

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
QUASI-JUDICIAL HEARING
May 1, 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.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the April 3, 2018 Planning Board Rezoning Meeting.
5. Acceptance of Rezoning Planning Board Meeting Packet.
6. Quasi-judicial Process Explanation.
7. Public Hearings.
 - A. Case #: Z-2018-04
Applicant: Tom Hammond, Agent for Dog Track Area Developers, LLC, Owners
Address: 1529 Ora Drive Behind and 1529 Ora Drive
Property Size: 11.51 (+/-) acres
From: LDR, Low Density Residential district (four du/acre) and HDMU, High Density Mixed-use district (25 du/acre)
To: MDR, Medium Density Residential district (10 du/acre)
 - B. Case #: Z-2018-05
Applicant: Cynthia Mathis, Agent for Airplane Services, Inc., Owner

Address: 5900 W Nine Mile Rd
Property Size: 10.19 (+/-) acres
From: HDMU, High Density Mixed-use district (25 du/acre) and Com, Commercial district (25 du/acre)
To: Com, Commercial district (25 du/acre)

C. Case #: SPZ-2018-01 (formerly Z-2017-17)
Applicant: Wanda French-Hawkins, Agent for Jason Hawkins, Owner
Address: 6355 Mockingbird Lane
Property Size: 4.86 (+/-) acres
Current Zoning : MDR, Medium Density Residential district (10 du/acre)
To Allow: A mobile home in MDR, Medium Density Residential district (10 du/acre)

8. Adjournment.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Rezoning

4. A.

Meeting Date: 05/01/2018

Agenda Item:

RECOMMENDATION: That the Planning Board review and approve the Meeting Resume' Minutes of the April 3, 2018 Planning Board Rezoning Meeting.

Attachments

Draft April 3, 2018 Planning Board Rezoning Meeting Minutes

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING April 3, 2018

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:31 A.M. – 9:00 A.M.)

Present: Reid Rushing
Jay Ingwell
Wayne Briske, Chairman
Timothy Pyle
Patty Hightower
Alan Gray
Eric Fears
Stephen Opalenik

Absent: William Clay

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning
Andrew Holmer, Division Manager, Planning & Zoning
Griffin Vickery, Urban Planner, Planning & Zoning
Horace Jones, Director, Development Services
John Fisher, Senior Urban Planner, Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Kayla Meador, Sr Office Assistant
Meredith Crawford, Assistant County Attorney

1. Call to Order.
2. Pledge of Allegiance to the Flag was led by Wayne Briske.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.

Motion by Reid Rushing, Seconded by Eric Fears

Motion was made to approve the proof of publication and to waive the reading of the legal advertisement.

Vote: 6 - 0 Approved

Other: William Clay (ABSENT)

4. Approval of Minutes.

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the March 6, 2018, Planning Board Rezoning Meeting.

Motion by Alan Gray, Seconded by Jay Ingwell

Motion was made to accept the Rezoning Planning Board meeting minutes from the March 6, 2018.

Vote: 6 - 0 Approved

Other: William Clay (ABSENT)

5. Acceptance of Rezoning Planning Board Meeting Packet.

Motion by Eric Fears, Seconded by Alan Gray

Motion was made to accept the Rezoning Planning Board meeting packet for April 3, 2018.

Vote: 6 - 0 Approved

Other: William Clay (ABSENT)

6. Quasi-judicial Process Explanation.

7. Public Hearings.

- A. Case #: Z-2018-03
Applicant: Derek and Alicia Stone,
Owners
Address: 6 E. Hood Drive
Property Size: 0.73 (+/-) acres
From: HC/LI, Heavy Commercial
and Light Industrial district
(25 du/acre) and MDR,
Medium Density Residential
district (10 du/acre)
To: HC/LI, Heavy Commercial
and Light Industrial district
(25 du/acre)

No planning board member acknowledged visiting the site.

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

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

Motion by Eric Fears, Seconded by Jay Ingwell

Motion was made to accept the application, the owners compatibility analysis. and the CRA comments and recommend approval to the BCC.

Vote: 6 - 0 Approved

Other: William Clay (ABSENT)

8. Adjournment.

Planning Board-Rezoning

7. A.

Meeting Date: 05/01/2018

CASE : Z-2018-04

APPLICANT: Tom Hammond, Agent for Dog Track Area Developers, LLC,
Owners

ADDRESS: 1529 Ora Drive Behind and 1529 Ora Drive

PROPERTY REF. NO.: 29-2S-31-2002-000-000 and 29-2S-31-2202-000-002

FUTURE LAND USE: MU-S, Mixed-Use Suburban

DISTRICT: 1

OVERLAY DISTRICT: N/A

BCC MEETING DATE: 06/07/2018

SUBMISSION DATA:

REQUESTED REZONING:

FROM: LDR, Low Density Residential district (four du/acre) and HDMU, High Density Mixed-use district (25 du/acre)

TO: MDR, Medium Density Residential district (10 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.

FLU 1.3.1 Future Land Use Categories. General descriptions, range of allowable uses, and residential densities and non-residential intensities for all future land use categories in Escambia County are outlined below.

FLU 1.5.1 New Development and Redevelopment in Built Areas. To promote the efficient use of existing public roads, utilities, and service infrastructure, the County will encourage the redevelopment in underutilized properties to maximize development densities and intensities located in the MU-S, MU-U, Commercial, and Industrial Future Land Use categories (with the exception of residential development).

FINDINGS

The proposed amendment to MDR **is consistent** with the intent and purpose of Future Land Use category Mixed-Use Suburban (MU-S), as stated in CPP FLU 1.3.1 Future Land Use Categories. The 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 are listed as: residential, retail sales & services, professional office, recreational facilities, public and civic, limited agriculture. The amendment is also **consistent** with the intent of FLU 1.5.1, by making use of the existing public roads and the availability of utilities and service infrastructure.

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

Consistent with The Land Development Code

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.

Sec. 3-2.5 Low Density Residential district (LDR).

(a) Purpose. The Low Density Residential (LDR) district establishes appropriate areas and land use regulations for residential uses at low densities within suburban areas. The primary intent of the district is to provide for large-lot suburban type residential neighborhood development that blends aspects of rural openness with the benefits of urban street connectivity, and at greater density than the Rural Residential district. Residential uses within the LDR district are predominantly detached single-family dwellings. Clustering dwellings on smaller residential lots may occur where needed to protect prime farmland from non-agricultural use or to conserve and protect environmentally sensitive areas. The district allows non-residential uses that are compatible with suburban residential neighborhoods and the natural resources of the area.

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.

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.

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

(1) Residential.

a. Manufactured (mobile) homes only within manufactured home parks or subdivisions. No new or expanded manufactured home parks, and new or expanded manufactured home subdivisions only on land zoned V-4 prior to adoption of MDR zoning.

b. Single-family dwellings (other than manufactured homes), detached and only one per lot, excluding accessory dwellings. Accessory dwellings only on lots one acre or larger. Attached single-family dwellings and zero lot line subdivisions only on land zoned R-3 or V-4 prior to adoption of MDR zoning.

c. Two-family dwellings only on land zoned R-3 or V-4 prior to adoption of MDR zoning, and multi-family dwellings up to four units per dwelling (quadruplex) only on land zoned V-4 prior to MDR zoning.

See also conditional uses in this district.

(2) Retail sales. No retail sales.

(3) Retail services. No retail services. See conditional uses in this district.

(4) Public and civic. Public utility structures, excluding telecommunications towers. See also conditional uses in this district.

(5) Recreation and entertainment.

a. Marinas, private.

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. See also conditional uses in this district.

(8) Other uses. [reserved]

FINDINGS

The proposed amendment **is consistent** with the intent and purpose of the Land Development Code. The applicant is requesting the same MDR zoning designation and allowances for both parcels. The existing zoning allowances for the two parcels, currently LDR and HDMU, provide a range of uses and intensities that are included within the allowances of the requested MDR zoning district. A review of the current zoning map, as it relates to the two parcels in question, shows that the properties adjacent to Ora Drive, East and West, are mainly medium density and high density mixed-use zoning. If approved, the applicant's request will improve the compatibility of the zoning, existing uses and allowances within the surrounding area.

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, staff identified properties with zoning districts LDR, MDR and HDMU. There is one multi-family use parcel, 88 single-family residences, 21 mobile homes, two mobile home park, 22 vacant residential, two non-agricultural acreage parcels, four wasteland designated parcels, three miscellaneous residential and one right-of-way parcel. All surrounding zoning districts range from low-density residential to high-density mixed-use. The existing uses and intensities on the ground, appear to be compatible with the allowed uses under the requested MDR district.

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 request to MDR **would not** establish or reinforce spot zoning; based on the LDC definition, the request to rezone both properties, one low density and one high density mixed-use, to MDR will actually make those two parcels more compatible with the adjacent zoning and the existing uses and intensities.

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.?

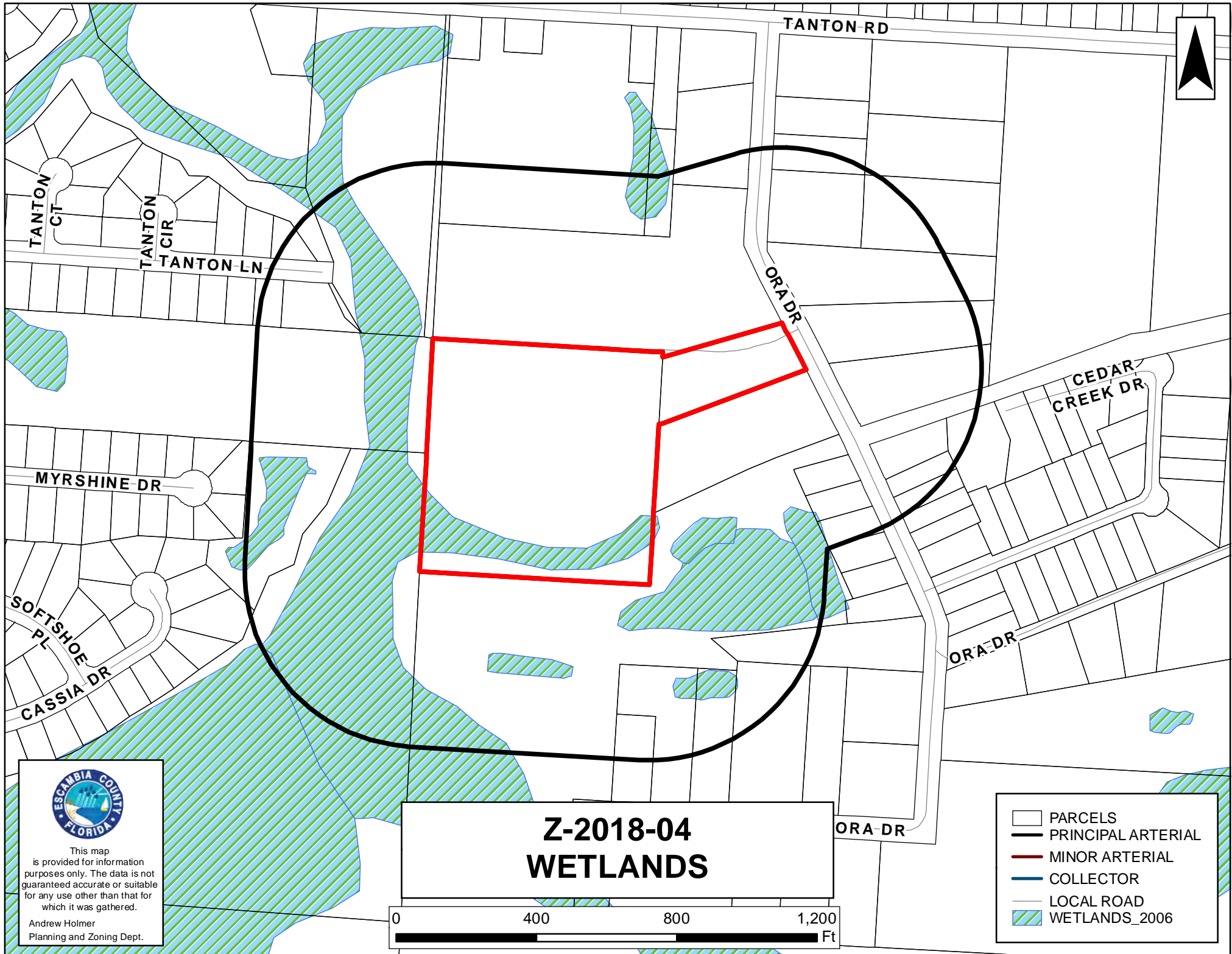
FINDINGS

The land uses or development conditions within the area surrounding the properties **have not** changed. The development within the area has remained low to mid-density residential. As the two parcels are proposed for rezoning to MDR, the potential uses, densities and intensities allowed by that district would be compatible with the existing surrounding development patterns. The proposed amendment would not create or contribute to urban sprawl.

Attachments

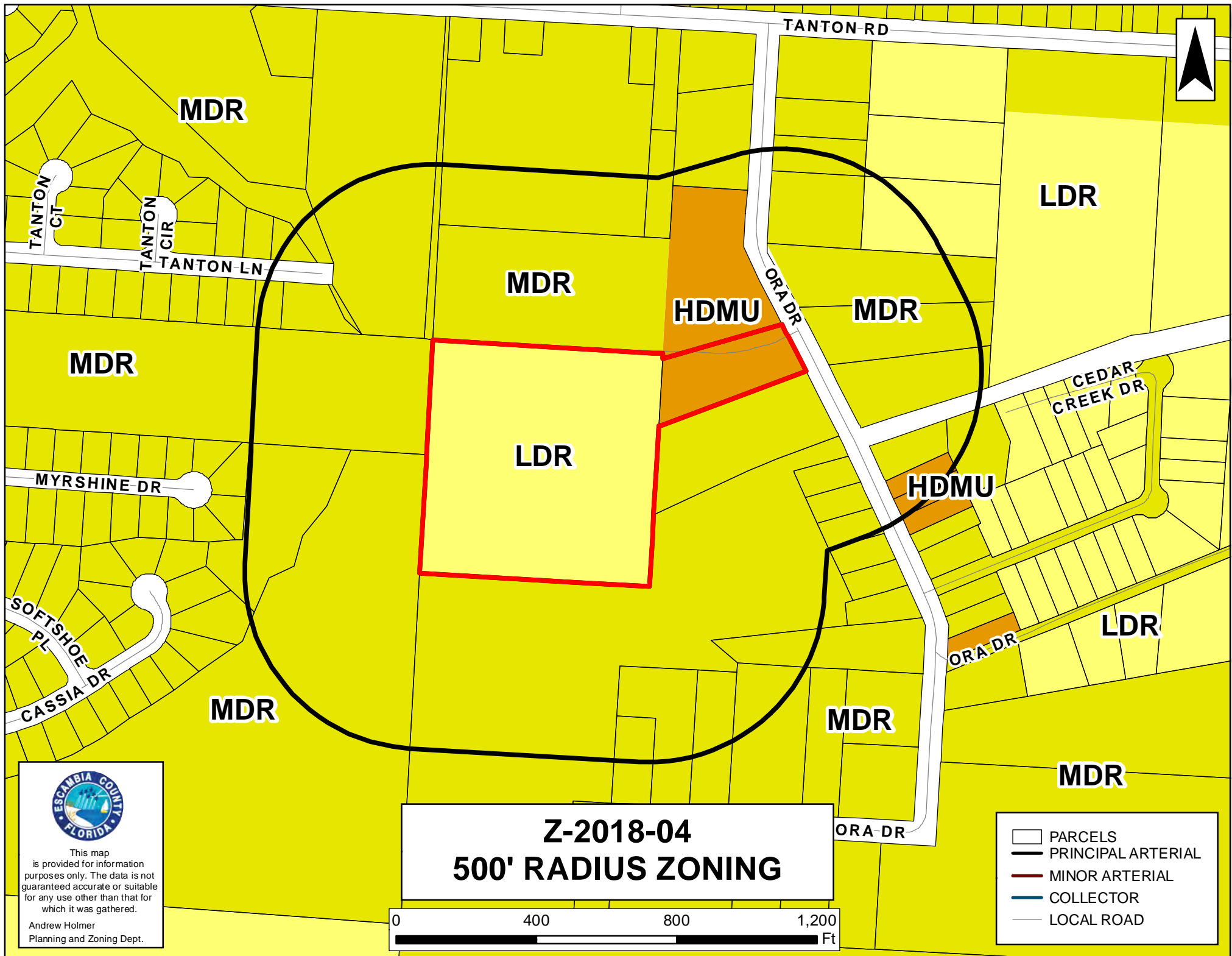
Working Case File

Z-2018-04



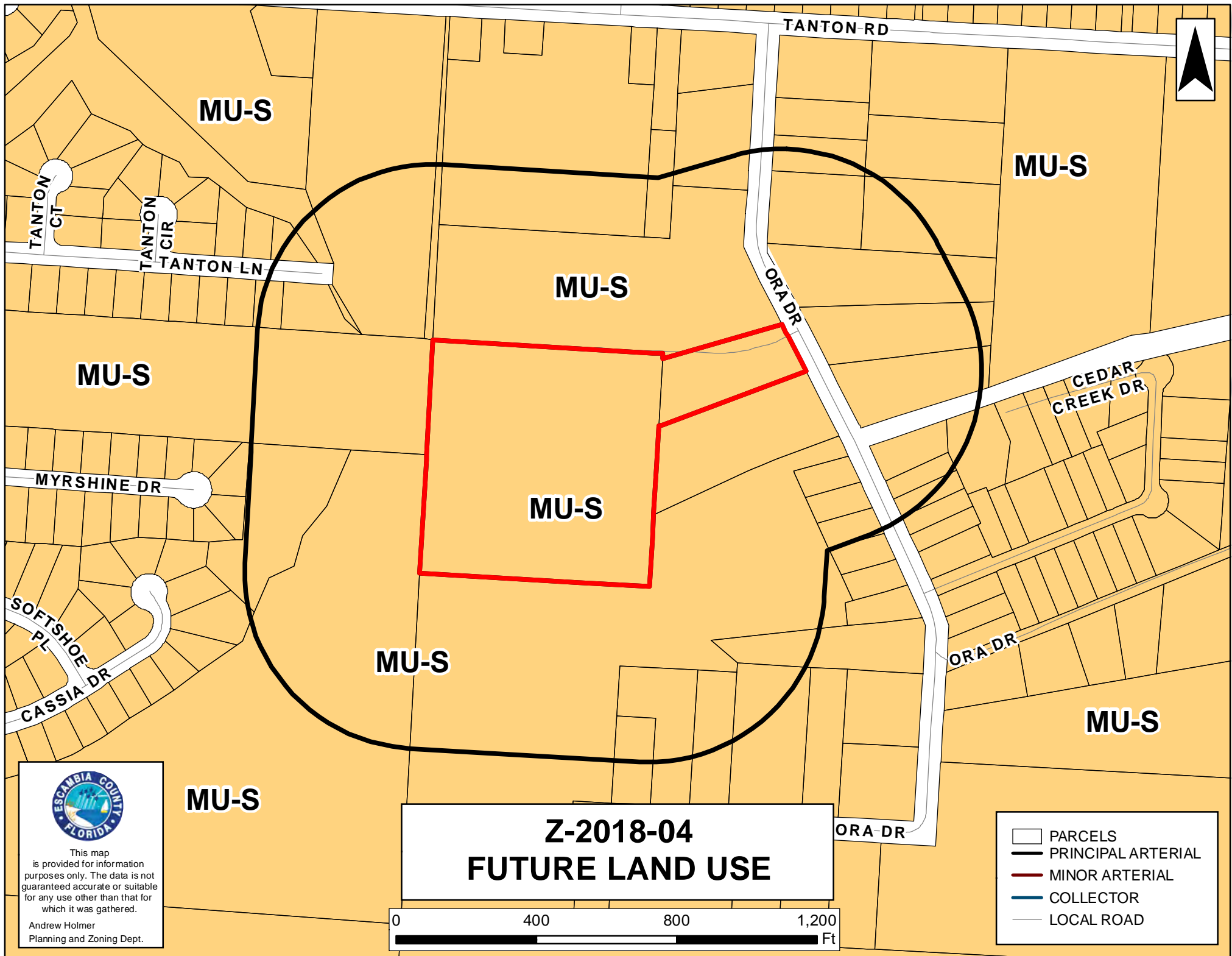
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.



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Andrew Holmer
Planning and Zoning Dept.



MU-S

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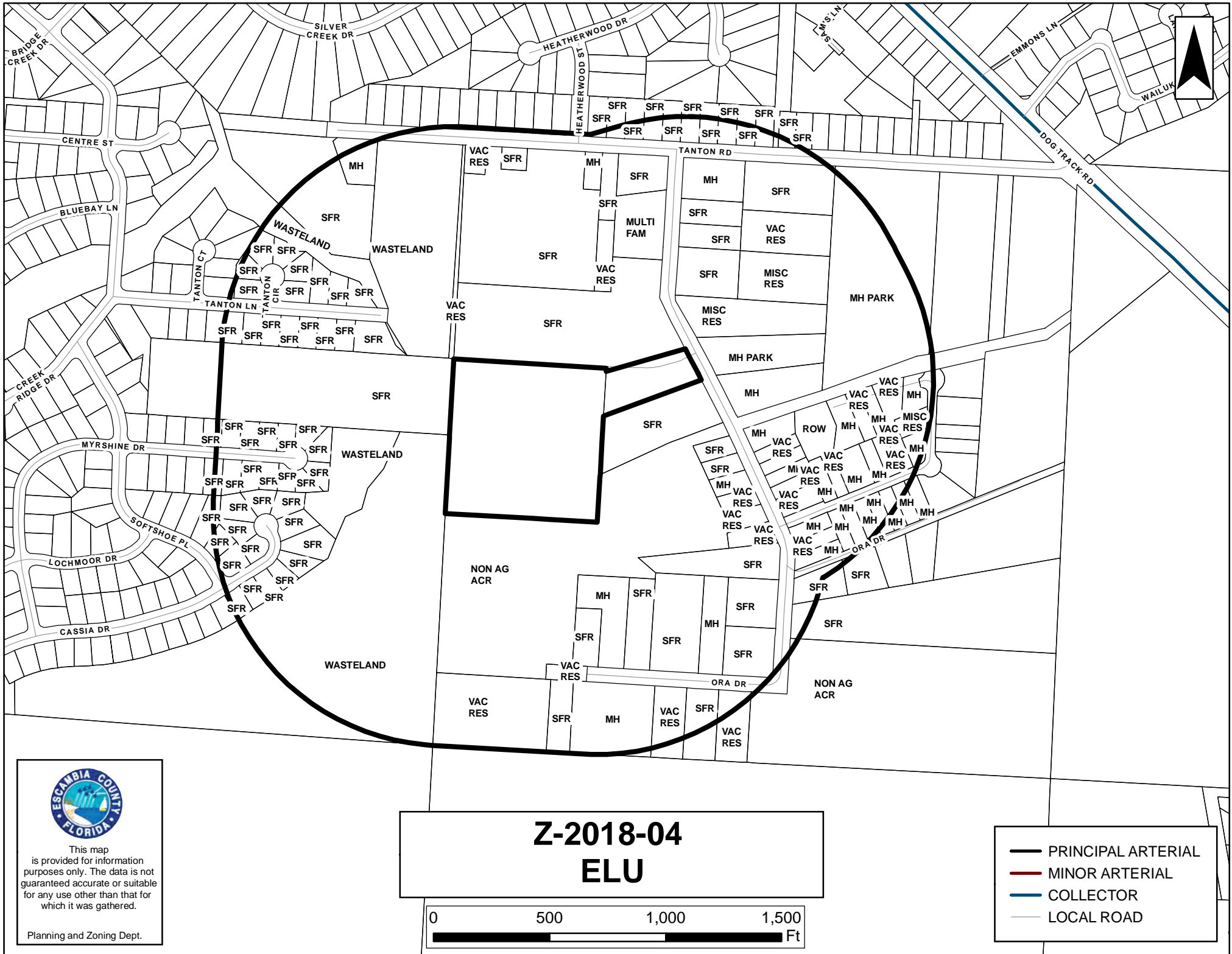
Z-2018-04 FUTURE LAND USE



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



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Andrew Holmer
Planning and Zoning Dept.



