

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
November 5, 2012–8:35 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.
4. A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the October 8, 2012 Quasi-Judicial Rezoning and Planning Board Meeting.

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

C. Planning Board 6-Month Outlook for November 2012.
5. Public Hearings.
 - A. Comprehensive Plan - Small Scale Amendment SSA 2012-04
That the Planning Board review and recommend adoption to the Board of County Commissioners (BCC) a Small Scale Amendment SSA-2012-04; 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.
 - B. Comprehensive Plan - Small Scale Amendment SSA-2012-05
That the Planning Board review and recommend to the Board of County Commissioners (BCC) Comprehensive Plan Small Scale Amendment (SSA) 2012-05; 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.
 - C. Comprehensive Plan Amendment - Large Scale Amendment CPA 2012-06
That the Planning Board review and forward Comprehensive Plan Amendment (CPA) 2012-06 to the Board of County Commissioners (BCC) 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 203, as amended; amending Future Land Use element MU-PK.

D. LDC Ordinance - Article 6, Zoning District, Perdido Key
A Public Hearing Concerning the Review of an Ordinance Amending Article 6

That the Planning Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 6, Zoning Districts

6. Discussion/Action Item
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, December 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. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4.

Meeting Date: 11/05/2012

Information

Agenda Item:

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the October 8, 2012 Quasi-Judicial Rezoning and Planning Board Meeting.

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

C. Planning Board 6-Month Outlook for November 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 OF THE ESCAMBIA COUNTY PLANNING BOARD October 8, 2012

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:30 A.M. – 10:55 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: Lloyd Kerr, Director, Development Services
Stephen West, Assistant County Attorney
Andrew Holmer, Senior. Planner, Planning & Zoning
Horace Jones, Division Mgr., Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning

Attendees: David Forte, CRA Project Manager
Karla Moreno, Director's Aide

1. The Meeting was called to order at 8:30 a.m.
2. Invocation/Pledge of Allegiance were given by Mr. Wingate.
3. Proof of Publication was given by Andrew Holmer, Senior Planner, Planning & Zoning.

Motion by Karen Sindel, Seconded by Tim Tate

Motion was to waive the reading of the legal advertisement.

Vote: 7 - 0 Approved - Unanimously

4. Quasi-judicial Process Explanation.

Motion by Robert V. Goodloe, Seconded by Karen Sindel

Motion was to accept the Planning Board packet with staff findings of fact.

Vote: 7 - 0 Approved - Unanimously

5. Public Hearings.

A. Z-2012-22

Applicant: Jimmie L. Black, Jr., Agent for
New Birth Baptist Church of
Pensacola, Inc.

Address: 1610 N "Q" St.

From: R-2, Single-Family District
(cumulative) Low-Medium
Density and R-3, One- and
Two-Family District
(cumulative) Medium Density

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

Motion by Tim Tate, Seconded by Dorothy Davis

Speakers: Jimmie L. Black, Jr., Agent, Pastor Floyd Peacock, Maurice Willis,
David Forte, CRA Project Manager

No Planning Board member acknowledged any ex parte communication
regarding this item.

Mr. Goodloe and Ms. Sindel acknowledged visiting the site.

No Planning Board member refrained from voting on this matter due to any
conflict of interest.

Motion was to recommend approval of the Rezoning Application Z-2012-22 from
R-2, Single-Family District (cumulative), Low-Medium Density and R-3, One- and
Two-Family District (cumulative), Medium Density, to R-5, Urban
Residential/Limited Office District (cumulative) High Density, to the Board of
County Commissioners and adopt the findings of fact presented by staff for
Criterion 1, 4, and 5, and find that with Criterion 2, 3, and 6, R-5, Urban
Residential/Limited Office District (cumulative) High Density, is a compatible use
and is not "spot zoning."

Vote: 7 - 0 Approved - Unanimously

B. Z-2012-23

Applicant: Michael Russo, Agent for
Edna Munro, Owner
Address: 1926 Creighton Rd
From: R-2, Single-Family District
(cumulative) Low-Medium
Density/C-1 Retail
Commercial District
(cumulative)
To: C-1 Retail Commercial District
(cumulative)

Motion by David Luther Woodward, Seconded by Tim Tate

Speakers: Michael Russo Agent

No Planning Board member acknowledged any ex parte communication regarding this item.

Ms. Sindel and Mr. Wingate acknowledged visiting this site.

No Planning Board member refrained from voting on this matter due to any conflict of interest.

Motion was to recommend approval of the Rezoning Application Z-2012-23 from R-2, Single-Family District (cumulative) Low-Medium Density/C-1 Retail Commercial District (cumulative), to C-1, Retail Commercial District (cumulative), to the Board of County Commissioners, and adopt the findings of fact presented by staff.

Vote: 7 - 0 Approved - Unanimously

C. Z-2012-24

Applicant: Wiley C. "Buddy" Page, Agent
for Warren Brown & Kathleen
Horton-Brown
Address: 1100 Conference Rd.
From: VAG-2, Villages Agriculture
District
To: V-2, Villages Single-Family
Residential, Medium Density -
Gross Density (two units per
acre)

Motion by Tim Tate, Seconded by Robert V. Goodloe

Speakers: Wiley C. "Buddy" Page

No Planning Board member acknowledged any ex parte communication regarding this item.

Mr. Wingate and Ms. Sindel acknowledged visiting this site.

No Planning Board member refrained from voting on this matter due to any conflict of interest.

Motion was to recommend approval of the Rezoning Application Z-2012-24, from VAG-2, Village Agriculture District, to V-2, Villages Single-Family Residential, Medium Density - Gross Density (two units per acre), to the Board of County Commissioners, and adopt the findings of fact presented by staff.

Vote: 7 - 0 Approved - Unanimously

D. Z-2012-25

Applicant: Freddy Powell, Owner

Address: 617 N 70th Ave. & 7008 W
Jackson St

From: R-2, Single-Family District
(cumulative) Low-Medium
Density

To: C2NA, General Commercial
and Light Manufacturing
District (cumulative); no sale
of alcohol allowed

Motion by Robert V. Goodloe, Seconded by Karen Sindel

Speakers: C. Freddy Powell, Nancy Clark, Keith Clark

No Planning Board member acknowledged any ex parte communication regarding this item.

Mr. Goodloe, Mr. Briske, Mr. Wingate, and Ms. Sindel acknowledged visiting the site.

No Planning Board member refrained from voting on this matter due to any conflict of interest.

Motion was to recommend denial of the Rezoning Application Z-2012-25, from R-2, Single-Family District (cumulative) Low-Medium Density, to C2NA, General Commercial and Light Manufacturing District (cumulative); no sale of alcohol allowed, to the Board of County Commissioners and adopt the findings of fact presented by staff.

Vote: 7 - 0 Approved - Unanimously

6. Quasi-Judicial Meeting adjourned at 10:55 a.m.

Mr. Woodward advised he had to leave the Meeting at this time.

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD October 8, 2012

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(10:55 A.M. – 2:07 P.M.)

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

Absent: David Luther Woodward

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

Attendees: Timothy R. Day, Env. Program Manager
Karla Moreno, Director's Aide

1. The Meeting was called to order at 10:55 a.m.
2. Proof of Publication was given by Andrew Holmer, Senior Planner, Planning & Zoning.
3. Approval of Minutes.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the September 10, 2012, Quasi-Judicial Rezoning Meeting and Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for September 2012.
 - C. Planning Board Six-Month Outlook for October, 2012.

Chairman Briske advised the Monthly Follow-up and Planning Board Six-Month Outlook Reports would be provided later in the Meeting.

Motion by Dorothy Davis, Seconded by Tim Tate

Motion to approve the September 10, 2012, Planning Board Meeting Minutes.

Vote: 6 - 0 Approved - Unanimously

Motion by Robert V. Goodloe, Seconded by Karen Sindel

Motion to approve the September 10, 2012, Quasi-Judicial Rezoning Meeting Minutes.

Vote: 6 - 0 Approved - Unanimously

4. Public Hearings.

A. A Public Hearing Concerning the Review of an LDC Ordinance Amending Article 2 Administration

That the Planning Board review and recommend to the Board of County Commissioners (BCC) an LDC 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.

Motion by Robert V. Goodloe, Seconded by Karen Sindel

Motion was made to confirm the Planning Board's decision at last month's Meeting to go forward to the Board of County Commissioners (BCC).

Vote: 6 - 0 Approved - Unanimously

B. LDC Ordinance - Article 3 & 7 - Marine Turtle Lighting and Protection Ordinance

That the Planning Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 3 "Definitions", Article 7.03.00 "Barrier Island Lighting", and Article 7.13.00 "Wetlands and Environmentally Sensitive Lands" .

Two handouts were received (but not officially voted to be accepted into the record) - from Robert Rinke, Levin Rinke Resort Realty (in support of adopting a reasonable turtle friendly lighting Ordinance in which new developments will

initially comply and give existing properties in the community up to five years to comply with the Ordinance once put into place), and Rob Babcock, Premier Island Management Group (in support of amending Article 7 of the Escambia County Land Development Code, to establish lighting standards on Escambia County barrier islands, as well as prohibit other activities that contribute to the disruption of nesting sea turtles, their hatchlings, and other coastal wildlife).

Motion by Karen Sindel, Seconded by Robert V. Goodloe

Motion was to formally recognize going from a Public Hearing where the Planning Board makes a recommendation to a discussion item which will then come back after proper legal notification and advertisement as a Public Hearing item on which the Planning Board will then take action.

Vote: 6 - 0 Approved - Unanimously

C. A Public Hearing - Small Scale Amendment SSA 2012-03

That the Planning Board review and recommend adoption to the Board of County Commissioners (BCC) of a Small Scale Amendment - SSA 2012-03; 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 Robert V. Goodloe

Motion was to recommend approval to the Board of County Commissioners (BCC).

Vote: 6 - 0 Approved - Unanimously

5. Action/Discussion/Info Items.

A. Planning Board Interpretation(PBI 2012-03) - Gasoline Distribution Business in C-2

Request for Planning Board interpretation on Gasoline Distribution Business in C-2 Zoning District.

Motion by Tim Tate, Seconded by Karen Sindel

Motion was to recommend to the Board of County Commissioners (BCC) that the operation of fuel truck dispatch and transportation business be an allowable use within C-2 (General Commercial District) zoning across the board.

Vote: 6 - 0 Approved - Unanimously

- B. CPA-2012-06 - Amending Future Land Use Element MU-PK; removing certain restrictions on development, height, and density.

Presented by Andrew Holmer

Staff to present draft at next Planning Board Meeting.

- C. LDC Ordinance - Article 6 Zoning Districts, CCPK

Presented by Andrew Holmer

Staff to present draft at next Planning Board Meeting.

- 6. Public Forum.

- 7. Director's Review.

Mr. Kerr advised that the Board of County Commissioners (BCC) had remanded a Rezoning Case to the Planning Board, and upon inquiry from Planning Board members, confirmed that it was the Rezoning Case involving Border Street (Z-2012-09, 2006 Border Street). The Planning Board was advised that staff's findings had not changed.

Mr. Kerr advised the Planning Board of the upcoming Perdido Key Master Plan Design Charette beginning Monday, October 15, 2012, and concluding Monday, October 22, 2012, at Villaggio of Perdido Key (13770 Perdido Key Drive), with public presentations at Perdido Bay Community Center (13660 Innerarity Road), and encouraged members to attend, if possible.

Mr. Kerr introduced his assistant, Karla Moreno, Director's Aide, and advised she would be attending Planning Board Meetings in an effort to become more familiar with the issues they addressed, and would begin preparing the Growth Management Report.

- 8. County Attorney's Report.

Mr. West explained the definition of "spot zoning," and clarified the criteria for meeting the designation.

- 9. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Monday, November 5, 2012 at 8:35 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

The Planning Board discussed the possibility of combining the November 5th and 19th Meetings (with a lunch break to be planned); however, it was ultimately decided to leave both meetings as originally scheduled.

The Planning Board also requested that, in the future, items that require little to no discussion be placed at the front of the agenda.

10. Announcements/Communications.
11. The Meeting adjourned at 2:07 p.m.



T. Lloyd Kerr, AICP, Director
Development Services

MEMORANDUM

TO: Planning Board

FROM: Kayla Meador
Planning & Zoning Division

DATE: October 19, 2012

RE: Monthly Action Follow-Up Report for October 2012

Following is a status report of Planning Board (PB) agenda items for the prior month of **October**. 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

COMMITTEES & WORKING GROUP MEETINGS

- 11/19/12 LDC Re-write Workshop (Map and Text)
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 Map 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.

08/23/12 BCC approved

4. **Comprehensive Plan Map 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).

08/23/12 BCC approved transmittal to 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 CPA 2012-04.

09/06/12 BCC approved transmittal to DEO

6. **Comprehensive Plan Map Amendment- Small Scale Amendment (SSA-2012-03) 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.**

10/8/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment SSA 2012-03.

11/1/12 BCC to review

7. **Comprehensive Plan Map Amendment- Small Scale Amendment (SSA-2012-04) 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.**

11/05/12 PB to review and forward to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment SSA 2012-04.

8. Comprehensive Plan Map Amendment- Small Scale Amendment (SSA-2012-05) 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.

11/05/12 PB to review and forward to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment SSA 2012-05.

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
9/06/12 BCC Adopted

4. Article 2 Appeals

09/10/12 PB rejected the ordinance to the BCC
10/04/12 BCC meeting- Administrator Pulled & sent back to PB
10/08/12 PB to review and make recommendation to BCC
11/01/12 BCC to review

5. Article 7 Barrier Island Lighting

10/08/12 PB discussed 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
09/10/12 PB recommended denial of rezoning
10/04/12 BCC remanded back to PB
11/05/12 PB 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-2012-16**
09/10/12 PB recommended approval of rezoning
TBD BCC meeting- waiting on Future Land Use Change approval from DEO
- 7. Rezoning Case Z-2012-17**
08/13/12 PB recommended approval of rezoning
09/06/12 BCC approved
- 8. Rezoning Case Z-2012-18**
09/10/12 PB recommended approval of rezoning
10/04/12 BCC approved
- 9. Rezoning Case Z-2012-19**
09/10/12 PB recommended approval of rezoning
10/04/12 BCC approved
- 10. Rezoning Case Z-2012-20**
09/10/12 PB recommended approval of rezoning
10/04/12 BCC approved
- 11. Rezoning Case Z-2012-21**
09/10/12 PB recommended approval of rezoning
10/04/12 BCC approved
- 12. Rezoning Case Z-2012-22**
10/08/12 PB recommended approval of rezoning
11/01/12 BCC meeting
- 13. Rezoning Case Z-2012-23**
10/08/12 PB recommended approval of rezoning
11/01/12 BCC meeting
- 14. Rezoning Case Z-2012-24**
10/08/12 PB recommended approval of rezoning
11/01/12 BCC meeting
- 15. Rezoning Case Z-2012-25**
10/08/12 PB recommended denial of rezoning
11/01/12 BCC meeting

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR OCTOBER 2012

(Revised 09/20/12)

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, October 8, 2012	<ul style="list-style-type: none"> • Ord-Barrier Island Lighting • Administrative Appeals 	SSA-2012-03	<ul style="list-style-type: none"> • Z-2012-22 • Z-2012-23 • Z-2012-24 • Z-2012-25 	PBI- 2012-03 CPA-2012-06-FLU MU-U LDC Ord CCPK zoning
Monday, November 5, 2012	<ul style="list-style-type: none"> • CIP Annual Report Update 	SSA-2012-04 SSA-2012-05	<ul style="list-style-type: none"> • Z-2012-09 • Z-2012-26 • Z-2012-27 	
Monday November 19, 2012 Workshop 8:30 a.m.	<ul style="list-style-type: none"> • LDC Text & Map 			<ul style="list-style-type: none"> • LDC Text & Map discussions
Monday, December 10, 2012	<ul style="list-style-type: none"> • LDC Re-write 			<ul style="list-style-type: none"> • PK MP Presentation
Monday, January 14, 2013				
Monday, February 11, 2013				
Monday, March 11, 2013				<ul style="list-style-type: none"> • JLUS

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

5. A.

Meeting Date: 11/05/2012

Issue: Comprehensive Plan - Small Scale Amendment SSA 2012-04

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

Information

RECOMMENDATION:

That the Planning Board review and recommend adoption to the Board of County Commissioners (BCC) a Small Scale Amendment SSA-2012-04; 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.

BACKGROUND:

Neal Bjorklund, Agent for Genesis Rail Services, LLC. requested an amendment to change the Future Land Use category for a parcel totaling 9.69 (+/-) acres from Agricultural (AG) to Industrial (I). The attached implementing Ordinance proposes amending Chapter 7 of the Comprehensive Plan, "Future Land Use Element", to amend the Year 2030 Future Land Use Map.

The proposed amendment consists of 9.69 (+/-) acres which is under the 10 acres or less requirement for a small scale amendment as stated in F.S. 163.3187(a). This amendment will not exceed the maximum of 120 acres in a calendar year as stated in F.S. 163.3187(b).

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

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

PERSONNEL:

No additional personnel are required for implementation of this Comprehensive Plan Amendment.

POLICY/REQUIREMENT FOR BOARD ACTION:

Comprehensive Plan Section 4.07 requires a public hearing review by the local planning agency (Planning Board) of any proposed amendment to the plan prior to adoption by the Board of County Commissioners in a subsequent public hearing.

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of an amendment to the Comprehensive Plan 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

[Draft Ordinance](#)

[Application Packet](#)

[Staff Analysis](#)

[Maps](#)

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: SSA 2012-04

Date: 10/17/12

Date requested back by: 10/22/12

Requested by: Allyson cain

Phone Number: _____

.....
(LEGAL USE ONLY)

Legal Review by 

Date Received: Oct. 18, 2012

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

COUNTY ATTORNEYS OFFICE

17 OCT 2012

PM01:10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

ORDINANCE NO. 2012-____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, 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 A PARCEL WITHIN SECTION 11, TOWNSHIP 4N, RANGE 33W, PARCEL NUMBER 4100-000-000, TOTALING 9.69 (+/-) ACRES, LOCATED ON ARTHUR BROWN ROAD, FROM AGRICULTURE (AG) TO INDUSTRIAL (I); PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County adopted its Comprehensive Plan on January 20, 2011; and

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend and enforce comprehensive plans for the development of the County; and

WHEREAS, the Escambia County Planning Board conducted a public hearing and forwarded a recommendation to the Board of County Commissioners to approve changes (amendments) to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Escambia County, Florida finds that the adoption of this amendment is in the best interest of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Escambia County, Florida, as follows:

Section 1. Purpose and Intent

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, Sections 163.3161 through 163.3215, Florida Statutes.

Section 2. Title of Comprehensive Plan Amendment

This Comprehensive Plan amendment shall be entitled – "Small Scale Amendment 2012-04."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

Section 3. Changes to the 2030 Future Land Use Map

The 2030 Future Land Use Map, as adopted by reference and codified in Part II of the Escambia County Code of Ordinances, the Escambia County Comprehensive Plan: 2030, as amended; Chapter 7, "Future Land Use Element," Policy FLU 1.1.1; and all notations, references and information shown thereon, is further amended to include the following future land use change:

A portion of Parcel Identification Number 11-4N-33-4100-000-000 totaling 9.69 (+/-) acres, as more particularly described by E. Wayne Parker, Professional Land Surveyor, Merrill Parker Shaw, Inc., in the description dated September 19, 2012, attached as Exhibit A, from Agriculture (AG) to Industrial (I).

Section 4. Severability

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Inclusion in the Code

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by Section 125.68, Florida Statutes, 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.

INTENTIONALLY LEFT BLANK

1 **Section 6. Effective Date**

2
3 Pursuant to Section 163.3187(5)(c), Florida Statutes, this Ordinance shall not become
4 effective until 31 days after adoption. If challenged within 30 days after adoption, this
5 Ordinance shall not become effective until the Department of Economic Opportunity or
6 the Administration Commission enters a final order determining the Ordinance to be in
7 compliance.
8

9
10 **DONE AND ENACTED** this _____ day of _____, 2012.

11
12 BOARD OF COUNTY COMMISSIONERS
13 OF ESCAMBIA COUNTY, FLORIDA
14

15
16 By: _____
17 Gene M. Valentino, Chairman
18

19 ATTEST: ERNIE LEE MAGAHA
20 CLERK OF THE CIRCUIT COURT
21

22
23 By: _____
24 Deputy Clerk
25

26
27 (SEAL)
28

29
30 ENACTED:

31
32 FILED WITH THE DEPARTMENT OF STATE:

33
34 EFFECTIVE DATE:
35
36
37

DESCRIPTION: (AS PREPARED BY MERRILL PARKER SHAW, INC.)**WEST TRACT**

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP-4-NORTH, RANGE-33-WEST, ESCAMBIA COUNTY, FLORIDA. THENCE GO NORTH 87 DEGREES 18 MINUTES 02 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, FOR A DISTANCE OF 61.47 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE ALABAMA AND GULF COAST RAILWAY; THENCE CONTINUE NORTH 87 DEGREES 18 MINUTES 02 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, FOR A DISTANCE OF 593.09 FEET FOR THE POINT OF BEGINNING; THENCE DEPARTING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, GO SOUTH 02 DEGREES 25 MINUTES 59 SECONDS WEST, FOR A DISTANCE OF 662.74 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11; THENCE GO NORTH 87 DEGREES 23 MINUTES 13 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11, FOR A DISTANCE OF 636.44 TO THE EAST LINE OF CYPRESS STREET; THENCE GO NORTH 02 DEGREES 25 MINUTES 59 SECONDS EAST ALONG THE EAST LINE OF SAID CYPRESS STREET, FOR A DISTANCE OF 663.70 FEET TO THE AFORESAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 11; THENCE DEPARTING THE EAST LINE OF SAID CYPRESS STREET GO SOUTH 87 DEGREES 18 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 11, FOR A DISTANCE OF 636.44 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBE PARCEL IS SITUATED IN SECTION 11, TOWNSHIP-4-NORTH, RANGE-33-WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 9.69 ACRES.

