

AGENDA  
ESCAMBIA COUNTY PLANNING BOARD  
QUASI-JUDICIAL HEARING  
March 12, 2012–8:30 a.m.  
Escambia County Central Office Complex  
3363 West Park Place, Room 104

1. Call to Order.
2. Invocation/Pledge of Allegiance to the Flag.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.
4. Quasi-judicial Process Explanation.
5. Public Hearings.
  - A. Z-2012-01  
Case remanded back from February 2, 2012 BCC Meeting  
Address: 9869 N Loop Rd  
From: RR, Rural Residential District  
(cumulative) Low Density  
To: AMU-2, Airfield Mixed Use-2 District  
(cumulative to AMU-1 only)
  - B. Z-2012-02  
Address: 10095 Hillview Dr  
From: R-4, Multiple-Family District,(cumulative) Medium High Density  
To: R-6, Neighborhood Commercial and Residential District,  
(cumulative) High Density
  - C. Z-2012-03  
Address: 1804 Blue Angel Pkwy  
From: R-3, One-Family and Two-Family District, (cumulative) Medium  
Density  
To: C-2, Retail Commercial District (cumulative)
6. Adjournment.

**Planning Board-Rezoning**

**5. A.**

**Meeting Date:** 03/12/2012

**CASE :** Z-2012-01

**APPLICANT:** Jesse W. Rigby, Agent for  
James Hinson, Jr.

**ADDRESS:** 9869 N Loop Rd

**PROPERTY REFERENCE NO.:** 13-3S-31-7101-000-001;  
14-3S-31-2101-000-000

**FUTURE LAND USE:** MU-S, Mixed Use Suburban

**COMMISSIONER DISTRICT:** 2

**OVERLAY AREA:** AIPD-1, APZ-1 & AIPD-2

**BCC MEETING DATE:** 04/05/2012

**Information**

**SUBMISSION DATA:**

**REQUESTED REZONING:**

**FROM:** RR, Rural Residential District, (cumulative) Low Density

**TO:** AMU-2, Airfield Mixed Use-2 District (cumulative to AMU-1 only)

**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)

**CRITERION (1)**

**Consistent with the Comprehensive Plan.**

Whether the proposed amendment is consistent with the Comprehensive Plan.

**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 minimum residential density is two dwelling units per acre and the maximum residential density is ten dwelling units per acre.

**FLU 4.1.2 Airfield Influence Planning Districts.** Escambia County shall provide for Airfield Influence Planning Districts (AIPDs) as a means of addressing encroachment, creating a buffer to lessen impacts from and to property owners, and protecting the health, safety and welfare of citizens living in close proximity to military airfields. The overlay districts shall require density and land use limitations, avigation easements, building sound attenuation, real estate disclosures,

and Navy (including other military branches where appropriate) review of proposed development based on proximity to Clear Zones, Accident Potential Zones (APZs), aircraft noise contours, and other characteristics of the respective airfields. The districts and the recommended conditions for each are as follows:

A. Airfield Influence Planning District-1 (AIPD-1): Includes the current Clear Zones, Accident Potential Zones and noise contours of 65 Ldn and higher, (where appropriate) as well as other areas near and in some cases abutting the airfield.

1. Density restrictions and land use regulations to maintain compatibility with airfield operations; and
2. Mandatory referral of all development applications to local Navy officials for review and comment within ten working days; and
3. Required dedication of avigation easements to the county for subdivision approval and building permit issuance; and
4. Required sound attenuation of buildings with the level of sound protection based on noise exposure; and
5. Required disclosure for real estate transfers.

B. Airfield Influence Planning District-2 (AIPD-2): Includes land that is outside of the AIPD -1 but close enough to the airfield that it may affect, or be affected by, airfield operations.

1. Mandatory referral of all development applications to local Navy officials for review and comment within ten working days; and
2. Required dedication of avigation easements to the county for subdivision approval and building permit issuance; and
3. Required sound attenuation of buildings with the level of sound protection based on noise exposure; and
4. Required disclosure for real estate transfers; and
5. No County support of property rezonings that result in increased residential densities in excess of JLUS recommendations.

The three installations in Escambia County - Naval Air Station Pensacola (NASP), Navy Outlying Field (NOLF) Saufley and NOLF Site 8, are each utilized differently. Therefore, the size and designations of the AIPD Overlays vary according to the mission of that particular installation. The Escambia County Land Development Code details and implements the recommendations. The AIPD Overlays Map is attached herein.

**MOB 4.2.7 Compliance Monitoring.** Escambia County shall monitor development in the AIPDs for compliance with the JLUS recommendations and AICUZ study requirements. Rezoning to a higher density will be discouraged. The compatibility requirements will be revised as the mission of the military facility changes or removed if the facility closes.

## **FINDINGS**

The proposed amendment to AMU-2 is consistent with the intent and purpose of Future Land Use category MU-S as stated in CPP FLU 1.3.1. The current Future Land Use category of MU-S allows for a mix of residential and nonresidential uses while promoting compatible infill development.

CPP FLU 4.1.2 states the Airfield Influence Planning Districts (AIPD) require density and land use limitations, avigation easements, building sound attenuation, real estate disclosures, and Navy review and comment of proposed development and no County support of property

rezonings that result in increased residential densities in excess of JLUS recommendations. The AIPD-2 portion is outside the AIPD-1 but close enough to the airfield that it may affect or be affected by airfield operations.

The County will monitor development in the AIPD areas for compliance with the JLUS recommendations and rezoning to a higher density will be discouraged as per the Comprehensive Plan MOB 4.2.7.

## **CRITERION (2)**

### **Consistent with The Land Development Code.**

Whether the proposed amendment is in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

#### **6.05.02. RR Rural Residential District (cumulative), low density.**

This district is intended to be a single-family residential area of low density in a semi-rural or rural environment. This district is intended to provide a transition from urban to rural densities and agricultural uses. The maximum density is two dwelling units per acre. Refer to article 11 for uses, heights and densities allowed in RR - rural residential areas located in the Airport/Airfield Environs.

#### **6.05.04. AMU-2 Airfield Mixed Use-2 District (cumulative to AMU-1 only).**

A. Intent and purpose of district. The airfield mixed use-2 district allows a combination of certain commercial uses and residential development within the airfield influence planning district-2 (AIPD-2). The intent and purpose of the AMU-2 district is two-fold: 1) to allow property owners with zoning that allows less density to up-zone to the three d.u./acre limit and 2) to give property owners a commercial-use option without the high cumulative residential density in the existing commercial districts. While the intent is for this zoning district to apply primarily to the AIPD-2 overlay areas, it can also be utilized in other unincorporated areas of Escambia County in which it is compatible with the future land use category, except AIPD-1. Density in the AMU-2 zoning district is limited to three dwelling units per acre.

All commercial development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policies 7.A.4.13 and 8.A.1.13) and in article 7.

B. Permitted uses.

1. All uses permitted in AMU-1.
2. Two-family or three-family structures, providing the overall density of three d.u./acre is not exceeded.
3. Medical and dental clinics, including those permitted in AMU-1.
4. Other professional offices of similar type and character as those listed in the previous district.
5. Neighborhood retail sales and services in addition to those listed in previous district.
  - a. Health clubs, spa and exercise centers.
  - b. Studios for the arts.
  - c. Martial arts studios.
  - d. Other retail/service uses of similar type and character of those listed herein.
6. Laundromats and dry cleaners.
7. Restaurants.
8. Recreational activities, including golf courses, riding stables, water recreation, parks and other cultural, entertainment and recreation.
9. Places of worship and educational facilities/institutions.
10. Child care centers.
11. Mini-warehouses, including RV and boat storage, with adequate buffering from residential uses (see buffering requirements below). No ancillary truck rental service or facility allowed

without conditional use approval.

12. Automobile service stations (no outside storage, minor repair only).
13. Appliance repair shops (no outside storage or work permitted).
14. Public utility and service structures.
15. Family day care homes and family foster homes.

**7.20.05. Retail commercial locational criteria (AMU-2, C-1, VM-2).**

A. Retail commercial land uses shall be located at collector/arterial or arterial/arterial intersections or along an arterial or collector roadway within one-quarter mile of the intersection.

B. They may be located along an arterial or collector roadway up to one-half mile from a collector/arterial or arterial/arterial intersection may be allowed provided all of the following criteria are met:

1. Does not abut a single-family residential zoning district (R-1, R-2, V-1, V-2, V-2A or V-3);
2. Includes a six-foot privacy fence as part of any required buffer and develops the required landscaping and buffering to ensure long-term compatibility with adjoining uses as described in Policy 7.A.3.8 and article 7;
3. Negative impacts of these land uses on surrounding residential areas shall be minimized by placing the lower intensity uses on the site (such as stormwater ponds and parking) next to abutting residential dwelling units and placing the higher intensity uses (such as truck loading zones and dumpsters) next to the roadway or adjacent commercial properties;
4. Intrusions into recorded subdivisions shall be limited to 300 feet along the collector or arterial roadway and only the corner lots in the subdivision.
5. A system of service roads or shared access facilities shall be required, to the maximum extent feasible, where permitted by lot size, shape, ownership patterns, and site and roadway characteristics.

C. They may be located along an arterial or collector roadway more than one-half mile from a collector/arterial or arterial/arterial intersection without meeting the above additional requirements when one or more of the following conditions exists:

1. The property is located within one-quarter mile of a traffic generator or collector, such as commercial airports, medium to high density apartments, military installations, colleges and universities, hospitals/clinics, or other similar uses generating more than 600 daily trips; or
2. The property is located in areas where existing commercial or other intensive development is established and the proposed development would constitute infill development. The intensity of the use must be of a comparable intensity of the zoning and development on the surrounding parcels and must promote compact development and not promote ribbon or strip commercial development.

**2.08.02.D.7.b Quasi-judicial rezonings** Upon the applicant proving the proposed rezoning complies with these criteria, the planning board shall recommend approval of the rezoning request to the board of county commissioners unless the planning board determines that there is substantial, competent evidence that maintaining the current zoning designation accomplishes a legitimate public purpose. For purposes of this section, a legitimate public purpose shall include but not be limited to preventing the following or as may be determined by law from time to time:

b. The proposed rezoning will constitute "spot Zoning" that is an isolated zoning district that may be incompatible with the adjacent and nearby zoning districts and uses, or as spot zoning is otherwise defined by Florida law.

**3.02.00 Definitions-"Spot Zoning"** Rezoning of a lot or parcel of land that will create an isolated zoning district that may be incompatible with the adjacent and nearby zoning districts and uses, or as spot zoning is otherwise defined by Florida law

## **FINDINGS**

Per LDC 11.02.01.B.4, for parcels split by AIPD boundaries, only that portion of a parcel that falls within the AIPD is subject to the conditions of the AIPD. The proposed rezoning request from RR to AMU-2 is consistent only with the portion of the parcel that is within the AIPD-2 overlay. According to the intent and purpose of the AMU-2 zoning designation (LDC 6.05.04.A) that portion of the parcel within the AIPD-1 cannot be rezoned to AMU-2. Per LDC regulations the parcel could be rezoned to an AMU designation; the western portion in AIPD-2 to AMU-2 and the eastern portion in AIPD-1 to AMU-1. Although this would create a split zone parcel, the protections for the surrounding areas would be met as per Chapter 11.

In addition to the findings stated above, the proposed rezoning request must comply with the locational criteria regulations as described in Criterion 1 for the broad range of commercial and industrial uses within the proposed zoning category of AMU-2. They may meet locational criteria as stated in LDC 7.20.05.C.1. The parcel is located within one quarter-mile from a traffic generator such as medium to high density apartments, generating more than 600 daily trips.

While the proposed zoning category would be isolated, the uses and densities of the zoning designation are compatible with the existing surrounding zoning categories.

### **CRITERION (3)**

#### **Compatible with surrounding uses.**

Whether and the extent to which the proposed amendment is compatible with existing and proposed uses in the area of the subject property(s).

## **FINDINGS**

The proposed amendment is compatible with surrounding existing uses in the area. Within the 500' radius impact area, staff observed properties with zoning districts RR, R-6, and C-1. One commercial, one mobile home park, two mobile homes, 26 single family residential, two apartment complexes and seven vacant parcels.

### **CRITERION (4)**

#### **Changed conditions.**

Whether and the extent to which there are any changed conditions that impact the amendment or property(s).

## **FINDINGS**

Staff found no changed conditions that would impact the amendment or property within the 500' radius of the subject parcel. As a rule, this measurement is used to review the rezoning request but it does not preclude looking beyond the 500' to see that the area to the north has been developed with a mix of residential and commercial uses.

### **CRITERION (5)**

**Effect on natural environment.**

Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment.

**FINDINGS**

As stated in the Comprehensive Plan Policy CON 1.1.2 the County will use the National Wetlands Inventory Map, the Escambia County Soils Survey, and the Florida Fish and Wildlife Conservation Commission's (FFWCC) LANDSAT imagery as indicators of the potential presence of wetlands or listed wildlife habitat in the review of applications for development approval. AMU-2 allows for clustering, planned unit developments and density transfers to avoid impacts to wetlands and more restrictive AIPD areas. Within the total 43.4 (+/-) acre site, the County Soil Survey shows approximately 29.1 (+/-) acres of hydric soils. The applicant provided a boundary survey depicting the wetland areas and during the site plan review process a current wetland survey may be required to determine if there would be any significant adverse impact on the natural environment.

**CRITERION (6)**

**Development patterns.**

Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

**FINDINGS**

The proposed amendment would result in a logical and orderly development pattern. The parcels adjacent to and in close proximity are existing residential uses; therefore, rezoning the portion in AIPD-2 to AMU-2 and the eastern portion within the AIPD-1 to remain RR, the allowable permitted uses would be in line with the existing development pattern.

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**Attachments**

Z-2012-01

Z-2012-01



1 MR. TATE: Mr. White can choose to state or not  
 2 state anything for the record.  
 3 MR. PAGE: If I could reserve comment for a few  
 4 moments then.  
 5 MR. TATE: Then at this point, we will close  
 6 the public discussion of this portion of the  
 7 meeting.  
 8 Board members, do you have any questions for  
 9 the applicant, staff or members of the public?  
 09:32 10 MR. WEST: Mr. Chairman, I want to make it  
 11 clear. Have Mr. White's concerns been satisfied?  
 12 MR. TATE: He's chosen not to address the  
 13 Board. If you would like to come forward and make a  
 14 statement, that's fine. It's up to him.  
 15 MR. WEST: I just want to make sure it's on the  
 16 record that he at this point has no --  
 17 MR. WHITE: I've had an opportunity to review  
 18 it. I don't see any issues with the approved uses  
 19 and things that I could see that I could make an argument  
 09:32 20 against the rezoning.  
 21  
 22 MR. TATE: Let me tell you this at this point.  
 23 This Board has strived to make sure that what we do  
 24 we do so that people understand the steps we're  
 25 taking. When they don't, we take time to get that  
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**VOID**

1 MR. TATE: Those opposed?  
 2 (None.)  
 3 MR. TATE: Thank you. The motion carries.  
 4 (The motion passed unanimously.)  
 5 MR. TATE: Mr. Page and Mr. Welk, thank you for  
 6 your time.  
 7 (Conclusion of Z-2011-17; the transcript  
 8 continues on Page 36.)  
 9 \* \* \*  
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**VOID**

1 done. I'm glad that we were able to do that today  
 2 and not have to table this meeting further and I  
 3 appreciate your time and effort and understanding  
 4 this, as well.  
 5 MR. WHITE: Thank you.  
 6 MR. TATE: (Interim) Board, do you have  
 7 any questions for the applicant, staff or members of  
 8 the public? Okay.  
 9 Hearing none, is there anything further from  
 09:33 10 the staff?  
 11 Anything further from the applicant?  
 12 MR. PAGE: No, sir.  
 13 MR. TATE: If not, the Chair will entertain a  
 14 motion.  
 15 (Motion by the Board.)  
 16 MR. BARRY: Mr. Chairman, I'll make a motion.  
 17 I move to recommend approval of the rezoning  
 18 application for Z-2011-17 to the BCC and adopt the  
 19 Findings-of-Fact presented by the staff with the  
 09:33 20 rezoning going from R-2, Single-Family District, to  
 21 R-5.  
 22 MR. GOODLOE: Second.  
 23 MR. TATE: We have the motion. We have a  
 24 second. All members in favor, say aye.  
 25 (Board members vote.)  
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**VOID**

1 \* \* \*  
 2 CASE NO: Z-2012-01  
 Location: 9869 North Loop Road  
 3 Parcel: 13-3S-31-7101-000-001; 14-3S-31-2101-000-000  
 From: RR, Rural Residential District  
 4 (Cumulative) Low Density  
 To: AMU-2, Airfield Mixed Use-2 District  
 5 FLU Category: MU-S, Mixed Use Suburban  
 BCC District: 2  
 6 Overlay area: AIPD-1, APZ-1 & AIPD-2  
 Requested by: Jesse W. Rigby, Agent for James Hinson, Jr.  
 7  
 8  
 9 MR. TATE: Now, folks, now that you've seen a  
 10 little bit about how this goes, we're going to go  
 09:34 11 ahead and jump into Z-2012-01.  
 12 Allyson, are you ready?  
 13 MS. CAIN: Yes.  
 14 MR. TATE: Thank you. Hang on just a second.  
 15 The second rezoning application for consideration  
 16 today is Case Number Z-2012-01, which requests  
 17 rezoning of 9869 North Loop Road from Rural  
 18 Residential to Airfield Mixed Use as requested by  
 19 the applicant's representative.  
 09:35 20 Members of the Board, has there been any  
 21 ex parte communication between you and the  
 22 applicant, and the applicant's agents, attorneys or  
 23 witnesses, with fellow Planning Board members or  
 24 anyone from the general public prior to this  
 25 hearing? Have you seen or visited the subject  
 property? Please also disclose if you're a relative  
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**PLANNING BOARD REZONING HEARINGS - JANUARY 9, 2012**

**37**

1 or business associate of the applicant or the  
 2 applicant's agent.  
 3 We'll go ahead and start with the Navy and work  
 4 our way this way.  
 5 MR. STITT: Yes, I have driven by the property  
 6 and am familiar with it and attended the Development  
 7 Review Committee when the rezoning was first  
 8 presented.  
 9 MR. GOODLOE: No ex parte communication, but I  
 09:35 10 have visited the site.  
 11 MR. BARRY: No to all the above.  
 12 MR. TATE: No ex parte communication, but I am  
 13 familiar with its location.  
 14 MS. DAVIS: None to all of the above.  
 15 MR. WINGATE: I have visited the site and the  
 16 surrounding area, but no communication.  
 17 MS. SINDEL: No to all the above.  
 18 MR. TATE: Staff, was notice of the hearing  
 19 sent to all interested parties?  
 09:36 20 MS. HALSTEAD: Yes, it was.  
 21 MR. TATE: Was notice of the hearing posted on  
 22 the subject property?  
 23 MS. HALSTEAD: Yes, sir, it was.  
 24 MR. TATE: Thank you. Would you please now  
 25 present the maps and photographs for Case Z-2012-01.  
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**38**

1 MS. CAIN: This is the rezoning sign posted on  
 2 the parcel for the zoning from RR to AMU-2. This is  
 3 the location and the wetlands. In red is actually  
 4 the parcel in question. This is the 500-foot zoning  
 5 showing the RR and the surrounding RR and R-6 and  
 6 C-1. This is the Future Land Use of Mixed Use  
 7 Suburban. This is the existing land use showing the  
 8 parcels surrounding it and the vacant. A view of  
 9 the aerial showing some of the wetlands on the  
 09:37 10 property.  
 11 This is a picture looking south onto the  
 12 subject parcel. Looking north from the parcel  
 13 across the street. Looking west from the subject  
 14 parcel. Looking east. This is our 500-foot radius  
 15 map and our mailers that we sent out for anyone  
 16 within the 500-foot radius.  
 17 MR. TATE: Thank you. Would the applicant or  
 18 the representative please come forward and be sworn  
 19 in?  
 09:38 20 MR. RIGBY: Mr. Tate, Jesse Rigby with Clark  
 21 Partington Hart, 125 West Romana Street, and I'm  
 22 here on behalf of the applicants Knowhow Group  
 23 U.S.A., Inc., and Mr. Hinson, James Hinson.  
 24 Mr. Hinson is here. He will be the only witness  
 25 that I will call to testify. Just in full  
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**39**

1 disclosure I do intend today to in effect offer some  
 2 factual evidence, so you may want to swear me. It's  
 3 just factual. It's not expert type testimony.  
 4 MR. TATE: Let's go ahead and swear both you  
 5 and you witness in at this time.  
 6 (Jessie W. Rigby and James Hinson sworn.)  
 7 MR. TATE: Members of the Board, we have  
 8 previously recognized Mr. Rigby as an expert in his  
 9 field. I want to ask at this point if you still  
 09:39 10 consider that as standing.  
 11 Thank you. Have you received a copy of the  
 12 rezoning package with staff's Findings-of-Fact?  
 13 MR. RIGBY: We have.  
 14 MR. TATE: Do you understand you have the  
 15 burden of providing substantial competent evidence  
 16 that the proposed rezoning is consistent with the  
 17 Comp Plan, furthers the goals, objectives and  
 18 policies of the Comp Plan and is not in conflict  
 19 with any portion of the County's Land Development  
 09:39 20 Code?  
 21 MR. RIGBY: I do.  
 22 MR. TATE: Please proceed.  
 23 MR. RIGBY: At this time I want to go ahead and  
 24 ask Mr. Hinson to offer some testimony primarily  
 25 concerning history of the property and then I'll  
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**40**

1 proceed from there.  
 2 MR. TATE: Sure. Good morning, Mr. Hinson.  
 3 MR. HINSON: Good morning.  
 4 MR. TATE: Please state your name and address  
 5 for the record.  
 6 (Testimony by James Hinson.)  
 7 MR. HINSON: James Hinson, 9869 North Loop Road  
 8 in Pensacola. Basically my parents bought this  
 9 property in 1928 and they erected their homestead on  
 09:40 10 it in 1932. They originally acquired 40 acres and  
 11 over a period of years additional parcels were  
 12 acquired until in the 1950s it amounted to over 60  
 13 acres.  
 14 In the 1950s, the U.S. Navy erected Sherman  
 15 Field with the west approach runway I would say  
 16 close to a mile from our home. And in 1970s the  
 17 U.S. government acquired about seven acres of the  
 18 property for the erection of the Blue Angel Parkway  
 19 and this split the property in two sections.  
 09:40 20 Prior to that it was a farm and cattle raising  
 21 business. With this western portion of the property  
 22 split off by the Blue Angel Parkway, it effectively  
 23 put us out of the ranching business. And I would  
 24 state the remaining usable property was 53 acres.  
 25 Upon the death of my mother in 2003, I as the  
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41

1 executor of the estate for myself and two siblings  
 2 hired several experts to do a study of the land to  
 3 determine what the best possible usage of it would  
 4 be since none of us wanted to remain farmers or  
 5 ranchers.  
 6 The resulting survey done by Fabre Engineering  
 7 showed the following facts: There were 25, over  
 8 25 acres of wetlands. There were almost 17 acres of  
 9 uplands, and then because of the County study on the  
 10 airport restrictions, it left us with 15-and-a-half  
 11 acres in the airport zone we classified as 1 at the  
 12 time of the study, and approximately ten acres of  
 13 the airport zone in the uplands. So you can see the  
 14 use of the property was severely limited by the  
 15 airport zone which restricted dwellings to one house  
 16 per two-and-a-half acres, and the wetlands, which,  
 17 of course, restrict any building at all.  
 18 So that's my testimony. We've been trying to  
 19 find the best use of the property and advertising it  
 20 with Realtors. We had no success. We had one  
 21 unsolicited offer for the property and I found that  
 22 to be not acceptable. Any other offers on the  
 23 property have been nonexistent.  
 24 So I think that brings you up to date on where  
 25 we stand on this property.

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09:42

09:43

43

1 see now, I took them personally about two weeks ago,  
 2 ten days ago, whatever day it was very cold after we  
 3 had the freezing night, that morning. Austin Wood  
 4 Apartments -- these are all developments that have  
 5 occurred within the last 15 years, some newer than  
 6 others, and I can provide that testimony because  
 7 I've lived in that area that entire time. I  
 8 traverse that road regularly. I live in that  
 9 portion of the county. Austin Wood Apartments is  
 10 just north of Loop Road on Blue Angel Parkway. This  
 11 property, on the far northwestern corner of the  
 12 property when you see the maps, is separated from  
 13 North Loop Road by another apartment complex that  
 14 you'll see in a moment.  
 15 This is Austin Wood Apartments. Austin Wood  
 16 Apartments is 168 units on 22.9 acres with a density  
 17 then of about 7.3 acres. It's actually much more  
 18 tightly packed than that density. My assumption is  
 19 because there are wetlands there and so the  
 20 development is compacted into a much smaller area.  
 21 Next photograph, please. This is a little  
 22 difficult to see. It may be better on your monitor  
 23 than it is on the screen here, but it's just another  
 24 look at Austin Wood Apartments looking across Blue  
 25 Angel Parkway.

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09:45

09:46

42

1 MR. TATE: Thank you. Mr. Rigby, do you have  
 2 any questions for your witness?  
 3 MR. RIGBY: No, I do not.  
 4 MR. TATE: Staff, do you have any questions for  
 5 the witness or the applicant?  
 6 MS. CAIN: Not at this time.  
 7 MR. RIGBY: Do you have anything further to  
 8 present to the Board?  
 9 (Presentation by Mr. Rigby.)  
 10 MR. RIGBY: I would. Again, Mr. Tate, the next  
 11 portion of what I'm going to present is what I'm  
 12 going to really call factual testimony.  
 13 Ms. Cain, could we bring up a portion of the  
 14 photographs that I've prepared? This really  
 15 addresses the criteria that deals with changed  
 16 conditions. And I'm sure you have read the staff  
 17 report and you will see that the staff basically did  
 18 not find evidence of changed conditions. I believe  
 19 it's fair to say that the staff restricted their  
 20 consideration to 500 feet. Now, I may take issue  
 21 even with the determination of no changed conditions  
 22 within 500 feet, but I want to offer some evidence  
 23 of what's a broader view of that portion of the  
 24 southwestern area of the county.

And so these photographs that you're going to  
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09:44

09:44

44

1 Next, please. This is the interior portion of  
 2 Austin Wood. You will see how tightly packed it is.  
 3 Next please. This is up at the intersection of  
 4 Sorrento Road and Blue Angel. And we're going to  
 5 look at that intersection, how it's developed in the  
 6 last ten years. It is from North Loop Road, I  
 7 believe the staff would agree, it's a half-mile from  
 8 North Loop Road to Sorrento. Our property basically  
 9 touches North Loop Road. This would be -- you're  
 10 looking to the west on Sorrento, Coastal Bank on  
 11 that corner.  
 12 Next photograph. Again, just another picture  
 13 of looking into Coastal Bank office, fairly new, the  
 14 last probably 12 years or so.  
 15 Next, please. I'm surprised that one kind  
 16 of -- that is a picture of Country Wood Apartments.  
 17 Country Wood is adjacent to this property and at the  
 18 intersection of North Loop Road and Blue Angel in  
 19 the southeast corner of that intersection.  
 20 Next, please. This is -- again, I'm sorry.  
 21 We're jumping around here a little bit, but this is,  
 22 again, back at Sorrento and Blue Angel. This is  
 23 what I'm going to call the Target quadrant there,  
 24 across from the Walmart quadrant. It's on the  
 25 northeast quadrant of Sorrento and Blue Angel. It's

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09:46

09:47

**45**

1 a convenience store and includes a Kroger Pharmacy.  
 2 Next, please. This, again, is standing  
 3 actually in the Coastal Bank parking lot looking  
 4 just to the east on Sorrento, mini-warehouses.  
 5 Again, just an effort to show how commercialized  
 6 this area has become over the last dozen or so  
 7 years.  
 8 Next please. Again, this is at the  
 9 intersection basically of Blue Angel and Sorrento  
 09:48 10 looking west on Sorrento. Over to the right is the  
 11 edge of the Walmart parking lot. To the left you  
 12 can see a Sonic sign and a development. That's  
 13 actually, I believe, it's called Sorrento Plaza.  
 14 Next photo, please. There's just a -- Sonic is  
 15 one of the businesses in that plaza. You can see in  
 16 the background there's some of what I'm going to  
 17 call the strip mall that's at that intersection.  
 18 Next, please. At the far end of that plaza is  
 19 the Waffle House. It kind of anchors the other end  
 09:49 20 and you can see the sign Sorrento Plaza and a fairly  
 21 large number of commercial businesses. This is at  
 22 the southwest quadrant of Sorrento and Blue Angel.  
 23 Next. The Target. That's at the northeast  
 24 quadrant of Sorrento and Blue Angel.  
 25 Next, please. That's about 7:15 in the  
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**46**

1 morning, so it's not very crowded at that time, but  
 2 the Target complex built within the last probably  
 3 six years.  
 4 Next. Another look at the Target building  
 5 looking across Sorrento from the west to the east.  
 6 Next. The Walmart, which is on the northwest  
 7 quadrant of that intersection and a couple more  
 8 photos we'll go through on Walmart. Again, just a  
 9 longer view of the large Walmart. And it's busy  
 09:49 10 even at 7:15.  
 11 Next, please. Actually, it's the Murphy Oil or  
 12 whatever it's called, the Walmart convenience store  
 13 and service station. And just another shot of the  
 14 Walmart parking lot which always includes, at least  
 15 every time I've been by, a lot of trucks waiting  
 16 probably to unload the next morning or whatever  
 17 they're there for. I believe that's all.  
 18 The point, within a half mile of this property  
 19 has been largely commercialized consistent with your  
 09:50 20 Land Development Code and Comprehensive Plan looking  
 21 at that major intersection. It has become much more  
 22 than a Rural Residential area, which no doubt it was  
 23 at one point it was pure rural back in the twenties,  
 24 thirties, forties and fifties. Probably when the  
 25 property was zoned it was semi-rural, but in the  
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**47**

1 last few years you've had the two large apartment  
 2 complexes, one at 168 units, the other at 108 units.  
 3 Country Woods is 108 units on 6.3 acres for a  
 4 density of 17.1 and you know that area and you go  
 5 just north on Blue Angel moving to the north up  
 6 toward 98, you're going to find another very large  
 7 apartment complex on the right and then you will  
 8 find that the 98 and Blue Angel intersection is also  
 9 commercialized with a large shopping area centered  
 09:51 10 around a Winn-Dixie Store. So that area has changed  
 11 considerably within a half mile of the property over  
 12 the last 10 or 15 years.  
 13 The other significant changed condition was,  
 14 quite frankly, the building of Blue Angel as a four  
 15 lane in that area and also the other significant  
 16 changed condition is the JLUS, the Joint Land Use  
 17 Study from the late nineties into early 2000 when  
 18 all of that property in that area was severely  
 19 restricted as to future development. That changed  
 09:52 20 those conditions.  
 21 So that's my testimony or evidence concerning  
 22 changed conditions.  
 23 MS. CAIN: Excuse me. Mr. Chairman, we really  
 24 need to get these photographs submitted into  
 25 evidence.  
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**48**

1 MR. RIGBY: I would like to offer them into  
 2 evidence, if I might.  
 3 MR. TATE: Members of the Board, a motion?  
 4 MR. BARRY: Motion to accept Applicant's  
 5 Exhibit A into the packet.  
 6 UNIDENTIFIED MEMBER: Second.  
 7 MR. TATE: We have a motion and a second. All  
 8 those in favor, say aye.  
 9 (Board members vote.)  
 09:52 10 MR. TATE: Those opposed?  
 11 (None.)  
 12 MR. TATE: Thank you. The motion carries.  
 13 (Applicant's Exhibit A, Photographs, was  
 14 identified and admitted.)  
 15 MR. RIGBY: At this time, what I would like to  
 16 do is discuss -- and this is not really factual  
 17 testimony. It's a discussion of the issues involved  
 18 in the case. I can do that after the presentation  
 19 of evidence or, quite frankly, it might help --  
 09:52 20 whatever your desires are. It may help you even to  
 21 consider what the applicant or the neighbors'  
 22 concerns might be and it may answer some of their  
 23 concerns as we go through this.  
 24 MR. TATE: The next thing on the agenda is  
 25 staff's presentation, allowing you time during that  
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**49**

1 for any time of cross-examination or comments, so  
 2 that's the -- if you would like to reserve your  
 3 comments until they've made their presentation.  
 4 MR. RIGBY: I would actually prefer to make  
 5 most of my comments probably before the public  
 6 because at least I think it will help them  
 7 understand what we believe the issues to be and it  
 8 may help them.  
 9 MR. TATE: You still have the mike.  
 09:53 10 MR. RIGBY: And if we will bring up the other  
 11 document that I provided to staff and we can also  
 12 pass it out in handout form. I have entitled it --  
 13 it's something I prepared -- it's called Applicant's  
 14 Key Points. It will also be available up on the  
 15 screen for the public and I kind of want to walk  
 16 through these issues because I think this highlights  
 17 the concerns that we have today.  
 18 MR. TATE: Would you like this entered into  
 19 evidence?  
 09:54 20 MR. RIGBY: I would like, if we can do that,  
 21 please. It's a discussion primarily of the code and  
 22 the provisions at issue here today.  
 23 MR. TATE: Applicant's Exhibit B presented for  
 24 evidence, do I have a motion?  
 25 MR. BARRY: Motion to accept.  
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**50**

1 MR. TATE: Do we have a second?  
 2 MS. SINDEL: Second.  
 3 MR. TATE: All those in favor, aye.  
 4 (Board members vote.)  
 5 MR. TATE: Those opposed.  
 6 (None.)  
 7 MR. TATE: Thank you. The motion carries.  
 8 (Applicant's Exhibit B, Applicant's Key Points,  
 9 was identified and admitted.)  
 09:54 10 MR. TATE: How many copies of this do we have?  
 11 MR. SAUER: Mr. Chairman, we would like to see  
 12 a copy.  
 13 MR. RIGBY: It's right up on the screen.  
 14 That's why we have it on the screen.  
 15 MR. TATE: If you would go ahead pass this out  
 16 here to the Board. Do we have any additional  
 17 copies?  
 18 MR. BARRY: Mr. Chairman, I'm sure we can get  
 19 copies.  
 09:55 20 MR. TATE: We're going to get copies made right  
 21 now. That's not a problem.  
 22 Mr. Rigby, you can go ahead.  
 23 MR. RIGBY: I have some extra copies here,  
 24 also, but again, it's exactly what's up there and I  
 25 have two more copies here.  
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**51**

1 MR. TATE: The Board has them. Any other  
 2 members of the public that would like copies?  
 3 MR. JONES: We've got some more coming.  
 4 MR. RIGBY: Mr. Chairman, members of the Board,  
 5 again, the request here is to go from Rural  
 6 Residential to AMU-2. The other acronyms that you  
 7 will hear all through this is APZ-1, which is, I  
 8 believe, is Airfield Protection Zone One and I  
 9 sometimes get these a little bit -- anyway, it's  
 09:56 10 Protection Zone One and Two. AIPD-1, I believe,  
 11 that's Airfield Influence Planning District One, and  
 12 AIPD-2, Airfield Influence Planning District Two.  
 13 The point is these are not zoning districts. And  
 14 that's key and I think many people misunderstand  
 15 that. They are not zoning districts. They are  
 16 overlay districts. The property will always carry  
 17 an underlying zoning district that is something  
 18 different than any of those four. Typically a  
 19 property then that is within either AIPD-1 or 2 will  
 09:56 20 also carry a number of other designations, either  
 21 APZ-1 or APZ-2 or some others, depending on where  
 22 the property is located.  
 23 These overlays zones limit the number of  
 24 residential units that can be placed on the property  
 25 in addition to the limits imposed by the maximum  
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**52**

1 density that's imposed by whatever the relevant  
 2 zoning district is. Today that maximum density is  
 3 two units per acre which is what's provided by Rural  
 4 Residential.  
 5 As you will hear from the staff report, and I  
 6 don't believe there's any dispute, this property is  
 7 in the Mixed Use Suburban Comprehensive Plan Future  
 8 Land Use category. This category among other things  
 9 imposes two things of importance to this case. That  
 09:57 10 Comp Plan and it's Policy FLU 1.3.1, and I cite it  
 11 there, imposes both a minimum density on property in  
 12 that Comp Plan of two units an acre and a maximum  
 13 density of ten units an acre. So unlike some  
 14 districts that don't impose a minimum, it does, so  
 15 it's got a minimum and a maximum, two units an acre  
 16 minimum. That's a Comprehensive Plan provision that  
 17 I believe you have to keep in mind and comply with  
 18 whatever you decide to do.  
 19 The Knowhow Group parcel is about 42 acres.  
 09:58 20 There is the separate parcel that's combined and  
 21 separately owned by Mr. Hinson is a little over an  
 22 acre.  
 23 The code, the Land Development Code, and I cite  
 24 the provision, says that Rural Residential is  
 25 intended for use in a rural or a semi rural  
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53

1 environment. The point of some of the photographs I  
 2 presented is this is no longer a rural environment.  
 3 It was at one time. It's not today.  
 4 Rural Residential zoning, when you consult the  
 5 code, provides only for single-family residential  
 6 use at a maximum density of two dwelling units an  
 7 acre, but it also has a minimum lot size requirement  
 8 of one-half acre. And, of course, as we all know,  
 9 trying to develop property you can never meet that  
 10 requirement. You can never get your density when  
 11 you have minimum lot sizes because of the  
 12 requirements for infrastructure and roads and  
 13 various other things even if there were no wetlands  
 14 on this property.  
 15 In this case approximately 25 of the property's  
 16 42 acres are wetlands. And you have that in  
 17 evidence. Part of the staff report includes a  
 18 survey and you will see that later. That survey  
 19 lists those acreages that are in uplands and the  
 20 acreage that is in wetlands. So well more than half  
 21 of this property is in surveyed wetlands. That  
 22 survey was done back about 2004 by Edmiston and  
 23 Associates. It's reflected on the survey. It may  
 24 not be exactly accurate, but if it's off an acre or  
 25 so, it's still a substantial portion of the  
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09:59

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55

1 density that is mandated by the Comprehensive Plan  
 2 Mixed Use Suburban, as I say, is 42 acres or 43.  
 3 That mandated density is at least 84 or 86 units.  
 4 The current Rural Residential District can meet  
 5 that density requirement because that's two units  
 6 per acre, so it meets the Comp Plan provision of  
 7 minimum density of two units per acre. But I will  
 8 say to you these are phantom units and they're  
 9 phantom units because Rural Residential has a  
 10 minimum lot size of a half acre and does not allow  
 11 clustering, doesn't allow zero lot line development.  
 12 It doesn't allow any innovative development that  
 13 allows you to avoid the impact of 25 acres plus of  
 14 wetlands.  
 15 Also, within the AIPD-1, which you will see and  
 16 it will be a big red area of the property, it's on  
 17 the eastern portion of the property, that carries  
 18 also the overlay zoning, not a district, overlay  
 19 zone of APZ-1. APZ-1 further restricts the use of  
 20 the property. It requires a -- it doesn't affect  
 21 density per se, but what it says is that any  
 22 development must be no greater than one unit for  
 23 every two-and-a-half acres and it also says that's  
 24 an absolute, in other words, every lot must be at  
 25 least two-and-a-half acres in size, not an average,  
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10:02

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54

1 property.  
 2 The Rural Residential zone allows neither  
 3 clustering to avoid environmentally sensitive areas  
 4 nor any form of multifamily housing. In this case,  
 5 as again you will see from the staff report and the  
 6 maps they present, you will see that this property  
 7 is split my two of the overlays, AIPD-1 and AIPD-2,  
 8 AIPD-1 on the western portion of the property  
 9 adjacent to Blue Angel and AIPD-2 on more than half  
 10 of the property and on the eastern side. Again,  
 11 these are not zoning districts, but they simply  
 12 restrict how the owner can utilize his property.  
 13 (Ms. Hightower enters.)  
 14 MR. RIGBY: In order to make an economically  
 15 viable use of the property, while at the same time  
 16 avoiding and meeting another county requirement and  
 17 goal which is to avoid impact on environmentally  
 18 sensitive areas like wetlands, the owner needs a  
 19 zoning district that is first compatible with other  
 20 uses that are in the area, that allows clustering of  
 21 development to avoid those environmentally sensitive  
 22 areas, which is the primary use for clustering, does  
 23 not include a minimum lot size and allows at least a  
 24 limited multifamily use and at the same time  
 25 provides reasonable density. And in this case the  
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10:00

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56

1 every lot. It's a minimum lot size of  
 2 two-and-a-half acres.  
 3 So the current Rural Residential District does  
 4 not help deal with this minimum lot size  
 5 restriction. It doesn't help avoid the impact to  
 6 environmentally sensitive areas.  
 7 I've also then cited Land Development Code  
 8 Section 11.02.03, which provides that rezoning in  
 9 the AIPD-2 Overlay Zone is allowed only to a zoning  
 10 district that allows three dwelling units per acre  
 11 or less. Now, if the property were already R-4, as  
 12 some is in that area, it carries the R-4 zoning.  
 13 That doesn't change, but you can't upzone to more  
 14 than three units per acre. So this is a two, so the  
 15 maximum that you could upzone to is three units an  
 16 acre. And that section of the LDC 11.02.03,  
 17 specifically lists only three districts that can  
 18 meet the requirements of the code, AMU-1, AMU-2,  
 19 V-2A. I'm sure all the Board knows V-2A is really  
 20 up in the northern end of the county, but it can be  
 21 used in AIPD-2.  
 22 I want to talk about those districts and all  
 23 these are available in the code. V2-A, it does  
 24 allow a density of three units an acre, but it  
 25 doesn't allow any clustering. While there's no  
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10:04

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57

1 minimum lot size, it does require a minimum lot  
 2 width at the front building line. I believe it's  
 3 70 feet, so it's not a minimum lot size, but it  
 4 basically precludes zero lot line type development  
 5 and those issues. More importantly it limits the  
 6 property's use to single-family with no commercial  
 7 development. One of the intents behind the JLUS  
 8 study was to provide through AMU-2 a limited  
 9 commercial aspect of use to the property and at the  
 10:05 10 same time, as the code says, to avoid the high  
 11 density that you find in the other commercial  
 12 districts, C-1 and C-2. You will see the commercial  
 13 districts with the apartment complexes just to the  
 14 north. Those allow that very high density. AMU-2  
 15 will not do that.  
 16 AMU-1 under the code is another available  
 17 option theoretically, but it's solely for use in the  
 18 AIPD-1 overlay zone. It allows up to three units an  
 19 acre unless there are other restrictions by the APZ  
 10:06 20 Zones. There are areas where AMU-1 could  
 21 potentially, I guess, allow three units an acre, but  
 22 it doesn't work and it's actually almost worse than  
 23 Rural Residential because it prohibits clustering  
 24 explicitly in the code. So there can be no  
 25 clustering. It also has an absolute lot size  
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59

1 says in that particular portion of the property you  
 2 can have no lots smaller than 2.5 acres. If you  
 3 look at where the wetlands are and all, it's going  
 4 to very difficult even to achieve that. The only  
 5 way you could do it is a little narrow lot that runs  
 6 an extremely long way back through the rest of the  
 7 property. It's nonsensical almost.  
 8 AMU-2's most important feature under the code  
 9 is the clustering to avoid environmentally sensitive  
 10:09 10 areas and the APZ-1 District is encouraged by the  
 11 code.  
 12 I reference then -- move down a little bit to  
 13 the next page, please.  
 14 MS. CAIN: There's only two pages for some  
 15 reason. Something happened on ours.  
 16 MR. RIGBY: Well, I'm glad we had the  
 17 printouts. I'm glad we had that, so I'm glad the  
 18 neighbors have that, too. I apologize.  
 19 I cite the Comprehensive Plan Policy C-O-N,  
 10:09 20 which I believe is for conservation, under 1.3.8,  
 21 density clustering and what it says, what it  
 22 requires is that Escambia County shall include  
 23 density clustering provisions in the Land  
 24 Development Code to avoid development in  
 25 environmentally sensitive areas and airfield  
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58

1 requirement of a third of an acre. So it has the  
 2 same problem that Rural Residential does. That lot  
 3 size is absolute and it allows no multifamily use  
 4 whatsoever.  
 5 AMU-2 is the appropriate zoning district for  
 6 this property. It allows somewhat higher maximum  
 7 density than is allowed in R-2 -- I mean, RR, Rural  
 8 Residential. That's three versus two dwelling units  
 9 per acre, but more importantly it eliminates the  
 10:07 10 minimum lot size, which is critical when property  
 11 has such a high degree of wetlands on it. It allows  
 12 multifamily structures, but severely limits those to  
 13 no more than three family units, so you could not  
 14 have the Country Wood or Austin Wood Apartments.  
 15 You can have a triplex, if you want to call it that,  
 16 or you can have a condominium that is three families  
 17 in one condominium building. You also have height  
 18 restrictions and various other requirements in  
 19 AMU-2. But you do have a limited multifamily use  
 10:08 20 and that makes sense because you will have  
 21 clustering. It allows clustering to avoid those  
 22 impact areas.  
 23 Actual use, you rezone all the property to  
 24 AMU-2, but the actual use in the AIPD-1 District to  
 25 the east is still restricted by APZ-1, which still  
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60

1 influence planning districts whenever feasible.  
 2 Escambia County has provided only one zoning  
 3 district that complies with this Comprehensive Plan  
 4 mandate and that's AMU-2. It allows clustering to  
 5 avoid the adverse impacts to AIPD-1 to the east.  
 6 That's what is there. It allows clustering also to  
 7 avoid environmentally sensitive areas. AMU-1 does  
 8 not allow that. V-2A, the other available zoning  
 9 district, does not allow clustering. There's only  
 10:10 10 one that can qualify with that provision of the Comp  
 11 Plan.  
 12 Future Land Use Policy 4.1.2.B.5 provides that  
 13 the County will not support a rezoning that results  
 14 in increased residential densities in excess of JLUS  
 15 recommendations. The maximum density under the JLUS  
 16 recommendations is three units an acre, so you could  
 17 not go to R-4 or R-5. We couldn't go to those. It  
 18 would violate that condition, but density  
 19 limitations by zoning three units per acre and then  
 10:11 20 there are other restrictions imposed on particular  
 21 types of property through the APZ-1 designations.  
 22 You also have a memo that I've seen from the  
 23 Navy representative and it expresses a concern about  
 24 split zoning. The property is split by two of the  
 25 overlay zones. It is not split by zoning. This is  
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61

1 not a split zoning situation at all. The overlay  
 2 zones are not zoning districts. They restrict how  
 3 you can use the property, but they do not impose  
 4 zoning.  
 5 The Land Development Code also expressly  
 6 addresses the situation of split parcels, parcels  
 7 that are not split zoned, but split by AIPD-1 and  
 8 AIPD-2 and it's at LDC Section 11.02.01.B.4, and it  
 9 reads split parcels. For purposes of regulating  
 10:12 10 parcels split by the AIPD lines, only that portion  
 11 of the parcel that falls within the AIPD shall be  
 12 subject to the conditions of the AIPD.  
 13 To the AIPD-1, we are restricted to a maximum,  
 14 no matter what the zoning is, in that area of one  
 15 unit for every two-and-a-half acres, essentially --  
 16 well, one unit every two-and-a-half acres with an  
 17 absolute lot size minimum of 2.5 acres. It does not  
 18 restrict the AIPD-2 other than the maximum zoning of  
 19 three units an acre.

10:13 20 There is a proposal or the issue, I guess, of  
 21 whether this property should be put in one zoning  
 22 district or two. I think it's always best to put it  
 23 in one zoning district. I don't know and I haven't  
 24 found anything in the code that says you can't have  
 25 two zoning districts on a piece of property. We do  
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62

1 have a lot of those or at one time we had a lot of  
 2 them around the county. We probably still have a  
 3 few floating around out there.  
 4 MR. TATE: It's been our goal to actually get  
 5 those to one.  
 6 MR. RIGBY: That's the goal, so I'm not saying  
 7 that having a split zoning is an admirable goal, but  
 8 I don't know that there's any prohibition in the  
 9 Comp Plan or in the Land Development Code.

10:13 10 The Navy's proposal is to go to AMU-1 and it is  
 11 an authorized zoning district. It is not  
 12 acceptable. It is, in effect, in some ways worse  
 13 than R-2, the way it's actually set up. It is no  
 14 better. It still has the minimum lot sizes. And  
 15 again, this property includes many acres within the  
 16 AIPD-1 overlay, and many acres of environmentally  
 17 sensitive wetlands.

10:14 18 The only means by which this property owner can  
 19 develop this property economically is by use of  
 20 clustering to avoid dwelling units in the APZ-1 area  
 21 to the east and to avoid the wetlands. It is an  
 22 admirable goal to avoid the wetlands.  
 23 Now, I'm not here standing here in front of you  
 24 and saying the development plan won't have some  
 25 crossing of the minor wetlands or something that has  
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63

1 to be addressed in development review, but largely  
 2 we're not going to be able to put units in those  
 3 wetlands and we all understand that, and we're not  
 4 going to be, no matter how it's developed, be able  
 5 to put residential units in the APZ-1 area to the  
 6 east that has less than a 2.5-acre lot.  
 7 AMU-2 is the only zoning district that allows  
 8 clustering and it was created specifically to  
 9 address this issue that's imposed by the JLUS study.

10:15 10 A key component of this is it allows  
 11 multifamily uses, it allows clustering and, again,  
 12 those are not the Country Wood and Austin Wood  
 13 apartment complexes. They are much more  
 14 residentially type uses that would restrict a  
 15 structure to no more than three families.

10:16 16 So that's the justification. I may have some  
 17 comments if I can reserve that after the staff  
 18 report. I'll mention one other thing and I think  
 19 the staff will agree. There was at one time an  
 20 issue about locational criteria and you will see the  
 21 staff report cites the locational criteria.

22 Locational criteria, I believe staff will now  
 23 agree, is not at issue here and it's not at issue  
 24 because there's a provision in that section that  
 25 basically says if you're on a collector or arterial  
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64

1 roadway, which everybody agrees Blue Angel is and we  
 2 are on that, and within I believe it's a quarter of  
 3 a mile you have large traffic generators that  
 4 generate at least 600 trips per day, then you're not  
 5 subject to it, subject to the locational criteria.  
 6 Those traffic generators are Country Wood and Austin  
 7 Wood Apartments.

10:17 8 And Mr. Tommy Brown, I saw that he was here and  
 9 I don't know if he is going to speak to this, but he  
 10 provided us the information and basically Country  
 11 Wood, based upon its number of units, generates 718  
 12 trips per day by the applicable manual. Austin Wood  
 13 generates 1,117 trips per day by the manual, for a  
 14 total of 1,825 trips per day. Therefore, the  
 15 locational criteria is not at issue. Again, the  
 16 locational criteria applies really only to the  
 17 commercial uses that are potential under AMU-2.

10:17 18 From a practical point of view, those  
 19 commercial uses probably can occur and they can  
 20 occur because there's another restriction out there,  
 21 at least I've been told by the engineers that at  
 22 sometime in the past, it may have been when Blue  
 23 Angel was built, I don't know, the Navy secured an  
 24 agreement with the County or the State that  
 25 precludes any additional cuts on Blue Angel between  
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**65**

1 North Loop and South Loop Roads. Otherwise, the  
 2 access to this property would primarily be from Blue  
 3 Angel.  
 4 If there's no road cut available, it fronts on  
 5 Blue Angel, but you will have to use North Loop Road  
 6 to get access to the property. You can't very well  
 7 have a restaurant or something like that that might  
 8 even be allowed in there without any access and  
 9 visibility to the public, so those commercial uses  
 10:18 10 are from a practical point of view probably not  
 11 available, so it's really looking at a residential  
 12 type development of property. I'll entertain any  
 13 questions.  
 14 MR. TATE: Staff, do you have any questions of  
 15 Mr. Rigby's presentation?  
 16 MS. CAIN: No, not at this time.  
 17 MR. TATE: At this time we will move into the  
 18 staff presentation.  
 19 (Presentation by Ms. Cain.)  
 10:18 20 MS. CAIN: This is Rezoning Case 2012-01, 9869  
 21 North Loop Road. Future Land Use is Mixed Use  
 22 Suburban. It's in overlay AIPD-1, APZ-1, and AIPD-2  
 23 overlay district, going from an RR, Rural  
 24 Residential, to AMU, requesting AMU-2, Airfield  
 25 Mixed Use Two District.  
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**66**

1 Criterion (1), consistent with the  
 2 Comprehensive Plan. As stated in the Comp Plan  
 3 Future Land Use 1.3.1, current Mixed Use Suburban  
 4 allows for a mix of residential and commercial uses  
 5 such as residential retail services, professional  
 6 offices, recreational facilities, public and civic.  
 7 The proposed request to rezone to the AMU-2 is  
 8 consistent with the intent and purpose of the Future  
 9 Land Use Mixed Use Suburban.  
 10:19 10 Comp Plan 4.1.2 states that the Airfield  
 11 Influence District requires density and land use  
 12 limitations, aviation easements, building sound  
 13 attenuation, real estate disclosures and Navy review  
 14 and comment of any proposed development and no  
 15 County support of property rezonings that result in  
 16 increased residential density in excess of the JLUS  
 17 recommendations.  
 18 Also in the Future Land Use 4.1.2.B. it states  
 19 that the AIPD portion of enclosed land that is  
 10:20 20 outside the AIPD-1, but close enough to the  
 21 airfield, that may, in fact, affect or be affected  
 22 by airfield operations. The County will monitor  
 23 development in the AIPD areas with compliance with  
 24 the JLUS recommendations and rezonings to a higher  
 25 density will be discouraged as per Comp Plan MOB  
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**67**

1 4.2.7.  
 2 Criterion (2). Consistent with the Land  
 3 Development Code. The parcel currently has a RR  
 4 zoning and is split between the AIPD-1, APZ-1 and  
 5 AIPD-2. Per LDC 11.02.01.B.4 for parcels split by  
 6 AIPD boundaries, only that portion of the parcel  
 7 that falls within the AIPD is subject to the  
 8 conditions of the AIPD. The proposed rezoning  
 9 request from RR To AMU-2 is consistent only with the  
 10:21 10 portion of the parcel that is within the AIPD-2  
 11 overlay. According to the intent and purpose of the  
 12 AIPD zoning designation, 6.05.04.A, that portion of  
 13 the parcel within the AIPD cannot be rezoned to  
 14 AMU-2. Per LDC regulation the parcel may be rezoned  
 15 to an AMU designation, the western portion of AIPD-2  
 16 and the AMU-2 and the eastern portion of AIPD-1 to  
 17 AMU-1. Although this will create a split zone  
 18 parcel, the protections for the surrounding areas  
 19 would be met as per Chapter 11.  
 10:22 20 In addition to the findings stated above, the  
 21 proposed rezoning request would comply with the  
 22 locational criteria as described in Criterion (1)  
 23 for a broad range of commercial and industrial uses  
 24 within the proposed rezoning category AMU-2. They  
 25 may meet locational criteria as stated in LDC  
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**68**

1 7.20.05.C.1. The parcel is located within  
 2 one-quarter mile from a traffic generator such as  
 3 medium to high density apartments generating more  
 4 than 600 trips per day.  
 5 The definition of spot zoning basically is that  
 6 a zoning or a lot or parcel that will create an  
 7 isolated zoning district that may be incompatible  
 8 with adjacent or nearby zoning districts and uses.  
 9 While the proposed zoning category would be  
 10:23 10 isolated, the uses and densities of the zoning  
 11 designation are compatible with the existing  
 12 surrounding zoning categories.  
 13 Criterion (3), compatible with surrounding  
 14 uses. The proposed amendment is compatible with the  
 15 uses in the area. Within the 500-foot radius impact  
 16 area staff observed that the rezoning districts were  
 17 RR, R-6, and C-1. One commercial, one mobile home  
 18 park, two mobile homes, 26 single-family  
 19 residential, two apartment complexes and seven  
 10:23 20 vacant parcels.  
 21 Criterion (4), changed conditions. Staff did  
 22 not find changed conditions that would impact the  
 23 amendment or property within the 500-foot radius.  
 24 And basically as a rule of thumb we only use the  
 25 500-foot radius, but that doesn't preclude us from  
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**69**

1 looking outside the 500-foot, so if you would -- as  
 2 Mr. Rigby stated earlier, there were areas to the  
 3 north that had been developed with a mix of  
 4 residential and commercial uses.  
 5 Criterion (5), the effect on the natural  
 6 environment. The County actually uses different --  
 7 they will use many different surveys as indicators  
 8 to review the applications for development. Within  
 9 the total 43.4 plus or minus acres, the site soil  
 10:24 10 survey indicated approximately 29.1 areas of hydric  
 11 soil and the applicant did provide a boundary survey  
 12 but at the time of the development review or site  
 13 plan review, they would probably be asked to submit  
 14 a more current survey.  
 15 Criterion (6), development patterns. The  
 16 proposed amendment would result in a logically and  
 17 orderly development pattern. The parcels adjacent  
 18 to and in close proximity are existing residential  
 19 uses. Therefore, the rezoning request to AMU-2 and  
 10:24 20 the allowable permitted uses would be in line with  
 21 the existing development pattern.  
 22 We also did note that there was a letter, as  
 23 stated earlier, from the Navy regarding this  
 24 rezoning application.  
 25 MR. TATE: At this time I would like Mr. Brown,  
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**70**

1 if you're available, could you present as staff your  
 2 findings?  
 3 MR. STITT: Mr. Tate?  
 4 MR. TATE: Yes, we're going to move to you  
 5 next.  
 6 MR. STITT: I have a question on what they  
 7 presented. Could I ask that now?  
 8 MR. TATE: Let's go ahead and do this and then  
 9 I'll turn the mike over to you.  
 10:25 10 Mr. Brown, would you please be sworn in?  
 11 (Tommy Brown sworn.)  
 12 MR. TATE: Can you please state your name and  
 13 address for the record and also your occupation for  
 14 the Board?  
 15 MR. BROWN: Tommy Brown, 3363 West Park Place.  
 16 I'm a transportation planner for the Engineering  
 17 Department.  
 18 MR. TATE: How long have you been a  
 19 transportation planner?  
 10:26 20 MR. BROWN: Ten years plus or minus.  
 21 MR. TATE: At this meeting you have not  
 22 presented as an expert witness in regards to land  
 23 planning for rezonings. I would like to ask the  
 24 Board if they would accept Mr. Brown as --  
 25 MR. BARRY: He's given testimony as a traffic  
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**71**

1 expert.  
 2 MR. TATE: That's correct.  
 3 MR. BARRY: In that capacity.  
 4 MR. TATE: In that capacity.  
 5 MR. BARRY: So moved.  
 6 MR. TATE: Second?  
 7 MS. DAVIS: Second.  
 8 MR. TATE: All those in favor of accepting Mr.  
 9 Brown's testimony as an expert?  
 10:26 10 (Board members vote.)  
 11 MR. TATE: Those opposed?  
 12 (None.)  
 13 MR. TATE: Thank you.  
 14 (The motion passed unanimously.)  
 15 MR. TATE: Mr. Brown.  
 16 MR. BROWN: I really didn't have any findings.  
 17 I gave the applicant and the planning staff just the  
 18 formulas that were used for trip generation of the  
 19 existing apartments. I didn't fill out a public  
 10:27 20 speaker form, because I was late. For that I was  
 21 talking about access management.  
 22 MR. TATE: Okay. Yes.  
 23 MR. BARRY: Were the numbers that Mr. Rigby  
 24 provided earlier, were those the numbers that your  
 25 office created?  
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**72**

1 MR. BROWN: I gave him the formula and he did  
 2 the calculation. I was not aware specifically of  
 3 how many units were existing in those apartment  
 4 complexes. He did get the right rate. He presented  
 5 the right rate per dwelling unit in the apartments.  
 6 MR. TATE: You don't have anything new to add  
 7 to the staff's findings?  
 8 MR. BROWN: Not to that part, no.  
 9 MR. TATE: Do you have something you need to  
 10:27 10 address?  
 11 MR. BROWN: The county staff does want to put  
 12 on the record that whatever future development does  
 13 come into this property, the condition of South Loop  
 14 Road, the last time I remember seeing it, was not  
 15 sufficient for any new development to start to be  
 16 using it in that intensity or any intensity, really.  
 17 So I would just want to be on the record and let  
 18 them be aware that along their frontage and up to  
 19 Blue Angel Parkway to the west, they would be  
 10:28 20 required -- I don't know what requirements would  
 21 need to be done, but some improvements to South Loop  
 22 Road will be required.  
 23 MR. TATE: Thank you. Mr. Stitt, as part of  
 24 staff's Findings-of-Fact, your letter to the Board  
 25 or to staff was included and I would like to give  
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73

1 you time in this part of the presentation to  
 2 address, one, your other issue with staff and, two,  
 3 both your letter, the previous comments by the  
 4 applicant on your letter.

5 MR. STITT: Thank you, Mr. Chairman. The  
 6 question I had on the staff report was Section  
 7 6.04 -- 6.05.04, the last sentence there. It states  
 8 that while the proposed zoning category would be  
 9 isolated, the uses and densities of the zoning  
 10:29 10 designation would be compatible with the existing  
 11 and surrounding zoning categories.

12 My question is this: Can you help us  
 13 understand the difference between zoning isolation,  
 14 spot zoning and split zoning?

15 MS. CAIN: You said the difference between  
 16 split zoning, spot zoning and zoning isolation?

17 MR. STITT: Yes.

18 MR. WEST: If I could maybe give you a couple  
 19 of examples of spot zoning that might help. If you  
 10:30 20 could imagine maybe a, I'll say 100-acre area that's  
 21 all R-1 and right smack in the middle you have a  
 22 tiny half-acre parcel and that's industrial, ID-2,  
 23 the most intense industrial use there is. That  
 24 would be the kind of very disparate zoning that I  
 25 think constitutes something that would be regarded

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74

1 as spot zoning. You don't want to have such a  
 2 dramatic difference between the zoning districts in  
 3 a particular area, especially if you have this very  
 4 narrow small intense zoning category next to a very  
 5 reduced intensity surrounding it. There's not a  
 6 bright line test, but ideally you would like to have  
 7 the zoning districts kind of flow into each other  
 8 with a progression of more and more intensity rather  
 9 than having this very hard contrast of the zoning  
 10:31 10 intensities.

11 I'll give you another example, not a zoning  
 12 one, but if you ever see those optical illusions  
 13 where you have a picture and there's a pattern where  
 14 you have a bright blue next to a very bright orange  
 15 and look at it and you can't even focus on it  
 16 because it vibrates because the colors are so  
 17 different, you can think of those colors as zoning  
 18 districts. That's the kind of thing that you want  
 19 to avoid in zoning. You don't want to have the uses

10:31 20 so different and the intensities so different that  
 21 it's going to cause problems in the long run as far  
 22 as planning and providing governmental services.

23 So in this case, I think what staff is finding  
 24 is they're representing to you that the differences  
 25 in the zoning categories are not so different that

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75

1 it would constitute spot zoning.

2 Split zoning is something different. It  
 3 applies within a particular parcel and it's really  
 4 something completely different than spot zoning.  
 5 Split zoning is where you have two different zoning  
 6 districts within a single parcel. I think in this  
 7 case, staff is recommending, even though it's  
 8 generally discouraged, in this case they felt it was  
 9 appropriate to recommend a split zoning within the  
 10:32 10 parcel so that the eastern part within the AIPD-1  
 11 area they're recommending that be in the AMU-1  
 12 zoning, with the western portion outside the AIPD-1  
 13 area, they're recommending be in the AMU-2 zoning  
 14 district.

15 Those are, again, cumulative zonings, not so  
 16 different that it constitutes spot zoning, but they  
 17 are recommending that the single parcel that is the  
 18 subject of this application be split zoned into two  
 19 different categories.

10:33 20 MR. STITT: That's very helpful. It just  
 21 seemed that the term isolated in this context seemed  
 22 to be interchangeable with spot and I was just  
 23 trying to get a better feel for the use of the word.

24 MR. WEST: I think isolated is used within the  
 25 definition of spot zoning, if I'm not mistaken, so I

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76

1 think it's --

2 MR. STITT: So the staff was trying to indicate  
 3 that the proposed zoning would be spot zoning?

4 MR. WEST: No, I think they're saying that it  
 5 is not isolated. Even though there are no other AMU  
 6 zonings in this area, because AMU contemplates a mix  
 7 of residential and commercial uses and there are  
 8 residential and commercial zoning districts other  
 9 than AMU zoning districts within this area, it is  
 10:34 10 not considered spot zoning.

11 MR. STITT: That's very helpful. Thank you.

12 Well, as indicated, I sent in a memo in  
 13 response to the rezoning request to kind of draw out  
 14 the Navy's concerns. This is kind of precarious  
 15 because there are the overlay districts and the  
 16 usage there. But I wanted to read specifically what  
 17 I said because I think I may have been  
 18 misrepresented.

19 The memo says: In regards to the rezoning  
 10:34 20 application, county code discourages split zoning of  
 21 a property. If the subject property is split into  
 22 two equal halves by two different AIPDs, it is also  
 23 true that any rezoning granted for this property  
 24 would apply to the entirety of the property, that  
 25 is, it's not been requested that two different

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77

1 zonings be applied to the property as of the  
 2 rezoning.  
 3 However, Article 6 in the zoning districts,  
 4 dash A, intent and purpose of the district, states  
 5 that while the intent is for this zoning district,  
 6 AMU-2, to apply primarily to the AIPD-2 overlay  
 7 district, it can also be utilized in other  
 8 unincorporated areas of Escambia County in which  
 9 it's compatible with the Future Land Use category  
 10 except AIPD-1.

10:35

11 That's what I stated. I did not make a  
 12 recommendation for AMU-1 in my memo, but I do go  
 13 down to further kind of line out the issue that I  
 14 have with the way the request is set in.

15 Since it was not asked for as a split rezoning,  
 16 it was asked for a specific rezoning to apply to all  
 17 of the property, and since there doesn't really seem  
 18 to be a mechanism -- and County staff can certainly  
 19 point out this where I may have overlooked it -- but  
 20 there doesn't seem to be a mechanism in the Land  
 21 Development Code that exists to do a split  
 22 application for the zoning.

10:36

23 Then I am stating that because it's accepted in  
 24 the Land Development Code in the AIPD-1, that this  
 25 is inconsistent. If you grant the request as before

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78

1 you, the Land Development Code says specifically  
 2 that it's exempted here. You can't apply it to  
 3 AIPD-1. Yet the application process for rezoning  
 4 only allows for the application of the entire parcel  
 5 that's being requested.

6 So you have an internal consistency here. It's  
 7 a mechanical thing, yes, but legally you can't  
 8 approve something that's not consistent within the  
 9 Land Development Code or the Comprehensive Plan. So  
 10 that's my main concern with this.

10:37

11 I think Mr. Rigby did a great job of going down  
 12 through the Land Development Code and pulling out  
 13 the Comprehensive Plan examples of regulations and  
 14 how they apply. He did a great job of explaining to  
 15 us in good detail how all of that actually flows and  
 16 applies to this situation.

17 And the history provided helps us also  
 18 understand the usage of the property and how the  
 19 progression of the Comprehensive Plan and the usage

10:37

20 around the property by others has impacted the  
 21 property. Certainly the Navy is sensitive to that.  
 22 However, as Mr. Rigby indicated, the APZ is there.  
 23 APZ stands for Accident Potential Zone, Accident  
 24 Potential Zone. The whole intent of the Joint Land  
 25 Use Study was to take a look at the uses around the

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79

1 air bases, as well, as later happened at the  
 2 Pensacola Airport, and to try to have some  
 3 compatibility around those facilities so as to avoid  
 4 future potential accidents. The lines that are  
 5 drawn -- can we bring up the AIPD map, please?  
 6 The lines that are drawn are based on noise  
 7 contours, noise created by the typical average  
 8 daytime mean average, sound noise generated by the  
 9 planes. Sixty-five decibels is the threshold there.

10:39

10 So anything in AIPD is going to be higher than  
 11 65 decibels. Anything lower is going to be in  
 12 AIPD-2, 65 decibels or lower. And that was a  
 13 determination that was made nationwide to use those  
 14 decibels that were, if you could say, more  
 15 compatible with human dwellings than not.

16 So the APZs are a direct result of the flight  
 17 patterns. And as you can see, the property that's  
 18 up on the map here is split between those two. The  
 19 concern is, it's a very real concern, is that no  
 20 matter what's eventually allowed there by request or  
 21 other order, the line is only a line on the map.

10:39

22 The Accident Potential Zone is based off of  
 23 statistics, what will happen within a certain amount  
 24 of time taking off from the runway, how far out do  
 25 accidents happen on a regular basis. Those

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80

1 statistics. That's a hard word for me. Statistics  
 2 are taken together and they look at the average.  
 3 The average says, yeah, the closer you are to  
 4 takeoff from the runway, the more you're going to  
 5 have accidents, the more potential for accidents to  
 6 happen.

7 So those lines on the paper based off decibels  
 8 are not going to keep an aircraft from going down to  
 9 the left or to the right of those lines. So the  
 10 Navy's concern and the Joint Navy's Study concern,  
 11 if I could read it real quickly, was to set up an  
 12 area of compatible use and to prohibit concentration  
 13 of population. Why do we want to prohibit  
 14 concentrations of populations? It's not to take  
 15 anybody's property development rights away. It is  
 16 to protect the health and safety of those people,  
 17 the citizens of the community.