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Planning and Zoning Dept.



TANTON LN

ORA DR



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-2018-04 AERIAL MAP

0 200 400 600
Ft

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



Public Hearing
Sign



Looking East across
Ora Drive



Looking Northwest
along Ora Drive



Looking Southeast
along Ora Drive



Looking West
along boundary
from Ora Drive



Looking West
along property
boundary



Looking West from
Ora Drive onto
property



HAMMOND ENGINEERING, INC.
Florida Certificate of Authorization No. 00009130
Alabama Certificate of Authorization No. 3277

February 27, 2018

Mrs. Allyson Cain
Planning Board Coordinator
Development Services Bureau
3363 West Park Place
Pensacola, Florida 32505

**Reference: Re-zoning Parcel No's. 29-2S-31-2002-000-000
& 29-2S-31-2202-000-002
HEI Project No. 17-046**

Dear Allyson:

The above referenced parcels are currently zoned LDR and HDMU and are located on the west side of Ora Drive south of Tanton Road. We are requesting the parcels be re-zoned to MDR which matches the majority of the surrounding parcels zoning designation.

We have attached all of the required items listed on the re-zoning application. Please review these items and provide the county's findings at your earliest convenience. Should you have questions or comments, please give us a call.

Sincerely,

HAMMOND ENGINEERING, INC.

Thomas G. Hammond, Jr., PE.
President

Attachments

cc: Dog Track Area Developers, LLC.



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: _____ Accepted by: _____ PB Meeting: _____

1. Contact Information:

A. **Property Owner/Applicant:** Dog Track Area Developers, LLC

Mailing Address: 3838 N Palafox Street

Business Phone: _____ Cell: 850-501-6877

Email: cliff@momoney.com

B. **Authorized Agent (if applicable):** Tom Hammond

Mailing Address: 3802 North S Street Pensacola, FL 32505

Business Phone: 850-434-2603 Cell: 850-554-9389

Email: tom@selanddesign.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:** behind 1529 Ora Drive & 1529 Ora Drive

Parcel ID (s): 29-2S-31-2002-000-000

29-2S-31-2202-000-002

B. **Total acreage of the subject property:** 11.51 AC

C. **Existing Zoning:** LDR & HDMU

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

ALL SURROUNDING PARCELS ZONED MDR, OR MDR/HDMU SPLIT

ZONING. ALL SURROUNDING USES SINGLE FAMILY RESIDENTIAL OR

UNDEVELOPED PARCELS.

FLU Category: MU-S

D. Is the subject property developed (if yes, explain): NO

E. Sanitary Sewer: X 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.

PLEASE SEE ATTACHED

- 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

PLEASE SEE ATTACHED

- 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.

PLEASE SEE ATTACHED

- 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

PLEASE SEE ATTACHED

- 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.

PLEASE SEE ATTACHED

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): 29-2S-31-2002-000-000 & 29-2S-31-2202-000-002

Property Address: BEHIND 1529 ORA DRIVE & 1529 ORA DRIVE

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 27th DAY OF FEBRUARY, YEAR OF 2018

Signature of Property Owner

CLIFF MOWE, MGR
DOG TRACK AREA DEVELOPERS, LLC
Printed Name of Property Owner

Date

2/27/18


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 BEHIND 1529 ORA DRIVE & 1529 ORA DRIVE
, , Florida, property reference number(s) 29-2S-31-2002-000-000 &
29-2S-31-2002-000-002 **I hereby designate** TOM HAMMOND
 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 28 **day of** FEBRUARY
the year of, 2018, **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: TOM HAMMOND		Email: tom@selanddesign.com
Address: 3802 North S Street Pensacola, FL 32505		Phone: 850-554-9389
	CLIFF MOWE, MGR DOG TRACK DEVELOPERS, LLC	2/27/18
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 27th day of February 2018,
by Cliff Mow.
Personally Known ☒ OR Produced Identification ☐. Type of Identification Produced: _____

Jennifer L. Altman
Signature of Notary

Jennifer L. Gilliam
Printed Name of Notary



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 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.

Signature of Owner/Agent

CLIFF MOWE, MGR
DOG TRACK AREA DEVELOPERS, LLC
Printed Name Owner/Agent

Date

Signature of Owner

Printed Name of Owner

Date

STATE OF Florida COUNTY OF Escambia The foregoing instrument
was acknowledged before me this 27th day of February 20 18, by Cliff Mowe.

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

Signature of Notary

Printed Name of Notary



Property Reference Number
29-2S-31-2002-000-000
29-2S-31-2202-000-002

Re-zoning Criteria

A. Consistency with the Comprehensive Plan

The parcel is located in the Mixed Use- Suburban (MU-S) Future Land Use District which allows for commercial and residential uses as stated in the Comprehensive Plan, Chapter 7, FLU 1.3.1

FLUM Mixed-Use Suburban (MU-S)

General Description: 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.

Standards:

Residential Maximum Density: 25 du/acre

Non-Residential Minimum Intensity: None

Maximum Intensity: 1.0 Floor Area Ratio (FAR)

Escambia County intends to achieve the following mix of land uses for new development within ¼ mile of arterial roadways or transit corridors by 2030:

a) Residential 8% to 25%

b) Public/Rec/Inst. 5% to 20%

c) Non-Residential:

Retail Service-30% to 50%

Office-25% to 50%

In areas beyond ¼ mile of arterial roadways or transit corridors, the following mix of land uses is anticipated:

a) Residential 70% to 85%

b) Public/Rec/Inst. 10% to 25%

c) Non-Residential 5% to 10%

The proposed re-zoning is consistent with the Comprehensive Plan.

B. Consistency with Zoning District provisions

The proposed re-zoning of the subject parcels to MDR (Medium Density Residential) meets the LDC, Article 1, Section 3-1.3 (h):

ZONING DISTRICT Specific distribution and extent of uses	FUTURE LAND USE (FLU) CATEGORY General distribution and extent of uses								
	AG max 1du/20ac max 0.25 FAR	RC max 2du/4ac max 0.25 FAR	MU-S max 25du/ac max 1.0 FAR	MU-U max 2du/ac max 1.0 FAR	C Limited res max 25du/ac max 1.0 FAR	I No res allowed max 1.0 FAR	P No res allowed	REC No res allowed max 0.5 FAR	CON No res allowed
Agr max 1du/20ac	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
RR max 1du/4ac	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
RMU max 2du/ac	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
LDR max 4du/ac	No, max density	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
LDMU max 2du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
MDR max 10du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDR max 18du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDMU max 25du/ac	No, max density	No, max density	Yes	Yes	Yes	No, uses	No, uses	No, uses	No, uses
Com max 25du/ac	No, max density	No, max density	Yes	Yes	Yes	No, res use	No, uses	No, uses	No, uses
HC/LI FLU-restricted max 25du/ac	No, uses	No, uses	No, uses	Yes	Yes	Yes	No, uses	No, uses	No, uses
Ind No res allowed	No, uses	No, uses	No, uses	No, uses	No, uses	Yes	No, uses	No, uses	No, uses
Rec No res allowed	Yes	Yes	Yes	Yes	Yes	No, uses	Yes	Yes	No, uses
Con No res allowed	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pub No res allowed	No, uses	No, uses	No, uses	No, uses	No, uses	Yes	Yes	No, uses	No, uses

For every combination of zoning district and FLU category represented by the table, "Yes" indicates the zoning is consistent with the FLU. "No" indicates zoning inconsistency with the FLU, primarily for the reason noted.

(Ord No 2015-58, § 1, 12-10-2015)

Supp 3

LDC 3:7

Also, LDC Chapter 3, Article 2, Section 3-2.7(f) states:

Rezoning to MDR.

Medium Density Residential zoning maybe established only within the Mixed-Use Suburban (MU-S) and Mixed-Use Urban (MU-U) future land use categories. The district is suitable for suburban or urban areas with central water and sewer and developed street networks. The district is appropriate to provide transitions between areas zoned or used for low density residential and areas zoned or used for high density residential or mixed-use.

The proposed re-zoning is consistent with the Land Development Code.

C. Compatibility with surroundings

The parcel is bordered by five (5) MDR zoned parcels, one (1) MDR/HDMU split zoned parcel, and one HDMU zoned parcel.

All the parcels within 500' of the subject parcel appear to be of a single family residential use or are not developed.

The proposed re-zoning is compatible with the surrounding uses.

D. Appropriate if Spot Zoning

The existing parcel exists as a spot zoning today being completely surrounded by MDR, HDMU, or MDR/HDMU split zoned parcels.

Proposed re-zoning would correct a current "spot zoning" situation.

E. Appropriate with changed or changing conditions

We are not aware of any known or changed conditions that would affect the proposed rezoning request.

Recorded in Public Records 09/14/2005 at 04:41 PM OR Book 5729 Page 791,
Instrument #2005420058, Ernie Lee Magaha Clerk of the Circuit Court Escambia
County, FL Recording \$35.50 Deed Stamps \$1089.90

This Instrument Prepared By:
JAMES S. CAMPBELL
Beggs & Lane, RLLP
501 Commendencia Street
Pensacola, Florida 32502
(850) 432-2451
File Number: 9608-43808

Parcel ID#29-2S-31-2002-000-000

STATE OF FLORIDA
COUNTY OF ESCAMBIA

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Isauro P. Baradi and Estella
Ranchez Baradi, husband and wife (herein "Grantor"), whose address is 850 N. Alexandria
Avenue, Los Angeles, CA 90029, for and in consideration of the sum of Ten Dollars and other
good and valuable considerations, the receipt, adequacy and sufficiency of which is hereby
acknowledged, does hereby bargain, sell, remise, confirm, convey and grant unto Dogtrack
Area Developers, LLC, a Florida limited liability company (herein "Grantee"), whose address
is 3838 N. Palafox Street, Pensacola, Florida 32505, and Grantee's successors and/or assigns,
forever, the following described real property located in Escambia County, Florida:


SEE EXHIBIT "A" ATTACHED HERETO


Subject to those certain matters all as more particularly described on Exhibit "B" attached hereto
and incorporated herein by this reference ("Permitted Exceptions").


Together with all and singular the tenements, hereditaments and appurtenances thereto belonging
or in anywise appertaining, free from all exemptions and right of homestead, in fee simple
forever. And Grantor covenants that Grantor is well seized of an indefeasible estate in fee
simple in said property and has a good right to convey the same; that it is free of lien or
encumbrances, and that Grantor, Grantor's heirs, executors, administrators, successors and
assigns, will forever warrant and defend title to the above-described property against the lawful
claims of all persons whomsoever, subject to the Permitted Exceptions set forth herein.


IN WITNESS WHEREOF, we have hereunto set our hands and seals this 31st
day of August, 2005.

Signed, sealed, and delivered
in the presence of:


Print Name: Joseph H. Campbell


Print Name: Ricky Alvarez


Isauro P. Baradi


Estella Ranchez Baradi

BK: 5729 PG: 792

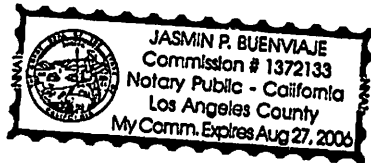
STATE OF CALIFORNIA

COUNTY OF Los Angeles

The foregoing instrument was acknowledged before me this 31st day of August, 2005, by Isauro P. Baradi and Estella Sanchez Baradi, husband and wife, who did not take an oath and who:

/ is/are personally known to me.
/ produced CA DL LICENSE as identification.

(Notary Seal Must Be Affixed)



Notary Public

JASMIN P. BUENVIAJE

Name of Notary Printed

My Commission Expires: Aug 27, 2006

Commission Number: 1372133

C:\MyDocuments\Dogtrack Area Developers\Baradi\Deed Permitted Exceptions

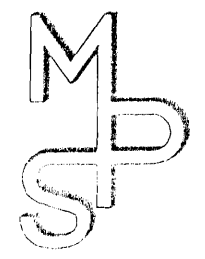
BK: 5729 PG: 793

EXHIBIT "A"

Beginning at Northwest corner of Section 29, Township 2 South, Range 31 West, thence South 990 feet to the Point of Beginning thence continue South 660 feet, thence East 660 feet thence North 660 feet, thence West 660 feet to the Point of Beginning, LESS State ditch. Together with ingress and egress easement set forth in Official Records Book 1536, Page 205, of the public records of Escambia County, Florida.

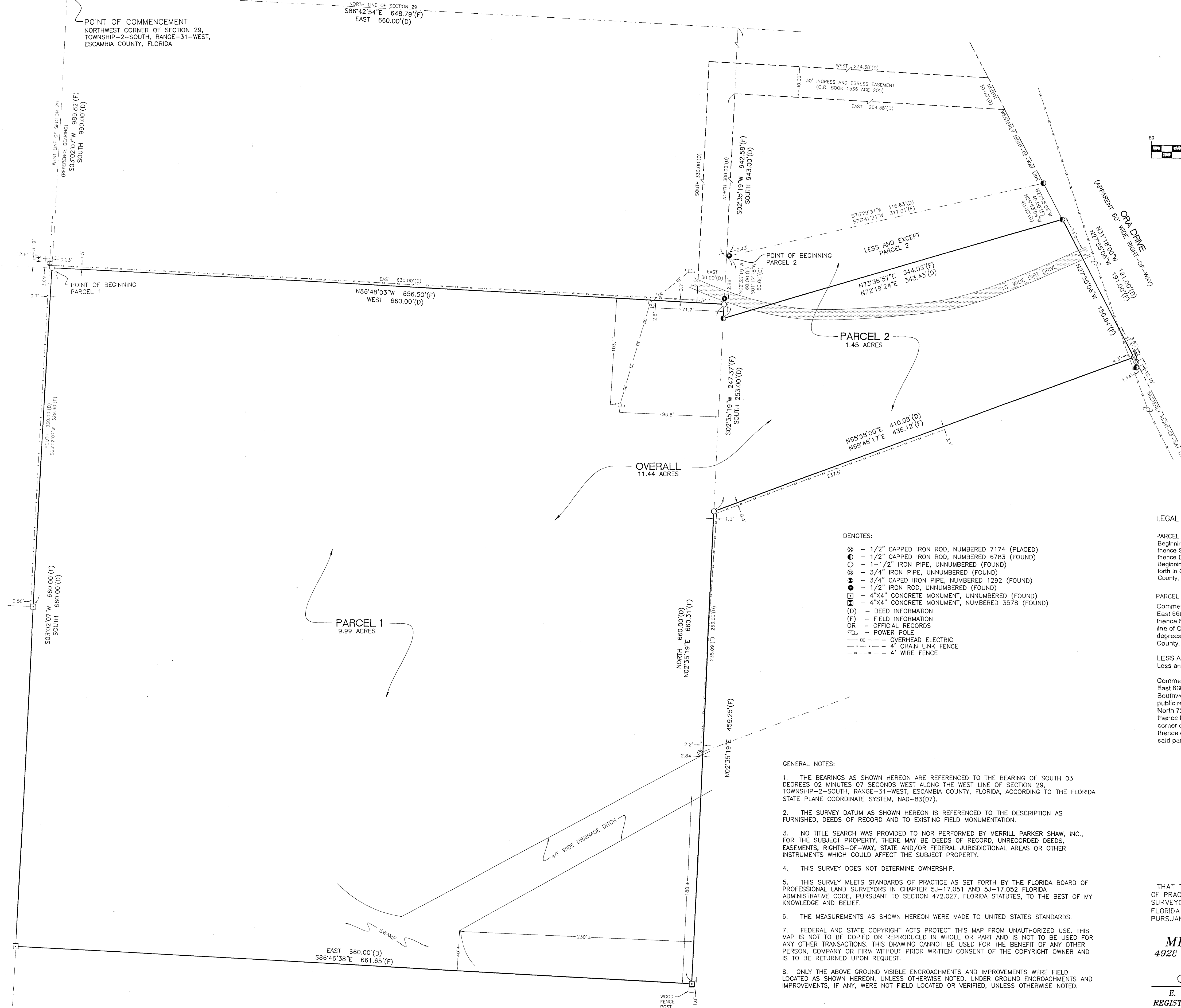
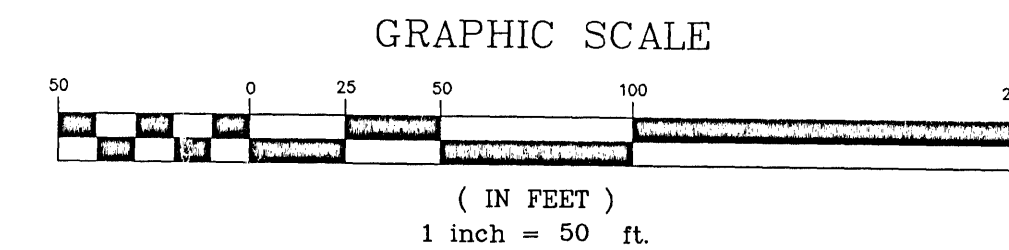
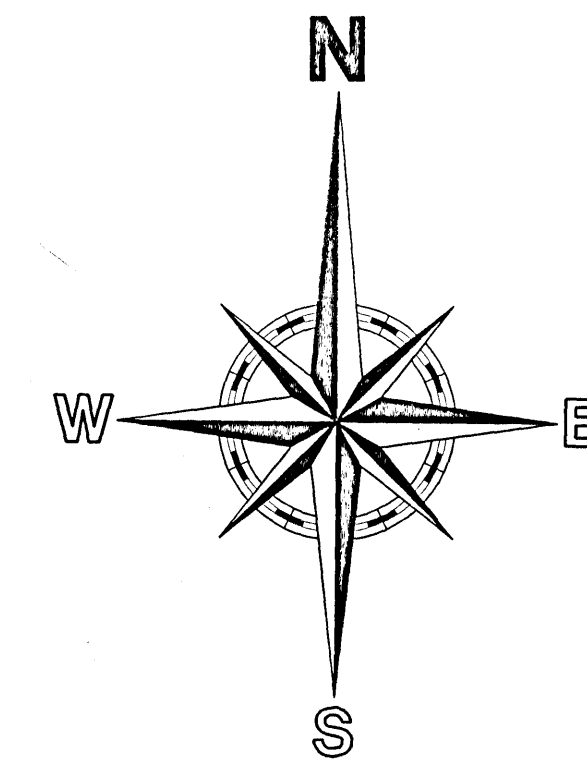
EXHIBIT "B"
Permitted Exceptions

1. Taxes for the year 2005.
2. Easement for ingress and egress recorded in Official Records Book 1536, Page 205, of the public records of Escambia County, Florida.
3. Mineral Deed recorded in Official Records Book 768, Page 101, of the public records of Escambia County, Florida. No determination has been made as to the current record owner of said reservations.



BOUNDARY SURVEY

OF A PORTION OF SECTION 29, TOWNSHIP-2-SOUTH, RANGE-31-WEST, ESCAMBIA COUNTY, FLORIDA.



- DENOTES:
- ⊗ 1/2" CAPPED IRON ROD, NUMBERED 7174 (PLACED)
 - ⊙ 1/2" CAPPED IRON ROD, NUMBERED 6783 (FOUND)
 - 1-1/2" IRON PIPE, UNNUMBERED (FOUND)
 - ⊙ 3/4" IRON PIPE, UNNUMBERED (FOUND)
 - ⊙ 3/4" CAPED IRON PIPE, NUMBERED 1292 (FOUND)
 - ⊙ 1/2" IRON ROD, UNNUMBERED (FOUND)
 - ⊙ 4"x4" CONCRETE MONUMENT, UNNUMBERED (FOUND)
 - ⊙ 4"x4" CONCRETE MONUMENT, NUMBERED 3578 (FOUND)
 - (D) DEED INFORMATION
 - (F) FIELD INFORMATION
 - (O) OFFICIAL RECORDS
 - ⊙ POWER POLE
 - OVERHEAD ELECTRIC
 - 4" CHAIN LINK FENCE
 - 4" WIRE FENCE

GENERAL NOTES:

- THE BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE BEARING OF SOUTH 03 DEGREES 02 MINUTES 07 SECONDS WEST ALONG THE WEST LINE OF SECTION 29, TOWNSHIP-2-SOUTH, RANGE-31-WEST, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NAD-83(07).
- THE SURVEY DATUM AS SHOWN HEREON IS REFERENCED TO THE DESCRIPTION AS FURNISHED, DEEDS OF RECORD AND TO EXISTING FIELD MONUMENTATION.
- NO TITLE SEARCH WAS PROVIDED TO NOR PERFORMED BY MERRILL PARKER SHAW, INC., FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, STATE AND/OR FEDERAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY.
- THIS SURVEY DOES NOT DETERMINE OWNERSHIP.
- THIS SURVEY MEETS STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.051 AND 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, TO THE BEST OF MY KNOWLEDGE AND BELIEF.
- THE MEASUREMENTS AS SHOWN HEREON WERE MADE TO UNITED STATES STANDARDS.
- FEDERAL AND STATE COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOT TO BE COPIED OR REPRODUCED IN WHOLE OR PART AND IS NOT TO BE USED FOR ANY OTHER TRANSACTIONS. THIS DRAWING CANNOT BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER AND IS TO BE RETURNED UPON REQUEST.
- ONLY THE ABOVE GROUND VISIBLE ENCROACHMENTS AND IMPROVEMENTS WERE FIELD LOCATED AS SHOWN HEREON, UNLESS OTHERWISE NOTED. UNDER GROUND ENCROACHMENTS AND IMPROVEMENTS, IF ANY, WERE NOT FIELD LOCATED OR VERIFIED, UNLESS OTHERWISE NOTED.

