AGENDA ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL HEARING March 4, 2014–8:30 a.m. Escambia County Central Office Complex 3363 West Park Place, Room 104

- 1. Call to Order.
- 2. Invocation/Pledge of Allegiance to the Flag.
- 3. Proof of Publication and Waive the Reading of the Legal Advertisement.
- 4. Quasi-judicial Process Explanation.
- 5. Public Hearings.
 - A. Z-2013-20

Applicant: Jesse W. Rigby, Agent for Bobby Gene and Sally Lynn Reynolds, Owners

- Address: 12511 Lillian Hwy
- From: R-4, Multiple-Family District, (cumulative) Medium High Density (18 du/acre)
- To: R-6, Neighborhood Commercial and Residential District, (cumulative) High Density (25 du/acre)
- B. Z-2014-03

Applicant: Bill Newlon, Agent for Black Gold of Northwest Florida, LLC, Owner
Address: Stone Blvd
From: ID-CP, Commerce Park District (cumulative)
To: ID-2, General Industrial District (noncumulative)

C. Z-2014-04

Applicant: Ronald D. Bailey, Trustee for Ronald D. Bailey Trust Address: 12501 Lillian Hwy

- From: R-4, Multiple-Family District, (cumulative) Medium High Density (18 du/acre)
- To: R-6, Neighborhood Commercial and Residential District, (cumulative) High Density (25 du/acre)
- D. Z-2014-05

Applicant: T. Heath Jenkins, Agent for Rodney Sutton, Owner
Address: 6841 Kemp Rd
From: R-5, Urban Residential/Limited Office District, (cumulative) High Density (20 du/acre)
To: C.2. General Commercial and Light Manufacturing District

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

Planning Board-Rezon	ing 5. A.
Meeting Date:	03/04/2014
CASE :	Z-2013-20
APPLICANT:	Jesse W. Rigby, Agent for Bobby Gene and Sally Lynn Reynolds, Owners
ADDRESS:	12511 Lillian Hwy
PROPERTY REF. NO.:	02-2S-32-6000-005-002
FUTURE LAND USE: DISTRICT:	MU-S, Mixed-Use Suburban 1
OVERLAY DISTRICT:	N/A
BCC MEETING DATE:	04/03/2014

SUBMISSION DATA: REQUESTED REZONING:

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

TO: R-6, Neighborhood Commercial and Residential District, (cumulative) High Density (25 du/acre)

RELEVANT AUTHORITY:

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

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

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

CPP FLU 1.1.9 Buffering. In the LDC, Escambia County shall ensure the compatibility of adjacent land uses by requiring buffers designed to protect lower intensity uses from more intensive uses, such as residential from commercial. Buffers shall also be used to protect agricultural activities from the disruptive impacts of nonagricultural land uses and protect nonagricultural uses from normal agricultural activities.

CPP FLU 1.3.1 Future Land Use Categories. The Mixed-Use Suburban (MU-S) Future Land Use (FLU) category is intended for a mix of residential and nonresidential uses while promoting

compatible infill development and the separation of urban and suburban land uses. Range of allowable uses include: Residential, Retail and Services, Professional Office, Recreational Facilities, Public and Civic. The minimum residential density is two dwelling units per acre and the maximum residential density is ten dwelling units per acre.

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

FINDINGS

The proposed amendment to R-6 **is consistent** with the intent and purpose of Future Land Use category MU-S as stated in CPP FLU 1.3.1. This FLU category allows for a mix of residential and non-residential uses such as retail services and professional offices while promoting infill development. The proposed amendment will utilize the existing roads and infrastructure as stated in CPP FLU 1.5.3.

CRITERION (2)

Consistent with The Land Development Code.

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

6.05.11. R-4 multiple-family district, (cumulative) medium high density.

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

6.05.13. R-6 Neighborhood Commercial and Residential District, (cumulative) High Density.

This district is intended to provide for a mixed use area of residential, office and professional, and certain types of neighborhood convenience shopping, retail sales and services which permit a reasonable use of property while preventing the development of blight or slum conditions. This district shall be established in areas where the intermixing of such uses has been the custom, where the future uses are uncertain and some redevelopment is probable.

FINDINGS

The proposed amendment **is not consistent** with the intent and purpose of the Land Development Code as stated in LDC 6.05.14. The proposed zoning change would result in spot zoning as defined in LDC Article 3.02.00.

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

While this rezoning would create a somewhat isolated R-6 district, there are similar mixes of zonings along Lillian Highway from Dog Track Road to the Lillian Bridge. These nodes of R-6 provide a mixed-use zoning compatible with the existing land uses. In addition, this parcel is located along an arterial roadway within one-quarter mile of a collector/arterial intersection and does meet locational criteria.

CRITERION (3)

Compatible with surrounding uses.

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

FINDINGS

The proposed amendment **could be compatible** with surrounding existing uses in the area.

Within the 500' radius impact area, staff observed properties with zoning districts R-2 and R-4. In the area staff noted 24 single family residences, 9 vacant parcels, 1 vacant office and 3 mobile homes. The mixed residential and neighborhood commercial uses allowed by the proposed R-6 zoning could be compatible with these surrounding residential zonings and uses.

CRITERION (4)

Changed conditions.

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

FINDINGS

Staff found **no changed conditions** that would impact the amendment or property.

CRITERION (5)

Effect on natural environment.

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

FINDINGS

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

CRITERION (6)

Development patterns.

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

FINDINGS

The proposed amendment **would** result in a logical and orderly development pattern. The proposed rezoning from R-4 to R-6 would not be out of character given the six other nodes of R-6 zoning along Lillian Highway from Dog Track Road to the Lillian Bridge.

Attachments

<u>Z-2013-20</u>

Z-2013-20

9 11 1 MR. TATE: The rezoning hearing package MS. ORAM: No to all. 2 with staff's Findings-of-Fact and the legal 2 3 advertisement will be marked and included in 4 4 the record as Composite Exhibit A, for all of 5 5 today's cases. 5 6 (Composite Exhibit A, Rezoning Hearing 6 MR. WOODWARD: No to all. 7 Package and Legal Advertisement, was 7 MR. TATE: I have had no communication 8 identified and admitted.) 8 with admots as a result of my employer's 10 * * * 10 property adjacent to this or across the street 11 11 from it, I will have to recue myself from 11 13 MS. DAVIS: No to all the above. MS. SINDEL: No to all. 14 15 no communications. 16 15 MS. SINDEL: No to all. No to all. 17 16 MS. SINDEL: No to all. 18 18 17 JT MS. CANN: This is z 2013.2.0 18 18		PLANNING BUARD REZUN.	1110 -	NUVERBER 4, 2015	
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15Members of the Board, have there been any ex parte communications between you and the applicant, the applicant's agent, attorney or 1817to silent at this time.17applicant, the applicant's agent, attorney or 1819representative please come forward?18witnesses, with fellow Planning Board members 190r anyone from the general public prior to 2019Mr. Reynolds, we're going to swear you in at this time.20this hearing? Have you visited the subject 2121at this time.21property? Please also disclose if you are a applicant or the applicant's agent. We'll go ahead and start with Ms. Oram and work our way 2523MR. TATE: Please state your full name and address for the record.24ahead and start with Ms. Oram and work our way TAYLOR REPORTING SERVICES, INCORPORATED24MR. REYNOLDS: My name is Bobby Gene TAYLOR REPORTING SERVICES, INCORPORATED			16	electronic devices, would you please put t	those
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	PLANNING BOARD REZONI	NG	- NOVEMBER 4, 2013
	13 Desmalda Carian Muadduces is 12511 Lillian		15
1	Reynolds, Senior. My address is 12511 Lillian	1	office. On the west side of Bronson Field
2	Highway, Pensacola, Florida, 32506. MR. TATE: Have you received a copy of the	2	there is a large parcel of property that we have been told that is owned by Pensacola
3	rezoning hearing package with staff's	3 4	Christian College. We don't know that for
4	Findings-of-Fact?	4 5	ourselves, but maybe could be built a second
6	MR. REYNOLDS: Yes, I have.	6	college.
7	MR. TATE: Do you understand that you have	7	We're asking would you please pass the
8	the burden of providing by substantial	8	process for usage of our property to R-6 as we
9	competent evidence that the proposed rezoning	0 9	feel that we meet all of the rezoning
10	is consistent with the Comprehensive Plan,	10	criteria.
11	furthers the goals, objectives and policies of	11	Thank you for your time and consideration.
12	the Comprehensive Plan and is not in conflict	12	MR. TATE: Please note that Mr. Reynolds
13	with any portion of the County's Land	13	did read this into the record in its entirety
14	Development Code?	14	and we will accept it.
15	MR. REYNOLDS: As far as I know.	15	MR. WOODWARD: Exhibit B.
16	MR. TATE: Please proceed.	16	(Exhibit B, Letter from Mr. Reynolds, was
17	MS. CAIN: Excuse me, Mr. Chairman, if I	17	identified and admitted.)
18	may, I did get a letter from the Reynolds	18	MS. DAVIS: Mr. Chair, I would like to
19	after the packet had already been posted to	19	certify a copy of that.
20	the Website. I think this is where they	20	MR. REYNOLDS: There's a copy.
21	probably tried to address the criteria, so if	21	MR. TATE: Hand them to Allyson.
22	you would accept this into evidence.	22	MR. WOODWARD: Mr. Chairman, what is the
23	MR. TATE: Mr. Reynolds, do you have a	23	posture of the Board on this?
24	copy of your letter with you?	24	MR. TATE: Of the letter?
25	MR. REYNOLDS: Yes, I do.	25	MR. WOODWARD: No, on this application.
	TAYLOR REPORTING SERVICES, INCORPORATED		TAYLOR REPORTING SERVICES, INCORPORATED
	14 MD TATE: Could you read it in its		16
1	MR. TATE: Could you read it in its	1	MR. TATE: I think we're not far enough
2	entirety to the Board and we'll accept it in	2	into that to really get there. Mr. Reynolds, do you have anything else
3	as your testimony? MR. REYNOLDS: The overall purpose of this	3	you wish to state to the Board?
4	letter is to use our property as R-6. We did	4 5	MR. REYNOLDS: Not at this time. I'll
6	try to rezone our property to C-1, however, it	6	answer questions.
7	was voted down due to the fact that the	7	MR. TATE: What we'll do is we'll go ahead
8	neighbors did not want our property rezoned	8	and have staff's presentation at this time.
9	from R-4 to C-1. The intent of this request	9	(Presentation by Andrew Holmer, previously
10	now is to upgrade our property from R-4 to	10	sworn.)
11	R-6. As you are aware the area has grown on	11	MR. HOLMER: I'll go ahead and take care
12	the south side of Lillian Highway. My wife,	12	of that. I'm Andrew Holmer, Senior Planner.
13	Sally Reynolds, has lived on the property	13	Rezoning Z-2013-20, 12511 Lillian Highway.
14	since 1955. We have together owned this	14	Regarding the first criterion, consistency
15	property, when we purchased the home and	15	with the Comprehensive Plan, the proposed
16	property, since 1968.	16	amendment to R-6 is consistent with the intent
17	We have seen many changes in land	17	and purpose of Future Land Use Category Mixed
18	development such as two blocks from us there	18	Use Suburban as stated in Comp Plan Policy FLU
19	is a liquor store, a bar, a grocery store,	19	1.3.1. This FLU category allows for a mix of
20	fast food restaurant, Hardee's, Tom Thumb	20	residential and nonresidential uses such as
21	Store, gas stations, et cetera, et cetera.	21	retail services and professional offices while
22	Around the corner from us is the Southwest	22	promoting infill development.
23	Sports Complex, which includes many sports,	23	The proposed amendment will utilize the
24	baseball, football and many other sports.	24	existing roads and infrastructure as stated in
25	Next door to us is a building contractor's TAYLOR REPORTING SERVICES, INCORPORATED	25	Comp Plan Policy FLU 1.5.3. TAYLOR REPORTING SERVICES, INCORPORATED
	INITON VELOCITING SERVICES, THOUGHORATED	1	IAILON NEFUNITING SERVICES, INCORPORATED

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1	Criterion (2), consistency with the Land	1	adverse impact on the natural environment.
2	Development Code. Whether the proposed	2	Criterion (6), development patterns. The
3	amendment is in conflict with any portion of	3	proposed amendment would result in a logical
4	the code and is consistent with the stated	4	and orderly development pattern. The proposed
5	purpose and intent of the code. This is once	5	rezoning from R-4 to R-6 would not be out of
6	again going to R-6.	6	character given the six other nodes of R-6
7	The proposed amendment is not consistent	7	zoning along Lillian Highway from Dog Track
8	with the intent and purpose of the Land	8	Road to the Lillian bridge.
9	Development Code as stated in LDC 6.05.14.	9	That concludes staff's findings.
10	The proposed zoning change would result in	10	MR. TATE: Mr. Reynolds, do you have
11	spot zoning as defined in LDC Article 3.	11	anything that you would like to address
12	Spot zoning: The rezoning of a lot or	12	specifically to staff in regard to those
13	parcel of land that would create an isolated	13	findings?
14	zoning district that may be incompatible with	14	MR. REYNOLDS: No, sir.
15	the adjacent and nearby zoning districts and	15	MR. TATE: Thank you. At this point then
16	uses or as spot zoning as otherwise defined by	16	we'll move to public comment on this
17	Florida law.	17	particular rezoning. I know that several of
18	While this rezoning would create a	18	you have signed up, have indicated that you're
19	somewhat isolated R-6 district, there are	19	either for or against this rezoning case.
20	similar mixes of zonings along Lillian Highway	20	Please understand that your verbal testimony
21	and Dog Track Road to the Lillian bridge.	21	today is necessary if you want to be heard at
22	These nodes of R-6 provide mixed use zoning	22	the Board of County Commission meeting, not
23	compatible with the existing land uses.	23	just filling this form out and stating your
24	In addition, this parcel is located along	24	opinion.
25	an arterial roadway within one-quarter mile of	25	Also, when you give testimony today we
	TAYLOR REPORTING SERVICES, INCORPORATED		TAYLOR REPORTING SERVICES, INCORPORATED
	18		20
1	a collector/arterial intersection and does	1	would ask that you would restrict your
1	a collector/arterial intersection and does meet the locational criteria.	1	would ask that you would restrict your testimony to either support in favor of or
2	meet the locational criteria.	2	testimony to either support in favor of or
2 3	meet the locational criteria. Criterion (3), compatibility with	2 3	testimony to either support in favor of or against this rezoning by utilizing the six
2 3 4	meet the locational criteria. Criterion (3), compatibility with surrounding uses. The proposed amendment to	2 3 4	testimony to either support in favor of or against this rezoning by utilizing the six criteria that we'll put up on the board for
2 3 4 5	meet the locational criteria. Criterion (3), compatibility with surrounding uses. The proposed amendment to R-6 would be compatible with the surrounding	2 3 4 5	testimony to either support in favor of or against this rezoning by utilizing the six criteria that we'll put up on the board for you at this time. So you may not like this,
2 3 4 5 6	meet the locational criteria. Criterion (3), compatibility with surrounding uses. The proposed amendment to R-6 would be compatible with the surrounding and existing uses in the area. Within the	2 3 4 5 6	testimony to either support in favor of or against this rezoning by utilizing the six criteria that we'll put up on the board for you at this time. So you may not like this, you may be in favor of it or whatever the case
2 3 4 5 6 7	meet the locational criteria. Criterion (3), compatibility with surrounding uses. The proposed amendment to R-6 would be compatible with the surrounding and existing uses in the area. Within the 500-foot radius impact area, staff observed	2 3 4 5 6 7	testimony to either support in favor of or against this rezoning by utilizing the six criteria that we'll put up on the board for you at this time. So you may not like this, you may be in favor of it or whatever the case may be, but bring your points, your thoughts
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1(Debra J. Warren sworn.)2MR. TATE: Can you please state your full3name and address for the record?4MS. WAREN: Debra J. Warren, 125204MS. WAREN: Debra J. Warren, 125205Lillian Highway. I have a statement I want to6read. It will get to Criterion Number (5), if9My family originally moved onto Lillian10Highway in 1968 for the peace and quiet and I11moved back to this address three years ago.12Although we can't do anything about the area's13progress, we do want the we do not want the14development fight directly in front of our15have no plans to leave their home and want16hay moved back to this address three years ago.17neighborhood.18In all of these 45 years personally I'm19aware of only two mobile homes that have ever20been on this property at any given time. I21also know for a fact in the past 15 years22there have been no mobile homes at this23proppesel location. Further more, ECUA does24there's only two tombile homes that say to get their property sold quicker while25neighborhood.26there's only two tombile homes that say early27Reynolds' intention, which they had mention at the kay been no mobile homes that say to get their property sold quicker while26there's only two tombile homes that say to get their property sold quicker while27there's only two mobile homes tha		PLANNING BUARD REZUNI		-
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TAYLOR REPORTING SERVICES, INCORPORATED TAYLOR REPORTING SERVICES, INCORPORATED 11/14/2013 10:04:46 PM Page 21 to 24 of 65 6 of 28 sheet	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Reynolds' property. The two tanks and there's only two tanks at this property are supplied for the usage, since we've been there have not been used in several years. If the Reynolds' intention, which they had mention at the last meeting they want four mobile homes on this property, code will require them to have two more septic tanks installed. The Reynolds' contention is they need these rentals to supplement their income and that's why the fee has been waived twice in this process. How are they going to afford to bring the property above flood level, which I have pictures to prove that it does flood under certain conditions, have two existing septic tanks inspected, as well as any upgrading that might be required due to their age, have two more septic tanks installed, which will run approximately \$3,500 each, and have proper hurricane strappings installed for each trailer. I am resupplying these pictures if someone wants these pictures to show that the property does flood under certain conditions, if they're right. One of these pictures I'm	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	profit. In conclusion I once again beg this Board to deny the request for this rezoning and thank you for your time. MR. TATE: Thank you. If you will give your pictures to the staff. We'll want to get pictures circulated before we move away. Ms. Warren, could you please stand by the microphone in case we have any questions about the pictures? MS. WARREN: Yes, sir. MR. TATE: Although a lot of these have been previously submitted, we handle today like today's a brand new case. MS. WARREN: That's why I want to provide them again, yes, sir. MR. TATE: Are there multiple copies or is this a single copy? MS. WARREN: It should be multiple copies. There should be one for every member, from what I understand. MR. TATE: Go ahead. MR. WOODWARD: Mr. Chairman, may I inquire? MR. TATE: Go ahead. MR. WOODWARD: Ma'am, when did you take

