



**SANTA ROSA COUNTY
DEVELOPMENT SERVICES**

6051 Old Bagdad Highway, Suite 202 | Milton, Florida 32583

BECKIE CATO
Planning and Zoning Director
beckiec@santarosa.fl.gov

RHONDA C. ROYALS
Building Official
rhondar@santarosa.fl.gov

2016-V-073

Project Name: N/A

**Applicant and/or
Property Owner:** National Retail Properties, LP

Representative: Denise Anderson of Costorde, LLC.

Request 1: Variance to eliminate the requirement for interconnectivity with the parcels to the west and south. (LDC 4.04.03.D4)

Zoning District: HCD (Highway Commercial Development)

Part I. General Information:

Project/Applicant: National Retail Properties, LP
Representative: Denise Anderson of Costorde, LLC
Location: 5955 Highway 90, Milton, FL
Parcel(s): 17-1N-28-0000-03800-0000
Zoned: Highway Commercial Development (HCD)
Request 1: Variance to eliminate the requirement for interconnectivity with the parcels to the west and south. (LDC 4.04.03.D4)
District: Commissioner District #1
Current Conditions: New construction of Cetco Convenience Store

Part II. Land Development Code Criteria:

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.

*Turn lane analysis required for portion inside the City Limits of Milton/Town Limits of Jay that is maintained by Santa Rosa County.

All properties fronting on roadways that have been assigned an access management corridor designation shall be entitled to reasonable access to public thoroughfares. "Reasonable access" means the minimum number of connections necessary to provide safe and efficient ingress and egress to the roadway. All lots of record or parcels subject to a contract for deed or purchase, as of the respective effective date of this Section, and fronting on those thoroughfares designated in the above table, shall be entitled one (1) driveway/connection per parcel on said public thoroughfare(s). For purposes of this section, contiguous lots under single ownership shall be considered a single parcel.

When a lot or parcel is subdivided, either as metes and bounds parcels or as a recorded plat, all access to newly created lots shall be internalized using a shared circulation system via the permitted access connection(s). The number of connections to the roadway shall be the minimum number necessary to provide reasonable access, not the maximum available for that frontage. The Planning Director may consider these factors in determining the need for multiple access connections for a development: 1) separation of standard vehicles from heavy trucks or emergency vehicles; 2) two one-way connections that in combination serve ingress and egress to the development; and 3) multiple connections enhance the safety of the abutting roadway and improve the on-site traffic circulation. Single family residential or duplex development, whether on existing lots of record or on newly created lots, shall provide for a turnaround area if a direct driveway connection is permitted to an access management roadway.

All access to outparcels shall be as direct as possible, avoiding excessive movement across parking aisles and queuing across surrounding parking and driving aisles. Access points shall not be located on major access drive aisles. Outparcels shall be served by a private access and shall provide for joint and cross access, shared parking and pedestrian interconnectivity. In addition, the developer shall make improvements to common driveways in accordance with the development's impact as needed.

Part III. Variance Criteria

2.04.00 SPECIAL EXCEPTIONS, VARIANCES AND CONDITIONAL USES: The ZB 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 accessibility and access management. The applicant is seeking to eliminate the requirement to provide interconnectivity to the parcels to the south and west.

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

Staff Analysis: It is anticipated that the authorization of this variance may increase congestion to public streets, and therefore could impair public safety.

It is unknown that 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.