10:40

18 So when we look at compatibility, while the  
 19 Planning Board has a list of compatibility they have  
 20 to go by, that is their direction, that is their  
 21 restriction, is to take testimony and listen, but  
 22 the Planning Board has to go by these consistencies  
 23 when hearing the rezoning request. They are fairly  
 24 narrowly focused. The Comprehensive Plan, the Land  
 25 Development Code, compatibility with surrounding

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**81**

1 uses, changed conditions, effects on the natural  
 2 environment and development patterns.  
 3 MR. HOLMER: Bruce?  
 4 MR. STITT: Yes.  
 5 Staff has pulled up the Air Installation  
 6 Compatible Use Study which was released recently in  
 7 2010 and fully rolled out in 2011. That study is  
 8 based off the noise contours again.  
 9 MR. RIGBY: Mr. Chairman, is this something  
 10:42 10 that's been adopted by the County Commission?  
 11 MR. TATE: We have not adopted it yet, correct?  
 12 MR. RIGBY: I say that because I doubt that any  
 13 of us have seen it. And if it's been adopted by the  
 14 County, it easily could have been and I would have  
 15 missed it because I don't track the meetings maybe  
 16 as closely as I should, but our existing code is  
 17 based on the JLUS study of a number of years ago.  
 18 That's what we have the code from, not something  
 19 that may happen.  
 10:43 20 MR. JONES: The Joint Land Use Study is still  
 21 in effect. We do have an annual update. Now, we  
 22 will be having a discussion on the maps, on some  
 23 maps that's being impacted by the new Joint Land Use  
 24 Map that is going before the Planning Board and to  
 25 the BCC. Mr. Rigby's area is not impacted at all  
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**82**

1 with the new joint maps that are being proposed.  
 2 MR. TATE: No changes?  
 3 MR. JONES: No changes to his property at all.  
 4 It still has the same complications.  
 5 MR. STITT: I'm merely mentioning it as a  
 6 reference point, sir. There won't be any other  
 7 detail brought up about it. So in any issues of  
 8 consistency, the purpose of the Comprehensive Plan  
 9 in regards to the Joint Land Use Study is to lay the  
 10:44 10 legal groundwork for implementation, to set a  
 11 framework for decision making, for this Board and  
 12 for the County Commissioners, and to add elements of  
 13 use, new land use that are compatible and provide  
 14 compatibility tools such as the AIPDs, but higher  
 15 density is discouraged as noted by the staff report  
 16 by MOB 4.2.7. You have to be consistent with this  
 17 code whatever decision is made. The AMU-2 is  
 18 accepted by the code in AIPD-1.  
 19 I have not heard how we're going to adequately  
 10:44 20 address that in applying this request. There seems  
 21 to be no mechanism for doing that and the  
 22 compatibility of the surrounding uses is the  
 23 500-foot buffer as the staff indicated and they do  
 24 look beyond that.  
 25 MR. TATE: We will have to get into that in our  
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**83**

1 portion of the Board's portion of discussion then.  
 2 MR. STITT: That's true. I would just say that  
 3 going beyond the 500 feet is something that the  
 4 AIPDs and the Joint Land Use Study are designed to  
 5 do. They have to go out beyond the 500 feet because  
 6 it's just not the nature of what they do. So I  
 7 would ask the Board to also do the same.  
 8 One last thing, if I may, the transfer of  
 9 development rights would be a great tool to apply to  
 10:45 10 this, but it's not there yet. We do have the  
 11 clustering and I think clustering is the second best  
 12 thing, if you will, to apply to this situation. It  
 13 does allow for some relief between what they're  
 14 trying to accomplish and the functionality of the  
 15 air space above the property.  
 16 And then I would just, again, as my memo  
 17 suggests, that we get together and look, do a  
 18 workshop to look at these split parcels and how to  
 19 better address them. We have one citation Mr. Rigby  
 10:46 20 provided for us. There's not much more in there.  
 21 Obviously this is going to happen again sometime in  
 22 the future.  
 23 MR. TATE: With that, that concludes staff's  
 24 presentation. Does the applicant have any  
 25 examination or cross-examination of any of the  
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**84**

1 presentation as it stands?  
 2 MR. RIGBY: I do not have cross-examination of  
 3 the Navy representative. I do have some comments,  
 4 but it's probably best to reserve those to a little  
 5 later and combine them all.  
 6 MR. TATE: Staff, do you have anything further  
 7 for the Board?  
 8 MS. CAIN: Yes, sir. On my Criterion (6) I  
 9 would like to amend it. Basically the development  
 10:46 10 pattern that the proposed amendment would result in  
 11 a logical and orderly development pattern. The  
 12 rezoning request was AMU-2, but we're saying  
 13 basically with the criteria prior to that, that the  
 14 rezoning is to AMU-1 and AMU-2, and its allowable  
 15 uses would be in line with the existing development  
 16 pattern. I just didn't actually say AMU-1 and AMU-2  
 17 on the actual criteria.  
 18 MR. TATE: But it's in the record, that is part  
 19 of the written record?  
 10:47 20 MS. CAIN: Yes.  
 21 MR. TATE: At this time we stand in recess for  
 22 seven minutes and just before 11:00, reconvene.  
 23 (Break taken, after which the proceedings  
 24 continued.)  
 25 MR. TATE: Let's go ahead and get everyone in  
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85

1 their places.  
 2 (Ms. Hightower not present.)  
 3 MR. TATE: I would like to reconvene this  
 4 Rezoning Case 2012-01. I would like to just state  
 5 one thing. You may have noticed that Ms. Patty  
 6 Hightower had to come in during the meeting and  
 7 she's out right now and will come back in again.  
 8 She is an ex parte member of the Board, meaning she  
 9 is not voting on this matter, but she can give her  
 11:00 10 support and she can help us with issues that affect  
 11 the school board. I wanted the public to understand  
 12 as you see her maybe going back and forth today that  
 13 she will not be voting on this issue, but she is a  
 14 member of the Board in an ex parte capacity.  
 15 At this time for members of the public who wish  
 16 to speak on this matter, please note that the  
 17 Planning Board bases its decisions on the criteria  
 18 and exceptions describe in Section 2.08.02.D of the  
 19 Escambia County Land Development Code. Would you  
 11:01 20 please make sure that is on the board, as well, the  
 21 criteria?  
 22 During its deliberation the Planning Board will  
 23 not consider general statements of support or  
 24 opposition. Accordingly, please limit your  
 25 testimony to the criteria and exceptions described  
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86

1 in Section 2.08.02.D. Please also note that only  
 2 those individuals who are present and give testimony  
 3 on the record at this hearing before the Planning  
 4 Board will be allowed to speak at the subsequent  
 5 hearing before the County Commission. These are the  
 6 forms that have to be filled out in order to speak.  
 7 If there's anybody here that has not filled a form  
 8 out and would like to speak, please do so now and  
 9 turn it in to staff and they will get it to us.  
 11:02 10 When you present to the Board, if you would  
 11 look at that criteria that's there before you, and  
 12 you may agree or disagree, but make sure your  
 13 statement is on this criteria. I disagree because  
 14 of this. I agree because of this. That's how your  
 15 statements -- you can say whatever you want, but as  
 16 I stated earlier, we cannot accept just statements  
 17 of I agree or disagree. You need to base your  
 18 statements on that criteria.  
 19 We'll go ahead and just get started. If you've  
 11:02 20 signed up but you don't want to speak, you don't  
 21 have to speak, as well. It's up to you. Then as  
 22 you speak, please state your full name and address  
 23 for the record and you will be sworn in before you  
 24 speak.  
 25 Jerry and/or Mary Skates, would either of you  
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87

1 like to say anything?  
 2 UNIDENTIFIED SPEAKER: No.  
 3 MR. SAUER: I think they have asked me to go  
 4 first if that would be possible. Jeff Sauer.  
 5 MR. TATE: If that's okay with everybody,  
 6 that's fine with me.  
 7 MR. SAUER: The rest of them may just do it  
 8 after that.  
 9 MR. TATE: Let me find your slip here. Go  
 11:03 10 ahead and please come forward. State your name and  
 11 address for the record and be sworn in.  
 12 MR. SAUER: My name is Jeff Sauer, 9870 North  
 13 Loop Road, Pensacola, Florida.  
 14 (Jeff Sauer sworn.)  
 15 MR. SAUER: Mr. Chair and members of the Board,  
 16 I am going to be as polished and as organized as  
 17 Mr. Rigby. He is an expert in the field, but I'm  
 18 going to give it to you from the neighborhood  
 19 standpoint and the issues that we have.  
 11:04 20 This area is known as Pleasant Grove and where  
 21 probably at a lot of your hearings this room is  
 22 packed with people in opposition, it's not today.  
 23 There's a reason for that and that's because this  
 24 area is zoned RR. It is Rural Residential. It is  
 25 low density and so what you have here is a high  
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88

1 percentage of the people that are affected, but you  
 2 don't have the mass numbers that you might have at  
 3 other hearings.  
 4 Again, I'm going to unfortunately bounce around  
 5 and this was already in your packet, but I'll hold  
 6 it up to you so you can remember what was on the  
 7 screen. This is from the Escambia County Website.  
 8 This shows the wetlands on the southern part of this  
 9 property on South Loop Road. What that means is  
 11:05 10 that all traffic impact is going to occur on North  
 11 Loop Road. Any impact as far as considering  
 12 commercial activities, things like that, down here,  
 13 the mobile home park, the mini park, the things like  
 14 that, those are on South Loop Road. They're not  
 15 going to be impacted at all because of this wetlands  
 16 here, this buffer area. So the traffic pattern that  
 17 you're going to see and the impact that you're going  
 18 to have is all going to dump onto North Loop Road.  
 19 Now, it's been said that there are two  
 11:05 20 apartment complexes there, Austin Woods and I forget  
 21 the name of the other one and it's right across the  
 22 street from me.  
 23 (Ms. Hightower enters.)  
 24 MR. SAUER: But the point is, living there, I  
 25 know that 95 percent plus --  
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89

1 MR. TATE: Mr. Sauer, one moment. Allyson, can  
 2 you pull up the wetlands map, either the one in our  
 3 packet or the one --  
 4 MR. SAUER: Do I need to stand closer?  
 5 MR. HOLMER: It's very directional.  
 6 MR. SAUER: All right. Thank you.  
 7 MR. TATE: We're just getting that map up on  
 8 the board. You can proceed. Thank you.  
 9 MR. SAUER: The traffic that comes out of those  
 11:06 10 apartment complexes goes west, 95 percent plus of it  
 11 goes west to Blue Angel Parkway, so it has no impact  
 12 really on the rest of the RR District area on the  
 13 rest of North Loop Road. Now, with one correction,  
 14 there is traffic from those apartment complexes and  
 15 there is traffic from the rest of the residences on  
 16 North Loop Road and it usually consists of joggers,  
 17 it consists of people bicycling with their families,  
 18 it consists of mothers and fathers pushing or  
 19 jogging with their -- whatever that three-wheel baby  
 11:07 20 carriage is. That's how North Loop Road is being  
 21 used.  
 22 Whatever development occurs on this proposed  
 23 zoning area is going to dump out onto North Loop  
 24 Road and is going to impact adversely those current  
 25 uses and the current way of life of those people.  
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90

1 MR. WEST: Mr. Chairman, I'm sorry to  
 2 interrupt. I just noted that I don't think  
 3 Mr. Sauer has been sworn and if he's going to give  
 4 testimony --  
 5 MR. SAUER: I have been sworn.  
 6 MR. TATE: He has.  
 7 MS. SINDEL: It was quick and quiet.  
 8 MR. WEST: I apologize for interrupting. I  
 9 missed it.  
 11:07 10 MR. SAUER: That's all right.  
 11 And as the zoning map -- there's the wetlands  
 12 map and what it shows is there's really nothing that  
 13 can come out without impacting those wetlands on  
 14 South Loop Road, so anything on this property has to  
 15 flow out to and impact North Loop Road.  
 16 The zoning maps that were previously on the  
 17 screen also show that this property is surrounded by  
 18 Rural Residential zoning except for that that  
 19 immediately abuts on a major thoroughfare, Blue  
 11:08 20 Angel Parkway. And there have been no recent  
 21 changes in zoning. There's been no zoning request  
 22 before this Board in any of the 500 feet surrounding  
 23 this area that would change what was there before.  
 24 And that's one of the criteria that you look at, has  
 25 there been any change in the existing area?  
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91

1 Now, if you want to go up to Sorrento and Blue  
 2 Angel Parkway -- excuse me, I'm sorry -- I have a  
 3 map also from the Escambia County, Florida GIS  
 4 mapping that I would like to present into evidence  
 5 and what it shows, and I'll show it to you very  
 6 quickly here, this is the subject property right  
 7 here. And between it and Sorrento Road there is a  
 8 tremendous amount of buffer where there is  
 9 absolutely no development, so the Target, the gas  
 11:09 10 station, the bank, the Walmart do not impact the  
 11 residential, rural residential nature and  
 12 environment of that on North Loop Road. And I would  
 13 like to submit this into evidence, if I may.  
 14 MR. TATE: Mr. West.  
 15 MR. WEST: The Board can accept it if you want  
 16 to make a motion to do that.  
 17 MR. TATE: It's just general GIS.  
 18 MR. JONES: Yes.  
 19 MR. TATE: Members of the Board, do we have a  
 11:09 20 motion on this?  
 21 MR. BARRY: Motion to accept.  
 22 MS. SINDEL: Second.  
 23 MR. TATE: All those in favor?  
 24 (Board members vote.)  
 25 MR. TATE: Those opposed?  
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92

1 (None.)  
 2 MR. TATE: Thank you. It carries.  
 3 (The motion passed unanimously.)  
 4 MR. SAUER: Thank you.  
 5 MR. HOLMER: This is just a screen capture from  
 6 the county Website.  
 7 MR. TATE: I'll just address this as Sauer  
 8 Exhibit 1 or Exhibit A.  
 9 (Sauer Exhibit 1, GIS map, was identified and  
 11:10 10 admitted.)  
 11 MR. TATE: Go ahead.  
 12 MR. SAUER: Looking to staff's criteria that  
 13 they reviewed and their findings, on Criterion (2),  
 14 their statement is why the proposed zoning category  
 15 would be isolated. So they have found that this  
 16 would be an isolated zoning issue here and that not  
 17 only affects theirs, but it also affects the  
 18 Criterion B. Would the proposed rezoning constitute  
 19 spot zoning? That is an isolated zoning district  
 11:10 20 unrelated to nearby districts. Yes, it would.  
 21 Although you have those that are right on Blue  
 22 Angel, once you immediately get off Blue Angel  
 23 Parkway, then you are Rural Residential.  
 24 And even as to one of those apartment  
 25 complexes, as you can also see from what's been  
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93

1 admitted in Sauer Exhibit 1, there is a buffer  
 2 between that apartment complex and the first piece  
 3 of property, which happens to be mine, to the east  
 4 of it on the north side of North Loop Road. So when  
 5 they built that apartment complex, they were  
 6 required to have a buffer zone between it and what  
 7 was Rural Residential next to it. So, in fact, this  
 8 would be an isolated incidence of increasing zoning  
 9 in a Rural Residential District.  
 11:11 10 I applaud Mr. Hinson and his counsel for at  
 11 least letting us know why they are doing this. That  
 12 was one of the questions that we had and what he has  
 13 said basically is I can't get the offer I want for  
 14 the piece of property, therefore, I want the zoning  
 15 changed so I can get a better price for it. Part of  
 16 the problem with that is even though he has tried to  
 17 emphasize, himself and his counsel, we want  
 18 residential density, we all know that the density  
 19 requested also allows for commercial uses. Again,  
 11:12 20 that is not compatible with the Rural Residential  
 21 District.  
 22 Staff in their findings found no changed  
 23 conditions that would impact the amendment or  
 24 property within the 500-foot radius and that's true.  
 25 There have been no other zoning requests to anyone  
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95

1 And we do, as I've said earlier, feel that this  
 2 proposed zoning development will detract from the  
 3 character and quality of life, again, because of the  
 4 increased impact it would have on North Loop Road  
 5 and the increased impact of the clustering of this  
 6 density, which is what they're talking about, too.  
 7 I was on the Northwest Florida Regional Library  
 8 Board and while I was on that board, we were  
 9 considering where to put a new library in the north  
 11:14 10 end of the Pensacola area and one of the areas we  
 11 considered was on Langley Road and we were told at  
 12 that time that because of its proximity to the  
 13 airport, Pensacola International Airport, that they  
 14 didn't want us to cluster people together in one  
 15 building or close by a building such as a library  
 16 would create because that would increase the impact  
 17 if there was an accident. And I went along with  
 18 that, but I asked them then why were they allowing  
 19 all those ball fields next to Langley Road and if  
 11:15 20 you notice now the ball fields aren't there anymore.  
 21 There's not a clustering of people together. If you  
 22 allowed the AMU-2, it would allow a clustering and  
 23 so if you had, God forbid, an accident, instead of  
 24 it being spread out one per two-and-a-half acres or  
 25 whatever the density spread out requirement is, you  
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94

1 on this Board for this area as far as properties  
 2 within that 500-foot area that would show any kind  
 3 of changed conditions.  
 4 As to the criteria that were listed, without  
 5 there being some change and all in the community  
 6 around there, this proposed rezoning and development  
 7 is premature. There needs to be more gradual  
 8 development before you jump to this immediate change  
 9 close to these areas that are Rural Residential. It  
 11:13 10 can create an intrusion of commercial or industrial,  
 11 not industrial, but can create an intrusion of  
 12 commercial uses into an established residential  
 13 area, which is what this street along North Loop  
 14 Road is.  
 15 As I've stated earlier, the proposed rezoning  
 16 would result in significant adverse impacts upon the  
 17 property values of adjacent and nearby properties in  
 18 the immediate area. Again, due to the nature of the  
 19 people in Pleasant Grove, the nature of the people  
 11:13 20 on North Loop Road, I'm one there that we moved  
 21 there so we could have a garden, we have a 50 by 60  
 22 foot garden. We have chickens. We don't have a  
 23 rooster, but we have chickens and that was one of  
 24 the reasons that we liked that community and moved  
 25 to it because it is a Residential Rural area.  
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96

1 could have a clustering of people that could  
 2 increase the magnitude of the disaster if it  
 3 happened.  
 4 It is for these reasons that we request that  
 5 this Board deny this zoning change request. Thank  
 6 you.  
 7 MR. TATE: Let me go through the rest of the  
 8 folks here to see if there's anybody else that  
 9 wishes to speak. Alta Brown?  
 11:16 10 UNIDENTIFIED SPEAKER: No.  
 11 MR. TATE: Dot Hamilton? State your name and  
 12 address and then be sworn in?  
 13 MS. HAMILTON: Dot Hamilton, 9765 North Loop  
 14 Road.  
 15 (Dot Hamilton sworn.)  
 16 MS. HAMILTON: I basically have a question and  
 17 it's about the environmental impact of this. If the  
 18 cluster houses or condominiums are allowed to be  
 19 built on this property, how is the sewage going to  
 11:17 20 be taken care of? Are they going to have septic  
 21 tanks like most rural areas?  
 22 MR. TATE: That is not an issue that this board  
 23 can address. It would actually be addressed in the  
 24 development review of any type of project that would  
 25 be considered on that property. It would be one of  
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97

1 the things that has to occur in that development  
 2 review. They would have to address that issue.  
 3 MS. HAMILTON: Thank you.  
 4 MR. TATE: Brenda Sauer.  
 5 MS. SAUER: Yes. My name is Brenda Sauer and I  
 6 also live at 9870 North Loop Road across the street  
 7 from the subject property.  
 8 (Brenda Sauer sworn.)  
 9 MS. SAUER: For those of you who visited the  
 10 subject property, if you had the opportunity to  
 11 drive on North Loop Road, I hope that you noticed  
 12 from Old Gulf Beach Highway to Blue Angel Parkway  
 13 almost all the properties within there, the  
 14 Residential Rural area, most of them are on larger  
 15 parcels of property, some of us even acreage. And,  
 16 again, we live in that area because we like the  
 17 nature of that community and of that neighborhood  
 18 and we want to try to preserve it in its form. We  
 19 have livestock. We have gardens. We have a  
 20 relatively quiet community and we enjoy it that way.  
 21 Earlier in this meeting there were some factual  
 22 comments made by the applicant that his parents  
 23 bought this property in the 1920s, they obviously  
 24 used the property as a homestead and that they were  
 25 cattle ranchers. They obviously bought this  
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99

1 North Loop Road.  
 2 (William Roloph sworn.)  
 3 MR. ROLOPH: The reason why I'm in contestment  
 4 of this property easement or rezoning is my property  
 5 is right adjacent to the property that's on North  
 6 Loop Road. I'm right across the street from where  
 7 the entrance is going to be to this piece of  
 8 property. We bought our property back in '97. We  
 9 purchased five acres. I split my property with my  
 10 daughter who built behind me and I was also told  
 11 back at the rezoning of the apartments that there  
 12 was no way that that could be rezoned because at the  
 13 time I wanted to put my house and my daughter's  
 14 house on a two-acre piece of property. I was denied  
 15 that by the Planning Board because of the airfield  
 16 involvement, because of the zoning, because of the  
 17 area at the time. And since then my daughter bought  
 18 the two acres behind my house. I own the  
 19 two-and-a-half acres in front of North Loop.  
 20 We moved out there in '97 because I did not  
 21 want to be in a subdivision or an area that I'll be  
 22 impacted by traffic, residences, and I know  
 23 everybody here, that's no problem, but we're all  
 24 like that. I'm probably one of the newer -- Jeff  
 25 and Brenda have bought their property since we  
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98

1 property to be used as a rural residential form and  
 2 inherited that property, he and his siblings from  
 3 his parents. He submitted a fact that the creation  
 4 and development of Blue Angel Parkway bisecting his  
 5 property prevented them from being able to continue  
 6 to be cattle ranchers. I would like to submit a  
 7 fact and I have neighbors who are here and would be  
 8 glad probably to come up and testify to this  
 9 themselves that up until last year they were cattle  
 10 ranchers. They live on North Loop Road and they  
 11 live on 22 acres, so I would just like to submit  
 12 that as a fact.  
 13 I would also like you to consider that even  
 14 though there has been reports of this property that  
 15 the highest and best use might be for some type of  
 16 development of it, I would also like to submit that  
 17 one of best uses of this property would be for it to  
 18 continue to be a single-family residence with  
 19 agricultural purposes just like the rest of the  
 20 neighbors. Thank you.  
 21 MR. TATE: Carol Roloph?  
 22 UNIDENTIFIED SPEAKER: No.  
 23 MR. TATE: William Roloph? State your name and  
 24 address and be sworn in for the record.  
 25 MR. ROLOPH: My name is William Roloph at 9850  
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100

1 bought ours. The rest of the residences throughout  
 2 that area have lived there all their lives just  
 3 about. My neighbors that you just skipped over,  
 4 Jerry Skates and his wife Mary, has lived out  
 5 there -- I don't know how many years y'all have been  
 6 there, Mary.  
 7 UNIDENTIFIED SPEAKER: Since 1974 on that  
 8 property.  
 9 MR. ROLOPH: Since 1974. We're not in  
 10 agreement with the rezoning and I don't think any of  
 11 the neighbors are in agreement and if it was brought  
 12 to a vote to where -- we went around like Jeff had  
 13 said and got petitions and signed signatures, we  
 14 would have -- the majority of the neighborhood would  
 15 be in contestment of this. Thank you.  
 16 MR. TATE: Thank you. Any other members of the  
 17 public that would wish to speak?  
 18 UNIDENTIFIED SPEAKER: Can I ask a question?  
 19 MR. TATE: Yes, sir, but you need to come  
 20 forward to the mike, state your name and address for  
 21 the record and be sworn in and fill out a speaker  
 22 form. If somebody could help with that, we'll see  
 23 if we can answer your question.  
 24 MR. ROBERTS: John Roberts, 9731 Sidney Road.  
 25 (John Roberts sworn.)  
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101

1 MR. ROBERTS: I got threw a curve ball when you  
 2 threw this up here. I came down just to be here and  
 3 maybe speak and then if I decided to protest  
 4 something I have to go by these six items here, but  
 5 it seems like you would have sent all of us out  
 6 something like this. This has been -- this is what  
 7 we've come up with. If you want to come to the  
 8 meeting, this would be the criteria that you would  
 9 have to go by.  
 11:24 10 MR. TATE: Those are just the things that we  
 11 have to address so when you have a for or against  
 12 statement, you have to much more...  
 13 MR. ROBERTS: Then you say, well, if I don't  
 14 protest this, I can't go to the County Commission  
 15 and speak.  
 16 MR. TATE: You have to speak at this meeting,  
 17 correct.  
 18 MR. ROBERTS: If I speak here, then I can, you  
 19 know, go, if necessary. But I'm in the process of  
 11:24 20 putting a quarter million dollars in a home on  
 21 Sidney Road that I'm not looking to have a bunch of  
 22 apartments built behind me. The reason we're going  
 23 out there is because it's rural and it's peaceful  
 24 and it's quiet. You know, if all of a sudden we've  
 25 got another set of apartments or whatever due to the  
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102

1 fact this is going to be, say, if it's rezoned it  
 2 would be multifamily possibly, then the apartments  
 3 that are on Blue Angel up there, well, like I said,  
 4 90, 95 percent of that traffic is confined to Blue  
 5 Angel. A very small amount does come on Sidney Road  
 6 to North Loop Road. But then if we make a habit of  
 7 continuously rezoning parcels such as this as  
 8 commercial, then you eliminate your neighborhoods.  
 9 It's very good with a commercial development on  
 11:25 10 Blue Angel up to Sorrento and Gulf Beach Highway. I  
 11 would like to see even more up there, but all that  
 12 development never adversely affected anybody's  
 13 living standards or their property values. But  
 14 that's just what I want to say.  
 15 MR. TATE: I appreciate it. Thank you. And if  
 16 you wouldn't mind filling out the speaker form for  
 17 us.  
 18 MR. ROBERTS: Okay.  
 19 MR. TATE: Thank you very much.  
 11:25 20 At this time I'll close the public comment  
 21 section of this meeting and I'll ask the Board  
 22 members, do you have any questions for the  
 23 applicant, staff or members of the public?  
 24 MR. BARRY: Yeah.  
 25 MR. TATE: Go ahead.  
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103

1 MR. BARRY: This question is directed towards  
 2 Mr. West. As we're looking at this, there's been  
 3 quite a bit of discussion about the traffic, what  
 4 the eventual repercussions are going to be after a  
 5 project is put through DRC and gets on the ground,  
 6 that kind of thing, we can't consider what the  
 7 eventual impacts of a project on the parcel through  
 8 that DRC process, can we? That's not part of our  
 9 judgment.  
 11:26 10 MR. WEST: Again, you have the general  
 11 compatibility analysis is your undertaking and more  
 12 specific issues like traffic really would be  
 13 addressed more at the DRC level, but you do have a  
 14 general overall compatibility analysis that you  
 15 undertake through those six criteria.  
 16 MR. BARRY: But a lot of the concerns that have  
 17 been raised are applicable concerns on the DRC  
 18 level. Would you say that's accurate?  
 19 MR. WEST: I think there will probably be some  
 11:27 20 challenges at the DRC level to address things like  
 21 traffic.  
 22 MR. TATE: Kind of to pin you back to what he's  
 23 asking, under changed conditions and considering  
 24 that there are changed conditions at the location of  
 25 some of these, what you call it, apartment  
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104

1 complexes, where are their curb cuts? I mean, where  
 2 do they -- do they affect Loop Road or are they  
 3 coming onto Blue Angel? I mean, one of the major  
 4 issues of development of the parcel is --  
 5 MR. WEST: I will have to defer to staff on the  
 6 curb cut issue.  
 7 MS. CAIN: They're both off North Loop Road.  
 8 MR. TATE: I mean, these are beyond our time  
 9 frame of when we've dealt with zonings, so I'm  
 11:28 10 thinking that some of these issues may have been  
 11 brought up in the past with these, but we don't have  
 12 the history or knowledge simply because zoning was  
 13 not heard by this Board at that time.  
 14 (Staff conferring.)  
 15 MR. HOLMER: We have both curb cuts.  
 16 MR. TATE: It's interesting. Okay.  
 17 UNIDENTIFIED SPEAKER: I think we can see.  
 18 MR. TATE: That's pretty obvious. That was  
 19 just my general question in regards to changed  
 11:29 20 conditions, how we've accomplished that.  
 21 Any other questions by the Board?  
 22 MS. DAVIS: I have a question of the staff.  
 23 MR. TATE: Go ahead.  
 24 MS. DAVIS: The AMU-2, could you show us again  
 25 what the differences are, what is allowed under  
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105

1 that?

2 MR. TATE: That, I guess, it could help us with  
3 a very good description of it, as well, and what  
4 it's comparable to in a residential, if we didn't  
5 have the airport influence.

6 MR. JONES: AMU-2, it would be similar to an  
7 R-6 type of zoning now, but it's very very specific  
8 and germane to the airfield influence planning  
9 districts, but it has some of the similar type uses  
10 in an R-6 type of area, if you look at the allowable  
11 uses. So it's very similar to an R-6, but it's  
12 still a unique type zoning to that particular  
13 overlay designation.

14 MR. TATE: Can you, after everybody has had a  
15 chance to look at this, can we review AMU-1 since  
16 it's cumulative?

17 MS. CAIN: If you notice it does allow pretty  
18 much similar as the AMU-2, single-family, mobile  
19 home, single-family residential, your professional  
20 offices.

21 MR. TATE: I didn't know you had to have  
22 permission to grow vegetables or food crops for  
23 personal consumption. There's conditional uses as  
24 well in AMU-2 and we see those.

25 (Ms. Davis exits.)

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107

1 to AMU-2 for the AIPD-1, so, therefore, that leads  
2 you to the option for the split zoning. It would be  
3 consistent if you were to follow the Land  
4 Development Code and have AMU-1 and AMU-2.

5 The locational criteria if -- because it's  
6 basically -- locational criteria is more commercial  
7 based and we don't go by the specific use for a  
8 rezoning, so we don't know what it is going to be  
9 for this parcel. For the locational criteria, it is  
10 within a quarter mile of the traffic generators such  
11 as the apartments or the shopping centers, so it  
12 wouldn't meet the locational criteria for that  
13 instance and then as far as the spot zoning, as we  
14 discussed earlier. So I think we're basically  
15 saying that, yes, it is consistent with the three  
16 different areas for the Land Development Code with  
17 the caveat that although it was only requested for  
18 AMU-2, if we're following the Land Development Code  
19 and do the split AMU-1 and 2.

20 MS. SINDEL: Thank you.

21 MR. TATE: Any other questions by the Board?  
22 All right. Then at this time is there anything  
23 further from the staff?

24 MS. CAIN: No.

25 MR. TATE: Anything further from the applicant?

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106

1 MS. CAIN: So you have the mobile home park as  
2 a conditional use, zero lot line development. They  
3 have to meet the overall density of three dwelling  
4 units, commercial and communication towers, of  
5 course, and then you have actually the height  
6 limitations. So those are only three or four of the  
7 AMU-2 conditional uses.

8 MR. TATE: Does any other member of the Board  
9 have any questions for the applicant or staff or  
10 members of the public?

11 MS. SINDEL: I have a very quick question. On  
12 the criteria, Allyson, we're very accustomed to  
13 staff findings being, yes, it is consistent or, no,  
14 it's not. In Criterion (2) there's a very well  
15 written lengthy explanation, but is it a yes or a no  
16 answer?

17 MS. CAIN: Well, actually that would be your  
18 determination for is it consistent. Actually on  
19 Criterion (2), there were different points. There  
20 was the information about locational criteria and  
21 then the overlay, the AMU-2 zoning designation in  
22 the overlay, as well as spot zoning. If you go by  
23 the Land Development Code, the 6.05.04 for this  
24 AIPD-1 and 2, the AMU-2, like it said, only the  
25 designation that was in this portion could be zoned

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108

1 MR. RIGBY: Thank you, Mr. Chairman. I know  
2 it's getting late. I'm going to move fairly  
3 quickly.

4 To the last question, I would ask that you look  
5 at the intent and purpose of the AMU-2 district and,  
6 of course, I believe it's on your screen, but the  
7 AMU-2 district allows for a combination of certain  
8 commercial uses and residential development within  
9 AIPD-2. And then this is important. The intent and  
10 purpose of the AMU-2 district is twofold: One, to  
11 allow property owners with zoning that allows less  
12 density to upzone to the three dwelling units per  
13 acre limit, and, two, to give property owners a  
14 commercial use option without the high cumulative  
15 residential density in the existing commercial  
16 district. It's specifically designed for this  
17 issue.

18 If we could pull up the map that shows the  
19 AIPD-1 and 2 interface, I think it's important.

20 MR. TATE: For the parcel or for the area?

21 MR. RIGBY: For the parcel, where it crosses  
22 the parcel.

23 MR. BARRY: Mr. Rigby, when you're referring to  
24 the parcel, you're including the entire parcel,  
25 you're not differentiating between the AIPD-1 and 2,

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109

1 are you?  
 2 MR. RIGBY: I'm looking at where the line of  
 3 demarcation is, because I think this is important  
 4 for your consideration. What you will see is that  
 5 the north/south portion of it there is essentially  
 6 all in AIPD-1, so it is severely -- it's restricted  
 7 by the Accident Potential Zone 1. You cannot have  
 8 mass development up in that portion, that pink  
 9 portion of this chart.

11:36 10 MR. BARRY: And the overlay district, that  
 11 supersedes what we do on the ground?

12 MR. RIGBY: They restrict what you can put on  
 13 the ground. That's what they do.

14 MR. TATE: Basically, that 18.4 acres, the  
 15 developer or the more developable acreage that's  
 16 Blue Angel.

17 MR. RIGBY: And the southern portion of that,  
 18 as you saw from the maps, and if you looked at the  
 19 survey that is attached as part of the County  
 11:37 20 package that was submitted, you will see that that  
 21 southern portion, as the neighbors say, is primarily  
 22 wetlands. So that portion of the property that is  
 23 developable is sitting beneath, if you will, just  
 24 south of the apartment complex, not up in the  
 25 portion that's in the entrance up to North Loop  
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110

1 Road, and not to affect -- there's going to be a  
 2 huge buffer for anybody to the east. It's going to  
 3 exist because it's in the APZ-1 District.

4 (Ms. Davis returns.)

5 MR. TATE: Maybe we could ask staff to put up  
 6 one of the maps.

7 MR. BARRY: That's what I'm talking about,  
 8 about half on that side, if you subdivide it north  
 9 and south on the west?

11:37 10 MR. RIGBY: There are more wetlands than there  
 11 are -- yes. Now, again, the actual map by Joe  
 12 Edmiston show even more wetlands in the southern  
 13 portion of the western portion of the property, is  
 14 the best way, and shows pockets of wetlands  
 15 elsewhere.

16 The acreage, I think, came out about the same  
 17 between the County map and Joe Edmiston, but it's  
 18 more than half of it.

19 The point I want to make, and I'm going to go  
 11:38 20 back and tie this in, one other fact we heard from  
 21 the neighbors is the two apartment complexes they do  
 22 have their cut on North Loop Road. I heard 95  
 23 percent have no reason to question it, 95 percent go  
 24 out to Blue Angel. Whatever is developed in this  
 25 portion, that is, to the immediate south of Country  
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111

1 Woods, is well buffered from anything to the east  
 2 because you can't really develop that property to  
 3 the east. It's in the Accident Potential Zone.

4 And if, when you think about it and look at it  
 5 there, if there can be no cut onto Blue Angel, even  
 6 though there are commercial uses potentially  
 7 authorized, common sense says you can't hide them  
 8 away down in a piece of property. Who's going to go  
 9 to commercial establishments when you can't get to  
 11:39 10 them? They're going to go up to places like  
 11 Sorrento. So when you really look at it, it's  
 12 practically speaking a residential type development,  
 13 access, obviously, probably North Loop Road rather  
 14 than South Loop Road to avoid the wetlands.

15 MS. SINDEL: That won't have anything to do  
 16 with if we're doing in and out of North Loop Road  
 17 you're not worried about the locational criteria?

18 MR. RIGBY: No, we're not, because --

19 MS. SINDEL: I'm asking the staff. I  
 11:39 20 appreciate it, Mr. Rigby.

21 MR. RIGBY: Can I say it's because it is -- you  
 22 might not be able to get a road cut, but it is  
 23 clearly on Blue Angel. It is located on the  
 24 arterial. You may not be able to get a road cut for  
 25 another artificial restriction, but it's on Blue  
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112

1 Angel.

2 MS. CAIN: But North Loop is a local road, if  
 3 that's what you're asking.

4 MS. SINDEL: I understand Mr. Rigby's point  
 5 that why you would want to put a business along the  
 6 road. You don't want to tuck it in the woods where  
 7 no one will see it, but that is an issue that comes  
 8 up, is when we start looking at in and out what  
 9 roads we're now going to be affecting.

11:40 10 MR. RIGBY: The point that I would like to  
 11 make, assume it's true that 95 percent of those  
 12 apartments turn and go to the west onto Blue Angel,  
 13 95 percent of whatever is in this property is going  
 14 to turn west and go to Blue Angel. It's only  
 15 100 feet or so from the entrance to the apartment  
 16 complex. The entrance has to be right up in that  
 17 same gap, so if it's residential, it's going to go  
 18 the same way. It's going to back out onto Blue  
 19 Angel.

11:40 20 I want to address a comment about there have  
 21 been no rezonings in the area and so for some reason  
 22 that affected the changed conditions. Rezoning are  
 23 not changed conditions. Now, if you've had a lot of  
 24 rezonings that might constitute a changed condition,  
 25 but what you're really looking at that is how have  
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**113**

1 development patterns changed in the community and in  
 2 that area, and in this immediate vicinity they have  
 3 clearly changed.  
 4 I agree they haven't changed east along North  
 5 Loop Road, but they're not going to change because  
 6 if you go back and you look at that APZ-1 line, all  
 7 of that area to the east, including over half of  
 8 this property and to the east, is in that APZ-1. It  
 9 can't change. It can never have more than 1 unit  
 10 per two-and-a-half acres, unless there's an existing  
 11 small lot that somebody can put a home on.  
 12 So the gentleman who was told by the County he  
 13 had to have two-and-a-half acres, that's why. So  
 14 you're not going to affect these developments to the  
 15 east. You're not going to have a string of  
 16 rezonings because you can't. You can't develop it.  
 17 There was a reference about isolated versus  
 18 spot zoning. I would ask you to consider this.  
 19 AMU-1 and AMU-2 did not exist before the Joint Land  
 11:41 20 Use Study. They were created specifically because  
 21 of that study and at the request of the Navy. If  
 22 you think about it, if that were spot zoning, you  
 23 could never rezone, because it's only going to be in  
 24 this area. You're not going to see AMU-2 showing up  
 25 in the north end of the County. It's going to be  

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**114**

1 where it's intended to be used which is in AIPD-2.  
 2 So that is not spot zoning.  
 3 I thought Mr. West gave the appropriate legal  
 4 description. It comes right out of a case. It  
 5 talks about a little area, very inconsistent with  
 6 the neighborhood.  
 7 MR. TATE: I thought you meant the vibrant  
 8 colors?  
 9 MR. RIGBY: I did like his use of orange and  
 11:43 10 blue, but other than that, it was okay.  
 11 There is no evidence of impact on the property  
 12 values. We don't know. I don't know. Nobody does.  
 13 It may enhance property values depending on what's  
 14 put there. It may not. That is not something you  
 15 have factual evidence on one way or the other. The  
 16 important point is all of these people -- and I  
 17 realize that Mr. Sauer's property might be an  
 18 exception because he looks like he's probably in  
 19 AIPD-2. Everybody to the east of there is in AIPD-1  
 11:43 20 and they're restricted, just like most of this  
 21 property is. It does allow clustering, but it does  
 22 not allow clustering like those apartment complexes.  
 23 Remember what it allows, no more -- a structure with  
 24 a severe height restriction. I believe it's four  
 25 stories max, maybe --  

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**115**

1 MS. CAIN: 35 feet.  
 2 MR. RIGBY: 35 feet, so not even four stories.  
 3 So there's a clear height restriction and units no  
 4 more than three families. Yes, can you have a  
 5 three-family condominium? Yes, you can. But those  
 6 are not apartment complexes like you see to the  
 7 north. This is a transition, if you will, and it's  
 8 over to the left side of that property in effect on  
 9 Blue Angel just like the apartment complexes, but at  
 11:44 10 a much much less intense type development.  
 11 There was a question about sewers. Obviously  
 12 sewer is available. Those apartment complexes,  
 13 sewer is available here. If you were forced to put  
 14 in one unit for every two-and-a-half acres and you  
 15 could find a way to get six or seven units there,  
 16 you probably would have septic tanks, but any  
 17 development that has multifamily is going to have to  
 18 tie into the sewers, we all know that, that exist  
 19 out there today because of that other development.  
 11:45 20 There's a reference to higher density being  
 21 discouraged. It is up to the three dwelling units  
 22 per acre. It specifically authorizes three units an  
 23 acre for AMU-2 in the AIPD districts. That is not  
 24 discouraged. That is the only district that it  
 25 really encouraged by the code for that. You can  

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**116**

1 read this code and read it several times and you  
 2 have to kind of look at it as a whole and not just  
 3 pick out one little phrase or one little statement.  
 4 As a whole this is the district that's encouraged.  
 5 Now, the problem we do have and I realize that  
 6 is the split zoning of the parcel. I agree that's  
 7 not the best alternative, but in this circumstance I  
 8 believe it might be an appropriate alternative. Let  
 9 me tell you what I propose and I think is the best  
 11:45 10 alternative.  
 11 Leave the eastern portion RR. Don't change it.  
 12 It's still restricted to one dwelling unit per  
 13 two-and-a-half acres. Leave that portion in red.  
 14 That line, I believe the staff would agree, is an  
 15 identifiable line, it can be surveyed in without any  
 16 question, that AIPD-1 line. Just leave it and zone  
 17 the western portion of the property that's AIPD-2 to  
 18 AMU-2, protect all of those neighbors to the east  
 19 with exactly the zoning they have today. You can't  
 11:46 20 use it anyway. We can't put half acre lots there.  
 21 We can only put two-and-a-half acre lots there. So  
 22 leave it what it is. We asked for one zoning  
 23 district because in the great majority of requests  
 24 that's exactly what you would do. This is unique.  
 25 And maybe the Navy is correct that we need at some  

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**117**

1 point to look at that issue, but I think that solves  
 2 this problem. It addresses some of the issues that  
 3 Mr. Hinson and his company has. It protects all the  
 4 neighbors to the east. It can't throw out many  
 5 units. We cannot have a development like Country  
 6 Wood Apartments. We can't do it. And they're  
 7 probably going to go out to Blue Angel except a  
 8 trickle the other way anyway. I do not believe that  
 9 proposal then, whatever is built there, is going to  
 11:47 10 harm the neighborhood.  
 11 Commercial, I can't imagine anybody finding a  
 12 commercial, something they could stick hidden in  
 13 those woods, that are allowed, like doctors. And if  
 14 they did have a doctor or dental office, no one is  
 15 going to complain. That's just awfully expensive  
 16 for somebody to buy to just build a doctor or  
 17 medical office and if they did, it wouldn't bother  
 18 the neighbors anyway.  
 19 With that, I ask you then, and I'm going to  
 11:48 20 modify rezone for the applicant, to ask that you  
 21 rezone the portion that's in AIPD-2, which is an  
 22 identifiable line on the ground, to AMU-2, leave the  
 23 eastern portion in AIPD-1 as Rural Residential, and  
 24 that prevents those commercial uses over there. It  
 25 eliminates any commercial concerns on that property  
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**118**

1 that the neighbors might have to the east. Of  
 2 course, that eliminates any commercial in that  
 3 little section up to the north. That's going to be  
 4 an entranceway. That's all it really is there for.  
 5 Thank you very much. I'll be happy if there are any  
 6 questions to try to answer them.  
 7 MR. TATE: Thank you. Well, Board, we've heard  
 8 a lot today and now it's time for us to make a  
 9 decision.  
 11:48 10 MR. BARRY: Mr. Chairman, I've got a quick  
 11 question for Mr. West. In drafting a motion for  
 12 that, is that sufficient, is that a determinable  
 13 instruction?  
 14 MR. WEST: I think so. If you make the motion  
 15 that you approve the rezoning request to AMU-2 for  
 16 the western portion of the property on the outside  
 17 of the AIPD-1 area and deny it for the eastern  
 18 portion, that's sufficient.  
 19 MR. TATE: Mr. Roloph, just a moment. Can  
 11:49 20 we or how do we entertain any other questions or  
 21 comments at this point from the perspective of where  
 22 we're at in this proceeding?  
 23 MR. WEST: Are there additional comments?  
 24 MR. TATE: There's a question or a comment from  
 25 Mr. Roloph. Can I entertain it as long as Mr. Rigby  
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**119**

1 has a chance to question or reply?  
 2 MR. WEST: I think that would be appropriate if  
 3 the Board -- I mean, strictly speaking, you've  
 4 closed the public comment. Public comment is  
 5 closed, but if the Board wants to do that, I  
 6 certainly would encourage you to allow Mr. Rigby  
 7 also to have the last word and address any other  
 8 issues that are raised.  
 9 MR. TATE: Does Mr. Roloph or anybody else have  
 11:50 10 any comment or a question? Go ahead, Mr. Roloph and  
 11 you understand Mr. Rigby will have the last word on  
 12 this. We'll reopen the public comment for just a  
 13 moment.  
 14 MR. ROLOPH: My only quick question is the fact  
 15 since all this activity is going to dump out on  
 16 North Loop Road, does the Board have any hearsay or  
 17 anything to do with the traffic arrangements that's  
 18 going to be able to get to? Because, actually, it's  
 19 probably four or 500 feet to Blue Angel.  
 11:50 20 MR. TATE: We don't necessarily have anything  
 21 to do with that. That would be part of development.  
 22 I'll say this, aside from everything, it has nothing  
 23 to do with this case necessarily, but the issue of  
 24 access to Blue Angel at some point needs to be  
 25 addressed in a situation like this, where it makes  
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**120**

1 sense, that is, if anything changes.  
 2 MR. ROLOPH: Thank you, Mr. Chairman. That's  
 3 all I had.  
 4 MR. TATE: State your name again.  
 5 MR. ROBERTS: Johns Roberts. Concerning the  
 6 two zones, the zoning, one split zoning, whatever,  
 7 why doesn't the gentleman resurvey his property,  
 8 come back and ask you to zone the AIPD-2 section as  
 9 he's asking for the whole section and do it that  
 11:51 10 way?  
 11 MR. TATE: I believe, in effect, that's what  
 12 they've agreed to. That's what they've agreed to.  
 13 MR. ROBERTS: I would ask you to decline their  
 14 request until they've done it. Things do happen.  
 15 If you would say we're going to deny your request  
 16 today, if you would like to come back and present us  
 17 with a proposal in the future to have it split --  
 18 which I had to just do that where I'm building. I  
 19 got within a certain amount of feet of a property  
 11:52 20 line, even though I own that property, I had to go  
 21 back and get every bit of it resurveyed before I  
 22 could, you know, do my construction. So that would  
 23 be my request of the Board.  
 24 MR. BARRY: If that were to pass, it would be  
 25 definitive in the motion that the motion only  
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**PLANNING BOARD REZONING HEARINGS - JANUARY 9, 2012**

**121**

1 relates to the AIPD-2 section, not the AIPD-1, as an  
 2 answer to that question.  
 3 MR. TATE: Mr. Rigby.  
 4 MR. RIGBY: I'm going to make just one comment.  
 5 Maybe I heard Mr. Roberts wrong. I think he was  
 6 concerned about coming again and rezoning AIPD-1 to  
 7 AIPD-2. We can't do that. That's not a rezoning.  
 8 We can't do that. That's a County Commission  
 9 adopting all of these maps. I'm not even sure how  
 11:53 10 it can be done, but it can't be done -- it's not a  
 11 zoning district, so the AIPD-1 that you see there,  
 12 which is a line that is clearly identifiable by  
 13 surveyors on the map with exact acreage, can easily  
 14 be accomplished. And I think staff would agree with  
 15 that. That shouldn't be an issue. We can't change  
 16 AIPD-1 to something else. Thank you.  
 17 MR. TATE: With that, we will close this  
 18 discussion to any further comments and leave it to  
 19 the Board to bring a motion.  
 11:53 20 (Motion by the Board.)  
 21 MR. BARRY: Mr. Chairman, I've got a motion. I  
 22 move to recommend approval of the rezoning  
 23 application for Z-2012-01 and adopt the  
 24 Findings-of-Fact presented by staff. And the  
 25 portion that my motion relates to is the AIPD-2, the  
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**122**

1 western portion of the parcel, from RR to AMU-2.  
 2 MR. TATE: Can you add to your motion the --  
 3 MS. SINDEL: I think you have to add to deny  
 4 change on AIDP from RR to AMU-2.  
 5 MR. BARRY: I'm sorry. To approve the change  
 6 from RR to AMU-2 on the western portion of the  
 7 parcel that's AIDP-2 and to deny the rezoning  
 8 application of the portion of the parcel on the  
 9 eastern, which is AIPD-1.  
 11:54 10 MR. TATE: We have a motion. Do we have a  
 11 second?  
 12 MS. SINDEL: Second.  
 13 MR. TATE: Do we have any discussion?  
 14 MR. GOODLOE: Discussion item, Mr. Chairman.  
 15 Mr. Stitt, does that answer the concerns of the  
 16 Navy?  
 17 MR. STITT: Preferably, it would be better if  
 18 it was left alone, in other words, it remained as it  
 19 was. Given the fact that they have a 15-unit  
 11:55 20 subdivision approved for that particular parcel  
 21 already, that spreads it out and that keeps a little  
 22 less impact if there were an accident. I understand  
 23 what the Board is doing in providing a compromise,  
 24 but from the Navy's standpoint, it would better if  
 25 it remained as it was.  
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**123**

1 MR. TATE: Any other points of discussion? If  
 2 not, we'll entertain a vote and let's do it by a  
 3 show of hands.  
 4 All those in favor, raise your right hand.  
 5 (Board members vote.)  
 6 MR. TATE: All those opposed? Thank you. The  
 7 motion is unanimous.  
 8 (The motion passed unanimously.)  
 9 MR. TATE: The meeting is adjourned.  
 11:55 10 (The rezoning hearings concluded at 12:00 p.m.)  
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**124**

1 CERTIFICATE OF REPORTER  
 2  
 3 STATE OF FLORIDA  
 4 COUNTY OF ESCAMBIA  
 5  
 6 I, LINDA V. CROWE, Court Reporter and Notary  
 7 Public at Large in and for the State of Florida, hereby  
 8 certify that the foregoing Pages 2 through 123 both  
 9 inclusive, comprise a full, true, and correct transcript of  
 10 the proceeding; that said proceeding was taken by me  
 11 stenographically, and transcribed by me as it now appears;  
 12 that I am not a relative or employee or attorney or counsel  
 13 of the parties, or relative or employee of such attorney or  
 14 counsel, nor am I interested in this proceeding or its  
 15 outcome.  
 16 IN WITNESS WHEREOF, I have hereunto set my hand  
 17 and affixed my official seal on this 20th day of January  
 18 2012.  
 19  
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 21  
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 25  
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	<b>1974</b> [2] - 100:7, 100:9	<b>48</b> [1] - 2:10	<b>92</b> [1] - 2:13 <b>95</b> [7] - 88:25, 89:10, 102:4, 110:22, 110:23, 112:11, 112:13 <b>96</b> [1] - 2:14 <b>96-13</b> [1] - 6:13 <b>97</b> [1] - 2:14 <b>9731</b> [1] - 100:24 <b>9765</b> [1] - 96:13 <b>98</b> [2] - 47:6, 47:8 <b>9850</b> [1] - 98:25 <b>9869</b> [4] - 36:2, 36:16, 40:7, 65:20 <b>9870</b> [2] - 87:12, 97:6 <b>99</b> [1] - 2:15 <b>990</b> [1] - 22:10 <b>9918</b> [1] - 18:7 <b>9991</b> [3] - 9:2, 9:11, 17:6 <b>9:25</b> [1] - 31:21	<b>according</b> [2] - 18:13, 67:11 <b>accordingly</b> [2] - 21:17, 85:24 <b>accurate</b> [2] - 53:24, 103:18 <b>accustomed</b> [1] - 106:12 <b>achieve</b> [2] - 12:17, 59:4 <b>acquainted</b> [1] - 10:2 <b>acquired</b> [3] - 40:10, 40:12, 40:17 <b>acre</b> [29] - 52:3, 52:12, 52:13, 52:15, 52:22, 53:7, 53:8, 53:24, 55:6, 55:7, 55:10, 56:10, 56:14, 56:16, 56:24, 57:19, 57:21, 58:1, 58:9, 60:16, 60:19, 61:19, 73:22, 99:14, 108:13, 115:22, 115:23, 116:20, 116:21 <b>acreage</b> [5] - 53:20, 97:15, 109:15, 110:16, 121:13 <b>acreages</b> [1] - 53:19 <b>acres</b> [36] - 40:10, 40:13, 40:17, 40:24, 41:8, 41:11, 41:12, 41:16, 43:16, 43:17, 47:3, 52:19, 53:16, 55:2, 55:13, 55:23, 55:25, 56:2, 59:2, 61:15, 61:16, 61:17, 62:15, 62:16, 69:9, 95:24, 98:11, 99:9, 99:18, 99:19, 109:14, 113:10, 113:13, 115:14, 116:13 <b>acronyms</b> [1] - 51:6 <b>acted</b> [1] - 27:21 <b>acting</b> [1] - 4:17 <b>activities</b> [1] - 88:12 <b>activity</b> [1] - 119:15 <b>actual</b> [5] - 27:7, 58:23, 58:24, 84:17, 110:11 <b>add</b> [5] - 21:7, 72:6, 82:12, 122:2, 122:3 <b>addition</b> [3] - 26:5, 51:25, 67:20 <b>additional</b> [5] - 32:25, 40:11, 50:16, 64:25, 118:23 <b>address</b> [26] - 5:10, 11:3, 19:17, 22:8, 28:5, 28:24, 33:12,
<b>'97</b> [2] - 99:8, 99:20	<b>2</b>	<b>5</b>	<b>A</b>	
<b>0</b>	<b>2</b> [11] - 2:14, 36:5, 51:19, 92:13, 106:14, 106:19, 106:24, 107:19, 108:19, 108:25, 124:8 <b>2)</b> [1] - 67:2 <b>2.08.02.D</b> [5] - 6:18, 21:13, 21:19, 85:18, 86:1 <b>2.5</b> [2] - 59:2, 61:17 <b>2.5-acre</b> [1] - 63:6 <b>2000</b> [1] - 47:17 <b>2003</b> [1] - 40:25 <b>2004</b> [1] - 53:22 <b>2010</b> [1] - 81:7 <b>2011</b> [1] - 81:7 <b>2011-17</b> [2] - 32:8, 32:12 <b>2012</b> [4] - 1:6, 3:5, 8:3, 124:18 <b>2012-01</b> [3] - 32:7, 65:20, 85:4 <b>20th</b> [1] - 124:17 <b>22</b> [1] - 98:11 <b>22.9</b> [1] - 43:16 <b>25</b> [4] - 41:7, 41:8, 53:15, 55:13 <b>26</b> [2] - 18:4, 68:18 <b>29.1</b> [1] - 69:10	<b>5</b> [4] - 2:15, 9:6, 18:12, 69:5 <b>50</b> [2] - 2:11, 94:21 <b>500</b> [6] - 42:20, 42:22, 83:3, 83:5, 90:22, 119:19 <b>500-foot</b> [14] - 16:18, 17:1, 17:3, 18:1, 38:4, 38:14, 38:16, 68:15, 68:23, 68:25, 69:1, 82:23, 93:24, 94:2 <b>53</b> [1] - 40:24 <b>5337</b> [1] - 11:5	<b>6</b>	<b>a.m</b> [1] - 1:9 <b>ability</b> [4] - 4:13, 23:22, 27:2, 27:11 <b>able</b> [10] - 14:16, 27:19, 30:23, 34:1, 63:2, 63:4, 98:5, 111:22, 111:24, 119:18 <b>absolute</b> [4] - 55:24, 57:25, 58:3, 61:17 <b>absolutely</b> [1] - 91:9 <b>abuts</b> [1] - 90:19 <b>accept</b> [9] - 8:6, 19:6, 23:11, 48:4, 49:25, 70:24, 86:16, 91:15, 91:21 <b>acceptable</b> [2] - 41:22, 62:12 <b>accepted</b> [3] - 19:3, 77:23, 82:18 <b>accepting</b> [1] - 71:8 <b>access</b> [7] - 31:4, 65:2, 65:6, 65:8, 71:21, 111:13, 119:24 <b>accident</b> [3] - 95:17, 95:23, 122:22 <b>Accident</b> [5] - 78:23, 79:22, 109:7, 111:3 <b>accidents</b> [4] - 79:4, 79:25, 80:5 <b>accomplish</b> [1] - 83:14 <b>accomplished</b> [2] - 104:20, 121:14
<b>02-05-2013</b> [1] - 124:22 <b>07-1S-30-1018-000- 000</b> [1] - 9:3	<b>2.5</b> [2] - 59:2, 61:17 <b>2.5-acre</b> [1] - 63:6 <b>2000</b> [1] - 47:17 <b>2003</b> [1] - 40:25 <b>2004</b> [1] - 53:22 <b>2010</b> [1] - 81:7 <b>2011</b> [1] - 81:7 <b>2011-17</b> [2] - 32:8, 32:12 <b>2012</b> [4] - 1:6, 3:5, 8:3, 124:18 <b>2012-01</b> [3] - 32:7, 65:20, 85:4 <b>20th</b> [1] - 124:17 <b>22</b> [1] - 98:11 <b>22.9</b> [1] - 43:16 <b>25</b> [4] - 41:7, 41:8, 53:15, 55:13 <b>26</b> [2] - 18:4, 68:18 <b>29.1</b> [1] - 69:10	<b>6</b>		
<b>1</b>	<b>3</b>	<b>7</b>		
<b>1</b> [11] - 2:13, 2:13, 17:10, 41:11, 66:1, 67:22, 92:8, 92:9, 93:1, 109:7, 113:9 <b>1,117</b> [1] - 64:13 <b>1,825</b> [1] - 64:14 <b>1.3.1</b> [2] - 52:10, 66:3 <b>1.3.8</b> [1] - 59:20 <b>10</b> [1] - 47:12 <b>100</b> [2] - 2:15, 112:15 <b>100-acre</b> [1] - 73:20 <b>108</b> [2] - 47:2, 47:3 <b>11</b> [1] - 67:19 <b>11.02.01.B.4</b> [2] - 61:8, 67:5 <b>11.02.03</b> [2] - 56:8, 56:16 <b>11:00</b> [1] - 84:22 <b>12</b> [1] - 44:14 <b>12/06/2001</b> [1] - 18:9 <b>121</b> [1] - 2:16 <b>123</b> [1] - 124:8 <b>124</b> [1] - 2:17 <b>125</b> [1] - 38:21 <b>12:00</b> [1] - 123:10 <b>13-3S-31-7101-000- 001</b> [1] - 36:3 <b>14-3S-31-2101-000- 000</b> [1] - 36:3 <b>15</b> [2] - 43:5, 47:12 <b>15-and-a-half</b> [1] - 41:10 <b>15-unit</b> [1] - 122:19 <b>16</b> [1] - 2:7 <b>168</b> [2] - 43:16, 47:2 <b>17</b> [1] - 41:8 <b>17.1</b> [1] - 47:4 <b>18.4</b> [1] - 109:14 <b>1920s</b> [1] - 97:23 <b>1928</b> [1] - 40:9 <b>1932</b> [1] - 40:10 <b>1950s</b> [2] - 40:12, 40:14 <b>1970s</b> [1] - 40:16	<b>3</b> [4] - 2:3, 2:14, 17:24, 68:13 <b>30</b> [1] - 6:4 <b>3363</b> [2] - 1:7, 70:15 <b>34</b> [1] - 2:7 <b>35</b> [2] - 115:1, 115:2 <b>36</b> [3] - 2:8, 18:3, 35:8	<b>7</b>		
	<b>4</b>	<b>8</b>		
	<b>4</b> [3] - 2:15, 18:6, 68:21 <b>4.1.2</b> [1] - 66:10 <b>4.1.2.B</b> [1] - 66:18 <b>4.1.2.B.5</b> [1] - 60:12 <b>4.2.7</b> [2] - 67:1, 82:16 <b>40</b> [2] - 2:9, 40:10 <b>42</b> [4] - 2:10, 52:19, 53:16, 55:2 <b>43</b> [1] - 55:2 <b>43.4</b> [1] - 69:9	<b>8</b> [1] - 2:4 <b>84</b> [1] - 55:3 <b>848081</b> [1] - 124:21 <b>86</b> [1] - 55:3 <b>87</b> [1] - 2:12 <b>8:30</b> [1] - 1:8		
		<b>9</b>		
		<b>9</b> [5] - 1:6, 2:5, 3:5, 8:3, 8:25 <b>90</b> [1] - 102:4		



<p>40:4, 63:9, 70:13, 72:10, 73:2, 82:20, 83:19, 86:22, 87:11, 92:7, 96:12, 96:23, 97:2, 98:24, 100:20, 101:11, 103:20, 112:20, 119:7</p> <p><b>addressed</b> [4] - 63:1, 96:23, 103:13, 119:25</p> <p><b>addresses</b> [3] - 42:15, 61:6, 117:2</p> <p><b>adequately</b> [1] - 82:19</p> <p><b>adjacent</b> [6] - 44:17, 54:9, 68:8, 69:17, 94:17, 99:5</p> <p><b>adjourn</b> [1] - 30:16</p> <p><b>adjourned</b> [1] - 123:9</p> <p><b>admirable</b> [2] - 62:7, 62:22</p> <p><b>admitted</b> [5] - 8:24, 48:14, 50:9, 92:10, 93:1</p> <p><b>Adobe</b> [1] - 26:21</p> <p><b>adopt</b> [2] - 34:18, 121:23</p> <p><b>adopted</b> [4] - 24:8, 81:10, 81:11, 81:13</p> <p><b>adopting</b> [1] - 121:9</p> <p><b>adverse</b> [4] - 7:14, 18:17, 60:5, 94:16</p> <p><b>adversely</b> [2] - 89:24, 102:12</p> <p><b>advertised</b> [1] - 22:24</p> <p><b>Advertisement</b> [2] - 2:4, 8:24</p> <p><b>advertisement</b> [3] - 3:22, 8:8, 8:20</p> <p><b>advertising</b> [1] - 41:19</p> <p><b>aerial</b> [1] - 38:9</p> <p><b>affect</b> [6] - 55:20, 66:21, 85:10, 104:2, 110:1, 113:14</p> <p><b>affected</b> [4] - 66:21, 88:1, 102:12, 112:22</p> <p><b>affecting</b> [1] - 112:9</p> <p><b>affects</b> [2] - 92:17</p> <p><b>affixed</b> [1] - 124:17</p> <p><b>agenda</b> [1] - 48:24</p> <p><b>Agent</b> [2] - 9:6, 36:6</p> <p><b>agent</b> [2] - 9:20, 37:2</p> <p><b>agents</b> [2] - 9:15, 36:21</p> <p><b>ago</b> [3] - 43:1, 43:2, 81:17</p> <p><b>agree</b> [11] - 15:24, 44:7, 63:19, 63:23, 86:12, 86:14, 86:17, 113:4, 116:6, 116:14, 121:14</p>	<p><b>agreed</b> [2] - 120:12</p> <p><b>agreement</b> [4] - 32:23, 64:24, 100:10, 100:11</p> <p><b>agrees</b> [1] - 64:1</p> <p><b>agricultural</b> [1] - 98:19</p> <p><b>ahead</b> [25] - 9:21, 14:8, 16:6, 16:10, 17:4, 28:24, 29:12, 30:3, 30:5, 31:25, 32:12, 36:10, 37:3, 39:4, 39:23, 50:15, 50:22, 70:8, 84:25, 86:19, 87:10, 92:11, 102:25, 104:23, 119:10</p> <p><b>AICP</b> [1] - 1:19</p> <p><b>AIDP</b> [1] - 122:4</p> <p><b>AIDP-2</b> [1] - 122:7</p> <p><b>AIPD</b> [13] - 61:10, 61:11, 61:12, 66:19, 66:23, 67:6, 67:7, 67:8, 67:12, 67:13, 79:5, 79:10, 115:23</p> <p><b>AIPD-1</b> [36] - 36:6, 51:10, 51:19, 54:7, 54:8, 55:15, 57:18, 58:24, 60:5, 61:7, 61:13, 62:16, 65:22, 66:20, 67:4, 67:16, 75:10, 75:12, 77:10, 77:24, 78:3, 82:18, 106:24, 107:1, 108:19, 108:25, 109:6, 114:19, 116:16, 117:23, 118:17, 121:1, 121:6, 121:11, 121:16, 122:9</p> <p><b>AIPD-2</b> [23] - 36:6, 51:12, 54:7, 54:9, 56:9, 56:21, 61:8, 61:18, 65:22, 67:5, 67:10, 67:15, 77:6, 79:12, 108:9, 114:1, 114:19, 116:17, 117:21, 120:8, 121:1, 121:7, 121:25</p> <p><b>AIPDs</b> [3] - 76:22, 82:14, 83:4</p> <p><b>Air</b> [1] - 81:5</p> <p><b>air</b> [2] - 79:1, 83:15</p> <p><b>aircraft</b> [1] - 80:8</p> <p><b>airfield</b> [5] - 59:25, 66:21, 66:22, 99:15, 105:8</p> <p><b>Airfield</b> [7] - 36:4, 36:17, 51:8, 51:11, 51:12, 65:24, 66:10</p>	<p><b>airport</b> [6] - 41:10, 41:11, 41:13, 41:15, 95:13, 105:5</p> <p><b>Airport</b> [2] - 79:2, 95:13</p> <p><b>Allegiance</b> [1] - 3:9</p> <p><b>allow</b> [20] - 7:20, 11:24, 14:25, 30:17, 55:10, 55:11, 55:12, 56:24, 56:25, 57:14, 57:21, 60:8, 60:9, 83:13, 95:22, 105:17, 108:11, 114:21, 114:22, 119:6</p> <p><b>allowable</b> [3] - 69:20, 84:14, 105:10</p> <p><b>allowed</b> [13] - 5:13, 5:17, 21:22, 28:3, 56:9, 58:7, 65:8, 79:20, 86:4, 95:22, 96:18, 104:25, 117:13</p> <p><b>allowing</b> [3] - 26:17, 48:25, 95:18</p> <p><b>allows</b> [21] - 54:2, 54:20, 54:23, 55:13, 56:10, 57:18, 58:3, 58:6, 58:11, 58:21, 60:4, 60:6, 63:7, 63:10, 63:11, 66:4, 78:4, 93:19, 108:7, 108:11, 114:23</p> <p><b>Allyson</b> [3] - 36:11, 89:1, 106:12</p> <p><b>ALLYSON</b> [1] - 1:20</p> <p><b>almost</b> [6] - 10:16, 10:22, 41:8, 57:22, 59:7, 97:13</p> <p><b>alone</b> [1] - 122:18</p> <p><b>Alta</b> [1] - 96:9</p> <p><b>alternative</b> [3] - 116:7, 116:8, 116:10</p> <p><b>ALVIN</b> [1] - 1:16</p> <p><b>amend</b> [1] - 84:9</p> <p><b>amendment</b> [18] - 6:23, 7:1, 7:6, 7:11, 7:13, 7:17, 17:12, 17:16, 17:23, 17:25, 18:10, 18:20, 20:23, 68:14, 68:23, 69:16, 84:10, 93:23</p> <p><b>amount</b> [4] - 79:23, 91:8, 102:5, 120:19</p> <p><b>amounted</b> [1] - 40:12</p> <p><b>AMU</b> [5] - 65:24, 67:15, 76:5, 76:6, 76:9</p> <p><b>AMU-1</b> [14] - 56:18, 57:16, 57:20, 60:7,</p>	<p>62:10, 67:17, 75:11, 77:12, 84:14, 84:16, 105:15, 107:4, 107:19, 113:19</p> <p><b>AMU-2</b> [48] - 36:4, 38:2, 51:6, 56:18, 57:8, 57:14, 58:5, 58:19, 58:24, 60:4, 63:7, 64:17, 65:24, 66:7, 67:9, 67:14, 67:16, 67:24, 69:19, 75:13, 77:6, 82:17, 84:12, 84:14, 84:16, 95:22, 104:24, 105:6, 105:18, 105:24, 106:7, 106:21, 106:24, 107:1, 107:4, 107:18, 108:5, 108:7, 108:10, 113:19, 113:24, 115:23, 116:18, 117:22, 118:15, 122:1, 122:4, 122:6</p> <p><b>AMU-2's</b> [1] - 59:8</p> <p><b>analysis</b> [2] - 103:11, 103:14</p> <p><b>anchors</b> [1] - 45:19</p> <p><b>AND</b> [1] - 1:1</p> <p><b>Angel</b> [44] - 40:18, 40:22, 43:10, 43:25, 44:4, 44:18, 44:22, 44:25, 45:9, 45:22, 45:24, 47:5, 47:8, 47:14, 54:9, 64:1, 64:23, 64:25, 65:3, 65:5, 72:19, 89:11, 90:20, 91:2, 92:22, 97:12, 98:4, 102:3, 102:5, 102:10, 104:3, 109:16, 110:24, 111:5, 111:23, 112:1, 112:12, 112:14, 112:19, 115:9, 117:7, 119:19, 119:24</p> <p><b>annual</b> [1] - 81:21</p> <p><b>answer</b> [6] - 48:22, 100:23, 106:16, 118:6, 121:2, 122:15</p> <p><b>anyway</b> [4] - 51:9, 116:20, 117:8, 117:18</p> <p><b>apartment</b> [21] - 43:13, 47:1, 47:7, 57:13, 63:13, 68:19, 72:3, 88:20, 89:10, 89:14, 92:24, 93:2, 93:5, 103:25,</p>	<p>109:24, 110:21, 112:15, 114:22, 115:6, 115:9, 115:12</p> <p><b>apartments</b> [9] - 68:3, 71:19, 72:5, 99:11, 101:22, 101:25, 102:2, 107:11, 112:12</p> <p><b>Apartments</b> [9] - 43:4, 43:9, 43:15, 43:16, 43:24, 44:16, 58:14, 64:7, 117:6</p> <p><b>apologize</b> [2] - 59:18, 90:8</p> <p><b>appear</b> [1] - 27:25</p> <p><b>APPEARANCES</b> [1] - 1:11</p> <p><b>applaud</b> [1] - 93:10</p> <p><b>applicable</b> [4] - 5:9, 18:15, 64:12, 103:17</p> <p><b>applicant</b> [27] - 7:20, 7:23, 9:12, 9:14, 9:20, 9:23, 10:2, 10:24, 13:19, 23:18, 33:9, 34:7, 34:11, 36:21, 37:1, 38:17, 42:5, 48:21, 69:11, 71:17, 73:4, 83:24, 97:22, 102:23, 106:9, 107:25, 117:20</p> <p><b>Applicant's</b> [8] - 2:10, 2:11, 48:4, 48:13, 49:13, 50:8</p> <p><b>applicant's</b> [6] - 9:15, 9:20, 36:18, 36:21, 37:2, 49:23</p> <p><b>applicants</b> [1] - 38:22</p> <p><b>application</b> [12] - 9:9, 24:14, 34:18, 36:14, 69:24, 75:18, 76:20, 77:22, 78:3, 78:4, 121:23, 122:8</p> <p><b>applications</b> [2] - 4:20, 69:8</p> <p><b>applied</b> [1] - 77:1</p> <p><b>applies</b> [4] - 15:10, 64:16, 75:3, 78:16</p> <p><b>apply</b> [8] - 17:18, 76:24, 77:6, 77:16, 78:2, 78:14, 83:9, 83:12</p> <p><b>applying</b> [1] - 82:20</p> <p><b>appraiser</b> [1] - 17:2</p> <p><b>appreciate</b> [4] - 27:4, 34:3, 102:15, 111:20</p> <p><b>approach</b> [1] - 40:15</p> <p><b>appropriate</b> [6] - 25:24, 58:5, 75:9, 114:3, 116:8, 119:2</p>
---	---	---	--	---