E. Wayne Parker 9/19/2012

E. WAYNE PARKER, PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NUMBER 3683, CORPORATE NUMBER 7174
STATE OF FLORIDA

NOT VALID WITHOUT
ORIGINAL RAISED SEAL
OF FLORIDA REGISTERED
LAND SURVEYOR

PAGE 1 OF 2



MERRILL PARKER SHAW, INC.
PROFESSIONAL CIVIL ENGINEERING AND SURVEYING

4928 N. Davis Highway
Pensacola, Florida 32503

Phone: (850) 478-4923
Fax: (850) 478-4924

DESCRIPTION/DESCRIPTION DRAWING
WEST TRACT

LOT 7 BLOCK 8
TOWN OF WALNUT HILL

SOUTH LINE OF
RAILROAD STREET

RAILROAD STREET (P)
PINE STREET (P)

OAK STREET (P)

NORTH LINE OF THE S.E. 1/4
OF THE N.E. 1/4 OF SECTION 11...

S87°16'29"E
44.35'

PARCEL ID#
11-4N-33-1100-005-006

SOUTH LINE OF THE NORTH 1/2
OF THE N.E. 1/4 OF THE S.E.
1/4 OF THE N.E. 1/4...

PARCEL ID#
11-4N-33-1401-000-000

PARCEL ID#
11-4N-33-1405-000-000

PARCEL ID#
11-4N-33-1403-000-000

NORTH LINE
OF THE S.E. 1/4...

S87°18'02"E 636.44'

POINT OF BEGINNING

NB7°18'02"W 593.09'

NB7°18'02"W
61.47'

POINT OF COMMENCEMENT
N.E. CORNER OF S.E. 1/4
OF SECTION 11...

TRACT-C
EAST LINE OF CYPRESS STREET
N02°25'59"E 663.70'

VACANT
9.69 ACRES

S02°25'59"W 662.74'

NB7°18'02"W
37.08'

VACANT
9.98 ACRES

WEST RIGHT-OF-WAY
OF RAILWAY

N02°25'59"E 1323.54'

S02°41'06"W 1323.51'

S02°25'59"W 992.63'

S02°25'59"W

EAST LINE OF SECTION 11...
EAST RIGHT-OF-WAY OF RAILWAY

S02°41'06"W 330.00'

S02°25'59"W
331.90'

TRACT-B2
0.80 ACRES

NB7°23'13"W 636.44'
SOUTH LINE OF THE NORTH HALF OF THE
N.E. 1/4 OF THE S.E. 1/4...

NB7°23'13"W 554.56'



ALABAMA AND GULF COAST RAILWAY
FORMERLY BURLINGTON NORTHERN SANTA FE RAILWAY
FORMERLY ST. LOUIS AND SAN FRANCISCO RAILROAD



MERRILL PARKER SHAW, INC.
PROFESSIONAL CIVIL ENGINEERING AND SURVEYING

4928 N. Davis Highway
Pensacola, Florida 32503

Phone: (850) 478-4923
Fax: (850) 478-4924

DESCRIPTION/DESCRIPTION DRAWING
WEST TRACT



September 26, 2012
Escambia County Development Services
Escambia County Central Office Complex
3363 West Park Place
Board Meeting Room 104
Pensacola, FL 32505

Dear Mr. Jones:

Please find enclosed the Future Land Use Amendment application for Genesis Rail Services, LLC property located at 6125⁶¹²⁵ Arthur Brown Road, south of Highway 99A and west of the right-of-way of Railroad Road, bordered by Cypress Street to the west in the community of Walnut Hill. The subject parcel is currently zoned Agriculture with Future Land Use of Agriculture.

In June of 2012 Genesis requested and was granted, a Future Land Use Amendment and Rezoning of an adjacent 9.98 acre parcel from Agriculture to Industrial for the purpose of developing a Crude Oil Transfer Station. The Transfer Station Development is expected to be complete in late 2012. To allow for future growth consistent with current activities, Genesis requests a Future Land Use Amendment from Agriculture to Industrial of the adjacent 9.69 acre subject parcel.

In the near term, the subject parcel will be used for a storm water retention pond. Possible future expansion may include an 80,000 – 100,000 barrel oil storage tank.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neal Bjorklund', written over a horizontal line.

Neal Bjorklund
Project Manager

FUTURE LAND USE MAP AMENDMENT APPLICATION

(THIS SECTION FOR OFFICE USE ONLY):

TYPE OF REQUEST: SMALL SCALE FLU AMENDMENT X
LARGE SCALE FLU AMENDMENT _____

Current FLU: Ar Desired FLU: I Zoning: _____ Taken by: A. Cam

Planning Board Public Hearing, date(s): November 5, 2012

BCC Public Hearing, proposed date(s): December 6, 2012

Fees Paid _____ Receipt # _____ Date: 10/3/12

OWNER'S NAME AND HOME ADDRESS AS SHOWN ON PUBLIC RECORDS OF ESCAMBIA COUNTY, FL

Name: Genesis Rail Services, LLC

Address: 3652 Berryhill Road

City: Pace State: FL Zip Code: 32571

Telephone: (713) 860-2787

Email: _____

DESCRIPTION OF PROPERTY:

Street address: 6125 Arthur Brown Road, Walnut Hill, FL 32568

Subdivision: _____

Property reference number: Section 11 Township 4-North Range 33-West

Parcel # 114N33-4100-000-000 Lot _____ Block _____

Size of Property (acres) 9.69 acres

**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION FOR
FUTURE LAND USE CHANGE REQUEST**

By my signature, I hereby certify that:

- 1) I am duly qualified as owner 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 there are no guarantees as to the outcome of this request, the application fee is non-refundable; and
- 4) The signatory below will be held responsible for the balance of any advertising fees associated with required public hearings for this amendment request (Payment due within 90 days of invoice date) or future planning and zoning applications will not be accepted; and
- 5) I authorize County Staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection; and
- 6) I authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County Staff.

Neal Bjorklund Neal Bjorklund 9/26/12
 Signature (Property Owner) Printed Name Date

 Signature (Agent's Name (or owner if representing oneself) Printed Name Date

Address: 3652 Berryhill Road

City: Pace State: FL Zip: 32571

Telephone (713) 860 - 2787 Fax # () _____ - _____

Email: Neal.Bjorklund@GenIp.com

STATE OF Florida
 COUNTY OF Escambia

The forgoing instrument was acknowledged before me this 2nd day of October, year of 2012 by, Neal Bjorklund who (x) did () did not take an oath. He/she is (x) personally known to me, () produced current Florida/Other driver's license, and/or () produced current _____ as identification.

Isaac Western 10-2-2012 Isaac Western
 Signature of Notary Public Date Printed Name of Notary

My Commission Expires 11-2-2015 Commission No. EE109296
 (Notary seal must be affixed)



AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY

As owner of the property located at _____,
Pensacola, Florida, Property Reference Number(s) _____,
I hereby designate _____, for the sole purpose of completing this application
and making a presentation to the Planning Board, sitting as the Local Planning Agency, and the
Board of County Commissioners, to request a change in the Future Land Use 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 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 Planning and
Engineering Department.

Signature of Property Owner Date Printed Name of Property Owner

Signature of Agent Date Printed Name of Agent

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, year of
_____, by _____ who () did () did not take an
oath.

He/she is () personally known to me, () produced current Florida/Other driver's license,
and/or () produced current _____ as
identification.

Signature of Notary Public Date Printed Name of Notary Public

Commission Number _____ My Commission Expires _____

(Notary seal must be affixed)

**FUTURE LAND USE MAP AMENDMENT APPLICATION
CONCURRENCY DETERMINATION ACKNOWLEDGMENT**

Project name:

Property reference #: Section 11 Township 4-North Range 33-West

Parcel # 114 N 33 - 4100 - 000 - 000

Project Address:

6125 Arthur Brown Road, Walnut Hill, FL 32568

I/We acknowledge and agree that no future development permit (other than a rezoning/reclassification) shall be approved for the subject parcel(s) prior to the issuance of a certificate of concurrency for such proposed development based on the densities and intensities contained within such future development permit application.

I/We also acknowledge and agree that no development permit or order (other than a rezoning/reclassification) will be issued at that time unless at least one of the concurrency management system standards is met as contained in the Escambia County Code of Ordinances, Part II, Section 6.04, namely:

- (1) The necessary facilities and services are in place at the time a development permit is issued; or
- (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- (3) The necessary facilities are under construction at the time a permit is issued; or
- (4) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued. NOTE: This provision only relates to parks and recreation facilities and roads. The LDC will include a requirement that the provision or construction of the facility or service must commence within one (1) year of the Development Order or Permit; or
- (5) 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 163.320, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. Any such agreement shall include provisions pursuant to paragraphs 1, 2, or 3 above.
- (6) The necessary facilities needed to serve new development are in place or under actual construction no more than three (3) years after issuance, by the County, of a certificate of occupancy or its functional equivalent. NOTE: This provision only relates to roads.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 2ND DAY OF OCT, 2012


Owner's signature

Neal Bjorklund
Owner's name (print)

Agent's signature

Agent's name (print)

DATA AND ANALYSIS REQUIREMENTS

1. A comparative analysis of the impact of both the current and the proposed future land use categories on the following items, presented in tabular format, based on data taken from professionally accepted existing sources, such as the US Census, State University System of Florida, National Wetland Inventory Maps, regional planning councils, water management districts, or existing technical studies. The data should show that the infrastructure is available to support the most intense development allowed under the requested Future Land Use category, regardless of what type of development is proposed.
 - A. Sanitary Sewer
 - B. Solid Waste Disposal
 - C. Potable Water
 - D. Stormwater Management
 - E. Traffic
 - F. Recreation and Open Space
 - G. Schools

The data and analysis should also support the requested future land use category by reflecting a need for that category. For example, a future land use request from Agricultural to Residential would need an analysis demonstrating the need for additional Residential acreage in the County.

2. Proximity to and impact on the following:
 - A. Wellheads (indicate distance and location to nearest wellhead)
 - B. Historically significant sites (available from University of West Florida)
 - C. Natural Resources, including wetlands (a wetlands survey is highly recommended if wetlands are located on the property)
3. An analysis of consistency with the Escambia County Comprehensive Plan, with reference to applicable sections therein

Genesis Rail Services, LLC

Comparative Analysis and General Information for a proposed small scale future land use amendment, Escambia County, Florida.

Legal Description: Survey and Deed are attached

Current FLU: VAG

Proposed FLU: I

Current Land Use Map Information: Attached

Site Description and Proposed Development: The requested FLU amendment subject parcel is located south of Highway 99A and west of the right-of-way of Railroad Road in the Walnut Hill community. The site is composed of 9.69 acres and is currently zoned for agricultural use and otherwise undeveloped with the exception of a storm water retention area that serves the crude oil transfer station located to the east. The crude oil transfer station is also owned and operated by Genesis Rail Services, LLC. An existing 16-inch diameter crude oil pipeline belonging to Genesis Energy, LLC runs east and west across the property.

1. Comparative Analysis:

	VAG	Industrial
Sanitary Sewer	Not Served	Septic
Solid Waste	Normal Waste Flow – Discharge to Perdido Landfill	Normal Waste Flow – <i>No refining or manufacturing waste</i> - Discharge to Perdido Landfill
Potable Water	ECUA – 6-inch	ECUA – Extended 6-inch water main to adjacent parcel
Stormwater Management	None	On-site approved retention pond
Traffic	Normal	Negligible impact
Recreation/Open Space	Sufficient Recreation and Open Space	Sufficient Recreation and Open Space
Schools	Potential Residential Impact	No Impact – No Residential Development

- A. Sanitary Sewer:** The proposed site is not served by sanitary sewer and none is available nearby. The proposed use does not involve any manufacturing or refining activities. The need for sanitary sewer service will be met by the administration building located on the adjacent property which is under construction to the east. A septic sewer system is designed and permitted for the adjacent property. If additional services are needed, the Applicant proposes to dispose of the sewer through the onsite sewage disposal system to be permitted and constructed in accordance with the regulations administered by Escambia County Health Department.
- B. Solid Waste Disposal:** The solid waste disposal is managed by a contract with Allied Waste. The solid waste will ultimately be discharged to the Perdido Landfill. It should be noted that the solid waste from the operating site will consist of normal

waste streams from the personnel and general maintenance. The proposed future use as an expansion to the current facilities would not involve any manufacturing or refinement process that generates a hazardous waste stream.

- C. Potable Water:** The Escambia River Electric Cooperative owns and maintains the potable water supply system for the Walnut Hill community. The closest potable water line is a 6-inch water main located on the west side of the Railroad Road right-of-way and entrance road to the site. The water main has been extended to the adjacent east property. The proposed use does not involve any manufacturing or processing requiring potable water.
- D. Stormwater Management:** The parcel under consideration is currently under agricultural use except for the portion on the south side that is being used for storm water retention. The retention area has been designed to retain and dispose of rainfall events up to and including a 100 year event for runoff from the current facility on the east parcel.

If or when the subject parcel is utilized for expansion, the applicant understands that the retention area will have to be re-evaluated and possibly expanded to account for added impervious area placed on the site. In general, the design will be in accordance with the FDEP ERP requirements as prescribed during the Development Review and Development Order process for the adjacent parcel.

- E. Traffic:** The Applicant's current site development to the east employs 8-10 persons per shift with future employment expected at 12-15 persons per shift. The Applicant has stated that the shift changes will probably occur at 6 a.m. and 6 p.m. which should avoid school traffic and other peak hours. The crude oil will be transferred from rail cars to the pipeline or stored in an onsite tank so there is no proposed truck traffic to be generated. Since there are no needs other than paper goods and small quantities of maintenance materials, the operations will not require frequent deliveries thus having minimal impact on traffic.
- F. Recreation and Open Space:** Recreation and open space requirements are prescribed by the Land Development Code. Should the parcel Future Land Use designation be changed as requested, the proposed development will be required to meet the standards set forth in the LDC. These standards will be enforced by the County through a project plan submittal to the Escambia County Development Review Committee.
- G. Schools:** The proposed amendment would allow for industrial development of the property and would prohibit residential development. Therefore, the proposed amendment will not adversely impact school related levels of service.

2. Proximity To and Impact Upon the Following:

- A. Wellheads:** The site is approximately 12,000 feet southwest from the nearest potable supply well which is operated by Walnut Hill Water and is located near the intersection of State Routes 97 and 99A. A copy of the WHPA program is enclosed in this submittal packet. Their wellhead protection plan indicates a 500 foot radius primary protection zone with an additional 500 foot observation and concern zone.

The proposed development will be subject to addressing the possible impacts during the DRC review process. As future development plans are refined, the materials to

be stored and/or used onsite, the prevention measures, and proposed corrective actions will be provided. A copy of a typical SPCC Plan for the Applicant's adjacent development site has been reviewed and accepted by Escambia County Fire Safety, a third party reviewer for Escambia County and the Florida Department of Environmental Protection.

B. Historically Significant Sites: According to a review of archeological information conducted by Wetland Sciences, Inc. there are no recorded archeological sites or National Register of Historical Places properties on or contiguous to the subject property.

C. Natural Resources: According to a field delineation conducted by Wetland Sciences, Inc., there are no environmentally sensitive or jurisdictional wetlands located on the subject property.

3. Consistency with the Comprehensive Plan

A. CMS 1.3.1 Consistency with the Comprehensive Plan:

No development activity may be approved unless it is found that the development is consistent with the Escambia County Comprehensive Plan and that the provision of the facilities enumerated in CMS 1.2.2 will be available at prescribed LOS concurrent with the impact of the development on those facilities.

Response:

The Applicant understands that the approval of the amendment requires that the proposed development is still subject to the DRC process and the provision set forth within the CMS 1.2.2 Allocation of Capacity. The current land use is Agriculture which has similar impacts to the proposed Industrial Land Use. The facility is adjacent to another parcel zoned Industrial, is within one mile of a Grain Elevator and Storage facility, and is situated between two agricultural properties. The proposed parcel current use will be for a stormwater retention pond and potential future expansion of existing operations by adding a crude oil storage facility.

B. CMS 1.3.2 Minimum Requirements:

At a minimum, the Concurrency Management System shall ensure that at least one of the following standards will be met prior to issuance of a development permit or order:

- a. The necessary facilities and services are in place at the time a development permit is issued; or*
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy; or*
- c. The necessary facilities are under construction at the time a permit is issued. This provision only relates to parks and recreation facilities and roads; or*
- d. The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued. This provision only relates to parks and recreation facilities. The LDC will include a requirement that the provision or construction of the*

facility or service must commence within one year of the issuance of the development order or permit; or

e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of the LDC. For potable water, wastewater, solid waste, stormwater and public school 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; or

f. The necessary facilities needed to serve new developments are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or in place or under actual construction no more than three years after the issuance, by the County, of a development order or permit. This provision only relates to roads. The Five-Year FDOT Work Program is attached herein to this ordinance as Exhibit A.

g. The necessary concurrency standards for public school facilities shall be consistent with Chapter 16, Public School Facilities Element.

Response:

The proposed development plan will not negatively impact nor degrade the County's infrastructure or level of service. The Applicant, at their own expense has improved the existing County Road to adjacent parcel, has upgraded the utility service to the development and will have minimal impact on traffic. The Applicant understands that the DRC review process will further enforce the development concurrence with the CMS requirements.

C. 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).

Response:

The proposed site location is based upon circumstance. That is, the site was chosen due to the adjacent east parcel being the crossing point of an existing 16-inch crude oil transport pipeline that runs from Jay Florida west into Alabama and the existing rail line that runs north-south along the eastern boundary of the adjacent property. The activities will not involve manufacturing or refining processes, simply the transference of oil from the rail cars into the existing pipeline or storage tanks as necessary and requires minimal impact upon existing public roads, utilities, and service infrastructure. The subject parcel currently under consideration would allow room to expand the current facility in the future. In addition, Genesis Rail Services, LLC has entered an agreement with EREC, the utility provider, to upgrade existing services which will have a positive impact on the community of Walnut Hill.

D. FLU 2.1.1 Infrastructure Capacities:

Urban uses shall be concentrated in the urbanized areas with the most intense development permitted in the Mixed-Use Urban (MU-U) areas and areas with sufficient central water and sewer system capacity to accommodate higher density development. Land use densities may be increased through Comprehensive Plan amendments. This policy is intended to direct higher density urban uses to those areas with infrastructure capacities sufficient to meet demands and to those areas with capacities in excess of current or projected demand. Septic systems remain allowable through Florida Health Department permits where central sewer is not available.

Response:

The proposed site location is based upon circumstance. That is, the site was chosen due to this being the crossing point of an existing 16-inch crude oil transport pipeline that runs from Jay Florida west into Alabama and the existing rail line that runs north-south along the eastern boundary of the property. The presence of an existing rail line along the adjacent property owned by the applicant lends itself to future industrial land use. The activities on the existing, adjacent site do not involve manufacturing or refining processes, simply the transference of oil from the rail cars into the existing pipeline and further to an oil storage tank.

Currently there is not a central sewer system. The applicant has received permitting to establish a septic sewer system on the adjacent parcel.

E. Chapter 10 Infrastructure Element:

The purpose of the Infrastructure Element is to provide guidance in the provision of services necessary to accommodate existing and future development in a way that is environmentally sensitive, efficient and cost-effective. Included with this Element are goals, objectives, and policies regarding potable water provision, wastewater treatment, solid waste disposal, stormwater management and aquifer protection. The adequate provision of these services is intended to promote orderly growth within areas best suited to accommodate development, protect sensitive natural resource systems and rural and agricultural areas, and preserve the health, safety, and general welfare of Escambia County's citizens.

Response:

The proposed project requires the FLU amendment and a rezoning to allow Future Land Use for industrial activity as defined by Escambia County. The proposed project meets the goals, objectives, and policies of the Infrastructure Element for potable water service, waste water disposal, solid waste disposal, stormwater management, and aquifer protection.

The project site will have minimal impact on the potable water supply. A septic system is being constructed on the adjacent parcel to accommodate the need of the on-site activities. A stormwater retention pond is currently located on the subject parcel and at such time as future development would require, will be reevaluated and expanded if necessary. Solid waste disposal is contracted through Allied Waste and is expected to be minimal deriving from personnel and general maintenance. The current activities in and around the area are similar in nature to the activities

proposed on site. The expected use of the parcel currently is for stormwater retention and probable future use would be for a stationary oil containment structure.

F. OBJ CON 1.4 Groundwater Response:

Protect and conserve the quality and quantity of groundwater resources to ensure public health and safety, adequate potable water supplies.