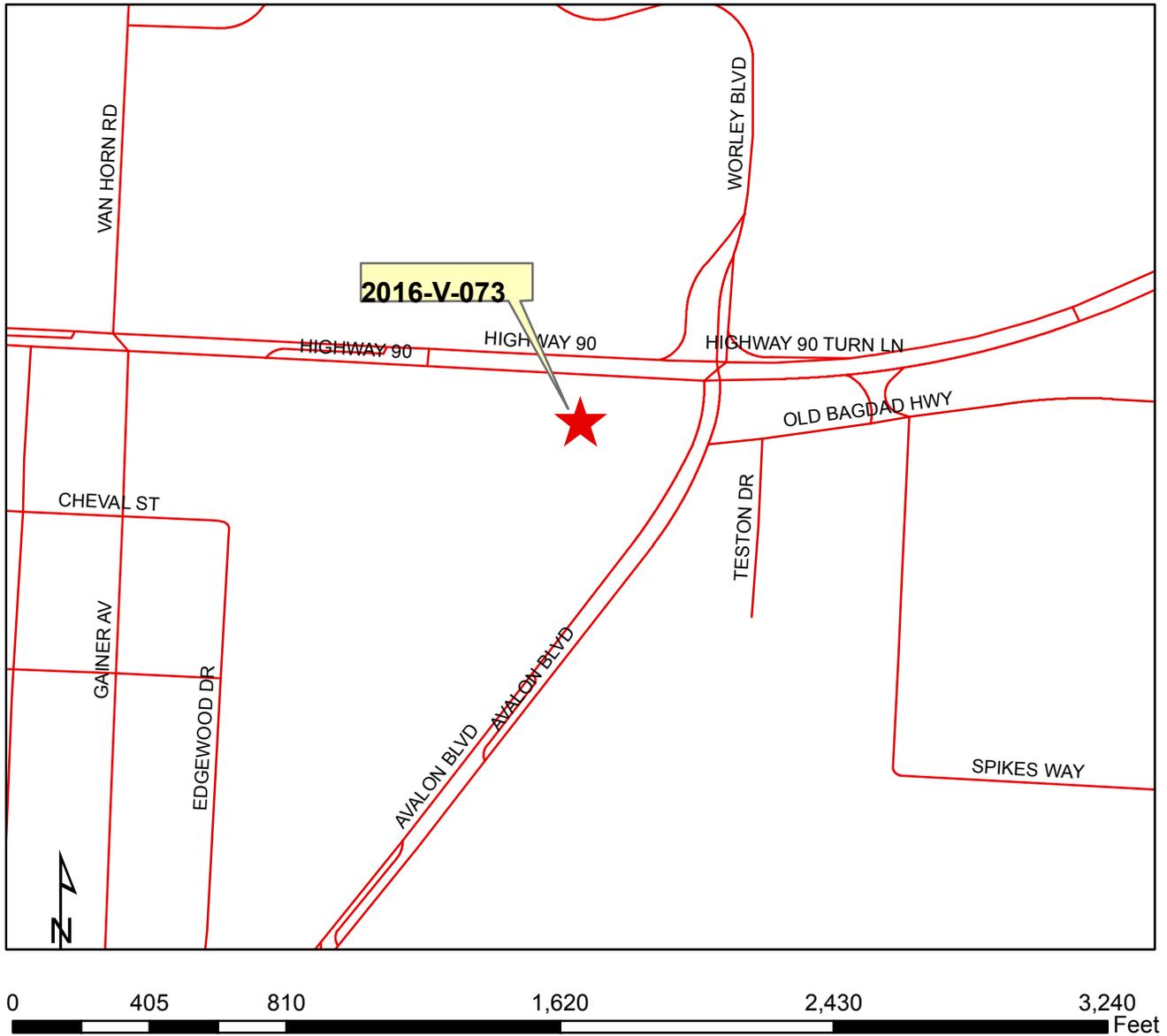
Is this criterion met? No

Staff Analysis: Staff anticipates that the proposed request to eliminate the requirement for interconnectivity to an adjacent parcel, may increase congestion, and diminish the safety and operation of the roadway.

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.

