

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
QUASI-JUDICIAL HEARING
January 9, 2018–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.
4. Approval of Minutes.
5. Acceptance of Rezoning Planning Board Meeting Packet.
6. Quasi-judicial Process Explanation.
7. Public Hearings.
 - A. Case #: Z-2017-17
Applicant: Wanda French-Hawkins, Agent for Jason Hawkins, Owner
Address: 6355 Mockingbird Lane
Property Size: 4.86 (+/-) acres
From: MDR, Medium Density Residential district (10 du/acre)
To: HDMU, High Density Mixed-use district (25 du/acre)
 - B. Case #: Z-2017-18
Applicant: Rhonda Autrey, Owner
Address: 733 E. Johnson Avenue
Property Size: 4.73 (+/-) acres
From: MDR, Medium Density Residential district (10 du/acre)
To: HDMU, High Density Mixed-use district (25 du/acre)
8. Adjournment.

Planning Board-Rezoning

7. A.

Meeting Date: 01/09/2018
CASE : Z-2017-17
APPLICANT: Wanda French-Hawkins, Agent for Jason Hawkins, Owner
ADDRESS: 6355 Mockingbird Lane
PROPERTY REF. NO.: 35-1S-30-7117-000-000
FUTURE LAND USE: MU-S, Mixed-Use Suburban
DISTRICT: 3
OVERLAY DISTRICT: Oakfield
BCC MEETING DATE: 02/01/2018

SUBMISSION DATA:

REQUESTED REZONING:

FROM: MDR, Medium Density Residential district (10 du/acre)

TO: HDMU, High Density Mixed-use district (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)

APPROVAL CONDITIONS

Criterion a., LDC Sec. 2-7.2(b)(4)

Consistent with Comprehensive Plan

Whether the proposed rezoning is consistent with the goals, objectives, and policies of the Comprehensive Plan and not in conflict with any of the plan provisions.

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 non-residential uses while promoting compatible infill development and the separation of urban and suburban land uses. Range of Allowable Uses: residential, retail sales & services, professional office, recreational facilities, public and civic, limited agriculture. The maximum residential density is 25 dwelling units per acre.

FINDINGS

The proposed amendment to HDMU is **consistent** with the intent and purpose of Future Land Use category MU-S as stated in CPP FLU 1.3.1 The Comprehensive Plan allows for residential, retail sales & services, professional office, recreational facilities, public and civic, limited agriculture.

Criterion b., LDC Sec. 2-7.2(b)(4)

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.

Sec. 3-2.7 Medium Density Residential district (MDR).

(a) Purpose. The Medium Density Residential (MDR) district establishes appropriate areas and land use regulations for residential uses at medium densities within suburban or urban areas. The primary intent of the district is to provide for residential neighborhood development in an efficient urban pattern of well-connected streets and at greater dwelling unit density than the Low Density Residential district. Residential uses within the MDR district are limited to single-family and two-family dwellings. The district allows non-residential uses that are compatible with suburban and urban residential neighborhoods.

Sec. 3-2.9 High Density Mixed-use district (HDMU).

(a) Purpose. The High Density Mixed-use (HDMU) district establishes appropriate areas and land use regulations for a complimentary mix of high density residential uses and compatible non-residential uses within urban areas. The primary intent of the district is to provide for a mix of neighborhood retail sales, services and professional offices with greater dwelling unit density and diversity than the Low Density Mixed-use district. Additionally, the HDMU district is intended to rely on urban street connectivity and encourage vertical mixes of commercial and residential uses within the same building to accommodate a physical pattern of development characteristic of village main streets and older neighborhood commercial areas. Residential uses within the district include all forms of single-family, two-family and multi-family dwellings.

(b) Permitted uses. Permitted uses within the HDMU district are limited to the following:

(1) Residential. The following residential uses are allowed throughout the district, but if within a Commercial (C) future land use category they are permitted only if part of a predominantly commercial development.

a. Group living, excluding dormitories, fraternity and sorority houses, and residential facilities providing substance abuse treatment, post-incarceration reentry, or similar services.

b. Manufactured (mobile) homes, including manufactured home subdivisions, but excluding new or expanded manufactured home parks.

c. Single-family dwellings (other than manufactured homes), detached or attached, including townhouses and zero lot line subdivisions.

d. Two-family and multi-family dwellings.

See also conditional uses in this district.

(2) Retail sales. Small-scale (gross floor area 6000 sq.ft. or less per lot) retail sales, including Low-THC marijuana dispensing facilities, sales of beer and wine, but excluding sales of liquor, automotive fuels, or motor vehicles, and excluding permanent outdoor storage, display, or sales. See also conditional uses in this district.

(3) Retail services. The following small-scale (gross floor area 6000 sq.ft. or less per lot) retail services, excluding outdoor work or permanent outdoor storage:

- a. Bed and breakfast inns.
 - b. Boarding and rooming houses.
 - c. Child care facilities.
 - d. Personal services, including those of beauty shops, health clubs, pet groomers, dry cleaners, and tattoo parlors.
 - e. Professional services, including those of realtors, bankers, accountants, engineers, architects, dentists, physicians, and attorneys.
 - f. Repair services, including appliance repair, furniture refinishing and upholstery, watch and jewelry repair, small engine and motor services, but excluding major motor vehicle or boat service or repair.
 - g. Restaurants, and brewpubs, including on-premises consumption of alcoholic beverages, but excluding drive-in or drive-through service and brewpubs with distribution of alcoholic beverages for off-site sales.
- See also conditional uses in this district.

(4) Public and civic.

- a. Preschools and kindergartens.
 - b. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.
 - c. Foster care facilities.?
 - d. Places of worship.
 - e. Public utility structures, excluding telecommunications towers.
- See also conditional uses in this district.

(5) Recreation and entertainment.

- a. Marinas, private only.
 - b. Parks without permanent restrooms or outdoor event lighting.
- See also conditional uses in this district.

(6) Industrial and related.

No industrial or related uses.

(7) Agricultural and related. Agricultural production limited to food primarily for personal consumption by the producer, but no farm animals.

(8) Other uses. [Reserved]

(e) Location criteria. All new non-residential uses proposed within the HDMU district that are not part of a predominantly residential development or a planned unit development, or are not identified as exempt by district regulations, shall be on parcels that satisfy at least one of the following location criteria:

(1) Proximity to intersection. Along an arterial or collector street and within 200 feet of an intersection with another arterial or collector.

(2) Proximity to traffic generator. Along an arterial or collector street and within a one-quarter mile radius of an individual traffic generator of more than 600 daily trips, such as an apartment complex, military base, college campus, hospital, shopping mall or similar generator.

(3) Infill development. Along an arterial or collector street, in an area where already established non-residential uses are otherwise consistent with the HDMU district, and where the new use would constitute infill development of similar intensity as the conforming development on surrounding parcels. Additionally, the location would promote compact development and not contribute to or promote strip commercial development.

(4) Site design. Along an arterial street and at the intersection with a local street that serves to connect the arterial street to another arterial, and all of the following site design conditions:

- a. Any intrusion into a recorded residential subdivision is limited to a corner lot
- b. Access and stormwater management is shared with adjoining uses or properties to the extent practicable.
- c. Adverse impacts to any adjoining residential uses are minimized by placing the more intensive elements of the use, such as solid waste dumpsters and truck loading/unloading areas, furthest from the residential uses.

(5) Documented compatibility. A compatibility analysis prepared by the applicant provides competent substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative criteria, and the proposed use will be able to achieve long-term compatibility with existing and potential uses. Additionally, the following conditions exist:

- a. The parcel has not been rezoned by the landowner from the mixed-use, commercial, or industrial zoning assigned by the county.
- b. If the parcel is within a county redevelopment district, the use will be consistent with the district's adopted redevelopment plan, as reviewed and recommended by the Community Redevelopment Agency (CRA).

(f) Rezoning to HDMU. High Density Mixed-use zoning may be established only within the Mixed-Use Suburban (MU-S), Mixed-Use Urban (MU-U), or Commercial (C) future land use categories. The district is suitable for areas where the intermixing of uses has been the custom, where future uses are uncertain, and some redevelopment is probable. The district is appropriate to provide transitions between areas zoned or used for medium or high density residential and areas zoned or used for commercial. Rezoning to HDMU is subject to the same location criteria as any new non-residential use proposed within the HDMU district.

FINDINGS

The proposed amendment is **not consistent** with the intent and purpose of the Land Development Code. From a strict review of the regulations stated above, the site does not meet the following required location criteria as listed: proximity to intersection, proximity to traffic generator, and site design. Additionally, the more intense uses of HDMU, such as apartments to neighborhood retail sales, retail services and professional offices, are not found in the surrounding area of the parcel in question. Please note that

any potential uses, including intense residential (ie apartments) appears to be constraining due to the existing site conditions concerning access, lot size, and other regulatory requirements, etc... that will need to be review during the development review process. (see Exhibit A for photos submitted by applicant)

Criterion c., LDC Sec. 2-7.2(b)(4)

Compatible with surrounding uses

Whether all land uses, development activities, and conditions allowed by the proposed zoning are compatible with the surrounding conforming uses, activities and conditions and are able to coexist in relative proximity to them in a stable fashion over time such that no use, activity, or condition negatively impacts another. The appropriateness of the rezoning is not limited to any specific use that may be proposed but is evident for all permitted uses of the requested zoning.

FINDINGS

The proposed amendment is **not compatible** with surrounding existing uses in the area. However, within the 500' radius impact area, staff observed properties associated with zoning districts MDR and HDMU as indicated on the Zoning Map. From a visit to the site, staff observed three mobile homes, one church, single-family residences, and vacant residential properties as indicated on the Existing Land Use map. The proposed amendment would result in a more intense use of the subject property than the surrounding adjacent properties. Most parcels in the area are single-family residences or vacant. The allowable commercial uses in the HDMU zoning are incompatible with the current surrounding parcels in the immediate area, but the uses found on the adjacent and contiguous parcels are existing residential uses.

Criterion d., LDC Sec. 2-7.2(b)(4)

Changed conditions

Whether the area to which the proposed rezoning would apply has changed, or is changing, to such a degree that it is in the public interest to encourage new uses, density, or intensity in the area through rezoning.

FINDINGS

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

Criterion e., LDC Sec. 2-7.2(b)(4)

Development patterns

Whether the proposed rezoning would contribute to or result in a logical and orderly development pattern.

FINDINGS

The proposed amendment **would not result** in a logical and orderly development pattern. The subject property has HDMU zoning to the southeast, yet only residential uses with the exception of a church are on these parcels. The subject property is surrounded by MDR zoned properties. The current development pattern found in the area is residential.

Criterion (f) LDC Sec. 2-7.2(b)(4)

Effect on natural environment

Whether the proposed rezoning would increase the probability of any significant adverse impacts on the natural environment.

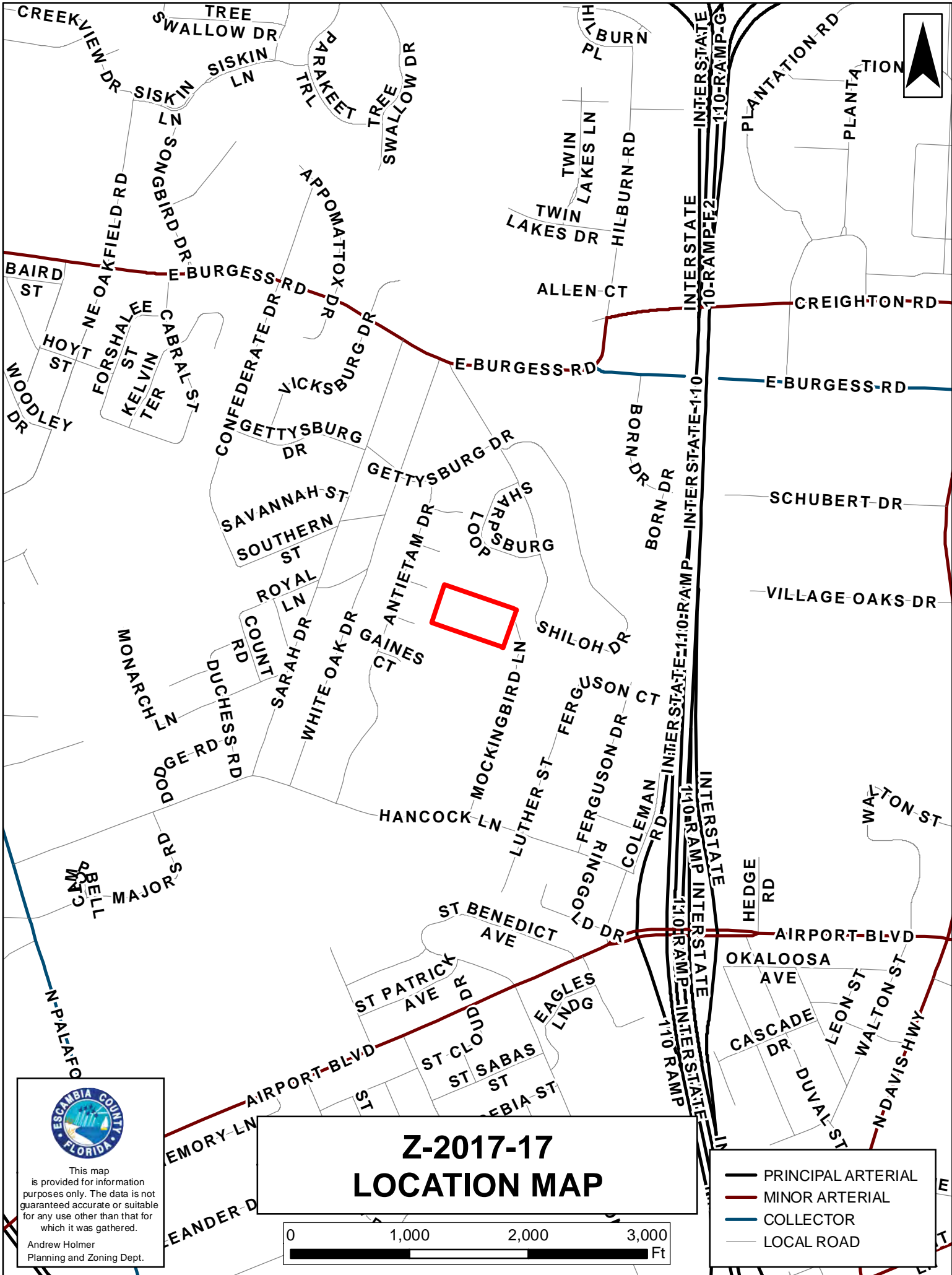

FINDINGS

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.

Attachments

Working Case File

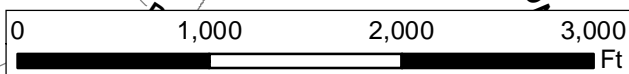
Z-2017-17








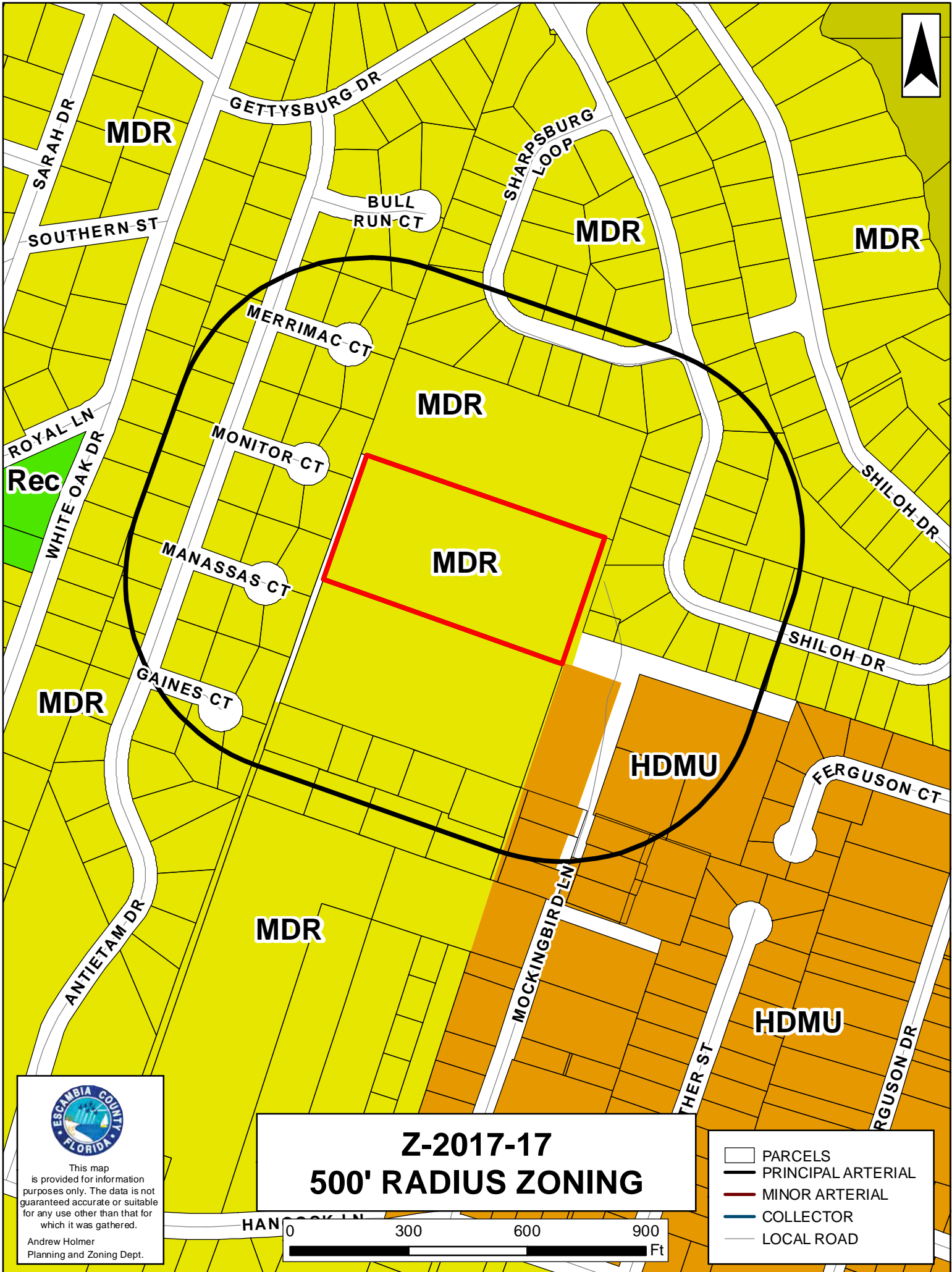
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2017-17 LOCATION MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



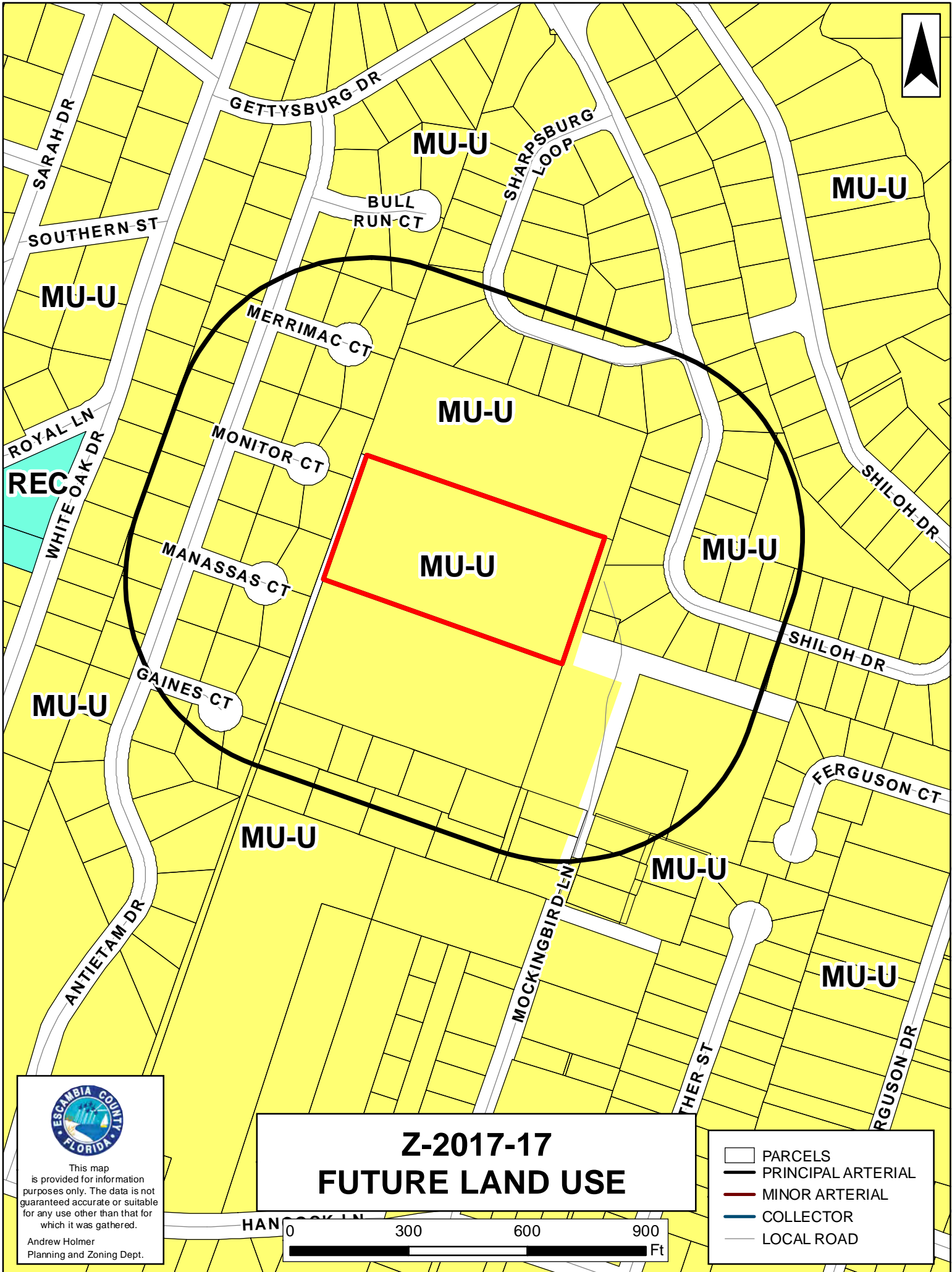
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2017-17 500' RADIUS ZONING



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



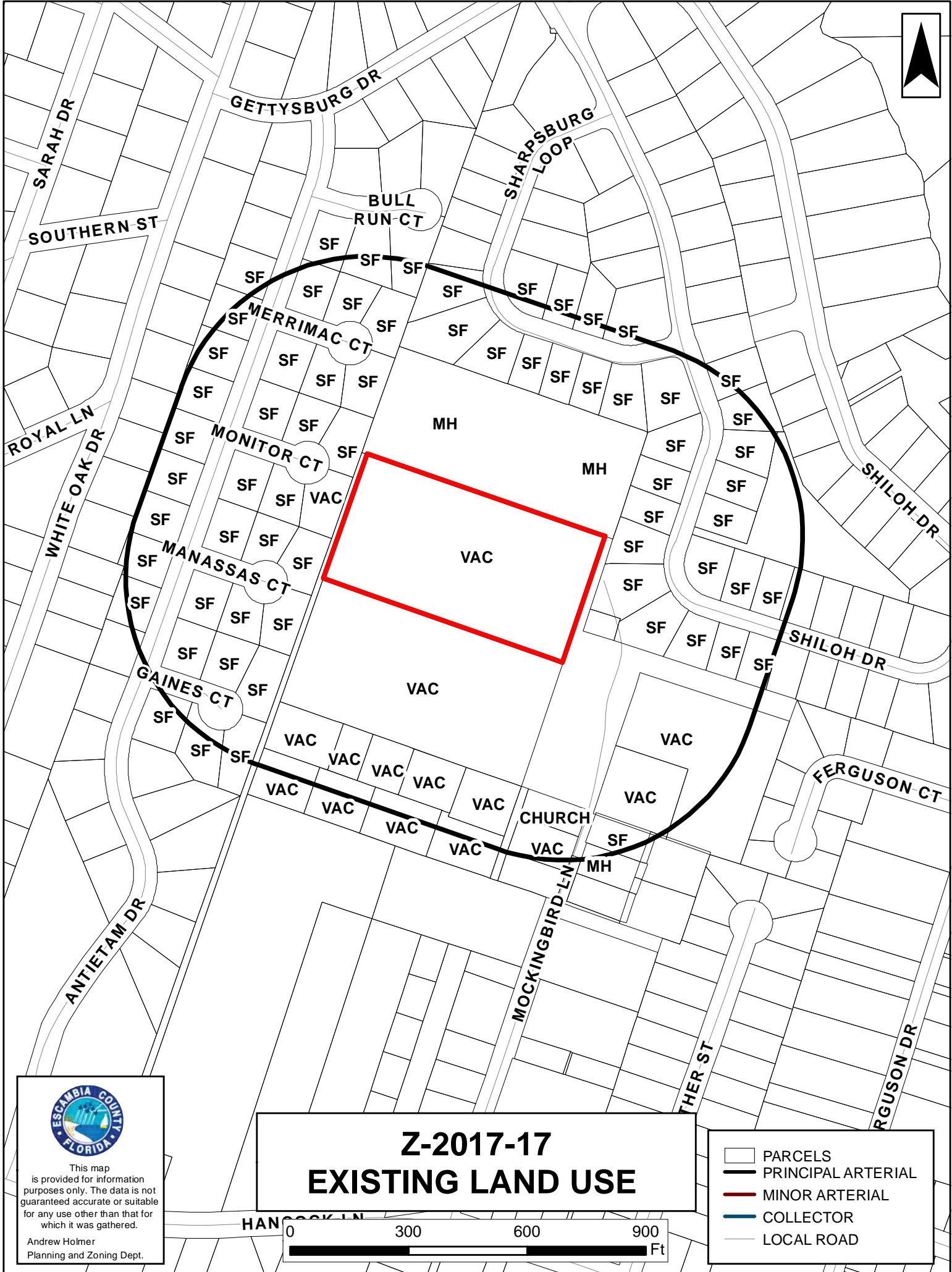
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Planning and Zoning Dept.

