

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
QUASI-JUDICIAL HEARING
August 5, 2013–8:30 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.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the July 1, 2013 Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for July 2013.
 - C. Planning Board 6-Month Outlook for August 2013.
5. Quasi-judicial Process Explanation.
6. Public Hearings.
 - A. Z-2013-16

Applicant: Thomas Arnett, President for Crystal Beach Homes, Inc., Owner
Address: 2640 W. Michigan Avenue
From: C-1, Retail Commercial District (cumulative) (25 du/acre)
To: C-2NA, General Commercial and Light Manufacturing District (cumulative), Bars, Nightclubs and Adult Entertainment are Prohibited Uses (25 du/acre)
 - B. Z-2013-07

Applicant: Buddy Page, Agent for Robertson and Brazwell, LLC, Owner
Address: 2755 Fenwick Road
From: R-5, Urban Residential/ Limited Office District, (cumulative) High Density (20 du/acre)

To: C-2, General Commercial and Light Manufacturing District
(cumulative) (25 du/acre)

7. Adjournment.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Rezoning

4.

Meeting Date: 08/05/2013

Agenda Item:

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the July 1, 2013 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for July 2013.

C. Planning Board 6-Month Outlook for August 2013.

Attachments

Quasi-Judicial Resume

Planning Board Regular Mtg Resume

Monthly Action Follow Up

Six Month Outlook

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD July 1, 2013

**CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:34 A.M. – 9:28 A.M.)
(9:37 A.M. – 10:33 A.M.)**

Present: Wayne Briske, Chairman
Tim Tate, Vice Chairman
David Luther Woodward
Dorothy Davis
Robert V. Goodloe
Karen Sindel
Alvin Wingate
Patty Hightower, School Board (non-voting)
Stephanie Oram, Navy (Non voting)

Staff Present: Andrew Holmer, Senior. Planner, Planning & Zoning
Horace Jones, Division Mgr., Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Kayla Meador, Sr Office Assistant
Stephen West, Assistant County Attorney

1. Call to Order.
2. Invocation was given by Mr. Alvin Wingate and the Pledge of Allegiance to the Flag was given by Ms. Karen Sindel.
3. Proof of Publication was given by board clerk and the Board voted to waive the reading of the legal advertisement.

Motion by Dorothy Davis, Seconded by Robert V. Goodloe

Motion was made to approve the Proof of Publication and to waive the reading of the legal advertisement.

David Woodward also moved to accept Staff as expert in the field, Dorothy Davis seconded.

Vote: 7 - 0 Approved

4. Acceptance of Planning Board Meeting Package

Motion by Robert V. Goodloe, Seconded by David Luther Woodward

Motion was made to accept the Planning Board meeting package.

Vote: 7 - 0 Approved

5. Quasi-judicial Process Explanation.

6. Public Hearings.

A. Z-2013-13

Applicant: Bobby and Sally Reynolds,
Owners

Address: 12511 Lillian Highway

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

To: C-1, Retail Commercial
District (cumulative) (25
du/acre)

Mr. Alvin Wingate, Mr. Tim Tate, and Mr. Robert Van Goodloe acknowledged visiting the site.

No planning board member acknowledged any ex parte communication regarding this item.

Tim Tate refrained from voting on this matter due to any conflict of interest.

Motion by Robert V. Goodloe, Seconded by Dorothy Davis

Board accepted Minshew Public Exhibit 1 and 2 and Catchoh Public Exhibit 1.

Board approved to orally amend an error in Criteria 1 from MU-U to MU-S.

Motion was made to recommend **denial** to the BCC and adopt Staff's findings of fact.

Vote: 4 - 1 Approved

Voted No: Alvin Wingate

Other: Tim Tate (ABSTAIN)
Karen Sindel (ABSENT)

B. Z-2013-14

Applicant: Albert and Marie Jones,
Owners

Address: 7585 Mobile Highway

From: R-2, Single-Family District
(cumulative), Low-Medium
Density (seven du/acre)

To: AG, Agricultural District, Low
Density (1.5 acres/du)

Mr. Alvin Wingate acknowledged visiting the site.

No planning board member acknowledged any ex parte communication regarding this item.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by Tim Tate, Seconded by Alvin Wingate

Motion was made to recommend approval to the BCC and adopt Staff's findings of fact.

Vote: 6 - 0 Approved

Other: Karen Sindel (ABSENT)

C. Z-2013-15

Applicant: Brian Brown, Agent for Figure
8 (Florida), LLC, Owner

Address: 6365 Helms Road

From: AG, Agricultural District, Low
Density (1.5 acres/du)

To: R-1, Single-Family District,
Low Density (four du/acre)

Mr. Alvin Wingate acknowledged visiting the site.

No planning board member acknowledged any ex parte communication regarding this item.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by Alvin Wingate, Seconded by Dorothy Davis

Motion was made to recommend approval to the BCC and adopt Staff's findings of fact.

Vote: 6 - 0 Approved

Other: Karen Sindel (ABSENT)

7. Adjournment.

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD July 1, 2013

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(10:41 A.M. – 11:39 A.M.)

Present: Wayne Briske, Chairman
Tim Tate, Vice Chairman
David Luther Woodward
Dorothy Davis
Robert V. Goodloe
Alvin Wingate
Patty Hightower, School Board (non-voting)
Stephanie Oram, Navy (Non voting)

Absent: Karen Sindel

Staff Present: Lloyd Kerr, Director, Development Services
Stephen West, Assistant County Attorney
Allyson Cain, Urban Planner, Planning & Zoning
Andrew Holmer, Senior. Planner, Planning & Zoning
Horace Jones, Division Mgr., Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Kayla Meador, Sr Office Assistant

1. Call to Order.
2. Invocation/Pledge of Allegiance to the Flag.
3. Proof of Publication.
4.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the June 3, 2013 Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for June 2013.
 - C. Planning Board 6-Month Outlook for July 2013.

Motion by Dorothy Davis, Seconded by Tim Tate
Motion was made to approve the minutes from the June 3, 2013 Planning Board meeting.

Vote: 6 - 0 Approved

Other: Karen Sindel (ABSENT)

5. Public Hearings.

A. Review of LDC Ordinance Article 6, Chickens as Accessory to Single Family

Motion by Tim Tate, Seconded by Robert V. Goodloe
Motion was made to recommend approval of Chicken Ordinance Option A to the BCC.

Vote: 6 - 0 Approved

Other: Karen Sindel (ABSENT)

B. Review of LDC Ordinance Article 6, Sale of Alcohol in R-3PK as part of Condo Development

Motion by David Luther Woodward, Seconded by Robert V. Goodloe
Motion was made to recommend approval to the BCC.

Vote: 5 - 0 Approved

Other: Dorothy Davis (ABSENT)
Karen Sindel (ABSENT)

C. Review of Comprehensive Plan Text Amendment CPA-2013-02

Motion by Tim Tate, Seconded by Robert V. Goodloe
Motion was made to recommend approval to the BCC.

Vote: 6 - 0 Approved

Other: Karen Sindel (ABSENT)

D. Review of LDC Ordinance, Article 4, "Family Conveyance Exception"

Motion by Robert V. Goodloe, Seconded by Tim Tate
Motion was made to recommend approval to the BCC.

Vote: 6 - 0 Approved

Other: Karen Sindel (ABSENT)

E. Review of LDC Ordinance, Article 7, Marina Siting

Motion by David Luther Woodward, Seconded by Robert V. Goodloe

Motion was made to recommend approval to the BCC.

Vote: 6 - 0 Approved

Other: Karen Sindel (ABSENT)

F. Review of Navy Federal Credit Union Urban Service Area USA 2013-01

Motion by Tim Tate, Seconded by Robert V. Goodloe

Motion was made to recommend approval to BCC and transmittal to DEO.

Vote: 6 - 0 Approved

Other: Karen Sindel (ABSENT)

6. Action/Discussion/Info Items.

7. Public Forum.

8. Director's Review.

Lloyd Kerr stated that there would be a public meeting for the Perdido Key Masterplan on July 10th.

9. County Attorney's Report.

Stephen West discussed the definition of Urban Sprawl and also discussed information regarding having a quorum.

10. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Monday, August 5, 2013 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

11. Announcements/Communications.

12. Adjournment.



BOARD OF COUNTY COMMISSIONERS ESCAMBIA COUNTY, FLORIDA

DEVELOPMENT SERVICES DEPARTMENT
3363 WEST PARK PLACE
PENSACOLA, FLORIDA 32505
PHONE: 850-595-3475
FAX: 850-595-3481
www.myescambia.com

Memorandum

TO: Planning Board

FROM: Kayla Meador
Planning & Zoning Division

DATE: July 15, 2013

RE: Monthly Action Follow-Up Report for July 2013

Following is a status report of Planning Board (PB) agenda items for the prior month of **July**. Some items include information from previous months in cases where final disposition has not yet been determined. Post-monthly actions are included (when known) as of report preparation date. Items are listed in chronological order, beginning with the PB initial hearing on the topic.

PROJECTS, PLANS, & PROGRAMS

1. PERDIDO KEY MASTER PLAN

01/12/12	BCC directed staff to send out a Request for Letters of Interest
06/28/12	BCC selected Duany Plater-Zyberk & Company, LLC.
08/15/12	Site Visit – Duany Plater-Zyberk & Company, LLC.
09/13/12	Workshop was held at Perdido Bay Community Center
10/15-10/22	Charrette
03/04/13	Presentation - Duany Plater-Zyberk & Company, LLC
April-June	On-going Discussions
07/10/13	Workshop was held at Perdido Key Community Center

COMMITTEES & WORKING GROUP MEETINGS

COMPREHENSIVE PLAN AMENDMENTS

• Text Amendments:

- 1. Comprehensive Plan Text Amendment – Family Conveyance (CPA-2013-02), amending the Escambia County Comprehensive Plan: 2030, as amended; amending Chapter 7, “Future Land Use”, Policy FLU 1.1.12, “family conveyance exception”; providing that family members shall be defined by the land development code.**

07/01/13	PB recommended approval
08/08/13	BCC meeting

- **Map Amendments:**

1. **Comprehensive Plan Map Amendment – Small Scale Amendment (SSA-2013-01), amending Part II of the Escambia County Code of ordinances, the Escambia County Comprehensive Plan: 2030, as amended; amending Chapter 7, “the Future Land Use Element,” providing for an amendment to the 2030 Future Land Use Map, changing the Future Land Use category of two parcels within Section 20, Township 2S, Range 31W, Parcel Numbers 4110-005-013 AND 4110-080-006, totaling 1.01 (+/-) acres, located on 72nd Avenue and Lake Joanne Drive, from Mixed-Use Suburban (MU-S) to Mixed-Use Urban (MU-U); providing for a title; providing for severability; providing for inclusion in the code; and providing for an effective date.**

05/06/13 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Map Amendment SSA-2013-01
06/20/13 BCC approved

2. **Comprehensive Plan Map Amendment – Small Scale Amendment (SSA-2013-02), amending part II of the Escambia County Code of Ordinances, the Escambia County Comprehensive Plan: 2030, as amended; amending Chapter 7, “the Future Land Use Element,” providing for an amendment to the 2030 Future Land Use Map, changing the Future Land Use category of two parcels within Section 08, Township 2s, Range 30w, Parcel Numbers 1000-000-010 and 1000-000-020, totaling 4.5 (+/-) acres, located on West Park Place, from Commercial (C) to Mixed-Use Urban (MU-U); providing for a title; providing for severability; providing for inclusion in the code; and providing for an effective date.**

05/06/13 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Map Amendment SSA-2013-02
06/20/13 BCC approved

LAND DEVELOPMENT CODE ORDINANCES

1. **Article 6 Chickens as Accessory to Single Family**
07/01/13 PB recommended approval
08/08/13 BCC meeting
2. **Article 6 Allowing Alcohol Sales in Condos in R3-PK**
07/01/13 PB recommended approval
08/08/13 BCC meeting
3. **Article 7 Docks and Piers in the Right of Way**
07/01/13 PB recommended approval
08/08/13 BCC meeting
4. **Article 4 Family Conveyance**
07/01/13 PB recommended approval
Waiting on Family Conveyance Comp Plan to get approved

REZONING CASES

- 1. Rezoning Case Z-2013-02**
03/04/13 PB recommended continuing case for 60 days
05/06/13 PB recommended approval
6/20/13 BCC approved
- 2. Rezoning Case Z-2013-03**
03/04/13 PB recommended approval of rezoning
04/02/13 BCC approved
- 3. Rezoning Case Z-2013-04**
04/01/13 PB recommended denial of rezoning
05/02/13 BCC remanded back to PB
06/03/13 PB recommended denial of rezoning
07/11/13 BCC remanded back to PB
- 4. Rezoning Case Z-2013-05**
05/06/13 PB recommended approval of rezoning
06/20/13 BCC approved
- 5. Rezoning Case Z-2013-06**
05/06/13 PB recommended approval of rezoning
06/20/13 BCC approved
- 6. Rezoning Case Z-2013-07**
05/06/13 PB recommended denial of rezoning
06/20/13 BCC remanded back to PB
- 7. Rezoning Case Z-2013-08**
05/06/13 PB recommended approval of rezoning
06/20/13 BCC approved
- 8. Rezoning Case Z-2013-09**
05/06/13 PB recommended approval of rezoning
06/20/13 BCC approved
- 9. Rezoning Case Z-2013-10**
05/06/13 PB recommended approval of rezoning
06/20/13 BCC approved
- 10. Rezoning Case Z-2013-11**
06/03/13 PB recommended approval of rezoning
07/11/13 BCC approved
- 11. Rezoning Case Z-2013-12**
06/03/13 PB recommended approval of rezoning
07/11/13 BCC approved
- 12. Rezoning Case Z-2013-13**
07/01/13 PB recommended denial of rezoning
08/08/13 BCC meeting

13. Rezoning Case Z-2013-14

07/01/13 PB recommended approval of rezoning
08/08/13 BCC meeting

14. Rezoning Case Z-2013-15

07/01/13 PB recommended approval of rezoning
08/08/13 BCC meeting

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR AUGUST 2013

(Revised 07/23/13)

A.H. = Adoption Hearing

T.H. = Transmittal Hearing

P.H. = Public Hearing

* Indicates topic/date is estimated—subject to staff availability for project completion and/or citizen liaison

Meeting Date	LDC Changes and/or Public Hearings	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
Monday, June 3, 2013	<ul style="list-style-type: none"> Barrancas Overlay Modifications Turtle Lighting Ord 		<ul style="list-style-type: none"> Z-2013-04 Z-2013-11 Z-2013-12 	<ul style="list-style-type: none"> Changing Family Conveyance Allowing Alch Sales in R3-PK Chicken Ord PK MP
Monday, July 1, 2013	<ul style="list-style-type: none"> Family Convey Allowing Alcohol Sales in R3-PK Chicken Ord Docks and Piers in ROW 	<ul style="list-style-type: none"> USA-2013-01 Family Convey 	<ul style="list-style-type: none"> Z-2013-13 Z-2013-14 Z-2013-15 	<ul style="list-style-type: none">
Monday, August 5, 2013			<ul style="list-style-type: none"> Z-2013-07 Z-2013-16 	
Monday, September 9, 2013				<ul style="list-style-type: none">
Monday, October 7, 2013				
Monday, November 4, 2013				

Disclaimer: This document is provided for informational purposes only. Schedule is subject to change. Verify all topics on the current meeting agenda one week prior to the meeting date.

Planning Board-Rezoning

6. A.

Meeting Date: 08/05/2013
CASE : Z-2013-16
APPLICANT: Tom Arnett, President for Crystal Beach Homes, Inc., Owner
ADDRESS: 2640 W. Michigan Ave
PROPERTY REF. NO.: 42-1S-30-3004-000-003
MU-U, Mixed-Use
FUTURE LAND USE: Urban
DISTRICT: 1
OVERLAY DISTRICT: N/A
BCC MEETING DATE: 09/05/2013

SUBMISSION DATA:

REQUESTED REZONING:

FROM: C-1, Retail Commercial District (cumulative) (25 du/acre)

TO: C-2NA, General Commercial & Light Manufacturing District (cumulative) Bars, Nightclubs, and Adult Entertainment are prohibited uses (25 du/acre)

RELEVANT AUTHORITY:

- (1) Escambia County Comprehensive Plan
- (2) Escambia County Land Development Code
- (3) Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993)
- (4) Resolution 96-34 (Quasi-judicial Proceedings)
- (5) Resolution 96-13 (Ex-parte Communications)

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

Comprehensive Plan (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.

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-2NA **is consistent** with the intent and purpose of Future Land Use category Mixed-Use Urban as stated in CPP FLU 1.3.1. Mixed-Use Urban Future Land Use category allows for a mix of residential and commercial uses promoting infill development with such developments as retail, professional offices as well as light Industrial uses.

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.

6.05.14. C-1 Retail Commercial District (cumulative). This district is composed of lands and structures used primarily to provide for the retailing of commodities and the furnishing of selected services. The district provides for various commercial operations where all such operations are within the confines of the building and do not produce undesirable effects on nearby property. New residential uses located in a commercial FLU category are only permitted as part of a predominantly commercial development in accordance with Policy FLU 1.3.1 of the Comprehensive Plan.

C-2NA, 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.).

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

The proposed amendment **is not consistent** with the intent and purpose of the Land Development Code. The C-2NA zoning designation allows for the same uses as C-2 with the exception of bars, nightclubs, and adult entertainment, which are prohibited uses. Although the subject parcel fronts an arterial roadway along with other commercial businesses, the neighboring and adjacent uses are not as intense as the C2NA zoning would allow. Staff does recognize the existing non-conforming C-2 use on the adjacent parcel, however the predominant uses in the area are C-1 type uses, therefore the request could be considered as spot zoning.

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.

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 C-1, R-6, R-5 and R-3. There were 3 day cares, 4 commercial businesses, 1 church, 2 vacant parcels and 29 residential homes. The property is located on an arterial roadway where existing commercial development is established, however the proposed amendment would allow more intense uses regardless of any existing non-conforming uses in the area.

CRITERION (4)

Changed conditions.

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

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)

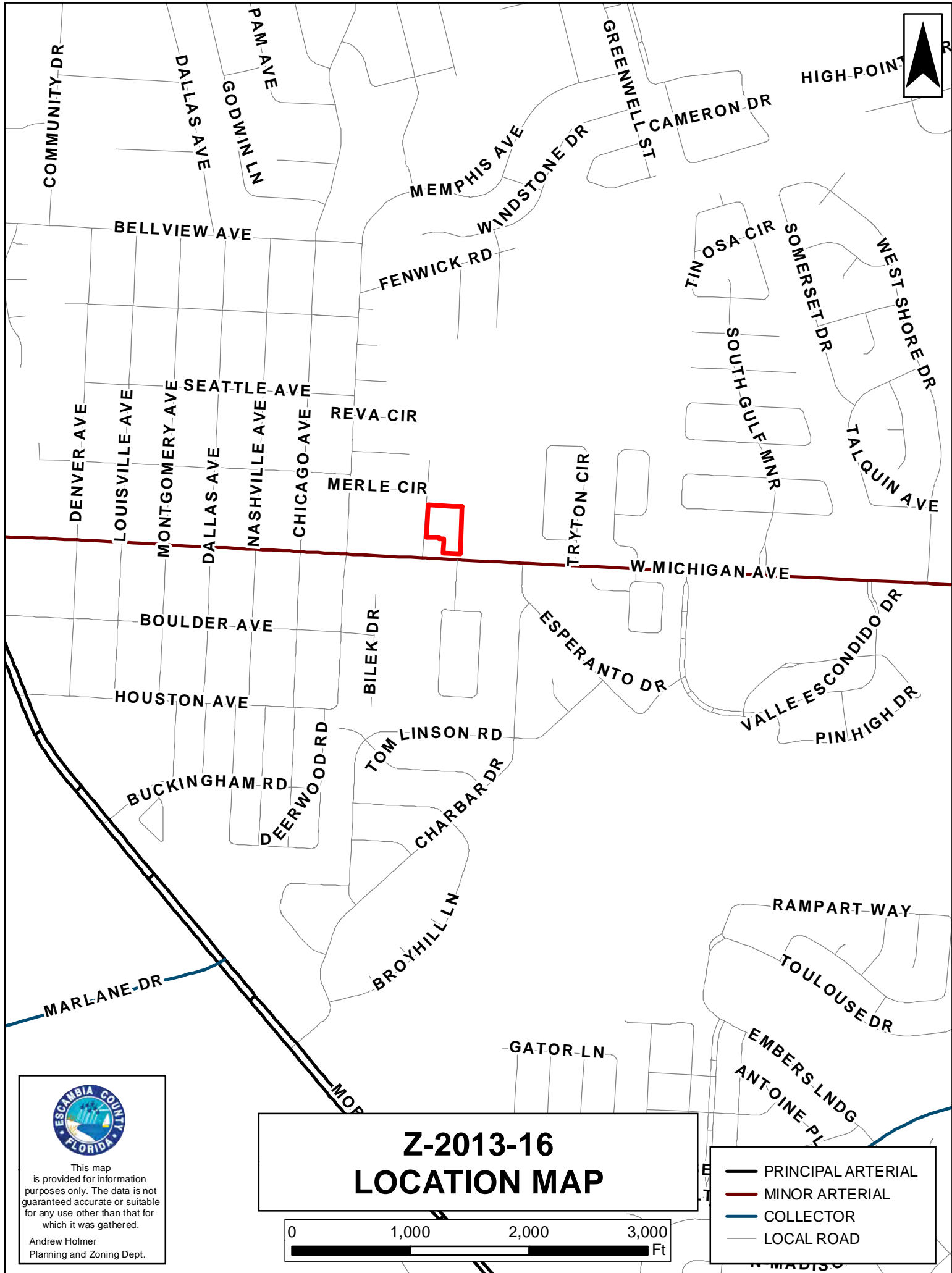
Development patterns.