LEGAL DESCRIPTION:

PARCEL 1: (O.R. BOOK 5729, PAGE 791)
Beginning at Northwest corner of Section 29, Township 2 South, Range 31 West, thence South 990 feet to the Point of Beginning thence continue South 660 feet, thence East 660 feet thence North 660 feet, thence West 660 feet to the Point of Beginning, LESS State ditch, Together with ingress and egress easement set forth in Official Records Book 1536, Page 205, of the public records of Escambia County, Florida.

PARCEL 2: (O.R. BOOK 5738, PAGE 272)
Commencing at the Northwest corner of Section 29, Township 2 South, Range 31 West; thence East 660 feet; thence South 943 feet to point of beginning; thence continue South 253 feet; thence North 65 degrees 58 minutes East 410.08 feet, more or less to the Westerly right-of-way line of Ora Drive (56' RW); thence North 31 degrees 18 minutes West 191 feet; thence South 73 degrees 31 minutes West 316.63 feet to the point of beginning. All lying and being in Escambia County, Florida.

LESS AND EXCEPT:
Less and Except portion of Legal Description prepared at Client's request.

Commencing at the Northwest corner of Section 29, Township 2 South, Range 31 West; thence East 660 feet; thence South 943 feet to Point of Beginning, said Point of Beginning also being the Southwest corner of that parcel of land recorded in Official Records Book 1156 at page 498 of the public records of Escambia County, Florida; thence South 01°17'58" West for 60.00 feet; thence North 72°19'24" East for 343.43 feet to the Westerly right-of-way line of Ora Drive (56' RW); thence North 28°53'09" West along said Westerly right-of-way line for 40.00 feet to the Southeast corner of the aforementioned parcel of land recorded in Official Records Book 1156 at page 498; thence departing said Westerly right-of-way line South 75°29'31" West along the South line of said parcel for 316.63 feet to the Point of Beginning. Containing 0.394 acres, more or less.

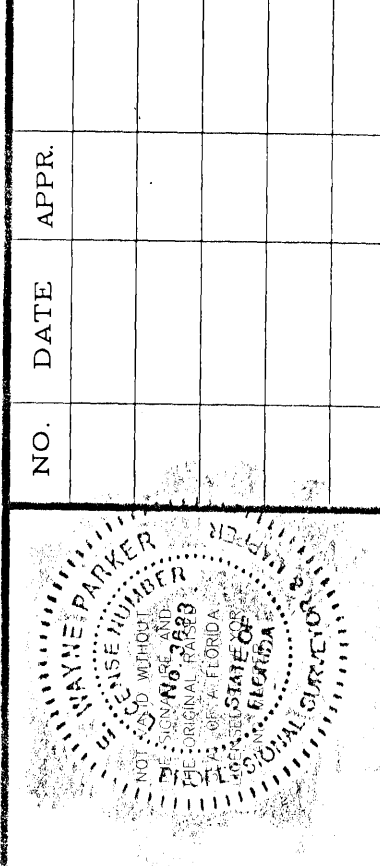
THAT THE SURVEY SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN THE STATE OF FLORIDA, ACCORDING TO FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.051 AND 5J-17.052, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

MERRILL PARKER SHAW, INC.
4928 N. DAVIS HIGHWAY, PENSACOLA, FL. 32503

E. Wayne Parker 2/22/18
E. WAYNE PARKER, PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 3683 CORPORATE NUMBER 7174
STATE OF FLORIDA

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NO.	DATE	APPR.	REVISIONS:



MERRILL PARKER SHAW, INC.
PROFESSIONAL LAND SURVEYING SERVICES
4928 N. DAVIS HWY.
PENSACOLA, FL 32503
PH: 6501-478-4923
FAX: 6501-478-4924
FLORIDA CORPORATION NUMBER 7174

SCALE: 1" = 50'
DATE: 2/22/18
CHECKED: EWP
DRAWN: AES
FIELD BOOK: 373, PAGES: 46-47
FIELD DATE: 2/7/18

BOUNDARY SURVEY
OF A PORTION OF SECTION 29, TOWNSHIP-2-SOUTH,
RANGE-31-WEST, ESCAMBIA COUNTY, FLORIDA.

REQUESTED BY: TOM HAMMOND
PREPARED FOR: HAMMOND ENGINEERING, INC.

JOB NO.	SHEET
18-10313-S-1	1 OF 1

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

INTEROFFICE MEMORANDUM



**TO: Juan C. Lemos, CFM, Senior Planner
Development Services Department**

**FROM: Terri V. Malone, AICP, Transportation Planner
Transportation & Traffic Operations Division**

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

DATE: March 15, 2018

RE: Transportation & Traffic Operations (TTO) Comments – Z-2018-04

TTO Staff has reviewed the Rezoning Case (Z)-2018-04, Behind 1529 Ora Drive, agenda item for the Planning Board meeting scheduled for May 1, 2018. Please see the below comments.

There are no ongoing projects on Ora Drive. Additionally, 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, Ora Drive is classified as a local street and assumed to be functioning within its allowable capacity for traffic volumes. The closest roadway listed in the plan is Dog Track Road which is classified as a Major Collector. The maximum level-of-service (LOS) for this roadway segment is LOS D (17,700 trips/day), and as of year 2016 the roadway segment had 6,000 daily vehicles.

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**

Planning Board-Rezoning

7. B.

Meeting Date: 05/01/2018

CASE : Z-2018-05

APPLICANT: Cynthia Mather, Agent for Airplane Services, Inc, Owner

ADDRESS: 5900 W Nine Mile Rd

PROPERTY REF. NO.: 06-1S-31-4402-000-000

FUTURE LAND USE: MU-S, Mixed-Use Suburban

DISTRICT: 1

OVERLAY DISTRICT: AIPD2, OLF 8

BCC MEETING DATE: 06/07/2018

SUBMISSION DATA:

REQUESTED REZONING:

FROM: HDMU, High Density Mixed-use district (25 du/acre) and Com, Commercial district (25 du/acre)

TO: Com, Commercial 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.

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

Residential, Retail and Services, Professional Office, Recreational Facilities, Public and Civic. The maximum residential density is twenty five dwelling units per acre.

CPP FLU 1.5.1 New Development and Redevelopment in Built Areas. To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

FINDINGS

The proposed amendment to Com is **consistent** with the intent and purpose of Future Land Use category MU-S as stated in CPP FLU 1.3.1. The FLU category allows for a mixture of commercial and residential development. The property is located along Nine Mile Rd, a minor arterial, and currently has a commercial business on the corner of Nine Mile and Beulah as well as a mobile home park. There are several other commercial developments in the area of the proposed zoning.

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

Consistent with The Land Development Code

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.

Sec. 3-2.9 High density mixed use district (HDMU)

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.

Sec. 3-2.10 Commercial district (Com)

(a) Purpose. The Commercial (Com) district establishes appropriate areas and land use regulations for general commercial activities, especially the retailing of commodities and services. The primary intent of the district is to allow more diverse and intense commercial uses than the neighborhood commercial allowed within the mixed-use districts. To maintain compatibility with surrounding uses, all commercial operations within the Commercial district are limited to the confines of buildings and not allowed to produce undesirable effects on surrounding property. To retain adequate area for commercial activities, new and expanded residential development within the district is limited, consistent with the Commercial (C) future land use category.

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

(1) Residential. The following residential uses are allowed throughout the district, but if within the 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 new or expanded manufactured home parks or subdivisions.
- 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. Retail sales, including Low-THC marijuana dispensing facilities, sales of alcoholic beverages and automotive fuels, but excluding motor vehicle sales and permanent outdoor storage. See also conditional uses in this district.

(3) Retail services. The following retail services, excluding permanent outdoor storage:

- a. Car washes, automatic or manual, full service or self-serve.
- b. Child care facilities.
- c. Hotels, motels and all other public lodging, including boarding and rooming houses.
- 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, and outdoor work.
- g. Restaurants and brewpubs, including on-premises consumption of alcoholic beverages, drive-in and drive-through service, and brewpubs with the distribution of on-premises produced alcoholic beverages for off-site sales. The parcel boundary of any restaurant or brewpub with drive-in or drive-through service shall be at least 200 feet from any LDR or MDR zoning district unless separated by a 50-foot or wider street right-of-way.

See also conditional uses in this district.

(4) Public and civic.

- a. Broadcast stations with satellite dishes and antennas, including towers.
- b. Cemeteries, including family cemeteries.
- c. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.
- d. Educational facilities, including preschools, K-12, colleges, and vocational schools.
- e. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.
- f. Foster care facilities.
- g. Funeral establishments.
- h. Hospitals.
- i. Offices for government agencies or public utilities.
- j. Places of worship.
- k. Public utility structures, including telecommunications towers, but excluding any

industrial uses.

I. Warehousing or maintenance facilities for government agencies or for public utilities. See also conditional uses in this district.

(5) Recreation and entertainment.

- a. Campgrounds and recreational vehicle parks on lots five acres or larger.
- b. Indoor recreation or entertainment facilities, including movie theaters, bowling alleys, skating rinks, arcade amusement centers, bingo facilities and shooting ranges, but excluding bars, nightclubs or adult entertainment facilities.
- c. Marinas, private and commercial.
- d. Parks without permanent restrooms or outdoor event lighting.

See also conditional uses in this district.

(6) Industrial and related.

- a. Printing, binding, lithography and publishing.
- b. Wholesale warehousing with gross floor area 10,000 sq.ft. or less per lot.

See also conditional uses in this district.

(7) Agricultural and related.

- a. Agricultural food production primarily for personal consumption by the producer, but no farm animals.
- b. Nurseries and garden centers, including adjoining outdoor storage or display of plants.
- c. Veterinary clinics.

See also conditional uses in this district.

(8) Other uses.

- a. Billboard structures.
- b. Outdoor storage if minor and customarily incidental to the allowed principal use, and if in the rear yard, covered, and screened from off-site view, unless otherwise noted.
- c. Parking garages and lots, commercial.
- d. Self-storage facilities, excluding vehicle rental.

(e) Location criteria. All new non-residential uses proposed within the Commercial district that are not part of a planned unit development or not identified as exempt by the district 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 one-quarter mile of its intersection with an arterial street.

(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 Commercial 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 or collector street, no more than one-half mile from its intersection with an arterial or collector street, not abutting a single-family residential zoning district (RR, LDR or MDR), and all of the following site design conditions:

- a. Any Intrusion into a recorded subdivision is limited to a corner lot.

b. A system of service roads or shared access is provided to the maximum extent made feasible by lot area, shape, ownership patterns, and site and street characteristics.

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 potential uses of parcel that were not anticipated by the alternative criteria, and the proposed use, or rezoning as applicable, 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).

Sec. 4-4.5 Airport and airfield planning districts.

(b) Military Airfield Influence Planning Districts. Airfield Influence Planning Districts (AIPDs) are established to provide enhanced protection in support of the continued operation of military airfields for areas that are close enough to those airfields to influence or be influenced by their activities. AIPDs impose additional restrictions on surrounding development that primarily address noise and safety concerns created by flight operations and potential interferences with those operations. If military operations permanently cease at an airfield, the supplemental requirements of its AIPDs will no longer apply to surrounding lands.

(6) AIPD-2 requirements. AIPD-2 is additional areas extended beyond AIPD-1 that is sufficiently close to the airfield to require some protections. AIPD-2 requirements are the same for all airfields. Densities and minimum lot sizes of the underlying zoning districts are not modified by AIPD-2.

FINDINGS

The proposed amendment **is consistent** with the intent and purpose of the Land Development Code. The Commercial district establishes appropriate areas and land use regulations for general commercial activities, especially the retailing of commodities and services. The primary intent of the district is to allow more diverse and intense commercial uses than the neighborhood commercial allowed within the mixed-use districts. To maintain compatibility with surrounding uses, all commercial operations within the Commercial district are limited to the confines of buildings and not allowed to produce undesirable effects on surrounding property. If a current legal non conforming use expands beyond the current commercial boundary, the applicant must apply for a Conditional use and a development review process. The parcel meets the locational criteria due to the fact that it is along an arterial road and also at the intersection of an arterial roadway and a collector roadway. The parcel is in AIPD-2 which does not modify the density or lot sizes. The zoning would determine the density allowed.

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 LDR, MDR, HC/LI and Com. There is a car lot, mobile home park, convenience store, church, single-family residences, as well as a school and other commercial developments currently in the development stage.

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

Currently the parcel consists of two zoning districts, HDMU and Com. The majority of the parcel is HDMU, which would be considered spot zoning due to the fact there is no other HDMU in the area. Changing the split zoned parcel from High Density Mixed-use and Commercial to Commercial will remove the split zoning while allowing for more commercial activity that would be compatible with the commercial uses along Nine Mile Road, resulting in a logical and orderly development pattern.

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.

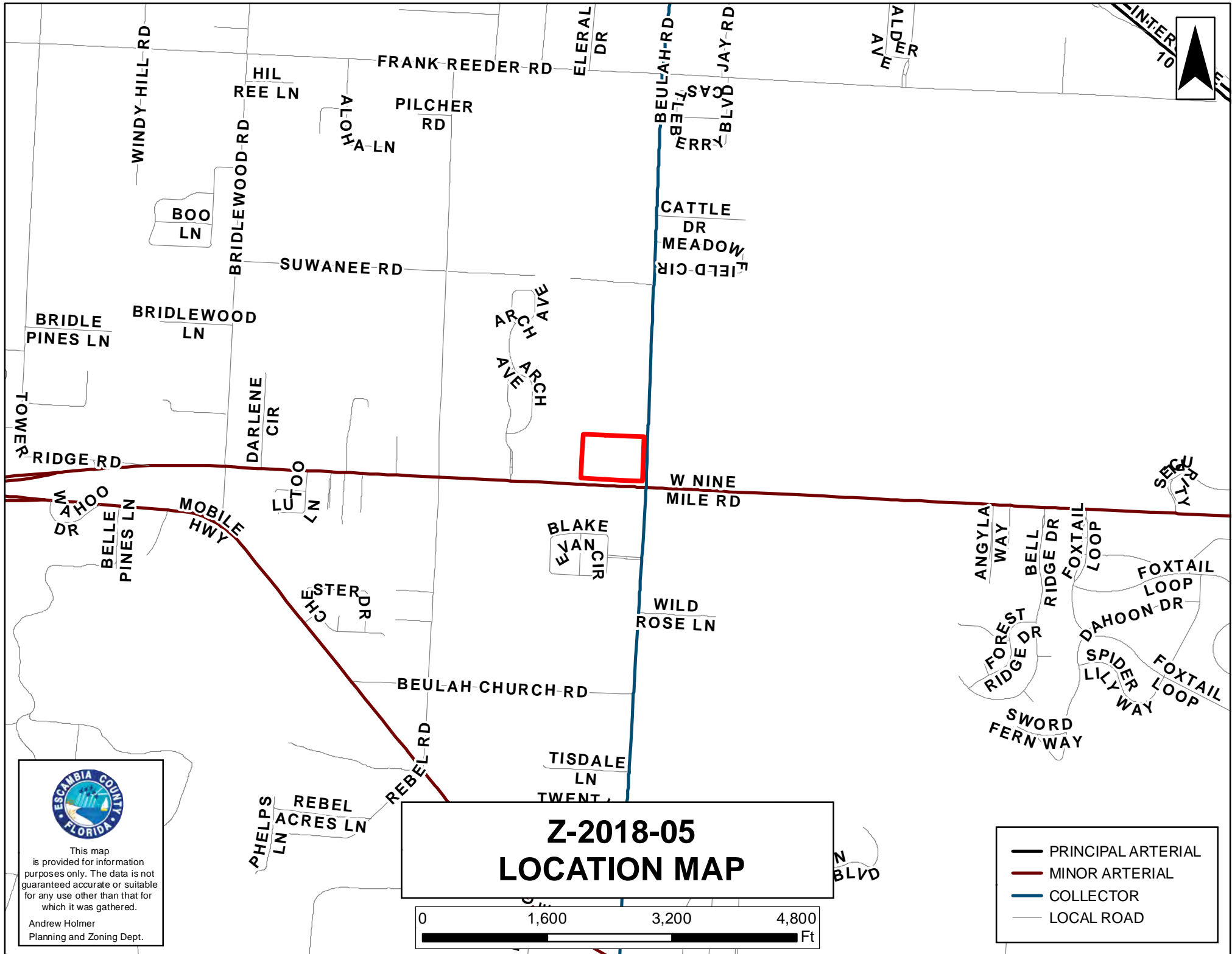
FINDINGS

The land uses or development conditions within the area surrounding the property of rezoning **have** changed. The area along Nine Mile Rd is growing with the additions to Navy Federal, upcoming subdivisions, new middle school and improvements to Nine Mile Rd. The request to rezone to Commercial will allow for a range of commercial developments that could provide services to the neighboring subdivisions.

Attachments

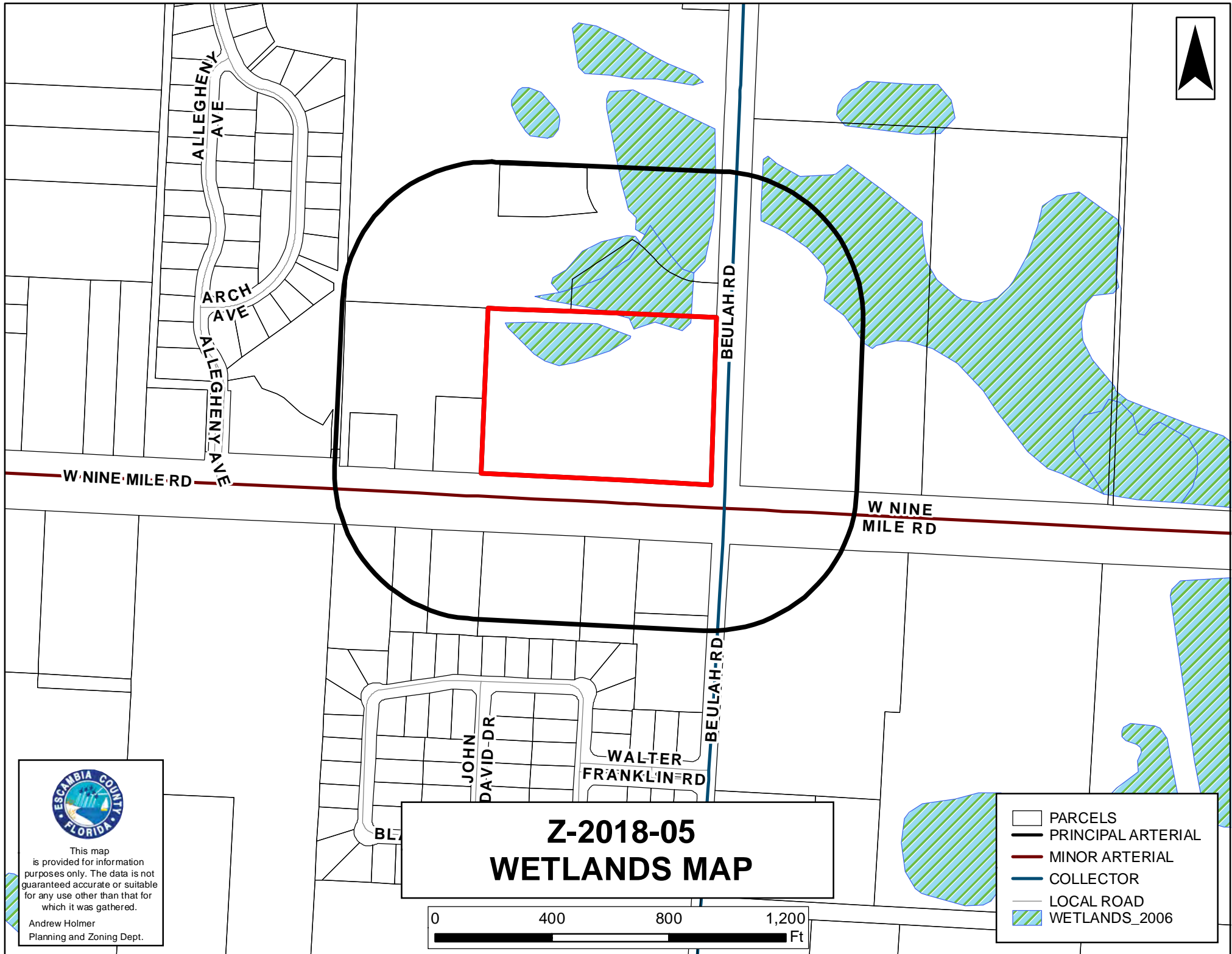
Working Case File

Z-2018-05



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.

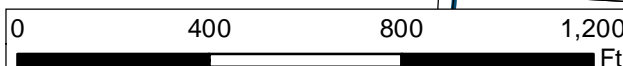
Andrew Holmer
Planning and Zoning Dept.