Z-2017-17 FUTURE LAND USE




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



Z-2017-17

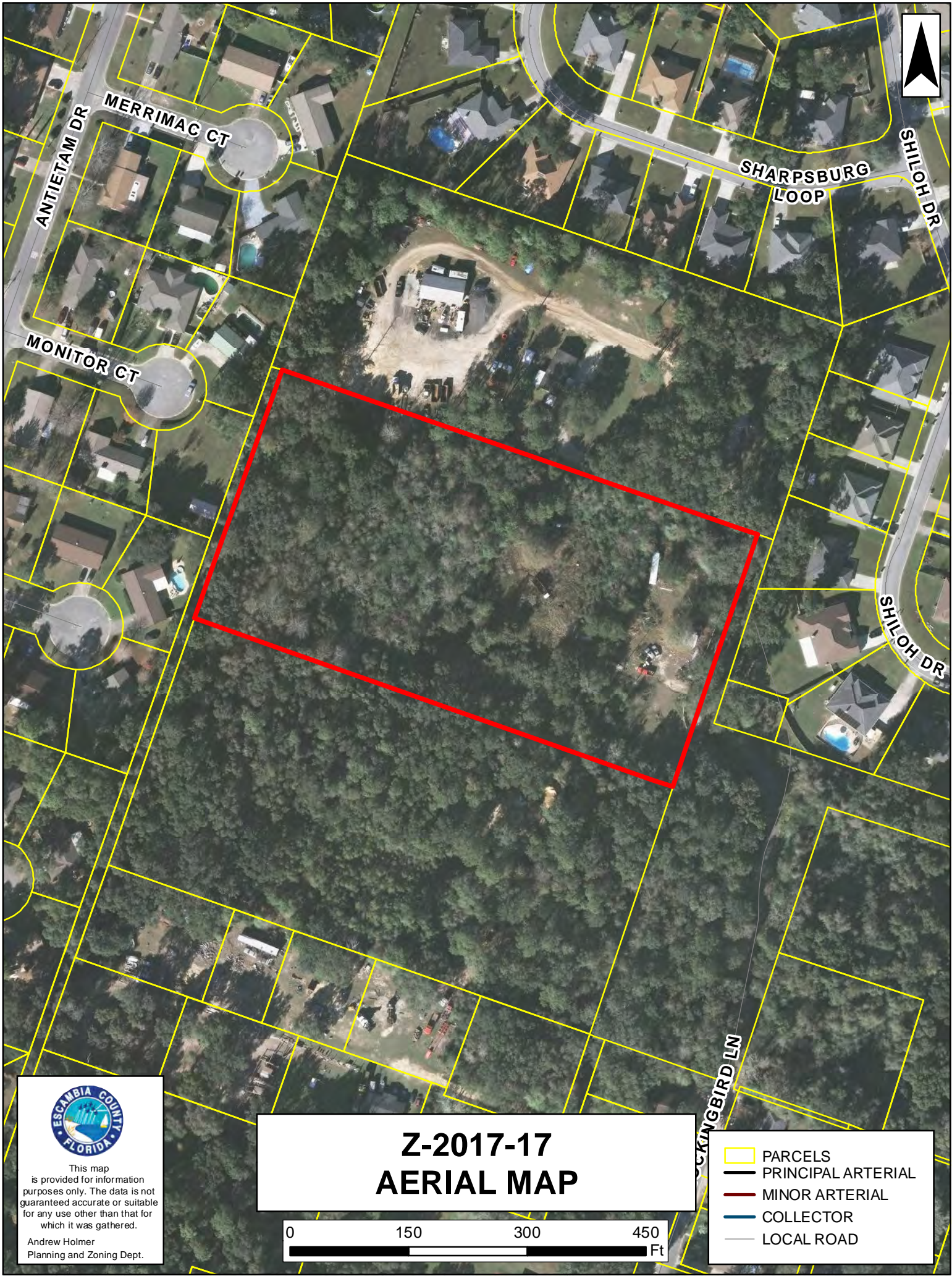

EXISTING LAND USE

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

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

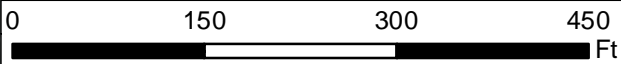
Andrew Holmer
Planning and Zoning Dept.









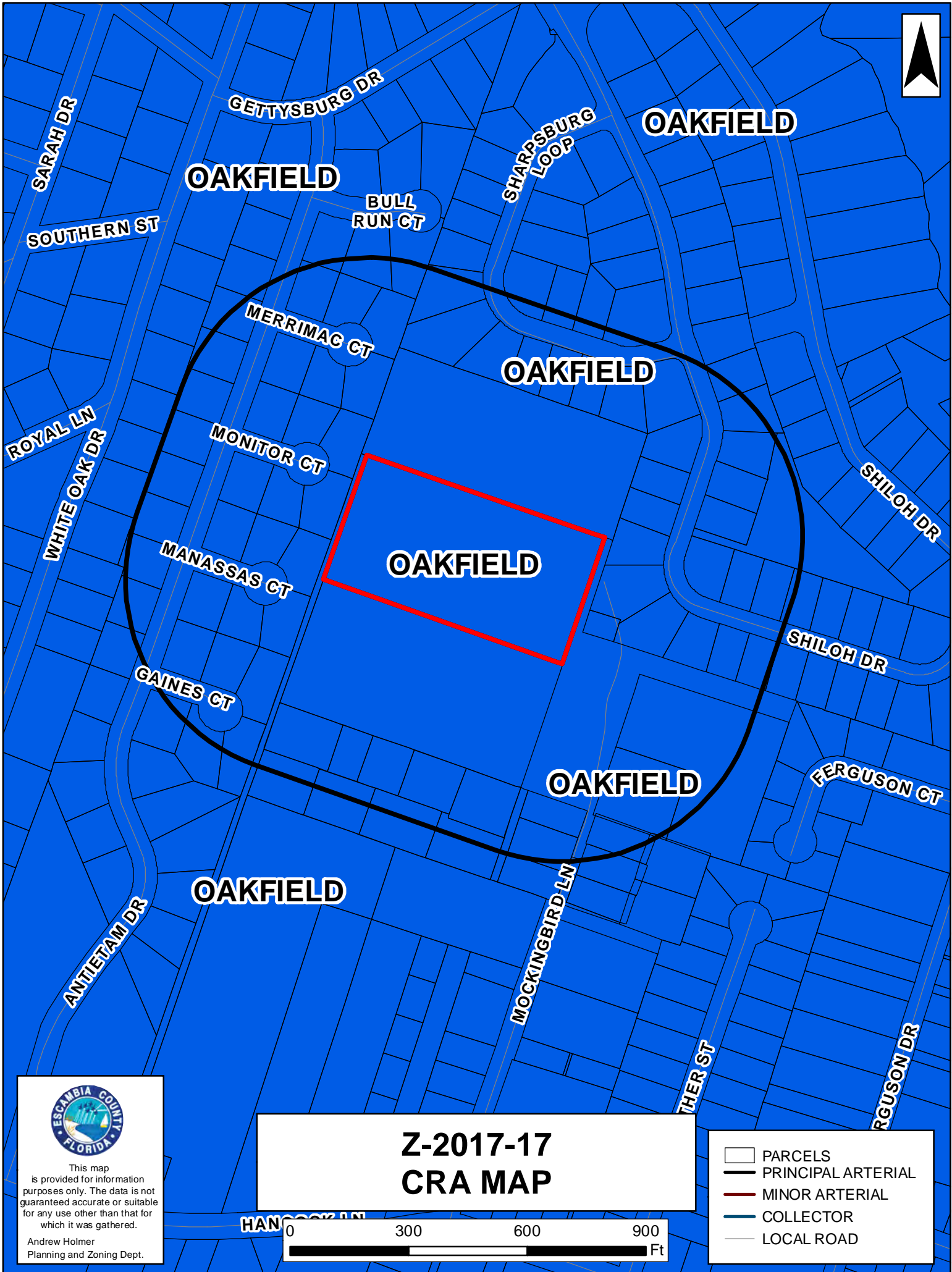
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Andrew Holmer
Planning and Zoning Dept.

Z-2017-17 AERIAL MAP



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



OAKFIELD

OAKFIELD

OAKFIELD

OAKFIELD

OAKFIELD

OAKFIELD

SARAH DR

GETTYSBURG DR

SHARPSBURG LOOP

SOUTHERN ST

BULL RUN CT

MERRIMAC CT

MONITOR CT

MANASSAS CT

GAINES CT

SHILOH DR

SHILOH DR

FERGUSON CT

ROYAL LN

WHITE OAK DR

ANTIETAM DR






MOCKINGBIRD LN

THUR ST

FERGUSON DR

HANCOCK LN

Z-2017-17 CRA MAP

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



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Andrew Holmer
Planning and Zoning Dept.



NOTICE OF PUBLIC HEARING SIGN



**DIRECT ACCESS TO SITE
(HEAVILY WOODDED)**

LOOKING SOUTH FROM SITE



LOOKING WEST ONTO SITE



LOOKING WEST ONTO SITE



LOOKING NORTH ALONG ROAD



LOOKING NORTH FROM SITE



Escambia County Planning and Zoning

Development Services Department

3363 West Park Place

Pensacola, FL 32505

Phone: (850) 595-3475 • Fax: (850) 595-3481

<http://myescambia.com/business/ds>

Rezoning Application

FOR OFFICE USE ONLY - Case Number: Z-2017-17 Accepted by: HU/KM PB Meeting: 11/7

1. Contact Information:

A. Property Owner/Applicant: Jason Hawkins

Mailing Address: 6355 Mockingbird Lane

Business Phone: 850 207-3447 Cell: _____

Email: tahlia@gmail.com

B. Authorized Agent (if applicable): Wanda French-Hawkins

Mailing Address: 911 Montclair Rd Pensacola, FL 32505

Business Phone: 850 595-6500 Cell: 850 207-3417

Email: tahlia@gmail.com

Note: Owner must complete the attached Agent Affidavit. If there is more than one owner, each owner must complete an Agent Affidavit. Application will be voided if changes to this application are found.

2. Property Information:

A. Existing Street Address: 6355 Mockingbird Lane

Parcel ID (s): 35-18-30-7117-000-000

B. Total acreage of the subject property: 5

C. Existing Zoning: MAR

Proposed Zoning: HDUU

FLU Category: MU-U

D. Is the subject property developed (if yes, explain): Yes, water

Electricity

E. Sanitary Sewer:

Septic:

3. Amendment Request

A. Please provide a general description of the proposed zoning request, explaining why it is necessary and/or appropriate.

We would like to put a manufacturer home on the property, which has been purchased already. There are two trailers down in the whole, not my property, the Arnolds property.

B. Rezoning Approval Conditions – Please address ALL the following approval conditions for your rezoning request. (use supplement sheets as needed)

1. Consistent with Comprehensive Plan. The proposed rezoning is consistent with the goals, objectives, and policies of the Comprehensive Plan and not in conflict with any of its provisions.

The future land use is which include the two homes for Tonett Arnold. The home would fit the code. The goal is to improve my property as well as others that own land there. There are no conflict with the area or those around Mockingbird lane.

2. Consistent with LDC. The proposed rezoning is consistent with the stated purposes and intent of the LDC and not in conflict with any of its provisions.

Yes, and there are no conflict with any of it's provision. This meets the requirement of being 1/4 of a mile of a arterial street. MU-U, does comply

3. **Compatibility.** All land uses, development activities, and conditions allowed by the proposed zoning are compatible with the surrounding conforming uses, activities and conditions and are able to coexist in relative proximity to them in a stable fashion over time such that no use, activity, or condition negatively impacts another. The appropriateness of the rezoning is not limited to any specific use that may be proposed but is evident for all permitted uses of the requested zoning. This condition shall not apply to any conditional uses of the proposed district or compatibility with nonconforming or unapproved uses, activities, or conditions.

The area ~~to~~ surrounding the lot has nothing but trees, bushes, and empty land and trash which people dump there. My Home would not negatively influence any current resident. I can only see an improvement of the land. Ms. Arnold have two homes on her property and she is the only person living on her land which

4. **Changed conditions.** The area to which the proposed rezoning would apply has ^{is 3 feet} changed, or is changing, to such a degree that it is in the public interest to encourage ^{from mine} new uses, density, or intensity in the area through rezoning.

New use on the land would be a great improvement to all of the properties that is in that area.

Putting Affordable homes on the lands would be a improvement. There is nothing there but trees bushes, and on both sides, living on the land can stop people from dumping trash.

5. **Development patterns.** The proposed rezoning would contribute to or result in a logical and orderly development pattern.

The new zoning would allow other land owner in Mockingbird near my land to improve their land by putting a manufacturer home on their land. There is 4 lots without anything on it, most people can't afford to build a 100,000+ Home.

6. **Effect on natural environment.** The proposed rezoning would not increase the probability of any significant adverse impacts on the natural environment.

My land is developed without wetland or nature to be preserved, there is nothing around the area, but trees, bushes, This would be a major improvement to the land. Maybe the dumping of the properties would cease.

4. Please complete the following Forms: Concurrency Determination Acknowledgement and Affidavit of Owner/Limited Power of Attorney (if applicable).

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

Property Reference Number(s): 3519307117000000

Property Address: 6355 Mockingbird Lane

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 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 October DAY OF 10, YEAR OF 17

[Signature]
Signature of Property Owner

Jason Hawkins
Printed Name of Property Owner

10/10/17
Date

Signature of Property Owner

Printed Name of Property Owner

Date

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY
(if applicable)

As owner of the property located at 6355 Mockingbird Lane
Pensacola, Florida, property reference number(s) _____

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

Agent Name: Wanda French-Hawkins Email: tahliha@gmail.com
Address: 911 Montclair Road Pensacola, FL 32505 Phone: 850 207-3417

X Jason Hawkins Jason Hawkins _____
Signature of Property Owner Printed Name of Property Owner Date

Signature of Property Owner Printed Name of Property Owner Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 10 day of October 20 17,
by _____.

Personally Known OR Produced Identification . Type of Identification Produced: FL D.L.

Kayla Renae Meador Kayla Renae Meador
Signature of Notary Printed Name of Notary

(Notary Seal)



5. Submittal Requirements

- A. Completed application: All applicable areas of the application shall be filled in and submitted to the Planning and Zoning Department, 3363 West Park Place, Pensacola, FL 32505.
- B. Application Fees: To view fees visit the website: *-waived per director* <http://myescambia.com/business/ds/planning-board> or contact us at 595-3547

Note: Application fees include a \$5 technical fee. Cost of the public notice mailing is to be borne by the applicant. Payments must be submitted prior to 3 pm of the closing date of acceptance of application. Please make checks payable to Escambia County. MasterCard and Visa are also accepted (a 3% fee will be added for credit card payments).

waived per director

- C. Legal Proof of Ownership (ex: copy of Tax Notice or Warranty Deed) **AND** a Certified Boundary Survey (Include Corporation/LLC documentation if applicable.)
- D. Compatibility Analysis (if applicable): If the subject property does not meet the roadway requirements of Locational Criteria, a compatibility analysis prepared by the applicant is required to provide substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative criteria. (See "Documented Compatibility" within the request zoning district of the LDC.)
- E. Signed and Notarized Affidavit of Owner/Limited Power of Attorney AND Concurrence Determination Acknowledgement (pages 4 and 5).

By my signature, I hereby certify that:

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

X Wanda French-Hankins
Signature of Owner/Agent

X Jason Hankins
Signature of Owner

X Wanda French-Hankins 10-10-17
Printed Name Owner/Agent Date

X JASON HANKINS
Printed Name of Owner Date

STATE OF Florida COUNTY OF Escambia The foregoing instrument was acknowledged before me this 10 day of October 20 17, by _____.

Personally Known OR Produced Identification Type of Identification Produced: FL D.L.

X Kayla Renae Meador
Signature of Notary

Kayla Renae Meador
Printed Name of Notary





Board of County Commissioners • Escambia County, Florida

Jack R. Brown
County Administrator

November 1, 2017

Mr. Jason Hawkins
6355 Mockingbird Lane
Pensacola, Florida 32504

RE: Fee Waiver Request – 6355 Mockingbird Lane, Pensacola, Florida 32504

Dear Mr. Hawkins,

On June 17, 2010, the Board of County Commissioners adopted Resolution R2010-107 that provides for the waiver of certain Planning Board and Board of Adjustment application fees for projects, regardless of size or scale, that will provide affordable housing to low income individuals and families. Under this Resolution, I have the discretion to grant waivers of certain fees if the applicant(s) meet the following qualifications:

- 1) Individuals and families with an annual gross income at or below 30% of the median income for Escambia County; and
- 2) 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.

After reviewing your request for relief dated September 28, 2017, along with the supporting documentation that you provided, it appears that you meet the eligibility criteria based on the 2017 Income Guidelines. I hereby wave the Planning Board and Board of Adjustment application fees listed in Resolution R2010-107, Exhibit "A".

If you have any questions, please call me at (850) 595-4947.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jack R. Brown", is written over a blue line.


Jack R. Brown
County Administrator

c: Horace Jones, Director, Development Services



Board of County Commissioners • Escambia County, Florida

Horace L. Jones, Director
Development Services

TO: Jack R. Brown, County Administrator 

FROM: Horace L. Jones, Director, Development Services

DATE: October 10, 2017

RE: Fee Waiver Request – 6355 Mockingbird Lane, Pensacola, FL 32504

Resolution R2010-107, approved by the Escambia County Board of County Commissioners on June 17, 2010, provides for waiver of 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. Pursuant to this Resolution, and upon written request with supporting documentation required by this Resolution, "the County Administrator shall only grant waivers to the following qualified applicants":

Section 3. Qualified Applicants. a. Individuals and families with an annual gross income at or below 30% of the median income for Escambia County.

On September 28, 2017, Wanda French, agent for Mr. Jason Hawkins, owner, submitted a "Fee Waiver Request Form," to the Development Services Department of Escambia County, for property located at 6355 Mockingbird Lane, Pensacola, FL 32504, for a waiver of the rezoning application fee (\$1, 275.50).

Enclosed for your consideration and sign-off on this request, pursuant to Resolution R2010-107, are the following documents submitted by Wanda French agent for Mr. Jason Hawkins, for the property located at 6355 Mockingbird Lane, Pensacola, Florida 32504:

- Copy of Resolution R2010-107
- Copy of Fee Waiver Request Form (noting a marital status of "married" per the agent)
- Copy of Warranty Deed, dated December 6, 1993, for 6355 Mockingbird Lane
- Copy of State of Florida, Department of Financial Services, Statement of Retirement Benefit Payments, dated 10/30/2015, for net monthly benefits in the amount of \$648.65 (\$7,783.80 annually)
- Copy of Florida Division of Retirement, dated May 19, 2017, for net monthly benefits of \$659.88 (\$7,918.56 annually)

Combined total monthly income submitted of \$15, 702.36

October 10, 2017, Memo RE: Fee Waiver Request – 6355 Mockingbird Lane, Pensacola, FL 32504
Page -2-

- Copy of Escambia/Pensacola Maximum Income Eligibility Limits, 2017 Income Guidelines, with an effective date of April 14, 2017, depicting \$16,240 as 30% of area median income for # of persons in family of two (2)
- Copy of Planning Zoning Fee Schedule, January 2017

6/17/2010/GMR II-1

RESOLUTION R2010-107

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, ESTABLISHING A PROGRAM TO WAIVE CERTAIN PLANNING BOARD AND BOARD OF ADJUSTMENT APPLICATION FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 6, 2007, the Board of County Commissioners adopted Resolution R2007-159, establishing a schedule of fees for certain County services; and

WHEREAS, the Board of County Commissioners has 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;

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

Section 1. Incorporation.

The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Fee Waiver.

Upon request, the County Administrator may grant to qualified applicants a waiver of the fees shown in the attached Exhibit A. Qualified applicants shall submit a written request for a fee waiver to the County Administrator's Office and include with their request the supporting documentations required by this Resolution.

Section 3. Qualified Applicants.

The County Administrator shall only grant waivers to the following qualified applicants:

- a. Individuals and families with an annual gross income at or below 30% of the median income for Escambia County.
- b. 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.

Section 4. Supporting Documentation.

- a. All applicants must submit sufficient evidence of ownership or control of the

Date: 6/21/2010 Verified By: M. Harris

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.

Section 5. Expiration of Approved Fee Waivers.

The fee waiver shall expire after twelve (12) months.

Section 6. Effective Date.

This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

ADOPTED this 17th day of June, 2010.

ESCAMBIA COUNTY BOARD OF
COUNTY COMMISSIONERS,
ESCAMBIA COUNTY, FLORIDA

By: *Grover C. Robinson, IV*
Grover C. Robinson, IV, Chairman

Date Executed

6-21-2010

This document approved as to form
and legal sufficiency.

By: *[Signature]*
Title: Asst. County Attorney
Date: June 2, 2010

ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court

Ernie Lee Magaha
Deputy Clerk

BCC Approved: 6-17-2010
Date





Development Services Bureau
Escambia County, Florida

Fee Schedule

(excerpt from fee schedule Approved September 6, 2007)

Planning Board	Fee
Planning Board: Large Scale Amendment (>10 acres)	\$3,500
Planning Board: Small Scale Amendment (<10 acres)	\$2,500
Planning Board: Request for Interpretation	\$250
Rezoning Request: One parcel	\$1,500
Rezoning Request: Two contiguous parcels (each additional contiguous parcel)	\$2,500 \$100
Board of Adjustment	Fee
BOA Variance	\$500
BOA Conditional Use	\$1,500
BOA Administrative Appeal	\$800
BOA Vested Rights	\$800
BOA Development Order Extension	\$250



BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

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: Jason Hawkins

Please list the address(es) and Property Reference Number(s) for the property(s):
6355 Mockingbird Lane, Pensacola Fl 32504

Please indicate which application fee this request is for and the amount: 2000.00

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.

FOR INTERNAL OFFICE USE ONLY

The applicant is a qualified applicant. YES NO

The applicant provided all required supporting documents. YES NO

Therefore; this fee waiver request for _____
Type of application

is hereby _____ on this _____ day of _____, 20____.

Horace Jones
Development Services Director

Ms. French
(850) 207-3417
Please keep

The original copy
was given to

Gar Pan

on 9-28-17

In order to bring back

In the supporting

documents as needed

to make the determination.

H. J.

9-28-17

Recorded in Public Records 07/01/2005 at 10:12 AM OR Book 5672 Page 1671, Instrument #2005390872, Ernie Lee Magaha Clark of the Circuit Court Escambia County, FL Recording \$10.00

STATE OF FLORIDA
ESCAMBIA COUNTY

WARRANTY DEED

This Instrument was Prepared by:
Jason Hawkins Sr.
6355 Mockingbird Lane
Pensacola, FL Address 32503
Return Instrument to:
Same Name and Address
as Above

KNOW ALL MEN BY THESE PRESENTS:

That LILLIAN HAWKINS for and Address

consideration of Ten and No/100 (\$10.00) DOLLARS and all other Good and Valuable considerations

the receipt whereof is hereby acknowledged, do bargain, sell, convey and grant unto JASON HAWKINS Sr.

his heirs, executors, administrators and assigns, forever, the following described real property, situate, lying and being in the County of Escambia, State of Florida, to-wit:

Begin at the Southeast corner of Section 28, Township 1 South, Range 30 West, thence North along said section line 1702 feet; thence East at right angle 15 feet to the point of beginning; thence North at right angle 330 feet; thence East at right angle 650 feet; thence South at right angle 330 feet; thence West at right angle 650 feet to the point of beginning, lying and being in Section 35, Township 1 South, Range 30 West, all lying and being in the County of Escambia, State of Florida.

Together with all and singular the tenements, hereditaments and appurtenances thereto belong or in anywise appertaining, free from all exemptions and right of homestead.

And I covenant that I am/was well seized of an indefeasible estate in fee simple in the said property, and have a good right to convey the same; that it is free of lien or encumbrance, and that My 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 warrant and defend.

IN WITNESS WHEREOF, I have hereunto set my hand and seal: this 6th day of December, A.D. 19 93

Signed, sealed and delivered in the presence of
Carla R. Mitchem
CARLA R. MITCHEM
IDA C. MITCHEM

Lillian Hawkins
LILLIAN HAWKINS

Before the subscriber personally appeared LILLIAN HAWKINS, known to me to be the individuals described by said names in and who executed the foregoing instrument, and acknowledged that she executed the same for the uses and purposes therein set forth.

