

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
September 10, 2012–8:35 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Proof of Publication.
3. Approval of Minutes.
 - A. **RECOMMENDATION**: That the Planning Board review and approve the Meeting Resume' Minutes of the August 13, 2012 Quasi-Judicial Rezoning Meeting and Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for August 2012.
 - C. Planning Board 6-Month Outlook for September 2012.
4. Public Hearings.
 - A. A Public Hearing - LDC Ordinance - Administrative Appeals
A Public Hearing Concerning the Review of an Ordinance Amending Articles 2 Administration

That the Planning Board review and recommend to the Board of County Commissioners (BCC) an Ordinance amending part III of the Escambia County Code of Ordinances (1999), the Land Development Code, as amended; Amending Article 2, Section 2.02.04., and Article 2, Section 2.04.00. of the Land Development Code by divesting the Escambia County Board of Adjustment of jurisdiction over appeals of administrative decisions regarding building permits issued by the Escambia County building inspections department.
5. Action/Discussion/Info Items.
 - A. Discussion-LDC Ordinance Barrier Island Lighting
 - B. Discussion-Will the Planning Board consider reviewing Chapters 1, 2, 3, of the LDC for review and approval.
6. Public Forum.
7. Director's Review.

8. County Attorney's Report.
9. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Monday, October 8, 2012 at 8:30 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

10. Announcements/Communications.
11. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

3.

Meeting Date: 09/10/2012

Information

Agenda Item:

Approval of Minutes.

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the August 13, 2012 Quasi-Judicial Rezoning Meeting and Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for August 2012.

C. Planning Board 6-Month Outlook for September 2012.

Attachments

Quasi-Judicial Resume'

Planning Board Regular Mtg Resume'

Monthly Action Follow-Up Report

Six Month Outlook

DRAFT

RESUMÉ OF THE QUASI-JUDICIAL HEARING August 13, 2012

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:30 A.M. – 9:05 A.M.)
(9:22 A.M. – 9:58 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)
Bruce Stitt, Navy (non-voting)

Staff Present: Stephen West, Assistant County Attorney
Horace Jones, Division Mgr., Planning & Zoning
Andrew Holmer, Sr. Planner, Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Allyson Cain, Urban Planner, Planning & Zoning
John Fisher, Urban Planner, Planning & Zoning

1. Meeting was called to Order at 8:31 a.m. Recessed at 9:05 a.m. to discuss Small Scale Amendment, SSA-2012-02, Hanks Road and Large Scale Amendment CPA-2012-02, Hanks Road.
2. Invocation/Pledge of Allegiance to the Flag were given by Mr. Wingate.
3. Proof of Publication was given by the Planning Board Coordinator.

Motion by Dorothy Davis, Seconded by David Luther Woodward
Motion to accept staff findings and waive the reading of the legal advertisement.

Vote: 7 - 0 Approved - Unanimously

4. Quasi-judicial Process Explanation.

5. Public Hearings.

A. Z-2012-09 (Remanded by BCC 6/28/12)

Address: 2006 Border St
From: R-5, Urban Residential/Limited
Office District, (cumulative) High
Density and ID-1, Light Industrial
District (cumulative) (no
residential uses allowed)
To: ID-2, General Industrial District
(noncumulative)

Mr. 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 David Luther Woodward, Seconded by Dorothy Davis
Motion was made to table the rezoning case until the September 10, 2012 meeting to allow staff time to revise the findings to ID-1 and provide applicant enough time to review.

Vote: 7 - 0 Approved - Unanimously

B. Z-2012-12

Address: Hanks Rd
From: P, Public District
To: VAG-1, Villages Agriculture District

No planning board member acknowledged visiting the site.

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

Mr. Woodward refrained from voting on this matter due to any conflict of interest.

Motion by Robert V. Goodloe, Seconded by Karen Sindel
Motion made to approve rezoning case and to adopt staff findings. The rezoning will be contingent upon the small scale amendment being adopted by the BCC.

Vote: 7 - 0 Approved - Unanimously

C. Z-2012-17

Address: 3840 Navy Blvd
From: R-2, Single Family District
(cumulative)

To: C-1, Retail Commercial District
(cumulative)

No planning board member 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 Dorothy Davis, Seconded by Alvin Wingate

Motion was made to approve the rezoning case and adopt the staff findings of fact.