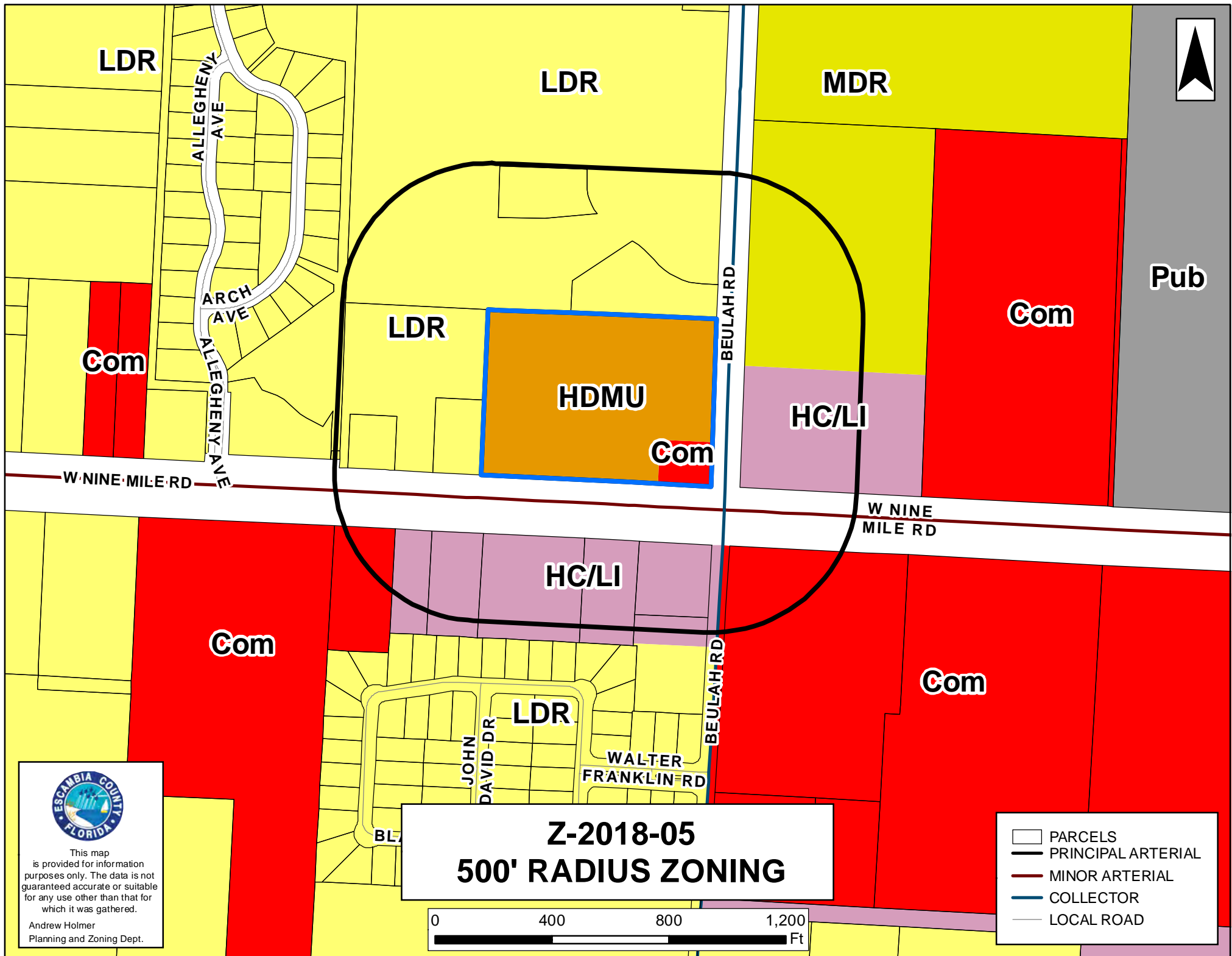
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2018-05 WETLANDS MAP

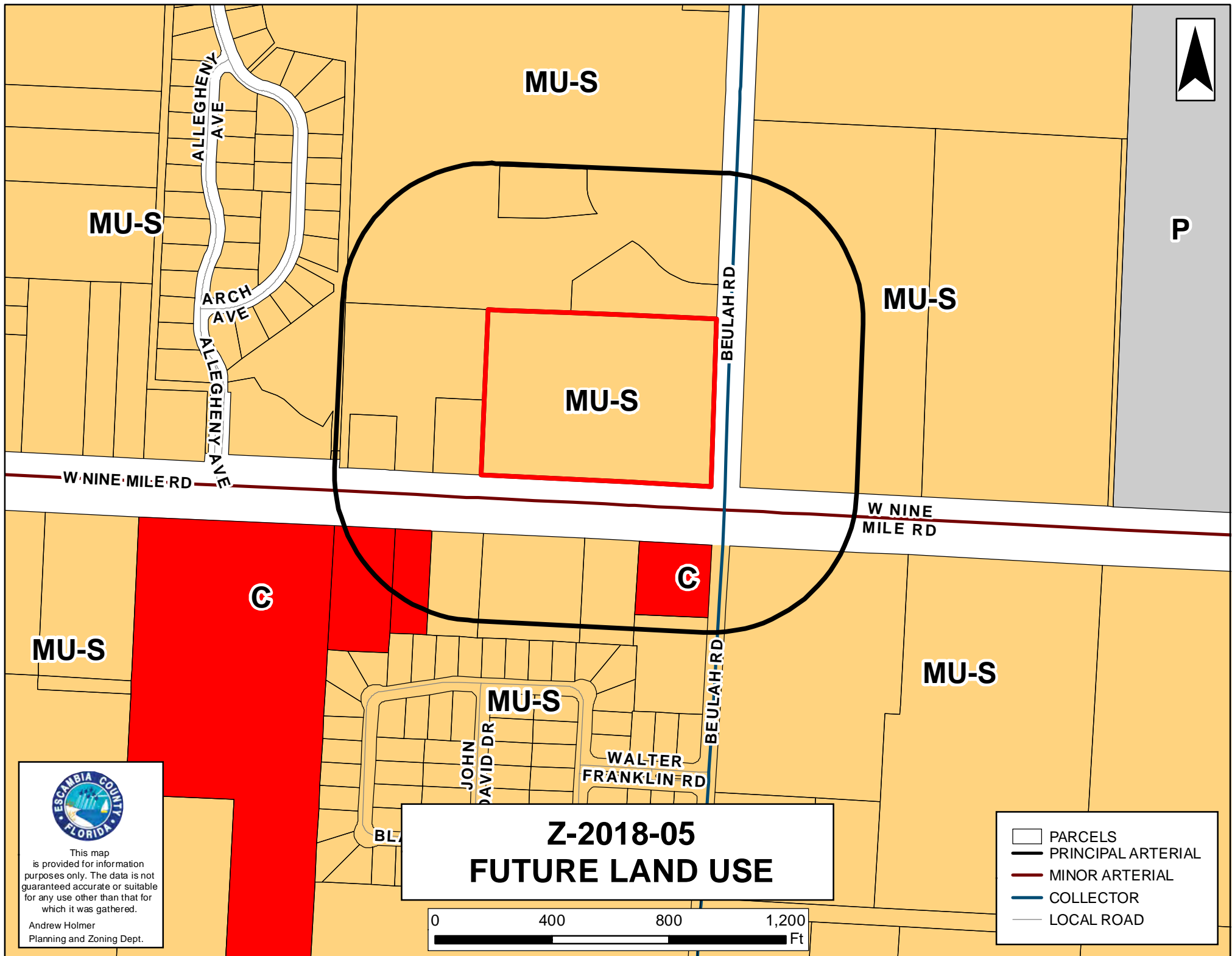


- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- WETLANDS_2006



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.





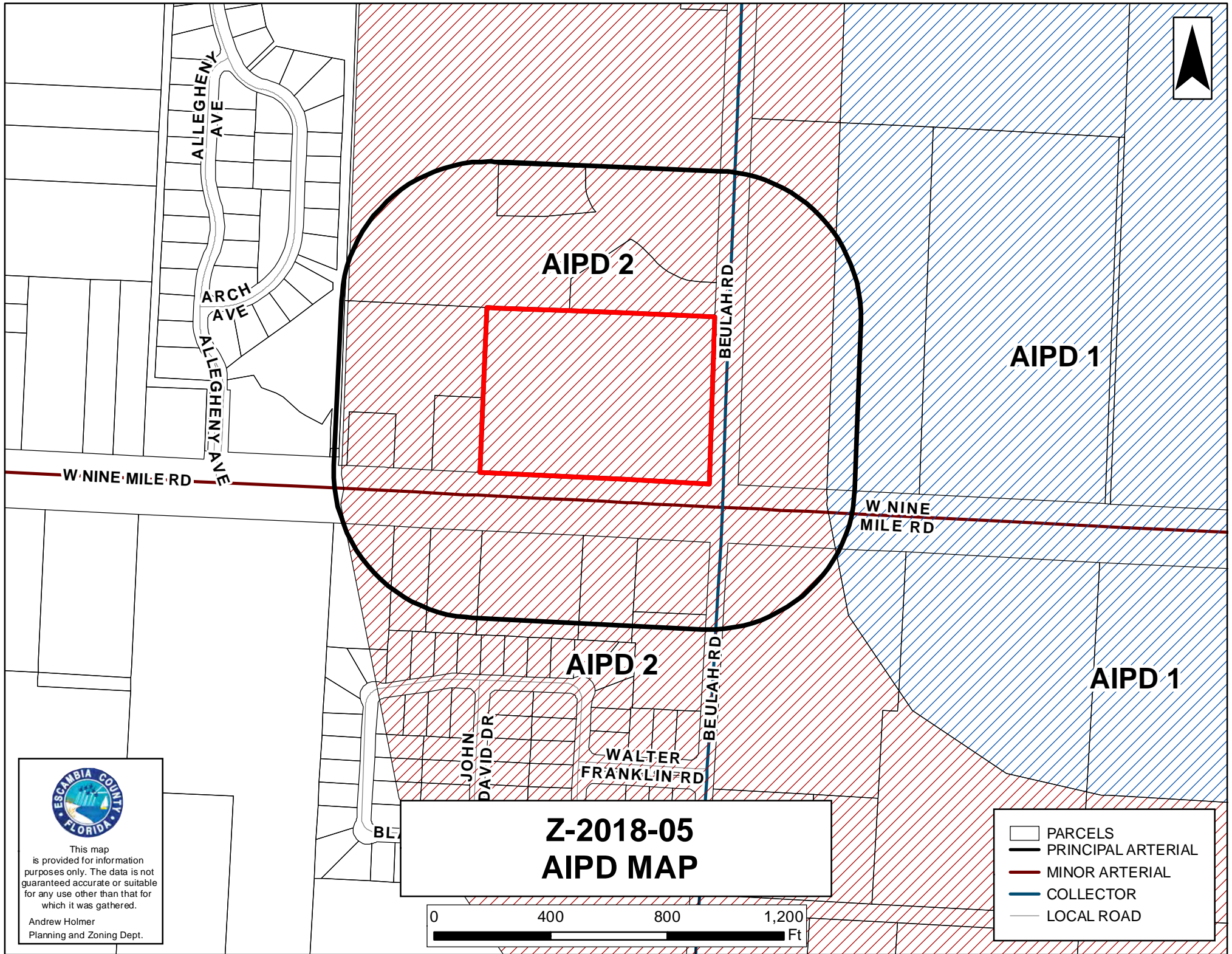
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2018-05 AERIAL MAP

0 200 400 600
Ft

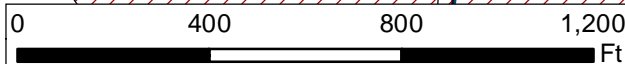
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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.

Z-2018-05 AIPD MAP



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



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2018-05

CURRENT ZONING: COM
HDMU PROPOSED ZONING: COM

PLANNING BOARD

DATE: 05/01/18 TIME: 8:30 AM

LOCATION OF HEARING

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

BOARD OF COUNTY COMMISSIONERS

DATE: 06/07/18 TIME: 5:45 PM

LOCATION OF HEARING

ERNIE LEE MAGAHA GOVERNMENT BLDG
221 PALAFOX PLACE
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:
DEVELOPMENT SERVICES AT 595-3475 OR VISIT
www.myescambia.com

DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

Public Notice Sign



Looking onto subject property



Another view of property
along Nine Mile Rd



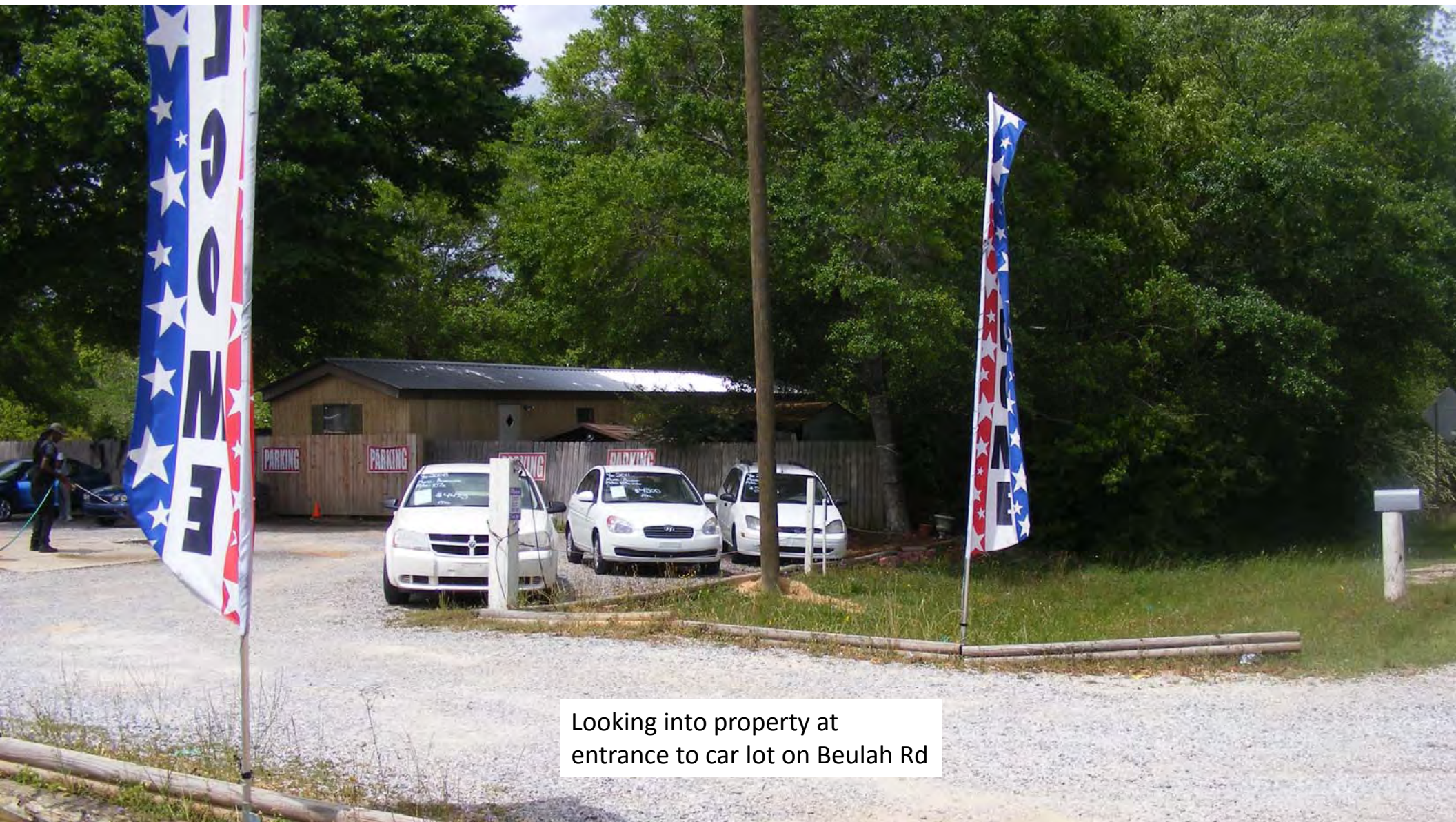
Looking across Nine Mile Rd
from subject property



Looking at Beulah Rd, southeast
from subject parcel along Nine
Mile Rd



Looking north from Beulah
Rd and Nine Mile
At the entrance to car lot



Looking into property at
entrance to car lot on Beulah Rd



Looking at intersection of Beulah
and Nine Mile from subject parcel



Aerial view of overall parcel

BEULAH



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: 2-2018-05 Accepted by: AC PB Meeting: 5-1-18

1. Contact Information:

A. Property Owner/Applicant: Airplane Services, Inc. Eliis Stuart, President

Mailing Address: 1817 Mineral Springs Rd. Jay, FL 32565

Business Phone: 850 675 5029

Cell: _____

Email: _____

B. Authorized Agent (if applicable): Cynthia Mather

Mailing Address: 8640 Klondike Rd Pensacola, FL 32526

Business Phone: _____ Cell: 850 377 9899

Email: whitesands3c@yahoo.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: 5900 W. Nine Mile Rd Pensacola, FL 32526

Parcel ID (s): 061S314402000000

B. Total acreage of the subject property: 10.19

C. Existing Zoning: Com / HDMU

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

In order to be consistent with surrounding zones, and to be compatable with current
growth in area.

FLU Category: MU-S

D. Is the subject property developed (if yes, explain): Yes. Mobile home park consisting of 19 mobile homes, 2 of which are being taken out of park. A lift station (for sanitation), used car lot, metal bldg., and fences.

E. Sanitary Sewer: X 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.

Our parcel FLU is MU-S and according to the FLU Category & Zoning District Specific Distribution & Extent of

Uses Table, Commercial Zone can reside within MU-S FLU. Also, according to the LDC, Chapter 3,

Pg LDC 3:50, Rezoning to Commercial : Commercial zoning may be established only within

MU-S, MU-U or Commercial FLU categories.

(Please see attached FLU Map)

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

Across from our parcel is a Tom Thumb (HC/LI); west of that is a Dollar General (HC/LI),

Veterinarian (HC/LI) and new middle school (Com). Property on opposite corner is commercial and according to a community meeting Feb, 20th, a strip mall and two eateries are slated for

that parcel. On east side of our parcel, property is zoned HC/LI. There is an acre parcel

on our east side that is for sale and the property owner is selling with the intent of rezoning

for prospective buyer. Considering the zoning of commercial and HC/LI surrounding our

parcel, I think the obvious extrapolation would be yes, it is consistent.

(Please see attached Zoning and FLU Maps)

- 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.

Commercial zoning allows for residential, including mobile home parks, some retail sales, retail services, public & civic, recreation & entertainment, ag & related, self storage facilities, and a few other small commercial ventures. It, however, allows for very little industrial. All these allowed uses, and prohibited uses, are compatible and consistent with existing uses, now and future allowed.

- 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

We are requesting our property be zoned commercial to lift it out of spot zoning. Commercial zoning is the prevalent zone surrounding our parcel.

(Please see attached zoning map)

- 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.

West Nine Mile Road is experiencing unprecedented growth due to the building of Navy Federal in Beulah. In order to accommodate this growth, it will be necessary for other businesses to come in as well. (i.e. eateries, gas stations, retail business, etc...) These businesses will require commercial property.

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): 0618314702000000

Property Address: 5900 W. Nine Mile Rd PNS 32526

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

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

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

- 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 17th DAY OF February, YEAR OF 2018

Ellis Stuart Pres ELLIS STUART PRES 2-17-18
Signature of Property Owner Printed Name of Property Owner 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 5900 W. Nine Mile Rd
PENSACOLA, Florida, property reference number(s) 0614314402000000
I hereby designate Cynthia Mather
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 17th day of Feb
the year of, 2018, 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: Cynthia Mather Email: Whitesands3C@yahoo.com
Address: 8640 Klondike Rd PNS 32526 Phone: 850 377 9899

[Signature]
Signature of Property Owner

ELLIS STUART
Printed Name of Property Owner

2-17-18
Date

Signature of Property Owner

Printed Name of Property Owner

Date

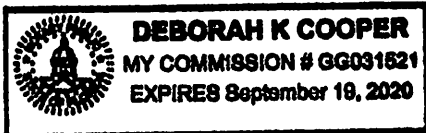
STATE OF FLORIDA COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 17th day of February 20 18,
by ELLIS STUART.

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: FL DRIVERS License
S363-200-49-333-0

[Signature]
Signature of Notary

DEBORAH K COOPER
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:
<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 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.

Cynthia Mather
Signature of Owner/Agent

Cynthia Mather
Printed Name Owner/Agent

2/27/2018
Date

Signature of Owner

Printed Name of Owner

Date

STATE OF FLORIDA COUNTY OF ESCAMBIA The foregoing instrument was acknowledged before me this 27 day of February 20 18, by Cynthia Mather.

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

Deborah K Cooper
Signature of Notary

Deborah K Cooper
Printed Name of Notary



2016 Real Estate

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

ACCOUNT NUMBER	ESCROW CD	ASSESSED VALUE	MILLAGE CODE	PROPERTY REFERENCE NUMBER
09-0302-000		See Below	06	061S314402000000

2016 Real Estate

5900 W NINE MILE RD
 S1/2 OF SE1/4 OF SE1/4 LESS W
 500 FT LESS OR 484 P 314 ST RD
 99 R/W OR 4572 P 458

OFFICE
 (850) 438-6500
 Ext. 3252

S - 038656 / 009780 JMS98513
 AIRPLANE SERVICES INC
 1817 MINERAL SPRINGS RD
 JAY FL 32565-9571



Paul

AD VALOREM TAXES

TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE AMOUNT	TAXES LEVIED
COUNTY	6.6165	292,418		292,418	1,934.78
PUBLIC SCHOOLS					
By Local Board	2.2100	297,681		297,681	657.88
By State Law	4.6660	297,681		297,681	1,388.98
WATER MANAGEMENT	0.0366	292,418		292,418	10.70
SHERIFF	0.6850	292,418		292,418	200.31
M.S.T.U. LIBRARY	0.3590	292,418		292,418	104.98
TOTAL MILLAGE					AD VALOREM TAXES
					4297.63

13,975.57

ESCAMBIA COUNTY TAX COLLECTOR * P.O. BOX 1312 * PENSACOLA, FL 32591-1312

RETAIN THIS
 PORTION
 FOR
 YOUR
 RECORDS

NON-AD VALOREM ASSESSMENTS

LEVYING AUTHORITY	RATE	AMOUNT
FIRE PROTECTION		2,757.26
QUESTIONS ON ITEMS IN THIS SECTION ONLY, CALL (850) 595-4960		2757.26
NON-AD VALOREM ASSESSMENTS		2757.26

→ \$125.00
 Per lot

PLEASE
 PAY ONE
 AMOUNT
 SHOWN IN
 YELLOW
 SHADED
 AREA

COMBINED TAXES AND ASSESSMENTS

7054.89

PAY ONLY
 ONE AMOUNT

See reverse side for
 important information

AMOUNT DUE IF PAID BY	Nov 30 2016	Dec 31 2016	Jan 31 2017	Feb 28 2017	Mar 31 2017
	\$ 6772.69	\$ 6843.24	\$ 6913.79	\$ 6984.34	\$ 7054.89

AMOUNT
 DUE
 IF PAID
 BY

2016 Real Estate

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

ACCOUNT NUMBER	ESCROW CD	ASSESSED VALUE	MILLAGE CODE	PROPERTY REFERENCE NUMBER
09-0302-000		See Above	06	061S314402000000

2016 Real Estate

5900 W NINE MILE RD
 S1/2 OF SE1/4 OF SE1/4 LESS W
 500 FT LESS OR 484 P 314 ST RD
 99 R/W OR 4572 P 458

AIRPLANE SERVICES INC
 1817 MINERAL SPRINGS RD
 JAY FL 32565-9571

CURRENT
 YEAR
 TAXES
 BECOME
 DELINQUENT
 APRIL 1

PAY IN U.S. FUNDS TO ESCAMBIA COUNTY TAX COLLECTOR * P.O. BOX 1312 * PENSACOLA, FL 32591-1312

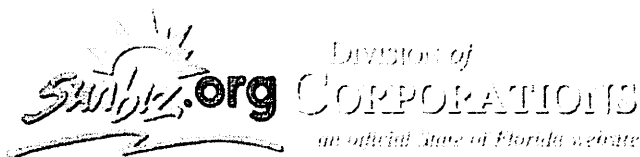
(850) 438-6500 Ext. 3252

AMOUNT DUE IF PAID BY	Nov 30 2016	Dec 31 2016	Jan 31 2017	Feb 28 2017	Mar 31 2017
	\$ 6772.69	\$ 6843.24	\$ 6913.79	\$ 6984.34	\$ 7054.89

AMOUNT DUE
 IF PAID
 BY
 RETURN WITH
 PAYMENT

DO NOT FOLD, STAPLE, OR MUTILATE

1 090302000 2016 9



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Foreign Profit Corporation
AIRPLANE SERVICES, INC.