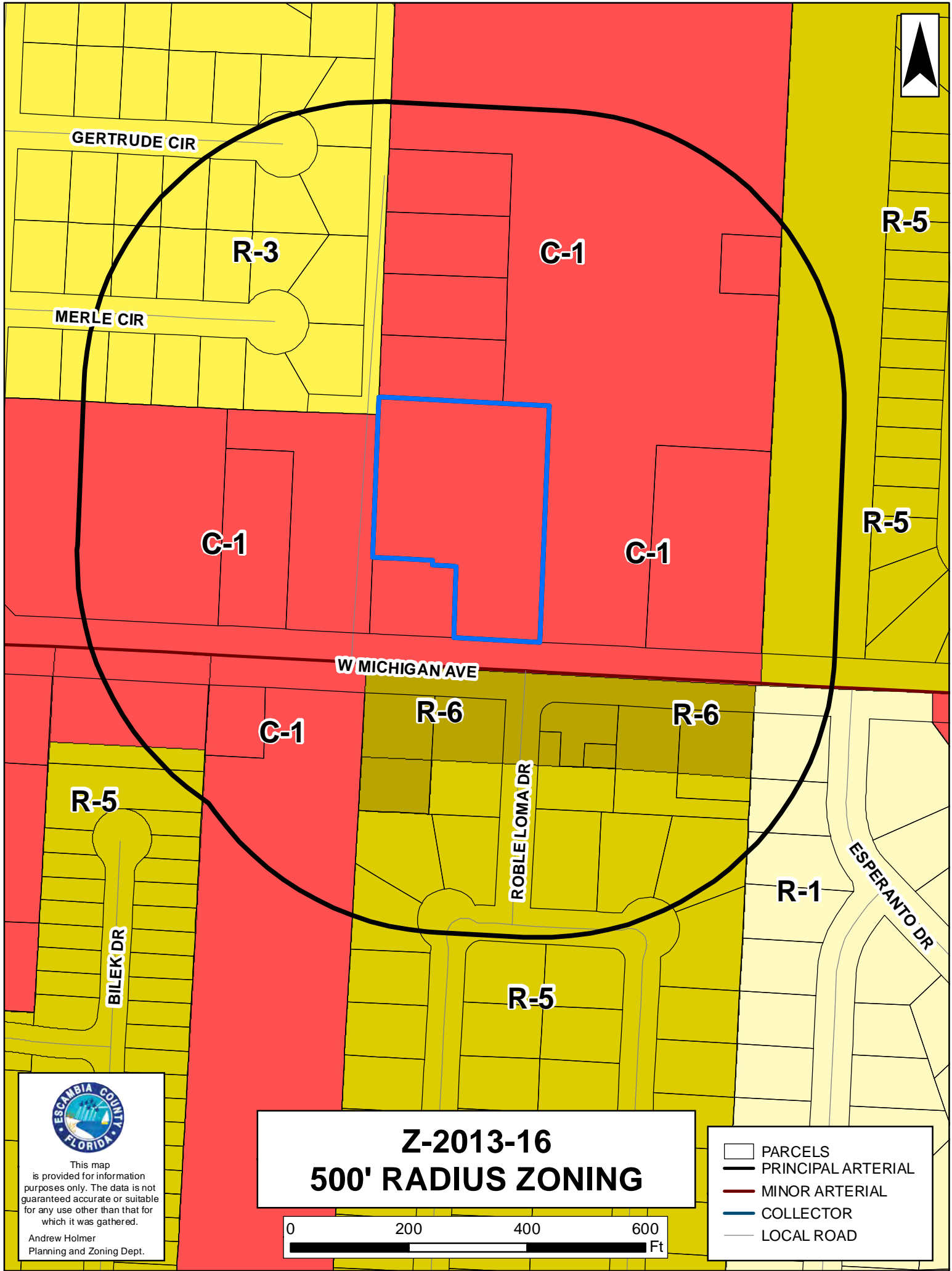
Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

FINDINGS

The proposed amendment **would not result** in a logical and orderly development pattern because within the allowable uses of the C-2NA zoning the most intense uses would be manufacturing, fabrication and assembly type operations. C2NA would allow outside storage which is not compatible with predominantly C-1 zoning designation that currently exists in the area of the subject parcel. In C-1, any permitted use that requires minor outside storage must have conditional use approval and only be in the rear yard if covered and adequate screening is provided.

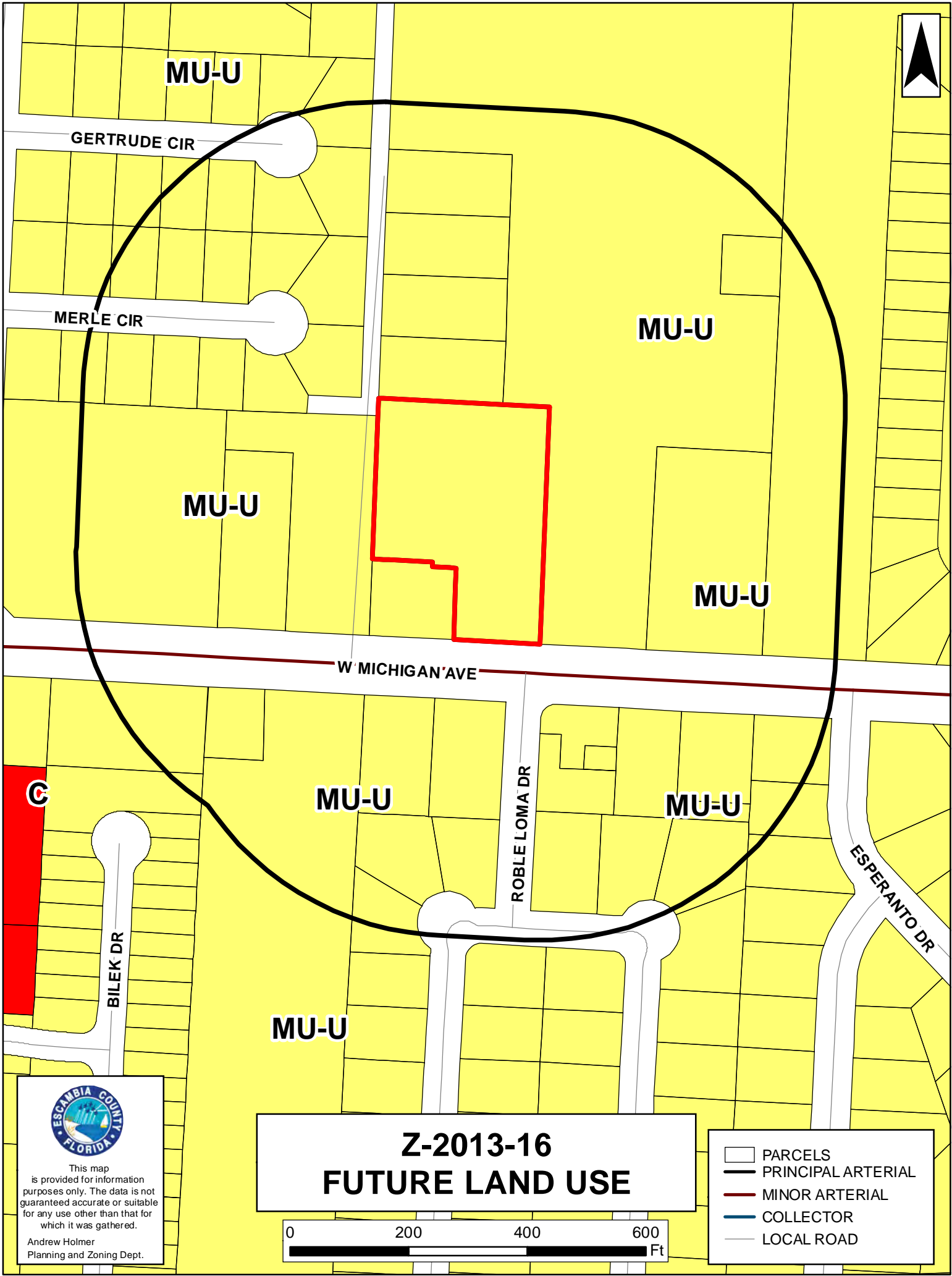
Z-2013-16





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.



MU-U

GERTRUDE CIR

MERLE CIR

MU-U

MU-U

MU-U

W MICHIGAN AVE

C

MU-U

MU-U

ROBLE LOMA DR

ESPERANTO DR

BILEK DR

MU-U

Z-2013-16 FUTURE LAND USE

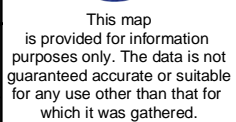
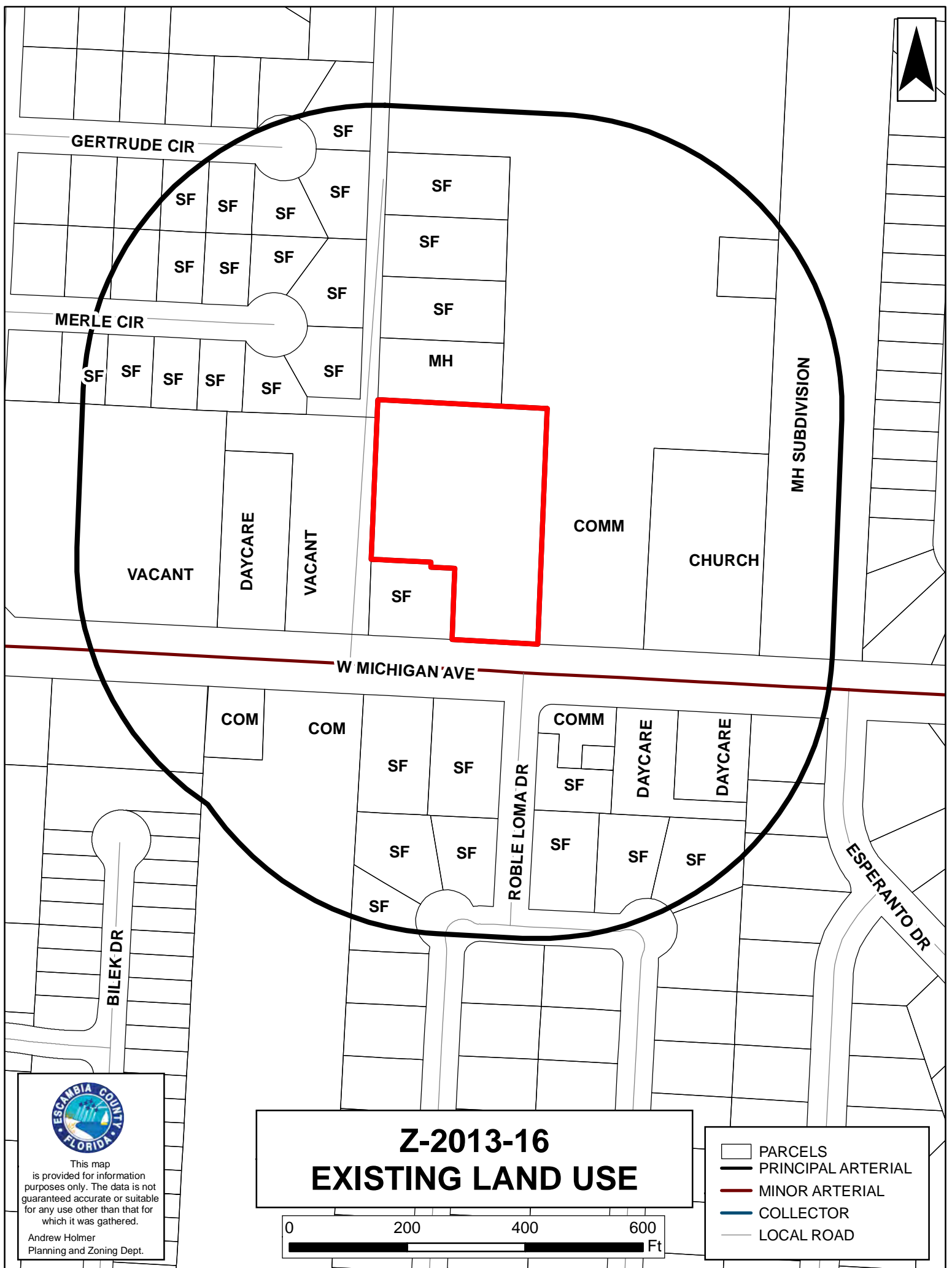
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Ft

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



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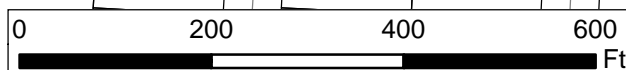
Andrew Holmer
Planning and Zoning Dept.








Andrew Holmer
Planning and Zoning Dept.

Z-2013-16

EXISTING LAND USE



-  PARCELS
 PRINCIPAL ARTERIAL
 MINOR ARTERIAL
 COLLECTOR
 LOCAL ROAD








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Andrew Holmer
Planning and Zoning Dept.

Z-2013-16 AERIAL MAP



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



A red public notice sign for a rezoning case. The sign is posted on a grassy area next to a sidewalk and a road. It contains information about the case number, current and proposed zoning, planning board meeting details, and board of county commissioners meeting details. The sign is divided into sections with white text on a red background.

NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2013-16

CURRENT ZONING: R-1 **PROPOSED ZONING:** C-2NA

PLANNING BOARD

DATE: 08/05/13 **TIME:** 8:30 AM

LOCATION OF HEARING
ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3303 WEST PARK PLACE
ROOM 104 BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: 09/05/13 **TIME:** 5:45 PM

LOCATION OF HEARING
ESCAMBIA COUNTY GOVERNMENT CENTER
201 PALMER PLACE
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION ABOUT THIS CASE PLEASE CALL
DEVELOPMENT SERVICES AT 668-6100 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

Public Notice Sign



Looking at Subject Parcel across Michigan Ave.



Looking at the rear of the subject property



Rear of property



Looking at the west side of subject parcel with fencing



Looking west on the parcel from the Gravel drive



Looking west from subject parcel



Buffer on west side of property





Looking across Michigan Ave from subject parcel



Looking northeast from subject parcel



Looking east along Michigan Ave from subject parcel



Buffer on east side of property



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: C1 to: C2 NA

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

Owner(s) Name: Crystal Beach Homes, LLC Phone: (850) 965-8760
Address: 282 Snowdrift Road, Miramar Beach, FL 32558 Email: arnett.tom@gmail.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: 2640 W. Michigan Ave, Pensacola, FL

Property Reference Number(s)/Legal Description: 42-15-30-3004-000-003

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.

Thomas Arnett
Signature of Owner/Agent
Thomas Arnett, Mayor Pres

Thomas Arnett
Printed Name Owner/Agent

7-3-13
Date

Signature of Owner

Printed Name of Owner

Date

STATE OF Florida

COUNTY OF Walton

The foregoing instrument was acknowledged before me this 3rd day of July, 20 13,
by Thomas Arnett.

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

Leah Valentine
Signature of Notary
(notary seal must be affixed)

Leah Valentine
Printed Name of Notary



FOR OFFICE USE ONLY

CASE NUMBER: 22013-16

Meeting Date(s): August 5, 2013, BCC Accepted/Verified by: A Can Date: 6/5/13

Fees Paid: \$ 1,155.00 Receipt #: _____ Permit #: PR2 130700016



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: C1 to: C2NA

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

Owner(s) Name: Crystal Beach Homes, Inc.

Phone: (850) 865-8760

Address: 282 Snowdrift Road, Miramar Beach, FL 32360

Email: arnett.tom@gmail.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: 2640 W. Michigan Ave. Pensacola, FL

Property Reference Number(s)/Legal Description: 42-15-30-3004-000-003

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.

Toy Arnett, Jr.
Signature of Owner/Agent
Toy Arnett, Jr. Vice-Pres

Toy Arnett, Jr.
Printed Name Owner/Agent

7-16-13
Date

Signature of Owner

Printed Name of Owner

Date

STATE OF Florida

COUNTY OF Walton

The foregoing instrument was acknowledged before me this 16th day of July 20 13,
by Toy Arnett, Jr.

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

Leah Valentine
Signature of Notary
(notary seal must be affixed)

Leah Valentine
Printed Name of Notary



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 #: 2-2013-16

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 42-15-30-3004-000-003

Property Address: 2640 West Michigan Ave.

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:

- The necessary facilities or services are in place at the time a development permit is issued.
- 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.
- For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- 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.
- 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.
- 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 3rd DAY OF July, YEAR OF 2013.


Signature of Property Owner

Thomas Arnett
Printed Name of Property Owner

7-3-13
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 _____,
Florida, property reference number(s) _____

I hereby designate _____ 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: _____ Email: _____

Address: _____ Phone: _____

Signature of Property Owner

Printed Name of Property Owner

Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 20____,
by _____.

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

Signature of Notary

Printed Name of Notary

(Notary Seal)

CRYSTAL BEACH HOMES, INC.

**282 Snowdrift Road
Miramar Beach, Florida 32550
Arnett.tom@gmail.com
(850) 865-8760**

July 5, 2013

Development Services Department
3363 West Park Place
Pensacola, FL 32505

Re: Rezoning Application by Crystal Beach Homes, Inc. for 2640 West
Michigan Avenue, Escambia County, FL, from C1 to C2NA.

Dear Staff:

Crystal Beach Homes Inc. is hereby requesting the rezoning of the above captioned property, parcel no. 42-1S-30-3004-000-003, from C1 to C2NA. The intended use is for the parking or storage of class 7 and 8 vehicles. In support thereof, the applicant addresses the 6 criteria as set forth in Section 2.08.02.D.6.

1. Consistency with the Comprehensive Plan. Under the Comprehensive Plan, the parcel is designated as "Mixed-Use Urban". That is defined as "Any use that includes both residential and nonresidential uses" in "A highly developed area that contains a variety of industrial, commercial, residential, and cultural uses". Therefore the requested zone is consistent with the Comprehensive Plan.
2. Consistency with the Land Development Code. The proposed rezoning is consistent with the Future Land Development Code. It would fall within the C zone.
3. Compatibility with Surrounding Uses. The subject property is a 2.23 acre parcel that adjoins a 12.82 acre parcel. The adjoining 12.82 acre parcel is presently being used for light industrial purposes. While it is zoned C1, its use is consistent with a C2 zoning under the Code. It is being used as a truss manufacturing plant. This entails outside storage of the finished trusses and the parking of supply trucks, including class 7 and 8 vehicles. The frontage of the subject property adjoins Michigan Avenue/State Road 296, a 100 foot right-of-way. The area is not conducive for retail sales and the uses contemplated in the C1 zone.
4. Changed conditions. Over time the area has developed in a manner that is not consistent with retail store fronts. It is more conducive to uses proposed in C2NA. There is a church in the area.
5. Effect on natural environment. There is no contemplated impact on the natural environment for the contemplated use or requested zoning.

6. Development Patterns. As stated above the development patterns are consistent with the requested zoning.

Respectfully submitted,

Crystal Beach Homes Inc.



Thomas Arnett, President

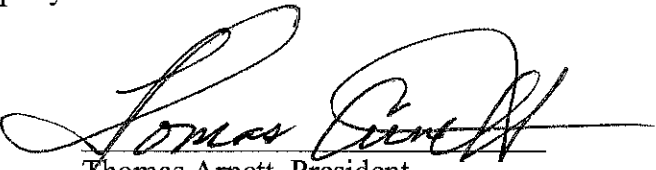
AFFIDAVIT

STATE OF FLORIDA)

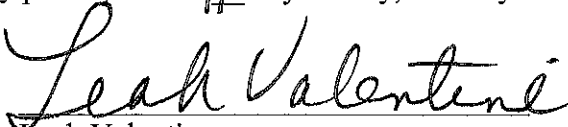
COUNTY OF WALTON)

I, Thomas Arnett, upon being duly sworn state:

1. That I am the President of Crystal Beach Homes, Inc.
2. Crystal Beach Homes, Inc. owns the property located at 2640 West Michigan Ave., Pensacola, Florida, Parcel Reference Number: 42-1S-30-3004-000-003.
3. Crystal Beach Homes, Inc. filed for a re-zoning of the property from C-1 to C-2NA under case number 2-2013-16.
4. The request for a use restriction of C-2NA is voluntarily made. Crystal Beach Homes, Inc. acknowledges that this means that, if the re-zoning is approved, there can be no bars, nightclubs, and adult entertainment on the property.


Thomas Arnett, President

Subscribed and sworn to before me, a notary public, on this 11th day of July, 2013 by Thomas Arnett, who is personally known to me.


Leah Valentine
Notary Public, State of Florida



35.50
1610.00
✓
Prepared by
Cathleen Carney, an employee of
First American Title Insurance Company
2065 Airport Road, Suite 200
Pensacola, Florida 32504
(850) 473-0044

Return to: Grantee

File No.: 1005-601120

CORPORATE WARRANTY DEED

This indenture made on **August 24, 2004 A.D.**, by

Faith Assembly Christian Church of Miramar Beach, Inc., a Florida Corporation

whose address is: **282 Snowdrift Road, Destin, FL 32550**
hereinafter called the "grantor", to

Crystal Beach Homes, Inc., a Florida Corporation

whose address is: **282 Snowdrift Road, Destin, FL 32550**
hereinafter called the "grantee":

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Escambia County, Florida**, to-wit:

Beginning at the Southwest corner of the South 10 acres of the East half of the South 40 acres of Lot 3, Section 42, Township 1 South, Range 30 West, recorded in Deed Book 372 at Page 672 of the Official Records of Escambia County; thence run North a distance of 179.00 feet to the Point of Beginning; continue North a distance of 271.0 feet; thence run East a distance of 288 feet; thence run South a distance of 400 feet; thence run West a distance of 143.3 feet; thence 88 degrees 21 minutes 35 seconds right for 120.52 feet; thence 88 degrees 21 minutes 35 seconds left for 40.0 feet; thence run North 8.5 feet; thence run West for 101.25 feet to the Point of Beginning.

Parcel Identification Number: **42-1S-30-3004-000-003**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

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

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Faith Assembly Christian Church of Miramar
Beach, Inc., a Florida Corporation

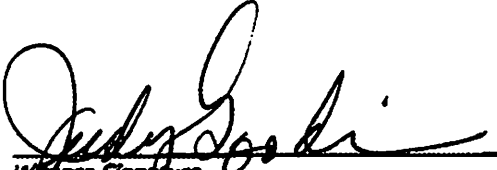

By: Toy Rex Arnett, Jr., President

(Corporate Seal)

Signed, sealed and delivered in our presence:


Witness Signature

Print Name: DV GETTELFINGER

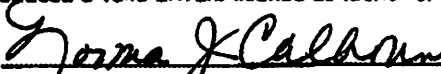

Witness Signature

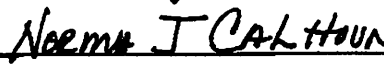
Print Name: Judy Goodwin

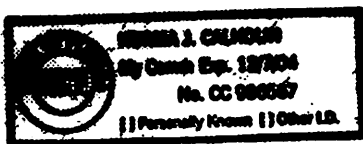
State of Florida

County of Okaloosa

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me on August ____, 2004, by Toy Rex Arnett, Jr., as President, and, as on behalf of Faith Assembly Christian Church of Miramar Beach, Inc., a Florida Corporation, existing under the laws of the State of Florida, who is/are personally known to me or who has/have produced a valid drivers license as identification.


NOTARY PUBLIC


Printed Name of Notary
My Commission Expires: 12-07-04



601120

**RESIDENTIAL SALES
ABUTTING ROADWAY
MAINTENANCE DISCLOSURE**

ATTENTION: Pursuant to Escambia County Code of Ordinances Chapter 1-29.2, Article V, sellers of residential lots are required to disclose to buyers whether abutting roadways will be maintained by Escambia County. The disclosure may additionally provide that Escambia County does not accept roads for maintenance that have not been built or improved to meet county standards. Escambia County Code of Ordinances Chapter 1-29.2, Article V, requires this disclosure be attached along with other attachments to the deed or other method of conveyance required to be made a part of the public records of Escambia County, Florida. Note: Acceptance for filing by County employees of this disclosure shall in no way be construed as an acknowledgement by the County of the veracity of any disclosure statement.

Name of Roadway: **West Michigan Avenue**

Legal Address of Property: **2640 W. Michigan Ave., Pensacola, Florida**

The County (X) has accepted (_____) has not accepted the abutting roadway for maintenance.