STATE OF FLORIDA
ESCAMBIA COUNTY

The foregoing instrument was acknowledged before me this 6th day of December, 19 93 by LILLIAN HAWKINS, who produced FLDL#H25252173891 as identification and who did not take an oath.

Given under my hand and official seal this 6th day of December, 19 93

OFFICIAL NOTARY SEAL
IDA C. MITCHEM
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC180172
MY COMMISSION EXP. MARCH, 1995

IDA C. MITCHEM
Notary Public

STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES

JEFF ATWATER, CHIEF FINANCIAL OFFICER
STATEMENT OF RETIREMENT BENEFIT PAYMENTS

FLAIR ACCOUNT CODE	72-732309001-72750300-00-31103100	OLD	720000	SITE	04	DOCUMENT NUMBER	C6000013182	OBJECT	4212	DATE	10/30/2015	WARRANT NO	1201434
--------------------	-----------------------------------	-----	--------	------	----	-----------------	-------------	--------	------	------	------------	------------	---------

REMITTED BY	DIVISION OF RETIREMENT P.O. BOX 9000 TALLAHASSEE, FLORIDA 32315-9000	PAYEE	JASON HAWKINS PAYEE : JASON HAWKINS MEMBER : JASON HAWKINS MEMBER : XXX-XX-9703	MARITAL STATUS :	M
				ALLOWANCES :	3
				STATED W/H TAX :	
				ADL W/H TAX :	
				W/H TAX :	

SUMMARY OF BENEFITS AND DEDUCTIONS		MISCELLANEOUS DEDUCTIONS	
	THIS PAYMENT	YEAR-TO-DATE	CALENDAR YEAR-TO-DATE
RETIREMENT BENEFIT	\$852.49	\$8,375.92	\$558.90
HEALTH INSURANCE SUB	84.05	840.50	1,356.00
GROSS BENEFITS	936.54	9,216.42	
WITHHOLDING TAX			
MISC DEDUCTIONS	287.89	2,414.90	
NET BENEFITS	\$648.65	\$6,801.52	\$287.89
			\$2,414.90

If you have questions about this statement or your retirement: call toll free 1-844-377-1888 (or local Tallahassee callers 850-907-6500); visit our website rs.MyFlorida.com; write (see above) or email Retirement@dms.myflorida.com

AN ADJUSTMENT WAS MADE TO YOUR TAX FILING STATUS WHICH MAY HAVE RESULTED IN A CHANGE IN YOUR NET BENEFIT.
PLEASE NOTIFY RETIRED PAYROLL BY PHONE OR IN WRITING IF YOUR ADDRESS CHANGES.
INCLUDE YOUR NAME, SS#, TELEPHONE NUMBR & SIGNATURE.

TO REQUEST A FORM FOR DIRECT DEPOSIT, CONTACT THE RETIRED PAYROLL SECTION TOLL FREE AT 844-377-1888 OR FOR LOCAL TALLAHASSEE CALLERS 850-907-6500.

THE DIVISION OF RETIREMENT, DEPARTMENT OF MANAGEMENT SERVICES FURNISHED THE ABOVE INFORMATION.

NET ACHU PAYMENT AND RETIRED PAYROLL FOR YOUR INFORMATION

TRANSACTION REPORT

MAY/19/2017/FRI 02:02 PM

FAX (TX)

#	DATE	START T.	RECEIVER	COM. TIME	PAGE	TYPE/NOTE	FILE
001	MAY/19	02:02PM	718506824375	0:00:27	1	MEMORY OK	SG3 9996

Income Verification
Rev. 07/13
Retired Payroll



FLORIDA DEPARTMENT OF MANAGEMENT SERVICES

retirement

We serve those who serve Florida

Bureau of Benefit Payments
Retired Payroll Section
P.O. Box 9000
Tallahassee, Florida 32315-9000
Tel: 850-907-6500 | Fax: 850-410-2010 | Toll-Free: 844-377-1383

Rick Scott, Governor

Erin Rock, Interim Secretary

May 4, 2017

To Whom It May Concern:

This is to certify that the payee named below is receiving a monthly Florida Retirement System (FRS) pension benefit* from the State of Florida, Division of Retirement in the amount indicated. The payee is eligible for a cost-of-living increase (COLA) added annually to the July FRS pension benefit (excluding the HIS payment) that is paid at the end of July. The payee's COLA percentage is 3%. This is a lifetime pension benefit.

PAYEE NAME:	JASON HAWKINS	
PAYEE SSN:	XXX-XX-9703	
MEMBER NAME:	JASON HAWKINS	
MEMBER SSN:	XXX-XX-9703	
RETIREMENT DATE:	12/2001	
FRS PENSION BENEFIT:	\$	878.06 *
HEALTH INSURANCE SUBSIDY (HIS):	+ \$	84.05
GROSS BENEFIT:	\$	962.11
DEDUCTIONS (EXCL. TAX):	- \$	302.23
FEDERAL WITHHOLDING TAX:	- \$	0.00
TOTAL DEDUCTIONS:	\$	302.23
NET BENEFIT:	\$	659.88

This FRS pension verification letter is an accurate accounting of the above payee's monthly income and deductions at the time of their information request. Please contact the Division of Retirement, Retired Payroll Section at the phone number above for additional information.

Rebecca Day
Benefits Administrator
Retired Payroll Section

ESCAMBIA/PENSACOLA MAXIMUM INCOME ELIGIBILITY LIMITS

2017 INCOME GUIDELINES

(SHIP Effective Date: April 14, 2017)

(HUD CDBG Effective Date: April 14, 2017—up to 80% AMI ONLY)

# PERSONS IN FAMILY	30% OF AREA MEDIAN INCOME (AMI)	50% OF MEDIAN	80% OF MEDIAN	120% OF MEDIAN
1	\$13,050	\$21,700	\$34,750	\$52,080
2	16,240	24,800	39,700	59,520
3	20,420	27,900	44,650	66,960
4	24,600	31,000	49,600	74,400
5	28,780	33,500	53,600	80,400
6	32,960	36,000	57,550	86,400
7	37,140	38,450	61,550	92,280
8	40,950*	40,950	65,500	98,280

**For HUD programs, the definition of extremely low income has been changed to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as established by the Department of Health and Human Services, provided that this amount is not greater than the Section 8 50% very low income limit. Consequently, the extremely low income limits may equal the very low (50%) income limits.*

THE ABOVE LEVELS DENOTE THE MAXIMUM GROSS FAMILY "HOUSEHOLD" INCOME AS RECEIVED FROM ALL PERSONS RESIDING IN THE HOUSEHOLD AND FROM ALL SOURCES PROVIDING INCOME TO THE HOUSEHOLD

1,300.53
12

Planning Zoning Fee Schedule

January 2017

Planning and Zoning: Development Services (Front Counter)	
LU Cert. Comm. Site Renovation	\$90.00
LU Cert. Residential Site Renovation	\$90.00
LU Cert. Comm. Site New Development	\$105.00
LU Cert. Res. Site New Development	\$105.00
LU Cert. - Fences	\$45.00
Site Insp. Alcohol	\$80.00
Off Premise Signs/Billboards	\$90.00
Site Insp. For Non-DRC approved signs	\$80.00
Admin. Variance to Setbacks Comm.	\$80.00
Admin. Variance to Setbacks Resident.	\$80.00
Land Use Letter	\$105.00
Zoning Verification (written)	\$30.00
Lot of Record Research (per hour)	\$30.00
Mult. (3 or more) Requested verifications	\$30.00
Zoning Verification Computer (per hour)	\$15.00
Planning & Zoning: Development Services (DRC Permit Type)	
Site Plan - Major (for ONLY those applications listed below)	\$1,804.00
* Borrow Pit Permit	
* Land Clearing Debris Permit (LCD)	
* Construction & Demolition Debris (C&DD)	
* Recycling Permit for Yard Trash and Asphalt and/or Concrete	
Site Plan - Major	\$2,122.50
Site Plan - Minor	\$852.00
Preliminary Plat	\$852.00
Preliminary Plat/Construction Plan	\$3,352.00
(Inspection Fee \$450 for the first 10 lots and \$50 for each additional lot)	\$450.00 +
Final Plat	\$847.00
Stormwater Management Permit	\$216.75
Land Disturbance Permit	\$216.75
Minor Subdivision (LPU)	\$640.25
PUD	\$3,505.00
Final Re-Inspection	\$200.00
Pipe Video Inspection	150/hr; 3 hr min.
Planning and Zoning: Planning Board (Rezoning South of 9 Mile Rd)	
Rezoning Request	\$1,275.50
Rezoning (Multiple Parcels)	\$2,122.50
(each additional parcel)	\$84.70
Planning and Zoning: Planning Board (Rezoning North of 9 Mile Rd)	
Rezoning Request	\$1,084.00
Rezoning (Multiple Parcels)	\$1,804.00
(each additional parcel)	\$72.00

There will be a 3% surcharge on all credit card payments.

Recorded in Public Records 07/01/2005 at 10:12 AM OR Book 5672 Page 1671, Instrument #2005390872, Ernie Lee Magaha Clark of the Circuit Court Escambia County, FL Recording \$10.00

STATE OF FLORIDA
ESCAMBIA COUNTY

WARRANTY DEED

This Instrument was Prepared by:
Jason Hawkins Sr.
6355 Mockingbird Lane
Pensacola, FL Address 32503
Return Instrument to:
Same Name and Address
as Above

KNOW ALL MEN BY THESE PRESENTS:

That LILLIAN HAWKINS for and Address

consideration of Ten and No/100 (\$10.00) DOLLARS and all other Good and Valuable considerations

the receipt whereof is hereby acknowledged, do bargain, sell, convey and grant unto JASON HAWKINS Sr.

his heirs, executors, administrators and assigns, forever, the following described real property, situate, lying and being in the County of Escambia, State of Florida, to-wit:

Begin at the Southeast corner of Section 28, Township 1 South, Range 30 West, thence North along said section line 1702 feet; thence East at right angle 15 feet to the point of beginning; thence North at right angle 330 feet; thence East at right angle 650 feet; thence South at right angle 330 feet; thence West at right angle 650 feet to the point of beginning, lying and being in Section 35, Township 1 South, Range 30 West, all lying and being in the County of Escambia, State of Florida.

Together with all and singular the tenements, hereditaments and appurtenances thereto belong or in anywise appertaining, free from all exemptions and right of homestead.

And I covenant that I am/well seized of an indefeasible estate in fee simple in the said property, and have a good right to convey the same; that it is free of lien or encumbrance, and that My 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 warrant and defend.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of December, A.D. 19 93.

Signed, sealed and delivered in the presence of

Carla R. Mitchem
CARLA R. MITCHEM
IDA C. MITCHEM

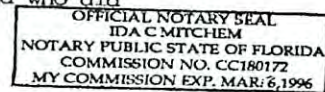
Lillian Hawkins
LILLIAN HAWKINS

Before the subscriber personally appeared LILLIAN HAWKINS, known to me to be the individuals described by said names in and who executed the foregoing instrument, and acknowledged that she executed the same for the uses and purposes therein set forth.

STATE OF FLORIDA
ESCAMBIA COUNTY

The foregoing instrument was acknowledged before me this 6th day of December, 19 93 by LILLIAN HAWKINS, who produced FLDL#H25252173891 as identification and who did not take an oath.

Given under my hand and official seal this 6th day of December, 19 93.



IDA C. MITCHEM
Notary Public



Chris Jones Escambia County Property Appraiser

- Real Estate Search
- Tangible Property Search
- Sale List
- Amendment 1/Portability Calculations

[Back](#)

Navigate Mode
 Account
 Reference
 [Printer Friendly Version](#)

<p>General Information</p> <p>Reference: 351S307117000000 Account: 040492000 Owners: PARKER ROBERT C JR 1/6 INT & PARKER GERALDINE 1/6 INT & PARKER JAMES C EST OF 1/6 INT & PARKER WALTER L 1/6 INT&... Mail: 5650 CAMBRIDGE WAY #7 CULVER CITY, CA 90230 Situs: 6355 MOCKINGBIRD LN 32503 Use Code: VACANT RESIDENTIAL Taxing Authority: COUNTY MSTU Schools (Elem/Int/High): HOLM/WOODHAM/WASHINGTON Tax Inquiry: Open Tax Inquiry Window Tax Inquiry link courtesy of Scott Lunsford Escambia County Tax Collector</p>	<p>Assessments</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Year</th> <th>Land</th> <th>Imprv</th> <th>Total</th> <th>Cap Val</th> </tr> </thead> <tbody> <tr> <td>2017</td> <td>\$25,650</td> <td>\$0</td> <td>\$25,650</td> <td>\$25,650</td> </tr> <tr> <td>2016</td> <td>\$25,650</td> <td>\$0</td> <td>\$25,650</td> <td>\$25,650</td> </tr> <tr> <td>2015</td> <td>\$25,650</td> <td>\$0</td> <td>\$25,650</td> <td>\$25,650</td> </tr> </tbody> </table> <p style="text-align: center;">Disclaimer</p> <p style="text-align: center;">Amendment 1/Portability Calculations</p> <p style="text-align: center;">★ File for New Homestead Exemption Online</p>	Year	Land	Imprv	Total	Cap Val	2017	\$25,650	\$0	\$25,650	\$25,650	2016	\$25,650	\$0	\$25,650	\$25,650	2015	\$25,650	\$0	\$25,650	\$25,650
Year	Land	Imprv	Total	Cap Val																	
2017	\$25,650	\$0	\$25,650	\$25,650																	
2016	\$25,650	\$0	\$25,650	\$25,650																	
2015	\$25,650	\$0	\$25,650	\$25,650																	

<p>Sales Data</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Sale Date</th> <th>Book</th> <th>Page</th> <th>Value</th> <th>Type</th> <th>Official Records (New Window)</th> </tr> </thead> <tbody> <tr> <td>12/1993</td> <td>5672</td> <td>1671</td> <td>\$100</td> <td>WD</td> <td>View Instr</td> </tr> <tr> <td>10/1991</td> <td>3077</td> <td>281</td> <td>\$100</td> <td>WD</td> <td>View Instr</td> </tr> <tr> <td>01/1974</td> <td>849</td> <td>955</td> <td>\$100</td> <td>WD</td> <td>View Instr</td> </tr> </tbody> </table> <p>Official Records Inquiry courtesy of Pam Childers Escambia County Clerk of the Circuit Court and Comptroller</p>	Sale Date	Book	Page	Value	Type	Official Records (New Window)	12/1993	5672	1671	\$100	WD	View Instr	10/1991	3077	281	\$100	WD	View Instr	01/1974	849	955	\$100	WD	View Instr	<p>2017 Certified Roll Exemptions</p> <p>None</p> <p>Legal Description</p> <p>BEG AT SE COR OF SEC 28 N ALG E LI OF SEC 1702 FT E AT RT ANG 15 FT FOR POB N AT RT ANG 330 FT E AT RT ANG 650 FT S...</p> <p>Extra Features</p> <p>None</p>
Sale Date	Book	Page	Value	Type	Official Records (New Window)																				
12/1993	5672	1671	\$100	WD	View Instr																				
10/1991	3077	281	\$100	WD	View Instr																				
01/1974	849	955	\$100	WD	View Instr																				

<p>Parcel Information</p> <p>Section Map Id: 35-1S-30-1</p> <p>Approx. Acreage: 5.0000</p> <p>Zoned: MDR</p> <p>Evacuation & Flood Information Open Report</p>	<p>Launch Interactive Map</p>	
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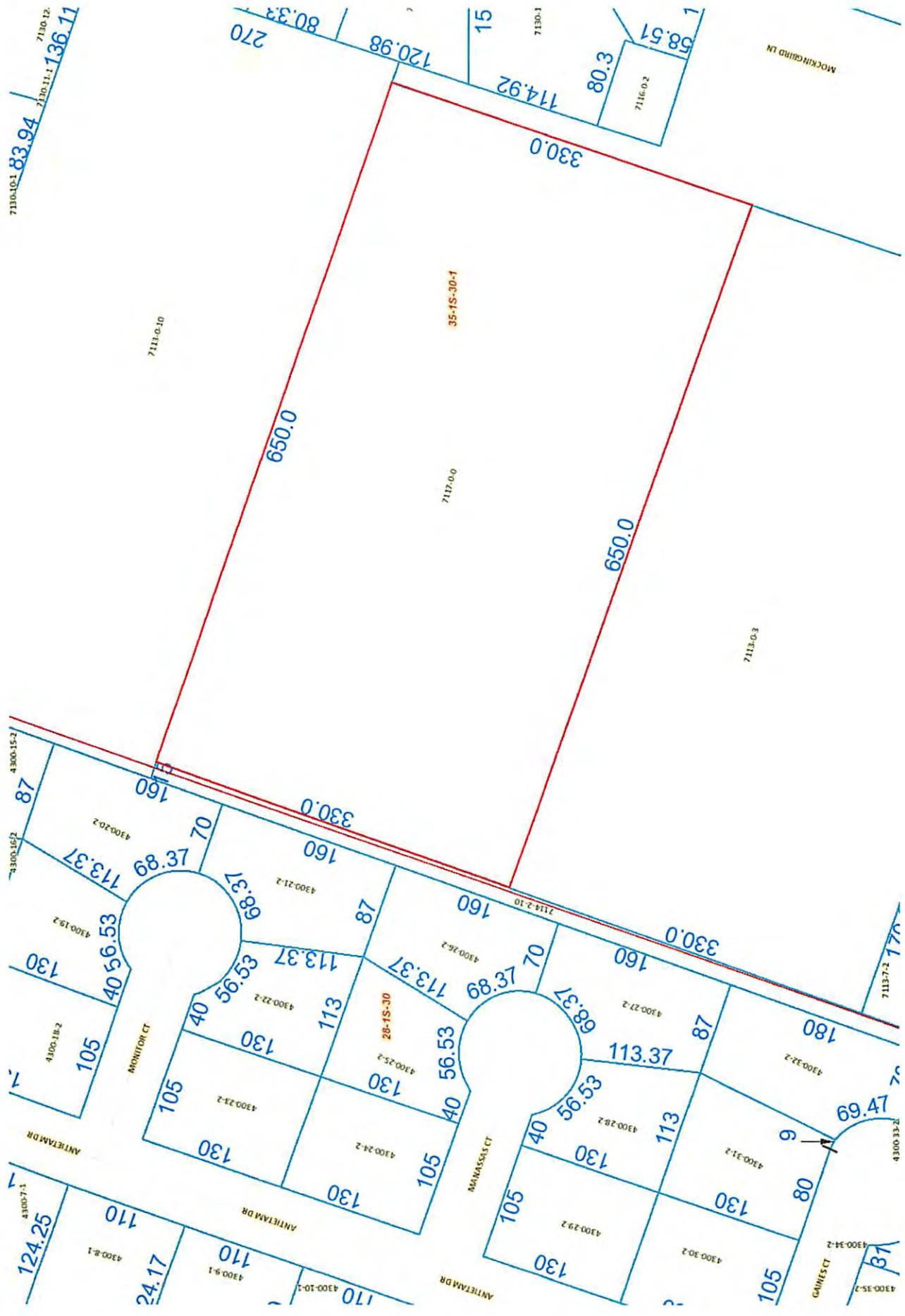
[View Florida Department of Environmental Protection\(DEP\) Data](#)

Buildings

Images
None

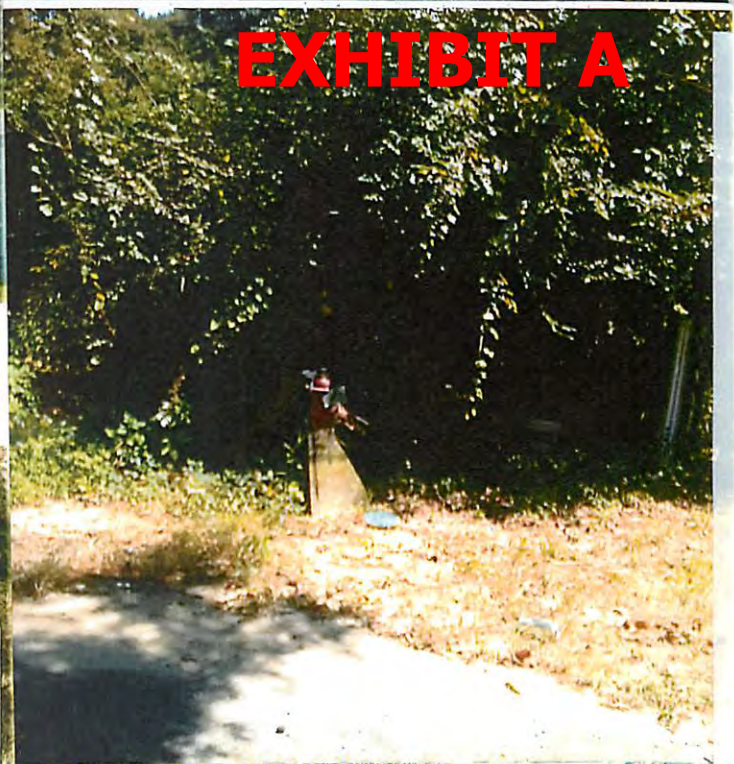
The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

Last Updated: 10/10/2017 (tc.25092)



Escambia County Property Appraiser
351S307117000000 - Full Legal Description

BEG AT SE COR OF SEC 28 N ALG E LI OF SEC 1702 FT E AT RT ANG 15 FT FOR POB N AT RT ANG 330 FT E
AT RT ANG 650 FT S AT RT ANG 330 FT W AT RT ANG 650 FT TO POB OR 849 P 955 OR 3077 P 281 OR 5672 P
1671

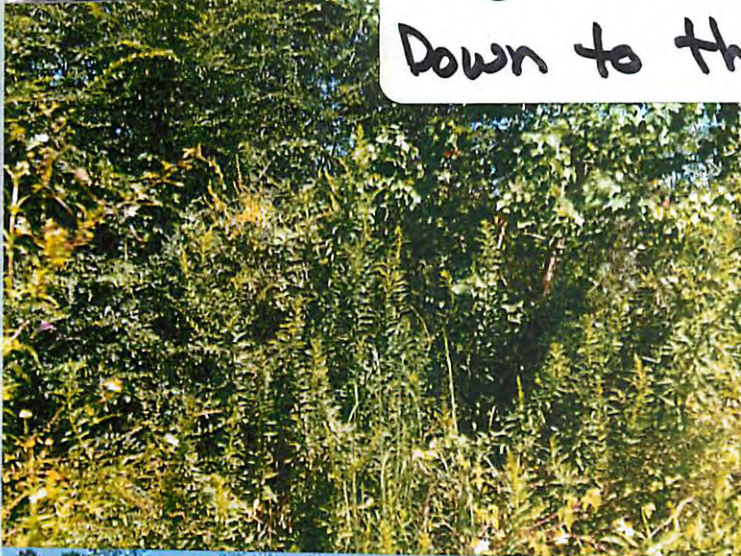


This is the start
towards 6355 Mocking-
Bird lane





Right Hand Side going
Down to the Property





Still the right hand
side leading to the
Property





Right Hand Side going
down on to the land





The Start of the Arnold Property.



Arnold Property



Home on the Arnolds Property 1 of 2 Homes



Second Property of Arnolds.



The Start of the
Hawkins Property ~~_____~~



Dad Had Five loads
of Red Clay put down





There is nothing there but tree's bushes, It will be a great improvement to put a home on his property.



People are dumping
trash on the

land again. Dad was fined 2000.00

for others dumping trash on his land.
Apart from the 2000.00 fine, he also
had to pay for dumpsters several times



This is the end of the land in
the "Hole".

This is the fourth
mobile home on Mockingbird Lane





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

INTEROFFICE MEMORANDUM

**TO: Andrew Holmer, Division Manager
Development Services Department**

**FROM: David Forte, Division Manager
Transportation & Traffic Operations Division**

DATE: October 24, 2017

RE: Transportation & Traffic Operations (TTO) Comments – Z-2017-17

TTO Staff has reviewed the Rezoning Case (Z)-2017-17, 6355 Mockingbird Lane, agenda item for the Planning Board meeting scheduled for November 7, 2017. Please see the below comments.

Currently, there are no Roadway Improvement Projects programmed in the County's Capital Improvement Program within the vicinity of the subject parcel.

TTO Staff understands that the applicant intends to place a manufactured home on the parcel, which the current zoning of MDR prohibits such use. However, TTO Staff has concerns with the proposed rezoning from MDR to HDMU, as HDMU is a rather intense zoning district for a local roadway (Mockingbird Lane).

The increase in dwelling units (10 dwelling units per acre to 25 dwelling units per acre) has the potential to substantially impact the roadway as it is currently designed and functions. The Institute of Traffic Engineers standard is 10 trips per day per single family residence. For example, if the site were to be "built out" to its current density maximum of 50 dwelling units (10 du/acre @ 5 acres), the roadway could experience an approx. increase of 500 trips per day, whereas a full "build out" at 25 du/acre (HDMU), the roadway could experience an approx. increase of 1,250 trips per day. Such an increase in daily traffic could require roadway improvements to accommodate such traffic.

TTO's review is solely based off the application submittal packet, so the comments above hold no bearing on any future TTO comments during the Development Review process.