Vote: 7 - 0 Approved - Unanimously

6. Meeting adjourned at 9:58 a.m.

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD August 13, 2012

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(10:15 A.M. – 11:25 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)
Bruce Stitt, Navy (non-voting)

Staff Present: Stephen West, Assistant County Attorney
Horace Jones, Division Mgr., Planning & Zoning
Andrew Holmer, Sr. Planner, Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Allyson Cain, Urban Planner, Planning & Zoning
John Fisher, Urban Planner, Planning & Zoning

Attendees: David Forte, CRA Representative

1. Meeting was called to order at 10:15 a.m.
2. Proof of Publication was given by the Planning Board Coordinator.
3. Approval of Minutes.

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the July 9, 2012 Quasi-Judicial Rezoning Meeting and Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for July 2012.

C. Planning Board 6-Month Outlook for August 2012.

Motion by Alvin Wingate, Seconded by Dorothy Davis
Motion was made to approve resume minutes of the July 9, 2012 meeting.

Vote: 7 - 0 Approved - Unanimously

5. Public Hearings.

- A. A Public Hearing - Comprehensive Plan Small Scale Amendment SSA-2012-02 That the Planning Board review and make recommendation to the Board of County Commissioners (BCC) Comprehensive Plan Small Scale Amendment (SSA) 2012-02; amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive plan, as amended; amending the Future Land Use Map designation.

Motion by Tim Tate, Seconded by David Luther Woodward
The motion was made to accept staff finding and adopt SSA-2012-02.

Vote: 7 - 0 Approved - Unanimously

- B. A Public Hearing - Comprehensive Plan Large Scale Amendment CPA-2012-02 That the Planning Board review and recommend to the Board of County Commissioners (BCC) Comprehensive Plan Amendment (CPA) 2012-02 for transmittal to the Department Of Economic Opportunity (DEO), amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive plan, as amended; amending the Future Land Use Map designation.

Motion by Tim Tate, Seconded by Dorothy Davis
The motion was made to accept staff findings and adopt CPA-2012-02.

Vote: 7 - 0 Approved - Unanimously

- C. A Public Hearing - Comprehensive Plan Text Amendment - House Bill 503 That the Planning Board review and recommend to the Board of County Commissioners (BCC) an Ordinance amending the Comprehensive Plan 2030 consistent with Chapter 2012-205, Laws Of Florida; removing references from the Comprehensive Plan 2030 requiring an applicant to obtain a permit or approval from any State or Federal agency as a condition of processing a development permit under certain conditions.

Motion by Robert V. Goodloe, Seconded by Karen Sindel
The motion was made to approve Comp Plan Text Amendment HB 503.

Vote: 7 - 0 Approved - Unanimously

- D. A Public Hearing - Land Development Code Amendment - House Bill 503 That the Planning Board review and recommend to the Board of County Commissioners (BCC) an Ordinance amending the Escambia County Land Development Code (LDC), Consistent With Chapter 2012-205, Laws Of Florida; Amending Articles, 2, 4, 7, And 12 of the Land Development Code; Removing references from the LDC requiring an applicant to obtain a permit or approval from any State or Federal Agency as a condition of processing a development permit.

Motion by Karen Sindel, Seconded by David Luther Woodward
Motion was to approve LDC Amendment HB 503.

Vote: 7 - 0 Approved - Unanimously

6. Action/Discussion/Info Items.
 - A. Discussion - Ordinance for Administrative Appeals
No direction or comments given by the Board.
 - B. Discussion - Navy Presentation
Bruce Stitt gave presentation on Oceana mishap.
 - C. Discussion - Modest proposal by David Luther Woodward.
During the rezoning cases suggestion was made that the Board hear from the applicant and be given the end result of the findings if no objection from the public.
7. Public Forum.
8. Director's Review.
9. County Attorney's Report.
10. Scheduling of Future Meetings.
The next Regular Planning Board meeting is scheduled for **Monday, September 10, 2012 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. Meeting adjourned at 11:25 a.m.



T. Lloyd Kerr, AICP, Director
Development Services

MEMORANDUM

TO: Planning Board

FROM: Denise Halstead
Planning & Zoning Division

DATE: August 31, 2012

RE: Monthly Action Follow-Up Report for August 2012

Following is a status report of Planning Board (PB) Agenda Items for the Month of **August**. 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 at Perdido Bay Community Center
10/15–10/22	Charrette

COMMITTEES & WORKING GROUP MEETINGS

- 11/12/12 LDC Re-write Workshop
12/10/12 Planning Board-Public Hearing

COMPREHENSIVE PLAN AMENDMENTS

- 1. Comprehensive Plan Text Amendment - Ordinance amending the 2030 Escambia County Comprehensive Plan to remove all references to Florida Rule 9J-5; to remove all references to Department of Community Affairs and replace with Florida Department of Economic Opportunity (FDEO); to remove all references to Florida Statute 163.3101 and replace with Florida Statute 163.3161.**

01/09/12	PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment.
03/01/12	BCC approved transmittal to DEO
05/17/12	BCC adopted

07/09/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment repealing and replacing Ordinance 2012-18.