Filing Information

Document Number F99000005448
FEI/EIN Number 64-0643404
Date Filed 10/25/1999
State MS
Status ACTIVE

Principal Address

1817 MINERAL SPRINGS ROAD
JAY, FL 32565

Mailing Address

1817 MINERAL SPRINGS ROAD
JAY, FL 32565

Registered Agent Name & Address

STUART, ELLIS JR
1817 MINERAL SPRINGS ROAD
JAY, FL 32565

Officer/Director Detail

Name & Address

Title DPST

STUART, ELLIS JR
1817 MINERAL SPRINGS ROAD
JAY, FL 32565

Title VP

STUART, NATHAN CHAD
7960 SKYHAWK ROAD
PACE, FL 32571

Annual Reports

Report Year	Filed Date
2015	04/21/2015
2016	04/29/2016

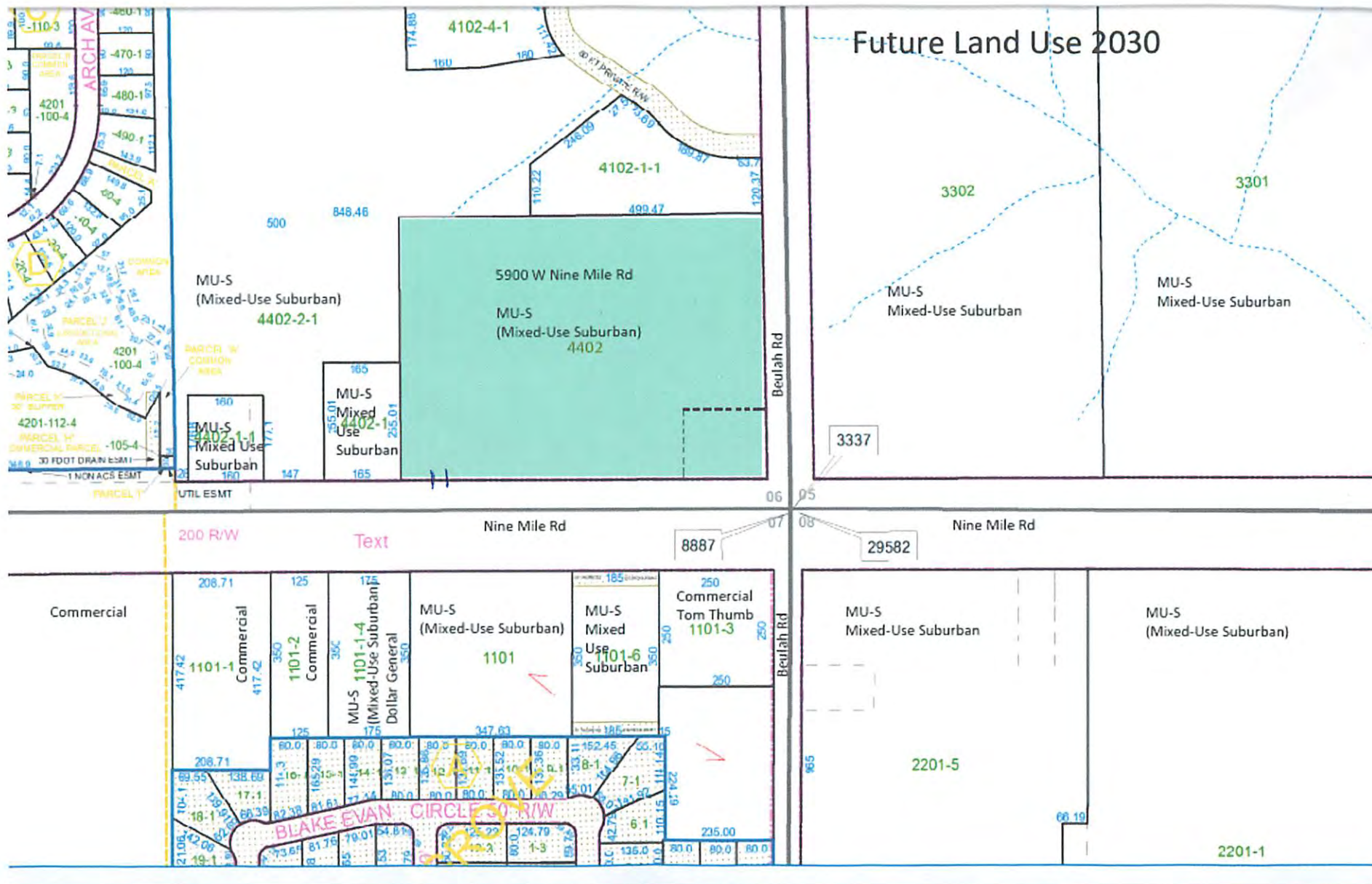
2017

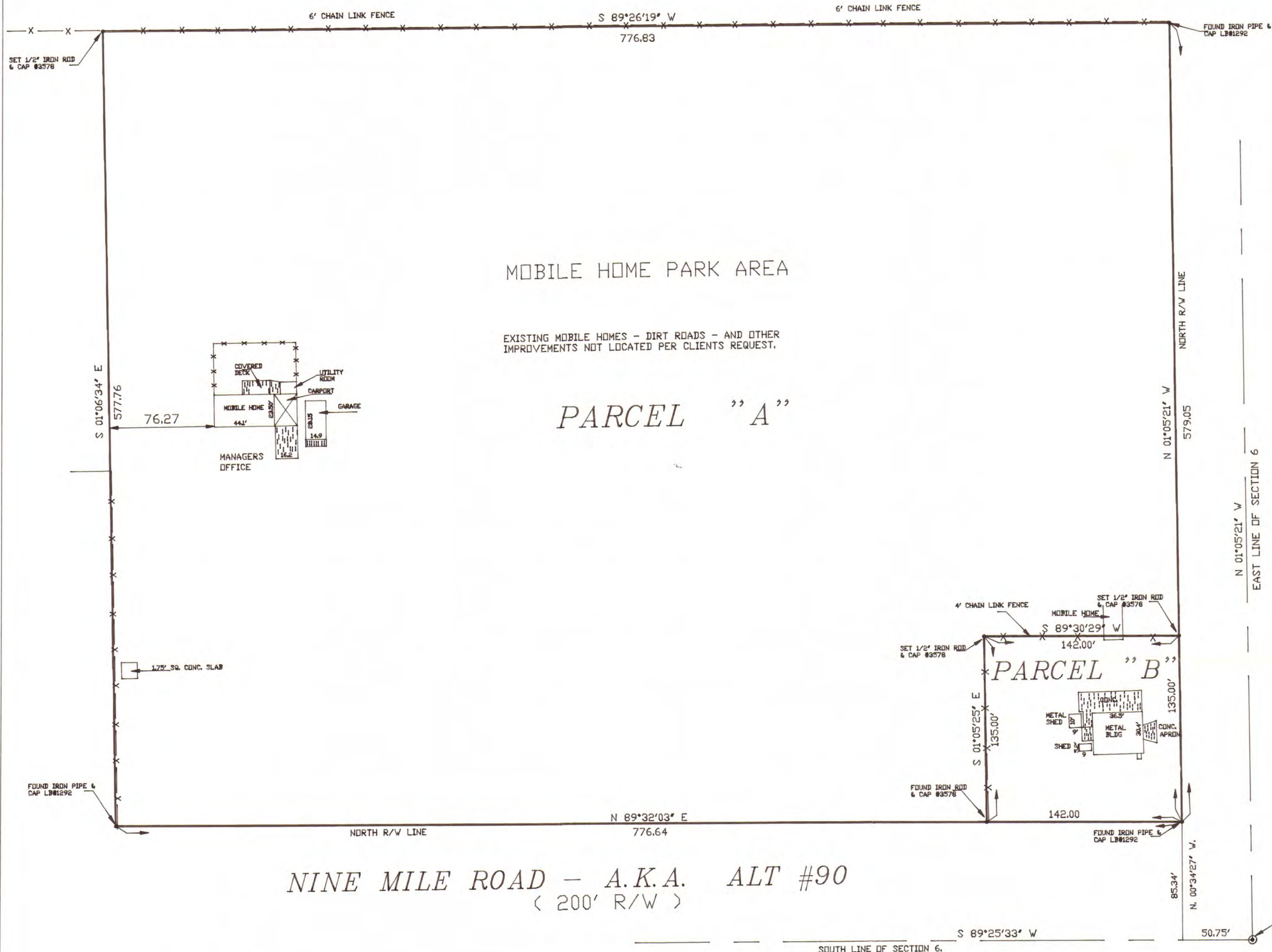
04/27/2017

Document Images

<u>04/27/2017 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/29/2016 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/21/2015 -- ANNUAL REPORT</u>	View image in PDF format
<u>01/24/2014 -- ANNUAL REPORT</u>	View image in PDF format
<u>01/09/2013 -- ANNUAL REPORT</u>	View image in PDF format
<u>01/03/2012 -- ANNUAL REPORT</u>	View image in PDF format
<u>01/11/2011 -- ANNUAL REPORT</u>	View image in PDF format
<u>02/15/2010 -- ANNUAL REPORT</u>	View image in PDF format
<u>03/04/2009 -- ANNUAL REPORT</u>	View image in PDF format
<u>03/31/2008 -- ANNUAL REPORT</u>	View image in PDF format
<u>02/26/2007 -- ANNUAL REPORT</u>	View image in PDF format
<u>01/25/2006 -- ANNUAL REPORT</u>	View image in PDF format
<u>02/07/2005 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/01/2004 -- ANNUAL REPORT</u>	View image in PDF format
<u>03/24/2003 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/02/2002 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/24/2001 -- ANNUAL REPORT</u>	View image in PDF format
<u>05/24/2000 -- ANNUAL REPORT</u>	View image in PDF format
<u>10/25/1999 -- Foreign Profit</u>	View image in PDF format

File is deposited in Stock Division of Corporation





SURVEYORS REPORT

THIS PARTICULAR SECTION IS LARGER THAN NORMAL AND IS DEVELOPED WITH ROADS AND RESIDENTIAL LOTS. IT IS KNOWN THAT THE MAJORITY OF THE SECTION IS DEVELOPED UTILIZING THE STANDARD QUARTERING METHOD. THE SURVEY SHOWN HEREIN WAS PERFORMED USING THE PROPORTIONAL METHOD OF QUARTERING, ACCORDING TO THE SURVEYORS MANUAL OF INSTRUCTION. THE STANDARD QUARTERING METHOD WOULD MOVE THE WEST LINE WESTWARD AND INCREASE THE FENCE ENCROACHMENT ALONG THE WEST LINE BY SOME 23' +/-.

THIS SURVEYOR REALIZES TO STAY IN STEP WITH THE MAJORITY OF DEVELOPMENT, IN THIS SECTION, WOULD CREATE ADDITIONAL COMPLICATIONS OF ENCROACHMENTS.

IT IS POSSIBLE THAT THE CHAIN LINK FENCE WAS ESTABLISHED BY MEASURING 1320' (FOR A QUARTER - QUARTER SECTION LINE) FROM THE EAST LINE OF THE SECTION. THIS PROCEDURE CANNOT BE HELD, SINCE THE SOUTH LINE OF THE SECTION IS ABOUT 5400 FT. LONG.

LEGAL DESCRIPTION: PARCEL "A"

THE SOUTH HALF OF THE S.E. 1/4 OF THE S.E. 1/4 OF SECTION 6, T-1-S-, R-31-W, ESCAMBIA COUNTY, FLORIDA LESS AND EXCEPT THE WEST 500.00' ROAD RIGHT-OF-WAYS FOR S.R. #10 AND C.R. #99; ALSO A PARCEL BEING 135.00' BY 142.00' IN THE SOUTH EAST CORNER AND CONTIGUOUS TO ROAD RIGHT OF WAYS.

PARCEL "B" (AS FURNISHED)

COMMENCING AT A R.R. SPIKE AT THE S.E. CORNER OF SECTION 6, T-1-S, R-31-W, ESCAMBIA COUNTY, FLORIDA; THENCE S. 89°25'33" W. ALONG THE SOUTH SECTION LINE FOR 50.75'; THENCE NORTH AT RIGHT ANGLES BEARING N. 00°34'27" W. FOR 85.34' TO AN IRON PIPE AND CAP MARKED LB#1292 AT THE INTERSECTION OF THE NORTH R/W LINE OF NINE MILE ROAD AND THE WEST LINE OF BEULAH ROAD FOR THE POINT OF BEGINNING; THENCE N.02°02'17" W. ALONG THE WEST R/W LINE OF BEULAH ROAD FOR 135.00' TO AN IRON ROD AND CAP MARKED #3578; THENCE S. 89°32'03" W. FOR 142.00' TO AN IRON ROD AND CAP MARKED #3578; THENCE S. 02°02'17" E. FOR 135.00' TO AN IRON ROD AND CAP MARKED #3578 ON THE NORTH R/W LINE OF SAID NINE MILE ROAD; THENCE N. 89°32'03" E. ALONG SAID NORTH R/W LINE FOR 142.00' TO THE POINT OF BEGINNING.

THIS IS TO CERTIFY TO - AIRPLANE SERVICES, INC. - CHIEF OF TITLE - AMERICAN PIONEER TITLE INSUR. CO. THAT THE SURVEY SHOWN HEREIN IS TRUE AND CORRECT AND MEETING F.A.C. CHAPTER 61 G.7.6 AS SET BY THE BOARD OF LAND SURVEYORS TO THE BEST OF KNOWLEDGE AND BELIEF.

V.G. Schumer
VICTOR G. SCHUMER
FLORIDA REGISTERED SURVEYOR #3578

NOTE: THIS SURVEY WAS PREPARED FOR THE CLIENT AND PURPOSE AS SHOWN. USAGE FOR ANY OTHER PURPOSE, REPRODUCTIONS - IN WHOLE OR IN PART) SHALL NOT BE MADE WITHOUT THE EXPLICIT WRITTEN PERMISSION OF THE SURVEYOR.

V.G. SCHUMER R.L.S.		PHONE (864) 476-0083	
280 JEFFERY LANE PENSACOLA, FLORIDA 32514		1-800-334-0083	
EXPERIENCE & HONESTY		SPECIALIZING IN	
SCHUMER'S PROFESSIONAL SURVEYING INC.		RURAL SURVEYING & SUBDIVISION LAYOUT	
SEC. 6 TWP-1-S RGE.-31-W		RECORDED IN BOOK @ P.	
LEGAL DESCRIPTION AS FURNISHED BY CLIENT. - FENCES AND ENCROACHMENTS ARE SHOWN OR NOTED. - NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAYS AND OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN. - NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. - NO ATTEMPT HAS BEEN MADE BY THIS SURVEYOR OR FIRM TO CONDUCT A TITLE RECORDS SEARCH FOR THIS SITE OR THE ADJOINING PROPERTY. - ALL MEASUREMENTS AND/OR ELEVATIONS WERE MADE IN ACCORDANCE TO UNITED STATES STANDARDS AND/OR UNITED STATES COAST AND GEODETIC DATUM. - DISTANCES ARE IN FEET, TENTHS OF A FOOT, AND HUNDRETHS.			
TYPE SURVEY: BOUNDARY SURVEY		I HEREBY CERTIFY THAT THE SURVEY HEREIN TO BE TRUE AND CORRECT AND MEETING CHAPTER 61 G.7.6 F.A.C. AND FLORIDA STATUTES 476 AS SET BY THE BOARD OF LAND SURVEYORS TO THE BEST OF MY KNOWLEDGE AND BELIEF.	
FOR: J.M.E. REALTY / DALE JOHNSON		VICTOR G. SCHUMER REGISTERED SURVEYOR #3578, STATE OF FL.	
SCALE 1"= 60'	DATE 6-7-2000	FIELD DATE 6-2-2000	
JOB # 00F-101	F.B. FSL P. 14	REV.	
DWN. VIC		REV.	

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

INTEROFFICE MEMORANDUM



**TO: Allyson Cain, Urban Planner II
Development Services Department**

**FROM: Terri V. Malone, AICP, Transportation Planner
Transportation & Traffic Operations Division**

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

DATE: March 19, 2018

RE: Transportation & Traffic Operations (TTO) Comments – Z-2018-05

TTO Staff has reviewed the Rezoning Case (Z)-2018-05, 5900 W. Nine Mile Road, agenda item for the Planning Board meeting scheduled for May 1, 2018. Please see the below comments.

There is an ongoing 4-lane widening project on Nine Mile Road between Beulah Road and US 29. This project is being managed by FDOT and is moving from the design stage to construction. In addition, there is another major project, the Beulah Road Interchange Connector. This is a vitally important project to both the County and the greater Northwest Florida region. This project is currently ranked as the #2 project priority on the Florida-Alabama Transportation Planning Organization (FL-AL TPO) Strategic Intermodal System (SIS) List, and #13 Project Priority on the FL-AL TPO Non-SIS List. The Project has tremendous support of the public, the FL-AL TPO, Navy Federal Credit Union, and other various stakeholders. The intent is to construct a 4-lane facility from Nine Mile Road to Interstate 10 (I-10), with a new interchange at I-10 (location TBD), and a new 2-lane facility from I-10 to Muscogee Road. The Beulah Road Connector project is County Sponsored with an Environmental Assessment currently underway.

Per the Florida-Alabama TPO's Congestion Management Process Plan, Nine Mile Road is classified as a Minor Arterial. The maximum level-of-service (LOS) for this roadway segment is LOS D (17,700 trips/day), and as of year 2016, the roadway segment had 14,500 daily vehicles. Beulah Road is classified as an Urban Collector. The maximum level-of-service (LOS) for this roadway segment is LOS D (14,800 trips/day), and as of year 2016, the roadway segment had 5,200 daily vehicles.

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

Planning Board-Rezoning

7. C.

Meeting Date: 05/01/2018

CASE : SPZ-2018-01 (formerly 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-U, Mixed-Use Urban

DISTRICT: 3

OVERLAY DISTRICT: Oakfield

BCC MEETING DATE: 06/07/2018

SUBMISSION DATA:

REQUEST:

**To Allow a Mobile Home in MDR, Medium Density Residential district (10 du/acre)
Per Ordinance 2018-17; Adopted April 5, 2018**

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.

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 allow a mobile home in MDR zoning **is consistent** with the intent and purpose of the Future Land use category of MU-S as stated in CPP FLU 1.3.1. The Comprehensive Plan allows for residential, retail sales and 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

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.

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.

FINDINGS

The permitted uses within the MDR zoning category does not allow the placement of a mobile home, however based on an adopted Ordinance 2018-17 adopted April 5, 2018, the Board of County Commissioners approved a Special-Use rezoning process to allow mobile homes within MDR zoning districts. If the applicant meets the criteria under these allowances, then the request could be compatible with the LDC.

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 residences, one church, three mobile homes and vacant residentially zoned properties. The request to allow a mobile home on the parcel will be the same intensity as other single-family or mobile homes in the area and other uses would be limited to the permitted or conditional uses of the district.

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

Staff determines that the proposed rezoning request is compliant with Ordinance 2018-17, approved by the Board of County Commissioners on April 5, 2018, and will not establish or reinforce a condition of spot zoning for the following reasons:

The zoning and density of MDR is not changing. The commercial uses are yet not permitted and the allowable uses are not changing with the exception of a mobile home. It appears the existing uses in close proximity of the parcel in question are mobile homes. Thus an appropriate site specific balance between the existing uses and the proposed use exists.

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.

SPECIAL USE CRITERIA

Notwithstanding the rezoning criteria enumerated above, a request for a special-use rezoning may be permitted in zoning districts Medium Density Residential district (MDR) and High Density Residential district (HDR) for the use and placement of a mobile home as a single-family dwelling. The applicant has the burden of presenting competent substantial evidence to the reviewing board establishing that the site, use and proposed structure would meet the following criteria:

Criteria a and b; LDC 2-7,2(4)b

a. Must be on a conforming lot or lot of record

FINDINGS

The parcel is a lot of record confirmed by staff using the 1996 lot of record date.

b. Minimum lot size of one acre

FINDINGS

According to the Escambia County Property appraiser's website, this site is approximately parcel is **5.0 (+/-)** acres in size.

Criteria c and d; LDC 2-7.2(4)b

c. Front setback must be a minimum of 40 feet.

FINDINGS

The required setback will be reviewed when the applicant submits an application to place the mobile home on site.

d. Only on mobile home allowed per lot

FINDINGS

According to the Escambia County Property appraiser's website, this site is vacant residential. This criterion was also confirmed during a site visit. The applicant must acknowledge this allowance.

Criteria e and f; LDC 2-7.2(4)b

e. Lot may not be subdivided

FINDINGS

Approval of this special use zoning will require that the property will **not** be subdivided.

f. Lot may not be located within a platted subdivision

FINDINGS

The lot **is not** located within a platted subdivision.

Criteria g and h; LDC 2-7.2(4)b

g. Use may not otherwise be prohibited by an overlay district

FINDINGS

The parcel **is** located in the Oakfield overlay district, but there are not supplemental land use requirements at this time.

h. The use of a mobile home is compatible with the surrounding area

FINDINGS

The proposed amendment **is** compatible with surrounding existing uses in the area due to the fact that other mobile homes are currently existing in the immediate area.

Criteria i and j; LDC 2-7.2(4)b

i. Structure may not be located in a FEMA designated Special Flood Hazard Area, in a designated Coastal High Hazard Area or within Escambia County designated Evacuation Zones A, B or C.

FINDINGS

The parcel is located in an X Flood Zone.

j. No other permitted or conditional use contained within the special use zoning, except for use of a mobile home as a single-family residence shall be allowed.

FINDINGS

This special use rezoning request is only for the placement of one mobile home.

Criteria k and l; LDC 2-7.2(4)b

k. Upon notice to the County and confirmation that the property is no longer being used for placement of a mobile home as a single-family residence, the property owner or agent shall request reversion to the prior zoning category pursuant the rezoning criteria contained herein.