Response:

The proposed parcel for FLU amendment is located 12,000 linear feet away from Well No. 2 of the Walnut Hill Water Systems which is the closest well. A copy of the wellhead protection plan is enclosed. The wellhead protection plan indicates a 500 foot radius primary protection zone with an additional 500 foot observation and concern zone. In addition, the details of any future materials storage and operations will be addressed in further detail during the DRC process and through coordination and permitting with Florida Department of Environmental Protection, Escambia County Health Department and other agencies as required.

Conclusion

Genesis Rail Services, LLC requests a Future Land Use Amendment from Agriculture to Industrial for the subject parcel. The amendment to allow for future Industrial development is consistent with the goals of the Escambia County Comprehensive Plan and compatible with existing surrounding uses and zoning. The presence of mechanized farming, existing railroad, other existing industrial activity within one mile of the subject parcel and the existing crude oil transfer facility on the adjacent property, are consistent with Industrial land use. The applicant is not proposing any specific projects or development for the site at this time with the exception of the stormwater retention pond and future requested use will not significantly impact the area as it relates to noise or traffic but will have positive impact financially to the area.

PROOF OF OWNERSHIP

WARRANTY DEED

Abutting Roadway Maintenance

STATE OF FLORIDA
COUNTY OF ESCAMBIA

ATTENTION: Pursuant to Escambia County 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, and if not what person or entity will be responsible for maintenance. The disclosure must 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 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: 850 Highway 97-A, Walnut Hill, FL 32568

THE COUNTY (x) HAS ACCEPTED () HAS NOT ACCEPTED THE ABUTTING ROADWAY FOR MAINTENANCE.

If not, it will be the responsibility of _____ to maintain, repair and improve the road.

This form completed by:

Michael D. Tidwell, Attorney
811 North Spring Street
Pensacola, Florida 32501

_____ 07/16/2012 _____ 07/16/2012
Galen Schmidt Rosalie Schmidt

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 16th day of July, 2012 by Galen Schmidt and Rosalie Schmidt, husband and wife, as to a one half interest who are personally known to me of have produced a driver's license as identification.

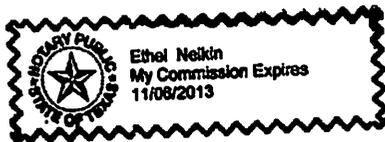
Notary Public

1 Robert V. Deere 07/16/2012
Robert V. Deere, Chief Financial Officer of Genesis
Rail Services, LLC

STATE OF Texas
COUNTY OF Harris

The foregoing instrument was acknowledged before me this ____ day of July, 2012 by Robert V. Deere, Chief Financial Officer of Genesis Rail Services Inc. who are personally known to me or has produced a driver's license as identification.

1 Ethel Nelkin
Notary Public



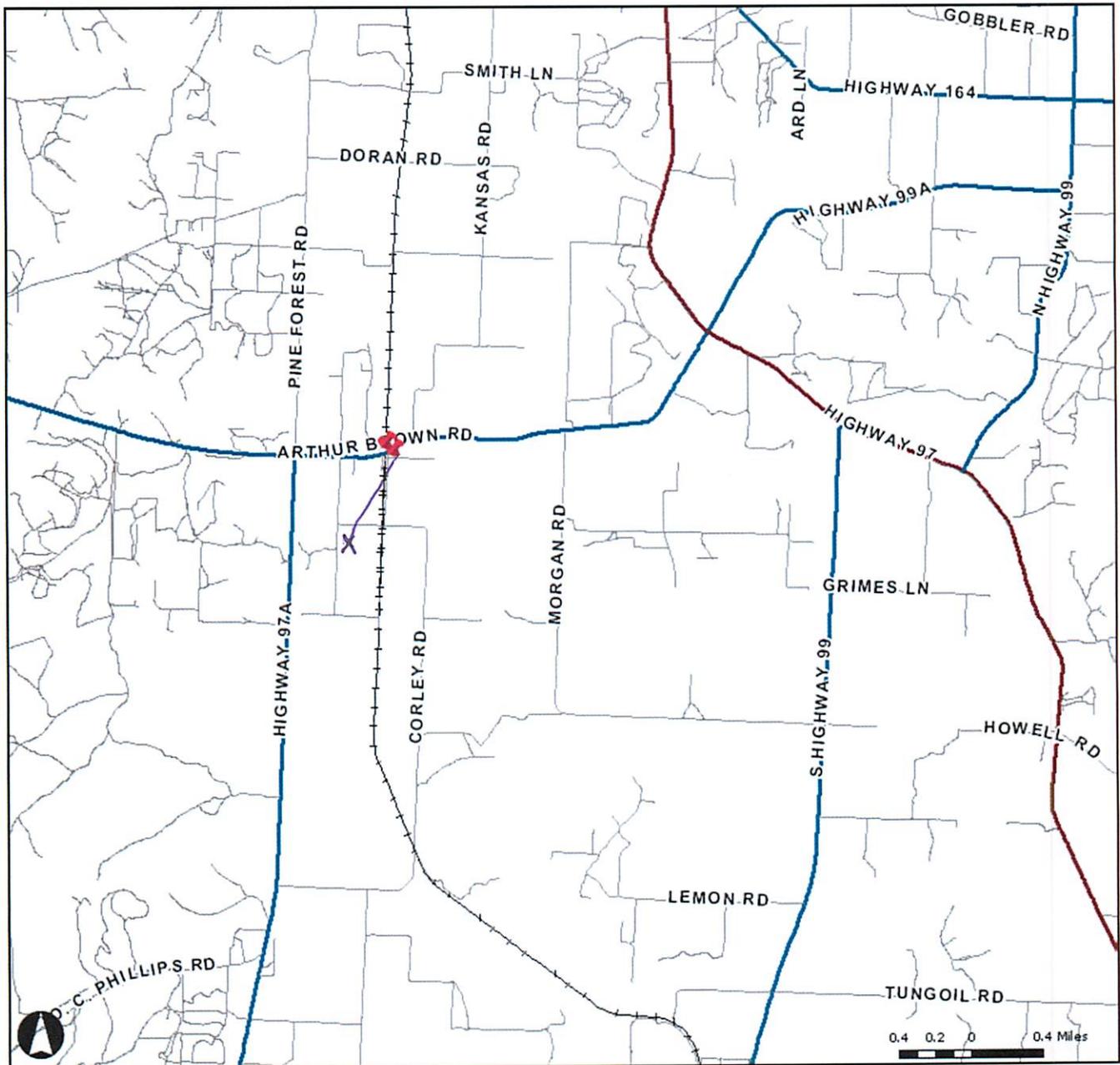
MAPS

STREET MAP

AERIAL MAP

LAND USE MAP

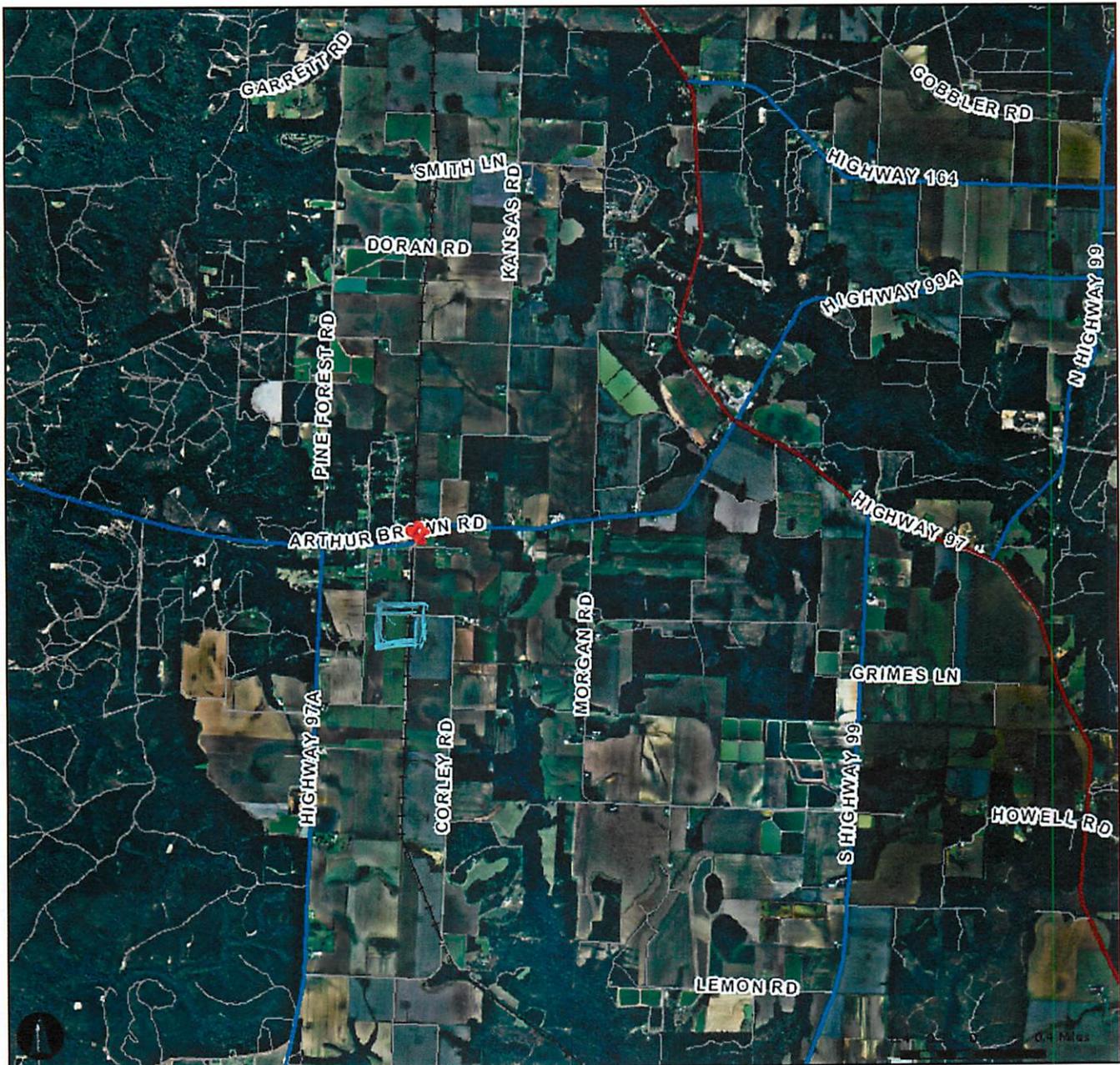
Street Map



Disclaimer

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

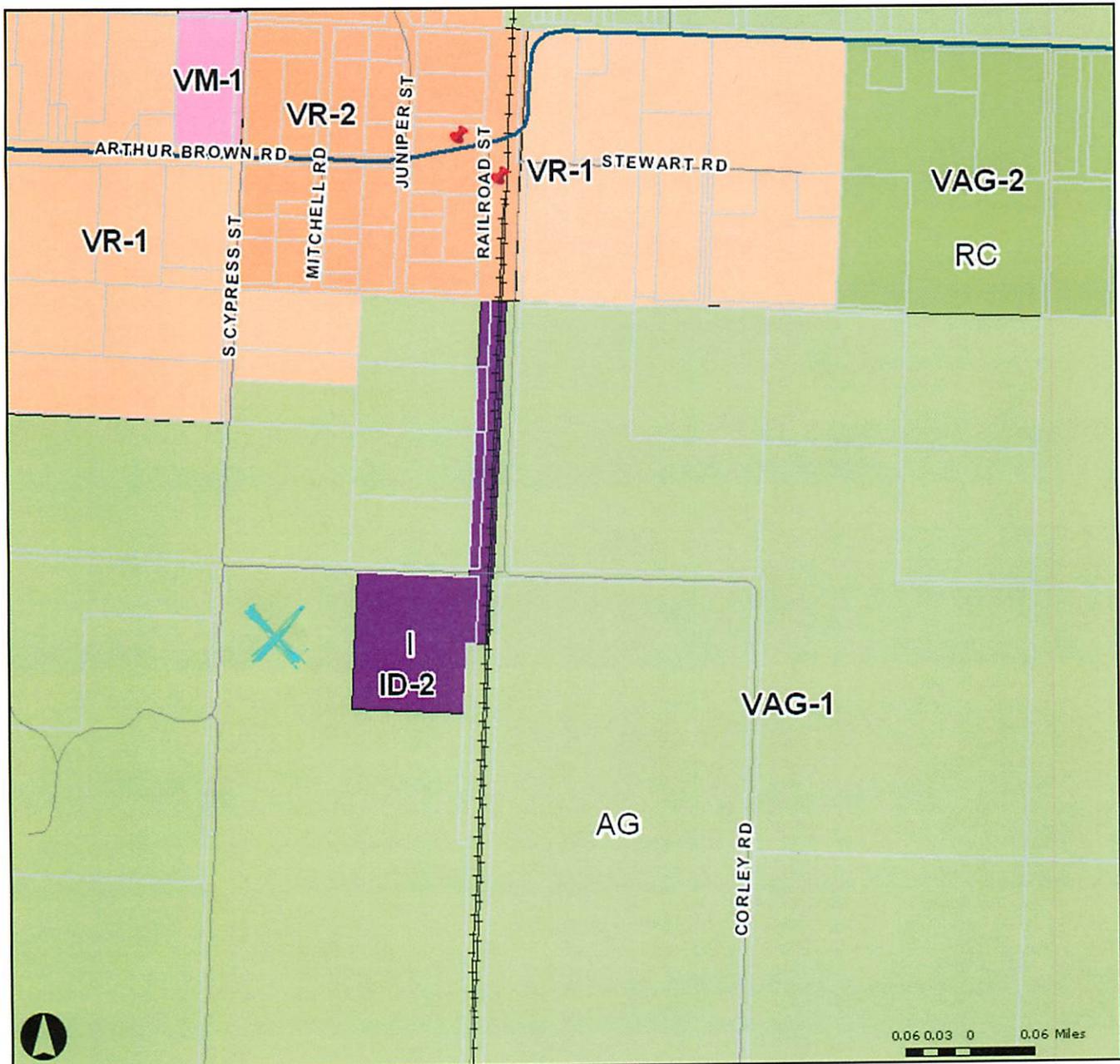
Aerial Map



Disclaimer

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

Land Use Map



Disclaimer

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

LEGAL DESCRIPTION

BOUNDARY SURVEY

Genesis Rail Services, LLC

6125 Arthur Brown Road

Walnut Hill, FL 32568

6.69 Acre Parcel Requested for Amendment

Parcel ID# 114N33-4100-000-000

DESCRIPTION: (AS PREPARED BY MERRILL PARKER SHAW, INC.)**WEST TRACT**

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP-4-NORTH, RANGE-33-WEST, ESCAMBIA COUNTY, FLORIDA. THENCE GO NORTH 87 DEGREES 18 MINUTES 02 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, FOR A DISTANCE OF 61.47 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE ALABAMA AND GULF COAST RAILWAY; THENCE CONTINUE NORTH 87 DEGREES 18 MINUTES 02 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, FOR A DISTANCE OF 593.09 FEET FOR THE POINT OF BEGINNING; THENCE DEPARTING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, GO SOUTH 02 DEGREES 25 MINUTES 59 SECONDS WEST, FOR A DISTANCE OF 662.74 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11; THENCE GO NORTH 87 DEGREES 23 MINUTES 13 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11, FOR A DISTANCE OF 636.44 TO THE EAST LINE OF CYPRESS STREET; THENCE GO NORTH 02 DEGREES 25 MINUTES 59 SECONDS EAST ALONG THE EAST LINE OF SAID CYPRESS STREET, FOR A DISTANCE OF 663.70 FEET TO THE AFORESAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 11; THENCE DEPARTING THE EAST LINE OF SAID CYPRESS STREET GO SOUTH 87 DEGREES 18 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 11, FOR A DISTANCE OF 636.44 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBE PARCEL IS SITUATED IN SECTION 11, TOWNSHIP-4-NORTH, RANGE-33-WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 9.69 ACRES.

E. Wayne Parker 9/19/2012

E. WAYNE PARKER, PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NUMBER 3683, CORPORATE NUMBER 7174
STATE OF FLORIDA

NOT VALID WITHOUT
ORIGINAL RAISED SEAL
OF FLORIDA REGISTERED
LAND SURVEYOR

PAGE 1 OF 2



MERRILL PARKER SHAW, INC.
PROFESSIONAL CIVIL ENGINEERING AND SURVEYING

4928 N. Davis Highway
Pensacola, Florida 32503

Phone: (850) 478-4923
Fax: (850) 478-4924

DESCRIPTION/DESCRIPTION DRAWING
WEST TRACT

LOT 7 BLOCK 8
TOWN OF WALNUT HILL

SOUTH LINE OF
RAILROAD STREET

OAK STREET (P)

RAILROAD STREET (P)
PINE STREET (P)

NORTH LINE OF THE S.E. 1/4
OF THE N.E. 1/4 OF SECTION 11...

S87°16'29"E
44.35'

PARCEL ID#
11-4N-33-1100-005-006

SOUTH LINE OF THE NORTH 1/2
OF THE N.E. 1/4 OF THE S.E.
1/4 OF THE N.E. 1/4...

PARCEL ID#
11-4N-33-1401-000-000

PARCEL ID#
11-4N-33-1405-000-000

PARCEL ID#
11-4N-33-1403-000-000

NORTH LINE
OF THE S.E. 1/4...

S87°18'02"E 636.44'

POINT OF BEGINNING

N87°18'02"W 593.09'

N87°18'02"W
61.47'

POINT OF COMMENCEMENT
N.E. CORNER OF S.E. 1/4
OF SECTION 11...

TRACT-C
EAST LINE OF CYPRESS STREET
N02°25'59"E 663.70'

VACANT
9.69 ACRES

S02°25'59"W 662.74'

VACANT
9.98 ACRES

N87°18'02"W
37.08'

S02°41'06"W
330.00'

N87°23'13"W 636.44'
SOUTH LINE OF THE NORTH HALF OF THE
N.E. 1/4 OF THE S.E. 1/4...

N87°23'13"W 554.56'

S02°25'59"W
331.90'

TRACT-B2
0.80 ACRES

EAST LINE OF SECTION 11...
EAST RIGHT-OF-WAY OF RAILWAY

ALABAMA AND GULF COAST RAILWAY
FORMERLY BURLINGTON NORTHERN SANTA FE RAILWAY
FORMERLY ST. LOUIS AND SAN FRANCISCO RAILROAD



MERRILL PARKER SHAW, INC.
PROFESSIONAL CIVIL ENGINEERING AND SURVEYING

4928 N. Davis Highway
Pensacola, Florida 32503

Phone: (850) 478-4923
Fax: (850) 478-4924

DESCRIPTION/DESCRIPTION DRAWING
WEST TRACT

WELLHEAD SURVEY

REC'D APR 05 2012

WALNUT HILL WATER SYSTEM INC.

DELINEATION OF WELLHEAD PROTECTION ZONES

Walnut Hill Water System is located in North Central Escambia Co. near the intersection of County Roads 97 and 99A. This is an area of agricultural activity, sparse residential development, light industry and school complexes. The system serves about 2,000 people with two wells and two elevated tanks located on three sites.

Well # 1 is located on the north side of County Road 99A about 500 ft. West of the intersection of County Road 97 on property owned by the Water System. The wellhead is secure under lock and key inside a pump house with no perimeter fence.

Well # 2 is located on the East side of County Road 97 past Little Pine Barron Creek on the top of the hill on property owned by the Water System. The wellhead is secure under lock and key inside a pump house with no perimeter fence.

Well # 3 is proposed for the future and would be located at the site of existing tank # 2 in the area of Enon School on property owned by the Water System.

The general geology of this area of Northern Escambia Co. consists of a Surficial Zone, a Low Permeability Zone and a Main Producing Zone. The two wells are constructed in the Surficial Zone at about the same elevation and depth, with similar static water levels, draw-downs and yields. Little Pine Barron Creek forms a deep cut drainage of the upper Surficial Zone and is at about the same elevation as the static water levels of the two wells. It is obvious that the top 50 ft. to 60 ft. of the Surficial Zone drains very rapidly to the creek creating a ground water flow pattern in the area. To delineate the protection area for the two wells a line would simply be drawn through the wellhead to intersect the creek at the closest point.

Escambia Co. will review and modify their Land Use Ordinance in the near future to develop a 200 ft. radius Zone of Contribution, no development zone and a 500 ft. radius Wellhead Protection Area, restricted development zone. a copy of this proposed ordinance is attached to this plan. Florida D.E.P. is presenting their draft for approval in March 1994 which proposes a 500 ft. radius wellhead protection area which they will protect in regards to the facilities and industries they regulate.