**cc: Horace Jones, Development Services Department Director
Joy Blackmon, P.E., Public Works Department Director
Colby Brown, P.E., Public Works Department Deputy Director**

ESCAMBIA COUNTY PLANNING BOARD
QUASI-JUDICIAL HEARING

CASE #: Z-2017-17

Applicant: Wanda French-Hawkins, Agent for
Jason Hawkins, Owner
Address: 6355 Mockingbird Lane
Property 4.86 (+/-) acres
Size :

From: MDR, Medium Density Residential district
(10 du/acre)
To: HDMU, High Density Mixed-use district
(25 du/acre)

A quasi-judicial hearing was held in the
above-styled cause before the Escambia County Planning
Board on the 7th day of November 2017, commencing at
approximately 8:30 a.m., at the Escambia County Central
Office Complex, 3363 West Park Place, Room 104,
Governmental Center, Pensacola, Florida, reported by
David A. Deik, CP, CPE, Professional Reporter.

PROCEEDINGS

(Planning Board staff was sworn.)

THE CHAIRMAN: Today there's only one
case, and this is Case Z-2017-17, which is a
request for rezoning from medium-density
residential district to high-density mixed-use.
All right.

So first I'll start now from my left.

Members of the board, have there been any ex
parte communications between you and the
applicant or the applicant's agents, attorneys
or witnesses, with fellow Planning Board members
or anyone from the general public prior to this
hearing? Have you visited the subject property?

Please also disclose if you are a relative
or business associate of the applicant or the
applicant's agents.

MR. OPALENIK: No to all.

MS. HIGHTOWER: No to all.

MR. GRAY: No to all.

THE CHAIRMAN: No to all as well.

MR. FEARS: No to all.

MR. INGWELL: No to all.

MR. CLAY: No to all.

PLANNING BOARD

BOARD MEMBERS PRESENT:

ALAN GRAY JAY INGWELL
At Large District 1

ERIC FEARS

WILLIAM CLAY TIM PYLE, Acting Chair
District 3 District 2

PATTY HIGHTOWER STEPHEN OPALENIK
School Board Navy

PLANNING BOARD STAFF PRESENT:

MEREDITH CRAWFORD, ESQUIRE
Assistant County Attorney

HORACE JONES, DIRECTOR
KAYLA MEADOR
JUAN LEMOS
JON FISHER
ALLYSON CAIN

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THE CHAIRMAN: Please note that doesn't
mean we don't know where the property is, simply
that we didn't visit in this particular case.

Staff, was notice of the hearing sent to
all interested parties?

MS. MEADOR: Yes, sir.

THE CHAIRMAN: Was notice of the hearing
posted on the subject property?

MS. MEADOR: Yes, sir.

THE CHAIRMAN: Staff, if you will now
present maps and photographs for Case Number
Z-2017-17.

MR. JONES: My name is Horace Jones,
Director for Development Services Department.

The findings that were written by Mr.
Caleb -- Mr. Caleb is not here today. As a
matter of fact, he's enjoying his honeymoon, so
. . . But the rezoning case is from MDR to
high-density mixed-use.

As you can see on the screen, you see the
location map. You see the 500-foot zoning
radius map. You see the future land-use
category of mixed-use urban. You see the
existing land-use map. You see the aerial map.
You see the notice of the public hearing sign.

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1 Just to let you know, we do have higher
 2 signs, bigger signs. We did order them. You
 3 see the site maps are coming up now. Direct
 4 access to the site from the heavily wooded area.
 5 Looking north from the site across Mobile
 6 Highway. Looking west on to the site. Looking
 7 west onto the site. Looking north along the
 8 road. Looking north from the site.
 9 Those are the maps and the other
 10 information as presented.
 11 THE CHAIRMAN: All right.
 12 MR. GRAY: Chairman, could we go back one
 13 slide, please?
 14 THE CHAIRMAN: Sure.
 15 MR. GRAY: Could we go back to the
 16 existing, please?
 17 MR. JONES: Mm-hmm.
 18 MR. GRAY: May I ask a question of officer
 19 Jones, please?
 20 MR. JONES: Yes, sir.
 21 MR. GRAY: What appears to be subdivided
 22 land to the south of the vacant parcel, which is
 23 adjacent to this parcel in question, those are
 24 all vacant.
 25 Are they -- Is there -- What access do

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1 those parcels have that are just to the south?
 2 I wish I had a laser.
 3 MR. JONES: As you can -- As we get into
 4 the map, as we get into the presentation, you
 5 are going to see it is going to be a
 6 presentation from the applicant, as well as from
 7 staff to confirm, that access is very, very
 8 constraining and very limited.
 9 You come up Mockingbird, and then it's
 10 access by some type of easement, which is very,
 11 very limited and constrained, so -- And that's
 12 going to be a factor as part of the discussion.
 13 Very, very limited.
 14 MR. GRAY: Okay. Thank you, Mr. Jones,
 15 Mr. Chairman.
 16 MR. JONES: Yes.
 17 THE CHAIRMAN: Sure. So would the
 18 applicant or their representative please come
 19 forward?
 20 MS. FRENCH-HAWKINS: Good morning.
 21 THE CHAIRMAN: Please state your full name
 22 and please be sworn in.
 23 MS. FRENCH-HAWKINS: My full name is Wanda
 24 French-Hawkins.
 25

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1 ---
 2 WANDA FRENCH-HAWKINS, upon being duly
 3 sworn, was examined and testified as follows:
 4 ---
 5 THE CHAIRMAN: All right. Can you give
 6 your name and address? I apologize.
 7 THE WITNESS: Wanda French-Hawkins. And
 8 it's 911 Montclair Road, Pensacola, Florida.
 9 THE COURT: Have you received a copy of
 10 the rezoning hearing package with findings of
 11 fact?
 12 THE WITNESS: Yes.
 13 THE CHAIRMAN: You understand that you
 14 have the burden of providing by substantial and
 15 competent evidence that a proposed rezoning is
 16 consistent with the Comprehensive Plan, furthers
 17 the goals, objectives and policies of the
 18 Comprehensive Plan, and is not in conflict with
 19 any portion of the county's Land Development
 20 Code?
 21 THE WITNESS: Yes.
 22 THE CHAIRMAN: Please proceed.
 23 THE WITNESS: We're -- I'm asking for the
 24 code to be changed for my dad, Mr. Jason
 25 Hawkins, Senior, so that he can put the

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1 manufactured home that he purchased back in
 2 August to be placed on his land.
 3 I do have pictures from the land, a little
 4 more than what Horace showed -- Mr. Jones
 5 showed. I don't have them on there, but I do
 6 have them in my book.
 7 MS. MEADOR: Okay. Are those the ones you
 8 turned in?
 9 THE CHAIRMAN: Yeah. That was --
 10 THE WITNESS: Do you have them?
 11 MS. MEADOR: Yes.
 12 THE CHAIRMAN: That was part of the
 13 package.
 14 THE WITNESS: Okay.
 15 THE CHAIRMAN: Yep. Thank you.
 16 And you have handwritten notes on those?
 17 THE WITNESS: Yes.
 18 THE CHAIRMAN: Does anybody have any
 19 questions?
 20 THE WITNESS: That's the trailer
 21 starting -- going down into -- down into
 22 Mockingbird towards the property.
 23 And I just took pictures showing that
 24 there's nothing there but land; just bushes,
 25 trees.

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1 THE CHAIRMAN: How long has your father
 2 owned the property?
 3 THE WITNESS: They've had it in the family
 4 over 50 years.
 5 THE CHAIRMAN: Really.
 6 THE WITNESS: Mm-hmm.
 7 THE CHAIRMAN: All right.
 8 As you go through this, remember those six
 9 items that I mentioned.
 10 You may want to put those up after we go
 11 through the pictures of the items that -- And
 12 you've gone through it in your package. If you
 13 wouldn't mind going through that and sharing why
 14 we should make the change.
 15 THE WITNESS: Okay.
 16 THE CHAIRMAN: Again, all those -- Up
 17 here, we have to only base it on those criteria.
 18 THE WITNESS: Okay. This is on his
 19 property. That's the only two trailers that's
 20 down in that area. And that belongs to Tonette
 21 Arnold's two trailers.
 22 And as you're making your way away from
 23 her property, it kind of turns into a circle and
 24 it comes out. And then dad's property is to the
 25 left.

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1 MR. INGWELL: On one of the photos, is it
 2 looking north from a site across Mobile Highway?
 3 MR. JONES: Yes. That is going into an
 4 area that was -- that we was going to ask for
 5 the board to grant permission to strike that
 6 out. That Mobile Highway, that's an error,
 7 scrivener's error, yes.
 8 MR. INGWELL: Because it's going to be --
 9 MR. FEARS: Does Mockingbird Lane end at
 10 your parcel, or does it terminate before and
 11 there's an easement to your parcel?
 12 THE WITNESS: The easement is to the
 13 parcel.
 14 MR. JONES: There is an easement to the
 15 parcel. You hit Mockingbird. Then you'll see a
 16 little -- a little concrete section. You go in
 17 that concrete section and go -- The road is with
 18 it, the easement, so it's really -- It really
 19 should be looking from Mockingbird.
 20 MR. FEARS: Mockingbird is county
 21 maintained?
 22 MR. JONES: Yes. Yes. Definitely.
 23 MR. FEARS: But the maintenance terminates
 24 before the property line of Mr. Hawkins.
 25 MR. JONES: Yes. Yes, it does.

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1 And again, as you can see, it's nothing
 2 but bushes, trees, and the garbage that people
 3 throw on there.
 4 MR. GRAY: So that trailer home is not on
 5 your property, your father's property?
 6 THE WITNESS: No. That's the Arnold's
 7 property.
 8 MR. GRAY: Is the Arnold's property north
 9 of south of their [sic] property? And is it
 10 their . . .
 11 THE WITNESS: It's just towards the back
 12 of it. I don't know.
 13 MR. GRAY: But it's adjacent.
 14 THE WITNESS: Mm-hmm.
 15 MR. GRAY: Okay. And how is that
 16 manufactured home on that property? Is it an
 17 existing -- Is it a nonconforming, or . . .
 18 MR. JONES: According to what was told to
 19 me, that is -- that it has been there and is
 20 used as a residence, so it appears to be a legal
 21 nonconforming use because someone is living
 22 there.
 23 But the zoning -- The current zoning did
 24 not allow for it, but it appears to be one of
 25 those legal nonconforming mobile homes.

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1 THE CHAIRMAN: Can I ask Ms. Hawkins to go
 2 through your presentation, hitting those items.
 3 And then we'll come back. And I think we've all
 4 got plenty of good questions. We'll allow Ms.
 5 Hawkins to go through each of those criteria and
 6 address each one.
 7 THE WITNESS: Okay.
 8 THE CHAIRMAN: And follow your
 9 presentation.
 10 THE WITNESS: Okay. Okay. And you're
 11 talking about this; right?
 12 MR. JONES: Yes.
 13 THE WITNESS: Thank you.
 14 MR. JONES: Start with number one.
 15 THE WITNESS: 1-B or the property?
 16 Because you got a couple 1s in here.
 17 MR. JONES: Starting with B, all those.
 18 Starting with B on down.
 19 THE WITNESS: Okay. Okay.
 20 The future land use is -- which is
 21 including the two homes from Tonette Arnold, the
 22 home would fit the code.
 23 The goal is to improve Dad's property as
 24 well as others that own land there. And there
 25 are no conflicts with the area or those areas

1 around Mockingbird Lane.
 2 Do I just keep reading?
 3 THE CHAIRMAN: Yeah, that's --
 4 THE WITNESS: Okay.
 5 THE CHAIRMAN: That's consistent with the
 6 LDC. I mean, I read it. And I get it. I just
 7 kind of want -- Those are the criteria, and I'd
 8 love it if you would feel free to expand on it,
 9 because I'm sure we'll have some questions, and
 10 then they'll go through their case as well after
 11 this.
 12 THE WITNESS: Okay.
 13 THE CHAIRMAN: Go right ahead.
 14 THE WITNESS: Okay.
 15 And yes, there are no conflicts with any
 16 of its provisions.
 17 This meets the requirements of being
 18 one-fourth of a mile of -- I don't know how to
 19 say that -- arterial street. And it does
 20 comply.
 21 The area surrounding the lot has nothing
 22 but trees, bushes and empty land and the trash
 23 which people dump there. And Dad's home would
 24 not negatively influence any current residents.
 25 I can only see an improvement of the land.

1 Ms. Arnold has two trailers -- two homes
 2 on her property, and she's the only person
 3 living on her land, which is about three feet
 4 from Dad's land.
 5 New use on the land would be a great
 6 improvement to all of the properties that is in
 7 that area. And put in affordable homes on the
 8 land would be an improvement. And there is
 9 nothing there but trees, bushes, land, again,
 10 and garbage.
 11 The new zoning would allow other
 12 landowners on Mockingbird near Dad's land to
 13 improve their land by putting a manufactured
 14 home on theirs.
 15 There is four lots without anything on it.
 16 Most people can't afford to build a \$100,000
 17 home to put there.
 18 Dad's land is developed without wetland or
 19 nature or to be preserved. There is nothing
 20 around the area but bushes and trees, and there
 21 would be a major improvement to the land. Maybe
 22 the dumping of the property would cease. Did I
 23 get all six?
 24 THE CHAIRMAN: Very good.
 25 THE WITNESS: Thank you.

1 THE CHAIRMAN: Do you have anything
 2 additional to present to the board?
 3 THE WITNESS: Other than all of my
 4 pictures, and I think --
 5 THE CHAIRMAN: Right.
 6 THE WITNESS: -- they showed all of them.
 7 THE CHAIRMAN: Right. Yes, ma'am.
 8 We'll go ahead, and if you don't mind,
 9 we'll let the staff present their findings.
 10 THE WITNESS: Okay.
 11 THE CHAIRMAN: Probably stick close by.
 12 THE WITNESS: Okay. Thank you.
 13 THE CHAIRMAN: Go ahead, Horace.
 14 MR. JONES: Thank you, Chairman, Planning
 15 Board members.
 16 Criterion A, consistent with the
 17 Comprehensive Plan. Whether the proposed
 18 rezoning is consistent with the goals and
 19 objectives and policies of the Comprehensive
 20 Plan and not in conflict with any of the plan's
 21 provisions.
 22 The findings, as written. The proposed
 23 amendment to HDMU is consistent with intent and
 24 purpose of the future land-use category,
 25 mixed-use suburban, as stated in Comprehensive

1 Plan FLU 1-3.1.
 2 The Comprehensive Plan allows for
 3 residential, retail sales and services,
 4 professional offices, recreational facilities,
 5 public and civic uses, as well as limited
 6 agricultural.
 7 Criterion B, consistent with the Land
 8 Development Code. Whether the proposed
 9 amendment is in conflict with any portion of
 10 this code and is consistent with the stated
 11 purpose and intent of this code.
 12 As you can see from the -- Then we go on
 13 to cite the applicable regulations concerning
 14 the LDC. And I'm going to read the findings for
 15 Criterion B.
 16 They are as follows: The proposed
 17 amendment is not consistent with intent and
 18 purpose of the Land Development Code.
 19 From a strict review of the regulations
 20 stated above, the site does not meet the
 21 following required location criteria. And as
 22 you can see from the maps that are presented
 23 from Ms. French, as well as from the maps that
 24 we have in our backup.
 25 As listed from the -- intersection,

<p style="text-align: right;">Page 17</p> <p>1 proximity traffic generator and site design, 2 additionally, the more intense uses of HDMU, 3 such as apartments, to neighborhood retail 4 sales, retail services and professional offices 5 are not found in the surrounding area of the 6 parcel in question. 7 Please note that any potential uses, 8 including intense residential uses, for example, 9 apartments, appears to be constrained due to the 10 existing site conditions. 11 And again, one of the existing site 12 conditions primarily is access to the site is by 13 a little, small easement. And that is -- that 14 is a factor. 15 The lot size and other regulatory 16 requirements. That would need to be reviewed 17 during the site development review process. See 18 Exhibit A for photos submitted by the applicant. 19 Criterion C, whether all land uses, 20 development activities and conditions allowed by 21 the proposed zoning are compatible with the 22 surrounding conforming uses, activities and 23 conditions, and are able to coexist in a 24 relatively proximity to them in a stable fashion 25 over time, such that known use, activity or</p>	<p style="text-align: right;">Page 18</p> <p>1 condition negatively impacts another. 2 The appropriateness of the rezoning is not 3 limited to any specific use that may be proposed 4 but is evident for all permitted uses of the 5 rezoning request. 6 Findings: The proposed amendment is not 7 compatible with the surrounding existing uses in 8 the area. However, within the 500-foot radius 9 impact area, staff observed properties within 10 the zoning districts MDR and HDMU, as indicated 11 on the zoning map. 12 From a visit to the site, staff observed 13 three mobile homes, one church, single-family 14 residences and vacant residential properties, as 15 indicated on the existing land-use map. 16 The proposed amendment would result in a 17 more intense use of the subject property than 18 the surrounding adjacent properties. 19 Most parcels in the area are single-family 20 residences and are vacant. The allowable 21 commercial uses in the HDM zoning category are 22 incompatible with the current surrounding 23 parcels in the immediate area, but the uses 24 found on the adjacent and contiguous parcels are 25 existing residential uses.</p>
<p style="text-align: right;">Page 19</p> <p>1 What I'm saying is that single-family 2 homes and mobile homes, they are considered 3 residential uses of very, very low intensity. 4 Criterion D, whether the area to which the 5 proposed rezoning would apply as changed or is 6 changing to such degree that it is in the public 7 interest to encourage new uses, density or 8 intensity in the rezoning area through the 9 rezoning. 10 Findings: Staff found no changed 11 conditions that would impact the amendment or 12 property. 13 Criterion E, development patterns. 14 Whether the proposed rezoning would contribute 15 to or result in a logical and orderly 16 development pattern. 17 The proposed amendment would not result in 18 a logical or orderly development pattern. The 19 subject property has HDM zoning to the 20 southeast, yet only residential uses, with the 21 exception of a church on all these parcels. 22 High-density mixed-use, it does bring in that 23 commercial component. 24 The subject property is surrounded by MDR 25 zoned properties. The current development</p>	<p style="text-align: right;">Page 20</p> <p>1 pattern found in the area is residential, 2 whether it be mobile homes or single-family 3 homes. 4 Criterion F, whether the proposed rezoning 5 would increase the probability of any 6 significant adverse impact on the natural 7 environment. 8 According to the National Wetland 9 Inventory, wetlands and hydric soils were not 10 indicated on the subject property. 11 When applicable, further review during the 12 site plan review process would be necessary to 13 determine if there would be any significant 14 adverse impacts on the natural environment. 15 This concludes staff findings of fact. 16 THE CHAIRMAN: Okay. I have a question, 17 Ms. Hawkins. 18 The purpose is, you feel for the change, 19 is to make it available for your father to move 20 a manufactured home on that property; is that 21 correct? 22 THE WITNESS: Correct. 23 THE CHAIRMAN: All right. Mr. Jones? 24 MR. JONES: Yes. 25 THE CHAIRMAN: My question to you -- I</p>

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1 thought I misunderstood you earlier. I guess on
 2 the staff's presentation, really the second page
 3 under the definition of medium-density
 4 residential, MDR, and below that the HDMU, I see
 5 where it says very clearly "residential uses
 6 within the MDR district are limited to
 7 single-family and two-family dwellings."
 8 "The district allows nonresidential uses
 9 that are compatible with suburban or urban
 10 residential neighborhoods."
 11 The definition under the HDMU says
 12 "residential uses within the district include
 13 all forms of single-family, two-family and
 14 multifamily dwellings." So why doesn't it --
 15 Why doesn't the manufactured home meet the MDR?
 16 MR. JONES: Okay. Because medium-density
 17 residential, it is a -- it is a specific zoning
 18 district that does not allow for mobile homes.
 19 THE CHAIRMAN: Okay.
 20 MR. JONES: It does not allow for mobile
 21 homes. So therefore, based upon that, a
 22 rezoning would be needed if someone wanted to
 23 put a mobile home on their particular area.
 24 THE CHAIRMAN: Right. So I guess Mr.
 25 Fears' point, there are three others in the

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1 HDMU is the only zoning category unless you go
 2 higher to commercial and other things, but HDMU
 3 is the only one that would allow for it.
 4 MR. FEARS: Those two aspects seem at the
 5 opposite end of the spectrum of land
 6 development: manufactured homes, commercial.
 7 MR. JONES: We do understand. And
 8 high-density mixed-use does allow for --
 9 High-density mixed-use does allow for commercial
 10 as well as residential, but within our
 11 regulation, we just don't have no other zoning
 12 category that would allow for -- in this area,
 13 that would allow for that.
 14 And HDMU, if you look at the existing on
 15 the -- one of the maps, you see where HDMU is in
 16 the area, but it's not in that specific
 17 location.
 18 Pull up the zoning map, if you don't mind,
 19 Kayla, please.
 20 As you can see, you do see HDMU in that
 21 area -- in that area. We looked at that area.
 22 It does have mobile homes in that particular
 23 area as well. No commercial, but it does have
 24 mobile homes.
 25 MR. GRAY: Well, there's mobile homes in

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1 immediate area, those are in violation of that?
 2 MR. JONES: It appears -- It appears that
 3 they are used as a residence, so therefore, it
 4 appears that from what we looked up in our
 5 records, there appears to be legal nonconforming
 6 uses. They have been there prior to the zoning,
 7 so it just -- it just -- From what we
 8 discovered, that is a legal nonconforming use
 9 because people are living there.
 10 THE CHAIRMAN: Seems somewhat punitive to
 11 me, after the gentleman's been fined for dumping
 12 and having to pay for other people dumping their
 13 garbage.
 14 I'm sorry. I'll go for the staff -- I
 15 mean, the board to ask any questions of the
 16 staff or Ms. Hawkins.
 17 MR. FEARS: So I'll ask the obvious
 18 because to the applicant, HDMU, that doesn't
 19 mean anything. The applicant has a very
 20 specific objective.
 21 And is it -- Is HDMU, with all of its
 22 commercial baggage, the only option for a
 23 manufactured home to be in an area like this?
 24 MR. JONES: Yes. In this area and this
 25 zoning, yes. And that's part of the problem.

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1 MDR as well currently right now.
 2 MR. JONES: Yes.
 3 MR. GRAY: More than one within that
 4 screen capture --
 5 MR. JONES: Yes, sir.
 6 MR. GRAY: -- of the satellite view.
 7 MR. JONES: Yes, sir. Yes, sir.
 8 MR. GRAY: And you think these came in
 9 before the date? When was the code adopted?
 10 '65 '64, something like that?
 11 MS. CRAWFORD: 2015.
 12 MR. JONES: 2015.
 13 MR. GRAY: Okay. The new code.
 14 When did zoning take hold?
 15 MR. JONES: Oh, my. In the -- In the late
 16 1989, very, very late. And then it . . .
 17 MR. GRAY: So I'm looking at mobile homes
 18 that are in the 40-year-old-looking range, and
 19 they predate the code.
 20 MR. JONES: Yes.
 21 MR. GRAY: They could very well be
 22 nonconforming, but they predate the code, so
 23 technically, they're there.
 24 MR. JONES: Yes.
 25 And -- and I don't want to use the word

1 "unfortunately." That's all over the place
2 because we did have zoning so late.

3 They can be replaced within a certain time
4 frame, and so they can -- they can be used as a
5 residence. Within that time frame they can be
6 replaced.

7 THE CHAIRMAN: So I'm sure that Mr.
8 Jones -- you can stay right there -- just
9 explained to you we're -- how the board's in a
10 bit of a conundrum.

11 We are not here to -- whether we like Mr.
12 Hawkins or not. However, what they intend to do
13 with is the potential legal use of the property
14 by definition of the code and zoning change.

15 So that's why we have to stick with those
16 six, the principles that we asked you to
17 address. I'll mention that because -- And now
18 ask for public comment.

19 Members of the public who wish to speak on
20 the matter, please note the Planning Board bases
21 its decisions on the approval conditions and
22 exceptions described in Section 2-7.2 of the
23 Escambia County Land Development Code.

24 During its deliberations, the Planning
25 Board will not consider general statements of

1 support or opposition.

2 Accordingly, please limit your testimony
3 to the approval conditions and exceptions
4 described in Section 2-7.2.

5 Please also note that only those
6 individuals who are present and give testimony
7 on the record at this hearing before the
8 Planning Board will be allowed to speak at the
9 subsequent hearing before the BCC.

10 That being said, I have some names of
11 folks who wish to speak on the matter.

12 And first I have Ms. Deja McCullough. Is
13 that correct?

14 MS. McCULLOUGH: Yes.

15 THE CHAIRMAN: You will please state your
16 name and your address and be sworn in.

17 MS. McCULLOUGH: Deja McCullough, 4054
18 Glenway Drive, Pensacola 32526.

19 ---

20 DEJA McCULLOUGH, upon being duly sworn,
21 was examined and testified as follows:

22 ---

23 THE CHAIRMAN: Apologies. It won't be the
24 last name I probably mess up today.

25 But you also have a timer for all those

1 who speak, approximately three minutes, but go
2 right ahead.

3 THE WITNESS: I just had a question. I'm
4 just here to support my grandfather and my mom.
5 But my question was -- Can you go back to the
6 other screen where he was speaking about the
7 findings?

8 Says, "Within the MDR district are limited
9 to single-family and two-family dwellings."

10 And I mean, you guys can correct me if I'm
11 wrong, but a dwelling is a home. It's just a
12 place where you -- a place where you just
13 reside, but what is -- Does that not -- Like,
14 how is the mobile home separate from that? What
15 is -- What makes the mobile home so significant
16 that it's not considered a dwelling?