<p><b>approval</b> [2] - 34:17, 121:22</p> <p><b>approve</b> [3] - 78:8, 118:15, 122:5</p> <p><b>approved</b> [5] - 24:13, 24:20, 24:22, 33:18, 122:20</p> <p><b>approves</b> [1] - 6:5</p> <p><b>APZ</b> [3] - 57:19, 78:22, 78:23</p> <p><b>APZ-1</b> [15] - 36:6, 51:7, 51:21, 55:19, 58:25, 59:10, 60:21, 62:20, 63:5, 65:22, 67:4, 110:3, 113:6, 113:8</p> <p><b>APZ-2</b> [1] - 51:21</p> <p><b>APZs</b> [1] - 79:16</p> <p><b>area</b> [66] - 4:11, 7:8, 18:1, 18:2, 18:25, 20:2, 24:5, 26:9, 29:8, 29:23, 29:24, 30:1, 36:6, 37:16, 42:24, 43:7, 43:20, 45:6, 46:22, 47:4, 47:9, 47:10, 47:15, 47:18, 54:20, 55:16, 56:12, 61:14, 62:20, 63:5, 68:15, 68:16, 73:20, 74:3, 75:11, 75:13, 76:6, 76:9, 80:12, 81:25, 87:20, 87:24, 88:16, 89:12, 89:23, 90:23, 90:25, 94:1, 94:2, 94:13, 94:18, 94:25, 95:10, 97:14, 97:16, 99:17, 99:21, 100:2, 105:10, 108:20, 112:21, 113:2, 113:7, 113:24, 114:5, 118:17</p> <p><b>areas</b> [18] - 54:3, 54:18, 54:22, 56:6, 57:20, 58:22, 59:10, 59:25, 60:7, 66:23, 67:18, 69:2, 69:10, 77:8, 94:9, 95:10, 96:21, 107:16</p> <p><b>argued</b> [1] - 24:15</p> <p><b>argument</b> [3] - 27:16, 30:25, 33:20</p> <p><b>arguments</b> [2] - 5:5, 5:25</p> <p><b>arrangements</b> [1] - 119:17</p> <p><b>arterial</b> [2] - 63:25, 111:24</p> <p><b>Article</b> [1] - 77:3</p> <p><b>artificial</b> [1] - 111:25</p>	<p><b>aside</b> [1] - 119:22</p> <p><b>aspect</b> [1] - 57:9</p> <p><b>ASSISTANT</b> [1] - 1:17</p> <p><b>associate</b> [2] - 9:19, 37:1</p> <p><b>Associates</b> [1] - 53:23</p> <p><b>assume</b> [2] - 20:10, 112:11</p> <p><b>assuming</b> [1] - 24:6</p> <p><b>assumption</b> [1] - 43:18</p> <p><b>attached</b> [1] - 109:19</p> <p><b>attempt</b> [1] - 12:17</p> <p><b>attend</b> [1] - 9:22</p> <p><b>attended</b> [1] - 37:6</p> <p><b>attenuation</b> [1] - 66:13</p> <p><b>attorney</b> [2] - 124:12, 124:13</p> <p><b>ATTORNEY</b> [1] - 1:17</p> <p><b>attorneys</b> [2] - 9:15, 36:21</p> <p><b>Austin</b> [11] - 43:3, 43:9, 43:15, 43:24, 44:2, 58:14, 63:12, 64:6, 64:12, 88:20</p> <p><b>authority</b> [1] - 4:18</p> <p><b>authorized</b> [2] - 62:11, 111:7</p> <p><b>authorizes</b> [1] - 115:22</p> <p><b>available</b> [9] - 49:14, 56:23, 57:16, 60:8, 65:4, 65:11, 70:1, 115:12, 115:13</p> <p><b>average</b> [5] - 55:25, 79:7, 79:8, 80:2, 80:3</p> <p><b>avigation</b> [1] - 66:12</p> <p><b>avoid</b> [17] - 54:3, 54:17, 54:21, 55:13, 56:5, 57:10, 58:21, 59:9, 59:24, 60:5, 60:7, 62:20, 62:21, 62:22, 74:19, 79:3, 111:14</p> <p><b>avoiding</b> [1] - 54:16</p> <p><b>aware</b> [2] - 72:2, 72:18</p> <p><b>awfully</b> [1] - 117:15</p> <p><b>aye</b> [5] - 4:1, 19:9, 34:24, 48:8, 50:3</p>	<p><b>bank</b> [1] - 91:10</p> <p><b>Bank</b> [3] - 44:10, 44:13, 45:3</p> <p><b>BARRY</b> [26] - 1:14, 10:5, 13:22, 15:8, 19:8, 30:10, 34:16, 37:11, 48:4, 49:25, 50:18, 70:25, 71:3, 71:5, 71:23, 91:21, 102:24, 103:1, 103:16, 108:23, 109:10, 110:7, 118:10, 120:24, 121:21, 122:5</p> <p><b>Barry</b> [1] - 25:11</p> <p><b>base</b> [1] - 86:17</p> <p><b>based</b> [9] - 13:3, 28:10, 64:11, 79:6, 79:22, 80:7, 81:8, 81:17, 107:7</p> <p><b>bases</b> [3] - 21:12, 79:1, 85:17</p> <p><b>basis</b> [2] - 24:3, 79:25</p> <p><b>BCC</b> [13] - 5:19, 5:23, 6:1, 6:3, 6:5, 6:12, 6:20, 9:6, 18:9, 21:23, 34:18, 36:5, 81:25</p> <p><b>Beach</b> [2] - 97:12, 102:10</p> <p><b>become</b> [2] - 45:6, 46:21</p> <p><b>becomes</b> [1] - 23:16</p> <p><b>begin</b> [1] - 32:1</p> <p><b>beginning</b> [2] - 7:19, 23:13</p> <p><b>behalf</b> [1] - 38:22</p> <p><b>behind</b> [4] - 57:7, 99:10, 99:18, 101:22</p> <p><b>beneath</b> [1] - 109:23</p> <p><b>best</b> [10] - 41:3, 41:19, 61:22, 83:11, 84:4, 98:15, 98:17, 110:14, 116:7, 116:9</p> <p><b>better</b> [8] - 23:6, 43:22, 62:14, 75:23, 83:19, 93:15, 122:17, 122:24</p> <p><b>between</b> [14] - 9:14, 36:20, 64:25, 67:4, 73:13, 73:15, 74:2, 79:18, 83:13, 91:7, 93:2, 93:6, 108:25, 110:17</p> <p><b>beyond</b> [4] - 82:24, 83:3, 83:5, 104:8</p> <p><b>bicycling</b> [1] - 89:17</p> <p><b>big</b> [1] - 55:16</p> <p><b>biggest</b> [1] - 21:8</p> <p><b>bisecting</b> [1] - 98:4</p>	<p><b>bit</b> [6] - 36:9, 44:21, 51:9, 59:12, 103:3, 120:21</p> <p><b>block</b> [1] - 26:22</p> <p><b>blue</b> [2] - 74:14, 114:10</p> <p><b>Blue</b> [44] - 40:18, 40:22, 43:10, 43:24, 44:4, 44:18, 44:22, 44:25, 45:9, 45:22, 45:24, 47:5, 47:8, 47:14, 54:9, 64:1, 64:22, 64:25, 65:2, 65:5, 72:19, 89:11, 90:19, 91:1, 92:21, 92:22, 97:12, 98:4, 102:3, 102:4, 102:10, 104:3, 109:16, 110:24, 111:5, 111:23, 111:25, 112:12, 112:14, 112:18, 115:9, 117:7, 119:19, 119:24</p> <p><b>BOARD</b> [3] - 1:1, 1:12, 1:16</p> <p><b>board</b> [7] - 5:12, 29:18, 85:11, 85:20, 89:8, 95:8, 96:22</p> <p><b>Board</b> [122] - 1:6, 2:7, 2:16, 3:5, 4:2, 4:10, 4:17, 4:19, 4:24, 5:2, 5:7, 5:11, 5:16, 5:18, 5:22, 6:6, 6:8, 6:15, 8:5, 8:13, 9:13, 9:16, 10:14, 10:15, 11:23, 12:1, 12:7, 12:16, 12:24, 13:3, 14:14, 19:2, 19:10, 19:20, 21:12, 21:15, 21:21, 22:19, 22:22, 23:14, 23:16, 23:22, 24:25, 25:1, 25:4, 25:5, 25:7, 25:17, 25:23, 26:7, 27:18, 27:20, 27:21, 28:1, 28:7, 28:11, 28:13, 28:23, 29:12, 29:18, 30:5, 30:15, 31:24, 32:15, 32:17, 33:8, 33:13, 33:23, 34:6, 34:15, 34:25, 36:19, 36:22, 39:7, 42:8, 48:3, 48:9, 50:4, 50:16, 51:1, 51:4, 56:19, 70:14, 70:24, 71:10, 72:24, 80:19, 80:22, 81:24, 82:11, 83:7, 84:7, 85:8, 85:14, 85:17, 85:22, 86:4,</p>	<p>86:10, 87:15, 90:22, 91:15, 91:19, 91:24, 94:1, 95:8, 96:5, 99:15, 102:21, 104:13, 104:21, 106:8, 107:21, 118:7, 119:3, 119:5, 119:16, 120:23, 121:19, 121:20, 122:23, 123:5</p> <p><b>Board's</b> [2] - 6:20, 83:1</p> <p><b>bother</b> [1] - 117:17</p> <p><b>bought</b> [7] - 40:8, 97:23, 97:25, 99:8, 99:17, 99:25, 100:1</p> <p><b>bounce</b> [1] - 88:4</p> <p><b>bound</b> [1] - 10:20</p> <p><b>boundaries</b> [1] - 67:6</p> <p><b>boundary</b> [1] - 69:11</p> <p><b>brand</b> [2] - 13:12, 25:21</p> <p><b>Break</b> [3] - 16:8, 31:22, 84:23</p> <p><b>Brenda</b> [5] - 2:14, 97:4, 97:5, 97:8, 99:25</p> <p><b>brief</b> [1] - 12:13</p> <p><b>briefly</b> [1] - 7:21</p> <p><b>bright</b> [3] - 74:6, 74:14</p> <p><b>bring</b> [8] - 26:18, 27:3, 28:15, 32:6, 42:13, 49:10, 79:5, 121:19</p> <p><b>brings</b> [1] - 41:24</p> <p><b>BRISKE</b> [2] - 1:13, 8:12</p> <p><b>broad</b> [1] - 67:23</p> <p><b>broader</b> [1] - 42:23</p> <p><b>brought</b> [5] - 24:13, 30:15, 82:7, 100:11, 104:11</p> <p><b>BROWN</b> [7] - 22:4, 70:15, 70:20, 71:16, 72:1, 72:8, 72:11</p> <p><b>Brown</b> [7] - 2:12, 22:3, 64:8, 70:11, 70:15, 71:15, 96:9</p> <p><b>brown</b> [3] - 69:25, 70:10, 70:24</p> <p><b>brown's</b> [1] - 71:9</p> <p><b>BRUCE</b> [1] - 1:17</p> <p><b>bruce</b> [1] - 81:3</p> <p><b>Buddy</b> [5] - 9:6, 9:12, 11:2, 11:5, 14:7</p> <p><b>buffer</b> [6] - 82:23, 88:16, 91:8, 93:1, 93:6, 110:2</p> <p><b>buffered</b> [1] - 111:1</p> <p><b>buffering</b> [2] - 17:18, 17:21</p>
	<b>B</b>			
<p><b>baby</b> [1] - 89:19</p> <p><b>background</b> [1] - 45:16</p> <p><b>backup</b> [1] - 25:3</p> <p><b>ball</b> [3] - 95:19, 95:20, 101:1</p>				

<p><b>build</b> [2] - 30:25, 117:16</p> <p><b>building</b> [9] - 41:17, 46:4, 47:14, 57:2, 58:17, 66:12, 95:15, 120:18</p> <p><b>built</b> [8] - 26:25, 46:2, 64:23, 93:5, 96:19, 99:10, 101:22, 117:9</p> <p><b>bunch</b> [1] - 101:21</p> <p><b>burden</b> [2] - 11:12, 39:15</p> <p><b>BUREAU</b> [2] - 1:18, 1:19</p> <p><b>business</b> [5] - 9:19, 37:1, 40:21, 40:23, 112:5</p> <p><b>businesses</b> [2] - 45:15, 45:21</p> <p><b>busy</b> [1] - 46:9</p> <p><b>buy</b> [1] - 117:16</p> <p><b>BY</b> [1] - 1:23</p>	<p>32:1, 32:18, 36:15, 37:25, 65:20, 85:4</p> <p><b>case</b> [24] - 3:17, 6:14, 7:19, 8:22, 10:14, 10:17, 10:23, 13:11, 25:2, 25:21, 27:20, 31:3, 31:10, 31:20, 48:18, 52:9, 53:15, 54:4, 54:25, 74:23, 75:7, 75:8, 114:4, 119:23</p> <p><b>CASE</b> [4] - 2:5, 2:8, 9:2, 36:2</p> <p><b>cases</b> [2] - 9:8, 22:22</p> <p><b>categories</b> [6] - 15:11, 23:7, 68:12, 73:11, 74:25, 75:19</p> <p><b>category</b> [12] - 11:24, 20:12, 20:14, 22:24, 52:8, 67:24, 68:9, 73:8, 74:4, 77:9, 92:14</p> <p><b>Category</b> [2] - 9:5, 36:5</p> <p><b>cattle</b> [4] - 40:20, 97:25, 98:6, 98:9</p> <p><b>caveat</b> [1] - 107:17</p> <p><b>centered</b> [1] - 47:9</p> <p><b>centers</b> [1] - 107:11</p> <p><b>Central</b> [1] - 1:7</p> <p><b>certain</b> [3] - 79:23, 108:7, 120:19</p> <p><b>certainly</b> [4] - 32:24, 77:18, 78:21, 119:6</p> <p><b>CERTIFICATE</b> [2] - 2:17, 124:1</p> <p><b>certify</b> [1] - 124:8</p> <p><b>Chair</b> [5] - 3:21, 6:14, 8:5, 34:13, 87:15</p> <p><b>chairing</b> [1] - 3:10</p> <p><b>Chairman</b> [24] - 2:3, 11:5, 11:21, 12:2, 12:5, 12:13, 12:18, 20:19, 30:11, 32:22, 33:10, 34:16, 47:23, 50:11, 50:18, 51:4, 73:5, 81:9, 90:1, 108:1, 118:10, 120:2, 121:21, 122:14</p> <p><b>CHAIRMAN</b> [2] - 1:13, 1:13</p> <p><b>challenges</b> [1] - 103:20</p> <p><b>chance</b> [3] - 26:10, 105:15, 119:1</p> <p><b>change</b> [17] - 12:18, 22:15, 23:9, 23:15, 27:1, 56:13, 90:23, 90:25, 94:5, 94:8,</p>	<p>96:5, 113:5, 113:9, 116:11, 121:15, 122:4, 122:5</p> <p><b>changed</b> [27] - 7:9, 7:10, 18:6, 18:9, 42:15, 42:18, 42:21, 47:10, 47:13, 47:16, 47:19, 47:22, 68:21, 68:22, 81:1, 93:15, 93:22, 94:3, 103:23, 103:24, 104:19, 112:22, 112:23, 112:24, 113:1, 113:3, 113:4</p> <p><b>changes</b> [4] - 82:2, 82:3, 90:21, 120:1</p> <p><b>Chapter</b> [1] - 67:19</p> <p><b>character</b> [1] - 95:3</p> <p><b>Charles</b> [1] - 9:6</p> <p><b>chart</b> [1] - 109:9</p> <p><b>chickens</b> [2] - 94:22, 94:23</p> <p><b>CHIEF</b> [1] - 1:19</p> <p><b>choose</b> [1] - 33:1</p> <p><b>chosen</b> [1] - 33:12</p> <p><b>church</b> [3] - 9:22, 18:4, 29:25</p> <p><b>circle</b> [1] - 29:2</p> <p><b>circumstance</b> [1] - 116:7</p> <p><b>citation</b> [1] - 83:19</p> <p><b>cite</b> [3] - 52:10, 52:23, 59:19</p> <p><b>cited</b> [1] - 56:7</p> <p><b>cites</b> [1] - 63:21</p> <p><b>citizens</b> [1] - 80:17</p> <p><b>civic</b> [1] - 66:6</p> <p><b>Clark</b> [1] - 38:20</p> <p><b>classified</b> [1] - 41:11</p> <p><b>clear</b> [3] - 14:18, 33:11, 115:3</p> <p><b>clearly</b> [3] - 111:23, 113:3, 121:12</p> <p><b>client</b> [2] - 15:3, 15:18</p> <p><b>close</b> [8] - 33:5, 40:16, 66:20, 69:18, 94:9, 95:15, 102:20, 121:17</p> <p><b>closed</b> [2] - 119:4, 119:5</p> <p><b>closely</b> [1] - 81:16</p> <p><b>closer</b> [2] - 80:3, 89:4</p> <p><b>closing</b> [2] - 5:5, 5:25</p> <p><b>cluster</b> [2] - 95:14, 96:18</p> <p><b>clustering</b> [26] - 54:3, 54:20, 54:22, 55:11, 56:25, 57:23, 57:25, 58:21, 59:9, 59:21, 59:23, 60:4, 60:6,</p>	<p>60:9, 62:20, 63:8, 63:11, 83:11, 95:5, 95:21, 95:22, 96:1, 114:21, 114:22</p> <p><b>Coastal</b> [3] - 44:10, 44:13, 45:3</p> <p><b>Code</b> [30] - 6:19, 7:2, 7:4, 11:17, 17:13, 17:18, 17:19, 21:14, 24:2, 26:12, 31:5, 39:20, 46:20, 52:23, 56:7, 59:24, 61:5, 62:9, 67:3, 77:21, 77:24, 78:1, 78:9, 78:12, 80:25, 85:19, 106:23, 107:4, 107:16, 107:18</p> <p><b>code</b> [23] - 6:25, 27:15, 28:16, 29:17, 33:20, 49:21, 52:23, 53:5, 56:18, 56:23, 57:10, 57:16, 57:24, 59:8, 59:11, 61:24, 76:20, 81:16, 81:18, 82:17, 82:18, 115:25, 116:1</p> <p><b>cold</b> [1] - 43:2</p> <p><b>collect</b> [1] - 28:16</p> <p><b>collector</b> [2] - 14:24, 63:25</p> <p><b>colors</b> [3] - 74:16, 74:17, 114:8</p> <p><b>combination</b> [1] - 108:7</p> <p><b>combine</b> [1] - 84:5</p> <p><b>combined</b> [1] - 52:20</p> <p><b>coming</b> [4] - 27:6, 51:3, 104:3, 121:6</p> <p><b>commencing</b> [1] - 1:8</p> <p><b>comment</b> [13] - 20:23, 31:12, 32:13, 33:3, 66:14, 102:20, 112:20, 118:24, 119:4, 119:10, 119:12, 121:4</p> <p><b>comments</b> [11] - 32:25, 49:1, 49:3, 49:5, 63:17, 73:3, 84:3, 97:22, 118:21, 118:23, 121:18</p> <p><b>Comments</b> [1] - 2:12</p> <p><b>Commercial</b> [1] - 9:4</p> <p><b>commercial</b> [35] - 24:16, 24:18, 26:8, 45:21, 57:6, 57:9, 57:11, 57:12, 64:17, 64:19, 65:9, 66:4, 67:23, 68:17, 69:4, 76:7, 76:8, 88:12, 93:19, 94:10, 94:12,</p>	<p>102:8, 102:9, 106:4, 107:6, 108:8, 108:14, 108:15, 111:6, 111:9, 117:11, 117:12, 117:24, 117:25, 118:2</p> <p><b>commercialized</b> [3] - 45:5, 46:19, 47:9</p> <p><b>Commission</b> [9] - 10:16, 22:19, 29:20, 81:10, 86:5, 101:14, 121:8, 124:21, 124:22</p> <p><b>Commissioners</b> [10] - 3:16, 4:19, 5:18, 12:3, 14:15, 27:21, 28:2, 28:8, 29:19, 82:12</p> <p><b>Committee</b> [2] - 17:20, 37:7</p> <p><b>common</b> [1] - 111:7</p> <p><b>communication</b> [8] - 6:10, 6:16, 9:25, 36:20, 37:9, 37:12, 37:16, 106:4</p> <p><b>communications</b> [5] - 6:7, 6:11, 6:17, 9:14, 10:3</p> <p><b>community</b> [6] - 80:17, 94:5, 94:24, 97:17, 97:20, 113:1</p> <p><b>comp</b> [2] - 6:24, 66:10</p> <p><b>Comp</b> [11] - 11:14, 11:15, 39:17, 39:18, 52:10, 52:12, 55:6, 60:10, 62:9, 66:2, 66:25</p> <p><b>compactd</b> [1] - 43:20</p> <p><b>company</b> [1] - 117:3</p> <p><b>comparable</b> [2] - 18:24, 105:4</p> <p><b>compatibility</b> [9] - 7:5, 79:3, 80:18, 80:19, 80:25, 82:14, 82:22, 103:11, 103:14</p> <p><b>Compatible</b> [1] - 81:6</p> <p><b>compatible</b> [14] - 7:7, 17:24, 17:25, 21:6, 54:19, 68:11, 68:13, 68:14, 73:10, 77:9, 79:15, 80:12, 82:13, 93:20</p> <p><b>competent</b> [3] - 6:4, 11:12, 39:15</p> <p><b>compiles</b> [1] - 28:11</p> <p><b>complain</b> [1] - 117:15</p> <p><b>complete</b> [2] - 5:11, 32:8</p> <p><b>completed</b> [1] - 5:14</p>
<b>C</b>				
<p><b>C-1</b> [4] - 23:21, 38:6, 57:12, 68:17</p> <p><b>C-2</b> [5] - 18:3, 19:25, 23:21, 24:6, 57:12</p> <p><b>CAIN</b> [18] - 1:20, 36:12, 38:1, 42:6, 47:23, 59:14, 65:16, 65:20, 73:15, 84:8, 84:20, 104:7, 105:17, 106:1, 106:17, 107:24, 112:2, 115:1</p> <p><b>Cain</b> [3] - 2:11, 42:13, 65:19</p> <p><b>calculation</b> [1] - 72:2</p> <p><b>Candlestick</b> [1] - 22:11</p> <p><b>cannot</b> [6] - 23:18, 31:1, 67:13, 86:16, 109:7, 117:5</p> <p><b>capacity</b> [3] - 71:3, 71:4, 85:14</p> <p><b>capture</b> [1] - 92:5</p> <p><b>care</b> [1] - 96:20</p> <p><b>Carol</b> [1] - 98:21</p> <p><b>carriage</b> [1] - 89:20</p> <p><b>carried</b> [1] - 19:13</p> <p><b>carries</b> [8] - 4:5, 8:16, 35:3, 48:12, 50:7, 55:17, 56:12, 92:2</p> <p><b>carry</b> [2] - 51:16, 51:20</p> <p><b>Case</b> [11] - 3:15, 3:16, 9:10, 18:7, 31:18,</p>				

<p><b>completely</b> [1] - 75:4  <b>Complex</b> [1] - 1:7  <b>complex</b> [7] - 43:13, 46:2, 47:7, 93:2, 93:5, 109:24, 112:16  <b>complexes</b> [15] - 47:2, 57:13, 63:13, 68:19, 72:4, 88:20, 89:10, 89:14, 92:25, 104:1, 110:21, 114:22, 115:6, 115:9, 115:12  <b>compliance</b> [1] - 66:23  <b>complications</b> [1] - 82:4  <b>complies</b> [1] - 60:3  <b>comply</b> [2] - 52:17, 67:21  <b>component</b> [1] - 63:10  <b>Composite</b> [3] - 2:4, 8:21, 8:23  <b>Comprehensive</b> [17] - 6:22, 17:11, 24:3, 26:12, 31:5, 46:20, 52:7, 52:16, 55:1, 59:19, 60:3, 66:2, 78:9, 78:13, 78:19, 80:24, 82:8  <b>comprise</b> [1] - 124:9  <b>compromise</b> [1] - 122:23  <b>CON</b> [1] - 59:19  <b>concentration</b> [1] - 80:12  <b>concentrations</b> [1] - 80:14  <b>concern</b> [8] - 21:1, 30:19, 60:23, 78:10, 79:19, 80:10  <b>concerned</b> [1] - 121:6  <b>concerning</b> [3] - 39:25, 47:21, 120:5  <b>concerns</b> [10] - 19:16, 33:11, 48:22, 48:23, 49:17, 76:14, 103:16, 103:17, 117:25, 122:15  <b>concluded</b> [1] - 123:10  <b>concludes</b> [2] - 19:1, 83:23  <b>Conclusion</b> [1] - 35:7  <b>condition</b> [5] - 47:13, 47:16, 60:18, 72:13, 112:24  <b>conditional</b> [3] - 105:23, 106:2, 106:7  <b>conditions</b> [21] - 7:9, 7:10, 18:6, 18:10, 42:16, 42:18, 42:21,</p>	<p>47:20, 47:22, 61:12, 67:8, 68:21, 68:22, 81:1, 93:23, 94:3, 103:23, 103:24, 104:20, 112:22, 112:23  <b>condominium</b> [3] - 58:16, 58:17, 115:5  <b>condominiums</b> [1] - 96:18  <b>conduct</b> [1] - 32:20  <b>conferring</b> [1] - 104:14  <b>confined</b> [1] - 102:4  <b>conflict</b> [3] - 7:1, 11:15, 39:18  <b>consensus</b> [1] - 25:12  <b>conservation</b> [1] - 59:20  <b>consider</b> [15] - 5:8, 5:25, 10:19, 14:18, 21:15, 22:22, 23:1, 26:7, 29:8, 39:10, 48:21, 85:23, 98:13, 103:6, 113:18  <b>considerable</b> [2] - 25:3, 25:18  <b>considerably</b> [1] - 47:11  <b>consideration</b> [10] - 6:9, 6:21, 9:10, 11:23, 12:8, 12:15, 12:18, 36:14, 42:20, 109:4  <b>considered</b> [5] - 6:10, 23:9, 76:10, 95:11, 96:25  <b>considering</b> [3] - 88:11, 95:9, 103:23  <b>considers</b> [1] - 5:2  <b>consistencies</b> [1] - 80:22  <b>consistency</b> [4] - 6:22, 6:25, 78:6, 82:8  <b>consistent</b> [22] - 6:23, 7:2, 11:13, 12:10, 12:12, 17:10, 17:12, 17:17, 20:24, 24:18, 39:16, 46:19, 66:1, 66:8, 67:2, 67:9, 78:8, 82:16, 106:13, 106:18, 107:3, 107:15  <b>consists</b> [3] - 89:16, 89:17, 89:18  <b>constitute</b> [3] - 75:1, 92:18, 112:24  <b>constitutes</b> [2] - 73:25, 75:16</p>	<p><b>construction</b> [1] - 120:22  <b>consult</b> [1] - 53:4  <b>consumption</b> [1] - 105:23  <b>contemplates</b> [1] - 76:6  <b>contestament</b> [2] - 99:3, 100:15  <b>context</b> [1] - 75:21  <b>continue</b> [2] - 98:5, 98:18  <b>continued</b> [3] - 16:9, 31:23, 84:24  <b>continues</b> [2] - 8:25, 35:8  <b>continuously</b> [1] - 102:7  <b>contours</b> [2] - 79:7, 81:8  <b>contrast</b> [1] - 74:9  <b>convenience</b> [2] - 45:1, 46:12  <b>copies</b> [7] - 50:10, 50:17, 50:19, 50:20, 50:23, 50:25, 51:2  <b>copy</b> [4] - 11:7, 23:2, 39:11, 50:12  <b>corner</b> [3] - 43:11, 44:11, 44:19  <b>correct</b> [8] - 13:5, 13:17, 24:10, 71:2, 81:11, 101:17, 116:25, 124:9  <b>correction</b> [1] - 89:13  <b>corridor</b> [1] - 26:17  <b>counsel</b> [4] - 93:10, 93:17, 124:12, 124:14  <b>country</b> [1] - 47:3  <b>Country</b> [8] - 44:16, 44:17, 58:14, 63:12, 64:6, 64:10, 110:25, 117:5  <b>county</b> [8] - 42:24, 43:9, 54:16, 56:20, 62:2, 72:11, 76:20, 92:6  <b>COUNTY</b> [4] - 1:1, 1:1, 1:17, 124:4  <b>County</b> [45] - 1:6, 1:7, 3:3, 3:4, 3:16, 4:9, 4:19, 5:18, 6:19, 10:16, 12:3, 14:14, 21:14, 22:19, 24:8, 24:12, 26:6, 27:20, 28:2, 28:7, 29:19, 41:9, 59:22, 60:2, 60:13, 64:24, 66:15, 66:22, 69:6, 77:8,</p>	<p>77:18, 81:10, 81:14, 82:12, 85:19, 86:5, 88:7, 91:3, 101:14, 109:19, 110:17, 113:12, 113:25, 121:8  <b>County's</b> [2] - 11:16, 39:19  <b>couple</b> [4] - 16:7, 31:19, 46:7, 73:18  <b>course</b> [5] - 41:17, 53:8, 106:5, 108:6, 118:2  <b>Court</b> [1] - 124:6  <b>court</b> [3] - 4:7, 4:22, 6:3  <b>COURT</b> [2] - 1:23, 124:20  <b>cover</b> [1] - 17:4  <b>create</b> [5] - 67:17, 68:6, 94:10, 94:11, 95:16  <b>created</b> [4] - 63:8, 71:25, 79:7, 113:20  <b>creation</b> [1] - 98:3  <b>criteria</b> [50] - 6:21, 13:21, 14:21, 14:25, 15:4, 15:5, 15:9, 15:10, 15:12, 15:14, 15:15, 21:7, 21:12, 21:18, 24:14, 24:19, 25:15, 29:5, 29:17, 30:13, 30:14, 42:15, 63:20, 63:21, 63:22, 64:5, 64:15, 64:16, 67:22, 67:25, 84:13, 84:17, 85:17, 85:21, 85:25, 86:11, 86:13, 86:18, 90:24, 92:12, 94:4, 101:8, 103:15, 106:12, 106:20, 107:5, 107:6, 107:9, 107:12, 111:17  <b>criterion</b> [3] - 20:25, 66:1, 67:2  <b>Criterion</b> [15] - 17:10, 17:24, 18:6, 18:12, 18:19, 67:22, 68:13, 68:21, 69:5, 69:15, 84:8, 92:13, 92:18, 106:14, 106:19  <b>critical</b> [1] - 58:10  <b>crops</b> [1] - 105:22  <b>cross</b> [5] - 4:25, 31:13, 49:1, 83:25, 84:2  <b>cross-examination</b> [4] - 4:25, 49:1, 83:25, 84:2  <b>cross-examine</b> [1] -</p>	<p>31:13  <b>crosses</b> [1] - 108:21  <b>crossing</b> [1] - 62:25  <b>crowded</b> [1] - 46:1  <b>CROWE</b> [3] - 1:23, 124:6, 124:20  <b>cumulative</b> [7] - 9:3, 9:5, 22:23, 36:4, 75:15, 105:16, 108:14  <b>curb</b> [3] - 104:1, 104:6, 104:15  <b>current</b> [8] - 16:18, 17:8, 55:4, 56:3, 66:3, 69:14, 89:24, 89:25  <b>curve</b> [1] - 101:1  <b>cut</b> [6] - 65:4, 104:6, 110:22, 111:5, 111:22, 111:24  <b>cuts</b> [3] - 64:25, 104:1, 104:15</p>
<b>D</b>				
<p><b>dash</b> [1] - 77:4  <b>date</b> [3] - 6:4, 28:15, 41:24  <b>daughter</b> [2] - 99:10, 99:17  <b>daughter's</b> [1] - 99:13  <b>Davis</b> [1] - 105:25  <b>DAVIS</b> [9] - 1:14, 8:9, 10:9, 19:7, 30:8, 37:14, 71:7, 104:22, 104:24  <b>davis</b> [1] - 110:4  <b>days</b> [2] - 6:4, 43:2  <b>daytime</b> [1] - 79:8  <b>DD</b> [1] - 124:21  <b>deal</b> [2] - 30:6, 56:4  <b>deals</b> [1] - 42:15  <b>dealt</b> [2] - 23:14, 104:9  <b>death</b> [1] - 40:25  <b>decibels</b> [5] - 79:9, 79:11, 79:12, 79:14, 80:7  <b>decide</b> [1] - 52:18  <b>decided</b> [3] - 23:9, 25:8, 101:3  <b>decision</b> [11] - 5:7, 6:1, 6:3, 21:12, 23:15, 28:9, 29:2, 29:21, 82:11, 82:17, 118:9  <b>decisions</b> [2] - 6:1, 85:17  <b>decline</b> [1] - 120:13  <b>defer</b> [1] - 104:5</p>				

<p><b>definitely</b> [1] - 20:1  <b>definition</b> [2] - 68:5, 75:25  <b>definitive</b> [1] - 120:25  <b>degree</b> [1] - 58:11  <b>delay</b> [1] - 30:18  <b>deliberation</b> [1] - 85:22  <b>deliberations</b> [1] - 21:15  <b>demarcation</b> [1] - 109:3  <b>denied</b> [2] - 24:14, 99:14  <b>densities</b> [3] - 60:14, 68:10, 73:9  <b>Density</b> [3] - 9:4, 9:5, 36:4  <b>density</b> [37] - 43:16, 43:18, 47:4, 52:1, 52:2, 52:11, 52:13, 53:6, 53:10, 54:25, 55:1, 55:3, 55:5, 55:7, 55:21, 56:24, 57:11, 57:14, 58:7, 59:21, 59:23, 60:15, 60:18, 66:11, 66:16, 66:25, 68:3, 82:15, 87:25, 93:18, 95:6, 95:25, 106:3, 108:12, 108:15, 115:20  <b>dental</b> [1] - 117:14  <b>deny</b> [5] - 96:5, 118:17, 120:15, 122:3, 122:7  <b>Department</b> [1] - 70:17  <b>describe</b> [2] - 6:17, 85:18  <b>described</b> [4] - 21:13, 21:18, 67:22, 85:25  <b>description</b> [2] - 105:3, 114:4  <b>designation</b> [7] - 67:12, 67:15, 68:11, 73:10, 105:13, 106:21, 106:25  <b>designations</b> [2] - 51:20, 60:21  <b>designed</b> [2] - 83:4, 108:16  <b>desire</b> [1] - 12:16  <b>desires</b> [1] - 48:20  <b>detail</b> [2] - 78:15, 82:7  <b>determinable</b> [1] - 118:12  <b>determination</b> [3] - 42:21, 79:13, 106:18  <b>determine</b> [2] - 18:17,</p>	<p>41:3  <b>detract</b> [1] - 95:2  <b>develop</b> [4] - 53:9, 62:19, 111:2, 113:16  <b>developable</b> [2] - 109:15, 109:23  <b>developed</b> [4] - 44:5, 63:4, 69:3, 110:24  <b>developer</b> [1] - 109:15  <b>DEVELOPMENT</b> [1] - 1:18  <b>Development</b> [32] - 6:19, 7:2, 7:4, 11:16, 17:13, 17:17, 17:19, 17:20, 21:14, 24:2, 26:12, 31:5, 37:6, 39:19, 46:20, 52:23, 56:7, 59:24, 61:5, 62:9, 67:3, 77:21, 77:24, 78:1, 78:9, 78:12, 80:25, 85:19, 106:23, 107:4, 107:16, 107:18  <b>development</b> [56] - 7:16, 7:18, 18:19, 18:21, 24:12, 24:17, 43:20, 45:12, 47:19, 54:21, 55:11, 55:12, 55:22, 57:4, 57:7, 59:24, 62:24, 63:1, 65:12, 66:14, 66:23, 69:8, 69:12, 69:15, 69:17, 69:21, 72:12, 72:15, 80:15, 81:2, 83:9, 84:9, 84:11, 84:15, 89:22, 91:9, 94:6, 94:8, 95:2, 96:24, 97:1, 98:4, 98:16, 102:9, 102:12, 104:4, 106:2, 108:8, 109:8, 111:12, 113:1, 115:10, 115:17, 115:19, 117:5, 119:21  <b>DEVELOPMENTAL</b> [2] - 1:20, 1:21  <b>developments</b> [2] - 43:4, 113:14  <b>difference</b> [3] - 73:13, 73:15, 74:2  <b>differences</b> [2] - 74:24, 104:25  <b>different</b> [17] - 26:11, 51:18, 69:6, 69:7, 74:17, 74:20, 74:25, 75:2, 75:4, 75:5, 75:16, 75:19, 76:22, 76:25, 106:19, 107:16</p>	<p><b>differentiating</b> [1] - 108:25  <b>difficult</b> [2] - 43:22, 59:4  <b>difficulties</b> [1] - 27:9  <b>direct</b> [2] - 9:24, 79:16  <b>directed</b> [1] - 103:1  <b>direction</b> [2] - 14:17, 80:20  <b>directional</b> [1] - 89:5  <b>disagree</b> [3] - 86:12, 86:13, 86:17  <b>disaster</b> [1] - 96:2  <b>disclose</b> [2] - 9:18, 36:25  <b>disclosed</b> [1] - 6:12  <b>disclosure</b> [1] - 39:1  <b>disclosures</b> [1] - 66:13  <b>discouraged</b> [5] - 66:25, 75:8, 82:15, 115:21, 115:24  <b>discourages</b> [1] - 76:20  <b>discuss</b> [4] - 25:5, 25:23, 30:4, 48:16  <b>discussed</b> [1] - 107:14  <b>discussion</b> [20] - 12:15, 14:17, 14:20, 14:22, 25:3, 25:18, 25:22, 26:1, 31:11, 32:9, 33:6, 48:17, 49:21, 81:22, 83:1, 103:3, 121:18, 122:13, 122:14, 123:1  <b>discussions</b> [1] - 25:6  <b>disparate</b> [1] - 73:24  <b>dispute</b> [1] - 52:6  <b>district</b> [30] - 18:24, 51:17, 52:2, 54:19, 55:18, 56:10, 58:5, 60:3, 60:9, 61:22, 61:23, 62:11, 63:7, 65:23, 68:7, 75:14, 77:4, 77:5, 77:7, 89:12, 92:19, 108:5, 108:7, 108:10, 108:16, 109:10, 115:24, 116:4, 116:23, 121:11  <b>District</b> [19] - 9:3, 9:5, 9:6, 17:9, 34:20, 36:3, 36:4, 36:5, 51:11, 51:12, 55:4, 56:3, 58:24, 59:10, 65:25, 66:11, 93:9, 93:21, 110:3  <b>districts</b> [26] - 18:3,</p>	<p>51:13, 51:15, 51:16, 52:14, 54:11, 56:17, 56:22, 57:12, 57:13, 60:1, 61:2, 61:25, 68:8, 68:16, 74:2, 74:7, 74:18, 75:6, 76:8, 76:9, 76:15, 77:3, 92:20, 105:9, 115:23  <b>DIVISION</b> [1] - 1:20  <b>Dixie</b> [1] - 47:10  <b>doctor</b> [2] - 117:14, 117:16  <b>doctors</b> [1] - 117:13  <b>document</b> [1] - 49:11  <b>documents</b> [2] - 5:1, 5:24  <b>dollars</b> [1] - 101:20  <b>done</b> [9] - 23:21, 31:1, 34:1, 41:6, 53:22, 72:21, 120:14, 121:10  <b>DOROTHY</b> [1] - 1:14  <b>dot</b> [2] - 96:11, 96:13  <b>Dot</b> [2] - 2:14, 96:15  <b>doubt</b> [2] - 46:22, 81:12  <b>down</b> [11] - 9:21, 22:5, 23:21, 29:13, 59:12, 77:13, 78:11, 80:8, 88:12, 101:2, 111:8  <b>downzoned</b> [2] - 23:18, 29:20  <b>dozen</b> [1] - 45:6  <b>drafting</b> [1] - 118:11  <b>dramatic</b> [1] - 74:2  <b>draw</b> [2] - 29:2, 76:13  <b>drawn</b> [2] - 79:5, 79:6  <b>DRC</b> [7] - 17:20, 18:16, 103:5, 103:8, 103:13, 103:17, 103:20  <b>Drive</b> [1] - 22:11  <b>drive</b> [2] - 29:23, 97:11  <b>driven</b> [2] - 9:23, 37:5  <b>due</b> [3] - 20:24, 94:18, 101:25  <b>dump</b> [3] - 88:18, 89:23, 119:15  <b>during</b> [6] - 18:16, 21:14, 24:15, 48:25, 85:6, 85:22  <b>Dwayne</b> [1] - 22:10  <b>dwelling</b> [9] - 53:6, 56:10, 58:8, 62:20, 72:5, 106:3, 108:12, 115:21, 116:12  <b>dwellings</b> [2] - 41:15, 79:15</p>	<p style="text-align: center;"><b>E</b></p> <p><b>early</b> [1] - 47:17  <b>easement</b> [1] - 99:4  <b>easements</b> [1] - 66:12  <b>easily</b> [2] - 81:14, 121:13  <b>east</b> [20] - 16:24, 38:14, 45:4, 46:5, 58:25, 60:5, 62:21, 63:6, 93:3, 110:2, 111:1, 111:3, 113:4, 113:7, 113:8, 113:15, 114:19, 116:18, 117:4, 118:1  <b>eastern</b> [8] - 54:10, 55:17, 67:16, 75:10, 116:11, 117:23, 118:17, 122:9  <b>economically</b> [2] - 54:14, 62:19  <b>edge</b> [1] - 45:11  <b>Edmiston</b> [3] - 53:22, 110:12, 110:17  <b>effect</b> [9] - 7:12, 18:12, 21:8, 39:1, 62:12, 69:5, 81:21, 115:8, 120:11  <b>effectively</b> [1] - 40:22  <b>effects</b> [1] - 81:1  <b>effort</b> [2] - 34:3, 45:5  <b>either</b> [6] - 25:25, 28:18, 51:19, 51:20, 86:25, 89:2  <b>elements</b> [1] - 82:12  <b>eliminate</b> [1] - 102:8  <b>eliminates</b> [3] - 58:9, 117:25, 118:2  <b>elsewhere</b> [1] - 110:15  <b>emphasize</b> [1] - 93:17  <b>employee</b> [2] - 124:12, 124:13  <b>enclosed</b> [1] - 66:19  <b>encourage</b> [1] - 119:6  <b>encouraged</b> [3] - 59:10, 115:25, 116:4  <b>end</b> [6] - 9:21, 45:18, 45:19, 56:20, 95:10, 113:25  <b>Engineering</b> [2] - 41:6, 70:16  <b>engineers</b> [1] - 64:21  <b>enhance</b> [1] - 114:13  <b>enjoy</b> [1] - 97:20  <b>ensure</b> [1] - 17:21  <b>enter</b> [2] - 23:17, 28:3  <b>entered</b> [5] - 5:2, 5:9, 10:19, 22:18, 49:18</p>
---	---	---	---	--

<p><b>enters</b> [2] - 54:13, 88:23  <b>entertain</b> [7] - 3:21, 8:6, 34:13, 65:12, 118:20, 118:25, 123:2  <b>entire</b> [3] - 43:7, 78:4, 108:24  <b>entirety</b> [1] - 76:24  <b>entitled</b> [1] - 49:12  <b>entrance</b> [4] - 99:7, 109:25, 112:15, 112:16  <b>entranceway</b> [1] - 118:4  <b>environment</b> [9] - 7:12, 7:15, 18:13, 18:18, 53:1, 53:2, 69:6, 81:2, 91:12  <b>environmental</b> [1] - 96:17  <b>environmentally</b> [8] - 54:3, 54:17, 54:21, 56:6, 59:9, 59:25, 60:7, 62:16  <b>equal</b> [1] - 76:22  <b>erected</b> [2] - 40:9, 40:14  <b>erection</b> [1] - 40:18  <b>ESCAMBIA</b> [3] - 1:1, 1:1, 124:4  <b>Escambia</b> [12] - 1:5, 1:7, 3:3, 3:4, 6:19, 21:14, 59:22, 60:2, 77:8, 85:19, 88:7, 91:3  <b>especially</b> [1] - 74:3  <b>essentially</b> [2] - 61:15, 109:5  <b>establish</b> [1] - 15:15  <b>established</b> [1] - 94:12  <b>establishments</b> [1] - 111:9  <b>estate</b> [2] - 41:1, 66:13  <b>evaluation</b> [1] - 13:14  <b>eventual</b> [2] - 103:4, 103:7  <b>eventually</b> [1] - 79:20  <b>evidence</b> [29] - 5:2, 5:6, 5:9, 5:19, 5:20, 8:8, 10:18, 11:12, 19:4, 19:6, 22:18, 26:4, 28:2, 28:9, 39:2, 39:15, 42:18, 42:22, 47:21, 47:25, 48:2, 48:19, 49:19, 49:24, 53:17, 91:4, 91:13, 114:11, 114:15</p>	<p><b>evidentiary</b> [1] - 4:22  <b>ex</b> [10] - 6:10, 6:16, 9:13, 10:3, 36:20, 37:9, 37:12, 85:8, 85:14  <b>exact</b> [1] - 121:13  <b>exactly</b> [4] - 50:24, 53:24, 116:19, 116:24  <b>examination</b> [6] - 4:25, 32:19, 49:1, 83:25, 84:2  <b>examine</b> [1] - 31:13  <b>example</b> [1] - 74:11  <b>examples</b> [2] - 73:19, 78:13  <b>except</b> [4] - 10:6, 77:10, 90:18, 117:7  <b>exception</b> [1] - 114:18  <b>exceptions</b> [4] - 21:13, 21:18, 85:18, 85:25  <b>excess</b> [2] - 60:14, 66:16  <b>excuse</b> [3] - 13:6, 47:23, 91:2  <b>executor</b> [1] - 41:1  <b>exempted</b> [1] - 78:2  <b>Exhibit</b> [14] - 2:4, 2:10, 2:11, 2:13, 8:21, 8:23, 48:5, 48:13, 49:23, 50:8, 92:8, 92:9, 93:1  <b>exhibits</b> [3] - 5:1, 5:8, 5:25  <b>exist</b> [3] - 110:3, 113:19, 115:18  <b>existing</b> [17] - 7:7, 16:16, 16:17, 17:15, 24:16, 38:7, 68:11, 69:18, 69:21, 71:19, 72:3, 73:10, 81:16, 84:15, 90:25, 108:15, 113:10  <b>exists</b> [1] - 77:21  <b>exits</b> [1] - 105:25  <b>expensive</b> [1] - 117:15  <b>expert</b> [8] - 4:11, 4:14, 39:3, 39:8, 70:22, 71:1, 71:9, 87:17  <b>experts</b> [2] - 5:4, 41:2  <b>Expires</b> [1] - 124:22  <b>explaining</b> [1] - 78:14  <b>explanation</b> [1] - 106:15  <b>explicitly</b> [1] - 57:24  <b>expresses</b> [1] - 60:23  <b>expressly</b> [1] - 61:5  <b>extent</b> [5] - 7:6, 7:9, 7:13, 7:16, 32:23</p>	<p><b>extra</b> [1] - 50:23  <b>extremely</b> [1] - 59:6</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>Fabre</b> [1] - 41:6  <b>facilities</b> [2] - 66:6, 79:3  <b>Fact</b> [14] - 2:4, 8:4, 8:7, 8:19, 8:23, 11:9, 15:23, 19:4, 19:5, 19:17, 34:19, 39:12, 72:24, 121:24  <b>fact</b> [11] - 24:16, 26:3, 66:21, 93:7, 98:3, 98:7, 98:12, 102:1, 110:20, 119:14, 122:19  <b>facts</b> [1] - 41:7  <b>factual</b> [6] - 39:2, 39:3, 42:12, 48:16, 97:21, 114:15  <b>fair</b> [1] - 42:19  <b>fairly</b> [4] - 44:13, 45:20, 80:23, 108:2  <b>falls</b> [2] - 61:11, 67:7  <b>familiar</b> [3] - 10:7, 37:6, 37:13  <b>families</b> [4] - 58:16, 63:15, 89:17, 115:4  <b>family</b> [10] - 9:3, 20:7, 53:5, 57:6, 58:13, 68:18, 98:18, 105:18, 105:19, 115:5  <b>Family</b> [1] - 34:20  <b>far</b> [7] - 43:11, 45:18, 74:21, 79:24, 88:11, 94:1, 107:13  <b>farm</b> [1] - 40:20  <b>farmers</b> [1] - 41:4  <b>fathers</b> [1] - 89:18  <b>favor</b> [10] - 4:1, 8:12, 19:9, 30:21, 34:24, 48:8, 50:3, 71:8, 91:23, 123:4  <b>feasible</b> [1] - 60:1  <b>feature</b> [1] - 59:8  <b>feet</b> [11] - 42:20, 42:22, 57:3, 83:3, 83:5, 90:22, 112:15, 115:1, 115:2, 119:19, 120:19  <b>fellow</b> [2] - 9:16, 36:22  <b>felt</b> [1] - 75:8  <b>few</b> [5] - 14:4, 14:5, 33:3, 47:1, 62:3  <b>Field</b> [1] - 40:15  <b>field</b> [2] - 39:9, 87:17</p>	<p><b>fields</b> [2] - 95:19, 95:20  <b>fifties</b> [1] - 46:24  <b>filed</b> [1] - 8:2  <b>fill</b> [3] - 22:1, 71:19, 100:21  <b>filled</b> [3] - 21:24, 86:6, 86:7  <b>filling</b> [1] - 102:16  <b>final</b> [3] - 6:1, 29:21  <b>finally</b> [1] - 8:1  <b>findings</b> [22] - 12:11, 13:3, 13:14, 13:18, 14:2, 14:4, 15:16, 15:25, 17:5, 17:11, 18:6, 18:19, 19:1, 20:21, 20:22, 67:20, 70:2, 71:16, 72:7, 92:13, 93:22, 106:13  <b>Findings</b> [14] - 2:4, 8:4, 8:7, 8:19, 8:23, 11:9, 15:23, 19:4, 19:5, 19:17, 34:19, 39:12, 72:24, 121:24  <b>Findings-of-Fact</b> [14] - 2:4, 8:4, 8:7, 8:19, 8:23, 11:9, 15:23, 19:4, 19:5, 19:17, 34:19, 39:12, 72:24, 121:24  <b>fine</b> [2] - 33:14, 87:6  <b>First</b> [1] - 1:8  <b>first</b> [10] - 3:17, 9:9, 10:17, 14:19, 25:1, 28:24, 37:7, 54:19, 87:4, 93:2  <b>FISHER</b> [8] - 1:21, 12:22, 13:5, 14:5, 16:4, 16:14, 17:6, 21:3  <b>Fisher</b> [2] - 2:7, 16:13  <b>five</b> [4] - 14:9, 30:21, 79:9, 99:9  <b>flight</b> [1] - 79:16  <b>floating</b> [1] - 62:3  <b>Floor</b> [1] - 1:8  <b>FLORIDA</b> [2] - 1:1, 124:3  <b>Florida</b> [8] - 1:8, 6:12, 11:6, 87:13, 91:3, 95:7, 124:7, 124:21  <b>flow</b> [2] - 74:7, 90:15  <b>flows</b> [1] - 78:15  <b>FLU</b> [3] - 9:5, 36:5, 52:10  <b>focus</b> [1] - 74:15  <b>focused</b> [1] - 80:24  <b>folks</b> [3] - 3:10, 36:8, 96:8  <b>follow</b> [1] - 107:3</p>	<p><b>following</b> [3] - 6:21, 41:7, 107:18  <b>food</b> [1] - 105:22  <b>foot</b> [1] - 94:22  <b>FOR</b> [1] - 1:1  <b>forbid</b> [1] - 95:23  <b>force</b> [1] - 15:19  <b>forced</b> [1] - 115:13  <b>foregoing</b> [1] - 124:8  <b>forget</b> [1] - 88:20  <b>form</b> [11] - 5:11, 5:14, 8:2, 49:12, 54:4, 71:20, 86:7, 97:18, 98:1, 100:22, 102:16  <b>formal</b> [1] - 4:23  <b>forms</b> [1] - 86:6  <b>formula</b> [1] - 72:1  <b>formulas</b> [1] - 71:18  <b>forth</b> [2] - 24:13, 85:12  <b>forties</b> [1] - 46:24  <b>forward</b> [14] - 10:25, 28:14, 28:18, 29:10, 29:14, 29:16, 30:7, 30:9, 30:21, 31:19, 33:13, 38:18, 87:10, 100:20  <b>four</b> [6] - 47:14, 51:18, 106:6, 114:24, 115:2, 119:19  <b>frame</b> [1] - 104:9  <b>framework</b> [1] - 82:11  <b>frankly</b> [2] - 47:14, 48:19  <b>freezing</b> [1] - 43:3  <b>frequently</b> [1] - 10:8  <b>front</b> [4] - 23:3, 57:2, 62:23, 99:19  <b>frontage</b> [1] - 72:18  <b>fronts</b> [1] - 65:4  <b>full</b> [4] - 22:8, 38:25, 86:22, 124:9  <b>fully</b> [1] - 81:7  <b>function</b> [1] - 14:24  <b>functionality</b> [1] - 83:14  <b>functioning</b> [1] - 20:5  <b>further</b> [2] - 11:14, 39:17  <b>future</b> [7] - 26:15, 26:16, 47:19, 72:12, 79:4, 83:22, 120:17  <b>Future</b> [10] - 16:15, 17:7, 38:6, 52:7, 60:12, 65:21, 66:3, 66:8, 66:18, 77:9</p>
				<b>G</b>
				<p><b>gap</b> [1] - 112:17</p>

<p><b>garden</b> [2] - 94:21, 94:22  <b>gardens</b> [1] - 97:19  <b>gas</b> [1] - 91:9  <b>GENERAL</b> [1] - 1:22  <b>general</b> [8] - 9:17, 21:16, 36:23, 85:23, 91:17, 103:10, 103:14, 104:19  <b>generally</b> [1] - 75:8  <b>generate</b> [1] - 64:4  <b>generated</b> [1] - 79:8  <b>generates</b> [2] - 64:11, 64:13  <b>generating</b> [1] - 68:3  <b>generation</b> [1] - 71:18  <b>generator</b> [1] - 68:2  <b>generators</b> [3] - 64:3, 64:6, 107:10  <b>gentleman</b> [4] - 30:12, 30:17, 113:12, 120:7  <b>germane</b> [1] - 105:8  <b>GIS</b> [4] - 2:13, 91:3, 91:17, 92:9  <b>given</b> [6] - 4:23, 10:21, 27:17, 31:4, 70:25, 122:19  <b>glad</b> [5] - 34:1, 59:16, 59:17, 98:8  <b>goal</b> [5] - 54:17, 62:4, 62:6, 62:7, 62:22  <b>goals</b> [2] - 11:14, 39:17  <b>God</b> [1] - 95:23  <b>GOODLOE</b> [6] - 1:15, 10:3, 30:11, 34:22, 37:9, 122:14  <b>government</b> [1] - 40:17  <b>governmental</b> [1] - 74:22  <b>gradual</b> [1] - 94:7  <b>grandfathered</b> [1] - 20:9  <b>grant</b> [1] - 77:25  <b>granted</b> [3] - 17:23, 24:7, 76:23  <b>great</b> [4] - 78:11, 78:14, 83:9, 116:23  <b>greater</b> [1] - 55:22  <b>ground</b> [5] - 20:16, 103:5, 109:11, 109:13, 117:22  <b>groundwork</b> [1] - 82:10  <b>Group</b> [2] - 38:22, 52:19  <b>Grove</b> [2] - 87:20, 94:19  <b>grow</b> [1] - 105:22</p>	<p><b>guess</b> [5] - 20:3, 20:10, 57:21, 61:20, 105:2  <b>Guidy</b> [6] - 9:2, 9:11, 12:1, 17:7, 18:8, 18:22  <b>Gulf</b> [2] - 97:12, 102:10</p> <p style="text-align: center;"><b>H</b></p> <p><b>habit</b> [1] - 102:6  <b>had..</b> [1] - 26:1  <b>half</b> [25] - 41:16, 44:7, 46:18, 47:11, 53:8, 53:20, 54:9, 55:10, 55:23, 55:25, 56:2, 61:15, 61:16, 73:22, 95:24, 99:19, 110:8, 110:18, 113:7, 113:10, 113:13, 115:14, 116:13, 116:20, 116:21  <b>half-acre</b> [1] - 73:22  <b>half-mile</b> [1] - 44:7  <b>HALSTEAD</b> [4] - 3:14, 3:20, 37:20, 37:23  <b>halves</b> [1] - 76:22  <b>Hamilton</b> [5] - 2:14, 11:6, 96:11, 96:13, 96:15  <b>HAMILTON</b> [3] - 96:13, 96:16, 97:3  <b>hand</b> [2] - 123:4, 124:16  <b>handle</b> [2] - 14:10, 20:15  <b>handout</b> [1] - 49:12  <b>hands</b> [1] - 123:3  <b>hang</b> [1] - 36:13  <b>happy</b> [2] - 22:2, 118:5  <b>hard</b> [2] - 74:9, 80:1  <b>harm</b> [1] - 117:10  <b>Hart</b> [1] - 38:21  <b>health</b> [1] - 80:16  <b>hear</b> [10] - 4:18, 7:23, 7:25, 8:1, 13:11, 22:2, 31:10, 32:1, 51:7, 52:5  <b>heard</b> [10] - 6:14, 9:8, 10:12, 25:10, 82:19, 104:13, 110:20, 110:22, 118:7, 121:5  <b>hearing</b> [20] - 4:17, 5:16, 6:8, 8:6, 8:18, 9:17, 10:17, 11:8, 16:20, 21:21, 22:19, 22:25, 23:2, 34:9,</p>	<p>36:24, 37:18, 37:21, 80:23, 86:3, 86:5  <b>hearings</b> [9] - 3:4, 4:20, 4:21, 4:22, 5:17, 21:22, 87:21, 88:3, 123:10  <b>hearsay</b> [1] - 119:16  <b>height</b> [4] - 58:17, 106:5, 114:24, 115:3  <b>held</b> [1] - 1:5  <b>help</b> [12] - 31:16, 48:19, 48:20, 49:6, 49:8, 56:4, 56:5, 73:12, 73:19, 85:10, 100:22, 105:2  <b>helpful</b> [2] - 75:20, 76:11  <b>helps</b> [1] - 78:17  <b>hereby</b> [2] - 3:5, 124:7  <b>hereunto</b> [1] - 124:16  <b>hidden</b> [1] - 117:12  <b>hide</b> [1] - 111:7  <b>High</b> [1] - 9:5  <b>high</b> [6] - 57:10, 57:14, 58:11, 68:3, 87:25, 108:14  <b>higher</b> [6] - 15:11, 58:6, 66:24, 79:10, 82:14, 115:20  <b>highest</b> [1] - 98:15  <b>highlights</b> [1] - 49:16  <b>Hightower</b> [4] - 31:23, 54:13, 85:6, 88:23  <b>hightower</b> [1] - 85:2  <b>HIGHTOWER</b> [2] - 1:16, 10:1  <b>Highway</b> [2] - 97:12, 102:10  <b>himself</b> [1] - 93:17  <b>Hinson</b> [13] - 2:9, 36:6, 38:23, 38:24, 39:6, 39:24, 40:2, 40:6, 40:7, 52:21, 93:10, 117:3  <b>HINSON</b> [2] - 40:3, 40:7  <b>hired</b> [1] - 41:2  <b>history</b> [3] - 39:25, 78:17, 104:12  <b>hold</b> [3] - 13:6, 32:3, 88:5  <b>HOLMER</b> [4] - 81:3, 89:5, 92:5, 104:15  <b>home</b> [7] - 40:16, 68:17, 88:13, 101:20, 105:19, 106:1, 113:11  <b>homes</b> [1] - 68:18  <b>homestead</b> [2] - 40:9, 97:24</p>	<p><b>honestly</b> [1] - 26:13  <b>hope</b> [1] - 97:11  <b>HORACE</b> [1] - 1:20  <b>House</b> [1] - 45:19  <b>house</b> [4] - 41:15, 99:13, 99:14, 99:18  <b>houses</b> [2] - 20:7, 96:18  <b>housing</b> [1] - 54:4  <b>huge</b> [2] - 30:25, 110:2  <b>human</b> [1] - 79:15  <b>hydric</b> [2] - 18:14, 69:10</p> <p style="text-align: center;"><b>I</b></p> <p><b>ID-2</b> [1] - 73:22  <b>ideally</b> [1] - 74:6  <b>identifiable</b> [3] - 116:15, 117:22, 121:12  <b>identified</b> [3] - 48:14, 50:9, 92:9  <b>identify</b> [1] - 6:16  <b>illusions</b> [1] - 74:12  <b>imagine</b> [2] - 73:20, 117:11  <b>immediate</b> [4] - 94:8, 94:18, 110:25, 113:2  <b>immediately</b> [2] - 90:19, 92:22  <b>impact</b> [24] - 7:10, 7:14, 18:2, 18:10, 54:17, 55:13, 56:5, 58:22, 68:15, 68:22, 88:10, 88:11, 88:17, 89:11, 89:24, 90:15, 91:10, 93:23, 95:4, 95:5, 95:16, 96:17, 114:11, 122:22  <b>impacted</b> [5] - 78:20, 81:23, 81:25, 88:15, 99:22  <b>impacting</b> [1] - 90:13  <b>impacts</b> [4] - 18:18, 60:5, 94:16, 103:7  <b>implementation</b> [1] - 82:10  <b>importance</b> [1] - 52:9  <b>important</b> [5] - 59:8, 108:9, 108:19, 109:3, 114:16  <b>importantly</b> [2] - 57:5, 58:9  <b>impose</b> [2] - 52:14, 61:3  <b>imposed</b> [4] - 51:25, 52:1, 60:20, 63:9</p>	<p><b>imposes</b> [2] - 52:9, 52:11  <b>improvements</b> [1] - 72:21  <b>IN</b> [2] - 1:1, 124:16  <b>inappropriately</b> [1] - 27:22  <b>Inc</b> [1] - 38:23  <b>incidence</b> [1] - 93:8  <b>include</b> [3] - 6:20, 54:23, 59:22  <b>included</b> [2] - 8:20, 72:25  <b>includes</b> [4] - 45:1, 46:14, 53:17, 62:15  <b>including</b> [2] - 108:24, 113:7  <b>inclusive</b> [1] - 124:9  <b>incompatible</b> [1] - 68:7  <b>inconsistent</b> [2] - 77:25, 114:5  <b>increase</b> [2] - 95:16, 96:2  <b>increased</b> [4] - 60:14, 66:16, 95:4, 95:5  <b>increasing</b> [1] - 93:8  <b>indicate</b> [1] - 76:2  <b>indicated</b> [6] - 12:2, 18:14, 69:10, 76:12, 78:22, 82:23  <b>indicators</b> [1] - 69:7  <b>individual</b> [1] - 5:10  <b>individuals</b> [3] - 5:15, 21:20, 86:2  <b>industrial</b> [5] - 67:23, 73:22, 73:23, 94:10, 94:11  <b>Influence</b> [3] - 51:11, 51:12, 66:11  <b>influence</b> [3] - 60:1, 105:5, 105:8  <b>information</b> [3] - 26:4, 64:10, 106:20  <b>infrastructure</b> [1] - 53:12  <b>inherited</b> [1] - 98:2  <b>innovative</b> [1] - 55:12  <b>Installation</b> [1] - 81:5  <b>instance</b> [1] - 107:13  <b>instead</b> [1] - 95:23  <b>instruction</b> [1] - 118:13  <b>intend</b> [1] - 39:1  <b>intended</b> [2] - 52:25, 114:1  <b>intense</b> [3] - 73:23, 74:4, 115:10  <b>intensities</b> [2] - 74:10, 74:20</p>
--	---	---	--	--

<p><b>intensity</b> [5] - 18:24, 72:16, 74:5, 74:8  <b>intent</b> [10] - 7:3, 17:12, 17:17, 66:8, 67:11, 77:4, 77:5, 78:24, 108:5, 108:9  <b>intents</b> [1] - 57:7  <b>interchangeable</b> [1] - 75:22  <b>interested</b> [3] - 22:6, 37:19, 124:14  <b>interesting</b> [1] - 104:16  <b>interface</b> [1] - 108:19  <b>interior</b> [1] - 44:1  <b>interject</b> [1] - 24:25  <b>internal</b> [1] - 78:6  <b>International</b> [1] - 95:13  <b>interrupt</b> [2] - 25:20, 90:2  <b>interrupting</b> [2] - 13:7, 90:8  <b>intersection</b> [9] - 44:3, 44:5, 44:18, 44:19, 45:9, 45:17, 46:7, 46:21, 47:8  <b>intrusion</b> [2] - 94:10, 94:11  <b>Inventory</b> [1] - 18:14  <b>Invocation</b> [2] - 3:8, 3:9  <b>involved</b> [2] - 6:15, 48:17  <b>involvement</b> [1] - 99:16  <b>isolated</b> [11] - 68:7, 68:10, 73:9, 75:21, 75:24, 76:5, 92:15, 92:16, 92:19, 93:8, 113:17  <b>isolation</b> [2] - 73:13, 73:16  <b>issue</b> [30] - 14:19, 15:4, 23:14, 23:16, 23:23, 26:14, 28:5, 28:11, 29:3, 30:6, 42:20, 49:22, 61:20, 63:9, 63:20, 63:23, 64:15, 73:2, 77:13, 85:13, 92:16, 96:22, 97:2, 104:6, 108:17, 112:7, 117:1, 119:23, 121:15  <b>issues</b> [17] - 14:16, 15:1, 16:1, 20:24, 33:18, 48:17, 49:7, 49:16, 57:5, 82:7, 85:10, 87:19, 103:12, 104:4,</p>	<p>104:10, 117:2, 119:8  <b>item</b> [2] - 11:22, 122:14  <b>items</b> [1] - 101:4  <b>itself</b> [2] - 25:5, 26:21</p> <p style="text-align: center;"><b>J</b></p> <p><b>James</b> [6] - 2:9, 36:6, 38:23, 39:6, 40:6, 40:7  <b>January</b> [4] - 1:6, 3:5, 8:3, 124:17  <b>Jeff</b> [6] - 2:13, 87:4, 87:12, 87:14, 99:24, 100:12  <b>Jerry</b> [2] - 86:25, 100:4  <b>Jesse</b> [2] - 36:6, 38:20  <b>Jessie</b> [1] - 39:6  <b>JLUS</b> [8] - 47:16, 57:7, 60:14, 60:15, 63:9, 66:16, 66:24, 81:17  <b>job</b> [2] - 78:11, 78:14  <b>Joe</b> [2] - 110:11, 110:17  <b>joggers</b> [1] - 89:16  <b>jogging</b> [1] - 89:19  <b>JOHN</b> [1] - 1:21  <b>John</b> [5] - 2:15, 16:2, 20:21, 100:24, 100:25  <b>Johns</b> [1] - 120:5  <b>joint</b> [1] - 82:1  <b>Joint</b> [8] - 47:16, 78:24, 80:10, 81:20, 81:23, 82:9, 83:4, 113:19  <b>Jones</b> [1] - 32:6  <b>JONES</b> [14] - 1:20, 19:21, 20:8, 20:13, 23:5, 24:24, 25:11, 27:8, 32:9, 51:3, 81:20, 82:3, 91:18, 105:6  <b>Jr</b> [1] - 36:6  <b>judge</b> [1] - 29:21  <b>judgment</b> [1] - 103:9  <b>judicial</b> [5] - 1:5, 3:3, 4:20, 4:21, 6:2  <b>jump</b> [2] - 36:10, 94:8  <b>jumping</b> [1] - 44:21  <b>jurisdiction</b> [1] - 6:4  <b>jurisdictional</b> [1] - 22:16  <b>jury</b> [1] - 29:21  <b>justification</b> [1] - 63:16</p>	<p style="text-align: center;"><b>K</b></p> <p><b>KAREN</b> [1] - 1:15  <b>Karen</b> [1] - 29:12  <b>keep</b> [2] - 52:17, 80:8  <b>keeps</b> [1] - 122:21  <b>KERR</b> [1] - 1:19  <b>Key</b> [3] - 2:11, 49:14, 50:8  <b>key</b> [2] - 51:14, 63:10  <b>kind</b> [15] - 15:6, 20:15, 44:15, 45:19, 49:15, 73:24, 74:7, 74:18, 76:13, 76:14, 77:13, 94:2, 103:6, 103:22, 116:2  <b>Knowhow</b> [2] - 38:22, 52:19  <b>knowing</b> [2] - 20:8, 29:4  <b>knowledge</b> [1] - 104:12  <b>known</b> [2] - 23:8, 87:20  <b>knows</b> [1] - 56:19  <b>Kroger</b> [1] - 45:1</p> <p style="text-align: center;"><b>L</b></p> <p><b>Land</b> [47] - 6:19, 7:2, 7:3, 11:16, 16:15, 17:7, 17:13, 17:17, 17:19, 21:14, 24:2, 26:12, 31:4, 38:6, 39:19, 46:20, 47:16, 52:8, 52:23, 56:7, 59:23, 60:12, 61:5, 62:9, 65:21, 66:3, 66:9, 66:18, 67:2, 77:9, 77:20, 77:24, 78:1, 78:9, 78:12, 78:24, 80:24, 81:20, 81:23, 82:9, 83:4, 85:19, 106:23, 107:3, 107:16, 107:18, 113:19  <b>land</b> [10] - 4:12, 16:16, 16:17, 26:22, 38:7, 41:2, 66:11, 66:19, 70:22, 82:13  <b>Lane</b> [7] - 9:2, 9:11, 11:6, 12:1, 17:7, 18:8, 18:22  <b>lane</b> [1] - 47:15  <b>Langley</b> [2] - 95:11, 95:19  <b>large</b> [8] - 26:16, 26:22, 45:21, 46:9, 47:1, 47:6, 47:9,</p>	<p>64:3  <b>Large</b> [1] - 124:7  <b>largely</b> [2] - 46:19, 63:1  <b>larger</b> [3] - 24:5, 26:9, 97:14  <b>last</b> [15] - 11:22, 43:5, 44:6, 44:14, 45:6, 46:2, 47:1, 47:12, 72:14, 73:7, 83:8, 98:9, 108:4, 119:7, 119:11  <b>late</b> [3] - 47:17, 71:20, 108:2  <b>law</b> [3] - 4:22, 5:9, 6:12  <b>lay</b> [1] - 82:9  <b>LDC</b> [5] - 56:16, 61:8, 67:5, 67:14, 67:25  <b>leads</b> [1] - 107:1  <b>least</b> [8] - 46:14, 49:6, 54:23, 55:3, 55:25, 64:4, 64:21, 93:11  <b>leave</b> [7] - 30:3, 116:11, 116:13, 116:16, 116:22, 117:22, 121:18  <b>left</b> [5] - 41:10, 45:11, 80:9, 115:8, 122:18  <b>legal</b> [6] - 3:18, 3:22, 8:7, 8:19, 82:10, 114:3  <b>Legal</b> [2] - 2:4, 8:24  <b>legally</b> [1] - 78:7  <b>lengthy</b> [1] - 106:15  <b>less</b> [6] - 4:23, 56:11, 63:6, 108:11, 115:10, 122:22  <b>lesser</b> [1] - 22:23  <b>letter</b> [4] - 69:22, 72:24, 73:3, 73:4  <b>letting</b> [1] - 93:11  <b>level</b> [5] - 14:15, 28:8, 103:13, 103:18, 103:20  <b>Library</b> [1] - 95:7  <b>library</b> [2] - 95:9, 95:15  <b>life</b> [2] - 89:25, 95:3  <b>limit</b> [4] - 21:17, 51:23, 85:24, 108:13  <b>limitations</b> [3] - 60:19, 66:12, 106:6  <b>Limited</b> [1] - 17:9  <b>limited</b> [8] - 5:4, 5:5, 22:19, 24:10, 41:14, 54:24, 57:8, 58:19  <b>limits</b> [3] - 51:25, 57:5, 58:12  <b>LINDA</b> [3] - 1:23,</p>	<p>124:6, 124:20  <b>Linda</b> [1] - 9:7  <b>line</b> [18] - 55:11, 57:2, 57:4, 69:20, 74:6, 77:13, 79:21, 84:15, 106:2, 109:2, 113:6, 116:14, 116:15, 116:16, 117:22, 120:20, 121:12  <b>lines</b> [5] - 61:10, 79:4, 79:6, 80:7, 80:9  <b>list</b> [2] - 17:3, 80:19  <b>listed</b> [1] - 94:4  <b>listen</b> [1] - 80:21  <b>lists</b> [2] - 53:19, 56:17  <b>live</b> [5] - 43:8, 97:6, 97:16, 98:10, 98:11  <b>lived</b> [3] - 43:7, 100:2, 100:4  <b>lives</b> [1] - 100:2  <b>livestock</b> [1] - 97:19  <b>living</b> [2] - 88:24, 102:13  <b>LLOYD</b> [1] - 1:19  <b>local</b> [3] - 14:23, 18:22, 112:2  <b>located</b> [5] - 5:12, 18:22, 51:22, 68:1, 111:23  <b>Location</b> [2] - 9:2, 36:2  <b>location</b> [6] - 7:21, 10:6, 10:7, 37:13, 38:3, 103:24  <b>locational</b> [25] - 14:21, 14:25, 15:4, 15:9, 15:10, 15:12, 16:14, 21:7, 24:14, 24:19, 25:15, 63:20, 63:21, 63:22, 64:5, 64:15, 64:16, 67:22, 67:25, 106:20, 107:5, 107:6, 107:9, 107:12, 111:17  <b>logical</b> [4] - 7:18, 18:20, 27:16, 84:11  <b>logically</b> [1] - 69:16  <b>LONG</b> [1] - 1:20  <b>look</b> [35] - 19:22, 19:24, 24:20, 24:22, 25:2, 25:16, 25:17, 27:14, 29:2, 29:8, 29:17, 29:23, 30:2, 30:14, 43:24, 44:5, 46:4, 59:3, 74:15, 78:25, 80:2, 80:18, 82:24, 83:17, 83:18, 86:11, 90:24, 105:10, 105:15, 108:4, 111:4,</p>
---	--	--	--	---