FINDINGS

The County is to be notified if the mobile home is removed by owner.

l. Lot may not be located in the Escambia County Mid-West Sector Plan

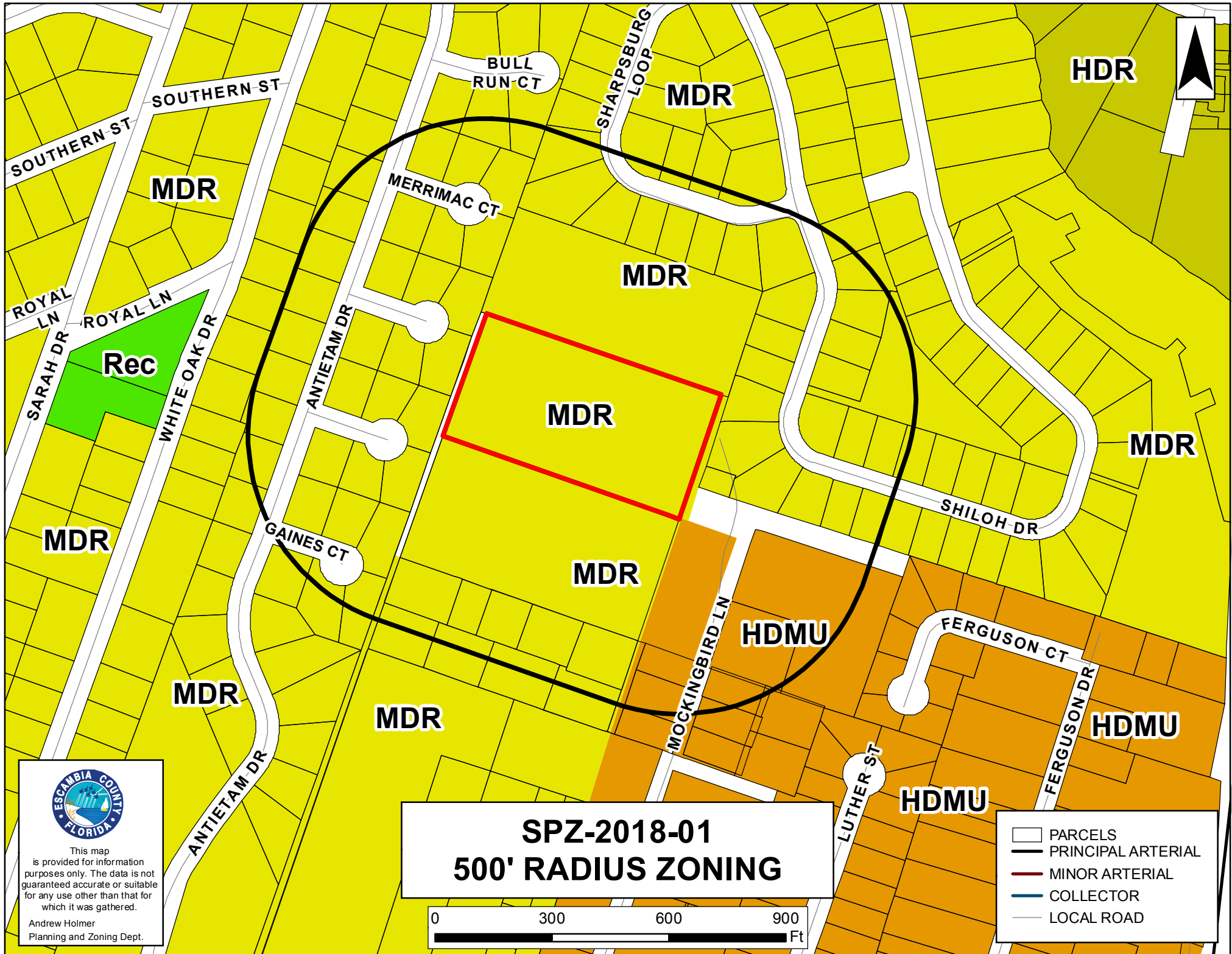
FINDINGS

The parcel **is not** located in the Escambia County Mid-West Sector Plan.

Attachments

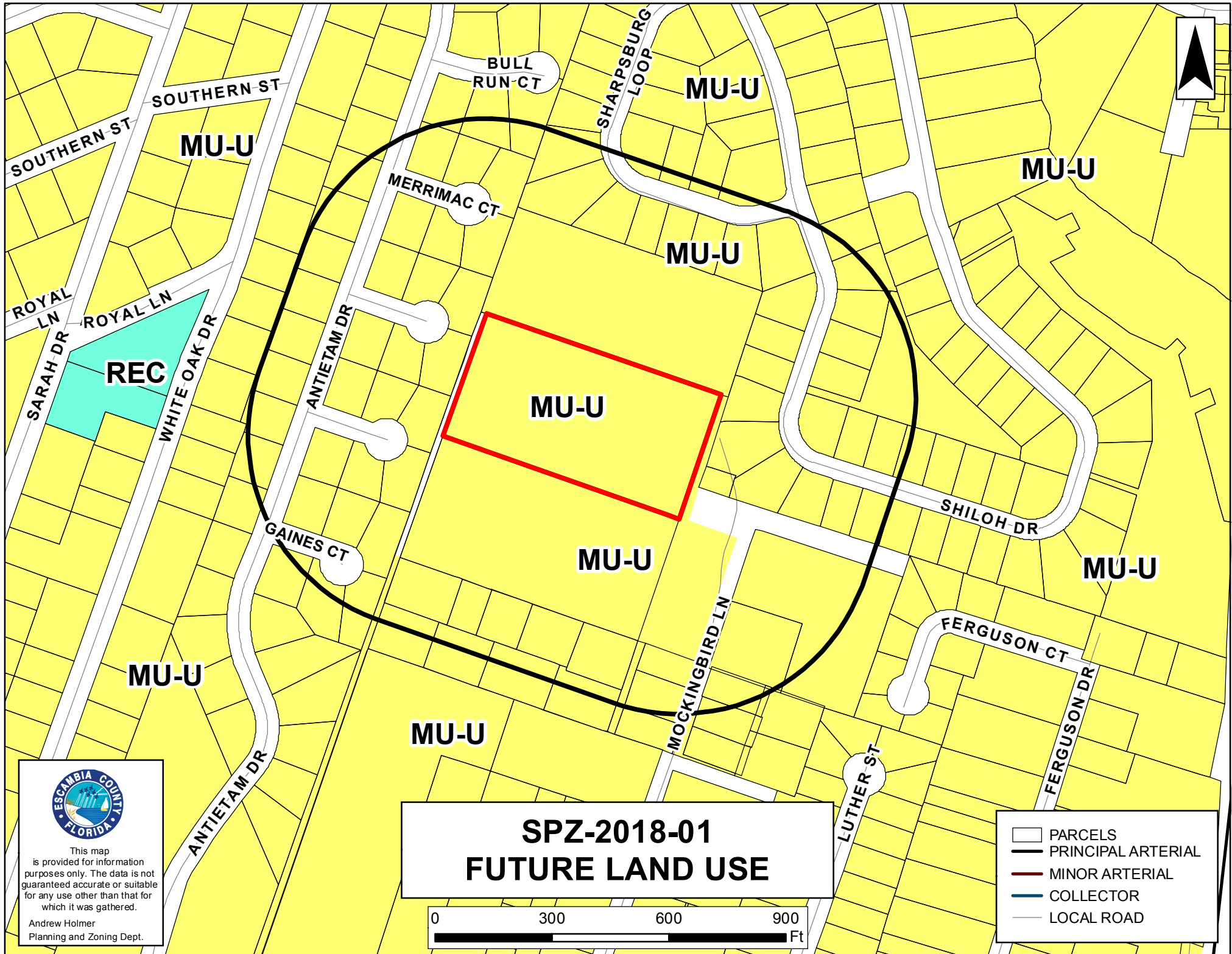
Working Case File

SPZ-2018-01



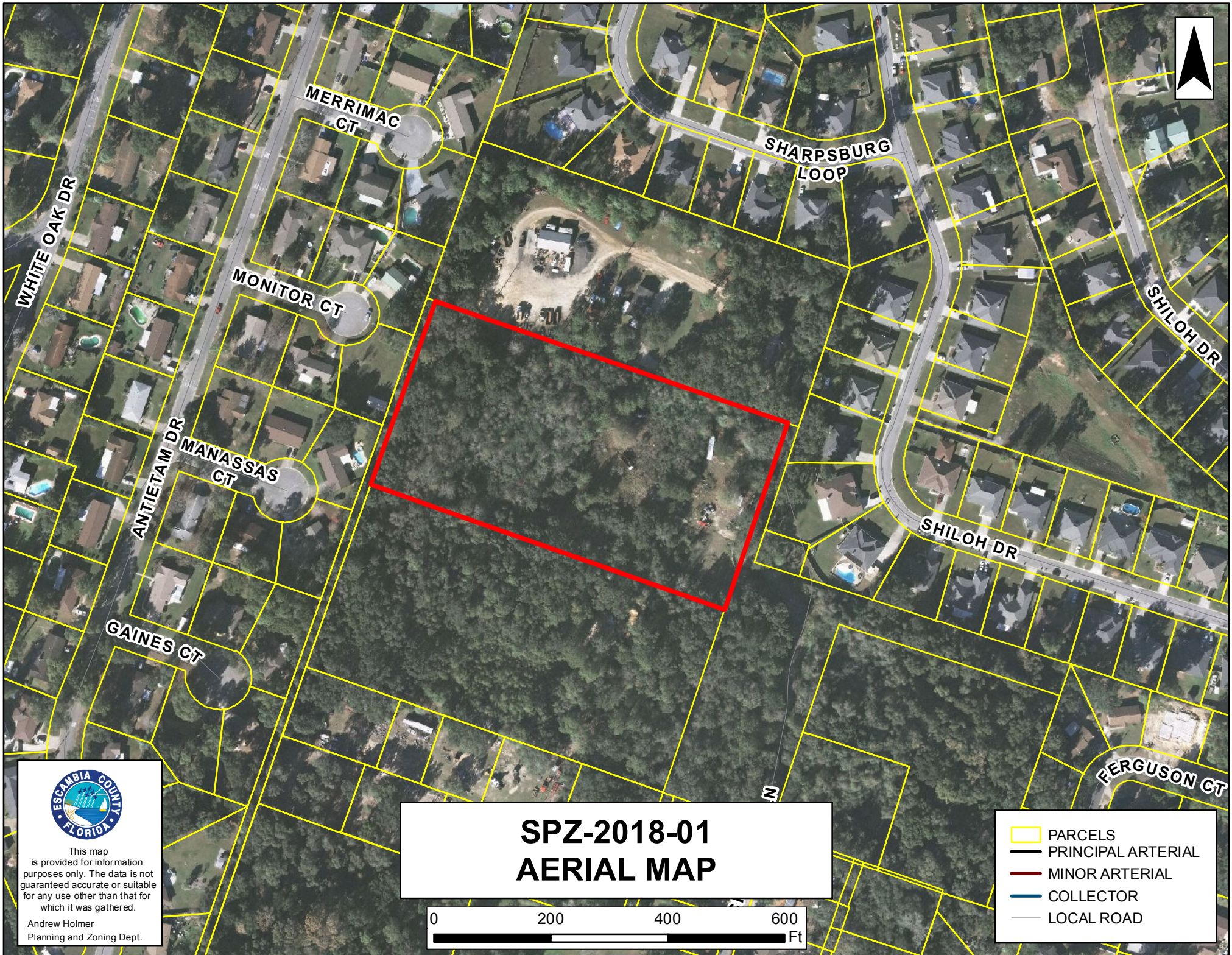
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

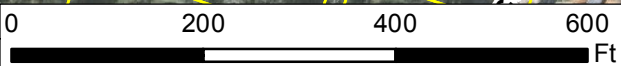


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Andrew Holmer
Planning and Zoning Dept.



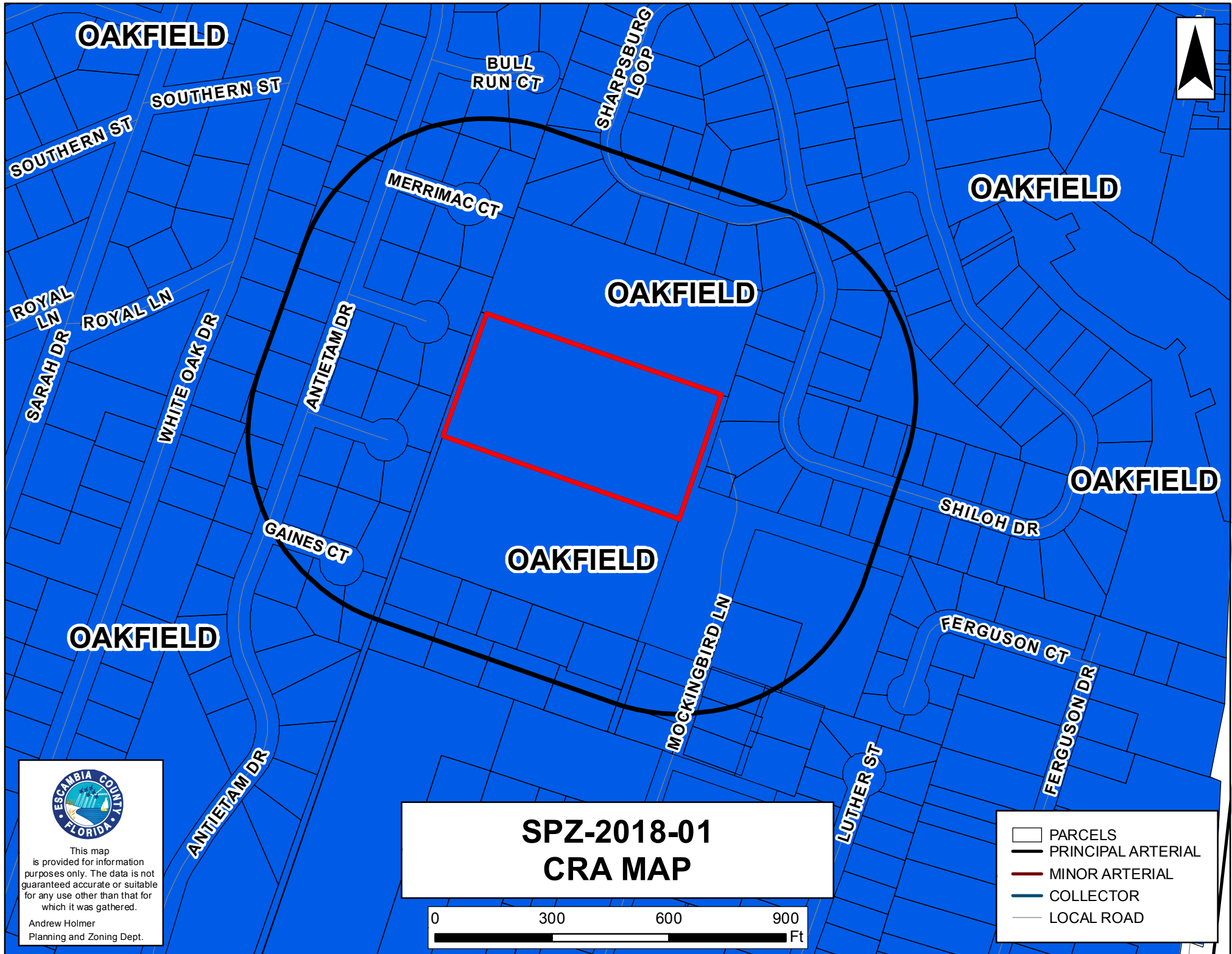
**SPZ-2018-01
AERIAL MAP**



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.

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



OAKFIELD

OAKFIELD

OAKFIELD

OAKFIELD

OAKFIELD

OAKFIELD

SPZ-2018-01 CRA MAP

0 300 600 900
Ft

- 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 WOODED)**

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>

Special-Use Rezoning Application

FOR OFFICE USE ONLY - Case Number: SP2-2018-01 Accepted by: AC PB Meeting: 5/1/18

1. Contact Information:

A. Property Owner/Applicant: JASON HAWKINS

Mailing Address: 6355 MOCKINGBIRD LANE PENSACOLA, FLORIDA 32503

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

Email: tahliha@gmail.com

B. Authorized Agent (if applicable): WANDA FRENCH-HAWKINS

Mailing Address: 911 MONTCLAIR ROAD PENSACOLA, FLORIDA 32505

Business Phone: _____ Cell: 850 207-3417

Email: TAHLIHA@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 PENSACOLA, FLORIDA 32503

Parcel ID: 35-IS-30-7117-000-000

B. Total acreage of the subject property: FIVE

C. Existing Zoning (MDR or HDR ONLY): MDR

FLU Category: MU-U

D. Is the subject property developed (if yes, explain): YES WATER, ELECTRICITY

E. Sanitary Sewer: _____ Septic: YES

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 Special-Use 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.

It is consistent

- 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

THE NEW ORDINANCE ALLOWS FOR US TO APPLY FOR A SPECIAL USE REZONING TO HAVE OUR MOBILE HOME ON THE LOT, WHICH IS SURROUNDED BY OTHER HOMES.

- c. **Compatible with surroundings.** 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.

The vacate lot surrounded by other single family homes.

- 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

IT WOULD BE TRANSITIONAL BETWEEN THE OTHER ZONING IN THE AREA.

- 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.

IT WOULD BE TRANSITIONAL BETWEEN THE OTHER ZONING IN THE AREA.

f. Special-Use rezoning criteria:

- ☒ Is the parcel a conforming lot or lot of record
 - ☒ The minimum lot size of one acre
 - ☒ The front setback must be a minimum of 40 feet
 - ☒ Only one mobile home allowed per lot
 - ☒ The lot may not be subdivided
 - ☒ The lot may not be located within a platted subdivision
 - ☒ The use may not be otherwise prohibited by any overlay district
 - ☒ The use of a mobile home is compatible with the surrounding area
 - ☒ The structure may not be located in a FEMA designated Special Flood Hazard Area, in a designated Coastal High Hazard Area or within Escambia County designated Evacuation Zone A, B or C.
 - ☒ There are no other permitted or conditional use contained within the special-use zoning, except for use of a mobile home as a single-family residence shall be allowed
 - ☒ Upon notice to the County and confirmation that the property is no longer being used for placement of a mobile home as a single-family residence, the property owner or agent shall request reversion to the prior zoning category pursuant to the rezoning criteria contained herein
 - ☒ The lot may not be located in the Escambia County Mid-West Sector Plan
-

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): 351S307117000000

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

x Forrest Houlston
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 325 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
Signature of Notary

Kayla Renae Meador
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 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.

X Wanda French-Hawkins
Signature of Owner/Agent

X Wanda French-Hawkins
Printed Name Owner/Agent

10-10-17
Date

X Jason Hawkes
Signature of Owner

X Jason Hawkes
Printed Name of Owner

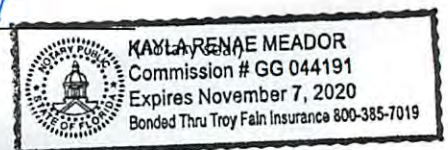
Date

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.C.

Kayla Renee Meador
Signature of Notary

Kayla Renee 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 horizontal 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 R2010-101

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: [Signature]

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.

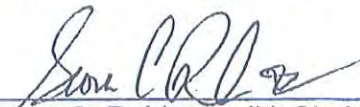
The fee waiver shall expire after twelve (12) months.

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.

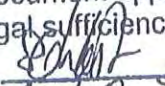
ESCAMBIA COUNTY BOARD OF
COUNTY COMMISSIONERS,
ESCAMBIA COUNTY, FLORIDA

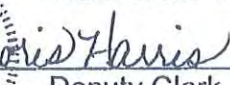
By: 
Grover C. Robinson, IV, Chairman

Date Executed

6-21-2010

This document approved as to form
and legal sufficiency.

By: 
Title Asst. County Attorney
Date June 2, 2010

ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court

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	\$2,500
(each additional contiguous parcel)	\$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:

- 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.
- All applicants must submit a copy of their federal income tax returns for the previous two years.
- 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.
- 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 _____
is hereby _____ on this _____ day of _____, 20____.

Type of application

Ms. French
(850) 207-3417
Please keep

Horace Jones
Development Services Director

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 Clerk 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 begin-
ning; 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/are 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
IDA C. MITCHEM

Lillian Hawkins
LILLIAN HAWKINS

Before the subscriber personally appeared LILLIAN HAWKINS

xxx, 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, 1996

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	PAYEE	WITHHOLDING STATUS
DIVISION OF RETIREMENT P.O. BOX 9000 TALLAHASSEE, FLORIDA 32315-9000	PAYEE : JASON HAWKINS MEMBER : XXX-XX-9703 MEMBER : JASON HAWKINS MEMBER : XXX-XX-9703	MARITAL STATUS : ALLOWANCES : STATED W/H TAX : ADDL W/H TAX : W/H TAX : Y

SUMMARY OF BENEFITS AND DEDUCTIONS				MISCELLANEOUS DEDUCTIONS			
	THIS PAYMENT	CALENDAR YEAR-TO-DATE	CODE	DESCRIPTION	THIS PAYMENT	CALENDAR YEAR-TO-DATE	
RETIREMENT BENEFIT	\$852.49	\$8,375.92	035	ESCAMBIA COUNTY SCHO	\$55.89	\$558.90	
HEALTH INSURANCE SUB	84.05	840.50	403	FPMC BENEFITS MANAGE	232.00	1,856.00	
GROSS BENEFITS	936.54	9,216.42					
WITHHOLDING TAX							
MISC DEDUCTIONS	287.89	2,414.90					
NET BENEFITS	\$648.65	\$6,801.52		TOTAL OF MISC DEDUCTIONS	\$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 frs.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 NUMBER & 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.

RETAILED PAYMENT AND DEDUCTIONS FOR YOUR RECORD

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

Incoming Verification
Rev. 07/13
Roth/Ret 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: 844-377-1333

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

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

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

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

KNOW ALL MEN BY THESE PRESENTS:

That LILLIAN HAWKINS

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 on 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
IDA C. MITCHEM

Lillian Hawkins
LILLIAN HAWKINS

Before the subscriber personally appeared LILLIAN HAWKINS

xxx, 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. MAR/6, 1996

IDA C. MITCHEM
Notary Public

IDA C. MITCHEM

[ECPA Home](#)

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](#)

General Information

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

Assessments

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

[Disclaimer](#)
[Amendment 1/Portability Calculations](#)

★ [File for New Homestead Exemption Online](#)

Sales Data

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

Official Records Inquiry courtesy of Pam Childers
 Escambia County Clerk of the Circuit Court and Comptroller

2017 Certified Roll Exemptions

None

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...