This form completed by: **First American Title Insurance Company
2065 Airport Road, Suite 200
Pensacola, Florida 32504**

Signed, sealed and delivered in our presence:

Witness Signature

Print Name:

Witness Signature

Print Name:

**Faith Assembly Christian Church of Miramar
Beach, Inc., a Florida Corporation**

By: **Toy Rex Arnett, Jr., President**

**Crystal Beach Homes, Inc., a Florida
Corporation**

By: **Toy R. Arnett, Jr., President**

RCD Aug 27, 2004 02:34 pm
Escambia County, Florida

ERNIE LEE MAGAHA
Clerk of the Circuit Court
INSTRUMENT 2004-280580

**ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM (OSTDS)
ESCAMBIA COUNTY HEALTH DEPARTMENT**

ATTENTION: Pursuant to Escambia County Code of Ordinances 99-36, in accordance with Section 1-29.180(5) of this Ordinance, the Escambia Health Department (EHD) must conduct an assessment of the Onsite Sewage Treatment and Disposal System (OSTDS) (Septic Tank) prior to the sale of Property. An approval letter issued by the EHD must be presented at closing or the property sale or transfer of title.

Legal Address of Property: 2640 W. Michigan Ave., Pensacola, Florida

Buyer/Seller are aware that the property is on a () Sewer System (X) Septic Tank

APPROVAL LETTER ATTACHED HERETO ()

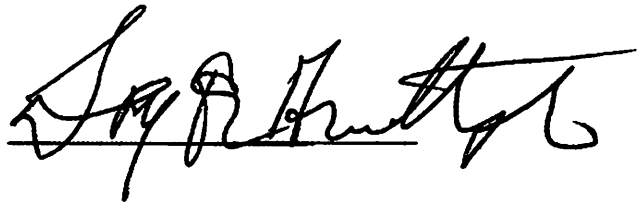
APPROVAL LETTER NOT REQUIRED - PROPERTY NORTH OF WELL LINE ROAD ()

APPROVAL LETTER NOT REQUIRED - PROPERTY IS UNIMPROVED ()

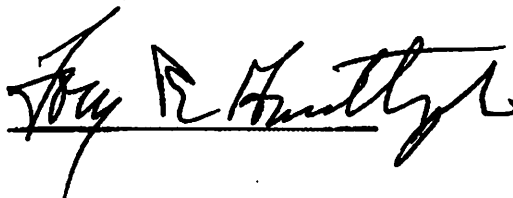
This form completed by:

First American Title Insurance Company
2065 Airport Road, Suite 200
Pensacola, Florida 32504

AS TO SELLER(S):



AS TO BUYER(S):



**Electronic Articles of Incorporation
For**

**P08000083900
FILED
September 11, 2008
Sec. Of State
jshivers**

CRYSTAL BEACH HOMES INC

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

Article I

The name of the corporation is:

CRYSTAL BEACH HOMES INC

Article II

The principal place of business address:

282 SNOWDRIFT ROAD
DESTIN, FL. 32550

The mailing address of the corporation is:

282 SNOWDRIFT ROAD
DESTIN, FL. 32550

Article III

The purpose for which this corporation is organized is:

ANY AND ALL LAWFUL BUSINESS.

Article IV

The number of shares the corporation is authorized to issue is:

100

Article V

The name and Florida street address of the registered agent is:

THOMAS ARNETT
282 SNOWDRIFT ROAD
MIRAMAR BEACH, FL. 32550

I certify that I am familiar with and accept the responsibilities of registered agent.

Registered Agent Signature: THOMAS ARNETT

Article VI

The name and address of the incorporator is:

THOMAS ARNETT
282 SNOWDRIFT ROAD

MIRAMAR BEACH, FLORIDA 32550

Incorporator Signature: THOMAS ARNETT

Article VII

The initial officer(s) and/or director(s) of the corporation is/are:

Title: P
THOMAS ARNETT
282 SNOWDRIFT ROAD
MIRAMAR BEACH, FL. 32550

Title: VP
TOY R ARNETT JR.
282 SNOWDRIFT ROAD
MIRAMAR BEACH, FL. 32550

Title: S
THOMAS ARNETT
282 SNOWDRIFT ROAD
MIRAMAR BEACH, FL. 32550

Article VIII

The effective date for this corporation shall be:

09/11/2008

P08000083900
FILED
September 11, 2008
Sec. Of State
jshivers

2013 FLORIDA PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# P08000083900

Entity Name: CRYSTAL BEACH HOMES INC

Current Principal Place of Business:

282 SNOWDRIFT ROAD
MIRAMAR BEACH, FL 32550

Current Mailing Address:

600 GRAND BOULEVARD
SUITE 206
MIRAMAR BEACH, FL 32550

FEI Number: 59-3753572

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

ARNETT & KERRIGAN, P.L.
600 GRAND BOULEVARD
SUITE 206
MIRAMAR BEACH, FL 32550 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Officer/Director Detail Detail :

Title P/S
Name ARNETT, THOMAS
Address 282 SNOWDRIFT ROAD
City-State-Zip: MIRAMAR BEACH FL 32550

Title VP
Name ARNETT, TOY RJR.
Address 282 SNOWDRIFT ROAD
City-State-Zip: MIRAMAR BEACH FL 32550

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: THOMAS ARNETT

P/S

04/30/2013

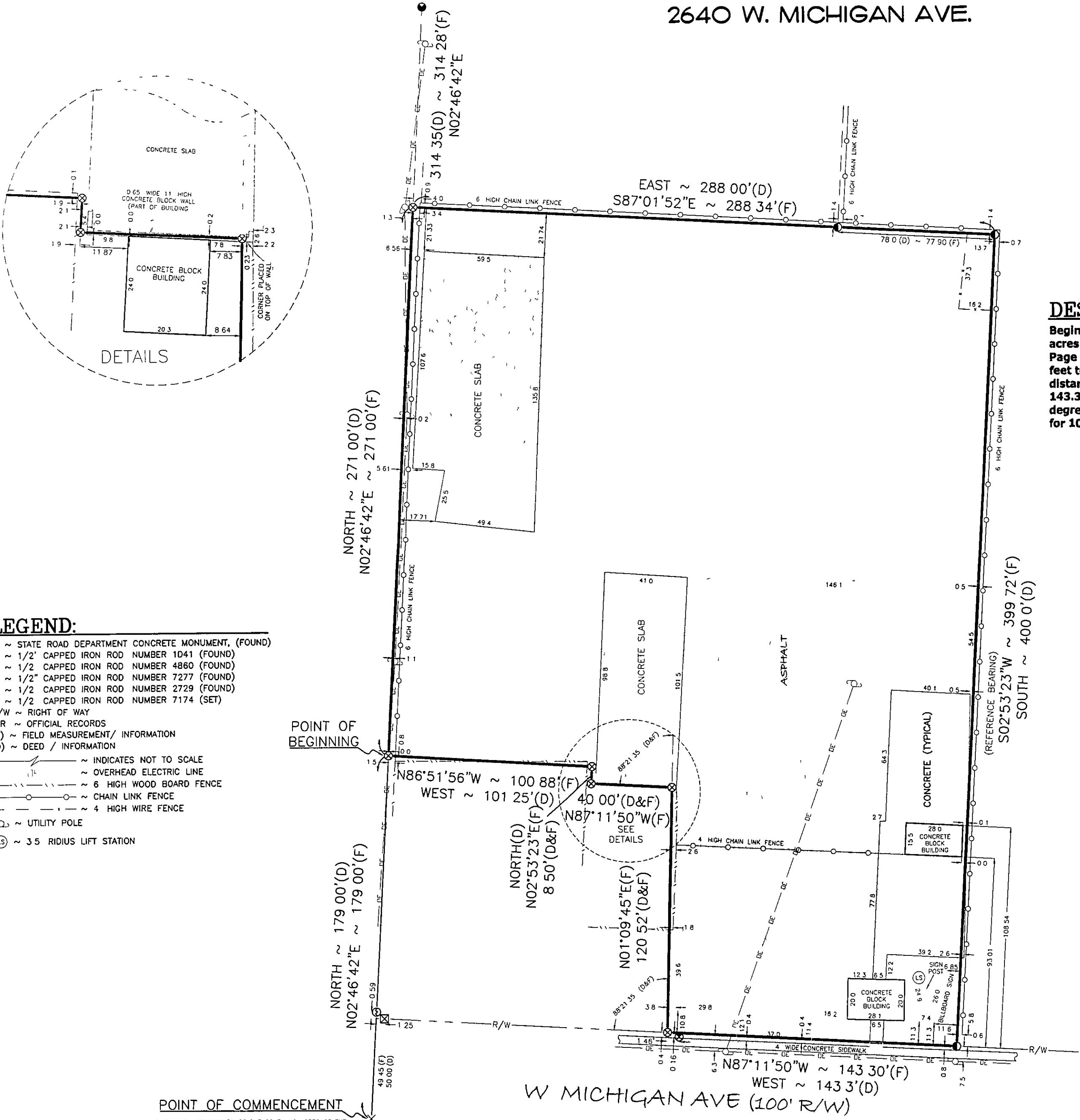
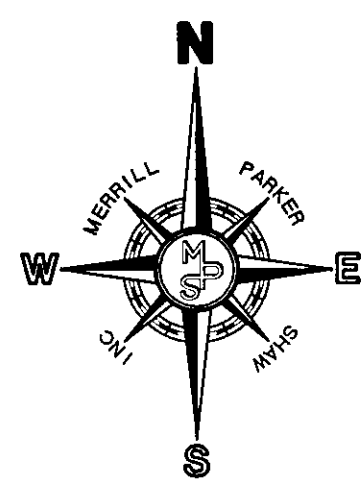
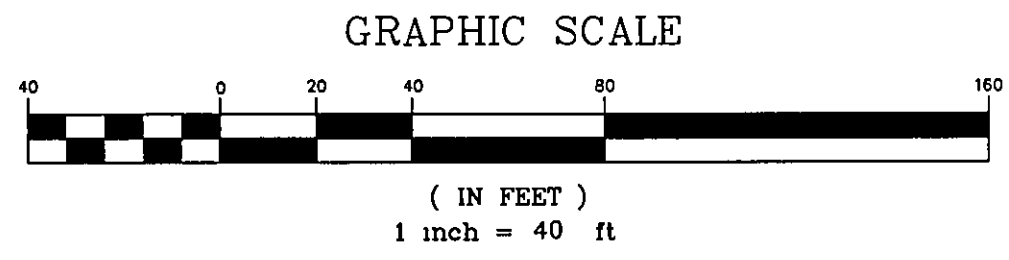
Electronic Signature of Signing Officer/Director Detail

Date



BOUNDARY SURVEY WITH IMPROVEMENTS:

A PORTION OF SECTION 42,
TOWNSHIP-1-SOUTH, RANGE-30-WEST,
ESCAMBIA COUNTY, FLORIDA.
2640 W. MICHIGAN AVE.



- LEGEND:**
- STATE ROAD DEPARTMENT CONCRETE MONUMENT, (FOUND)
 - 1/2" CAPPED IRON ROD NUMBER 1041 (FOUND)
 - 1/2" CAPPED IRON ROD NUMBER 4860 (FOUND)
 - 1/2" CAPPED IRON ROD NUMBER 7277 (FOUND)
 - 1/2" CAPPED IRON ROD NUMBER 2729 (FOUND)
 - 1/2" CAPPED IRON ROD NUMBER 7174 (SET)
 - R/W ~ RIGHT OF WAY
 - O.R. ~ OFFICIAL RECORDS
 - (F) ~ FIELD MEASUREMENT / INFORMATION
 - (D) ~ DEED / INFORMATION
 - INDICATES NOT TO SCALE
 - OVERHEAD ELECTRIC LINE
 - 6 HIGH WOOD BOARD FENCE
 - CHAIN LINK FENCE
 - 4 HIGH WIRE FENCE
 - UTILITY POLE
 - 3.5 RADIUS LIFT STATION

DESCRIPTION: (OR BOOK 5846, AT PAGE 1856)
Beginning at the Southwest corner of the South 10 acres of the East half of the South 40 acres of Lot 3, Section 42, Township 1 South, Range 30 West, recorded in Deed Book 372 at Page 672 of the Official Records of Escambia County; thence run North a distance of 179.00 feet to the Point of Beginning; continue North a distance of 271.0 feet; thence run East a distance of 288 feet; thence run South a distance of 400 feet; thence run West a distance of 143.3 feet; thence 88 degrees 21 minutes 35 seconds right for 120.52 feet; thence 88 degrees 21 minutes 35 seconds left for 40.0 feet; thence run North 8.5 feet; thence run West for 101.25 feet to the Point of Beginning.

- SURVEYOR'S NOTES:**
- THE NORTH ARROW AND BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARING OF SOUTH 02 DEGREES 53 MINUTES 23 SECONDS WEST ALONG THE EAST BOUNDARY LINE OF THE ABOVE DESCRIBED PARCEL OF LAND
 - SOURCE OF INFORMATION THE DEEDS OF RECORD OF ESCAMBIA COUNTY, FLORIDA, AND EXISTING FIELD MONUMENTATION
 - NO TITLE SEARCH WAS PERFORMED BY OR FURNISHED TO MERRILL PARKER SHAW, INC. FOR THE SUBJECT PROPERTY THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, RIGHT-OF-WAYS, EASEMENTS, BUILDING SETBACKS, RESTRICTIVE COVENANTS, GOVERNMENTAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES AND/OR USE OF THE SUBJECT PROPERTY
 - ONLY THE ABOVE GROUND VISIBLE ENCROACHMENTS AND IMPROVEMENTS WERE FIELD LOCATED AS SHOWN HEREON, UNLESS OTHERWISE NOTED UNDERGROUND ENCROACHMENTS AND IMPROVEMENTS, IF ANY, WERE NOT FIELD LOCATED OR VERIFIED, UNLESS OTHERWISE NOTED
 - THE DIMENSIONS OF THE BUILDINGS (IF ANY) AS SHOWN HEREON ARE ALONG THE OUTSIDE FACE OF THE BUILDINGS AND DO NOT INCLUDE THE EAVES OVERHANG OR THE FOOTINGS OF THE FOUNDATIONS
 - THE SURVEY AS SHOWN HEREON DOES NOT DETERMINE OWNERSHIP
 - THE MEASUREMENTS MADE IN THE FIELD, INDICATED THUSLY (F), AS SHOWN HEREON WERE MADE IN ACCORDANCE WITH UNITED STATES STANDARDS
 - FEDERAL AND STATE COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE THIS MAP IS NOT TO BE COPIED OR REPRODUCED IN WHOLE OR PART AND IS NOT TO BE USED FOR ANY OTHER TRANSACTION THIS DRAWING CANNOT BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER AND IS TO BE RETURNED UPON REQUEST

CERTIFIED TO:
TOM ARNETT
THAT THE SURVEY SHOWN HEREON MEETS THE FLORIDA MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN THE STATE OF FLORIDA, ACCORDING TO FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.051 AND 5J-17.052 PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES
MERRILL PARKER SHAW, INC.
4928 N DAVIS HIGHWAY, PENSACOLA, FL 32503
E. Wayne Parker 7/2/13
E WAYNE PARKER, PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 3683 CORPORATE NUMBER 7174
STATE OF FLORIDA

COPYRIGHT © 2012 BY MERRILL PARKER SHAW, INC.

E WAYNE PARKER, R.L.S. NO. 3683, CORPORATE NO. 7174, STATE OF FLORIDA

BOUNDARY SURVEY WITH IMPROVEMENTS
A PORTION OF SECTION 42,
TOWNSHIP-1-SOUTH, RANGE-30-WEST,
ESCAMBIA COUNTY, FLORIDA
2640 W. MICHIGAN AVE

REVISIONS

NO	DATE	APPR.	REVISIONS

MERRILL PARKER SHAW, INC.
PROFESSIONAL SURVEYING SERVICES
4928 N DAVIS HWY
PENSACOLA, FL 32503
PH: (850) 478-4923
FAX: (850) 478-4924
FLORIDA CORPORATION NUMBER 7174

SCALE 1" = 40'
DATE 6/27/13
FIELD DATE 6/18/13, 6/25/13
FIELD BOOKS 244/228/246, PAGES 37/28/36

REQUESTED BY TOM ARNETT
PREPARED FOR TOM ARNETT

JOB NO 13-5842-01
SHEET 1 OF 1



Development Services Department

Building Inspections Division

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

RECEIPT

Receipt No. : **584286**

Date Issued. : 07/05/2013

Cashier ID : KLHARPER

Application No. : PRZ130700016

Project Name : Z-2013-16

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	1029	\$1,155.00	App ID : PRZ130700016
		\$1,155.00	Total Check

Received From : THOMAS ARNETT

Total Receipt Amount : **\$1,155.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PRZ130700016	676690	1,155.00	\$0.00	2640 MICHIGAN AV, PENSACOLA, FL

Total Amount : **1,155.00**

\$0.00 Balance Due on this/these
Application(s) as of 7/11/2013

Planning Board-Rezoning

6. B.

Meeting Date: 08/05/2013

CASE : Z-2013-07

APPLICANT: Wiley C. Page, Agent for Robertson Brazwell, LLC, Owner

ADDRESS: 2755 Fenwick Rd.

PROPERTY REF. NO.: 42-1S-30-3001-001-003

MU-U, Mixed-Use

FUTURE LAND USE: Urban

DISTRICT: 1

OVERLAY DISTRICT: N/A

BCC MEETING DATE: 09/05/2013

SUBMISSION DATA:

REQUESTED REZONING:

FROM: R-5 Urban Residential/Limited Office District, (cumulative) High Density (20 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.

Comprehensive Plan (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.

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.

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 districts categories (with the exception of residential development).

FINDINGS

The proposed amendment to **C-2 is consistent** with the intent and purpose of Future Land Use category MU-U as stated in CPP FLU 1.3.1. MU-U is intended for an intense mix of residential and nonresidential uses while promoting compatible infill development. In this case, the existing commercial use on site pre-dates much of the surrounding uses, and the residential uses are the compatible infill development.

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.

6.05.12. R-5 Urban Residential/Limited Office District, (cumulative) high density.

This district is intended to provide for high density urban residential uses and compatible professional office development, and designed to encourage the establishment and maintenance of a suitable higher density residential environment and low intensity services. These uses form a transition area between lower density residential and commercial development.

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.).

7.01.06. Buffering between zoning districts and uses. A. Zoning districts. The following spatial relationships between zoning districts require a buffer: 3. C-1, C-1PK, **C-2** GBD or GMD districts, where they are adjacent to single-family or two-family districts (RR, SDD, R-1, R-1PK, R-2, R-2PK, R-3, V-1, V-2, V-3, V-5, VR-1, VR-2, PUD) or multiple-family and office districts (R-3PK, R-4, R-5, R-6, V-4, VM-1, VM-2, PUD), or agricultural districts (AG and VAG). 4. ID-P, ID-1, ID-2, GID districts, where adjacent to residential, commercial, agricultural or SDD districts. **B. Land uses.** The following relationships between land uses require a buffer: 1. Multiple-family, zero lot line or office uses, where they are adjacent to single-family or two-family uses. **2. Commercial land uses**, where they are adjacent to residential uses. 3. Industrial land uses, where they are adjacent to residential, office, agricultural or commercial uses.

7.20.03. Exemptions. Exemptions to the roadway requirements may be granted by the DRC or RHE if one or more of the following conditions are met:

B. Infill development. In areas where over 50 percent of a block is either zoned or used for commercial development, new commercial development or zoning may be considered without being consistent with the roadway requirements. The intensity of the proposed development or new zoning district must be of a comparable intensity of the zoning and development on the surrounding parcels. Typically, a block is defined as the road frontage on one side of a street between two public rights-of-way. Exceptions will be considered on a case-by-case basis and must be supported by competent and substantial evidence that the proposed rezoning will accomplish infill development. The evidence must show that the proposed development or rezoning will promote compact commercial development and will not promote ribbon commercial development.

FINDINGS

The proposed amendment to **C-2 is not consistent** with the intent and purpose of the Land Development Code as it would create spot zoning and require exemption to the roadway requirements. While the proposed zoning category and the existing commercial use are not consistent, the use is a legal non-conforming use. That use predates the LDC and much of the surrounding uses. The rezoning is being sought as a precaution in the sale of the property, meant to bring the zoning into compliance with the existing use. The location and nature of the site present significant difficulties for commercial development and would preclude many allowable C-2 uses.

LDC Article 7.20.03 provides for exemptions to the locational criteria in cases where more than 50% of the block is either zoned or used for commercial development. Staff identifies the block in this case to be the properties fronting the South side of Fenwick Rd. between Memphis Ave. and Sondu Ave. Just over 53% of that block is commercial development and has been for many years. The proposed amendment **does meet** the requirements for this exemption.

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 to C-2 **is not compatible** with surrounding existing uses in the area. Within the 500' radius impact area, staff observed properties with zoning districts R-2, R-3 and R-5. There are 44 single-family residences, 10 mobile homes, 2 vacant properties, 1 utility site, and 2 commercial properties.

From the background and historical analysis of the parcel in question, there have been commercial operations associated with the site prior to the R-5 zoning classification; regardless of that, it is evident from the zoning and existing land use maps that the parcel is surrounded by residential development. While these are disparate uses, the effects of the commercial use can be alleviated through design standards. Any new development, if the proposed zoning designation is approved, will be governed by a codified set of screening and buffering standards specific to the use and intensity proposed. These requirements shall be required to lessen the severity of any potential adverse impacts as well as foster and promote a harmonious relationship for a broad range of commercial uses.

CRITERION (4)

Changed conditions.

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

FINDINGS

Staff research of historical aerial photography shows the rezoning site and adjacent pit as an active concern as far back as 1976. While there are 4 platted residential subdivisions within the 500' radius, the commercial activity on the subject site pre-dates at least one plat and many homes in the other subdivisions.

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. The Escambia County Soil Survey classifies the site as an existing open excavation pit. 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

While the proposed amendment **would not** result in an orderly zoning pattern and would create spot zoning, it **would** resolve the legal non-conformity status of the site and existing use.