<p>111:11, 113:6, 116:2, 117:1 <b>looked</b> [1] - 109:18 <b>looking</b> [26] - 16:22, 16:23, 16:24, 16:25, 25:25, 29:22, 38:11, 38:12, 38:13, 38:14, 43:24, 44:10, 44:13, 45:3, 45:10, 46:5, 46:20, 65:11, 69:1, 92:12, 101:21, 103:2, 109:2, 112:8, 112:25 <b>looks</b> [2] - 26:20, 114:18 <b>Loop</b> [49] - 36:2, 36:16, 40:7, 43:10, 43:13, 44:6, 44:8, 44:9, 44:18, 65:1, 65:5, 65:21, 72:13, 72:21, 87:13, 88:9, 88:11, 88:14, 88:18, 89:13, 89:16, 89:20, 89:23, 90:14, 90:15, 91:12, 93:4, 94:13, 94:20, 95:4, 96:13, 97:6, 97:11, 98:10, 99:1, 99:6, 99:19, 102:6, 104:2, 104:7, 109:25, 110:22, 111:13, 111:14, 111:16, 112:2, 113:5, 119:16 <b>low</b> [1] - 87:25 <b>Low</b> [2] - 9:4, 36:4 <b>Low-Medium</b> [1] - 9:4 <b>lower</b> [2] - 79:11, 79:12</p>	<p><b>map</b> [23] - 2:13, 16:15, 16:16, 16:18, 17:1, 19:22, 19:23, 26:19, 26:21, 38:15, 79:5, 79:18, 79:21, 89:2, 89:7, 90:11, 90:12, 91:3, 92:9, 108:18, 110:11, 110:17, 121:13 <b>mapping</b> [1] - 91:4 <b>maps</b> [11] - 7:22, 37:25, 43:12, 54:6, 81:22, 81:23, 82:1, 90:16, 109:18, 110:6, 121:9 <b>marked</b> [1] - 8:20 <b>Marky</b> [3] - 86:25, 100:4, 100:6 <b>mass</b> [2] - 88:2, 109:8 <b>matter</b> [7] - 21:11, 27:12, 61:14, 63:4, 79:20, 85:9, 85:16 <b>matters</b> [1] - 6:9 <b>max</b> [1] - 114:25 <b>maximum</b> [10] - 51:25, 52:2, 52:12, 52:15, 53:6, 56:15, 58:6, 60:15, 61:13, 61:18 <b>mean</b> [7] - 20:6, 58:7, 79:8, 104:1, 104:3, 104:8, 119:3 <b>meaning</b> [1] - 85:8 <b>means</b> [2] - 62:18, 88:9 <b>meant</b> [1] - 114:7 <b>mechanical</b> [1] - 78:7 <b>mechanism</b> [3] - 77:18, 77:20, 82:21 <b>medical</b> [1] - 117:17 <b>Medium</b> [1] - 9:4 <b>medium</b> [1] - 68:3 <b>meet</b> [8] - 3:18, 15:22, 53:9, 55:4, 56:18, 67:25, 106:3, 107:12 <b>meeting</b> [26] - 3:4, 3:11, 5:19, 10:22, 22:16, 22:18, 23:17, 25:1, 25:7, 25:17, 27:23, 31:9, 31:12, 32:1, 32:14, 33:7, 34:2, 54:16, 70:21, 85:6, 97:21, 101:8, 101:16, 102:21, 123:9 <b>meetings</b> [1] - 81:15 <b>meets</b> [1] - 55:6 <b>member</b> [4] - 6:15, 85:8, 85:14, 106:8 <b>MEMBER</b> [2] - 1:16, 48:6</p>	<p><b>Members</b> [1] - 48:3 <b>members</b> [44] - 3:6, 4:2, 4:8, 4:11, 6:8, 8:1, 8:5, 8:13, 9:13, 9:16, 10:13, 10:14, 19:2, 19:10, 21:10, 30:5, 31:24, 32:3, 32:4, 32:16, 33:8, 33:9, 34:6, 34:7, 34:24, 34:25, 36:19, 36:22, 39:7, 48:9, 50:4, 51:2, 51:4, 71:10, 85:15, 87:15, 91:19, 91:24, 100:16, 102:22, 102:23, 106:10, 123:5 <b>memo</b> [5] - 60:22, 76:12, 76:19, 77:12, 83:16 <b>mention</b> [1] - 63:18 <b>mentioning</b> [1] - 82:5 <b>merely</b> [1] - 82:5 <b>met</b> [3] - 12:8, 17:22, 67:19 <b>middle</b> [1] - 73:21 <b>might</b> [13] - 22:5, 48:2, 48:19, 48:22, 65:7, 73:19, 88:2, 98:15, 111:22, 112:24, 114:17, 116:8, 118:1 <b>mike</b> [3] - 49:9, 70:9, 100:20 <b>mile</b> [7] - 40:16, 44:7, 46:18, 47:11, 64:3, 68:2, 107:10 <b>Mile</b> [2] - 29:24, 29:25 <b>million</b> [1] - 101:20 <b>mind</b> [3] - 26:18, 52:17, 102:16 <b>mine</b> [1] - 93:3 <b>mini</b> [2] - 45:4, 88:13 <b>mini-warehouses</b> [1] - 45:4 <b>minimum</b> [17] - 52:11, 52:14, 52:15, 52:16, 53:7, 53:11, 54:23, 55:7, 55:10, 56:1, 56:4, 57:1, 57:3, 58:10, 61:17, 62:14 <b>minor</b> [1] - 62:25 <b>minus</b> [2] - 69:9, 70:20 <b>minute</b> [1] - 16:4 <b>minutes</b> [10] - 14:4, 14:5, 14:9, 16:7, 25:2, 25:8, 25:17, 25:25, 31:19, 84:22 <b>misrepresented</b> [1] - 76:18</p>	<p><b>missed</b> [2] - 81:15, 90:9 <b>mistaken</b> [1] - 75:25 <b>misunderstand</b> [1] - 51:14 <b>mix</b> [3] - 66:4, 69:3, 76:6 <b>Mixed</b> [14] - 9:5, 16:15, 17:7, 18:22, 36:4, 36:5, 36:17, 38:6, 52:7, 55:2, 65:21, 65:25, 66:3, 66:9 <b>MOB</b> [2] - 66:25, 82:16 <b>mobile</b> [5] - 68:17, 68:18, 88:13, 105:18, 106:1 <b>modify</b> [1] - 117:20 <b>moment</b> [5] - 3:11, 43:14, 89:1, 118:19, 119:13 <b>moments</b> [1] - 33:4 <b>Monday</b> [1] - 1:6 <b>monitor</b> [2] - 43:22, 66:22 <b>month</b> [1] - 30:18 <b>moot</b> [1] - 23:16 <b>more..</b> [1] - 101:12 <b>morning</b> [12] - 3:2, 3:11, 12:5, 12:14, 12:17, 27:5, 30:23, 40:2, 40:3, 43:3, 46:1, 46:16 <b>most</b> [8] - 14:5, 26:25, 49:5, 59:8, 73:23, 96:21, 97:14, 114:20 <b>mother</b> [1] - 40:25 <b>mothers</b> [1] - 89:18 <b>Motion</b> [4] - 2:7, 2:16, 34:15, 121:20 <b>motion</b> [38] - 3:21, 3:25, 4:5, 4:6, 8:6, 8:8, 8:16, 8:17, 19:5, 19:14, 34:14, 34:16, 34:23, 35:3, 35:4, 48:3, 48:4, 48:7, 48:12, 49:24, 49:25, 50:7, 71:14, 91:16, 91:20, 91:21, 92:3, 118:11, 118:14, 120:25, 121:19, 121:21, 121:25, 122:2, 122:10, 123:7, 123:8 <b>move</b> [12] - 8:9, 19:7, 29:14, 29:16, 30:7, 31:19, 34:17, 59:12, 65:17, 70:4, 108:2, 121:22 <b>moved</b> [5] - 3:23, 71:5,</p>	<p>94:20, 94:24, 99:20 <b>moving</b> [5] - 29:7, 29:9, 30:8, 30:21, 47:5 <b>MR</b> [375] - 3:2, 3:10, 3:15, 3:21, 3:24, 3:25, 4:3, 4:5, 4:7, 4:10, 4:16, 8:10, 8:12, 8:14, 8:16, 8:18, 9:8, 9:22, 10:3, 10:5, 10:6, 10:10, 10:13, 11:3, 11:5, 11:7, 11:10, 11:11, 11:18, 11:19, 11:21, 12:20, 12:22, 12:23, 12:25, 13:1, 13:5, 13:11, 13:17, 13:19, 13:22, 13:24, 14:1, 14:3, 14:5, 14:8, 14:13, 15:8, 15:10, 15:14, 15:17, 15:20, 16:4, 16:6, 16:10, 16:14, 17:4, 17:6, 19:2, 19:8, 19:9, 19:11, 19:13, 19:15, 19:18, 19:19, 19:21, 20:3, 20:8, 20:10, 20:13, 20:15, 20:20, 21:3, 21:10, 22:4, 22:7, 22:10, 22:13, 22:20, 22:21, 23:5, 23:6, 23:11, 24:1, 24:9, 24:11, 24:22, 24:24, 25:10, 25:11, 26:2, 26:6, 26:15, 26:16, 26:18, 26:23, 26:24, 27:8, 27:10, 27:12, 27:23, 28:1, 28:5, 28:7, 28:23, 29:15, 29:16, 30:3, 30:10, 30:11, 30:20, 31:4, 31:6, 31:15, 31:16, 31:24, 32:9, 32:11, 32:22, 33:1, 33:3, 33:5, 33:10, 33:12, 33:15, 33:17, 33:22, 34:5, 34:6, 34:12, 34:13, 34:16, 34:22, 34:23, 35:1, 35:3, 35:5, 36:8, 36:13, 37:5, 37:9, 37:11, 37:12, 37:15, 37:18, 37:21, 37:24, 38:17, 38:20, 39:4, 39:7, 39:13, 39:14, 39:21, 39:22, 39:23, 40:2, 40:3, 40:4, 40:7, 42:1, 42:3, 42:4, 42:7, 42:10, 48:1, 48:3, 48:4, 48:7, 48:10, 48:12,</p>
<b>M</b>				
<p><b>magnitude</b> [1] - 96:2 <b>mailers</b> [1] - 38:15 <b>mailing</b> [1] - 17:2 <b>main</b> [1] - 78:10 <b>major</b> [3] - 46:21, 90:19, 104:3 <b>majority</b> [2] - 100:14, 116:23 <b>mall</b> [1] - 45:17 <b>management</b> [1] - 71:21 <b>MANAGER</b> [1] - 1:20 <b>mandate</b> [1] - 60:4 <b>mandated</b> [2] - 55:1, 55:3 <b>manual</b> [2] - 64:12, 64:13 <b>Map</b> [1] - 81:24</p>				

<p>48:15, 48:24, 49:4, 49:9, 49:10, 49:18, 49:20, 49:23, 49:25, 50:1, 50:3, 50:5, 50:7, 50:10, 50:11, 50:13, 50:15, 50:18, 50:20, 50:23, 51:1, 51:3, 51:4, 54:14, 59:16, 62:4, 62:6, 65:14, 65:17, 69:25, 70:3, 70:4, 70:6, 70:8, 70:12, 70:15, 70:18, 70:20, 70:21, 70:25, 71:2, 71:3, 71:4, 71:5, 71:6, 71:8, 71:11, 71:13, 71:15, 71:16, 71:22, 71:23, 72:1, 72:6, 72:8, 72:9, 72:11, 72:23, 73:5, 73:17, 73:18, 75:20, 75:24, 76:2, 76:4, 76:11, 81:3, 81:4, 81:9, 81:11, 81:12, 81:20, 82:2, 82:3, 82:5, 82:25, 83:2, 83:23, 84:2, 84:6, 84:18, 84:21, 84:25, 85:3, 87:3, 87:5, 87:7, 87:9, 87:12, 87:15, 88:24, 89:1, 89:4, 89:5, 89:6, 89:7, 89:9, 90:1, 90:5, 90:6, 90:8, 90:10, 91:14, 91:15, 91:17, 91:18, 91:19, 91:21, 91:23, 91:25, 92:2, 92:4, 92:5, 92:7, 92:11, 92:12, 96:7, 96:11, 96:22, 97:4, 98:21, 98:23, 98:25, 99:3, 100:9, 100:16, 100:19, 100:24, 101:1, 101:10, 101:13, 101:16, 101:18, 102:15, 102:18, 102:19, 102:24, 102:25, 103:1, 103:10, 103:16, 103:19, 103:22, 104:5, 104:8, 104:15, 104:16, 104:18, 104:23, 105:2, 105:6, 105:14, 105:21, 106:8, 107:21, 107:25, 108:1, 108:20, 108:21, 108:23, 109:2, 109:10, 109:12, 109:14,</p>	<p>109:17, 110:5, 110:7, 110:10, 111:18, 111:21, 112:10, 114:7, 114:9, 115:2, 118:7, 118:10, 118:14, 118:19, 118:23, 118:24, 119:2, 119:9, 119:14, 119:20, 120:2, 120:4, 120:5, 120:11, 120:13, 120:24, 121:3, 121:4, 121:17, 121:21, 122:2, 122:5, 122:10, 122:13, 122:14, 122:17, 123:1, 123:6, 123:9  <b>MS</b> [56] - 3:14, 3:20, 3:23, 8:9, 8:11, 10:1, 10:9, 10:11, 13:6, 13:15, 16:2, 19:7, 20:19, 20:21, 21:9, 25:19, 29:14, 30:8, 36:12, 37:14, 37:17, 37:20, 37:23, 38:1, 42:6, 47:23, 50:2, 59:14, 65:16, 65:20, 71:7, 73:15, 84:8, 84:20, 90:7, 91:22, 96:13, 96:16, 97:3, 97:5, 104:7, 104:22, 104:24, 105:17, 106:1, 106:11, 106:17, 107:20, 107:24, 111:15, 111:19, 112:2, 112:4, 115:1, 122:3, 122:12  <b>MU</b> [3] - 9:5, 16:15, 36:5  <b>MU-S</b> [1] - 36:5  <b>MU-U</b> [1] - 9:5  <b>multifamily</b> [13] - 18:4, 20:5, 20:6, 20:11, 20:13, 54:4, 54:24, 58:3, 58:12, 58:19, 63:11, 102:2, 115:17  <b>Murphy</b> [1] - 46:11  <b>must</b> [6] - 5:11, 5:20, 6:3, 6:12, 55:22, 55:24</p>	<p>98:25, 100:20, 120:4  <b>narrow</b> [2] - 59:5, 74:4  <b>narrowly</b> [1] - 80:24  <b>National</b> [1] - 18:13  <b>nationwide</b> [1] - 79:13  <b>natural</b> [7] - 7:12, 7:14, 17:14, 18:12, 18:18, 69:5, 81:1  <b>nature</b> [7] - 4:21, 33:19, 83:6, 91:11, 94:18, 94:19, 97:17  <b>NAVY</b> [1] - 1:17  <b>Navy</b> [11] - 37:3, 40:14, 60:23, 64:23, 66:13, 69:23, 78:21, 84:3, 113:21, 116:25, 122:16  <b>Navy's</b> [5] - 62:10, 76:14, 80:10, 122:24  <b>nearby</b> [3] - 68:8, 92:20, 94:17  <b>necessarily</b> [2] - 119:20, 119:23  <b>necessary</b> [3] - 18:16, 31:14, 101:19  <b>need</b> [13] - 13:23, 14:3, 14:9, 16:4, 25:25, 30:7, 47:24, 72:9, 72:21, 86:17, 89:4, 100:19, 116:25  <b>needed</b> [1] - 17:21  <b>needs</b> [5] - 15:12, 27:10, 54:18, 94:7, 119:24  <b>neighborhood</b> [5] - 87:18, 97:17, 100:14, 114:6, 117:10  <b>Neighborhood</b> [1] - 9:4  <b>neighborhoods</b> [1] - 102:8  <b>neighbors</b> [11] - 59:18, 98:7, 98:20, 100:3, 100:11, 109:21, 110:21, 116:18, 117:4, 117:18, 118:1  <b>neighbors'</b> [1] - 48:21  <b>never</b> [5] - 53:9, 53:10, 102:12, 113:9, 113:23  <b>new</b> [18] - 5:18, 10:18, 10:22, 13:12, 19:5, 25:21, 26:3, 26:4, 28:2, 28:9, 44:13, 72:6, 72:15, 81:23, 82:1, 82:13, 95:9  <b>newer</b> [2] - 43:5, 99:24  <b>next</b> [27] - 7:23, 31:10,</p>	<p>31:20, 42:10, 43:21, 44:1, 44:3, 44:12, 44:15, 44:20, 45:2, 45:8, 45:14, 45:18, 45:23, 45:25, 46:4, 46:6, 46:11, 46:16, 48:24, 59:13, 70:5, 74:4, 74:14, 93:7, 95:19  <b>night</b> [1] - 43:3  <b>Nine</b> [1] - 29:24  <b>nineties</b> [1] - 47:17  <b>NO</b> [4] - 2:5, 2:8, 9:2, 36:2  <b>nobody</b> [1] - 114:12  <b>noise</b> [4] - 79:6, 79:7, 79:8, 81:8  <b>None</b> [6] - 4:4, 19:12, 35:2, 48:11, 50:6, 71:12  <b>none</b> [8] - 4:15, 8:15, 10:5, 10:11, 34:9, 37:14, 41:4, 92:1  <b>nonexistent</b> [1] - 41:23  <b>nonsensical</b> [1] - 59:7  <b>North</b> [40] - 36:2, 36:16, 40:7, 43:13, 44:6, 44:8, 44:9, 44:18, 65:1, 65:5, 65:21, 87:12, 88:10, 88:18, 89:13, 89:16, 89:20, 89:23, 90:15, 91:12, 93:4, 94:13, 94:20, 95:4, 96:13, 97:6, 97:11, 98:10, 99:1, 99:5, 99:19, 102:6, 104:7, 109:25, 110:22, 111:13, 111:16, 112:2, 113:4, 119:16  <b>north</b> [14] - 16:23, 20:4, 38:12, 43:10, 47:5, 57:14, 69:3, 93:4, 95:9, 110:8, 113:25, 115:7, 118:3  <b>north/south</b> [1] - 109:5  <b>northeast</b> [2] - 44:25, 45:23  <b>northern</b> [1] - 56:20  <b>Northwest</b> [1] - 95:7  <b>northwest</b> [1] - 46:6  <b>northwestern</b> [1] - 43:11  <b>NOT</b> [1] - 1:13  <b>Notary</b> [1] - 124:6  <b>notary</b> [1] - 124:21  <b>note</b> [6] - 5:14, 21:11, 21:19, 69:22, 85:16,</p>	<p>86:1  <b>noted</b> [3] - 4:16, 82:15, 90:2  <b>nothing</b> [4] - 21:5, 33:19, 90:12, 119:22  <b>notice</b> [8] - 22:21, 23:2, 23:8, 26:22, 37:18, 37:21, 95:20, 105:17  <b>noticed</b> [3] - 22:15, 85:5, 97:11  <b>number</b> [5] - 45:21, 51:20, 51:23, 64:11, 81:17  <b>Number</b> [5] - 6:13, 18:7, 32:1, 32:18, 36:15  <b>numbers</b> [3] - 71:23, 71:24, 88:2</p>
<b>O</b>				
<p><b>oath</b> [1] - 4:23  <b>objection</b> [1] - 28:20  <b>objections</b> [1] - 7:20  <b>objectives</b> [2] - 11:14, 39:17  <b>observed</b> [3] - 17:14, 18:2, 68:16  <b>obvious</b> [1] - 104:18  <b>obviously</b> [7] - 23:14, 26:25, 83:21, 97:23, 97:25, 111:13, 115:11  <b>occupation</b> [1] - 70:13  <b>occur</b> [4] - 64:19, 64:20, 88:10, 97:1  <b>occurred</b> [1] - 43:5  <b>occurs</b> [1] - 89:22  <b>OF</b> [4] - 2:17, 124:1, 124:3, 124:4  <b>offer</b> [8] - 4:11, 4:14, 39:1, 39:24, 41:21, 42:22, 48:1, 93:13  <b>offers</b> [1] - 41:22  <b>Office</b> [2] - 1:7, 17:9  <b>office</b> [5] - 11:25, 44:13, 71:25, 117:14, 117:17  <b>offices</b> [2] - 66:6, 105:20  <b>official</b> [1] - 124:17  <b>Oil</b> [1] - 46:11  <b>Old</b> [1] - 97:12  <b>once</b> [2] - 23:17, 92:22  <b>One</b> [3] - 51:8, 51:10, 51:11  <b>one</b> [70] - 12:10, 14:18, 18:4, 18:7,</p>				

<p>22:5, 22:6, 24:11, 24:15, 30:21, 41:15, 41:20, 44:15, 45:15, 46:23, 47:2, 53:3, 53:8, 55:22, 57:7, 58:17, 60:2, 60:10, 61:14, 61:16, 61:21, 61:23, 62:1, 62:5, 63:18, 63:19, 68:2, 68:17, 73:2, 74:12, 83:8, 83:19, 85:5, 88:21, 89:1, 89:2, 89:3, 89:13, 90:24, 92:24, 93:12, 94:20, 94:23, 95:10, 95:14, 95:24, 96:25, 98:17, 99:24, 104:3, 108:10, 110:6, 110:20, 112:7, 114:15, 115:14, 116:3, 116:12, 116:22, 117:14, 120:6, 121:4</p> <p><b>one-half</b> [1] - 53:8  <b>one-quarter</b> [1] - 68:2  <b>operations</b> [1] - 66:22  <b>opinion</b> [2] - 5:4, 29:6  <b>opportunity</b> [11] - 24:1, 24:20, 27:14, 27:18, 27:24, 28:9, 28:16, 28:20, 30:13, 33:17, 97:10  <b>opposed</b> [8] - 4:3, 19:11, 35:1, 48:10, 50:5, 71:11, 91:25, 123:6  <b>Opposed</b> [1] - 8:14  <b>opposition</b> [3] - 21:16, 85:24, 87:22  <b>optical</b> [1] - 74:12  <b>option</b> [5] - 25:15, 28:13, 57:17, 107:2, 108:14  <b>options</b> [1] - 28:18  <b>oral</b> [1] - 6:7  <b>orange</b> [2] - 74:14, 114:9  <b>order</b> [6] - 3:6, 6:5, 24:12, 54:14, 79:21, 86:6  <b>orderly</b> [4] - 7:18, 18:21, 69:17, 84:11  <b>ordinary</b> [1] - 23:1  <b>organized</b> [1] - 87:16  <b>orient</b> [1] - 14:13  <b>originally</b> [3] - 12:6, 24:6, 40:10  <b>otherwise</b> [1] - 65:1  <b>outcome</b> [1] - 124:15  <b>outside</b> [5] - 6:7,</p>	<p>66:20, 69:1, 75:12, 118:16  <b>overall</b> [2] - 103:14, 106:3  <b>Overlay</b> [1] - 56:9  <b>overlay</b> [17] - 36:6, 51:16, 55:18, 57:18, 60:25, 61:1, 62:16, 65:22, 65:23, 67:11, 76:15, 77:6, 105:13, 106:21, 106:22, 109:10  <b>overlays</b> [2] - 51:23, 54:7  <b>overlooked</b> [1] - 77:19  <b>overwhelmingly</b> [2] - 24:5, 26:9  <b>own</b> [3] - 15:25, 99:18, 120:20  <b>owned</b> [1] - 52:21  <b>Owner</b> [1] - 9:7  <b>owner</b> [3] - 54:12, 54:18, 62:18  <b>owners</b> [3] - 24:7, 108:11, 108:13</p> <p style="text-align: center;"><b>P</b></p>	<p>61:11, 67:3, 67:6, 67:10, 67:13, 67:14, 67:18, 68:1, 68:6, 73:22, 75:3, 75:6, 75:10, 75:17, 78:4, 103:7, 104:4, 107:9, 108:20, 108:21, 108:22, 108:24, 116:6, 122:1, 122:7, 122:8, 122:20  <b>Parcel</b> [2] - 9:3, 36:3  <b>parcels</b> [15] - 24:4, 24:11, 26:8, 38:8, 40:11, 61:6, 61:9, 61:10, 67:5, 68:20, 69:17, 83:18, 97:15, 102:7  <b>parents</b> [3] - 40:8, 97:22, 98:3  <b>Park</b> [2] - 1:7, 70:15  <b>park</b> [4] - 68:18, 88:13, 106:1  <b>parking</b> [3] - 45:3, 45:11, 46:14  <b>Parkway</b> [11] - 40:18, 40:22, 43:10, 43:25, 72:19, 89:11, 90:20, 91:2, 92:23, 97:12, 98:4  <b>part</b> [14] - 5:3, 20:1, 26:2, 53:17, 72:8, 72:23, 73:1, 75:10, 84:18, 88:8, 93:15, 103:8, 109:19, 119:21  <b>parte</b> [10] - 6:10, 6:16, 9:14, 10:3, 36:20, 37:9, 37:12, 85:8, 85:14  <b>particular</b> [7] - 28:21, 59:1, 60:20, 74:3, 75:3, 105:12, 122:20  <b>parties</b> [2] - 37:19, 124:13  <b>Partington</b> [1] - 38:21  <b>parts</b> [1] - 26:11  <b>pass</b> [3] - 49:12, 50:15, 120:24  <b>passed</b> [7] - 4:6, 8:17, 19:14, 35:4, 71:14, 92:3, 123:8  <b>past</b> [2] - 64:22, 104:11  <b>patience</b> [2] - 16:11, 27:5  <b>pattern</b> [9] - 7:18, 18:21, 69:17, 69:21, 74:13, 84:10, 84:11, 84:16, 88:16  <b>patterns</b> [6] - 7:16,</p>	<p>18:19, 69:15, 79:17, 81:2, 113:1  <b>PATTY</b> [1] - 1:16  <b>Patty</b> [1] - 85:5  <b>peaceful</b> [1] - 101:23  <b>Pensacola</b> [6] - 1:8, 40:8, 79:2, 87:13, 95:10, 95:13  <b>people</b> [14] - 21:24, 33:24, 51:14, 80:16, 87:22, 88:1, 89:17, 89:25, 94:19, 95:14, 95:21, 96:1, 114:16  <b>per</b> [24] - 41:16, 52:3, 55:6, 55:7, 55:21, 56:10, 56:14, 58:9, 60:19, 64:4, 64:12, 64:13, 64:14, 66:25, 67:5, 67:14, 67:19, 68:4, 72:5, 95:24, 108:12, 113:10, 115:22, 116:12  <b>percent</b> [7] - 88:25, 89:10, 102:4, 110:23, 112:11, 112:13  <b>percentage</b> [1] - 88:1  <b>performance</b> [1] - 17:22  <b>period</b> [2] - 30:16, 40:11  <b>permanent</b> [1] - 18:23  <b>permission</b> [1] - 105:22  <b>permitted</b> [1] - 69:20  <b>personal</b> [1] - 105:23  <b>personally</b> [1] - 43:1  <b>perspective</b> [1] - 118:21  <b>petitions</b> [1] - 100:13  <b>phantom</b> [2] - 55:8, 55:9  <b>Pharmacy</b> [1] - 45:1  <b>photo</b> [1] - 45:14  <b>photograph</b> [2] - 43:21, 44:12  <b>photographs</b> [5] - 37:25, 42:14, 42:25, 47:24, 53:1  <b>Photographs</b> [2] - 2:10, 48:13  <b>photos</b> [2] - 7:22, 46:8  <b>phrase</b> [1] - 116:3  <b>pick</b> [2] - 14:16, 116:3  <b>picture</b> [4] - 38:11, 44:12, 44:16, 74:13  <b>piece</b> [6] - 61:25, 93:2, 93:14, 99:7, 99:14, 111:8  <b>pieces</b> [1] - 26:11</p>	<p><b>pin</b> [1] - 103:22  <b>pink</b> [1] - 109:8  <b>Place</b> [2] - 1:8, 70:15  <b>placed</b> [1] - 51:24  <b>places</b> [2] - 85:1, 111:10  <b>Plan</b> [29] - 6:22, 11:14, 11:15, 17:11, 24:3, 26:12, 31:5, 39:17, 39:18, 46:20, 52:7, 52:10, 52:12, 52:16, 55:1, 55:6, 59:19, 60:3, 60:11, 62:9, 66:2, 66:10, 66:25, 78:9, 78:13, 78:19, 80:24, 82:8  <b>plan</b> [3] - 6:24, 62:24, 69:13  <b>planes</b> [1] - 79:9  <b>planner</b> [2] - 70:16, 70:19  <b>PLANNER</b> [2] - 1:20, 1:21  <b>PLANNING</b> [3] - 1:1, 1:12, 1:20  <b>planning</b> [6] - 4:12, 60:1, 70:23, 71:17, 74:22, 105:8  <b>Planning</b> [35] - 1:6, 3:3, 3:5, 4:17, 4:24, 5:1, 5:7, 5:11, 5:16, 5:22, 6:6, 6:8, 6:19, 9:16, 10:15, 21:12, 21:15, 21:21, 24:25, 25:1, 25:4, 25:5, 25:7, 25:17, 25:23, 36:22, 51:11, 51:12, 80:19, 80:22, 81:24, 85:17, 85:22, 86:3, 99:15  <b>Plaza</b> [2] - 45:13, 45:20  <b>plaza</b> [2] - 45:15, 45:18  <b>Pleasant</b> [2] - 87:20, 94:19  <b>pleasure</b> [1] - 28:23  <b>Pledge</b> [2] - 3:8, 3:9  <b>plus</b> [6] - 21:6, 55:13, 69:9, 70:20, 88:25, 89:10  <b>pockets</b> [1] - 110:14  <b>point</b> [25] - 15:22, 27:13, 31:11, 33:5, 33:16, 33:22, 39:9, 46:18, 46:23, 51:13, 53:1, 64:18, 65:10, 77:19, 82:6, 88:24, 110:19, 112:4, 112:10, 114:16,</p>
--	--	--	---	--

<p>117:1, 118:21, 119:24  <b>Points</b> [3] - 2:11, 49:14, 50:8  <b>points</b> [3] - 24:15, 106:19, 123:1  <b>policies</b> [2] - 11:15, 39:18  <b>Policy</b> [3] - 52:10, 59:19, 60:12  <b>polished</b> [1] - 87:16  <b>population</b> [1] - 80:13  <b>populations</b> [1] - 80:14  <b>portion</b> [47] - 7:1, 11:16, 30:4, 33:6, 39:19, 40:21, 42:11, 42:13, 42:23, 43:9, 44:1, 53:25, 54:8, 55:17, 59:1, 61:10, 66:19, 67:6, 67:10, 67:12, 67:15, 67:16, 75:12, 83:1, 106:25, 109:5, 109:8, 109:9, 109:17, 109:21, 109:22, 109:25, 110:13, 110:25, 116:11, 116:13, 116:17, 117:21, 117:23, 118:16, 118:18, 121:25, 122:1, 122:6, 122:8  <b>possible</b> [2] - 41:3, 87:4  <b>possibly</b> [1] - 102:2  <b>posted</b> [2] - 37:21, 38:1  <b>potential</b> [3] - 64:17, 79:4, 80:5  <b>Potential</b> [5] - 78:23, 78:24, 79:22, 109:7, 111:3  <b>potentially</b> [2] - 57:21, 111:6  <b>practical</b> [2] - 64:18, 65:10  <b>practically</b> [1] - 111:12  <b>practice</b> [1] - 23:6  <b>precarious</b> [1] - 76:14  <b>preclude</b> [1] - 68:25  <b>precludes</b> [2] - 57:4, 64:25  <b>predominately</b> [2] - 17:15, 18:25  <b>prefer</b> [2] - 15:25, 49:4  <b>preferably</b> [1] - 122:17  <b>prejudiced</b> [1] - 28:12  <b>prejudicial</b> [1] - 6:11  <b>Preliminary</b> [1] - 2:3</p>	<p><b>premature</b> [1] - 94:7  <b>prepare</b> [2] - 28:17, 28:21  <b>prepared</b> [6] - 13:7, 13:18, 22:13, 23:25, 42:14, 49:13  <b>PRESENT</b> [1] - 1:13  <b>present</b> [19] - 5:15, 7:21, 12:24, 16:2, 19:20, 21:20, 28:9, 28:17, 31:23, 37:25, 42:8, 42:11, 54:6, 70:1, 85:2, 86:2, 86:10, 91:4, 120:16  <b>presentation</b> [15] - 11:20, 12:3, 12:13, 13:2, 13:3, 13:23, 16:12, 48:18, 48:25, 49:3, 65:15, 65:18, 73:1, 83:24, 84:1  <b>Presentation</b> [7] - 2:6, 2:7, 2:10, 2:11, 16:13, 42:9, 65:19  <b>presented</b> [11] - 5:19, 5:21, 26:4, 34:19, 37:8, 49:23, 53:2, 70:7, 70:22, 72:4, 121:24  <b>preserve</b> [1] - 97:18  <b>presumed</b> [1] - 6:11  <b>pretty</b> [2] - 104:18, 105:17  <b>prevented</b> [1] - 98:5  <b>prevents</b> [2] - 27:16, 117:24  <b>previous</b> [3] - 10:21, 10:22, 73:3  <b>previously</b> [7] - 4:10, 8:4, 10:12, 19:3, 24:11, 39:8, 90:16  <b>price</b> [1] - 93:15  <b>primarily</b> [5] - 39:24, 49:21, 65:2, 77:6, 109:21  <b>primary</b> [1] - 54:22  <b>printouts</b> [1] - 59:17  <b>problem</b> [11] - 26:3, 29:9, 30:8, 30:10, 30:11, 50:21, 58:2, 93:16, 99:23, 116:5, 117:2  <b>problems</b> [2] - 25:19, 74:21  <b>proceed</b> [8] - 11:19, 13:13, 28:18, 29:4, 32:7, 39:22, 40:1, 89:8  <b>proceeding</b> [5] - 28:14, 118:22, 124:10, 124:14</p>	<p><b>proceedings</b> [4] - 1:5, 16:8, 31:22, 84:23  <b>process</b> [4] - 18:16, 78:3, 101:19, 103:8  <b>processes</b> [1] - 3:12  <b>professional</b> [2] - 66:5, 105:19  <b>progression</b> [2] - 74:8, 78:19  <b>prohibit</b> [2] - 80:12, 80:13  <b>prohibition</b> [1] - 62:8  <b>prohibits</b> [1] - 57:23  <b>project</b> [3] - 96:24, 103:5, 103:7  <b>Proof</b> [1] - 3:13  <b>properly</b> [1] - 31:17  <b>properties</b> [5] - 18:2, 18:11, 94:1, 94:17, 97:13  <b>property</b> [137] - 7:8, 7:11, 7:22, 9:18, 9:23, 10:4, 10:10, 12:1, 17:2, 18:15, 18:21, 19:25, 20:4, 36:25, 37:5, 37:22, 38:10, 39:25, 40:9, 40:18, 40:19, 40:21, 40:24, 41:14, 41:19, 41:21, 41:23, 41:25, 43:11, 43:12, 44:8, 44:17, 46:18, 46:25, 47:11, 47:18, 51:16, 51:19, 51:22, 51:24, 52:6, 52:11, 53:9, 53:14, 53:21, 54:1, 54:6, 54:8, 54:10, 54:12, 54:15, 55:16, 55:17, 55:20, 56:11, 57:9, 58:6, 58:10, 58:23, 59:1, 59:7, 60:21, 60:24, 61:3, 61:21, 61:25, 62:15, 62:18, 62:19, 65:2, 65:6, 65:12, 66:15, 68:23, 72:13, 76:21, 76:23, 76:24, 77:1, 77:17, 78:18, 78:20, 78:21, 79:17, 80:15, 82:3, 83:15, 88:9, 90:14, 90:17, 91:6, 93:3, 93:14, 93:24, 94:17, 96:19, 96:25, 97:7, 97:10, 97:15, 97:23, 97:24, 98:1, 98:2, 98:5, 98:14, 98:17, 99:4, 99:5, 99:8, 99:9, 99:14, 99:25, 100:8, 102:13, 108:11,</p>	<p>108:13, 109:22, 110:13, 111:2, 111:8, 112:13, 113:8, 114:11, 114:13, 114:17, 114:21, 115:8, 116:17, 117:25, 118:16, 120:7, 120:19, 120:20  <b>property's</b> [2] - 53:15, 57:6  <b>proposal</b> [4] - 61:20, 62:10, 117:9, 120:17  <b>propose</b> [1] - 116:9  <b>proposed</b> [31] - 6:23, 7:1, 7:6, 7:7, 7:13, 7:17, 11:13, 17:12, 17:16, 17:25, 18:20, 20:23, 39:16, 66:7, 66:14, 67:8, 67:21, 67:24, 68:9, 68:14, 69:16, 73:8, 76:3, 82:1, 84:10, 89:22, 92:14, 92:18, 94:6, 94:15, 95:2  <b>protect</b> [2] - 80:16, 116:18  <b>Protection</b> [2] - 51:8, 51:10  <b>protections</b> [1] - 67:18  <b>protects</b> [1] - 117:3  <b>protest</b> [2] - 101:3, 101:14  <b>provide</b> [5] - 5:22, 43:6, 57:8, 69:11, 82:13  <b>provided</b> [9] - 6:12, 8:5, 49:11, 52:3, 60:2, 64:10, 71:24, 78:17, 83:20  <b>provides</b> [4] - 53:5, 54:25, 56:8, 60:12  <b>providing</b> [4] - 11:12, 39:15, 74:22, 122:23  <b>provision</b> [5] - 52:16, 52:24, 55:6, 60:10, 63:24  <b>provisions</b> [2] - 49:22, 59:23  <b>proximity</b> [2] - 69:18, 95:12  <b>public</b> [28] - 8:2, 9:17, 10:13, 16:20, 21:10, 31:12, 32:12, 32:13, 32:17, 33:6, 33:9, 34:8, 36:23, 49:5, 49:15, 51:2, 65:9, 66:6, 71:19, 85:11, 85:15, 100:17,</p>	<p>102:20, 102:23, 106:10, 119:4, 119:12  <b>Public</b> [3] - 2:12, 124:7, 124:21  <b>PUBLIC</b> [1] - 1:22  <b>Publication</b> [1] - 3:13  <b>publication</b> [1] - 3:18  <b>publicly</b> [1] - 22:15  <b>pull</b> [2] - 89:2, 108:18  <b>pulled</b> [1] - 81:5  <b>pulling</b> [1] - 78:12  <b>purchased</b> [1] - 99:9  <b>pure</b> [1] - 46:23  <b>purpose</b> [8] - 7:3, 17:13, 66:8, 67:11, 77:4, 82:8, 108:5, 108:10  <b>purposes</b> [2] - 61:9, 98:19  <b>pushing</b> [1] - 89:18  <b>put</b> [19] - 15:15, 19:22, 40:23, 61:21, 61:22, 63:2, 63:5, 72:11, 95:9, 99:13, 103:5, 109:12, 110:5, 112:5, 113:11, 114:14, 115:13, 116:20, 116:21  <b>putting</b> [2] - 13:12, 101:20</p> <p style="text-align: center;"><b>Q</b></p> <p><b>quadrant</b> [6] - 44:23, 44:24, 44:25, 45:22, 45:24, 46:7  <b>qualifications</b> [1] - 4:13  <b>qualified</b> [1] - 4:10  <b>qualify</b> [1] - 60:10  <b>quality</b> [1] - 95:3  <b>quarter</b> [4] - 64:2, 68:2, 101:20, 107:10  <b>Quasi</b> [1] - 1:5  <b>quasi</b> [4] - 3:3, 4:20, 4:21, 22:16  <b>Quasi-judicial</b> [1] - 1:5  <b>quasi-judicial</b> [3] - 3:3, 4:20, 4:21  <b>quasi-jurisdictional</b> [1] - 22:16  <b>questions</b> [18] - 4:13, 10:1, 12:20, 19:16, 23:12, 33:8, 34:7, 42:2, 42:4, 65:13, 65:14, 93:12, 102:22, 104:21,</p>
---	---	--	---	---

<p>106:9, 107:21, 118:6, 118:20 <b>quick</b> [4] - 90:7, 106:11, 118:10, 119:14 <b>quickly</b> [3] - 80:11, 91:6, 108:3 <b>quiet</b> [3] - 90:7, 97:20, 101:24 <b>quite</b> [4] - 26:13, 47:14, 48:19, 103:3 <b>quorum</b> [1] - 3:6</p>	<p><b>raise</b> [1] - 123:4 <b>raised</b> [3] - 28:19, 103:17, 119:8 <b>raising</b> [1] - 40:20 <b>ramifications</b> [2] - 26:7, 26:17 <b>ranchers</b> [4] - 41:5, 97:25, 98:6, 98:10 <b>ranching</b> [1] - 40:23 <b>RANGE</b> [1] - 1:20 <b>range</b> [1] - 67:23 <b>rate</b> [2] - 72:4, 72:5 <b>rather</b> [3] - 23:20, 74:8, 111:13 <b>reached</b> [1] - 32:23 <b>read</b> [5] - 42:16, 76:16, 80:11, 116:1 <b>reading</b> [1] - 3:22 <b>reads</b> [1] - 61:9 <b>readvertising</b> [1] - 22:17 <b>ready</b> [5] - 16:2, 32:6, 32:7, 32:10, 36:11 <b>real</b> [3] - 66:13, 79:19, 80:11 <b>realize</b> [2] - 114:17, 116:5 <b>really</b> [25] - 20:8, 21:6, 21:7, 23:16, 27:12, 28:7, 42:12, 42:14, 47:23, 48:16, 56:19, 64:16, 65:11, 71:16, 72:16, 75:3, 77:17, 89:12, 90:12, 103:12, 111:2, 111:11, 112:25, 115:25, 118:4 <b>Realtors</b> [1] - 41:20 <b>reason</b> [6] - 59:15, 87:23, 99:3, 101:22, 110:23, 112:21 <b>reasonable</b> [1] - 54:25 <b>reasons</b> [3] - 13:9, 94:24, 96:4 <b>received</b> [3] - 5:13, 11:7, 39:11 <b>recent</b> [1] - 90:20 <b>recently</b> [1] - 81:6 <b>recess</b> [4] - 14:8, 16:6, 31:18, 84:21 <b>recognized</b> [1] - 39:8 <b>recommend</b> [3] - 34:17, 75:9, 121:22 <b>recommendation</b> [4] - 5:23, 6:20, 31:9, 77:12 <b>recommendations</b> [6] - 4:18, 29:18, 60:15, 60:16, 66:17, 66:24 <b>recommended</b> [1] -</p>	<p>6:5 <b>recommending</b> [4] - 75:7, 75:11, 75:13, 75:17 <b>reconvene</b> [4] - 31:25, 32:12, 84:22, 85:3 <b>record</b> [25] - 5:3, 5:6, 5:16, 8:21, 10:19, 11:4, 13:12, 13:25, 21:21, 22:9, 27:23, 28:10, 33:2, 33:16, 40:5, 70:13, 72:12, 72:17, 84:18, 84:19, 86:3, 86:23, 87:11, 98:24, 100:21 <b>recreational</b> [1] - 66:6 <b>red</b> [3] - 38:3, 55:16, 116:13 <b>reduced</b> [1] - 74:5 <b>reference</b> [5] - 25:22, 59:12, 82:6, 113:17, 115:20 <b>referring</b> [1] - 108:23 <b>reflected</b> [1] - 53:23 <b>regarded</b> [2] - 14:23, 73:25 <b>regarding</b> [9] - 4:13, 6:9, 12:9, 15:5, 20:24, 21:1, 23:13, 32:17, 69:23 <b>regards</b> [7] - 23:23, 31:1, 31:2, 70:22, 76:19, 82:9, 104:19 <b>Regional</b> [1] - 95:7 <b>regular</b> [1] - 79:25 <b>regularly</b> [1] - 43:8 <b>regulating</b> [1] - 61:9 <b>regulation</b> [1] - 67:14 <b>regulations</b> [1] - 78:13 <b>rejects</b> [1] - 6:5 <b>relates</b> [2] - 121:1, 121:25 <b>relative</b> [4] - 9:19, 36:25, 124:12, 124:13 <b>relatively</b> [1] - 97:20 <b>release</b> [1] - 23:10 <b>released</b> [1] - 81:6 <b>relevant</b> [2] - 5:8, 52:1 <b>relief</b> [1] - 83:13 <b>rely</b> [1] - 15:23 <b>remain</b> [1] - 41:4 <b>remained</b> [2] - 122:18, 122:25 <b>remaining</b> [1] - 40:24 <b>remand</b> [1] - 14:15 <b>remanded</b> [3] - 3:15, 10:15, 12:4 <b>Remarks</b> [1] - 2:3 <b>remember</b> [4] - 10:20,</p>	<p>72:14, 88:6, 114:23 <b>remove</b> [1] - 21:1 <b>reopen</b> [1] - 119:12 <b>repercussions</b> [1] - 103:4 <b>reply</b> [1] - 119:1 <b>report</b> [8] - 42:17, 52:5, 53:17, 54:5, 63:18, 63:21, 73:6, 82:15 <b>REPORTED</b> [1] - 1:23 <b>reporter</b> [1] - 4:7 <b>REPORTER</b> [4] - 1:23, 2:17, 124:1, 124:20 <b>Reporter</b> [1] - 124:6 <b>reports</b> [1] - 98:14 <b>REPRESENTATIVE</b> [1] - 1:17 <b>representative</b> [5] - 10:24, 36:18, 38:18, 60:23, 84:3 <b>representing</b> [1] - 74:24 <b>request</b> [32] - 5:11, 5:23, 8:2, 12:6, 15:9, 22:2, 22:15, 23:10, 23:11, 26:6, 28:1, 28:21, 51:5, 66:7, 67:9, 67:21, 69:19, 76:13, 77:14, 77:25, 79:20, 80:23, 82:20, 84:12, 90:21, 96:4, 96:5, 113:21, 118:15, 120:14, 120:15, 120:23 <b>Requested</b> [2] - 9:6, 36:6 <b>requested</b> [8] - 9:12, 11:23, 25:14, 36:17, 76:25, 78:5, 93:19, 107:17 <b>requesting</b> [1] - 65:24 <b>requests</b> [5] - 9:10, 21:25, 36:15, 93:25, 116:23 <b>require</b> [1] - 57:1 <b>required</b> [4] - 6:18, 72:20, 72:22, 93:6 <b>requirement</b> [6] - 53:7, 53:10, 54:16, 55:5, 58:1, 95:25 <b>requirements</b> [8] - 3:19, 11:25, 17:18, 17:21, 53:12, 56:18, 58:18, 72:20 <b>requires</b> [3] - 55:20, 59:22, 66:11 <b>rescinded</b> [1] - 12:6 <b>research</b> [1] - 24:10 <b>reserve</b> [4] - 33:3,</p>	<p>49:2, 63:17, 84:4 <b>residence</b> [1] - 98:18 <b>residences</b> [3] - 89:15, 99:22, 100:1 <b>residential</b> [29] - 17:16, 18:4, 18:25, 24:5, 26:9, 51:24, 53:5, 60:14, 63:5, 65:11, 66:4, 66:5, 66:16, 68:19, 69:4, 69:18, 76:7, 76:8, 91:11, 93:18, 94:12, 98:1, 105:4, 105:19, 108:8, 108:15, 111:12, 112:17 <b>Residential</b> [27] - 9:4, 17:8, 36:3, 36:17, 46:22, 51:6, 52:4, 52:24, 53:4, 54:2, 55:4, 55:9, 56:3, 57:23, 58:2, 58:8, 65:24, 87:24, 90:18, 92:23, 93:7, 93:9, 93:20, 94:9, 94:25, 97:14, 117:23 <b>residentially</b> [1] - 63:14 <b>Resolution</b> [1] - 6:13 <b>response</b> [1] - 76:13 <b>rest</b> [9] - 29:11, 59:6, 87:7, 89:12, 89:13, 89:15, 96:7, 98:19, 100:1 <b>restaurant</b> [1] - 65:7 <b>restrict</b> [6] - 41:17, 54:12, 61:2, 61:18, 63:14, 109:12 <b>restricted</b> [8] - 41:15, 42:19, 47:19, 58:25, 61:13, 109:6, 114:20, 116:12 <b>restriction</b> [6] - 56:5, 64:20, 80:21, 111:25, 114:24, 115:3 <b>restrictions</b> [4] - 41:10, 57:19, 58:18, 60:20 <b>restricts</b> [1] - 55:19 <b>result</b> [8] - 7:14, 7:17, 18:20, 66:15, 69:16, 79:16, 84:10, 94:16 <b>resulting</b> [1] - 41:6 <b>results</b> [1] - 60:13 <b>resume</b> [1] - 31:11 <b>resurvey</b> [1] - 120:7 <b>resurveyed</b> [1] - 120:21 <b>retail</b> [1] - 66:5 <b>returned</b> [1] - 31:25</p>
<b>R</b>				
<p><b>R-1</b> [1] - 73:21 <b>R-2</b> [11] - 9:3, 9:11, 16:19, 17:8, 18:3, 18:8, 20:5, 20:6, 34:20, 58:7, 62:13 <b>R-3</b> [3] - 18:3, 18:8, 20:14 <b>R-4</b> [4] - 20:13, 56:11, 56:12, 60:17 <b>R-5</b> [60] - 12:8, 12:9, 12:14, 12:19, 13:9, 13:14, 13:18, 13:19, 13:21, 14:6, 14:19, 15:2, 15:6, 15:9, 15:13, 15:18, 16:3, 17:8, 17:23, 18:3, 18:23, 19:25, 20:1, 20:22, 20:25, 21:4, 22:16, 23:1, 23:4, 23:10, 23:23, 24:3, 24:20, 24:23, 25:4, 25:6, 25:12, 25:14, 25:24, 26:11, 26:13, 26:19, 26:22, 26:24, 27:2, 27:7, 27:13, 28:21, 29:1, 29:5, 29:7, 30:2, 30:13, 30:14, 30:17, 31:2, 34:21, 60:17 <b>R-5..</b> [1] - 13:16 <b>R-6</b> [30] - 9:4, 9:11, 11:23, 12:6, 12:17, 13:4, 13:8, 13:10, 14:21, 14:25, 15:11, 20:22, 21:5, 21:6, 22:14, 22:16, 22:25, 23:13, 23:14, 23:16, 23:20, 23:23, 25:9, 25:10, 38:5, 68:17, 105:7, 105:10, 105:11 <b>radius</b> [9] - 16:18, 17:1, 18:2, 38:14, 38:16, 68:15, 68:23, 68:25, 93:24</p>				

<p><b>returning</b> [1] - 32:4  <b>returns</b> [1] - 110:4  <b>Review</b> [2] - 17:20, 37:7  <b>review</b> [19] - 5:24, 6:2, 17:19, 18:16, 24:2, 25:4, 26:10, 28:16, 30:13, 30:17, 33:17, 63:1, 66:13, 69:8, 69:12, 69:13, 96:24, 97:2, 105:15  <b>reviewed</b> [1] - 92:13  <b>reviewing</b> [1] - 29:22  <b>rezone</b> [5] - 58:23, 66:7, 113:23, 117:20, 117:21  <b>rezoned</b> [5] - 18:8, 67:13, 67:14, 99:12, 102:1  <b>rezoning</b> [62] - 4:19, 5:23, 8:3, 8:6, 8:18, 9:9, 9:11, 11:8, 11:13, 15:3, 15:13, 15:18, 19:3, 22:14, 22:15, 22:25, 23:2, 23:7, 28:21, 31:20, 32:1, 33:21, 34:17, 34:20, 36:14, 36:16, 37:7, 38:1, 39:12, 39:16, 56:8, 60:13, 67:8, 67:21, 67:24, 68:16, 69:19, 69:24, 76:13, 76:19, 76:23, 77:2, 77:15, 77:16, 78:3, 80:23, 84:12, 84:14, 92:18, 94:6, 94:15, 99:4, 99:11, 100:10, 102:7, 107:8, 118:15, 121:6, 121:7, 121:22, 122:7, 123:10  <b>Rezoning</b> [2] - 65:20, 85:4  <b>rezonings</b> [7] - 66:15, 66:24, 70:23, 112:21, 112:22, 112:24, 113:16  <b>rid</b> [1] - 21:5  <b>Rigby</b> [20] - 2:10, 36:6, 38:20, 39:6, 39:8, 42:1, 42:9, 50:22, 69:2, 71:23, 78:11, 78:22, 83:19, 87:17, 108:23, 111:20, 118:25, 119:6, 119:11, 121:3  <b>RIGBY</b> [33] - 38:20, 39:13, 39:21, 39:23, 42:3, 42:7, 42:10,</p>	<p>48:1, 48:15, 49:4, 49:10, 49:20, 50:13, 50:23, 51:4, 54:14, 59:16, 62:6, 81:9, 81:12, 84:2, 108:1, 108:21, 109:2, 109:12, 109:17, 110:10, 111:18, 111:21, 112:10, 114:9, 115:2, 121:4  <b>Rigby's</b> [3] - 65:15, 81:25, 112:4  <b>rights</b> [2] - 80:15, 83:9  <b>road</b> [10] - 10:7, 14:24, 18:22, 43:8, 65:4, 111:22, 111:24, 112:2, 112:6  <b>Road</b> [52] - 36:2, 36:16, 40:7, 43:10, 43:13, 44:4, 44:6, 44:8, 44:9, 44:18, 65:5, 65:21, 72:14, 72:22, 87:13, 88:9, 88:11, 88:14, 88:18, 89:13, 89:16, 89:20, 89:24, 90:14, 90:15, 91:7, 91:12, 93:4, 94:14, 94:20, 95:4, 95:11, 95:19, 96:14, 97:6, 97:11, 98:10, 99:1, 99:6, 100:24, 101:21, 102:5, 102:6, 104:2, 104:7, 110:1, 110:22, 111:13, 111:14, 111:16, 113:5, 119:16  <b>roads</b> [3] - 14:23, 53:12, 112:9  <b>Roads</b> [1] - 65:1  <b>roadway</b> [1] - 64:1  <b>Roberts</b> [5] - 2:15, 100:24, 100:25, 120:5, 121:5  <b>ROBERTS</b> [7] - 100:24, 101:1, 101:13, 101:18, 102:18, 120:5, 120:13  <b>rolled</b> [1] - 81:7  <b>Roloph</b> [9] - 2:15, 98:21, 98:23, 98:25, 99:2, 118:19, 118:25, 119:9, 119:10  <b>ROLOPH</b> [5] - 98:25, 99:3, 100:9, 119:14, 120:2  <b>Romana</b> [1] - 38:21  <b>room</b> [2] - 5:12, 87:21</p>	<p><b>rooster</b> [1] - 94:23  <b>RR</b> [15] - 36:3, 38:2, 38:5, 58:7, 65:23, 67:3, 67:9, 68:17, 87:24, 89:12, 116:11, 122:1, 122:4, 122:6  <b>rule</b> [1] - 68:24  <b>run</b> [1] - 74:21  <b>runs</b> [1] - 59:5  <b>runway</b> [3] - 40:15, 79:24, 80:4  <b>Rural</b> [22] - 36:3, 36:16, 46:22, 51:5, 52:3, 52:24, 54:2, 55:4, 55:9, 56:3, 57:23, 58:2, 87:24, 90:18, 92:23, 93:7, 93:9, 93:20, 94:9, 94:25, 97:14, 117:23  <b>rural</b> [12] - 46:23, 46:25, 52:25, 53:2, 53:4, 58:7, 65:23, 91:11, 96:21, 98:1, 101:23</p> <p style="text-align: center;"><b>S</b></p> <p><b>safety</b> [1] - 80:16  <b>satisfied</b> [5] - 14:21, 15:1, 15:6, 15:13, 33:11  <b>satisfy</b> [2] - 13:21, 30:25  <b>SAUER</b> [15] - 50:11, 87:3, 87:7, 87:12, 87:15, 88:24, 89:4, 89:6, 89:9, 90:5, 90:10, 92:4, 92:12, 97:5, 97:9  <b>Sauer</b> [14] - 2:13, 2:13, 2:14, 87:4, 87:12, 87:14, 89:1, 90:3, 92:7, 92:9, 93:1, 97:4, 97:5, 97:8  <b>Sauer's</b> [1] - 114:17  <b>saw</b> [2] - 64:8, 109:18  <b>scheme</b> [1] - 20:2  <b>school</b> [1] - 85:11  <b>SCHOOL</b> [1] - 1:16  <b>screen</b> [8] - 43:23, 49:15, 50:13, 50:14, 88:7, 90:17, 92:5, 108:6  <b>se</b> [1] - 55:21  <b>seal</b> [1] - 124:17  <b>second</b> [22] - 3:24, 3:25, 8:10, 8:11, 19:8, 22:5, 26:20,</p>	<p>27:4, 32:3, 34:22, 34:24, 36:13, 36:14, 48:7, 50:1, 50:2, 71:6, 71:7, 83:11, 91:22, 122:11, 122:12  <b>Second</b> [1] - 48:6  <b>Section</b> [8] - 6:18, 21:13, 21:18, 56:8, 61:8, 73:6, 85:18, 86:1  <b>section</b> [9] - 31:12, 32:13, 56:16, 63:24, 102:21, 118:3, 120:8, 120:9, 121:1  <b>sections</b> [1] - 40:19  <b>secured</b> [1] - 64:23  <b>see</b> [43] - 19:24, 19:25, 27:11, 27:15, 30:12, 32:3, 33:18, 33:20, 41:13, 42:17, 43:1, 43:12, 43:14, 43:22, 44:2, 45:12, 45:15, 45:20, 50:11, 53:18, 54:5, 54:6, 55:15, 57:12, 63:20, 74:12, 79:17, 85:12, 88:17, 92:25, 96:8, 100:22, 102:11, 104:17, 105:24, 109:4, 109:20, 112:7, 113:24, 115:6, 121:11  <b>seeing</b> [2] - 22:18, 72:14  <b>seek</b> [1] - 6:2  <b>seeking</b> [2] - 13:19, 15:2  <b>seem</b> [2] - 77:17, 77:20  <b>sees</b> [1] - 18:9  <b>semi</b> [2] - 46:25, 52:25  <b>semi-rural</b> [1] - 46:25  <b>sense</b> [3] - 58:20, 111:7, 120:1  <b>sensitive</b> [9] - 54:3, 54:18, 54:21, 56:6, 59:9, 59:25, 60:7, 62:17, 78:21  <b>sent</b> [4] - 37:19, 38:15, 76:12, 101:5  <b>sentence</b> [1] - 73:7  <b>separate</b> [2] - 26:5, 52:20  <b>separated</b> [1] - 43:12  <b>separately</b> [1] - 52:21  <b>septic</b> [2] - 96:20, 115:16  <b>service</b> [1] - 46:13  <b>SERVICES</b> [3] - 1:18,</p>	<p>1:20, 1:21  <b>services</b> [2] - 66:5, 74:22  <b>session</b> [3] - 16:11, 31:20, 32:7  <b>set</b> [8] - 14:6, 24:12, 62:13, 77:14, 80:11, 82:10, 101:25, 124:16  <b>seven</b> [4] - 40:17, 68:19, 84:22, 115:15  <b>several</b> [2] - 41:2, 116:1  <b>severe</b> [1] - 114:24  <b>severely</b> [4] - 41:14, 47:18, 58:12, 109:6  <b>sewage</b> [1] - 96:19  <b>sewer</b> [2] - 115:12, 115:13  <b>sewers</b> [2] - 115:11, 115:18  <b>shall</b> [3] - 6:20, 59:22, 61:11  <b>Sherman</b> [1] - 40:14  <b>shopping</b> [2] - 47:9, 107:11  <b>shot</b> [1] - 30:16  <b>shot</b> [1] - 46:13  <b>show</b> [7] - 45:5, 90:17, 91:5, 94:2, 104:24, 110:12, 123:3  <b>showed</b> [1] - 41:7  <b>showing</b> [5] - 16:17, 38:5, 38:7, 38:9, 113:24  <b>shows</b> [5] - 88:8, 90:12, 91:5, 108:18, 110:14  <b>siblings</b> [2] - 41:1, 98:2  <b>side</b> [4] - 54:10, 93:4, 110:8, 115:8  <b>Sidney</b> [3] - 100:24, 101:21, 102:5  <b>sign</b> [4] - 16:20, 38:1, 45:12, 45:20  <b>signatures</b> [1] - 100:13  <b>signed</b> [2] - 86:20, 100:13  <b>significant</b> [5] - 7:14, 18:17, 47:13, 47:15, 94:16  <b>similar</b> [4] - 105:6, 105:9, 105:11, 105:18  <b>simply</b> [2] - 54:11, 104:12  <b>SINDEL</b> [23] - 1:15, 3:23, 8:11, 10:11,</p>
---	---	---	---	--

<p>13:6, 13:15, 16:2, 20:19, 20:21, 21:9, 25:19, 29:14, 37:17, 50:2, 90:7, 91:22, 106:11, 107:20, 111:15, 111:19, 112:4, 122:3, 122:12</p> <p><b>single</b> [10] - 9:3, 20:7, 53:5, 57:6, 68:18, 75:6, 75:17, 98:18, 105:18, 105:19</p> <p><b>Single</b> [1] - 34:20</p> <p><b>single-family</b> [8] - 9:3, 20:7, 53:5, 57:6, 68:18, 98:18, 105:18, 105:19</p> <p><b>Single-Family</b> [1] - 34:20</p> <p><b>site</b> [5] - 17:13, 37:10, 37:15, 69:9, 69:12</p> <p><b>sitting</b> [1] - 109:23</p> <p><b>situation</b> [5] - 61:1, 61:6, 78:16, 83:12, 119:25</p> <p><b>six</b> [8] - 3:6, 6:21, 12:10, 16:1, 46:3, 101:4, 103:15, 115:15</p> <p><b>sixty</b> [1] - 79:9</p> <p><b>sixty-five</b> [1] - 79:9</p> <p><b>size</b> [12] - 53:7, 54:23, 55:10, 55:25, 56:1, 56:4, 57:1, 57:3, 57:25, 58:3, 58:10, 61:17</p> <p><b>sizes</b> [2] - 53:11, 62:14</p> <p><b>Skates</b> [2] - 86:25, 100:4</p> <p><b>skipped</b> [1] - 100:3</p> <p><b>slip</b> [1] - 87:9</p> <p><b>smack</b> [1] - 73:21</p> <p><b>small</b> [3] - 74:4, 102:5, 113:11</p> <p><b>smaller</b> [2] - 43:20, 59:2</p> <p><b>soil</b> [2] - 69:9, 69:11</p> <p><b>soils</b> [1] - 18:14</p> <p><b>solely</b> [1] - 57:17</p> <p><b>solves</b> [1] - 117:1</p> <p><b>sometime</b> [2] - 64:22, 83:21</p> <p><b>sometimes</b> [1] - 51:9</p> <p><b>somewhat</b> [1] - 58:6</p> <p><b>Sonic</b> [2] - 45:12, 45:14</p> <p><b>Sorrento</b> [17] - 44:4, 44:8, 44:10, 44:22, 44:25, 45:4, 45:9, 45:10, 45:13, 45:20,</p>	<p>45:22, 45:24, 46:5, 91:1, 91:7, 102:10, 111:11</p> <p><b>sorry</b> [5] - 22:4, 44:20, 90:1, 91:2, 122:5</p> <p><b>sound</b> [2] - 66:12, 79:8</p> <p><b>south</b> [6] - 16:22, 21:4, 38:11, 109:24, 110:9, 110:25</p> <p><b>South</b> [7] - 65:1, 72:13, 72:21, 88:9, 88:14, 90:14, 111:14</p> <p><b>southeast</b> [3] - 16:24, 16:25, 44:19</p> <p><b>southern</b> [4] - 88:8, 109:17, 109:21, 110:12</p> <p><b>southwest</b> [1] - 45:22</p> <p><b>southwestern</b> [1] - 42:24</p> <p><b>space</b> [1] - 83:15</p> <p><b>SPEAKER</b> [6] - 87:2, 96:10, 98:22, 100:7, 100:18, 104:17</p> <p><b>speaker</b> [6] - 5:11, 8:2, 21:25, 71:20, 100:21, 102:16</p> <p><b>speaking</b> [2] - 111:12, 119:3</p> <p><b>specific</b> [5] - 23:24, 77:16, 103:12, 105:7, 107:7</p> <p><b>specifically</b> [8] - 56:17, 63:8, 72:2, 76:16, 78:1, 108:16, 113:20, 115:22</p> <p><b>split</b> [34] - 40:19, 40:22, 54:7, 60:24, 60:25, 61:1, 61:6, 61:7, 61:9, 61:10, 62:7, 67:4, 67:5, 67:17, 73:14, 73:16, 75:2, 75:5, 75:9, 75:18, 76:20, 76:21, 77:15, 77:21, 79:18, 83:18, 99:9, 107:2, 107:19, 116:6, 120:6, 120:17</p> <p><b>spot</b> [23] - 20:18, 20:24, 21:1, 21:5, 29:3, 68:5, 73:14, 73:16, 73:19, 74:1, 75:1, 75:4, 75:16, 75:22, 75:25, 76:3, 76:10, 92:19, 106:22, 107:13, 113:18, 113:22, 114:2</p> <p><b>spread</b> [2] - 95:24,</p>	<p>95:25</p> <p><b>spreads</b> [1] - 122:21</p> <p><b>staff</b> [67] - 4:8, 4:9, 7:21, 7:25, 12:8, 12:20, 13:7, 13:23, 14:1, 14:3, 17:14, 18:2, 18:7, 18:9, 19:19, 21:1, 31:6, 32:4, 33:9, 34:7, 34:10, 34:19, 37:18, 42:4, 42:16, 42:17, 42:19, 44:7, 49:11, 52:5, 53:17, 54:5, 63:17, 63:19, 63:21, 63:22, 65:14, 65:18, 68:16, 68:21, 70:1, 71:17, 72:11, 72:25, 73:2, 73:6, 74:23, 75:7, 76:2, 77:18, 81:5, 82:15, 82:23, 84:6, 86:9, 93:22, 102:23, 104:5, 104:22, 106:9, 106:13, 107:23, 110:5, 111:19, 116:14, 121:14, 121:24</p> <p><b>Staff</b> [1] - 104:14</p> <p><b>staff's</b> [18] - 8:4, 8:7, 8:19, 11:8, 12:11, 13:1, 15:23, 15:25, 16:12, 19:1, 19:4, 19:16, 39:12, 48:25, 72:7, 72:24, 83:23, 92:12</p> <p><b>Staff's</b> [2] - 2:4, 8:23</p> <p><b>stand</b> [6] - 12:7, 16:6, 31:17, 41:25, 84:21, 89:4</p> <p><b>standards</b> [2] - 17:22, 102:13</p> <p><b>standing</b> [3] - 39:10, 45:2, 62:23</p> <p><b>standpoint</b> [2] - 87:19, 122:24</p> <p><b>stands</b> [3] - 30:21, 78:23, 84:1</p> <p><b>start</b> [5] - 9:21, 29:12, 37:3, 72:15, 112:8</p> <p><b>started</b> [2] - 25:20, 86:19</p> <p><b>starts</b> [1] - 20:13</p> <p><b>state</b> [14] - 11:3, 22:8, 33:1, 33:2, 40:4, 40:24, 70:12, 85:4, 86:22, 87:10, 96:11, 98:23, 100:20, 120:4</p> <p><b>State</b> [3] - 64:24, 124:7, 124:21</p> <p><b>STATE</b> [1] - 124:3</p>	<p><b>statement</b> [5] - 33:14, 86:13, 92:14, 101:12, 116:3</p> <p><b>statements</b> [5] - 21:16, 85:23, 86:15, 86:16, 86:18</p> <p><b>states</b> [4] - 66:10, 66:18, 73:7, 77:4</p> <p><b>stating</b> [1] - 77:23</p> <p><b>station</b> [2] - 46:13, 91:10</p> <p><b>statistics</b> [3] - 79:23, 80:1</p> <p><b>status</b> [1] - 12:19</p> <p><b>stay</b> [1] - 25:8</p> <p><b>stenographically</b> [1] - 124:11</p> <p><b>STEPHEN</b> [1] - 1:17</p> <p><b>steps</b> [1] - 33:24</p> <p><b>STEVEN</b> [1] - 1:14</p> <p><b>Steven</b> [2] - 22:10, 22:12</p> <p><b>stick</b> [1] - 117:12</p> <p><b>still</b> [18] - 14:7, 15:4, 15:15, 15:21, 32:11, 32:13, 39:9, 49:9, 53:25, 58:25, 62:2, 62:14, 81:20, 82:4, 105:12, 116:12</p> <p><b>Stitt</b> [2] - 72:23, 122:15</p> <p><b>STITT</b> [14] - 1:17, 9:22, 37:5, 70:3, 70:6, 73:5, 73:17, 75:20, 76:2, 76:11, 81:4, 82:5, 83:2, 122:17</p> <p><b>storage</b> [1] - 11:25</p> <p><b>Store</b> [1] - 47:10</p> <p><b>store</b> [2] - 45:1, 46:12</p> <p><b>stories</b> [2] - 114:25, 115:2</p> <p><b>straw</b> [2] - 29:11, 30:22</p> <p><b>street</b> [6] - 19:24, 38:13, 88:22, 94:13, 97:6, 99:6</p> <p><b>Street</b> [1] - 38:21</p> <p><b>strictly</b> [1] - 119:3</p> <p><b>string</b> [1] - 113:15</p> <p><b>strip</b> [1] - 45:17</p> <p><b>strived</b> [1] - 33:23</p> <p><b>structure</b> [2] - 63:15, 114:23</p> <p><b>structures</b> [1] - 58:12</p> <p><b>study</b> [8] - 41:2, 41:9, 41:12, 57:8, 63:9, 81:7, 81:17, 113:21</p> <p><b>Study</b> [8] - 47:17, 78:25, 80:10, 81:6, 81:20, 82:9, 83:4,</p>	<p>113:20</p> <p><b>subdivide</b> [1] - 110:8</p> <p><b>subdivision</b> [2] - 99:21, 122:20</p> <p><b>subject</b> [24] - 4:25, 7:8, 9:18, 16:21, 16:22, 16:23, 16:24, 16:25, 17:1, 18:15, 36:24, 37:22, 38:12, 38:13, 61:12, 64:5, 67:7, 75:18, 76:21, 91:6, 97:7, 97:10</p> <p><b>submit</b> [5] - 69:13, 91:13, 98:6, 98:11, 98:16</p> <p><b>submitted</b> [3] - 47:24, 98:3, 109:20</p> <p><b>subsequent</b> [3] - 5:17, 21:22, 86:4</p> <p><b>substantial</b> [3] - 11:12, 39:15, 53:25</p> <p><b>Suburban</b> [7] - 36:5, 38:7, 52:7, 55:2, 65:22, 66:3, 66:9</p> <p><b>success</b> [1] - 41:20</p> <p><b>sudden</b> [1] - 101:24</p> <p><b>sufficient</b> [5] - 22:22, 30:24, 72:15, 118:12, 118:18</p> <p><b>suggests</b> [1] - 83:17</p> <p><b>summarily</b> [1] - 22:14</p> <p><b>supersedes</b> [1] - 109:11</p> <p><b>support</b> [5] - 21:16, 60:13, 66:15, 85:10, 85:23</p> <p><b>supposed</b> [1] - 28:10</p> <p><b>surprised</b> [1] - 44:15</p> <p><b>surrounded</b> [1] - 90:17</p> <p><b>surrounding</b> [18] - 7:5, 16:17, 17:14, 17:24, 18:1, 18:25, 21:4, 37:16, 38:5, 38:8, 67:18, 68:12, 68:13, 73:11, 74:5, 80:25, 82:22, 90:22</p> <p><b>survey</b> [9] - 41:6, 53:18, 53:22, 53:23, 69:10, 69:11, 69:14, 109:19</p> <p><b>surveyed</b> [2] - 53:21, 116:15</p> <p><b>surveyors</b> [1] - 121:13</p> <p><b>surveys</b> [1] - 69:7</p> <p><b>swear</b> [4] - 4:8, 11:1, 39:2, 39:4</p> <p><b>sworn</b> [20] - 4:9, 11:2, 22:9, 22:12, 38:18, 39:6, 70:10, 70:11,</p>
--	---	--	--	--