	PLANNING BOARD REZONI	NG	
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1	these did you take these pictures?	1	MR. TATE: All those in favor signify by
2	MS. WARREN: I took them personally.	2	raising your right hand.
3	MR. WOODWARD: When did you take them?	3	(Board members vote.)
4	MS. WARREN: That was approximately three	4	MR. TATE: Thank you. The motion passes.
5	years ago. MR. WOODWARD: Three years ago?	5	(Motion passes unanimously.) MR. TATE: Do any other staff members have
6	MS. WARREN: Yes, sir.	6 7	any questions about the pictures?
8	MR. WOODWARD: Do they accurately and	8	We'll go ahead and mark these as Composite
9	fairly represent the condition of the property	9	Exhibit C for today's meeting.
10	at that time?	10	(Composite Exhibit C, Photographs
11	MS. WARREN: Yes, they do. As I said,	11	presented by Ms. Warren, was identified and
12	under certain conditions	12	admitted.)
13	MR. WOODWARD: Let me ask these questions	13	MR. TATE: Ms. Warren, thank you for your
14	and then we'll ask a couple more. So these	14	time.
15	were done three years ago, they accurately	15	MS. WARREN: Thank you.
16	represent the situation at that time?	16	MR. TATE: Please state your name and
17	MS. WARREN: Yes.	17	address for the record.
18	MR. WOODWARD: Did you print these	18	MR. OSHANA: My name is Kara George
19	yourself or did you have them processed at a	19	Oshana. I live at 12850 Lillian Highway.
20	third party place?	20	(Kara George Oshana sworn.)
21	MS. WARREN: A neighbor printed those out	21	MR. OSHANA: Ms. Warren just spoke and
22	off of a disk I had.	22	will not be able to attend the commissioners'
23	MR. WOODWARD: You took them with a	23	meeting and I was wondering if I could read
24	digital camera?	24	her statement so that I could reread the
25	MS. WARREN: One of those disposable. TAYLOR REPORTING SERVICES, INCORPORATED	25	statement before the commission board? TAYLOR REPORTING SERVICES, INCORPORATED
	26		28
1	MR. WOODWARD: Okay. Good. With	1	MR. TATE: Mr. West, it's not his comments
2	reference to this picture that's on the side	2	at this point. They are at that point part of
3	by itself, which you call enclosure one, shows	3	the record already.
4	the standing water, when did that occur?	4	MR. WEST: I'm sorry. Would you repeat
5	MS. WARREN: Those were all taken the same	5	that?
6	day.	6	MR. TATE: Ms. Warren cannot be at the
7	MR. WOODWARD: The same time. And that	7	Board of County Commission meeting so he has
8	was about three years ago?	8	asked if he can read her comments again so
9	MS. WARREN: Yes.	9	that he can comment on them at the Board of
10	MR. WOODWARD: Was this under the	10	County Commission meeting.
11	condition of a tropical disturbance?	11	MR. WEST: I mean, he can testify on his
12	MS. WARREN: No, sir.	12	own. If he's trying to read somebody's
13	MR. WOODWARD: Just a regular rainstorm?	13	statement, the problem with that is it can't
14 15	MS. WARREN: That happened within two hours of a rain.	14 15	be cross-examined here or anywhere else. It's really not an appropriate way to introduce
15	MR. WOODWARD: Stay close in case someone	15	information to the Board.
10	else has some.	10	MS. DAVIS: But it will still be in the
18	MR. TATE: Could you pass the pictures	18	record; is that right?
19	back this way?	19	MR. TATE: It is in the record now as
20	Board members, please accept a motion	20	Ms. Warren's personal statement.
21	whether or not to accept these into evidence.	21	MS. DAVIS: Mr. Chairman, I object based
22	MS. SINDEL: So moved.	22	on the representation the witness has made and
23	MR. TATE: We have a motion. Do we have a	23	that is so that it can be in the record and he
24	second?	24	can answer the Board's questions. That's the
25	MS. DAVIS: Second.	25	whole reason the evidence rule is the way the
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	evidence rule is. It violates Rule 83. It's		at an inflated price and at the same time
2	not an exception to the hearsay rule under any circumstances.	2	they're planning to live there forever. It was very devious to present untruths to a
3	MR. OSHANA: So this means that	3 4	governmental agency in order to benefit
5	MR. TATE: Your testimony has to stand on	4 5	themselves.
6	its own as just your testimony.	6	I'm also curious as to why there was a fee
7	MR. OSHANA: All right. Well, I'll just	7	waiver request form signed by all parties on
8	present what I have. I noticed that during	8	this present rezoning that was not completely
9	the last county election Mr. Reynolds had a	9	filled out. The applicable block pertaining
10	large campaign placard endorsing Commissioner	10	to, quote, appropriate statement for the fee
11	Wilson Robertson on his property facing the	11	waiver request was not checked. I saw but do
12	highway. I'm unaware of any conflict of	12	not have a copy of it myself for the previous
13	interest at this time. However, I would	13	rezoning, but it was also the same, not
14	request that Commissioner Wilson Robertson	14	completely filled out.
15	recuse himself from this rezoning request.	15	A commercial enterprise on this location
16	Thank you.	16	is not practical. Highway 98 is a two lane
17	MR. TATE: Thank you.	17	road and I have been told by many
18	Barbara Lenn.	18	commissioners over 24 years that there is no
19	UNIDENTIFIED SPEAKER: Mr. Chairperson, I	19	plans ever to widen that highway. There's no
20	have a request as an old Vietnam Marine and my	20	walk paths, no bike ways, et cetera.
21	hearing is bad I wish the volume of the	21	Ingress and egress from our driveways at
22	speakers is as good as you gentlemen. Is there any way?	22 23	the time are very dangerous. Although there's a double line, meaning no passing from Bauer
23 24	MR. TATE: We'll try another microphone.	23 24	Road to the Lillian bridge, that does not
24 25	MS. DAVIS: Can you hear us?	24 25	deter vehicles from passing sometimes on the
25	TAYLOR REPORTING SERVICES, INCORPORATED	23	TAYLOR REPORTING SERVICES, INCORPORATED
	30		32
1	MR. TATE: He hears us fine, yes.	1	right at high speeds. Vehicles follow too
2	MS. LENN: My name is Barbara Lenn and I	2	closely, pay no heed to turn signals when
3	live at 12490 Lillian Highway.	3	entering our driveways. A commercial property
4	MR. TATE: Thank you. Please be sworn in.	4	of any type would put more vehicles into this
5	(Barbara Lenn sworn.)	5	neighborhood.
6	MS. LENN: As I've already said, I live	6	I believe that the commercial properties
7	across the highway from the Reynolds, I mean,	7	Mr. Reynolds referred to are more than two
8	12490 is across the highway, slightly to the	8	blocks away. There is a commercial property
9	east, and we've lived there for about 24 years	9	eight-tenths of a mile to the west and that
10	now. I realize that our neighborhood is	10	has been there forever, I understand, so it
11	different in that it is two sides of a busy	11	was grandfathered in when the rezoning was
12 13	state highway, but it is still our neighborhood and I thought the purpose of	12 13	implemented. To the east, about three-tenths of a mile,
13	zoning was to permit orderly growth of a	13	is the Bauer Road intersection. There's a
14	neighborhood or area and not for the benefit	14	grocery store, liquor store, a convenience
16	of a sole individual.	16	store, there's acreage for sale, commercial
17	We came before you a few months ago when	17	acreage for sale, that's been for sale for a
18	the Reynolds requested from R-4 to C-1, and I	18	long time.
19	realize that at this hearing Mr. Reynolds	19	The sports complex that he referred to is
20	didn't restate his original reasoning and	20	further down Bauer Road. I'm sure you're
21	plans, but I questioned at that time why he	21	familiar with where that is. It has no impact
22	had had the property for sale for so long and	22	on our immediate area, our immediate
23	reduced his sales price and was still stating	23	neighborhood. Those are well established
24	that he wanted to live there forever. A	24	commercial properties. Rezoning the Reynolds'
25	person does not have their property for sale	25	property would create a spot pocket in our
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1	neighborhood.	1	Mr. Reynolds just stated that he's owned the
2	MR. TATE: Time. Could you wrap it up,	2	property since 1968. When we moved there in
	please?	3	1968, the Reynolds lived in a trailer on her
3	•	_	
4	MS. LENN: This property is not a viable	4	mother's property. Her mother later they
5	commercial property and the rezoning is being	5	bought the property from her mother and the
6	requested, as I have said, based on untruths	6	last trailer that was on the property was
7	in the past. I hereby ask that the request be	7	their son's. No trailers have been on the
8	denied.	8	property for 15 years.
9	MR. TATE: Thank you.	9	Mr. Reynolds also stated at the last
		_	•
10	MS. LENN: Could I ask the Board just one	10	meeting that he planned to live there forever
11	question? Why are the rezoning signs so	11	and ever, and yet Mrs. Reynolds told me if
12	small, the writing on them?	12	they could get Walmart or CVS interested they
13	MR. TATE: Two questions I want to ask	13	were gone, moving to Alabama. If that were to
14	staff to address right now: The size of the	14	happen they would no longer be Escambia County
15	signs and also the issue of the application on	15	taxpayers nor allowed to vote in Escambia
16	how it is or is not filled out correctly.	16	County.
	Would you just address those two issues?		If they had listed their property as
17		17	, , , ,
18	MR. JONES: The size of the signs, we'll	18	residential it would surely have sold by now,
19	take note of that. That is the size that we	19	keeping our area residential. I plead with
20	have.	20	you to deny their request.
21	MS. LENN: The writing is just very small.	21	Thank you very much.
22	MR. JONES: On the fee waiver, the fee	22	MR. TATE: Thank you.
23	waiver, it was directed for us to have the	23	Mr. Lester Senft. Did I get close?
24	fees waived. We did it. Right now, to be	24	MR. SENFT: Yes, sir. You do well.
	- .		•
25	honest with you, that's not significant for	25	MR. TATE: Could you please state your
	TAYLOR REPORTING SERVICES, INCORPORATED		TAYLOR REPORTING SERVICES, INCORPORATED
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1	the rezoning case. That was a request. We	1	name and address for the record?
1 2	_	1 2	
	the rezoning case. That was a request. We	_	name and address for the record?
2	the rezoning case. That was a request. We were told to do it and that's why it was done. As far as the issue of the rezoning case, it's	2	name and address for the record? MR. SENFT: My name is Lester Senft. I live at 12860 Lillian Highway.
2 3	the rezoning case. That was a request. We were told to do it and that's why it was done. As far as the issue of the rezoning case, it's not. We do understand.	2 3	name and address for the record? MR. SENFT: My name is Lester Senft. I live at 12860 Lillian Highway. MR. TATE: Thank you. Please be sworn in.
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	PLANNING BOARD REZONI		
	37	1	39
1	the board commissioner.	1	MR. TATE: Thank you. Please be sworn in.
2	So it was this is how we left the	2	(Dorothy Oshana sworn.)
3	meeting, thinking that he was going to stay	3	MS. OSHANA: My criteria are Number (2)
4	with an R-4 and that we wouldn't have to worry	4	and (3), I think, and most of what I'm going
5	about going into a bigger expanse. Then the	5	to say seems to have already been said, but
	Board voted on waiving Mr. Reynolds' refiling	_	I'll go ahead and read what I wrote.
6		6	-
7	fee since he really couldn't afford to have	7	My husband and I have lived at our present
8	another his income was not enough to	8	address for over 32 years. I know our
9	support another refiling, so consequently he	9	neighborhood I know our area doesn't appear
10	did get the waiver.	10	to be the standard neighborhood. However, we
11	Now, he is going for an R-6 that is a long	11	do consider ourselves a neighborhood.
12	way from an R-4 and just the next best thing	12	The Reynolds have had their property up
13	to a C-1. And the other odd thing about it is	13	for sale for over three years. I do not
14	there no permission for the RVs in either one	14	believe they are intent on developing the
15	of those requests in the permitted uses.	15	property themselves, but only interested in
16	There are no commercial businesses from	16	broadening their prospects in order to get
17	Bauer Road for a mile up until you get close	17	their property sold quicker. Rezoning to R-6,
18	to the bridge where the Crazy Horse and the	18	in my estimation, will not improve the
19	gas station is. The rest of that area all	19	neighborhood. It is my understanding it will
20	through there is all green.	20	only lower our property values. Can someone
	The area they talk about from Bauer Road		explain how R-6 will benefit our neighborhood?
21	•	21	While there are isolated R-6 districts
22	down to Dog Track Road is not a very pretty	22	
23	site to drive down as it is when you go west	23	along Lillian Highway from Dog Track Road to
24	to Alabama from Bauer Road. It's a very green	24	the Lillian bridge, I would like to point out
25	area. I understand a church owns a lot of the	25	that none directly face R-2 residences as this
	TAYLOR REPORTING SERVICES, INCORPORATED		TAYLOR REPORTING SERVICES, INCORPORATED
	20		10
	38		40
1	acreage. I don't know what they're planning	1	property does. Our neighborhood needs to
1 2		1 2	
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2	acreage. I don't know what they're planning to do, but it's all fenced in. It's nice.	2	property does. Our neighborhood needs to remain R-2 and R-4 residence zoned. Thank
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	I LANNING BOARD RELEVIT	-	42
	41		43
1	MR. TATE: Let's get this handout	1	businesses that sit directly across the street
2	addressed first before we start your time. Is	2	from a direct facing residence in Perdido
3	this in support of your comments?	3	Heights as the parcel in question does.
_	MR. DEGRUCCIO: Yes, it is.	4	Furthermore, there are far too many
4	•		•
5	MS. DAVIS: Is there only one page?	5	possible uses that would be incompatible with
6	MR. DEGRUCCIO: It's both sides. One	6	such close proximity to young children, not to
7	page, both sides.	7	mention the increased traffic, noise pollution
8	MS. DAVIS: This is somebody else's.	8	and the corresponding criminal activity that
9	MR. DEGRUCCIO: I'm sorry. You're not	9	commercial business generally attract.
		_	This is the second time in four months
10	supposed to have that.	10	
11	MR. TATE: Just for the record, for those	11	that the Reynolds have sought to have their
12	of you who aren't seeing this, this is	12	property rezoned for commercial use, much to
13	actually the MLS for the property, as well as	13	the distress and financial hardship of the
14	a Zillow report which is an Internet site you	14	other residents in the neighborhood.
15	can use to do comparisons in your	15	Regrettably throughout this protracted process
	neighborhood. Please proceed.		the Reynolds have been less than forthright in
16		16	· · ·
17	MR. DEGRUCCIO: Dear Honorable Board	17	the manner in which they have represented
18	Members: I am seeking to represent my	18	themselves. They have continuously claimed
19	family's interest in regard to rezoning	19	that their petition is merely an effort to
20	request Case Number Z-2013-20 put forth by	20	supplement their fixed income by opening an RV
21	Bobby and Sally Reynolds at 12511 Lillian	21	campground on their property. I notice that
22	Highway.	22	they dropped that claim on the subsequent
23	As a twenty year U.S. military veteran, I	23	petition.
24	purchased the property directly across from	24	However, an R-6 zoning does not allow for
25	the parcel in question in April of 2004 with	25	such use, a fact which the Reynolds were
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	42		44
1	the intent of retiring there and raising my	1	informed of at the 8 August Board of County
1	the intent of retiring there and raising my		informed of at the 8 August Board of County Commissioners meeting. It is clear that their
2	two young children. At the time I chose that	2	Commissioners meeting. It is clear that their
2 3	two young children. At the time I chose that particular neighborhood in no small part due	2 3	Commissioners meeting. It is clear that their intent is to sell their property as a viable
2	two young children. At the time I chose that particular neighborhood in no small part due to its relatively low population density and	2 3 4	Commissioners meeting. It is clear that their intent is to sell their property as a viable commercial enabling property so that they can
2 3	two young children. At the time I chose that particular neighborhood in no small part due to its relatively low population density and residential zoning designation. With two	2 3	Commissioners meeting. It is clear that their intent is to sell their property as a viable commercial enabling property so that they can move to a property they own in Alabama, and
2 3	two young children. At the time I chose that particular neighborhood in no small part due to its relatively low population density and residential zoning designation. With two young children still within the household I am	2 3 4	Commissioners meeting. It is clear that their intent is to sell their property as a viable commercial enabling property so that they can move to a property they own in Alabama, and they have confessed as much on numerous
2 3 4 5	two young children. At the time I chose that particular neighborhood in no small part due to its relatively low population density and residential zoning designation. With two	2 3 4 5	Commissioners meeting. It is clear that their intent is to sell their property as a viable commercial enabling property so that they can move to a property they own in Alabama, and
2 3 4 5 6	two young children. At the time I chose that particular neighborhood in no small part due to its relatively low population density and residential zoning designation. With two young children still within the household I am adamantly opposed to the R-6 rezoning of the	2 3 4 5 6	Commissioners meeting. It is clear that their intent is to sell their property as a viable commercial enabling property so that they can move to a property they own in Alabama, and they have confessed as much on numerous
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2 3 4 5 6 7 8 9	two young children. At the time I chose that particular neighborhood in no small part due to its relatively low population density and residential zoning designation. With two young children still within the household I am adamantly opposed to the R-6 rezoning of the parcel in question to allow for commercial use.	2 3 4 5 6 7 8 9	Commissioners meeting. It is clear that their intent is to sell their property as a viable commercial enabling property so that they can move to a property they own in Alabama, and they have confessed as much on numerous occasions to nearby residents, including my wife. Indeed the property in question is
2 3 4 5 6 7 8 9 10	two young children. At the time I chose that particular neighborhood in no small part due to its relatively low population density and residential zoning designation. With two young children still within the household I am adamantly opposed to the R-6 rezoning of the parcel in question to allow for commercial use. I agree with the findings of the Planning	2 3 4 5 6 7 8 9 10	Commissioners meeting. It is clear that their intent is to sell their property as a viable commercial enabling property so that they can move to a property they own in Alabama, and they have confessed as much on numerous occasions to nearby residents, including my wife. Indeed the property in question is currently listed for sale with Beck's
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	45		47 MR WOODWARD: Yee melam
1	The Reynolds have no intent of remaining	1	MR. WOODWARD: Yes, ma'am.
2	residents of the county, and while they are	2	MS. SINDEL: That he didn't first of
3	certainly within their rights to apply for a	3	all, he is simply saying that this is the
4	rezoning of their parcel, an R-6 rezoning of	4	listing that he has read. He's not ever going
5	said parcel would serve to benefit only the	5	to be able to prove even to himself if the
6	Reynolds at the expense of the other	6	listing is true. He simply can read the
7	residents, taxpayers and voters of Perdido	7	listing as it is just like any other listing
8	Heights in Escambia County.	8	for any other piece of property in Escambia
9	I thank you for your time and	9	County. So, you know, I believe his intent is
10	consideration.	10	simply to say that this is the listing the
11	MR. TATE: Thank you. Tanya DeGruccio.	11	listing reflects, the price is contingent upon
12	MR. WOODWARD: Mr. Chairman, I object to	12	appraisal.
13	the inclusion of this exhibit in the record	13	Now whether or not we accept that this is
14	because it is not no proper predicate has	14	a real listing or not or whether or not we
15	been raised to make it an exception to the	15	accept the truth of the listing is a
16	hearsay rule.	16	discussion almost between us and Beck
17	MR. TATE: Come back to the mike.	17	Properties. But, Steve, why don't you give us
18	MS. SINDEL: Can you say that in English?	18	a little guidance on how we should move
19	MR. WOODWARD: I object to the inclusion	19	forward with this.
20	of this exhibit in the record because there's	20	MR. WEST: You're going to have to make
21	been no proper predicate laid for any	21	some decision whether you want to accept it
22	exception to the hearsay rule.	22	into evidence or not. Now, there's a couple
23	MR. TATE: We did not accept it as an	23	of issues that you need to deal with. One is
24	exhibit nor did the gentleman ask for it to	24	one Mr. Woodward has already raised. Also
25	be.	25	there's one of relevance and whether the
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1	MS. DAVIS: It should not be put anywhere	1	applicant is keeping the property to develop
2	near the record, so it cannot be included.	2	it themselves or sell it and somebody else
3	MR. DEGRUCCIO: I'm sorry. Can you	3	does. There's an issue of why that's relevant
4	explain that in layman's terms why it's	4	to any of the criteria that you're supposed to
5	hearsay when it is a that is a printout of	5	be considering.
6	a Website.	6	MR. DEGRUCCIO: Can I address that?
7	MR. WOODWARD: Any fact offered out of	7	MR. TATE: Let me jump in here, please.
8	court produced in court to assert the truth of	8	As I previously stated, the applicant did not
9	the fact asserted is hearsay. You cannot tell	9	request that this be an exhibit to the record,
10	me that these facts are true.	10	but it does support what he said. Whether or
11	MR. DEGRUCCIO: That is	11	not you would like us to accept this, you can
12	MR. WOODWARD: Sir, let me finish. You	12	ask us to and we can take a vote.
13	can tell me it's on the Internet, but you	13	MR. DEGRUCCIO: Yes, I would like it
14	can't tell me they're true.	14	included in the record merely as evidence
15	MR. DEGRUCCIO: I can tell you that that	15	or the listing that I referenced in my
16	is the listing.	16	statement, as well as the Zillow estimate that
17	MR. WOODWARD: That's right. If you're	17	I say in my statement.
18	only offering it to show that there is a	18	MR. WOODWARD: Mr. Chairman, here's the
19	listing but not for the truth on the face of	19	problem. He relies on the Zillow estimate as
20	the advertising, then we can permit it.	20	a meaningful representation of value and,
21	MS. SINDEL: I think that's all that he	21	therefore, he is referring to the content of
22	was doing was showing that	22	the document to buffer his argument and that's
23	MR. WOODWARD: No, he's now talking about	23	the whole purpose of the hearsay rule. We
24	the Zillow value.	24	have relaxed procedural rules under the
25	MS. SINDEL: You need to let me finish.	25	Administrative Procedure Act, but we have no
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1	relaxed evidentiary rules and so this is	1	should this be zoned R-6 it would benefit only
2	blatant hearsay and should be excluded.	2	one individual.
3	MS. DAVIS: Mr. Chairman, please call the	3	MR. TATE: Our job at this point today is
4	question.	4	basically to decide whether or not what can be
5	MR. WEST: Again, it depends on what this	5	done in an R-6 property is compatible with all
	• · · ·		
6	information is being offered to demonstrate.	6	the surrounding uses.
7	There is a hearsay issue in at least offering	7	MR. DEGRUCCIO: And hopefully I addressed
8	it to prove any information on there is true.	8	that in my statement, that I feel it's
9	If he just wants to demonstrate there's a	9	incompatible.
10	listing out there, again it may not be	10	MR. TATE: Whatever the value may or may
11	MR. DEGRUCCIO: That is essentially my	11	not be, whatever the use, whatever the
12	intent.	12	ownership is, it's the use that we're looking
13	MR. WEST: a violation of the hearsay	13	at and whether or not it benefits an
14	rule, but it still has to be relevant.	14	individual or the county as a whole.
15	MR. DEGRUCCIO: Can I speak to the	15	MS. DAVIS: If I may, Mr. Chair?
16	relevance?	16	Piggybacking on that, whatever we decide today
			it could be a very benign usage that the owner
17	MR. TATE: You certainly can.	17	, , ,
18	MR. DEGRUCCIO: The purpose of providing	18	tells us he wants to do. It doesn't make any
19	the listing is to show that there is listing,	19	difference. We have to look at the ordinance
20	if you want to say that what's on it is	20	and the law and see what can be built on that
21	hearsay, is to show that the Reynolds have no	21	property. That's the way we look at it. We
22	intent of staying in Escambia County, to go	22	don't look at the person and what they're
23	towards that, and that this motion only	23	doing.
24	benefits them and not the residents that they	24	MR. TATE: Thank you. We've had testimony
25	leave behind.	25	from both Mr. Woodward and Mr. West in regards
	TAYLOR REPORTING SERVICES, INCORPORATED		TAYLOR REPORTING SERVICES, INCORPORATED
	50		52
1	50 MS. SINDEL: We understand. And what	1	_
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MS. SINDEL: We understand. And what we're trying to politely say is that that's not our concern, is that any type of decision that we make when it comes to rezoning, we understand the moment we rezone any parcel of property in Escambia County no matter in fact, we typically don't ask for intent in the front because the moment that rezoning is official, the owner of the property has the legal right to sell it to whomever, who then that person can do it under the new rule. So whether or not the owner sells it, keeps it, as long as what they're doing with it, as long as they own it, it meets County code and county requirement in zoning issues, we understand your concerns and the other concerns, but regrettably that's not an issue that we look at in making a decision. MR. DEGRUCCIO: I understand that, ma'am. Obviously anybody can do within the code what they're allowed to do on their property. But in this case the Land Development Code, I believe, was put in place for the benefit of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	to the hearsay of this document. I will MR. GOODLOE: Mr. Chairman, a motion. MR. TATE: Please. MR. GOODLOE: I make a motion that due to relevancy that the exhibit that's being presented not be accepted. MR. WOODWARD: Second. MR. TATE: All those in favor? (Board members vote.) MR. TATE: The motion passes. I recuse myself. (Motion passes. Mr. Tate recused.) MR. TATE: Thank you. Please state your name and address for the record. MS. DEGRUCCIO: My name is Tanya DeGruccio. I live at 12530 Lillian Highway. (Tanya DeGruccio sworn.) MS. DEGRUCCIO: Unfortunately a lot of what I have to say is what you guys just talked about, but I'm going to read my points anyway so that I can come back. I want to thank you for giving me the

 Reynolds. To introduce myself, I am a Reynolds. To introduce myself, I am a Pensacola local and I graduated from Woodham High School and I. am a school teacher at a private school here in Pensacola. I have two children, Michael aged 12 and Christopher aged More that U ine in is directly a matter of fact our driveways, when I'm coming a unita of the Act our driveways, when I'm coming a unita of the two school teacher in Reynolds. As a a matter of fact our driveways, when I'm coming a unita and they're very polite when we're a hold and they're very polite when we're a while and they're very polite when we're b them on that. But with increased traffic it them on that. But with increased traffic it f or un house for almost tay years and we've owned the property for almost tay years. and I do regret feeling like I'm obligated to speak at the meeting today because I do great the meeting today because I do great the meeting today because I do great the meeting today because I do greatly scarey as a mom. It's probably a gersonal time, but it's just very scary the way people drive on that road, so I really don't want to be here. I'm here south the greated with I've spoken to the Reynolds a personal they're very try from rome traffic there. It's a major concern of mine. I would undoubtedly be detrimental to the gread bit they're nort trying to tready us an and they're very trying to tready us an and they're very trying to tready as an and they're very trying to tready as an and they're very trying to tready that people drive tat they renot trying to	1		-	
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 Reynolds. To introduce myself, I am a Reynolds. To introduce myself, I am a Pensacola local and I graduated from Woodham High School and I. am a school teacher at a private school here in Pensacola. I have two children, Michael aged 12 and Christopher aged More that U ine in is directly a matter of fact our driveways, when I'm coming a unita of the Act our driveways, when I'm coming a unita of the two school teacher in Reynolds. As a a matter of fact our driveways, when I'm coming a unita and they're very polite when we're a hold and they're very polite when we're a while and they're very polite when we're b them on that. But with increased traffic it them on that. But with increased traffic it f or un house for almost tay years and we've owned the property for almost tay years. and I do regret feeling like I'm obligated to speak at the meeting today because I do great the meeting today because I do great the meeting today because I do great the meeting today because I do greatly scarey as a mom. It's probably a gersonal time, but it's just very scary the way people drive on that road, so I really don't want to be here. I'm here south the greated with I've spoken to the Reynolds a personal they're very try from rome traffic there. It's a major concern of mine. I would undoubtedly be detrimental to the gread bit they're nort trying to tready us an and they're very trying to tready us an and they're very trying to tready as an and they're very trying to tready as an and they're very trying to tready that people drive tat they renot trying to	1		-	
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-	PLANNING BUARD REZUNI		
	57		59
1	We don't know what's going to be built there	1	probably y'all don't even see our traffic as
2	because they haven't said and you guys don't	2	we go in and out at least six days a week on
3	require them to say it. Perdido Bay has been	3	that property and have for the past dozen
4	in the news a lot because people have been	4	years. Anyway, that's the long and short of
5	trying really hard to clean it up. And all of	5	Pensacola Christian College, who is also my
6	the septic tanks that may be required who	6	employer and how we use that property. It's
7	knows where the drainage is going to go, so	7	over 200 acres right there on that corner.
8	please consider the effect of the wetlands and	8	Board members, does anybody else have
	Perdido Bay and the fish and the crabs. It		anything for staff or members of the public or
9	•	9	
10	used to be a huge fishing bay, but now no one	10	for the applicant?
11	can catch anything in there because of the	11	MS. DAVIS: Yes, Mr. Chairman, I have a
12	pollution and we don't need extra businesses	12	question for staff. Since we've been talking
13	and extra pollution, so please take Criterion	13	about trailer parks all this time, I would
14	(5) into consideration for that. Thank you.	14	like to know, I haven't noticed under R-6 if
15	MR. TATE: Thank you.	15	that's permitted at all.
16	Is there anyone else from the public who	16	MR. JONES: R-6 does allow for mobile home
17	wishes to speak today on this matter? At this	17	parks along with many other types of
18	time I'll go ahead and close the public	18	neighborhood commercial type uses. I'll state
19	portion of this meeting and we will move into	19	again, when you look at this, any of those
20	Board members. As we get started Board	20	other neighborhood uses could be allowed to go
21	members, may I ask if you have any question	21	there, as well.
22	for the applicant, staff or members of the	22	MS. DAVIS: Thank you.
23	public?	23	MR. GOODLOE: Mr. Chairman, could we also
24	Before we do that I want to state and to	24	get the staff to put up what is allowed in
25	kind of let the Reynolds know a little bit,	25	R-6?
25	TAYLOR REPORTING SERVICES, INCORPORATED	25	TAYLOR REPORTING SERVICES, INCORPORATED
	· · · · · · · · · · · · · · · · · · ·		
	58		60
1	58 although I am not voting today because of my	1	60 MR JONES: Will do
1	although I am not voting today because of my	1	MR. JONES: Will do.
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2 3	although I am not voting today because of my relationship to the owners of the property next to you, I am allowed to participate in	2 3	MR. JONES: Will do. MS. SINDEL: Horace, for something to be considered a mobile home park do they have a
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2 3 4 5 6	although I am not voting today because of my relationship to the owners of the property next to you, I am allowed to participate in the discussion of this. However, I'm not going to give an opinion one way or the other. But I do want to address specifically	2 3 4 5 6	MR. JONES: Will do. MS. SINDEL: Horace, for something to be considered a mobile home park do they have a limit of a certain amount of homes there? You can have designated a mobile home park and have one mobile home, right?
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	61		63
1	days and one of my professions is a commercial	1	R-4. It's still time is going to bring
2	Realtor and I've looked at Bronson Field and	2	change and so whatever goes there, it says you
3	there's property that's for sale beyond this	3	could go out and get four residential houses
4		4	in there or two residential houses and say,
5	there's the navy recreational park and there's	5	well, you're still going to have change.
6		6	So I don't really see a true happy answer
7		7	for everybody no matter change, because if you
8		8	change to R-6 you could have something similar
9		9	to a Dollar General there and you're going to
10		10	have much traffic. So what is the answer?
11		11	Somebody said, well, I don't want this around
12		12	me, but sometimes a lady told me she moved
13		13	up in the country and she found out other
14		14	people moved up in the country and now she's
15		15	got neighbors. You can't really control
16		16	property unless we own it.
17		17	MR. TATE: Thank you, Mr. Wingate.
18		18	Does anybody else, any other Planning
10		19	Board members have anything else to state? If
20		20	not, staff, do you have anything?
20		20	MR. WOODWARD: Mr. Chairman, Lillian
21		21	Highway at that point is also U.S. 98.
			MR. TATE: That's correct.
23 24		23 24	MR. WOODWARD: That's a major U.S.
		24 25	thoroughfare.
25	TAYLOR REPORTING SERVICES, INCORPORATED	25	TAYLOR REPORTING SERVICES, INCORPORATED
			64
	62 I see right on this corner, if you're		
1	I see right on this corner, if you're	1	MR. TATE: That's correct.
2	I see right on this corner, if you're going to picnic in the park, everybody looks	2	MR. TATE: That's correct. Is there anything further from the staff?
2 3	I see right on this corner, if you're going to picnic in the park, everybody looks for a little convenience store just before,	2 3	MR. TATE: That's correct. Is there anything further from the staff? MS. CAIN: No, sir.
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Planning Board-Rezon	ing
Meeting Date:	11/04/2013
CASE :	Z-2013-20
APPLICANT:	Bobby Gene and Sally Lynn Reynolds, Owners
ADDRESS:	12511 Lillian Hwy
PROPERTY REF. NO.:	02-2S-32-6000-005-002
FUTURE LAND USE: DISTRICT: OVERLAY DISTRICT:	1
BCC MEETING DATE:	

SUBMISSION DATA: REQUESTED REZONING:

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

TO: R-6, Neighborhood Commercial and Residential District, (cumulative) High Density (25 du/acre)

RELEVANT AUTHORITY:

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

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

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

CPP FLU 1.1.9 Buffering. In the LDC, Escambia County shall ensure the compatibility of adjacent land uses by requiring buffers designed to protect lower intensity uses from more intensive uses, such as residential from commercial. Buffers shall also be used to protect agricultural activities from the disruptive impacts of nonagricultural land uses and protect nonagricultural uses from normal agricultural activities.

CPP FLU 1.3.1 Future Land Use Categories. The Mixed-Use Suburban (MU-S) Future Land Use (FLU) category is intended for a mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses. Range of

allowable uses include: Residential, Retail and Services, Professional Office, Recreational Facilities, Public and Civic. The minimum residential density is two dwelling units per acre and the maximum residential density is ten dwelling units per acre.

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

FINDINGS

The proposed amendment to R-6 **is consistent** with the intent and purpose of Future Land Use category MU-S as stated in CPP FLU 1.3.1. This FLU category allows for a mix of residential and non-residential uses such as retail services and professional offices while promoting infill development. The proposed amendment will utilize the existing roads and infrastructure as stated in CPP FLU 1.5.3.

CRITERION (2)

Consistent with The Land Development Code.

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

6.05.11. R-4 multiple-family district, (cumulative) medium high density.

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

6.05.13. R-6 Neighborhood Commercial and Residential District, (cumulative) High Density.

This district is intended to provide for a mixed use area of residential, office and professional, and certain types of neighborhood convenience shopping, retail sales and services which permit a reasonable use of property while preventing the development of blight or slum conditions. This district shall be established in areas where the intermixing of such uses has been the custom, where the future uses are uncertain and some redevelopment is probable.

FINDINGS

The proposed amendment **is not consistent** with the intent and purpose of the Land Development Code as stated in LDC 6.05.14. The proposed zoning change would result in spot zoning as defined in LDC Article 3.02.00.

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

While this rezoning would create a somewhat isolated R-6 district, there are similar mixes of zonings along Lillian Highway from Dog Track Road to the Lillian Bridge. These nodes of R-6 provide a mixed-use zoning compatible with the existing land uses. In addition, this parcel is located along an arterial roadway within one-quarter mile of a collector/arterial intersection and does meet locational criteria.

CRITERION (3)

Compatible with surrounding uses.

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

FINDINGS

The proposed amendment **could be compatible** with surrounding existing uses in the area.

Within the 500' radius impact area, staff observed properties with zoning districts R-2 and R-4. In the area staff noted 24 single family residences, 9 vacant parcels, 1 vacant office and 3 mobile homes. The mixed residential and neighborhood commercial uses allowed by the proposed R-6 zoning could be compatible with these surrounding residential zonings and uses.

CRITERION (4)

Changed conditions.

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

FINDINGS

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

CRITERION (5)

Effect on natural environment.

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

FINDINGS

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

CRITERION (6)

Development patterns.

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

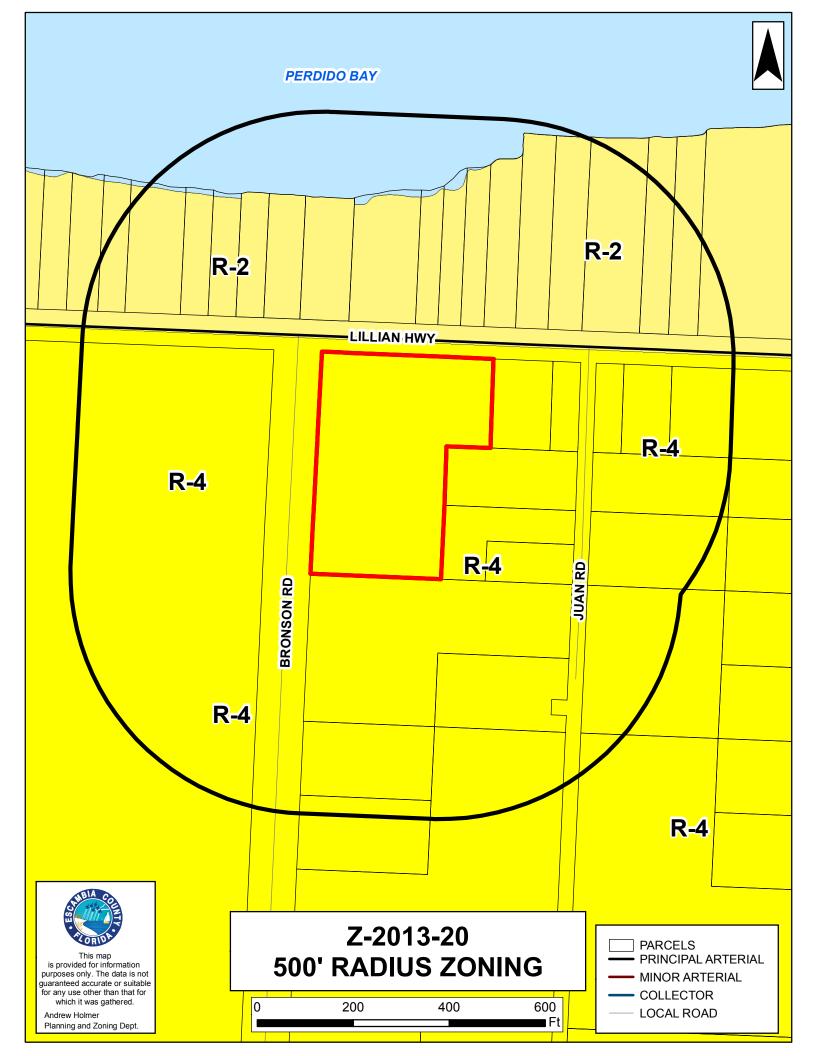
FINDINGS

The proposed amendment would result in a logical and orderly development pattern. The

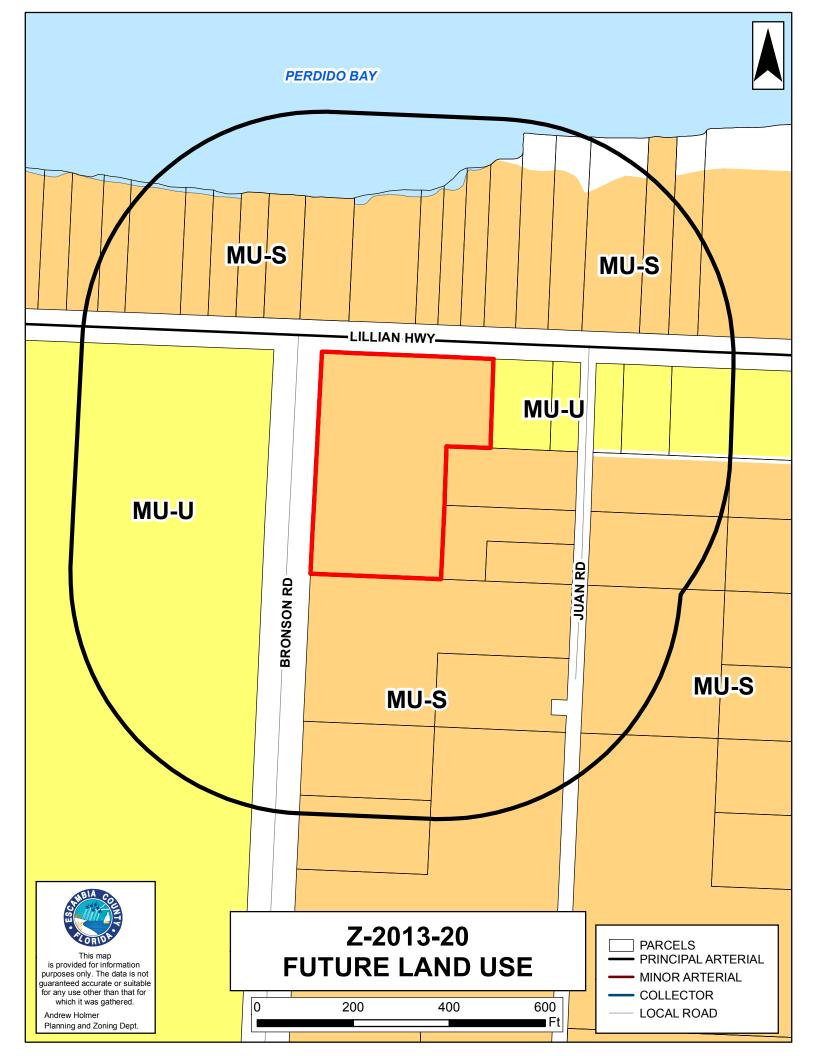
proposed rezoning from R-4 to R-6 would not be out of character given the six other nodes of R-6 zoning along Lillian Highway from Dog Track Road to the Lillian Bridge.