17 THE CHAIRMAN: Mr. Jones, would you like
18 to respond to that?

19 MR. JONES: That's a very, very good
20 question.

21 And I'll tell you right now, that -- that
22 question has always been an issue with the issue
23 of planning. There is a perception when it
24 comes to mobile home homes.

25 THE CHAIRMAN: Does the code specifically

1 define it?

2 MR. JONES: Yes. Yes, it does. It's
3 definitely defined. It's definitely defined
4 under the code.

5 Prior to the -- Prior to an old land
6 development code, the area was R-1. R-1 did not
7 allow for mobile homes as well, so there's a
8 perception that sometimes -- that people do not
9 like the mobile homes in their area. That's
10 the --

11 MS. CRAWFORD: And there's a difference
12 from -- Meredith Major Crawford -- between a
13 mobile home and a manufactured home.

14 If it's on a chassis, I guess on wheels
15 versus being a manufactured home in the code
16 versus -- You know, always up to the board to
17 amend the code or to find different findings
18 from what the staff presented. That's well
19 within your purview.

20 MR. JONES: And let me add to that. Yes,
21 there is a difference between a manufactured
22 home, a mobile home and a modular home.

23 Now, this is the thing -- this is the
24 thing: A manufactured home -- In our current
25 Land Development Code, a manufactured home and a

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1 mobile home is considered the same thing.
 2 One is just a little bit more expensive,
 3 but as far as when it comes to -- it is still
 4 the state law still recognizes them as a mobile
 5 home. It's just better quality, bigger, more
 6 expensive in today's market.
 7 Now, a modular home, which is a site-built
 8 home, that can go in any zoning category, if
 9 plans are brought in, but a manufactured home is
 10 still on a chassis. It's still considered a
 11 mobile home under the state law.
 12 And that's why -- and that's why our Land
 13 Development Code -- There are certain
 14 definitions, but it's still considered --
 15 manufactured home is still considered a mobile
 16 home, and it's still not allowed in certain
 17 zoning categories in Escambia County.
 18 THE CHAIRMAN: So a different code applies
 19 as a result of that.
 20 So tie-downs, for instance, have to
 21 conform. Like a single-family home has
 22 different applications for wind. All that are
 23 applied differently, if I'm not mistaken.
 24 MR. JONES: Yes.
 25 THE CHAIRMAN: Very good question.

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1 the code; and again, also to either adopt
 2 staff's findings or find differently.
 3 MR. GRAY: But the discussion today is
 4 about allowing the mobile home to change to
 5 high-density use.
 6 MR. JONES: And this is the thing, now.
 7 For the record, now, they did -- they did say
 8 they have purchased a manufactured home.
 9 But it's still -- In our regulations, it's
 10 still considered a mobile home. So that's the
 11 difference. Our regulations still consider it a
 12 mobile home. But they have purchased -- They
 13 said they purchased a manufactured home, which
 14 is --
 15 THE WITNESS: So can I build a home on the
 16 property?
 17 MR. JONES: A single-family home can
 18 definitely be allowed in a medium-density
 19 residential district.
 20 THE WITNESS: Well, the mobile home is a
 21 single-family home.
 22 MR. JONES: We understand that.
 23 THE WITNESS: I'm just asking a question.
 24 MR. JONES: We understand.
 25 THE WITNESS: I just wanted clarity on it

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1 MR. JONES: And again, that's our code
 2 and the state law still consider -- They are
 3 still the two. One is just a little bit more
 4 expensive -- expensive than a regular, what we
 5 want to call mobile home.
 6 THE CHAIRMAN: So a manufactured home on
 7 chassis, as you said?
 8 MR. JONES: Both of them -- both of them
 9 can be.
 10 THE CHAIRMAN: And are able to be moved.
 11 MR. JONES: Yes.
 12 THE CHAIRMAN: Okay.
 13 MS. CRAWFORD: And just to be clear, based
 14 on what Mr. Jones said, as a follow-up, it's not
 15 a matter of what is more expensive or less
 16 expensive. I just want to make that clear.
 17 It's not something that's less expensive that's
 18 not allowed.
 19 It's based on the construction and type of
 20 structure. And again, it's within the purview
 21 of this board to recommend changes to the Board
 22 of County Commissioners --
 23 MR. JONES: Definitely.
 24 MS. CRAWFORD: -- if you see something
 25 that, you know, you feel inappropriate within

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1 because, I mean, it just doesn't -- it doesn't
 2 make any sense. I can build a home on it, but I
 3 can't purchase a mobile home to place on the
 4 land. Even on the -- Is that the code that I
 5 was looking at with that number that was there?
 6 That's what that is?
 7 MR. JONES: Yes.
 8 THE WITNESS: Because it doesn't -- it
 9 doesn't go on to specifics. I had to ask the
 10 question for it to be specified and broken down
 11 into what the difference is between a home and a
 12 manufactured home.
 13 But it says "dwelling." If you look at
 14 the definition of a dwelling, it says "a home."
 15 MR. JONES: We do understand.
 16 We understand the debate. That's the
 17 issue of the Planning Board wants to bring this
 18 up, and --
 19 THE CHAIRMAN: -- the definition.
 20 MR. JONES: This is the definition.
 21 MDR -- MDR.
 22 THE WITNESS: Is it on the screen, or do I
 23 need to come over?
 24 MR. JONES: Put up -- put up -- Go to the
 25 zoning district for MDR, the definition. The

1 zoning district for MDR. Okay? The zoning
 2 districts.
 3 And again, we do understand this. And I
 4 know that Mr. Alan Gray here -- He had heard
 5 this many times. We do understand.
 6 The permitted uses in MDR. This is what
 7 we look at.
 8 THE WITNESS: Mm-hmm.
 9 MR. JONES: Okay.
 10 Could you highlight that for me? That
 11 would be perfect.
 12 These are the permitted uses. If you look
 13 at 37-2.7b1a. Permitted uses within the MDR
 14 zoning districts.
 15 Number one, it says, (reading) "A
 16 manufactured, mobile home only within a
 17 manufactured home parks or subdivision." And
 18 this is not.
 19 No new or single-family -- "No new or
 20 expanded manufactured home parks, and no new or
 21 expanded manufactured subdivisions. Only on
 22 land zoned V-4." And this was -- This had an
 23 old R-1 zoning prior to the adoption of the
 24 single-family.
 25 Then you go to B. Can you highlight B for

1 me as well, Kayla, so we could . . . Now we're
 2 going to the permitted uses.
 3 "Single-family dwellings other than
 4 manufactured homes, detached only on one per
 5 lot."
 6 So the zoning just excludes manufactured
 7 homes, so that's why -- that is why we have to
 8 go -- That's why the code requires if someone
 9 put a different use, they must petition the
 10 board for -- to apply for a rezoning.
 11 They make a recommendation. Then it must
 12 be approved -- final approval that comes before
 13 the Board of County Commissioners.
 14 So we have to go by the applicable law
 15 that we have at this time.
 16 Your discussion -- Your rationale, it has
 17 some merit. But at this point, we're just
 18 dealing with the law that we have in place right
 19 now.
 20 THE WITNESS: So what was it before 2015?
 21 MR. JONES: 2015. It was all one zoning.
 22 THE WITNESS: All one zoning.
 23 MR. JONES: All one --
 24 THE WITNESS: So before 2015, I would have
 25 been able to place a mobile home on there --

1 MR. JONES: No, ma'am.
 2 THE WITNESS: -- or no?
 3 MR. JONES: No, ma'am.
 4 THE WITNESS: Okay. Was there ever a time
 5 I would have been able to place a mobile home
 6 there?
 7 THE WITNESS: Not since the zoning of R-1
 8 zoning. And that -- and that was -- R-1 was the
 9 original zoning.
 10 And like I said, zoning came in place like
 11 in 1989. That was the original zoning, was R-1,
 12 which was single family.
 13 THE CHAIRMAN: So Horace, if the applicant
 14 were to come here and have a larger property in
 15 this area, want to put a manufactured home park,
 16 they would have to, in essence, do the same --
 17 MR. JONES: Yes.
 18 THE CHAIRMAN: -- same zoning change;
 19 correct?
 20 MR. JONES: Yes. Yes. Definitely. A
 21 manufactured home park is lot more extensive and
 22 deals with roofs and everything.
 23 THE CHAIRMAN: Roads and everything.
 24 MR. JONES: So that would be more than
 25 just a normal permitting process that my front

1 counter people handle. Site plan requires a
 2 complete process. Yes.
 3 THE WITNESS: So what difference -- or
 4 what could we do differently in order to qualify
 5 the mobile home to be able to be on the
 6 property?
 7 MR. JONES: This is what we're trying to
 8 do right now.
 9 The request that Ms. French made is what
 10 she's petitioned the Planning Board to do right
 11 now, to petition for a rezoning to a zoning
 12 district that would allow for mobile homes or
 13 manufactured homes.
 14 THE WITNESS: So we just basically get it
 15 to qualify to be on that land, then, is what
 16 you're saying?
 17 THE CHAIRMAN: That's what we're here
 18 today doing.
 19 THE WITNESS: Okay.
 20 THE CHAIRMAN: The zoning change.
 21 THE WITNESS: Yes. Okay.
 22 THE CHAIRMAN: If there's anything else,
 23 we'll go on to -- Unless you want to say
 24 anything else.
 25 THE WITNESS: No. That was only my

1 question.
 2 THE CHAIRMAN: That's very good.
 3 THE WITNESS: Thank you.
 4 MR. GRAY: Thank you.
 5 THECHAIRMAN: The next speaker I have is
 6 David King.
 7 Mr. King, if you'll give us your name and
 8 address and be sworn in.
 9 MR. KING: David King, 6384 Manassas
 10 Court, Pensacola.
 11 - - -
 12 DAVID KING, upon being duly sworn, was
 13 examined and testified as follows:
 14 - - -
 15 THE WITNESS: Okay. Give me just a
 16 moment.
 17 According to the Escambia County Land
 18 Development Code, in a couple of items I'd like
 19 to touch on.
 20 The spot zoning is -- is -- is defined as
 21 "Zoning applied to an area of land regardless of
 22 sizes that's different from all zoning of
 23 contiguous land.
 24 "Such isolated or spot zoning is usually
 25 higher in density and intensity and use of the

1 adjoining zoning and may, therefore, extend
 2 privileges not extended -- generally extended to
 3 property similarly located in the area.
 4 "Spot zoning is not by itself prohibited,
 5 but due to potential adverse impacts on
 6 adjoining zoning, it carries a higher burden of
 7 demonstration that, if authorized, will
 8 contribute to or result in logical orderly
 9 development."
 10 As Mr. Jones has stated, there is not any
 11 changes that he sees that's -- that is -- that
 12 has been occurring, so there's not something
 13 where there will be a future land-use change
 14 within that area.
 15 The purpose for future land use would be
 16 to help develop rural area, provide -- and
 17 provide protection for both the landowners and
 18 also give benefits to the -- to a -- commercial
 19 entities.
 20 So I don't see that this is -- this is
 21 relevant. And I mean, this is relevant, but
 22 what they're asking is not in accordance with
 23 that.
 24 Second thing is: I don't believe that
 25 there was . . . There was supposed to be done a

1 documented compatibility analysis prepared by
 2 the applicant. Has that been accomplished? In
 3 accordance with the LDC?
 4 MR. JONES: That has not been submitted,
 5 but with her -- with her pictures and with the
 6 findings, what the staff observed, but that has
 7 not been submitted by her.
 8 THE WITNESS: Okay. So my question is:
 9 You have received the application -- a complete
 10 application from this --
 11 MR. JONES: Yes.
 12 THE WITNESS: All right. Has the burden
 13 of proof been done that this is actually the
 14 owner of the land? Is this actually the owner
 15 of the land?
 16 MR. JONES: Basically, what the deeds that
 17 they submitted, the one today, that Mr. Jason
 18 Hawkins is the owner, according to what is --
 19 according to the records of the county.
 20 THE WITNESS: If I may approach.
 21 THE CHAIRMAN: Hand it to Ms. Crawford.
 22 THE WITNESS: According to Escambia County
 23 Tax Collector's Office, as of two o'clock this
 24 morning, they're not listed as the owner of
 25 record of this piece of property. Who does it

1 say?
 2 MS. CRAWFORD: It appears to be a printout
 3 from the Property Appraisers' Web site.
 4 MR. JONES: And if I -- and if I may, and
 5 Ms. Wanda or Mr. Hawkins is present.
 6 According to what was told to me -- That's
 7 why I had the same question. That's why we
 8 asked them to furnish us a copy of the warranty
 9 deed that has been recorded with the Clerk of
 10 Court's office.
 11 And from the warranty deed -- Now, whether
 12 or not -- The other facts, they may have updated
 13 their records, but according to the warranty
 14 deed -- And Ms. French said that Mr. Hawkins is
 15 the primary owner of this specific land,
 16 according to the deeds that have been submitted
 17 to us.
 18 And Mr. Hawkins -- And I think he told me
 19 that people have died, and things like that. So
 20 that's -- that's something that he would have to
 21 address before the board.
 22 THE WITNESS: All right. So Mr. Jones,
 23 the property that's adjacent to this property,
 24 which is 7113-0-3, which is the one just south
 25 where the . . . If I can bring up the map.

1 MR. JONES: Yes.
 2 THE WITNESS: Which is just south of the
 3 property that we're talking right now . . . It's
 4 this one here. That's where the right-of-way
 5 stops and an easement begins. There is no --
 6 There is no sewage, water or electricity or
 7 roadway going into this property, so that would
 8 have to be built and put on the -- on the
 9 county's cost, which I don't believe is within
 10 the Comprehensive Plan, 2013 preview.
 11 It does say that the Comprehensive Plan
 12 states --
 13 THE CHAIRMAN: We've kind of run out of
 14 your time here. We do need to --
 15 THE WITNESS: I think that I made my
 16 point, that --
 17 THE CHAIRMAN: We need to look at this, I
 18 believe, Ms. Crawford.
 19 THE WITNESS: All right. Thank you.
 20 THE CHAIRMAN: The ownership is a big
 21 deal. I'm going to go on to the next speaker.
 22 Ms. Sonya King, if you'll please come
 23 forward, state your name and address and be
 24 sworn in.
 25 MS. KING: Hi. Sonya King. 6384 Manassas

1 Court.
 2 ---
 3 SONYA KING, upon being duly sworn, was
 4 examined and testified as follows:
 5 ---
 6 THE WITNESS: So I have a question first.
 7 Is it something that's -- a little bit confusing
 8 to me. So if this gets zoned -- changed to
 9 HDMU, it looks to me like if that change was
 10 made, this is a question, even though I just
 11 made a statement.
 12 MR. JONES: That's all right.
 13 THE WITNESS: It looks like it says
 14 "mixed-use." So 25 DU/8 an acre, so if that --
 15 if it was changed to high-density --
 16 MR. JONES: Yes, ma'am.
 17 THE WITNESS: -- does that mean, then,
 18 that because it was changed, something different
 19 could be done there?
 20 MR. JONES: Based upon -- Based upon -- If
 21 this is approved by the BCC and recommended by
 22 the Planning Board, high-density mixed-uses,
 23 those uses could have the potential of the
 24 zoning does allow for those uses, definitely.
 25 THE WITNESS: Okay.

1 MR. JONES: To answer your question, yes.
 2 THE WITNESS: Okay. Thank you. That's
 3 what I thought that it meant, but I wasn't sure.
 4 That being a potential, changing the
 5 zoning laws, this doesn't just affect the
 6 families that are on Mockingbird Lane.
 7 So when you were told that the only thing
 8 next to this property is trees and bushes and
 9 trash, that's not true.
 10 If you look at this map right here, to the
 11 right side -- Could you take the clock off there
 12 real quick?
 13 MR. JONES: Okay. Yes. Just move it.
 14 THE WITNESS: Okay. Okay.
 15 Do you see the road to the left there
 16 that's within the circle, within the red circle?
 17 Okay. That's a subdivision right there.
 18 MR. JONES: Definitely.
 19 THE WITNESS: All of these properties,
 20 including ours there on Manassas Court, they
 21 butt up against that property there.
 22 So when she's saying that there's just
 23 nothing there, that's not the case because an
 24 awful lot of properties come up along that back
 25 side, and we will be affected. It's going to

1 affect property values.
 2 And what really, really concerns me is --
 3 is not somebody wanting to put a single-home
 4 here, but what concerns me, if this is granted
 5 and this is changed, then there is the potential
 6 for somebody to put apartments there, for
 7 somebody to put something that doesn't fit
 8 within this community.
 9 This is a single residential community.
 10 And again, not just on Mockingbird Lane. It's
 11 for that whole subdivision that butts up right
 12 next to it.
 13 Okay. That's all I have. Thank you.
 14 THE CHAIRMAN: Thank you.
 15 Ms. Barbara Wertz.
 16 State your name and address and be sworn
 17 in, ma'am.
 18 MS. WERTZ: Barbara Wertz, 6366 Antietam
 19 Drive, Pensacola, Florida 32503.
 20 ---
 21 BARBARA WERTZ, upon being duly sworn, was
 22 examined and testified as follows:
 23 ---
 24 THE WITNESS: My concern is the same as
 25 Ms. King's. And I'll agree. I mean, it's not

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1 the fact of a single dwelling like a trailer to
 2 go on that property. That's not the concern.
 3 The concern is with this -- what this
 4 high-density usage is that ten years from now,
 5 even -- I mean, who's to say you can't put a
 6 convenience store there? I mean, that's opening
 7 the realms for anybody to do anything. And from
 8 what I heard you say --
 9 MR. JONES: Yes, ma'am.
 10 THE WITNESS: -- there's a lot of things
 11 that does not comply with that high-density use.
 12 If the board could find a way where they could
 13 put a single dwelling place there, that would be
 14 fine with us.
 15 But, you know, I mean, it doesn't just
 16 affect people on Mockingbird and that area. It
 17 affects all those surrounding houses that
 18 live -- that butts up against there, too.
 19 And, you know, that's the whole concern of
 20 the majority of the neighbors. A lot of people
 21 couldn't come because naturally they're working.
 22 We have several people who are retired and
 23 that's -- are retired. You know, a lot of us
 24 are. And, you know, you don't really want to
 25 change your single-dwelling place of living to a

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1 conditional rezoning where, based on the use
 2 proposed or some other, you know, process, that,
 3 fine, we'll give you what you need to have, that
 4 use there, but only for that use.
 5 And that gets very complicated. There are
 6 jurisdictions that do that. I know it's been
 7 tossed around. I don't know if that's something
 8 you want to contemplate that could affect this
 9 case.
 10 But as far as ownership goes, you know,
 11 that may be something that you want to confirm.
 12 Again, based on the application, which is, you
 13 know, sworn to by the applicant, this shows that
 14 they have the ownership rights.
 15 THE WITNESS: You know, going through DRC,
 16 if it turns out they don't, they may very well
 17 be denied permits.
 18 A lot of the easement and access
 19 questions, again, those are DRC questions, but
 20 it is accurate that if it's changed -- any of
 21 the uses allowed in HDMU, which is a mixed-use,
 22 so it's not strictly residential, could
 23 potentially go into that area. But again, DRC
 24 may prohibit that, based on location to, you
 25 know, cluster -- or arterial roads, and, you

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1 now becoming a commercial use, too. So that's
 2 really all I have to say.
 3 THE CHAIRMAN: Thank you, ma'am.
 4 THE WITNESS: Thank you.
 5 THE CHAIRMAN: I have a question before we
 6 go to the next -- We have two speakers.
 7 I'm a little perplexed. I mean, you know,
 8 what are we talking about? Whether the
 9 ownership rights are valid or not. That,
 10 obviously, seems to be a bit critical to the
 11 discussion.
 12 MS. CRAWFORD: I do believe that's
 13 something that probably we want to establish.
 14 And I'm not trying to recommend that this be
 15 continued. I realize it's important to
 16 everyone.
 17 We do, in fact, have a warranty deed
 18 showing ownership by the Hawkins, I believe is
 19 the last name. You're correct. The Property
 20 Appraiser, I believe, shows Parker or something
 21 else. So that would need to be cleared up.
 22 The one other thing I would state: Based
 23 on the conversation -- and it's one the board's
 24 had before -- is as to whether or not there's an
 25 interest in introducing some sort of a

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1 know, intersections.
 2 THE CHAIRMAN: So let me ask you this:
 3 Are we able to continue discussion and a
 4 possible vote on this matter if we are unsure of
 5 the ownership of the property?
 6 MR. JONES: I think that Mr. Hawkins is
 7 here. Maybe Ms. French. She's here.
 8 THE CHAIRMAN: I'll allow -- I mean, I
 9 want to have the last two speakers speak, but I
 10 just question -- something to think about before
 11 we actually speak on something or make a public
 12 record, a vote on something, that may or may not
 13 be valid at all.
 14 So Mr. Hawkins, while you're up, you can
 15 come on over. We'll let you talk, Mr. Hawkins.
 16 If you'll please come forward, state your name
 17 and address, and be sworn in.
 18 MR. HAWKINS: My address, 8611 Sonneborn
 19 Lane, 32514. Jason Hawkins.
 20 - - -
 21 JASON HAWKINS, upon being duly sworn, was
 22 examined and testified as follows:
 23 - - -
 24 MS. FRENCH-HAWKINS: They need to
 25 understand how the land -- Because they think

1 the land is not yours, so we need you to explain
 2 where the Parkers come from.
 3 THE WITNESS: Okay. I married in the --
 4 Parker family. I was 15 years old. And I
 5 married the Parker family -- into the Parkers.
 6 I married the daughter, and that's how I come
 7 into it. He gave it to my daughter. And then
 8 he said -- And then my wife issued out to my
 9 daughter, and then my daughter issued out to me,
 10 so it was -- It's three of us -- Excuse me.
 11 It's three of us in there that's . . . And
 12 that's definitely from Parker and Jason Hawkins.
 13 The rest of them is deceased.
 14 THE CHAIRMAN: Thank you very much, sir.
 15 Brings in relevance or conveyance
 16 discussion, I believe.
 17 All right. Do y'all have any questions
 18 for Mr. Hawkins?
 19 (No response.)
 20 THE CHAIRMAN: Thank you, sir.
 21 And the last speaker on this is Mr. Larry
 22 Downs, Jr. Will you please come forward and
 23 state your name and address and be sworn in,
 24 sir.
 25 MR. DOWNS: Hello. My name is Larry

1 Downs, Jr., 12156 Halfburg Drive, Pensacola,
 2 Florida.
 3 ---
 4 LARRY DOWNS, JR., upon being duly sworn,
 5 was examined and testified as follows:
 6 ---
 7 THE WITNESS: Hello. Good morning.
 8 THE CHAIRMAN: Good morning.
 9 THE WITNESS: Real quick. Of course, if a
 10 title is found to be in this family's name, as
 11 just a citizen that's interested in freedom and
 12 property rights, I would like to urge y'all to
 13 move this forward and grant them a conditional
 14 use.
 15 You can do that right here today, based
 16 on -- You don't -- Even though your -- It can be
 17 a condition for this -- for this dwelling, for
 18 this -- You know what I mean. This is a
 19 dwelling for someone to live in.
 20 It's easy. Put a conditional use on it.
 21 Send it to the County Commissioners. Let them
 22 decide.
 23 As far as ownership, that can be a
 24 condition of it as well. So as soon as
 25 ownership is established, then it can move on.

1 But the conundrum that y'all are in today is
 2 from all of these over regulations. That's --
 3 They overlap each other.
 4 And in order to protect one person's
 5 property rights, you have to first take from
 6 another, their use of their property. That's
 7 wrong.
 8 There's several Supreme Court cases that
 9 say that y'all don't have the right to do that.
 10 And if somebody had some money in here, they
 11 could -- they could take this before the Supreme
 12 Court, just like my hero, Larry Flint, did for
 13 the First Amendment.
 14 Anyways, property. The foundation of all
 15 rights. It is no accident that a nation
 16 conceived in liberty and dedicated to justice
 17 for all protects property rights. Property
 18 rights is the foundation of every right we have,
 19 including the right to be free.
 20 Now, we got a storage container issue
 21 coming up. We've never had a criteria to meet
 22 storage containers. And this is very similar.
 23 These people want to use their property.
 24 And some elites somewhere are saying, "We don't
 25 want mobile homes. We don't want whatever."

1 That's not y'all's right. It's their
 2 property. Let them enjoy their property.
 3 They're peaceful. It's a dwelling.
 4 They're not asking to put a high-rise
 5 condo there. Give them a conditional use. I
 6 got 41 seconds. Oh, good. All right.
 7 Let me slow down. All right. Y'all are
 8 in charge of voting for our Constitutional
 9 rights. You must first uphold our Constitution
 10 before any ordinance or any government over
 11 regulation.
 12 You have to first ask yourself: Is this
 13 Constitutional? Is this hurting somebody?
 14 Because y'all are to do no harm to people and
 15 their property rights.
 16 And anything can be under the public guise
 17 of safety, but people have motor homes in their
 18 yard. They have boats in their yard. And
 19 unless there's some sort of neighborhood
 20 covenants that people agreed to, y'all shouldn't
 21 be denying them the rights to use their
 22 property.
 23 THE CHAIRMAN: Thank you, sir, very much.
 24 THE WITNESS: Thank you.
 25 THE CHAIRMAN: So. Well, first and

1 foremost my concern is, I agree as far as the
 2 people with the -- The owners have every right
 3 to do what they want. That's our conundrum.
 4 It's based on rules that we are bound to
 5 discern. We're trying to make some common sense
 6 take place here.
 7 And one person's rights are no more valid
 8 than the person living next door to them, but my
 9 main concern is that we are moving forward on
 10 something and there's a cloud over it, whether
 11 or not the title and/or deed and/or ownership is
 12 in fact Mr. Hawkins.
 13 And I'm not doubting what the application
 14 says. I just would hate to have some action now
 15 throwing them completely out the door, when I
 16 think that perhaps if we were to clarify
 17 ownership and perhaps bring it forward, I think
 18 that the amendment that has been suggested may
 19 be better crafted and/or by staff in that -- in
 20 the -- in the resolution of coming forward with
 21 us, with some common sense modification, as
 22 opposed to us making it up on the fly here.
 23 "You can do it because we like you and we
 24 like the intended purposes," because that's
 25 exactly what we're not supposed to do.