The Wellhead Delineation for Walnut Hill wells # 1 and # 2 will therefore be a 500 ft. radius primary protection zone, incorporating a 200 ft. radius, no development zone to take full advantage of County and State protection. A secondary 500 ft. zone of observation and concern is established up flow from the 500 ft. radius primary zones on a line intersecting the deep cut drainage at a right angle. The 500 ft. up flow point of the secondary zone

will widen in an oval shape to intersect the sides of the 500 ft. primary zone as shown on attached drawings. The delineated protection zone for proposed well # 3 will be the same as the 200 ft and 500. ft zones for your

WELLHEAD PROTECTION AREA
INVENTORY OF POTENTIAL CONTAMINANT SOURCES

FOR
WALNUT HILL WATER WORKS INC. WELL # 1

DIRECTIONS:

Place a number or indication next to each category you identify in your wellhead protection area. If you are mapping place a corresponding number on the map at the location of the source. If there is more than one source for a category add letters to the number designation. Please consider all sources within the protection area.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Monitor wells | <input checked="" type="checkbox"/> Major Highway |
| <input type="checkbox"/> Aboveground Storage Tanks | <input type="checkbox"/> Military Base |
| <input type="checkbox"/> Airports | <input type="checkbox"/> Mining/Excavation |
| <input type="checkbox"/> Animal Feed Lots | <input type="checkbox"/> Oil/Gas Pipeline |
| <input type="checkbox"/> Animal Waste Storage | <input type="checkbox"/> Pesticide Storage |
| <input type="checkbox"/> Armory/Depot | <input type="checkbox"/> Pesticide Mixing |
| <input type="checkbox"/> Asphalt Plant | <input type="checkbox"/> Photo Processors |
| <input type="checkbox"/> Auto Repair/Body Shop | <input type="checkbox"/> Printers |
| <input type="checkbox"/> Cemetery | <input type="checkbox"/> Refineries |
| <input checked="" type="checkbox"/> Chemical Plant/Mixing/Storage | <input type="checkbox"/> Railroads |
| <input type="checkbox"/> Drainage Canal/Storm Drain | <input type="checkbox"/> Salvage Yards |
| <input type="checkbox"/> Dumps/Landfills | <input checked="" type="checkbox"/> Septic Systems |
| <input type="checkbox"/> Electroplaters/metal picklers | <input checked="" type="checkbox"/> Service Stations |
| <input checked="" type="checkbox"/> Farming/Agricultural Activity | <input type="checkbox"/> Sewage Plant |
| <input type="checkbox"/> Farming Cooperatives | <input type="checkbox"/> Waste Storage |
| <input type="checkbox"/> Golf Courses/Nurseries | <input type="checkbox"/> Waste Hazardous |
| <input type="checkbox"/> Grain Storage Bins/Silos | <input type="checkbox"/> Well Un-abandoned |
| <input type="checkbox"/> Holding Pond/Lagoon | <input checked="" type="checkbox"/> Equipment Parking |
| <input type="checkbox"/> Injection Well | _____ |
| <input checked="" type="checkbox"/> Irrigation Practices | _____ |
| <input type="checkbox"/> Laboratory/Medical Facility | _____ |
| <input type="checkbox"/> Laundry/Dry Cleaners/Car Wash | _____ |
| <input type="checkbox"/> Machine Shop | _____ |

Contamination Inventory Performed 3/9/95 By
Water Board & John Martineau

RECOMMENDATION:
See Management Statement!

Note: Chemical Mixing & Storage refers to the old fertilizer storage facility that is monitored and the possible activity at the pecan orchard behind the well.

WELLHEAD PROTECTION AREA
 INVENTORY OF POTENTIAL CONTAMINANT SOURCES
 FOR
 WALNUT HILL WATER WORKS INC.
 WELL # 2

DIRECTIONS:

Place a number or indication next to each category you identify in your wellhead protection area. If you are mapping place a corresponding number on the map at the location of the source. If there is more than one source for a category add letters to the number designation. Please consider all sources within the protection area.

- | | |
|---|---|
| <input type="checkbox"/> Abandoned wells | <input checked="" type="checkbox"/> Major Highway |
| <input type="checkbox"/> Aboveground Storage Tanks | <input type="checkbox"/> Military Base |
| <input type="checkbox"/> Airports | <input type="checkbox"/> Mining/Excavation |
| <input type="checkbox"/> Animal Feed Lots | <input type="checkbox"/> Oil/Gas Pipeline |
| <input type="checkbox"/> Animal Waste Storage | <input type="checkbox"/> Pesticide Storage |
| <input type="checkbox"/> Armory/Depot | <input type="checkbox"/> Pesticide Mixing |
| <input type="checkbox"/> Asphalt Plant | <input type="checkbox"/> Photo Processors |
| <input type="checkbox"/> Auto Repair/Body Shop | <input type="checkbox"/> Printers |
| <input type="checkbox"/> Cemetery | <input type="checkbox"/> Refineries |
| <input type="checkbox"/> Chemical Plant/Mixing/Storage | <input type="checkbox"/> Railroads |
| <input type="checkbox"/> Drainage Canal/Storm Drain | <input type="checkbox"/> Salvage Yards |
| <input type="checkbox"/> Dumps/Landfills | <input type="checkbox"/> Septio Systems |
| <input type="checkbox"/> Electroplaters/metal picklers | <input type="checkbox"/> Service Stations |
| <input checked="" type="checkbox"/> Farming/Agricultural Activity | <input type="checkbox"/> Sewage Plant |
| <input type="checkbox"/> Farming Cooperatives | <input type="checkbox"/> Waste Storage |
| <input type="checkbox"/> Golf Courses/Nurseries | <input type="checkbox"/> Waste Hazardous |
| <input type="checkbox"/> Grain Storage Bins/Silos | <input type="checkbox"/> Well Un-abandoned |
| <input type="checkbox"/> Holding Pond/Lagoon | <input type="checkbox"/> Other Specify _____ |
| <input type="checkbox"/> Injection Well | _____ |
| <input type="checkbox"/> Irrigation Practices | _____ |
| <input type="checkbox"/> Laboratory/Medical Facility | _____ |
| <input type="checkbox"/> Laundry/Dry Cleaners/Car Wash | _____ |
| <input type="checkbox"/> Machine Shop | _____ |

Contamination Inventory Performed 3/9/95 By
 Water Board & John Martineau

RECOMMENDATION:

See Management Statement

WALNUT HILL WATER WORKS INC**MANAGEMENT OF WELLHEAD PROTECTION ZONES**

The Wellhead Protection Zone for well # 1 and well # 2 is a 500' radius primary protection zone, incorporating a 200' radius no development zone and a secondary 500' zone of observation and concern established up flow from the 500' radius primary zone on a line intersecting Pine Barron Creek a deep out drainage of the surficial aquifer. The protection zone for proposed well # 3 is the same as the primary zone for the existing wells.

The first part of management is to take advantage of all laws, regulations, zoning and ordinances provided to help protect public water supply sources. An effort should be made by the water supplier to participate in and understand all political activity concerning the protection of your community water system. A copy of the proposed County ordinance is enclosed for your information. Wellhead Protection is a grass roots effort and if you don't get involved and become the watch dog for your community don't expect others to be more concerned than you. Make sure the County knows you are in operation and where your wells are located. Write them a letter explaining your interest in protecting your wells and request their help through county ordinances and ask that they include your wells and proposed well locations on their zoning and planning maps as well as any future County maps. They will never be able to say they were not aware of you in the future.

The second part of management is community awareness. Make sure the community knows where their water comes from and how they can help protect this precious resource. Identify community members who own land in the actual protection areas and take time to let them know about the protection plan and how these zones were established, then ask them to help you in the effort to protect their drinking water and the water of generations to come. Reason will rule in most instances and when people are informed they do begin to make changes. Your Ground Water Technician will be glad to help in these efforts if asked. Remember that the only real cost is involvement and commitment. An ounce of prevention is truly worth a pound of cure.

This plan should be reviewed in two years, as to new developments in wellhead protection, advances in pertinent technology and shifts in political positions. A review will bring new board members up to speed on this important process and allow us to measure the effectiveness of our efforts. Remember that real Wellhead Protection never ends and if you don't do it no one will.

CONTINGENCY PLAN
FOR
WALNUT HILL WATER WORKS INC.

This Contingency Plan is designed to address what to do in the event that a well or well field is lost regardless of Wellhead Protection efforts, and a plan has to be put into effect on an emergency bases to provide water to the community on a short term or long term bases.

The first and simplest concern is how to get quick assistance in the event of a contaminant spill or emergency that could result in the contamination of ground water. Call 911 and advise them of the nature and seriousness of the emergency. If the 911 system does not exist post the telephone number of the nearest HAZMAT team and make sure all associated with the water system have the number.

Make sure ties with other systems are functional and that they can supply your system. If these ties have not been relied on or used before, try them and make sure they have enough capacity and pressure to assist you in an emergency. Make sure more than one person can locate valves and turn these ties on and that these persons know to advise the proper persons in the adjoining system that you are taking water.

In the event that the system cannot be supplied by others and your remaining wells won't supply your total system you would have to ration water to maintain system pressure and emergency services. A plan should be in place so that the residents can be advised and a determination of priorities can be addressed for emergency action. If an event of this nature was to happen, that is not the time to have to make these determinations, your staff should already know what to do. Locate someone who can haul water for you and make arrangements with them and a supplier of water as a contingency. A supplier of bottled water is another option. Remember you may have to chlorinate.

A good contingency plan should have some emergency funds available to meet unplanned for needs until business as usual can resume or long term plans and financial arrangements can be made.

In short be prepared to do your best to provide good water to your system in the wake of the worst disaster you can think of and you will be able to meet the needs in the event of any thing less.

This contingency plan should be a part of a larger emergency preparedness plan. Florida Rural Water Assn. can provide guidelines for this larger preparedness plan.

7.11.08. Internal Site Access Design:

- A. **Parking Area Setbacks:** Parking shall be set back from the property line at driveways so as to not interfere with safe ingress/egress of traffic. The set back distance should be determined according to the estimated speed and volume of traffic entering a driveway and meet all the visual clearance requirements of Section 7.01.07.
- B. **Drive-thru Stacking:** Drive-in and drive-through developments shall provide adequate queue storage capacity based on peak hour storage requirements of the project which is subject to the review and approval by the County Engineer.

7.12.00 WELLHEAD PROTECTION:

7.12.01 Intent: The intent and purpose of these standards is to protect and safeguard the health, safety, and welfare of the residents and visitors of Escambia County by providing criteria for regulating and prohibiting the use, handling, production and storage of certain deleterious substances which may impair present and future public potable water supply wells and wellfields.

7.12.02 Definitions:

- A. **Aquifer:** A groundwater bearing geologic formation, or formations, that contain enough saturated permeable material to yield significant quantities of water. In Escambia County, most potable water is extracted from the "sand and gravel" aquifer, a shallow aquifer separated by impermeable matter from the deeper, and more protected, Floridan Aquifer.
- B. **Cone of Depression:** An area of reduced water levels which results from the withdrawal of groundwater from a point of collective source such as a well, wellfield, dewatering site of a quarry, etc. The area, extent and depth of the depression is a function of the hydraulic properties of the aquifer, the pumpage rates and recharge rates.
- C. **Groundwater:** Water that fills all the unblocked voids of underlying material below the ground surface, which is the upper limit of saturation, or water which is held in the unsaturated zone by capillarity.
- D. **Protected Wellhead:** Those wellheads with a permitted capacity of 100,000 GPD or more.

- E. Public Utility:** Any privately-owned, municipally-owned, special district-owned, or State-owned system providing water or wastewater service to the public which has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily for at least sixty (60) days of the year.
- F. Regulated Substances:**
1. Those deleterious substances and contaminants, including degradation and interaction products which, because of quality, concentration, or physical, chemical (including ignitibility, corrosivity, reactivity and toxicity), or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristic, may cause significant harm to human health and environment (including surface and ground water, plants, and animals).
 2. Regulated Substances shall include, but are not limited to, those substances set forth in the lists, as amended from time to time, entitled, Lists of Hazardous Wastes (40 CFR Part 261, Subpart D), 40 CFR, Part 261, Appendix VIII - Hazardous Constituents, and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under Circular (40 CFR 302, effective July 3, 1986); provided, however, that this Article shall only apply whenever the aggregate sum of all quantities of any one time exceeds five (5) gallons where said substance is a liquid, or twenty-five (25) pounds where said substances is a solid.
 3. These Regulations shall also apply if no single substance exceeds the above-referenced limits but the aggregate sum of all regulated substances present at one facility/building at any one time exceeds one hundred (100) gallons if said substances are liquids, or five hundred (500) pounds if said substances are solids.
 4. These Regulations shall apply to all underground storage facilities for petroleum projects which are not regulated by Section 376.317, F.S., and Chapter 17-61, F.A.C.
- G. Wellhead Protection Area:** All land within a five hundred foot radius of an existing or designated protected wellhead.

- H. **Zone of Contribution:** All land within a two hundred (200) foot radius of an existing or designated protected wellhead.

7.12.03 **Restrictions on Development:**

- A. **Zone of Contribution:** No development activities shall take place in the Zone of Contribution.
- B. **Wellhead Protection Area:** The following land uses are prohibited within the Wellhead Protection Area:
1. **Landfills.**
 2. **Facilities for the bulk storage, handling or processing of materials on the Florida Substance List (Ch. 442, F.S.).**
 3. **Activities that require the storage, use, handling, production or transportation of restricted substances: Agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, etc.**
 4. **Feedlots or other concentrated animal facilities.**
 5. **Wastewater treatment plants, percolation ponds, and similar facilities.**
 6. **Mines.**
 7. **Excavation of waterways or drainage facilities which intersect the water table.**
 8. **Drainage wells or other facilities which provide for the disposal of stormwater directly into the aquifer absent normal percolation.**
 9. **New discharges to ground water of industrial wastewater.**
 10. **New phosphogypsum stacks and lateral expansions of phosphogypsum stack systems.**
 11. **New Class I and Class III underground injection control wells.**

12. **New Class V underground injection control wells.**

13. **New aboveground and underground tankage of hazardous wastes.**

C. **Abandoned Wells:** Where wells have been abandoned or no longer function, such wells shall be sealed and plugged in accordance with the requirements of the NFWFMD and Chapter 17.28, F.A.C.

D. **Existing Wells:** If any activities prohibited by sub-part 2 above are approved by the County, such approval shall require the abandonment of the well(s) which created the wellhead protection zone wherein the proposed use or activity is located. Abandonment shall follow the provisions of sub-part 3 above.

7.12.04 **Development Standards:**

A. **New On-Site Wells:** All applications for development approval must specify whether new protected wellheads will be required to service the development. When such new protected wellheads are to be required, the applicant shall demonstrate that:

1. There will be no significant adverse impact on minimum ground water levels; and

2. There will be no significant adverse impact from saltwater intrusion.

B. **Area of Water Resources Concern:** Whenever adverse groundwater withdrawal impacts have been identified through water quality monitoring activities, all development approvals for activities which require the use of groundwater wells shall be coordinated with the NFWFMD, the Escambia County Utilities Authority and other public supply systems. Among other things, lower permit thresholds, maximum and minimum withdrawal levels, other stipulated conditions regarding water use, and any provisions of the Florida Administrative Code including relevant portions of Section 40A-2.801, et seq. may be employed to regulate, control or restrict water resource withdrawal activities.

C. **Site Plan Requirements:** Where applicable, All site plans which accompany applications for development approval shall depict the location of all active and inactive wells within 500 feet of the property, the development approvals shall be conditioned upon the submission of a management plan which provides for the proper abandonment of existing unused wells, in conformance with requirements

of the Northwest Florida Water Management District and the public supply systems.

- D. **Groundwater/Wellhead Impact Report:** Within areas of the County designated in the Comprehensive Plan as existing wellfields, recharge areas or as wellhead locations, all proposed development shall prepare and submit a Groundwater/Wellhead Impact report. The purpose of this report is to provide evidence of the probable impact of the proposed development on the groundwater supply and recharge potential of the area and existing or designated wellhead locations.

7.13.00 ENVIRONMENTALLY SENSITIVE AREAS:

7.13.01 Purpose: This Section is intended to promote the continued existence and function of the natural environment and sensitive environmental resources extant within the County. To achieve environmental protection, this Section specifically authorizes the transfer of densities between sensitive areas and buildable areas (provided that both such areas are in single ownership), clustering of development on uplands (which may require the relaxation of various standards by the BOA), innovative and creative planning, design and construction techniques for various facilities, structures and/or infrastructure and it provides for the routine interface and coordination with various State and Federal regulatory agencies. In addition, it is the intent of this Section to provide protection to species (flora and fauna) listed as endangered, threatened or of special concern by appropriate State or Federal agencies.

7.13.02 Identification of Environmentally Sensitive Lands: All applications for development approval shall be reviewed against the National Wetlands Inventory, Escambia County Soils Survey, FGFFC-LANDSAT Imagery, or other reliable information to determine if the site has potential of containing environmentally sensitive lands. If the potential exists, a site specific survey shall be conducted, if one was not submitted with the application, and such survey will include in the delineation all such sensitive lands on the subject parcel. Protection of the environmentally sensitive resource shall be afforded said resource during and after construction. All site specific surveys shall be conducted and completed to the satisfaction of the Director of Planning and Zoning.

7.13.03 Protection Standards: As a minimum, the following performance standards apply to the protection of environmentally sensitive lands, however, additional standards may be promulgate and/or imposed by State or Federal regulatory agencies and/or the Board of County Commissioners, in the event that it is determined that an additional standard(s) is appropriate and required to protect the function of the sensitive environmental resources:

SITE CONDITIONS SURVEY



SITE CONDITIONS SURVEY

Genesis Pipeline Transfer Station

9.5 acres

Parcel Id 11 4N 33 4100 000 000

Escambia County, Florida

Project No. 2012-081

Prepared For:
Hutchinson Moore & Rauch

Prepared By:

Craig D. Martin
Sr. Scientist

Wetland Sciences, Inc.
1829 Bainbridge Ave.
Pensacola, Florida 32507

Date: April 4, 2012

1.0 INTRODUCTION

Wetland Sciences, Inc. (WSI) was retained by Hutchinson Moore and Rauc (HMR) to perform a Site Conditions Survey of a +/- 9.95 acre parcel. The parcel is located at the terminus of Railroad road, near the community of Walnut Hill in Escambia County, Florida, herein referred to as the *property* (Attachment A).

The purpose of the survey was to identify any natural resource of concern (i.e. wetlands, state or federally listed rare, threatened, or endangered species, critical habitat, and cultural or historic resources) and to identify measures necessary to comply with state and federal resource protection measures for any resource identified.

A WSI professional performed a visual inspection of the site and recorded pertinent observations.

The following sections of this report include a description of the site and address observations relating to the ecological condition of the property.

2.0 METHODS

The first part of the study focused on the identification of wetland resources in accordance with delineation methods set forth in 33 *CFR* 320-330 and *Chapter 62-340 F.A.C.* The first step in such studies began with researching available information such as the U.S. Geological Survey 7.5 min Quadrangle, U.S. Department of Agriculture's Natural Resource Conservation Services Soil Survey for Escambia County, U.S. Department of the Interior's National Wetland Inventory Maps, and aerial photographs. The second step includes a pedestrian survey in which a field scientist analyzes the plant community structures, soils, and indirect hydrologic indicators.

The second part of the study focused on the presence of any rare, threatened, or endangered species and/or their critical habitats within the subject parcel. The current study undertook reviews of federal and state laws. Results of these reviews were used to develop a comprehensive list of threatened and endangered species, or species of special concern, that may occur on the project site.

Through evaluation of the classified land uses and vegetation types, as well as those citing habitat preferences for rare, threatened and species of special concern, specific areas were identified that could possibly support listed species. Field verification of land use, associated vegetation types and the comprehensive field evaluation was conducted over a one-day period in April 2011. This study was based on a Land Use, Cover and Forms Classification System (FLUCFCS) and focused on habitats that could potentially support state or federally listed species or species of special concern. The survey was performed within all habitats encountered and had the sole aim of determining habitat status of such flora or fauna by concentrating on signs suggesting their presence and activities. Surveys were based on visual and audible detection methodologies as outlined within the FGFWFC manual entitled, *Wildlife Methodology Guidelines for Section 18.D of the Application for Development Approval, 1988*.

The pedestrian surveys were accomplished during morning hours in an effort to observe, hear, and record evidence of faunal activity within the survey boundaries. Specific identification methodologies utilized during the surveys are described within the following paragraphs.

The third component focused on the potential presence of cultural or historical resources. The State of Florida maintains a masterfile data base which will be accesses to see if any cultural or historical occurrences or potential for occurrence within or adjacent to the subject parcel.

3.0 EXISTING SITE CONDITIONS

The parcel under consideration for the transfer station exists as a fallow agricultural field, that was previously entirely under cultivation of cotton. The field is disked but no crops are in rotation during the time of the inspection. Parcels surrounding the property exist in a low density residential setting with active row crop agriculture, with the railway bisecting the area.

The property consists entirely of non-regulated upland habitats.

The uplands are entirely converted into row crop agriculture. A site photograph

Upland soils within the subject parcel as classified by the United States Department of Agriculture Soil Conservation Services' Soil Survey of

Escambia County, Florida consist of the Notcher and Red bay neither of which are Nationally listed Hydric soils (Attachment B).

4.0 BIOLOGICAL ASSESSMENT FOR FEDERALLY OR STATE LISTED SPECIES

4.1 Introduction

This document details a survey that was conducted to determine the status of threatened and endangered flora and fauna associated with the subject parcel. This report also discusses methodologies and findings associated with the survey.

4.2 Classification System

This section defines the classification systems, reviews the Federal, State, and local regulations established for the protection and preservation of threatened and endangered species, discusses the potential presence of any such species, and finally lists other species encountered during the field surveys.