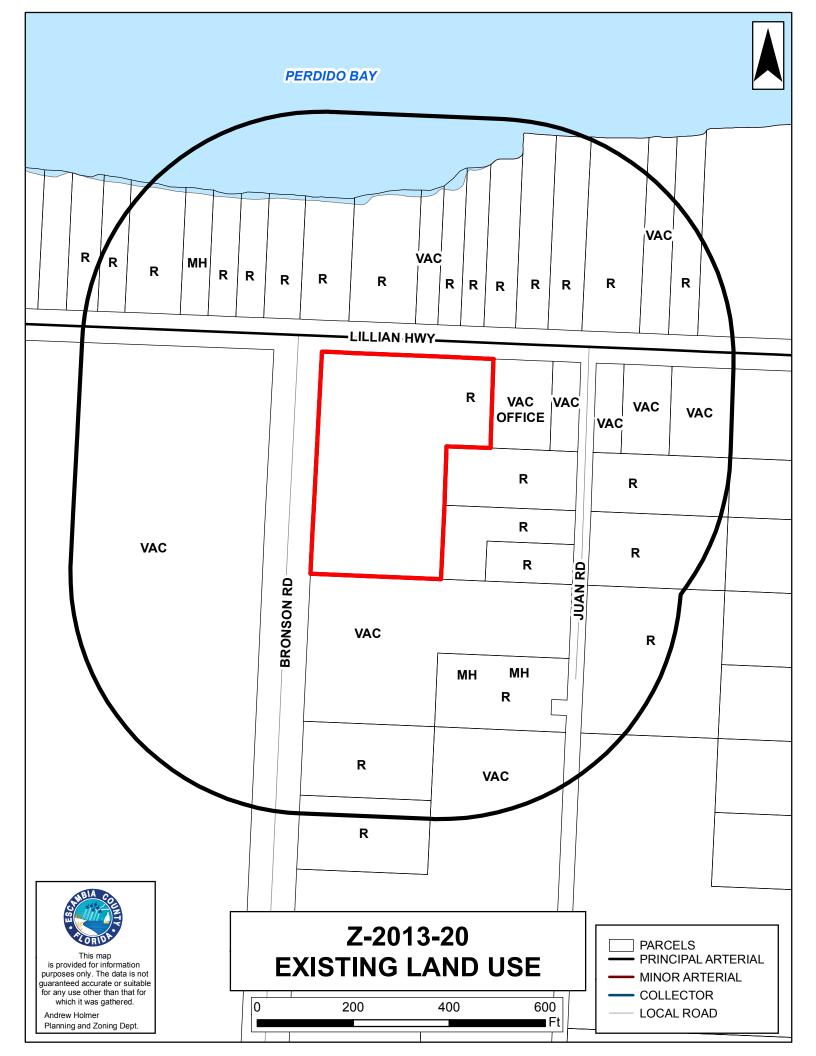
Attachments

<u>Z-2013-20</u>













Looking East along Lillian

Looking North along Bronson

Looking Northeast

ALC: N

Looking South along Bronson

Hwy

1230



Looking Southwest

Looking West along Lillian

Bobby G. Reynolds Sr. Sally L. Reynolds 12511 Lillian Highway Pensacola, Fl. 32506

Allison Caine,

I am asking to appear before the Zoning Board to change our zoning from R4 to R6. Property Reference No.:02-2S-32-6000-005-002

.

Any questions please call to (850) 456-5595.

Thank you for your time and consideration.

Very Truly Yours,

Bobby Gene Reynolds Sr. and Sally L. Reynolds

Development Services Department Escambia County, Florida APPLICATION

Please check application type:	Conditional Use Request for:
Administrative Appeal	□ Variance Request for:
Development Order Extension	Rezoning Request from: <u>R4</u> to: <u>R6</u>
Name & address of current owner(s) as shown on \mathcal{D}_{ad}	
	VNOIds Phone: 850 4565595
Address: 12511 LILLIAN HWY	Email: REYN 2290 Bell South Net
Check here if the property owner(s) is authorizing	an agent as the applicant and complete the Affidavit of Owner and

Limited Power of Attorney form attached herein.

3 Property Address: Property Reference Number(s)/Legal Description

By my signature, I hereby certify that:

- 1) I am duly gualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- All information given is accurate to the best of my knowledge and belief, and I understand that deliberate 2) 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
- I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-3) refundable; and
- I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site 4) inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the 5) **Development Services Bureau**

09-12-13 Signature of Owner/Agen SALLY LY Signature of Owner COUNTY OF STATE OF The foregoing instrument was acknowledged before me this 20 dav Jall by Bobby + Leynold Personally Known OR Produced Identification. Type of Identification Produced: Bonded Thru Troy Fain Insurance 600-385-7019 Expires November 2, 2013 Commission # DD 919789 Printed Name of Notary Signature of Notary MARGARET A. CAIN (notary seal must be affixed) 2-2013 CASE NUMBER: FOR OFFICE USE ONLY 1/2 Date: Accepted/Verified Meeting Date(s): PKZ 130900020 Fees Paid: \$ Receipt #:

3363 West Park Place Pensacola, FL 32505 (850) 595-3475 * FAX: (850) 595-3481

Development Services Department



For Rezoning Requests Only

Escambia County, Florida

CASE #: 2-201321

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

Property Reference Number(s):	02-25-32-6000-005-002
Property Address: 12 5/1 L	Ilian Hwy

I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed in the future development's permit application.

I/We also acknowledge and agree that approval of a zoning district amendment (rezoning) or Future Land Use Map amendment does not certify, vest, or otherwise guarantee that concurrency of required facilities and services is, or will be, available for any future development of the subject parcels.

I/We further acknowledge and agree that no development for which concurrency must be certified shall be approved unless at least one of the following minimum conditions of the Comprehensive Plan will be met for each facility and service of the County's concurrency management system prior to development approval:

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS ______ DAY OF ______, YEAR OF 2013_.

Signature of Property Owner Signature of Property Owner,

Printed Name of Property Ow

Printed Name of Property Owner

3363 West Park Place Pensacola, FL 32505 (850) 595-3475 * FAX: (850) 595-3481

FOR OFFICE USE:

Development Services Department Escambia County, Florida

CASE #:_

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at	\wedge	
		1
Florida, property reference number(s)		
I hereby designate	/	for the sole purpose
of completing this application and making a	presentation to the:	
Planning Board and the Board of County referenced property.	Commissioners to request a re	ezoning on the above
□ Board of Adjustment to request a(n)	on t	he above referenced property.
This Limited Power of Attorney is granted or	n thisday of	the year of,
, and is effective until the Board	of County Commissioners or th	ne Board of Adjustment has
rendered a decision on this request and any	appeal period has expired. Th	e owner reserves the right to
rescind this Limited Power of Attorney at an		
Services Bureau.	- 2	
\times		
Agent Name:	Email:	
Address:	Phone:	
Signature of Property Owner	Printed Name of Property Owner	Date
Signature of Property Owner	Printed Name of Property Owner	Date
	Finited Name of Froperty Owner	Date
	\backslash	
STATE OF	_ COUNTY OF	
The foregoing instrument was acknowledged before r	ne this day of	20 .
by		
Personally Known OR/Produced Identification	Type of Identification Produced:	
Signature of Notary	Printed Name of Notary	(Notary Seal)
Signature of Notary		
	\backslash	
		\backslash



FEE WAIVER REQUEST FORM

The Board of County Commissioners have determined that it is in the best interest of the public to waive certain Planning Board and Board of Adjustment application fees for projects, regardless of size or scale, that will provide affordable housing for low income individuals and families. Upon request, the County Administrator may grant, to qualified applicants, a waiver of the fees approved by Resolution 2010-107. An approved fee waiver request shall expire after twelve (12) months.

The County Administrator shall only grant waivers to the following qualified applicants. Please check the box next to the appropriate statement that applies to your request.

- Individuals and families with an annual gross income at or below 30% of the median income for Escambia County.
- Non-profit organizations that will develop and provide affordable housing for individuals and families with an annual gross income at or below 30% of the median income for Escambia County.

Property Owner/Non-profit Organization Name: BOBBY + SALLY KEYPlease list the address(es) and Property Reference Number(s) for the property(s):

32506 HWG PENSACOLA. FI 12511 LILLIAN

32-6000-005-002

Please indicate which application fee this request is for and the amount: REZONING

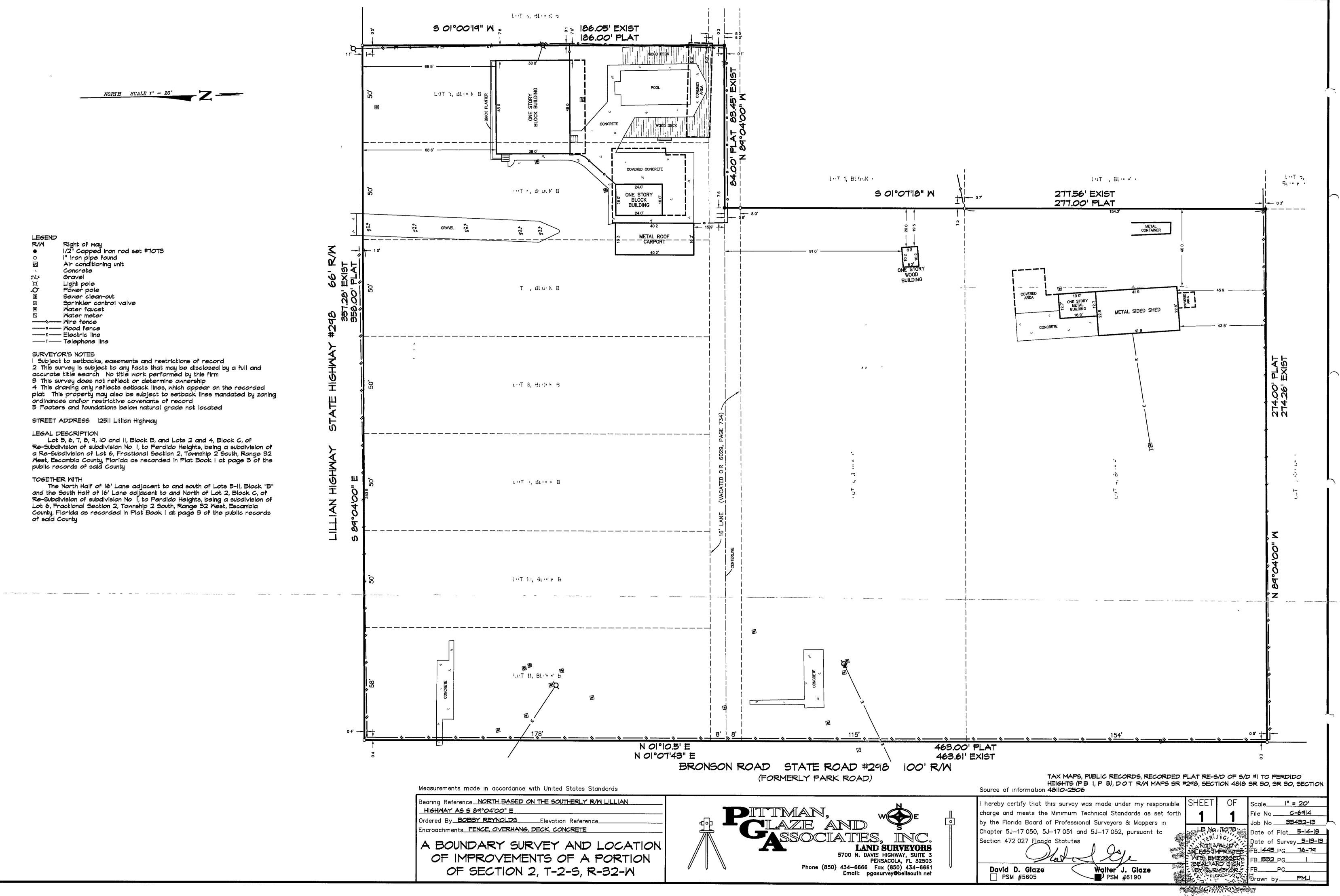
Please attach the following required supporting documents to this request form:

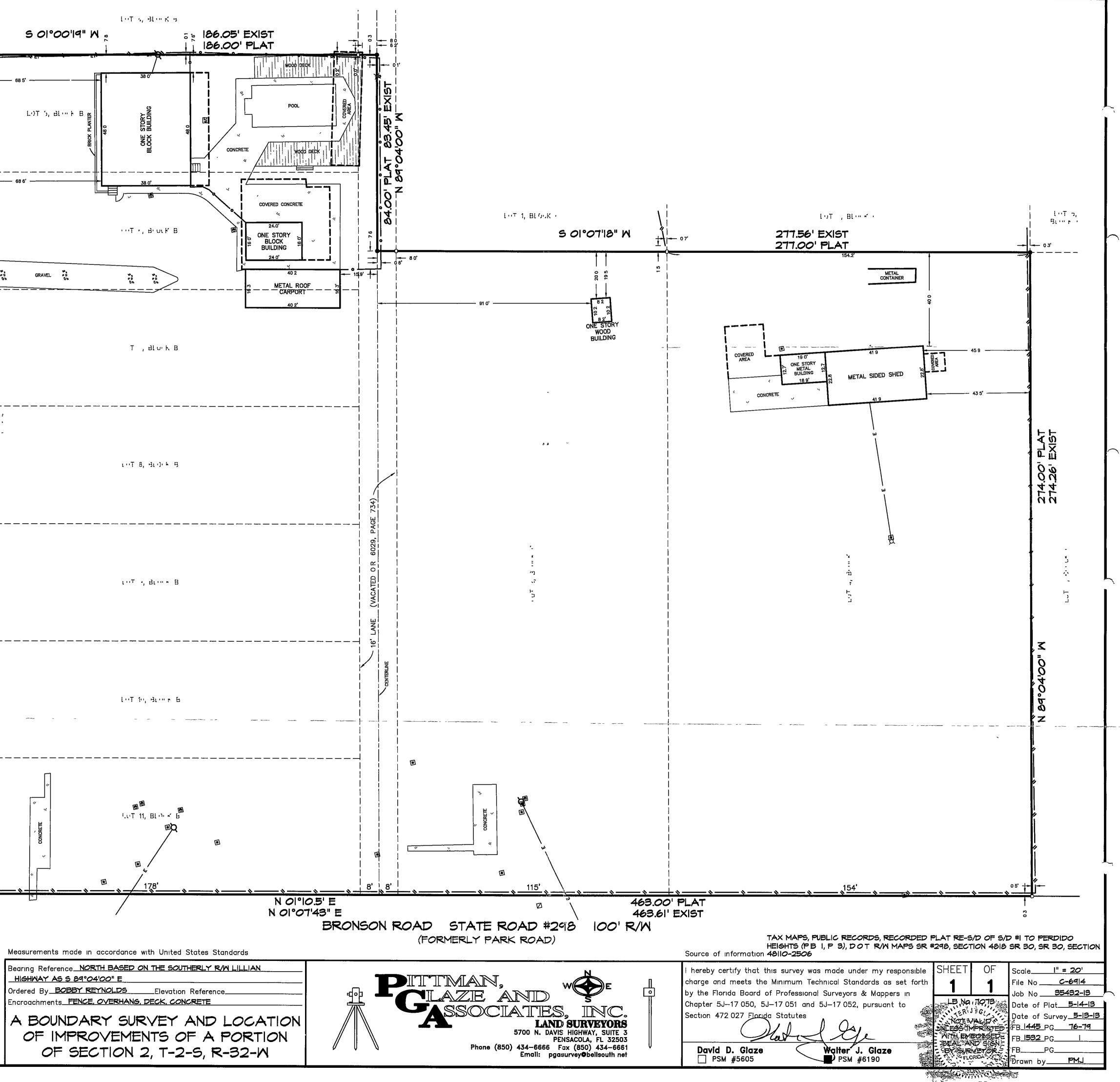
- a. All applicants must submit sufficient evidence of ownership or control of the property that is the subject of the development project for which the waiver is sought.
- b. All applicants must submit a copy of their federal income tax returns for the previous two years.
- c. All applicants must submit sufficient evidence that at least 30% of the total housing units produced from the development project will be sold or rented to, or occupied by, individuals and families with annual gross incomes at or below 30% of the median income for Escambia County.
- d. For projects that will provide rental housing, applicants shall also submit a schedule of rental rates for each unit by size.

	INTERNAL OFFICE USE ONLY	
The applicant is a qualified applicant.	Yes □NO	
The applicant provided all required sup	oporting documents. XES DNO	
Therefore; this fee waiver request for is hereby on this	Rezoning type of application s_13 th day of <u>September</u> , 2013.	
	Horace Jones	

Interim Development Services Director

	. 000	See Be	elow 06	022522.60	000-005-002
10-2715		See Be		022332-00	100-000-002
REYNOLDS BO SALLY LYNN 12511 LILLIAN I PENSACOLA FI	153 1-54039 лияззааээ BBY GENE SR & HWY	իրիդերդեր	RE S/D OF	AN HWY 1 BLK B & LTS S/D NO 1 OF Ill for extra legal.	
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OUNTY	6.97	755 82,818	50,000	32,818	228.92
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VATER MANAGEN	11EIN 1 0.02	100 02,010	50,000	52,010	1.01
ESCAMBIA COUNTY TA	AX COLLECTOR * P.O. BOX			ALOREM TAXES	701.26
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	TOTAL MILL				101.20
EVYING AUTHORITY	TOTAL MILL		M ASSESSMENTS	RATE	AMOUNT
	TOTAL MILL				
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FIRE	TEMS IN THIS SEC	NON-AD VALORE	MASSESSMENTS (850) 595-4960 NON-AD VALOREN	RATE ASSESSMENTS PAY ONLY	AMOUNT 85.00 85.00 85.00 See reverse side for
FIRE QUESTIONS ON IT COMBINED TAXES AND	TEMS IN THIS SEC	NON-AD VALORE	M ASSESSMENTS (850) 595-4960 NON-AD VALOREN 786.26	RATE ASSESSMENTS PAY ONLY ONE AMOUNT	AMOUNT 85.00 85.00 See reverse side for important information
FIRE	TEMS IN THIS SEC	NON-AD VALORE	MASSESSMENTS (850) 595-4960 NON-AD VALOREN	RATE ASSESSMENTS PAY ONLY	AMOUNT 85.00 85.00 85.00 See reverse side for
UESTIONS ON IT COMBINED TAXES AND Nov 30 2012 \$ 754.81	TEMS IN THIS SEC ASSESSMENTS Dec 31 2012 \$ 762.67 FC COLLECTOR 2012 YUMBER	TION ONLY, CALL Jan 31 2013 \$ 770.53	MASSESSMENTS (850) 595-4960 NON-AD VALOREN 786.26 Feb 28 2013 \$778.40 DTICE OF AD VALOREM TA ED VALUE MILLAGE GOD	RATE ASSESSMENTS PAY ONLY ONE AMOUNT Mar 31 2013 \$ 786.26 XES AND NON-AD VALO PROPERTY RE	AMOUNT 85.00 85.00 See reverse side for important information Apr 30 2013 \$ 809.85
FIRE QUESTIONS ON IT COMBINED TAXES AND Nov 30 2012 \$ 754.81 JANET HOLLEY, CI ESCAMBIA COUNTY TAX ACCOUNT N	TEMS IN THIS SEC ASSESSMENTS Dec 31 2012 \$ 762.67 FC COLLECTOR 2012 S-000	NON-AD VALORE TION ONLY, CALL Jan 31 2013 \$ 770.53 2 Real Estate No Scrow cd Assess	MASSESSMENTS (850) 595-4960 NON-AD VALOREN 786.26 Feb 28 2013 \$ 778.40 DTICE OF AD VALOREM TA ED VALUE MILLAGE GOD bove 06	RATE ASSESSMENTS PAY ONLY ONE AMOUNT Mar 31 2013 \$ 786.26 XES AND NON-AD VALO PROPERTY RE 022S32-6	AMOUNT 85.00 85.00 See reverse side for important information Apr 30 2013 \$ 809.85 OREM ASSESSMENTS EFERENCE NUMBER
FIRE QUESTIONS ON IT COMBINED TAXES AND Nov 30 2012 \$ 754.81 JANET HOLLEY, CI ESCAMBIA COUNTY TAX ACCOUNT N 10-2715 2012 Real Estate 007	TEMS IN THIS SEC ASSESSMENTS Dec 31 2012 \$ 762.67 FC COLLECTOR 2012 GUIMBER E 5-000 I9222.0000	NON-AD VALORE TION ONLY, CALL Jan 31 2013 \$ 770.53 2 Real Estate No Scrow cd Assess	(850) 595-4960 NON-AD VALOREN 786.26 Feb 28 2013 \$ 778.40 DTICE OF AD VALOREM TA DVALUE MILLAGE COL bove 06 12511 LILI LTS 5 TO 2 & 4 BLK RE S/D OI	RATE ASSESSMENTS PAY ONLY ONE AMOUNT Mar 31 2013 \$786.26 XES AND NON-AD VALO PROPERTY RE 022S32-6 LIAN HWY 11 BLK B & LTS	AMOUNT 85.00 85.00 See reverse side for important information Apr 30 2013 \$ 809.85 OREM ASSESSMENTS EFERENCE NUMBER
Nov 30 2012 \$ 754.81 JANET HOLLEY, CI ESCAMBIA COUNTY TAX ACCOUNT N 10-2715 2012 Real Estate 007 REYNOLDS BO SALLY LYNN 12511 LILLIAN PENSACOLA I	FEMS IN THIS SEC ASSESSMENTS Dec 31 2012 \$ 762.67 FC COLLECTOR YUMBER 5-000 19222.0000 OBBY GENE SR & HWY FL 32506-8416	NON-AD VALORE	(850) 595-4960 NON-AD VALOREN 786.26 Feb 28 2013 \$ 778.40 DTICE OF AD VALOREM TA DVALUE MILLAGE COL bove 06 12511 LILI LTS 5 TO 2 & 4 BLK RE S/D OI	RATE PAY ONLY ONE AMOUNT Mar 31 2013 \$ 786.26 XES AND NON-AD VALO PROPERTY RE 022S32-6 LAN HWY 11 BLK B & LTS C - S/D NO 1 OF oll for extra legal.	AMOUNT 85.00 85.00 See reverse side for important information Apr 30 2013 \$ 809.85 OREM ASSESSMENTS EFERENCE NUMBER







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

with hike to speake after Debra Enterne Board WARREN

Escambia County Planning Board Public Hearing Speaker Request Form

Please Print Clearly

Meeting Date: 4 NOV 2013		
Rezoning Quasi-judicial Hearing	OR	Regular Planning Board Meeting
Rezoning Case #: 2-2013-20	UK	Agenda Item Number/Description:
In Favor 🛛 📉 Against		
*Name: KARA GEORGE	051	TANA
*Address: 12850 Libbean He	wy to	ity, State, Zip:32506
Email Address: KDOSHANA	Q Co	x. NET Phone: 453-3706
Please indicate if you:		
would like to be notified of any further action re		
do not wish to speak but would like to be notified	ed of any	further action related to the public hearing item.
All items with an asterisk * are required.		

Chamber Rules

- 1. All who wish to speak will be heard and granted uniform time to speak (normally 3 5 minutes).
- 2. You must sign up to speak. This form must be filled out and given to the Clerk in order to be heard.

- 3. When the Chairman calls you to speak, come to the podium, adjust the microphone so you can be heard, then state your NAME and ADDRESS for the record.
- 4. Please keep your remarks BRIEF and FACTUAL.
- 5. Should there be a need for information to be presented to the Board, please provide 13 copies for distribution. The Board will determine whether to accept the information into evidence. Once accepted, copies are given to the Clerk for Board distribution.
- 6. Speakers will refrain from the use of obscene language, "fighting words" likely to incite violence from the individual(s) to whom the words are addressed, or other language which is disruptive to the orderly and fair progress of discussion at the meeting.
- 7. During public hearings, at the Chairman's discretion, if there is a controversial item in which Escambia County citizens are involved, he may institute a provision against clapping, if he/she feels that clapping or the noise will deter open speech between the two parties.



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

Escambia County Planning Board Public Hearing Speaker Request Form

	Please	Print Clearly
Meeting Date: <u>11413</u> Rezoning Quasi-judicial Hearing Rezoning Case #: <u>2-2013-20</u> In Favor <u>Against</u>	OR	Regular Planning Board Meeting Agenda Item Number/Description:
*Name: DEBRA J. WARR	EN	
*Address: 12520 HILLAN	Hwy	*City, State, Zip: P'COLA, FL 32506
Email Address:		Phone: 206-7341
Please indicate if you: would like to be notified of any further ac do not wish to speak but would like to be		to the public hearing item. any further action related to the public hearing item.

All items with an asterisk * are required.

- 1. All who wish to speak will be heard and granted uniform time to speak (normally 3 5 minutes).
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Development Services Department 3363 West Park Place, Pensacola, FL 32505 (850) 595-3475 - Phone (850) 595-3481 - FAX www.myescambia.com

Escambia County Planning Board Public Hearing Speaker Request Form

	Please P	Print Clearly
Meeting Date: 11413		
Rezoning Quasi-judicial Hearing		Regular Planning Board Meeting
Rezoning Case #: 2-2013-20	OR	Agenda Item Number/Description:
In Favor Against		
*Name: BETTY CATCILOT	-	
*Address: 125 20 LILLAN 14	tuy .	City, State, Zip: P'COLA, FL32506
Email Address:		Phone: 457-3172
Please indicate if you: would like to be notified of any further action	related to	the public hearing item.

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

All items with an asterisk * are required.

Chamber Rules

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- 2. You must sign up to speak. This form must be filled out and given to the Clerk in order to be heard.
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- 4. Please keep your remarks BRIEF and FACTUAL.
- Should there be a need for information to be presented to the Board, please provide 13 copies for distribution. The Board will determine whether to accept the information into evidence. Once accepted, copies are given to the Clerk for Board distribution.
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- During public hearings, at the Chairman's discretion, if there is a controversial item in which Escambia County citizens are involved, he may institute a provision against clapping, if he/she feels that clapping or the noise will deter open speech between the two parties.