Attachments

Z-2013-07

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<p style="text-align: right;">65</p> <p>1 MR. BRISKE: Ms. Flowers, if you would, 2 please come forward and be sworn in. 3 (Eleanor Flowers sworn.) 4 MR. BRISKE: Please state your name and 5 address for the record. 6 MS. FLOWERS: I'm Eleanor Flowers and my 7 address is 1333 Eagle Drive, Cantonment. 8 MR. TATE: Ms. Flowers, this is totally up 9 to you, but after reviewing the staff's 01:18 10 Findings-of-Fact, if you are in agreement with 11 all of theirs, I'm ready to act if 12 there's no one else that has anything to give 13 input. 14 MS. FLOWERS: That sounds good to me. 15 MS. DAVIS: I'm ready to make a motion. 16 MR. BRISKE: Let me get a couple 17 housekeeping things out since we are 18 quasi-judicial. 19 Ms. Flowers, did you receive a copy of the 01:18 20 staff's Findings-of-Fact? 21 MS. FLOWERS: Yes, I did. 22 MR. BRISKE: Do you understand that it is 23 your responsibility to provide substantial 24 competent evidence that the rezoning is 25 consistent with the plan, furthers the goals, TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">67</p> <p>1 MS. DAVIS: I'm ready to make a motion. 2 (Motion by Ms. Davis.) 3 MS. DAVIS: I move to recommend approval 4 of Z-2013-06 of the rezoning application by 5 petitioner, Ms. Eleanor Flowers, to the Board 6 of County Commissioners and adopt the 7 Findings-of-Fact presented by the staff. 8 MR. WINGATE: Second. 9 MR. BRISKE: A motion and a second. Any 01:20 10 discussion? 11 MR. WOODWARD: No question. 12 MR. BRISKE: I thought you had a question. 13 MR. WOODWARD: I don't have a question at 14 all. 15 MR. BRISKE: All those in favor, say aye. 16 (Board members vote.) 17 MR. BRISKE: Opposed? 01:20 18 (None.) 19 MR. BRISKE: The motion carries 20 unanimously. 21 (The motion passed unanimously.) 22 (Conclusion of Case Z-2013-06. The 23 transcript continues on Page 68.) 24 TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">66</p> <p>1 objectives, and policies of the Comprehensive 2 Plan and is not in conflict with any portion 3 of the Land Development Code? 4 MS. FLOWERS: Yes, I do. 5 MR. BRISKE: Now, it's up to you. At this 6 point you can say that you can accept the 7 staff's Findings-of-Fact if you're in 8 agreement with them and then I believe we have 9 someone who is ready to make a motion just to 01:19 10 expedite the process, if you're okay with 11 that. 12 MS. FLOWERS: Yes, I accept that. The 13 only one on here that I don't have any 14 knowledge of is natural environment where they 15 said there were hydric soils. I have not had 16 a soil test and I think that would be 17 something that when I sell the property if 18 someone wants to build on it I'm assuming that 19 test would then be done. 01:19 20 MR. BRISKE: They would have to go through 21 that process, that's correct. 22 MS. FLOWERS: Other than that, I'm fine 23 with everything. 24 MR. BRISKE: Okay. Did you say you were 25 ready to make a motion? TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">68</p> <p>1 * * * 2 CASE NO: Z-2013-07 3 Location: 2755 Fenwick Road 4 Parcel: 42-1S-30-3001-001-003 5 From: R-5, Urban Residential/Limited 6 Office District, (cumulative) 7 High Density (20 du/acre) 8 To: C-2, General Commercial and Light 9 Manufacturing District (cumulative) 10 (25 du/acre) 11 FLU Category: MU-U, Mixed-Use Urban 12 Overlay District: N/A 13 BCC District: 1 14 Requested by: Wiley C. "Buddy" Page, Agent for 15 Robertson and Brazwell, LLC, Owner 01:20 16 MR. BRISKE: Our next case is Z-2013-7. 17 Buddy Page is acting as the agent for 18 Robertson and Brazwell, LLC, 2755 Fenwick 19 Road, from R-5, Urban Residential, to a C-2, 20 General Commercial. 21 Once again, Members of the Board, any 22 ex parte communication between you and the 23 applicant's agents, attorneys, witnesses, 24 Planning Board members or general public? I 25 would ask that you respond if you visited the property and if you are a relative or business associate of the applicant or agents. Ms. Oram. MS. ORAM: No to all. MR. BRISKE: Thank you. Mr. Goodloe. TAYLOR REPORTING SERVICES, INCORPORATED</p>

<p style="text-align: right;">69</p> <p>1 MR. GOODLOE: No to all, but I have 2 visited the site. 3 MR. WOODWARD: No to all. 4 MR. BRISKE: The Chairman. No to all. 5 MR. TATE: No to all. 6 MS. DAVIS: No to all the above. 7 MR. WINGATE: I have visited the site. 8 MR. BRISKE: Thank you. 9 Staff, was notice of this hearing sent to 01:21 10 all interested parties? 11 MS. MEADOR: Yes, sir. 12 MR. BRISKE: Did we also post a hearing 13 notice on the subject property? 14 MS. MEADOR: Yes, sir. 15 MR. BRISKE: Mr. Page, do you have any 16 objections to the photography and maps being 17 shown? Okay. Staff, if you would, please. 18 (Presentation of Maps and Photographs.) 19 MR. JONES: You have the locational -- 01:21 20 it's Case Number Z-2013-07. The Future Land 21 Use is Mixed Use Urban. The current zoning is 22 R-5. They are requesting a C-2 zoning. So 23 you have the locational criteria map. You've 24 got the 500-foot radius zoning map. You have 25 the Mixed Use Urban Future Land Use Map. You TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">71</p> <p>1 MR. BRISKE: On this case, Mr. Page, have 2 you received a copy of the staff's 3 Findings-of-Fact? 4 MR. PAGE: I have. 5 MR. BRISKE: Do you understand that it is 6 your burden to provide substantial competent 7 evidence that the rezoning is consistent with 8 the plan, furthers the goals, objectives and 9 policies of the Comprehensive Plan, and is not 01:23 10 in conflict with the Land Development Code? 11 MR. PAGE: I do. 12 MR. BRISKE: Please proceed, sir. 13 (Presentation by Buddy Page, previously 14 sworn.) 15 MR. PAGE: Mr. Chairman, this request for 16 C-2 is for a piece of property that has a 17 historical use as probably even an industrial 18 one that started back in the early 1950s. It 19 represented an area that had undergone a 01:24 20 mining type of operation, which is present 21 today. Several years back the mining 22 operation offices and their lay-down area and 23 their fenced frontage along Fenwick was sold 24 separating it out from the industrial type use 25 of the clay pit mining operation next door. TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">70</p> <p>1 have the existing land use map. You have the 2 aerial map. 3 That's our public hearing sign that is 4 posted. Looking east along the roadway. 5 Looking north across. Looking south into the 6 site. Looking south into the site again. 7 Looking west along the site. The 500-foot 8 radius map. 9 Also there will be some additional 01:22 10 information that staff may need to get 11 presented in evidence when it comes to that 12 part, some historical background analysis. We 13 want to make sure that gets in the evidence, 14 as well. 15 MR. BRISKE: Is that an additional item 16 that's not in the findings? 17 MR. JONES: Yes. 18 MR. BRISKE: Is it a handout? 19 MR. JONES: It's PDF. 01:23 20 MR. BRISKE: Mr. Page. Mr. Page, I'll 21 remind you that you're still under oath from 22 our previous items. Please state your name 23 and address for the record. 24 MR. PAGE: Buddy Page, 5337 Hamilton Lane, 25 Pace, Florida. TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">72</p> <p>1 I believe we will have at some point some 2 aerial photography to show -- this is 3 probably, Mr. Chairman, the first case I think 4 I've ever had any experience with where a 5 historical use of the property being 6 nonresidential was actually infill with 7 residential all around it, much like I would 8 propose the airport over time with nearby 9 residencies. But in any event, the historical 01:25 10 use of the property has been tied with this 11 industrial mining operation right next door. 12 Also, looking at the aerial or the zoning 13 map or the land use map, either one of those, 14 this particular map here, I think, would be 15 sufficient or if we have the zoning map that 16 might be a little better because it goes out a 17 little further. I think we can see here, 18 Mr. Chairman. The red area and the R-5 area 19 just below it are the two parcels that I speak 01:25 20 of that started out in 1951, 2 or 3, as a 21 single piece in the red recently sold off. 22 The R-5 area as shown on this zoning map 23 is actually the clay pit, mining sand and 24 gravel type operation that's been underway for 25 some period of time. It's certainly not an TAYLOR REPORTING SERVICES, INCORPORATED</p>

<p style="text-align: right;">73</p> <p>1 R-5 use. It's an ID-1, perhaps even an ID-2 2 type of use. 3 You also will note in this aerial down at 4 the bottom where the boxes are where it says 5 500-foot radius zoning, there's a red area. 6 That particular piece of property is zoned 7 C-1. I believe it's C-1. And it actually is 8 the rear portion of a truss manufacturing 9 facility that's been on Michigan Avenue. The 01:26 10 property goes back this far, but it fronts on 11 Michigan Avenue, and the best of our record 12 keeping or review shows that it, too, predated 13 the 1988-89 zoning that came into effect for 14 the County. 15 Moving north momentarily, Mr. Chairman, in 16 the area that is within the circled area, but 17 designated on the map as R-2, that particular 18 site has been a Gulf Power transmission yard, 19 if you will. I'm not sure what they're called 01:26 20 other than there's a considerable amount of 21 heavy electrical activity that goes on at that 22 particular site. Access to that site for the 23 cabling and the wires and so forth that are 24 associated with it go down the westerly side 25 of the R-5 property. You will see it actually TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">75</p> <p>1 property to the new owner a review of the 2 existing zoning was part of the examination in 3 their due diligence period and they found out 4 that the property is not even closely zoned to 5 what the property has been used for all of 6 these years. 7 So, Mr. Chairman, we are suggesting that 8 we're doing a housekeeping effort here with 9 the goal of trying to make those two things 01:29 10 consistent. Our argument as far as that 11 consistency goes is closely associated with 12 the adjacent use, the three uses that I just 13 outlined, Gulf Power to the north, the mining 14 operation to the south, and the truss building 15 operation even further south. This represents 16 a corridor of activity that has a long 17 historical use in that area, certainly as well 18 as the piece of property that we're attempting 19 to rezone and requesting to rezone before you 01:29 20 today. 21 Mr. Chairman, under Criterion (1), as far 22 as consistency with the Comprehensive Plan, we 23 concur with the staff's findings that it is 24 compatible. 25 Under Criterion (2), consistency with the TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">74</p> <p>1 is property that is split in color. The 2 easterly portion of it is R-5. The westerly 3 portion looks like it's zoned R-3, but all of 4 that is the transmission line right-of-way 5 that Gulf Power owns up this side property to 6 this large Gulf Power yard and R-3. 7 The R-5 activity or the area in the R-5 8 activity as I indicated has had since the 9 early fifties a considerable amount of truck 01:27 10 traffic in and out. It continued back then 11 even until this day to operate a sand mining 12 operation. 13 The property that we see outlined in red 14 is now occupied by an industrial type use 15 activity that's associated with laying heavy 16 cable for Gulf Power and others as we 17 understand it. They have a large lay-down 18 area, as the aerials will show. They have 19 large pieces of equipment, large trucks. They 01:28 20 have large spools of wire and what have you. 21 They have been the tenant there for many years 22 and it's hoped that they will be a tenant 23 there for many more years. The bank 24 repossessed the property sometime back from 25 the previous owner and in the selling of the TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">76</p> <p>1 Land Development Code, we think that the 2 findings on that show that it is inconsistent, 3 but we hope to be able to show you through use 4 of photography and our narrative here today 5 that we think that it is consistent in the 6 sense of all the historical activity that's 7 taken place. 8 Criterion Number (3), compatibility with 9 surrounding uses. The staff finds that the 01:30 10 amendment to C-2 is not compatible with the 11 existing uses, but it's been a use in that 12 area such that the residential units that have 13 been built next door to it, even when they 14 cleared the lots, Mr. Chairman, back then you 15 could look over and see that you were buying a 16 lot next to an up and running operation for 17 sand and gravel and so forth. So we think if 18 we have a conundrum here before us it's a 19 reverse one that we normally deal with in that 01:30 20 this particular piece of property was ahead of 21 all the residential areas for the most part 22 that you will see in the aerials here very 23 shortly. 24 Changed conditions. We are unaware of 25 anything significant out that way that's TAYLOR REPORTING SERVICES, INCORPORATED</p>

<p style="text-align: right;">77</p> <p>1 happened. There were four platted residential 2 subdivisions, as we say, after all this 3 started. 4 Under Criterion (5), the effect on the 5 natural environment, we see no effect because 6 we see no change. We hopefully will be able 7 to get a multi year lease with these people 8 perfected once all of the zoning issues are 9 taken care of. 01:31 10 Mr. Chairman, finally under Criterion (6), 11 development patterns, again, the staff, not 12 surprisingly, would find it would not, if it 13 were new today, result in a logical and 14 orderly development pattern. But again, it 15 predates our zoning. It predates our Land 16 Development Code, Comprehensive Plan and the 17 majority of the construction that surrounds it 18 all the way around. 19 So we would ask, Mr. Chairman, that the 01:31 20 Board consider this use. As I say, it's 21 somewhat unlike a lot of the cases before you 22 where we have commercial encroaching on 23 residential. This is a residential activity 24 that came into play probably 20 or 30 years 25 after the holes were starting to be dug, and TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">79</p> <p>1 probably either current or maybe a historical 2 quarry. 3 MR. WOODWARD: There was one more question 4 I wanted to ask but you led me astray. I'll 5 come back to it. 6 MR. BRISKE: Any other questions for 7 Mr. Page at this time? 8 MS. DAVIS: I do have a question. So what 9 we're saying is that this has been 01:33 10 grandfathered in during all these years; 11 there's never been a break in time? 12 MR. PAGE: There has not. 13 MR. BRISKE: Mr. Wingate. 14 MR. WINGATE: Would you say that this 15 particular area is an isolated commercial 16 industrial type district? 17 MR. PAGE: Mr. Chairman, in response to 18 that question, I would have to say that. It 19 started out and pretty well exists now as an 01:33 20 isolated type of activity, but access to that, 21 Mr. Wingate, has always been down the road in 22 front of the residential subdivision to the 23 west. Trucks to and from that operation 24 generally turn mostly west to go down and turn 25 again to the south to come down and access TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">78</p> <p>1 the location of Gulf Power electrical yard, 2 whatever that term might be. 3 So, Mr. Chairman, that represents our 4 case. I'll be happy to stand by for 5 questions. 6 MR. WOODWARD: Let me ask you a question. 7 MR. PAGE: Yes, sir. 8 MR. WOODWARD: What you're suggesting is 9 that the residential development is under the 01:32 10 moot to the nuisance sort of approach. 11 MR. PAGE: Yes, sir. 12 MR. WOODWARD: Secondly, let me ask you is 13 the mining operation still up and running or 14 is it dormant at this time? 15 MR. PAGE: It's up and running, yes, sir. 16 MR. WOODWARD: Do they access around that 17 little corridor that's left; is that how they 18 get back there? 19 MR. PAGE: Mr. Chairman, yes, they do. 01:32 20 They access it down, as you will see, down 21 that left-hand side, the westerly red line. 22 You will also see a dark line, some type of 23 asphalt operation that they come in on. And 24 in the lower right-hand corner you can see 25 what's left of a large circular area that is TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">80</p> <p>1 Michigan Avenue at the traffic light, so it is 2 historical, yes, sir. 3 MR. WOODWARD: I remembered my question. 4 What you're telling me -- let's see if this is 5 what precipitated the issue. The land was 6 leased from an owner who had it mortgaged to a 7 financial institution which resulted in a 8 foreclosure? 9 MR. PAGE: Yes, sir. 01:34 10 MR. WOODWARD: It's gone to sale. There's 11 a new owner. The new owner is having 12 difficulty getting title insurance is what I 13 hear you say. 14 MR. PAGE: Precisely. 15 MR. WOODWARD: Because of the issues 16 arising out of the zoning; is that correct? 17 MR. PAGE: That's correct. 18 MR. WOODWARD: So what we're doing is 19 cleaning up their title issues? 01:35 20 MR. PAGE: To an extent, yes, sir. 21 MR. BRISKE: Mr. Tate. 22 MR. TATE: To ask it in a different way, 23 there's no threat of not being able to do the 24 work that's there today by the new owner? 25 MR. PAGE: That's correct. That is TAYLOR REPORTING SERVICES, INCORPORATED</p>

<p style="text-align: right;">81</p> <p>1 correct.</p> <p>2 MR. TATE: Without a change?</p> <p>3 MR. PAGE: That's correct.</p> <p>4 MR. BRISKE: Any other questions at this</p> <p>5 point? Okay. Stand by. We will probably</p> <p>6 have more.</p> <p>7 Mr. Wingate, did you have one?</p> <p>8 MR. WINGATE: Mr. Chairman, you know,</p> <p>9 sometimes it's really educational to visit</p> <p>01:35 10 these sites and in visiting this site with</p> <p>11 more kind of like education, you see all those</p> <p>12 Gulf Power lines and the Gulf Power utility</p> <p>13 coming in through there, and you saw an old</p> <p>14 pit was there, and then you saw where there</p> <p>15 was storage. That was probably the cleanest</p> <p>16 part of the whole operation where they're</p> <p>17 storing but getting changed now. But the</p> <p>18 other area at some point it looked like it</p> <p>19 needs to be -- to protect that community it</p> <p>01:36 20 needs to be changed or rectified because</p> <p>21 that's been there, I mean, for years.</p> <p>22 MR. WOODWARD: Mr. Wingate, the reason I</p> <p>23 asked Mr. Page the question I did is that when</p> <p>24 somebody buys a piece of property at</p> <p>25 foreclosure you're usually getting a handful</p> <p style="text-align: right;">TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">83</p> <p>1 particular finding.</p> <p>2 Criterion (2), which is the one that --</p> <p>3 basically is one of the ones that may be</p> <p>4 challenging. As you can see in the findings,</p> <p>5 the proposed amendment to C-2 is not</p> <p>6 consistent with the intent and purpose of the</p> <p>7 Land Development Code as it would create spot</p> <p>8 zoning and requires exemption of the roadway</p> <p>9 requirements. While the proposed zoning</p> <p>01:38 10 category and the existing commercial use are</p> <p>11 not consistent, the use is a legal</p> <p>12 nonconforming use. Mr. Page definitely said</p> <p>13 that and staff will go further in the criteria</p> <p>14 later and present some evidence to that fact.</p> <p>15 That use predates the Land Development</p> <p>16 Code and much of the surrounding uses. The</p> <p>17 rezoning is being sought as a precaution in</p> <p>18 the sale of the property and meant to bring</p> <p>19 the zoning into compliance with the existing</p> <p>01:38 20 use, as presented by Mr. Page, as well.</p> <p>21 The location and the nature of the site</p> <p>22 present significant difficulties for</p> <p>23 commercial development and would preclude many</p> <p>24 of allowable C-2 uses.</p> <p>25 Land Development Code Article 7.20.03</p> <p style="text-align: right;">TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">82</p> <p>1 of mess from a legal point of view and so this</p> <p>2 is part of their cleaning up the title so that</p> <p>3 they can do whatever they want to do with it,</p> <p>4 whatever it is, because they're hamstrung at</p> <p>5 this point with an inconsistent zoning.</p> <p>6 MR. BRISKE: We'll come back to Mr. Page</p> <p>7 with further questions. We'll have the staff</p> <p>8 presentation at this point. I would ask that</p> <p>9 the staff please make sure that you clearly</p> <p>01:36 10 identify Criterion (4) and the position.</p> <p>11 We're typically used to seeing that there are</p> <p>12 or are not changed conditions as an</p> <p>13 affirmative statement. That's not in this</p> <p>14 one. It just discusses some of the stuff in</p> <p>15 the background, so I would like to have on the</p> <p>16 record whether it is or is not a changed</p> <p>17 condition. So, if you would, please.</p> <p>18 (Presentation by Horace Jones, previously</p> <p>19 sworn.)</p> <p>01:37 20 MR. JONES: Again, my name is Horace</p> <p>21 Jones. As stated earlier, the applicant is</p> <p>22 requesting from R-5 zoning to C-2 zoning. The</p> <p>23 issue at hand is Criterion (2).</p> <p>24 Criterion (1), as Mr. Page stated, is</p> <p>25 consistent and staff concurs with that</p> <p style="text-align: right;">TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">84</p> <p>1 provides for exemptions to the locational</p> <p>2 criteria in cases where more than 50 percent</p> <p>3 of the block is either zoned or used for</p> <p>4 commercial development. Staff identifies the</p> <p>5 block in this case to be the properties</p> <p>6 fronting the south side of Fenwick Road</p> <p>7 between Memphis Avenue and Sondu Avenue. Just</p> <p>8 over 53 percent of the block is commercial</p> <p>9 development and has been for many years. The</p> <p>01:39 10 proposed amendment does meet the requirements</p> <p>11 for this exemption.</p> <p>12 The next criterion is Criterion (3), and</p> <p>13 we may want to pull up the PDF to highlight</p> <p>14 some points in this.</p> <p>15 MR. BRISKE: Let me stop you right there.</p> <p>16 MR. JONES: Yes, sir.</p> <p>17 MR. PAGE: Mr. Page, have you received a</p> <p>18 copy of this additional information that's</p> <p>19 being added to the findings?</p> <p>01:39 20 MR. PAGE: I have reviewed it, yes, sir.</p> <p>21 MR. BRISKE: All right. Go ahead.</p> <p>22 MR. JONES: Do we need to accept this in</p> <p>23 evidence?</p> <p>24 MR. BRISKE: It was not presented as part</p> <p>25 of the original package, so it would probably</p> <p style="text-align: right;">TAYLOR REPORTING SERVICES, INCORPORATED</p>

<p style="text-align: right;">85</p> <p>1 be a good idea to bring it in. The Chair will 2 entertain a motion to accept this in as 3 additional staff findings. 4 MR. WOODWARD: So moved. 5 MR. GOODLOE: Second. 6 MR. BRISKE: A motion and a second. Any 7 discussion? All those in favor, say aye. 8 (Board members vote.) 9 MR. BRISKE: Opposed? 01:39 10 (None.) 11 MR. BRISKE: We'll bring that in as an 12 addition to the staff's Findings-of-Fact. 13 (The motion passed unanimously.) 14 MR. JONES: Compatible with the 15 surrounding uses. That was one of the issues 16 that Mr. Page did talk about, so I want to -- 17 before we get to it, I want to read the first 18 paragraph. 19 The proposed amendment is not compatible 01:40 20 with the surrounding and existing uses in the 21 area. Within the 500-foot radius impact area, 22 staff observed properties with zoning 23 districts R-2, R-3 and R-5. There are 44 24 single-family residences. This property is 25 surrounded by subdivisions and homes clearly. TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">87</p> <p>1 MR. WOODWARD: Because that's what it 2 looks like to me. Somebody didn't go look at 3 the land when they did the zoning. 4 MR. JONES: Again, Mr. Woodward, I refuse 5 to address that question. 6 MR. WOODWARD: It is possible? We're not 7 going to put you in jail. Is it possible 8 there's historical data in this office that 9 would reveal that? 01:42 10 MR. JONES: Well, we do have the maps, but 11 I still don't know how they did the zoning 12 back then. We've heard that there were some 13 things that may not have been done as they 14 should have been. Again, I wasn't there, so I 15 cannot speak. 16 MR. WOODWARD: It looks like we're 17 straining at straws here. 18 MR. JONES: Okay. Anything else, 19 Mr. Woodward? 01:42 20 MR. BRISKE: Mr. Wingate, did you have a 21 question? 22 MR. WINGATE: Mr. Chairman, I think to 23 clear up what Mr. Jones is kind of going at, 24 back before his day, when zoning first came 25 in, it got to be very political. Everybody TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">86</p> <p>1 Now, from the background analysis, an 2 historical analysis of the parcel in question, 3 there have been commercial operations 4 associated with this site prior to the R-5 5 zoning classification. As you can see in just 6 flipping through some maps, that's 1964, 1976, 7 1980, predating zoning, 1986. That's all. So 8 you can see where that commercial operation, 9 that landfill, as offered by Mr. Page, as 01:41 10 well, has been there. That mining operation 11 has been there. 12 But it is evident from the zoning and the 13 existing land use map that the parcel is 14 surrounded by residential development. 15 If you can pull up the existing zoning and 16 existing land use map. You can see that it's 17 surrounded by residential homes. That's why 18 we have to put that into perspective with the 19 information that Mr. Page presented, as well. 01:41 20 MR. WOODWARD: Mr. Jones, let me ask you a 21 question. Is it at all possible that when 22 this zoning plan was put in somebody made a 23 mistake? 24 MR. JONES: I wasn't there, so I can't 25 really address that question. TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">88</p> <p>1 wanted their piece of property zoned a certain 2 way to their opinion, and it was an election 3 year. So certain people just didn't get 4 bothered. So a lot of zoning and the way 5 things were, that's how a lot of the things 6 that we're having nightmares on some of these 7 zoning changes right now and the Comprehensive 8 Plan and all come in and it got mapped. So we 9 get a box that sometime -- that some of the 01:43 10 areas that -- I see it all the time -- that 11 sometimes we need to relook at the whole 12 county in some areas, because some things just 13 wasn't done right during that time, but it was 14 political and how do you correct political? 15 MR. TATE: Can I ask Mr. Wingate to 16 clarify, not specifically who or what, but at 17 the time were you involved in the Planning 18 Board? 19 MR. WINGATE: I was on the Planning Board 01:43 20 from day one. 21 MR. TATE: I'm saying from his 22 perspective, that's what I wanted to get, that 23 perspective that Mr. Wingate was there and did 24 it and done it and he's not just saying it 25 because he lives here, was actually part of TAYLOR REPORTING SERVICES, INCORPORATED</p>