<p>86:23, 87:11, 87:14, 90:3, 90:5, 96:12, 96:15, 97:8, 98:24, 99:2, 100:21, 100:25</p> <p style="text-align: center;"><b>T</b></p> <p><b>table</b> [6] - 5:12, 28:14, 28:22, 30:7, 31:9, 34:2</p> <p><b>takeoff</b> [1] - 80:4</p> <p><b>talks</b> [1] - 114:5</p> <p><b>tanks</b> [2] - 96:21, 115:16</p> <p><b>Target</b> [5] - 44:23, 45:23, 46:2, 46:4, 91:9</p> <p><b>TATE</b> [193] - 1:13, 3:2, 3:10, 3:15, 3:21, 3:25, 4:3, 4:5, 4:7, 4:10, 4:16, 8:10, 8:14, 8:16, 8:18, 9:8, 10:6, 10:13, 11:3, 11:7, 11:11, 11:19, 12:20, 12:23, 13:1, 13:11, 13:17, 13:24, 14:3, 14:8, 15:14, 15:20, 16:6, 16:10, 17:4, 19:2, 19:9, 19:11, 19:13, 19:15, 19:19, 20:3, 20:10, 20:15, 20:20, 21:10, 22:7, 22:20, 23:11, 24:9, 24:22, 25:10, 26:2, 26:15, 26:18, 26:24, 27:10, 27:23, 28:5, 28:23, 29:15, 30:3, 30:20, 31:6, 31:16, 31:24, 32:11, 33:1, 33:5, 33:12, 33:22, 34:6, 34:13, 34:23, 35:1, 35:3, 35:5, 36:8, 36:13, 37:12, 37:18, 37:21, 37:24, 38:17, 39:4, 39:7, 39:14, 39:22, 40:2, 40:4, 42:1, 42:4, 48:3, 48:7, 48:10, 48:12, 48:24, 49:9, 49:18, 49:23, 50:1, 50:3, 50:5, 50:7, 50:10, 50:15, 50:20, 51:1, 62:4, 65:14, 65:17, 69:25, 70:4, 70:8, 70:12, 70:18, 70:21, 71:2, 71:4, 71:6, 71:8, 71:11, 71:13, 71:15, 71:22, 72:6, 72:9, 72:23, 81:11, 82:2,</p>	<p>82:25, 83:23, 84:6, 84:18, 84:21, 84:25, 85:3, 87:5, 87:9, 89:1, 89:7, 90:6, 91:14, 91:17, 91:19, 91:23, 91:25, 92:2, 92:7, 92:11, 96:7, 96:11, 96:22, 97:4, 98:21, 98:23, 100:16, 100:19, 101:10, 101:16, 102:15, 102:19, 102:25, 103:22, 104:8, 104:16, 104:18, 104:23, 105:2, 105:14, 105:21, 106:8, 107:21, 107:25, 108:20, 109:14, 110:5, 114:7, 118:7, 118:19, 118:24, 119:9, 119:20, 120:4, 120:11, 121:3, 121:17, 122:2, 122:10, 122:13, 123:1, 123:6, 123:9</p> <p><b>Tate</b> [4] - 2:3, 38:20, 42:10, 70:3</p> <p><b>technical</b> [1] - 27:8</p> <p><b>ten</b> [5] - 41:12, 43:2, 44:6, 52:13, 70:20</p> <p><b>Ten</b> [1] - 29:25</p> <p><b>term</b> [1] - 75:21</p> <p><b>test</b> [1] - 74:6</p> <p><b>testify</b> [2] - 38:25, 98:8</p> <p><b>testifying</b> [1] - 4:24</p> <p><b>Testimony</b> [2] - 2:9, 2:12</p> <p><b>testimony</b> [26] - 4:11, 4:14, 4:23, 5:4, 5:8, 5:15, 5:20, 5:24, 10:18, 10:21, 21:17, 21:20, 39:3, 39:24, 40:6, 41:18, 42:12, 43:6, 47:21, 48:17, 70:25, 71:9, 80:21, 85:25, 86:2, 90:4</p> <p><b>theirs</b> [2] - 29:21, 92:17</p> <p><b>themselves</b> [2] - 6:16, 98:9</p> <p><b>theoretically</b> [1] - 57:17</p> <p><b>therefore</b> [7] - 5:20, 17:16, 27:24, 64:14, 69:19, 93:14, 107:1</p> <p><b>they've</b> [4] - 49:3, 120:12, 120:14</p>	<p><b>thinking</b> [1] - 104:10</p> <p><b>third</b> [1] - 58:1</p> <p><b>thirties</b> [1] - 46:24</p> <p><b>Thomas</b> [1] - 22:3</p> <p><b>thoroughfare</b> [1] - 90:19</p> <p><b>thoughts</b> [3] - 28:17, 28:25, 30:20</p> <p><b>three</b> [24] - 12:10, 56:10, 56:14, 56:15, 56:17, 56:24, 57:18, 57:21, 58:8, 58:13, 58:16, 60:16, 60:19, 61:19, 63:15, 89:19, 106:3, 106:6, 107:15, 108:12, 115:4, 115:5, 115:21, 115:22</p> <p><b>three-family</b> [1] - 115:5</p> <p><b>three-wheel</b> [1] - 89:19</p> <p><b>threshold</b> [1] - 79:9</p> <p><b>threw</b> [2] - 101:1, 101:2</p> <p><b>throughout</b> [1] - 100:1</p> <p><b>throw</b> [1] - 117:4</p> <p><b>thumb</b> [1] - 68:24</p> <p><b>tie</b> [2] - 110:20, 115:18</p> <p><b>tightly</b> [2] - 43:18, 44:2</p> <p><b>TIM</b> [1] - 1:13</p> <p><b>tiny</b> [1] - 73:22</p> <p><b>today</b> [20] - 5:21, 6:9, 9:9, 10:16, 10:19, 12:7, 30:15, 34:1, 36:15, 39:1, 49:17, 49:22, 52:2, 53:3, 85:12, 87:22, 115:19, 116:19, 118:8, 120:16</p> <p><b>today's</b> [1] - 8:21</p> <p><b>together</b> [5] - 29:3, 80:2, 83:17, 95:14, 95:21</p> <p><b>Tommy</b> [4] - 2:12, 64:8, 70:11, 70:15</p> <p><b>took</b> [2] - 31:10, 43:1</p> <p><b>tool</b> [1] - 83:9</p> <p><b>tools</b> [1] - 82:14</p> <p><b>total</b> [3] - 29:24, 64:14, 69:9</p> <p><b>touches</b> [1] - 44:9</p> <p><b>toward</b> [1] - 47:6</p> <p><b>towards</b> [2] - 25:13, 103:1</p> <p><b>towers</b> [1] - 106:4</p> <p><b>track</b> [1] - 81:15</p> <p><b>traffic</b> [16] - 64:3, 64:6, 68:2, 70:25, 88:10,</p>	<p>88:16, 89:9, 89:14, 89:15, 99:22, 102:4, 103:3, 103:12, 103:21, 107:10, 119:17</p> <p><b>transcribed</b> [1] - 124:11</p> <p><b>Transcript</b> [1] - 8:25</p> <p><b>transcript</b> [2] - 35:7, 124:9</p> <p><b>transfer</b> [1] - 83:8</p> <p><b>transition</b> [1] - 115:7</p> <p><b>transportation</b> [2] - 70:16, 70:19</p> <p><b>traverse</b> [2] - 10:7, 43:8</p> <p><b>treat</b> [2] - 25:20, 25:21</p> <p><b>tremendous</b> [1] - 91:8</p> <p><b>trickle</b> [1] - 117:8</p> <p><b>tried</b> [1] - 93:16</p> <p><b>trip</b> [1] - 71:18</p> <p><b>triplex</b> [1] - 58:15</p> <p><b>trips</b> [5] - 64:4, 64:12, 64:13, 64:14, 68:4</p> <p><b>trucks</b> [1] - 46:15</p> <p><b>true</b> [5] - 76:23, 83:2, 93:24, 112:11, 124:9</p> <p><b>try</b> [3] - 79:2, 97:18, 118:6</p> <p><b>trying</b> [7] - 25:23, 27:13, 41:18, 53:9, 75:23, 76:2, 83:14</p> <p><b>tuck</b> [1] - 112:6</p> <p><b>turn</b> [5] - 20:17, 70:9, 86:9, 112:12, 112:14</p> <p><b>twenties</b> [1] - 46:23</p> <p><b>two</b> [55] - 9:8, 12:10, 14:16, 15:1, 21:24, 24:4, 24:11, 26:8, 40:19, 41:1, 41:16, 43:1, 47:1, 50:25, 52:3, 52:9, 52:12, 52:15, 53:6, 54:7, 55:5, 55:7, 55:23, 55:25, 56:2, 56:14, 58:8, 59:14, 60:24, 61:15, 61:16, 61:22, 61:25, 68:18, 68:19, 73:2, 75:5, 75:18, 76:22, 76:25, 79:18, 88:19, 95:24, 99:14, 99:18, 99:19, 108:13, 110:21, 113:10, 113:13, 115:14, 116:13, 116:21, 120:6</p> <p><b>Two</b> [3] - 51:10, 51:12, 65:25</p> <p><b>two-acre</b> [1] - 99:14</p> <p><b>two-and-a-half</b> [13] -</p>	<p>41:16, 55:23, 55:25, 56:2, 61:15, 61:16, 95:24, 99:19, 113:10, 113:13, 115:14, 116:13, 116:21</p> <p><b>twofold</b> [1] - 108:10</p> <p><b>type</b> [13] - 24:17, 39:3, 57:4, 63:14, 65:12, 96:24, 98:15, 105:7, 105:9, 105:10, 105:12, 111:12, 115:10</p> <p><b>types</b> [1] - 60:21</p> <p><b>typical</b> [1] - 79:7</p> <p><b>typically</b> [1] - 51:18</p> <p style="text-align: center;"><b>U</b></p> <p><b>U.S</b> [2] - 40:14, 40:17</p> <p><b>U.S.A</b> [1] - 38:23</p> <p><b>unanimous</b> [1] - 123:7</p> <p><b>unanimously</b> [7] - 4:6, 8:17, 19:14, 35:4, 71:14, 92:3, 123:8</p> <p><b>under</b> [13] - 4:18, 4:23, 6:9, 6:11, 17:10, 17:11, 57:16, 59:8, 59:20, 60:15, 64:17, 103:23, 104:25</p> <p><b>underlying</b> [1] - 51:17</p> <p><b>undertake</b> [1] - 103:15</p> <p><b>undertaking</b> [1] - 103:11</p> <p><b>unfortunately</b> [2] - 26:10, 88:4</p> <p><b>UNIDENTIFIED</b> [7] - 48:6, 87:2, 96:10, 98:22, 100:7, 100:18, 104:17</p> <p><b>unincorporated</b> [1] - 77:8</p> <p><b>unique</b> [2] - 105:12, 116:24</p> <p><b>unit</b> [7] - 55:22, 61:15, 61:16, 72:5, 113:9, 115:14, 116:12</p> <p><b>units</b> [38] - 43:16, 47:2, 47:3, 51:24, 52:3, 52:12, 52:13, 52:15, 53:6, 55:3, 55:5, 55:7, 55:8, 55:9, 56:10, 56:14, 56:15, 56:24, 57:18, 57:21, 58:8, 58:13, 60:16, 60:19, 61:19, 62:20, 63:2, 63:5, 64:11, 72:3, 106:4, 108:12, 115:3,</p>
---	--	---	---	---



<p>115:15, 115:21, 115:22, 117:5  <b>unless</b> [2] - 57:19, 113:10  <b>unlike</b> [1] - 52:13  <b>unload</b> [1] - 46:16  <b>unrelated</b> [1] - 92:20  <b>unsolicited</b> [1] - 41:21  <b>up</b> [49] - 15:24, 19:23, 23:19, 26:18, 27:3, 27:6, 33:14, 41:24, 42:13, 44:3, 47:5, 49:10, 49:14, 50:13, 50:24, 56:20, 57:18, 62:13, 72:18, 79:5, 79:18, 80:11, 81:5, 82:7, 86:20, 86:21, 88:6, 89:2, 89:7, 91:1, 98:8, 98:9, 101:2, 101:7, 102:3, 102:10, 102:11, 104:11, 108:18, 109:8, 109:24, 109:25, 110:5, 111:10, 112:8, 112:16, 113:24, 115:21, 118:3  <b>update</b> [4] - 14:1, 14:4, 26:21, 81:21  <b>uplands</b> [3] - 41:9, 41:13, 53:19  <b>upzone</b> [3] - 56:13, 56:15, 108:12  <b>URBAN</b> [2] - 1:20, 1:21  <b>Urban</b> [5] - 9:5, 16:16, 17:7, 17:8, 18:23  <b>usable</b> [1] - 40:24  <b>usage</b> [4] - 41:3, 76:16, 78:18, 78:19  <b>Use-2</b> [1] - 36:4  <b>uses</b> [47] - 7:5, 7:7, 16:17, 17:15, 17:25, 18:1, 18:23, 21:4, 24:20, 24:22, 27:7, 33:18, 54:20, 63:11, 63:14, 64:17, 64:19, 65:9, 66:4, 67:23, 68:8, 68:10, 68:14, 68:15, 69:4, 69:6, 69:19, 69:20, 73:9, 74:19, 76:7, 78:25, 81:1, 82:22, 84:15, 89:25, 93:19, 94:12, 98:17, 105:9, 105:11, 105:23, 106:7, 108:8, 111:6, 117:24  <b>utilize</b> [1] - 54:12  <b>utilized</b> [1] - 77:7</p>	<p><b>UWF</b> [1] - 30:1</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>V-2A</b> [3] - 56:19, 60:8  <b>V2-A</b> [1] - 56:23  <b>vacant</b> [3] - 18:5, 38:8, 68:20  <b>values</b> [4] - 94:17, 102:13, 114:12, 114:13  <b>VAN</b> [1] - 1:15  <b>various</b> [2] - 53:13, 58:18  <b>vegetables</b> [1] - 105:22  <b>verify</b> [1] - 16:5  <b>versus</b> [2] - 58:8, 113:17  <b>viable</b> [1] - 54:15  <b>vibrant</b> [1] - 114:7  <b>vibrates</b> [1] - 74:16  <b>Vice</b> [1] - 2:3  <b>VICE</b> [1] - 1:13  <b>vicinity</b> [1] - 113:2  <b>view</b> [5] - 38:8, 42:23, 46:9, 64:18, 65:10  <b>violate</b> [1] - 60:18  <b>visibility</b> [1] - 65:9  <b>visit</b> [1] - 17:14  <b>visited</b> [8] - 9:17, 10:4, 10:10, 11:22, 36:24, 37:10, 37:15, 97:9  <b>vote</b> [13] - 4:2, 8:13, 19:10, 29:11, 30:22, 34:25, 48:9, 50:4, 71:10, 91:24, 100:12, 123:2, 123:5  <b>voting</b> [2] - 85:9, 85:13</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>Waffle</b> [1] - 45:19  <b>waiting</b> [1] - 46:15  <b>waive</b> [2] - 3:22, 15:8  <b>waived</b> [1] - 24:19  <b>walk</b> [1] - 49:15  <b>Walmart</b> [8] - 44:24, 45:11, 46:6, 46:8, 46:9, 46:12, 46:14, 91:10  <b>wants</b> [4] - 13:16, 28:13, 28:17, 119:5  <b>warehouses</b> [1] - 45:4  <b>WAYNE</b> [1] - 1:13  <b>ways</b> [1] - 62:12  <b>Website</b> [2] - 88:7,</p>	<p>92:6  <b>weeks</b> [1] - 43:1  <b>welcome</b> [1] - 3:2  <b>Welk</b> [7] - 9:7, 11:24, 19:15, 25:13, 26:14, 31:7, 35:5  <b>West</b> [4] - 1:7, 38:21, 70:15, 118:11  <b>west</b> [18] - 14:12, 22:20, 25:7, 28:6, 38:13, 40:15, 44:10, 45:10, 46:5, 72:19, 89:10, 89:11, 91:14, 103:2, 110:9, 112:12, 112:14, 114:3  <b>WEST</b> [23] - 1:17, 13:19, 14:1, 14:13, 15:10, 15:17, 22:21, 23:6, 28:7, 33:10, 33:15, 73:18, 75:24, 76:4, 90:1, 90:8, 91:15, 103:10, 103:19, 104:5, 118:14, 118:23, 119:2  <b>western</b> [9] - 40:21, 54:8, 67:15, 75:12, 110:13, 116:17, 118:16, 122:1, 122:6  <b>wetland</b> [1] - 18:14  <b>wetlands</b> [29] - 16:14, 38:3, 38:9, 41:8, 41:16, 43:19, 53:13, 53:16, 53:20, 53:21, 54:18, 55:14, 58:11, 59:3, 62:17, 62:21, 62:22, 62:25, 63:3, 88:8, 88:15, 89:2, 90:11, 90:13, 109:22, 110:10, 110:12, 110:14, 111:14  <b>Wetlands</b> [1] - 18:13  <b>whatsoever</b> [1] - 58:4  <b>wheel</b> [1] - 89:19  <b>WHEREOF</b> [1] - 124:16  <b>white</b> [10] - 22:7, 27:10, 27:12, 28:12, 28:19, 32:5, 32:9, 32:11, 32:20, 33:1  <b>WHITE</b> [11] - 22:10, 22:13, 24:1, 24:11, 26:6, 26:16, 26:23, 28:1, 31:4, 33:17, 34:5  <b>White</b> [2] - 22:10, 22:12  <b>white's</b> [1] - 33:11</p>	<p><b>whole</b> [4] - 78:24, 116:2, 116:4, 120:9  <b>width</b> [1] - 57:2  <b>wife</b> [1] - 100:4  <b>Wiley</b> [1] - 9:6  <b>William</b> [4] - 2:15, 98:23, 98:25, 99:2  <b>willing</b> [1] - 15:17  <b>WINGATE</b> [5] - 1:16, 3:24, 10:10, 29:16, 37:15  <b>Wingate</b> [3] - 3:8, 28:24, 29:15  <b>Winn</b> [1] - 47:10  <b>Winn-Dixie</b> [1] - 47:10  <b>wish</b> [6] - 7:24, 7:25, 21:11, 32:17, 85:15, 100:17  <b>wishes</b> [4] - 5:10, 6:2, 22:1, 96:9  <b>witness</b> [6] - 11:1, 38:24, 39:5, 42:2, 42:5, 70:22  <b>WITNESS</b> [1] - 124:16  <b>witnesses</b> [4] - 7:24, 7:25, 9:15, 36:22  <b>wondering</b> [1] - 32:14  <b>Wood</b> [17] - 43:3, 43:9, 43:15, 43:24, 44:2, 44:16, 44:17, 58:14, 63:12, 64:6, 64:7, 64:11, 64:12, 117:6  <b>woods</b> [2] - 112:6, 117:13  <b>Woods</b> [3] - 47:3, 88:20, 111:1  <b>word</b> [4] - 75:23, 80:1, 119:7, 119:11  <b>words</b> [4] - 10:18, 23:19, 55:24, 122:18  <b>workshop</b> [1] - 83:18  <b>worried</b> [1] - 111:17  <b>worse</b> [2] - 57:22, 62:12  <b>written</b> [4] - 6:7, 22:5, 84:19, 106:15</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>y'all</b> [1] - 100:5  <b>year</b> [2] - 3:17, 98:9  <b>years</b> [11] - 40:11, 43:5, 44:6, 44:14, 45:7, 46:3, 47:1, 47:12, 70:20, 81:17, 100:5  <b>yourself</b> [1] - 31:1</p>	<p style="text-align: center;"><b>Z</b></p> <hr/> <p><b>Z-2001-42</b> [1] - 18:7  <b>Z-2011-17</b> [9] - 2:5, 3:15, 9:2, 9:10, 17:6, 31:18, 32:18, 34:18, 35:7  <b>Z-2012-01</b> [8] - 2:8, 3:16, 32:2, 36:2, 36:10, 36:15, 37:25, 121:23  <b>zero</b> [3] - 55:11, 57:4, 106:2  <b>Zone</b> [8] - 51:8, 51:10, 56:9, 78:23, 78:24, 79:22, 109:7, 111:3  <b>zone</b> [10] - 41:11, 41:13, 41:15, 54:2, 55:19, 57:18, 67:17, 93:6, 116:16, 120:8  <b>zoned</b> [6] - 24:6, 46:25, 61:7, 75:18, 87:24, 106:25  <b>Zones</b> [1] - 57:20  <b>zones</b> [4] - 51:23, 60:25, 61:2, 120:6  <b>zoning</b> [143] - 7:21, 15:11, 16:18, 16:19, 17:8, 17:15, 18:3, 18:23, 19:22, 19:23, 20:1, 20:2, 20:11, 20:14, 20:25, 21:2, 21:5, 22:23, 23:1, 24:3, 24:7, 24:8, 24:18, 24:21, 25:6, 25:14, 26:8, 26:19, 26:21, 29:3, 31:10, 31:18, 38:2, 38:4, 51:13, 51:15, 51:17, 52:2, 53:4, 54:11, 54:19, 55:18, 56:9, 56:12, 58:5, 60:2, 60:8, 60:19, 60:24, 60:25, 61:1, 61:2, 61:4, 61:14, 61:18, 61:21, 61:23, 61:25, 62:7, 62:11, 63:7, 67:4, 67:12, 68:5, 68:6, 68:7, 68:8, 68:9, 68:10, 68:12, 73:8, 73:9, 73:11, 73:13, 73:14, 73:16, 73:19, 73:24, 74:1, 74:2, 74:4, 74:7, 74:9, 74:11, 74:17, 74:19, 74:25, 75:1, 75:2, 75:4, 75:5, 75:9, 75:12, 75:13, 75:16, 75:25, 76:3, 76:8, 76:9, 76:10,</p>
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76:20, 77:3, 77:5,  
77:22, 89:23, 90:11,  
90:16, 90:18, 90:21,  
92:14, 92:16, 92:19,  
93:8, 93:14, 93:25,  
95:2, 96:5, 99:16,  
104:12, 105:7,  
105:12, 106:21,  
106:22, 107:2,  
107:13, 108:11,  
113:18, 113:22,  
114:2, 116:6,  
116:19, 116:22,  
120:6, 121:11

**Zoning** <sup>[1]</sup> - 3:3

**zonings** <sup>[4]</sup> - 75:15,  
76:6, 77:1, 104:9

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

Speakers:

Commissioner Wilson B. Robertson, Chairman (Robertson)  
Commissioner Gene M. Valentino, Vice Chairman (Valentino)  
Commissioner Grover C. Robinson IV (Robinson)  
Commissioner Kevin W. White (White)  
Commissioner Marie K. Young (Young)  
Alison Rogers (Rogers)  
Horace Jones (Jones)  
T. Lloyd Kerr (Kerr)  
Jeff Sauer (J. Sauer)  
Brenda Sauer (B. Sauer)  
William Dunaway (Dunaway)  
John Roberts (Roberts)

Robertson Next case Lloyd.

Jones OK, now we got adoption of the Map, amending the Official Zoning Map.

Robertson The confusion is we want to hear the speakers before we vote, OK? So go ahead.

Rogers The next Rezoning is 2012-01. 9869 North Loop Road.

Jones Yes.

Robertson And we do have speakers when you want to hear them.

Rogers And a reminder for the speakers you had to speak before the Planning Board in order to be able to speak tonight and please restrict your comments to those topics you discussed before the Planning Board. Thank you.

Robertson Now, let me ask you this, Alison. We have two people signed up but they're not on the list. A Mr. Bruce Stitt and a Will Dunaway.

Rogers Mr. Bruce Stitt is the one of the Navy's ex-officio members of the Planning Board and who's the other one?

Robertson The other one is Will Dunaway, representing (Rogers interjected)

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

- Rogers I am not aware of a Mr. Will Dunaway. I don't think it would be appropriate for the Planning Board representative to speak to you this evening.
- Robertson That did not speak at the (incomplete)
- Rogers They made their recommendation and his comments would be part of that conversation that the Planning Board had. There's a memo from him that is in your backup, it was made part of the record. I'm not aware of a Mr. Dunaway speaking at all before the Planning Board. It would not be appropriate for him to speak either.
- Robertson All right. Our first – but Bruce Stitt can, right?
- Rogers I would not recommend it. He is an ex officio member of the Planning Board. It's their recommendation you're considering.
- Robertson OK. The first speaker Jeff Sauer.
- J. Sauer Mr. Chair, this application tonight for rezoning is about clustering and about being able to have zero lot lines. When you read the transcript of the Planning Board, when you read the testimony that was there, the RR zone does not allow clustering, the RR zone that's the current zoning does not allow zero lot lines. The AMU-2 zone that is being requested and was proposed by the applicant and approved by the Planning Board on a portion of the property allows a concentration of density. The application has the burden – the applicant has the burden of proving competent evidence as to six criteria. And I don't know if I'm going to make it within the three minutes because this is a quasi-judicial so I would ask for some leeway there, Mr. Chairman.
- Robertson And you have Brenda Sauer. Is that – can they designate your time or do they need to – OK, we'll give you a little extra time.
- J. Sauer I appreciate it, sir. There are six criteria that the applicant has to meet. The first criteria is consistency with the Comp Plan Section 4.1.2 of the Comp Plan reads "the airfield influence district requires density and land use limitations and no County support of property rezonings that will result in increased residential density. That's from your Comp Plan. A careful analysis of the application shows that is just what is being asked for, clustering. Thus increasing residential density. Based on the testimony that was (indecipherable) the Planning Board, if this zoning change was granted mathematically the applicant would have over

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

100 residential units that they could try to cram in wherever and however possible on this piece of property. As to the second criteria, staff reported that the proposed rezoning was only consistent with the portion of the parcel that was within the AIPD-2 overlay. So what did the applicant do? The applicant at the hearing amended his application to the effect of requesting split zoning on a single parcel. That is a request that is contrary to the standard policy of the County and is discouraged by the County to have split zoning on a single parcel. As to the third criteria, staff reported that within a 500-foot radius there was residential, rural residential, RR, R-6, and C-1. But to reach that analysis the staff had to look to South Loop Road and immediately on Blue Angel Parkway. The evidence that was submitted before the Planning Board showed that South Loop Road is really not a factor because South Loop Road cannot handle any new development without substantial upgrades to South Loop Road, so anything that would happen on this property is going to pour out onto North Loop Road and that's important because of one of the criteria that also needs to be considered. The fourth criteria is changed conditions. Within the 500-foot radius that is the rule of thumb, staff found no changed conditions.

Robertson I'm going to give you two additional minutes there, Jeff.

J. Sauer Staff reported no changed conditions within the 500-foot radius but the application – the applicant then – showed that over a half a mile away there had been change. In other words, 2,640, five times the rule of thumb, there was some change. At the intersection of Sorrento and Blue Angel Parkway. The applicant failed to meet this criteria. As to the fifth criteria the staff reported that it did not address it. Basically staff report punts and says that qualifying under this criteria will be deferred to the time of development review and site plan review. In other words, it wasn't ruled upon by the Planning Board (indecipherable), the staff recommendation to the Planning Board. As to the sixth criteria, the staff reports that the parcels adjacent to the existing – it is adjacent to existing residential uses. But AMU also allows commercial uses, therefore, it's not compatible with rural residential. Thus a review of the Planning Board hearing show that several of the criteria that are required for the approval of a zoning change have not been met. But even if they met that application, there are five criteria that the Board is required to consider to still determine whether or not there's a legitimate public purpose in keeping the existing (indecipherable).

Rogers I'm sorry, Mr. Sauer. You are going well beyond what you testified before the Planning Board. You did talk about the changed conditions, you did talk about

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

North Loop Road, but you did not go through these five criteria about – you did not go through that.

J. Sauer Yes I did.

Rogers Well, I'm looking at the record.

J. Sauer The five criteria that are the – as to legitimate purpose for retaining it have to do with is the zoning premature, I did address that.

Rogers OK, well, I'm sorry. I don't see that in here. I'm reading – I've got the verbatim in front of me.

J. Sauer OK. Well I can tell you I was there, I can tell you that I did address it, that it is premature because there was no other changes in this area.

Rogers You did talk about the changed conditions but if you can maybe summarize so that we don't get beyond the material that developed (interjected by Sauer)

J. Sauer I also talked about the fact that this is spot zoning. OK. And that again is discouraged by the County. Talked about whether or not it would create an intrusion of commercial uses into an established residential area and yes it will. Where RR does not allow commercial uses, the AMU-2 proposal does. So that criteria is met. Also talked about the significant impact – no we did not talk about significant impact upon adjacent property values. That was not addressed. We did talk about and submit competent substantial testimony as far as detracting from the character and quality of life in the general area and neighborhood. The competent evidence showed that the existing apartment complexes on Blue Angel Parkway for the most part dump out onto Blue Angel Parkway; they do not impact North Loop Road. The impact on North Loop Road being RR is that you have people there jogging on the road, you have parents and children, you have military, you have people bicycling with their children on North Loop Road.

Robertson Try to wrap her up Mr. Sauer. We're going to have to – we have to limit everybody and I'm going to have to (Sauer interjected)

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

- J. Sauer And that is substantially it. In other words, they haven't met their criteria they needed to obtain the zoning change. We have shown there's substantial competent evidence not to permit it and, finally, as in the report that you have, the Navy is opposed to it and that's also a criteria that the County is supposed to consider when considering a zoning change. Thank you.
- Robertson Thank you. Ms. Brenda Sauer.
- B. Sauer Mr. Chairman, my report is in a written form and I have copies.
- Rogers No, I'm sorry, we cannot accept a new written report and (B. Sauer interjected)
- B. Sauer Ma'am this is not new. I'm citing to the record, which is why I made one so you will have copies of the record below.
- Rogers I have the written record in front of me. Thank you.
- B. Sauer All right. Then I'll move forward without this copy given to you. I have two arguments before this Board of why this rezoning request should be denied. The first is because it is not in compliance with the Comp Plan. Under the staff report to the Planning and Zoning Board, they cite to the Comp Plan FLU 4.1.2.
- Rogers No, I am sorry, you did not – this is very different – you are getting into testimony that is very different from what you testified before the Planning Board.
- B. Sauer Ma'am, this is the record that I'm citing to.
- Rogers No, ma'am. Your comments need to be restricted to your comments and the topics that you discussed below before the Planning Board.
- B. Sauer The Land Development Code said that the review by this Board shall be limited to the record below and this is part of the record.
- Rogers Yes, ma'am, and they have that. If you can – if you have comments to make if you'll please restrict them to your comments and the topics that you discussed before the Planning Board. They are very well aware that they need to make their decision based on the record. Thank you.
- B. Sauer My statement is that the Navy's memo, which was not given to the public at the Planning Board meeting, requests that this rezoning request be denied. And the

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

Comp Plan states "no County support of property rezonings that result in increased residential densities in excess of JLUS recommendations."

- Rogers I appreciate it very much, but the memo was, in fact, presented, it is referred to multiple times in the record, and it is in the backup that we all have.
- B. Sauer But it was not given to the public at the Planning Board hearing.
- Robertson The way I understand this process, we do not deviate from what was discussed at the Planning Board meeting and then we don't rehear. 'Cause I'm giving you and – both of you five minutes, normally three. And then I don't have anybody signed up on the other side. Are you planning to speak.
- Dunaway (from the audience) Sir, I'm Will Dunaway. I'm here for Mr. Rigby. I'm representing – and we have an affidavit (inaudible).
- Rogers Yes.
- Kerr That's correct.
- Robertson So, he's representing the attorney.
- Rogers If you'll please just fill out a speaker request form.
- Robertson He did.
- Rogers Oh, I gotcha, I gotcha.
- Robinson (indecipherable) said he couldn't speak.
- Rogers I'm sorry.
- Robertson I was looking for Jesse Rigby myself.
- Dunaway Sir, he sends his apologies. He's in Tampa (inaudible).
- Rogers That's – yeah, Mr. Dunaway, as the agent, can speak instead of Mr. Rigby. I'm sorry. I didn't realize that's who that was.



FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

Robertson I understand. And we're giving the attorneys five minutes each, so we'll start the clock back.

B. Sauer At the Planning Board hearing, counsel for the applicant stated, and this is a direct quote from the transcript, "there is no evidence of impact on the property values. We don't know. I don't know. Nobody does. It may enhance the property values, depending on what's put there. It may not. That is not something you have factual evidence on one way or the other." End quote. That is in direct conflict with the recommendations that the Planning Board can give to the Board of County Commissioners if changing the zoning or leaving the zoning will accomplish legitimate public purpose. That's what the applicant's own attorney said on the record. That there's no evidence that this might not impact our properties. It may well. Just depends on what's put there. And he stated that before the Planning Board. Now I can't testify to that before the Planning Board, that's the point of my presentation is – no, this is not the testimony I gave, I'm citing to the record where there are inconsistencies from the applicant and from the Planning Board. If the Navy's recommendations were that this rezoning request be denied, the Comp Plan states that no County support of property rezonings that result in increased residential densities in excess of JLUS recommendations. That's not an excerpt, that's no paraphrase, that is directly from the Comp Plan. And the Navy's memo specifically states that this request is – they don't recommend it, they think it should be denied. But the Planning Board nevertheless recommended it to the Board anyway. I'm just requesting you reconsider this whether it is in compliance with the Comp Plan, whether it's in compliance with the Land Development Code, and, if necessary, table this send it back to the Planning Board. And that's all I have to say. Thank you.

Robertson Thank you. OK, Will Dunaway, representing the applicant. Five minutes, we're going to deviate from the three.

Dunaway Oh, no, sir. I'm not going to take that much time. I'm confident that staff will be able to answer and present the case. We would just ask that you would support the Planning Board's decision. And I'm available for any questions that you may have specific to the concerns that were raised by the Sauers or anything that comes up with staff. Thank you.

Robertson Stay on the front seat in case we need you. OK, we have first Kevin White, Commissioner White.

White (inaudible comments)

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

Robertson Commissioner Valentino I think.

White Let him go first 'cause I was asking Alison a question.

Robertson OK. And this is your district.

Valentino I did, to someone speaking earlier, but I'm pulling back until I hear from Lloyd I'll save my comments till after. I want to hear both sides.

Robertson Well, I think we've heard all sides. Lloyd.

Valentino I want to hear from Lloyd.

Robertson OK. You got anything else to add, Lloyd?

Roberts (from the audience) My name should be on there, John Roberts (inaudible).

Robinson He is – he can speak, but he needs to sign up.

Robertson Did you sign a form, sir?

Roberts (from the audience) When I got here, no. They told me at that planning meeting (inaudible)

Robertson No, sir.

Valentino That just means you're allowed to speak tonight.

Robertson If you spoke at the Planning Board you can speak tonight. But if you'll fill out that form real quick, we'll get it to you.

Kerr Staff's got nothing further to add. We'll be glad to answer any questions that the Board might have.

Valentino Lloyd, I have a question. Mr. Chairman, if I may. One of the concerns I have with this case is that it's different from most others that I've experienced in the fact that we have a "air traffic" if you will and aircraft zone condition that applies. A military base standard that was worked out through an Interlocal Agreement with the County but that agreement is not zoning, is that correct?

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

- Kerr Yes, sir, that is correct. The agreement refers to the aircraft influence planning districts. It outlines – we have a – and the aircraft incident areas, the protection zones. However, the zoning was put in place by the County in response to those maps that were developed by the Department of the Navy. And the zoning requirements with those zoning districts, the AMU-1 the AMU-2, were also developed in conjunction with the Navy. There are certain restrictions that go along with uses as well as densities and other development standards, for instance, height. But the aircraft influence planning districts are an overlay that goes over the existing zoning and then there are certain uses and certain densities then that are restricted within particular parts of those overlays.
- Valentino OK and to follow-up – Alison, I need your help on this – is then therefore, the six under-riding criteria we use in determining acceptability or rejection. To include the aircraft zoning – the aircraft pattern categories.
- Kerr We review every zoning petition against all of those six criteria. They can be applied regardless of whether you're in a AIPD zone or not. And so they' are applied just the same as in any other area.
- Valentino But from a County point of view, Alison, I really bristle over the concept of having to support something involving split zoning. But in this case my understanding is from the evidence I've read and the information I've followed up on, which is why I asked a few questions about it this morning, my understanding from the testimony is that the impact of a split – it's a difference without distinction that the fact that there is a split use on one parcel is immaterial because the side of the parcel that was impacted really wasn't – it was a wetland area and – more wet anyways and wasn't going to allow for access and egress. Specifically from the North Loop Road side.
- Rogers The Planning Board's recommendation – I think I understand your question – the Planning Board's recommendation is to follow the AIPD-1 AIPD-2 line and that's the line where the split of the zoning would take place.
- Valentino But if they were to go forward with approval from this Commission on this split zone it's not like we really have a split zone problem because the access from North Loop is unlikely anyway. The access of the part of the parcel that touches North Loop Road was not really (incomplete)
- Rogers There's significant testimony in the record about the South Loop Road and the North Loop Road. The testimony basically was that the existing multi-family

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

apartment complexes to the north of this site 95% – I think the testimony was 95% of the traffic in and out of those apartment complexes is using Blue Angel Parkway. The concern expressed in the record had to do with the access and how that might be different in the event of multi-family or whatever else being put on this site and the use of North and/or South Loop Road. Tommy Brown from your Traffic Department testified that North Loop Road is in poor condition and is not currently really developed for any sort of significant motor traffic and would need to have significant improvements in order to handle any development of any size.

Valentino Hold that (indecipherable) for a second. So the concern – I can't – when we make – when we approve or disapprove uses here we are not looking at a specific development but the general zoning category.

Rogers Correct. And the things that it may allow. So AMU – one part of this would remain the current RR but the Planning Board recommendation is to allow the western half to be up-zoned to AMU-2. This is – the decision for the Board – true – and it's in the record and it is true, as the speakers, at least one of the speakers referred to, we have discouraged split zonings in the past. There's not a black and white prohibition on it in your Code, but we certainly have discouraged them. And that's certainly in the record.

Valentino And the Future Land Use on this is all?

Rogers It's mixed use suburban.

Valentino Mixed use suburban.

Rogers I believe. Yes.

Kerr Yes. That's correct.

Valentino Which would have allowed for the use that the applicant applied for as well.

Kerr Yeah, that is correct. The Mixed Use category does allow for mixed uses of residential as well as commercial.

Valentino And if I'm reading the information correctly some general compromise was understood. Not that I have to hear that, but it was in the testimony that there was some compromise that recognized that the intensity of access to North Loop

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

Road would have been mitigated or minimized because it would have had to have gone to Blue Angel as access. Is that a fair statement?

Rogers I don't (incomplete)

Valentino Access and egress to the property.

Rogers I think they're just – some of the speakers who were in opposition to any up-zoning were pointing out the difference between the existing multi-family to the north where much of the traffic is going directly off and on Blue Angel Parkway but in this instance it is – the testimony was the concern of the increase in traffic that by necessity would use probably North Loop Road. I'm not sure of the potential of South Loop Road, but (incomplete)

Valentino Or Blue Angel.

Rogers The problem was the increase in traffic on these roads that may not necessarily currently have that characteristic to them. Would no necessarily go directly onto Blue Angel like the existing multi-family to the north are doing. So you would have the potential of traffic impacts on these other roads.

Valentino And one last question. I didn't get the sense that the military absolutely rejected this.

Rogers There is the memo that of course the speaker was referring to. Mr. Stitt did speak at length at the hearing. He's one of the ex-officio Navy members of the Planning Board – he did speak at the hearing. He did also provide a memo it is in your backup. I think you could summarize those statements as the Navy's preference would be no up-zonings, period, would be the preference.

Robertson Well, Alison, if he spoke at the Planning Board meeting why can he not speak.  
Rogers The Planning Board member. He's an ex-officio Planning Board member.

Robertson OK. So he should not speak tonight.

Rogers I would kind of discourage it. You don't really want those Board members coming and further lobbying you to follow or not follow their direction, so I would discourage that. And my apologizes, of course, to Mr. Dunaway. I was expecting Mr. Rigby so I just didn't put two and two together.

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

Robertson All right, Commissioner White's next.

White The first question I want to ask, 'cause Gene, it's your district, so – 'cause I can tell you I'm not going to be supportive. So I've got a motion to overturn the Planning Board. But I'm going to wait and see. I can always make a substitute motion if you're going to want to approve it.

Valentino I'm still working through it at this very moment. I thought I had my mind made up and I'm still confused.

Robertson Well, while you're thinking let's go to Commissioner Robinson. He's not spoken lately on it.

Robinson Let me – I'd like to say just a couple of things in there. As you know on this Board I'm one of the most adamant against split zoning. The only thing that I would – cause a little bit of caution on this issue. This isn't split zoning for the sake of split zoning. This is because the law basically requires, or the Ordinances that we've written, under JLUS, required that half the property conform to that. So it's not – this isn't split zoning like we've normally had it. I mean, this is an Ordinance underlying it. Two issues that I have that I have some concernment. There was some reference to this as spot zoning. We have C-1 directly to the north of it in two places, so I don't see how this is spot zoning. You're also – Alison, you made considerable reference to the fact that the two apartment complexes empty out onto Blue Angel. They actually only have ingress egress to Loop Road and I have that on – this is what's great about being able to bring the maps now to the Board meeting – I mean I'm looking right here on it in pretty good resolution and the only ingress/egress of those apartment units is onto North Loop Road. I'm not a traffic person so I don't know what that means to North Loop Road but there was some reference about going onto Blue Angel and I don't see any ingress/egress onto Blue Angel. So I just – I'm sitting here looking at on my iPad here and not seeing anything. Those are generally my thoughts. I don't disagree with you, Kevin, I could go either way on this one. I'm sort of trying to figure out where I'm going but there were some comments that were made that I just – I don't think the Planning Board – I understand and I think the issues of the time and the commitment that we've invested in the Navy is certainly important to us but I don't think the Planning Board was totally off in saying that this was spot zoning or anything else. I just wanted to – I think the Planning Board at least – there were some charges that I didn't agree with that were sort of thrown out there toward the Planning Board members and I don't think those are necessarily backed up but I still have a tough time with the Navy

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

not wanting to do this and a variety of things and commitments we've made to them, so I'm still somewhat on the fence on this one but that's kind of the way I feel on it at this particular time.

Robertson Commissioner Young.

Young I'm sorry. My problem is the Navy's request. I thought we'd made a commitment with the Navy that we would always consider the JLUS – you know, that we're committed to them with this and that's my problem. Why would he take the time to come out here and speak to the Planning Board if he didn't think that was an area that should be reserved?

Robertson OK. Commissioner Valentino.

Valentino Mr. Chairman, in the second paragraph of the December 29th letter from Bruce Stitt, Community Planning Liaison Officer, Naval Aviation Pensacola, he says while the AIPD regulations only apply to the portions of the property which they overlay, it would appear that the rezoning will apply to the whole of the property since there is no existing mechanism to accomplish split zoning. However, it cannot functionally be applied to the whole of the property since there is an existing exclusion for the requested zoning category to be utilized in the AIPD-1. This is why I'm confused – he's confused, too. He's on the fence as well. So it's not like the military – I think the military in this case recognizes the confusion of the circumstance and – because of a split zoned property, I think, senses an accommodation was coming forward. I must admit this is a difficult one and the Planning Board I commend them I think they did a good job on their recommendation on this however even though we could vote on it I don't think we should. I think it has to be determined that – by voting for or against this, whether we are – there's a higher authority, there's a higher concern and that is not to compromise our Interlocal Agreement with our military. So I make a motion that we return this to the Planning Board for consideration – reconsideration and that based on the fact that there was a split zoning – for further clarification and address the split zoning concern.

Young Second it.

Robertson Restate the motion one more time.

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

- Valentino I move that we return this recommendation back to the Planning Board for further review and consideration and that they address the issue of the split zoning category. That's it.
- Robertson OK. Do I have a second?
- Young I did.
- Valentino My comment to that, Mr. Chairman, would be that there is no – we have to protect the residential feel of North Loop Road and the citizens who've been asking for that quiet enjoyment of that neighborhood yet at the same time the owner of the property is not in violation of anything. And he's entitled to the full use of his property under the zoning. The confusion is not whether he's entitled to the full use of his property, the confusion for me right now is that I don't want to be in conflict with the military in violating the – in confusing the relationship we have with them on these AIPD (indecipherable).
- Robertson So your motion is send it back to the Planning Board. I'll ask again, do we have a second?
- White Marie said she seconded it.
- Robinson It's already seconded.
- Valentino Marie seconded it.
- Robertson Oh, I'm sorry. I didn't hear that. Now, before you vote, Mr. Roberts, you want to come speak. Cause we (incomplete)
- White Well, I pushed my button to speak.  
Robertson Oh, I'm sorry.
- White About 60 times.
- Robertson All right. Kevin, go ahead.
- Robinson You didn't sign a form.
- White I must not have signed a form, yeah.



FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

Robertson Did you sign a form? OK.

White Gene, you can send it back to the Planning Board but the Navy's not going to change their position that they're going to want it denied. And it's still going to be split zoning and our Code discourages that. I mean, you can put lipstick on a pig, but it's still a pig.

Valentino I want to make sure we get it right and I'd rather err on that side. I think we have a right to look further into making sure that the relationship with the military is not compromised and that we really scrub the issue of the split zoning issue. Consistent with what Grover Robinson said I really have heartburn over going in the wrong direction and that's with split zoning on a given parcel.

White Well, we've worked so hard to avoid split zonings and we're going to sit here – 'cause it's going to come back the same thing.

Valentino Well, it maybe.

White Oh, it will.

Valentino I don't know how you know that but I mean my point is is that we need a recommendation that helps us understand to ensure that that's being addressed and at the same time that citizens are not compromised around them. Now, the citizens would lose right now if we voted because frankly this owner is compliant and he's met all the criteria. And I agree with the Planning Board on it but I don't think that we're there. I think we need to fix a conflict.

Dunaway (from the audience) I can address the issue of split zoning.

Robertson All right. Hold just one moment. Are you through, Kevin?

White Well, I was just going to say I got here in '04 at the tail end when JLUS was done and I cannot think of one time that this Board's approved any rezoning when the Navy's been against it. And I can tell you the Navy's not going to change their position on being against this rezoning.

Valentino Mr. Chairman, I don't know if it says that they're against it.

White It says therefore this request should be denied in their memo.

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

- Valentino Due to their inconsistency and the land use. But there are two – but right above it, it says it cannot be functionally applied to the whole category. In the paragraph above. Which means they're confused too.
- Kerr Well, maybe I can grant a little clarification on that part of it. In the AIPD areas, you can up-zone to AMU-1 or AMU-2 in order to get a max density of three. It also allows you to do certain – also allows you to have certain commercial activities. However, AMU-1 is only applied to AIPD-1. AMU-2 is only allowed in AIPD-2. And I think that's where that's really what Mr. Stitt is referring to on those, in that particular letter. But that's the peculiarity, if you will, of the AIPD districts and the supporting zone.
- Robertson OK. Commissioner Val – I mean, Commissioner White, are you through?
- White For the moment.
- Robertson All right, Commissioner Robinson.
- Robinson I've got two questions and then I've just got a comment in general and to an extent – Mr. Dunaway I know you want to speak. Mr. Chairman is it OK if I ask Mr. Dunaway a question if he could explain the issue of the split zoning?
- Robertson Absolutely. Mr. Dunaway.
- Dunaway Thank you Mr. Robinson. The issue of split zoning is only raised because of the uniqueness of the JLUS and the overlays which were in effect on this parcel. If you had – if staff had the map that showed where the APZ-1 – right – here's the AID-1 and the AID-2 overlay. It happens to transect the property. The property looks like – sort of like the State of Texas if you see it there, so that property as a result of the Navy's overlay had the two different distinctions. One that in the red is in the APZ-1, and that is the AIPD-1, the other in the yellow is the AIP-2 (sic) because that's in the APZ-2. So the original application had a request to rezone all of the parcel to AMU-2 and if you'll look at the record and you'll look at the date of the Navy's memo, it's in December. This was before the Planning Board.. at the Planning Board, what resulted was essentially a compromise that was recommended actually by staff to keep that that was in the red (audio blip) as its RR zoning. What that does is it keeps particularly and you'll see how it comes up, you'll see all the property coming up there on North Loop Road. All of that will remain RR. So it remains what it is now and therefore only that which is in the AIPD-2 will be rezoned to AMU-2, which of course is the appropriate overlay

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

which the Navy's study is what put in place. The Navy study talks about these overlays. I mean, your zoning is a result of that. So the AIPD-2 has certain restrictions, it's an overlay, the APZ-2 and the APZ-1's have overlay and there are protections. And if you'll look at the Navy's memo, at the end it says we would want you to apply these restrictions. Those are restrictions – a part of your code, so when the applicant has to go before the DRC process, all of those restrictions will have to be in place. Those are part of what is required by your code. That's not changed by what you're doing here. So as to the issue of split zoning, it is absolutely acknowledged that that's not something you typically do, but you don't typically have – these overlays were drawn based on the noise contours. That's how the APZ (Robinson interjected)

Robinson That was what my comment was earlier, Mr. Dunaway. I don't – I'm usually one of the ones that's adamant about split zoning, but this one you're caught in the middle because the Ordinance that lays on top of it, it forces you to have one or the other. You can't do this so I appreciate that. You answered my question.

Dunaway Thank you.

Robinson I did have a question for Lloyd. Why is it referenced in here that the two apartment units go onto Blue Angel Parkway, when I got a pretty good resolution map here that shows both of them going out to Loop road? So, I'm curious why that's being referenced in the data to the Board.

Kerr Let me take a look at it real quick. I don't have a good answer for you on that as to why they were (Robinson interjected).

Robinson Mr. Chairman, it seemed that Mr. Sauer is – indicates he can answer this question. Is it OK if I ask him to answer this question at the podium?

Robertson If you ask him, we sure can. Come up Mr. Sauer and answer the question if you will.

J. Sauer Thank you, Mr. Chair. The exits from the apartment complexes are to North Loop Road. But all of the people using those exits from the apartment complexes, 95% of them, go to the west and go straight onto Blue Angel Parkway. They do not impact the balance of North Loop Road. Now one of the things that was said that's in your transcript that may confuse you some, if you look at this drawing right here, this map right here, you'll see where the wetlands are. None of this development, this clustering, this gathering together of density, is going to come out onto South Loop Road. There's wetlands down there and

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

the record before the Planning Board is also testimony that when Mr. Hinson's dad transferred the property that's now Blue Angel Parkway, there was an agreement that they cannot exit onto Blue Angel Parkway. There can be no other ingress and egress to Blue Angel Parkway. So anything that's done on this property is going to dump onto North Loop Road.

Robinson And I appreciate that, but – and you agree that at the most you're probably talking about a couple of hundred feet between the differences of where they'll ingress and egress. I mean, I can see the private dirt entrance coming in off of North Loop right there. I understand now what you're saying when it was referenced that they were all going onto Blue Angel I was confused, so thank you, that – the last issue I was going to say, Gene, I like your motion, I was hoping you would add, maybe amend it also when it goes back to just remind the Planning Board to input the information from the Navy 'cause I think my decision on this issue has more to do – I agree with Commissioner White in supporting the Navy. I'm not opposed to sending it back but clearly when I send it back to them I want to send it back to them with direct issues saying – more than what your motion said, a little bit more to influence that I want them to take into consideration what the Navy's saying and any decision they make needs to be thinking about this process. And maybe the Navy needs to better understanding as to what the difference that the split is created on this property. So that would be my only other comment on this, Mr. Chairman.

Robertson Commissioner Valentino.

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

- Valentino Commissioner, I think maybe I can kill a few birds with one stone here by asking the County Attorney first. Alison, the decision about – for me – it's dawning on me that – well, let me say it differently. In the six criteria we have to judge, should the AIPD-1 and 2 be considered part of that decision-making process?
- Rogers Yes. They're part of your code and so they are therefore by necessity built into those six criteria. The criteria talk about is it consistent with the Comp Plan, is it consistent with the LDC, is it – and that sort of thing – so it's tied into that and so by necessity yes, you must consider them.
- Valentino Then my motion stands with the accommodation from Commissioner Robinson that it take into account that review of those two zones.
- Robertson That OK with your second, Commissioner Young?
- Young If that's going to make the difference in bringing it back, you know, with recognizing the – yes.
- Valentino I have one (Robinson interjected)
- Robinson The Navy needs to get clear.
- Valentino Yeah, that's my point. I want to make sure that if we're going forward here we're not in conflict there, but I also have a question on the facts Alison. I didn't see in the testimony anywhere in the factual evidence the fact that there was an agreement with the owner not to access or egress on Blue Angel. Is there (incomplete)
- Rogers I didn't see that either (Young interjected)
- Young But, we can't discuss that.
- Rogers No.
- Valentino Well, it was brought up at the microphone a minute ago.
- Rogers It may be worth asking the Planning Board to get into that so that you'll have that in front of you the next time.
- Valentino Well, you see the confusion.

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

Rogers Yes, sir.

Valentino I mean (Robertson interjected)

Robertson I feel sure they'll bring all that out at the next (Valentino interjected).

Valentino That's where I'm going with this. I mean, if they can access and egress on Blue Angel and leave North Loop alone that may affect my thinking.

Robertson All right, before we vote, I got a speaker and Kevin White has the floor next.

White Gene, I'll go along with sending it back but if it comes back the Navy still objects I'm going to be moving to overturn this Planning Board (Valentino interjected)

Valentino Well, let's make sure they scrub it. I'd like to make sure they participate in it. Thank you.

White My commitment to the military's bigger than (incomplete)

Valentino That's correct. I agree.

Robertson We have a motion and a second. Mr. Roberts. John Roberts. You can come up with three minutes and then we'll vote.

Roberts John Roberts. To start with, the Planning Board does not give the people that come there for complaint or whatever, any ideas what kind of ammunition or whatever you need to have to protest something. All of us went into the Planning Board down there totally unaware of all the documentation that we needed to complain about someone asking for a rezone. So you guys in my opinion really ought to get with them and say "look when you send these little cards out you need to tell the residents what's going to be presented and if they have a complaint to, you know, bring ammunition" with you. All right, the second thing I asked at that Planning Board meeting for the person asking to have their property rezoned to split the property just like I had to do on a piece of property I have on Martha Avenue. I went and built a new home out there. I got a quarter million dollars invested now some guy couple of blocks away to build a bunch of other stuff. I got within 15 feet of a property line. I had to buy another lot over here, you know. But we all have rights, but there's also an awful lot of other people in here that have rights also. We ought to have a right to use our property

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

the way we see better for us. But we moved there, my wife inherited that one place, and it's Rural Residential, it's wonderful, it's quiet. The two large apartment complexes there now, they're not a problem because a majority of the people do go out using Blue Angel. But this piece of property, it's going to be a different story. I asked the property owner why not go back and survey his property under two separate pieces.

Rogers OK. Mr. Roberts, I'm sorry. If you can try to refrain your comments to – you really only had one topic that you talked about before the Planning Board and that's your new home and all of that. But anything where you want to quote someone else that you talked about, you didn't get into that before the Planning Board.

Roberts I did.

Rogers No, I've got the (Roberts interjected)

Roberts I mean, it might not be on there but I did, you know, because I had to do the same thing.

Rogers But a Court Reporter took this down, so (Roberts interjected)

Roberts But anyway it makes it rough on people like me to come down here and feel like we're in the courtroom.

Valentino Right. Well, this is a court (Roberts interjected)

Roberts I know the lady over here's your attorney and she has to do this, but (Robertson interjected)

Robertson Well, really, well see, ;this is really a quasi-judicial hearing and we have to conduct it like a court and it's unfortunate, but once we send it back you go back and say anything you want and you can come back down here and say it.

Roberts Right. Another thing that nobody has brought up. 1980 when that T-2 bounced off of Old Gulf Beach Highway over there, it he'd went a quarter mile further, he'd a wiped out a whole bunch of people.

Robertson We're going to have to stick to the subject. But go back to that next Planning Board meeting and then you can (incomplete)

FEBRUARY 2, 2012  
REZONING CASE Z-2012-01  
JAMES HINSON JR.

- White Mr. Chairman, I call the question.
- Robertson All right, let's vote please.
- White Now that that was thoroughly beat to death.
- Robertson It passed five to zero. OK, there it is. Unanimous. OK, thank you all very much.
- Rogers Mr. Chairman, if I can just apologize. I know it seems strict, but there's a reason. Because if we don't protect the process, then it makes the decision vulnerable. If the decision's vulnerable, then one or the other side may end up very unhappy. And I apologize if it seems harsh.
- Robertson We've learned to obey our attorney. We've gotten in trouble before.



**Planning Board-Rezoning**

**5. A.**

**Meeting Date:** 03/12/2012

**CASE :** Z-2012-01

**APPLICANT:** Jesse W. Rigby, Agent for  
James Hinson, Jr.

**ADDRESS:** 9869 N Loop Rd

**PROPERTY REFERENCE NO.:** 13-3S-31-7101-000-001;  
14-3S-31-2101-000-000

**FUTURE LAND USE:** MU-S, Mixed Use Suburban

**COMMISSIONER DISTRICT:** 2

**OVERLAY AREA:** AIPD-1, APZ-1 & AIPD-2

**BCC MEETING DATE:** 03/01/2012

**Information**

**SUBMISSION DATA:**

**REQUESTED REZONING:**

**FROM:** RR, Rural Residential District, (cumulative) Low Density

**TO:** AMU-2, Airfield Mixed Use-2 District (cumulative to AMU-1 only)

**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)

**CRITERION (1)**

**Consistent with the Comprehensive Plan.**

Whether the proposed amendment is consistent with the Comprehensive Plan.

**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 minimum residential density is two dwelling units per acre and the maximum residential density is ten dwelling units per acre.

**FLU 4.1.2 Airfield Influence Planning Districts.** Escambia County shall provide for Airfield Influence Planning Districts (AIPDs) as a means of addressing encroachment, creating a buffer to lessen impacts from and to property owners, and protecting the health, safety and welfare of citizens living in close proximity to military airfields. The overlay districts shall require density and land use limitations, avigation easements, building sound attenuation, real estate disclosures,

and Navy (including other military branches where appropriate) review of proposed development based on proximity to Clear Zones, Accident Potential Zones (APZs), aircraft noise contours, and other characteristics of the respective airfields. The districts and the recommended conditions for each are as follows:

A. Airfield Influence Planning District-1 (AIPD-1): Includes the current Clear Zones, Accident Potential Zones and noise contours of 65 Ldn and higher, (where appropriate) as well as other areas near and in some cases abutting the airfield.

1. Density restrictions and land use regulations to maintain compatibility with airfield operations; and
2. Mandatory referral of all development applications to local Navy officials for review and comment within ten working days; and
3. Required dedication of avigation easements to the county for subdivision approval and building permit issuance; and
4. Required sound attenuation of buildings with the level of sound protection based on noise exposure; and
5. Required disclosure for real estate transfers.

B. Airfield Influence Planning District-2 (AIPD-2): Includes land that is outside of the AIPD -1 but close enough to the airfield that it may affect, or be affected by, airfield operations.

1. Mandatory referral of all development applications to local Navy officials for review and comment within ten working days; and
2. Required dedication of avigation easements to the county for subdivision approval and building permit issuance; and
3. Required sound attenuation of buildings with the level of sound protection based on noise exposure; and
4. Required disclosure for real estate transfers; and
5. No County support of property rezonings that result in increased residential densities in excess of JLUS recommendations.

The three installations in Escambia County - Naval Air Station Pensacola (NASP), Navy Outlying Field (NOLF) Saufley and NOLF Site 8, are each utilized differently. Therefore, the size and designations of the AIPD Overlays vary according to the mission of that particular installation. The Escambia County Land Development Code details and implements the recommendations. The AIPD Overlays Map is attached herein.

**MOB 4.2.7 Compliance Monitoring.** Escambia County shall monitor development in the AIPDs for compliance with the JLUS recommendations and AICUZ study requirements. Rezoning to a higher density will be discouraged. The compatibility requirements will be revised as the mission of the military facility changes or removed if the facility closes.

## **FINDINGS**

The proposed amendment to AMU-2 is consistent with the intent and purpose of Future Land Use category MU-S as stated in CPP FLU 1.3.1. The current Future Land Use category of MU-S allows for a mix of residential and nonresidential uses while promoting compatible infill development.

CPP FLU 4.1.2 states the Airfield Influence Planning Districts (AIPD) require density and land use limitations, avigation easements, building sound attenuation, real estate disclosures, and Navy review and comment of proposed development and no County support of property rezonings that result in increased residential densities in excess of JLUS recommendations. The

AIPD-2 portion is outside the AIPD-1 but close enough to the airfield that it may affect or be affected by airfield operations.

The County will monitor development in the AIPD areas for compliance with the JLUS recommendations and rezoning to a higher density will be discouraged as per the Comprehensive Plan MOB 4.2.7.

## **CRITERION (2)**

### **Consistent with The Land Development Code.**

Whether the proposed amendment is in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

#### **6.05.02. RR Rural Residential District (cumulative), low density.**

This district is intended to be a single-family residential area of low density in a semi-rural or rural environment. This district is intended to provide a transition from urban to rural densities and agricultural uses. The maximum density is two dwelling units per acre. Refer to article 11 for uses, heights and densities allowed in RR - rural residential areas located in the Airport/Airfield Environs.

#### **6.05.04. AMU-2 Airfield Mixed Use-2 District (cumulative to AMU-1 only).**

A. Intent and purpose of district. The airfield mixed use-2 district allows a combination of certain commercial uses and residential development within the airfield influence planning district-2 (AIPD-2). The intent and purpose of the AMU-2 district is two-fold: 1) to allow property owners with zoning that allows less density to up-zone to the three d.u./acre limit and 2) to give property owners a commercial-use option without the high cumulative residential density in the existing commercial districts. While the intent is for this zoning district to apply primarily to the AIPD-2 overlay areas, it can also be utilized in other unincorporated areas of Escambia County in which it is compatible with the future land use category, except AIPD-1. Density in the AMU-2 zoning district is limited to three dwelling units per acre.

All commercial development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policies 7.A.4.13 and 8.A.1.13) and in article 7.

B. Permitted uses.

1. All uses permitted in AMU-1.
2. Two-family or three-family structures, providing the overall density of three d.u./acre is not exceeded.
3. Medical and dental clinics, including those permitted in AMU-1.
4. Other professional offices of similar type and character as those listed in the previous district.
5. Neighborhood retail sales and services in addition to those listed in previous district.
  - a. Health clubs, spa and exercise centers.
  - b. Studios for the arts.
  - c. Martial arts studios.
  - d. Other retail/service uses of similar type and character of those listed herein.
6. Laundromats and dry cleaners.
7. Restaurants.
8. Recreational activities, including golf courses, riding stables, water recreation, parks and other cultural, entertainment and recreation.
9. Places of worship and educational facilities/institutions.
10. Child care centers.
11. Mini-warehouses, including RV and boat storage, with adequate buffering from residential uses (see buffering requirements below). No ancillary truck rental service or facility allowed without conditional use approval.
12. Automobile service stations (no outside storage, minor repair only).

13. Appliance repair shops (no outside storage or work permitted).
14. Public utility and service structures.
15. Family day care homes and family foster homes.

#### **7.20.05. Retail commercial locational criteria (AMU-2, C-1, VM-2).**

A. Retail commercial land uses shall be located at collector/arterial or arterial/arterial intersections or along an arterial or collector roadway within one-quarter mile of the intersection.

B. They may be located along an arterial or collector roadway up to one-half mile from a collector/arterial or arterial/arterial intersection may be allowed provided all of the following criteria are met:

1. Does not abut a single-family residential zoning district (R-1, R-2, V-1, V-2, V-2A or V-3);
2. Includes a six-foot privacy fence as part of any required buffer and develops the required landscaping and buffering to ensure long-term compatibility with adjoining uses as described in Policy 7.A.3.8 and article 7;
3. Negative impacts of these land uses on surrounding residential areas shall be minimized by placing the lower intensity uses on the site (such as stormwater ponds and parking) next to abutting residential dwelling units and placing the higher intensity uses (such as truck loading zones and dumpsters) next to the roadway or adjacent commercial properties;
4. Intrusions into recorded subdivisions shall be limited to 300 feet along the collector or arterial roadway and only the corner lots in the subdivision.
5. A system of service roads or shared access facilities shall be required, to the maximum extent feasible, where permitted by lot size, shape, ownership patterns, and site and roadway characteristics.

C. They may be located along an arterial or collector roadway more than one-half mile from a collector/arterial or arterial/arterial intersection without meeting the above additional requirements when one or more of the following conditions exists:

1. The property is located within one-quarter mile of a traffic generator or collector, such as commercial airports, medium to high density apartments, military installations, colleges and universities, hospitals/clinics, or other similar uses generating more than 600 daily trips; or
2. The property is located in areas where existing commercial or other intensive development is established and the proposed development would constitute infill development. The intensity of the use must be of a comparable intensity of the zoning and development on the surrounding parcels and must promote compact development and not promote ribbon or strip commercial development.

**2.08.02.D.7.b Quasi-judicial rezonings** Upon the applicant proving the proposed rezoning complies with these criteria, the planning board shall recommend approval of the rezoning request to the board of county commissioners unless the planning board determines that there is substantial, competent evidence that maintaining the current zoning designation accomplishes a legitimate public purpose. For purposes of this section, a legitimate public purpose shall include but not be limited to preventing the following or as may be determined by law from time to time:

b. The proposed rezoning will constitute "spot Zoning" that is an isolated zoning district that may be incompatible with the adjacent and nearby zoning districts and uses, or as spot zoning is otherwise defined by Florida law.

**3.02.00 Definitions-"Spot Zoning"** Rezoning of a lot or parcel of land that will create an isolated zoning district that may be incompatible with the adjacent and nearby zoning districts and uses, or as spot zoning is otherwise defined by Florida law

## **FINDINGS**

Per LDC 11.02.01.B.4, for parcels split by AIPD boundaries, only that portion of a parcel that falls within the AIPD is subject to the conditions of the AIPD. The proposed rezoning request from RR to AMU-2 is consistent only with the portion of the parcel that is within the AIPD-2 overlay. According to the intent and purpose of the AMU-2 zoning designation (LDC 6.05.04.A) that portion of the parcel within the AIPD-1 cannot be rezoned to AMU-2. Per LDC regulations the parcel could be rezoned to an AMU designation; the western portion in AIPD-2 to AMU-2 and the eastern portion in AIPD-1 to AMU-1. Although this would create a split zone parcel, the protections for the surrounding areas would be met as per Chapter 11.

In addition to the findings stated above, the proposed rezoning request must comply with the locational criteria regulations as described in Criterion 1 for the broad range of commercial and industrial uses within the proposed zoning category of AMU-2. They may meet locational criteria as stated in LDC 7.20.05.C.1. The parcel is located within one quarter-mile from a traffic generator such as medium to high density apartments, generating more than 600 daily trips.

While the proposed zoning category would be isolated, the uses and densities of the zoning designation are compatible with the existing surrounding zoning categories.

### **CRITERION (3)**

#### **Compatible with surrounding uses.**

Whether and the extent to which the proposed amendment is compatible with existing and proposed uses in the area of the subject property(s).

### **FINDINGS**

The proposed amendment is compatible with surrounding existing uses in the area. Within the 500' radius impact area, staff observed properties with zoning districts RR, R-6, and C-1. One commercial, one mobile home park, two mobile homes, 26 single family residential, two apartment complexes and seven vacant parcels.

### **CRITERION (4)**

#### **Changed conditions.**

Whether and the extent to which there are any changed conditions that impact the amendment or property(s).

### **FINDINGS**

Staff found no changed conditions that would impact the amendment or property within the 500' radius of the subject parcel. As a rule, this measurement is used to review the rezoning request but it does not preclude looking beyond the 500' to see that the area to the North has been developed with a mix of residential and commercial uses.

### **CRITERION (5)**

#### **Effect on natural environment.**

Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment.

### **FINDINGS**

As stated in the Comprehensive Plan Policy CON 1.1.2 the County will use the National Wetlands Inventory Map, the Escambia County Soils Survey, and the Florida Fish and Wildlife Conservation Commission's (FFWCC) LANDSAT imagery as indicators of the potential presence of wetlands or listed wildlife habitat in the review of applications for development approval. AMU-2 allows for clustering, planned unit developments and density transfers to avoid impacts to wetlands and more restrictive AIPD areas. Within the total 43.4 (+/-) acre site, the County Soil Survey shows approximately 29.1 (+/-) acres of hydric soils. The applicant provided a boundary survey depicting the wetland areas and during the site plan review process a current wetland survey may be required to determine if there would be any significant adverse impact on the natural environment.

## **CRITERION (6)**

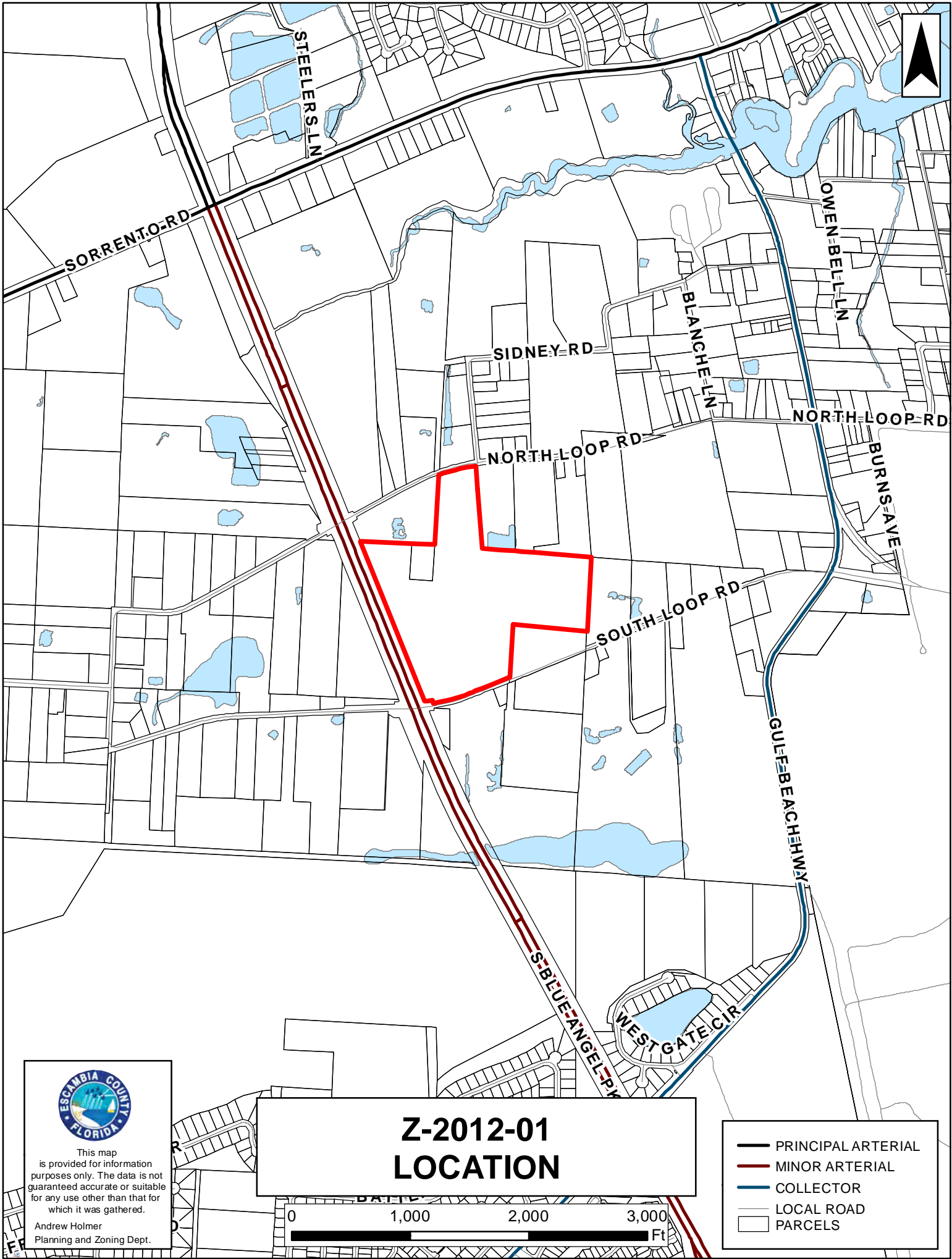
### **Development patterns.**

Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.






## **FINDINGS**

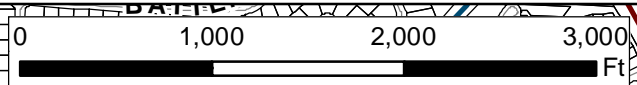
The proposed amendment would result in a logical and orderly development pattern. The parcels adjacent to and in close proximity are existing residential uses; therefore, rezoning the portion in AIPD-2 to AMU-2 and the AIPD-1 to remain RR, the allowable permitted uses would be in line with the existing development pattern.

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# Z-2012-01 LOCATION

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



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.