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

Escambia County Planning Board Public Hearing Speaker Request Form

Please Print Clearly

Meeting Date: 1/-4-2013	
Rezoning Quasi-judicial Hearing	Regular Planning Board Meeting
Rezoning Case #: 2 - 201 3-20 0	Agenda Item Number/Description:
In Favor Against	
*Name: Barbara Levi)
*Address: 124QU LiLLiAN	*City, State, Zip: 3 2 50 6
Email Address: JSBLP CUX.	net Phone: 457-3124
Please indicate if you:	572-7098
would like to be notified of any further action relat	
do not wish to speak but would like to be notified	of any further action related to the public hearing item.

All items with an asterisk * are required.

- 1. All who wish to speak will be heard and granted uniform time to speak (normally 3 5 minutes).
- 2. You must sign up to speak. This form must be filled out and given to the Clerk in order to be heard.
- When the Chairman calls you to speak, come to the podium, adjust the microphone so you can be heard, then state your NAME and ADDRESS for the record.
- 4. Please keep your remarks BRIEF and FACTUAL.
- Should there be a need for information to be presented to the Board, please provide 13 copies for distribution. The Board will determine whether to accept the information into evidence. Once accepted, copies are given to the Clerk for Board distribution.
- Speakers will refrain from the use of obscene language, "fighting words" likely to incite violence from the individual(s) to whom the words are addressed, or other language which is disruptive to the orderly and fair progress of discussion at the meeting.
- During public hearings, at the Chairman's discretion, if there is a controversial item in which Escambia County citizens are involved, he may institute a provision against clapping, if he/she feels that clapping or the noise will deter open speech between the two parties.



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

Escambia County Planning Board

Public Hearing Speaker Request Form

Please Print Clearly

Rezoning Quasi-judicial Hearing Rezoning Case #: $2 = 20/3 - 20$ OR	Regular Planning Board Meeting Agenda Item Number/Description:
In Favor Against	
*Name: LESTER SENFT	· · ·
*Address: 12860 LILLIAN HWY *Ci Email Address: 1237+R Seafte ATT. NE	ty, State, Zip: PENSACOLA, FL
Email Address: lesite Seatte ATT. NE	T Phone: 580 - 332 - 6939
Please indicate if you: would like to be notified of any further action related to th do not wish to speak but would like to be notified of any f	

All items with an asterisk * are required.

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



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

Escambia County Planning Board Public Hearing Speaker Request Form

Please Print Clearly

Meeting Date: 4- NOU ZO13	
Rezoning Quasi-judicial Hearing	Regular Planning Board Meeting
Rezoning Case #: $2 - 2013 - 20$	Agenda Item Number/Description:
In Favor Against	
*Name: Dorothy OShana	
*Address: 12850 Lillian Hwy	_*City, State, Zip: Pewsacola FL32506
Email Address: Dorosh @ Cot.r	net Phone: 453 3706
Please indicate if you:	
would like to be notified of any further action relate	
do not wish to speak but would like to be notified of	of any further action related to the public hearing item.
All items with an asterisk * are required.	

- 1. All who wish to speak will be heard and granted uniform time to speak (normally 3 5 minutes).
- 2. You must sign up to speak. This form must be filled out and given to the Clerk in order to be heard.
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- 4. Please keep your remarks BRIEF and FACTUAL.
- Should there be a need for information to be presented to the Board, please provide 13 copies for distribution. The Board will determine whether to accept the information into evidence. Once accepted, copies are given to the Clerk for Board distribution.
- Speakers will refrain from the use of obscene language, "fighting words" likely to incite violence from the individual(s) to whom the words are addressed, or other language which is disruptive to the orderly and fair progress of discussion at the meeting.
- During public hearings, at the Chairman's discretion, if there is a controversial item in which Escambia County citizens are involved, he may institute a provision against clapping, if he/she feels that clapping or the noise will deter open speech between the two parties.



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

Escambia County Planning Board Public Hearing Speaker Request Form

Please Print Clearly

Meeting Date: $\underline{O4NOV 13}$ Rezoning Quasi-judicial Hearing Rezoning Case #: $\underline{Z-2O13-20}$ OR In Favor Against	Regular Planning Board Meeting Agenda Item Number/Description:
*Name: JAMES DEGRUCCIO	
*Address: 12530 LILLIAN HUST	*City, State, Zip: PENSACOLA, FZ 32506
Email Address: Nfc 13 gooch @ yahoo.	com Phone: (950) 456-3744
Please indicate if you:	
would like to be notified of any further action related do not wish to speak but would like to be notified of	a to the public hearing item. any further action related to the public hearing item.
All items with an asterisk * are required.	******

- 1. All who wish to speak will be heard and granted uniform time to speak (normally 3 5 minutes).
- 2. You must sign up to speak. This form must be filled out and given to the Clerk in order to be heard.
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- During public hearings, at the Chairman's discretion, if there is a controversial item in which Escambia County citizens are involved, he may institute a provision against clapping, if he/she feels that clapping or the noise will deter open speech between the two parties.



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

Escambia County Planning Board Public Hearing Speaker Request Form

Please Print Clearly

Meeting Date: 04 NoV 13
Rezoning Quasi-judicial Hearing OR Regular Planning Board Meeting
Rezoning Case #: 2-2013-20 OK Agenda Item Number/Description:
In Favor X Against
*Name: TANYA DE GRUCCIO
*Address: 12530 LILIAN Mor *City, State, Zip: PENSACOLA, Fr 32506 Email Address: <u>+anyasmith70@yahoo.com</u> Phone: (150) 456-3744
Please indicate if you: would like to be notified of any further action related to the public hearing item. <u>do not</u> wish to speak but would like to be notified of any further action related to the public hearing item.
All items with an asterisk * are required.

- 1. All who wish to speak will be heard and granted uniform time to speak (normally 3 5 minutes).
- 2. You must sign up to speak. This form must be filled out and given to the Clerk in order to be heard.
- 3. When the Chairman calls you to speak, come to the podium, adjust the microphone so you can be heard, then state your NAME and ADDRESS for the record.
- 4. Please keep your remarks BRIEF and FACTUAL.
- Should there be a need for information to be presented to the Board, please provide 13 copies for distribution. The Board will determine whether to accept the information into evidence. Once accepted, copies are given to the Clerk for Board distribution.
- Speakers will refrain from the use of obscene language, "fighting words" likely to incite violence from the individual(s) to whom the words are addressed, or other language which is disruptive to the orderly and fair progress of discussion at the meeting.
- During public hearings, at the Chairman's discretion, if there is a controversial item in which Escambia County citizens are involved, he may institute a provision against clapping, if he/she feels that clapping or the noise will deter open speech between the two parties.



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

Escambia County Planning Board Public Hearing Speaker Request Form

Please Print Clearly

Meeting Date: Nov 4 2013			
Rezoning Quasi-judicial Hearing	Regular Planning Board Meeting		
Rezoning Case #: $Z - 20/3 - 20$ OR	Agenda Item Number/Description:		
In Favor Against			
*Name: Bobby 6 REYnolds	+ SALLY REYNOLDS		
*Address: 125/1 Lillian Hu +C	ity, State, Zip: PENISACO/A, E/, 32506		
Email Address: reyn 2290 @Bellood	74.11/0 T Phone: 830 456-5595		
Please indicate if you: Would like to be notified of any further action related to the public hearing item. do not wish to speak but would like to be notified of any further action related to the public hearing item.			
do not wish to speak but would like to be notified of any	further action related to the public hearing item.		
All items with an asterisk * are required.	*****		

- 1. All who wish to speak will be heard and granted uniform time to speak (normally 3 5 minutes).
- 2. You must sign up to speak. This form must be filled out and given to the Clerk in order to be heard.
- 3. When the Chairman calls you to speak, come to the podium, adjust the microphone so you can be heard, then state your NAME and ADDRESS for the record.
- 4. Please keep your remarks BRIEF and FACTUAL.
- Should there be a need for information to be presented to the Board, please provide 13 copies for distribution. The Board will determine whether to accept the information into evidence. Once accepted, copies are given to the Clerk for Board distribution.
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- During public hearings, at the Chairman's discretion, if there is a controversial item in which Escambia County citizens are involved, he may institute a provision against clapping, if he/she feels that clapping or the noise will deter open speech between the two parties.

FORM 8B MEMORANDUM COUNTY, MUNICIPAL, AND OTH	
LAST NAME-FIRST NAME-MIDDLE NAME Tabe-TIMethy Sames	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ESCAMBIA COUNTY Planning Baching Board

SUCO BNESC	4n	WHICH I SERVE IS	A UNIT OF:	UTHORITY OR COMMITTEE ON
CITY	COUNTY		COUNTY	OTHER LOCAL AGENCY
Penbaccia	Escambici	NAME OF POLITICA	AL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED				
DATE ON WHICH VOTE OCCORRED		MY POSITION IS:		

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

ELECTED OFFICERS:

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

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

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

APPOINTED OFFICERS:

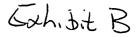
Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

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

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

APPOINTED OFFICERS (continued)
 A copy of the form must be provided immediately to the other members of the agency.
The form must be read publicly at the next meeting after the form is filed.
IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:
 You must disclose orally the nature of your conflict in the measure before participating.
 You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.
DISCLOSURE OF LOCAL OFFICER'S INTEREST
1, Timethy Take, hereby disclose that on November 4, 2013:
(a) A measure came or will come before my agency which (check one)
inured to my special private gain or loss;
inured to the special gain or loss of my business associate,
inured to the special gain or loss of my relative,
X inured to the special gain or loss of Pensaccia Christian College, Inc
whom I am retained; or
inured to the special gain or loss of, which
is the parent organization or subsidiary of a principal which has retained me.
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:
November 4, 2013 Dimothy Date
Date Filed Signature

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



October 31, 2013

To: Development Services Department

From: Bobby Gene Reynolds Sr. and Sally Lynn Reynolds Husband and Wife Owners of Property

The overall purpose of this letter, is to use our property as "R-6".

We did try to rezone our property to C-1, however, it was voted down.

Due to the fact that the neighbors did not want our property rezoned from R-4 to C-1.

The intent of this request is to upgrade our property from **R-4** to **R-6**. As you are aware of the area has grown on the south side of Lillian Highway. My wife Sally Reynolds has lived on this property since 1955, we together have owned this property when we purchased the home and property since 1968. We have seen many changes in land development, such as, 2 blocks from us, there is a Liquor Store, Bar, Grocery Store, Fast food Restaurant, "Hardees", Thom Thumb Store and gas station, Around the corner from us, is the South West Sports Complex, which includes many sports soccer, baseball, football, and many other sports. Next door to us is a Building Contractor Office.

On the west side of Bronson Field Dr., there is a large parcel of property, that we have been told, that is owned by Pensacola Christian College and maybe could build a second college.

Please, pass the usage of our property to **R-6** as we feel that we meet all of the rezoning criteria.

Thank you for your time and consideration.

Very Truly Yours,

Kan

Bobby Gene Reynolds Sr. and Sally L. Reynolds 12511 Lillian Highway Pensacola, Florida, 32506

Property Reference No. : 02-2S-32 -6000-005-002

Exhibit C







RESUME OF THE REGULAR BCC MEETING - Continued

<u>GROWTH MANAGEMENT REPORT</u> – Horace Jones, Interim Director, Development Services Department

I. PUBLIC HEARINGS

- 1. <u>Recommendation:</u> That the Board take the following action concerning Rezoning Case Z-2013-20, which was heard by the Planning Board (PB) on November 4, 2013:
 - A. Ratify the scheduling and advertising of the 5:45 p.m. Public Hearing on December 5, 2013;
 - B. Review and either adopt, modify, or overturn the PB's recommendation, or remand the Case back to the PB; and
 - C. Authorize the Chairman to sign the Order of the Escambia County Board of County Commissioners for the Rezoning Case that was reviewed, as follows:

Case Number: Location:	Z-2013-20 12511 Lillian Highway
Property Reference Number:	
Property Size:	3.26 acres
From:	R-4, Multiple-Family District, (cumulative) Medium-
	High Density (18 dwelling units per acre)
То:	R-6, Neighborhood Commercial and Residential
	District (cumulative), High Density (25 dwelling units
	per acre)
FLU Category:	MU-S, Mixed Use-Suburban
Commissioner District:	1
Requested by:	Bobby Gene and Sally Lynn Reynolds
PB Recommendation:	Denial

Approved 5-0 to remand the Case to the PB, with direction to consider hearing additional information about "if in fact there is a safety problem with traffic and if that is not enough to ask them to look at again, ask them to consider an R-5"

Speaker(s):

Bobby Gene Reynolds	James Degruccio	Tanya Degruccio
Kara Oshana	Dorothy Oshana	Barbara Lenn
Lester Senft	Betty Catchot	



Received 2/3/14 Dev. Sves. Dept.

CLARK PARTINGTON HART LARRY BOND & STACKHOUSE

ATTORNEYS AT LAW

Pensacola • Destin • Santa Rosa Beach • Tallahassee

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

January 27, 2013

Mr. Horace Jones Development Services Department 3363 West Park Place Pensacola, FL 32505

> Re: Continuation of Rezoning Application Bobby Gene Reynolds, Sr. & Sally Lynn Reynolds 12511 Lillian Highway, Pensacola, FL 32506 Prop. Ref. # 002S3260000005002 Rezoning Case # Z-2013-20

Dear Mr. Jones:

Forwarded with this cover letter is my clients' continuing application to rezone the referenced property. The application contains the standard rezoning form, plus the authorization for me to represent Mr. and Mrs. Reynolds.

The application lists the rezoning request as "R-6/R-5." The listing in this manner was purposeful. It picks up on the uncertainty arising out of the county commission discussion in December, when the case was remanded to the Planning Board for further consideration. In my opinion, the motion made by Commissioner Robertson, along with the second and comments by other commissioners, left open reconsideration of R-6, as well as initial consideration of R-5. Therefore, it is my intent to ask the Planning Board to reconsider R-6, for the reasons stated in the comments by Commissioners Robertson, Robinson, Valentino and Barry.

In general terms, Commissioner Robertson said that C-1 is not appropriate, but that going from R-4 to R-6 across a state highway may be okay. He also said that he does not penalize owners for wanting to increase the value of their property by rezoning the property prior to selling the property.

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

Mr. Horace Jones January 27, 2014 Page 2

Commissioner Robinson said that his issue is "philosophical." The county does not want urban sprawl, but then we deny requests for greater density. He does not believe that R-6 is incompatible with R-4.

Commissioner Valentino said that generally he would weigh his vote 80% on the future land use map. He said that if the county is not going to pay attention to the recent change in future land use to Mixed Use Suburban, then the county should change the future land use map designation to something else.

Commissioner Barry said that he wants to be supportive of the commissioner whose district includes the property, and generally, he wants to support action that will increase the value of the property tax basis.

If the Planning Board chooses to continue to recommend denial of R-6 after consideration of the comments from commissioners, then we will ask the Planning Board to consider R-5.

I request that the public notice of the Planning Board hearing contain a reference to consideration of both R-6 and R-5.

Please let me know if your office needs any additional information in advance of the Planning Board hearing. My understanding is that the case will be set for hearing by the Planning Board on March 4, with the county commission hearing to follow in April.

Sincerely, Jesse W. Righy

JWR\cw Enclosures cc: Mr. and Mrs. Bobby G. Reynolds, Sr. A1557554.Doc

CLARK PARTINGTON HART LARRY BOND & STACKHOUSE



Development Services Department

Escambia County, Florida

APPLICATION

Please check application type:	Conditional Use Request for:	
Administrative Appeal	□ Variance Request for:	
Development Order Extension	Rezoning Request from: R-4	to: R-6/R-5

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

Owner(s) Name: Bobby Gene Reynolds, Sr. & Sally Lynn Reynolds Phone: 434-3282 (Attorney)

Address: 12511 Lillian Highway, Pensacola, FL 32506

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

Property Address: 12511 Lillian Highway, Pensacola, FL 32506

Property Reference Number(s)/Legal Description: 022S326000005002

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

Signature of Owner/Agent	Jesse W. Rigby Printed Name Owner/Agent	1/2-7/2014 Date
Belly In Andrew Signature of Owner Reynolds	Bobby Gene Reynolds, Sr. & Sally Lynn Reynolds Printed Name of Owner	1/27/2014 Date
STATE OF FIORIDA	COUNTY OF ESCAMBIA	+
The foregoing instrument was acknowledged before by <u>Bobby Cene Reynolds Sr. 4 Sal</u> Personally Known D OR Produced Identification	T .	
Signature of Notary (notary seal must be affixed)	Printed Name of Notary	CONSTANCE M. WEISS COMMISSION # EE223018 EXPIRES: August 7, 2016
FOR OFFICE USE ONLY CASE Meeting Date(s): PB - 3-4-14 Bcc 4/3/14	NUMBER: Z-20/3-20 Accepted/Verified by: A la	
Fees Paid: \$ Receipt #:	Permit #:)

Development Services Department FOR OFFICE USE:



Escambia County, Florida

CASE #: 2-2013-20

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s):_022S326000005002

Property Address: 12511 Lillian Highway, Pensacola, FL 32506

I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed in the future development's permit application.

I/We also acknowledge and agree that approval of a zoning district amendment (rezoning) or Future Land Use Map amendment does not certify, vest, or otherwise guarantee that concurrency of required facilities and services is, or will be, available for any future development of the subject parcels.

I/We further acknowledge and agree that no development for which concurrency must be certified shall be approved unless at least one of the following minimum conditions of the Comprehensive Plan will be met for each facility and service of the County's concurrency management system prior to development approval:

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS ______ DAY OF ______, YEAR OF _____, YEAR OF _____.

Signature of Property Owner Signature of Property Owner

Bobby Gene Reynolds, Sr. Printed Name of Property Owner

Sally Lynn Reynolds

Printed Name of Property Owner



Development Services Department FOR OFFICE USE: Escambia County, Florida

CASE #: 2-2013-20

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

ne entiter et the property located at	Lillian Highway, Pensacola, FL 32506
Florida, property reference number(s)022S	326000005002
I hereby designate Jesse W. Rigby	for the sole purpose
of completing this application and making a	presentation to the:
Planning Board and the Board of County referenced property.	Commissioners to request a rezoning on the above
□ Board of Adjustment to request a(n)	on the above referenced property.
	of County Commissioners or the Board of Adjustment has
rendered a decision on this request and any	appeal period has expired. The owner reserves the right to
rescind this Limited Power of Attorney at any	time with a written, notarized notice to the Development
Services Bureau.	
Agent Name: Jesse W. Rigby Address: 125 W. Romana St., Ste 800,	E _{mail:} jrigby@cphlaw.com Pensacola 32501 _{Phone:} 434-3282 (Attorney)
Bally Signature of Property Owner	Bobby Gene Reynolds, Sr. Date Printed Name of Property Owner Date Sally Lynn Reynolds Date Printed Name of Property Owner Date
Constance A Weis	COUNTY OF <u>EscamBIA</u> e this <u>20th</u> day of <u>20 14</u> , <u>14 you Raynolds</u> ype of Identification Produced: <u>Florida Driver License</u> (Notary Seal) Printed Name of Notary (Notary Seal) CONSTANCE M. WEISS COMMISSION # EE223018 EXPIRES: August 7, 2016

Planning Board-Rezon	ling	5. B.
Meeting Date:	03/04/2014	
CASE :	Z-2014-03	
APPLICANT:	Bill Newlon, Agent for Black Gold of Northwest Florida, LLC	, Owner
ADDRESS:	End of Stone Blvd	
PROPERTY REF. NO.:	14-1N-31-1001-011-002	
	MU-S, Mixed-Use	
FUTURE LAND USE:	Suburban	
DISTRICT:	5	
OVERLAY DISTRICT:	NA	
BCC MEETING DATE:	04/03/2014	

SUBMISSION DATA: REQUESTED REZONING:

FROM: ID-CP, Commerce Park District (cumulative)

TO: ID-2, General Industrial District (noncumulative)

RELEVANT AUTHORITY:

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

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

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

CPP FLU 1.1.9 Buffering. In the Land Development Code (LDC), Escambia County shall ensure the compatibility of adjacent land uses by requiring buffers designed to protect lower intensity uses from more intensive uses, such as residential from commercial. Buffers shall also be used to protect agricultural activities from the disruptive impacts of nonagricultural land uses and protect nonagricultural uses from normal agricultural activities.

CPP FLU 1.1.10 Locational Criteria. The LDC shall include locational criteria for broad categories of proposed non-residential land uses. The site criteria for such uses shall address the transportation classification of, and access to, adjoining streets, the proximity of street intersections and large daily trip generators (i.e. college or university), the surrounding land

uses, the ability of a site to accommodate the proposed use while adequately protecting adjoining uses and resources, and other criteria that may be appropriate to those categories of uses.

CPP FLU 1.3.1 Future Land Use Categories. The Mixed-Use Suburban (MU-S) Future Land Use (FLU) category is intended for a mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses. Range of allowable uses include: Residential, Retail and Services, Professional Office, Recreational Facilities, Public and Civic. The minimum residential density is two dwelling units per acre and the maximum residential density is ten dwelling units per acre.CPP CON 1.2.3 Industrial Use Impacts. Industrial land uses shall minimize their negative impacts on air quality. When incompatible with neighboring or proximate residential, conservation, or environmentally sensitive areas, industrial land uses shall be directed to alternative sites where their impacts are minimized.

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

FINDINGS

The applicant has also submitted a Future Land Use map amendment from the current Mixed-Use Suburban FLU to Industrial. If the FLU map change is approved and adopted, the proposed amendment to ID-2 **will be consistent** with the intent and purpose of Future Land Use category Industrial, as stated in CPP FLU 1.1.1. All buffering requirements and locational criteria standards will be addressed under compatibility analysis with the LDC or during the Site Plan Review Process. Furthermore, the FLU map change request will provide compatibility of uses, as stated in CPP FLU 1.3.1, as the Industrial FLU have allowances for light to intensive industrial uses. The proposal is also consistent with CPP FLU 1.5.3, as the parcel will be accessed using the existing public roads and if development occurs, the applicant may expand the use of existing utilities and service infrastructure.

CRITERION (2)

Consistent with The Land Development Code.

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

FINDINGS

The proposed amendment **is consistent** with the intent and purpose of the Land Development Code. The ID-2 zoning is designed to accommodate manufacturing, processing, fabrication, and other activities which can only comply with minimal performance standards. No residential development is permitted in this district, thereby insuring adequate area for industrial activities. Community facilities and trade establishments that provide needed services to industrial development also may be accommodated in this district. The buffering requirements specified in Article 7, Section 7.01.06. of the Land Development Code may be required and will be addressed during the Site Plan Review Process. It's staff's opinion that the proposed amendment meets the locational criteria for new industrial uses, as it's situated on a parcel of land that's large enough to adequately support the type of industrial development proposed. The

locational setting of the proposed amendment should minimize any adverse impacts upon surrounding properties.

CRITERION (3)

Compatible with surrounding uses.

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

FINDINGS

The proposed amendment **is compatible** with surrounding existing uses in the area. Within the 500' radius impact area, staff observed properties with zoning districts VR-1, VR-2, VAG-1, ID-CP and ID-2. Within the zoning districts, two large non-agricultural parcels owned by International Paper and by the Emerald Coast Utilities Authority, two single family residences, one vacant residential, one vacant commercial and two industrial properties.

CRITERION (4)

Changed conditions.

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

FINDINGS

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

CRITERION (5)

Effect on natural environment.

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

FINDINGS

According to the National Wetland Inventory, wetlands and hydric soils **were** indicated on the subject property. The applicant has provided a wetlands survey that identifies and delineates existing wetlands within the site. The applicant is also in the process of obtaining all required permits and implementing all necessary mitigation activities as dictated by the responsible Federal and State agencies. When applicable, further review during the Site Plan Review process will be necessary to determine if there would be any significant adverse impact on the natural environment.

CRITERION (6)

Development patterns.

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

FINDINGS

The proposed amendment **would result** in a logical and orderly development pattern. It's staff's opinion, based on the site visit, that the predominant character of the Hwy 29-Muscogee Road-Beck's Lake intersection is industrial in nature. The current industrial development trend of the area is the result of the accessibility to road and rail transport within a short distance of each

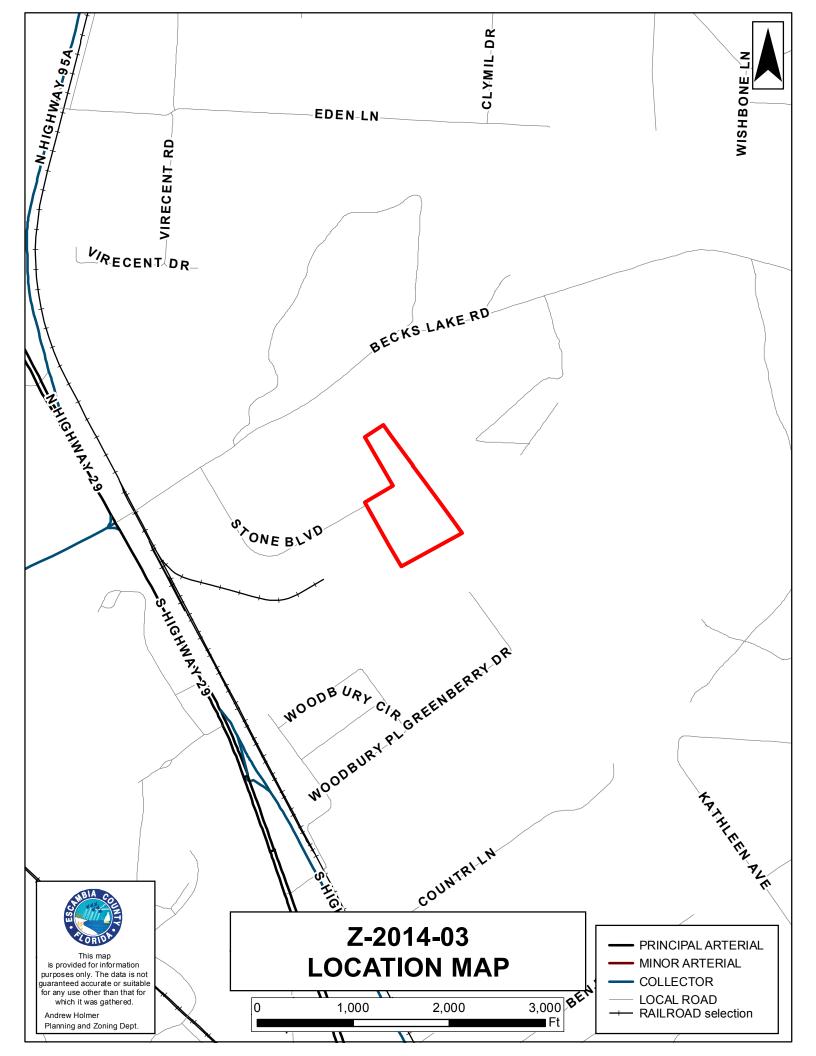
other, thus creating for an ideal commercial transportation hub. The approval of the amendment to ID-2 zoning would be congruent with surrounding uses and industrial development patterns of the area.