08/09/12 BCC approved

- 2. Comprehensive Plan Text Amendment – FLU 5 OSP (CPA 2012-03) Ordinance amending the Escambia County Comprehensive Plan 2030, amending policy FLU 5.5.2 regarding the locational criteria for traditional urban neighborhoods, new suburban neighborhoods and conservation neighborhoods in specific area plans.**

07/09/12 PB reviewed and recommended to the Board of County Commissioners transmittal to the Department of Economic Opportunity (DEO).

08/09/12 BCC approved transmittal to DEO.

- 3. Comprehensive Plan Text Amendment- Small Scale Amendment (SSA-2012-02) amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use Map designation.**

08/13/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment.

- 4. Comprehensive Plan Text Amendment- Large Scale Amendment (CPA-2012-02) amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use Map designation.**

08/13/12 PB reviewed and recommended to the Board of County Commissioners transmittal to the Department of Economic Opportunity (DEO).

- 5. Comprehensive Plan Text Amendment – House Bill 503, amending the Comprehensive Plan 2030 consistent with Chapter 2012-205, Laws of Florida; removing references from the Comprehensive Plan 2030 requiring an applicant to obtain a permit or approval from any State or Federal agency as a condition of processing a development permit under certain conditions.**

08/13/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment.

LAND DEVELOPMENT CODE ORDINANCES

- 1. Article 3 Local Criteria for Local Roads**

05/14/12 PB recommended approval of the ordinance

08/09/12 BCC approved

- 2. Article 13 Flood Plain Revision - SRIA**

05/14/12 PB recommended approval of the ordinance

08/09/12 BCC approved

- 3. Article 2, 4, 7, 12 - House Bill 503**

08/13/12 PB recommended approval of the ordinance

REZONING CASES

1. Rezoning Case Z-2012-09

05/14/12 PB recommended denial of rezoning

06/28/12 BCC remanded case to the Planning Board to consider rezoning the R-5 portion to ID-1

08/13/12 PB recommended staff revise findings for ID-1 and bring back to the September 10th PB meeting

10/04/12 BCC meeting

2. Rezoning Case Z-2012-12

08/13/12 PB recommended approval of rezoning

08/23/12 BCC approved

3. Rezoning Case Z-2012-13

07/09/12 PB recommended approval of rezoning

08/09/12 BCC approved

4. Rezoning Case Z-2012-14

07/09/12 PB recommended approval of rezoning

08/09/12 BCC approved

5. Rezoning Case Z-2012-15

07/09/12 PB recommended approval of rezoning

08/09/12 BCC approved

6. Rezoning Case Z-2012-17

08/13/12 PB recommended approval of rezoning

09/06/12 BCC meeting

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR SEPTEMBER 2012

(Revised 08/31/12)

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 Public Hearing	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
Monday, September 10, 2012	<ul style="list-style-type: none"> • Ord-Administrative Appeals 		<ul style="list-style-type: none"> • Z-2012-09 • Z-2012-16 • Z-2012-18 • Z-2012-19 • Z-2012-20 • Z-2012-21 	<ul style="list-style-type: none"> • Ord-Barrier Island Lighting • Will PB consider reviewing Chapters 1,2,3 of LDC for review and approval
Monday, October 8, 2012	<ul style="list-style-type: none"> • Ord-Barrier Island Lighting 		<ul style="list-style-type: none"> • Z-2012-22 • Z-2012-23 	
Monday, November 5, 2012				<ul style="list-style-type: none"> • Replace Flood Plain Ord
Monday, December 10, 2012	<ul style="list-style-type: none"> • LDC Re-write 			
Monday, January 14, 2013				
Monday, February 11, 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.



BOARD OF COUNTY COMMISSIONERS Escambia County, Florida

Planning Board-Regular

4. A.

Meeting Date: 09/10/2012

Issue: A Public Hearing - LDC Ordinance - Administrative Appeals

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

Information

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Articles 2 Administration

That the Planning Board review and recommend to the Board of County Commissioners (BCC) an Ordinance amending part III of the Escambia County Code of Ordinances (1999), the Land Development Code, as amended; Amending Article 2, Section 2.02.04., and Article 2, Section 2.04.00. of the Land Development Code by divesting the Escambia County Board of Adjustment of jurisdiction over appeals of administrative decisions regarding building permits issued by the Escambia County building inspections department.