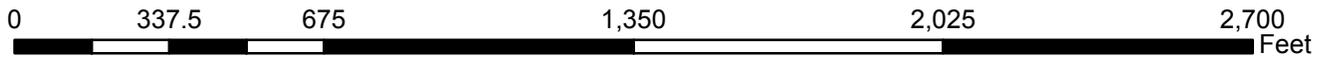
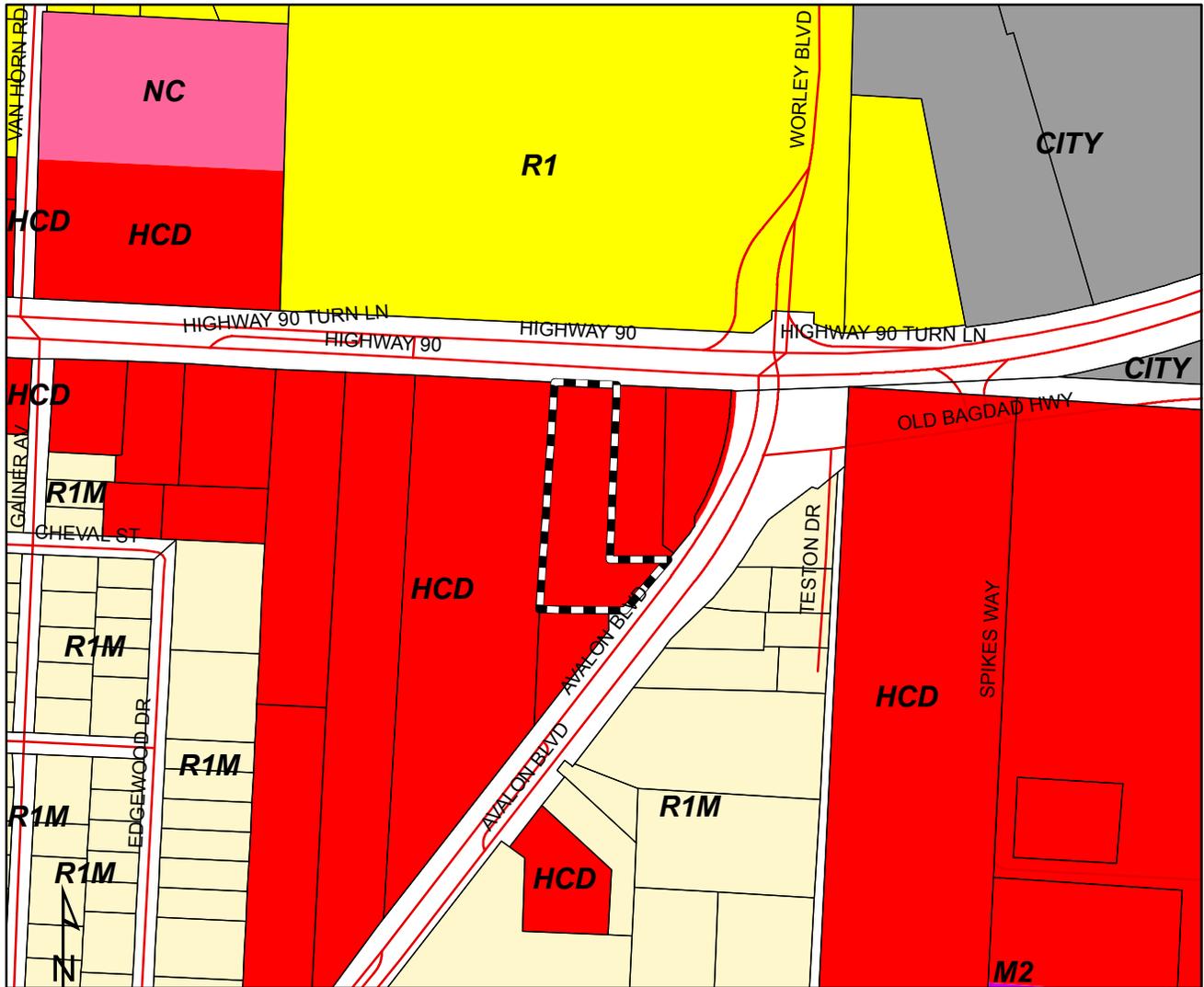
2016-V-073 Location



Disclaimer:

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2016-V-073 Zoning

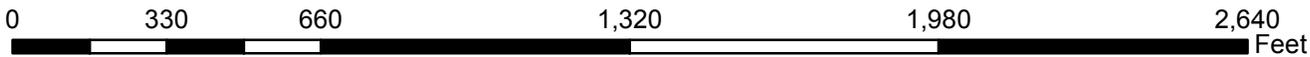
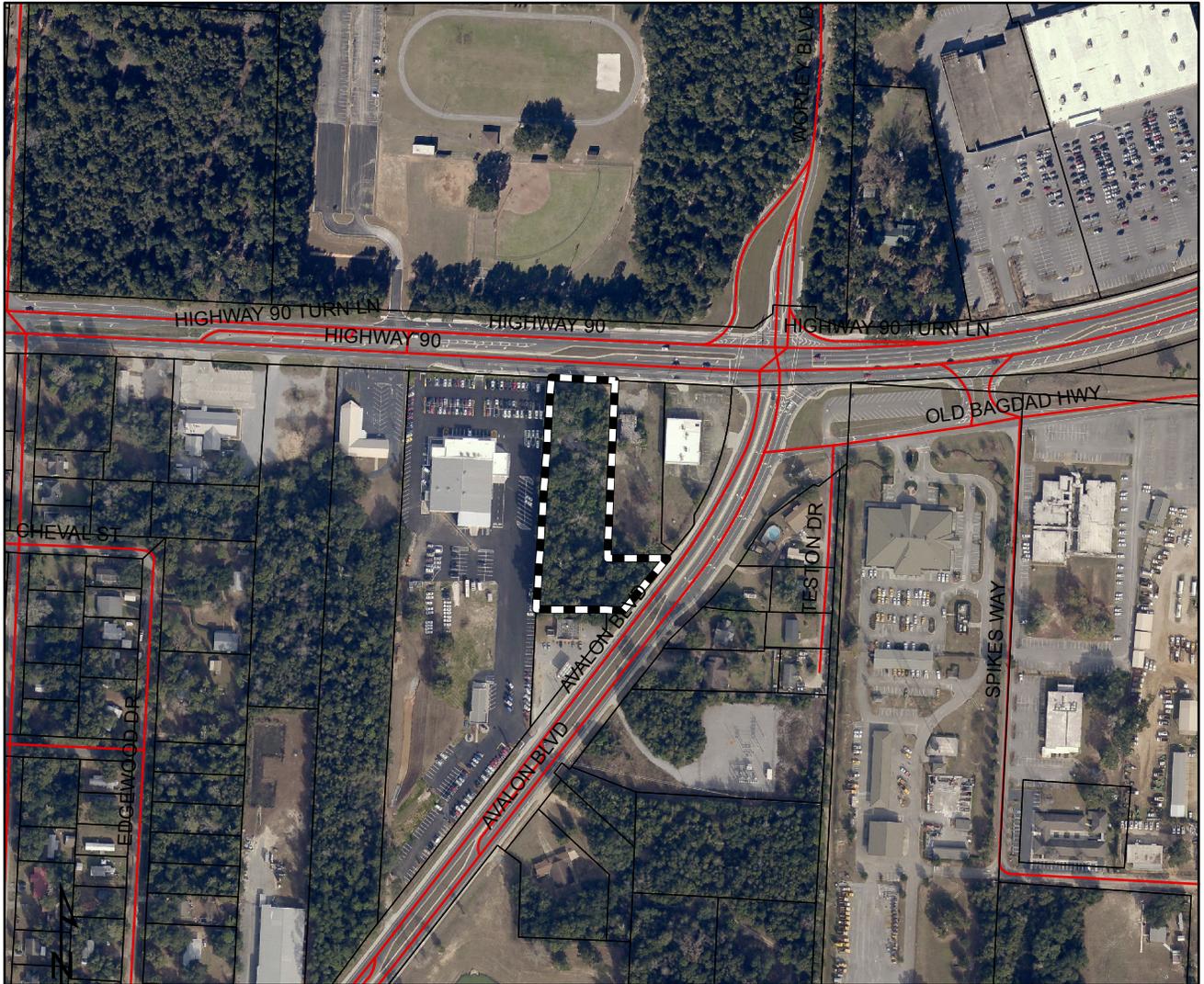