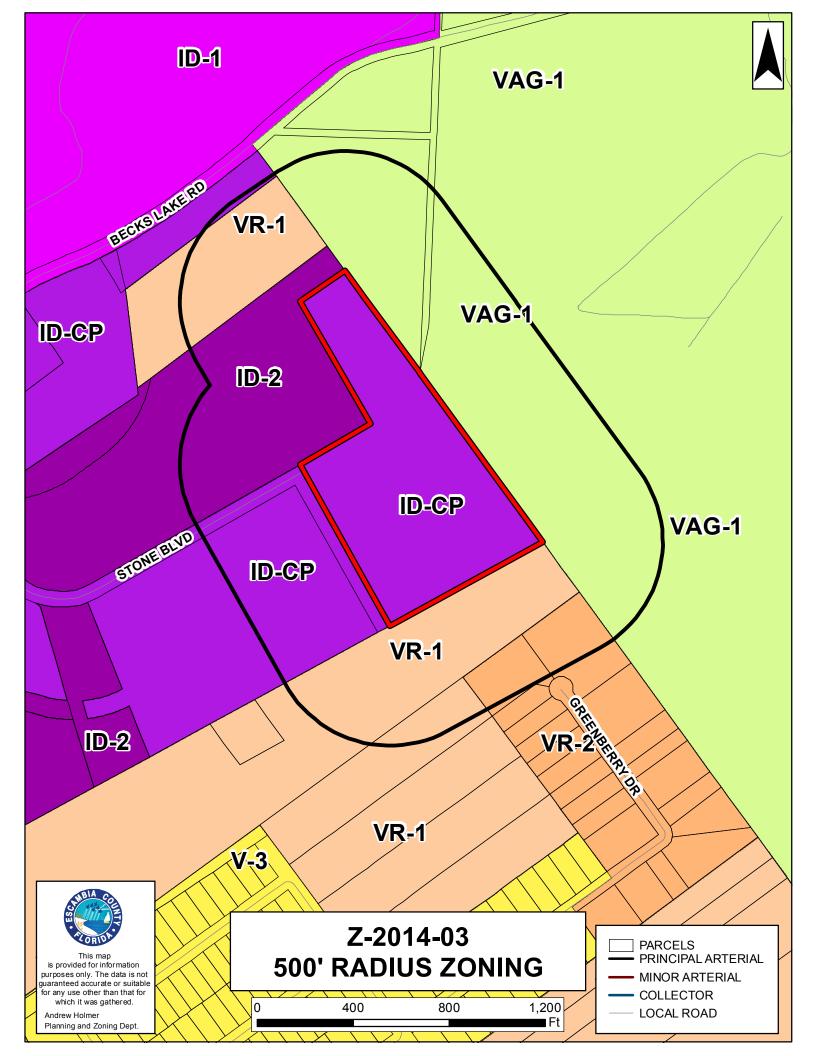
Attachments

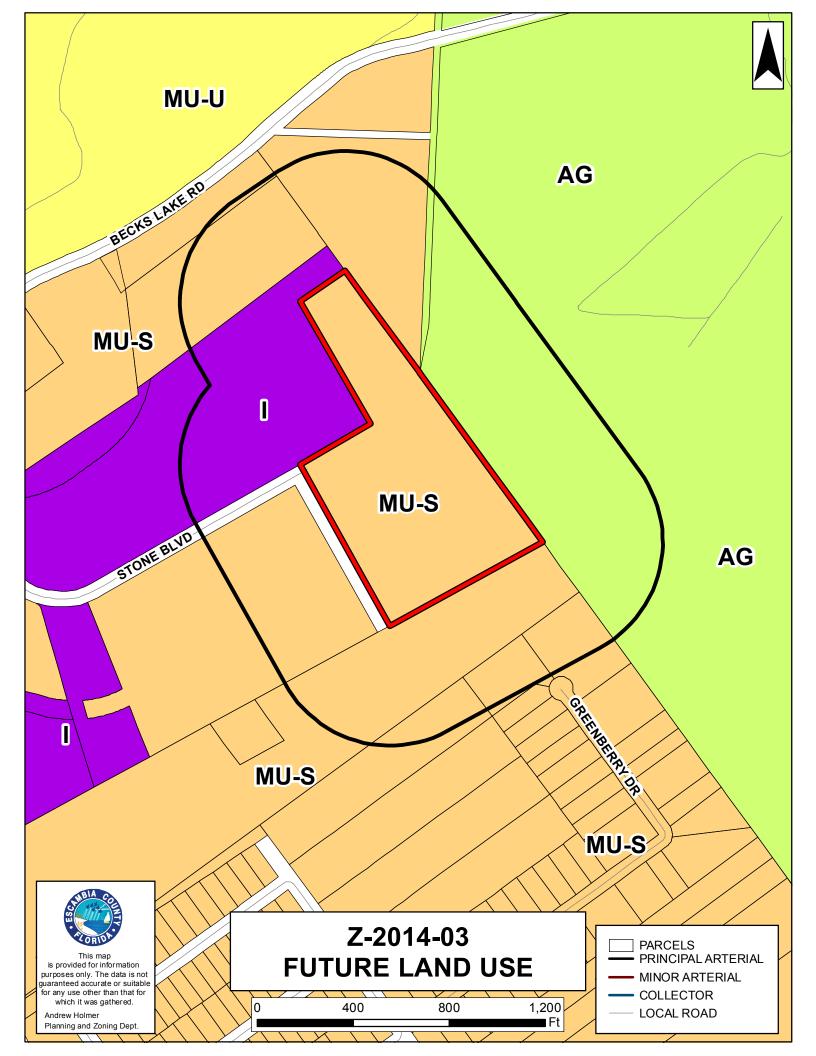
<u>Z-2014-03</u>

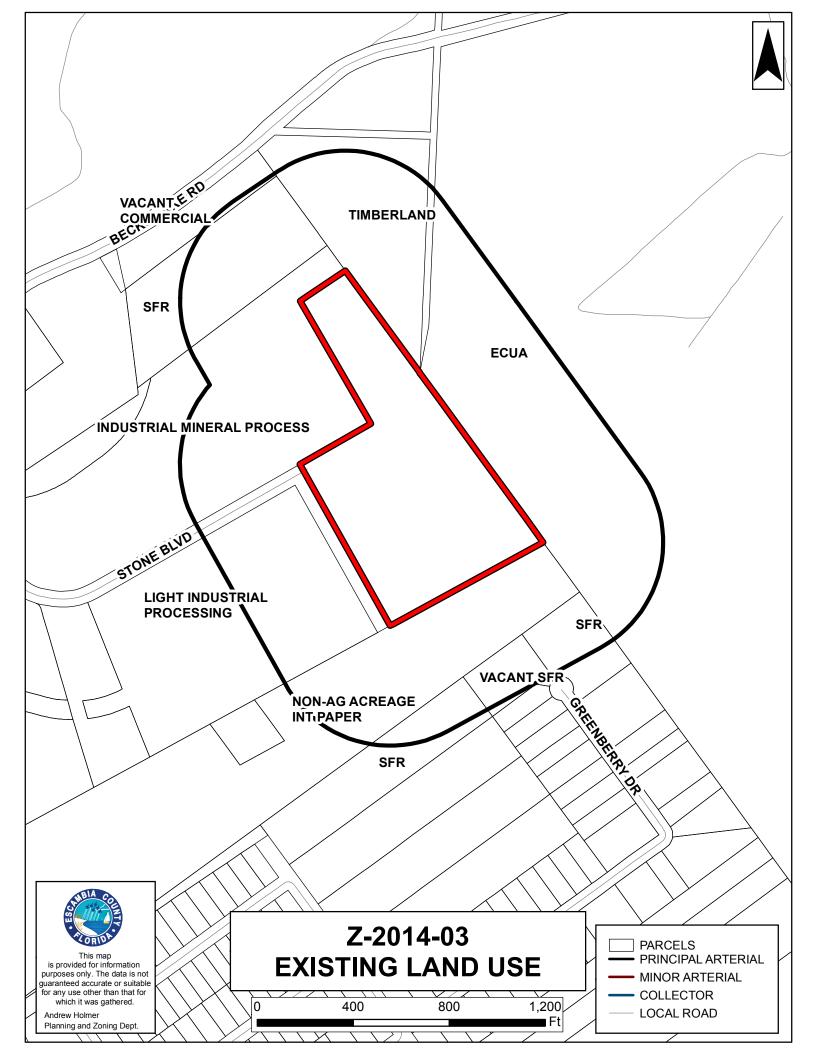
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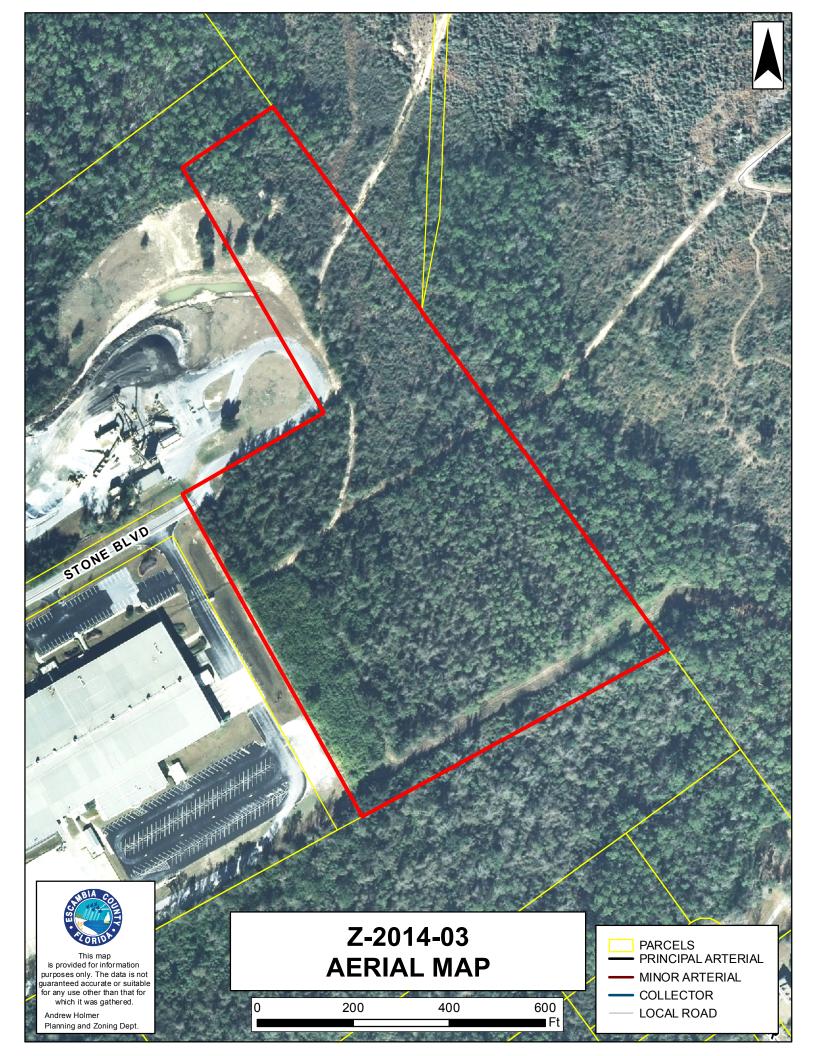
Z-2014-03















Looking Southeast from Stone

Looking Southeast into Site

REC'D JAN 3 1 2014



January 28, 2014

Escambia County Government Development Services Division Attn: Horace Jones, Interim Director 3363 W. Park Place Pensacola, FL 32505

PROJ: VULCAN CANTONMENT TERMINAL FACILITY (KLF #117823/2.4; MOU14L0134) RE: REZONING APPLICATION PARCEL REFERENCE ID #141N311001011002

Dear Mr. Jones:

Attached, please find the rezoning application for Parcel Reference ID #141N311001011002 located at the end of Stone Boulevard, east of U.S. Route 29/Palafox Highway and south of Becks Lake Road in Section 14, Township 1 North, Range 31 West, Cantonment, Escambia County, Florida, which is associated with the Vulcan Cantonment Terminal Facility project. Said project is proposing the construction of a terminal facility with rail line connection which will import, store, and distribute aggregate materials. As such, rezoning of the referenced parcel from ID-CP to ID-2 is required to ensure compatibility with Escambia County's Land Development Codes as indicated in the reviewer comments associated with site plan approval application # PSP1312000126 and discussed with you during a conference call on January 13, 2014. As required, the items being included with this submittal are as follows:

- The submittal fee of \$1,270.50 included in a check for \$4,235.00 made out to Escambia County (the submittal fee of \$2,964.50 for the FLUM amendment application is also included in this check amount)
- A completed, signed and notarized Rezoning Application
- A completed and signed Concurrency Determination Acknowledgement form
- A completed, signed, and notarized Affidavit of Owner and Limited Power of Attorney form
- A completed application checklist
- Legal proof of ownership in the form of a warranty deed

MOU14L0134 / 117823-2.4 January 28, 2014 Copyright 2014 Kleinfelder Page 1 of 2 1174 Camp Avenue, Mt. Dora, FL 32757 p | 352.383.1444 f | 352.383.3877

- Legal description of the referenced parcel
- A signed and sealed boundary survey of the referenced parcel
- A site plan of the overall project drawn to scale

We respectfully request your review of these materials. If you have any questions about the project or enclosed items, please do not hesitate to contact me at your earliest convenience.

Sincerely,

FileHundo

Bill Newlon Senior Environmental Scientist

enc.

c: Joe Howle (w/enc.) Rick Phillips (w/enc.) Chryl DeCrenza

Development Services Department

Escambia County, Florida

APPLICATION	AF	PL	ICA	TIO	N
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Please check application type:	Conditional Use Request for:			
Administrative Appeal	Variance Request for:			
Development Order Extension	☑ Rezoning Request from: <u>ID-CP</u> to: <u>ID-2</u>			
Name & address of current owner(s) as shown on public records of Escambia County, FL				
Owner(s) Name: Black Gold of Northwest F	lorida, LLC, Cody Rawson Phone: 850-916-0991			
Address: 106 Stone Blvd., Cantonment,	, FL 32533 Email: crawson@roadsinc.com			
I Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and				

Limited Power of Attorney form attached herein.

Property Address: ______ End of Stone Blvd., Cantonment, FL 32533

Property Reference Number(s)/Legal Description: 141N311001011002 / Legal description is attached

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

Signature of Owner/Agent	Bill Newlon Printed Name Owner/Agent	1/27/14 Date
Signature of Owner	Printed Name of Owner	Date
STATE OF <u>Honda</u> The foregoing instrument was acknowledged before r	_ COUNTY OF Lake methis 27th day of Jancoury	
by $\underline{D111}$ Newton Personally Known \square OR Produced Identification \square .	Type of Identification Produced:	CONNIE A. CAMPBELL-GRADY MY COMMISSION # EE131623 (EXPIRES September 27, 2015
Signature of Notary (notary seal must be affixed)	Printed Name of Notary	FloridaNotaryService.com
FOR OFFICE USE ONLY CASE N Meeting Date(s): 3-4-14/BCC 4-3-14	UMBER: <u>Z - 2014 - 0 3</u> Accepted/Verified by:	_Date:
Fees Paid: \$ 1270,50 Receipt #:	Permit #: PRZ14 0100003	



Development Services Department

Escambia County, Florida

FOR OFFICE U	SE:
CASE #:_	7-2014-03

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 141N311001011002

Property Address: End of Stone Blvd., Cantonment, FL 32533

I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed in the future development's permit application.

I/We also acknowledge and agree that approval of a zoning district amendment (rezoning) or Future Land Use Map amendment does not certify, vest, or otherwise guarantee that concurrency of required facilities and services is, or will be, available for any future development of the subject parcels.

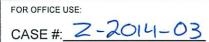
I/We further acknowledge and agree that no development for which concurrency must be certified shall be approved unless at least one of the following minimum conditions of the Comprehensive Plan will be met for each facility and service of the County's concurrency management system prior to development approval:

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT II	HAVE READ, UNDERSTAND AND AGI	REE WITH THE ABOVE
STATEMENT ON THIS	DAY OF Jonuery, YI	EAR OF <u>2014</u> .
	2	
1 7	Cody Rawson	Q1 17 2014
Signature of Property Owner	Printed Name of Property Owner	Date
Signature of Property Owner	Printed Name of Property Owner	Date
C.		

3363 West Park Place Pensacola, FL 32505 (850) 595-3475 * FAX: (850) 595-3481





AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at the end of Stone Blvd., Cantonment, FL 32533,
Florida, property reference number(s)_141N311001011002
I hereby designate <u>Bill Newlon</u> for the sole purpose
of completing this application and making a presentation to the:
Planning Board and the Board of County Commissioners to request a rezoning on the above referenced property.
□ Board of Adjustment to request a(n)on the above referenced property
This Limited Power of Attorney is granted on this <u>17</u> [±] day of <u>Schuberty</u> the year of, <u>2014</u> , and is effective until the Board of County Commissioners or the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development
Services Bureau.
Agent Name: Bill Newlon Email: bnewlon@kleinfelder.com
Address Kleinfelder, 1174 Camp Ave., Mt. Dora, FL 32757 Phone: 352-383-1444 Address Cody Rawson 0117/2014 Signature of Property Owner Printed Name of Property Owner Date
Signature of Property Owner Printed Name of Property Owner Date
STATE OF <u>Florida</u> COUNTY OF <u>Escandia</u> The foregoing instrument was acknowledged before me this <u>17</u> day of <u>January</u> 20 <u>14</u> , by <u>Cody Rawson</u> .
Personally Known C OR Produced Identification . Type of Identification Produced:

Development Services Department

Escambia County, Florida



application submittal

will not be accepted as

STATE OF TOP

APPLICATION ATTACHMENTS CHECKLIST

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

Please make the following three appointments with the Coordinator.

Appointment for pre-application meeting:

Appointment to turn in application:

Appointment to receive findings-of-fact:

Instrument #2011090022, Ernie Lee Magaha Clerk of the Circuit Court Escambia County, FL Recording \$35.50 Deed Stamps \$1283.80

REC'D JAN 3 1 2014

RETURN TO: McDonald Fleming Moorhead 4636 Summerdale Blvd.

Pace. FL 32571 SRM-11- 4885 Prepared By: Ashley S. Harris, Esq. Adams and Reese LLP Post Office Box 1348 Mobile, Alabama 36633 (251) 433-3234

SPECIAL WARRANTY DEED

STATE OF FLORIDA COUNTY OF ESCAMBIA

KNOW ALL MEN BY THESE PRESENTS that SEVEN STATES TIMBERLANDS, LLC, a Delaware limited liability company ("Grantor"), with a mailing address of c/o Molpus Timberlands Management LLC, 178 Bonhomie Road, Hattiesburg, MS 39401 for and in consideration of Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration hereby acknowledged to have been paid to Grantor by BLACK GOLD OF NORTHWEST FLORIDA, LLC, a Florida limited liability company ("Grantee"), with a mailing address of 106 Stone Boulevard, Cantonment, Florida 32533 does, upon and subject to any and all conditions, covenants, easements, exceptions, limitations, reservations, and restrictions hereinafter contained or mentioned, hereby grants, bargains, sells and conveys unto Grantee, that certain real property ("Property") situated in Escambia County, Florida, as is more particularly described on Exhibit "A," which is attached hereto and adopted and incorporated herein as if fully set out, TOGETHER, with all and singular, the rights, members, privileges, hereditaments, easements, appurtenances, and improvements thereunto belonging or in anywise appertaining thereto, TO HAVE AND TO HOLD unto Grantee, its successors and assigns, forever.

Grantor does bind Grantor and its successors and assigns to warrant and forever defend the title to the Property to the Grantee and its successors and assigns, against every person lawfully claiming the Property, or any part thereof, by, through, or under the Grantor, but not otherwise, and any such warranties of title shall be subject to those matters set forth on Exhibit B, which is attached hereto and adopted and incorporated herein as if fully set out. Such matters are not reimposed. Except for the warranties of title contained herein, Grantor makes no warranty whatsoever, whether express or implied and conveys the Property to Grantee "AS IS" with all faults. All recording references in this deed are to the public records of the Clerk of Escambia County, Florida.

IN WITNESS WHEREOF, Grantor has caused its name to be duly executed to this deed on this the <u>13</u> day of December, 2011 to be effective on the <u>15</u> day of December, 2011.

SEVEN STATES TIMBERLANDS, LLC A Delaware limited liability company

BY: Name: Ken Sewell

Title: Chief Operating Officer of Molpus Timberlands Management, LLC, its authorized agent and property manager

STATE OF Mississippi COUNTY OF Forrest

The foregoing instrument was acknowledged before me this <u>13</u>th of December, 2011, by Ken Sewell as Chief Operating Office of Molpus Timberlands Management, LLC, a Mississippi limited liability company, who is personally known to me.

HANIE L. LOWS ommission Expires

NOTARY PUBLIC My Commission Expires: 03-01-2014

Attachments: Exhibit "A"- Description of the Property Exhibit "B"- Statutory Warranty Exceptions

Exhibit "A"

(The Premises – Tranche One)

Description of the Property

All recording references herein are to the records appearing in the land records of Escambia County, Florida, unless otherwise indicated.

TRANCHE ONE PROPERTY

Township 1 North, Range 31 West

Section 14: Commence at the Northeast corner of Section 14, Township 1 North, Range 31 West, Escambia County, Florida; thence South 33 degrees 15 minutes 05 seconds East along the East line of said Section 14 for a distance of 488.2 feet to the South line of the property described in Official Records Book 5708, at Page 434 and the Point of Beginning; thence continue South 33 degrees 15 minutes 05 seconds East along said East line for 1536.26 feet to the South line of the parcel described in Deed Book 254, at Page 42; thence South 61 degrees 01 minutes 23 seconds West along said South line for 712.31 feet to the Easterly line of the parcel deeded to Project 1378 as recorded in Official Record Book 2213 at Page 360; thence North 29 degrees 44 minutes 37 seconds West along said line and the extension thereof for 772.38 feet to the Northerly right-ofway line of the road deeded to Escambia County recorded in Official Record Book 2198, at Page 68 and the South line of said property described in Official Records Book 5708 at Page 434; thence North 60 degrees 15 minutes 23 seconds East along an extension of said right-of-way line and said South property line for 400.05 feet; thence North 29 degrees 44 minutes 37 seconds West along said East line of said property described in Official Records Book 5708 at Page 434 for 604.95 feet; thence North 58 degrees 01 minutes 40 seconds East along the South line of said property described in Official Records Book 5708 at Page 434 for 226.83 feet to the Point of Beginning.

Grantor reserves for itself, its successors and assigns, a non-exclusive easement for ingress and egress across all existing roads on the Property. This reservation shall expire, and all rights reserved herein shall revert to the Grantee, upon conveyance by Grantor to Grantee of Grantor's interest in Lots 26, 46, 47, 48 and 49 of Leonard Tract Subdivision as recorded in Deed Book 100, at Page 171, located in Section 11, Township 1 North, Range 31 West, of Escambia County, Florida.

Exhibit B Escambia County, Florida

Exceptions to Any and All Warranties of Title

1. "Permitted Exceptions" shall mean: (a) the lien for ad valorem taxes not yet due and payable; (b) all oil, gas and other minerals as may have been previously reserved by or conveyed to others and any mineral leases or other documents concerning the mineral estate; (c) all rights, easements and servitudes incident to and a part of the mineral estate underlying the Property and all oil, gas, salt water or disposal wells sites; and (d) boundary line disputes, overlaps, encroachments, graveyards, the names of roads, rivers, or other monuments in legal descriptions, the precise location of property having an indefinite description which would be disclosed by an accurate survey and inspection of the Property and shall further include the following:

2. Oil, gas and mineral reservations contained in instrument recorded in OR Book 394, Page 468.

3. Mineral and Royalty Deed by International Paper Company and others to Pure Resources, L.P., recorded in OR Book 4681, Page 530.

4. Surface Use Restrictions Agreement between International Paper and others, and Pure Resources, L.P., recorded in OR Book 4960, Page 524.

5. Mineral and Royalty Deed from Pure Resources, L.P., to Black Stone Ivory Acquisitions Partners, L.P., recorded in OR Book 5452, Page 906.

6. Mineral and Royalty Deed from Black Stone Ivory Acquisitions Partners, L.P., et al. recorded in OR Book 5452, Page 938.

7. Easement granted to Gulf Power Company by instrument recorded in Deed Book 294, Page 17.

8. Easement recorded in OR Book 2249, Page 796 and 809.

9. Deeds to Escambia County recorded in OR Book 2198, Page 68, and OR Book 3566, Page 373, for road purposes.

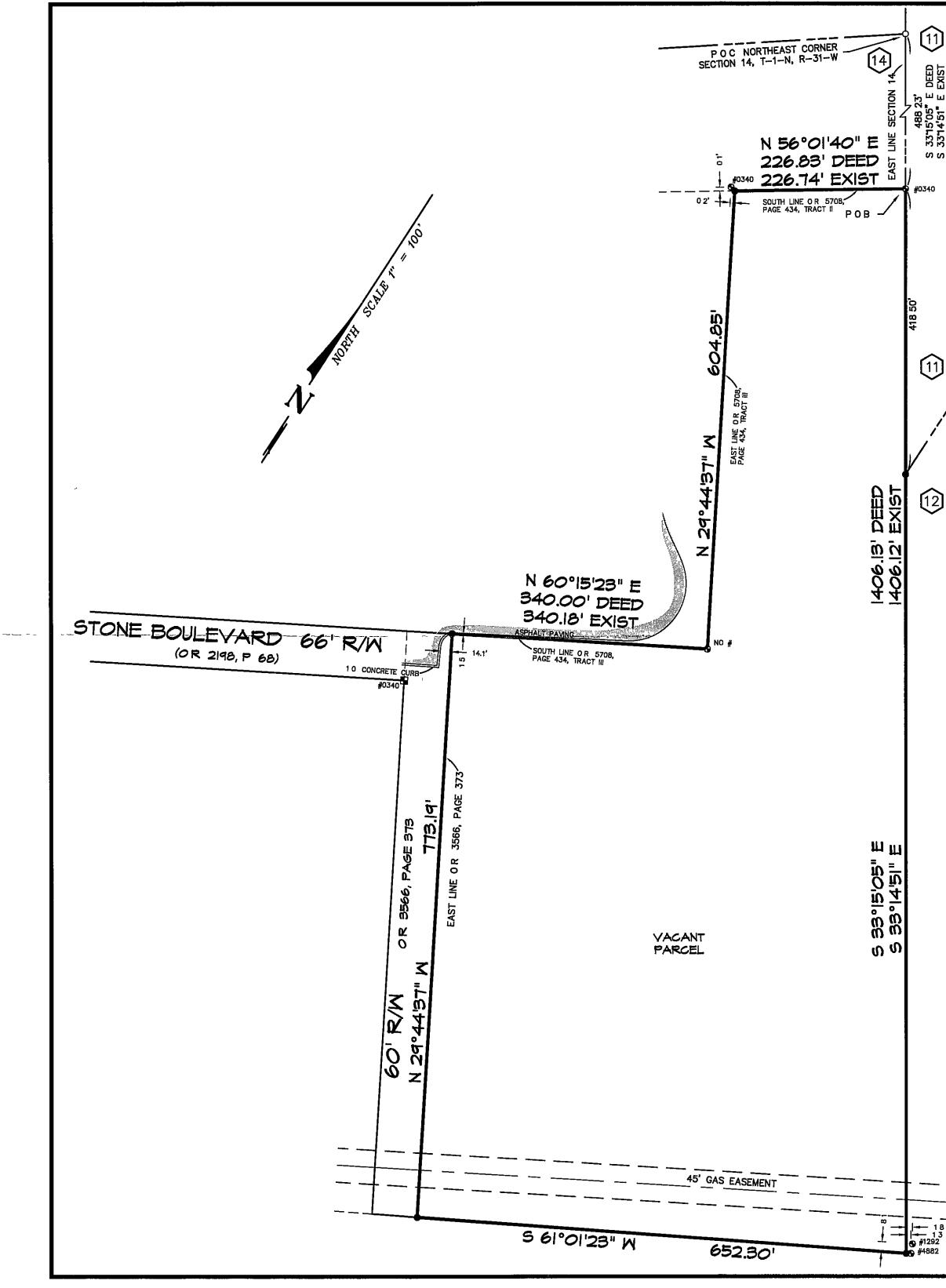
Full Legal Description for Parcel Reference ID #141N311001011002

A portion of Section 14, Township I North, Range 31 West, Escambia County, Florida; more particularly described as follows:

Commence at the northeast corner of said Section 14; thence South 33 degrees 15'05" East (South 33 degrees 14'51" East exist) along the east line of said Section 14 for a distance of 488.23 feet for the point of beginning.

Thence continue South 33 degrees 15'05" East (South 33 degrees 14'51" East exist) along the east line of said Section 14 for a distance of 1406.13 feet (1406.12 feet exist); thence South 61 degrees 01'23" West for a distance of 652.30 feet to the east line of parcel described In Official Record Book 3566 at page 373 of the public records of said County; thence North 29 degrees 44'37" West along said east line for a distance of 773.19 feet to the south line of parcel described In Official Record Book 5708, page 434, Tract 111; thence North 60 degrees 15'23" East along sold south line for a distance of 340.00 feet (340.18 feet exist) to the east line of parcel described In Official Record Book 5708, page 434, Tract 111; thence North 29 degrees 44'37" West along said east line for a distance of 604.85 feet to the south line of parcel described in Official Record Book 5708, page 434, tract 111; thence North 56 degrees 01'40" East along said south line for a distance of 226.83 feet (226.74 feet exist) to the point of beginning.

All lying and being in Section 14, Township 1 North, Range 31 West, Escambia County, Florida. Containing 14.67 acres, more or less.