BACKGROUND:

Through its Land Development Code, the Escambia County Board of County Commissioners has established an Escambia County Board of Adjustment and has vested the Board of Adjustment with the authority to hear appeals of certain administrative decisions rendered by Escambia County staff. The Board of Adjustment presently has the authority to hear appeals of administrative decisions approving the issuance of building permits by the Escambia County Building Inspections Department. However, County staff believes that this appeals process fosters uncertainty and delay for building permit applicants and could unduly restrict construction and development. Accordingly, County staff is seeking to divest the Board of Adjustment of its jurisdiction over administrative appeals related solely to the approval of building permits. An applicant or an affected party would still retain the right to challenge any building permit approvals through court or any other available legal means.

BUDGETARY IMPACT:

No budgetary impact is anticipated by the adoption of this Ordinance.

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached Ordinance has been reviewed and approved for legal sufficiency by Ryan Ross, Assistant County Attorney. Any recommended legal comments are attached herein.

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Ordinance Draft

ORDINANCE NUMBER 2012-_____

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE, AS AMENDED; AMENDING ARTICLE 2, SECTION 2.02.04., AND ARTICLE 2, SECTION 2.04.00. OF THE LAND DEVELOPMENT CODE BY DIVESTING THE ESCAMBIA COUNTY BOARD OF ADJUSTMENT OF JURISDICTION OVER APPEALS OF ADMINISTRATIVE DECISIONS REGARDING BUILDING PERMITS ISSUED BY THE ESCAMBIA COUNTY BUILDING INSPECTIONS DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its Land Development Code, the Escambia County Board of County Commissioners has established an Escambia County Board of Adjustment and has vested the Board of Adjustment with the authority to hear appeals of certain administrative decisions rendered by Escambia County staff; and

WHEREAS, the Board of Adjustment presently has the authority to hear appeals of administrative decisions related to the issuance of building permits made by the Escambia County Building Inspections Department; and

WHEREAS, to eliminate uncertainty and delay for building permit applicants, the Board of County Commissioners seeks to divest the Board of Adjustment of its authority to hear appeals of administrative decisions approving the issuance of building permits.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Article 2, Section 2.02.04., is hereby amended as follows:

2.02.00. Permits required.

2.02.04. Appeals, variances and conditional uses. No permit or development order may be issued by the county administrator, or his/her designee, for any development if such development would violate the terms and conditions of this Code. If an application for a conditional use, variance or administrative appeal, as defined and regulated by this Code, has been submitted, no permit or development order, with or without conditions, will be issued until the matter has been resolved pursuant to the provisions of this article.

Section 2. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Article 2, Section 2.04.00., is hereby amended as follows:

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2.04.00 Appeal of administrative decisions.

When it is alleged that there is an error in any order, requirement, decision or determination regarding issuance or denial of a development order, land use certificate or permit made by an administrative official in the administration of this chapter, the issue in dispute shall be taken before the board of adjustment. For cases on Pensacola Beach, the appeal shall first be reviewed by the Santa Rosa Island Authority Board, which shall then forward a recommendation to the BOA. An action sufficient to confer standing on a person aggrieved by an administrative decision, or administration of the Land Development Code would be an official action granting, denying or granting with conditions an application for a development order, ~~permit~~ or land use certificate, or an administrative decision denying an application for a building permit issued by the Escambia County Building Inspections Department. This section shall not apply to citations issued by code enforcement officers or to administrative decisions approving a building permit issued by the Escambia County Building Inspections Department.

Section 3. Severability.

It is declared the intent of the Board of County Commissioners that if any subsection, clause, sentence, provision or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 4. Inclusion in Code.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the sections, subsections and other provisions of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Effective Date.

This Ordinance shall become effective upon filing with the Department of State.

DRAFT

1 **DONE AND ENACTED** this _____ day of _____, 2012.

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3 **BOARD OF COUNTY COMMISSIONERS**
4 **OF ESCAMBIA COUNTY, FLORIDA**

5
6 **By:** _____
7 **Wilson B Robertson, Chairman**

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10 **ATTEST: ERNIE LEE MAGAHA**
11 **Clerk of the Circuit Court**

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13 **By:** _____
14 **Deputy Clerk**

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16 **(SEAL)**

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18 **ENACTED:**

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20 **FILED WITH THE DEPARTMENT OF STATE:**

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22 **EFFECTIVE DATE:**