Certain Federal and State regulatory departments have the authority to protect rare, threatened and endangered flora and fauna that occur in Florida. The United States Fish and Wildlife Service (USFWS) maintains a list as authorized by the Endangered Species Act of 1973 (16 USC 1531), and which enumerates the Endangered and Threatened Wildlife and Plants, 50 CFR 17.11-12. The Florida Game and Freshwater Commission (FGFWC) maintains a list of the protected animals in the state by authority of the Florida Endangered and Threatened Species Act of 1972 (Section 372.072, Florida Statutes) and the Wildlife code of the State of Florida (Chapter 39, FAC). The FGFWC list of threatened and endangered animals protected by these laws is published in Section 39-27.03-.05, FAC. The preservation of Native Flora of Florida Act (Sections 581.185, 581.186 (partial), and 581.201 Florida Statutes), passed in 1978, establishes a public policy for native flora in the State of Florida. The Florida Department of Agricultural and Consumer Services (FDACS) regulate the protection of threatened and endangered plant species in the state. The plant and animal species identified in the preservation of Native Flora of Florida Act and by FDACS are published in Section 581.185-87, Florida Statutes. A publication periodically released by FGFWFC summarizes the list of plant and animal species that are regulated by the USFWS, FGFWC, and FDACS. The FGFWFC list also includes species protected under the

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Additionally, The Florida Department of Environmental Protection has contracted with the Nature Conservancy to maintain a list of the endangered and threatened flora and fauna for the state of Florida which includes species generated by all of the lists identified in the above paragraph. The Florida Natural Areas Inventory (FNAI) list summarizes the status and distribution of both plant and animal species and also provides descriptions of their habitats within the state. The FNAI species are not provided federal or state protection, but the compilation is utilized by regulatory agencies for general information.

In 1978, the Florida Committee on Rare and Endangered Plants and Animals published an inventory of the statewide distribution of potentially threatened and endangered species. This multi-volume series detailed descriptions, distributions, and evaluations of the status of species considered in peril. The volumes contain species that are not listed as protected by Federal and State mandates.

Listed species are either classified as endangered (E), threatened (T), of special concern (SSC), or under review (UR) for such listing. Endangered species include those threatened with extinction if deleterious factors continue to impact their populations. These include species whose numbers have already declined to a critically low number or whose habitats have been so critically reduced or degraded that some assistance is necessary to ensure their survival.

Threatened species populations, although not as critically stressed as endangered species, are also jeopardized. Species of special concern are those that warrant special attention due to similarity in appearance to other species, commercial exploitation, environmental changes, and/or trends that indicate long-term population declines. Species listed within this category may also have potential impact on endangered or threatened populations of other species.

The pedestrian survey of the subject site was conducted during the early morning hours and in a random meandering fashion.

5.0 CULTURAL AND HISTORICAL EVALUATION

A review of the Master Site File - TRS Search performed by the Florida Division of Historical Resources revealed one previously recorded

cultural resource site located over one mile north of the subject parcel. Details and location of the recorded site are included in Attachment C. Since the property does not contain or is adjacent to a previously recorded site I would suggest that no further information would be necessary regarding the potential presence of historical resources.

6.0 RESULTS AND SUMMARY

Three man-hours were expended during site reconnaissance and examination proceedings.

No State or Federally listed plant or animal species were confirmed as residing within the survey boundaries.

The subject parcel is comprised entirely of converted upland habitats. The parcel maintains no habitats that would fall under the regulatory jurisdiction of either the U.S. Army Corps of Engineers under *33 CFR 320-330*, Florida Department of Environmental Protection under **Rule 17-340, F.A.C. F.S.** and **Rule 9J-5.003(149), F.A.C.**, or Escambia County under their comprehensive plan and land development code.

No cultural or historical resources are expected to occur on the site as provided by the TRS Search performed by the Florida Division of Historical Resources

A photographic essay of the site and adjacent conditions is provided under Attachment D.

Questions regarding the contents or conclusions of this report can be directed to Craig Martin of Wetland Sciences, Inc at either the address or telephone number listed on the title page.

7.0 REFERENCES

- Allen, M. 1988. Wildlife Survey Methodology Guidelines - for Section 18.D of the Application for Development Approval. FG&FWFC, Tallahassee, FL.
- Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Technical Report Y-87-1. U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.
- Florida Department of Transportation, Surveying & Mapping Section. 1999. Florida Land Use, Cover And Forms Classification System Handbook, Third Edition.
- United States Department of Agriculture, Soil Conservation Service. 1985a. 26 Ecological Communities of Florida.
- United States Department of Agriculture, Soil Conservation Service. 1993. National soil survey handbook, title 430-VI. (Available in the State Office of the Natural Resources Conservation Service at Gainesville, Florida.)

Attachment A
Site Plan with aerial

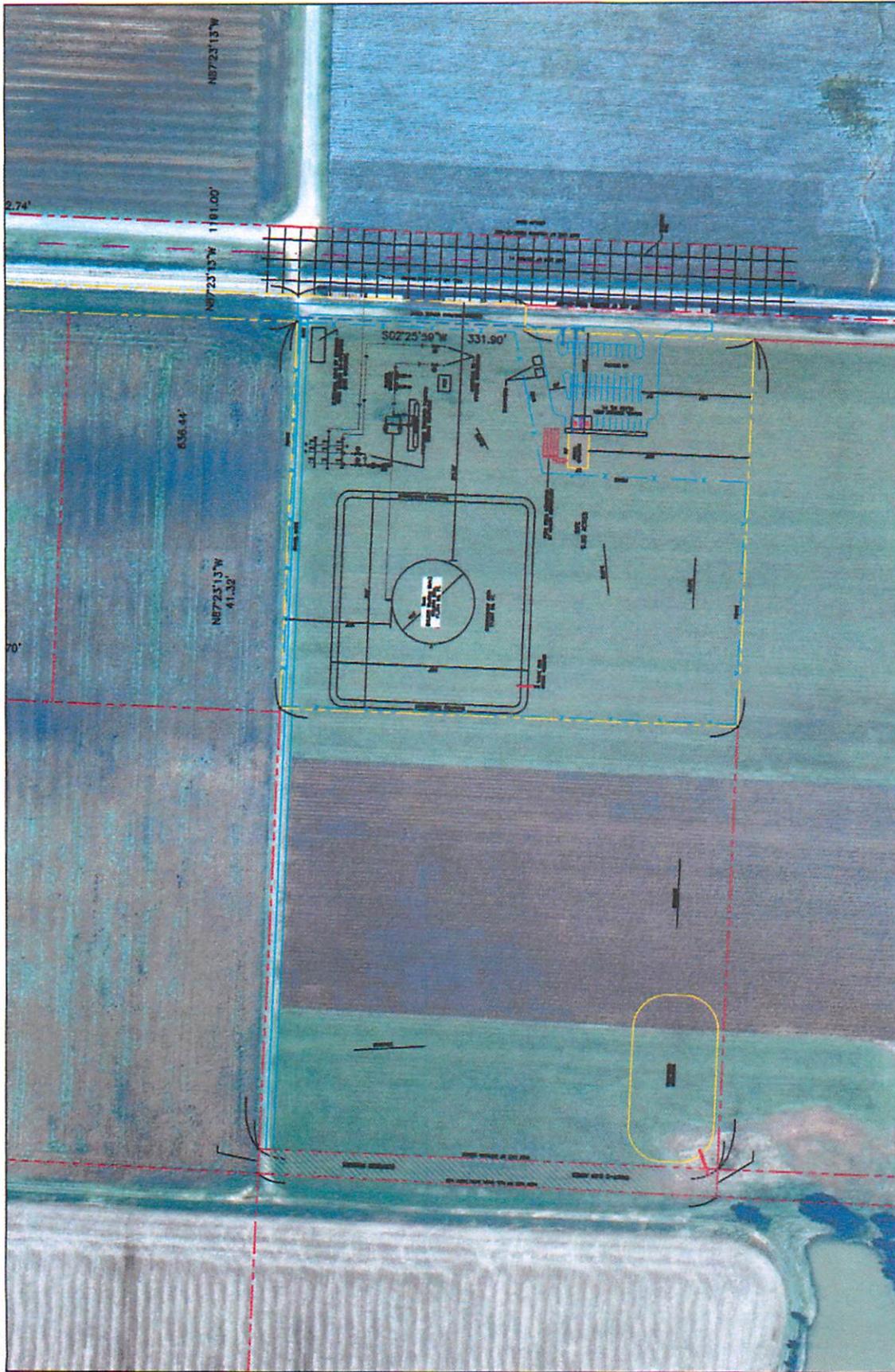


EXHIBIT A

DATE: APRIL 4, 2012

PROJECT #2012-081

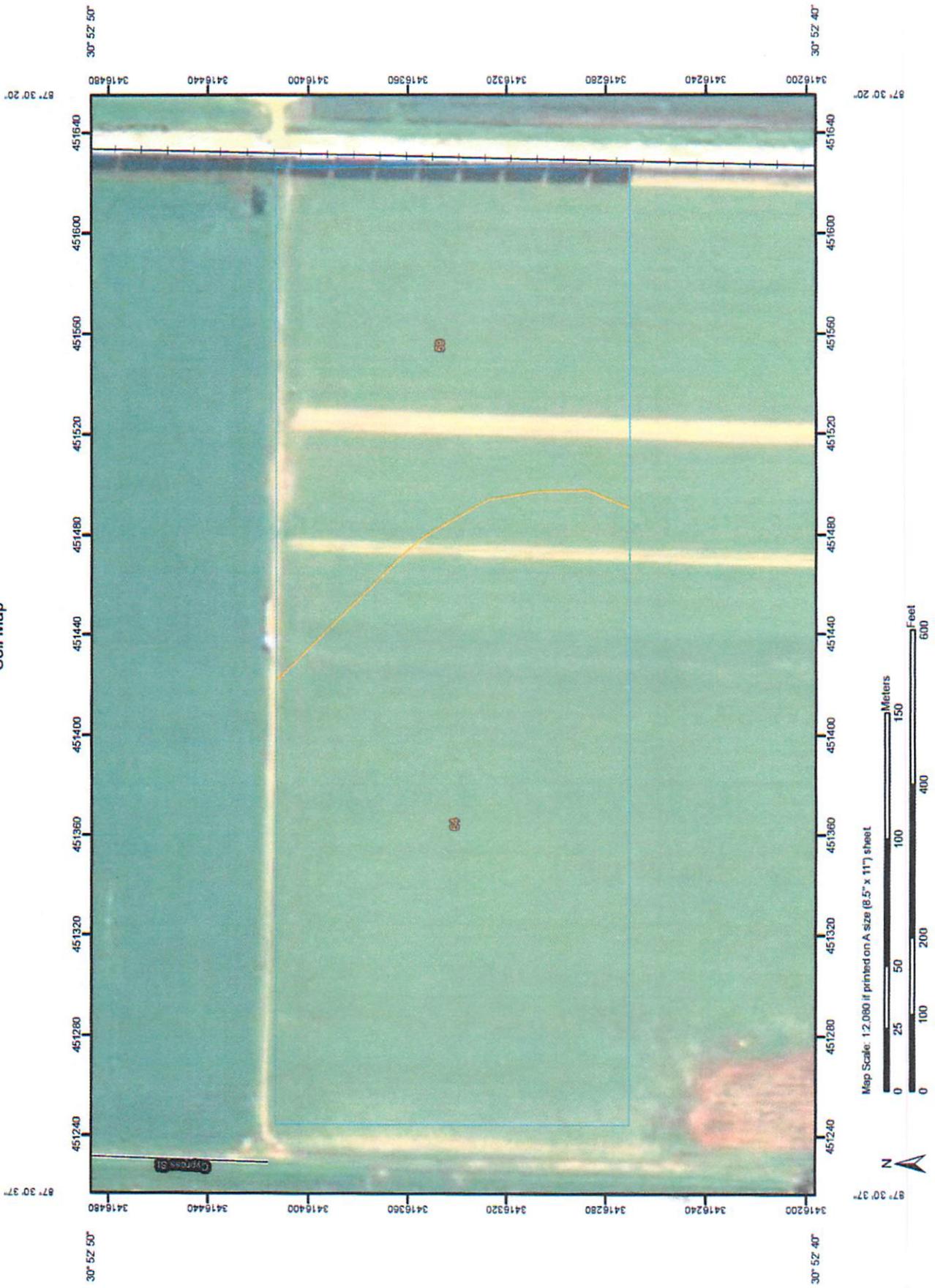
SCALE: 1" = 200'

DRAWN BY: JAT

WETLAND
SCIENCES
 INCORPORATED

Attachment B
Soil survey of subject parcel

Custom Soil Resource Report
Soil Map



Map Scale: 1:2,080 if printed on A size (8.5" x 11") sheet



Attachment C
Master file Cultural & Resource Assessment



This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

April 2, 2012



Jason Taylor
Environmental Scientist
Wetland Sciences, Inc
1829 Bainbridge Avenue
Pensacola, FL 32507
Phone: 850.453.4700
Fax: 850.453.1010
Email: jtaylor@wetlandsscience.com

In response to your inquiry of April 2, 2011, the Florida Master Site File lists one previously recorded archaeological site and two standing structures found in the following sections of Escambia County:

T04N R33W Sections 11 & 12

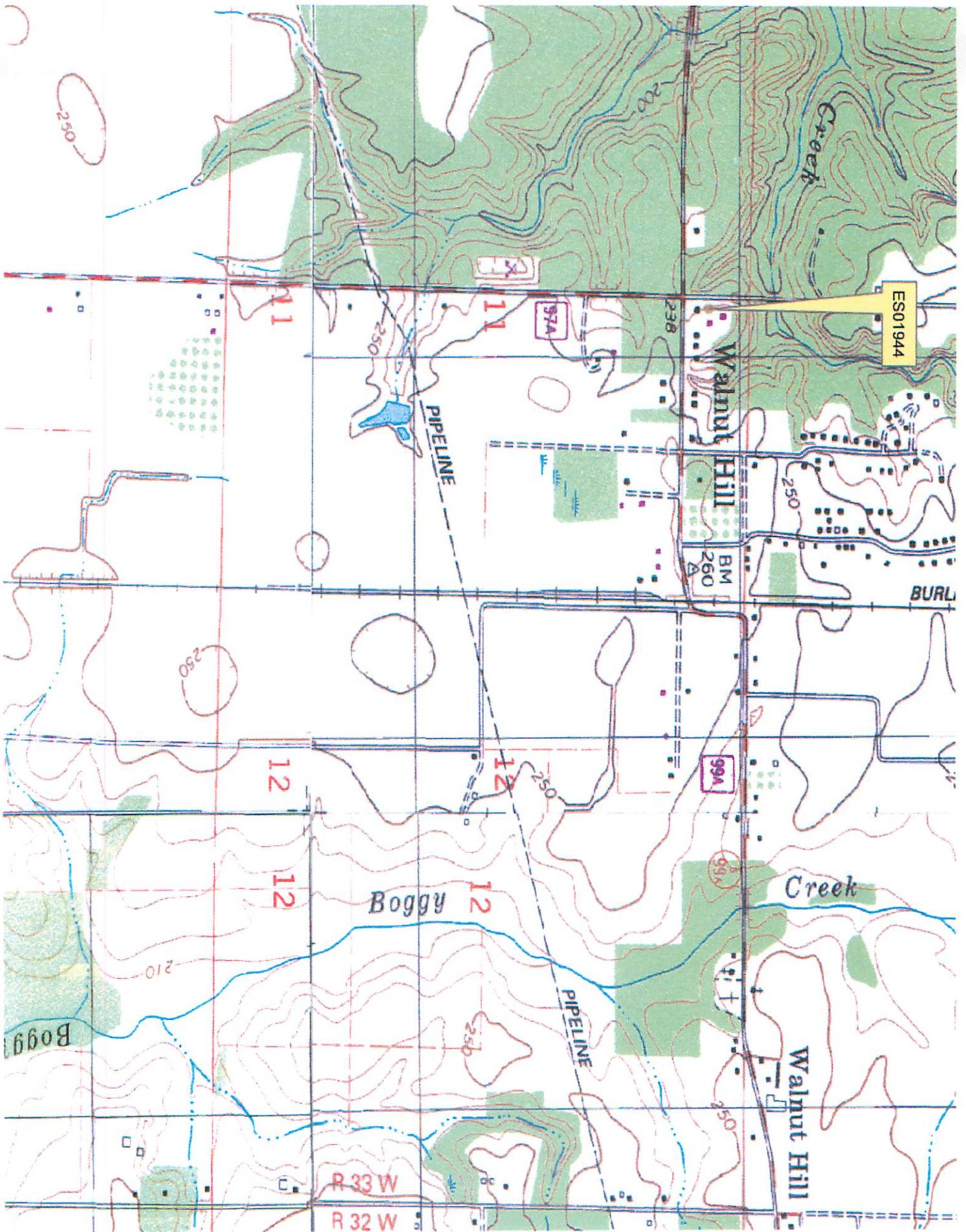
When interpreting the results of our search, please consider the following information:

- This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.
- Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.
- While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.
- Federal, state and local laws require formal environmental review for most projects. This search **DOES NOT** constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Lindsey Morrison
Archaeological Data Analyst
Florida Master Site File
Lindsey.Morrison@dos.myflorida.com



ES01944

Creek

Walnut Hill

BM 260

BURL

Creek

Walnut Hill

Bogggy

Bogggy

PIPELINE

PIPELINE

11

11

12

12

12

12

R 33 W

R 32 W

052

230

200

250

250

250

210

250

99A

250

97A

99A

238

260

99A

250

Attachment D
Representative Site photographs



View South Project site located behind heavy equipment



View Southeast Rail siding grading located on left



Existing Railway and pipeline orientation



Existing railway, and pipeline monument



Pipeline orientation through subject parcel yellow flagging in background denote location



Subject parcel condition fallow row crops, previously cotton



Project site south orientation close up



Subject parcel southeastern orientation

Comprehensive Plan Amendment Staff Analysis

General Data

Project Name: SSA 2012-04
Location: 6125 Arthur Brown Rd
Parcel #s: 11-4N-33-4100-000-000
Acreage: 9.69 (+/-) acres
Request: From Agricultural (AG) to I- Industrial
Agent: Neal Bjorklund, Agent for Galen and Rosalie Schmidt

Meeting Dates: Planning Board November 5, 2012
BCC December 6, 2012

Summary of Proposed Amendment:

The proposed amendment is for a 9.69 (+/-) acre parcel located on Arthur Brown road off of Highway 97-A. It is south of Highway 99A and west of the right-of-way of a railroad road in Walnut Hill. The adjacent and surrounding parcels are currently zoned VAG-1, ID-2.

The proposed small scale amendment meets the following conditions in order to be classified as a small scale comprehensive plan amendment:

- a) The parcel is 9.69 (+/-) acres which is under the 10 acres or fewer as stated in 163.3187(a)
- b) This amendment is the first small scale amendment for this calendar year, therefore it will not exceed the maximum of 120 acres in a calendar year as stated in F.S 163.3187(b).
- c) The proposed amendment is not located within a designated area of critical state concern.

The agent has requested a future land use (FLU) map amendment to change the future land use category of a 9.69(+/-) acre portion of a 20 (+/-) acre parcel from Agricultural Future Land Use to Industrial Future Land Use. The zoning designation for the referenced parcel is VAG-1, Village Agricultural. The intent of the proposed FLU change is to allow for the development of an oil transfer station. The applicant plans to submit the subject parcel for a rezoning.

Land Use Impacts:

Residential Impact

Under Comprehensive Plan Policy 1.3.1, the parcels current Agricultural (AG) Future Land Use category allows for a maximum intensity of 0.25 Floor Area Ratio (FAR) for non-residential uses. It allows for agricultural and silvicultural related activities as well as for commercial activity limited to those endeavors.

The proposed amendment to Industrial Future Land Use category allows for a maximum intensity of 1.0 FAR for non-residential uses. It allows for light to intensive industrial, ancillary retail and office and no new residential development is allowed.

Availability of Facilities and Services:

Comp Plan 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 3.1.2 Water Facility Extensions. *Escambia County shall coordinate with potable water providers on any extensions of potable water facilities in rural area.*

The Escambia River Energy Cooperative will be the potable water provider for the parcel.

GOAL CMS 1 Concurrency Management System

Escambia County shall adopt a Concurrency Management System to ensure that facilities and services needed to support development are available concurrent with the impacts of such development.

The applicant states the site will not generate increased traffic for this project.

CMS 1.2.1 Concurrency Determination.

The test for concurrency shall be met and the determination of concurrency shall be made prior to the approval of an application for a development order or permit that contains a specific plan for development, including the densities and intensities of the proposed development. If an applicant fails concurrency, he/she may apply to satisfy the requirements of the concurrency management system through the proportionate fair share program. For applicants participating in the proportionate fair share program, the BCC must approve a proportionate fair share agreement before a certificate of concurrency can be issued.

Potable Water

INF 4.1 Provision of Potable Water Service

Ensure the safe and efficient provision of potable water services through coordination with service providers, maximized use of existing facilities, maintenance of appropriate levels of service, correction of existing deficiencies, water conservation and protection of natural resources.

The adopted level of service (LOS) standards for, potable water, are established in Comprehensive Plan Policy INF 4.1.7. For non-residential uses, there the LOS requirements shall be based upon an Equivalent Residential Connection (ERC) to be calculated by the service provider at the time of application.

The Escambia River Energy Cooperative would be the potable water provider for the parcel.