Legend

Pending Nov ZB	Zoning	HR2	NC	R1M
AG-RR	DISTRICT	M1	NC-APZ or CZ	R1M-APZ or CZ
AG-RR-APZ1; AG-RR-APZ2; AG-RR-CZ		M1-APZ or CZ	NC-HON	R1M-HON
AG1		M1-HON	P1	R2
AG2		M2	P1-HON	R2-APZ or CZ
AG2-APZ or CZ		M2-APZ or CZ	P2	R2-HON
C1M		MID	P2-APZ or CZ	R2M
C2M		MIL	P2-HON	R2M-APZ or CZ
CITY		NB-C	PBD	R3
HC1		NB-CON/REC	PID	RAIL
HCD		NB-HD	PUD	RR1
HCD-APZ or CZ		NB-MD	R1	RR1-APZ or CZ
HCD-HON		NB-MHD	R1-APZ or CZ	STATE
HNB		NB-PMUD	R1-HON	STATE-APZ or CZ
HR1		NB-SF	R1A	TC1-HON
		NB-U	R1A-HON	WATER

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2016-V-073
Aerial



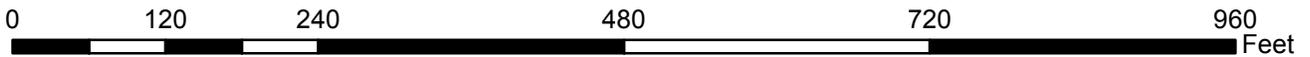
Legend

 Pending Nov ZB

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2016-V-073

Aerial

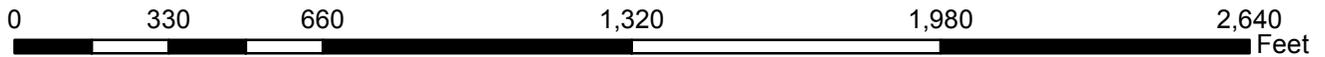
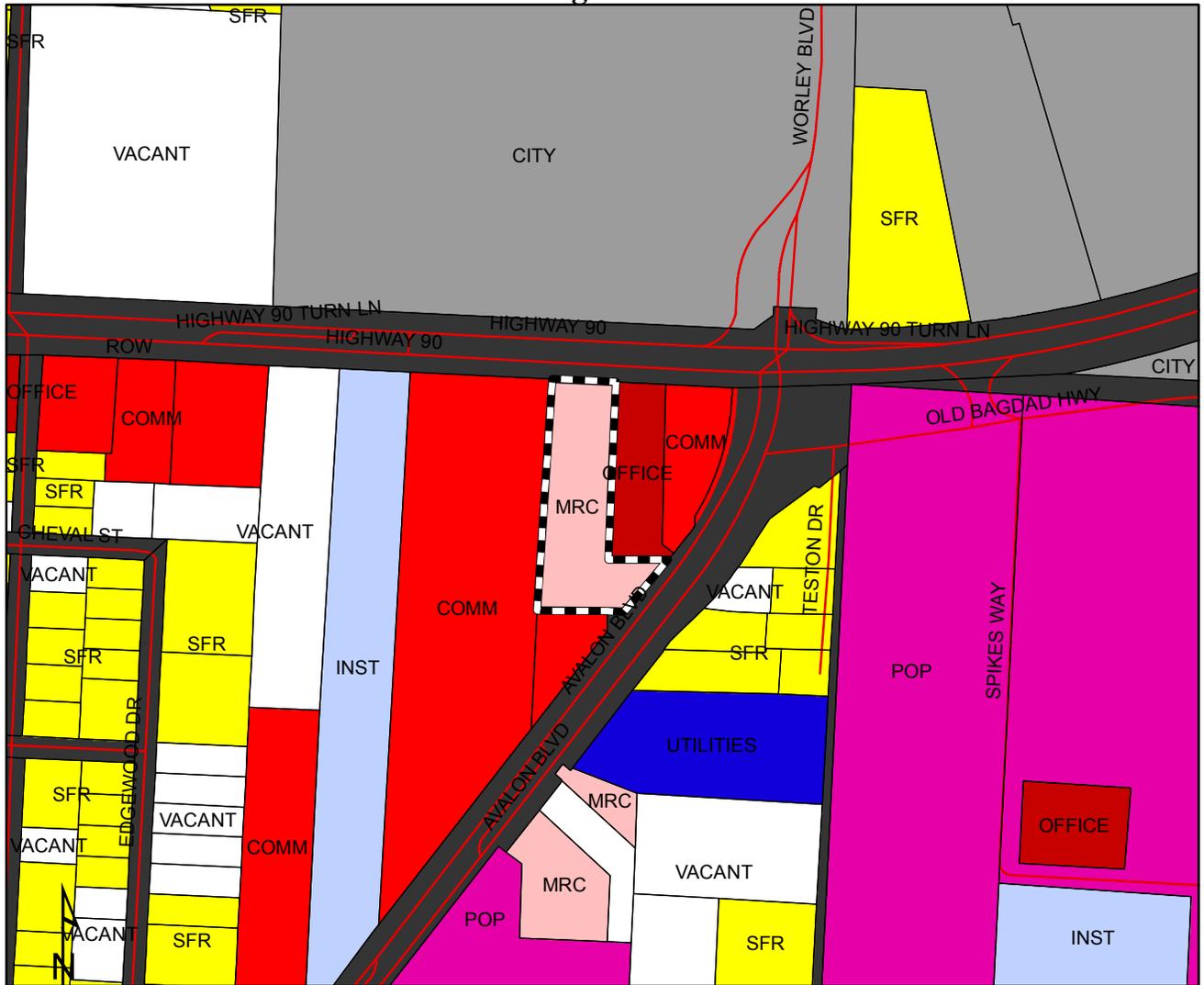


Legend

 Pending Nov ZB

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2016-V-073 Existing Land Use



Legend

 Pending Nov ZB	Existing Land Use	 Office
 Agriculture (AG)	Category	 Public Owned Property (POP)
 Agriculture, Homestead (AH)		 Rail
 Condo's/Townhomes (C/T)		 Recreation/Commercial (REC/COMM)
 City		 Recreation/Open Space (REC/OS)
 Commercial (COMM)		 Right of Way (ROW)
 Industrial (INDUS)		 Single Family Residential (SFR)