<p style="text-align: right;">89</p> <p>1 the process. And other Planning Board members 2 that you can talk with at the time would just 3 tell you some amazing stories. That's all I 4 wanted to show is Mr. Wingate's perspective is 5 from actually being part of this Board, not 6 just because he was a resident of the County. 7 MR. WOODWARD: Let me suggest that a lot 8 of people get excited about things that happen 9 after they move to the nuisance. You know, 01:44 10 they put these subdivisions, according to what 11 you've told us, in after this pit, this quarry 12 was there. It's called due diligence. You 13 look out the back window and see what's there. 14 It's like the people in Valparaiso raising 15 hell about Eglin Air Force Base. Eglin Air 16 Force Base was there before there ever was a 17 Valparaiso and people moved to Valparaiso and 18 they turn around and bitch and moan about loud 19 airplanes. It's just like we -- I don't 01:44 20 understand the people over on Summit Boulevard 21 live right by the airport and build big 22 houses. It makes no sense to me, but 23 nevertheless it appears to me that this may 24 well have been a mistake at the time the 25 zoning came around. I think we should do TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">91</p> <p>1 and clay pits. They're where they are. This 2 is the way it started. I think that we're in 3 the posture of correcting a former error. 4 MR. BRISKE: Mr. Jones, you're on 5 Criterion (3), I believe. 6 MR. JONES: Again, while these are 7 disparate uses, the effects of the commercial 8 use can be alleviated through design 9 standards. Any new development, if the 01:46 10 proposed zoning designation is approved, will 11 be governed by a codified set of screening and 12 buffering standards specific to the use and 13 intensity proposed. These requirement shall 14 be required to lessen the severity of any 15 potential adverse impacts, as well as foster 16 and promote a harmonious relationship for a 17 broad range of commercial uses. 18 Criterion (4), changed conditions. This 19 is to address some of your concerns, 01:47 20 Mr. Briske. 21 Staff research of the historical area 22 photographs shows the rezoning site and 23 adjacent pit, as we've just seen, as an active 24 concern as far back as 1976. While there are 25 four platted residential subdivisions within TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">90</p> <p>1 whatever we need to do to sort it out. 2 MR. BRISKE: Mr. Jones, would you, just as 3 a refresher to everyone, I think there's three 4 key years, was it '89, '93 and '96, that the 5 zoning and the regulations came in? 6 MR. JONES: Yes, sir. From my looking at 7 some of the old zoning, layouts of some of the 8 historical documents, '86, '89, '93, that's 9 when the zoning was coming to Escambia County. 01:45 10 Basically it was told to me -- and I think 11 some of our records indicate -- that the 12 State, which was the former DCA, had to 13 really, really tell Escambia County to do it. 14 And I think at the time there was some 15 reluctance, because this area had been zoned 16 and people had been doing what they wanted for 17 such a long time until zoning came in. And we 18 still have that same problem today. But '89, 19 '87 -- between '86 and 1993. 01:46 20 MR. WOODWARD: There is an interesting 21 thing about quarries and oil wells. You have 22 to build them where the stuff is. You don't 23 go drill for oil in my back yard because there 24 isn't any, but you go to Jay and you might 25 find some. The same thing about gravel pits TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">92</p> <p>1 the 500-foot radius, the commercial activity 2 on the subject site predates at least one plat 3 and many homes in the other subdivisions. 4 Then we go to Criterion (5), which is 5 that's not an issue per se. 6 Then Criterion (6), while the proposed 7 amendment would not result in an orderly 8 zoning pattern and would create spot zoning, 9 it would resolve the legal nonconforming 01:48 10 status of the site and the existing use. 11 It's in your hands. 12 MR. BRISKE: It's currently classified as 13 a legal nonconforming use. It would stay that 14 way. If the Board changes it, then anything 15 that would be allowed in the C-2 would be 16 allowable on that property. 17 MR. JONES: Yes, sir. 18 MR. BRISKE: Just to clarify. 19 Mr. Goodloe, do you have a question? 01:48 20 MR. GOODLOE: I still have a question on 21 Criterion (4). Mr. Jones, are you stating now 22 in the staff findings that there would not be 23 any changed conditions? 24 MR. JONES: As you can see from all the 25 maps, there's definitely some changed TAYLOR REPORTING SERVICES, INCORPORATED</p>

<p style="text-align: right;">93</p> <p>1 conditions because the homes came around the 2 pit or the mining operations, so if you want 3 to say the subdivisions came after, you can 4 call that a changed condition, as well. But 5 as far the site, the site has always been in 6 existence as is from that time. 7 MR. BRISKE: So really, staff is finding 8 on four of the six criterion that it's not 9 consistent? 01:49 10 MR. JONES: Right. 11 MR. BRISKE: Four out of the six. Okay. 12 Mr. Page, do you have cross-examination of 13 the staff presentation or do you want to wait 14 until the end? 15 MR. PAGE: I'll wait. 16 MR. BRISKE: We do have some folks signed 17 up from the public that wish to speak. I 18 would remind everyone from the public who 19 wishes to speak, please note that we base our 01:50 20 decision only on the criteria and exceptions, 21 the six criteria described in Section 22 2.08.02.D of the Land Development Code. We 23 don't consider general statements of support 24 or opposition and we ask that you limit your 25 testimony to just those criteria or TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">95</p> <p>1 the street. My son has to walk all the way to 2 the end of Fenwick, at the corner of Memphis 3 and Fenwick, to catch a bus and walk home. 4 Now, I know Mr. Page has said that that 5 business has been there for a long time and it 6 has. But the amount of heavy equipment being 7 brought in and the truck traffic being brought 8 in and out has only been happening for the 9 last several years, so it's grown as far as 01:51 10 the amount of traffic going in and out of 11 there. I'm not sure where they went in and 12 out before when I first moved in, but it's 13 only been in the last several years. So we 14 have kids that ride their bikes. 15 And regardless of past mistakes in zoning, 16 all I want to say is you can't change the fact 17 that all the way around that is nothing but 18 residential, so past mistakes are not -- you 19 can't -- there's homes everywhere. There's 01:52 20 kids everywhere, and they are building up in 21 there. Just at my bus stop alone on Neshota 22 and Windstone, there's 18 elementary kids, 18, 23 that just catch that bus alone just at that 24 one stop. So they're coming from Sondu and 25 Neshota, and some of them down here in this TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">94</p> <p>1 exceptions. Please also remember that only 2 people who are here today speaking in front of 3 this Board will be allowed to speak in front 4 of the Board of County Commissioners. 5 Our first speaker is Robin Foster. Please 6 come forward. Good morning, Ms. Foster. 7 Please be sworn in. 8 (Robin Foster sworn.) 9 MR. BRISKE: Please state your name and 01:50 10 address for the record. 11 MS. FOSTER: My name is Robin Foster. I 12 live at 2366 Windstone Drive. 13 MR. BRISKE: Good morning. Go ahead, 14 please. 15 MS. FOSTER: I just want to speak about 16 Criterion (3), the surrounding uses. I live 17 right there off of Windstone. Can we go back 18 to that map? It's the one with the -- yeah, 19 that one. 01:51 20 I live right there. It's just on the 21 outer circle of the 500-foot circle, right 22 there on Windstone, where Neshota meets. I've 23 been there for 14 years and we've had five 24 kids, and there's kids all in that 25 neighborhood that ride bikes, walk up and down TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">96</p> <p>1 other residential are coming that way, going 2 past Danella, or whatever they're called, 3 Danella, and all those heavy trucks and all 4 that heavy equipment and they go all the way 5 down into that cul-de-sac down there. 6 So I just want to speak from a resident 7 standpoint that it has grown in the last 8 several years as far as the amount of traffic, 9 vehicle traffic, the trucks. The roads are -- 01:53 10 all of Fenwick is tore up because of their 11 heavy traffic and stuff like that, and their 12 heavy equipment that they've brought in. 13 That's what I wanted to say. That's all I 14 have to say. 15 MR. WOODWARD: I have a question. Was the 16 operation there when you moved there? 17 MS. FOSTER: Well, there was a building 18 there. 19 MR. WOODWARD: It's a yes or no question. 01:53 20 MS. FOSTER: Yes, but they've expanded 21 that. 22 MR. BRISKE: Any other questions of 23 Ms. Foster? Mr. Page, do you have any cross? 24 MR. PAGE: No, sir. 25 MR. BRISKE: Jennifer Suarez. TAYLOR REPORTING SERVICES, INCORPORATED</p>

<p style="text-align: right;">97</p> <p>1 (Jennifer Suarez sworn.) 2 MR. BRISKE: Good morning. 3 MS. SUAREZ: Good morning. 4 MR. BRISKE: Please state your name and 5 address for the record. 6 MS. SUAREZ: I'm nervous and talk fast. I 7 apologize. I would like to start with some 8 clarification from Mr. Page. He has talked 9 about -- 01:53 10 MR. BRISKE: Just a moment, Ms. Suarez. 11 Go ahead and just state your name and address 12 for the court reporter. 13 MS. SUAREZ: Jennifer Suarez, 2371 14 Windstone Drive. 15 MR. BRISKE: That's just in case you want 16 to come speak in front of the Board of County 17 Commissioners we have it on record that you 18 were here. 19 MS. SUAREZ: Absolutely. 01:54 20 MR. BRISKE: Go ahead. 21 MS. SUAREZ: Again, I'm a resident in the 22 area so I have a personal stake in this. But 23 I have -- you mentioned due diligence. It's 24 zoned R-5. When you drive by Fenwick, the 25 little parcel of land, you can't tell there's TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">99</p> <p>1 2007, I started calling Wilson Robinson, one 2 of the purchasers, and obviously in 2007 I 3 called him when there were problems with the 4 area, and again in May 2008. They were 5 driving on the back of my property, causing 6 divots in my land. This has been a problem in 7 our community, which my neighbor and I, many 8 of the neighbors and I, we've discussed. 9 So, yes, they have been there, but the new 01:56 10 tenant Danella -- he stated he wants to create 11 a multi year lease, and if it's rezoned it's 12 going to allow them to grow bigger and do more 13 in the community. We can't have that. I 14 realize we built around it, but if you drive 15 by there, which I thank you, Mr. Wingate, for 16 investigating, you do not see the quarry pit 17 back there. And again we're focusing only on 18 the property in question today, not the quarry 19 pit, it's just the building and the trucks 01:56 20 that park there. 21 I think that's really about some of the 22 biggest things I could talk about. Any 23 questions? 24 MR. WOODWARD: Let me ask you a question. 25 Was there an operation in that space when you TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">98</p> <p>1 a pit back there. This is where we're getting 2 off track. Mr. Page is asking specifically 3 about what's in the red area. The quarry or 4 whatever is in the other -- it's not even a 5 property that's being in question right now. 6 There's no mining on the property in question, 7 so I feel we're getting out of scope there, so 8 we need to focus on what's happening there. 9 He also stated that the current tenant has 01:54 10 been there for many many years. Absolutely 11 not. In 2007 it was Fountain Engineering. 12 Then after that it was South End Contractors 13 that bought it. They went into foreclosure. 14 And Danella has been in there for a couple of 15 years maybe. They're a very large national 16 corporation, lots of trucks in the 17 neighborhood, lots of disruption. And they do 18 not exit on West Fenwick. They drive through 19 our neighborhood, large trucks with telephone 01:55 20 poles, semi trucks, clearly not intended for a 21 residential area. So we have that, the size 22 of trucks. I have so many notes. I'm sorry. 23 I realize they're trying to get the zoning 24 because they have not purchased the property 25 yet. One thing also I want to mention. In TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">100</p> <p>1 moved there? 2 MS. SUAREZ: Not in the capacity in which 3 it is now. 4 MR. WOODWARD: That's not my question and 5 you didn't answer my question. I move to 6 strike. It's a yes or no answer, ma'am. It's 7 a yes or no answer. 8 MS. SUAREZ: Mr. Woodward, I don't 9 understand why you're getting so emotional and 01:56 10 upset with me. 11 MR. WOODWARD: Just answer my question. 12 MS. SUAREZ: There was a building there in 13 operation, yes. 14 MR. WOODWARD: The answer is yes or no. 15 MS. SUAREZ: Yes, there was. 16 MR. WOODWARD: Now, would you like to 17 explain? 18 MS. SUAREZ: As I've said, it was not the 19 capacity in which it is now. It's changed 01:57 20 hands several times and it's getting bigger 21 and bigger. I started calling our County 22 Commissioner to stop this and now he's going 23 and buying it, so I just see issues with that. 24 MR. WOODWARD: Well, that's not a concern 25 of ours. The fact that it's been there -- TAYLOR REPORTING SERVICES, INCORPORATED</p>

<p style="text-align: right;">101</p> <p>1 MS. SUAREZ: Yes. And we're protecting 2 our best interest. 3 MR. WOODWARD: Ma'am, may I finish? 4 MS. SUAREZ: Sure. 5 MR. WOODWARD: It's been there long before 6 you came; is that correct? 7 MS. SUAREZ: That is correct. 8 MR. WOODWARD: And long before those 9 subdivisions were built? 01:57 10 MS. SUAREZ: That is correct. 11 MR. WOODWARD: Thank you. 12 MS. SUAREZ: And I know it was planning 13 with it being an R-5. 14 MS. DAVIS: I do have a question. You 15 mentioned that there were power trucks going 16 by. 17 MS. SUAREZ: Not power trucks, large 18 trucks that were -- 19 MS. DAVIS: With telephone poles? 01:57 20 MS. SUAREZ: Yes. And they were part of 21 the tenant at Fenwick. It is not Gulf Power. 22 MS. DAVIS: North of this property in R-2 23 there is a property that says utility. Do you 24 know what that property is? 25 MS. SUAREZ: Yes, it's Gulf Power and they TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">103</p> <p>1 question, if this parcel was dormant for over 2 a year, then no operation of any commercial 3 type could take place on it. 4 MR. JONES: Right, except for whatever is 5 allowed in the zoning category. 6 MR. TATE: Within an R-5 zoning. 7 MR. JONES: Yes. 8 MR. TATE: With that in mind, we're saying 9 that this same operation has continued? I 01:59 10 mean, Fountain Engineering is definitely not 11 the commercial use that's there today. 12 MR. JONES: As far as the commercial 13 operation, that property has always been used 14 as a commercial operation. Many times when -- 15 it not quite typical. If you don't increase a 16 certain size, a similar use, you can go back 17 in without coming to see us, so these are some 18 things that could have happened, but the 19 commercial operation, from a historical 01:59 20 analysis, there has always been a commercial 21 use on that particular site. Even with the 22 neighbors, they stated that, as well. 23 MR. BRISKE: So let's just clarify for the 24 public's concern. As long as these 25 individuals continue to operate the same way TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">102</p> <p>1 rarely have trucks there. They did some 2 remodeling recently, which caused some trucks 3 to be there, but they did not drive into our 4 neighborhood. 5 MR. TATE: The Gulf Power site is a static 6 site. 7 MS. SUAREZ: Absolutely, yes, there's not 8 people coming and going. 9 MS. DAVIS: Thank you. 01:58 10 MS. SUAREZ: Any other questions? 11 MR. BRISKE: Thank you, Ms. Suarez. 12 Horace, I have a question. Ms. Suarez 13 brought up a good point which is that the 14 subject parcel to our rezoning is that parcel 15 there at the front which is the commercial 16 parcel and not necessarily the operation of 17 the pit. You said that it is a legal 18 nonconforming use. However, it sounds like 19 there's been change of ownership over some 01:58 20 course of time. Wouldn't that exclude -- 21 MR. JONES: The change in ownership does 22 not impact the legal nonconforming status. It 23 has to do with the commercial operations on 24 the site, not the change of ownership. 25 MR. TATE: And a follow-up to that same TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">104</p> <p>1 that they have been they're not in violation 2 because they are a legal nonconforming use. 3 MR. JONES: Based upon what is presented 4 to us under the code. 5 MR. BRISKE: So we're not going to stop 6 this operation from happening. We're not 7 going to stop any of that from happening at 8 this Board. It will continue as a legal 9 nonconforming use. 02:00 10 MR. JONES: Yes. 11 MR. BRISKE: By changing the zoning, 12 though, we do open up to allow additional uses 13 which are not there. I would like to point 14 out, if we could bring that up, the difference 15 between how it's being treated now as an R-5. 16 It's commercial at this point, but what other 17 uses could potentially be on the site? I 18 think that's something that we need to bring 19 into record. 02:00 20 MR. JONES: Yes, sir, even as in other 21 cases, C-2, as in the past zoning case, C-2 is 22 very very extensive, extremely. It allows 23 for -- and it's on the record. It allows for 24 bars, it allows for night clubs, it allows 25 for -- TAYLOR REPORTING SERVICES, INCORPORATED</p>

<p style="text-align: right;">105</p> <p>1 MR. BRISKE: Can we have that brought up 2 on the screen, please? 3 MR. JONES: Just in a nutshell, it's very 4 very -- it's general, open outdoor sales, 5 manufacturing. It even allows for borrow 6 pits. It's very very open. It even allows 7 for light industrial activities with outside 8 use, manufacturing. Adult entertainment. 9 Those are some of the intense uses that could 02:01 10 be problematic within the area. 11 MR. BRISKE: Mr. Wingate. 12 MR. WINGATE: If this zoning were 13 approved, everything that they're doing there 14 right now would become legal. 15 MR. JONES: Let me put it this way, it 16 would be conforming to the Land Development 17 Code. 18 MR. WOODWARD: It's legal now. 19 MR. BRISKE: It's a nonconforming use now. 02:02 20 MR. JONES: Right. 21 MR. BRISKE: Which is basically 22 grandfathered in. 23 MR. WINGATE: And if it's changed -- I 24 have this hangup about barriers. If this is a 25 commercial site and all the subdivisions have TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">107</p> <p>1 Memphis Avenue there are numerous speed bumps 2 on that road, which would in effect cause any 3 commercial development or commercial activity 4 to focus on Fenwick for most of their 5 throughway, so I would suggest that they 6 probably are not using Memphis as it's been 7 briefly discussed and they're restricting most 8 of their traffic to Fenwick. 9 MR. BRISKE: Any additional questions? 02:04 10 Mr. Page, closing statement? I'm sorry. 11 Let me go back to the public comments. 12 Is there anyone else that wishes to speak 13 on this matter? I hereby close the public 14 comment portion. 15 Mr. Page, your closing statements, please. 16 MR. WOODWARD: Let me ask Mr. Page another 17 question. What specifically are the 18 exceptions in the title that's giving these 19 people a rash? 02:04 20 MR. PAGE: My understanding is that it's 21 inconsistency between the zoning and the use. 22 MR. WOODWARD: Well, Mr. Jones has just 23 now told us that it's a legal nonconforming 24 use. 25 MR. PAGE: But not zoning. TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">106</p> <p>1 built in around it, couldn't that become a 2 fenced isolated protective requirement to 3 protect the business from the neighborhood by 4 a fence or barrier? I know when you build a 5 subdivision and it's residential and then 6 there's C-2, most of the developers now they 7 will put up a barrier behind it and then 8 there's other stuff there, you know. 9 MR. JONES: If it was a new site per se, 02:03 10 there would be some buffering standards as far 11 as screening and buffering and vegetation. 12 Yet, with the site as is, the only thing that 13 basically could be done is minimum, very very 14 light buffering and screening standards. It's 15 not a new lot, so we won't require them to 16 come back in and put more buffering in, if 17 it's not necessary. 18 MR. WINGATE: If a person wanted a buffer, 19 the owner of the adjoining property would have 02:03 20 to put the buffer. 21 MR. JONES: It will be strictly upon them 22 to do that. 23 MR. BRISKE: Mr. Goodloe. 24 MR. GOODLOE: Mr. Chairman, one 25 observation, if you go out to the area along TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">108</p> <p>1 MR. WOODWARD: I understand that. 2 MR. PAGE: It is a legal nonconforming use 3 now. We're attempting to straighten out the 4 use with the zoning category. 5 Mr. Chairman, I would add to that a couple 6 of items. We heard comments regarding 7 traffic. I can assure you traffic leaving the 8 site goes to Michigan for the benefit of the 9 traffic light. We witnessed that on the site 02:05 10 at least on two occasions in spite of the 11 speed bumps. 12 We heard comments about children in the 13 area. I would think that speed bumps would 14 certainly assist that. Certainly that's a 15 concern. 16 We heard about a long laundry list of 17 about 22 items that I recall that are allowed 18 under C-2 and one of which does include the 19 selling of alcohol. All things being equal, 02:06 20 I'm not sure if there are churches within a 21 certain distance or kindergartens or so forth. 22 But my point being we would certainly not 23 object to the Board considering the newer C-2 24 category that doesn't allow the night clubs 25 and the alcohol sales and those type of TAYLOR REPORTING SERVICES, INCORPORATED</p>