As indicated by the agent's analysis, the closest potable water service is a 6 inch water line on the west side of the railroad right-of-way and entrance road to the site. The water main has been extended to the adjacent property to the east.

Sanitary Sewer

The adopted level of service standards for sanitary sewer established in Comprehensive Plan Policy INF 1.1.9 are an average of 210 gallons per residential connection per day and a peak of 350 gallons per residential connection per day. For non-residential uses, the LOS shall be based upon an Equivalent Residential Connection (ERC) calculated by the provider and on the size of the non-residential water meter.

Neither the Escambia River Energy Cooperative nor any other provider presently has sewer collection lines that can serve the parcel. The agent's analysis states to use an onsite sewage disposal system permitted in accordance with the Escambia County Health Department.

Solid Waste Disposal

As established in Comprehensive Plan policy INF 2.1.4, the adopted LOS standard for solid waste disposal in the county is six pounds per capita per day. Solid waste from the parcel will be disposed at the Perdido Landfill. The current build-out of the 424-acre landfill facility is 74 acres. Based on population growth projections and estimated annual Class 1 municipal solid waste (MSW) received, the estimated remaining life of the landfill is 70 years.

The agent identified Allied Waste as the possible solid waste provider for the parcel and that the waste would go to the Perdido Landfill.

Based on the level of service standards and estimated life of the landfill, there will not be an additional impact on capacity.

Stormwater Management

Comprehensive Plan Policy INF 3.1.9 establishes the following minimum level of service standards for drainage:

- a. The post development run-off rate shall not exceed the pre-development run-off rate for a 25-year storm event, up to and including an event with greatest intensity. However, the County Engineer may reduce detention/retention storage requirements for developments that provide a direct discharge of treated stormwater to the Gulf of Mexico, Escambia Bay, Pensacola Bay, or Perdido Bay.*
- b. Compliance with environmental resource permitting and other stormwater design and performance standards of the Florida Department of Environmental Protection and Northwest Florida Water Management District as prescribed in the Florida Administrative Code.*
- c. The contribution of the new development to any existing, functioning area-wide drainage system shall not degrade the ability of the area-wide system to adequately retain/detain/store and control stormwater run-off.*
- d. The design and construction for all major channels of stormwater systems under arterial and collector roads shall be predicated upon, and designed to control stormwater from, at least a 100-year storm event.*

Any new development on the parcel must meet these LOS requirements and may necessitate the construction of stormwater management facilities. Drainage LOS compliance would be addressed as part of the site development review process.

Traffic Concurrency

*Under Comp Plan CMS 1.1.2 **Primary Tasks**. The County Administrator, or designee, shall be responsible for the five primary tasks described below:*

- a. Maintaining an inventory of existing public facilities and capacities or deficiencies;*
- b. Determining concurrency of proposed development that does not require BCC approval;*
- c. Providing advisory concurrency assessments and recommending conditions of approval to the BCC for those applications for development orders that require BCC approval;*
- d. Reporting the status of all public facilities covered under this system to the BCC and recommending a schedule of improvements for those public facilities found to have existing deficiencies; and*
- e. Administering the Proportionate Fair Share Program as outlined in the Land Development Code (LDC) and the Escambia County Concurrency Management System Procedure Manual, if the County CMS-1 and an applicant choose to utilize this program*

to mitigate transportation impacts on transportation facilities found to have deficient capacity during the process of testing for concurrency.

The agent's description for the intended use is for the transfer of crude oil from rail car to pipeline or stored in an onsite tank. The site is to be accessed via the extension of the north-south railroad roadway to the site.

The county's Transportation & Traffic Operations Division analyzed the impacts on area roads from trips generated by potential use of the parcel. The analysis estimated the impacted road segments of Highway 97A and 99A would all maintain their adopted levels of service established in Comprehensive Plan Policy Mobility Element (MOB)1.1.2 and would meet the test for concurrency prescribed by Land Development Code (LDC) Section 5.12.00.

SUMMARY: Test for concurrency and allocation for capacity on roadways, potable water, wastewater, solid waste, stormwater shall be determined at the time of site plan review.

Impact on Wellheads, Historically Significant Sites and the Natural Environment:

Wellheads:

CON 1.4.1 Wellhead Protection. *Escambia County shall provide comprehensive wellhead protection from potential adverse impacts to current and future public water supplies. The provisions shall establish specific wellhead protection areas and address incompatible land uses, including prohibited activities and materials, within those areas.*

The Escambia County GIS maps did not indicate any wellheads sites near the subject parcel.

Historically Significant Sites:

FLU 1.2.1 State Assistance. *Escambia County shall utilize all available resources of the Florida Department of State, Division of Historical Resources in the identification of archeological and/or historic sites or structures within the County. The County will utilize guidance, direction and technical assistance received from this agency to develop provisions and regulations for the preservation and protection of such sites and structures. In addition, the County will utilize assistance from this agency together with other sources, such as the University of West Florida, in identifying newly discovered historic or archaeological resources. The identification will include an analysis to determine the significance of the resource.*

The agent's analysis indicated no historical significance for the amendment site, a statement from Wetland Sciences, Inc. indicates after reviewing the Master Site File, TRS Search performed by the Florida of Historical Resources, there was one previously recorded archaeological site, found over a mile north of the subject parcel.

Wetlands:

CON 1.1.2 Wetland and Habitat Indicators. *Escambia County has adopted and will use the National Wetlands Inventory Map, the Escambia County Soils Survey, and the Florida Fish and Wildlife Conservation Commission's (FFWCC) LANDSAT imagery as indicators of the potential presence of wetlands or listed wildlife habitat in the review of applications for development approval. The Escambia County Hydric Soils Map is attached to this ordinance as Exhibit N.*

There appear to be no environmentally sensitive lands on the subject parcel. The proposed development shall be reviewed for compliance with the all the federal, state and local regulations prior to the issuance of any site plan approval.

Comprehensive Plan Consistency and Relevant Policies:

FLU 1.3 Future Land Use Map Designations:

“Designate land uses on FLUM to discourage urban sprawl, promote mixed use, compact development in urban areas, and support development compatible with the protection and preservation of rural areas.”

Industrial Future Land Use Category:

FLU 1.3.1 *states that the Industrial FLU “is intended for a mix of industrial development and ancillary office and commercial uses that are deemed to be compatible with adjacent or nearby properties. Industrial areas shall facilitate continued industrial operations within the County and provide jobs and employment security for present and future residents.*

New industrial uses in the I-Industrial category may be permitted provided such use conforms to the permitted uses listed in the ID-2 zoning category. The adjacent and nearby properties are currently zoned village agricultural or village rural and are being utilized for agriculture which is not compatible with the requested Industrial Future Land Use. If this amendment is granted, the agent must submit an application for the quasi-judicial rezoning process prior to receiving a development order.

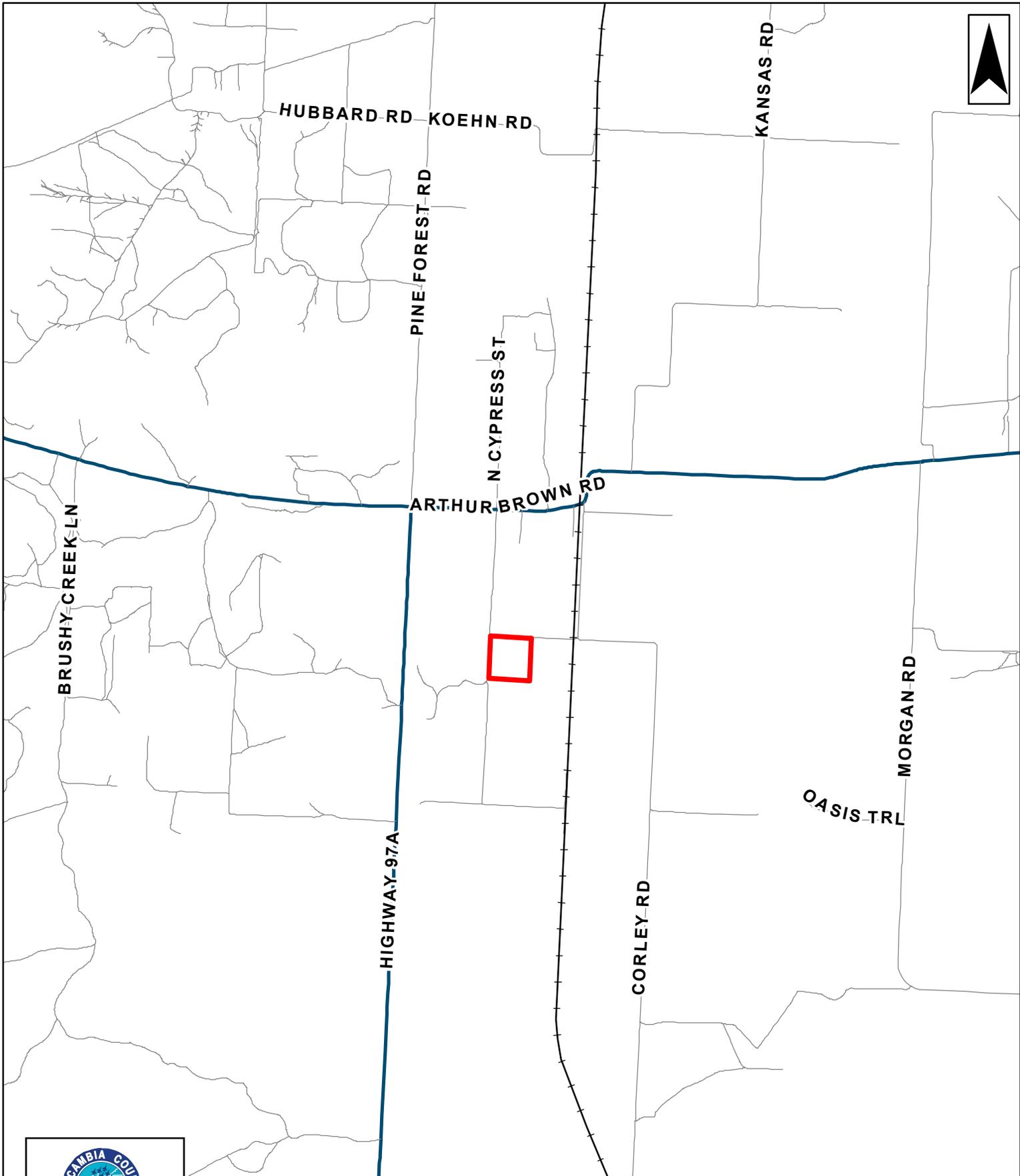
FLU 1.5.3 New Development and Redevelopment in Built Areas. *To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban,*

Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

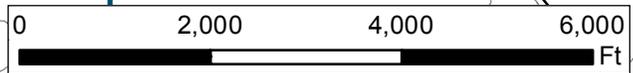
The agent analysis states the activities on the site will not involve intensive or heavy industrial uses and the impact upon existing public roads, utilities and service infrastructures will be minimal.

Summary

County staff understands that industrial uses are a tremendous economic development factor as they generate jobs and provide goods and services for consumers. Industrial uses are few throughout Escambia County and there is a need for industrial uses; however a change from lowest to highest intensity of uses would allow any of the permitted uses in ID-2 zoning, such as steel mills, salvage yards, asphalt plants, refineries. These uses may be offensive or incompatible with the surrounding agricultural areas currently having a Future Land Use designation of Agricultural or Rural Community and may impact the area in regards to noise or increased traffic.



SSA-2012-04 LOCATION MAP



- RAILROAD
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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

Andrew Holmer
Planning and Zoning Dept.



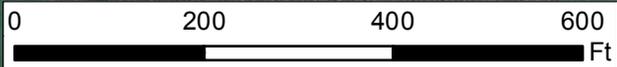
S CYPRESS ST



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.

SSA-2012-04 AERIAL MAP



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



RC

S CYPRESS ST

RC

AG

CORLEY RD

RC

AG

I

AG

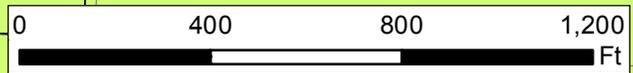
AG



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.

SSA-2012-04 CURRENT FLU



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



RC

SCYPRESS ST

RC

AG

CORLEY RD

RC

I

I

AG

AG

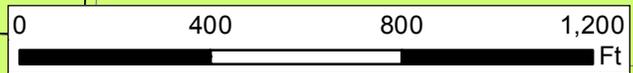
AG



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.

SSA-2012-04 PROPOSED FLU



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

VR-1

VR-2

S CYPRESS ST

CORLEY RD

VAG-1

VAG-1

ID-2

VAG-1

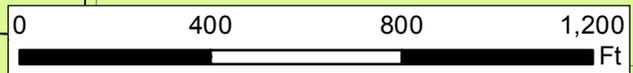
VAG-1



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.

SSA-2012-04 500' RADIUS ZONING



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



BOARD OF COUNTY COMMISSIONERS Escambia County, Florida

Planning Board-Regular

5. B.

Meeting Date: 11/05/2012

Issue: Comprehensive Plan - Small Scale Amendment SSA-2012-05

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

Information

RECOMMENDATION:

That the Planning Board review and recommend to the Board of County Commissioners (BCC) Comprehensive Plan Small Scale Amendment (SSA) 2012-05; 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.

BACKGROUND:

Wiley C. "Buddy" Page, Agent for Gregory Drake. requested an amendment to change the Future Land Use category for a parcel totaling 2.86 (+/-) acres from C Commercial to MU-U Mixed Use Urban. The attached implementing ordinance proposes amending Chapter 7 of the Comprehensive Plan, "Future Land Use Element", to amend the Year 2030 Future Land Use Map.

The proposed amendment consists of 2.86 (+/-) acres which is under the 10 acres or less requirement for a small scale amendment as stated in 163.3187(a). This amendment is the fifth small scale amendment for this calendar year, therefore it will not exceed the maximum of 120 acres in a calendar year as stated in F.S 163.3187(b)

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

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

PERSONNEL:

No additional personnel are required for implementation of this Comprehensive Plan Amendment.

POLICY/REQUIREMENT FOR BOARD ACTION:

Comprehensive Plan Section 4.07 requires a public hearing review by the local planning agency (Planning Board) of any proposed amendment to the plan prior to adoption by the Board of County Commissioners in a subsequent public hearing.

IMPLEMENTATION/COORDINATION:

Upon recommendation by the Planning Board, the Board of County Commissioners will hold a public hearing to review and adopt the amendment package. Upon adoption the Future Land Use Map will be modified to reflect the amendment.

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

Draft Ordinance

Application Packet

CRA comments

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Small Scale Amendment (SSA 2012-05)

Date: October 17, 2012

Date due for placement on agenda: _____

Requested by Allyson Cain

Phone Number: (850) 595-3547



(LEGAL DEPARTMENT USE ONLY)

Legal Review by 

Date Received: Oct 18, 2012

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

ORDINANCE NO. 2012-___

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, 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 A PARCEL WITHIN SECTION 38, TOWNSHIP 2S, RANGE 30W, PARCEL NUMBER 1000-170-006, TOTALING 2.86 (+/-) ACRES, LOCATED ON NAVY BOULEVARD, 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.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County adopted its Comprehensive Plan on January 20, 2011; and

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend and enforce comprehensive plans for the development of the County; and

WHEREAS, the Escambia County Planning Board conducted a public hearing and forwarded a recommendation to the Board of County Commissioners to approve changes (amendments) to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Escambia County, Florida finds that the adoption of this amendment is in the best interest of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Escambia County, Florida, as follows:

Section 1. Purpose and Intent

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, Sections 163.3161 through 163.3215, Florida Statutes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

Section 2. Title of Comprehensive Plan Amendment

This Comprehensive Plan amendment shall be entitled – "Small Scale Amendment 2012-05."

Section 3. Changes to the 2030 Future Land Use Map

The 2030 Future Land Use Map, as adopted by reference and codified in Part II of the Escambia County Code of Ordinances, the Escambia County Comprehensive Plan: 2030, as amended; Chapter 7, "Future Land Use Element," Policy FLU 1.1.1; and all notations, references and information shown thereon, is further amended to include the following future land use change.

One parcel within Section 38, Township 2S, Range 30, Parcel Number 1000-170-006 totaling 2.86 (+/-) acres, located on Navy Boulevard, as more particularly described by Ricky B. Sears, RBSears Land Surveying, Inc., in the boundary survey dated May 8, 2009, attached as exhibit A, from Commercial (C) to Mixed-Use Urban(MU-U).

Section 4. Severability

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Inclusion in the Code

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by Section 125.68, Florida Statutes, 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 6. Effective Date

Pursuant to Section 163.3187(5)(c), Florida Statutes, this Ordinance shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this

DRAFT

1 Ordinance shall not become effective until the Department of Economic Opportunity or
2 the Administration Commission enters a final order determining the Ordinance to be in
3 compliance.
4

5
6 **DONE AND ENACTED** this _____ day of _____, 2012.
7

8 BOARD OF COUNTY COMMISSIONERS
9 OF ESCAMBIA COUNTY, FLORIDA
10

11
12 By: _____
13 Gene M. Valentino, Chairman
14

15 ATTEST: ERNIE LEE MAGAHA
16 CLERK OF THE CIRCUIT COURT
17

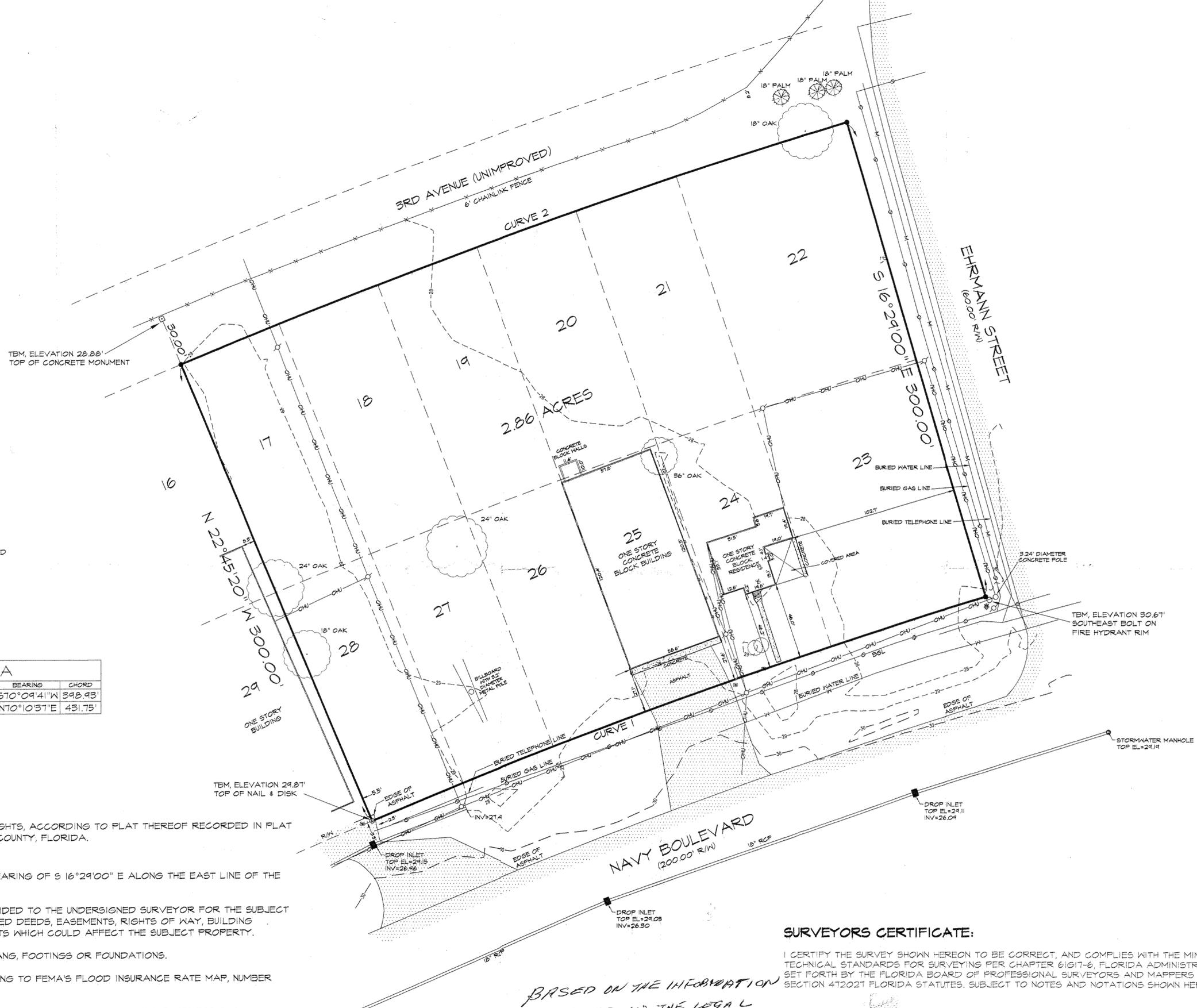
18
19 By: _____
20 Deputy Clerk
21

22
23 (SEAL)
24

25
26 ENACTED:
27

28 FILED WITH THE DEPARTMENT OF STATE:
29

30 EFFECTIVE DATE:
31
32
33



- LEGEND:**
- TBM TEMPORARY BENCHMARK
 - R/W RIGHT OF WAY
 - OHU OVERHEAD UTILITIES
 - BGL BURIED GAS LINE
 - GM GAS METER
 - POWER POLE
 - 4"x4" CONCRETE MONUMENT FOUND
 - 1/2" CAPPED ROD SET, NO. 4511
 - ⊙ NAIL AND DISK SET, NO. 4511

CURVE DATA					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
1	394.83	394.10'	5°50'01"	S70°09'41"W	398.93'
2	424.83	431.94'	5°51'53"	N70°10'37"E	431.75'

DESCRIPTION:
 LOTS 17 TO 28, BOTH INCLUSIVE, IN BLOCK 6, WESTERLY HEIGHTS, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 14, OF THE PUBLIC RECORDS OF ESCAMBA COUNTY, FLORIDA.