(1)DEED Exist , ш ш 3315'05" 3314'51" s

LEGEND R/W POB

- Right of way Point of beginning POC Point of commencement
- 1/2" Capped Iron rod set #7073
- 1/2" Capped iron rod found # noted .
- 2" Iron pipe found 0
- Concrete monument found #0340

SURVEYOR'S NOTES

I Subject to setbacks, easements and restrictions of record

2 This survey is subject to any facts that may be disclosed by a full and accurate title search No title work performed by this firm

3 This survey does not reflect or determine ownership 4 This drawing only reflects setback lines, which appear on the recorded plat This property may also be subject to setback lines mandated by zoning ordinances and/or restrictive covenants of record 5 Footers and foundations below natural grade not located

LEGAL DESCRIPTION

A portion of Section 14, Township I North, Range 31 West, Escambia County, Florida, more particularly described as follows

Commenc's at the northeast corner of said Section 14, thence South 33 degrees 15'05" East (South 33 degrees 1451" East exist) along the east line of said Section-14 for a distance of 488.23 feet for the point of beginning

Thence continue South 33 degrees 15'05" East (South 33 degrees 14'51" East exist) along the east line of said Section 14 for a distance of 1406 13 feet (1406 12 feet exist), thence South 61 degrees 01'23" West for a distance of 652.30 feet to the east line of parcel described in Official Record Book 3566 at page 373 of the public records of said County, thence North 29 degrees 44'37" West along said east line for a distance of 773 19 feet to the south line of parcel described in Official Record Book 5708, page 434, Tract III, thence North 60 degrees 15'23" East along said south line for a distance of 34000 feet (340 18 feet exist) to the east line of parcel described in Official Record Book 5708, page 434, Tract III, thence North 29 degrees 44'37" West along said east line for a distance of 60485 feet to the south line of parcel described in Official Record Book 5708, page 434, Tract II, thence North 56 degrees Ol'40" East along said south line for a distance of 226 83 feet (226 74

feet exist) to the point of beginning All lying and being in Section 14, Township I North, Range 31 West, Escambia County, Florida Containing 1467 acres, mbre or less

SECTION 14 NORTH BASED ON THE EAST LINE OF AND BDE BY THIS FIRM ហ្ ring Refe **S 33°14** Pred By reby cer meets t ninstratio SURVE Admar ທັ ມ 記と SHEET BLIC BLIC ត

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Statutes

Glaze #6190

Walter J. ■ PSM #

A BOUNDARY SURVEY AND LEGAL DESCRIPTION



Development Services Department

Building Inspections Division

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

RECEIPT

Receipt No. : 599145

Date Issued. : 02/04/2014 Cashier ID : CASTILLS

Application No. : PRZ140100003

Project Name : Z-2014-03

			AYMENT		Stere
ethod of Payment	Reference Docume	ent Am	iount Paid	Comment	
redit Card					
	MC 2909	9	\$1,270.50	App ID : PRZ140100003	
		:	\$1,270.50	Total Credit Card	
Received From : Total Receipt Amo	ê. ê.			α.	
Total Receipt Amo		APP	PLICATIO	N INFO	

Total Amount : 1,	270.50	\$0.00	Balance Due on this/these Application(s) as of 2/5/2014
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BLACK GOLD OF NORTHWEST FLORIDA 106 STONE BLVD CANTONMENT, FL 32533

SCHWARTZ DAVID L & MELINDA W 411 BECK'S LAKE RD CANTONMENT, FL 32533

GADDIS MICHAEL R & 711 GREENBERRY DR CANTONMENT, FL 32533

EMERALD COAST UTILITIES AUTHORITY PO BOX 15311 PENSACOLA, FL 32514 SCHWARTZ DAVID L & 411 BECKS LAKE RD CANTONMENT, FL 32533

INTERNATIONAL PAPER COMPANY PO BOX 2118 MEMPHIS, TN 38101

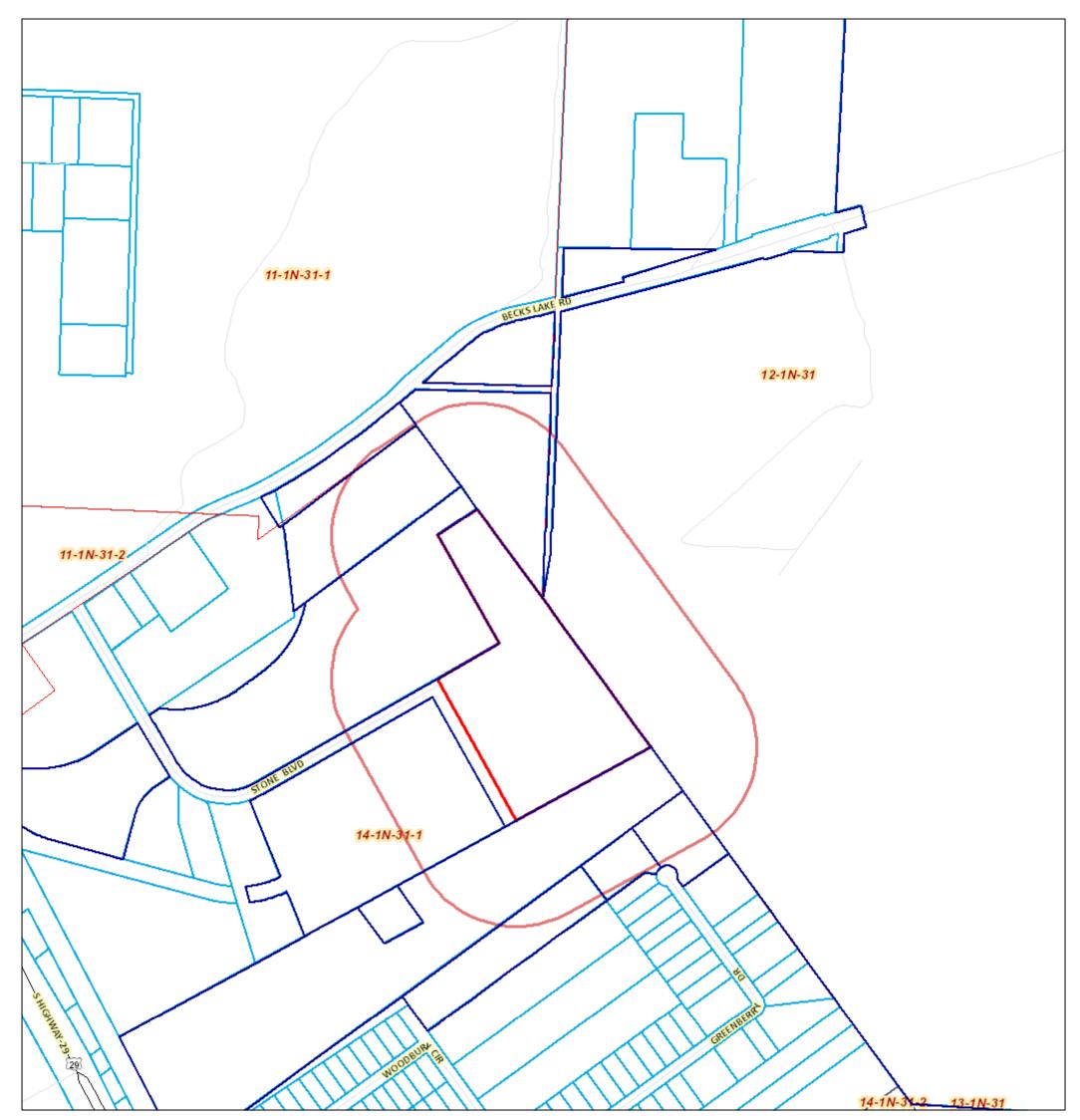
JAQUISH DAN 5720 N W ST PENSACOLA, FL 32505

SEVEN STATES TIMBERLANDS LLC 654 NORTH STATE ST JACKSON, MS 39202 BLACK GOLD OF NORTHWEST FLORIDA LLC 110 STONE BLVD CANTONMENT, FL 32533

SEAWAY WAREHOUSING LLC 1841 OLD CHEMSTRAND RD CANTONMENT, FL 32533

THOMPSON WILLARD C 3080 WOODBURY CIR CANTONMENT, FL 32533

Chris Jones Escambia County Property Appraiser





- County Road
- Interstate
- State Road
- US Highway
- All Roads
- Property Line

Planning Board-Rezoning					
03/04/2014					
Z-2014-04					
Ronald D. Bailey, Trustee for Ronald D. Bailey Trust					
12501 Lillian Hwy					
02-2S-32-6000-002-002					
MU-U, Mixed-Use					
Urban					
1					
N/A					
04/03/2014					

SUBMISSION DATA: REQUESTED REZONING:

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

TO: R-6, Neighborhood Commercial and Residential District, (cumulative) High Density (25 du/acre)

RELEVANT AUTHORITY:

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

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

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

CPP FLU 1.1.9 Buffering. In the LDC, Escambia County shall ensure the compatibility of adjacent land uses by requiring buffers designed to protect lower intensity uses from more intensive uses, such as residential from commercial. Buffers shall also be used to protect agricultural activities from the disruptive impacts of nonagricultural land uses and protect nonagricultural uses from normal agricultural activities.

CPP FLU 1.3.1 Future Land Use Categories. The Mixed-Use Urban (MU-U) Future Land Use (FLU) category is intended for an intense mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses

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

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

FINDINGS

The proposed amendment to R-6 **is consistent** with the intent and purpose of Future Land Use category MU-U as stated in CPP FLU 1.3.1 This FLU category is intended for an intense mix of residential and nonresidential uses while promoting compatible infill development. The legal, non-conforming use of this parcel falls under the allowed uses in the FLU category and the proposed amendment will utilize the existing roads and infrastructure as stated in CPP FLU 1.5.3.

CRITERION (2)

Consistent with The Land Development Code.

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

6.05.11. R-4 Multiple-Family District, (cumulative) Medium High Density.

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

6.05.13. R-6 Neighborhood Commercial and Residential District, (cumulative) High

Density. This district is intended to provide for a mixed use area of residential, office and professional, and certain types of neighborhood convenience shopping, retail sales and services which permit a reasonable use of property while preventing the development of blight or slum conditions. This district shall be established in areas where the intermixing of such uses has been the custom, where the future uses are uncertain and some redevelopment is probable.

FINDINGS

The proposed amendment **is not consistent** with the intent and purpose of the Land Development Code as stated in LDC 6.05.14. The proposed zoning change would result in spot zoning as defined in LDC Article 3.02.00.

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

While this proposed change would create an isolated district on the map, it would serve to remedy the existing legal, non-conforming status of the parcel. The historical use of the property is similar to other sites along Lillian Hwy. that were granted original R-6 zoning to reflect their existing uses. This is seen on the map as the nodes of R-6 along Lillian Hwy. from Dog Track Rd. to the Lillian bridge. In addition, this parcel is located along an arterial roadway within one-quarter mile of a collector/arterial intersection and meets the R-6 locational criteria.

CRITERION (3)

Compatible with surrounding uses.

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

FINDINGS

The proposed amendment is compatible with surrounding existing uses in the area given the pre-existing legal use of the parcel. Within the 500' radius impact area, staff observed properties with zoning districts R-2 and R-4. In the area staff noted 22 single family residences, 10 vacant parcels and 2 mobile homes. The mixed residential and neighborhood commercial uses allowed by the proposed R-6 zoning could be compatible with these surrounding residential zonings and uses.

CRITERION (4)

Changed conditions.

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

FINDINGS

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

CRITERION (5)

Effect on natural environment.

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

FINDINGS

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

CRITERION (6)

Development patterns.

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

FINDINGS

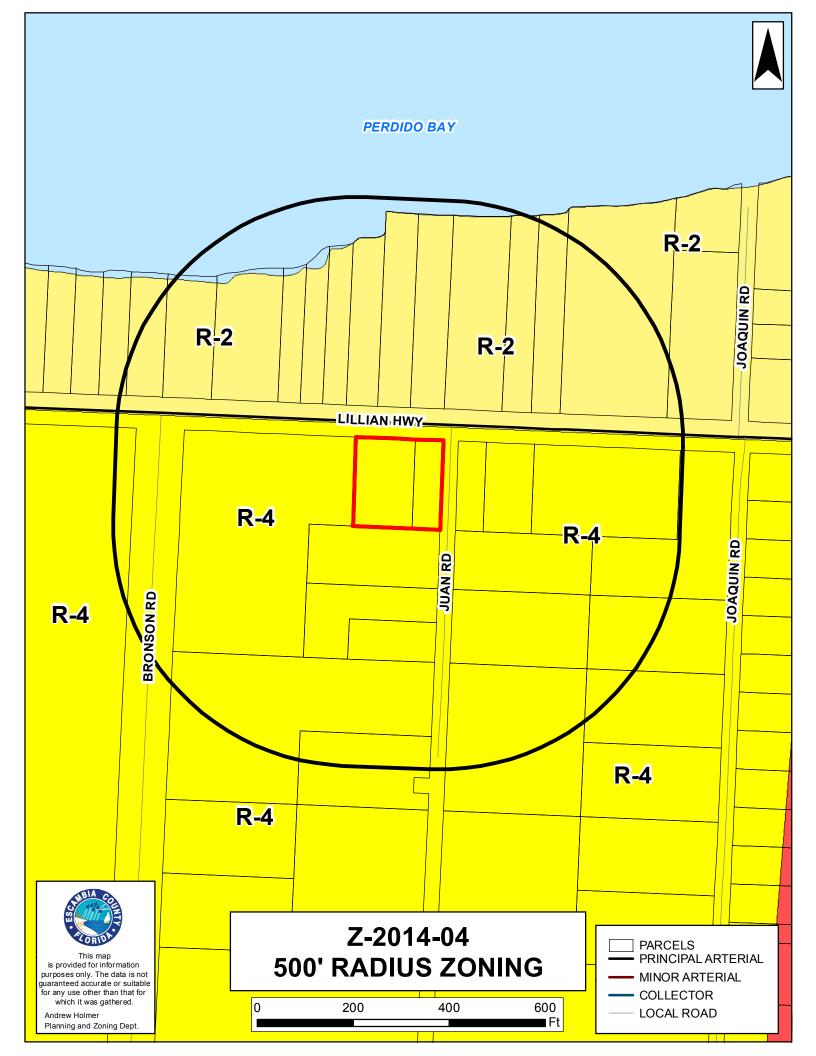
The proposed amendment **would** result in a logical and orderly development pattern. The proposed rezoning from R-4 to R-6 would not be out of character given the existing legal, non-conforming use of the parcel along with the other nodes of R-6 zoning along Lillian Highway.

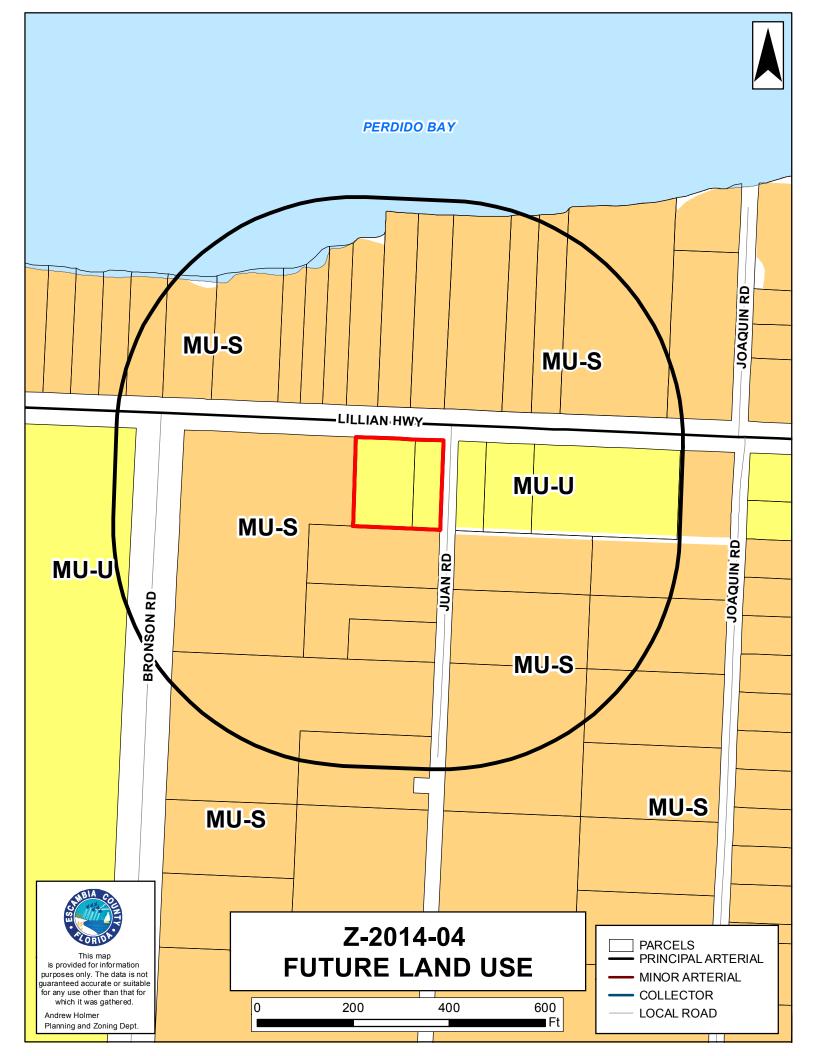
<u>Z-2014-04</u>

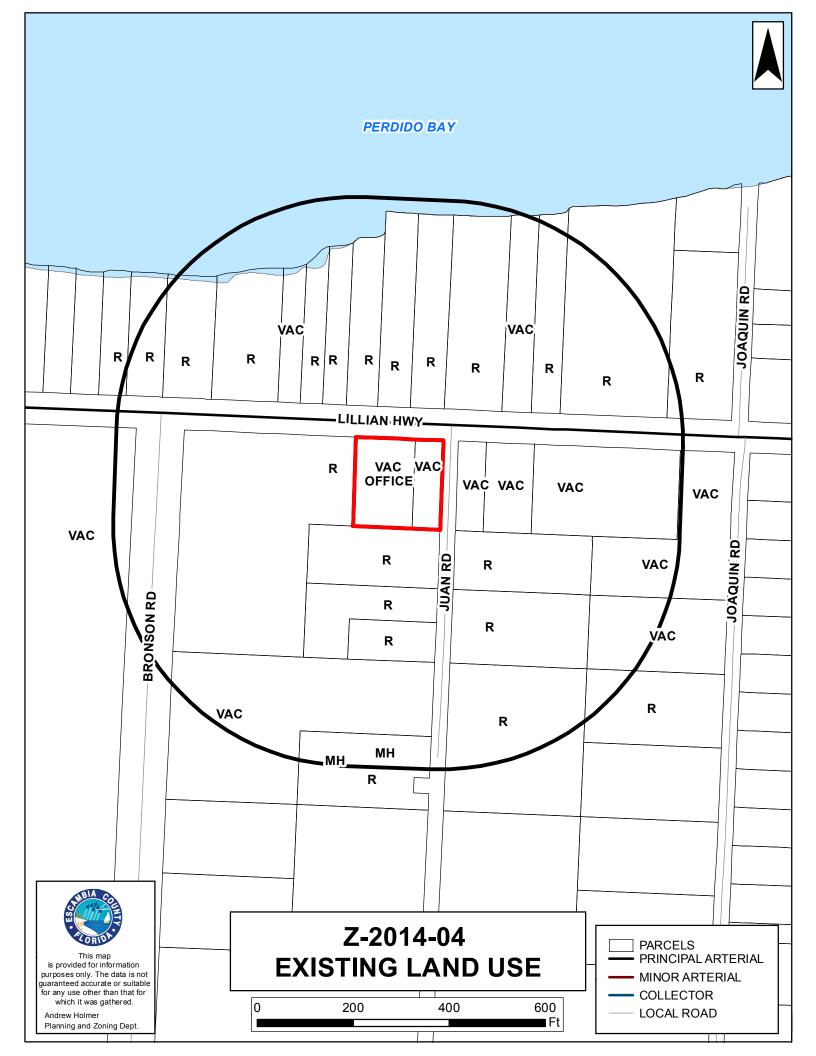
Attachments

Z-2014-04















Looking South on Juan







.

Development Services Department Escambia County, Florida

	k application type:	Conditional Use Request for:		
□ Administrati		□ Variance Request for:	76107	
	ent Order Extension	\square \square \square	o: R-6	
		on public records of Escambia County, FL		
		for Ronald D. Bailey, Trust Phone 8.	50-380 (175	
		7, FL 3251C Email: RONDB.		
		g an agent as the applicant and complete the Affi		
imited Power of A	Attorney form attached herein			
Property Address:	12501 Lillian Hu	vy. Pensacola, FL 3250	6	
Property Reference	e Number(s)/Legal Description:	02-25-32-6000-002-001	2	
Lots 1,2,3,	4 Block B of Subdivi	sion No. 1 to Perdido Heights	Plat BK 1, Pg.3	
By my signature,	, I hereby certify that:	u sougaine mutou s Bri wasy ruj in ero		
	lified as owner(s) or authorized as explained all procedures relating	gent to make such application, this application is c to this request; and	of my own choosing,	
misrepresenta				
	I understand that there are no guarantees as to the outcome of this request, and that the application fee is non- refundable; and			
inspection and	ounty staff to enter upon the prope d authorize placement of a public y County staff; and	erty referenced herein at any reasonable time for p notice sign(s) on the property referenced herein a	ourposes of site at a location(s) to be	
5) I am aware th Development	nat Public Hearing notices (legal a Services Bureau.	d and/or postcards) for the request shall be provid		
Signature of Owner/	Agent	Ronald D. Bailey, Trustee Printed Name Owner/Agent	<u>3 FEB 2014</u> Date	
Signature of Owner	/	Printed Name of Owner	Date	
	orida	COUNTY OF Escambia	- Providence - Pro	
The foregoing inst	trument was acknowledged before	COUNTY OF <u>Escambia</u> e me this <u>3</u> day of <u>Felospyrang</u>	20 14,	
y Ronald			HIME THEN STATE	
Demon - 11 - 14		Type of Identification Produced: Florida D 8400-72	rivers hicense	
Personally Known	· Hability	Judy Denise Halstend!	JUDY DENISE HALST	
Aug De Signature of Notar	million	Printed Name of Notary	Commission # EE 138 Expires October 17, 20	
Aug De Signature of Notar	ry (notary seal must be affixed)	NUMBER: 2-2014-54	Commission # EE 138	

Revised 3-22-11

Page 1



Development Services Department FOR OFFICE USE:

Escambia County, Florida

CASE #: 2 - 2014-04

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Req	uests Only			007		
Property Reference	Number(s):_	02-25	5-32-6	000-000	-002	Harrister
					a, FL 3250	6

I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed in the future development's permit application.

I/We also acknowledge and agree that approval of a zoning district amendment (rezoning) or Future Land Use Map amendment does not certify, vest, or otherwise guarantee that concurrency of required facilities and services is, or will be, available for any future development of the subject parcels.

I/We further acknowledge and agree that no development for which concurrency must be certified shall be approved unless at least one of the following minimum conditions of the Comprehensive Plan will be met for each facility and service of the County's concurrency management system prior to development approval:

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 3Rd DAY OF FEB , YEAR OF 2014.

Baile Printed Name of Property Owne Signature of Property Owner

Signature of Property Owner

Printed Name of Property Owner

Date

3363 West Park Place Pensacola, FL 32505 (850) 595-3475 * FAX: (850) 595-3481



Development Services Department-FOR OFFICE USE-Escambia County, Florida

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at	والمتقرصة فيشمع سورا والإكارين	
Florida, property reference number(s)	in the second	
I hereby designate		for the sole purpose
of completing this application and making a	a presentation to the:	
Planning Board and the Board of Count referenced property.	y Commissioners to request a rezo	oning on the above
□ Board of Adjustment to request a(n)	on the	above referenced property.
This Limited Power of Attorney is granted of	on thisday of	the year of,
, and is effective until the Board	d of County Commissioners or the	Board of Adjustment has
rendered a decision on this request and an	y appeal period has expired. The c	owner reserves the right to
rescind this Limited Power of Attorney at a	ny time with a written, potarized no	tice to the Development
Services Bureau.		
Agent Name:	Email:	R. Carlos Carlos
Address:	Phone:	
Signature of Property Owner	Printed Name of Property Owner	Date
Signature of Property Owner	Printed Name of Property Owner	Date
	s in colle C Marcement Line, s is i	
e d'activité au la composition de la composition	COUNTY OF	
STATE OF		
The foregoing instrument was acknowledged before		20,
by		
Personally Known OR Produced Identification .	Type of Identification Produced:	toombolike A
		(Notary Seal)
Signature of Notary	Printed Name of Notary	(Notary Seal)

3363 West Park Place Pensacola, FL 32505 (850) 595-3475 * FAX: (850) 595-3481 Development Services Department FOR OFFICE USE:



Escambia County, Florida

CASE #:

APPLICATION ATTACHMENTS CHECKLIST

- For BOA, original letter of request, typed or written in blue ink & must include the reason for the request and address all criteria for the request as outlined Please note: Forms with in LDC Article 2.05 (dated, signed & notarized - notarization is signatures dated more than sixty (60) days only necessary if an agent will be used).
 - Application/Owner Certification Form Notarized Original (page 1) 2. (signatures of ALL legal owners or authorized agent are required)

prior to application submittal will not be accepted as complete.

- Concurrency Determination Acknowledgment form Original (if applicable) (page 2) 3.
 - Affidavit of Owner & Limited Power of Attorney form Notarized Original (if applicable) (page 3) (signatures of ALL legal owners are required)
 - Legal Proof of Ownership (e.g. copy of Tax Notice or Warranty Deed). Include Corporation/LLC documentation or a copy of Contract for Sale if applicable.
 - Legal Description of Property Street Address / Property Reference Number
 - a. Rezoning: Boundary Survey of subject property to include total acreage, all easements, and signed & sealed by a surveyor registered in the state of Florida.

5.

6.

7.

b. BOA: Site Plan drawn to scale.

For Rezoning requests: If the subject parcel does not meet the roadway requirements of Locational Criteria (Comprehensive Plan 7.A.4.13 & LDC 7.20.00.), a compatibility analysis to request a waiver or an exemption to the roadway requirements will need to be submitted as part of the application.

Pre-Application Summary Form, Referral Form, Zoning Verification Request Form and/or copy of citation from Code Enforcement Department if applicable.

Application fees. (See Instructions page for amounts) Payment cannot be accepted after 10. 3:00pm.

Please make the following three appointments with the Coordinator.

Appointment for pre-application meeting:

Appointment to turn in application:

Appointment to receive findings-of-fact:

WARRANTY DEED

STATE OF FLORIDA) COUNTY OF ESCAMBIA)

KNOW ALL MEN BY THESE PRESENTS: That H. PAUL BAILEY and RONALD D. BAILEY as the Sole Surviving Directors and Stockholders of H. PAUL BAILEY & SON BUILDERS, INC., A DISSOLVED FLORIDA CORPORATION, Grantor, for and in consideration of Ten Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, do bargain, sell, convey and grant unto RONALD D. BAILEY, TRUSTEE, or his successor in trust under the RONALD D. BAILEY TRUST, dated February 14 2001, and any amendments thereto, Grantee.

(Use of the terms "grantor" and "grantee" shall include singular or plural, the masculine or the feminine, where appropriate, and shall also include, but not be limited to, their heirs, assigns or successors in interest).

The following described real property, situate, lying and being, in the State of Florida, and County of Escambia, to wit:

Lots 1, 2, 3, and 4, Block "B" of Subdivision No. 1 to Perdido Heights, and being Lot 6 of Fractional Section 2, Township 2 South, Range 32 West, Escambia County, Florida, according to plat recorded in Plat Book 1 at Page 3 of the public records of said County. lori: ol-25-32-6000-001-002 Lors 23+.02-25-32-6000-002-002-002Subject to taxes for current year and to valid easements,

Subject to taxes for current year and to valid easements, mineral reservations and restrictions of record affecting the above property, if any.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, free from all exemptions and right of homestead.

And the grantor covenants that he is well seized of an indefeasible estate in fee simple in the said property, and has a good right to convey the same; that it is free of lien or encumbrance, and that he, his heirs, executors and administrators, the said grantee, his heirs, executors, administrators and assigns, in the quiet and peaceable possession and enjoyment thereof, against all persons lawfully claiming the same, shall and will forever fully warrant and defend.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the $\underline{9}$ day of $\underline{0}$ day $\underline{0}$.

Signed, sealed and delivered in he presence of: Witnesses as to H. Paul Bailey

Witnesses as to Ronald D. Bailey

This instrument prepared by: Peggy Bailey P. O. Box 3261 Pensacola, FL 32516

(Seal) Bailey Paul (Seal)

All of the above being the sole surviving directors and stockholders of H. Paul Bailey & Son Builders, Inc., a dissolved Florida corporation.

Bailey

Ronald D.

DR BK 4950 P60521 Escambia County, Florida INSTRUMENT 2002-992735 : 1

STATE OF FLORIDA) COUNTY OF ESCAMBIA)

The foregoing warranty deed was acknowledged before me this $\underline{9th}$ day of $\underline{4pril}$, $\underline{200\lambda}$ by H. Paul Bailey, one of the Sole Surviving , 2002 by H. Paul Bailey, one of the Sole Surviving Directors and Stockholders of H. Paul Bailey & Son Builders, Inc., a dissolved Florida corporation.

Notary Public

STATE OF FLORIDA COUNTY OF ESCAMBIA)

MICHAEL A. BEATON Notary Public, State of Florida My comm. exp. Apr. 23, 2002 Comm. No. CC736250

The foregoing warranty deed was acknowledged before me this $\underline{9\mu}$ day of $\underline{0\mu}$, $\underline{2002}$ by Ronald D. Bailey, one of the Sole Surviving Directors and Stockholders of H. Paul Bailey & Sons Builders, Inc., a dissolved Florida corporation.