<p style="text-align: right;">109</p> <p>1 things. We certainly do not have a problem 2 with that because that's not the intent of 3 what we're after. 4 Mr. Chairman, I would suggest again that 5 this was first and it itself has been 6 encroached upon by the residential 7 development. 8 And I also would go back to try to clarify 9 just very briefly. Alvin is exactly right. 02:06 10 He was here from day one on the Planning 11 Board. And I can also add that at that 12 particular time I was the director of Planning 13 and Engineering here when the County went 14 after a contract to have all of this work 15 done. So when you see the staff over here 16 smile a little bit when someone says well, 17 somebody a long time ago could have 18 straightened that out, well, that probably 19 could have been me. However, his analogy of 02:07 20 our public meetings was exactly correct. 21 We had a County Commissioner from out in 22 this area, I'll leave it at that, that was 23 present at some of these meetings. We had 24 maps up on the wall and he invited anyone 25 there who wanted their particular piece of TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">111</p> <p>1 hands and ask questions and so forth, but such 2 was not the case at the time. 3 Mr. Chairman, Ms. Suarez, I think, 4 probably would have a small amount of 5 consolation in knowing that we're not 6 attempting to ask for a consideration of an 7 industrial category here, which certainly this 8 particular piece before it was carved out was 9 all part of that type of activity. We're 02:09 10 asking for something considerably less than 11 that, C-2, as it is. We think it's a fair 12 request. We think that it is something, given 13 the information and the aerial photography 14 that has been presented to you here, has 15 support and we ask the Board for their 16 consideration. Thank you. 17 MR. BRISKE: Board members, any questions 18 of Mr. Page or the staff? 19 MS. DAVIS: Mr. Chairman, I'm going to 02:09 20 have to recuse myself. I know both owners 21 very well. 22 MR. BRISKE: Okay. We'll pull out the 23 form and have you fill out one of the forms. 24 MR. TATE: Ms. Davis, you're referring to 25 the owners of the current property? TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">110</p> <p>1 property or area zoned or categorized in a 2 certain area, to come on down. Those were the 3 very words. 4 So there's been a lot to try to straighten 5 up. And a lot of things that were zoned as 6 far as a heavier use back then, it's a little 7 difficult for the County to be in a position 8 now to downzone that and not risk being sued 9 from one side of Escambia County to the other. 02:07 10 But all of that was done under contract 11 with an individual out of Destin, Florida, 12 that did five western counties, developing the 13 Land Development Code and the Comprehensive 14 Plan. 15 That individual reported to the County 16 Commissioners, not through staff and not 17 through the Planning Board that we had at that 18 time, so the Planning Board had a very 19 difficult time in trying to get a handle on 02:08 20 what was going on. And this individual from 21 out this way was elected chairman and things 22 went pretty fast from that point on and I'll 23 leave it, Mr. Chairman, at that. 24 We could have done a better job if we had 25 had an opportunity to be able to raise our TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">112</p> <p>1 MS. DAVIS: Yes. Brazwell and Robertson. 2 MR. BRISKE: You are still permitted to 3 participate in the discussion. You just won't 4 be allowed to vote on the item. 5 Discussion among the Board? 6 MR. TATE: I don't have any questions, but 7 as a matter of discussion, the use of this 8 just really kind of sticks with me. I mean, 9 from Fountain Engineering to where they are 02:10 10 today, they're night and day. I just don't 11 see it as -- yeah, I can see it as a continued 12 commercial use, but Fountain Engineering could 13 have operated in an R-6 environment, if I 14 remember -- I mean, right, in a little office 15 setting? 16 MR. JONES: Yes. 17 MR. TATE: So, you know, that's consistent 18 with an R-5 neighborhood. Now, we're jumping 19 way ahead. And my personal opinion is it's 02:10 20 not the Board's business to fix title issues. 21 The use -- we can't stop what's on the ground. 22 It's there. It can continue. It can be sold 23 a dozen times and continue. But the change 24 allows when it's sold, and I state that when, 25 I'm not saying that there's some magic plan to TAYLOR REPORTING SERVICES, INCORPORATED</p>

<p style="text-align: right;">113</p> <p>1 buy it today and sell it tomorrow for 2 increased value. The value is there because 3 it's a commercial site. Then it really 4 becomes a problem in the area. I mean, you've 5 got to deal with what's there now. We just 6 can't get around that. That's just my 7 opinion. 8 MR. PAGE: Mr. Chairman, if I might be 9 allowed? 02:11 10 MR. BRISKE: Mr. Page. And then 11 Mr. Wingate. 12 MR. PAGE: Mr. Chairman, earlier on when 13 we talked about correcting an issue regarding 14 title, we're not here simply to do that 15 particular part and I think things stopped at 16 that particular subject matter. That's just 17 simply not the case. We're here to correct 18 and update something that has been incorrectly 19 classified over a period of time. 02:12 20 The aerial photography shows this 21 particular piece of property was a lay-down 22 area for heavy equipment. They had skid 23 mounted diesel tanks back in those particular 24 times. They're clearly visible on the aerial, 25 so to think that this was just a little office TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">115</p> <p>1 sometimes we have to look at the horse is 2 already out of the barn and we've just got to 3 keep him in the fence. 4 MR. WOODWARD: But is there a fence? 5 MR. BRISKE: Any other discussion? 6 The Chair will entertain a motion on this 7 item. 8 MR. GOODLOE: I have a motion, 9 Mr. Chairman, so we can continue in the 02:14 10 discussion. 11 (Motion by Mr. Goodloe.) 12 MR. GOODLOE: I recommend denial of the 13 zoning application Z-2013-07, denial of the 14 application to the Board of County 15 Commissioners and adopt the Findings-of-Fact 16 that were provided in the hearing. 17 MR. BRISKE: Do we have a second? 18 MR. TATE: Second. 19 MR. BRISKE: We have a second. 02:14 20 Discussion? Further discussion? 21 Hearing none, I'll call the question. All 22 those in favor of denial of Z-2013-07, say 23 aye. 24 (Board members vote.) 25 MR. BRISKE: And opposed to the motion? TAYLOR REPORTING SERVICES, INCORPORATED</p>
<p style="text-align: right;">114</p> <p>1 up front where the bookkeeper came in, I 2 think, is inconsistent with the evidence that 3 we've produced here today. It was an outside 4 storage C-2 type of use. We've been able, I 5 thought, to document that as best we could. 6 And the notion that, gosh, we're just here to 7 straighten out something having to do with 8 title, I think, is misdirected. 9 We're here for a larger issue. We simply 02:12 10 would like to have the property considered to 11 be today what it always and historically has 12 been used for, and that's heavy commercial. 13 Thank you. 14 MR. BRISKE: Mr. Wingate. 15 MR. WINGATE: Mr. Chairman, I just had 16 one thought. We're looking at how do you 17 protect the neighborhood that has moved in 18 since this was there and that's not going to 19 change. You know, developers came in and 02:13 20 built in around it. 21 And when then you look at if this was 22 zoned ID-1, that would eliminate any 23 residential development, but that still 24 wouldn't solve the problem. 25 I think the way we're going right now TAYLOR REPORTING SERVICES, INCORPORATED</p>	<p style="text-align: right;">116</p> <p>1 MR. WOODWARD: Nay. 2 MR. WINGATE: No. 3 MR. BRISKE: Two opposed and Ms. Davis is 4 recused. So the motion carries for denial. 5 There's three in favor of denial and two 6 opposed, with Ms. Davis recusing herself. So 7 the motion is to deny the request. 8 (The motion passed three to two; Ms. Davis 9 recused.) 02:15 10 Mr. Page, I'm sure you're aware of your 11 rights as far as moving on if you have an 12 appeal to the case, so. 13 (Conclusion of Case Z-2013-07. The 14 transcript continues on Page 117.) 15 * * * 16 17 18 19 20 21 22 23 24 25 TAYLOR REPORTING SERVICES, INCORPORATED</p>

Planning Board-Rezoning

5. D.

Meeting Date: 05/06/2013

CASE : Z-2013-07

APPLICANT: Wiley C. Page, Agent for Robertson Brazwell, LLC, Owner

ADDRESS: 2755 Fenwick Rd.

PROPERTY REF. NO.: 42-1S-30-3001-001-003

MU-U, Mixed-Use

FUTURE LAND USE: Urban

DISTRICT: 1

OVERLAY DISTRICT: N/A

BCC MEETING DATE: 06/20/2013

SUBMISSION DATA:

REQUESTED REZONING:

FROM: R-5 Urban Residential/Limited Office District, (cumulative) High Density (20 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.

Comprehensive Plan (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.

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.

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 districts categories (with the exception of residential development).

FINDINGS

The proposed amendment to **C-2 is consistent** with the intent and purpose of Future Land Use category MU-U as stated in CPP FLU 1.3.1. MU-U is intended for an intense mix of residential and nonresidential uses while promoting compatible infill development. In this case, the existing commercial use on site pre-dates much of the surrounding uses, and the residential uses are the compatible infill development.

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.

6.05.12. R-5 Urban Residential/Limited Office District, (cumulative) high density.

This district is intended to provide for high density urban residential uses and compatible professional office development, and designed to encourage the establishment and maintenance of a suitable higher density residential environment and low intensity services. These uses form a transition area between lower density residential and commercial development.

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.).

7.01.06. Buffering between zoning districts and uses. A. Zoning districts. The following spatial relationships between zoning districts require a buffer: 3. C-1, C-1PK, **C-2** GBD or GMD districts, where they are adjacent to single-family or two-family districts (RR, SDD, R-1, R-1PK, R-2, R-2PK, R-3, V-1, V-2, V-3, V-5, VR-1, VR-2, PUD) or multiple-family and office districts (R-3PK, R-4, R-5, R-6, V-4, VM-1, VM-2, PUD), or agricultural districts (AG and VAG). 4. ID-P, ID-1, ID-2, GID districts, where adjacent to residential, commercial, agricultural or SDD districts. **B. Land uses.** The following relationships between land uses require a buffer: 1. Multiple-family, zero lot line or office uses, where they are adjacent to single-family or two-family uses. **2. Commercial land uses**, where they are adjacent to residential uses. 3. Industrial land uses, where they are adjacent to residential, office, agricultural or commercial uses.

7.20.03. Exemptions. Exemptions to the roadway requirements may be granted by the DRC or RHE if one or more of the following conditions are met:

B. Infill development. In areas where over 50 percent of a block is either zoned or used for commercial development, new commercial development or zoning may be considered without being consistent with the roadway requirements. The intensity of the proposed development or new zoning district must be of a comparable intensity of the zoning and development on the surrounding parcels. Typically, a block is defined as the road frontage on one side of a street between two public rights-of-way. Exceptions will be considered on a case-by-case basis and must be supported by competent and substantial evidence that the proposed rezoning will accomplish infill development. The evidence must show that the proposed development or rezoning will promote compact commercial development and will not promote ribbon commercial development.

FINDINGS

The proposed amendment to **C-2 is not consistent** with the intent and purpose of the Land Development Code as it would create spot zoning and require exemption to the roadway requirements. While the proposed zoning category and the existing commercial use are not consistent, the use is a legal non-conforming use. That use predates the LDC and much of the surrounding uses. The rezoning is being sought as a precaution in the sale of the property, meant to bring the zoning into compliance with the existing use. The location and nature of the site present significant difficulties for commercial development and would preclude many allowable C-2 uses.

LDC Article 7.20.03 provides for exemptions to the locational criteria in cases where more than 50% of the block is either zoned or used for commercial development. Staff identifies the block in this case to be the properties fronting the South side of Fenwick Rd. between Memphis Ave. and Sondu Ave. Just over 53% of that block is commercial development and has been for many years. The proposed amendment **does meet** the requirements for this exemption.

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 to C-2 **is not compatible** with surrounding existing uses in the area. Within the 500' radius impact area, staff observed properties with zoning districts R-2, R-3 and R-5. There are 44 single-family residences, 10 mobile homes, 2 vacant properties, 1 utility site, and 2 commercial properties.

From the background and historical analysis of the parcel in question, there have been commercial operations associated with the site prior to the R-5 zoning classification; regardless of that, it is evident from the zoning and existing land use maps that the parcel is surrounded by residential development. While these are disparate uses, the effects of the commercial use can be alleviated through design standards. Any new development, if the proposed zoning designation is approved, will be governed by a codified set of screening and buffering standards specific to the use and intensity proposed. These requirements shall be required to lessen the severity of any potential adverse impacts as well as foster and promote a harmonious relationship for a broad range of commercial uses.

CRITERION (4)

Changed conditions.

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

FINDINGS

Staff research of historical aerial photography shows the rezoning site and adjacent pit as an active concern as far back as 1976. While there are 4 platted residential subdivisions within the 500' radius, the commercial activity on the subject site pre-dates at least one plat and many homes in the other subdivisions.

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. The Escambia County Soil Survey classifies the site as an existing open excavation pit. 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

While the proposed amendment **would not** result in an orderly zoning pattern and would create spot zoning, it **would** resolve the legal non-conformity status of the site and existing use.

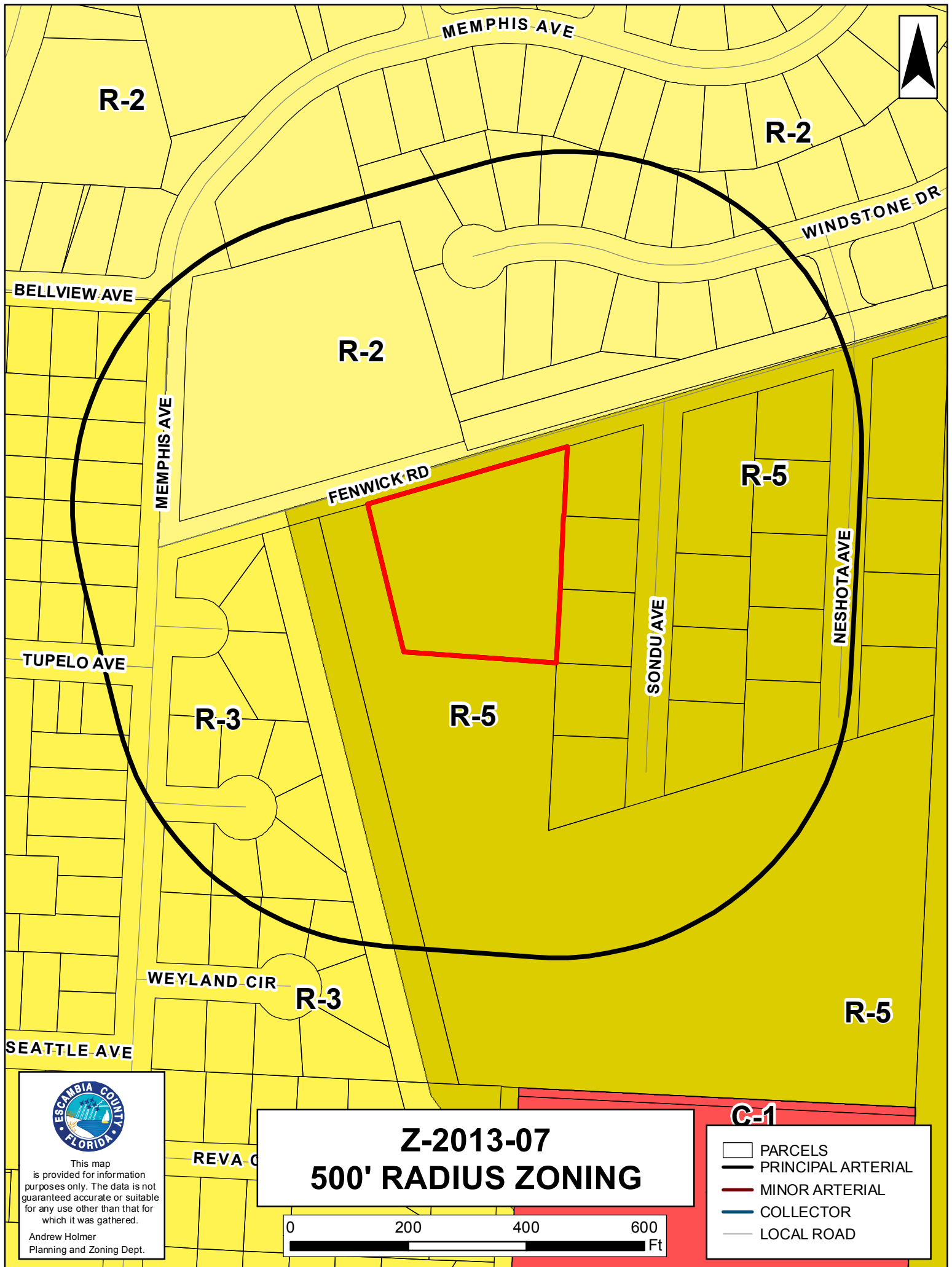
Attachments

Z-2013-07



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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.

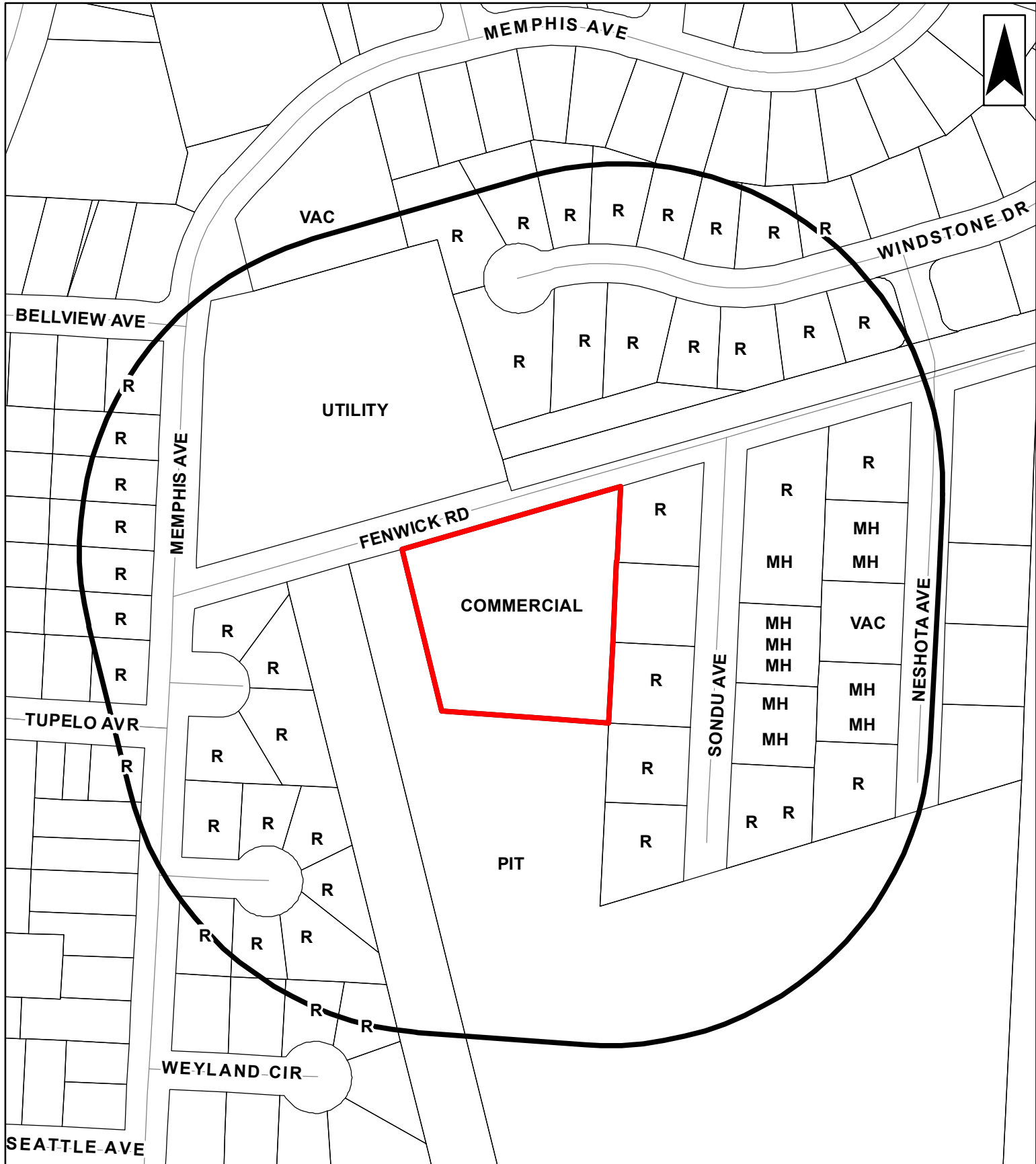
Andrew Holmer
Planning and Zoning Dept.

Z-2013-07 500' RADIUS ZONING

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C-1

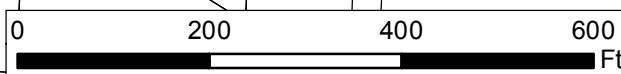
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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Andrew Holmer
Planning and Zoning Dept.

Z-2013-07 EXISTING LAND USE



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



FENWICK RD

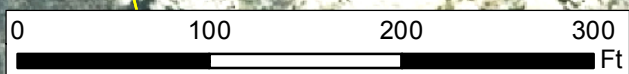
SONDU AVE



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Andrew Holmer
Planning and Zoning Dept.

Z-2013-07 AERIAL MAP



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



Public Hearing Sign



Looking East along Fenwick



Looking North across Fenwick



Looking South into Site



Looking South into Site



Looking West along Fenwick

Wiley C. "Buddy" Page, MPA, APA
Professional Growth Management Services, LLC

5337 Hamilton Lane
Pace, Florida 32571
Office 850.994.0023 Cell 850.232.9853
budpage1@mchsi.com

April 2, 2013
VIA HAND DELIVERY

Ms. Allyson Cain, Planner III
Escambia County Planning Dept.
3363 West Park Place
Pensacola, Florida 32505

RE: Rezoning From R-5 to C-2
Property Parcel 42-1S-30-3001-001-003
Address: 2755 Fenwick Road - Pensacola, FL

Dear Ms. Cain:

The subject property has been in commercial use for over 25 years and is currently zoned as Residential R-5. By default, the property was taken into possession of Mortgagor Hancock Bank on July 23, 2012 and placed for sale in January 2013. The property was sold to Robinson & Brazwell who now seek to rezone the property to reflect its historic and current commercial use.

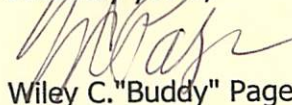
The tenant is a heavy cable installer for AT&T and he stores spools of wire, cable and required tractors, trucks and related equipment on site, thus the request for C-2 zoning. It is important to note that the use is not changing, only ownership. If granted, the change will not increase traffic or have negative impacts on existing utilities or the surrounding natural environment.

A narrative is included to support our request for a roadway requirement waiver (LDC 7.20.03.B) demonstrating that over 80% of the affected block frontage property is being used for commercial activities.

The request is consistent with the LDC and the adopted Comprehensive Plan, has no environmental impact and is not located within an Area of Critical State Concern.

Please contact me if you have any questions or need additional information. Thank you.

Sincerely yours,



Wiley C. "Buddy" Page

Copy: Robertson & Brazwell, LLC



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-5 to: C-2

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

Owner(s) Name: Robertson Brazwell Phone: 393-8565

Address: 2814A Copter Road Pensacola, Florida 32514 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: 2755 Fenwick Road Pensacola

Property Reference Number(s)/Legal Description: 42-1N-30-3001-001-003

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.

Robertson Brazwell
Signature of Owner/Agent

Robertson Brazwell
Printed Name Owner/Agent

3-28-13
Date

Signature of Owner

Printed Name of Owner

Date

STATE OF Florida

COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 28 day of March 20 13,
by _____.