 Institutional (INST)		 Silviculture (SILVICUL)
 Multi-Family Residential (MFR <5)		 Uncategorized (UNCAT)
 Multi-Family Residential (MFR >5)		 Utilities
 Military (MIL)		 Vacant
 Mixed Residential/Commercial (MRC)		 Water

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beckiec@santarosa.fl.gov

RHONDA C. ROYALS
Building Official
rhondar@santarosa.fl.gov

Variance Application

* Application Instructions begin on Page 3

** For Official Use Only **			
Application No.	<u>2016 -V-073</u>	Date Received:	<u>9/29/16</u>
Review Fee:	<u>2351 12.39</u>	Receipt No.:	_____
Zoning District:	_____	FLUM Designation:	_____

Property Owner Property Owner Name: National Retail Properties, LP
 Address: 450 South Orange Ave, Ste 900
Orlando, FL 32801
 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: 281-550-9803
 Email: denise@mallettcommercial.com

Property Information Parcel ID Number(s): 17-1N-28-0000-03800-0000
 -OR-
 Street Address of property for which the Variance is requested:
5955 Hwy 90, Milton, FL

Variance Request

What is the present use of the property? New construction of Cefco Convenience Store/Gas station and Which Wich Sandwich Shop

Please describe the requested variance, including exact dimensions and purpose of the variance.