AG



C-1

SIDNEY RD

NORTH LOOP RD

C-1

R-R

S BLUE ANGEL PKWY

R-R

R-R

SOUTH LOOP RD

R-R

SOUTH LOOP RD

C-1

R-6

R-1

SDD

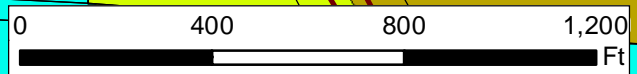
SDD



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-2012-01 500' RADIUS ZONING



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





MU-S

MU-S

MU-S

MU-S

MU-S

SIDNEY RD

NORTH LOOP RD

S BLUE ANGEL PKWY

SOUTH LOOP RD

SOUTH LOOP RD

C

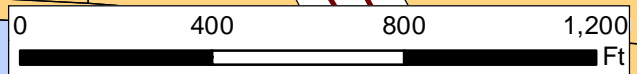


This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

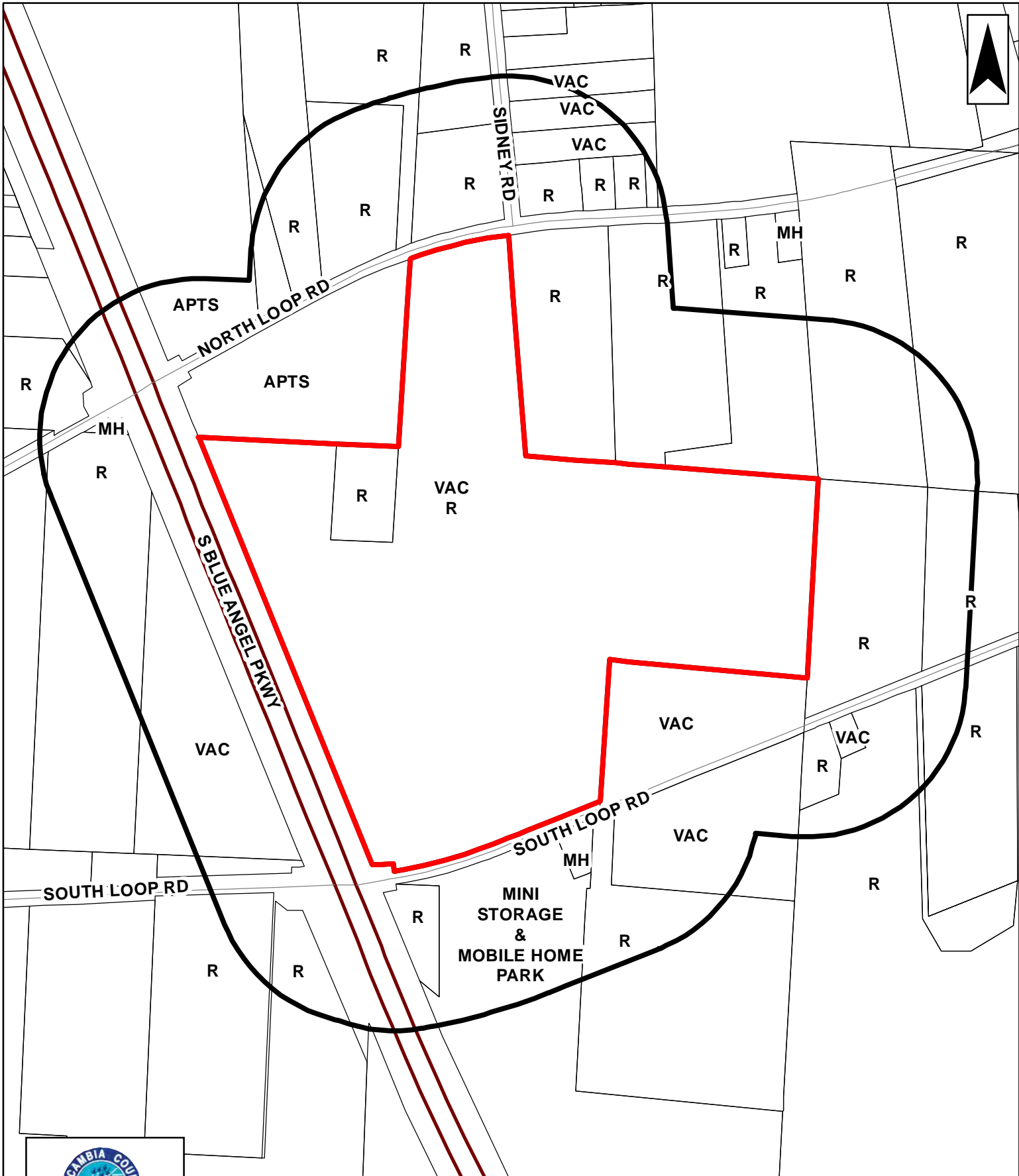
Andrew Holmer  
Planning and Zoning Dept.

CON






# Z-2012-01 FUTURE LAND USE MAP



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



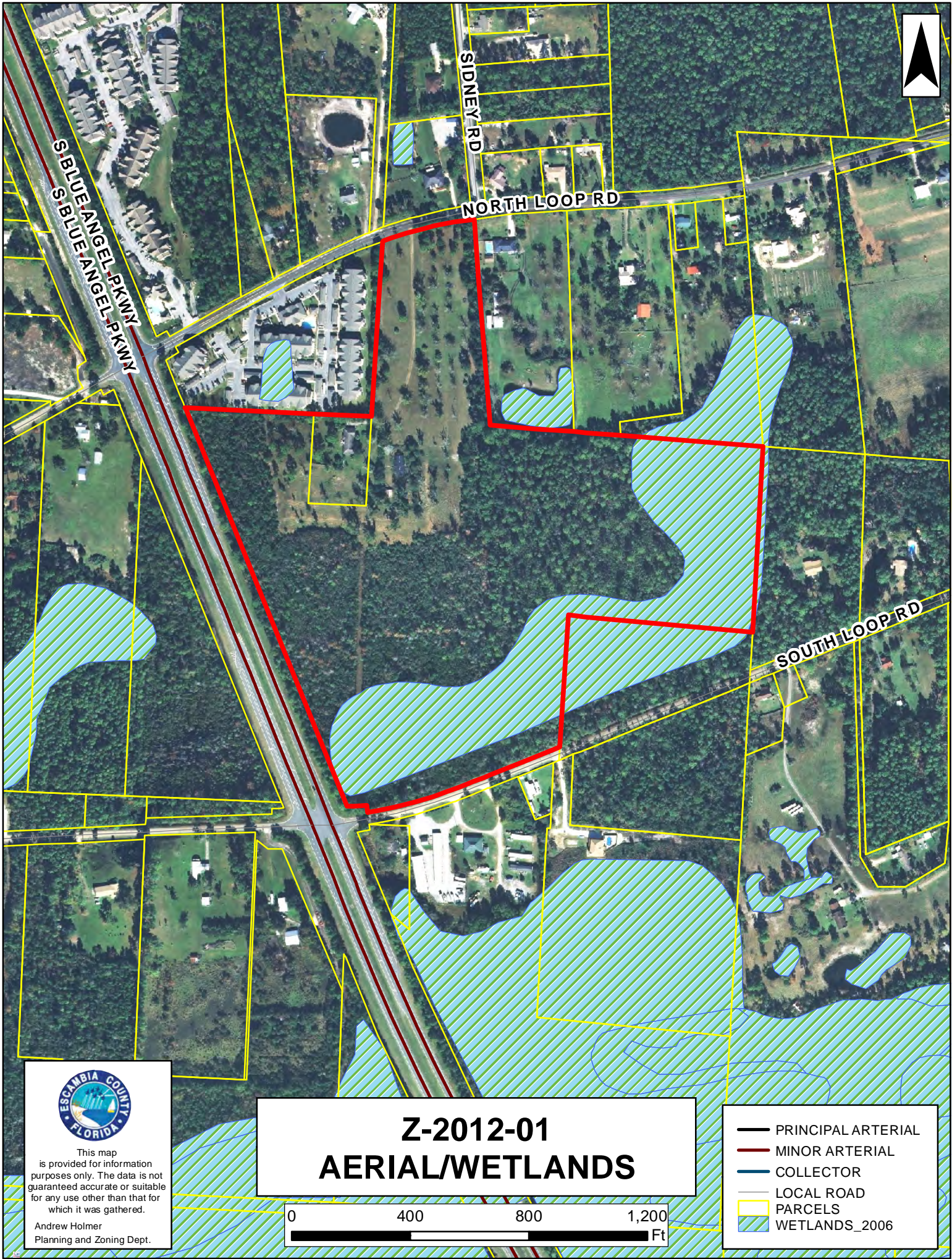
**Z-2012-01**  
**EXISTING LAND USE MAP**

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



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.



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-2012-01 AERIAL/WETLANDS



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



# NOTICE OF PUBLIC HEARING REZONING

Z-2012-01

CASE NO.:

CURRENT ZONING:

RR

PROPOSED

ZONING: AMU-2

## REZONING HEARING EXAMINER

DATE: 03/12/12 TIME: 8:30 AM

OVERFLOW. TIME:

## LOCATION OF HEARING

3363 West Park Place

3<sup>RD</sup> FLO

Room 104

ROOM

## BOARD OF COUNTY COMMISSIONERS

DATE: 04/05/12 TIME: 5:45 PM

LOCATION OF HEARING  
ESCAMBIA COUNTY COURTHOUSE  
221 PALAFOX PLACE  
1<sup>ST</sup> FLOOR BCC CHAMBERS

FOR MORE INFORMATION ABOUT THIS CASE PLEASE CALL  
THE PLANNING AND ENGINEERING DEPARTMENT 595-3475  
OR VISIT  
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN  
PROPERTY OF ESCAMBIA COUNTY



Looking South onto subject property



Looking North from the subject property



Looking West from Subject property

**NOTICE OF PUBLIC HEARING REZONING**  
CASE NO.: Z-2012-01  
CURRENT ZONING: RR PROPOSED ZONING: AMU-2  
REZONING HEARING EXAMINER  
Room 104  
BOARD OF COUNTY COMMISSIONERS  
DATE: 2/2/12 TIME: 5:45 PM



Looking East from Subject Property



**Response Memo concerning the Rezoning request case number Z-2012-01**

To: The Escambia County Planning and Zoning Board

From: Mr. Bruce Stitt, Community Planning Liaison Officer, Naval Air Station Pensacola

Date: December 29, 2011

In regards to the Rezoning application referenced above, NAS Pensacola has the following concerns:

The County Code discourages the Split Zoning of a property but the subject property is split in two nearly equal halves by two different AIPDs. It is also true that any Rezoning granted for this property would apply to the entire property as it has not been requested that two different zonings be applied to the property. However, Article 6-Zoning Districts- A., *Intent and purpose of district*, states that: *"While the intent is for this zoning district (AMU2) to apply primarily to the AIPD-2 overlay areas, it can also be utilized in other unincorporated areas of Escambia County in which it is compatible with the future land use category, except AIPD-1."*

While the AIPD regulations only apply to the portions of the property which they overlay, it would appear that the Rezoning will apply to the whole of the property since there is no existing mechanism to accomplish Split Zoning. However, it cannot functionally be applied to the whole of the property since there is an existing exclusion for the requested zoning category to be utilized in the AIPD-1.

Therefore this request should be denied due to the resulting internal inconsistency with the Land Development Regulations for Escambia County that approving it would create.

Since the property is split by the AIPD designations any resulting construction would be more compatible if the more stringent density and use standards of the AIPD 1/ APZ-1 be applied to any Rezoning designation for this property so as to be more consistent with the apparent intent and purpose of the district. However, there doesn't seem to be any existing mechanism within the LDC to accommodate that type of interpretation of the application of regulations to the overlay designations.

County records show that three years after the JLUS, a Preliminary Plat Development Order was given for the 15 unit single-family Carswell subdivision on the 43.9 acres in August of 2006. However a final plat was never submitted. This application was approved under the RR designation.

Since the 2003 Joint Land Use Study, it was determined that development in areas designated within the AIPDs should be regulated to assist in directing the type and density of growth and development into areas compatible with the aircraft flight training paths coming in and out of the Military air bases in Escambia County. Further, it was determined that there were more

critical areas where the location of residences or the congregation of people should either be discouraged or entirely prohibited.

Properties within Clear Zones are not to have any population located within them since the statistics for aircraft mishaps are very high within this area. The next severe area for mishaps is the Accident Potential Zone 1 (APZ1). Although the lines on the map are based on noise contours and flight patterns, those lines on the paper do not stop a plane from going beyond them. They are literally guidelines to assist the Planning Board in making informed decisions which will have the best potential to keep citizens out of harms way should a training mission go wrong, a mechanical error or even a bird strike occur.

The recently submitted 2010 Air Installation Compatibility Use Zone (AICUZ) study indicates that Multi-Family, Residential (apartment & transient lodging), Single Family nor Public Assembly are compatible uses within the 65-70 db noise ranges (Table 6.1). All of these types of uses are permitted in the AMU2 category. The 65-70 db is the range which the APZ-1 overlaying this subject parcel lies within. The measurements for the impacts of the decibel levels are based on typical weather and other atmospheric conditions based on a day/night average. Lower cloud levels and night time operations can alter the actual reach of the noise levels either amplifying or redirecting the sound. The results could be that the impacts of the greater noise levels could shift outside of the AIPD1/APZ-1 and over into the AIPD 2 area.

So while the application for the Rezoning of this property is permitted by the LDC, the potential types of uses allowed by the AMU categories may not be compatible with the flying of jets and other aircraft.

It is recommended that this Rezoning request be denied and that the Planning Board hold a workshop as soon as possible to address the issues regarding these types of parcels split by AIPD designations in better detail and then implement the resulting text changes through the required public process.

#### Additional Recommendations:

Should the rezoning request somehow be granted and sent on to the BOCC, it is requested that at a minimum, the following and all other applicable regulations and LDC elements be followed and enforced.

- 1) Avigation Easement. Section 11.02.01 B1 requires that the land owner provide a dedication of an Avigation easement to the county to be recorded with the deed to the land and run in perpetuity with the land.
- 2) Noise Reduction. Section 11.02.01 B2a (1) Noise Zone 1, cites that the standards for the noise reduction of 25db to be achieved for residential construction.
- 3) Real estate disclosure form. Section 11.02.01 B3 requires that all real estate transactions with an AIPD shall include a form disclosing the proximity of the site to the

military airfield. The form shall be affixed to all listing agreements, sales and rental contracts, subdivision plats, and marketing materials provided to prospective buyers and lessees.

- 4) Prohibited concentrations of population. Enforcement of concentrations of populations as delineated in Section 11.02.02 A1 of the LDC.
- 5) Density Limitations in AIPD1. Section 11.02.02 D requires the application of absolute density limits where applicable and lot size inverse ratio to maximum density in Area "B".
- 6) Density and Rezoning in AIPD 2. Section 11.02.03 states that clustering is allowed as well as density transfers, but there is not a mechanism in place for such transfers as of now. Rezoning is allowed but only to a zoning district which allows three d.u. per acre or less as well as an alternative mixed-use zoning which allows the same density of three d.u. per acre such as AMU-1, AMU-2 or V-2A.

## Allyson Cain

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**From:** Jesse Rigby [jrigby@cphlaw.com]  
**Sent:** Friday, February 10, 2012 10:58 AM  
**To:** heidi.taylor  
**Cc:** Allyson Cain; Jim1213@aol.com; tommy\_brown@co.escambia.fl.us; Hamlin, Jamie; Jeanneret, Justin; Townsend, Maria; Wilks, David  
**Subject:** RE: Access to Blue Angel Parkway for Properties South of Sorrento Road

Ms. Taylor:

I appreciate your prompt response to my earlier email. I appreciate you sending me a copy of the deed of conveyance arising out of the state condemnation process that acquired ROW for the widening of Blue Angel Parkway in the 1970s. I also appreciate you sending me the ROW map.

Unfortunately, while the ROW map may be understood by civil engineers and traffic management professionals, it is not of much help to most of the rest of us. I have examined the map and I cannot find any information that explains why the state would condemn access rights during the eminent domain process. I believe that action to acquire ROW rights can be described as somewhat rare outside of either acquisition of ROW for interstate or other major limited access highways. My experience with eminent domain cases is that the state does not want to pay for any property right that it does not need, or is not required to obtain. I also know that the property owner has little or no control over what type of property rights the state acquires, so long as the condemnation accomplishes a public purpose. The only issue that the property owner can contest in most eminent domain actions is the amount of money the state is required to pay for the property rights it condemns. Therefore, to the casual reader, the deed of conveyance from Ms. Hinson to the state is likely to be misunderstood. It appears that Ms. Hinson voluntarily conveyed access rights to Blue Angel, but you and I know that would be an erroneous conclusion.

What I need from FDOT is a clear written statement that will be understood easily by a non-professional (not an engineer, traffic management professional, or eminent domain lawyer). The explanation needs to state that the Hinsons conveyed access rights to the state, but that the conveyance was demanded by the state during the condemnation (eminent domain) proceeding, and that the Hinsons had NO choice about whether access rights to Blue Angel would be deeded to the state.

Second, I know that demanding the conveyance of access rights was not something that the state chose to do without being either compelled to do so by some other state or federal agency. My understanding is that the condemnation of access rights was acquired either by NAS Pensacola, or some other federal agency acting of behalf of NAS Pensacola.

Just to be sure there is no misunderstanding of my intent, my client and I understand that the property owner (Knowhow Group USA, Inc.) does NOT have a right to access Blue Angel Parkway, and that the only access from its property to a public road is to either North Loop Road or South Loop Road. My client is not trying to overturn the deed of conveyance of access rights by the Hinsons to the state. But what my client and I have to answer is a question from members of the Escambia County Commission as to whether there will be any new direct access to Blue Angel Parkway by properties that abut any portion of Blue Angel south of Sorrento Road and north of the back gate of NAS Pensacola.

Thank you very much for your attention to this request.

Jesse W. Rigby

Clark Partington Hart  
Larry Bond & Stackhouse  
125 W. Romana St., Ste. 800  
Pensacola, FL 32502  
jrigby@cphlaw.com  
850.434.3282 (direct)

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**From:** Taylor, Heidi [mailto:Heidi.Taylor@dot.state.fl.us]  
**Sent:** Thursday, February 09, 2012 4:34 PM  
**To:** Jesse Rigby  
**Cc:** Allyson\_Cain@co.escambia.fl.us; jim1213@aol.com; tommy\_brown@co.escambia.fl.us; Hamlin, Jamie; Jeanneret, Justin; Townsend, Maria; Wilks, David  
**Subject:** Access to Blue Angel Parkway for Properties South of Sorrento Road

Good afternoon Mr. Rigby,

Attached is a copy of the Document of Conveyance and State right-of-way map of the area described below. I'm hoping this will suffice as proof from the Department that no additional access connections are permissible from properties along Blue Angel Parkway (State Road 173) south of Sorrento Road to NAS back gate. Let me know if I can assist you with additional information.

Thank you and I look forward to working with you in the future,

Heidi S. Taylor  
Permits Manager  
6025 Old Bagdad Highway  
Milton, FL 32583  
850-981-2737 desk  
850-981-2719 fax



heidi.taylor@dot.state.fl.us

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**From:** Jesse Rigby [mailto:jrigby@cphlaw.com]  
**Sent:** Wednesday, February 08, 2012 5:13 PM  
**To:** Taylor, Heidi  
**Cc:** Allyson Cain; Stephen G. West; jim1213@aol.com  
**Subject:** Access to Blue Angel Parkway for Properties South of Sorrento Road

Dear Ms. Taylor,

Thank you for spending the time to talk with me this afternoon.

I represent Knowhow Group USA, Inc., and Mr. James Hinson, who is an officer/director/shareholder of the corporation. When Blue Angel was widened and connected to the NAS back gate, my clients' parents (now deceased) owned the property. I have attached documents that show the property of my client. The property record information from the property appraiser lists the property reference number. The property appraiser map shows the relationship of the property to Blue Angel, North Loop Road, and South Loop Road; however the triangle shaped property to the west of Blue Angel is not part of the pending rezoning application. The aerial map is helpful because it shows the property in relationship to the three roads.

I am requesting a letter from you, on FDOT letterhead, to confirm that if my client were to request a curb cut from Blue Angel into the Knowhow Group USA property, the permit application would be denied. I request that the letter state the reason why the request would be denied.

I made the verbal representation on behalf of my client to the county planning board at a rezoning hearing that our understanding is that the FDOT would deny a request for a curb cut from Blue Angel because of an agreement between the U. S. Navy and FDOT at the time the land was acquired by eminent domain to widen Blue Angel from the back gate of NAS to the vicinity of Sorrento Road. I made the representation that the agreement would prevent any new curb cut for a property owner to access Blue Angel for all property from Sorrento Road south to the NAS back gate. Our conversation today confirmed that the "hearsay" information I had was correct.

I understood you to say today that the state purchased the access rights from property owners during the eminent domain process when the state acquired land to widen Blue Angel. I have no objection if your letter includes this information. The facts are the facts.

Earlier this month, the Escambia County Commission remanded the rezoning application to the County Planning Board for consideration of three issues. One issue was to allow the Planning Board to receive factual information as to whether a request by Knowhow Group USA for a curb cut to access Blue Angel directly would be denied by FDOT, and the reason for the denial.

The Planning Board hearing will be in early March. Therefore, it would be very helpful if the letter is provided to me by February 17, but in any event before the end of February.

The letter can be addressed to my attention at the below listed address, or if you desire the letter can be addressed to:

Escambia County Planning Board  
3363 West Park Place  
Pensacola, FL 32505  
ATTN: Ms. Allyson Cain, Planning Board Coordinator

If you send the letter to Ms. Cain, please send a copy to me.

Thank you again for your attention to this request.

Jesse W. Rigby  
Clark Partington Hart  
Larry Bond & Stackhouse  
125 W. Romana St., Ste. 800  
Pensacola, FL 32502  
jrigby@cphlaw.com  
850.434.3282 (direct)

CLARK PARTINGTON HART  
LARRY BOND & STACKHOUSE

ATTORNEYS AT LAW

Pensacola • Destin • Tallahassee

Jesse W. Rigby  
Direct (850) 434-3282  
jrigby@cphlaw.com

November 30, 2011

Chairman  
Escambia County Planning Board  
3363 West Park Place  
Pensacola, Florida 32505  
ATTN: Alyson Cain, Planning Board Coordinator

**Re: Requests of Knowhow Group USA, Inc. and James C. Hinson, Jr.,  
for rezoning of property**

Dear Mr. Briske and Planning Board Members:

I represent James C. Hinson, Jr. and Knowhow Group USA, Inc. ("Applicants") with respect to this request to rezone land from rural residential (R-R) to AMU-2. The properties are identified on the applications filed on behalf of the Applicants, and consist of a parcel of 40 plus acres owned by Knowhow Group USA, Inc. and a smaller adjacent parcel of about 1.3 acres owned by Mr. Hinson. The properties are located adjacent to and east of Blue Angel Parkway, and are located between North Loop Road and South Loop Road.

Other relevant factors are that the properties are in the AIPD-2 overlay district. Mr. Hinson's smaller parcel is in the APZ-2 overlay area (within AIPD-2) and the larger parcel owned by Knowhow Group USA is split between the APZ-2 overlay in the western portion of the property and the APZ-1 overlay in the eastern portion of the property. Within AIPD-2, the APZ-1 overlay restricts residential development to one dwelling unit per 2.5 acres, with a minimum lot size of 2.5 acres. The APZ-2 overlay allows residential density of three dwelling units per acre, with no minimum lot size.

Exhibit "A" attached to this letters depicts the information described in the previous paragraphs.

It is important to note that AIPD-2, APZ-1 and APZ-2 are NOT zoning districts. Each parcel of land within these overlays carries a separate zoning district classification, and carries the development density associated with the zoning district. At the present time, this zoning district is rural residential for the Applicants' property, which restricts use of the property to two units per acre, with a minimum lot size of one-half acre.

125 West Romana Street • Suite 800 • Pensacola, Florida 32502  
P.O. Box 13010 • Pensacola, Florida 32591-3010  
Phone (850) 434-9200 • Fax (850) 432-7340  
www.cphlaw.com

The property at issue is in the mixed use-suburban (MU-S) future land use category.

With the above background information set out, I will address the six criteria at issue for a rezoning application.

Consistency with the Comprehensive Plan

The proposed amendment to AMU-2 is consistent with the Comprehensive Plan. The MU-S future land use category is designed to accommodate a mix of residential and non-residential uses. For residential uses, the minimum density required by the Comprehensive Plan is two dwelling units per acre, and the maximum density is ten dwelling units per acre. Zoning district AMU-2, at three dwelling units per acre, falls within the allowed range. For non-residential development, the maximum intensity floor area ratio is 1.0. Compliance with this requirement would be addressed at the time of submission of a request for a development order that includes a commercial use.

Consistency with this Code

The proposed amendment to AMU-2 is NOT in conflict with any portion of the LDC, and is consistent with the stated purpose and intent of the LDC.

Section 11.02.03, LDC, provides that density within the AIPD-2 overlay is controlled by the underlying zoning category. Density limits in AIPD-2 are not absolute, meaning clustering, planned unit development and density transfers are permitted. The only additional regulations regarding density are the following:

Rezoning is allowed only to a zoning district that allows three d.u./acre or less. An alternatively mixed-use zoning category that allows commercial uses and limits density to three d.u./acre is offered in place of the current high density commercial zoning districts. (See article 6, zoning districts – AMU-1 and AMU-2.) Properties that currently have density of less than three d.u./acre can apply for an up-zoning to AMU-1, AMU-2 or V-2A, which have a maximum density of three d.u./acre.

Accordingly, not only is AMU-2 consistent with the LDC; it is also one of the three desired/recommended zoning districts for the AIPD-2 overlay.

Compatibility with surrounding uses

A significant portion of the Knowhow Group USA parcel consists of regulated wetlands. The historical development that surrounds the property to the northeast, east, and south is sparsely developed residential. The western portion of the property is bounded by Blue Angel Parkway, with essentially no development immediately to



the west of Blue Angel Parkway. A triangle shaped parcel immediately west of Blue Angel Parkway is also owned by the Hinson family, but is not included in this rezoning application.

The most significant recent development in the area immediately adjacent to the property is the large apartment complex between North Loop Road and Blue Angel Parkway, and adjacent to this property at the northwest corner of the property.

Other significant development changes include the large scale commercial development one half mile to the north at the intersection of Blue Angel Parkway and Sorrento Road. This intersection is now occupied by Wal-Mart, Target, and a convenience store with fuel service, with other commercial development in the immediate vicinity of the intersection. In summary, over the last ten years, the development in the immediate vicinity is primarily commercial and the intensity of development has increased several fold.

A development, primarily of residential uses, in the uplands portion of the properties would be entirely consistent and compatible with the surrounding uses.

#### Changed conditions

The changed conditions are identified in the previous section, and include the large apartment complex and the significant commercial development a short distance to the north of the property. In summary, the increased development of this area has been significant over the last ten years.

Approximately sixty percent (60%) of the property is in the very restricted APZ-1 overlay district. The imposition of the overlays resulting from the Joint Land Use Study (JLUS) of the late 1990s constitute changed conditions. As a result of this regulation, no longer can the property owner make a commercially reasonable use of the property in the APZ-1 overlay area. However, the current Comprehensive Plan recognizes this impediment and includes, as policy CON 1.3.8 Density Clustering, the following:

Escambia County shall include density clustering provisions in the LDC to avoid development in environmentally sensitive lands, conservation and preservation areas, and Airfield Influence Planning Districts (AIPD) whenever feasible. In the event development must be permitted in such areas, adverse impact shall be minimized through the use of clustering and variance of lot size and setback requirements by the County. Further, development which may impact sensitive natural resources may be required to utilize reduced construction "footprints," modified construction techniques, innovative construction techniques, land use and development techniques which minimize negative environmental impacts or results.

The County Commission's recognition of the adverse impact on property owners imposed by regulations derived from the JLUS led to the creation of AMU-2, as one of the three desired zoning districts for these newly restricted areas. This action recognized that these JLUS restricted areas created changed conditions that would have to be addressed in future rezoning decisions.

Effect on natural environment

The proposed change to AMU-2 would have a positive, rather than a negative, impact on the natural environment. AMU-2 allows for planned unit developments and for clustering away from wetlands and the APZ-1 portion of the property. Both should, or at least may, allow the Applicants to make a reasonable and commercially economical use of the property by clustering density to the uplands portion generally located in the northwestern part of the larger tract.

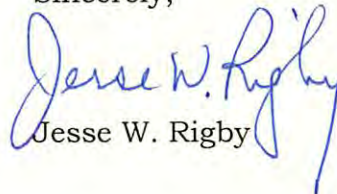
Development patterns

The applicants' request for AMU-2 zoning will allow a reasonable use of the property for residential, and potentially, some limited commercial activities. These future development activities should include clustering of development density to the portion of the property that is within the APZ-2 district, and outside of sensitive wetland areas. Even with clustering, the somewhat denser development patterns should be less intense than the large apartment complex to the immediate northwest, which clearly changed the development patterns in this area.

Summary

For the reasons stated herein, the applicants have demonstrated compliance with each of the six criteria to be evaluated by the Planning Board. Accordingly, we request that the applications to rezone these properties to AMU-2 be approved.

Sincerely,

  
Jesse W. Rigby


JWR\cw

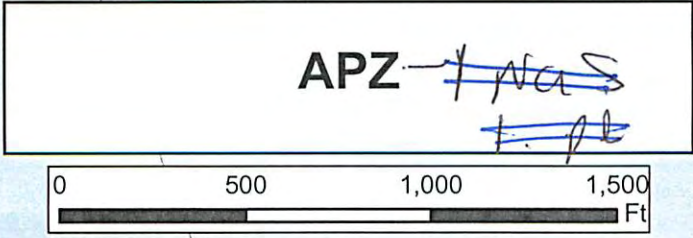
Enclosures

cc: Knowhow Group USA, Inc.  
James C. Hinson

A0978132.DOC



  
 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 selection
-  sde\_vec.ESCAMBIA.aicuz\_apz
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



# Development Services Department

Escambia County, Florida

## APPLICATION

**Please check application type:**

- Administrative Appeal
- Development Order Extension
- Conditional Use Request for: \_\_\_\_\_
- Variance Request for: \_\_\_\_\_
- Rezoning Request from: R-R to: AMU-2

**Name & address of current owner(s) as shown on public records of Escambia County, FL**

Owner(s) Name: Knowhow Group USA, Inc. Phone: 434-3282 (Agent)

Address: 9869 N. Loop Rd., Pensacola, FL 32507 Email: jrigby@cphlaw.com

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 9869 N. Loop Rd., Pensacola, FL 32507

Property Reference Number(s)/Legal Description: \_\_\_\_\_

14-3S-31-2101-000-000

**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.

Jesse W. Rigby  
Signature of Owner/Agent

James C. Hinson  
Signature of Owner

Jesse W. Rigby, Esquire (Agent)  
Printed Name Owner/Agent

James C. Hinson, Jr., Treasurer  
Printed Name of Owner

11/30/2011  
Date

11/30/11  
Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of November, 20 11, by James C. Hinson

Personally Known  OR Produced Identification . Type of Identification Produced: FL DL # HS25443 BL4580

Constance M. Weiss  
Signature of Notary  
(notary seal must be affixed)

Constance M. Weiss  
Printed Name of Notary



**CONSTANCE M. WEISS**  
COMMISSION # DD 811149  
EXPIRES: Aug. 03, 2012

**FOR OFFICE USE ONLY** CASE NUMBER: \_\_\_\_\_

Meeting Date(s): \_\_\_\_\_ Accepted/Verified by: \_\_\_\_\_ Date: \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_ Permit #: \_\_\_\_\_



# Development Services Department

Escambia County, Florida

FOR OFFICE USE

CASE #: \_\_\_\_\_

## CONCURRENCY DETERMINATION ACKNOWLEDGMENT

### For Rezoning Requests Only

Property Reference Number(s): 14-3S-31-2101-000-000

Property Address: 9869 N. Loop Rd., Pensacola, FL 32507

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 transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. 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 30 DAY OF NOVEMBER, YEAR OF 2011.

James C. Hinson, Jr.  
Signature of Property Owner

James C. Hinson, Jr., Treasurer  
Printed Name of Property Owner

11/30/11  
Date

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

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

\_\_\_\_\_  
Date



# Development Services Department

Escambia County, Florida

FOR OFFICE USE:

CASE #:

## AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 9869 N. Loop Rd., Pensacola, FL 32507,  
Florida, property reference number(s) 14-3S-31-2101-000-000

I hereby designate Jesse W. Rigby, Esquire for the sole purpose  
of completing this application and making a presentation to the:

Planning Board and the Board of County Commissioners to request a rezoning on the above  
referenced property.

Board of Adjustment to request a(n) \_\_\_\_\_ on the above referenced property.

This Limited Power of Attorney is granted on this 30th day of November the year of,  
2011, and is effective until the Board of County Commissioners or the Board of Adjustment has  
rendered a decision on this request and any appeal period has expired. The owner reserves the right to  
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development  
Services Bureau.

Agent Name: Jesse W. Rigby, Esquire Email: jrigby@cphlaw.com

Address: Clark Partington Hart Larry Bond & Stackhouse Phone: 434-3282 (Agent)  
125 W. Romana St., Suite 800, Pensacola, FL 32502

James C. Hinson  
Signature of Property Owner

James C. Hinson, Jr., Treasurer  
Printed Name of Property Owner

11/30/11  
Date

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

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

\_\_\_\_\_  
Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of November 2011,  
by James C. Hinson

Personally Known  OR Produced Identification . Type of Identification Produced: FL DL # H525443364530

Constance M. Weiss  
Signature of Notary

Constance M. Weiss  
Printed Name of Notary



CONSTANCE M. WEISS  
COMMISSION # DD 811149  
EXPIRES: Aug. 03, 2012



# Development Services Department

Escambia County, Florida

FOR OFFICE USE

CASE #: \_\_\_\_\_

## APPLICATION ATTACHMENTS CHECKLIST

- 1. For BOA, original letter of request, typed or written in blue ink & **must** include the reason for the request and address all criteria for the request as outlined in LDC Article 2.05 (dated, signed & notarized – notarization is only necessary if an agent will be used).
- 2. Application/Owner Certification Form - Notarized Original (page 1) (signatures of ALL legal owners or authorized agent are required)
- 3. Concurrency Determination Acknowledgment form - Original (if applicable) (page 2)
- 4. Affidavit of Owner & Limited Power of Attorney form - Notarized Original (if applicable) (page 3) (signatures of ALL legal owners are required)
- 5. Legal Proof of Ownership (e.g. copy of Tax Notice or Warranty Deed). Include Corporation/LLC documentation or a copy of Contract for Sale if applicable.
- 6. Legal Description of Property Street Address / Property Reference Number
- 7.
  - a. Rezoning: Boundary Survey of subject property to include total acreage, all easements, and signed & sealed by a surveyor registered in the state of Florida.
  - b. BOA: Site Plan drawn to scale.
- 8. For Rezoning requests: If the subject parcel does not meet the roadway requirements of Locational Criteria (Comprehensive Plan 7.A.4.13 & LDC 7.20.00.), a compatibility analysis to request a waiver or an exemption to the roadway requirements will need to be submitted as part of the application.
- 9. Pre-Application Summary Form, Referral Form, Zoning Verification Request Form and/or copy of citation from Code Enforcement Department if applicable.
- 10. Application fees. (See Instructions page for amounts) Payment cannot be accepted after **3:00pm**.

*Please note: Forms with signatures dated more than sixty (60) days prior to application submittal will not be accepted as complete.*

Please make the following three appointments with the Coordinator.

Appointment for pre-application meeting: Held, November 28, 2011

Appointment to turn in application: \_\_\_\_\_

Appointment to receive findings-of-fact: \_\_\_\_\_



# Development Services Department

Escambia County, Florida

## APPLICATION

**Please check application type:**

Administrative Appeal

Development Order Extension

Conditional Use Request for: \_\_\_\_\_

Variance Request for: \_\_\_\_\_

Rezoning Request from: R-R to: AMU-2

**Name & address of current owner(s) as shown on public records of Escambia County, FL**

Owner(s) Name: James C. Hinson, Jr. Phone: 434-3282 (Agent)

Address: 9869 N. Loop Rd., Pensacola, FL 32507 Email: jrigby@cphlaw.com

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 9869 N. Loop Rd., Pensacola, FL 32507

Property Reference Number(s)/Legal Description: \_\_\_\_\_  
13-3S-31-7101-000-001

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- 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
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Jesse W. Rigby  
 Signature of Owner/Agent

James C. Hinson, Jr.  
 Signature of Owner

Jesse W. Rigby, Esquire  
 Printed Name Owner/Agent

James C. Hinson, Jr.  
 Printed Name of Owner

11/30/2011  
 Date

11/30/11  
 Date

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Personally Known  OR Produced Identification . Type of Identification Produced: FL DL #H526443364530

Constance M. Weiss  
 Signature of Notary  
 (notary seal must be affixed)

Constance M. Weiss  
 Printed Name of Notary

 **CONSTANCE M. WEISS**  
 COMMISSION # DD 811149  
 EXPIRES: Aug. 03, 2012

**FOR OFFICE USE ONLY**

CASE NUMBER: \_\_\_\_\_

Meeting Date(s): \_\_\_\_\_ Accepted/Verified by: \_\_\_\_\_ Date: \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_ Permit #: \_\_\_\_\_





# Development Services Department

Escambia County, Florida

FOR OFFICE USE

CASE #: \_\_\_\_\_

## CONCURRENCY DETERMINATION ACKNOWLEDGMENT

### For Rezoning Requests Only

Property Reference Number(s): 13-3S-31-7101-000-001

Property Address: 9869 N. Loop Rd., Pensacola, FL 32507

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James C. Hinson, Jr.  
Signature of Property Owner

James C. Hinson, Jr.  
Printed Name of Property Owner

11/30/11  
Date

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

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

\_\_\_\_\_  
Date



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As owner of the property located at 9869 N. Loop Rd., Pensacola, FL 32507

Florida, property reference number(s) 13-3S-31-7101-000-001

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Planning Board and the Board of County Commissioners to request a rezoning on the above referenced property.

Board of Adjustment to request a(n) \_\_\_\_\_ on the above referenced property.

This Limited Power of Attorney is granted on this 30 day of NOVEMBER the year of, 2011, and is effective until the Board of County Commissioners or the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development Services Bureau.

Agent Name: Jesse W. Rigby, Esquire Email: jrigby@cphlaw.com

Address: Clark Partington Hart Larry Bond & Stackhouse Phone: 434-3282 (Agent)  
125 W. Romana St., Suite 800, Pensacola, FL 32502

James C. Hinson  
Signature of Property Owner

James C. Hinson, Jr.  
Printed Name of Property Owner

11/30/11  
Date

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Signature of Property Owner

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

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Date

STATE OF Florida COUNTY OF Escambia

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Personally Known  OR Produced Identification . Type of Identification Produced: FL DL #H525443364520

Constance M. Weiss  
Signature of Notary

Constance M. Weiss  
Printed Name of Notary



**CONSTANCE M. WEISS**  
COMMISSION # DD 811149  
EXPIRES: Aug. 03, 2012



# Development Services Department

Escambia County, Florida

FOR OFFICE USE:

CASE #: \_\_\_\_\_

## APPLICATION ATTACHMENTS CHECKLIST

1. For BOA, original letter of request, typed or written in blue ink & **must** include the reason for the request and address all criteria for the request as outlined in LDC Article 2.05 (dated, signed & notarized – notarization is only necessary if an agent will be used).
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  - a. Rezoning: Boundary Survey of subject property to include total acreage, all easements, and signed & sealed by a surveyor registered in the state of Florida.
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Appointment to turn in application: \_\_\_\_\_

Appointment to receive findings-of-fact: \_\_\_\_\_

House

**Janet Holley**

Ad Valorem Taxes and Non-Ad Valorem Assessments

**Escambia County Tax Collector**

REAL ESTATE 2011 62677

Account Number	Payor	Exemptions	Taxable Value	Millage Code
10-1811-500		See Below	See Below	06

HINSON JAMES C JR  
 9869 NORTH LOOP RD  
 PENSACOLA FL 32507

133S31-7101-000-001 9869 NORTH  
 LOOP RD E 200 FT OF N 300 FT OF  
 GOVT LT 7 OR 1883 P 259

Ad Valorem Taxes				
Taxing Authority	Rate	Exemption Amount	Taxable Value	Taxes Levied
COUNTY	6.9755	50,000	\$53,958	\$376.38
PUBLIC SCHOOLS				
By Local Board	2.2480	25,000	\$78,958	\$177.50
By State Law	5.5730	25,000	\$78,958	\$440.03
SHERIFF	0.6850	50,000	\$53,958	\$36.96
WATER MANAGEMENT	0.0400	50,000	\$53,958	\$2.16
<b>Total Millage</b>		15.5215	<b>Total Taxes</b>	\$1,033.03

Non-Ad Valorem Assessments		
Code	Levying Authority	Amount
NFP	FIRE (CALL 595-4960)	\$80.00
<b>Total Assessments</b>		\$80.00

Taxes & Assessments		\$1,113.03
---------------------	--	------------

If Paid By	Nov 30 2011	Dec 31 2011	Jan 31 2012	Feb 29 2012	Mar 31 2012
Please Pay	\$1,068.51	\$1,079.64	\$1,090.77	\$1,101.90	\$1,113.03

[Back](#)

**Source: Escambia County Property Appraiser**

[Restore Full Page Version](#)

<b>General Information</b> <b>Reference:</b> 133S317101000001 <b>Account:</b> 101811500 <b>Owners:</b> HINSON JAMES C JR <b>Mail:</b> 9869 NORTH LOOP RD PENSACOLA, FL 32507 <b>Situs:</b> 9869 NORTH LOOP RD 32507 <b>Use Code:</b> SINGLE FAMILY RESID <b>Taxing Authority:</b> COUNTY MSTU <b>Tax Inquiry:</b> <a href="#">Open Tax Inquiry Window</a> Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector		<b>2011 Certified Roll Assessment</b> <b>Improvements:</b> \$98,422 <b>Land:</b> \$20,824 <b>Total:</b> \$119,246 <b>Save Our Homes:</b> \$103,958 <p style="text-align: center;"><a href="#">Disclaimer</a></p> <p style="text-align: center;"><a href="#">Amendment 1 Calculations</a></p>
<b>Sales Data</b> <b>Sale Date Book Page Value Type Official Records (New Window)</b> 02/1984 1883 259 \$4,700 WD <a href="#">View Instr</a> Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court		<b>2011 Certified Roll Exemptions</b> HOMESTEAD EXEMPTION <b>Legal Description</b> E 200 FT OF N 300 FT OF GOVT LT 7 OR 1883 P 259 <b>Extra Features</b> None

**Parcel Information** [Restore Map](#) [Get Map Image](#) [Launch Interactive Map](#)

<b>Section Map Id:</b> 13-3S-31  <b>Approx. Acreage:</b> 1.3400  <b>Zoned:</b> R-R	
---	--

<b>Buildings</b>	
<b>Building 1 - Address:9869 NORTH LOOP RD, Year Built: 1984, Effective Year: 1984</b>	
<b>Structural Elements</b> <b>FOUNDATION-SLAB ON GRADE</b> <b>EXTERIOR WALL-BRICK-FACE</b> <b>NO. PLUMBING FIXTURES-8.00</b> <b>DWELLING UNITS-1.00</b> <b>ROOF FRAMING-GABLE</b> <b>ROOF COVER-COMPOSITION SHG</b> <b>INTERIOR WALL-DRYWALL-PLASTER</b> <b>FLOOR COVER-CARPET</b> <b>NO. STORIES-1.00</b> <b>DECOR/MILLWORK-ABOVE AVERAGE</b> <b>HEAT/AIR-CENTRAL H/AC</b> <b>STRUCTURAL FRAME-WOOD FRAME</b>	
<b>Areas - 3121 Total SF</b> <b>BASE AREA - 2217</b> <b>GARAGE FIN - 632</b> <b>OPEN PORCH FIN - 8</b> <b>OPEN PORCH UNF - 24</b> <b>PATIO - 240</b>	
<b>Images</b>	
None	

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.



**Development Services Department**  
Escambia County, Florida

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

14-35-31-2101-000-001  
Property Reference Number

Jesse Rigby  
Name

9869 North Loop Rd  
Address

Owner  Agent

Referral Form Included? **Y/N**

**MAPS PREPARED**

- Zoning
- FLU
- Aerial
- Other: AIPD

**PROPERTY INFORMATION**

Current Zoning: R-2 Size of Property: 49.57 +/-  
 Future Land Use: MU-5 Commissioner District: \_\_\_\_\_  
 Overlay/AIPD: AIPD 1+2 NAS APZ-1 Subdivision: \_\_\_\_\_  
 Redevelopment Area\*: \_\_\_\_\_

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

**COMMENTS**

Desired Zoning: R-4 AMU-2

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

Parcel in AIPD 1+2 also NAS-APZ-1 - (1 du/2.5 acres)  
Came through DRC as Carswell SUB PP 2006.  
Applicant considering Aggregate Living Facility for approx 43 acres for 140 units approx.  
No development in AIPD 1. Considering clustering for assisted  
living + possible <sup>sublot</sup> cond. Bldg - Multi use development  
May require BOA process depending on the direction they are  
going w/ development

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

Staff present: Trace Jones, Andrew Holman, Allyson Coe Date: 11/28/11

Applicant/Agent Name & Signature: Jesse W. Rigby

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

This Instrument was Prepared By:  
CHARLES F. JAMES, IV., ESQUIRE  
CLARK, PARTINGTON, HART,  
LARRY, BOND & STACKHOUSE  
125 West Romana Street, Suite 800  
Post Office Box 13010  
Pensacola, Florida 32591-3010

CPH&H File no. 05-1847

TAX PARCEL I.D. #:14-3S-31-2101-000-000

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

### WARRANTY DEED

**THIS INDENTURE**, made effective the 1st day of November, 2005, by JAMES CARSWELL HINSON, a SLAVE man (the "Grantor") in favor of KNOWHOW GROUP USA, INC., a Florida corporation, whose address is 9869 North Loop Road, Pensacola, Florida 32507 (the "Grantee").

**WITNESSETH**, that Grantor, as a contribution to capital to the Grantee, has granted, bargained and sold to said Grantee, and Grantee's heirs, successors and/or assigns forever, that certain tract or parcel of real property situate, lying and being in Escambia County, Florida, and being more particularly described as follows (the "Property"):

**See Exhibit "A" attached hereto and by this reference made a part hereof**

together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, free from all exemptions.

**The above-described property is not the homestead of the Grantor.**

**SUBJECT TO** taxes for the year 2005 and subsequent years, and easements of record, if any, which are not hereby reimposed.

**GRANTOR COVENANTS** that it is well seized of an indefeasible estate in fee simple in the Property, and has a good right to convey the same; that it is free of lien or encumbrance, and Grantor hereby fully warrants the title to the Property and will defend same against all persons lawfully claiming the same.



IN WITNESS WHEREOF, Grantor has signed and sealed this Warranty Deed as of the day and year first above written.

WITNESSES

*Jamie Gibson*  
JAMIE GIBSON

[Type/print name of witness]

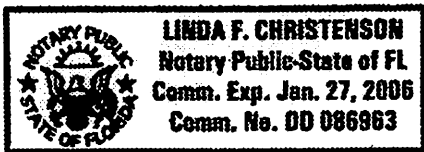
*Linda F Christenson*  
Linda F Christenson

[Type/print name of witness]

*James Carswell Hinson*  
JAMES CARSWELL HINSON

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing instrument was sworn to, subscribed, and acknowledged before me this 1st of November, 2005, by JAMES CARSWELL HINSON, who () is personally known to me or () has produced a drivers license as identification.



[NOTARIAL SEAL]

*Linda F Christenson*

(Print/Type Name)  
NOTARY PUBLIC

Commission Number: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

## Exhibit A

**Parcel 1:**

Beginning at the point where the South right-of-way line of the county road cuts the West line of Lot 1, Section 14, Township 3 South, Range 31 West, thence Easterly with the right-of-way of said county road on a curve concave to the South to a pipe, said pipe being at a chord distance of 319.9 feet from the Point of Beginning, said chord including a center angle of 107°34' with the West line of aforesaid Section; thence Southerly following the approximate center line of a ditch 713.25 feet to a pipe set in the South boundary line of Lot 1 of aforesaid Sectional a distance of 397.75 feet from the Southwest corner of said lot; thence Westerly with said South line 397.75 feet to an iron axle at the Southwest corner; thence Northerly with the West line of said Lot 596.02 feet to the Point of Beginning, in Escambia County, Florida.

**Parcel 2:**

North half of North half of Lot 2 and Southwest Quarter of North half of Lot 2, lying North of South Loop Road, Section 14, Township 3 South, Range 32 West, Escambia County, Florida, LESS AND EXCEPT any portion of caption property conveyed to the State of Florida in Official Records Book 1195, Page 552, of the public records of Escambia County, Florida.

**Parcel 3:**

The East 23 acres of the North half of Lot 7, Section 13, Township 3 South, Range 31 West, less that parcel described in O.R. Book 1883, Page 259, of the public records of Escambia County, Florida, LESS AND EXCEPT any portion of caption property lying within the right-of-way of State Road #297.

This instrument prepared by:  
Charles F. James, IV, Esquire  
Clark, Partington, Hart, Larry,  
Bond, & Stackhouse  
Post Office Box 13010  
Pensacola, FL 32591-3010  
(850) 434-9200

CPH&H File no. 05-1847

Parcel ID Number: 14-3S-31-2101-000-000

**WARRANTY DEED (Statutory Form-Section 689.02, F.S.)**

This Indenture, Made this 28th day of October, 2005, between **HATTIE P. HINSON**, an unmarried woman, and **MARION HINSON FORD**, a married woman, whose address is 7171 North Ninth Avenue, Apt. No. F-10, Pensacola, Florida 32504, Grantor, and **KNOWHOW GROUP USA, INC.**, a Florida corporation, whose address is 9869 North Loop Road, Pensacola, Florida 32507, Grantee,

**WITNESSETH**, That said Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars, and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Escambia County, Florida, to wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.**

**The above described property is not the constitutional homestead of Grantors.**

Subject to zoning and other requirements imposed by governmental authorities; restrictions and matters appearing on the plat, if there is a recorded plat, or otherwise common to the subdivision, if the property is located within a subdivision; valid easements and mineral reservations of record affecting the property, if any, which are not hereby reimposed; and taxes for the current and subsequent years.

Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

"Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Charles F. James, IV  
[Type/print name of witness]

Hattie P. Hinson  
HATTIE P. HINSON

Linda F. Christensen  
[Type/print name of witness]

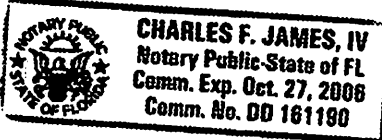
Charles F. James, IV  
[Type/print name of witness]

Marion H. Ford  
MARION HINSON FORD

Linda F. Christensen  
[Type/print name of witness]

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing instrument was sworn to, subscribed, and acknowledged before me this 28th of October, 2005, by HATTIE P. HINSON, who ( ) is personally known to me or (  ) has produced a drivers license as identification.



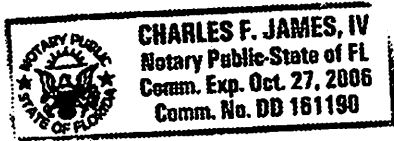
[NOTARIAL SEAL]

Charles F. James, IV  
(Print/Type Name)  
NOTARY PUBLIC

Commission Number: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing instrument was sworn to, subscribed, and acknowledged before me this 28th of October, 2005, by MARION HINSON FORD, who ( ) is personally known to me or (  ) has produced a drivers license as identification.



[NOTARIAL SEAL]

*Charles F. James, IV*  
\_\_\_\_\_  
\_\_\_\_\_  
(Print/Type Name)  
NOTARY PUBLIC  
Commission Number: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

## Exhibit A

**Parcel 1:**

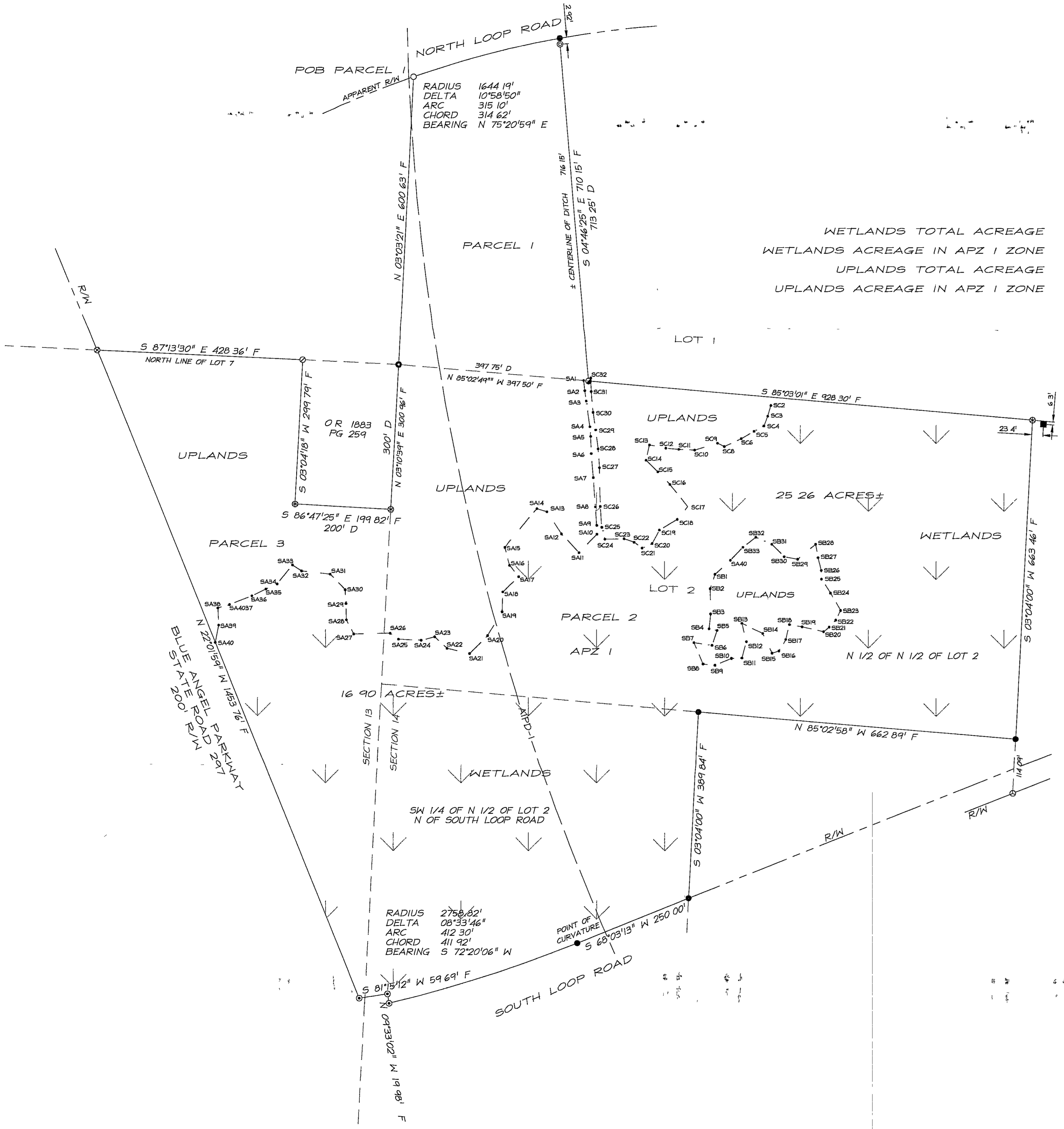
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**Parcel 2:**

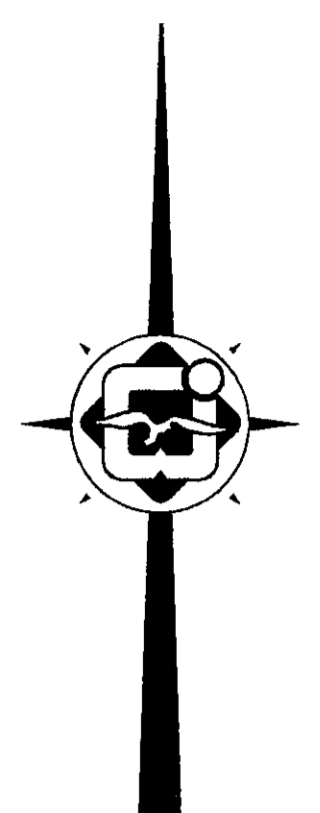
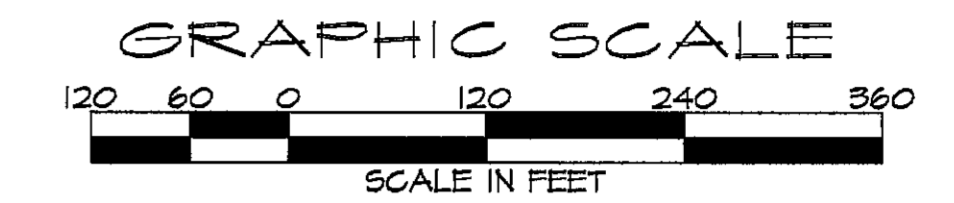
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**Parcel 3:**

The East 23 acres of the North half of Lot 7, Section 13, Township 3 South, Range 31 West, less that parcel described in O.R. Book 1883, Page 259, of the public records of Escambia County, Florida, LESS AND EXCEPT any portion of caption property lying within the right-of-way of State Road #297.



WETLANDS TOTAL ACREAGE 25.16±  
 WETLANDS ACREAGE IN APZ I ZONE 15.45±  
 UPLANDS TOTAL ACREAGE 16.83±  
 UPLANDS ACREAGE IN APZ I ZONE 9.79±



- LEGEND**
- - SET 1/2" CAPPED ROD # 6679
  - ⊙ - FOUND 1/2" IRON ROD
  - ⊙ - FOUND AXLE
  - ⊙ - FOUND 1/2" CAPPED ROD # 4882
  - ⊙ - FOUND 1/2" CAPPED ROD (BUTLER)
  - ⊙ - FOUND 5/8" FLORIDA DOT CAPPED ROD
  - ⊙ - FOUND 1" IRON PIPE
  - ⊙ - FOUND 5/8" CAPPED ROD (UNREADABLE)
  - ⊙ - FOUND 1" IRON ROD
  - ⊙ - FOUND 3/4" IRON PIPE
  - ⊙ - FOUND 4"X4" CONCRETE MONUMENT
  - F - FIELD
  - D - DEED
  - R/W - RIGHT-OF-WAY
  - POB - POINT OF BEGINNING
  - POC - POINT OF COMMENCEMENT
  - SB28 - WETLANDS FLAGGING

**PARCEL 1**  
 COMMENCING AT THE POINT WHERE THE SOUTH RIGHT-OF-WAY LINE OF THE COUNTY ROAD CUTS THE WEST LINE OF LOT 1, SECTION 14, TOWNSHIP 3 SOUTH, RANGE 31 WEST, THENCE EASTERLY WITH THE RIGHT-OF-WAY OF SAID COUNTY ROAD ON A CURVE CONCAVE TO THE SOUTH TO A PIPE, SAID PIPE BEING AT A CHORD DISTANCE OF 319.9 FEET FROM THE POINT OF BEGINNING, SAID PIPE INCLUDING A CENTER ANGLE OF 107°34' WITH THE WEST LINE OF AFORESAID SECTION, THENCE SOUTHERLY FOLLOWING THE APPROXIMATE SECTIONAL LINE OF A DITCH 713.25 FEET TO A PIPE SET IN THE SOUTH BOUNDARY LINE OF LOT 1 OF AFORESAID SECTIONAL A DISTANCE OF 397.75 FEET FROM THE SOUTHWEST CORNER OF SAID LOT, THENCE WESTERLY WITH SAID SOUTH LINE 397.75 FEET TO AN IRON AXLE AT THE SOUTHWEST CORNER, THENCE NORTHERLY WITH THE WEST LINE OF SAID LOT 596.02 FEET TO THE POINT OF BEGINNING, IN ESCAMBIA COUNTY, FLORIDA

**PARCEL 2**  
 NORTH HALF OF NORTH HALF OF LOT 2 AND SOUTHWEST QUARTER OF NORTH HALF OF LOT 2, SECTION 14, TOWNSHIP 3 SOUTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA

**PARCEL 3**  
 THE EAST 23 ACRES OF THE NORTH HALF OF LOT 7, SECTION 13, TOWNSHIP 3 SOUTH, RANGE 31 WEST, LESS THAT PARCEL DESCRIBED IN O R BOOK 1883 PAGE 259 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA

- SURVEYORS NOTES**
- 1 THE BEARING SHOWN HEREON ARE BASED ON THE BEARING OF N 22°01'59" W ALONG THE WEST LINE OF THE SURVEYED PARCEL PER FLORIDA D O T RIGHT OF WAY MAPS
  - 2 NO TITLE SEARCH, TITLE OPINION, OR ABSTRACT WAS PERFORMED BY OR PROVIDED TO FABRE ENGINEERING FOR THE SUBJECT PROPERTY THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS OF WAY, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY
  - 3 THE INFORMATION SHOWN HEREON IS BASED ON THE DEEDS OF RECORD AND FIELD EVIDENCE
  - 4 THE SUBJECT PARCEL OF LAND IS LOCATED IN ZONE X ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR ESCAMBIA COUNTY, FLORIDA, MAP NUMBER 12033C0526 F, MAP REVISED FEBRUARY 23, 2000
  - 5 THE LOCATION OF JURISDICTIONAL WETLANDS IS BASED ON FIELD MARKINGS BY JOE EDMISTEN & ASSOCIATES
  - 6 THE LOCATION OF THE AIRPORT ZONING LINE IS BASED ON AN ELECTRONIC MAP OF SAID ZONES PROVIDED BY THE ESCAMBIA COUNTY GIS DEPARTMENT

**SURVEYORS CERTIFICATE**  
 I CERTIFY THE SURVEY SHOWN HEREON TO BE CORRECT, AND COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING PER CHAPTER 6G17-6, FLORIDA ADMINISTRATIVE CODE, SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 FLORIDA STATUTES SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON

OCTOBER 5, 2004  
DATE

RICKY B SEARS, P.S.M.  
 FLORIDA LICENSE NO 4511, F.E.I. LB NO 6679  
 UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NAMED ABOVE, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID

No.	Date	Revisions

Drawing Scale 1"=120'  
 Field Book 114  
 Field Book Page 50-56  
 Field Date 9-01-04  
 Drawn By J.W.W.  
 Checked By RBS  
 Date 10-05-04  
 Job Number 040001-33-S00  
 File Name 040001-33-S.DWG  
 Sheet 1 of 1

**From:** [Horace L Jones](#)  
**To:** [Ryan E. Ross](#)  
**Cc:** [Allyson Cain](#)  
**Subject:** FW: Group Home in AMU-2  
**Date:** Tuesday, December 13, 2011 3:42:38 PM

---

Sounds good to me. No PB interpretation has been applied for.

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**From:** Ryan E. Ross  
**Sent:** Tuesday, December 13, 2011 1:52 PM  
**To:** T. Lloyd Kerr; Horace L Jones; Andrew D. Holmer; Allyson Cain  
**Cc:** Alison A. Perdue; Stephen G. West; Tara D. Cannon  
**Subject:** Group Home in AMU-2

***This is my proposed response to Jesse about whether a state-licensed group home is a permitted use in the AMU-2 zoning district. Please provide me with any thoughts today so I can go ahead and send it to him (unless he has already applied for a PB interpretation on this issue.***

-  
Jesse:

At your request, I have reviewed the narrow issue of whether a “community residential home” home is a permitted use in the AMU-2 zoning district under the Escambia County Land Development Code. Based on our discussions, I don’t believe your client plans to operate a home of six or fewer residents. If it does, then it would probably be considered as a permitted single-family use under F.S. 419.001(2).

Community residential homes (state-licensed and housing 7-14 residents) are regulated under F.S. 419.001(3). F.S. 419.001(3)(c)1. requires a community residential home to conform to local zoning regulations. Assuming that your client would qualify as a community residential home under F.S. 419.001(1)(a), the question is whether our zoning allows for such a use in AMU-2.

The AMU-2 zoning district does not list “community residential home” as a permitted or conditional use. (It does list “child care centers” and “family day care homes and family foster homes as permitted uses.) However, there are zoning districts where “community residential home” is listed as a permitted use, such as R-4 (LDC 6.05.11.B.4). As we discussed, LDC 6.04.01 states that “unless otherwise authorized as provided herein, land uses not listed or included as permitted uses in a given zoning classification shall be considered prohibited uses in such zoning classification.” I also note that some zoning districts allow for “uses which are similar or compatible to the uses . . . that promote the intent and purpose of (the) district.” However, the AMU-2 zoning district regulations do not contain this “similar use” provision. Because the AMU-2 zoning district does not list community residential home as a permitted use, although it is explicitly listed as a use for other zoning districts, and because the LDC does not allow for “similar uses” in AMU-2 like it does for other zoning districts, I do not believe that community residential homes housing more than six residents are permitted uses within the AMU-2 zoning districts.

I understand that you may request a Planning Board interpretation. I look forward to discussing this issue with you prior to any hearings.



## Allyson Cain

---

**From:** Colby S. Brown  
**Sent:** Thursday, March 01, 2012 5:29 PM  
**To:** Allyson Cain  
**Cc:** Thomas R Brown  
**Subject:** RE: Limited Access on Blue Angel

Allyson

A limited-access road is a highway or arterial road for high-speed traffic which includes limited or no access to adjacent property, some degree of separation of opposing traffic flow, use of grade separated interchanges to some extent, prohibition of some modes of transport such as bicycles or horses and very few or no intersecting cross-streets. The degree of isolation from local traffic allowed varies between countries and regions. The precise definition and application of these issues varies by jurisdiction. Wiki. was a help with this.

Also, I may not be able to be at the meeting depending on the time. Hope this helps.

Colby Brown, PE  
Division Manager  
Traffic and Transportation Division  
Public Works Department  
3363 West Park Place  
Pensacola, FL 32505

[csbrown@myescambia.com](mailto:csbrown@myescambia.com)  
(850) 595-3433  
(850) 554-3034

---

**From:** Allyson Cain  
**Sent:** Thursday, March 01, 2012 2:32 PM  
**To:** Colby S. Brown  
**Cc:** Thomas R Brown  
**Subject:** Limited Access on Blue Angel  
**Importance:** High

Colby,

There is a rezoning that has been remanded back to the Planning Board for March 12<sup>th</sup> located at 9869 North Loop Rd. One of the issues is a letter from FDOT regarding the access allowed on Blue Angel. Mr. Kerr asked that you review the attached document and send us a response as to what "limited access" (on first page) means in terms of the road. I am also sending this to Stephen West for his review and comment. I know this is short notice but we are going to post the Planning Board packet to the web tomorrow afternoon, so if you could try to send back a reply by then, it would be great but I understand if unable to do so. We would also like for you or your designee to attend the meeting Monday March 12<sup>th</sup>.

Thank you for your assistance.

THIS AGREEMENT made and entered into this            day of  
A.D. 19    , by and between the State of Florida, Department of Transpor-  
tation, an agency of the State of Florida, hereinafter called the  
"Department", and the COUNTY OF ESCAMBIA            , a political subdivision  
of the State of Florida, hereinafter called the "County", witnesseth,  
that

WHEREAS, the Legislature of Florida has designated and established  
State Road No. 297            , and the Department has located and surveyed a  
part of said road designated as 48190-2502 from a point in Pensacola Naval  
Air Station Southwesterly and Northwesterly to State Road S-292-A in  
Section 5, Township 3 South, Range 31 West, Francisco Lopez Grant  
in said County, as shown on a map, duly certified as provided by law,  
and on file in the office of the Official designated by law as recorder  
for said County, and in the judgment of the Department said location and  
survey have been found to be practicable, necessary and to the best interest  
of the State; and

WHEREAS, the Department has by resolution designated and established  
said portion of said Section as a limited access facility as defined and  
provided by law; and

WHEREAS, the Department has requested and authorized said County to  
secure by donation, purchase, or condemnation the lands and property  
necessary for such right of way, borrow pits and drainage easements for  
said portion of said Section, and such as may hereafter be found neces-  
sary by the Department for said portion of said Section for a limited  
access facility; and

WHEREAS, the County is financially unable at this time to provide  
the necessary funds from local sources to acquire the right of way,  
borrow pits and drainage easements for such purposes; and

WHEREAS, the Board of County Commissioners of said County, at a  
meeting duly called and held on the 15<sup>th</sup> day of *September*, A.D. 1977,  
adopted a resolution (copy being hereto attached as a part hereof,  
marked "Exhibit A") signifying its agreement to comply with the Depart-  
ment's said requests, requesting the Department to pay for acquiring  
said lands for rights of way for a limited access facility, borrow pits  
and drainage easements from funds which have been or may be remitted  
to the Department under provisions of Article XII, Section 9(4), of  
the Florida Constitution, and Section 335.041, Florida Statutes, as

amended, for expenditure solely within the County and authorizing its Chairman and Clerk, on its behalf, to execute this Contract;

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings hereinafter set forth, the parties mutually covenant and agrees as follows:

1. The County shall forthwith furnish the Department with a title search made by a reliable Abstractor or Abstract Company showing the present ownership and record description of each parcel of land over which said right of way, borrow pits and/or easements extend, together with all unsatisfied or outstanding recorded liens or encumbrances, leases and tax deeds, tax liens and tax certificates, or other interest, including possessive interests. Thereupon the Department shall prepare and furnish to the County the descriptions of said rights of way, borrow pits and/or easements to be acquired for each of the several parcels of land, or interests therein, as shown by said title search. The furnishing of said descriptions shall be solely for the assistance of the County and nothing in this paragraph shall be taken or construed as the Department's acceptance of the title, or quality of the title, to the land or easements shown, and shall not release or relieve the County of its agreement herein to furnish the Department free, clear and unencumbered title to the land required for said rights of way, borrow pits and easements, or from any of its covenants hereunder.

2. After the Department has furnished the County said descriptions, the County shall proceed, out of the funds specified below, to acquire by donation, purchase or condemnation, free, clear and unencumbered title to the land so required as aforesaid for said portion of said Section by the Department for said rights of way for a limited access facility, borrow pits and easements, and convey or vest the same to or in the State of Florida for the use of the Department of Transportation, by good and sufficient deed or deeds, and deliver to the Department said land physically clear of all occupants, tenants, fences, buildings and/or other structures and improvements situate upon or encroaching within the limits of the lands required for said portion of said Section, and shall have adjusted or secure arrangements for the adjustment of all sanitary and/or storm sewers, gas mains, meters, water mains, fire hydrants, pipes, poles, wires, cables, conduits,

and other utilities and facilities situate or encroaching upon said land. Any land to which the County has heretofore acquired free, clear and unencumbered title, which may be necessary for said rights of way, borrow pits and/or easements, shall be conveyed by the County to the State for the said use under the provisions of this section.

Upon completion, the County shall make a certificate to the Department stating for each parcel the instruments vesting the free, clear and unencumbered title thereto in the State for a limited access facility and certifying the removal of all occupants, tenants, fences, buildings and/or other structures and improvements and adjustment of all facilities and certifying that the free, clear and unencumbered title thereto is vested in the State and that all physical encumbrances are removed and that said rights of way are ready for construction of said portion of said Section.

3. In those instances where the County is unable to acquire, either by donation or purchase the lands and property necessary for such right of way, borrow pits and drainage easements for said portion of said Section, and such as may hereafter be found necessary by the Department for said portion of said Section, the County shall notify the Department of the necessity for condemnation proceedings. The Department shall then, at its sole option, either condemn the lands or authorize the County to do so. In those cases where the Department authorizes the County to handle the condemnation proceedings, the County shall make a certificate to the Department stating for each parcel condemned the instruments vesting the free, clear and unencumbered title thereto in the State and certifying the removal of all occupants, tenants, fences, buildings and/or other structures and improvements and adjustments of all facilities and certifying that the free, clear and unencumbered title thereto is vested in the State and that all physical encumbrances are removed and that said rights of way are ready for construction of said portion of said Section.

4. Commencing with the date when the Department shall begin construction operations on said portion of said Section, and at all times thereafter for so long as said portion of said Section shall continue to be a part of the State System of Roads, the County solely at its own expense, shall save, defend and keep the State of Florida, and the Department, its officers, employees and contractors harmless from any

and all damages, claims or injuries, actions at law or suits in equity arising from or growing out of any defect or alleged defect affecting the title or right of possession of the State of Florida for the use of said road, to any portions of the lands, borrow pits and easements required by the Department for said portion of said Section as aforesaid, or because of the lack of title or right of possession thereto or by reason of encumbrances thereon, or failure to have removed occupants, tenants, fences, buildings and/or other structures and improvements or made or caused to be made adjustments of utilities and facilities thereon, and the County agrees to pay and discharge all lawful claims, damages, judgments, decrees and any other expenses arising from or growing out of such claims, injuries, actions or suits.

5. The Department agrees to pay for the items set forth in paragraph 7 below, from funds which are remitted to the Department under provisions of Article XII, Section 9(4), of the Florida Constitution, and Section 335.041, Florida Statutes, as amended for expenditure solely within the County. All such sums so remitted to the Department shall be applied as provided by this Contract; PROVIDED HOWEVER, that any funds received from the Federal Bureau of Public Roads for participation in the purchase of this right of way will be considered a refund of the monies spent and credited to the Secondary Gas Tax Funds of the County on deposit with the Department.

6. The County agrees that its acquisition of said rights of way, borrow pits and easements shall be conducted under supervision of the Department. Upon receipt of the necessary and proper information from the County, the Department shall prepare requisitions for payment out of said funds directly to the proper persons for the items set forth in paragraph 7.

