authorize construction and/or land clearing to occur on this site and that additional approvals and Building Permits may be required.

Yes  No

I understand that determinations by the Zoning Board of Adjustment are valid for 36 months.

Yes  No

**Certification and Authorization**

By my signature hereto, I do hereby certify that the information contained in this application and the required supplemental materials is true and correct, and 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. I do hereby authorize County staff to enter upon my property at any reasonable time for purposes of site inspection.

Denise Anderson  
Applicant Name (Type or Print)

VP Dev Konst Svc  
Title (if applicable)

Denise Anderson  
Applicant Signature

07/29/15  
Date

## **Variance Request Descriptions**

1. To allow placement of underground fuel tanks within 500 feet of a residential zoning district and residential uses.
2. To reduce the corner clearance between two major arterials from 440 feet to 155 feet to accommodate the northernmost driveway to Avalon Boulevard.
3. To reduce the spacing along a major arterial roadway from 440 feet to 338 feet to the north and 113 feet to the south (off-site driveway) to accommodate a second driveway along Avalon Boulevard.

## **Variance Request Special Circumstances or Conditions**

1. Proposed CEFCO Convenience Store and Retail Facility is located at the intersection of two Arterial Roadways (Avalon and US Highway 90). The location of the proposed facility is logical and fits within the surrounding neighborhood.
2. With the evolution and advancement in design, safety and monitoring requirements mandated by the Florida Department of Environmental Protection for underground Petroleum Storage Tanks and associated equipment/systems the impact/threat to the surrounding Residentially Zoned properties is dramatically reduced. Residential property is located across a major arterial road (Avalon Boulevard) and the safety standards of current underground storage pose very minimal risk to residential property.
3. The proposed underground storage tanks are located at the extreme northern end of the property increasing the distance of the Petroleum tanks/equipment to the residentially zoned properties.

4. There is an existing Tom Thumb located on Avalon Boulevard adjacent to the southern property line. Tom Thumb is 350 feet from residential zoned property.
5. Property will be used as dual tenant property therefore drives will be shared with adjacent business.
6. Current driveway to the south is located on property line and does not allow for 440 foot separation of driveways. With both driveways property would be able to safely service dual tenants and provide safe ingress and egress for fuel tanker and emergency vehicles.

#### **Literal Enforcement of Provision of Land Development Code**

1. Fuel sales are an integral business component of convenience store operation, therefore fuel tanks are critical to this facility.
2. To allow safe ingress and egress for fuel tanker and emergency vehicles the two driveways would provide a safe route. This property will also be a dual use property by providing dual driveways each use will have adequate access.
3. Unable to meet driveway separation from driveway to the south parcel does not have enough frontage to meet requirements.







Beckie Cato, AICP  
Planning and Zoning Director

# Santa Rosa County Development Services

Tony Gomillion  
Public Service Director



Rhonda C. Royals  
Building Official

July 17, 2015

Ms. Denise Anderson

Via email: [denise@mallettcommercial.com](mailto:denise@mallettcommercial.com)  
[lauren@mallettcommercial.com](mailto:lauren@mallettcommercial.com)

RE: Pre-Application Meeting on July 9, 2015  
Project Name: **CEFCO Convenience Store (Hwy 90 & Avalon Blvd)**  
Parcel(s): **171N280000049000000; 171N280000049010000; & 171N280000038000000**

Dear Ms. Anderson:

Thank you for attending the above referenced pre-application meeting with the Santa Rosa County Development Services staff. Below you will find a recap of the information discussed at the meeting and the requirements for you to proceed with the project.

The purpose of a pre-application meeting is to provide you with a thorough understanding of the regulations and requirements applicable to your proposed project and to address any questions that you may have. However, pre-application meetings are informal and do not replace the need for a formal review. Therefore, please understand that the requirements presented below are based solely on the information presented by you at the meeting and is subject to change. Also, additional requirements may be applicable to your project based on information received at a later date or at the time of formal review.

**Site/Land Use** – Leslie Statler, (850)981-7086, [leslies@santarosa.fl.gov](mailto:leslies@santarosa.fl.gov)

1. The proposed project involves the redevelopment of the site to accommodate a convenience store & gas station with a carwash. An additional outparcel along Highway 90 would also be included within the project.
2. The zoning designation for this property is HCD, Highway Commercial Development. The Future Land Use Map designation is COMM, Commercial. The proposed use is allowed within the zoning district. However, a Variance to LDC 7.01.14.D.3.c will be required to allow the underground fuel storage tanks.
3. Variance requests are considered through a public hearing process. This process requires 1 public hearing during which the Zoning Board will make a final determination. During this process, all property owners within 500 feet will be notified via mail and a sign will be posted on

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the property. The staff coordinator for the Zoning Board is Darliene Stanhope, Planner III. Darliene may be reached at 981-7065.