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

Diana Davis
Signature of Notary
(notary seal must be affixed)

Diana Davis
Printed Name of Notary

Diana Davis
Notary Public - State of Florida
My Commission # EE 68785
My Commission # Exp May 9, 2015

FOR OFFICE USE ONLY

CASE NUMBER: 2-2013-07

Meeting Date(s): PB May 6 Accepted/Verified by: A. Cain Date: 4/4/13

Fees Paid: \$ 1,155.00 Receipt #: _____ Permit #: PR2 13020001



Development Services Department

Escambia County, Florida

FOR OFFICE USE:

CASE #: 2-2013-07

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 42-1N-30-3001-001-003

Property Address: 2755 Fenwick Road Pensacola, Florida 32526

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:

- The necessary facilities or services are in place at the time a development permit is issued.
- 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.
- For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- 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.
- 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.
- 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 28 DAY OF March, YEAR OF 2017.

Robertson Brazwell
Signature of Property Owner

Robertson Brazwell
Printed Name of Property Owner

3-28-17
Date

Signature of Property Owner

Printed Name of Property Owner

Date



Development Services Department

Escambia County, Florida

FOR OFFICE USE:

CASE #: 2-2013-07

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 2257 Fenwick Road Pensacola, Florida,
Florida, property reference number(s) 42-1N-30-3001-001-003

I hereby designate Wiley C. "Buddy" Page 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: Wiley C. "Buddy" Page Email: budpage1@mchsi.com

Address: 5337 Hamilton Lane Pace, Florida 32571 Phone: 850-232-9853

Robertson Brazwell
Signature of Property Owner

Robertson Brazwell

Printed Name of Property Owner

3-28-13
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 28 day of March 2013,
by _____.

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

Diana Davis
Signature of Notary

Diana Davis
Printed Name of Notary

(Notary Seal)

Diana Davis
Notary Public - State of Florida
My Commission # EE 68785
My Commission # Exp May 9, 2015

Applicant Response to Required Criteria

Proposed Rezoning at 2755 Fenwick Road

CRITERION (1)

Consistency with the Comprehensive Plan

Whether the proposed rezoning 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 1.5.3 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 1.3.1 Future Land Use Categories. Intended for a mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses. Residential uses include Retail and Services, Professional Office, Recreational Facilities and Public and Civic uses.

Applicant Findings

This parcel is currently classified as Mixed Use - Urban which allows the requested change to C-2 Commercial.

CRITERION (2)

Consistent with the Land Development Code

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

APPLICANT FINDINGS

The rezoning request is consistent with the intent and purpose of the Land Development Code as stated in 6.05.19. The parcel is located between two other road frontage parcels, one of which is an ongoing clay pit mining operation and the other a commercial pest control service with outside storage activities.

CRITERIA (3)

Compatible and the extent to which the proposed rezoning is compatible with existing and proposed uses in the area of the subject property.

APPLICANT FINDINGS

The proposed rezoning is for a parcel that has been in a commercial use for over 25 years. While the ownership has changed, the tenant and use will remain the same. The twenty five year history suggests that the use has been and will continue to be compatible with the neighborhood.

CRITERIA (4)

Changed conditions.

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

APPLICANT FINDINGS

There are no recent changed conditions in the area.

CRITERIA (5)

Effect on natural environment.

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

APPLICANT FINDINGS

No changes of use are anticipated in that the tenant's operation will not change.

CRITERIA (6)

Development Patterns

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

APPLICANT FINDINGS

The proposed rezoning would result in a logical and orderly development pattern. The site abuts a large open mining operation on the west side and an existing pest control service located on the



Development Services Department
Building Inspections Division
3363 West Park Place
Pensacola, Florida, 32505
(850) 595-3550
Molino Office - (850) 587-5770

RECEIPT

Receipt No. : **577082**

Date Issued. : 04/04/2013

Cashier ID : KLHARPER

Application No. : PRZ130200001

Project Name : Z-2013-07

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	2915	\$1,155.00	App ID : PRZ130200001
		\$1,155.00	Total Check

Received From : ROBERTSON BRAZWELL, LLC

Total Receipt Amount : **\$1,155.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PRZ130200001	669519	1,155.00	\$0.00	2755 FENWICK RD, PENSACOLA, FL, 32526

Total Amount :

1,155.00

\$0.00

Balance Due on this/these
Application(s) as of 4/5/2013

east side. The intensity of existing uses, then, increases from east to west.

OTHER

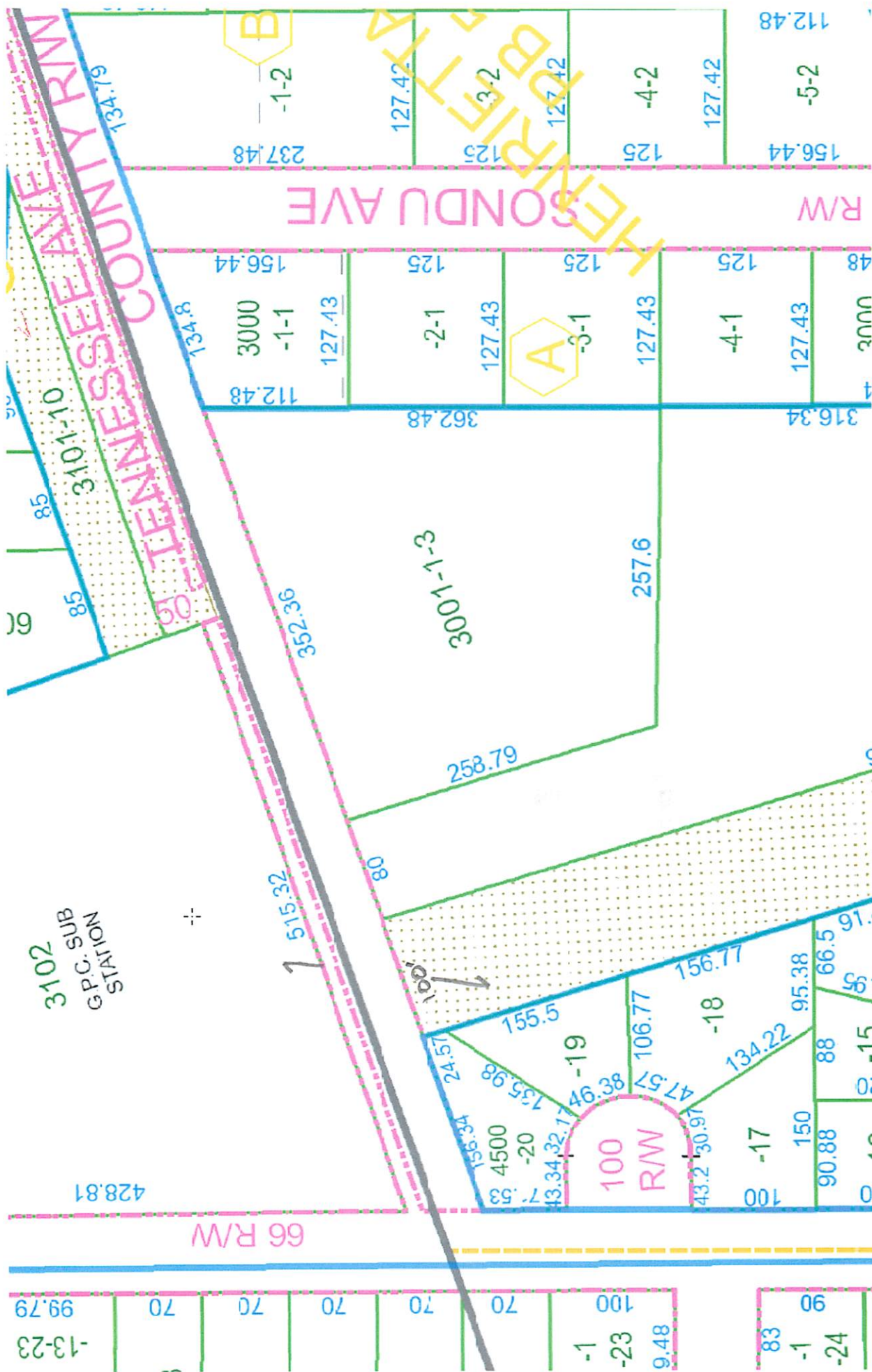
A waiver to the roadway requirements at **LDC 7.20.03.B** is requested based upon the following:

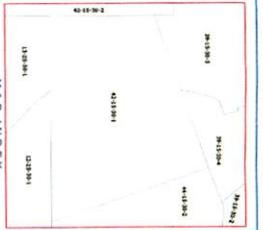
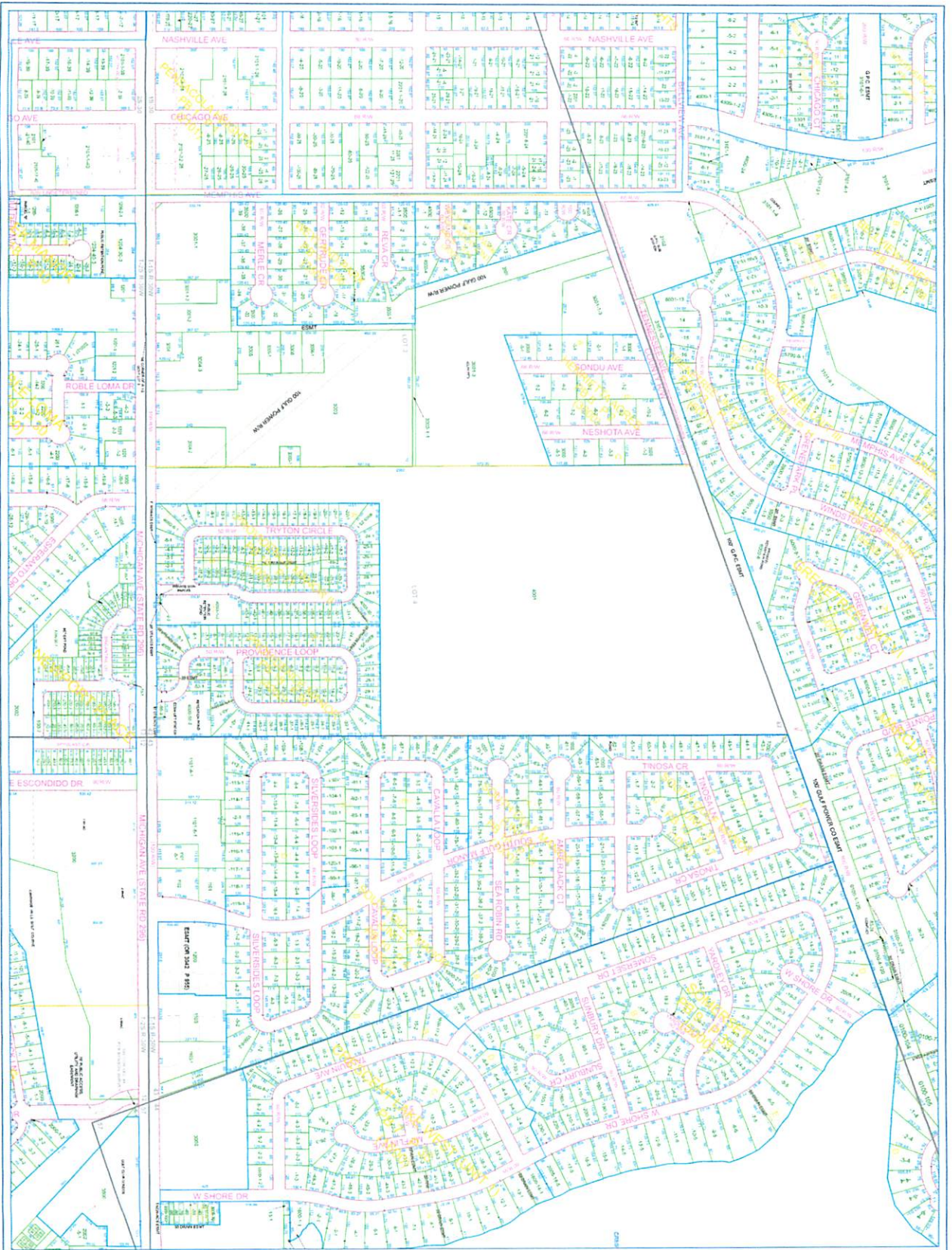
1- The site is located within the 2700 block of Fenwick Road. The block is bounded on the east by Sondu Avenue and on the west by Memphis Avenue. This 2700 block of Fenwick Road measures some 822 feet between Sondu and Memphis as shown on the attached county section map.

2- The 822 feet which makes up the 2700 block of Fenwick Road is made up of 5 parcels of property, 4 of which have existing non-residential uses and one parcel that is a residential site with frontage dimensions as follows:

1- Pest control lot	134 feet frontage	
2- Subject parcel	352	
3- Barrow pit	80	
4- Gulf Power	<u>100</u>	
Total Non-Residential Use Frontage	666	666 feet Comm. Use
5- Residential lot	156	<u>156</u> feet Res. Use
Total Frontage		822 Feet

Therefore **$666 \div 822 = 81\%$** of the block frontage has existing commercial uses which exceeds the 50% minimum standard required at **LDC 7.20.03.B**.





- Highway Line
- Waterway Line
- Cent. Section Line
- Right of Way Line
- Mapoid
- Easement
- Property Line
- City Limits Boundary
- Subdivision Boundary

OFFICE OF COUNTY CLERK
 SECTION 42
 T-1S R-30-W
 DATE: 10/11/11
 BY: [Signature]
 200

SHEET 1 OF 3

2013 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L04000033447

Entity Name: ROBERTSON BRAZWELL, L.L.C.

Current Principal Place of Business:

2814-A COPTER ROAD
PENSACOLA, FL 32514

Current Mailing Address:

2814-A COPTER ROAD
PENSACOLA, FL 32514

FEI Number: 11-3719184

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

ROBERTSON, WILSON B
2814-A COPTER ROAD
PENSACOLA, FL 32514 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Manager/Member Detail Detail :

Title	MGRM	Title	MGRM
Name	ROBERTSON, WILSON B	Name	BRAZWELL, JOSEPH LSR
Address	P.O. BOX 7548	Address	P. O. BOX 7548
City-State-Zip:	PENSACOLA FL 32534	City-State-Zip:	PENSACOLA FL 32534

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 608, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: JOSEPH L. BRAZWELL, SR.

MANAGING MEMBER

02/04/2013

Electronic Signature of Signing Manager/Member Detail

Date

AGREEMENT TO PURCHASE AND SELL
(Florida Property)

THIS AGREEMENT is made and entered into by and between HANCOCK BANK organized and existing under the laws of the State of Mississippi (hereinafter referred to as "Seller") and ROBERTSON BRAYWELL, L.L.C., a Florida limited liability company, whose principal address is: 2814-A Copler Road, Pensacola, FL 32514, (hereinafter referred to as "Purchaser"), and is effective on the date that the last of the parties hereto have executed this Agreement (hereinafter the Effective Date).

WITNESSETH

1. CONVEYANCE.

(a) In consideration of the mutual obligations undertaken herein, Seller does hereby agree to sell and Purchaser does hereby agree to buy, subject to the terms and conditions hereinafter set forth, the property known as 2755 Fenwick Road, Pensacola, FL 32526, ESCAMBIA COUNTY, FLORIDA, as shown by EXHIBIT "A" attached hereto, and all improvements thereon (hereinafter referred to as the "Property").

(b) Purchaser agrees to purchase the Property subject to all zoning and land use restrictions, title restrictions, reservations, servitudes, easements, rights-of-ways, all documents of record, and all unrecorded documents and other matters affecting title to the Property.

(c) Seller has not made and shall make no representation or warranty concerning the condition, or the suitability for any purpose, of the Property, or any improvements thereon, and the act of sale shall include the following provisions, together with any other provisions that Seller may require in this regard:

"The Property, including all of the buildings and improvements thereon, is sold by Seller and accepted by Purchaser in its present "AS-IS, WHERE-IS" condition with all faults and without any warranties whatsoever."

"As a material and integral consideration for the execution of this act of sale by Seller, Purchaser waives and releases Seller from any and all claims or causes of action to which Purchaser may have or hereafter may otherwise be entitled, based on vices or defects in the Property herein sold, or any improvements or component parts thereof, whether in the nature of implied warranty of fitness or merchantability, reduction of the purchase price, concealment, or any other theory of law. The Purchaser further assumes the risk of all vices and defects in the Property, and all improvements and component parts thereof, whether those vices or defects are latent or not discoverable upon simple inspection, and including those vices or defects, knowledge of which would deter Purchaser from making this purchase."

"Purchaser further acknowledges that Purchaser (a) had ample opportunity to fully inspect the Property, including, but not limited to the environmental condition of the Property, (b) has inspected the Property to the extent Purchaser deemed necessary, (c) does hereby purchase the Property in its present condition, and (d) does hereby purchase the Property subject to any physical encroachments on the Property and any physical encroachments onto adjacent property by improvements located on the Property."

"Purchaser further waives and releases Seller from and agrees to protect, defend and indemnify Seller from and against any and all claims, demands, causes of action, liens, losses, damages, liabilities, costs and expenses (including reasonable attorneys' fees, court costs, remediation, clean up or other response costs) of any and every kind or character, known or unknown, fixed or contingent, involving or relating to the Property, arising under or in connection with any federal, state or local law, rule, regulation, order, permit, or ordinance pertaining or relating to the environment including, but without limitation, the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq., the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9607 et seq., as amended by the Superfund Amendment and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (codified as amended in various sections of 42 U.S.C.), the Hazardous Materials Transportation Act, Pub. L. No. 93-633, 88 Stat. 2156 (codified as amended in various sections of 46 U.S.C.); the Clean Water Act, 33 U.S.C. §§ 1251 et seq., the Clean Air Act, 42 U.S.C. §§ 7401 et seq., the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq., as they now exist or may subsequently be modified, supplemented or amended."

2. TIME. Time being of the essence, the transfer of title of the Property (the "Closing") shall be effected at the office of the attorney or closing agent ("Closing Agent"). Place of closing to be chosen by Seller and shall take place no later than May 25, 2013. The sale shall be via a special warranty deed form provided by Seller.

3. PURCHASE PRICE. The purchase price shall be Two Hundred Eighty Five Thousand and no/100 Dollars (\$285,000.00) (the "Purchase Price"), which shall be paid to Seller in cash.

4. DEPOSIT.

(a) Purchaser, upon acceptance hereof, shall immediately, and not later than 72 hours after the Effective Date, deliver to Escrow & Title Agent: First American Title attention Teri Kitchen at 810 Scenic Highway, Pensacola, FL 32503, 850-473-0044, (X) Seller's escrow, title issuing and closing agent, the sum of Five Thousand and no/100 (\$5,000.00) Dollars as a deposit. The deposit(s) furnished by Purchaser pursuant to this Agreement shall hereinafter sometimes collectively be referred to as the "Deposit". If Purchaser terminates this Agreement prior to expiration of the Due Diligence Period (defined *infra*), then the Deposit furnished by Purchaser pursuant to

this Paragraph 4(a) hereof shall be returned immediately to Purchaser. If Purchaser does not terminate this Agreement prior to expiration of the Due Diligence Period, then the Deposit shall (subject to the provisions of Paragraph 6(b) and Paragraph 8 hereof) become the property of Seller and non-refundable, but will be credited to the Purchase Price upon closing.

(b) Seller agrees to allow Purchaser access to the Property for all reasonable purposes during reasonable business hours after the Effective Date hereof, provided, however, that Purchaser indemnifies and holds Seller harmless from and against any and all losses or liability as a result of Purchaser, its agents, contractors or employees entering on the Property and further agrees to defend Seller from any claim made as a result thereof.

5. **DUE DILIGENCE.** Purchaser shall have until May 13, 2013 to inspect the Property, and to check zoning and environmental considerations regarding the Property (the "Due Diligence Period"). At any time during the Due Diligence Period, Purchaser may terminate this Agreement by notifying Seller in writing by mail or facsimile if Purchaser feels for any reason whatsoever that the Property is unmerchantable or is unsatisfactory for the intended purposes of Purchaser. Unless Purchaser notifies Seller in writing prior to the expiration of the Due Diligence Period that Purchaser elects to terminate this Agreement, Purchaser will (subject to the provisions of Paragraph 6(b) hereof) become unconditionally bound to purchase the Property pursuant to the terms set forth in this Agreement. Within ten (10) days of written request of Seller, any and all environmental reports regarding the Property shall be provided to Seller.

6. **FINANCING.** This is a cash sale which is not contingent upon any matter including, but not limited to, the ability of purchaser to obtain financing for this purchase.

7. **CLOSING.** At Closing the following shall apply:

(a) Taxes for the calendar year in which the sale is completed shall be prorated as of the date of execution of the act of sale. Seller is obligated for the payment of taxes and assessments that became due and payable prior to the Closing. Purchaser shall be obligated for the payment of all taxes due and assessments payable after the Closing. Any rents and income accruing from the Property shall be prorated as of the date of the execution of the act of sale. All of Seller's interest in any security deposits shall be transferred to Purchaser at the Closing. Purchaser shall assume all liabilities and obligations in connection with any leases affecting the Property, including the return of deposits. Purchaser shall purchase the Property subject to any leases of record or otherwise, if any.

(b) All Closing costs including, without limitation, costs of any certificates, tax researches, survey, recordation costs, transaction tax, sales tax, or other registration fees and charges shall be paid by Purchaser, except that Seller will pay for Realtor fees, title insurance and documentary stamp taxes on the deed executed in connection with the sale of the Property.

(c) Seller shall convey title by Special Warranty Deed, subject to the matters listed in Paragraph 1(b) of this Agreement. The act of sale shall contain any provisions that Seller may require in this regard.

(d) Seller shall deliver possession at Closing.

(e) Seller shall apply the Deposit to the Purchase Price.

(f) Purchaser and Seller shall each be responsible for their own attorneys' fees incurred in connection with the Closing.

(g) All aspects of closing, recording, and documentary stamps shall be controlled by the laws of the State of Florida, and Escambia County.

8. **DEFAULT.** If Seller fails to perform any of Seller's obligations hereunder within the time stipulated herein, Purchaser shall have the right either to demand the return of the Deposit, or alternatively, Purchaser may demand specific performance. If Purchaser fails to perform any of Purchaser's obligations hereunder, within the time stipulated herein, Seller shall have the right to declare the Deposit forfeited, without formality beyond tender of title to Purchaser, or alternatively, Seller may demand specific performance.

9. **ENERGY EFFICIENCY.** Purchaser may, at Purchaser's expense, have the Property's energy efficiency rating determined.

10. **RADON GAS.** Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county public health unit. Purchaser may, at Purchaser's expense, have an appropriately licensed person test the Property for radon.

11. **PROPERTY TAX DISCLOSURE SUMMARY.** PURCHASER SHOULD NOT RELY ON THE SELLER'S CURRENT PROPERTY TAXES AS THE AMOUNT OF PROPERTY TAXES THAT THE PURCHASER MAY BE OBLIGATED TO PAY IN THE YEAR SUBSEQUENT TO PURCHASE. A CHANGE OF OWNERSHIP OR PROPERTY IMPROVEMENTS TRIGGERS REASSESSMENTS OF THE PROPERTY THAT COULD RESULT IN HIGHER PROPERTY TAXES. IF YOU HAVE ANY QUESTIONS CONCERNING VALUATION, CONTACT THE COUNTY PROPERTY APPRAISER'S OFFICE FOR INFORMATION

12. **COMMISSIONS.** Seller shall pay a real estate broker's commission of (6%) of the sales price to be allocated as to Listing/Selling Agent, Don Neal of Neal and Company LLC, (850). The commission shall be earned and payable only at closing of the sale of the Property and upon receipt by Seller of the sale proceeds.