Notary Public

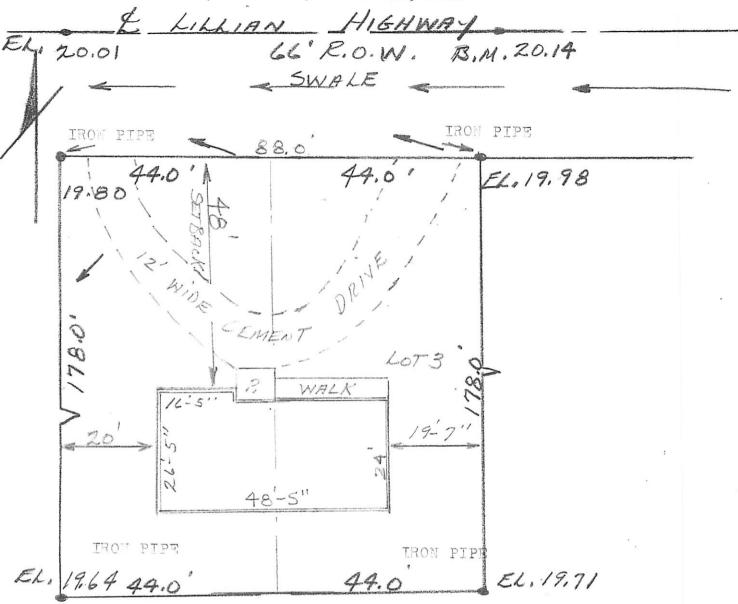
MICHAEL A. BEATON Notary Public, State of Florida My comm. exp. Apr. 23, 2002 Comm. No. CC736250

RCD Aug 06, 2002 10:10 am Escambia County, Florida

ERNIE LEE MAGAHA Clerk of the Circuit Court INSTRUMENT 2002-992735

After recording return to: Peggy Bailey P.O. Box 3261 Pensacola, Florida 32516

FOR PENSACOLA HOME AND SAVINGS, PENSACOLA, FLA.



SURVEY FOR H. PAUL BAILEY, BUILDER

CORRECT LEGAL DESCRIPTION: LOTS 3 AND 4, BLOCK B, RESUBDIVISION OF SUBDIVISION NUMBER ONE, PERDIDO HEIGHTS, FRAC. SECTION 2, TOWNSHIP 2 SOUTH, RANGE 32 WEST, ESCAMPIA COUNTY, FLORIDA ACCORDING TO PLET RECORDED IN PLAT BOOK 1, PAGE 3.

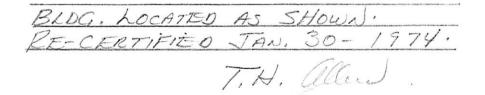
LOAR

DATE: OCTOBER 11, 1973 SCALE: 1 INCH EQUALS 20 FEET

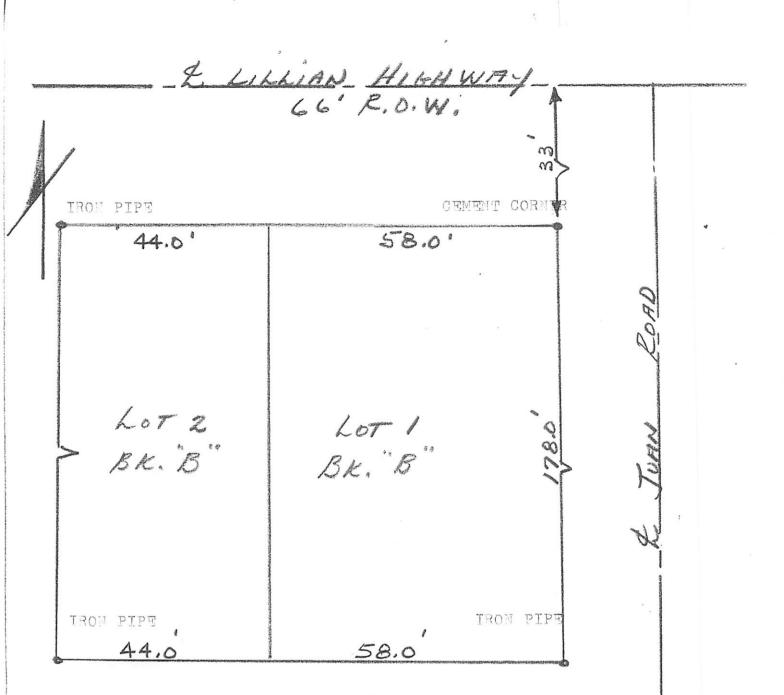
I HEREBY CERTIFY THE SURVEY SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

oucas

THOMAS H. ALLEN, RET. FLA. LAND SURVEMOR 1063







SURVEY FOR H. PAUL BAILEY, BUILDER

CORRECT LEGAL DESCRIPTION: LOTS 1 AND 2, BLOCK B, RESUBDIVISION OF SUBDIVISION NUMBER ONE, PERDIDO HEIGHTS, FRAC. SECTION 2, TOWNSHIP 2 SOUTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA ACCORDING TO PLAT RECORDED IN PLAT BOOK 1, PAGE 3.

DATE: OCTOBER 11, 1973 SCALE: 1 INCH EQUALS 20 FEET I HEREBY CERTIFY THE SURVEY SHOWN HEREOM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

leouras A. G

THOMAS W. ALLEN, REG. FLA. LAND SURVEYOR MO. 1663



chris Jones

Chris Jones, CFA

Escambia County Property Appraiser

Website: escpa.org

Office Phone: (850) 434-2735

ECPA Form: CSR 1/2013

Effective for Tax Year DD

Received by:

Date:

Downtown Office

221 Palafox Place, Suite 300 Pensacola, FL 32502 Deeds Fax: (850) 434-2162

6440 Hwy 95-A, Suite B Molino, FL 32577 Fax: (850) 587-3290

General Instructions for Combination and Split Requests

Prior legal approval from the appropriate zoning/planning/community development agency in your jurisdiction is required. Your Escambia County Property Appraiser's Office does not issue determinations regarding the legality of split requests and will not advise owners on such matters

The Property Appraiser's Office strives to maintain excellence in customer service satisfaction and strives to prevent adverse affects that can occur once a Combination or Split Request is processed. All applicants should review the requirements prior to submitting such a request.

- Only one request per year is permitted for any property included in a Combination or Split Request.
- > The deadline to submit a Combination or Split Request is June 1st of the current year.
- List all current parcel number(s) under the column titled Parcel Number.
- A Split Requests require that you submit a survey with a legal description which clearly defines the new property boundaries at the time of the request. This office will not create or draft property descriptions.
- P Combination Requests do not require a survey, sketch or legal description. However, such documents are always beneficial and appreciated. Combination Requests are required to meet the following criteria:
 - All parcels must be titled in the same name(s) as of January 1st of the requesting year.
 - All parcels must lie in the same jurisdictional boundary, i.e., city or county limits.
 - All parcels must be contiguous.
 - This office may request a Homestead Affidavit be filed if the parcel(s) has two or more dwellings/living units. Our Office reserves the right to inspect and investigate the premises to confirm its status.
 - If one parcel is currently receiving the benefit of homestead exemption, the property owner(s) must file a new Homestead Application to add new lands to the original parcel. The first year in which the legal descriptions are "combined" shall constitute the base year for the new lands and any cap protection from prior years will reset at full market value.
- Forms must be signed by the current owner(s). Forms signed by "prospective buyers" will not be processed.
- You may fax or personally deliver the completed form and its attachments to the Downtown or Molino Office. You may schedule an appointment with a Mapping Department staff member by calling the office.

Please allow 3-9 weeks to completely process your request. Our processing time should not hinder the sale of a parcel. You may use the fully executed form to provide information for permitting, closings, etc. Our Office will review and pre-issue a new parcel number(s) as quickly as possible. Questions regarding applications submitted to the Downtown office should be directed to Debby Cooper, ext. 123. Questions regarding applications submitted to Molino office should be directed to Lisa Arredondo, ext. 203.

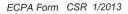
The Property Appraiser's Office makes no representations or guarantees of the usability of a parcel once a Combination or Split request is completed. Property owner(s) should contact any lenders or mortgagors to verify the request is permitted by the lien holder.

Should you have any questions or concerns, please contact our Office at (850) 434-2735.

"Our mission is to place the public first while providing prompt, efficient service in a friendly, professional manner."

Molino Office







Chris Jones, CFA

Escambia County Property Appraiser 221 Palafox Place, Suite 300 • Pensacola, FL 32502 Phone: (850) 434-2735 Website: <u>escpa.org</u>

Year: 2014

Page 3 of 4

PROPERTY APPRAISER TO BE HELD HARMLESS

[Note: If this section is not completed by all owners, the request will not be processed.]

It is the responsibility of the owner(s) to ensure that any and all tax amounts, prior and current, on any parcels involved in a combination or split request are paid in full to the Tax Collector. This agency is not responsible for any delinquent taxes, penalties, interest or fees which can occur and accrue due to negligence on the part of the property owner(s) or other interested parties involved with the said request.

Furthermore, if the property is encumbered by a mortgage or lien, it is the owner's responsibility to seek approval from the mortgagor or lien holder prior to submitting any changes to the property involving a split or combination request.

By all owner(s) signing below, I/we acknowledge I/we have read and understand all the aforementioned guidelines, potential consequences and requirements and have availed ourselves of the opportunity to seek clarification and obtain additional information or counsel prior to this action being taken.

Owner:	Signature Ronald D. Bailey Print Name for Ronald D. E 350-380-0660	Trustee Bailey, Trust	Owner:	Signature Print Name	
Č	3 <u>50-380-0660</u> Daytime Phone	<u>2-3-14</u> Date		Daytime Phone	Date
Owner:	Signature		Owner:	Signature	
	Print Name			Print Name	
	Daytime Phone	Date		Daytime Phone	Date

ECPA Form CSR 1/2013



Chris Jones, CFA

Year:

Page 2 of 4

Escambia County Property Appraiser 221 Palafox Place, Suite 300 • Pensacola, FL 32502 Phone: (850) 434-2735 Website: <u>escpa.org</u>

Parcel Split-Out and Combination Request Owner Name(s): <u>Bailey Ronald D Inuster</u> For Ronald D Bailey Trust nuste/

Combination Request

Parcel Status	Homestead	Parcel Number	Folio Number
🔿 Vac 🕑 Impr	Yes No	02-25-32-6000-002-002	10-2714-000
🕑 Vac 🔵 Impr	Yes /No	02-25-32-6000-001-002	10-2713-000
🔵 Vac 🔵 Impr	Yes / No		

Split-Out Request

Parcel	Status Survey/Legal		Parent Parcel Number	Folio Number
O Vac	🔿 Impr	Yes / No		
New Parce	I Identification N	umber (issued by the Mappi	ng Department):	
Parcel	Status	Survey/Legal	Parent Parcel Number	Folio Number
() Vac	🔿 Impr	Yes / No		
New Parce	I Identification N	umber (issued by the Mappi	ng Department):	
Notes:				



Chris Jones, CFA

ECPA Form CSR 1/2013

Year:

Escambia County Property Appraiser 221 Palafox Place, Suite 300 · Pensacola, FL 32502 Phone: (850) 434-2735 Website: escpa.org

Page 4 of 4

Zoning Review

[Note: If this section is not completed by the appropriate agency, the request will not be processed.]

As an agent of the appropriate jurisdictional agency where the parcel(s) exist in Escambia County Florida, I have reviewed this request from the parcel owner(s) and made the following determination:

- The Split Request is consistent with current zoning for the affected parcel(s).
- The Split Request is not consistent with current zoning for affected parcels for the following reason(s):

The Combination Request is consistent with current zoning for the affected parcel(s).

The Combination Request is not consistent with current zoning for the affected parcels for the following reason(s):

The information provided in this section does not constitute review or approval of any development or the confirmation of any development or land use rights for the affected parcels. Additional information on these issues may be obtained by contacting the County or City planning agencies at the addresses and telephone numbers below. \mathcal{R}

🗴 Escambia County Planning and Zoning

3363 West Park Place (850) 595-3475

Agent: <u>Brenda fuilson</u> Signature <u>Brenda Lwilson</u>

Bronda-Wilson@co, escambin. 71.05 Email Address

○ City of Pensacola Planning Division 222 West Main Street, 5th Floor, City Hall (850) 435-1670

Title: Urban PlANNER !

Date: 2-3-2014

Phone: (850) 595 4515



Chris Jones, CFA

Escambia County Property Appraiser 221 Palafox Place, Suite 300 • Pensacola, FL 32502 Phone (850) 434-2735 Website: <u>escpa.org</u> ECPA Form CSR 1/2013

Page 1 of 4

Date Received ____/___/

Received by:

Total Number of Pages: ______ (including required attachments)

IMPORTANT NOTICE

Pursuant to Florida Statute 197.192, the Property Appraiser's Office will not split or combine parcels until all taxes due have been paid to the Tax Collector's Office.

It should be noted that a Combination or Split request processed by the Property Appraiser's Office is for taxing purposes only and does not imply legality of the land division being requested, nor the legality for such parcel(s) to be conveyed via land title, nor the suitability for such parcel(s) to be developed. Applicants should contact the appropriate land development, zoning and planning agency within your jurisdiction for questions concerning current and future property development regulations.

HOMESTEAD and NON-HOMESTEAD PROPERTIES AFFECTED BY ASSESSMENT LIMITATION
[Note: If this section is not completed, the request will not be processed.]

I or We, understand that combining or splitting property may affect the property's capped value resulting in an increase in my/our property taxes.

If I or We desire to reverse the process in the future, the "cap value" will not be restored to its former value.

I or We, understand that combining additional lands to a parcel that is currently benefiting from homestead exemption <u>will not</u> <u>decrease parcel value</u>. The homestead "cap" will remain on the original homestead parcel. According to Florida Statute, the newly added parcel's cap will reset at full market value. This will result in taxes based on full market value.

I or We acknowledge that I/we have read the foregoing cautionary message and do hereby acknowledge I/we understand the requirements and consequences of this request by initialing and printing my/our names as designated below:

Initials	Printed Name of Owner	Initials	Printed Name of Owner	
Initials	Printed Name of Owner	Initials	Printed Name of Owner	



Development Services Department

Building Inspections Division

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

RECEIPT

Receipt No. : 599116

Application No. : PRZ140200004

Project Name : Z-2014-04

Date Issued. : 02/04/2014 Cashier ID : CASTILLS

PAYMENT INFO				
Reference Document	Amount Paid	Comment		
6437	\$1,270.50	App ID : PRZ140200004		
	\$1,270.50	Total Check		
		Reference Document Amount Paid 6437 \$1,270.50	Reference Document Amount Paid Comment 6437 \$1,270.50 App ID : PRZ140200004	

Received From : RONALD BAILEY Total Receipt Amount : **\$1,270.50** Change Due : **\$0.00**

		AP	PLICATION INFO
Application #	Invoice #	Invoice Amt	Balance Job Address
PRZ140200004	691068	1,270.50	\$0.00 12501 LILLIAN HWY, PENSACOLA, FL
Total Amount :		1,270.50	\$0.00 Balance Due on this/these Application(s) as of 2/5/2014

BAILEY RONALD D TRUSTEE PO BOX 3261 PENSACOLA, FL 32516

FAYARD ELIZABETH C TRUSTEE 3/4 INT 704 N 74TH AVE PENSACOLA, FL 32506

SASSER JOHN 520 RIOLA PLACE PENSACOLA, FL 32506

DEGRUCCIO JAMES G & TANYA J 12530 LILLIAN HWY PENSACOLA, FL 32506

MCCREARY ANDREW J JR LIFE EST 1010 FAIRNIE AVE PENSACOLA, FL 32503

LENN DONALD S & BARBARA L 12490 LILLIAN HWY PENSACOLA, FL 32506

KELLY JAMES R & 12560 LILLIAN HWY PENSACOLA, FL 32506

BAILEY RONALD D TRUSTEE PO BOX 3261 PENSACOLA, FL 32516

DUMAS MACK & KAREN 12570 LILLIAN HWY PENSACOLA, FL 32506

CATTELL STEPHEN W & ROBIN M 1071 JUAN RD PENSACOLA, FL 32506 KEE ETHEL J LIFE EST 12060 LILLIAN HWY PENSACOLA, FL 32506

PARRIOTT JAMES D 1030 JUAN RD PENSACOLA, FL 32506

CATCHOT JOHN J & BETTY JEAN 12520 LILLIAN HWY PENSACOLA, FL 32506

GECI WADE N 12500 LILLIAN HWY PENSACOLA, FL 32506

FAYARD BETTY C TRUSTEE 3/4 INT & 704 N 74TH AVE PENSACOLA, FL 32506

SANTA CRUZ MICHAEL L & 12580 LILLIAN HWY PENSACOLA, FL 32506

PENSACOLA CHRISTIAN COLLEGE INC PO BOX 18000 PENSACOLA, FL 32523

FAYARD JOHN D & BETTY C 704 N 74TH AVE PENSACOLA, FL 32506

KIRCHHARR CAROLYN 1051 JUAN RD PENSACOLA, FL 32506

FRETZ ROBERT C SR & 1051 JOAQUIN RD PENSACOLA, FL 32506 FAYARD JOHN D & BETTY C TRUSTEES 704 N 74TH AVE PENSACOLA, FL 32506

CARR EMILY & MCLANE WILLIAM 1031 JUAN RD PENSACOLA, FL 32506

SERAFIN GARY A & 674 WOODLAND BAYOU DR SANTA ROSA BEACH, FL 32459

COOK MARY MARGARET & 1661 W GARDEN ST PENSACOLA, FL 32501

MCLAUGHLIN WILLIAM R & 8839 MEADOWBROOK DR PENSACOLA, FL 32514

DUMAS MACK L 12570 LILLIAN HWY PENSACOLA, FL 32506

REYNOLDS BOBBY GENE SR & 12511 LILLIAN HWY PENSACOLA, FL 32506

CARR MILTON & EMILY 1031 JUAN RD PENSACOLA, FL 32506

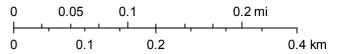
STEWART ELEANOR M 12650 LILLIAN HWY PENSACOLA, FL 32506

CUNNINGHAM JAMES L & 1061 JOAQUIN RD PENSACOLA, FL 32506

Chris Jones Escambia County Property Appraiser



- Map Grid
- City Road



- County Road
- Interstate
- State Road
- US Highway
- All Roads
- Property Line

Planning Board-Rezon	ing
Meeting Date:	03/04/2014
CASE :	Z-2014-05
APPLICANT:	T. Heath Jenkins, Agent for Rodney Sutton, Owner
ADDRESS:	6841 Kemp Rd
PROPERTY REF. NO.:	24-1S-30-1600-000-001
FUTURE LAND USE:	MU-U, Mixed-Use Urban
DISTRICT:	3
OVERLAY DISTRICT:	NA
BCC MEETING DATE:	04/03/2014

SUBMISSION DATA: REQUESTED REZONING:

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

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

RELEVANT AUTHORITY:

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

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

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

CPP FLU 1.1.9 Buffering. In the LDC, Escambia County shall ensure the compatibility of adjacent land uses by requiring buffers designed to protect lower intensity uses from more intensive uses, such as residential from commercial. Buffers shall also be used to protect agricultural activities from the disruptive impacts of nonagricultural land uses and protect nonagricultural uses from normal agricultural activities.

CPP FLU 1.1.10 Locational Criteria. The LDC shall include locational criteria for broad categories of proposed non-residential land uses. The site criteria for such uses shall address the transportation classification of, and access to, adjoining streets, the proximity of street

intersections and large daily trip generators (i.e. college or university), the surrounding land uses, the ability of a site to accommodate the proposed use while adequately protecting adjoining uses and resources, and other criteria that may be appropriate to those categories of uses.

CPP FLU 1.3.1 Future Land Use Categories. The Industrial FLU category 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.

FINDINGS

The applicant has also submitted for a Small Scale Amendment (SSA) to the FLU Map from MU-U to Industrial. If the SSA is approved, then the request will be **consistent** with the intent and purpose of Future Land Use category Industrial, as stated in CPP FLU 1.3.1. All buffering requirements stated in CPP FLU 1.1.9, will be addressed under compatibility analysis with the LDC or during the Site Plan Review Process. as stated in CPP FLU 1.3.1, as the Industrial FLU category have allowances for light to intensive industrial uses. The proposal is also consistent with CPP FLU 1.5.3, as the parcel will be accessed using the existing public roads and the applicant is proposing the use of existing utilities and service infrastructure. Locational criteria will be addressed during the LDC compatibility review.

CRITERION (2)

Consistent with The Land Development Code.

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

FINDINGS

The proposed amendment **is consistent** with the intent and purpose of the Land Development Code. Borrow pits and reclamation activities are a permitted use under the C-2 zoning category. The request meets the locational criteria exemption requirements as stated in 7.20.03.B. Based on the site visit, it's staff's determination that over 50 percent of the Kemp Road block is currently zoned and used for commercial development (C-2), consequently, the proposed request to C-2 would be compatible with the Code and would achieve the purpose of infill development. The intensity of the proposed expansion will be of a comparable intensity of the zoning and development on the surrounding parcels.

CRITERION (3)

Compatible with surrounding uses.

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

FINDINGS

The proposed amendment **is compatible** with surrounding existing uses in the area. Within the 500' radius impact area, staff observed properties with zoning districts ID-1, C-2 and R-5. Within the zoning districts staff identified sixteen vacant residential parcels, nineteen mobile homes, thirty four single family residences, two large parcels with mineral extraction uses, one

vacant commercial and one non-agricultural acreage parcel.

CRITERION (4)

Changed conditions.

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

FINDINGS

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

CRITERION (5)

Effect on natural environment.

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

FINDINGS

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

CRITERION (6)

Development patterns.

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

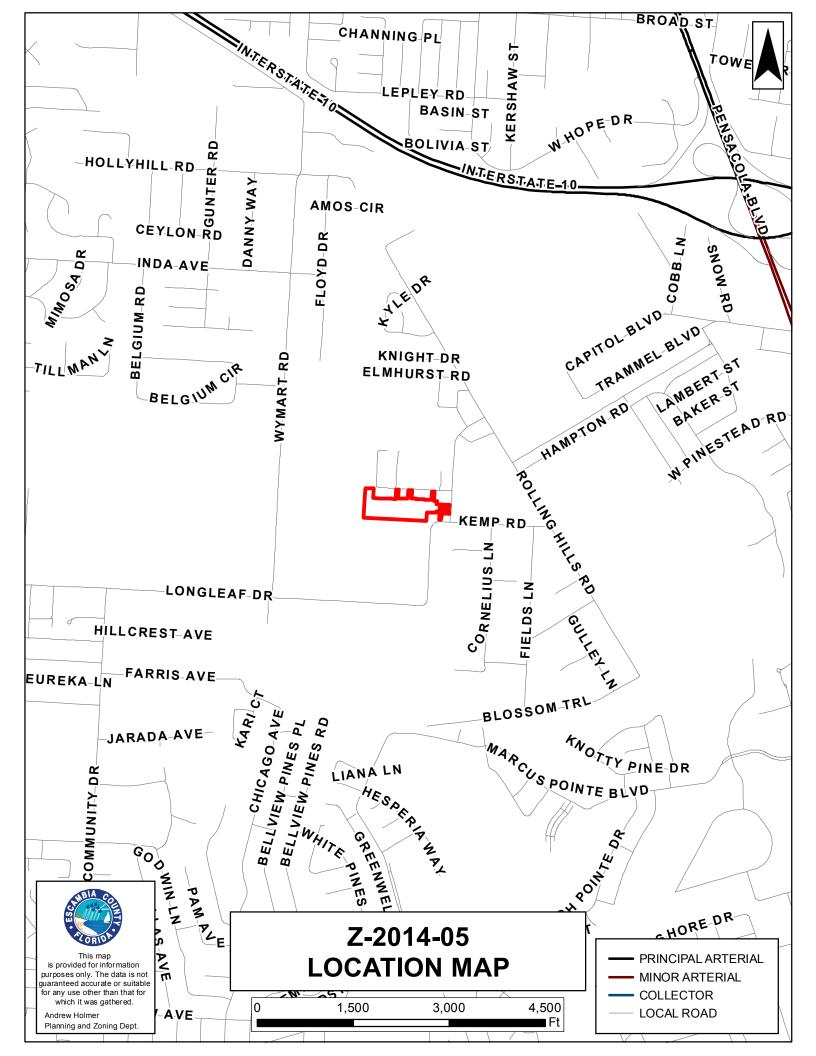
FINDINGS

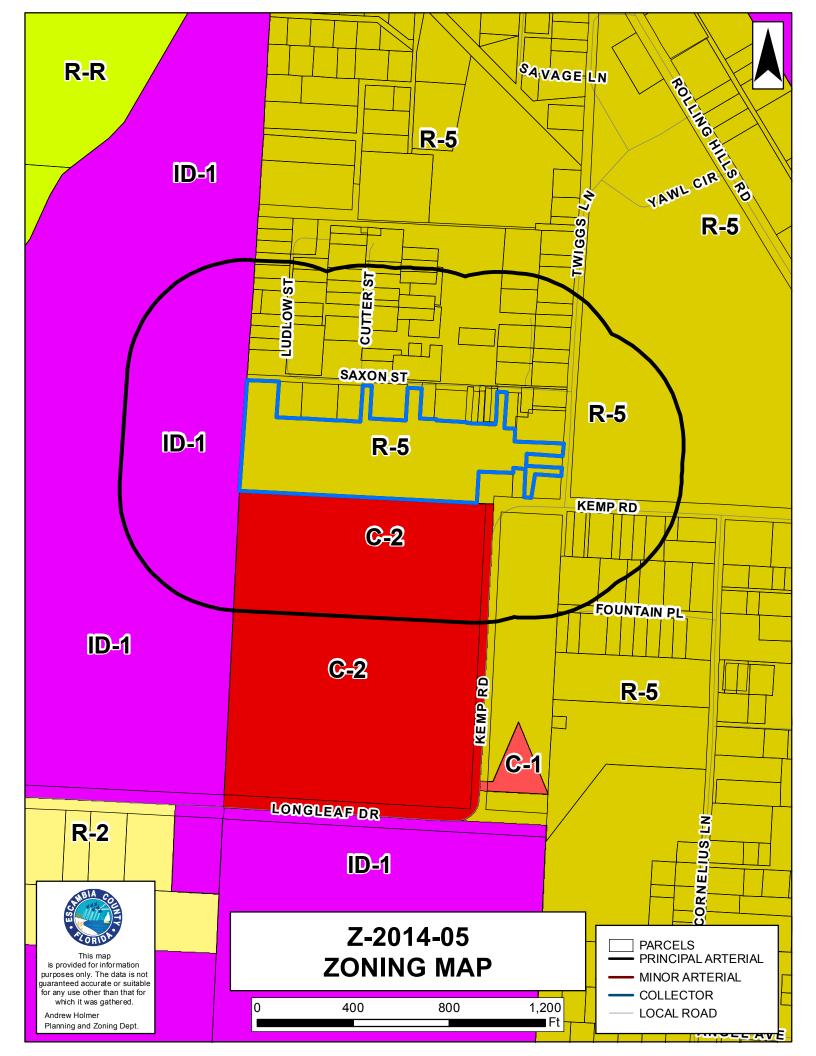
The proposed amendment **would result** in a logical and orderly development pattern. Historically, the centralized location and ease of access to the rest of the County, has converted this into a prime area for the commercialization of mineral goods. As the site visit reveals, surrounding large tracks of land house similar commercial endeavors; this compatibility of uses does make the best use of existing roads and infrastructure possible. At the same time, it provides infill development and the consolidation of facilities that provide alike services.