Extra Features

None

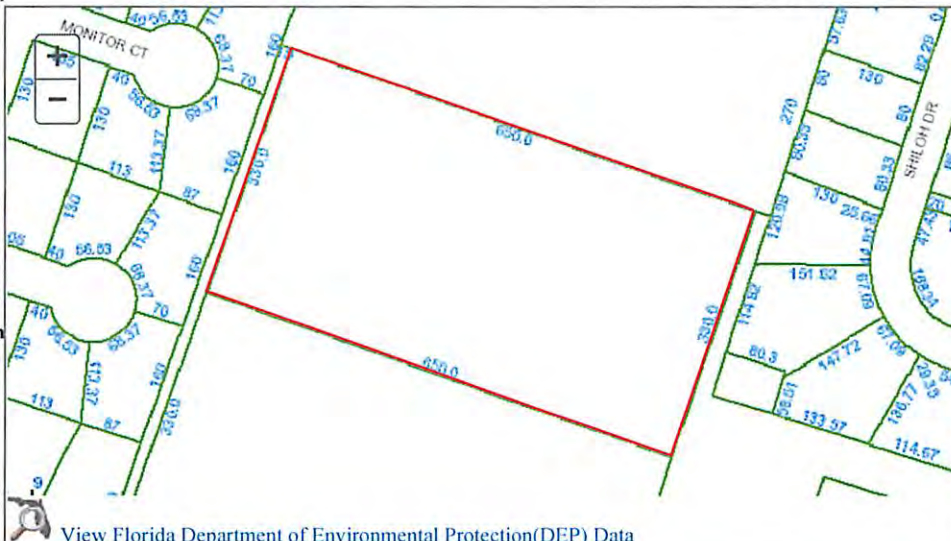
Parcel Information

Section Map Id:
[35-1S-30-1](#)

Approx. Acreage:
 5.0000

Zoned:
 MDR

Evacuation & Flood Information
[Open Report](#)



[View Florida Department of Environmental Protection\(DEP\) Data](#)

Buildings

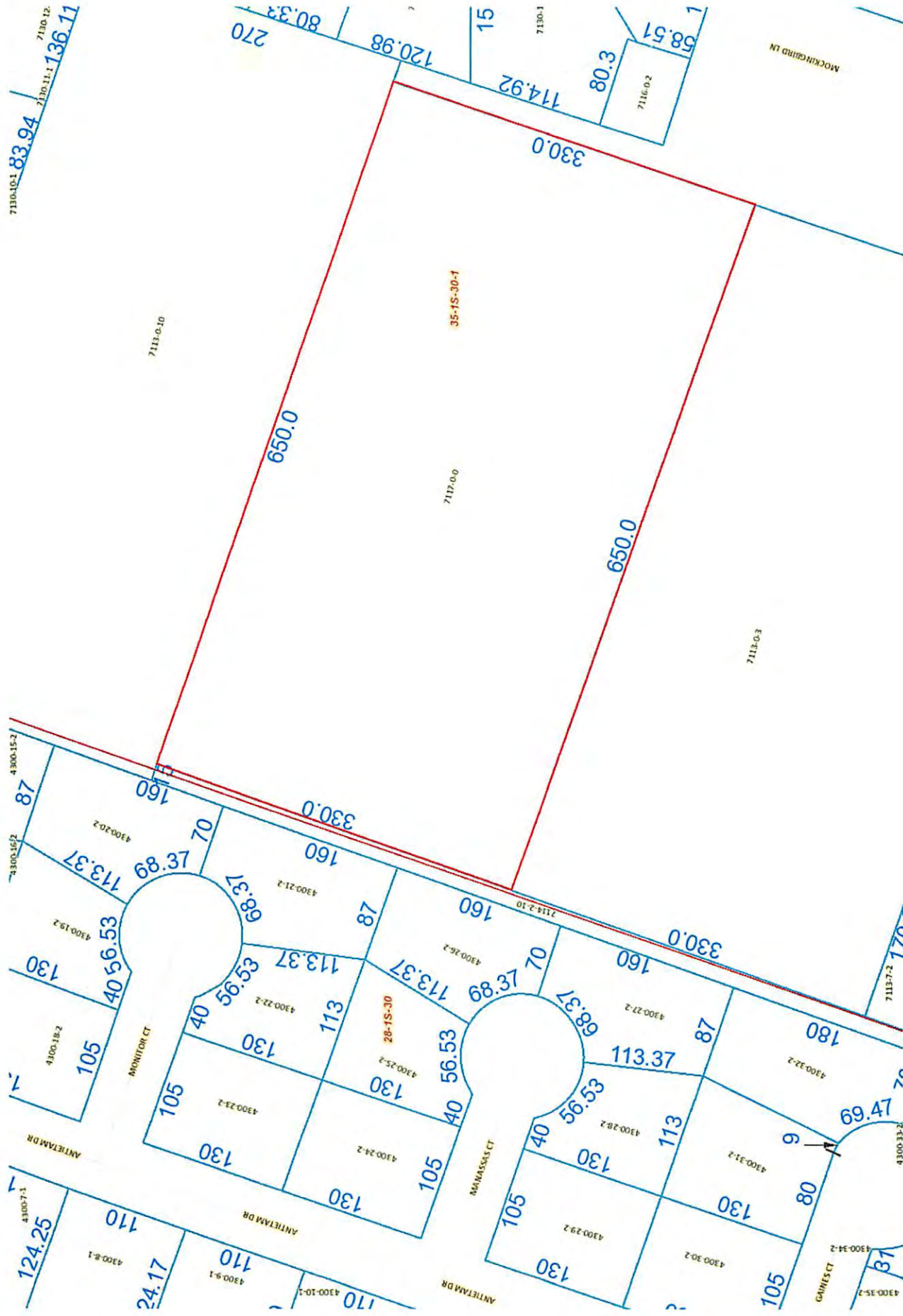
Images

None

[Launch Interactive Map](#)

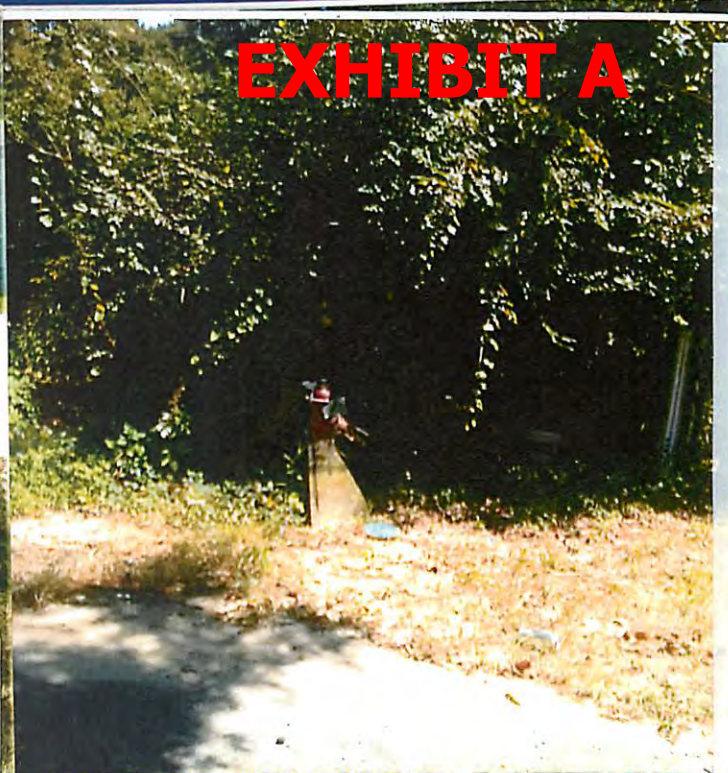
The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

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

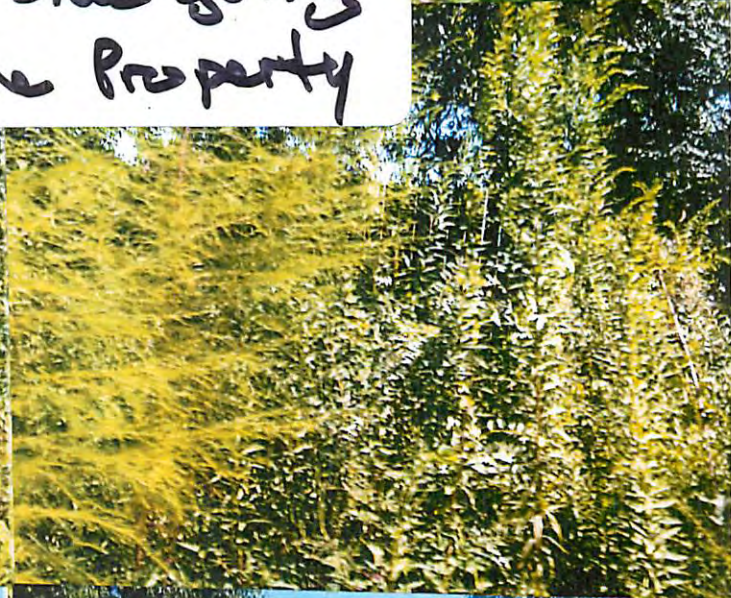
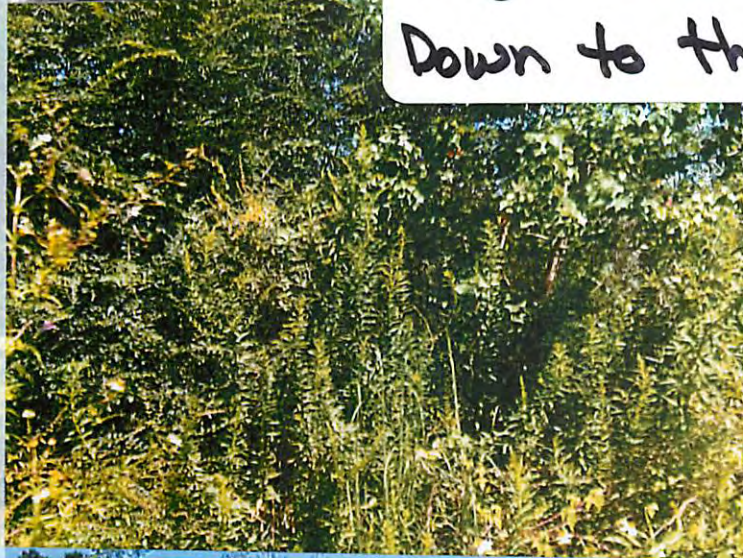


This is the start
towards 6355 Mocking-
Bird lane





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





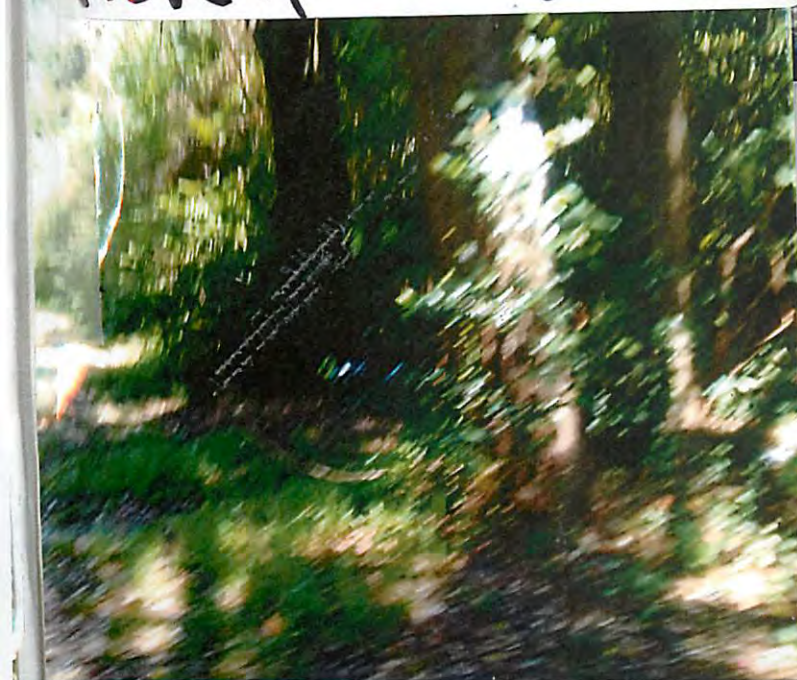
The Start of the
Arnold Property.



Arnold Property



Home on the Arnolds
Property 1 of 2 Homes



Second Property of
Arnolds.



The Start of the
Hawkins Property ~~area~~



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



<p style="text-align: right;">Page 1</p> <p style="text-align: center;">ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL HEARING</p> <hr/> <p>CASE #: Z-2017-17 Applicant: Wanda French-Hawkins, Agent for Jason Hawkins, Owner</p> <p>Address: 6355 Mockingbird Lane</p> <p>Property 4.86 (+/-) acres Size : From: MDR, Medium Density Residential district (10 du/acre)</p> <p>To: HDMU, High Density Mixed-use district (25 du/acre)</p> <hr/> <p>A quasi-judicial hearing was held in the above-styled cause before the Escambia County Planning Board on the 9th day of January 2018, commencing at approximately 8:40 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.</p>	<p style="text-align: right;">Page 2</p> <p style="text-align: center;">PLANNING BOARD</p> <p>BOARD MEMBERS PRESENT:</p> <p>WAYNE BRISKE, Chair JAY INGWELL District 5 District 1 ERIC FEARS REID RUSHING District 4 At Large</p> <p>WILLIAM CLAY TIM PYLE District 3 District 2 ALAN GRAY At-Large</p> <p>PATTY HIGHTOWER STEPHEN OPALENIK School Board U.S. Navy</p> <p>PLANNING BOARD STAFF PRESENT:</p> <p>MEREDITH CRAWFORD, ESQUIRE Assistant County Attorney HORACE JONES, DIRECTOR KAYLA MEADOR CALEB MacATEE ALLYSON CAIN</p> <p style="text-align: center;">INDEX</p> <table> <tr> <th>DESCRIPTION</th><th>PAGE</th></tr> <tr> <td>PROCEEDINGS.....</td><td>3</td></tr> <tr> <td>CERTIFICATE OF REPORTER.....</td><td>115</td></tr> </table>	DESCRIPTION	PAGE	PROCEEDINGS.....	3	CERTIFICATE OF REPORTER.....	115
DESCRIPTION	PAGE						
PROCEEDINGS.....	3						
CERTIFICATE OF REPORTER.....	115						
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>(Planning Board staff was duly sworn.)</p> <p>CHAIRMAN BRISKE: Okay. We will move directly into our next case, which is Z-2017-17, Wanda French-Hawkins, agent for Jason Hawkins, who is the owner, 6355 Mockingbird Lane, 4.86 plus-minus acres, from Medium Density Residential District, 10 dwelling units per acre, to HDMU, High Density Mixed-Use District, 25 dwelling units per acre.</p> <p>On this case, members of the Board, has there been any ex parte communication between you, the applicant, applicant's agents, attorneys, witnesses, fellow Planning Board members, or anyone from the general public prior to this hearing?</p> <p>Also please disclose if you have visited the subject property and disclose if you are a relative or business associate to any of the parties.</p> <p>Steve, good morning.</p> <p>MR. OPALENIK: No to all.</p> <p>CHAIRMAN BRISKE: Thank you.</p> <p>MS. HIGHTOWER: No to all.</p>	<p style="text-align: right;">Page 4</p> <p>MR. GRAY: No to all, Chairman.</p> <p>MR. PYLE: No to all.</p> <p>CHAIRMAN BRISKE: Chairman, no to all.</p> <p>MR. FEARS: No to all.</p> <p>MR. INGWELL: No to all.</p> <p>MR. CLAY: No to all.</p> <p>MR. RUSHING: No to all.</p> <p>CHAIRMAN BRISKE: All right. Thank you, Board members.</p> <p>Staff, on this case was notice of hearing sent to all interested parties?</p> <p>MS. MEADOR: Yes, sir.</p> <p>CHAIRMAN BRISKE: All right. Thank you. And was it also correctly posted on the subject property?</p> <p>MS. MEADOR: Yes, sir.</p> <p>CHAIRMAN BRISKE: Okay. Thank you. Ms. Hawkins, do you have any opposition to us showing the pictures and photography?</p> <p>MS. FRENCH-HAWKINS: No.</p> <p>CHAIRMAN BRISKE: She indicated she does not.</p> <p>So, staff, if you would please go ahead with that portion of it.</p> <p>MR. MacATEE: Yes. Caleb MacAtee, urban</p>						

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<p>1 planner, Development Services. These are 2 different from the old mics we had. 3 Here's the location map, the 4 500-foot-radius zoning map, the future land-use 5 map, mixed-use urban. 6 That was a scrivener's error. That 7 shouldn't have even been in there. 8 This is existing land use from the 9 surrounding land use of the area, and aerial 10 photograph. 11 MR. GRAY: Go back to the existing, 12 please. 13 MR. MacATEE: Sorry. 14 MR. GRAY: Thank you. 15 MR. MacATEE: We'll bring that up later. 16 MR. GRAY: Thank you. Thank you very 17 much. 18 MR. MacATEE: This is our notice of public 19 hearing sign posted on the property. 20 This is looking south from the site, and 21 the direct access is heavily wooded to the site. 22 This is looking west onto the site, and 23 also another photograph looking west onto the 24 site. 25 Looking north along the road of</p>	<p>1 Mockingbird. 2 And looking north from the site. 3 That concludes the staff presentation of 4 the photographs and maps. 5 CHAIRMAN BRISKE: All right. Thank you, 6 sir. 7 MR. MacATEE: Mm-hmm. 8 CHAIRMAN BRISKE: Okay. Ms. Hawkins, if 9 you would come forward, please. 10 Good morning, ma'am. 11 MS. FRENCH-HAWKINS: Good morning. 12 CHAIRMAN BRISKE: We'll ask our court 13 reporter to swear you in, please. 14 MS. FRENCH-HAWKINS: All right. 15 --- 16 WANDA FRENCH-HAWKINS, upon being duly 17 sworn, was examined and testified as follows: 18 --- 19 THE WITNESS: Good morning. 20 CHAIRMAN BRISKE: Good morning. 21 If you would please state your name and 22 address for the record. 23 THE WITNESS: Wanda French-Hawkins. And 24 my address is 911 Montclair Road. 25 CHAIRMAN BRISKE: Okay. Thank you.</p>
Page 7	Page 8
<p>1 Did you receive a copy of the rezoning 2 hearing package and the findings of fact? 3 THE WITNESS: Yes. 4 CHAIRMAN BRISKE: Okay. Thank you. 5 And do you understand that you have the 6 burden of providing substantial competent 7 evidence that this proposed rezoning is 8 consistent with the Comprehensive Plan, furthers 9 the goals and objectives and policies of that 10 plan, and is not in conflict with any portion of 11 the Land Development Code? 12 THE WITNESS: Yes. 13 CHAIRMAN BRISKE: All right. Thank you. 14 You may proceed. 15 THE WITNESS: Okay. I don't have my 16 paperwork from last time. Do I need to repeat 17 all of that? 18 CHAIRMAN BRISKE: Let's bring up -- Did 19 you have notes here in the file? 20 MS. MEADOR: I have a transcript. 21 CHAIRMAN BRISKE: Okay. 22 MR. JONES: We have the packet from the 23 last time. 24 CHAIRMAN BRISKE: Meredith, I'd feel like 25 it would be important to have it entered into</p>	<p>1 the evidence again here today because we are 2 quasi-judicial. 3 MS. CRAWFORD: Yes, you're correct. I 4 would agree with that, Chairman, that we should 5 or the Board should ask that the prior 6 discussion and prior exhibits be entered into 7 evidence today for the purposes of this hearing. 8 I would also note, just for the record, 9 that this case was started at that or, you know, 10 began at that last hearing before the Board. At 11 that time, we were under the old six criteria. 12 Because the case was already, you know, 13 begun under those criteria, today's hearing 14 would continue under the old code provisions, 15 not today's. 16 And I previously discussed: The substance 17 of those are the same. It's simply a rewording, 18 in an attempt at clarification, so -- But I do 19 agree that a motion to accept those into 20 evidence for today, if there's no objection from 21 Ms. French-Hawkins, would be appropriate. 22 THE WITNESS: I don't object. 23 CHAIRMAN BRISKE: Okay. 24 Board members, a motion to accept this 25 prior transcript into evidence for today's</p>

<p style="text-align: right;">Page 9</p> <p>1 hearing.</p> <p>2 MR. GRAY: I make a -- Sorry, Chair.</p> <p>3 I make a motion that we do accept that</p> <p>4 into evidence.</p> <p>5 CHAIRMAN BRISKE: Okay.</p> <p>6 MR. FEARS: Second.</p> <p>7 CHAIRMAN BRISKE: Second? Thank you.</p> <p>8 Any further discussion?</p> <p>9 (No response.)</p> <p>10 CHAIRMAN BRISKE: All those in favor say</p> <p>11 "aye."</p> <p>12 (Chorus of "ayes.")</p> <p>13 CHAIRMAN BRISKE: Opposed?</p> <p>14 (No response.)</p> <p>15 CHAIRMAN BRISKE: All right.</p> <p>16 Motion carries.</p> <p>17 Okay. Is there anything else that you</p> <p>18 wanted to add this morning, Ms. Hawkins?</p> <p>19 MR. PYLE: I'm sorry to interrupt, but I</p> <p>20 would recommend maybe going through it again and</p> <p>21 not -- For one, I was the acting Chair at the</p> <p>22 time, and that may be beneficial that we have</p> <p>23 the Chair here now.</p> <p>24 THE WITNESS: Okay.</p> <p>25 MR. PYLE: And so I would recommend that.</p>	<p style="text-align: right;">Page 10</p> <p>1 This is a difficult -- a very difficult case for</p> <p>2 us.</p> <p>3 THE WITNESS: Okay.</p> <p>4 MR. PYLE: So I would recommend maybe</p> <p>5 going back through it. And I -- At length, you</p> <p>6 know, I would just -- you know, hit your points.</p> <p>7 My suggestion.</p> <p>8 THE WITNESS: Okay.</p> <p>9 Well, we were trying to have the codes</p> <p>10 changed on 6355 Mockingbird Lane -- I don't</p> <p>11 remember the codes -- so that my dad can -- so</p> <p>12 that Jason Hawkins, Sr. can put a manufactured</p> <p>13 home on his property.</p> <p>14 CHAIRMAN BRISKE: And, again, I read the</p> <p>15 background information on this, but I was not at</p> <p>16 the meeting, so I understand that the staff's</p> <p>17 criteria finds that there are some areas where</p> <p>18 we're not compatible. And did you wish to</p> <p>19 address those criteria specifically?</p> <p>20 Because if we don't accept the staff's</p> <p>21 findings, then we have to have alternate</p> <p>22 findings in order to act on them.</p> <p>23 So we have the criteria up on the board.</p> <p>24 As Mr. Jones has said, this is the criteria that</p> <p>25 was in place in 2017.</p>
<p style="text-align: right;">Page 11</p> <p>1 THE WITNESS: Mm-hmm.</p> <p>2 CHAIRMAN BRISKE: So are there any of</p> <p>3 these that you wish to speak further to to</p> <p>4 convince the Board?</p> <p>5 We will give you an opportunity after the</p> <p>6 staff does their presentation.</p> <p>7 THE WITNESS: Yes.</p> <p>8 CHAIRMAN BRISKE: I'm going to ask the</p> <p>9 staff to go through their presentation again for</p> <p>10 the benefit of everyone.</p> <p>11 THE WITNESS: Okay.</p> <p>12 CHAIRMAN BRISKE: And then, I would pay</p> <p>13 particular attention to anywhere where they say</p> <p>14 it's not compatible to one of these criteria.</p> <p>15 And that's where we'll ask you to address those</p> <p>16 areas. Okay?</p> <p>17 THE WITNESS: All right.</p> <p>18 CHAIRMAN BRISKE: All right.</p> <p>19 So at this time we'll go ahead and ask the</p> <p>20 staff members to present. And we may bring you</p> <p>21 back up here in just a moment. Okay?</p> <p>22 THE WITNESS: Okay.</p> <p>23 CHAIRMAN BRISKE: Thank you.</p> <p>24 THE WITNESS: You're welcome.</p> <p>25 MR. JONES: My name is Horace Jones.</p>	<p style="text-align: right;">Page 12</p> <p>1 Mr. Caleb is going to be the presenter.</p> <p>2 But I do want to give a case -- a history</p> <p>3 on this for the record.</p> <p>4 As you know, this case -- Good morning.</p> <p>5 Happy New Year to each of you.</p> <p>6 CHAIRMAN BRISKE: Good morning.</p> <p>7 MR. JONES: As you know, this case came</p> <p>8 before the Planning Board back in November,</p> <p>9 November the 7th, 2017.</p> <p>10 At that time, a decision was made by the</p> <p>11 Planning Board that this case be put in abeyance</p> <p>12 so that the staff could consider drafting some</p> <p>13 type of ordinance to allow for mobile homes to</p> <p>14 go in a MDR zoning with conditional-use</p> <p>15 approval.</p> <p>16 On the 5th of 2017 of December, staff --</p> <p>17 We did bring back a discussion before the</p> <p>18 Planning Board. It was convened as a Planning</p> <p>19 Board on the 5th of December to consider a draft</p> <p>20 ordinance to allow for mobile homes in MDR, with</p> <p>21 conditional use approval from the Board of</p> <p>22 Adjustment.</p> <p>23 At that time -- and I think you all</p> <p>24 remember -- it was decided by the Board not to</p> <p>25 proceed with that ordinance change. So at that</p>