Request to release development from the interconnectivity requirement to adjacent neighboring properties: Old Tom Thumb (4537 Avalon) located south, Milton Chevrolet (5925 US 90) located west, see attached site plan with highlighted areas of required additional drives to connect to adjacent owners.

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

Land development code requires new projects provide an interconnectivity with adjacent property owners to obtain a development order and building permit.

Are the special conditions or circumstances described above the result of a proposed or prior action of the applicant? Yes X No (Prior application for development order and building permit for Cefco project.)

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

Both owners stated they have no interest in connecting with us. Owners of 4537 Avalon are making a variance request not to connect. Owners of 5925 US 90 also indicated they will be making a request not to connect. It is onerous and unequal treatment to require our project to spend the funds, approximately \$150,000+ to provide drives which will not be utilized in the foreseeable future and to have withheld our permits requiring such and not require adjacent owners to connect.

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

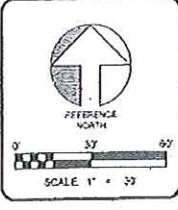
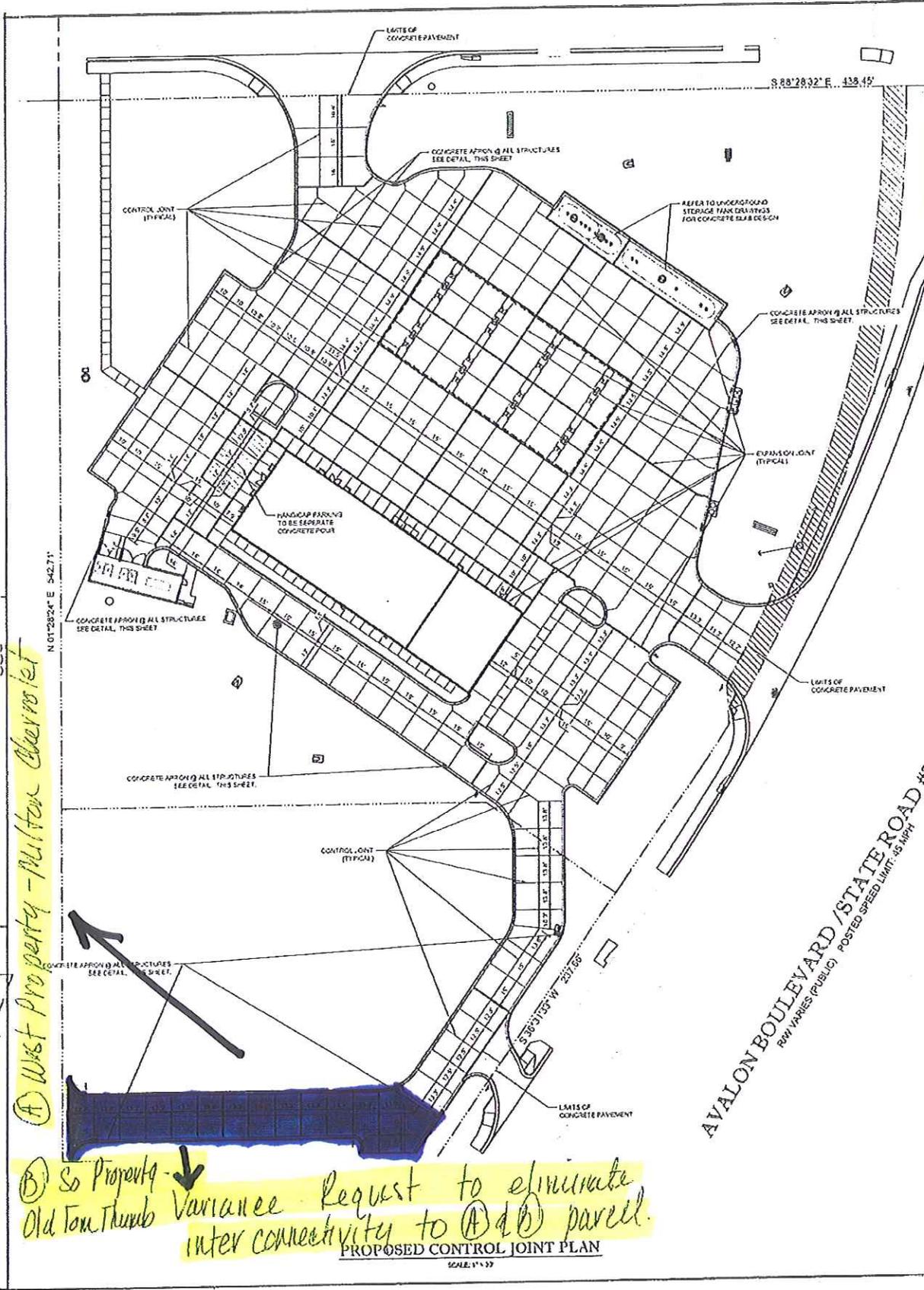
By my signature hereto, I do hereby certify that the information contained in this application and the required supplemental materials is true and correct, and understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation 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)