7. The purchase of condemnation of the lands or interests required for rights of way, borrow pits and/or drainage easements for said portion of said Section as aforesaid shall be paid for in the following manner:

An appraisal shall be prepared of costs and damages required for the acquisition of the lands and easements and the clearing of the right of way of all physical obstructions which shall be approved by the Department. After the appraisal is thus approved, expenditures of said funds will be approved for the following purposes and in the following amounts:

1. Payment of the price for the parcels of land or easements arrived at either by negotiation or by awards in condemnation including relocation assistance as applicable under Department policies and regulations.
2. The costs of title search and other title information up to such amount as may be approved by the Department.
3. The costs of the appraisal up to such amount as may be approved by the Department, provided the appraiser is approved by the Department before he is employed.
4. The compensation to be paid to the County Attorney, if applicable, handling the condemnation proceedings shall be a reasonable fee, as determined by the County Commissioners and approved by proper resolution, which shall, in all cases, be subject to approval by the State of Florida Department of Transportation.
5. Payment into the Registry of the Court of amount set out in Order of Taking, if proceedings are instituted under Chapter 74, Florida Statutes. The County agrees not to stipulate for or agree to expenditure of funds from this deposit without approval of same by the Department, and further agrees that money so deposited shall be used only for the payment of awards of compensation to property owners; and the County further agrees to reimburse the Department for any money expended from said deposit for any other purpose.

IN WITNESS WHEREOF, the Department has caused this agreement to be executed in quadruplicate by its Director of Administration and its Executive Secretary, and its official seal to be affixed; and the County has caused it to be executed by its Chairman and its Clerk, and its official seal to be affixed, the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

STATE OF FLORIDA, DEPARTMENT OF  
TRANSPORTATION

\_\_\_\_\_

\_\_\_\_\_  
Director of Administration

\_\_\_\_\_  
As to the Department

\_\_\_\_\_  
Executive Secretary

(SEAL)

COUNTY OF ESCAMBIA, FLORIDA

C. B. McAllister, Jr.

By: Kenneth T. Kel

Elizabeth Witherspoon  
As to the County

ATTEST: Joe G. Flowers  
Clerk of the Board of County  
Commissioners

(SEAL)

RESOLUTION  
OF THE  
SECRETARY OF TRANSPORTATION

WHEREAS, under Florida Statutes 335.042, the Secretary of Transportation has authority to locate and designate certain roads in the State Highway System and construct and maintain the same with funds which are now or which may hereafter become available from the state or from the state and federal government; and

WHEREAS, under Florida Statutes 338.01, the highway authorities of the state, counties, cities, towns and villages acting alone or in cooperation with each other or with any federal, state, or local agency of any other state having authority to participate in the construction and maintenance of highways, are authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide limited access facilities for public use whenever such authority or authorities are of the opinion that traffic conditions, present or future, will justify such special facilities; and

WHEREAS, there has been prepared a map or plat of survey and location of Section 48190-2502

NOW, THEREFORE, BE IT RESOLVED, by the Secretary of Transportation that said map or plat of such survey and location dated June 1, 1977

be and the same is hereby made and adopted as Section 48190-2502 from a point in Pensacola Naval Air Station Southwesterly and Northwesterly to State Road S-292-A in Section 5, Township 3 South, Range 31 West, Francisco Lopez Grant

and the line and location of such road is hereby designated as a part of the State Highway System;

BE IT FURTHER RESOLVED, that said map or plat of such survey and location, certified by the Director of Administration, shall be filed in the office of the Clerk of the Circuit Court of each county through which such state road or section thereof, so surveyed and located, shall run;

BE IT FURTHER RESOLVED, that the Secretary of Transportation finding that traffic conditions, present or future, would justify said highway being designated as a limited access facility, hereby designates the same as a limited access facility; and,

BE IT FURTHER RESOLVED that it is the judgment of the Department that the construction of said portion of said Section as a limited access facility necessary, practical and to the best interest of the State and that it is necessary that the right of way for the roadbed and borrow pits for said portion of said Section be acquired in fee simple and a perpetual easement shall be acquired for drainage ditches; and that the Department is authorized to acquire the same by gift, purchase or condemnation pursuant to Florida Statutes as amended.

BE IT FURTHER RESOLVED, the due notice of this Resolution be given by publication in a newspaper of general circulation in the locality of such facility.

DATED:

June 17, 1977



STATE OF FLORIDA DEPARTMENT OF  
TRANSPORTATION

BY:

Tom Webb  
Secretary of Transportation

ATTEST:

Carolyn Scarsola  
Executive Secretary



PARCEL NO. 105.1R(1-4-78)  
SECTION 48190-2502  
STATE ROAD 297  
COUNTY Escambia  
FAP # NAD-23-(1)

W.  
3840  
1430  
5270

DEED

THIS INDENTURE, made this 1ST day of MARCH, A. D. 1978,  
between MYRTLE LEE HINSON, INDIVIDUALLY AND as GUARDIAN  
of the estate of JAMES CARSWELL HINSON, INCOMPETENT

party of the first part, and the STATE OF FLORIDA, for the use and benefit of the  
State of Florida Department of Transportation, party of the second part.

WITNESSETH: That the said guardian having on the  
28TH day of FEBRUARY A.D. 1978, by petition applied to the  
County Judge's Court in and for Escambia County, Florida, for  
authority to sell certain real estate, the property of said estate as  
hereinafter particularly described; and the prayer in said petition having  
appeared to the Court to be reasonable and just and to the best interest of  
said estate and, and the Court being satisfied as to the expediency of such  
sale, having made an order dated the 1ST day of MARCH, A.D. 1978,  
directing the said guardian to sell said real estate at private sale; and  
thereupon the said guardian having contracted to sell the said real  
estate to the said party of the second part for the sum of \$16,000.00  
dollars to be paid as follows: Total amount at closing

and the said guardian  
having reported said contract to the Court, and the Court being fully advised  
in the premises and satisfied that the price offered for said real estate was  
fair and reasonable, and that the conditions of said sale where such as the  
interest of said estate required, having by order dated the 1ST day of  
MARCH A.D. 1978, ratified and confirmed said contract of sale  
and ordered the said guardian to make deed of the real estate  
hereinafter described to said party of the second part, upon the terms  
hereinafter set forth:

NOW, THEREFORE, in consideration of the premises and the sum of \$16,000.00  
Dollars paid by the second party, receipt of which is hereby  
acknowledged by the first party y, said first party y as guardian  
has granted, bargained, sold, aliened, remised, released, conveyed and confirmed  
unto the said party of the second part, its successors and assigns forever,  
the following described land in the County of Escambia, State of  
Florida, to-wit:

DOCUMENTARY STAMPS  
STATE 38.40  
SURTAX 14.30

42-702 Cross Reference Control No. 65378

PARCEL NO. 105

SECTION 48190-2502

(A) A parcel of land situate, lying and being in Government Lot 7 in Section 13, Township 3 South, Range 31 West and Government Lot 2, Section 14, Township 3 South, Range 31 West being more particularly described as follows: Begin on the North line of said Government Lot 7 at a point 628.85 feet North 87°11'14" West of the Northeast corner of said Government Lot 7; thence run North 87°11'14" West 127.52 feet; thence South 3°04'40" West 198.61 feet; thence South 22°01'59" East 1241.64 feet; thence South 86°53'44" East 229.44 feet to the East line of Government Lot 7, Section 13, Township 3 South, Range 31 West (West line of Government Lot 2, Section 14, Township 3 South, Range 31 West); thence South 3°04'40" West 10.55 feet along said East line of Section 13 to the beginning of a curve concave Northerly having a radius of 1617.02 feet; thence from a tangent bearing of North 82°14'24" East run Northeasterly 52.04 feet along said curve through a central angle of 1°50'39" to the end of curve; thence North 9°36'14" West 20.0 feet to the beginning of curve concave Northerly, having a radius of 1597.02 feet; thence from a tangent bearing of South 80°23'46" West run Southwesterly 59.82 feet along said curve through a central angle of 2°08'27" to the end of curve; thence North 22°01'59" West 1453.42 feet to the POINT OF BEGINNING;

Containing 6.52 acres, more or less.

Together with all rights of ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

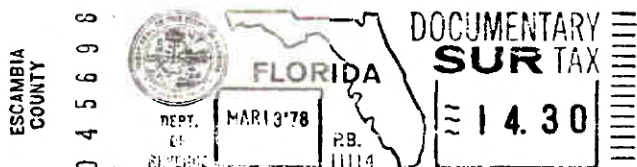
(B) LIMITED ACCESS RIGHT ONLY

All rights of access, egress, ingress, light, air and view between the following described parcel of land:

The SW 1/4 of N 1/2 of Lot 2 of Sec. 14, T-3-S, R-31-W; lying North of South Loop Road;

and the North right of way line of South Loop Road described as follows: Commence on the West line of Government Lot 2, Section 14, Township 3 South, Range 31 West at a point 1307.99 feet North 3°04'40" East of the Southwest corner of the Government Lot 2 of said Section 14; said point being on a curve concave Northerly having a radius of 1617.02 feet; thence from a tangent bearing of North 82°14'24" East run Northeasterly 52.04 feet along said curve through a central angle of 1°50'39" to the POINT OF BEGINNING of line to be described herein; thence continue Northeasterly 24.70 feet along said curve through a central angle of 0°52'30" to the end of curve and the end of line herein described.

THIS INSTRUMENT WAS PREPARED BY:  
 JERRY OBERT  
 STATE OF FLORIDA  
 DEPARTMENT OF TRANSPORTATION  
 CHIPLEY, FLORIDA  
 DESCRIPTION APPROVED: JAN 5 1978



There is hereby reserved unto the Grantor the following rights, which shall be construed as an easement;

1. The right to participate as if a fee owner in any pooling or similar arrangements in the extraction of gas and oil, as provided in Chapter 337, Florida Statutes, or other provisions of law.
2. The right, if Grantor owns property abutting and adjacent to the highway or highway structures to be constructed hereon (said abutting and adjacent property hereinafter called "other property"), to drill on said other property and extract oil or gas from beneath the surface of the property herein conveyed, by means of a well or other extraction devices, on said other property, provided that no drilling or extraction, which includes slant drilling, occurs on the property herein conveyed.

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

TO HAVE AND TO HOLD the above described premises, with the appurtenances thereof, unto said party of the second part, its successors and assigns, to its own proper use, benefit and behoof, forever.

And the said party of the first part does hereby covenant to and with said party of the second part, its successors and assigns, that in all things in and about said sale and this conveyance has conformed to the Order of the Court and the Statutes in such case made and provided.

IN WITNESS WHEREOF the said first part has hereunto set her hand and seal on this the day first above written.

Signed, sealed and delivered

in the presence of:

[Signature]  
Mrs. Sara Blum

[Signature] (SEAL)  
MYRTLE LEE HINSON, INDIVIDUALLY AND  
as GUARDIAN  
of the estate of  
JAMES CARSWELL HINSON, INCOMPETENT

STATE OF FLORIDA

COUNTY OF ESCAMBIA

Before me, an officer authorized to take acknowledgments, personally appeared MYRTLE LEE HINSON

well known to me and known to me as the individual described in and who executed the foregoing deed of conveyance, and acknowledged that he executed the foregoing deed as INDIVIDUALLY & GUARDIAN aforesaid for the purposes therein expressed.

WITNESS my hand and official seal this 1ST day of MARCH, A.D. 1978.

863735

[Signature]  
Notary Public - State of  
Florida at large



FILED & RECORDED IN  
THE PUBLIC RECORDS OF  
ESCAMBIA CO. FLA. ON

MAR 10 10 57 AM '78

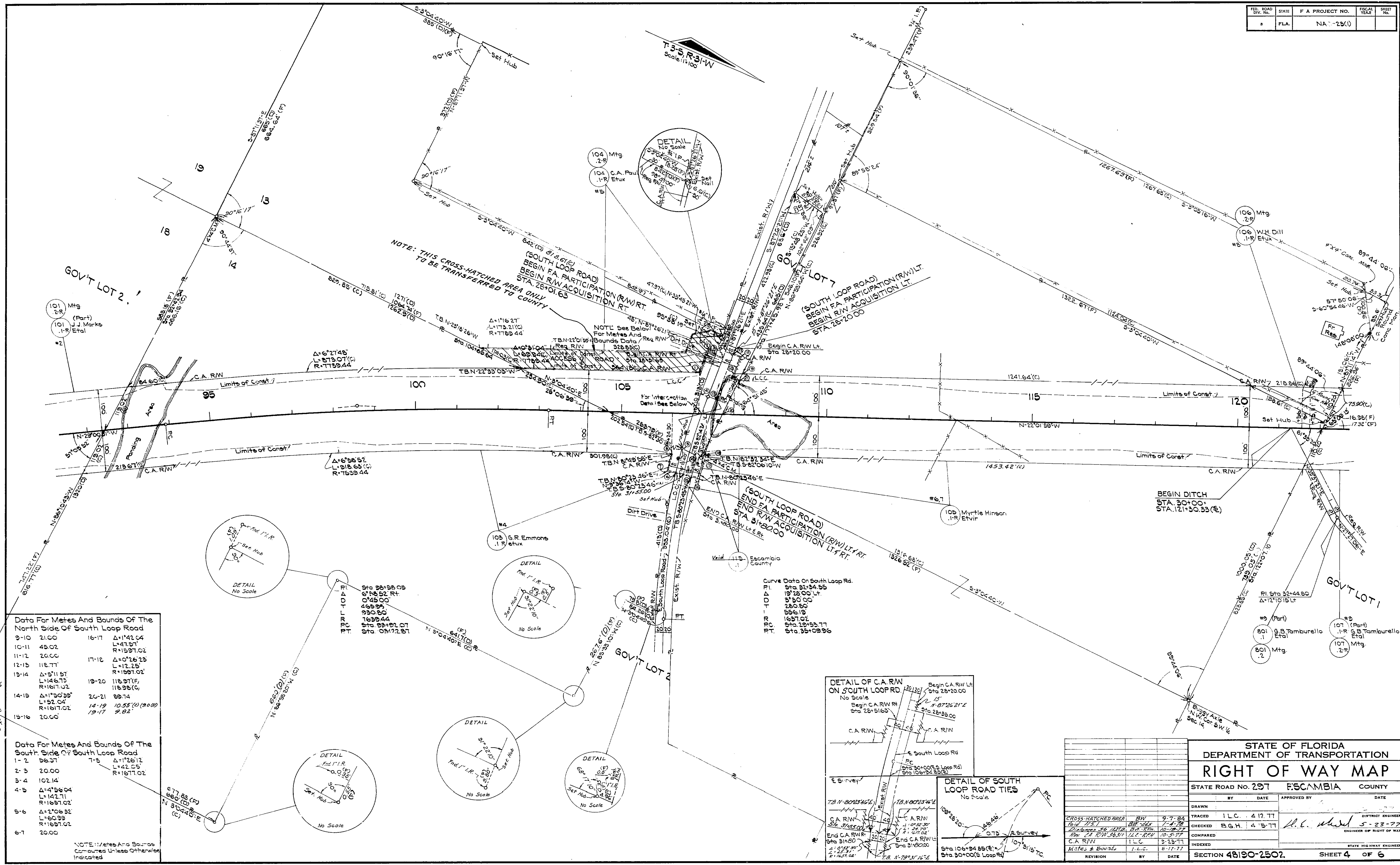
IN BOOK & PAGE NOTED ABOVE  
JOE A. FLOWERS, COMPTROLLER  
ESCAMBIA COUNTY

My commission expires:

7 Nov. 1980

6  
4  
2502  
48190

FED. ROAD DIST. NO.	STATE	F A PROJECT NO.	FISCAL YEAR	SHEET NO.
3	FLA.	NA-23(1)		



**Data For Metes And Bounds Of The North Side Of South Loop Road**

9-10	21.00	16-17	Δ=1°42.04
			L=47.57
			R=1597.02
10-11	45.02		
11-12	20.00	17-18	Δ=0°26.73
			L=12.25
			R=1597.02
12-13	118.77		
13-14	Δ=5°11.57	19-20	Δ=18.97(F)
	L=146.73		L=18.98(C)
	R=1617.02		
14-15	Δ=1°50.39	20-21	89.74
	L=52.04		
	R=1617.02	14-19	10.55'(1000)
15-16	20.00	19-17	9.82'

**Data For Metes And Bounds Of The South Side Of South Loop Road**

1-2	56.57	7-8	Δ=1°26.12
			L=42.05
			R=1617.02
2-3	20.00		
3-4	102.14		
4-5	Δ=4°56.04		
	L=142.71		
	R=1657.02		
5-6	Δ=2°06.32		
	L=60.99		
	R=1657.02		
6-7	20.00		

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

**RIGHT OF WAY MAP**

STATE ROAD NO. 297 ESCAMBIA COUNTY

DRAWN	BY	DATE	APPROVED BY	DATE
TRACED	1.L.C.	4.17.77		
CHECKED	B.G.H.	4.15.77	<i>[Signature]</i>	5-23-77
COMPARED				
INDEXED				

SECTION 48190-2502 SHEET 4 OF 6

EXTENSION OF S.R. 297 FROM WESTGATE TO S.R. 5-292-A



**Development Services Department**

**Building Inspections Division**

3363 West Park Place  
Pensacola, Florida, 32505  
(850) 595-3550  
Molino Office - (850) 587-5770

**RECEIPT**

Receipt No. : **545459**

Date Issued. : 12/02/2011

Cashier ID : DAROSE

Application No. : PRZ111200019

Project Name : Z-2012-01

**PAYMENT INFO**

Method of Payment	Reference Document	Amount Paid	Comment
<b>Check</b>	2094	\$1,050.00	App ID : PRZ111200019
		<b>\$1,050.00</b>	<b>Total Check</b>

Received From : KNOWHOW GROUP USA INC

Total Receipt Amount : **\$1,050.00**

Change Due : \$0.00

**APPLICATION INFO**

Application #	Invoice #	Invoice Amt	Balance	Job Address
PRZ111200019	638758	1,050.00	\$0.00	9869 N LOOP RD, PENSACOLA, FL, 32507

**Total Amount :**

**1,050.00**

\$0.00

Balance Due on this/these  
Application(s) as of 12/21/2011



BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

Development Services Department  
3363 West Park Place, Pensacola, FL 32505  
(850) 595-3475 - Phone  
(850) 595-3481 - FAX  
www.myescambia.com

Escambia County Planning Board

Public Hearing  
Speaker Request Form

Please Print Clearly

Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: Z-2012-01

OR

Agenda Item Number/Description:

In Favor  Against

\*Name: Jesse W. Rigby (Attorney/agent)  
Clark Partington/Walt

\*Address: 125 W Romana St. \*City, State, Zip: PU - 32502  
Suite 800, Pa.

Email Address: jrigby@cpk-law.com Phone: 434-3282

Please indicate if you:

would like to be notified of any further action related to the public hearing item.

do not wish to speak but would like to be notified of any further action related to the public hearing item.

All items with an asterisk \* are required.

\*\*\*\*\*  
Chamber Rules

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6. Should there be a need for information to be presented to the Board, please provide 13 copies for distribution. The Board will determine whether to accept the information into evidence. Once accepted, copies are given to the Clerk for Board distribution.
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Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: Z-2012-01

OR

Agenda Item Number/Description:

X In Favor Against

\*Name: JAMES HINSON

(owner/applicant)

\*Address: 9869 N. LOOP ROAD

\*City, State, Zip: PENSACOLA

Email Address: JIM1213@AOL.COM

Phone: 850 492 3490

Please indicate if you:

[X] would like to be notified of any further action related to the public hearing item.

[ ] do not wish to speak but would like to be notified of any further action related to the public hearing item.

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Escambia County Planning Board

Public Hearing
Speaker Request Form

Please Print Clearly

Z-2012-01
Rezoning Quasi-judicial Hearing
Rezoning Case #: Z-2011-17
In Favor Against

OR
Regular Planning Board Meeting
Agenda Item Number/Description:

\*Name: Thomas Brown, Jr

\*Address: 3363 West Park PL \*City, State, Zip: 32505

Email Address: Phone:

- Please indicate if you:
[would like to be notified of any further action related to the public hearing item.]
[do not wish to speak but would like to be notified of any further action related to the public hearing item.]

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Escambia County Planning Board

Public Hearing
Speaker Request Form

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Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: Z-2012-01

OR

Agenda Item Number/Description:

In Favor [checked] Against

\*Name: JEFF SAUER

\*Address: 9870 NORTH LOOP ROAD \*City, State, Zip: PENSACOLA, FL 32507

Email Address: JTSAUER@BELLSOUTH.NET Phone: 434-2761

Please indicate if you:

[checked] would like to be notified of any further action related to the public hearing item.

[ ] do not wish to speak but would like to be notified of any further action related to the public hearing item.

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Escambia County Planning Board

Public Hearing
Speaker Request Form

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Rezoning Quasi-judicial Hearing

Rezoning Case #: 2-2012-01

OR

Regular Planning Board Meeting

Agenda Item Number/Description:

In Favor X Against

\*Name: Dot Hamilton

\*Address: 9765 N. Loop Rd \*City, State, Zip: Pensacola FL 32507

Email Address: franklindhamilton@bellsouth.net Phone: 492-1316

Please indicate if you:

- [X] would like to be notified of any further action related to the public hearing item.
[ ] do not wish to speak but would like to be notified of any further action related to the public hearing item.

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Public Hearing
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Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: Z-2012-01

OR

Agenda Item Number/Description:

In Favor X Against

\*Name: Brenda Sauer

\*Address: 9870 N. Loop Rd.

\*City, State, Zip: Pensacola FL 32507

Email Address: brenda.sauer@yahoo.com

Phone: 748-2272

Please indicate if you:

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Escambia County Planning Board

Public Hearing
Speaker Request Form

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Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: Z-2012-01

OR

Agenda Item Number/Description:

In Favor [X] Against

\*Name: William E Roloph

\*Address: 9850 Nth Loop RD

\*City, State, Zip: PENSACOLA FL 32507

Email Address: croloph@cox.net

Phone: 850 492-8450

Please indicate if you:

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Public Hearing
Speaker Request Form

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Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: 2-2012-01

OR

Agenda Item Number/Description:

In Favor X Against

\*Name: John D. Roberts

\*Address: 9731 Sidney Road

\*City, State, Zip: Pensacola 32507

Email Address:

Phone: 850-723-3252

Please indicate if you:

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BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

Development Services Department
3363 West Park Place, Pensacola, FL 32505
(850) 595-3475 - Phone
(850) 595-3481 - FAX
www.myescambia.com

Escambia County Planning Board

Public Hearing
Speaker Request Form

Please Print Clearly

Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: Z-2012-01

OR

Agenda Item Number/Description:

In Favor [check] Against

\*Name: CAROL ROLOPH

\*Address: 9850 N. LOOP RD \*City, State, Zip: PUNCA, FL 32507

Email Address: croloph@cox.net Phone: 850-492-8450

Please indicate if you:

- [ ] would like to be notified of any further action related to the public hearing item.
[X] do not wish to speak but would like to be notified of any further action related to the public hearing item.

All items with an asterisk \* are required.

Chamber Rules

- 1. All who wish to speak will be heard.
2. You must sign up to speak. This form must be filled out and given to the Clerk in order to be heard.
3. When the Chairman calls you to speak, come to the podium, adjust the microphone so you can be heard, then state your NAME and ADDRESS for the record.
4. Please keep your remarks BRIEF and FACTUAL.
5. Everyone will be granted uniform time to speak (normally 3 - 5 minutes).
6. Should there be a need for information to be presented to the Board, please provide 13 copies for distribution. The Board will determine whether to accept the information into evidence. Once accepted, copies are given to the Clerk for Board distribution.
7. During quasi-judicial hearings (i.e., rezonings), conduct is very formal and regulated by Supreme Court decisions. Verbal reaction or applause is not appropriate.



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Public Hearing
Speaker Request Form

Please Print Clearly

Rezoning Quasi-judicial Hearing

Rezoning Case #: Z-2012-01

OR

Regular Planning Board Meeting

Agenda Item Number/Description:

In Favor X Against

\*Name: Alta Brown

\*Address: 9615 N. Loop

\*City, State, Zip: Pen. Fl. 32507

Email Address:

Phone: 492-7502

Please indicate if you:

[ ] would like to be notified of any further action related to the public hearing item.

[X] do not wish to speak but would like to be notified of any further action related to the public hearing item.

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Public Hearing
Speaker Request Form

Please Print Clearly

Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: 2012-01

OR

Agenda Item Number/Description:

In Favor [check] Against

\*Name: Jerry + Mary Skatus

\*Address: 9845 N. Loop Rd \*City, State, Zip: Pensacola FLA 32507

Email Address: jskatus@cox.net Phone: 850 492 0021

Please indicate if you:

- would like to be notified of any further action related to the public hearing item.
do not wish to speak but would like to be notified of any further action related to the public hearing item.

All items with an asterisk \* are required.

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**Planning Board-Rezoning**

**5. B.**

**Meeting Date:** 03/12/2012

**CASE :** Z-2012-02

**APPLICANT:** Jesse W. Rigby and William J. Dunaway, Agents for The Baptist Manor, Inc., Baptist Health Care Corporation and Olson Land Partners, LLC., Owners

**ADDRESS:** 10095 Hillview Dr

**PROPERTY REFERENCE NO.:** 53-1S-30-2000-000-000,  
53-1S-30-2000-000-001,  
53-1S-30-2000-000-005

**FUTURE LAND USE:** MU-U, Mixed Use Urban

**COMMISSIONER DISTRICT:** 5

**OVERLAY AREA:** NA

**BCC MEETING DATE:** 04/05/2012

---

**Information**

**SUBMISSION DATA:**

**REQUESTED REZONING:**

**FROM:** R-4, Multiple-Family District, (cumulative) Medium High Density. (18 du/acre).

**TO:** R-6, Neighborhood Commercial and Residential District, (cumulative) High Density (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)

**CRITERION (1)**

**Consistent with the Comprehensive Plan.**

Whether the proposed amendment is consistent with the Comprehensive Plan.

**Comprehensive Plan Policy (CPP) FLU 1.1.1 Development Consistency.** New development and redevelopment in unincorporated Escambia County shall be consistent with the Escambia County Comprehensive Plan and the Future Land Use Map (FLUM).

**CPP FLU 1.3.1 Future Land Use Categories.** The Mixed-Use Urban (MU-U) Future Land Use (FLU) category is intended for an intense mix of residential and nonresidential uses while

promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole. Range of allowable uses include: Residential, Retail and Services, Professional Office, Light Industrial, Recreational Facilities, Public and Civic. The minimum residential density is 3.5 dwelling units per acre and the maximum residential density is 25 dwelling units per acre.

**CPP FLU 1.5.3 New Development and Redevelopment in Built Areas.** To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed-Use Suburban, Mixed-Use Urban, Commercial and Industrial Future Land Use district categories (with the exception of residential development).

## **FINDINGS**

The proposed amendment to R-6 **is consistent** with the intent and purpose of Future Land Use category Mixed Use Urban as stated in **CPP FLU 1.1.1** because the proposed use of the property is one permitted under Mixed Use Urban.

The proposed amendment **is consistent** with the intent and purpose of Future Land Use category Mixed Use Urban as stated in **CPP FLU 1.3.1**. The surrounding and abutting existing land uses are commercial and residential development, which allow density of 25 units per acre as does R-6 zoning.

The proposed amendment **is consistent** with the intent of **CPP FLU 1.5.3** promoting the efficient use of existing public roads, utilities and service infrastructure; the proposed amendment also encourages redevelopment of an underutilized property.

## **CRITERION (2)**

### **Consistent with The Land Development Code.**

Whether the proposed amendment is in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

**6.05.11. R-4 multiple-family district, (cumulative) medium high density.** A. Intent and purpose of district. This district is intended to provide for the development of medium high density residential uses and structures. This land use is designed to encourage the efficient use of land and maintain a buffer between lower density residential and business, commercial and industrial districts. The maximum density is 18 dwelling units per acre. Refer to article 11 for uses, heights and densities allowed in R-4, multiple-family areas located in the Airport/Airfield Environs. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with R-3 zoning located in the RA-1(OL) Barrancas Redevelopment Area Overlay District.

**6.05.13. R-6 neighborhood commercial and residential district, (cumulative) high density.** A. **Intent and purpose of district.** This district is intended to provide for a mixed use area of residential, office and professional, and certain types of neighborhood convenience shopping, retail sales and services which permit a reasonable use of property while preventing the development of blight or slum conditions. This district shall be established in areas where the intermixing of such uses has been the custom, where the future uses are uncertain and some redevelopment is probable. The maximum density is 25 dwelling units per acre, except in the low density residential (LDR) future land use category where the maximum density is 18 dwelling units per acre. Refer to article 11 for uses, heights and densities allowed in R-6,

neighborhood commercial and residential areas located in the Airport/Airfield Environs. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with R-6 zoning located in the Scenic Highway Overlay District, C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District, or RA-1(OL) Barrancas Redevelopment Area Overlay District. All neighborhood commercial (R-6) development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policies 7.A.4.13 and 8.A.1.13) and in article 7.

B. Permitted uses.

1. Any use permitted in the R-5 district.
2. Retail sales and services (gross floor area of building not to exceed 6,000 square feet). No permanent outside storage allowed.
  - a. Food and drugstore, including convenience stores without gasoline sales.
  - b. Personal service shop.
  - c. Clothing and dry goods store.
  - d. Hardware, home furnishings and appliances.
  - e. Specialty shops.
  - f. Banks and financial institutions.
  - g. Bakeries, whose products are made and sold at retail on the premises.
  - h. Florists shops provided that products are displayed and sold wholly within an enclosed building.
  - i. Health clubs, spa and exercise centers.
  - j. Studio for the arts.
  - k. Martial arts studios.
  - l. Bicycle sales and mechanical services.
  - m. Other retail/service uses of similar type and character of those listed herein above.
3. Laundromats and dry cleaners (gross floor area not to exceed 4,000 square feet).
4. Restaurants.
5. Automobile service stations (no outside storage, minor repair only).
6. Appliance repair shops (no outside storage or work permitted).
7. Places of worship and educational facilities/institutions.
8. Fortune tellers, palm readers, psychics, etc.
9. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
10. Mobile home subdivision or park.

C. Conditional uses.

1. Any conditional use allowed in the R-5 district.
2. Drive-through restaurants (fast food or drive-in, by whatever name known).
3. Any building exceeding 120 feet height.
4. Neighborhood commercial uses that do not exceed 35,000 square feet of floor area.
5. Automobile service operations, including indoor repair and restoration (not including painting), and sale of gasoline (and related service station products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.
6. Mini-warehouses meeting the following standards:
  - a. One acre or less in size (building and accessory paved area);
  - b. Three-foot hedge along any right-of-way line;
  - c. Dead storage use only (outside storage of operable vehicles including cars, light trucks, RVs, boats, and similar items).
  - d. No truck, utility trailer, and RV rental service or facility allowed, see C-2.
7. Radio broadcasting and telecasting stations, studios, and offices with satellite dishes and antennas. On-site towers are prohibited. (See section 6.08.02.L.)

8. Temporary structures. (See section 6.04.16)
9. Arcade amusement centers and bingo facilities.

**7.20.04. Neighborhood commercial locational criteria (AMU-1, R-6, VM-1).**

A. Neighborhood commercial uses shall be located along a collector or arterial roadway and near a collector/collector, collector/arterial, or arterial/arterial intersection and must provide a smooth transition between commercial and residential intensity.

B. They may be located at the intersection of an arterial/local street without providing a smooth transition when the local street serves as a connection between two arterial roadways and meets all the following criteria:

1. Shares access and stormwater with adjoining commercial uses or properties;
2. Includes a six-foot privacy fence as part of any required buffer and develops the required landscaping and buffering to ensure long-term compatibility with adjoining uses as described in Policy 7.A.3.8 and article 7;
3. Negative impacts of these land uses on surrounding residential areas shall be minimized by placing the lower intensity uses on the site (such as stormwater ponds and parking) next to abutting residential dwelling units and placing the higher intensity uses (such as truck loading zones and dumpsters) next to the roadway or adjacent commercial properties;
4. Intrusions into recorded subdivisions shall be limited to 300 feet along the collector or arterial roadway and only the corner lots in the subdivision.

C. They may be located along an arterial or collector roadway without meeting the above additional requirements when one of the following conditions exists:

1. The property is located within one-quarter mile of a traffic generator or collector, such as commercial airports, medium to high density apartments, military installations, colleges and universities, hospitals/clinics, or other similar uses generating more than 600 daily trips; or
2. The property is located in areas where existing commercial or other intensive development is established and the proposed development would constitute infill development. The intensity of the use must be of a comparable intensity of the zoning and development on the surrounding parcels and must promote compact development and not promote ribbon or strip commercial development.

**FINDINGS**

As referenced in the citations above, the existing zoning category of R-4 and the proposed zoning category of R-6 do allow for a mix of residential uses ranging from: single-family dwellings to multi-family dwellings, i.e. apartments. Please note that apartments are considered residential uses per Planning Board interpretation on Sept. 18, 2002 and re-affirmed on April 11, 2005. For all practical purposes, staff is definitely in agreement that single-family dwellings to multi-family dwellings, i.e apartments, are allowable uses in both R-4 and R-6 zoning categories.

Yet, there is the locational criterion per Article 7.20.04 which appears to be in question with the commercial uses of the proposed rezoning category. The allowance for “neighborhood commercial uses to be located at or along local roads” is not stated per Article 7.20.04. It must be noted that Hillview is classified as a local road. The intent of R-6 is a mixed use area of residential and neighborhood commercial uses. As staff, our analysis is based upon all the allowable uses within the proposed rezoning category. Since Criterion 2 says “.....in conflict with any portion the Land Development Code”, it appears that the request would not meet locational criteria from a literal perspective per Article 7.20.04; and likewise, the request would not be consistent with the Land Development Code.

### **CRITERION (3)**

#### **Compatible with surrounding uses.**

Whether and the extent to which the proposed amendment is compatible with existing and proposed uses in the area of the subject property(s).

### **FINDINGS**

The proposed amendment **is compatible** with surrounding existing uses in the area. Within the 500' radius impact area, staff identified 65 properties with zoning districts R-4 and P. Abutting parcel to the north is existing residential student housing. Three parcels are stormwater ponds, 46 single family, four duplex's, seven vacant, and five commercial.

### **CRITERION (4)**

#### **Changed conditions.**

Whether and the extent to which there are any changed conditions that impact the amendment or property(s).

### **FINDINGS**

Staff found no changed conditions that would impact the amendment or property(s).

### **CRITERION (5)**

#### **Effect on natural environment.**

Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment.

### **FINDINGS**

According to the National Wetland Inventory, wetlands and hydric soils were not indicated on the subject property. When applicable, further review during the site plan review process will be necessary to determine if there would be any significant adverse impact on the natural environment.

### **CRITERION (6)**

#### **Development patterns.**

Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

### **FINDINGS**

From what is on the ground, it appears that the predominate development pattern is a mix of residential development along with several adult congregate living facilities within the immediate vicinity of the parcel in question. As previously stated, the proposed zoning category of R-6 does allow for multi-family which includes apartments. In like manner, the existing adult congregate living facilities are allowed by-right within the R-4 zoning category which is also allowed in R-6.

But staff's determination must be predicated upon "future scenarios" of commercial uses that could potentially be located on a parcel that is zoned R-6 per Article 6.05.13. Is there a

development pattern of commercial uses within the area as listed in R-6 and how would the intensity of those uses impact the area? Overall, the site visit and the existing land use map indicated that there is continuity in the development pattern as described: single-family, multi-family dwellings, and adult living facilities. As required from an objective point of view, staff finds that the potential of commercial uses, as allowed by the proposed R-6 zoning category, would not result in a logical and orderly development pattern.

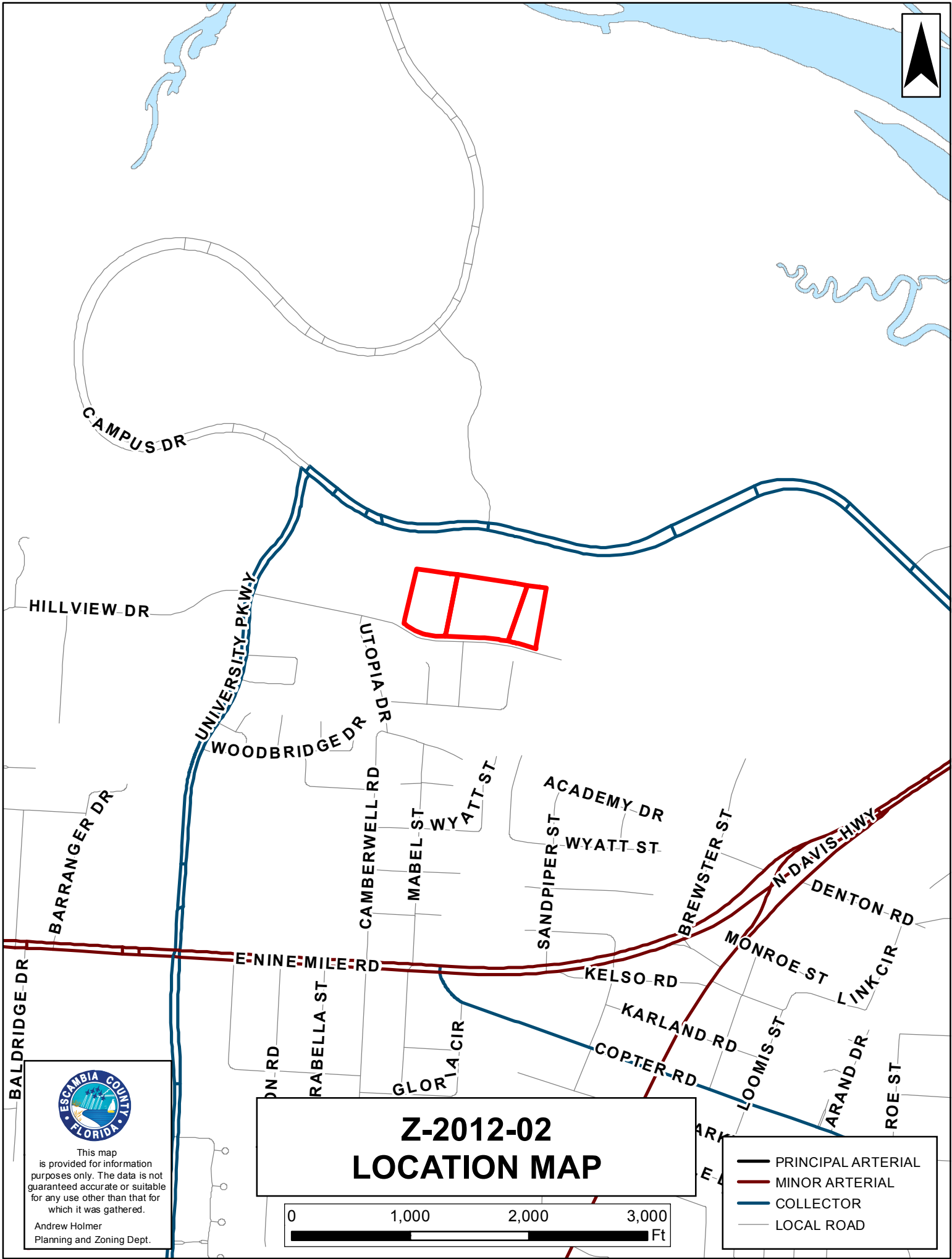
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## **Attachments**

Z-2012-02

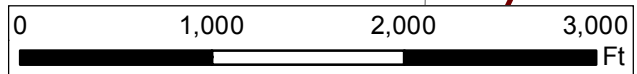
Z-2012-02









Z-2012-02

LOCATION MAP



-  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.



P

CAMPUS DR

P

R-4

HILLVIEW DR

R-4

UTOPIA DR

CRESTMONT CIR

KNOLLVIEW DR

CREST RIDGE DR

R-4

R-3

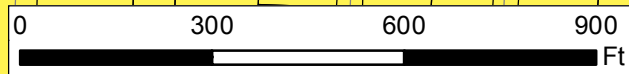
ACADEMY DR



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

Andrew Holmer  
Planning and Zoning Dept.

# Z-2012-02 500' RADIUS ZONING



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



MU-U

CAMPUS DR

MU-U

MU-U

HILLVIEW DR

UTOPIA DR

CRESTMONT CIR

KNOLLVIEW DR

CREST RIDGE DR

MU-U

MU-U

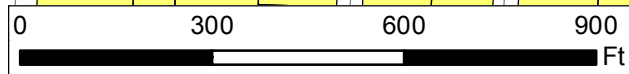
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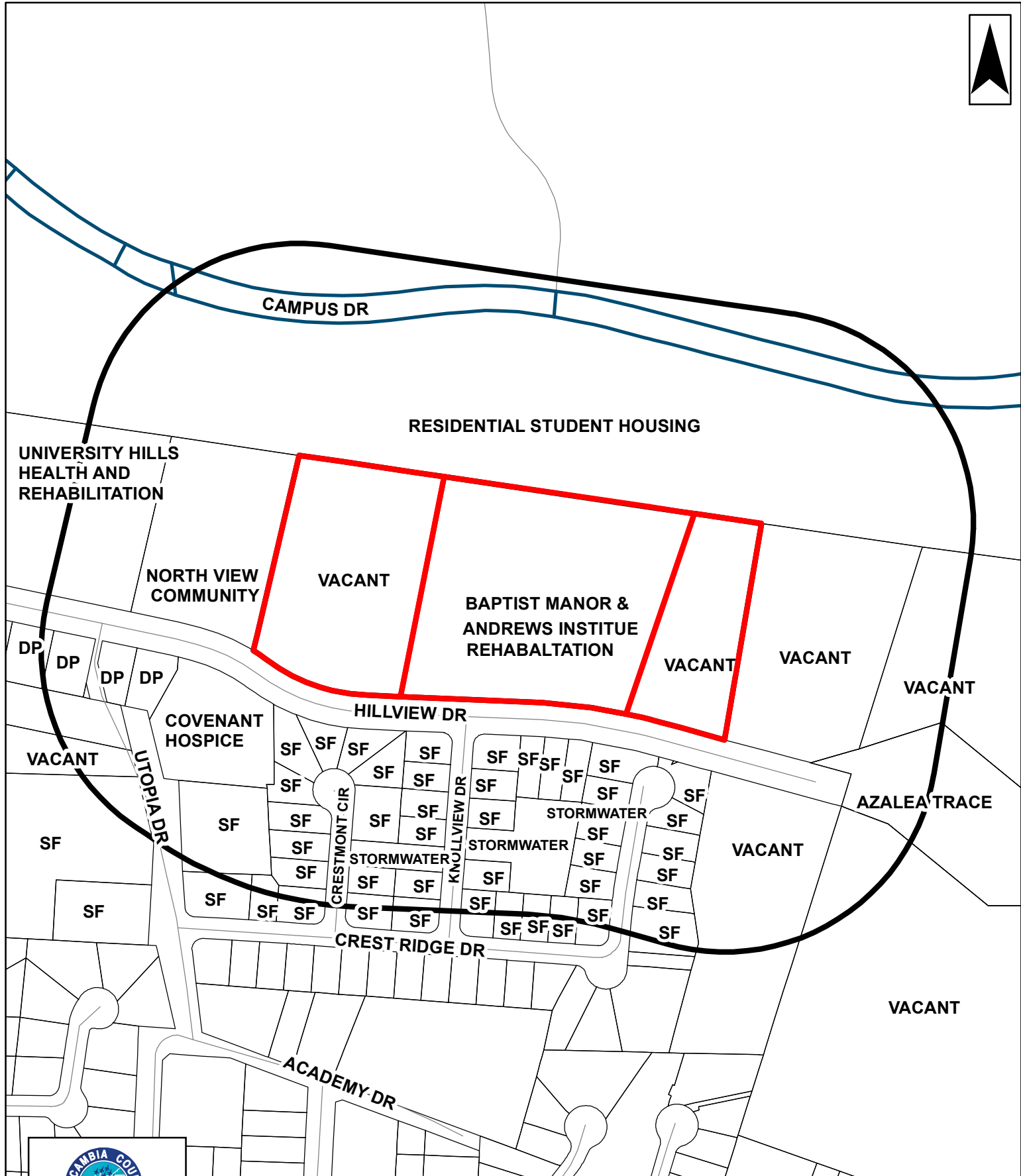
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer  
Planning and Zoning Dept.

# Z-2012-02 FUTURE LAND USE



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



RESIDENTIAL STUDENT HOUSING

UNIVERSITY HILLS  
HEALTH AND  
REHABILITATION

NORTH VIEW  
COMMUNITY

VACANT

BAPTIST MANOR &  
ANDREWS INSTITUTE  
REHABILITATION

VACANT

VACANT

VACANT

DP DP DP DP

COVENANT  
HOSPICE

HILLVIEW DR

VACANT

AZALEA TRACE

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VACANT

ACADEMY DR

CREST RIDGE DR

CRESTMONT CIR

KNOLLVIEW DR

STORMWATER

STORMWATER

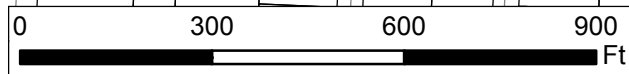
STORMWATER



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-2012-02 EXISTING LAND USE



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



CAMPUS-DR

HILLVIEW DR

CRESTMONT CIR

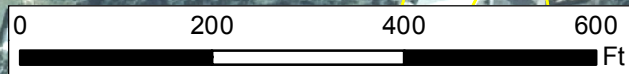
KNOLLVIEW DR








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

Andrew Holmer  
Planning and Zoning Dept.

# Z-2012-02 AERIAL MAP



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



## NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2012-02

CURRENT ZONING: R-4 PROPOSED ZONING: R-6

### PLANNING BOARD

DATE: 03/12/12 TIME: 8:30 AM

#### LOCATION OF HEARING

ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE  
ROOM 104 BOARD MEETING ROOM

### BOARD OF COUNTY COMMISSIONERS

DATE 04/05/12 TIME: 5:45 PM

#### LOCATION OF HEARING

ESCAMBIA COUNTY GOVERNMENT CENTER  
221 PALAFOX PLACE  
1ST FLOOR BOARD MEETING ROOM

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

PLEASE DO NOT REMOVE THIS SIGN  
PROPERTY OF ESCAMBIA COUNTY

**Public Hearing Sign**



**Looking Southeast from Parcel 53-1S-30-2000-000-005**



**Looking Southwest from Parcel 53-1S-30-2000-000-005**





**Looking West along Hillview from Parcel 53-1S-30-2000-000-005**



**Looking East along Hillview from Parcel 53-1S-30-2000-000-005**



**Looking South from Parcel 53-1S-30-2000-000-005**



**Looking Northeast at Parcel 53-1S-30-2000-000-001**



**Looking East along Hillview  
with Parcel 53-1S-30-2000-000-001 to the left.**



**Looking West along Hillview with  
Parcel 53-1S-30-2000-000-001 to the Right.**



**Looking Southeast from Parcel 53-1S-30-2000-000-005**



**Looking East from Parcel 53-1S-30-2000-000-005  
to the Trees line being Parcel 53-1S-30-2000-000-001**





**Looking East along Hillview with  
Parcel 53-1S-30-2000-000-000 to the right.**



**Looking North at Parcel 53-1S-30-2000-000-000**



**Looking Northeast across Hillview Drive  
at Parcel 53-1S-30-2000-000-000**



**Looking Southeast from Southwest corner  
of Parcel 53-1S-30-2000-000-000**

CLARK PARTINGTON HART  
LARRY BOND & STACKHOUSE

ATTORNEYS AT LAW

Pensacola • Destin • Tallahassee

Jesse W. Rigby  
Direct (850) 434-3282  
jrigby@cphlaw.com

January 31, 2012

Escambia County Planning Board  
3363 West Park Place  
Pensacola, Florida 32505  
ATTN: Alyson Cain, Planning Board Coordinator

**Re: Applications of The Baptist Manor, Inc. and Baptist Health Care Corporation to rezone property**

Dear Chairman Briske and Planning Board Members:

My law firm partner William Dunaway and I represent The Baptist Manor, Inc. ("Baptist Manor"), Baptist Health Care Corporation ("Baptist Health Care") and Olson Land Partners, LLC ("Olson") with respect to this request to rezone three parcels of property from R-4 (multiple-family district, medium high density) to R-6 (residential and neighborhood commercial district, high density). The properties are located on Hillview Road and share a boundary with the University of West Florida ("UWF") on the north.

The Baptist Manor parcel is the center of the three parcels. It is flanked on the west and the east by parcels owned by Baptist Health Care. Olson is entering into a contract to buy the two Baptist Health Care parcels, and a small portion of the Baptist Manor parcel. Approximately 1.1 acres of the Baptist Manor parcel will be used for a road to link the east and west parcels being acquired from Baptist Health Care. The total acreage that will be bought from the Baptist entities will be approximately 7.36 acres. When the purchase closes, one parcel of land will be created, consisting of the two Baptist Health Care parcels and the connecting road.

The property will be developed by Olson, or a related entity, for university student housing. The development plan includes a connection of the new parcel to Campus Drive, located on the UWF campus. The connection will be through the vicinity of the existing student housing located immediately north of the property being purchased and rezoned. The property sale is contingent upon the property being rezoned from R-4 to R-6. The reason is simple. The R-4 zoning district does not provide sufficient residential density to support the planned university student housing project.

125 West Romana Street • Suite 800 • Pensacola, Florida 32502  
P.O. Box 13010 • Pensacola, Florida 32591-3010  
Phone (850) 434-9200 • Fax (850) 432-7340  
www.cphlaw.com

Escambia County Planning Board  
January 31, 2012  
Page 2

The developer needs a density of 184 units to support the planned student housing project. The R-4 zoning, at 18 units per acre, will yield only 132 units. With R-6 zoning, the acreage will yield the necessary 184 units. There is no intent to use any portion of the property for other than the student housing project, and of course for the existing use of the Baptist Manor property. However, the Baptist Manor parcel also needs to be rezoned because the R-6 residential density for the 1.1 acres to be obtained from this parcel is required in order to achieve a density of 184 units.

The property reference numbers for the three parcels are included in the application forms submitted with this letter, but in summary the reference numbers are:

- 53-1S-30-2000-000-000 Baptist Health Care western parcel
- 53-1S-30-2000-000-001 Baptist Health Care eastern parcel
- 53-1S-30-2000-000-005 Baptist Manor parcel

Exhibit A to this letter includes the proof of ownership of the parcels based on information provided by the Escambia County Property Appraiser.

Exhibit B is a boundary survey of the three parcels.

Exhibit C is a preliminary conceptual site plan for the project. Note that the top of the page is to the south; i.e., the view is from the UWF Campus Drive looking south to Hillview Road.

Exhibit D consists of maps printed from the Escambia County web site showing the existing zoning.

With the above background information set forth, I will address the six criteria at issue for a rezoning application.

#### Consistency with the Comprehensive Plan

The proposed zoning change is consistent with the Comprehensive Plan. The properties are located in the MU-U future land use category. This land use category is intended for an intense mix of residential and nonresidential uses, while promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole. The maximum allowed density is 25 units per acre. This future land use category supports R-6 zoning.

#### Consistency with the Code

The intended residential student housing is a permitted use within the R-6 district. The proposed zoning change is NOT in conflict with any portion of the LDC and is consistent with the stated purpose and intent of the LDC. However, two issues

CLARK PARTINGTON HART LARRY BOND & STACKHOUSE

need to be addressed in this portion of the analysis. The first is spot zoning, and the second is applicability of the neighborhood commercial locational criteria found in Article 7 of the LDC.

Spot zoning is defined in LDC §2.08.02.D.7.b. The Code provides that spot zoning may, under appropriate circumstances, cause the County Commission to reject a rezoning request. The LDC defines spot zoning as "an isolated zoning district that may be incompatible with the adjacent and nearby zoning districts and uses, or as spot zoning is otherwise defined by Florida law." Several factors demonstrate that this request does not constitute spot zoning as defined by Florida law, although it is not adjacent to any other R-6 zoning.

The first fact that demonstrates the absence of spot zoning is the acreage involved in the request. By my calculation, the rezoning application is for approximately 13.2 acres. Reported Florida court cases addressing spot zoning have been limited to much smaller parcels, located within an area of quite inconsistent zoning.

The classic Florida spot zoning case is *Bird-Kendall Homeowners Ass'n v. Metropolitan Dade County Board of County Commissioners*, 695 So. 2d 908 (Fla. 3d DCA 1997). The condemned rezoning was of a 0.23 acre parcel from an agricultural use to a business use so the owner could operate a feed store. The minimum lot size in the agricultural district was 5.0 acres. The court noted that spot zoning is the name given to the piecemeal rezoning of small parcels of land to a greater density, leading to disharmony with the surrounding area. "In characterizing the elements of spot zoning, a spot zoning challenge typically involves the examination of the following: 1) the size of the spot; 2) the compatibility with the surrounding area; 3) the benefit to the owner and 4) the detriment to the immediate neighborhood." 695 So. 2d at 910. While the requested rezoning will provide obvious benefit to my clients, the size of the "spot" is large (approximately 12.75 acres), the intended use is compatible with the surrounding area, and there is no detriment to the immediate neighborhood.

The second important fact that demonstrates the absence of spot zoning is that the intended student housing is compatible and consistent: (a) with the existing use of the public land on the UWF campus immediately to the north; (b) with the existing use of the Baptist Manor parcel; (c) with the nearest development to the east on the north side of Hillview Road, which is Azalea Trace; and (d) with all existing uses on the north side of Hillview Road to the west of the property.

While the ages of the other existing developments along Hillview Road are not known, what is readily apparent from a casual observation of the neighborhood is that the single family subdivision located across Hillview Road from Baptist Manor is much newer than the existing Baptist Manor use, and much newer than the other institutional and commercial uses on Hillview Road. A commonly accepted definition of "compatibility" is that the term means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. The mere fact of the existence of the new subdivision demonstrates that

Escambia County Planning Board  
January 31, 2012  
Page 4

single family and multi-family developments separated by a road are compatible in this neighborhood.

The third important fact is that the intended use, and frankly, the only type of use that can be later approved for development of this property, is residential or institutional. The neighborhood commercial locational criteria found in Article 7, LDC, will prevent the development of the property for commercial purposes, other than for a use similar to either the rehabilitation center just to the west, or the Baptist Manor use. Otherwise, the uses that can be approved by the DRC at a later date will be residential in nature.

With respect to the neighborhood commercial locational criteria, LDC §6.05.13.A includes a clear limitation with respect to commercial development. The sentence reads: "All neighborhood commercial (R-6) development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (policies 7.A.4.13 and 8.A.1.3) and in Article 7." The references to the Comprehensive Plan policies are outdated, but the locational criteria in LDC §7.20.00 remains in force.

This rezoning application is not accompanied by a request for a waiver from the locational criteria, as there does not appear to be a justification for waiver of the neighborhood commercial locational criteria that applies to R-6 development. Therefore, those commercial developments otherwise allowed in R-6, and which may be of concern to residential neighbors, are simply not available for this property. These include the retail sales and service uses, as well as the other commercial uses listed as permitted uses in the R-6 district. The uses in R-6 that are appropriate for these properties are residential uses; not commercial uses. Therefore, the locational criteria imposed by the LDC will prevent uses that might otherwise allow the rezoning to be considered as incompatible to the neighborhood.

The fact that commercial uses are prevented by the locational criteria does NOT mean that higher density residential uses are inappropriate.

#### Compatibility with surrounding uses

The existing use to the east at the end of Hillview Road is Azalea Trace. Other uses along the north side of Hillview Road from Azalea Trace to University Parkway on the west are uses consistent with the R-6 district. The existing use immediately to the north of these properties is residential student housing.

There is a residential subdivision immediately to the south of the Baptist Manor parcel. Five homes front on Hillview Road and an additional five subdivision homes are at the end of a cul-de-sac behind a privacy fence. Moving to the west along the south side of Hillview Road we find a Covenant Hospice residential facility, approximately five rental properties, and then Hillview Apartments at the western end of Hillview Road.



Escambia County Planning Board  
January 31, 2012  
Page 5

The use by Olson for residential student housing is consistent with and compatible with the surrounding uses.

The UWF has requested that the new student housing connect directly to Campus Drive. The connection should run through the existing student housing development on UWF property immediately to the north of the property at issue in this rezoning. Therefore, there should be little traffic generated on Hillview Road.

#### Changed conditions

The most obvious changed condition in the area in general, and in the immediate vicinity of this property, has been the result of the increase in UWF enrollment in recent years. The increased enrollment led to the development of residential student housing on UWF property immediately to the north of the property to be rezoned. More student housing for UWF is needed, which is why this property is being purchased for development.

#### Effect on natural environment

There is a small area of isolated wetlands on the property. The isolated wetlands will be addressed during the DRC review.

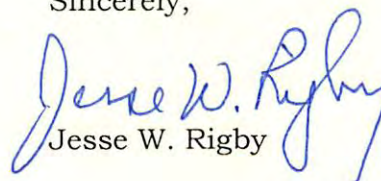
#### Development patterns

The applicants' request for R-6 zoning will allow a reasonable use of the property for residential student housing. The LDC mandated locational criteria for neighborhood commercial uses will prevent development of a commercial use of the property. The development pattern for student housing is consistent with the residential uses that predominate on the south side of Hillview Road, and is consistent with the existing uses on the north side of Hillview Road.

#### Summary

For the reasons stated herein, the applicants have demonstrated compliance with each of the six criteria to be evaluated by the planning board. Accordingly, we request that the applications to rezone these properties to R-6 be approved.

Sincerely,



Jesse W. Rigby

JWR\cw  
Enclosures  
cc: Baptist Health Care Corporation  
The Baptist Manor, Inc.  
Olson Land Partners, LLC

A1010432.DOC



# Development Services Department

Escambia County, Florida

## APPLICATION

**Please check application type:**

Administrative Appeal

Development Order Extension

Conditional Use Request for: \_\_\_\_\_

Variance Request for: \_\_\_\_\_

Rezoning Request from: R-4 \_\_\_\_\_ to: R-6 \_\_\_\_\_

**Name & address of current owner(s) as shown on public records of Escambia County, FL**

Owner(s) Name: Baptist Health Care Corp. Phone: 434-3282 (Agent)

Address: 1000 W. Moreno St., Pensacola, FL 32501 Email: jrigby@cphlaw.com

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: Hillview Rd., Pensacola, FL 32514 (vacant parcels)

Property Reference Number(s)/Legal Description: \_\_\_\_\_  
53-1S-30-2000-000-000 and 53-1S-30-2000-000-001

**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.

Jesse W. Rigby  
 Signature of Owner/Agent

Jesse W. Rigby, Esquire (Agent)  
 Printed Name Owner/Agent

1/30/2012  
 Date

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

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

\_\_\_\_\_  
 Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of January 20 12,  
 by Jesse W. Rigby.

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

Constance M. Weiss  
 Signature of Notary  
 (notary seal must be affixed)

Constance M. Weiss  
 Printed Name of Notary



**CONSTANCE M. WEISS**  
 COMMISSION # DD 811149  
 EXPIRES: Aug. 03, 2012

**FOR OFFICE USE ONLY**

CASE NUMBER: Z-2012-02

Meeting Date(s): PB 3/12 BCC 415 Accepted/Verified by: A. Cain Date: 2/1/12

Fees Paid: \$ 1,820 Receipt #: 548741 Permit #: PR2 120200002



**Development Services Department**  
Escambia County, Florida

FOR OFFICE USE:

CASE #: 2-2012-03

**CONCURRENCY DETERMINATION ACKNOWLEDGMENT**

**For Rezoning Requests Only**

Property Reference Number(s): 53-1S-30-2000-000-000 & 53-1S-30-2000-000-001

Property Address: Hillview Rd., Pensacola, FL 32514 (vacant parcels)

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 transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. 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 30th DAY OF January, YEAR OF 2012.

Signature of Property Owner

Baptist Health Care Corp.  
Printed Name of Property Owner  
By: Al Stubblefield  
Its: President LEO

1-30-12  
Date

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

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

\_\_\_\_\_  
Date



**Development Services Department** FOR OFFICE USE:  
Escambia County, Florida

CASE #: 2-2012-02

**AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY**

As owner of the property located at Hillview Drive, Pensacola, FL 32514 (vacant parcels),  
Florida, property reference number(s) 53-1S-30-2000-000-000 and 53-1S-30-2000-000-001

I hereby designate Jesse W. Rigby, William J. Dunaway & Olson Land Partners, LLC for the sole purpose  
of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above  
referenced property.
- Board of Adjustment to request a(n) \_\_\_\_\_ on the above referenced property.

This Limited Power of Attorney is granted on this 30<sup>th</sup> day of January the year of,  
2012, and is effective until the Board of County Commissioners or the Board of Adjustment has  
rendered a decision on this request and any appeal period has expired. The owner reserves the right to  
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development  
Services Bureau.

Agent Name: Jesse W. Rigby, Esquire Email: jrigby@cphlaw.com  
William J. Dunaway, Esquire Email: wdunaway@cphlaw.com  
 Address: Clark Partington Hart Larry Bond & Stackhouse  
125 W. Romana St., Ste 800, Pensacola, FL 32502 Phone: 434-9200

*M. Stubblefield*  
 Signature of Property Owner  
 Signature of Property Owner

Baptist Health Care Corp.  
 Printed Name of Property Owner  
 By: Al Stubblefield Date: 1-30-12  
 Its: President/CEO  
 Printed Name of Property Owner Date

STATE OF Florida COUNTY OF Escambia  
 The foregoing instrument was acknowledged before me this 30 day of January 20 12,  
 by Al Stubblefield

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


*Mary Beth Mathews*  
 Signature of Notary

**MARY BETH MATHEWS**  
 Notary Public State of FL  
 Printed Name of Notary  
 Comm. Exp. July 8, 2012  
 Comm. No. DD 785455  
 ID # 754588  
 (Notary Seal)

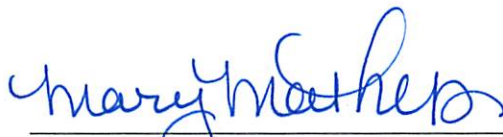
BAPTIST HEALTH CARE CORPORATION,  
 A FLORIDA NOT-FOR-PROFIT CORPORATION

INCUMBENCY CERTIFICATE

I, Mary Mathews, Assistant Secretary of Baptist Healthcare Corporation, a Florida not-for-profit corporation ("Company"), do hereby certify that the following named individuals are the duly elected incumbents of their respective offices of the Company set out at the left of their respective names; and that the signature set opposite their titles and names are their correct signatures;

<u>Title</u>	<u>Name</u>	<u>Specimen Signature</u>
President/CEO	Alfred G. Stubblefield	

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of  
 Company this 30 day of January, 2012.

  
 \_\_\_\_\_  
 Mary Mathews, Assistant Secretary





# Development Services Department

Escambia County, Florida

## APPLICATION

Please check application type:

Administrative Appeal

Development Order Extension

Conditional Use Request for: \_\_\_\_\_

Variance Request for: \_\_\_\_\_

Rezoning Request from: R-4 to: R-6

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: The Baptist Manor, Inc. Phone: 434-3282 (Agent)

Address: 1000 W. Moreno St., Pensacola, FL 32501 Email: jrigby@cphlaw.com

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 10095 Hillview Rd., Pensacola, FL 32514

Property Reference Number(s)/Legal Description: \_\_\_\_\_

53-1S-30-2000-000-005

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.

Jesse W. Rigby  
Signature of Owner/Agent

Jesse W. Rigby, Esquire (Agent)  
Printed Name Owner/Agent

1/30/2012  
Date

Signature of Owner

Printed Name of Owner

Date

STATE OF Florida

COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of January, 20 12,  
by Jesse W. Rigby.

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

Constance M. Weiss  
Signature of Notary  
(notary seal must be affixed)

Constance M. Weiss  
Printed Name of Notary



**CONSTANCE M. WEISS**  
COMMISSION # DD 811149  
EXPIRES: Aug. 03, 2012

**FOR OFFICE USE ONLY**

CASE NUMBER: Z-2012-02

Meeting Date(s): PS 3/12 BCC 4/5 Accepted/Verified by: A. Cain Date: 2/1/12

Fees Paid: \$ 1,820 Receipt #: 548741 Permit #: PRZ 12020002



**Development Services Department**  
Escambia County, Florida

FOR OFFICE USE:

CASE #: Z-2012-032

**CONCURRENCY DETERMINATION ACKNOWLEDGMENT**

**For Rezoning Requests Only**

Property Reference Number(s): 53-1S-30-2000-000-005

Property Address: 10095 Hillview Rd., Pensacola, FL 32514

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

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

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

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. 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 30th DAY OF January, YEAR OF 2012.

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

The Baptist Manor, Inc.  
\_\_\_\_\_  
Printed Name of Property Owner

1-30-12  
\_\_\_\_\_  
Date

By: John T. Porter  
Its: Chairman/President  
\_\_\_\_\_  
Printed Name of Property Owner

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

\_\_\_\_\_  
Date



**Development Services Department** FOR OFFICE USE:  
Escambia County, Florida

CASE #: 2-2012-03

**AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY**

As owner of the property located at 10095 Hillview Rd., Pensacola, FL 32514,  
Florida, property reference number(s) 53-1S-30-2000-000-005

I hereby designate Jesse W. Rigby, William J. Dunaway & Olson Land Partners, LLC for the sole purpose  
of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above  
referenced property.
- Board of Adjustment to request a(n) \_\_\_\_\_ on the above referenced property.

This Limited Power of Attorney is granted on this 30<sup>th</sup> day of January the year of,  
2012, and is effective until the Board of County Commissioners or the Board of Adjustment has  
rendered a decision on this request and any appeal period has expired. The owner reserves the right to  
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development  
Services Bureau.

Jesse W. Rigby, Esquire jrigby@cphlaw.com  
Agent Name: William J. Dunaway, Esquire Email: wdunaway@cphlaw.com  
Clark Partington Hart Larry Bond & Stackhouse  
Address: 125 W. Romana St., Ste 800, Pensacola, FL 32502 Phone: 434-9200

[Signature]  
Signature of Property Owner  
  
Signature of Property Owner

The Baptist Manor, Inc. 1-30-12  
Printed Name of Property Owner Date  
By: John T. Porter  
Its: Chairman/President  
Printed Name of Property Owner Date

STATE OF Florida COUNTY OF Escambia  
The foregoing instrument was acknowledged before me this 30 day of January 20 12  
by John T. Porter

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

[Signature]  
Signature of Notary

**MARY BETH MATHEWS** (Notary Seal)  
Notary Public State of FL  
Comm. Exp. July 8, 2012  
Comm. No. DB 785455  
ID # 754588





# Development Services Department

Escambia County, Florida

FOR OFFICE USE:  
CASE #: 2-2012-03


## AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

contract buyer  
As ~~owner~~ of the property located at 10095 Hillview Rd., Pensacola, FL 32514,  
Florida, property reference number(s) 53-1S-30-2000-000-000; 53-1S-30-2000-000-001; 53-1S-30-2000-000-C  
I hereby designate Jesse W. Rigby and William J. Dunaway for the sole purpose  
of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above referenced property.
- Board of Adjustment to request a(n) \_\_\_\_\_ on the above referenced property.

This Limited Power of Attorney is granted on this 31<sup>st</sup> day of January the year of, 2012, and is effective until the Board of County Commissioners or the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development Services Bureau.

Agent Name: Jesse W. Rigby & William J. Dunaway Email: jrigby@cphlaw.com; wdunaway@cphlaw.com  
Clark Partington Hart Larry Bond & Stackhouse  
Address: 125 W. Romana St., Ste. 800, Pensacola, FL 32502 Phone: 434-9200

 Signature of Property Owner	<u>Richard Olson</u> Printed Name of Property Owner Its: Manager	<u>01/31/12</u> Date
_____ Signature of Property Owner	_____ Printed Name of Property Owner	_____ Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of January 20 12,  
by \_\_\_\_\_.

Personally Known  OR Produced Identification . Type of Identification Produced: FLDL \* 0425136601230

Constance M. Weiss  
Signature of Notary

Constance M. Weiss  
Printed Name of Notary



(Notary Seal)  
**CONSTANCE M. WEISS**  
COMMISSION # DD 811149  
EXPIRES: Aug. 03, 2012



APPLICATION  
ATTACHMENTS CHECKLIST

- JWR 1. For BOA, original letter of request, typed or written in blue ink & **must** include the reason for the request and address all criteria for the request as outlined in LDC Article 2.05 (dated, signed & notarized – notarization is only necessary if an agent will be used).
- JWR 2. Application/Owner Certification Form - Notarized Original (page 1) (signatures of ALL legal owners or authorized agent are required)
- JWR 3. Concurrency Determination Acknowledgment form - Original (if applicable) (page 2)
- JWR 4. Affidavit of Owner & Limited Power of Attorney form - Notarized Original (if applicable) (page 3) (signatures of ALL legal owners are required)
- JWR 5. Legal Proof of Ownership (e.g. copy of Tax Notice or Warranty Deed). Include Corporation/LLC documentation or a copy of Contract for Sale if applicable.
- JWR 6. Legal Description of Property Street Address / Property Reference Number
- JWR 7.
  - a. Rezoning: Boundary Survey of subject property to include total acreage, all easements, and signed & sealed by a surveyor registered in the state of Florida.
  - b. BOA: Site Plan drawn to scale.
- NA 8. For Rezoning requests: If the subject parcel does not meet the roadway requirements of Locational Criteria (Comprehensive Plan 7.A.4.13 & LDC 7.20.00.), a compatibility analysis to request a waiver or an exemption to the roadway requirements will need to be submitted as part of the application.
- NA 9. Pre-Application Summary Form, Referral Form, Zoning Verification Request Form and/or copy of citation from Code Enforcement Department if applicable.
- JWR 10. Application fees. (See Instructions page for amounts) Payment cannot be accepted after **3:00pm**.

*Please note: Forms with signatures dated more than sixty (60) days prior to application submittal will not be accepted as complete.*

Please make the following three appointments with the Coordinator.