No other parties are entitled to commissions relating to the sale of the Property.

13. **ENTIRE AGREEMENT.** This Agreement sets forth the entire understanding of the parties with respect to the subject matter of this Agreement and supersedes all prior agreements, understanding and negotiations with respect to the subject matter hereof.

14. **ATTORNEYS FEES.** If any party fails to comply with the terms of this Agreement, if accepted, then such defaulting party is obligated to and agrees to pay all reasonable attorneys' fees and costs incurred by the non-defaulting party in enforcing its respective rights.

15. **COUNTERPART.** This Agreement may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which when so executed shall be deemed to be an original and all of which when taken together shall constitute one and the same agreement.

16. **NOTICES.** All notices or communications required or permitted hereunder shall be in writing and shall be deemed to have been given when delivered in person or when received by the party being notified by notice deposited in the United States mail, postage prepaid, certified mail, overnight courier, return receipt requested, addressed to the party being notified at its address shown below, or at such other address as may be indicated through proper written notice.

17. **SURVIVAL.** All obligations relating to the conveyance of the Property as set forth in this Agreement shall survive any closing on the Property. Additionally, Purchaser's obligations to indemnify Seller shall survive any closing on the sale of the Property, and any other termination of this Agreement.

18. **ASSIGNABILITY.** If Purchaser intends to assign this Agreement to a related entity, Purchaser must do so, in writing, prior to the expiration of five (5) calendar days from the effective date of this agreement. Purchaser may not assign its interest in the Agreement to any other person or entity without Seller's written consent, which shall not be unreasonably withheld by Seller.

19. **EXECUTION.** This Agreement has been signed by Seller on this 13th day of March, 2013, and shall stand as an offer which, if accepted by Purchaser by 5:00 p.m.(CST) on the 16th day of March, 2013, shall constitute an Agreement to Purchase and Sell as provided herein. This offer shall be considered to have been accepted upon the execution by all parties hereto and upon the delivery of notice thereof by Purchaser to Seller. If Purchaser does not accept Seller's offer within the required time and in the required manner, then this instrument shall become null and void, and the parties shall have no further obligation to each other hereunder. This Agreement, the Buyers and the relating purchase are subject to regulatory compliance to requirements of the Dodd-Frank Act.

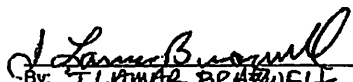
Purchaser acknowledges that nothing contained in this Agreement, shall constitute or be construed as an acceptance by Seller as lender of any of the financing terms that may be set forth herein. This Agreement does not constitute an agreement to make any financial accommodations whatsoever to Purchaser, does not constitute an approval of a loan to Purchaser, and does not constitute a commitment to lend any funds to Purchaser on the terms set forth herein or on any terms whatsoever. If Purchaser desires to request financing from Seller, Purchaser understands and agrees that Purchaser must make a written application, separate from this Agreement, to Seller, as lender, and submit said application for approval to the appropriate bank officer/department. At the time of making such application for the loan, Purchaser must meet all of Seller's financing requirements as lender. Seller's entering into this Agreement does not mean that Purchaser has met any of Seller's financing requirements as lender.

This provision shall apply to this Agreement and is expressly incorporated by reference herein into any and all amendments, endorsements, addenda, or modifications to this Agreement.

This Agreement is effective as of the date of execution by Purchaser and Seller.

PURCHASER:

ROBERTSON BRASWELL, LLC


By: J. LAMAR BRASWELL
Date: 3/14/13
Address: 2014-A COPIER RD
PENSACOLA, FL 32514

SELLER: HANCOCK BANK

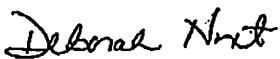
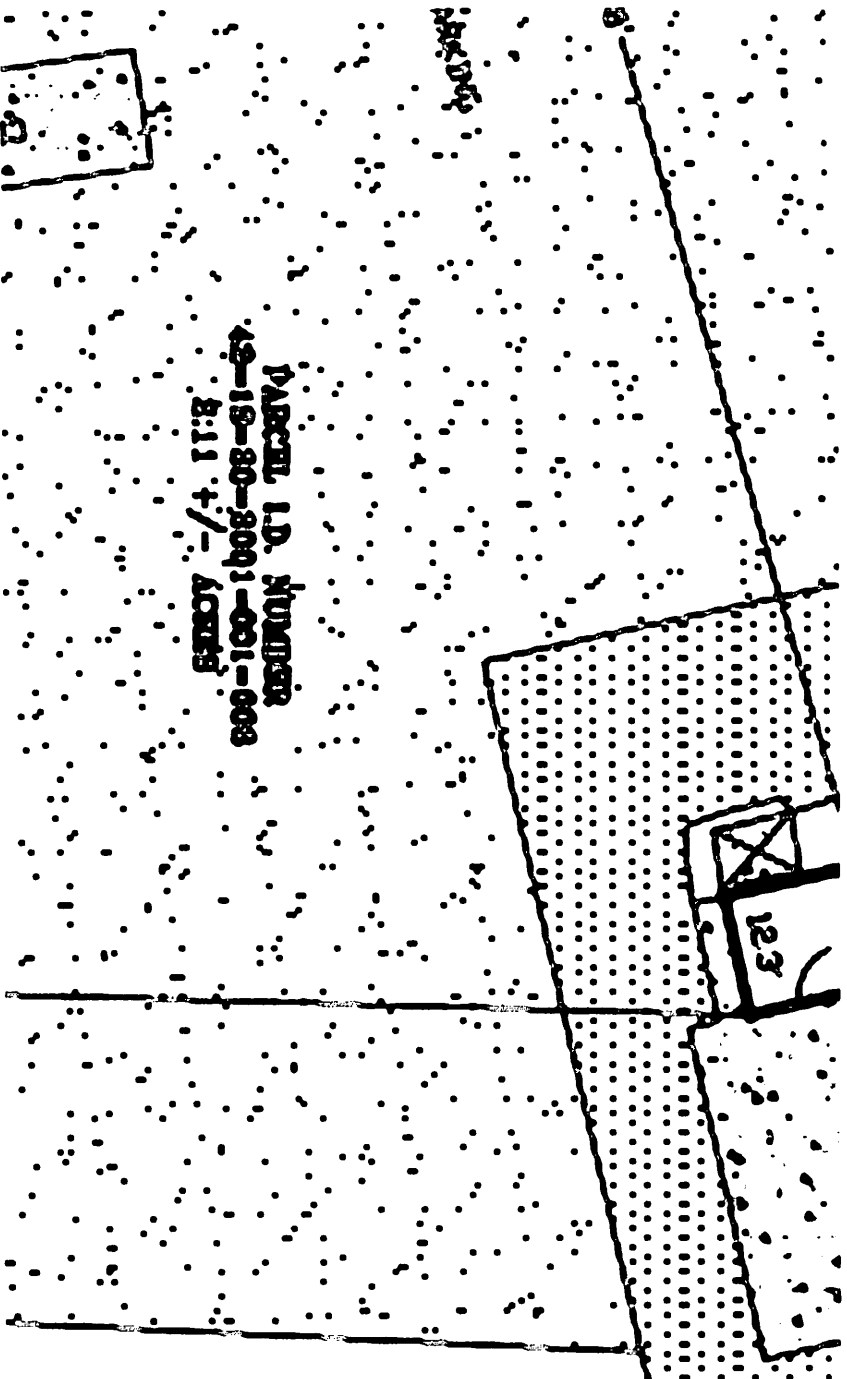

By: Deborah Hunt
Title: VICE-PRESIDENT
Date: March 13, 2013
Address: 1022 W. 23rd Street-2nd floor
Panama City, FL 32405

EXHIBIT "A"

Commence at the Northeast corner of Section 42, Township 1 South, Range 30 West, Escambia County, Florida; thence S72°33'49"W along the North line of the said Section 42 for a distance of 2081.42 feet; thence S01°35'43"W for a distance of 34.90 feet to the point of beginning and the Northwest corner of Lot 1, Block 1, HENRIETTA ACRES, according to the plat as recorded in Plat Book 5 at Page 2 of the Public Records of Escambia County, Florida, said point lying on the Southerly right-of-way line of Fenwick Road (60' R/W) previously known as Tennessee Avenue; thence S72°33'45"W along the Southerly right-of-way line of Fenwick Road (60' R/W) a distance of 352.31 feet; thence departing said right-of-way line go S15°21'15"E along a line being 80.00 feet Easterly and perpendicular to the East line of the Gulf Power Company Easement (100' R/W) a distance of 258.79 feet; thence go S88°23'43"E a distance of 257.60' to the West line of Block 1 of the aforesaid HENRIETTA ACRES; thence go N01°35'45"E along said Westerly line a distance of 352.48 feet to the point of beginning; the above described parcel of land is lying and being in a portion of Government Lot 3, Section 42, Township 1 South, Range 30 West, Escambia County, Florida.

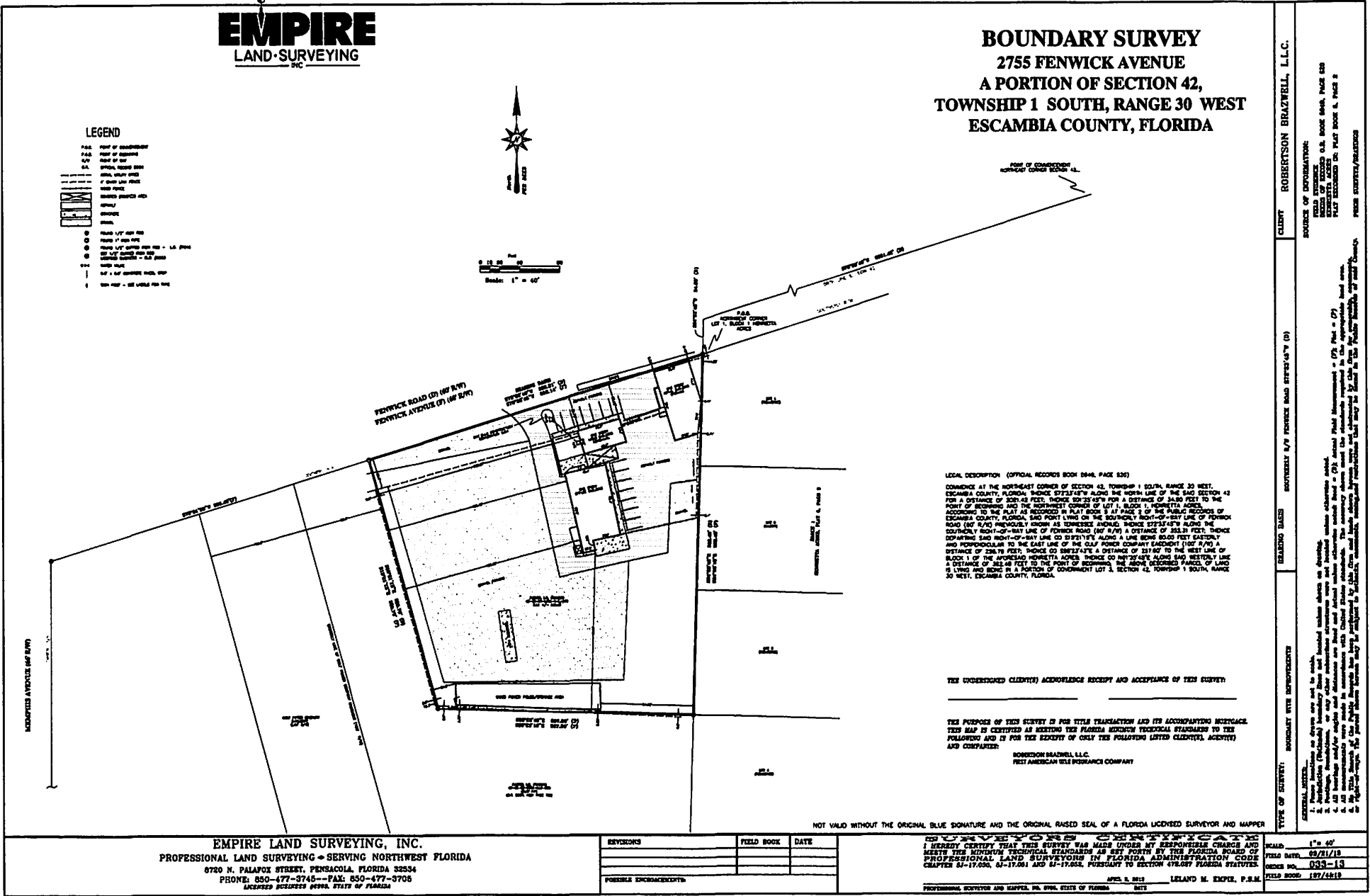


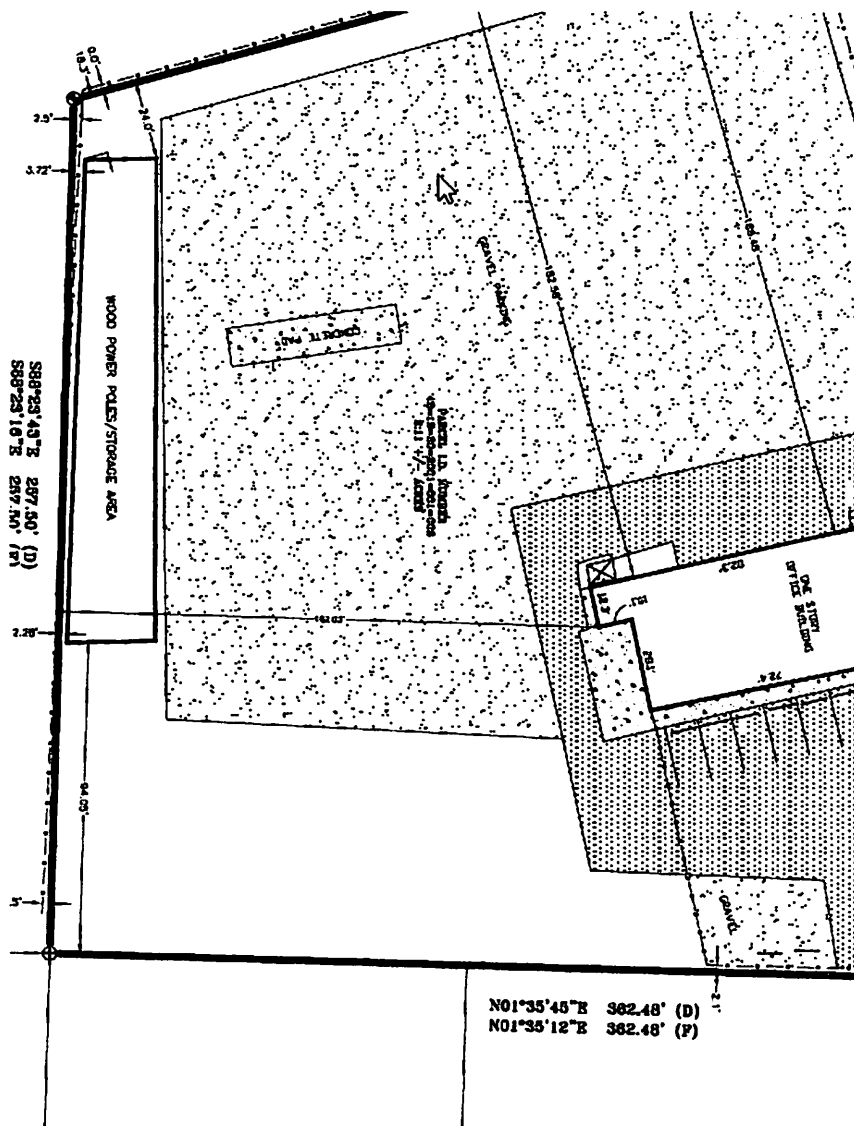
PARCEL I.D. NUMBER
42-18-80-3091-001-008
8:11 +/- ACRES

Parcel 12.3

12.3

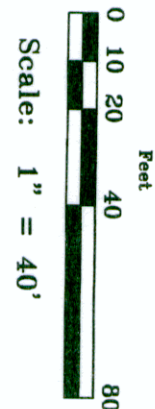
12.3





LEGEND

- P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
B.M. BENCHMARK
O.R. OFFICIAL RECORD BOOK
A.U. AERIAL UTILITY WIRE
C.L. CHAIN LINK FENCE
W.F. WOOD FENCE
C.R. COVERED (ROOTED) AREA
A. ASPHALT
C. CONCRETE
G. GRAVEL
R. ROUND 1/2" IRON ROD
S. SET 1/2" CAPTED IRON ROD
L.B. LICENSED BUSINESS - L.B. #2712
W.V. WOOD VALVE
C.W. 0.5' x 6.0' CONCRETE WHEEL STOP
S.P. SPOIL POST - SEE LABELS FOR TYPE



BOUNDARY SURVEY
2755 FENWICK AVENUE
A PORTION OF SECTION 42,
TOWNSHIP 1 SOUTH, RANGE 30 WEST
ESCAMBIA COUNTY, FLORIDA

POINT OF COMMENCEMENT
NORTHEAST CORNER SECTION 42..

LEGAL DESCRIPTION (OFFICIAL RECORDS BOOK 5949, PAGE 520)
COMMENCE AT THE NORTHEAST CORNER OF SECTION 42, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE S72°33'45"W ALONG THE NORTH LINE TO THE POINT OF BEGINNING FOR A DISTANCE OF 2081.42 FEET; THENCE S01°35'45"W FOR A DISTANCE OF 34.90 FEET TO THE POINT OF BEGINNING AND THE NORTHWEST CORNER OF LOT 1, BLOCK 1, HENRIETTA ACRES, ACCORDING TO THE PLAT AS RECORDED IN PLAT BOOK 5 AT PAGE 2 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA, SAID POINT LING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FENWICK ROAD (60' R/W) PERIODICALLY AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FENWICK ROAD (60' R/W) PERIODICALLY, THENCE S72°33'45"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FENWICK ROAD (60' R/W) A LINE BEING 302.21 FEET, THENCE DEPARTING SAID RIGHT-OF-WAY LINE GO S16°21'15"E ALONG A LINE BEING 110' 5.00" IN LENGTH AND PERPENDICULAR TO THE EAST LINE OF THE GULF POWER COMPANY EASEMENT (100' R/W) A DISTANCE OF 288.79 FEET; THENCE GO S88°23'43"E A DISTANCE OF 287.60' TO THE WEST LINE OF LOT 1, A BEING IN A PORTION OF GOVERNMENT LOT 3, SECTION 42, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA.

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

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

ROBERTSON BRAZWELL, L.L.C.
FIRST AMERICAN TITLE INSURANCE COMPANY

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

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

REVISIONS	FIELD BOOK	DATE
POSSIBLE ENCROACHMENTS:		



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN FLORIDA ADMINISTRATION CODE CHAPTER 59-17.060, 59-17.061 AND 59-17.062, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

PROFESSIONAL SURVEYOR AND MAPPER, NO. 6786, STATE OF FLORIDA
APRIL 2, 2013
LELAND M. EMPIRE, P.S.M.

TYPE OF SURVEY:	BOUNDARY WITH IMPROVEMENTS	BEARING BASIS	SOUTHERLY R/W FENWICK ROAD S72°33'45"W (D)	CLIENT	ROBERTSON BRAZWELL, L.L.C.
GENERAL NOTES: 1. Fence locations as drawn are not to scale. 2. Jurisdiction (Wetlands) boundary lines not located unless shown on drawing. 3. Footings, foundations, or any other subsurface structures were not located unless otherwise noted. 4. All bearings and/or angles and distances are Deed and Actual unless otherwise noted; Deed = (D); Actual Field Measurement = (F); Plat = (P) 5. All measurements were made in accordance with United States standards. The accuracy shown meet the standards required in the appropriate land area. 6. No Title Search of the Public Records has been performed by this firm and lands shown hereon were not abstracted by this firm for ownership, easements, or right-of-ways. The parcel shown hereon may be subject to setbacks, easements, zoning, and restrictions that may be found in the Public Records of said County.					
SOURCE OF INFORMATION: FIELD EVIDENCE DEEDS OF RECORD O.R. BOOK 5949, PAGE 520 HENRIETTA ACRES PLAT RECORDED IN: PLAT BOOK 5, PAGE 2					
PRIOR SURVEYS/DRAWINGS					



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

Meeting Date: 5-6-2013

Rezoning Quasi-judicial Hearing

Rezoning Case #: 2013-07

OR

Regular Planning Board Meeting

Agenda Item Number/Description: _____

☒ In Favor ☐ Against

*Name: Buddy PAGE

*Address: 5337 Hamilton *City, State, Zip: PAGE

Email Address: buddy1@mcsl.com 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.

All items with an asterisk * are required.

Chamber Rules

1. All who wish to speak will be heard and granted uniform time to speak (normally 3 – 5 minutes).
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. 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.
6. Speakers will refrain from the use of obscene language, "fighting words" likely to incite violence from the individual(s) to whom the words are addressed, or other language which is disruptive to the orderly and fair progress of discussion at the meeting.
7. During public hearings, at the Chairman's discretion, if there is a controversial item in which Escambia County citizens are involved, he may institute a provision against clapping, if he/she feels that clapping or the noise will deter open speech between the two parties.



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Escambia County Planning Board
Public Hearing
Speaker Request Form

Please Print Clearly

Meeting Date: 5/6/13

Rezoning Quasi-judicial Hearing

Rezoning Case #: Z-2013-07

OR

Regular Planning Board Meeting

Agenda Item Number/Description: _____

_____ In Favor X Against _____

*Name: Robin Foster

*Address: 226 Windstone Dr. *City, State, Zip: Pensacola, FL 32526

Email Address: Swimmer1.rf@gmail.com Phone: 850 5256212

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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www.myesccambia.com

Escambia County Planning Board
Public Hearing
Speaker Request Form

Please Print Clearly

Meeting Date: 5/6/13

Rezoning Quasi-judicial Hearing

Rezoning Case #: 2-2013-07 OR

Regular Planning Board Meeting

Agenda Item Number/Description: _____

_____ In Favor ☒ Against

*Name: Jenifer Suarez

*Address: 2371 Windstone Dr *City, State, Zip: Pensacola FL 32524

Email Address: jenifer9892@yahoo.com Phone: 293-4993

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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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME DAVIS, DOROTHY MESSIER		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING ZONING	
MAILING ADDRESS 8300 Wildlake Rd.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY Pensacola FL	COUNTY Escambia	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED 5-6-2013		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Dorothy M. Davis, hereby disclose that on May 6, 20 13:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows: -

*I am acquainted with the owners of the
property being rezoned 2-2013
(Robertson and Brazwell, LLC)*

5-6-2013
Date Filed

D.M. Davis
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.