Denise Anderson
Applicant Signature

VP - Development/Construction
Title (if applicable)

9/29/16
Date



Rev	Date	Description
1		REVISED PER CLIENT COMMENTS
2		REVISED PER CLIENT COMMENTS
3		REVISED PER CLIENT COMMENTS
4		REVISED PER CLIENT COMMENTS
5		REVISED PER CLIENT COMMENTS
6		REVISED PER CLIENT COMMENTS

INFINITY

INFINITY ENGINEERING GROUP, LLC

1135 33rd St, Suite 300
Tampa, Florida 33619

Tel: 813.331.4770
Fax: 813.331.4711
www.infinityeng.com
Cert. of Auth. No. 27559

Office Name and Address

CEFCO

CONCRETE ENGINEERS

COSTORDE, LLC
3841 WESTERN AVENUE
HOUSTON, TEXAS 77056
(281) 460-0121

NOT CAPPA/RYAN, P.E.
FL REG. NO. 64015

Date

Project Name and Address

CEFCO #0413

S.W.C. HIGHWAY 90 S. AVALON BOULEVARD
S.W.C. HIGHWAY 90
MILTON, FLORIDA 32570

Sheet Title

CONTROL JOINT LAYOUT PLAN

Project No.

170-13-00

Date

02/16/16

Scale

AS NOTED

Sheet

C12

A West Property - Milton Chevrolet

B So Property - Old Tom Thumb
Variance Request to eliminate inter connectivity to A & B parcel.

PROPOSED CONTROL JOINT PLAN
SCALE: 1" = 32'



**NATIONAL RETAIL
PROPERTIES**
NYSE:NNN

September 29, 2016

Food Fast Corporation
Fikes Wholesale, Inc
PO Box 1287
Temple, TX 76503

Re: Fikes - US Hwy 90 & Avalon Blvd. Milton FL 32583
Variance Approval

National Retail Properties, LP, as Landlord, hereby gives permission and approval to Tenant, Food Fast Corporation, and / or Denise Anderson of Costorde, and / or its agents, to pursue variance approvals for the above referenced location as outlined in Tate A. Seideman's email dated September 29, 2016.

Landlord's approval contingent upon the following:

Landlord's consent contingent upon any and all costs, fees, etc., associated with the project to be at the expense of Tenant, and all work must conform to the lease agreement, matters of title, all codes, ordinances, proper permitting, common area management approval, if applicable, and any existing REA agreements, if applicable. Vendor must supply Landlord with a copy of a certificate of insurance prior to any work commencing.

Should you have any questions or require further information, I can be reached at 407-650-3643 or email at sam.khatib@nnnreit.com.

Sincerely,

Sam Khatib
Senior Asset / Property Manager