1 MR. JONES: Right.
 2 THE CHAIRMAN: And I mean, I --
 3 Personally, it's so frustrating, but I would --
 4 And that's why I would push back, not just do
 5 the Heisman on the staff.
 6 But I would say, Look, if there is an
 7 amendment that is agreeable to property owners
 8 in the adjacent area as well that clarifies
 9 single-family ownership, I'd prefer that be
 10 presented, along with the -- without question
 11 proof of -- I mean, I've never been asked before
 12 if they owned the property or not.
 13 I don't doubt Mr. Hawkins. Who am I? I'm
 14 not -- Again, I'm not a property attorney
 15 either, and I shouldn't -- nor should anybody on
 16 the board be made to -- nor Ms. Crawford.
 17 MS. CRAWFORD: Yeah. I'm definitely not a
 18 board-certified real estate attorney.
 19 But what I will say, Mr. Jones advised me
 20 that he did check with the Clerk of Courts, and
 21 this deed is the only one recorded.
 22 When you look at the Property Appraiser,
 23 it does indicate -- It appears each of several
 24 individuals had a 16th percent interest, which,
 25 you know, that very well may have been something

1 passed through the family.
 2 However, I agree with you that we need to
 3 confirm ownership and whether or not there
 4 should have been a quitclaim deed or some other
 5 sort of deed that's not been recorded. That's
 6 probably the first step on this one.
 7 And I hate to delay the application for
 8 the Hawkins, but I -- you know --
 9 THE CHAIRMAN: I'd rather be right.
 10 MS. CRAWFORD: -- we need to get it right.
 11 We need to do it right.
 12 THE CHAIRMAN: And again, if that were
 13 established, I would press staff to assist in
 14 trying to present it. And again, if there's
 15 an -- Because I see what you're doing. I mean,
 16 it's either HDMU, and there's no -- Good luck,
 17 board. Make a decision.
 18 MS. CRAWFORD: Mm-hmm.
 19 THE CHAIRMAN: And again, if it's within
 20 our rights to present an amendment to -- My
 21 preference would be the MDR, but I don't know
 22 that -- I think that would fly in the face of
 23 what has already been established, so it would
 24 have to be the other way.
 25 So we could sit up here and argue for

1 another couple of hours which way to do it
 2 because -- But anything we do sets a precedent,
 3 so . . . And that's why I would push back on
 4 staff, and again, with the local folks involved,
 5 not just the Hawkins, but their neighbors as
 6 well, how can a friendly amendment be made to
 7 the HDMU zoning specific to this case.
 8 MR. JONES: Yes.
 9 MS. CRAWFORD: And if I may clarify, would
 10 you want the amendment simply to the -- to
 11 these, to allow mobile homes or manufactured
 12 homes, or do you want broader authority. I'm
 13 just clarifying.
 14 THE CHAIRMAN: No. I understand.
 15 MS. CRAWFORD: Such that if someone comes
 16 in for a rezoning, and they'll, you know, make
 17 some sort of guarantee or warranty to the county
 18 that this is for X purpose, and that's the only
 19 purpose, and if not constructed within X amount
 20 of time . . . I mean, it gets --
 21 THE CHAIRMAN: I think before we open
 22 Pandora's box -- please correct me, board;
 23 please speak up -- but I think it would have to
 24 be an amendment regarding the usage only.
 25 And if it's a friendly amendment with

1 folks that present it again, and if we still
 2 have against, we make a decision whether up or
 3 down.
 4 If it goes forward and again goes to the
 5 board -- I just don't feel comfortable sending
 6 something to the board that is really not clean,
 7 not by fault of staff or the applicant, quite
 8 frankly.
 9 And I appreciate the gentleman brought up
 10 the issue because this could all be thrown out
 11 for good, if -- I mean, I don't know where it
 12 would go, but I would prefer it not get there,
 13 especially when there's some goofy vice chair in
 14 charge today, so anyway . . .
 15 MR. GRAY: Mr. Chairman, could I make a
 16 couple comments, please, and maybe ask a
 17 question of staff while I'm talking?
 18 THE CHAIRMAN: Please do.
 19 MR. GRAY: It just appears to me on face
 20 value here, asking the neighborhood to absorb
 21 125 extra units that are now allowable if we
 22 change this to HDMU mixed-use isn't necessarily
 23 what they're wanting to do. It certainly
 24 doesn't seem like what this family's wanting to
 25 do.

1 I also don't want to discount the time and
 2 effort that folks from the adjoining and
 3 adjacent properties expended today to come today
 4 to speak in favor or against this type of
 5 change.
 6 It just seems a little clumsy, if you
 7 don't mind me saying so, that the first time
 8 that you can accommodate a mobile home is until
 9 you get all the way up into a land use that is
 10 consistent with high -- some levels of
 11 commercial and other types of intense uses.
 12 It just seems like maybe there could be,
 13 you know, some kind of agricultural type of
 14 manufacture -- an agricultural residential that
 15 could be more accommodating.
 16 But certainly, you know, it's -- it's --
 17 it's -- it's -- The first thing you talk about
 18 with medium-density residential is it doesn't
 19 include these types of homes, so it couldn't be
 20 more clear and blatant.
 21 And when this property came into the hands
 22 of this property owner -- we assume it's the
 23 property owner -- But it's the first three
 24 things they talk about -- the two things they're
 25 talking about is this prohibition.

1 So it couldn't be more of the essence of
 2 the medium-density residential land use that it
 3 doesn't contain this specific type of
 4 residential dwelling. It couldn't be more
 5 characteristic.
 6 So it just seems like, you know, we make
 7 this one accommodation, Chair . . . we do this
 8 one special case, and then there comes the
 9 doors.
 10 MR. JONES: Yes.
 11 MR. GRAY: They open right up. Well,
 12 board, what was your condition last time? What
 13 was this sweet family who wants to make an
 14 affordable choice for their lovely grandfather.
 15 Okay. Well, what about, you know, these
 16 conditions, that condition?
 17 THE CHAIRMAN: Right. And more important,
 18 on the flip side of it, what we have -- every
 19 time we're here, we have to judge it on what
 20 could potentially be there.
 21 Now, I would push back and say, Look,
 22 given the size of the property, it's not
 23 mathematically feasible for somebody to come and
 24 put apartments. I get that.
 25 But the fact of the matter is, those are

1 the potential things here. And that, as
 2 ridiculous sometimes as it seems, on this
 3 particular case it may be a little bit, so --
 4 But it's there. And if I lived there, I would
 5 have the same concerns.
 6 So procedurally, I would ask our attorney
 7 one of two things. If we ask for a continuance,
 8 what does that do to the applicant in this?
 9 Because I prefer -- I mean, quite frankly, I
 10 don't like pushing it off any more than if we
 11 made a decision and it was not passed.
 12 What does that do to the applicant's
 13 future, you know, their ability to come back,
 14 given a friendly amendment? Or I would -- I
 15 would be seeking advice from our attorney on the
 16 course of action at this point.
 17 MS. CRAWFORD: My concern of using the
 18 term "continuance" may give the impression that
 19 when you come back you're going to start over.
 20 It's been delayed until that time.
 21 I would ask that you -- I think the
 22 cleanest way would be that there is direction
 23 from the board or a motion from the board that
 24 all testimony given today be accepted as
 25 evidence to the board that the case is held in

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1 abeyance until such time as, you know, we return
 2 hopefully by the next meeting -- I don't know
 3 when the deadlines are for publication -- with
 4 more clarification as to ownership. I don't
 5 know if there's any issue with that from any
 6 members.
 7 MR. GRAY: I think I'd like to make a
 8 motion to that effect right now, and see how
 9 that carries from this board.
 10 MR. JONES: I would -- I think -- Could we
 11 have Ms. French -- Because I think -- Let me
 12 start with this.
 13 I haven't looked at this for a long time,
 14 since September, in trying to deal with Ms.
 15 French.
 16 Because there's a mobile home -- There's a
 17 manufactured home that have already been
 18 purchased. And that's why -- that's why. What
 19 can we do to try to -- I looked at and what it
 20 was, and all of those things.
 21 So Ms. French, you have -- Because the
 22 only zoning is HDMU and bringing in that
 23 commercial component. But as always, they have
 24 the right to make application.
 25 We've had lengthy conversations about

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1 MS. FRENCH-HAWKINS: And he was fined
 2 2,000 plus the dumpsters.
 3 MR. GRAY: This is the record -- This is
 4 the record that was listed on Chris Jones' web
 5 site this gentleman had brought in. \$100
 6 quitclaim.
 7 MR. JONES: Yes.
 8 MR. GRAY: This is the document.
 9 THE CHAIRMAN: So if I'm not mistaken, we
 10 do have a motion.
 11 MS. CRAWFORD: I believe Mr. Gray --
 12 THE CHAIRMAN: There's no second yet.
 13 I would make a friendly amendment to the
 14 motion that -- And if it was brought back up
 15 again that it -- with a friendly amendment on
 16 usage -- specific usage for this particular --
 17 If that's available.
 18 MS. CRAWFORD: The issue with that,
 19 although I understand your position, would be
 20 that to amend the actual code and uses, that's
 21 going to require further action and wouldn't be
 22 able to come at the same time as this.
 23 Now, should that amendment take place
 24 prior to this, even though I don't know if you
 25 realize the -- her application -- and the

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1 certain things, so that's why we're here today.
 2 But Ms. Meredith, and the legal and your
 3 direction, it's a conundrum, based upon the
 4 issues at hand. Ms. French.
 5 THE CHAIRMAN: So go ahead, Ms. French.
 6 MS. FRENCH-HAWKINS: I wanted to say, I
 7 don't know if y'all understood what Mr. Hawkins
 8 said, but it's their property. And it was -- He
 9 was married into the property.
 10 And the wife left the property to a
 11 Lillian Hawkins. And Lillian passed it to Dad,
 12 which they're Parkers. There's about four or
 13 five Parkers on there. Three are deceased. And
 14 the only two living Parkers are in California.
 15 And the deed or the title that I gave to
 16 you, I printed it off Chris Jones' site as well
 17 because that was the last one that I found
 18 because dad doesn't know what he did with the
 19 original.
 20 And if he doesn't own the property, he is
 21 the one that pays the fines, and he's the one
 22 that pays all the taxes, so he is the owner of a
 23 part of it for the three people that do own it,
 24 the three living.
 25 THE CHAIRMAN: Okay.

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1 factors are actually old code, simply because
 2 her application was filed prior to the recent
 3 amendments to zoning and spot zoning.
 4 So if she came back in with a new
 5 application after we passed a new ordinance,
 6 that would track.
 7 MR. GRAY: We've already waived the fee
 8 for this applicant; is that correct?
 9 MR. JONES: Yes.
 10 MS. CRAWFORD: Yes. She wouldn't have
 11 to -- she wouldn't have to apply again. There
 12 would be no fee, and she could probably use the
 13 same language. I'm not trying to direct anyone
 14 how to act, but that would be one course of
 15 action.
 16 If you wish to see the code and the uses
 17 of MDR changed first, then that should occur
 18 before there's an application asking for the
 19 action because under the current code, we can't
 20 do that -- or the board can't do that.
 21 THE CHAIRMAN: Okay.
 22 MR. FEARS: In my short tenure on the
 23 board, probably a third of the meetings, we've
 24 recessed this meeting to address an ordinance
 25 issue that we go back and address in the regular

1 meeting same day. Okay. Is that the scenario
 2 we're looking at here for December?
 3 Potentially?
 4 MS. CRAWFORD: That's not -- Legally that
 5 would not be my best advice. However, if that's
 6 precedent set and it's not been challenged, I
 7 don't know that there's anything that says you
 8 can't do that.
 9 I mean, there is a pending ordinance
 10 doctrine that we've not adopted, where you can
 11 take action if everyone knows the ordinance is
 12 going to change. But again, it's not something
 13 we've adopted in the county.
 14 MR. FEARS: I've questioned that to myself
 15 a couple of times since last December, but it
 16 has happened with four or five cases.
 17 MS. CRAWFORD: And then the issue, too, is
 18 that in the event you pass or you recommend
 19 passage of an ordinance, which you apply to -- I
 20 mean, you know, an application before you, that
 21 ordinance goes to the Board of County
 22 Commissioners.
 23 Let's say they deny -- Let's say they
 24 remand for new language.
 25 MR. FEARS: It reverses the decision.

1 request for rezoning are actually having a
 2 problem with an exception or an amendment to
 3 medium density.
 4 We have a problem going to high density,
 5 HDMU. So if you have an addendum or an
 6 amendment to MDU to allow for the home to be --
 7 manufactured home to be built on that property,
 8 I don't think that the residents have a problem
 9 with that.
 10 THE CHAIRMAN: Hold on a second.
 11 MR. GRAY: Mr. Jones.
 12 MR. JONES: Yes.
 13 MR. GRAY: Let me ask you a question.
 14 In the past, how have boards previous to
 15 my appointment on this board handled exceptions
 16 or conditional uses?
 17 MR. JONES: We have never ever because the
 18 Board of Adjustment and Ms. Patty has been here
 19 a long time.
 20 MR. GRAY: I didn't ask them. I should
 21 have.
 22 MR. JONES: We've always had that
 23 question, but we never ever had a case where we
 24 allowed for a special exception or conditional
 25 uses case on the rezoning.

1 MS. CRAWFORD: It reverses the decision.
 2 Well, now you've got an application which you've
 3 also made recommendation or denial to the board.
 4 Again, it's within their purview, but if
 5 they look at the statute in place, which is --
 6 or the ordinance in place, which is not one
 7 that's been amended . . .
 8 Again, I mean, a lot of this stuff, if
 9 there's no legal challenge, at the same time
 10 legally, you, know I need to tell you what
 11 the -- my recommended course of action would be.
 12 THE CHAIRMAN: So the case before us is
 13 basically we've got somebody before us who
 14 wishes to make a rezoning.
 15 We've heard both parties, applicants and
 16 staff's findings. And again, my concern is
 17 ownership and the clarification of that, so
 18 other than a motion that has been on the floor
 19 without a second, which I believe is moot at
 20 this point . . .
 21 MR. GRAY: Yes.
 22 THE CHAIRMAN: . . . I would be -- I would
 23 listen to any -- Yes, sir.
 24 MR. KING: David King. I don't believe
 25 that the residents who are in opposition to this

1 MR. GRAY: Okay. So with the question
 2 answered, now the Escambia County hasn't done
 3 conditional uses previously.
 4 The 36 governments I've worked for, every
 5 time a conditional use has been accepted, it's
 6 been accepted that that now is a condition that
 7 could apply to anyone who wishes to apply; is
 8 that correct?
 9 MS. CRAWFORD: And it is -- For
 10 clarification, the code does list for each
 11 zoning district certain conditional uses. Those
 12 are allowed.
 13 But in order to determine their
 14 applicability, the Board of Adjustment does
 15 that.
 16 In this case, we very well could add
 17 manufactured mobile homes as a conditional use
 18 in any other residential zoning districts that
 19 don't allow. That would require a second
 20 application, though, to go to the Board of
 21 Adjustment to have them find that -- You know.
 22 And again in this case, if they purchased
 23 the home, it's surrounded by -- I mean, those
 24 may be factors as an adverse impact on the
 25 party, but you never know what's going to happen

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1 there.

2 MR. GRAY: So now we're talking about --

3 Okay. So now we have a situation that doesn't

4 fit inside the box. Now we're talking about

5 changing the box.

6 MS. CRAWFORD: Yes.

7 MR. GRAY: Okay. So that's not what we're

8 talking about right now.

9 MS. CRAWFORD: No.

10 MR. GRAY: This is a judicial hearing to

11 adjust. Does this fit inside the box.

12 MR. JONES: Yes.

13 MS. CRAWFORD: Yes.

14 MR. GRAY: Okay.

15 MS. McCULLOUGH: Can I say something?

16 THE CHAIRMAN: Sure.

17 Come forward, please. State your name

18 again. It's going on the record. That's why I

19 asked to state your name.

20 MS. McCULLOUGH: Deja McCullough.

21 Okay. I just wanted to make a statement.

22 My grandfather is on a fixed income.

23 MR. JONES: Right.

24 MS. McCULLOUGH: And it is really, really

25 hard for him to be able to pay rent one place

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1 before the board, the BCC, for finding. The BCC

2 can overturn or they can -- They have certain

3 judicial authority.

4 THE CHAIRMAN: Yeah.

5 MR. JONES: You can direct staff to

6 basically -- I don't know how -- We will have to

7 basically -- to further investigate what the

8 ownership.

9 And we can try to set -- The Planning

10 Board did have this concern. It has been --

11 This is what we have to either deny it or

12 approve that going forward.

13 MS. CRAWFORD: I don't believe there's any

14 prohibition in the code as to a conditional

15 rezoning.

16 I think you would have to . . . not a

17 conditional rezoning necessarily based on the

18 use. I was talking about something different

19 earlier, and that's typically how that's

20 considered.

21 But granting a recommendation subject --

22 You know, dependent upon submission of proof of

23 ownership. Even though we have an agency form,

24 which is typically -- You know, when someone

25 signs and refers to an agent for the property

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1 and then be able to pay for this mobile home for

2 \$1,000.

3 I totally understand the reason end up

4 having to prolong it, but if possible, if

5 there's any kind of way that an exception can be

6 made, just in consideration of the family and

7 their income -- I mean, the jobs have been lost

8 in the family and everything, so this is why a

9 majority of the load and the weight is on him.

10 So if there's a way we can make an exception

11 today, I know they'll be so grateful, so I just

12 wanted to make that statement. That's all.

13 Thank you.

14 THE CHAIRMAN: I can assure you that we

15 would prefer not to just put it off because it

16 doesn't do us any good. Doesn't do the people

17 who have taken their time off today any good.

18 However, my main concern, again, goes back

19 to the ownership issue. I don't dispute -- Ms.

20 Hawkins, I don't. What's been brought before

21 us, though, is different than what's in the

22 package.

23 MR. JONES: Right. One thing that may be

24 considered. Basically, if the Planning Board

25 decides to make a recommendation prior to going

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1 owner, that's what we look at. And we do have a

2 copy of the deed.

3 But again, that would be -- Should the

4 board determine that they wish to adopt the

5 findings of the speakers and move it forward for

6 approval, based on these conditions.

7 Should the board adopt staff's finding and

8 deny, I don't know that there's necessarily a

9 reason to address ownership, other than the fact

10 that staff needs to closely watch this in the

11 future. It is a lesson, you know. I don't

12 believe we've come across this before.

13 MR. GRAY: But this is what happens when

14 you do have fractured ownership. These kind of

15 situations do occur, and they do pop up. And we

16 ought to be -- And that ought to be one more

17 check box on our list back at the upstairs or

18 downstairs, to just check it.

19 I still feel like -- If I may, Mr. Chair,

20 I still feel like we've got a box that's very

21 clear in the rules for things to fit inside this

22 box. This box has approved as recently as 2015.

23 I feel like staff's assessment was the

24 incompatibility, repeated incompatibility with

25 the current code.

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1 You know, I just feel like if we were to
 2 make some type of conditions or make some type
 3 of exceptions, we might be opening Pandora's box
 4 or whatever kind of phrase you want to use here.
 5 And it's all been talked about. When you
 6 buy or you purchase something, you've got to
 7 double-check you've got the right conditions
 8 present.
 9 If I were to buy a drag car and expect to
 10 take it down Escambia's roads, it's not a legal
 11 street car. Okay. Sorry I bought it. Now I've
 12 got a car that's not available to take on the
 13 streets. It's not street legal.
 14 It's seems to me this purchase was made,
 15 and it was made before they did their homework
 16 to find out if the land was appropriate for it,
 17 so I make a motion to deny it.
 18 MS. FRENCH-HAWKINS: Can I speak?
 19 THE CHAIRMAN: There's a motion on the
 20 floor. There's a second? Is there a second?
 21 (No response.)
 22 THE CHAIRMAN: So again we have a motion
 23 on the floor.
 24 MR. INGWELL: Can I ask a question?
 25 THE CHAIRMAN: Please.

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1 names down. I spoke to several different
 2 people.
 3 I wouldn't have -- I wouldn't have done
 4 the process for Dad to go this far with this
 5 starting in April to now to August 11th on his
 6 closing date and knowing that he couldn't do
 7 that. I wouldn't have done that.
 8 MR. GRAY: Did you --
 9 MS. FRENCH-HAWKINS: I had to do a lot --
 10 MR. GRAY: -- meet with staff several
 11 times before today; correct?
 12 MS. FRENCH-HAWKINS: Have I met them?
 13 MR. GRAY: Have you met with staff and
 14 come up here with paperwork? Other than just
 15 submitting paperwork, have you met with staff
 16 and talked about the development review or
 17 anything?
 18 THE CHAIRMAN: What you plan to do?
 19 MS. FRENCH-HAWKINS: Yes.
 20 THE CHAIRMAN: You discussed it with them?
 21 MS. FRENCH-HAWKINS: Yes.
 22 MR. JONES: Our records do not show any
 23 previous discussion with us prior to the
 24 purchase of the mobile home.
 25 Now, I do consider -- because I deal with

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1 MR. INGWELL: In order for this to go
 2 forward, there needs to be a change. And
 3 there's also some questions that we need
 4 answered.
 5 I know we all want -- we all want us to
 6 move forward. However, is there an option for
 7 the applicant to withdraw the application? Can
 8 we do more homework and clean things up? I
 9 believe --
 10 THE CHAIRMAN: The financial impact was
 11 mentioned before. It's a burden on them now,
 12 paying both. I mean, I'll let the applicant
 13 speak. Ms. Hawkins.
 14 MS. FRENCH-HAWKINS: I did do my homework.
 15 I called. I called starting in April, and I
 16 called this office five times.
 17 And I was told that I could do a
 18 manufactured home. It was modular and
 19 manufactured.
 20 Maybe I spoke to someone who didn't know
 21 the rules. I don't know. But I know I called.
 22 THE CHAIRMAN: Yeah.
 23 MS. FRENCH-HAWKINS: Yes.
 24 MR. GRAY: Did you ever get a written --
 25 MS. FRENCH-HAWKINS: I didn't take their

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1 them on a daily basis. There are times when
 2 people may use the term "modular" and
 3 "manufactured" as the same thing.
 4 I myself called the agent, the dealer.
 5 And there were some things that was discussed or
 6 said. So -- so they're not here, but as far as
 7 what I can say for myself, we don't have any
 8 records of that.
 9 But I do know that sometimes people --
 10 Even the industry will say a manufactured home
 11 is a modular home; yes, you can do it. That has
 12 happened. I've been doing this a long time.
 13 That has happened over and over and over again.
 14 So we're trying to provide -- You can't do
 15 that. There's a difference. So -- so that's
 16 what we have to say about that.
 17 MS. CRAWFORD: Well, and just to address,
 18 I believe, Mr. Ingwell's question, Ms. Hawkins
 19 could very well currently withdraw --
 20 MR. JONES: Yes.
 21 MS. CRAWFORD: -- the application.
 22 The fee's already been waived.
 23 MR. JONES: Yes, it has.
 24 MS. CRAWFORD: -- based on her
 25 circumstances, so she would not need to reapply.

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1 In the interim, if there were changes
 2 made, she could make application under the new
 3 changes. However, again, that's a delay for
 4 her.
 5 And you do have the application before you
 6 today, and so it is in the purview of the board
 7 to take any of the several actions.
 8 THE CHAIRMAN: Which we talked about that
 9 change. Go ahead.
 10 MR. GRAY: I did make a motion. I think
 11 the first one -- that was my failed motion --
 12 was to take a look back see if there's another
 13 way to handle this.
 14 I think there may be a third choice here.
 15 I'm like -- May discuss at this time before I
 16 actually just -- I might just go ahead -- Choice
 17 might be to, as a board, direct staff to develop
 18 a conditional-use parameter with an MDR, with a
 19 series of conditions that would need to go
 20 through the public process, that would make
 21 appropriate accommodations so that applicants
 22 wouldn't be faced with going all the way up the
 23 ratchet level to an HD -- high-density mixed-use
 24 before they found a proper, suitable place to
 25 put a home on a piece of property.

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1 them. It cannot be altered; it cannot be
 2 changed.
 3 Now, understanding is that -- is that --
 4 is that this conditional use approval, BOA
 5 approval. So -- so we would have to draft
 6 language and come before -- bring the motion,
 7 bring the amendment back before the board.
 8 Now, we -- Our time limitations is a
 9 factor because it got to go before the BCC. Got
 10 to come before the Planning Board. Those are
 11 some things that we will have to address.
 12 MR. GRAY: My other concern is that when
 13 you table an item, you've taken an action. You
 14 think you've not taken an action, but the board
 15 has technically taken an action.
 16 This is the legal problem that we got into
 17 downtown with the John Sunday Home, where the
 18 Board of -- Architectural Review Board that the
 19 city runs told them to come back -- He didn't
 20 quite do it right. Come back next month, and
 21 we'll address this.
 22 Well, 30 days ticked off the clock. And
 23 by rule, the applicant said, "Well, you had 30
 24 days to make an assessment. You didn't, so your
 25 lack of action is an approval."