SURVEYORS NOTES:
 THE BEARINGS SHOWN HEREON ARE BASED ON THE PLAT BEARING OF S 16°29'00" E ALONG THE EAST LINE OF THE SURVEYED PROPERTY.

NO TITLE SEARCH, TITLE OPINION, OR ABSTRACT WAS PROVIDED TO THE UNDERSIGNED SURVEYOR FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS OF WAY, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY.

THE STRUCTURE DIMENSIONS DO NOT INCLUDE EAVE OVERHANG, FOOTINGS OR FOUNDATIONS.

THE SUBJECT PROPERTY IS LOCATED IN ZONE "X", ACCORDING TO FEMA'S FLOOD INSURANCE RATE MAP, NUMBER 12033C03T06, MAP REVISED SEPTEMBER 29, 2006.

THE INFORMATION SHOWN HEREON IS BASED ON THE PLAT OF RECORD, AND FIELD EVIDENCE. UNLESS SHOWN OTHERWISE, PLAT AND FIELD MEASURED INFORMATION AGREE.

THE ELEVATIONS SHOWN HEREON ARE BASED ON BENCHMARK H111 1945, ELEVATION 32.35 FEET, NAVD 88.

THE LOCATION OF BURIED UTILITIES IS BASED ON FIELD MARKINGS BY THE UTILITY PROVIDER. NO CERTIFICATION IS GIVEN BY THE UNDERSIGNED SURVEYOR TO THE ACCURACY OR COMPLETENESS OF THESE MARKINGS. THERE MAY BE OTHER BURIED UTILITIES WHICH DO NOT APPEAR ON THIS SURVEY.

SURVEYORS CERTIFICATE:
 I CERTIFY THE SURVEY SHOWN HEREON TO BE CORRECT, AND COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING PER CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472021 FLORIDA STATUTES. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

BASED ON THE INFORMATION CONTAINED IN THE LEGAL DESCRIPTION OF THIS SURVEY THE TOTAL MEASURE IS 2.86 ACRES

Ricky E. Sears
 RICKY E. SEARS
 FLORIDA LICENSED SURVEYOR & MAPPER NO. 4511

MAY 8, 2009
 DATE

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NAMED ABOVE, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

RBSears Land Surveying, Inc.
 5941 BERRYHILL ROAD, SUITE D
 MILTON, FLORIDA 32570
 TELEPHONE: (850) 983-6449
 FAX: (850) 623-3284



BOUNDARY SURVEY
 LOTS 17 THRU 28, BLOCK 6
 WESTERLY HEIGHTS
 ESCAMBA COUNTY, FLORIDA

PREPARED FOR:
 MR. GREGORY DRAKE

Field Book:	26
Field Book Page:	52-55
Field Date:	4/24/09
Scale:	1"=50'
Drawn By:	PJK
Date:	4/30/09
Job Number:	08056

SCA 2012.05

SSA-2012-05

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

October 3, 2012
VIA HAND DELIVERY

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

RE: FLUM Change
Property Parcel 38-2S-30-1000-170-006
Address: 3904 Navy Boulevard
Current: FLUM=C Desired: FLUM= MU-U

Dear Ms. Cain:

The attached application package requests consideration from the Planning Board to change the Future Land Use Map existing Commercial designation of the above referenced property to MU-U Mixed Use-Urban.

If granted, it will facilitate the development for the construction of a seventy (70) unit apartment complex. The project will consist of 42 two bedroom units and 38 three bedroom units on the 2.82 acre site.

Please advise if you have any questions or need any further information. Thank you.

Sincerely yours,



Wiley C. "Buddy" Page

Copy: T & A Investment Properties, LLC



R-6

ID-1

C-1

ALTON RD

R-2

SHADOW LAWN LN

EHRMANN ST

C-1

C-1

C-1

W NAVY BLVD

C-2

C-2

MELDUM AVE

R-2



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.

SSA-2012-05 500' RADIUS ZONING



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



MU-U

ALTON RD

MU-U

G

SHADOW LAWN LN

MU-U

G

EHRMANN ST

MU-U

W. NAVY BLVD

G

G

MELDUM AVE

MU-U

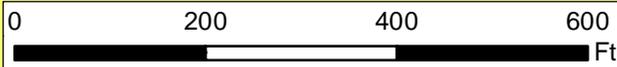
MU-U



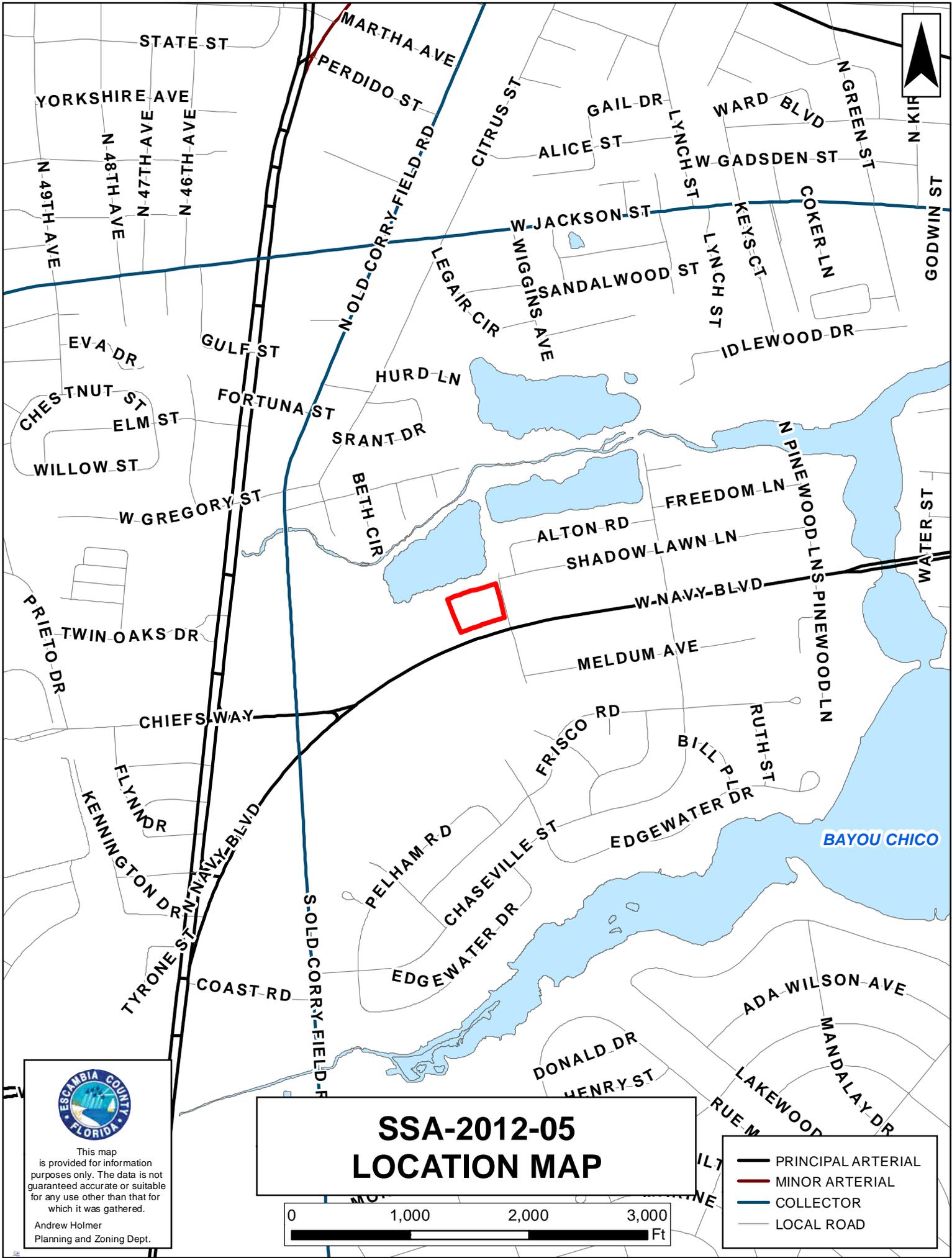
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

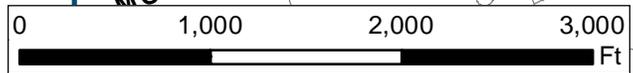
SSA-2012-05 PROPOSED FLU



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



SSA-2012-05 LOCATION MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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

Andrew Holmer
Planning and Zoning Dept.



MU-U

ALTON RD

MU-U

SHADOW LAWN LN

MU-U

EHRMANN ST

W. NAVY BLVD

MELDUM AVE

MU-U

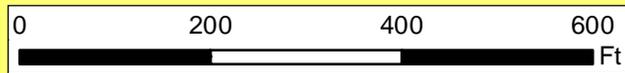
MU-U



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.

SSA-2012-05 CURRENT FLU



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

BROWNSVILLE



WARRINGTON

ALTON RD

SHADOW LAWN LN

EHRMANN ST

W. NAVY BLVD

WARRINGTON

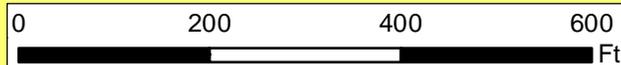
MELDUM AVE



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.

**SSA-2012-05
CRA DISTRICT**



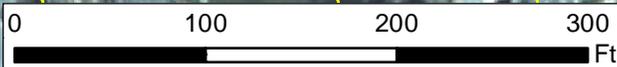
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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

Andrew Holmer
Planning and Zoning Dept.

SSA-2012-05 AERIAL MAP



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

FUTURE LAND USE MAP AMENDMENT APPLICATION

(THIS SECTION FOR OFFICE USE ONLY):

TYPE OF REQUEST: SMALL SCALE FLU AMENDMENT X
LARGE SCALE FLU AMENDMENT _____

Current FLU: C Desired FLU: MU-U Zoning: _____ Taken by: A Cam

Planning Board Public Hearing, date(s): 11/5/12

BCC Public Hearing, proposed date(s): 12/6/12

Fees Paid _____ Receipt # _____ Date: 10/3/12

OWNER'S NAME AND HOME ADDRESS AS SHOWN ON PUBLIC RECORDS OF ESCAMBIA COUNTY, FL

Name: T&A Investments Property

Address: 3920 Navy Blvd

City: Pensacola State: FL Zip Code: 32507

Telephone: (850) 316-7100

Email: Drake8821@hotmail.com

DESCRIPTION OF PROPERTY:

Street address: 3904 W NAVY BLVD, PENSACOLA, FL.

Subdivision:

WESTERLY HEIGHTS PB2 P.14. LOTS 17 TO 28, BOTH ~~17~~ INCLUSIVE

Property reference number: Section 38 Township 2-5 Range 30

Parcel 1000 Lot 170 Block 006

Size of Property (acres) 2.82

**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION FOR
FUTURE LAND USE CHANGE REQUEST**

By my signature, I hereby certify that:

- 1) I am duly qualified as owner 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 there are no guarantees as to the outcome of this request, the application fee is non-refundable; and
- 4) The signatory below will be held responsible for the balance of any advertising fees associated with required public hearings for this amendment request (Payment due within 90 days of invoice date) or future planning and zoning applications will not be accepted; and
- 5) I authorize County Staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection; and
- 6) I authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County Staff.

Rebecca Pagan Rebecca Pagan 9/27/12
 Signature (Property Owner) Printed Name Date

Rebecca Pagan / owner of T&A Investments 9/27/12
 Signature (Agent's Name (or owner if representing oneself)) Printed Name Date

Address: 3920 Navy Blvd

City: Pensacola State: FL Zip: 32507

Telephone (850) 376 - 7100 Fax # () - _____

Email: Druce 8821@hotmail.com

STATE OF Florida
 COUNTY OF Escambia

The forgoing instrument was acknowledged before me this 27 day of Sept, year of 2012 by Rebecca Pagan who () did () did not take an oath. He/she is () personally known to me, () produced current Florida/Other driver's license, and/or () produced current FL DL P250720785190 as identification.

[Signature] 9/27/12 Brandi Halton
 Signature of Notary Public Date Printed Name of Notary

My Commission Expires 2-22-12 Commission No. 986717
 (Notary seal must be affixed)



AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY

As owner of the property located at 3920 Navy Blvd Pensacola,
Pensacola, Florida, Property Reference Number(s) 38-25-30-1000-170-006
I hereby designate Harold Pridgen, for the sole purpose of completing this application
and making a presentation to the Planning Board, sitting as the Local Planning Agency, and the
Board of County Commissioners, to request a change in the Future Land Use on the above
referenced property.

This Limited Power of Attorney is granted on this 27 day of Sept, the year of
2012, and is effective until the Board of County Commissioners 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 Planning and
Engineering Department.

Rebecca Pagan 9/27/12 Rebecca Pagan
Signature of Property Owner Date Printed Name of Property Owner

Signature of Agent Date Printed Name of Agent

STATE OF Florida

COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 27 day of Sept, year of
2012, by Rebecca Pagan who () did () did not take an
oath.

He/she is () personally known to me, () produced current Florida/Other driver's license,
and/or () produced current FL DL as
identification.

[Signature] 9-27-12 Brandi Halton
Signature of Notary Public Date Printed Name of Notary Public

Commission Number 984717 ID # 006997 My Commission Expires 2-22-15

(Notary seal must be affixed)



**FUTURE LAND USE MAP AMENDMENT APPLICATION
CONCURRENCY DETERMINATION ACKNOWLEDGMENT**

Project name:

Property reference #: Section 38 Township 25 Range 30

Parcel # 38-25-30-1000-170-006

Project Address:

3904 W NAVY BLVD. PENSACOLA, FL

I/We acknowledge and agree that no future development permit (other than a rezoning/reclassification) shall be approved for the subject parcel(s) prior to the issuance of a certificate of concurrency for such proposed development based on the densities and intensities contained within such future development permit application.

I/We also acknowledge and agree that no development permit or order (other than a rezoning/reclassification) will be issued at that time unless at least one of the concurrency management system standards is met as contained in the Escambia County Code of Ordinances, Part II, Section 6.04, namely:

- (1) The necessary facilities and services are in place at the time a development permit is issued; or
- (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- (3) The necessary facilities are under construction at the time a permit is issued; or
- (4) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued. NOTE: This provision only relates to parks and recreation facilities and roads. The LDC will include a requirement that the provision or construction of the facility or service must commence within one (1) year of the Development Order or Permit; or
- (5) 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 163.320, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. Any such agreement shall include provisions pursuant to paragraphs 1, 2, or 3 above.
- (6) The necessary facilities needed to serve new development are in place or under actual construction no more than three (3) years after issuance, by the County, of a certificate of occupancy or its functional equivalent. NOTE: This provision only relates to roads.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 27 DAY OF Sept, 2012

X Rebecca Lagen
Owner's signature

Rebecca Pagan
Owner's name (print)

Agent's signature

Agent's name (print)

T & A Apartment Development **Consistency with Relevant Portions of the Escambia 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). The 2030 FLUM is attached herein to this ordinance as Exhibit B.

RESPONSE: If approved by the Escambia County Planning Board, this proposed development will be consistent with this policy.

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.

RESPONSE: During the plan review process, the required buffering methodology will be identified for review and approval by County officials. The approved method of buffering will then be installed/planted by developers.

FLU 1.2.2 LDC Provisions. Escambia County shall include provisions in the LDC that require identification and preservation of significant archeological and/or historic sites or structures within the County. The provisions will include protection for all sites listed on the Florida Master Site File and will be developed in cooperation with the Department of State, Division of Historical Resources. The provisions also will include requirements that provide for the cessation of land disturbing activities any time artifacts with potential historical significance are revealed during construction activities on any site with potential historical significance. The purpose of the cessation is to allow time to determine the significance of any artifact or historical evidence found on the site. Normally, determinations will be made by those approved to make such determinations by the Division of Historical Resources.

RESPONSE: This site was cleared in the early 1960s and subsequently utilized as a recycling automobile junk yard. operation. While there are several listed sites located

north of this site along the upper reaches of Bayou Chico and Jones Swamp but not on or adjacent to the proposed apartment site...

FLU 2.1.1 Infrastructure Capacities. Urban uses shall be concentrated in the urbanized areas with the most intense development permitted in the Mixed-Use Urban (MU-U) areas and areas with sufficient central water and sewer system capacity to accommodate higher density development. Land use densities may be increased through Comprehensive Plan amendments. This policy is intended to direct higher density urban uses to those areas with infrastructure capacities sufficient to meet demands and to those areas with capacities in excess of current or projected demand. Septic systems remain allowed through Florida Health Department permits where central sewer is not available.

RESPONSE: This application is requesting approval to construct a 70 unit apartment project. in an area that has all needed infrastructure elements in place with sufficient capacity available. (See service providers letters in application)..

MOB 1.1.1 New Development. Future developments will pay all costs and construct all roads within the development as well as existing and proposed access roads (internal and external) to Escambia County standards so that the roads, upon construction, may be accepted into Escambia County's road system. Nothing in this policy shall be interpreted to preclude the County from requiring the development to pay all costs to the County associated with construction of any transportation improvement made necessary by the development.

RESPONSE: This proposed development will submit detailed site plans identifying required improvements all of which will be paid for by the developer.

MOB 1.1.2 Level of Service (LOS) Standards. Levels of Service (LOS) based on annualized p.m. peak hour conditions will be used to evaluate facility capacity and for issuance of development orders. LOS standards for all roadways are hereby established as shown below according to the functional classification of roadways identified on the 2005 Federal Functional Classifications Map. The Mobility Series is attached herein to this ordinance as Exhibit E. The Mobility Series includes the 2005 Federal Functional Classifications Map, the Number of Lanes – Escambia County Map, the FL-AL TPO Prioritized Bicycle & Pedestrian Projects Map, the Transportation Improvement Program FY 2010-2014 Major Projects Map, the Traffic Volume & Level of Service Report, and the FL-AL TPO Long Range Plan (future roadway). The FDOT LOS standards are also used for SIS facilities.

RESPONSE: This proposed development will not degrade Highway 98 which is designated by the Florida Department of Transportation as a Principle Arterial roadway with an adopted Level of Service Standard at "D".

MOB 1.1.3 On-site Facilities. All new private developments, including but not limited to planned unit developments, shopping centers, multifamily residential projects and other projects with internal circulation and parking needs shall be required to provide safe and convenient on-site traffic flow, facilities for nonmotorized transportation and sufficient vehicular parking to accommodate the needs of the development. This policy does not apply to residential subdivisions

RESPONSE: Internal circulation design will be identified once specific site plans are produced. These plans will be submitted to the County for review and approval. The plans will contain overall parking and traffic circulation patterns and will comply with this element of the Comprehensive Plan.

INF 3.1.8 Developer Responsibilities. Installation of stormwater management facilities made necessary by new development shall be the responsibility of the developer.

RESPONSE: Required stormwater management plan and facilities will be designed and installed at the developers expense.