Appointment for pre-application meeting: \_\_\_\_\_

Appointment to turn in application: \_\_\_\_\_

Appointment to receive findings-of-fact: \_\_\_\_\_



# Chris Jones

## Escambia County Property Appraiser

[Real Estate Search](#) | 
 [Tangible Property Search](#) | 
 [Amendment 1 Calculations](#)

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**Reference**



Printer Friendly Version

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">General Information</th> </tr> <tr> <td><b>Reference:</b></td> <td>531S302000000000</td> </tr> <tr> <td><b>Account:</b></td> <td>044423500</td> </tr> <tr> <td><b>Owners:</b></td> <td>BAPTIST HEALTH CARE CORP</td> </tr> <tr> <td><b>Mail:</b></td> <td>1000 W MORENO ST PENSACOLA, FL 32501</td> </tr> <tr> <td><b>Situs:</b></td> <td>HILLVIEW DR 32514</td> </tr> <tr> <td><b>Use Code:</b></td> <td>VACANT COMMERCIAL </td> </tr> <tr> <td><b>Taxing Authority:</b></td> <td>COUNTY MSTU</td> </tr> <tr> <td><b>Tax Inquiry:</b></td> <td><a href="#">Open Tax Inquiry Window</a></td> </tr> <tr> <td colspan="2">Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector</td> </tr> </table>	General Information		<b>Reference:</b>	531S302000000000	<b>Account:</b>	044423500	<b>Owners:</b>	BAPTIST HEALTH CARE CORP	<b>Mail:</b>	1000 W MORENO ST PENSACOLA, FL 32501	<b>Situs:</b>	HILLVIEW DR 32514	<b>Use Code:</b>	VACANT COMMERCIAL	<b>Taxing Authority:</b>	COUNTY MSTU	<b>Tax Inquiry:</b>	<a href="#">Open Tax Inquiry Window</a>	Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">2011 Certified Roll Assessment</th> </tr> <tr> <td><b>Improvements:</b></td> <td style="text-align: right;">\$0</td> </tr> <tr> <td><b>Land:</b></td> <td style="text-align: right;">\$118,275</td> </tr> <tr> <td><b>Total:</b></td> <td style="text-align: right;">\$118,275</td> </tr> <tr> <td><i>Save Our Homes:</i></td> <td style="text-align: right;">\$0</td> </tr> <tr> <td colspan="2" style="text-align: center;"><a href="#">Disclaimer</a></td> </tr> <tr> <td colspan="2" style="text-align: center;"><a href="#">Amendment 1 Calculations</a></td> </tr> </table>	2011 Certified Roll Assessment		<b>Improvements:</b>	\$0	<b>Land:</b>	\$118,275	<b>Total:</b>	\$118,275	<i>Save Our Homes:</i>	\$0	<a href="#">Disclaimer</a>		<a href="#">Amendment 1 Calculations</a>	
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<b>Extra Features</b>	None																																																											

Parcel Information
[Restore Map](#)
[Get Map Image](#)
[Launch Interactive Map](#)

<p><b>Section Map Id:</b> 05-1S-30</p> <p><b>Approx. Acreage:</b> 4.2500</p> <p><b>Zoned:</b>  R-4</p>	
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**Janet Holley**

Ad Valorem Taxes and Non-Ad Valorem Assessments

**Escambia County Tax Collector**

REAL ESTATE 2011 159021

Account Number	Payor	Exemptions	Taxable Value	Millage Code
04-4423-500		See Below	See Below	06

BAPTIST HEALTH CARE CORP  
1000 W MORENO ST  
PENSACOLA FL 32501

531S30-2000-000-000 0 HILLVIEW DR  
BEG AT SE COR OF SEC N 12 DEG 30  
MIN 24 SEC E ALG 694 94/100 FT TO  
NLY R/W OF HILLVIEW RD (80 FT R/W)  
N 77 DEG 29 MIN 36 SEC W 415  
76/100 FT TO PT ON NON TANGENT  
CIRCULAR CURVE See Tax Roll For  
Extra Legal

Ad Valorem Taxes				
Taxing Authority	Rate	Exemption Amount	Taxable Value	Taxes Levied
COUNTY	6.9755		\$96,558	\$673.54
PUBLIC SCHOOLS				
By Local Board	2.2480		\$118,275	\$265.88
By State Law	5.5730		\$118,275	\$659.15
SHERIFF	0.6850		\$96,558	\$66.14
WATER MANAGEMENT	0.0400		\$96,558	\$3.86
<b>Total Millage</b>		15.5215	<b>Total Taxes</b>	\$1,668.57

Non-Ad Valorem Assessments		
Code	Levying Authority	Amount
NFP	FIRE (CALL 595-4960)	\$11.12
<b>Total Assessments</b>		\$11.12
<b>Taxes &amp; Assessments</b>		\$1,679.69



# Chris Jones Escambia County Property Appraiser

[Real Estate Search](#) | [Tangible Property Search](#) | [Amendment 1 Calculations](#)

[Back](#)



**Navigate Mode**

**Account**

Reference



[Printer Friendly Version](#)

<b>General Information</b> <b>Reference:</b> 531S30200000001 <b>Account:</b> 044423575 <b>Owners:</b> BAPTIST HEALTH CARE CORP <b>Mail:</b> 1000 W MORENO ST PENSACOLA, FL 32501 <b>Situs:</b> HILLVIEW RD 32514 <b>Use Code:</b> VACANT COMMERCIAL <b>Taxing Authority:</b> COUNTY MSTU <b>Tax Inquiry:</b> <a href="#">Open Tax Inquiry Window</a> Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector	<b>2011 Certified Roll Assessment</b> <b>Improvements:</b> \$0 <b>Land:</b> \$73,530 <b>Total:</b> \$73,530 <b>Save Our Homes:</b> \$0  <p align="center"><a href="#">Disclaimer</a></p> <hr/> <p align="center"><a href="#">Amendment 1 Calculations</a></p>
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<b>Sales Data</b> <b>Sale Date Book Page Value Type</b> <b>Official Records (New Window)</b> 02/1987 2353 796 \$100 WD <a href="#">View Instr</a> Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court	<b>2011 Certified Roll Exemptions</b> None <hr/> <b>Legal Description</b> BEG AT SE COR OF SEC 53 N 12 DEG 30 MIN 24 SEC E ALG E LI OF SEC 695 17/100 FT TO N LI OF HILLVIEW RD N... <hr/> <b>Extra Features</b> None
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**Parcel Information** [Restore Map](#) [Get Map Image](#) [Launch Interactive Map](#)

<b>Section Map Id:</b> 05-1S-30  <b>Approx. Acreage:</b> 2.3100  <b>Zoned:</b> R-4	
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**Janet Holley**

Ad Valorem Taxes and Non-Ad Valorem Assessments

**Escambia County Tax Collector**

REAL ESTATE 2011 159022

Account Number	Payor	Exemptions	Taxable Value	Millage Code
04-4423-575		See Below	See Below	06

BAPTIST HEALTH CARE CORP  
1000 W MORENO ST  
PENSACOLA FL 32501

531S30-2000-000-001 0 HILLVIEW RD  
BEG AT SE COR OF SEC 53 N 12 DEG  
30 MIN 24 SEC E ALG E LI OF SEC  
695 17/100 FT TO N LI OF HILLVIEW  
RD N 77 DEG 29 MIN 36 SEC W ALG N  
LI OF RD 100 FT N 69 DEG 28 MIN 0  
SEC E TO E LI See Tax Roll For  
Extra Legal

Ad Valorem Taxes				
Taxing Authority	Rate	Exemption Amount	Taxable Value	Taxes Levied
COUNTY	6.9755		\$73,530	\$512.91
PUBLIC SCHOOLS				
By Local Board	2.2480		\$73,530	\$165.30
By State Law	5.5730		\$73,530	\$409.78
SHERIFF	0.6850		\$73,530	\$50.37
WATER MANAGEMENT	0.0400		\$73,530	\$2.94
<b>Total Millage</b>		<b>15.5215</b>	<b>Total Taxes</b>	<b>\$1,141.30</b>

Non-Ad Valorem Assessments		
Code	Levying Authority	Amount
NFP	FIRE (CALL 595-4960)	\$11.06
<b>Total Assessments</b>		<b>\$11.06</b>
<b>Taxes &amp; Assessments</b>		<b>\$1,152.36</b>





# Chris Jones

## Escambia County Property Appraiser

[Real Estate Search](#) | 
 [Tangible Property Search](#) | 
 [Amendment 1 Calculations](#)

[Back](#)



**Navigate Mode**

**Account**

**Reference**



Printer Friendly Version

<b>General Information</b> <b>Reference:</b> 531S302000000005 <b>Account:</b> 044423800 <b>Owners:</b> BAPTIST MANOR INC <b>Mail:</b> 1000 W MORENO ST PENSACOLA, FL 32501 <b>Situs:</b> 10095 HILLVIEW RD 32514 <b>Use Code:</b> HOME FOR AGED <input type="checkbox"/> <b>Taxing Authority:</b> COUNTY MSTU <b>Tax Inquiry:</b> <a href="#">Open Tax Inquiry Window</a> Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector	<b>2011 Certified Roll Assessment</b> <b>Improvements:</b> \$2,298,263 <b>Land:</b> \$184,395 <b>Total:</b> \$2,482,658 <b>Save Our Homes:</b> \$0 <p style="text-align: center;"><a href="#">Disclaimer</a></p> <p style="text-align: center;"><a href="#">Amendment 1 Calculations</a></p>
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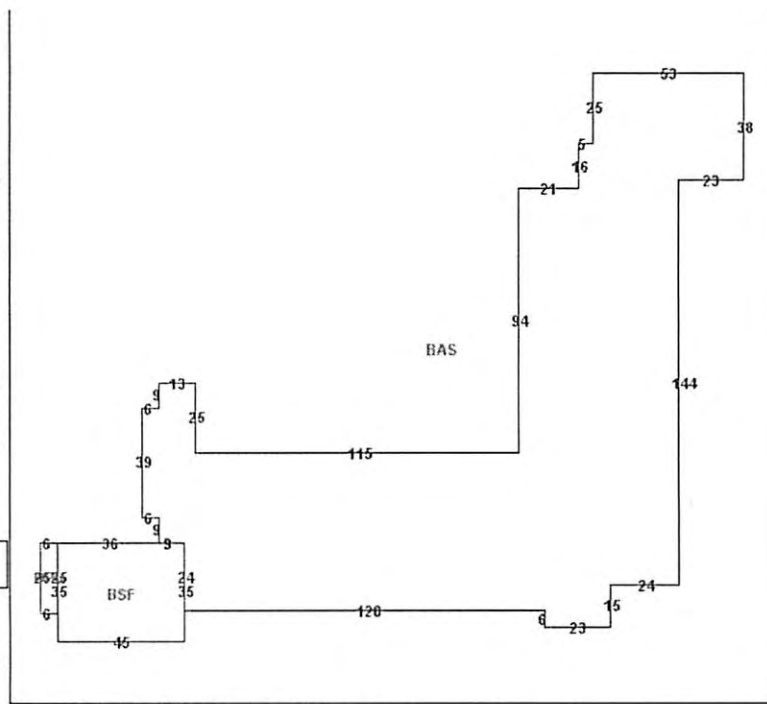
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02/1985	2020	274	\$100	WD	<a href="#">View Instr</a>																										
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ASPHALT PAVEMENT METAL BUILDING PARKING LIGHT																															

<b>Parcel Information</b> <b>Section Map Id:</b> 05-1S-30 <b>Approx. Acreage:</b> 6.5000 <b>Zoned:</b> <input type="checkbox"/> R-4	<p style="text-align: center;"> <a href="#">Restore Map</a>                        <a href="#">Get Map Image</a>                        <a href="#">Launch Interactive Map</a> </p>
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<b>Buildings</b>	
<b>Building 1 - Address:10095 HILLVIEW RD, Year Built: 1985, Effective Year: 1985</b>	
<b>Structural Elements</b> <b>FOUNDATION- STRUCTURAL</b> <b>EXTERIOR WALL- STUCCO OV BLOCK</b> <b>NO. PLUMBING FIXTURES-136.00</b> <b>DWELLING UNITS- 60.00</b> <b>ROOF FRAMING- RIGID FRAME/BAR</b> <b>ROOF COVER-BLT UP MTL/GYP</b> <b>INTERIOR WALL- DRYWALL-PLASTER</b> <b>FLOOR COVER- CARPET</b> <b>NO. STORIES-1.00</b> <b>FLOOR COVER- VINYL/CORK</b> <b>DECOR/MILLWORK- ABOVE AVERAGE</b> <b>HEAT/AIR-CENTRAL H/AC</b> <b>STRUCTURAL FRAME-MASONRY PIL/STL</b>	
<b>Areas - 29049 Total SF</b> <b>BASE AREA - 29049</b>	
<b>Building 2 - Address:10095 HILLVIEW RD, Year Built: 1991, Effective Year: 1991</b>	
<b>Structural Elements</b> <b>FOUNDATION- STRUCTURAL</b> <b>EXTERIOR WALL-</b>	

STUCCO OV BLOCK  
**NO. PLUMBING FIXTURES-72.00**  
**DWELLING UNITS-30.00**  
**ROOF FRAMING-RIGID FRAME/BAR**  
**ROOF COVER-BLT UP MTL/GYP**  
**INTERIOR WALL-DRYWALL-PLASTER**  
**FLOOR COVER-CARPET**  
**NO. STORIES-1.00**  
**FLOOR COVER-VINYL/CORK**  
**DECOR/MILLWORK-ABOVE AVERAGE**  
**HEAT/AIR-CENTRAL H/AC**  
**STRUCTURAL FRAME-MASONRY PIL/STL**

Areas - 19742 Total SF  
**BASE AREA - 18017**  
**BASE SEMI FIN - 1575**  
**OPEN PORCH UNF - 150**

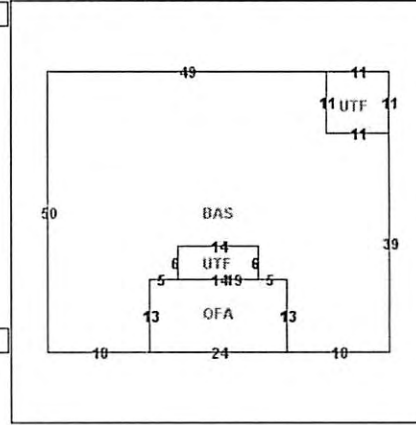


Building 3 - Address: 10095 HILLVIEW RD, Year Built: 2004, Effective Year: 2004

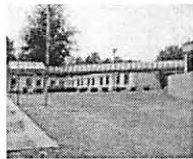
**Structural Elements**

**FOUNDATION-SLAB ON GRADE**  
**EXTERIOR WALL-METAL-MODULAR**  
**NO. PLUMBING FIXTURES-4.00**  
**DWELLING UNITS-30.00**  
**ROOF FRAMING-STEEL TRUSS/FRM**  
**ROOF COVER-METAL/MODULAR**  
**INTERIOR WALL-DRYWALL-PLASTER**  
**STORY HEIGHT-14.00**  
**NO. STORIES-1.00**  
**FLOOR COVER-CONCRETE-FINISH**  
**DECOR/MILLWORK-AVERAGE**  
**HEAT/AIR-CENTRAL H/AC**  
**STRUCTURAL FRAME-RIGID FRAME**

Areas - 3000 Total SF  
**BASE AREA - 2483**  
**OFFICE AVG - 312**  
**UTILITY FIN - 205**



**Images**



8/2/02



8/5/04



8/5/04

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

Last Updated: 01/27/2012 (tc.3558)

**Janet Holley**

Ad Valorem Taxes and Non-Ad Valorem Assessments

**Escambia County Tax Collector**

REAL ESTATE 2011 159024

Account Number	Payor	Exemptions	Taxable Value	Millage Code
04-4423-800		See Below	See Below	06

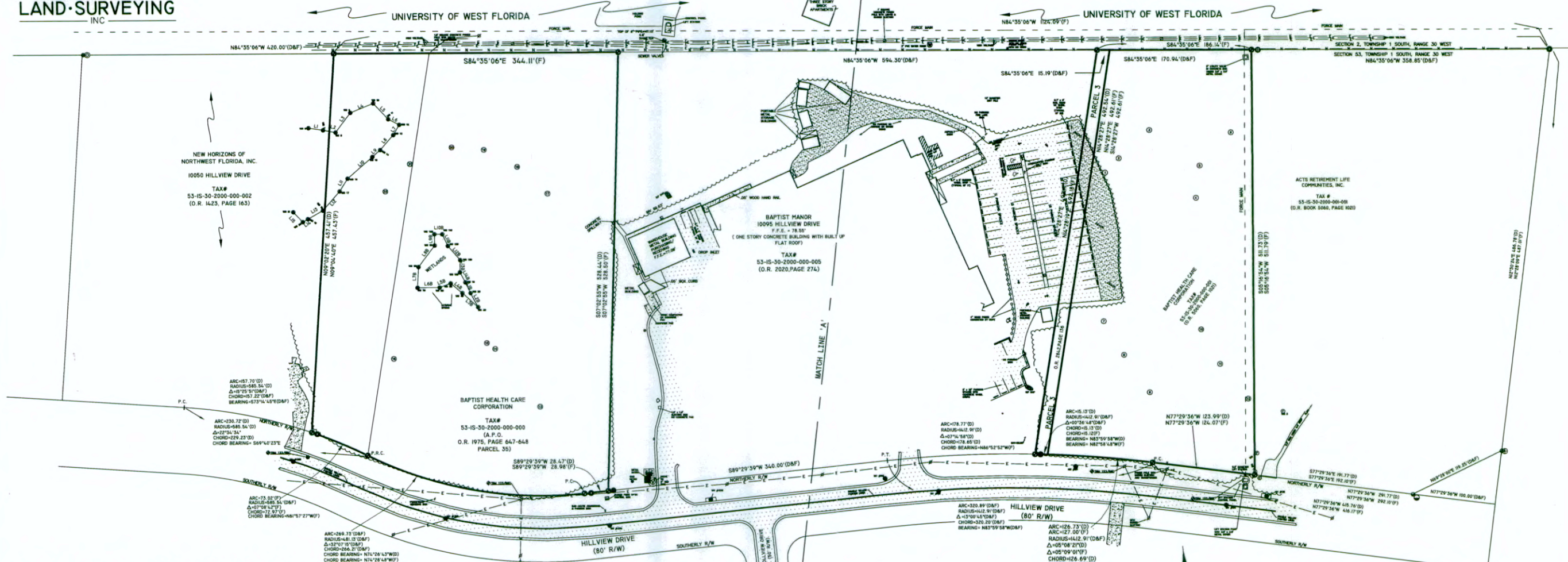
BAPTIST MANOR INC  
1000 W MORENO ST  
PENSACOLA FL 32501

531S30-2000-000-005 10095 HILLVIEW  
RD BEG AT SE COR OF SEC 53 TH N 12  
DEG 30 MIN 24 SEC E ALG E LI OF SD  
SEC 694 94/100 FT TO NLY R/W LI OF  
HILLVIEW RD (80 FT R/W) TH N 77  
DEG 29 MIN 36 SEC W ALG R/W LI See  
Tax Roll For Extra Legal

Ad Valorem Taxes				
Taxing Authority	Rate	Exemption Amount	Taxable Value	Taxes Levied
COUNTY	6.9755	2,482,658		\$0.00
PUBLIC SCHOOLS				
By Local Board	2.2480	2,482,658		\$0.00
By State Law	5.5730	2,482,658		\$0.00
SHERIFF	0.6850	2,482,658		\$0.00
WATER MANAGEMENT	0.0400	2,482,658		\$0.00
<b>Total Millage</b>		15.5215	<b>Total Taxes</b>	\$0.00

Non-Ad Valorem Assessments		
Code	Levying Authority	Amount
NFP	FIRE (CALL 595-4960)	\$1,852.44
<b>Total Assessments</b>		\$1,852.44
<b>Taxes &amp; Assessments</b>		\$1,852.44

N.T.S.



**A.L.T.A./A.C.S.M.**  
**BOUNDARY SURVEY**  
HILLVIEW DRIVE  
A PORTION OF SECTION 53,  
TOWNSHIP 1 SOUTH, RANGE 30 WEST,  
ESCAMBIA COUNTY, FLORIDA

**LEGEND**

O.R.	OFFICIAL RECORD BOOK	— — — — —	AERIAL UTILITY WIRES
R/W	RIGHT OF WAY	— — — — —	1" CHAIN LINK FENCE
A.P.O.	A PORTION OF...	— — — — —	EDGE OF WOODS
P.C.	POINT OF CURVATURE	○	FIRE HYDRANT
P.T.	POINT OF TANGENCY	○	SANITARY MANHOLE—SEE DETAIL DRAWINGS
P.R.C.	POINT OF REVERSE CURVATURE	○	STORM MANHOLE—SEE DETAIL DRAWINGS
RCP	REINFORCED CONCRETE PIPE	○	GAS METER
PVC	POLY VINYL CHLORIDE PIPE	○	WATER VALVE
CMP	CORRUGATED METAL PIPE	○	SIGN
F.F.E.	FINISHED FLOOR ELEVATION	○	18" x 18" CONCRETE BASED LIGHT POLE
INV	INVERT	○	LIGHT POLE
EL	ELEVATION	○	POWER POLE
WSI	WETLANDS LINE	○	1.2" x 1.2" CONCRETE POWER POLE 50' TALL
ECUA	EMERALD COAST UTILITIES AUTHORITY	○	SOIL TEST BORING LOCATIONS
A.L.T.A.	AMERICAN LAND TITLE ASSOCIATION	○	WETLANDS FLAGGING
A.C.S.M.	AMERICAN CONGRESS OF SURVEYING AND MAPPING	○	SET COTTON SPINDLE - TBM
AND		○	TEMPORARY BENCHMARK - SEE SURVEYOR'S REPORT FOR DETAILS
▲	SET 1/2" RED CAPPED IRON ROD—LICENSED BUSINESS #6993	○	SECTION NUMBERS
●	FOUND 1/2" IRON ROD	○	DELTA ANGLE
○	FOUND 1" METAL PIPE	○	COVERED (ROOFED) AREA
○	FOUND 1/2" METAL PIPE	○	CONCRETE
○	FOUND 1/2" CAPPED IRON ROD - #3454	○	ASPHALT
○	FOUND 1/2" CAPPED IRON ROD - #7073	○	
○	FOUND 4" x 4" CONCRETE MONUMENT WITH ROD	○	
○	FOUND 4" x 4" CONCRETE MONUMENT WITH DISK - NO #	○	
○	SET 1/2" CAPPED IRON ROD—LICENSED BUSINESS #6993	○	

**SURVEYOR'S CERTIFICATE**

THE UNDERSIGNED, BEING A REGISTERED SURVEYOR OF THE STATE OF FLORIDA CERTIFIES TO (1) PLACE ACQUISITION, LLC, AND (2) CHICAGO TITLE INSURANCE COMPANY AS FOLLOWS:

- THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY THE AMERICAN LAND TITLE ASSOCIATION AND THE AMERICAN CONGRESS ON SURVEYING AND MAPPING IN 2005 AND THIS SURVEY MEETS THE REQUIREMENTS FOR AN URBAN SURVEY AS DEFINED THEREIN.
- THE SURVEY WAS MADE ON THE GROUND BETWEEN FEBRUARY 7, 2008 AND MARCH 3, 2008 AND CORRECTLY SHOWS THE AREA OF THE SUBJECT PROPERTY, AND ANY OTHER MATTERS SITUATED ON THE PROPERTY.
- EXCEPT AS SHOWN ON THE SURVEY, THERE ARE NO VISIBLE EASEMENTS OR RIGHTS OF WAY WHICH THE UNDERSIGNED HAS BEEN ADVISED EXCEPT FOR A 100 FOOT WIDE SOUTHERN BELL & TELEGRAPH COMPANY O.R. BOOK 1975, PAGE 647-648, ON OR ADJACENT TO EXTREME WESTERLY PROPERTY LINE.
- EXCEPT AS SHOWN ON THE SURVEY, THERE ARE NO OBSERVABLE, ABOVE GROUND ENCROACHMENTS (A) BY THE IMPROVEMENTS ON THE SUBJECT PROPERTY UPON ADJOINING PROPERTIES, STREETS OR ALLEYS, OR (B) BY THE IMPROVEMENTS OF ADJOINING PROPERTIES, STREETS OR ALLEYS UPON THE SUBJECT PROPERTY. SEE SURVEYOR'S REPORT, PAGE 2 OF 2, FOR DETAILS.
- THE LOCATION OF EACH EASEMENT, RIGHT OF WAY, SERVITUDE, AND OTHER MATTERS AFFECTING THE SUBJECT PROPERTY AND LISTED IN THE TITLE COMMITMENT NUMBER 610702861, DATED APRIL 7, 2008 ISSUED BY CHICAGO TITLE INSURANCE COMPANY, WITH RESPECT TO THE SUBJECT PROPERTY, HAD BEEN SHOWN ON THE SURVEY, TOGETHER WITH APPROPRIATE RECORDING REFERENCES, TO THE EXTENT THAT SUCH MATTERS CAN BE LOCATED. THE PROPERTY SHOWN ON THE SURVEY IS THE PROPERTY DESCRIBED IN THAT TITLE COMMITMENT. THE LOCATION OF ALL IMPROVEMENTS ON THE SUBJECT PROPERTY IS IN ACCORD WITH MINIMUM SETBACK PROVISIONS AND RESTRICTION OF RECORD REFERENCED IN SUCH TITLE COMMITMENT.
- THE SUBJECT PROPERTY HAS ACCESS TO AND FROM A DULY DEDICATED AND ACCEPTED PUBLIC STREET OR HIGHWAY.
- EXCEPT AS SHOWN ON THE SURVEY, THE SUBJECT PROPERTY DOES NOT SERVE ANY ADJOINING PROPERTY FOR DRAINAGE, UTILITIES, OR INGRESS OR EGRESS.
- THE PREPARED LEGAL DESCRIPTIONS OF THE SUBJECT PROPERTY DO FORM A MATHEMATICALLY CLOSED FIGURE.
- EXCEPT AS SHOWN ON THE SURVEY, NO PORTION OF THE PROPERTY SHOWN ON THE SURVEY LIES WITHIN A SPECIAL HAZARD AREA, AS DESCRIBED ON THE FLOOD INSURANCE RATE MAP 12033C0315 G, DATED 09/09/06. SUBJECT PARCEL IS IN ZONE "X" PER SAID RATE MAP.
- SUBJECT PARCEL IS ZONED R-4, MULTIPLE-FAMILY DISTRICT (CUMULATIVE) MEDIUM HIGH DENSITY. SEE SHEET 4 OF 4 FOR DETAILS.
- THE PARTIES LISTED BELOW ARE ENTITLED TO RELY ON THE SURVEY AND THIS CERTIFICATE AS BEING TRUE AND ACCURATE.

LELAND M. EMPIE  
PROFESSIONAL SURVEYOR AND MAPPER,  
NO. 5766, STATE OF FLORIDA  
SEPTEMBER 23, 2008

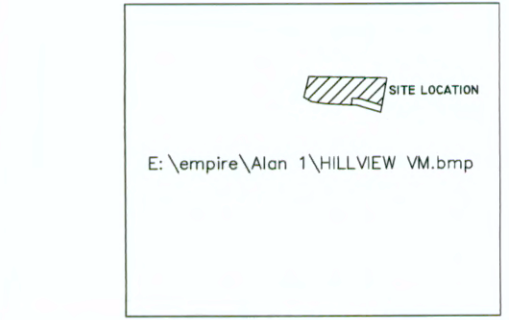
THE UNDERSIGNED CLIENT(S) ACKNOWLEDGE RECEIPT AND ACCEPTANCE OF THIS SURVEY:

SIGNATURE \_\_\_\_\_ SIGNATURE \_\_\_\_\_

TYPED OR PRINTED NAME \_\_\_\_\_ TYPED OR PRINTED NAME \_\_\_\_\_

PLACE ACQUISITION, LLC, AND CHICAGO TITLE INSURANCE COMPANY

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



SHEET 1 OF 4  
SEE SHEET 2 OF 4 FOR LEGAL DESCRIPTIONS

EXHIBIT  
**B**

**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

POSSIBLE ENCROACHMENTS: SEE SURVEYOR'S REPORT, PAGE 2 OF 2, FOR DETAILS.

**SURVEYORS CERTIFICATE**

I HEREBY CERTIFY: THAT THE SURVEY SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SURVEYED; THAT THIS SURVEY WAS COMPLETED UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY RULE 61G17 FLORIDA ADMINISTRATIVE CODE; THAT THIS SURVEY ALSO COMPLIES WITH CHAPTERS 177 AND 472 FLORIDA STATUTES.

SEPTEMBER 23, 2008  
LELAND M. EMPIE, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER, NO. 5766, STATE OF FLORIDA

BEARING BASIS EAST LINE SECTION 53, TOWNSHIP 1 SOUTH, RANGE 30 WEST N12°30'24"E (D)  
 TYPE OF SURVEY: BOUNDARY WITH IMPROVEMENTS  
 CLIENT: PLACE ACQUISITION, LLC

**SOURCE OF INFORMATION:**  
FIELD EVIDENCE  
DEEDS OF RECORD  
PRIOR SURVEYS/DRAWINGS

**GENERAL NOTES:**

- Fence locations as drawn are not to scale.
- Jurisdiction (Wetlands) boundary lines not located unless otherwise noted.
- Footings, foundations, or any other subsurface structures were not located unless otherwise noted. Deed = (D); Actual Field Measurement = (F); Plat = (P)
- All bearings and/or angles and distances are Deed and Actual unless otherwise noted. The accuracy shown meet the standards required in the appropriate land area.
- All measurements were made in accordance with United States standards. The accuracy shown hereon has been performed by this firm and lands shown hereon may be subject to setbacks, easements, zoning and restrictions that may be found in the Public Records of said County.
- No Title Search of the Public Records has been performed by this firm and lands shown hereon may be subject to setbacks, easements, zoning and restrictions that may be found in the Public Records of said County.

SCALE: 1" = 60'  
FIELD DATE: 03/03/08  
ORDER NO: 014-08  
FIELD BOOK: 123/66-77, 126/11-16  
AND DATA COLLECTOR



**RESIDENCES AT HILLVIEW**

Proposed Units		
100 Building	106 Units	280 Beds
200 Building	52 Units	120 Beds
<b>Total Units</b>	<b>158 Units</b>	<b>400 Beds</b>
Proposed Parking		
100 Building -	226 spaces	
200 Building -	105 spaces	
Behind Villages -	26 spaces	
Between Villages -	137 spaces	
<b>Total Parking</b>	<b>494 spaces</b>	

UWF Residences at Hillview

CONCEPTUAL SITE PLAN

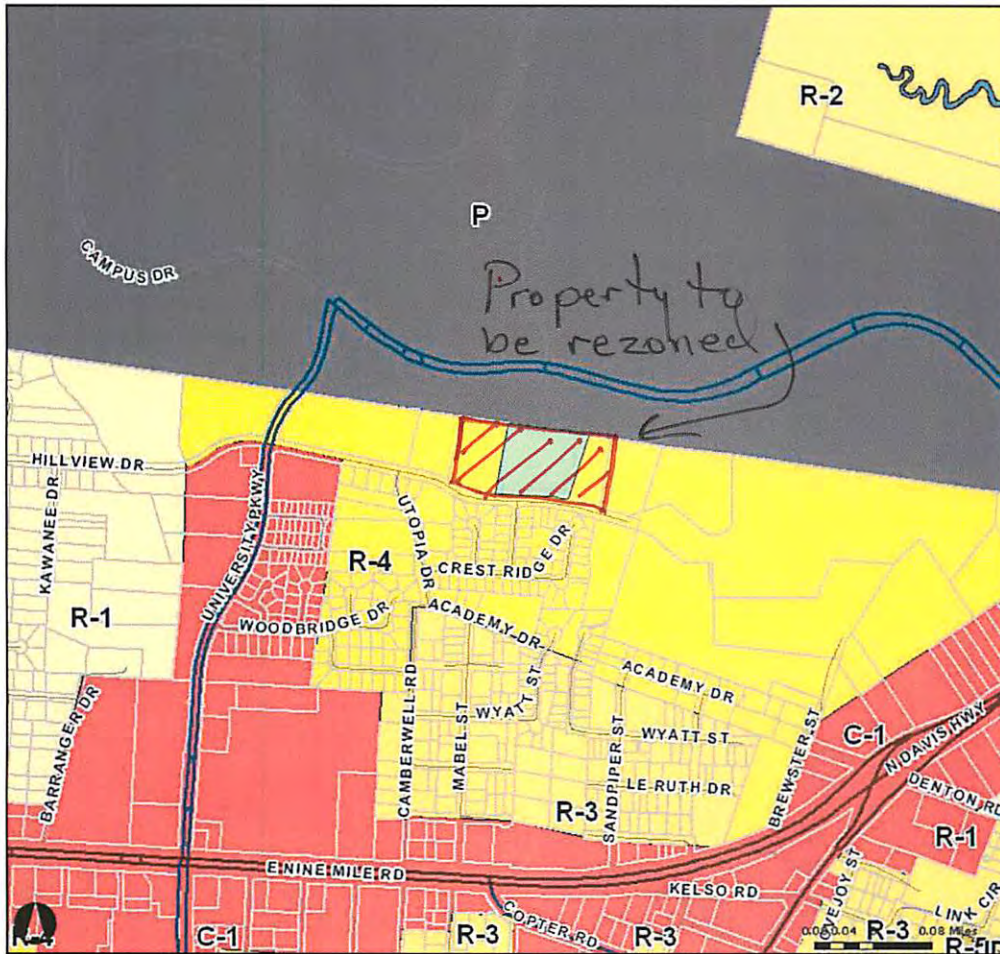
17 October 2011

**BTA** Bullock Trace Associates  
 100 East Cypress, Suite D  
 Ft. Pierce, FL 33901  
 888-678-2444

BTA No. 6.549



**Title**



**baptist manor (1)**

PARCELS (1)

OBJECTID	REFERENCE	REFNUM	OWNER	MAILING ADDRESS1	MAILING ADDRESS2	MAILING CITY	MAILING STATE	MAILING ZIP	MAILING COUNTRY	YEAR	CONTROLNO	SITE ADDRESS	CITY	ZIP	SUBDIVCONDO	SUBDIVISION
118678	531S302000000005	53-1S-30-2000-000-005	BAPTIST MANOR INC	1000 W MORENO ST	null	PENSACOLA	FL	32501	null	2012	044423800	10095 HILLVIEW RD	PENSACOLA	32514	null	N/A

**Disclaimer**

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.





R-4

4.2 ACRES

R-4

6.5 ACRES

2.5 ACRES

R-4

R-4

# CURRENT PARCELS AND ZONING

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

0 200 400 600 Ft



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Andrew Holmer  
Planning and Zoning Dept.





**Development Services Department**

**Building Inspections Division**

3363 West Park Place  
Pensacola, Florida, 32505  
(850) 595-3550  
Molino Office - (850) 587-5770

**RECEIPT**

Receipt No. : **548741**

Date Issued. : 02/01/2012

Cashier ID : GELAWREN

Application No. : PRZ120200002

Project Name : Z-2012-03

**PAYMENT INFO**

Method of Payment	Reference Document	Amount Paid	Comment
<b>Check</b>	1911	\$1,820.00	App ID : PRZ120200002
		<b>\$1,820.00</b>	<b>Total Check</b>

Received From : CROSSGATE PARTNERS LLC

Total Receipt Amount : **\$1,820.00**

Change Due : \$0.00

**APPLICATION INFO**

Application #	Invoice #	Invoice Amt	Balance	Job Address
PRZ120200002	641963	1,820.00	\$0.00	10095 Hillview DR, PENSACOLA, FL

<b>Total Amount :</b>	<b>1,820.00</b>	<b>\$0.00</b>	Balance Due on this/these Application(s) as of 2/2/2012
-----------------------	-----------------	---------------	---

**Planning Board-Rezoning**

**5. C.**

**Meeting Date:** 03/12/2012

**CASE :** Z-2012-03

**APPLICANT:** Shanda Carlson, Agent for  
Peggy Green, Owner

**ADDRESS:** 1804 N Blue Angel Pkwy

**PROPERTY REFERENCE NO.:** 12-2S-31-3102-000-001

**FUTURE LAND USE:** MU-U, Mixed Use Urban

**COMMISSIONER DISTRICT:** 1

**OVERLAY AREA:** NA

**BCC MEETING DATE:** 04/05/2012

---

**Information**

**SUBMISSION DATA:**

**REQUESTED REZONING:**

**FROM: R-3, One-family and Two-family District (cumulative) Medium Density (10 du/acre)**

**TO: C-2, General Commercial and Light Manufacturing District (cumulative) (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)

**CRITERION (1)**

**Consistent with the Comprehensive Plan.**

Whether the proposed amendment is consistent with the Comprehensive Plan.

**FLU 1.1.1 Development Consistency**

New development and redevelopment in unincorporated Escambia County shall be consistent with the Escambia County Comprehensive Plan and the Future Land Use Map (FLUM).

**FLU 1.3.1 Future Land Use Categories.**

The Mixed-Use Urban (MU-U) Future Land Use (FLU) category is intended for an intense mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole. Range of allowable uses include: Residential, Retail and Services, Professional Office, Light Industrial, Recreational Facilities, Public and Civic. The minimum residential density is 3.5 dwelling units per acre and the maximum residential density is 25 dwelling units per acre.

**FLU 1.5.3 New Development and Redevelopment in Built Areas.**

To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

**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 C-2 is consistent with the intent and purpose of Future Land Use category Mixed Use Urban as stated in CPP FLU 1.3.1. MU-U allows for a mix of residential and nonresidential uses while promoting compatible infill development. This future land use category allows for residential, retail, professional office and light industrial.

The proposed amendment is consistent with the intent of CPP FLU 1.5.3 promoting the efficient use of existing public roads, utilities and service infrastructure; the proposed amendment also encourages redevelopment of an underutilized property. Buffering will be required between the subject parcel and any residential property as stated in CPP FLU 1.1.9.

## **CRITERION (2)**

### **Consistent with The Land Development Code.**

Whether the proposed amendment is in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

### **R-3 One-Family and Two-Family District, (cumulative) Medium Density.**

A. Intent and purpose of district. This district is intended to provide for a mixture of one-family and two-family dwellings, including townhouses, with a medium density level compatible with single-family residential development. The maximum density is ten dwelling units per acre. Refer to Article 11 for uses and densities allowed in R-3, one-family and two-family areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in Article 11. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with R-3 zoning located in the Scenic Highway Overlay District and RA-1(OL) Barrancas Redevelopment Area Overlay District.

### **6.05.16. C-2 General commercial and light manufacturing district (cumulative).**

This district is composed of certain land and structures used to provide for the wholesaling and retailing of commodities and the furnishing of several major services and selected trade shops. The district also provides for operations entailing manufacturing, fabrication and assembly operations where all such operations are within the confines of the building and do not produce excessive noise, vibration, dust, smoke, fumes or excessive glare. Outside storage is allowed with adequate screening being provided (see section 7.01.06.E.).

B. Permitted uses.

1. Any use permitted in the C-1 district.
2. Amusement and commercial recreational facilities such as, but not limited to, amusements parks, shooting galleries, miniature golf courses, golf driving ranges, baseball batting ranges and trampoline centers.

3. Carnival-type amusements when located more than 500 feet from any residential district.
4. Distribution warehousing, and mini-warehouses with ancillary truck rental services.
5. New and used car sales, mobile home and motorcycle sales and mechanical services. No intrusions are permitted on the public right-of-way (see section 6.04.09).
6. Automobile rental agencies. No intrusions are permitted on the public right-of-way (see section 6.04.09).
7. Truck, utility trailer, and RV rental service or facility. No intrusions are permitted on the public right-of-way (see section 6.04.09).
8. Automobile repairs, including body work and painting services.
9. Radio broadcasting and telecasting stations, studios and offices with on-site towers 150 feet or less in height. See section 7.18.00 for performance standards.
10. Commercial food freezers and commercial bakeries.
11. Building trades or construction office and warehouses with outside on-site storage.
12. Marinas, all types including industrial.
13. Cabinet shop.
14. Manufacturing, fabrication and assembly type operations which are contained and enclosed within the confines of a building and do not produce excessive noise, vibration, dust, smoke, fumes or excessive glare.
15. Commercial communication towers 150 feet or less in height.
16. Taxicab companies.
17. Bars and nightclubs.
18. Boat sales and service facilities.
19. Boat and recreational vehicle storage. (No inoperable RVs, untrailerred boats, repair, overhaul or salvage activity permitted. Storage facility must be maintained to avoid nuisance conditions as defined in section 7.07.06.)
20. Adult entertainment uses subject to the locational criteria listed below (See Escambia County, Code of Ordinances sections 18-381 through 18-392 for definitions and enforcement; additionally refer to Chapter 6, article IV, Division 2, titled "Nudity and Indecency"). However, these C-2 type uses are not permitted in the Gateway Business Districts.
  - a. Adult entertainment uses must meet the minimum distances as specified in the following locational criteria:
    - (1) One thousand feet from a preexisting adult entertainment establishment;
    - (2) Three hundred feet from a preexisting commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption;
    - (3) One thousand feet from a preexisting place of worship;
    - (4) One thousand feet from a preexisting educational institution;
    - (5) One thousand feet from parks and/or playgrounds;
    - (6) Five hundred feet from residential uses and areas zoned residential within the county.
21. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
22. Temporary structures. (See section 6.04.16)
23. Arcade amusement centers and bingo facilities.
24. Outdoor sales.
25. Other uses similar to those permitted herein. Determination on other permitted uses shall be made by the planning board (LPA).

**7.20.06. General commercial and light manufacturing locational criteria (C-2).**

- A. General commercial land uses shall be located at or in proximity to intersections of arterial/arterial roadways or along an arterial roadway within one-quarter mile of the intersection.
- B. They may be located along an arterial roadway up to one-half mile from the intersection

provided that all of the following criteria are met:

1. Does not abut a single-family residential zoning district (R-1, R-2, V-1, V-2, V-2A or V-3);
2. Includes a six-foot privacy fence as part of any required buffer and develops the required landscaping and buffering to ensure long-term compatibility with adjoining uses as described in Policy 7.A.3.8 and article 7;
3. Negative impacts of these land uses on surrounding residential areas shall be minimized by placing the lower intensity uses on the site (such as stormwater ponds and parking) next to abutting residential dwelling units and placing the higher intensity uses (such as truck loading zones and dumpsters) next to the roadway or adjacent commercial properties;
4. Intrusions into recorded subdivisions shall be limited to 300 feet along the collector or arterial roadway and only the corner lots in the subdivision;
5. A system of service roads or shared access facilities shall be required, to the maximum extent feasible, where permitted by lot size, shape, ownership patterns, and site and roadway characteristics;
6. The property is located in areas where existing commercial or other intensive development is established and the proposed development would constitute infill development. The intensity of the use must be of a comparable intensity of the zoning and development on the surrounding parcels and must promote compact development and not promote ribbon or strip commercial development.

## **FINDINGS**

The proposed amendment is consistent with the general commercial and light manufacturing uses and with the locational requirements for C-2 zoning. The parcel is located on an arterial roadway, Blue Angel Parkway, one quarter mile from an arterial/arterial intersection.

### **LDC 6.05.14C.5. C-1 Retail Commercial District Conditional Uses**

Used automobile sales, in addition to other conditional use criteria, the parcel must be one acre or less in size; there must be a three-foot tall hedge long the right-of-way line; no intrusions are permitted on the public right-of-way (see section 6.04.09); and it cannot be a C-1 parcel fronting on "gateway" arterial streets which are specified as Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR292), Blue Angel Parkway (SR173) and Pine Forest Road from I-10 to SR173, Navy Boulevard (SR295 and US98), and Scenic Highway (SR10A). While the rezoning is not specific to the proposed use of used auto sales, the option of C-1 zoning with conditional use approval is not available as stated per LDC 6.05.14.C.5.

## **CRITERION (3)**

### **Compatible with surrounding uses.**

Whether and the extent to which the proposed amendment is compatible with existing and proposed uses in the area of the subject property(s).

## **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 R-3, C-1 and SDD. There are 26 residential, two commercial and three vacant parcels. Although the majority of the surrounding zoning category are commercial, the existing uses are predominantly residential.

## **CRITERION (4)**

**Changed conditions.**

Whether and the extent to which there are any changed conditions that impact the amendment or property(s).

**FINDINGS**

Staff found no changed conditions that would impact the amendment or property.

**CRITERION (5)**

**Effect on natural environment.**

Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment.

**FINDINGS**

According to the National Wetland Inventory, wetlands and hydric soils were not indicated on the subject property. When applicable, further review during the site plan review process will be necessary to determine if there would be any significant adverse impact on the natural environment.

**CRITERION (6)**

**Development patterns.**

Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

**FINDINGS**

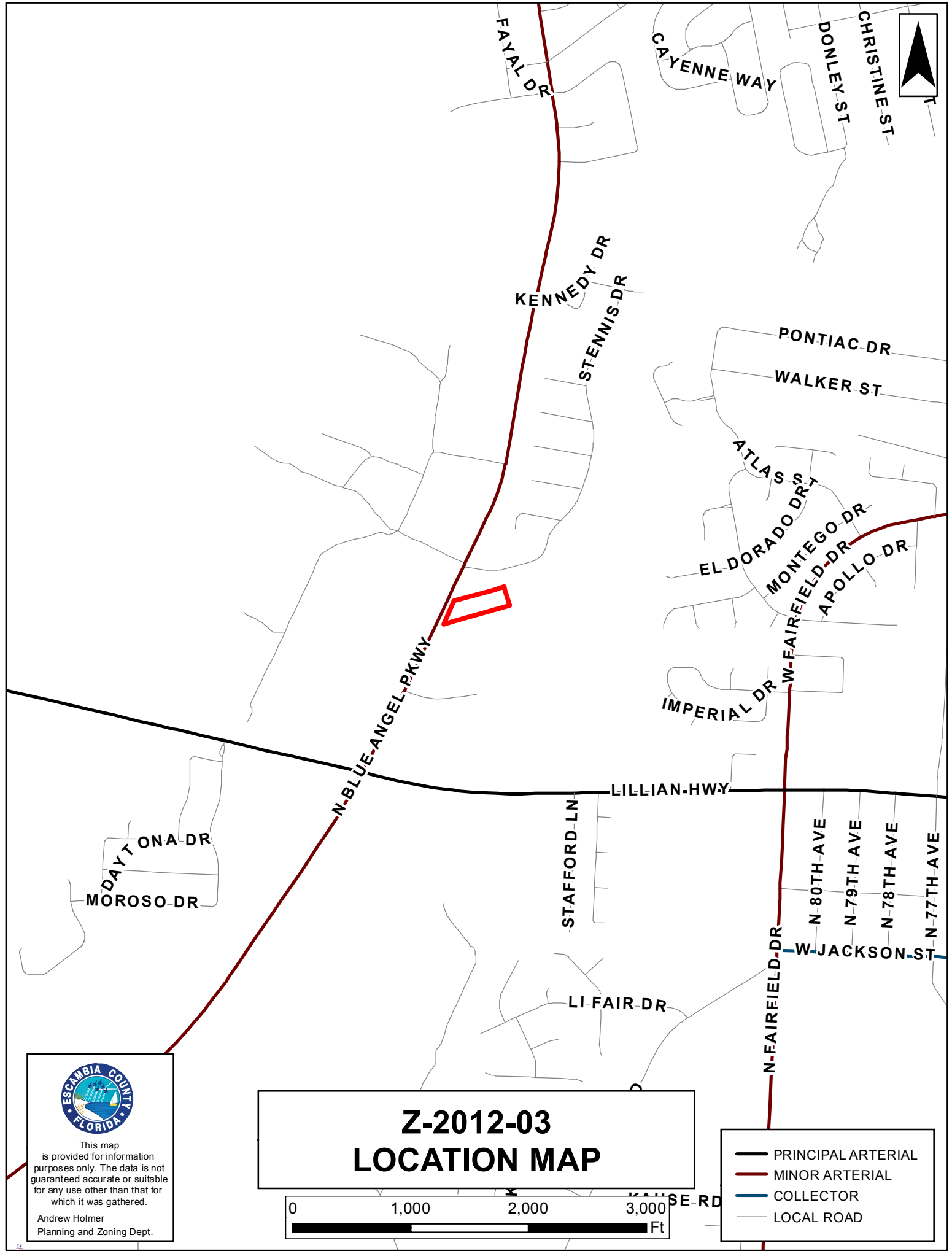
The proposed amendment would not result in a logical and orderly development pattern. Although the property is located in an area that is surrounded by commercially zoned categories, the existing uses are predominately residential, therefore the permitted uses of the C-2 zoning district are not compatible with the existing uses in the area of the subject parcel.

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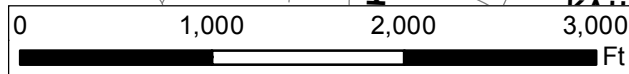
**Attachments**





Z-2012-03

Z-2012-03



# Z-2012-03 LOCATION MAP



-  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.





SDD

TOMCAT CT

STENNIS DR

C-1

STENNIS DR

R-3

N BLUE ANGEL PKWY

C-1

SDD

R-3

R-3






SDD

C-2

C-2

R-6

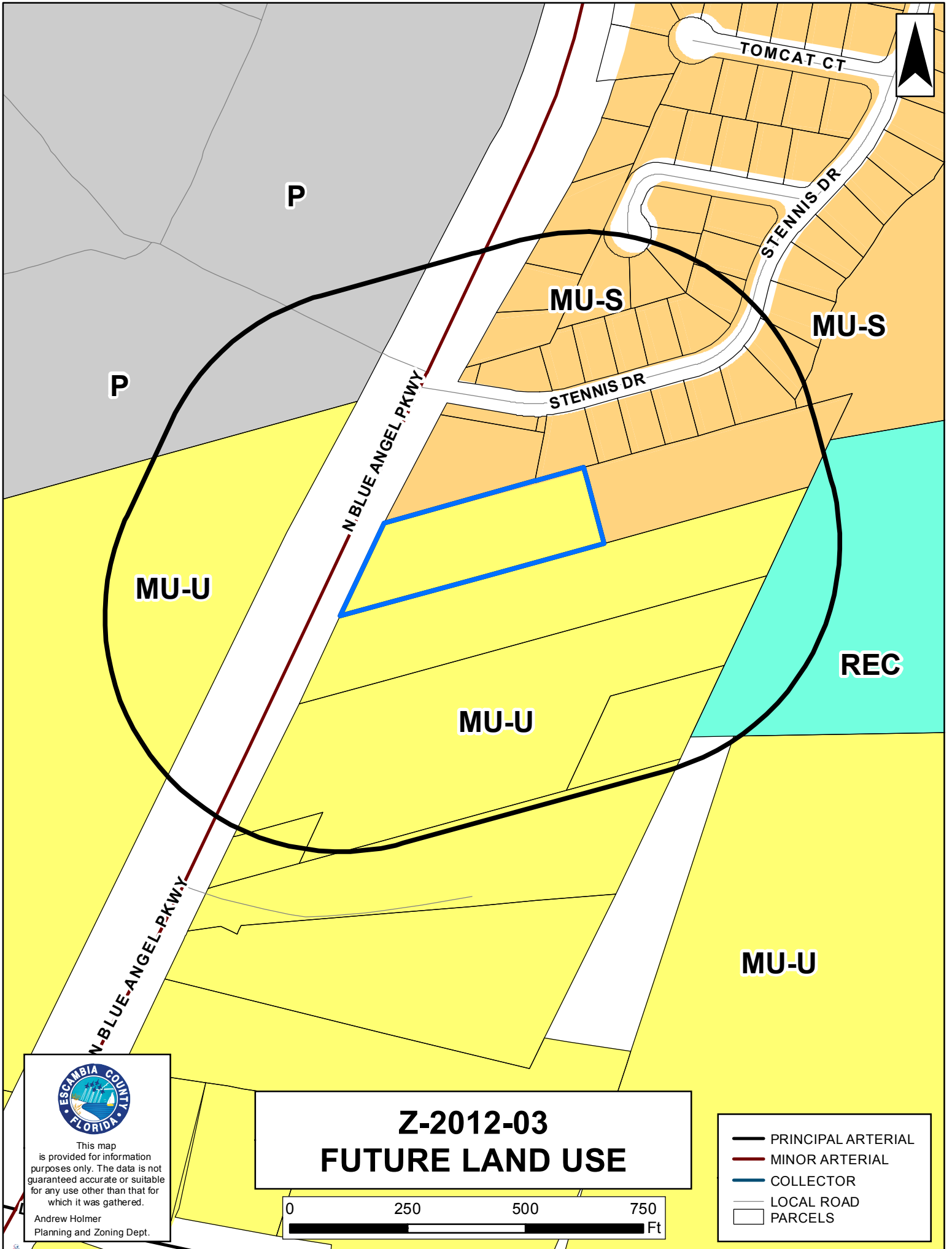
# Z-2012-03 500' RADIUS ZONING

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



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.

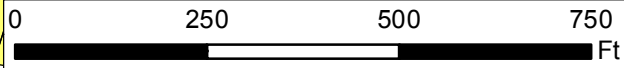
Andrew Holmer  
Planning and Zoning Dept.



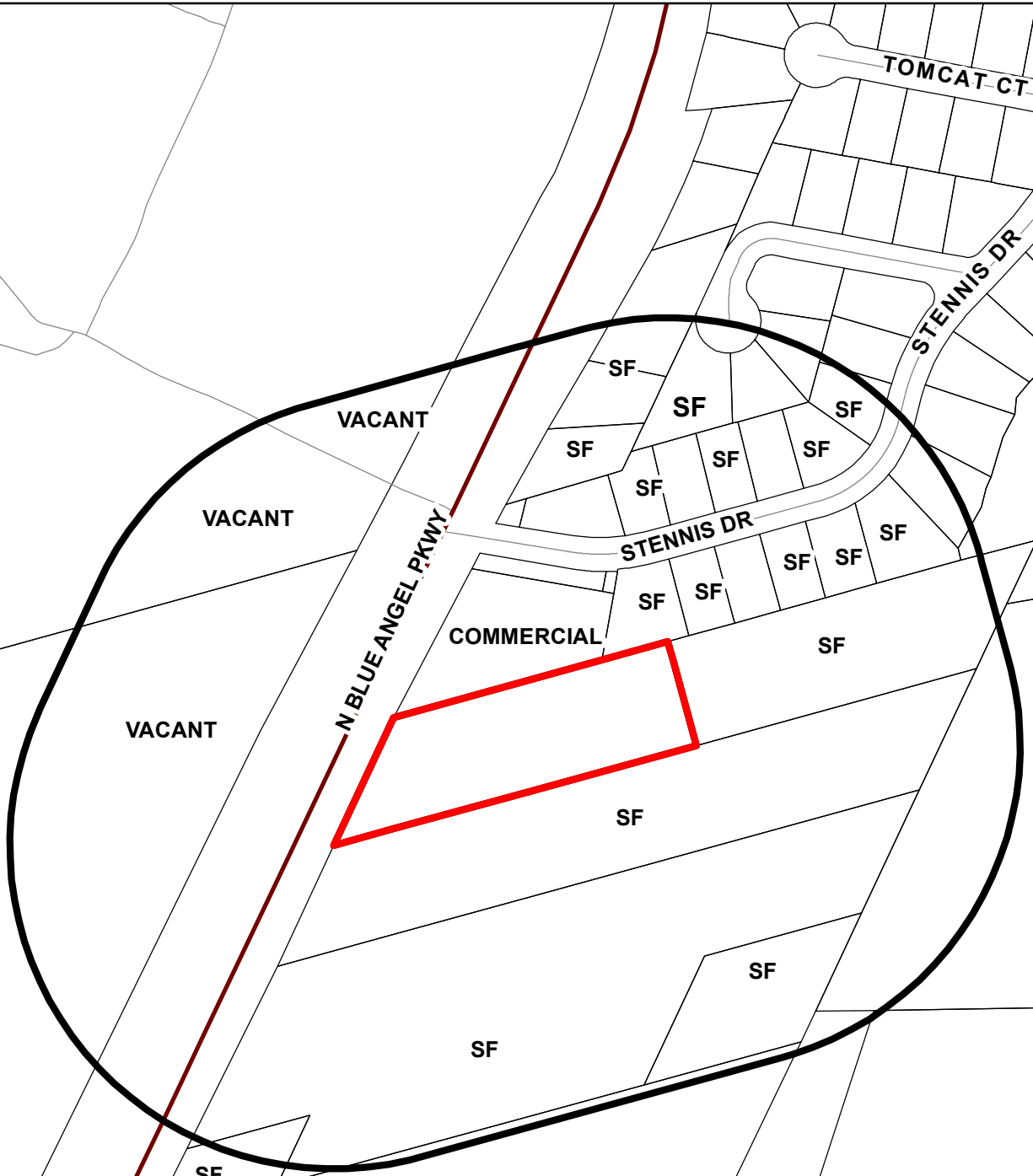
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer  
Planning and Zoning Dept.

## Z-2012-03 FUTURE LAND USE



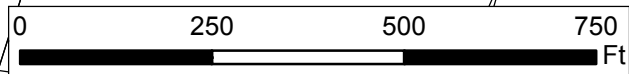
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



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-2012-03 EXISTING LAND USE



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



N-BLUE-ANGEL-PKWAY

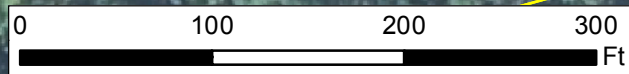
STENNIS DR








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

Andrew Holmer  
Planning and Zoning Dept.

# Z-2012-03 AERIAL MAP



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



# NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2012-03  
CURRENT ZONING: R-3 PROPOSED ZONING: C-2

## PLANNING BOARD

DATE: 03/12/12 TIME: 8:30 AM

### LOCATION OF HEARING

ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE  
ROOM 104 BOARD MEETING ROOM

## BOARD OF COUNTY COMMISSIONERS

DATE: 04/05/12 TIME: 5:45 PM

### LOCATION OF HEARING

ESCAMBIA COUNTY GOVERNMENT CENTER  
221 PALAFOX PLACE  
1ST FLOOR BOARD MEETING ROOM

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

PLEASE DO NOT REMOVE THIS SIGN  
PROPERTY OF ESCAMBIA COUNTY



**Subject Property**



**Subject Property**



**Looking Southwest on subject Property**





**Looking South on Subject Property**



**Looking South from subject Property**



**Looking West from Subject Property**



**Looking North From Subject Property**

## Project Narrative

**Project Name: Purposed Repurposing of Property**

**Address: 1804 N. Blue Angel Pkwy, Pensacola, FL 32506**

The requested rezoning of above property will be repurposed, for the tentative plan of a pre-owned auto sales business. The home on the property is 1202 sq. ft. and will remain as is. No structural changes will take place. We are proposing to remove large pine trees from the front and side of home that would be a potential risk to home if a natural disaster occurred. We will remove shrubbery from front and side of home; have it landscaped to improve aesthetics. The home will be painted and any needed repairs will be made. The home will serve as the office of our business. The property's appearance will be greatly improved and will benefit surrounding area.

## Rezoning Criteria

1. Consistency with the Comprehensive Plan: Our proposed plan is compliant with comprehensive plan and the county's Land Development Code.

2. Consistency with this code: The land development code for area is mixed use urban, and proposed business will fit into this code.

3. Compatibility with surrounding uses: The proposed business is compatible with surrounding area. Both pieces of property on either side of proposed business site are zoned commercial, as well as many other lots within 1,000 feet going north and south.

4. Changed Conditions: There will be no structural changes to said property, with exception of pine tree removal, however; the appearance of building and land will be greatly improved, therefore improving surrounding properties.

5. Effect on natural environment: It is not believed that the repurposing of property will have any negative effects on surrounding environment.

6. Development Patterns: The purposed amendment will be consistent with the surrounding properties current zoning.

### APPLICATION

Please check application type:

Administrative Appeal

Development Order Extension

Conditional Use Request for: \_\_\_\_\_

Variance Request for: \_\_\_\_\_

Rezoning Request from: R-3 to: C-2

Name & address of current owner(s) as shown on public records of Escambia County, FL 207-1679

Owner(s) Name: William & Peggy Green Phone: 850-455-6784

Address: 2000 Steelers Lane, Pensacola, FL 32506 Email: \_\_\_\_\_

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 1804 N. Blue Angel Pkwy, Pensacola, FL 32506

Property Reference Number(s)/Legal Description: 122S313102000001

BEG AT INTER OF N LI OF SEC AND E LI OF BELLVIEW RD SLY ON E LI 350 FT FOR POB CONTINUE SAME COURSE 210 FT NELY 1040 FT N 210 FT SWLY TO POB OR 2178 P 626 CASE 87-999-CP-03 LESS OR 1539 P 828 GREEN OR 3299 P 934

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.

Shanda Carlson  
Signature of Owner/Agent

Shanda G. Carlson /Agent  
Printed Name Owner/Agent

2/2/2012  
Date

Peggy H. Green  
Signature of Owner

Peggy H. Green  
Printed Name of Owner

2/2/2012  
Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 2 day of February 20 12,  
by Peggy H. Green

Personally Known  OR Produced Identification  Type of Identification Produced: FLDH G 650-668-43-553-0

Judy Denise Halstead  
Signature of Notary  
(notary seal must be affixed)

Judy Denise Halstead  
Printed Name of Notary



**FOR OFFICE USE ONLY**

CASE NUMBER: 2-2012-03

Meeting Date(s): PB 3/12; BCC 4/5 Accepted/Verified by: ACan Date: 2/2/12

Fees Paid: \$1,050<sup>00</sup> Receipt #: 548833 Permit #: PRZ120200003



Development Services Department  
Escambia County, Florida

FOR OFFICE USE:

CASE #: 2-2012-03

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 122S313102000001

Property Address: 1804 N. Blue Angel Parkway, Pensacola, FL 32506

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 transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. 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 2nd DAY OF Feb, YEAR OF 2012.

Peggy H. Green  
Signature of Property Owner

Peggy H. Green  
Printed Name of Property Owner

2/2/2012  
Date

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

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

\_\_\_\_\_  
Date





**AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY**

As owner of the property located at 1804 N. Blue Angel Pkwy, Pensacola, FL 32506,  
Florida, property reference number(s) 122S313102000001

I hereby designate Shanda G. Carlson for the sole purpose  
of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above referenced property.
- Board of Adjustment to request a(n) \_\_\_\_\_ on the above referenced property.

This Limited Power of Attorney is granted on this \_\_\_\_\_ day of \_\_\_\_\_ the year of, \_\_\_\_\_, and is effective until the Board of County Commissioners or the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development Services Bureau.

Agent Name: Shanda G. Carlson Email: shanda01\_99@yahoo.com  
Address: 2621 Mercado Ave, Pensacola, FL 32507 Phone: 850-207-1679

Peggy H. Green  
Signature of Property Owner

Peggy H. Green  
Printed Name of Property Owner

2/02/12  
Date

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

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

\_\_\_\_\_  
Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 2 day of February 20 12,  
by Peggy H. Green.

Personally Known  OR Produced Identification . Type of Identification Produced: FLDL G650-668-43-553-0

Judy Denise Halstead  
Signature of Notary

Judy Denise Halstead  
Printed Name of Notary

(Notary Seal)





Development Services Department  
Escambia County, Florida

PLANNING BOARD  
REZONING PRE-APPLICATION SUMMARY FORM

12-25-31-3102 000-001  
Property Reference Number

Carlson, Shanda  
Name  
Green, William

1804 N Blue Angel  
Address

Owner  Agent

Referral Form Included? Y / N

MAPS PREPARED

- Zoning
- FLU
- Aerial
- Other: \_\_\_\_\_

PROPERTY INFORMATION

Current Zoning: R-3 Size of Property: 1.94 +/-  
 Future Land Use: MU-U Commissioner District: 1  
 Overlay/AIPD: N/A Subdivision: \_\_\_\_\_  
 Redevelopment Area\*: NA

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

COMMENTS

Desired Zoning: C-2

Is Locational Criteria applicable? yes If so, is a compatibility analysis required? No

!wants to have a used car lot - discussed locational criteria  
will go to DRC pre-app for change of use gave forms

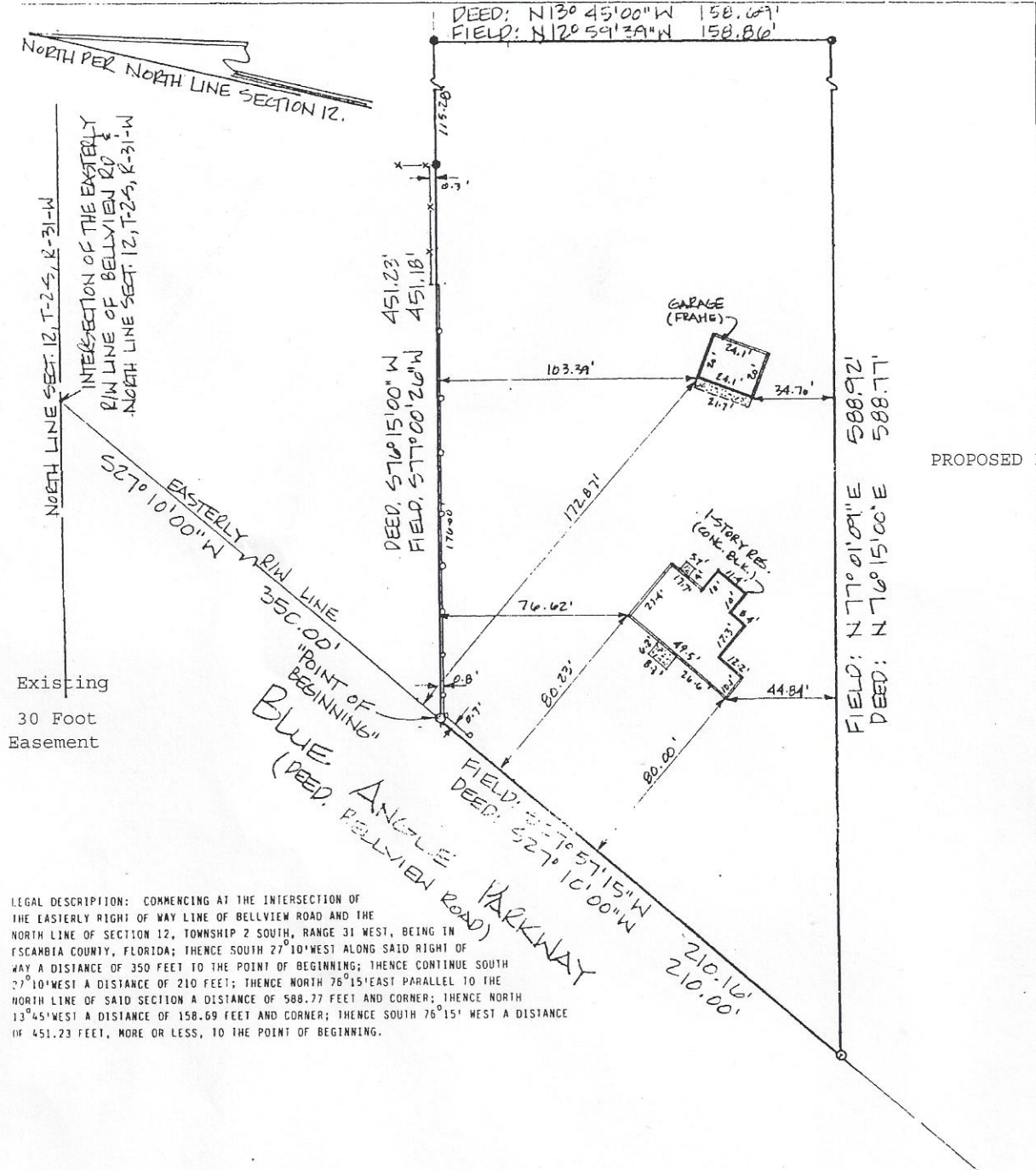
PB Meeting 3/12; BCC 4/5

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

Staff present: Allyson Cain; Denise Halstead Date: \_\_\_\_\_

Applicant/Agent Name & Signature: Shanda Carlson

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



Existing  
30 Foot  
Easement

LEGAL DESCRIPTION: COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF BELLVIEW ROAD AND THE NORTH LINE OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 31 WEST, BEING IN ESCAMBIA COUNTY, FLORIDA; THENCE SOUTH 27°10' WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 350 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 27°10' WEST A DISTANCE OF 210 FEET; THENCE NORTH 76°15' EAST PARALLEL TO THE NORTH LINE OF SAID SECTION A DISTANCE OF 588.77 FEET AND CORNER; THENCE NORTH 13°45' WEST A DISTANCE OF 158.69 FEET AND CORNER; THENCE SOUTH 76°15' WEST A DISTANCE OF 451.23 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

- EXISTING CAPPED IRON ROD, (P.O.T.)
- EXISTING IRON ROD.

Lands shown hereon were not abstracted for easements and/or rights-of-way, recorded or unrecorded, AND underground portion of foundations, footings, or any other underground structures were not located unless otherwise noted. Measurements were made in accordance with United States standards.

ASIS OF BEARING NORTH LINE OF SECTION 12		
SOURCE OF INFORMATION		
REVISIONS	DATE	FB/PCL

<b>CERTIFICATE</b>			
THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND THAT THE ABOVE GROUND SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.			
<i>[Signature]</i>			State of Florida
Registered Land Surveyor No.	3774	DATE	12/22/92
ORDER NO.	92-12-072	FIELD BOOK	295/55

VALID ONLY  
WITH  
EMBOSSED SEAL

**Janet Holley**

Ad Valorem Taxes and Non-Ad Valorem Assessments

**Escambia County Tax Collector**

REAL ESTATE 2011 58921

Account Number	Payor	Exemptions	Taxable Value	Millage Code
09-3802-000		See Below	See Below	06

GREEN WILLIAM J & PEGGY H  
 2000 STEELERS LN  
 PENSACOLA FL 32506

122S31-3102-000-001 1804 N BLUE  
 ANGEL PKWY BEG AT INTER OF N LI OF  
 SEC AND E LI OF BELLVIEW RD SLY ON  
 E LI 350 FT FOR POB CONTINUE SAME  
 COURSE 210 FT NELY 1040 FT N 210  
 FT SWLY TO POB OR 2178 P 626 CASE  
 87-999-CP-03 See Tax Roll For  
 Extra Legal

Ad Valorem Taxes				
Taxing Authority	Rate	Exemption Amount	Taxable Value	Taxes Levied
COUNTY	6.9755		\$87,693	\$611.70
PUBLIC SCHOOLS				
By Local Board	2.2480		\$87,693	\$197.13
By State Law	5.5730		\$87,693	\$488.71
SHERIFF	0.6850		\$87,693	\$60.07
WATER MANAGEMENT	0.0400		\$87,693	\$3.51
<b>Total Millage</b>		15.5215	<b>Total Taxes</b>	\$1,361.12

Non-Ad Valorem Assessments		
Code	Levying Authority	Amount
NFP	FIRE (CALL 595-4960)	\$80.00
<b>Total Assessments</b>		\$80.00
<b>Taxes &amp; Assessments</b>		\$1,441.12



REC'D FEB 02 2012

<b>Buildings</b>																	
Building 1 - Address:1804 N BLUE ANGEL PKWY, Year Built: 1956, Effective Year: 1956																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;"><b>Structural Elements</b></td> </tr> <tr> <td style="padding: 2px;"><b>FOUNDATION-SLAB ON GRADE</b></td> </tr> <tr> <td style="padding: 2px;"><b>EXTERIOR WALL-CONCRETE BLOCK</b></td> </tr> <tr> <td style="padding: 2px;"><b>NO. PLUMBING FIXTURES-3.00</b></td> </tr> <tr> <td style="padding: 2px;"><b>DWELLING UNITS-1.00</b></td> </tr> <tr> <td style="padding: 2px;"><b>ROOF FRAMING-GABLE</b></td> </tr> <tr> <td style="padding: 2px;"><b>ROOF COVER-COMPOSITION SHG</b></td> </tr> <tr> <td style="padding: 2px;"><b>INTERIOR WALL-DRYWALL-PLASTER</b></td> </tr> <tr> <td style="padding: 2px;"><b>FLOOR COVER-ASPHALT TILE</b></td> </tr> <tr> <td style="padding: 2px;"><b>NO. STORIES-1.00</b></td> </tr> <tr> <td style="padding: 2px;"><b>DECOR/MILLWORK-BELOW AVERAGE</b></td> </tr> <tr> <td style="padding: 2px;"><b>HEAT/AIR-CENTRAL H/AC</b></td> </tr> <tr> <td style="padding: 2px;"><b>STRUCTURAL FRAME-MASONRY PIL/STL</b></td> </tr> <tr> <td style="padding: 2px;"><b>Areas - 1238 Total SF</b></td> </tr> <tr> <td style="padding: 2px;"><b>BASE AREA - 1202</b></td> </tr> <tr> <td style="padding: 2px;"><b>OPEN PORCH FIN - 36</b></td> </tr> </table>	<b>Structural Elements</b>	<b>FOUNDATION-SLAB ON GRADE</b>	<b>EXTERIOR WALL-CONCRETE BLOCK</b>	<b>NO. PLUMBING FIXTURES-3.00</b>	<b>DWELLING UNITS-1.00</b>	<b>ROOF FRAMING-GABLE</b>	<b>ROOF COVER-COMPOSITION SHG</b>	<b>INTERIOR WALL-DRYWALL-PLASTER</b>	<b>FLOOR COVER-ASPHALT TILE</b>	<b>NO. STORIES-1.00</b>	<b>DECOR/MILLWORK-BELOW AVERAGE</b>	<b>HEAT/AIR-CENTRAL H/AC</b>	<b>STRUCTURAL FRAME-MASONRY PIL/STL</b>	<b>Areas - 1238 Total SF</b>	<b>BASE AREA - 1202</b>	<b>OPEN PORCH FIN - 36</b>	
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<b>Images</b>																	
None																	

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.



**Development Services Department**

**Building Inspections Division**

3363 West Park Place  
Pensacola, Florida, 32505  
(850) 595-3550  
Molino Office - (850) 587-5770

**RECEIPT**

Receipt No. : **548833**

Date Issued. : 02/02/2012

Cashier ID : LPROBINS

Application No. : PRZ120200003

Project Name : Z-2012-04

**PAYMENT INFO**

Method of Payment	Reference Document	Amount Paid	Comment
<b>Credit Card</b>	V4094	\$1,050.00	App ID : PRZ120200003
		<b>\$1,050.00</b>	<b>Total Credit Card</b>

Received From : GREEN WILLIAM J & PEGGY H

Total Receipt Amount : **\$1,050.00**

Change Due : \$0.00

**APPLICATION INFO**

Application #	Invoice #	Invoice Amt	Balance	Job Address
PRZ120200003	642033	1,050.00	\$0.00	1804 N BLUE ANGEL PKWY, PENSACOLA, FL

**Total Amount :** **1,050.00**

**\$0.00** Balance Due on this/these  
Application(s) as of 2/2/2012