- a. The cost for this process is \$235.00 plus the cost of mailing the notification.
  - b. Deadline for the September meeting cycle is July 30, 2015. This will place the rezoning on the September 10, 2015, Zoning Board meeting.
4. You must procure the mailing labels from the Santa Rosa County Property Appraiser's office as they certify & attest to their accuracy; they may be reached at 983-1880. They do charge a minimal fee for this request.
  5. Based upon the scope of work proposed and size of the building, a site plan package prepared by a Florida registered civil engineer must be submitted for review and approval. The site plan will detail the site construction proposed and demonstrate consistency with County code for issues related to access, circulation, parking, landscaping, buffering, density, uses, storm water, etc.
  6. Since the intent is to clear most of the site for use, a tree survey will be required to identify the size and location of the protected species of trees currently on the site and proposed for removal.
  7. Access will need to be coordinated with FDOT, Florida Department of Transportation, since the frontage for this property is located along Highway 90 and Avalon Boulevard. A pre-application meeting should be scheduled to discuss their requirements. Staff from Santa Rosa County will attend this meeting to ensure that County spacing requirements are met to the best extent possible. As stated, Santa Rosa County has spacing requirements for access connections along roadways within the County. The following are the preferences expressed during the meeting:
    - a. Highway 90: The *sole* connection is to be located as far west from the intersection as possible. This connection would serve both the gas station *and* the future outparcel.
    - b. Avalon Boulevard: The *sole* connection is to be located at least 440 feet from the intersection with Highway 90. Centered along the frontage would be considered dependent upon FDOT's determination.
  8. The internal circulation on the site should be 16 feet in width for one-way traffic and 24 feet in width for two-way traffic.
  9. The building setbacks which would apply to the site are: Front (Highway 90) = 50 feet, rear (south) = 25 feet, corner side (Avalon Blvd) = 50 feet, and interior side (west) = 5 feet. The outparcel will also be subject to the following setbacks: Front (Highway 90) = 50 feet, rear (south) = 25 feet, and interior side (west) = 5 feet. Depending upon the size of the ATM, it may be exempt from the typical building setbacks. Gas tank canopies may encroach into the front building setback; however they may not be located closer than 20 feet to the front property line.
  10. Fuel storage tanks may not be located within 500 feet of a residential zoning district and/or use. This property is located within 500 feet of both a residential use and a residential zoning district. A Variance to LDC 7.01.14.D.3.c will be required.
  11. Parking is based upon the use of the site and typically calculated on the gross floor area of the building. For retail, the rate used for making this determination is 1 parking space for every 250 square feet or fraction thereof. For restaurants, the rate used for making this determination is 1 parking space for every 100 square feet or fraction thereof. One handicap parking space is required for every 25 parking spaces required for the development. Although standard parking spaces must be 18 feet in length and 9 feet in width, we have noticed that spaces 20 feet in length and 10 feet in width work well within our community. Handicap parking spaces must be

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18 feet in length and 12 feet in width with an access aisle 5 feet in width adjacent to either side of the spaces. Additionally, loading spaces are required for the proposed use at a rate of 1 space for every 10,000 square feet or fraction thereof. Loading spaces must be 35 feet in length, 12 feet in width, and 14 feet in height.

12. Development standards include landscaping in the form of right-of-way (perimeter) landscaping, and parking area vegetation. Landscaping along the right-of-way must consist of a vegetative strip at least 10 feet in width with 1 canopy tree per every 40 linear feet or fraction thereof exclusive of the driveway connection. If overhead power lines are present, the trees may not be planted within 20 feet of the lines and may be moved to the interior of the site. The parking area landscaping must include 1 canopy tree for every 12 parking spaces. They are not required to be planted every 12 spaces; however they must be planted around the parking area to fulfill the intent of the Ordinance and provide shade for the expanse of concrete or asphalt.
13. For information regarding utility connections, please contact Rachel Lee, Pace Water System, at 994-5129. Letters of service availability will be required with the site plan application and prior to the issuance of any applicable permits.
14. Site plans and building construction plans are reviewed at staff level. Staff has 10 business days to review and issue comments for each submittal. Once complete, the project is issued a Development Order (DO). Although we encourage concurrent review of site and construction plans by staff, building permits may not be issued until the issuance of the DO. Additionally, no work may commence on the site until the issuance of the DO.

**Engineering** – Chris Phillips, (850)981-7100, [chrisp@santarosa.fl.gov](mailto:chrisp@santarosa.fl.gov)

1. A right turn lane will be required at the driveway connection on Avalon Blvd.
2. SRC storm water regulations require all aspects of the drainage system (inlets, piping, and retention pond) to be analyzed per the 100 year critical storm.
3. The SRC water quality requirement is 1" over the entire site.
4. Only the bottom area of the pond may be utilized for infiltration. The 1" water quality volume must be recovered in 72 hours and the volume provided in the pond must be recovered in 15 days. A safety factor of 2 must be used for the perk rate unless a sand chimney is required. If a sand chimney is required, the area of the chimney will be used as the infiltration area.
5. Do not locate new trees anywhere near traffic signs.
6. Directional striping and entrance/exit striping must be thermoplastic. Each driveway shall have a 24" white thermoplastic stop bar and a min. 20 LF double yellow thermoplastic lane divider stripe.

**Building** – Bruce Teston, (850)981-7017, [brucet@santarosa.fl.gov](mailto:brucet@santarosa.fl.gov)

1. A complete set of plans from design professional must be submitted for review. Please note the wind load for this property is 150 mph.

**Life Safety** – Bruce Teston, (850)981-7017, [brucet@santarosa.fl.gov](mailto:brucet@santarosa.fl.gov)

1. There are no fire department impact fees for this property.

In closing, our hope is that you found the pre-application meeting to be a helpful tool so that you can make informed decisions about your project. As the County's project manager for your project, please

**Santa Rosa County Development Services**

Public Service Complex

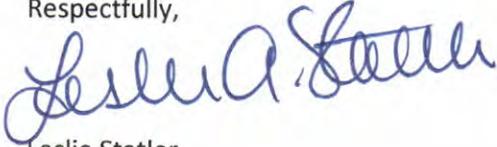
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[www.santarosa.fl.gov](http://www.santarosa.fl.gov)

Office: (850) 981-7000

feel free to contact me with any questions that you may have. In addition, you may contact the staff listed above if you have questions specific to their area of expertise. Also, I will be in contact with you periodically to assess the status of your project and provide assistance.

Respectfully,



Leslie Statler

Planner III

(850)981-7086

[leslies@santarosa.fl.gov](mailto:leslies@santarosa.fl.gov)

LS/lf

Mr. Brett Nevaril, Infinity Engineering Grp. Inc.

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