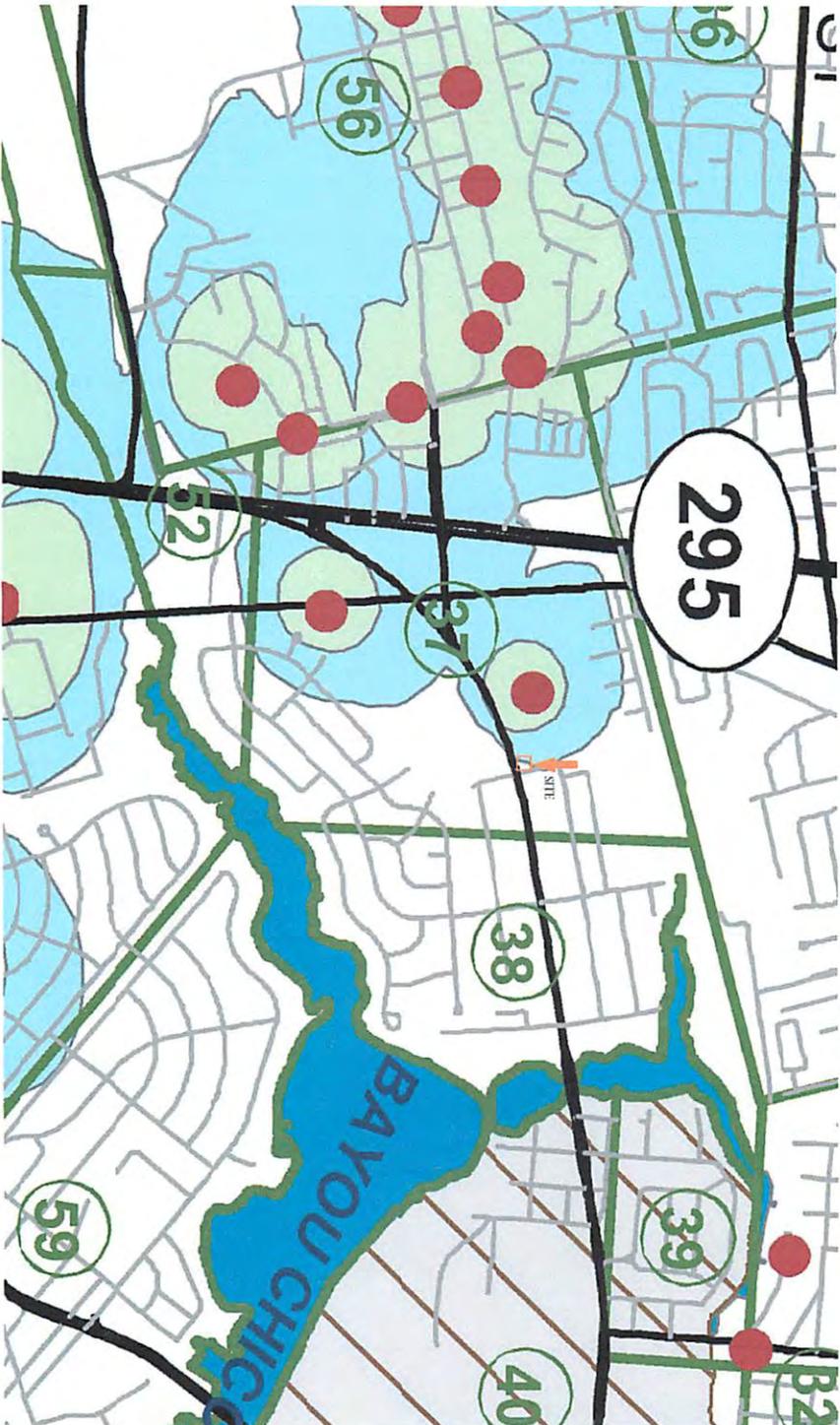
INF 4.1.6 Developer Responsibility. The cost of water line extensions made necessary by new development shall be the responsibility of the developer unless otherwise funded by the service provider.

RESPONSE: The developer will pay for all agreed costs associated with any required modifications to the water lines.

INF 5.1.3 Wellhead Protection. Wellhead protection zones shall be located based in part upon the most current NFWMD three-dimensional sand and gravel aquifer computer model. Compliance with design and performance standards pursuant to Chapter 62.532 Florida Administrative Code, is required to adopt FDEP minimum wellhead protection standards. The Potable Wells Wellhead Protection Areas Map shows the development may have a small portion of the site in the southeast corner of a well protection boundary. As such, the project will require a review by the water utility to determine impacts and remediation..

RESPONSE: As shown in the attached wellhead location map, this site is not located near potable water extraction facilities.

WELLHEAD LOCATION MAP



2012 LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L08000107518

FILED
Mar 20, 2012
Secretary of State

Entity Name: T & A INVESTMENT PROPERTIES, LLC

Current Principal Place of Business:

3920 NAVY BLVD.
PENSACOLA, FL 32507

New Principal Place of Business:

3920 W NAVY BLVD
PENSACOLA, FL 32507

Current Mailing Address:

3920 NAVY BLVD.
PENSACOLA, FL 32507

New Mailing Address:

3920 W NAVY BLVD
PENSACOLA, FL 32507

FEI Number: 26-3793834

FEI Number Applied For ()

FEI Number Not Applicable ()

Certificate of Status Desired ()

Name and Address of Current Registered Agent:

DRAKE, GREGORY
3920 NAVY BLVD.
PENSACOLA, FL 32507 US

Name and Address of New Registered Agent:

DRAKE, GREGORY
3920 W NAVY BLVD
PENSACOLA, FL 32507 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

03/20/2012

Date

MANAGING MEMBERS/MANAGERS:

Title: MGRM
Name: DRAKE, GREGORY
Address: 3920 W NAVY BLVD
City-St-Zip: PENSACOLA, FL 32507

Title: MGRM
Name: PAGAN, REBECCA
Address: 3920 W NAVY BLVD
City-St-Zip: PENSACOLA, FL 32507

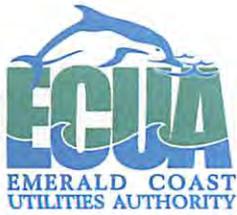
I hereby certify that the information indicated on this report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report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

SIGNATURE: GREGORY DRAKE

MGRM

03/20/2012

Electronic Signature of Signing Managing Member, Manager, or Authorized Representative / Date



P. O. Box 15311 • 9255 Sturdevant Street
Pensacola, Florida 32514-0311
ph: 850 476-5110 • fax: 850 494-7346

October 2, 2012

T&A Investments Properties, LLC
3920 W Navy Boulevard
Pensacola, FL 32507

Re: Drakes Apartments (3904 W Navy Boulevard)

To Whom It May Concern:

In response to your inquiry concerning availability of sewer service for the above referenced project, ECUA anticipates no problems in water supply or sewage treatment plant capacity. Our review indicates this project will not degrade ECUA's sewer systems to a degree which would cause these systems to fail to meet the adopted levels of service as defined in the Escambia County Comprehensive Plan.

For the purpose of concurrency review, ECUA will guarantee the availability of sewer system capacity up to the requested demand and flow for a period not to exceed one year from the date of this letter. The administration of the Concurrency Review Process is the sole responsibility of Escambia County. This letter is provided to assist in that process.

Connection of the proposed project to ECUA's systems is the responsibility of the developer. Extensions to the ECUA sewage collection systems to serve this project must be designed and constructed in accordance with ECUA's policies, procedures, and all applicable permitting requirements. Wastewater capacity impact fees are due and payable prior to issuance of building permits.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. E. Johnson, Jr.', is written over a light blue horizontal line.

William E. Johnson, Jr., PE/LS
Director of Engineering

cc: Harold Pridgen, P.E.
File

WEJ/vlf



Development Services Department
Escambia County, Florida

Small Scale **PLANNING BOARD**
~~REZONING~~ **PRE-APPLICATION SUMMARY FORM** *Harold Pudge*

38-25-30-1000-170-006
Property Reference Number

Greg Drake
Name 850-316-7100

3910 W Navy Blvd
Address

Owner

Agent

Referral Form Included? **Y/N**

MAPS PREPARED

- Zoning
- FLU
- Aerial
- Other: _____

PROPERTY INFORMATION

Current Zoning: C-1 Size of Property: 2.88 +/-
 Future Land Use: C Commissioner District: _____
 Overlay/AIPD: CA Subdivision: _____
 Redevelopment Area*: CRA - Warrington
 *For more info please contact the CRA at 595-3217 prior to application submittal.

COMMENTS

Desired Zoning: NA

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

Applicant wants a small scale amendment
from C to MU-U for Apartments to be
built on parcel with existing commercial business on site
Approx 70 units (3 story) Has been thru DRC process.
Planning Board - July 9, 2012
BCC - - August 9, 2012
Gave application for SSA - Discussed access off local road issue
Has contacted CRA regarding SSA.

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

Staff present: Allyson Cam, Horace Jones Date: 5/3/12

Applicant/Agent Name & Signature: Greg Drake

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



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

The mission of the CRA is to enhance the quality of life within the County's Redevelopment Areas and Enterprise Zone by encouraging private sector reinvestment, promoting economic development and providing public sector enhancements.

INTEROFFICE MEMORANDUM

TO: Planning Board

FROM: David Forte, Urban Planner II, Community Redevelopment Agency (CRA)

THRU: Keith Wilkins, Interim CRA Manager

DATE: Thursday, October 18, 2012

RE: FLU Amendment, November 5, 2012 meeting – 3904 Navy Blvd. – SSA-2012-05
– **Warrington Redevelopment District**

The Warrington Community Redevelopment Area Plan (WRP), originally adopted by the Board of County Commissioners in December of 1995, is intended to accomplish several key objectives to help revitalize and improve the Warrington Redevelopment District.

Navy Boulevard is a major arterial corridor and serves as the primary gateway to Pensacola NAS. Understanding the importance of the corridor, the Board of County Commissioners adopted the Navy Boulevard Design Guidelines Manual and Corridor Vision Plan on May 17, 2012. Also, the CRA is currently undergoing a Corridor Management Plan for the east/west segment of the corridor from the Bayou Chico Bridge to the east to New Warrington Rd. totaling approximately 1.3 miles. The corridor is a vibrant roadway with vital commercial components that anchor the economic viability of the community as well as supports the residential surrounding the corridor. The proposal does not appear to conflict with the Design Guidelines Manual and Corridor Vision Plan or the Corridor Management Plan.

The CRA is in support of the proposed application and respectfully requests that the Board approve the small scale future land use request.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

5. C.

Meeting Date: 11/05/2012

Issue: Comprehensive Plan Amendment - Large Scale Amendment CPA 2012-06

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

Information

RECOMMENDATION:

That the Planning Board review and forward Comprehensive Plan Amendment (CPA) 2012-06 to the Board of County Commissioners (BCC) 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 203, as amended; amending Future Land Use element MU-PK.

BACKGROUND:

With the pending approval of the Perdido Key Habitat Conservation Plan, buildable acreage on the key will become more limited. Staff is seeking ways to increase density within smaller footprints. The current Floor Area Ratio (FAR) and building heights limit the ability to concentrate density.

BUDGETARY IMPACT:

No budgetary impact is anticipated by the adoption of this Comprehensive Plan Amendment.

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached Ordinance has been reviewed and approved for legal sufficiency by Stephen West, 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 Comprehensive Plan 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

Draft Ordinance and Legal Sign off

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: CPA 2012-06 Perdido Key FLU-text change to MU-PK

Date: 09/06/12

Date requested back by: 09/14/12 for Oct. 8 PB

Requested by: Andrew Holmer

Phone Number: 595-3466



(LEGAL USE ONLY)

Legal Review by 

Date Received: _____



_____ Approved as to form and legal sufficiency.

_____ Not approved.

_____ Make subject to legal signoff.

Additional comments:

Make minor changes to the title and Section 1.

ORDINANCE NO. 2012-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING THE ESCAMBIA COUNTY COMPREHENSIVE PLAN: 2030; AMENDING FUTURE LAND USE ELEMENT MU-PK; REMOVING CERTAIN RESTRICTIONS ON DEVELOPMENT, HEIGHT, AND DENSITY; INCREASING THE FLOOR AREA RATIO; AND ADDING MINIMUM PERVIOUS AND MAXIMUM IMPERVIOUS AREA STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Purpose.

The purpose of this ordinance is to amend Future Land Use category MU-PK to remove certain standards for development, building height, and density; amend the Floor Area Ratio (FAR), and add pervious and impervious area requirements.

Section 2. Comprehensive Plan Amendment.

The Escambia County Comprehensive Plan: 2030 is amended as shown in the attached Exhibit A (additions are underlined and deletions are ~~struck through~~).

Section 3. Severability.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the code.

The Board of County Commissioners intends that the provisions of this ordinance will be codified as required by Section 125.68, Florida Statutes, and that the sections 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 its intentions.

Section 5. Effective date.

Pursuant to Section 163.3184(3)(c)4, Florida Statutes, this ordinance shall not become effective until 31 days after the Department of Economic Opportunity notifies

1 Escambia County that the plan amendment package is complete. If timely challenged,
2 this ordinance shall not become effective until the Department of Economic Opportunity
3 or the Administration Commission enters a final order determining the ordinance to be in
4 compliance.

5
6 DONE AND ENACTED this ____ day of _____, 2012.

7
8 BOARD OF COUNTY COMMISSIONERS
9 ESCAMBIA COUNTY, FLORIDA

10
11
12 By: _____

13 ATTEST: Ernie Lee Magaha
14 Clerk of the Circuit Court

Gene M. Valentino, Chairman

15
16 By: _____
17 Deputy Clerk

Date Executed: _____

18
19 (SEAL)

20
21 ENACTED:

22
23 FILED WITH THE DEPARTMENT OF STATE:

24
25 EFFECTIVE DATE:

26
27
28 ATTACHMENTS: Escambia County Comprehensive Plan: 2030

			<p>25%</p> <p>b) Public/Rec/Inst. – 5% to 20%</p> <p>c) Non-Residential: Retail/Service – 30% to 50%</p> <p>Office – 25% to 50%</p> <p>Light Industrial – 5% to 10%</p> <p>In areas beyond a ¼ mile of arterial roadways or transit corridors, the following mix of land uses is anticipated:</p> <p>a) Residential – 70% to 85%</p> <p>b) Public/Rec/Inst. – 10% to 25%</p> <p>c) Non-Residential – 5% to 10%</p>
Mixed-Use Perdido Key (MU-PK)	<p>Intended for a complementary mix of residential, commercial and tourism (resort) related uses.</p> <p>Residential development in the MU-PK FLUM category shall be limited to 7,150 dwelling units and 1,000 lodging units.</p>	<p>Single family and multi-family residential; condominiums; hotels/motels, commercial, active and passive recreational facilities, plazas and other civic uses; public and quasi-public facilities (including government facilities, public utilities, religious facilities and organizations).</p> <p>Up to 16% of the land in the MU-PK FLUM category may be developed in resort/tourist related uses and in small scale commercial uses.</p> <p>Also, the types of small scale commercial uses allowed will be strictly controlled pursuant to the Perdido Key</p>	<p>Residential Minimum Density: None</p> <p>Maximum Density: 25 du/acre (based on proposed zoning districts)</p> <p>Building heights in residential areas may be no more than eight stories, or two stories less than an adjacent structure, if the adjacent structure is greater than eight stories and existed on June 1, 1997.</p> <p>Non-Residential Minimum Intensity: None</p>

		<p>zoning districts.</p> <p>In the low and medium density residential zoning districts the non-residential uses may include churches, public utilities and facilities, parks and recreation areas, golf courses, tennis courts, swimming pools, etc. In the medium density residential zoning districts, non-residential uses may also include kindergarten and childcare centers and professional offices (architects, engineers, lawyers, consultants, medical/dental, real estate, insurance, etc.)</p> <p>The uses allowed in the commercial district include a full range of commercial enterprise activities and are contingent upon conformity of such uses with all requirements of this Plan and the Perdido Key zoning regulations, thereby assuring that such commercial development is undertaken in an environmentally sensitive manner. When using density transfers, densities may not be transferred to parcels south of Perdido Key Drive.</p>	<p>Maximum Intensity: 4.4 6.0 Floor Area Ratio (FAR)</p> <p>Building heights in commercial areas may be no more than eight stories plus two stories for parking. Building heights in the commercial core area will be based on percentage of lot coverage.</p> <p><u>Minimum pervious area: 20%</u></p> <p><u>Maximum impervious cover area: 80%</u></p>
Mixed-Use Pensacola Beach (MU-PB)	Intended for a complementary mix of uses on the developable lands at Pensacola Beach and is designed to accommodate and encourage innovative land development types and arrangements.	The location and distribution of uses shall generally follow the distribution of uses included in the 1988 Pensacola Beach Land Utilization Plan, which is included in Chapter 1 of the Foundation Document and Chapter 85-409, Laws of	<p>Mix of uses shall be approx. 35% residential, 15% commercial/tourism (resort) and 50% open space/recreation.</p> <p>Also, densities may be increased, decreased</p>



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

5. D.

Meeting Date: 11/05/2012

Issue: LDC Ordinance - Article 6, Zoning District, Perdido Key

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

Information

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Article 6

That the Planning Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 6, Zoning Districts

BACKGROUND:

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 Stephen West, 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

Draft Ordinance and legal sign off

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: CCPK text changes for lot coverage and building height

Date: 09/06/12

Date requested back by: 09/14/12 for Oct. 8 PB

Requested by: Andrew Holmer

Phone Number: 595-3466



(LEGAL USE ONLY)

Legal Review by 

Date Received: _____

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

I made changes to the title.

- 1 D. *Traffic requirements.* See section 7.11.09.
- 2 E. *Screening adjacent to residential districts.* See section 7.01.06.E.
- 3 F. *Site and building requirements.*
- 4 ~~1. *Lot coverage.*~~
- 5 ~~a. The lot coverage for residential single-family, two-family (duplex),~~
- 6 ~~three-family (triplex), four-family (quadruplex), and townhouse~~
- 7 ~~buildings shall be the same as for the R-1PK district. At least 20~~
- 8 ~~percent of each lot or parcel shall remain pervious (80 percent~~
- 9 ~~maximum impervious cover ratio) for multifamily dwelling and~~
- 10 ~~commercial buildings. (See section 12.01.01.B.)~~
- 11 ~~b. The maximum combined area occupied by all principal and~~
- 12 ~~accessory buildings shall not exceed the percentage (%) allowed~~
- 13 ~~under the "footprint" regulations for the number of stories proposed.~~
- 14 ~~2-1. *Lot width.* The minimum lot width for residential single-family, two-~~
- 15 ~~family (duplex), three-family (triplex), four-family (quadruplex), and~~
- 16 ~~townhouse buildings shall be the same as for the R-1PK district.~~
- 17 ~~Multifamily dwelling and commercial buildings shall have no minimum lot~~
- 18 ~~width.~~
- 19 ~~3-2. *Yards.* The front and yard shall be the same as the R-3PK district.~~
- 20 ~~The rear yard shall be the same as the C-1PK district. The side yards shall~~
- 21 ~~be the same as the R-3PK district. Required side yard setbacks shall not~~
- 22 ~~be less than five feet on each side, except where a commercial district is~~
- 23 ~~contiguous to a residential district there shall be a minimum side yard of~~
- 24 ~~ten feet on the side abutting the residential district, unless the two districts~~
- 25 ~~are separated by a public street, body of water, or similar manmade or~~
- 26 ~~natural buffer, in which case no side yard is required. On property abutting~~
- 27 ~~estuarine, riverine or creek systems, the setback shall be in accordance~~
- 28 ~~with the marine/estuarine/riverine setback (MERS) provisions of this Code~~
- 29 ~~(Article 7) or 30 feet, whichever is greater.~~
- 30 ~~4. *Building heights.* Building heights shall not exceed 18 stories plus two~~
- 31 ~~additional stories for parking and/or storage. See article 11 for additional~~
- 32 ~~height restrictions within four miles of the Pensacola Naval Air Station.~~
- 33 ~~5. *Footprint.*~~
- 34 ~~a. If the lot or parcel is proposed to be improved with, or contains an~~
- 35 ~~existing building of two and one-half or more stories, but less than five~~
- 36 ~~stories, the footprint of both proposed and existing buildings shall not~~
- 37 ~~exceed 25 percent of lot coverage.~~
- 38 ~~b. If the lot or parcel is proposed to be improved with, or contains an~~
- 39 ~~existing building of five or more stories, but less than seven stories, the~~
- 40 ~~footprint of both proposed and existing buildings shall not exceed 23~~
- 41 ~~percent of lot coverage.~~
- 42 ~~c. If the lot or parcel is proposed to be improved with, or contains an~~
- 43 ~~existing building of seven or more stories, but less than nine stories,~~
- 44 ~~the footprint of both proposed and existing buildings shall not exceed~~
- 45 ~~21 percent of lot coverage.~~

1 d. ~~If the lot or parcel is proposed to be improved with, or contains an~~
2 ~~existing building of nine or more stories up to and including 18 stories,~~
3 ~~the footprint of both proposed and existing buildings shall not exceed~~
4 ~~19 percent of lot coverage.~~
5 e. ~~The lot or parcel used in computing the area required to satisfy~~
6 ~~footprint restrictions on buildings two and one-half stories or greater~~
7 ~~may not be crossed, intersected or divided by any public road or right-~~
8 ~~of-way. If a lot or parcel is divided, crossed, intersected or divided by~~
9 ~~any public road or right-of-way, footprint restrictions shall be applied to~~
10 ~~each portion of the divided lot or parcel as if the divided lot or parcel~~
11 ~~were two separate lots or parcels. In the event a public road or right-of-~~
12 ~~way splits a lot or parcel and creates public access to a waterway, then~~
13 ~~the lot coverage for both divisions of the lot or parcel shall be used to~~
14 ~~determine whether footprint restrictions have been satisfied.~~

15
16 **Section 2. Severability.**

17
18 If any section, sentence, clause or phrase of this Ordinance is held to be invalid
19 or unconstitutional by any Court of competent jurisdiction, then said holding shall
20 in no way affect the validity of the remaining portions of this Ordinance.
21

22
23 **Section 3. Inclusion in Code.**

24
25 It is the intention of the Board of County Commissioners that the provisions of
26 this Ordinance shall be codified as required by 125.68, Fla. Stat. (2012); and that
27 the sections, subsections and other provisions of this Ordinance may be
28 renumbered or relettered and the word "ordinance" may be changed to "section,"
29 "article," or such other appropriate word or phrase in order to accomplish such
30 intentions.
31

32 **Section 4. Effective Date.**

33
34 This Ordinance shall become effective upon filing with the Department of State.
35

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

37
38 **BOARD OF COUNTY COMMISSIONERS**
39 **OF ESCAMBIA COUNTY, FLORIDA**

40
41 **By:** _____
42 **Gene M. Valentino, Chairman**

43
44 **ATTEST: ERNIE LEE MAGAHA**
45 **Clerk of the Circuit Court**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

By: _____
Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:

DRAFT