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1 MR. JONES: And Mr.-- And let me -- let
 2 me --
 3 THE CHAIRMAN: That was in the form of a
 4 motion; correct?
 5 MR. GRAY: That was in the form of a
 6 motion, but it was long.
 7 THE CHAIRMAN: No. That's okay. I think
 8 we got it.
 9 Is there a second? Is there a second for
 10 that motion?
 11 MR. INGWELL: Second.
 12 THE CHAIRMAN: There's a motion and a
 13 second. All those in favor, please raise your
 14 hand.
 15 We can have discussion. Would you like to
 16 discuss?
 17 Go ahead. Go ahead. Before we make a
 18 vote, Horace.
 19 MR. JONES: To add to what -- If it's
 20 going to a conditional use, go before the board.
 21 Whomever, the applicant -- They will have the
 22 opportunity to present their use, their
 23 structure, just like we have -- doing to us now.
 24 And the building -- the board would make
 25 that finding based upon what is presented to

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1 So I just want to be careful that we're
 2 not going to take a step for lack of action
 3 constitutes an approval of this.
 4 MS. CRAWFORD: Which is why I would
 5 suggest simply holding it in abeyance.
 6 Everything that's happened today is still
 7 happening. All the evidence has been submitted
 8 is submitted.
 9 It's basically sticking a pin in it.
 10 We're not cancelling it and coming back and
 11 restarting. We're taking, you know, a hiatus, a
 12 period of time in which to follow the board's
 13 direction.
 14 MR. FEARS: And that is -- that is
 15 contingent because if we go by the motion just
 16 voted on, we will not see the Kings again. They
 17 will end up at the BOA.
 18 MR. JONES: If the -- if the motion gets
 19 adopted.
 20 MR. FEARS: If you draft language and it
 21 gets approved, and it moves out of Planning and
 22 into the BOA.
 23 MS. CRAWFORD: Well, I think what would
 24 happen is at that point it wouldn't -- I believe
 25 what would happen at that point would be because

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1 it's held until abeyance, then they would need
 2 to appear at that point. You, know the board
 3 can say, "Well, you know, we dismiss your
 4 action" or take -- or they could formally
 5 withdraw their action in the meantime, which
 6 would then have you only addressing the
 7 ordinance itself and the changing to adding
 8 this -- you know, these styles of structures
 9 within the MDR, at which point if it's
 10 conditional use as stated, then they have to go
 11 to the Board of Adjustment. I would assume,
 12 since they've been given a fee waiver on this,
 13 the same, you know, criteria would apply.
 14 MR. JONES: Yes.
 15 MS. CRAWFORD: And I do think there are
 16 several options, some which are messier than the
 17 others, so, you know, the staff could come back
 18 with a few ordinance drafts or action to see,
 19 you know, what the board would like to do.
 20 MR. CLAY: Okay. What I have to say is
 21 this, and address some of the -- or the issue.
 22 And that is, we have in the U.S. a Constitution.
 23 And our Constitution, you know, is based on laws
 24 and policies.
 25 About 75 years ago, our nation came up

Page 83

1 THE CHAIRMAN: All right. There we have
 2 it.
 3 MR. GRAY: Again, we just ask staff to
 4 craft solutions for a conditional use in this
 5 MDR to accommodate under special circumstances
 6 the allowance of a -- I'm just getting this.
 7 Right. Is it a manufactured or a mobile home?
 8 MR. JONES: Manufactured home. That's the
 9 latest term.
 10 MR. GRAY: Because that's the
 11 prohibited -- Like I'm saying, the first two
 12 categories described in the plans here, those
 13 are the first two things they talk about --
 14 MR. JONES: Yes.
 15 MR. GRAY: -- is the prohibition of this.
 16 So I'm asking -- We've asked you as a board to
 17 craft a condition to counter the first two
 18 qualities -- the three qualities of this
 19 language district.
 20 MR. JONES: This will be countywide. This
 21 will be for countywide.
 22 MR. GRAY: Countywide.
 23 And then, if that were crafted, it comes
 24 back to us, whereby, we then sound off in favor
 25 or opposition of that again as a board.

Page 82

1 with standards that every policy and rule have
 2 to go by. Those standards are utilities in
 3 civility, proprietary, accuracy and
 4 accountability.
 5 And what we're looking at here now is
 6 proprietary standards. Proprietary standards
 7 tell us that we maximize benefits with our
 8 policies and rules and laws and minimize harm.
 9 So when we're looking at this case, when we're
 10 looking at this application request, will the
 11 voter, will the constituent -- How will it --
 12 Will it maximize the benefits of this applicant
 13 here, or will it do more harm to the applicant?
 14 Proprietary -- And it's proprietary standards.
 15 You maximize benefits and minimize harm.
 16 So whatever we vote on, our constituents
 17 are here. And we have to make sure that we look
 18 at proprietary standards and we maintain, you
 19 know, those boundaries, to maximize benefits for
 20 our constituents and minimize the harm.
 21 That's all I have.
 22 THE CHAIRMAN: So we have a motion on the
 23 floor which I will ask the author to repeat. Do
 24 we have any discussion?
 25 (No response.)

Page 84

1 And then if it's approved, then it
 2 would -- These folks and then the next folks,
 3 they would be adjusted only.
 4 THE CHAIRMAN: Very good. So I guess,
 5 Horace, clarify that with the Hawkins, I guess,
 6 after our vote.
 7 MR. FEARS: So then we need another motion
 8 to put this in abeyance.
 9 MS. CRAWFORD: Yes.
 10 MR. FEARS: I make a motion to put this
 11 case, 2017-17 in abeyance until other actions
 12 are taken.
 13 THE CHAIRMAN: Do I have a second?
 14 MR. INGWELL: Second.
 15 THE CHAIRMAN: I have a motion and a
 16 second. All those in favor, raise your hand.
 17 (All hands raised.)
 18 THE CHAIRMAN: All those opposed, raise
 19 your hand as well.
 20 Motion approved.
 21 We have an abeyance. And Horace, and Ms.
 22 Crawford, if you will get with the Hawkins' and
 23 try to guide them through this process.
 24 MR. JONES: We will.
 25 (Hearing concluded at 10:04 a.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

)

COUNTY OF ESCAMBIA)

I, DAVID A. DEIK, CP, CPE, Professional Court Reporter, certify that I was authorized to and did stenographically report the foregoing Planning Board proceedings; and that the transcript is a true record of the proceedings contained herein.

I further certify that I am not a relative, employee, attorney, or counsel to any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DAVID A. DEIK, CP, CPE
Professional Court Reporter

Planning Board-Rezoning

7. B.

Meeting Date: 01/09/2018
CASE : Z-2017-18
APPLICANT: Rhonda Autrey, Owner
ADDRESS: 733 E Johnson Ave.
PROPERTY REF. NO.: 21-1S-30-2101-001-002
FUTURE LAND USE: MU-U, Mixed-Use Urban
DISTRICT: 3
OVERLAY DISTRICT: N/A
BCC MEETING DATE: 02/01/2018

SUBMISSION DATA:

REQUESTED REZONING:

FROM: MDR, Medium Density Residential district (10 du/acre)

TO: HDMU, High Density Mixed-use district (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)

APPROVAL CONDITIONS

Criterion a., LDC Sec. 2-7.2(b)(4)

Consistent with Comprehensive Plan.

The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. If the rezoning is required to properly enact a proposed FLU map amendment transmitted for state agency review, the proposed zoning is consistent with the proposed FLU and conditional to its adoption.

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

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

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

FINDINGS

The proposed amendment to HDMU **is consistent** with the intent and purpose of Future Land Use category Mixed-Use Urban (MU-U) as stated in CPP FLU 1.3.1. Residential is allowed within the MU-U area. The request is consistent with the current FLU, not requiring a FLU change, and will not change the existing allowed uses within the Mixed-Use category.

Criterion b., LDC Sec. 2-7.2(b)(4)

Consistent with zoning district provisions.

The proposed zoning is consistent with the purpose and intent and with any other zoning establishment provisions prescribed by the proposed district in Chapter 3.

FINDINGS

The proposed amendment **is consistent** with the intent and purpose of the Land Development Code. The proposed zoning of HDMU is a zoning that is for a mix of high density residential with compatible non-residential uses within the urban. The change is a more intense use but will allow for all forms of single-family, two-family and multi-family dwellings.

Criterion c., LDC Sec. 2-7.2(b)(4)

Compatible with surrounding uses.

All the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law.

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 MDR and HDMU. In the area, there are single-family residential, a church, a school, and a condominium.

Criterion d., LDC Sec. 2-7.2(b)(4)

Appropriate if spot zoning.

Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site specific balancing of interests between the isolated

district and adjoining lands. **As per LDC Chapter 6, Spot Zoning is:** *Zoning applied to an area of land, regardless of its size, that is different from the zoning of all contiguous land. Such isolated or “spot” zoning is usually higher in its density or intensity of use than the adjoining zoning and may, therefore, extend privileges not generally extended to property similarly located in the area. Spot zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining zoning it carries a higher burden of demonstration that, if authorized, it will contribute to or result in logical and orderly development.*

FINDINGS

The isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The parcel currently has a single-family home and the proposed request allows for a range of residential uses from single-family to multi-family dwellings. This appears to be consistent with the existing development pattern in the area. It will still remain residential and **will contribute to or result in** logical and orderly development.

Criterion e., LDC Sec. 2-7.2(b)(4)

Appropriate with changed or changing conditions.

If the land uses or development conditions within the area surrounding the property of rezoning have changed, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and the permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl.

FINDINGS

The land uses or development conditions within the area surrounding the property of rezoning have not changed to such a degree that the proposed rezoning would be inappropriate. There is HDMU zoning to the north and to the east of the subject parcel and the permitted uses of the proposed zoning will make for compatible development in the area.

Criterion f., LDC Sec. 2-7.2(b)(4)

Effect on natural environment.

Whether the proposed rezoning would increase the probability of any significant adverse impacts on the natural environment.

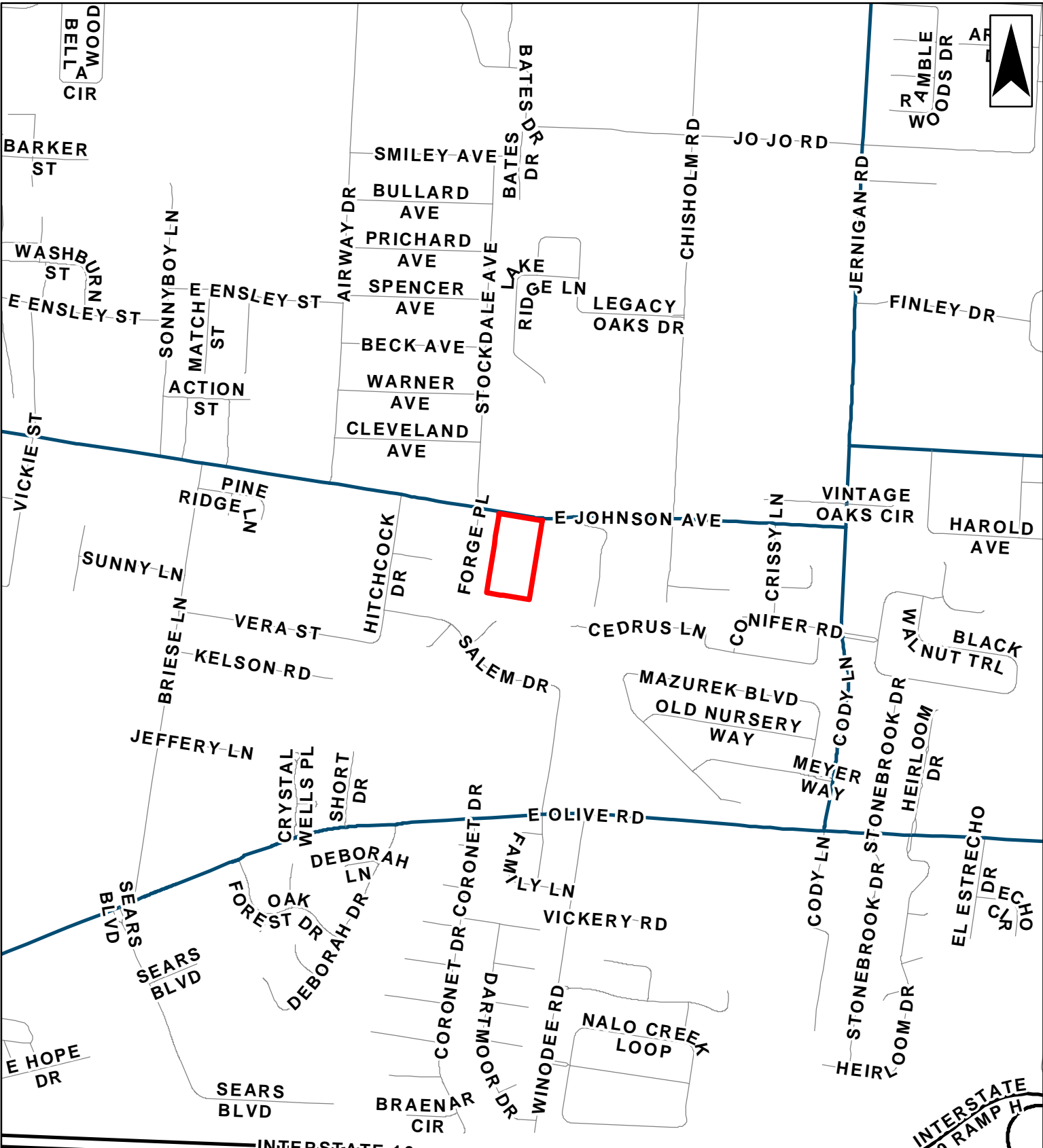

FINDINGS

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.

Attachments

[Working Case File](#)

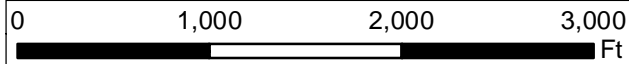
Z-2017-18

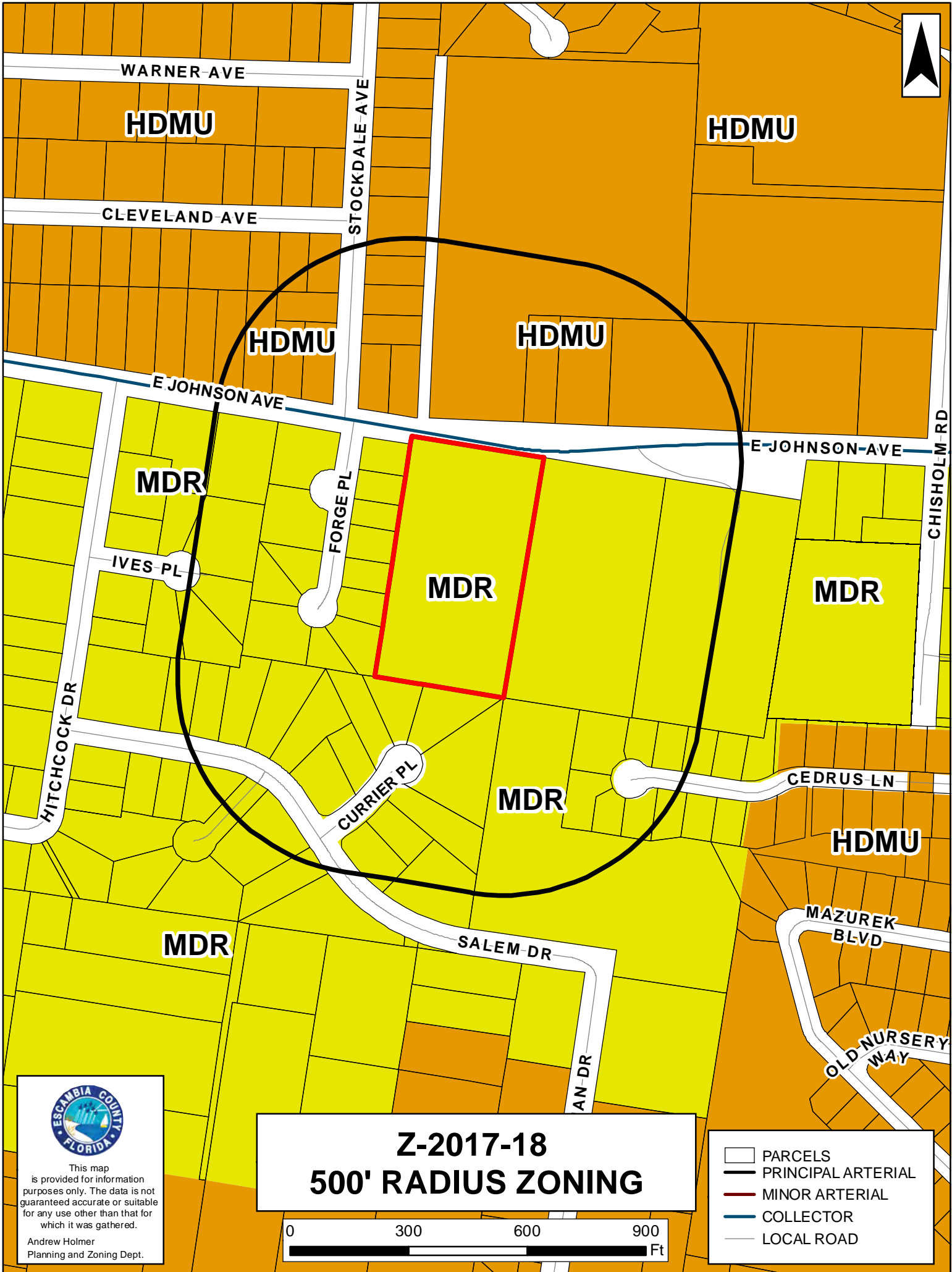
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2017-18 LOCATION MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



WARNER AVE

HDMU

HDMU

CLEVELAND AVE

STOCKDALE AVE

HDMU

HDMU

E JOHNSON AVE

MDR

MDR

MDR

IVES PL

FORGE PL

CHISHOLM RD

E JOHNSON AVE

HITCHCOCK DR

CURRIER PL

MDR

CEDRUS LN

HDMU

MDR

SALEM DR

MAZUREK BLVD

AN DR

OLD NURSERY WAY



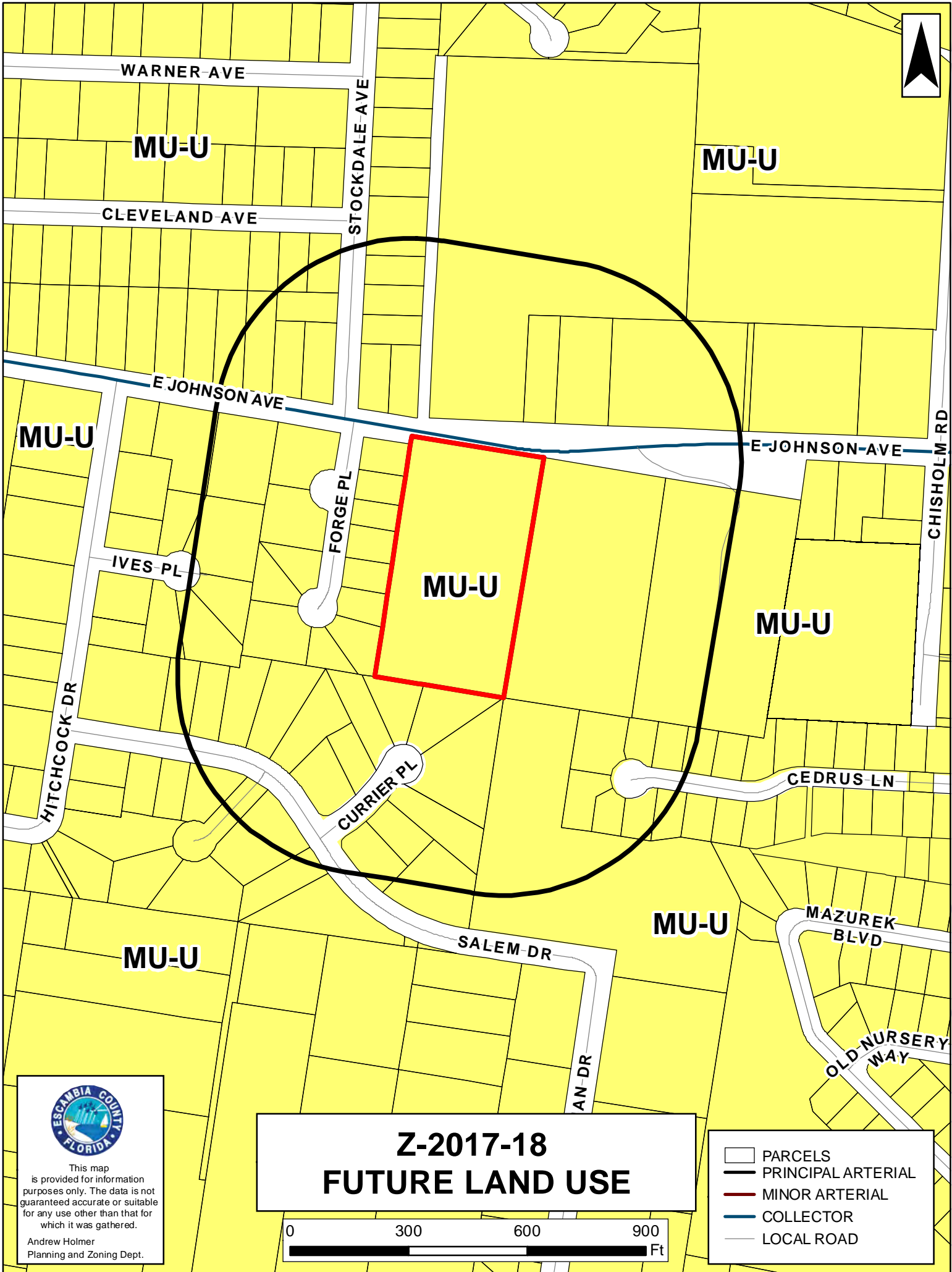
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2017-18 500' RADIUS ZONING








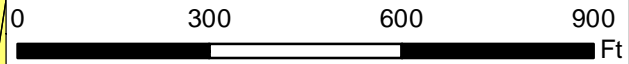

- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



Z-2017-18

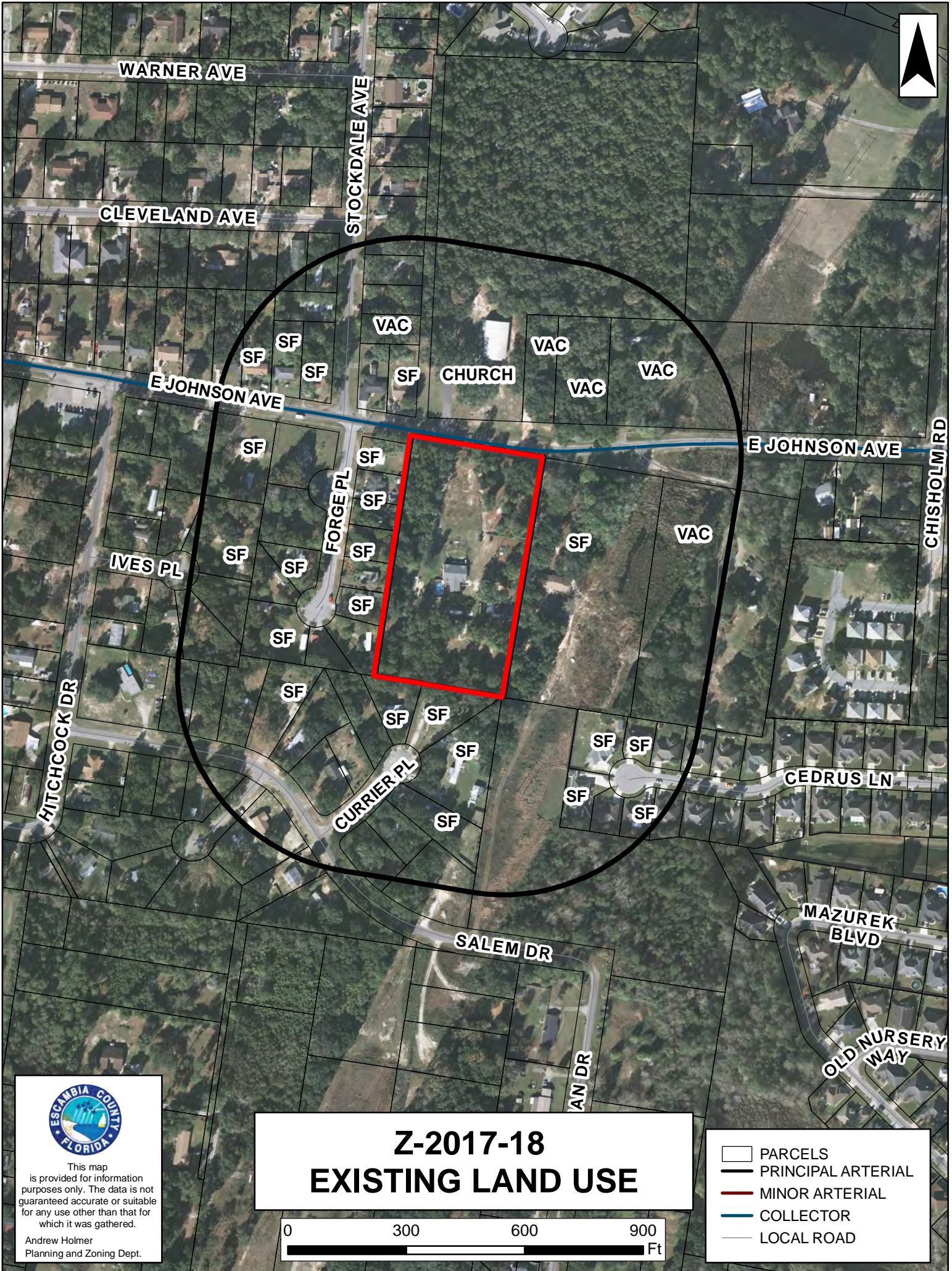
FUTURE LAND USE


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

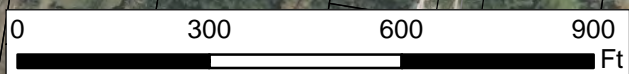
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Andrew Holmer
Planning and Zoning Dept.