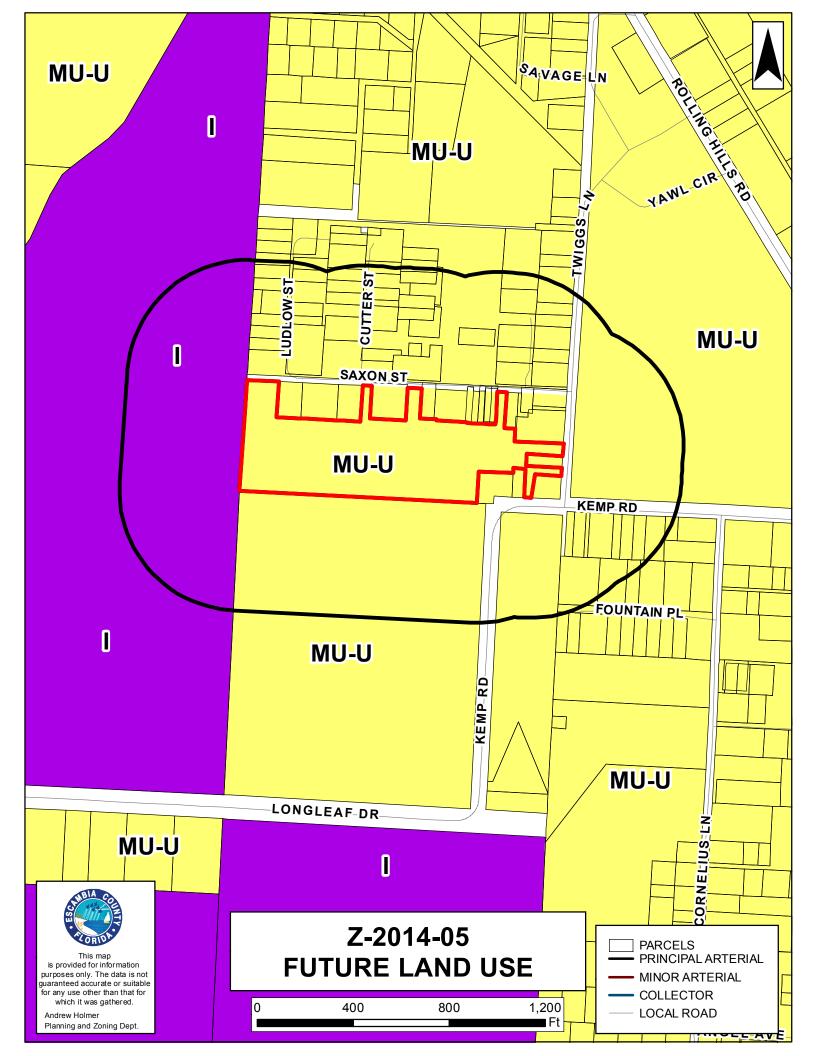
Z-2014-05

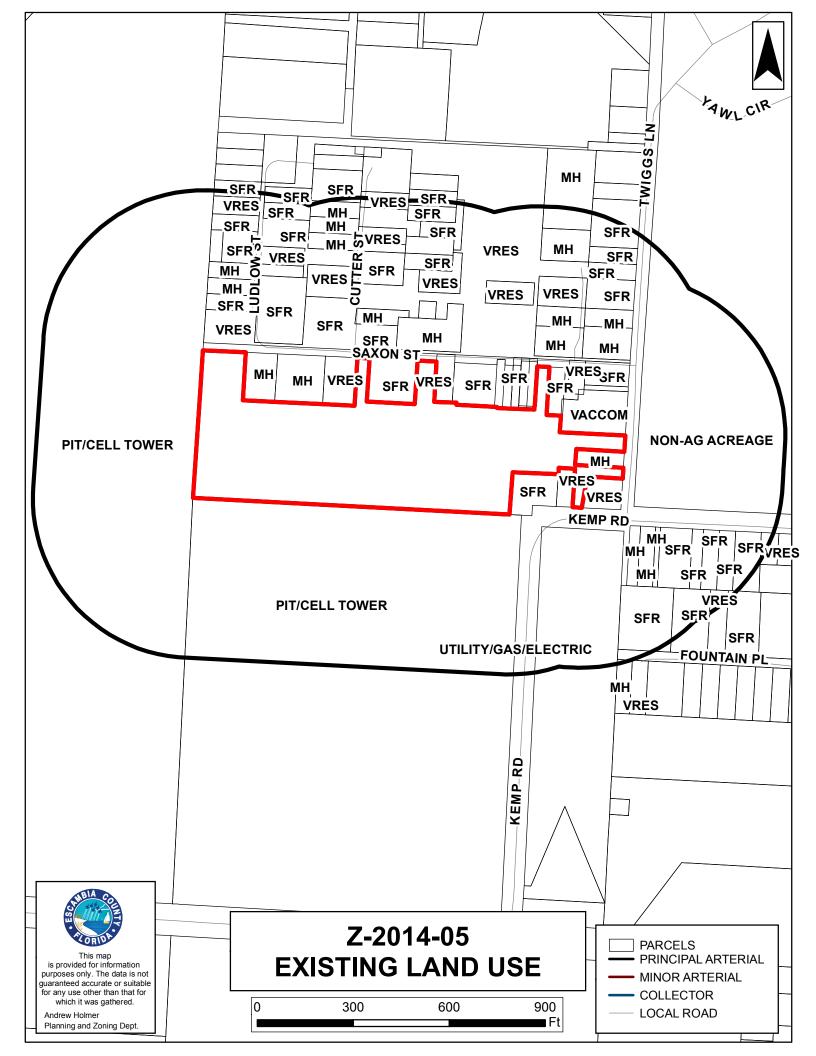
Attachments

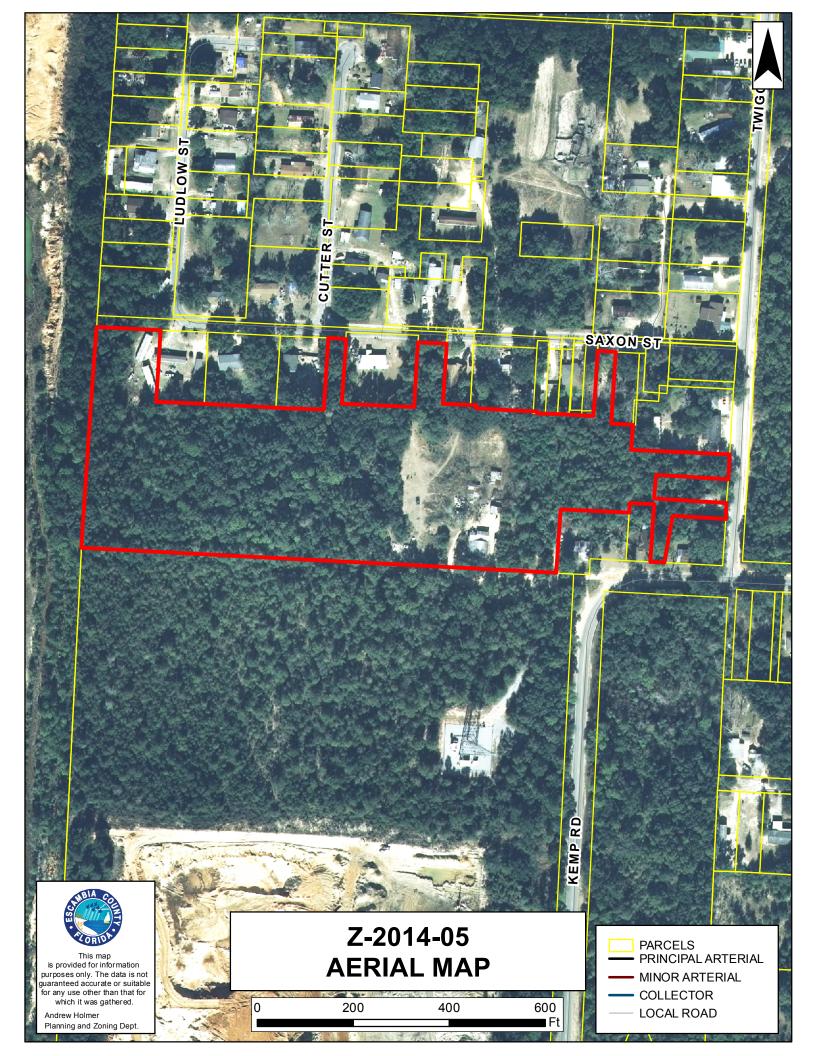
Z-2014-05













NOTICE OF **PUBLIC HEARING** REZONING

CASE NO.: Z-2014-05 CURRENT ZONING: R-5 PROPOSED ZONING: C-2

PLANNING BOARD

DATE 03/04/14 TIME: 8:30 AM LOCATION OF HEARING

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

BOARD OF COUNTY COMMISSIONERS

DATE04/03/14 TIME: 5:45 PM LOCATION OF HEARING

ESCAMBIA COUNTY GOVERNMENT CENTER 221 PALAFOX PLACE 1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION ABOUT THIS CASE PLEASE CALL DEVELOPMENT SERVICES AT 595-3475 OR VISIT WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN AMBIA COUNTY

Public Hearing Sign

A TANKY

G

-MAC

NISSIONERS

5:46 PM ____

OPMENT SERVICES

OMPLEX

ATHOUSE

ATION CALL:

MBERS

CE

Looking Northwest into Site

Looking Northwest



Looking West from Kemp

Looking West from Kemp

Development Services Department

Escambia County, Florida

APPLICATION

Please check application type:	Conditional Use Request for:	
Administrative Appeal	Variance Request for:	
Development Order Extension	Rezoning Request from: R-5 to: C-2	

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

Owner(s) Name: Sutton Properties, LLC	Phone: 850-777-6630
Address: 102 Shoreline Dr., Gulf Breeze, FL 32561	Email: rodney.sutton@cluv.net

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

Property Address: 6841 Kemp Rd., Pensacola, FL 32505

Property Reference Number(s)/Legal Description: 24-1S-30-1600-000-001

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 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
- I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

1. Hthe	T. Heath Jenkins, P.E.	2/10/14
Signature of Owner/Agent	Printed Name Owner/Agent	Date
Mpun	Rodney Sutton	2/10/14
Signature of Owner	Printed Name of Owner	Date
STATE OF <u>Flunda</u> COUNTY OF <u>Escanbia</u> The foregoing instrument was acknowledged before me this <u>10Hh</u> day of <u>Feloncary</u> 20 <u>14</u> , by <u>Rodney 14 on</u> Personally Known OR Produced Identification . Type of Identification Produced:		
Signature of Notary	Printed Name of Notary	ASHLEIGH McLEAN
(notary seal must be affix	(red)	: My Commission EE130726 Expires September 15, 2015
FOR OFFICE USE ONLY	CASE NUMBER:	_
Meeting Date(s):	Accepted/Verified by:	Date:
Fees Paid: \$ Receipt #:	Permit #:	



FOR OFFICE USE:

CASE #:

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Reques	sts Only	
Property Reference Nu	mber(s):	24-15-30-1600-000-001
Property Address:	6841 Kemp	o Rd., Pensacola, FL 32505

I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed in the future development's permit application.

I/We also acknowledge and agree that approval of a zoning district amendment (rezoning) or Future Land Use Map amendment does not certify, vest, or otherwise guarantee that concurrency of required facilities and services is, or will be, available for any future development of the subject parcels.

I/We further acknowledge and agree that no development for which concurrency must be certified shall be approved unless at least one of the following minimum conditions of the Comprehensive Plan will be met for each facility and service of the County's concurrency management system prior to development approval:

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 10 +4 DAY OF ebruan . YEAR OF 2014

Signature of Property Owner

E Printed Name of Property Owner

Signature of Property Owner

Printed Name of Property Owner

Date



FOR OFFICE USE:

CASE #:__

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at684	1 Kemp Rd., Pensacola, FL 32505	,
Florida, property reference number(s) 2	4-15-30-1600-000-001	
I hereby designate T. Heath Jenkins, F	P.Efor t	ne sole purpose
of completing this application and making a		
Planning Board and the Board of County referenced property.	y Commissioners to request a rezoning on t	he above
□ Board of Adjustment to request a(n)	on the above re	ferenced property
This Limited Power of Attorney is granted o, and is effective until the Board	n this <u>10th</u> day of February I of County Commissioners or the Board of	070
rendered a decision on this request and any	y appeal period has expired. The owner res	erves the right to
rescind this Limited Power of Attorney at an	y time with a written, notarized notice to the	e Development
Services Bureau.		
Agent Name: T. Heath Jenkins, P.E.	Email: <u>heath.jenkins@hat</u>	chmott.com
Address: 5111 N. 12th Ave., Pensacola, FL	Phone:850-602-9	778
Signature of Property Owner	Rodney Sutton Printed Name of Property Owner	2/10/14 Date
Signature of Property Owner	Printed Name of Property Owner	Date
STATE OF Storida The foregoing instrument was acknowledged before r	COUNTY OF Escanbia	
The foregoing instrument was acknowledged before r by Rodwey Sutton	ne this 10th day of February	20 <u>14</u> ,
Personally Known 🗹 OR Produced Identification 🗆 .	Type of Identification Produced:	
Signature of Notar	Ashleigh Mclean Printed Name of Notary	(Notary Seal)
	ASHLEIGH McLEAN My Commission EE130726 Expires September 15, 2015	



January 27, 2014

Hatch Mott MacDonald

5111 North 12th Ave Pensacola, FL 32504 T 850.484.6011 www.hatchmott.com

AAC000035 EB0000155 LB00006783

Allyson Cain Escambia County Development Review 3363 West Park Place Pensacola, FL 32501

Re: Rezoning Request – Parcel 24-1S-30-1600-000-001 HMM# 335130

Dear Allyson,

On behalf of our client we are submitting a Rezoning Request for the referenced parcel. A Power of Attorney executed by Shannon Wright Johnson, Personal Representative of the Estate of Erma Averhart (Owner), is submitted with this application. Rodney Sutton, of Sutton Properties, LLC has signed the Application Documents as Owner as constituted in the Power of Attorney document.

This rezoning request was discussed with County Staff in a meeting held on February 5, 2013.

Submitted with this request is the following information.

- Ownership information provided by Property Appraiser's Website (No Official Records Listed)
- Power of Attorney from Estate of Erma Averhart (Owner)
- Application/Owner Certification Form
- Concurrency Determination Form
- Affidavit of Owner and Limited Power of Attorney Form
- Boundary Survey of the Referenced Parcel
- Compatibility Analysis
- Application Fee in the amount of \$1,270.50 (Check #1578)

Thank you for your assistance on this project.

Sincerely,

HATCH MOTT MACDONALD

T. Heath Jenkins, P.E. Project Manager

cc: Rodney Sutton file

EMMANUEL, SHEPPARD & CONDON

ATTORNEYS AT LAW SINCE 1913

Post Office Drawer 1271 Pensacola, Florida 32591-1271

JOHN H. ADAMS ALAN B. BOOKMAN * GERALD L. BROWN SARAH K. CARPENTER ERICK M. DRLICKA *** PATRICK G. EMMANUEL PATRICK G. EMMANUEL, JR. * ROBERT A. EMMANUEL ** GREGORY P. FAYARD SALLY BUSSELL FOX * VAN P. GEEKER CHARLES P. HOSKIN HOLLY V. JURNOVOY

30 SOUTH SPRING STREET PENSACOLA, FLORIDA 32502-5612 esclaw.com pensacolalawyer.coм (850) 433-6581 TOLL FREE 1-800-433-6581 FAX (850) 434-7163 ANDREA C. LYONS CRISTI A. MALONE JOHN W. MONROE, JR. • JOSEPH A. PASSERETTI P. MICHAEL PATTERSON WANDA W. RADCLIFFE H. WESLEY REEDER • T. SHANE ROWE WARREN R. TODD CECILY M. WELSH CHARLES P. YOUNG ••

ALAN C. SHEPPARD, RETIRED A. G. CONDON, JR., 1934-2011

*BOARD CERTIFIED REAL ESTATE LAWYER **BOARD CERTIFIED CONSTRUCTION LAWYER ***BOARD CERTIFIED CIVIL TRIAL LAWYER

January 27, 2014

Via Hand Delivery

Mr. Rodney Sutton 120 E. Main Street Pensacola, Florida 32502

> Re: Sutton, Rodney (SNS) p/f Averhart Estate Our File: 05118-120343

> > .

Dear Rodney:

Enclosed please find original Power of Attorney executed on January 23, 2014 by Shannon Wright Johnson as Personal Representative of the Estate of Erma Averhart, deceased, appointing you as her true and lawful attorney on her behalf.

Very truly yours,

Alan B. Bookman For the Firm

ABB/smr Enclosure Cp311

POWER OF ATTORNEY

STATE OF FLORIDA COUNTY OF ESCAMBIA

KNOW ALL MEN BY THESE PRESENTS, that I, SHANNON WRIGHT JOHNSON, as Personal Representative of the Estate of Erma Averhart, deceased, have made, constituted and appointed, and by these presents do make, constitute and appoint RODNEY SUTTON, as my true and lawful attorney to apply for and execute on my behalf any and all documentation reasonably required by Escambia County, Florida, in order to rezone and obtain a development order for that real property described in the attached Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand and seal this <u>23^{cd}</u> day of January , 2014.

Witnesses: Name:

SHANNON WRIGHT JOHNSON

Name: Kistina [rail

STATE OF FLORIDA

COUNTY OF

The foregoing instrument was acknowledged before me this 23^{ed}day of January, 2014, by Shannon Wright Johnson, who personally appeared before me and who is personally known to me or who produced ______ as identification.

Name Printed:

Name Printed:_ Commission No.: Expires: [Seal]

TONYA MILLER MY COMMISSION # EE 186730 EXPIRES: April 5, 2016 Bonded Thru Budget Notary Services

U:\abb\Sutton-Averhart\est of erma averhart poa.doc

Source: Escambia County Property Appraiser

Restore Full Page Version
2013 Certified Roll Assessment
Improvements: \$23,827
Land: \$41,280
Total: \$65,107
Save Our Homes: \$0
Disclaimer
Amendment 1/Portability Calculations
Amendment Trontability Calculations
2013 Certified Roll Exemptions None
Legal Description
S 15A OF E 1/2 OF LT 6 DB 345 P 160 OR 302 P 705
OR 6088 P 994 LESS DB 496 P 286-NEWTON
Extra Features
None
Launch Interactive Mar

Compatibility Analysis

For Rezoning Request of Parcel 24-1S-30-1600-000-001 6841 Kemp Rd. Pensacola, FL

Hatch Mott MacDonald HMM Project# 335130

The designated zoning of the referenced parcel is R-5 (Urban Residential/Limited Office District, (Cumulative) High Density) with a request for rezoning to C-2 (General Commercial District). The following Compatibility Analysis is provided in support of the request. We respectfully request that the County grant a Waiver to the Roadway Requirement of the Locational Criteria as specified in LDC 7.20.02.

The property is bounded by C-2 (General Commercial District) zoning to the South, ID-1 (Industrial District (no residential uses allowed) on the West and R-5 (Urban Residential/Limited Office District, (Cumulative) High Density)to the North and East.

If the rezoning request is granted, the owner intends to expand the existing borrow pit immediately south of the property. The project will be designed and permitted according to the Escambia County Land Development Code (LDC) for development in C-2 zoning. The project will also be designed and permitted per requirements of the Florida Department of Environmental Protection (FDEP).

Surrounding Conditions

The development pattern in the area is primarily industrial; with existing borrow pits bordering the parcel on the west and south. Single family residential development exists to the north and east of the parcel. Waste Management owns the property approximately ¹/₄ mile south of the subject parcel.

Project Compatibility

The project will be designed to comply with the Escambia County Land Development Code with buffer requirements applicable for the proposed activity. It is anticipated that a 100' natural vegetation buffer along with 6' fence will border the property as is currently in place for the existing borrow pit operation south of the parcel.

The project will also achieve long-term compatibility by maintaining the current borrow pit operations located in the area and is a logical expansion of ongoing activities in the area immediately adjacent the property.

Buildings	
Building 1 - Address:6841 KEMP RD, Year Built: 1958, Effective Yea	ar: 1958
Building 1 - Address:6841 KEMP RD, Year Built: 1958, Effective Yea Structural Elements FOUNDATION-WOOD/NO SUB FLR EXTERIOR WALL-CONCRETE BLOCK NO. PLUMBING FIXTURES-3.00 DWELLING UNITS-1.00 ROOF FRAMING-WOOD FRAME/TRUS ROOF COVER-CORRUGATED METL INTERIOR WALL-PANEL-PLYWOOD INTERIOR WALL-DRYWALL-PLASTER NO. STORIES-1.00 FLOOR COVER-PINE/SOFTWOOD DECOR/MILLWORK-BELOW AVERAGE HEAT/AIR-UNIT HEATERS STRUCTURAL FRAME-WOOD FRAME	ar: 1958
Areas - 1523 Total SF BASE AREA - 1025	
BASE SEMI FIN - 410	
OPEN PORCH FIN - 28 OPEN PORCH UNF - 60	



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

http://www.escpa.org/cama/Detail_a.aspx?s=241S301600000001

2/10/2014

Development Services Department Escambia County, Florida

PLANNING BOARD REZONING PRE-APPLICATION SUMMARY FORM

24-15-30-6000-000-001 Property Reference Number	Heat	Jenkins	
6841 Kemp Rd Address	Owner	⊈ Agent	Referral Form Included? Y 🕅
MAPS PREPARED	PROPERTY INFOR	RMATION	
Zoning	Current Zoning: 12 - 5	Size of	Property: 10.39 +/-
FLU	Future Land Use: MU-U	Commi	issioner District: <u>3</u>
🖸 Aerial	Overlay/AIPD: <u>N</u> 4	_Subdivision:_/	
Other:	Redevelopment Area*: <u>N//</u> *For more info please contact the		ior to application submittal.
	COMMENTS		
Desired Zoning: <u>C-2</u>			
Is Locational Criteria applicable?			
Applicant requests to	regione parcel to C	-2 to ly	and Misting
Applicant requests to use of adjacent parcel Will need to have	that is currently a FIU change of	C-2 + use	to Industrial (I)
pose to regoring on same			
 Applicant will contact staff Applicant decided against Applicant was referred to a BOA 	rezoning property		
Staff present: <u>Allyson</u> Ca	n		Date:
Applicant/Agent Name & Sign	ature:		

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.



Development Services Department

Building Inspections Division 3363 West Park Place

23553 West Park Place Pensacola, Florida, 32505 (850) 595-3550 Molino Office - (850) 587-5770

RECEIPT

Receipt No. : 599523

Date Issued. : 02/10/2014 Cashier ID : VHOWENS

Application No. : PRZ140200006

Project Name : Z-2014-05

		1	PAYMENTI	NFO
lethod of Payment	Reference Docum	ient A	mount Paid	Comment
Check				
	1578		\$1,270.50	App ID : PRZ140200006
			\$1,270.50	Total Check
Total Receipt Amo	ount : \$1,270.50 \$0.00			
		AF	PLICATIO	N INFO
	\$0.00	AF Invoice Amt	PLICATION Balance	N INFO Job Address
Change Due : S	\$0.00		Balance	

AVERHART ERMA ESTATE OF 1540 SIR HORNE DR PENSACOLA, FL 32505

WIGGINS BONNER EST OF 6993 LUDLOW ST PENSACOLA, FL 32505

WILLIAMS IDA BELL & 802 E JORDAN ST PENSACOLA, FL 32503

WIGGINS JULIUS & MARZELLA 6980 LUDLOW ST PENSACOLA, FL 32505

SHOEMO LEILA BASSETT & 802 BRENTWOOD AVE ALTAMONTE SPRINGS, FL 32701

SALTER WANDA M WARD ANNETTE 711 PINESTEAD RD PENSACOLA, FL 32505

MOORER DOROTHY A 2202 WELCOME CIR CANTONMENT, FL 32533

HARRIS SHANTIA S 6951 TWIGGS LN PENSACOLA, FL 32505

MASON FRED E EST OF 1692 SAXON ST PENSACOLA, FL 32505

HARRIS INEZ HUDSON LIFE EST 6941 TWIGGS LN PENSACOLA, FL 32505 MOORER MICHAEL & 1610 SAXON ST PENSACOLA, FL 32505

STALLWORTH CLAUDE 6982 LUDLOW ST PENSACOLA, FL 32505

MCDUFFIE MARTHA CHRISTINE 6971 TWIGGS LN PENSACOLA, FL 32505

WIGGINS JOE JR & BERTA MAE 7520 WEAVER DR PENSACOLA, FL 32514

MOORER HARVEY & ETHEL 1610 SAXON ST PENSACOLA, FL 32505

DAVIS SEPREE & LIZZIE M 6607 HAMPTON RD PENSACOLA, FL 32505

BILLIPS DOROTHY J 6972 CUTTER ST PENSACOLA, FL 32505

LAWRENCE ROBERTA 714 WENONAH ST PENSACOLA, FL 32505

MOORER HARVEY J 1610 SEXTON ST PENSACOLA, FL 32505

MOORER JILES PO BOX 2573 PENSACOLA, FL 32513 PARRISH IRENE 6991 CUTTER ST PENSACOLA, FL 32505

SOLES JULIUS & 7830 REGIMENT AVE PENSACOLA, FL 32534

GANDY WANDA W & 711 PINESTEAD RD PENSACOLA, FL 32505

BONNER ARTHUR & WILLIE MAE 6961 LUDLOW ST PENSACOLA, FL 32505

BLANKENSHIP MATTIE L 6965 CUTTER ST PENSACOLA, FL 32505

CABIN PROPERTIES LLC 5012 S 12TH ST ARLINGTON, VA 22204

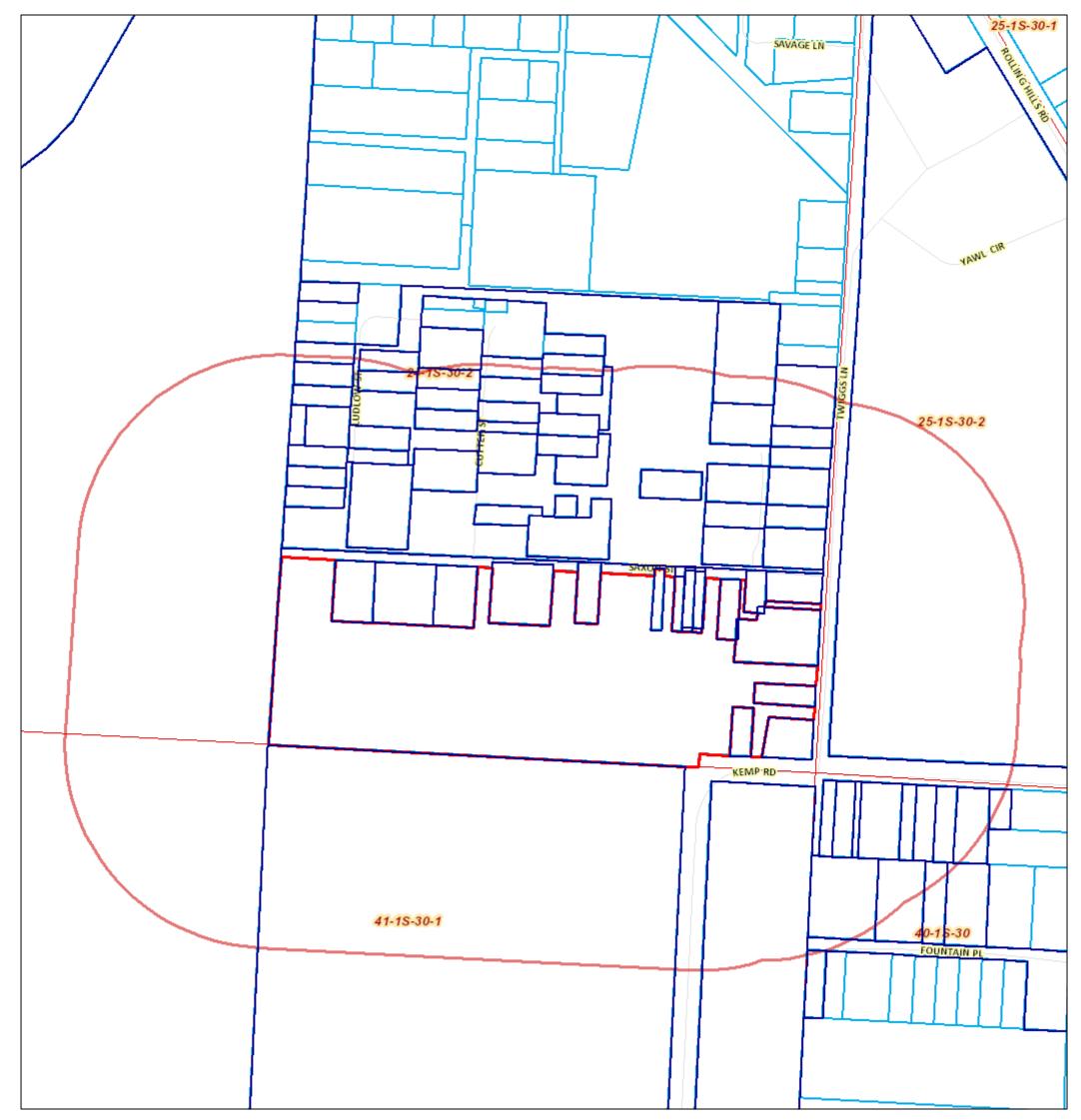
HENDERSON HEROD 6974 CUTTER ST PENSACOLA, FL 32505

BLANKENSHIP MATTIE & 6965 CUTTER ST PENSACOLA, FL 32505

BYRD DAVID & 9909 MARINE EL PASO, TX 79924

JEFFERSON DIANNA F SHOEMO 802 BRENTWOOD AVE ALTAMONTE SPRINGS, FL 32701

Chris Jones Escambia County Property Appraiser





- County Road
- Interstate
- State Road
- US Highway
- All Roads
- Property Line