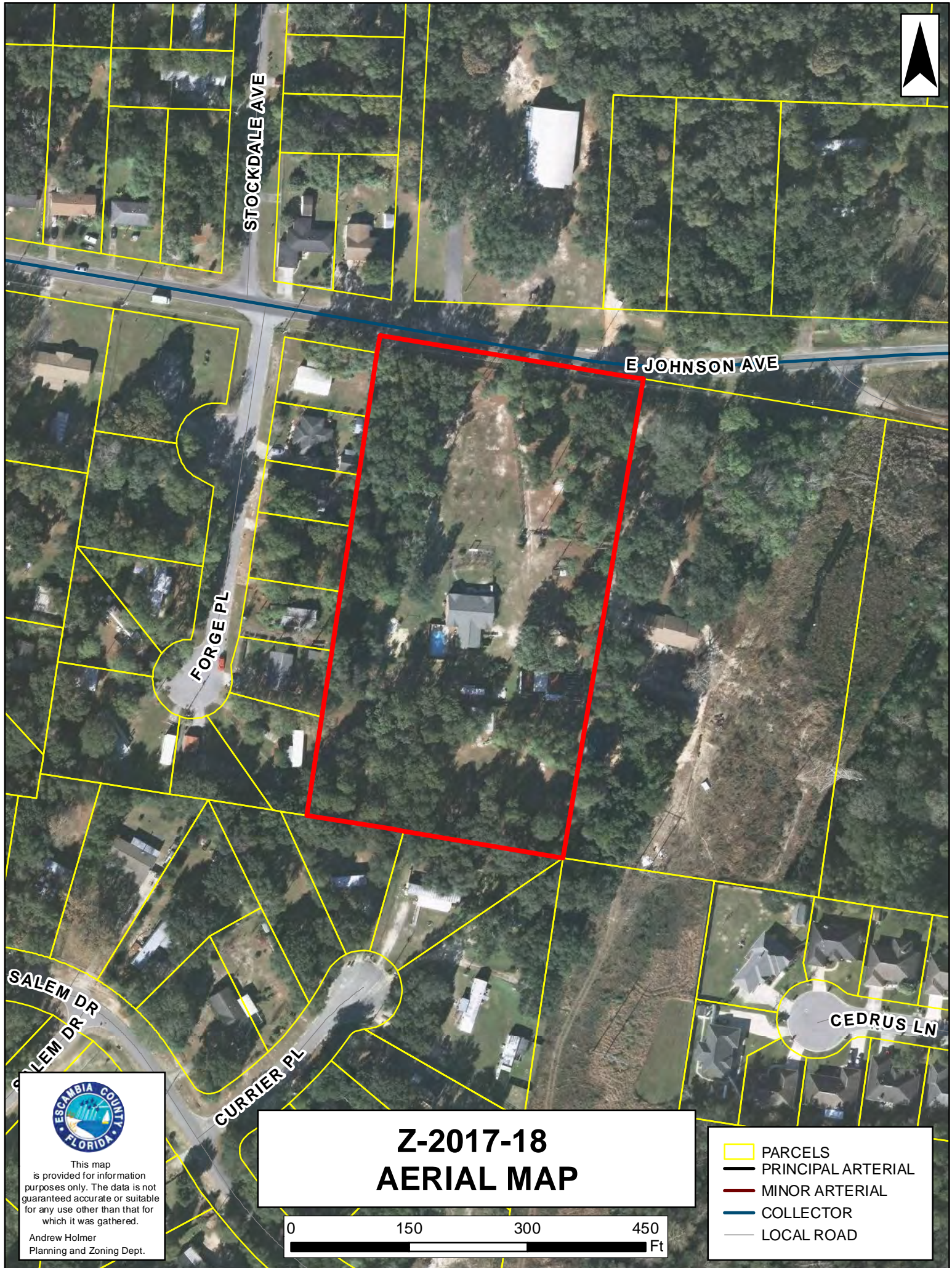



 This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
 Andrew Holmer
 Planning and Zoning Dept.

**Z-2017-18
 EXISTING LAND USE**



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



STOCKDALE AVE


E JOHNSON AVE

FORGE PL

SALEM DR

CURRIER PL

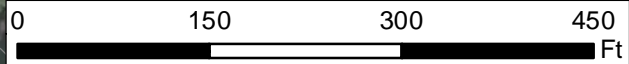
CEDRUS LN








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

Andrew Holmer
Planning and Zoning Dept.

Z-2017-18 AERIAL MAP



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



WARNER AVE

ENSLEY

CLEVELAND AVE

STOCKDALE AVE

ENSLEY

E JOHNSON AVE

E JOHNSON AVE

ENSLEY

IVES PL

FORGE PL

ENSLEY

ENSLEY

CHISHOLM RD

HITCHCOCK DR

CURRIER PL

CEDRUS LN

ENSLEY

SALEM DR

ENSLEY MAZUREK BLVD

OLD NURSERY WAY

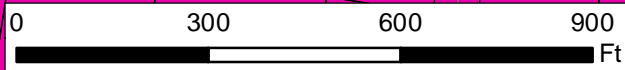
LAN DR



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Andrew Holmer
Planning and Zoning Dept.

Z-2017-18 CRA MAP



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



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2017-18

CURRENT ZONING: MDR PROPOSED ZONING: HDMU

PLANNING BOARD

DATE: 01/09/18 TIME: 8:30 AM

LOCATION OF HEARING

ESCAMBIA COUNTY CENTRAL OFFICE BLDG. E1
3311 WEST PARK PLACE
BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: 02/01/18 TIME: 5:45 PM

LOCATION OF HEARING

ERIE LEON WALKER GOVERNMENT BLDG.
101 PALACE PLACE
18TH FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION, CALL
DEVELOPMENT SERVICES AT 850-247-8691
WWW.ESCAMBIAFLA.GOV

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

Public Hearing Sign



Looking into subject property



Looking south at subject property



Looking down driveway of subject property



Looking into subject property



Looking east from subject property



Looking across Johnson Ave. from
subject property



Looking west from subject property



Looking southwest at neighbors from across
Johnson Ave



Looking east toward neighboring parcel from subject driveway



Escambia County Planning and Zoning

Development Services Department

3363 West Park Place

Pensacola, FL 32505

Phone: (850) 595-3475 • Fax: (850) 595-3481

<http://myescambia.com/business/ds>

Rezoning Application

FOR OFFICE USE ONLY - Case Number: Z2017-18 Accepted by: A. Cain PB Meeting: 1/9/2018

1. Contact Information:

A. Property Owner/Applicant: Rhonda Autrey

Mailing Address: 733 E. Johnson Ave. P.icola FL 32514

Business Phone: 251.362.4672 Cell: SAME

Email: rhondaautrey@msn.com

B. Authorized Agent (if applicable): NA

Mailing Address: _____

Business Phone: _____ Cell: _____

Email: _____

Note: Owner must complete the attached Agent Affidavit. If there is more than one owner, each owner must complete an Agent Affidavit. Application will be voided if changes to this application are found.

2. Property Information:

A. Existing Street Address: 733 E. Johnson Ave.

Parcel ID (s): 2115302101001002

B. Total acreage of the subject property: 4.380

C. Existing Zoning: Single family

Proposed Zoning: HDmu ; explain why necessary and/or appropriate

We want to add up to 3 more homes/dwellings on the property.

FLU Category: MU-U

D. Is the subject property developed (if yes, explain): There is one residence

E. Sanitary Sewer: Septic:

3. **Amendment Request**

Approval conditions. The applicant has the burden of presenting competent substantial evidence to the reviewing board establishing that the requested zoning district would contribute to or result in a logical and orderly development pattern. The appropriate surrounding area within which uses and conditions must be considered may vary with those uses and conditions and is not necessarily the same area required for mailed notification. A logical and orderly pattern shall require demonstration of each of the following conditions:

Please address ALL the following approval conditions for your rezoning request. (use supplement sheets as needed)

a. **Consistent with Comprehensive Plan.** The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. If the rezoning is required to properly enact a proposed FLU map amendment transmitted for state agency review, the proposed zoning is consistent with the proposed FLU and conditional to its adoption.

MU-U FLU Does allow for residential uses. A residence is on the property and is consistent with neighboring properties.

b. **Consistent with zoning district provisions.** The proposed zoning is consistent with the purpose and intent and with any other zoning establishment provisions prescribed by the proposed district in Chapter 3

Proposed zoning is consistent with the zoning request which allows 18 dwellings per acre. (we only want to put a maximum of 4 small dwellings.)

- c. **Compatible with surroundings.** All of the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law.

The Land across the street is ^{zoned} HDmu - most on
the north of our property is zoned HDmu.

- d. **Appropriate if spot zoning.** Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site-specific balancing of interests between the isolated district and adjoining lands.

As per LDC Chapter 6, Spot Zoning is: Zoning applied to an area of land, regardless of its size, that is different from the zoning of all contiguous land. Such isolated or "spot" zoning is usually higher in its density or intensity of use than the adjoining zoning and may, therefore, extend privileges not generally extended to property similarly located in the area. Spot zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining zoning it carries a higher burden of demonstration that, if authorized, it will contribute to or result in logical and orderly development

Land east, west, south are single family. But all around
are subdivisions + apartments as well. (No - not)
property will remain residential use consistent
with adjoining parcels of residential.

- e. **Appropriate with changed or changing conditions.** If the land uses or development conditions within the area surrounding the property of rezoning have changed, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and the permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl.

A recent planning commission meeting made the observation
that there were large lots on East Johnson that they would
like to see developed. This indicated to us that now was a
good time to re-zone + make more use of our land. Will
remain single family + not contribute to urban sprawl.

4. Please complete the following Forms: Concurrency Determination Acknowledgement and Affidavit of Owner/Limited Power of Attorney (if applicable).

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

Property Reference Number(s): 211 S 302101001002

Property Address: 733 E Johnson Ave. Pensacola, FL 32514

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

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

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

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For 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 9 DAY OF November, YEAR OF 2017


Signature of Property Owner

Rhonda Autrey
Printed Name of Property Owner

11.9.17
Date

Signature of Property Owner

Printed Name of Property Owner

Date

5. Submittal Requirements

- A. Completed application: All applicable areas of the application shall be filled in and submitted to the Planning and Zoning Department, 3363 West Park Place, Pensacola, FL 32505.
- B. Application Fees: To view fees visit the website: <http://myescambia.com/business/ds/planning-board> or contact us at 595-3547

Note: Application fees include a \$5 technical fee. Cost of the public notice mailing is to be borne by the applicant. Payments must be submitted prior to 3 pm of the closing date of acceptance of application. Please make checks payable to Escambia County. MasterCard and Visa are also accepted (a 3% fee will be added for credit card payments).

- C. Legal Proof of Ownership (ex: copy of Tax Notice or Warranty Deed) **AND** a Certified Boundary Survey (Include Corporation/LLC documentation if applicable.)
- D. Compatibility Analysis (if applicable): If the subject property does not meet the roadway requirements of Locational Criteria, a compatibility analysis prepared by the applicant is required to provide substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative criteria. (See "Documented Compatibility" within the request zoning district of the LDC.)
- E. Signed and Notarized Affidavit of Owner/Limited Power of Attorney AND Concurrency Determination Acknowledgement (pages 4 and 5).

By my signature, I hereby certify that:

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

 Signature of Owner/Agent
Rhonda Autrey
 Signature of Owner

 Printed Name Owner/Agent
 Rhonda Autrey
 Printed Name of Owner

 Date
 11.9.17
 Date

STATE OF Florida COUNTY OF Escambia The foregoing instrument was acknowledged before me this 9th day of November 2017, by Rhonda Autrey.

Personally Known OR Produced Identification . Type of Identification Produced: FLA 366-731-65-636-0 Exp. 4/2020

 Signature of Notary
 Margaret A. Cain

 Printed Name of Notary
 Margaret A. Cain

(notary seal)



Scott Lunsford, CFC • Escambia County Tax Collector

EscambiaTaxCollector.com



facebook.com/ECTaxCollector



twitter.com/escambiatc



SCAN TO PAY ONLINE

2017 Real Estate Property Taxes

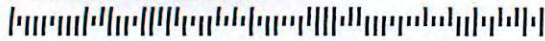
Notice of Ad Valorem and Non-Ad Valorem Assessments

ACCOUNT NUMBER	MILLAGE CODE	ESCROW CODE	PROPERTY REFERENCE NUMBER
02-3575-500	06	CL-0011088	211S302101001002

PROPERTY ADDRESS:
733 E JOHNSON AVE

EXEMPTIONS:
HOMESTEAD EXEMPTION

15dup - 022595 / 013434 JMS8784
AUTREY RHONDA K
733 E JOHNSON AVE
PENSACOLA FL 32514-3904



AD VALOREM TAXES

TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE AMOUNT	TAXES LEVIED
COUNTY	6.6165	165,187	50,000	115,187	762.13
PUBLIC SCHOOLS					
By Local Board	2.2480	165,187	25,000	140,187	315.14
By State Law	4.3830	165,187	25,000	140,187	614.44
WATER MANAGEMENT	0.0353	165,187	50,000	115,187	4.07
SHERIFF	0.6850	165,187	50,000	115,187	78.90
M.S.T.U. LIBRARY	0.3590	165,187	50,000	115,187	41.35

Do Not Pay. Your mortgage company has requested your bill.

TOTAL MILLAGE 14.3268

AD VALOREM TAXES 1816.03

LEGAL DESCRIPTION

NON-AD VALOREM ASSESSMENTS

LEGAL DESCRIPTION	TAXING AUTHORITY	RATE	AMOUNT
	E 330 FT OF LT 2 LESS OR 115 P 355 S/D E OF RR PLAT DB 2 P 90 OR 4389 P 1824		
FIRE PROTECTION			125.33
FOR QUESTIONS ON THIS SECTION ONLY, CALL (850) 595-4960			
NON-AD VALOREM ASSESSMENTS			125.33

Pay online at EscambiaTaxCollector.com

Payments must be in U.S. funds drawn from a U.S. bank

COMBINED TAXES AND ASSESSMENTS 1941.36

AMOUNT DUE	NOV 30, 2017	DEC 31, 2017	JAN 31, 2018	FEB 28, 2018	MAR 31, 2018
IF PAID BY	\$ 1863.71	\$ 1883.12	\$ 1902.53	\$ 1921.95	\$ 1941.36

RETAIN FOR YOUR RECORDS

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

2017 Real Estate Property Taxes

Make checks payable to:

Scott Lunsford, CFC
Escambia County Tax Collector

P.O. BOX 1312
PENSACOLA, FL 32591

Payments in U.S. funds from a U.S. bank

PAY ONLY ONE AMOUNT

AMOUNT IF PAID BY NOV 30, 2017
\$ 1863.71

AMOUNT IF PAID BY DEC 31, 2017
\$ 1883.12

AMOUNT IF PAID BY JAN 31, 2018
\$ 1902.53

AMOUNT IF PAID BY FEB 28, 2018
\$ 1921.95

AMOUNT IF PAID BY MAR 31, 2018
\$ 1941.36

DO NOT FOLD, STAPLE, OR MUTILATE

ACCOUNT NUMBER

02-3575-500

PROPERTY ADDRESS

733 E JOHNSON AVE

AUTREY RHONDA K
733 E JOHNSON AVE
PENSACOLA FL 32514-3904

1 023575500 2017 ?

BOUNDARY SURVEY

A Portion Of Section 21, Township 1 South, Range 30 West,
County Of Escambia, State Of Florida



LAND DESCRIPTION:

The East 330 feet of Lot 2, Section 21, Township 1 South, Range 30 West, East of the L & N Railroad, Escambia County, Florida, less and except that portion of the subject property conveyed in Official Records Book 113 at Page 335 of the Public Records of Escambia County, Florida.

NOTES:

Source of Information: Recorded Plat. Description as furnished by client. There may be additional restrictions, easements and/or right-of-ways that were not furnished to this firm that may be found in the public records of said County. Footings, foundations or any other subsurface structures not located. No title work performed by this firm. This survey does not reflect or determine ownership. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties. Fences are exaggerated for clarity.

This drawing reflects only those building setback lines that are noted and/or appear on the recorded plat.

Address: 733 East Johnson Avenue

The address shown hereon is based on information furnished by the client and/or their agents. Said address has not been verified with the U.S. Postal Service. Any certifications shown hereon do not apply or cover the said address.

Basis of Bearings: Assuming N00°00'00"E along the Westerly lot line of subject property.

CERTIFIED TO MEET MINIMUM TECHNICAL STANDARDS TO:

Rhonda Autrey
Quicken Loans, Inc.
Title Source, Inc.
Chicago Title Insurance Company

NOTICE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

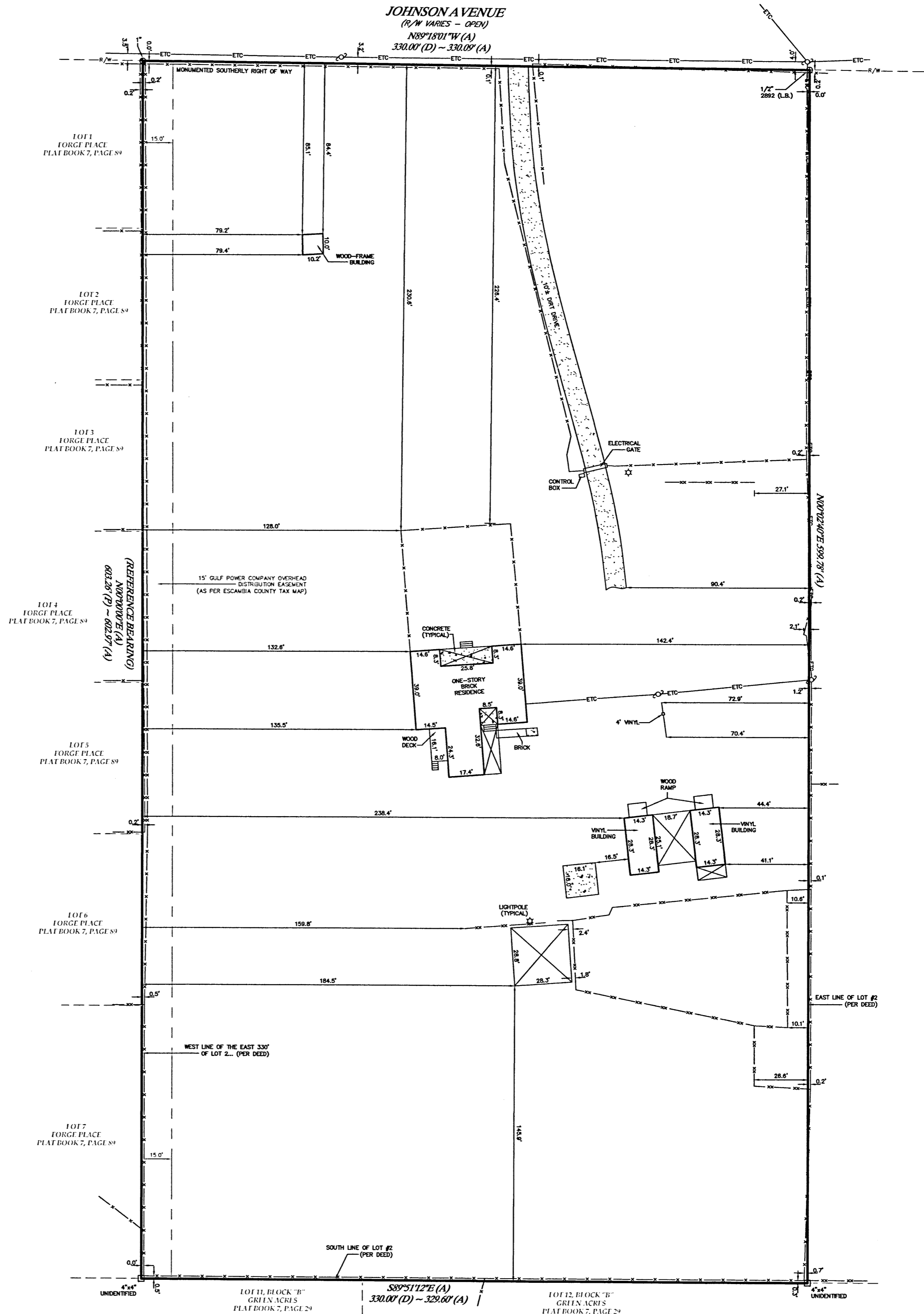
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 5J-17.050, 5J-17.051 AND 5J-17.052, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Alvin R. Walker II, P.S.M. No 5948
State of Florida

LEGEND:

[Symbol] - 4" x 4" (P.R.M.) Permanent Reference Monument Found [Symbol] - 4" x 4" Concrete Monument Found [Symbol] - Capped Iron Rod Found
 [Symbol] - G.C.P. Permanent Control Point Found [Symbol] - Nail & disk Found [Symbol] - 1/2" Capped Iron Rod L.S. #5948 Set [Symbol] - Utility Pole
 [Symbol] - Chain Link Fence [Symbol] - Wire Fence [Symbol] - Wood Fence [Symbol] - R/W - Right of Way B.S.L. - Building Setback Line C.D.N.C. - Concrete P.D.C. - Point of Commencement P.D.B. - Point of Beginning P.C. - Point of Curvature P.T. - Point of Tangency P.I. - Point of Intersection
 R - Radius Δ - Delta L - Length of Arc C - Chord CB - Chord Bearing T - Tangent (P) - Plat (D) - Description or Deed (A) - Actual
 [Symbol] - Indicates Covered [Symbol] - Benchmark [Symbol] - Set Hub & Tack N.R. - Non-Radial N.T.S. - Not to Scale C.M. - Concrete Monument
 [Symbol] - Iron Rod Unnumbered Found [Symbol] - Iron Pipe Unnumbered Found [Symbol] - E-T-C - Aerial Electric, Telephone, Cable Lines
 P.R.C. - Point of Reverse Curvature P.C.C. - Point of Compound Curvature (TYP) - Typical L.B. - Licensed Business L.S. - Licensed Surveyor

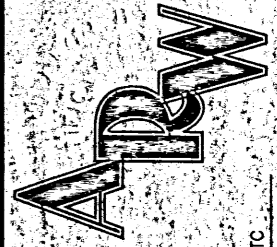


ALVIN R. WALKER
LAND SURVEYING

FAX NO.
(850) 968-0301

1108 KATHLEEN AVENUE CANTONMENT, FL 32533

TELEPHONE NO.
(850) 968-0300



JOB NO. 12-01-059 SCALE: 1"=40'
 CAD FILE: 1201059
 REQUESTED BY: MILES AUTREY
 DATE OF SURVEY: 01/24/12
 FIELD BOOK: 76 PAGE: 5-7
 ENCROACHMENTS: AS SHOWN
 REVISIONS: DRAWN BY: BTC

1
 SHEET 1 OF 1
 FILE NO. E-428



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

INTEROFFICE MEMORANDUM

**TO: Andrew Holmer, Division Manager
Development Services Department**

**FROM: David Forte, Division Manager
Transportation & Traffic Operations Division**

DATE: January 2, 2018

RE: Transportation & Traffic Operations (TTO) Comments – Z-2017-18

TTO Staff has reviewed the Rezoning Case (Z)-2017-18, 733 E. Johnson Avenue, agenda item for the Planning Board meeting scheduled for January 9, 2018. Please see the below comments.

Currently, there are no Roadway Improvement Projects programmed in the County's Capital Improvement Program within the vicinity of the subject parcel.

Per the Florida-Alabama TPO's Congestion Management Process Plan, Johnson Ave. from US29 to Cody Lane is currently functioning within its allowable capacity for traffic volumes. The maximum level-of-service (LOS) for the roadway segment is LOS D (14,800 trips/day), and as of Year 2016 the roadway segment was functioning at a LOS D (7,600 trips/day) and is expected to remain at a LOS D by Year 2026 (9,264 trips/day).

TTO's review is solely based off the application submittal packet, so the comments above hold no bearing on any future TTO comments during the Development Review process.

**cc: Horace Jones, Development Services Department Director
Joy Blackmon, P.E., Public Works Department Director
Colby Brown, P.E., Public Works Department Deputy Director**