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<p>1 time on the 5th we decided -- the decision was 2 made to bring this rezoning case back before the 3 Planning Board to consider the rezoning, 4 changing from MDR to HDMU. I just wanted to go 5 through a history of that for the record. 6 Now, Mr. Caleb is going to present the 7 facts. 8 CHAIRMAN BRISKE: Okay. If you'll state 9 your name and position for the record, please. 10 MR. MacATEE: Caleb MacAtee, urban 11 planner, Escambia County. 12 We'll go through the approval conditions 13 one by one here. 14 Criterion a., consistent with the 15 Comprehensive Plan. Whether the proposed 16 rezoning is consistent with the goals, 17 objectives, and policies of the Comprehensive 18 Plan and not in conflict with any other plan 19 provisions. 20 The staff finds that the proposed 21 amendment to HDMU is consistent with the intent 22 and purpose of the Future Land Use category 23 mixed-use suburban, as stated in the 24 Comprehensive Plan Future Land Use 1.3.1. The 25 Comprehensive Plan allows for residential,</p>	<p>1 retail sales and services, professional office, 2 recreational facilities, public and civic, and 3 limited agriculture. 4 Concerning Criterion b., consistent with 5 the Land Development Code. Whether the proposed 6 amendment is in conflict with any portion of 7 this Code, and is consistent with the stated 8 purpose and intent of this Code. 9 Staff found that the proposed amendment is 10 not consistent with the intent and purpose of 11 the Land Development Code. From a strict review 12 of the regulations stated above, the site does 13 not meet the following required location 14 criteria as listed: proximity to intersection, 15 proximity to traffic generator, and site design. 16 Additionally, the more intense uses of 17 HDMU, such as apartments to neighborhood retail 18 sales, retail services and professional offices, 19 are not found in the surrounding area of the 20 parcel in question. 21 Please note that any potential uses, 22 including intense residential, such as 23 apartments, appears to be constrained due to the 24 existing site conditions concerning access, lot 25 size, and other regulatory requirements that</p>
Page 15	Page 16
<p>1 will need to be reviewed during the development 2 review process. 3 We also have an Exhibit A with our 4 findings, referenced that the applicant 5 submitted some photographs of the area. 6 Concerning Criterion c., compatible with 7 the surrounding uses, we considered whether all 8 land uses, development activities and conditions 9 allowed by the proposed zoning are compatible 10 with the surrounding conforming uses, activities 11 and conditions and are able to coexist in 12 relative proximity to them in a stable fashion 13 over time, such that no use, activity or 14 condition negatively impacts another. 15 The appropriateness of the rezoning is not 16 limited to any specific use that may be proposed 17 but is evident for all permitted uses of the 18 requested rezoning. 19 Under Criterion c., staff found that the 20 proposed amendment is not compatible with the 21 surrounding existing uses in the area. 22 However, within the 500-foot-radius impact 23 area, staff observed properties associated with 24 zoning districts MDR and HDMU, as indicated on 25 the zoning map.</p>	<p>1 From a site visit, staff observed three 2 mobile homes, a church, single-family 3 residences, vacant residential properties, as 4 indicated on the existing land-use map. 5 The proposed amendment will result in a 6 more intense use of the subject property than 7 the surrounding adjacent properties. Most 8 parcels in the area are single-family residences 9 or vacant. 10 The allowable commercial uses in HDMU are 11 incompatible with the current surrounding 12 parcels in the immediate area, but the uses 13 found on the adjacent and contiguous parcels are 14 existing residential uses. 15 Concerning Criterion d., changed 16 conditions, whether the area to which the 17 proposed rezoning would apply and has changed or 18 is changing to such a degree that it is in the 19 public interest to encourage new uses, density 20 or intensity in the area through rezoning. 21 Staff has found no changed conditions that 22 would impact the amendment or the property. 23 Concerning Criterion e., development 24 pattern, whether the proposed rezoning would 25 constitute or contribute or result in a logical</p>

<p style="text-align: right;">Page 17</p> <p>1 and orderly development pattern, staff found 2 that the proposed amendment would not result in 3 a logical and orderly development pattern. 4 The subject property has HDMU zoning to 5 the southeast, yet only residential uses, with 6 the exception of a church, are on these parcels. 7 The subject property is surrounded by 8 medium-density residential, MDR-zoned 9 properties. The current development pattern 10 found in the area is residential. 11 And finally, for Criterion f., effect on 12 the natural environment, whether the proposed 13 rezoning would increase the probability of any 14 significant adverse impacts on the natural 15 environment, staff has found that according to 16 the National Wetland Inventory, wetlands and 17 hydric soils were not indicated on the subject 18 property. 19 When and if applicable, further review 20 during the Site Plan Review process will be 21 necessary to determine if there would be any 22 significant adverse impacts on the natural 23 environment. 24 That concludes staff findings for each 25 criterion.</p>	<p style="text-align: right;">Page 18</p> <p>1 And as noted earlier, this is based on the 2 previous criterion 6. 3 CHAIRMAN BRISKE: Okay. Thank you. 4 Could we bring back up the surrounding 5 maps around the property with the zoning? 6 Okay. And then we have one that has the 7 actual uses around it as well? 8 MR. JONES: Existing land use. 9 MR. GRAY: Mr. Chairman, may I ask a 10 question of staff? 11 CHAIRMAN BRISKE: Yes, please. 12 MR. GRAY: Staff, my question is about the 13 mobile home, which is the existing land use of 14 that large parcel to the north of this vacant 15 parcel, the subject parcel. 16 Again, can you remind your Board how those 17 mobile homes are existing? 18 Are they grandfathered? Are they before 19 adoption of the Code or did they -- How did they 20 get there, please, if you do know? 21 MR. JONES: It appears that they are 22 existing nonconforming uses. 23 MR. GRAY: Do we have any knowledge from 24 our building department when they might have 25 been permitted or given a certificate of</p>
<p style="text-align: right;">Page 19</p> <p>1 occupancy? 2 MR. JONES: No, we do not. 3 MR. GRAY: Thank you again. 4 Thank you, Chair. 5 CHAIRMAN BRISKE: Thank you, sir. 6 MR. MacATEE: From a site visit, it 7 appears they have been there for a significant 8 amount of time. 9 CHAIRMAN BRISKE: Any additional questions 10 of staff right now from Board members? 11 (No response.) 12 CHAIRMAN BRISKE: Okay. 13 MR. PYLE: I do. 14 CHAIRMAN BRISKE: Yes, sir. Go ahead. 15 MR. PYLE: Have we settled the issue of 16 title? 17 MR. JONES: I will let our legal counsel 18 address that. 19 MS. CRAWFORD: Meredith Crawford, 20 Assistant County Attorney, here with the 21 Planning Board. 22 We did have staff look into that. And I 23 did a little research. We have been provided by 24 the applicant a warranty deed showing Mr. Jason 25 Hawkins as owner.</p>	<p style="text-align: right;">Page 20</p> <p>1 In addition to that, there is an affidavit 2 for Ms. French-Hawkins to serve as the agent for 3 Mr. Hawkins. 4 The county staff -- They are not equipped 5 nor do they typically perform title searches. 6 Our action is based on representation and 7 the oath taken by Ms. Wanda French-Hawkins and 8 documents provided, which do show Jason Hawkins 9 as the owner. 10 I realize the Property Appraiser has 11 something different than that, but that's not 12 something staff would rely on. 13 Whether or not this is going to cause Mr. 14 or Ms. Hawkins problems in the future with 15 financing or building inspection, you know, 16 issues, I don't know, you know, but we don't 17 verify the title on a piece when rezoning is 18 requested. Staff just looks at the four corners 19 of the documents provided. 20 MR. PYLE: Okay. Thank you. 21 CHAIRMAN BRISKE: Any additional 22 questions, Board members, before we go back to 23 the applicant? 24 (No response.) 25 CHAIRMAN BRISKE: Okay. Ms. Hawkins, if</p>

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<p>1 you'll come back up to the podium, please.</p> <p>2 Good morning again.</p> <p>3 Obviously, there are three of the criteria</p> <p>4 where the staff believes they are not</p> <p>5 compatible, which is b., c. and e.</p> <p>6 THE WITNESS: Mm-hmm.</p> <p>7 CHAIRMAN BRISKE: It is the burden for you</p> <p>8 to prove to the Board why it is compatible in</p> <p>9 those three categories, so I'll give you an</p> <p>10 opportunity if you wanted to revisit those.</p> <p>11 It's b., c. and e. are the ones in the findings.</p> <p>12 So you can put on the record anything that you'd</p> <p>13 like.</p> <p>14 THE WITNESS: I don't see why it's not</p> <p>15 compatible because there is several trailers</p> <p>16 there already, and the Hawkins had several</p> <p>17 trailers on their property before.</p> <p>18 I don't understand how all of this works</p> <p>19 and -- and why . . . I don't know. It's just</p> <p>20 that . . . I don't see why it's not compatible</p> <p>21 because there's several trailers there already.</p> <p>22 And I don't see what conflict it would be</p> <p>23 to anything around, being that there's nothing</p> <p>24 down there but the properties. It's like four</p> <p>25 different properties. There's nothing on them.</p>	<p>1 And as far as it been Jason Hawkins land,</p> <p>2 it has to be his land because every time there's</p> <p>3 debris and trash and garbage on it, he's the one</p> <p>4 that's getting fined, so somewhere up in there</p> <p>5 somebody knows it's his land.</p> <p>6 CHAIRMAN BRISKE: He's paying the taxes on</p> <p>7 it, I'm sure.</p> <p>8 THE WITNESS: And he pays the taxes.</p> <p>9 CHAIRMAN BRISKE: Let me just speak to</p> <p>10 your comments a little bit, because I know you</p> <p>11 have a specific use in mind for putting a mobile</p> <p>12 home on it.</p> <p>13 Unfortunately, this Board cannot look at</p> <p>14 just one specific use. We have to look at</p> <p>15 everything that could potentially go on the</p> <p>16 property, because if you don't put the mobile</p> <p>17 home on it, maybe it gets sold to somebody else</p> <p>18 and they put something else on it, so we have to</p> <p>19 look at everything that could potentially go on</p> <p>20 it.</p> <p>21 THE WITNESS: Mm-hmm.</p> <p>22 CHAIRMAN BRISKE: And that's why it's not</p> <p>23 criteria -- why it's not meeting some of the</p> <p>24 criteria, is because there are things that could</p> <p>25 go on the HDMU that wouldn't be very friendly to</p>
Page 23	Page 24
<p>1 the neighborhood, so that's why there's a</p> <p>2 concern.</p> <p>3 THE WITNESS: Well, it wouldn't to us. We</p> <p>4 have no intentions of selling because it's heir</p> <p>5 property. And we have no intentions of opening</p> <p>6 a business. We just want to live there.</p> <p>7 CHAIRMAN BRISKE: Understand. Understand.</p> <p>8 Well, let us work through this. There are</p> <p>9 several people that have signed up to speak.</p> <p>10 THE WITNESS: Okay.</p> <p>11 CHAIRMAN BRISKE: I'll give you an</p> <p>12 opportunity to come back again at the end.</p> <p>13 Maybe you can listen to some of the things that</p> <p>14 the speakers say, and then get more thoughts</p> <p>15 together. But, you know, it is important that</p> <p>16 you make a strong case as to why the Board</p> <p>17 should go forward. Okay?</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. PYLE: I think -- Real quick. I think</p> <p>20 you're on the right track, Ms. Hawkins.</p> <p>21 What you're saying is, your issues with</p> <p>22 Criterion c., compatible with the surrounding</p> <p>23 areas -- Would you pull up that one map again</p> <p>24 with the . . . That one. Thank you.</p> <p>25 And here's the rub. This is where we are.</p>	<p>1 You see the vacant, vacant, mobile home, mobile</p> <p>2 home.</p> <p>3 What they're saying, in my opinion -- and</p> <p>4 I'm not speaking for the staff. But if you look</p> <p>5 on the surrounding, all the single-family homes,</p> <p>6 that's what they're saying, that this change,</p> <p>7 this alteration would be incompatible and/or</p> <p>8 with those surrounding single-family homes.</p> <p>9 It doesn't make logical sense, if you're</p> <p>10 standing out there looking with the other mobile</p> <p>11 homes, "Why can't I have my mobile home there?"</p> <p>12 This is the quandary we're in last time and this</p> <p>13 time.</p> <p>14 I agree with you. You guys have been</p> <p>15 penalized when somebody dumps stuff, and you've</p> <p>16 had to pay the fines for that.</p> <p>17 And this is not a punitive action on you</p> <p>18 or your family. This is where we have to look</p> <p>19 at what could possibly be there. Apartments.</p> <p>20 That's why I'm assuming, if other people are</p> <p>21 here who are going to speak against it, it's</p> <p>22 apartments or some other commercial use that</p> <p>23 they don't want or cannot see because it would</p> <p>24 be really disruptive to their single-family</p> <p>25 area. And I imagine that's why they're speaking</p>

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<p>1 against it, if there is somebody. I don't even 2 know if there is. 3 But it's not because there's anything 4 against you or your family. And it's a very 5 difficult one, because we all -- I believe your 6 intentions. 7 However, that is irrelevant to some degree 8 because something -- anything could happen, and 9 it could be sold, and then some new developer 10 come in and do something, and he would have all 11 the rights to do so. That's the quandary we're 12 in. 13 So I think you're on the right track. I 14 would personally focus on c., and, you know, 15 that's where we have a -- It is -- It's a 16 challenge. 17 THE WITNESS: Okay. 18 MR. GRAY: And, Chair, if I might add. . . 19 CHAIRMAN BRISKE: Yes, sir. 20 MR. GRAY: The reason I asked the 21 questions when we were coming through the 22 staff's presentation about those existing mobile 23 homes that are present adjacent to your family's 24 property is because it's a key to understanding 25 how planning works.</p>	<p>1 Planning hasn't always -- These rules and 2 laws have not always been adopted. And there 3 were periods of time in the history of the 4 community where they were not in place. 5 But now that they are, we ask that 6 everybody abide by them because they've been 7 duly and lawfully adopted, these new laws. And 8 that's why someone might come in -- This may not 9 have occurred in the '70s or '60s. 10 And you think, wow, this is existing. I 11 should be able to do this. I'm right here 12 across the street. And the same rules don't 13 apply because new rules have been adopted. 14 The key to planning -- understanding 15 planning is understanding the long game. And 16 the long game to planning is ultimately in 60 or 17 70 years, those homes will be needing to be 18 rebuilt. 19 And when they're rebuilt, they should be 20 rebuilt to conform with those rules that were 21 adopted in the '17s or '16s or '15s. So it's a 22 long game. 23 Again, reinforcing what other Board 24 members are saying is, should we say in this 25 long-game brand, allowing this very high use,</p>
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<p>1 someone in 15 years might say, "This is a great 2 opportunity for me to put my apartment complex 3 together." And your family may be done with the 4 property at that point. 5 And you say, "I'll sell it to you." And 6 by right, if this Board did approve that, they 7 would have every right in the world to do this 8 apartment -- this type of intense use. 9 And it is a tough situation we're all in. 10 And we all, you know, are wringing our hands 11 just as much as you are in how to make this 12 work. 13 We even tried making conditional uses 14 work. It's just a -- It's a real tough one, but 15 you're looking at things that have occurred 16 possibly potentially before these laws ever 17 became the rule. 18 And it's -- it is -- What do you call it? 19 It's deceptive in that sense because you look 20 around thinking, well, this is just fine. I 21 should be able to do this, too. But the 22 rules -- the rules change. And I'm sorry about 23 that. 24 Thank you, Mr. Chairman, for the time. 25 CHAIRMAN BRISKE: All right. Thank you.</p>	<p>1 Any other questions or comments, Board 2 members? 3 All right. We're going to move into the 4 public comment portion of the meeting. 5 For those members of the public who are 6 wishing to speak on this matter, please note 7 that the Planning Board bases it's decisions and 8 approval conditions described in 2-7.2 of the 9 Escambia County Land Development Code. 10 During our deliberations, the Planning 11 Board will not consider general statements of 12 support or opposition. Accordingly, please 13 limit your testimony to those approvals and 14 conditions described in 2-7.2. 15 Please also note that only individuals who 16 are here today and give testimony on the record 17 will be allowed to speak at the subsequent 18 hearing before the Board of County 19 Commissioners. 20 At this time, it looks like we have four 21 or five people signed up. 22 At a recent meeting, we had a discussion 23 about time for public speaking. It's always 24 been the policy here to have a time limit. And 25 there was some concern from members of the</p>

<p style="text-align: right;">Page 29</p> <p>1 citizens that said, "We need a little more 2 time." 3 So what we've agreed to is: The first 4 rule is, you have to stick to these criteria. 5 If you start getting off of these criteria, I'm 6 going to interrupt you and ask you to wrap your 7 comments up because these are the only things 8 that we can consider. So if you start talking 9 about, you know, the price of tea in China, it's 10 not going to help us. Okay. We have to stick 11 to these criteria. 12 So I'll ask you to keep your comments -- 13 Just pick one of these or two of these that you 14 want to talk about and talk about them. 15 The second thing is, if you start 16 repeating yourself and you say the same thing 17 over and over, just for brevity of the meeting, 18 I'm going to say, "Okay. We've already heard 19 that. Please wrap it up." Okay? 20 So we want to give the public every 21 opportunity to speak, but we also want to keep 22 it clear and concise, if that's fair. Okay? 23 So when you get up to speak, please 24 address the criteria and try not to repeat 25 yourself. I know it's a little nerve-racking</p>	<p style="text-align: right;">Page 30</p> <p>1 when you get up here in front of the Board, but 2 just try to keep it on those rules. All right? 3 Our first speaker is Mickey Price. 4 Good morning, sir. We'll ask you to be 5 sworn in, please. 6 --- 7 MICKEY PRICE, upon being duly sworn, was 8 examined and testified as follows: 9 --- 10 CHAIRMAN BRISKE: Thank you. Good 11 morning, sir. 12 If you'll state your name and address for 13 the record, please. 14 THE WITNESS: First of all, Roll Tide. 15 CHAIRMAN BRISKE: Okay. 16 THE WITNESS: Got to get that out of the 17 way. 18 Mickey Price, 6424 Monitor Court, 19 Pensacola, Florida 32503. 20 CHAIRMAN BRISKE: All right. 21 Sir, you may proceed. 22 THE WITNESS: My property . . . Can we get 23 the map back up? 24 CHAIRMAN BRISKE: Yeah. Sure thing. 25 THE WITNESS: I live on Monitor Court, and</p>
<p style="text-align: right;">Page 31</p> <p>1 my property butts up to the vacant lot right 2 there. It's right there. Right there. 3 That's -- There's a vacant lot right there. My 4 property is just above that property. 5 And I'm against changing. I -- I -- I'm 6 not -- I'm not against this gentleman getting 7 the mobile home there, but I'm against it 8 because what potentially could come later on 9 down the road because all of these properties 10 are single-family dwellings. 11 And if somebody come in and offered them 12 \$2 million for that property, it would be 13 foolish not to sell it . . . 14 CHAIRMAN BRISKE: Mm-hmm. 15 THE WITNESS: . . . to build something on 16 it. 17 And I've lived here for over 25 years. 18 And there's nothing there. The two mobile homes 19 that are on that property right there, that 20 property above it is 6327 Mockingbird Lane. 21 And as recently as July 14, 2016, there 22 has been violations on that property. And one 23 of the violations is -- Violation two is a 24 medium-density residential district. That is 25 one of the violations on it. And I'm assuming</p>	<p style="text-align: right;">Page 32</p> <p>1 the violation is for those mobile homes. 2 And I -- I didn't read the criteria. The 3 case number for that is CE-160702332. I have 4 seven copies of this. I read in there you had 5 to have 13 copies. 6 Would it be allowable to turn this in as 7 evidence? 8 CHAIRMAN BRISKE: Yes, sir, you can ask 9 that it be submitted as evidence. If you'll 10 present it to our Board attorney there so she 11 can review it. 12 And, sir, while you're entering something 13 into evidence there, could you please describe 14 exactly what the document is that you're 15 bringing into evidence? 16 THE WITNESS: It's the violations against 17 the property. I think there's six or seven 18 violations. 19 CHAIRMAN BRISKE: Now, is this the subject 20 property that we're discussing or is it -- 21 THE WITNESS: It's the property -- it's 22 the property to the -- above that property which 23 the mobile homes were sitting on. 24 CHAIRMAN BRISKE: Okay. 25 THE WITNESS: Which I don't -- I don't</p>

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<p>1 know whether these mobile homes are even 2 occupied or not. 3 There's a -- there's a business right 4 there. 5 And the reason I'm bringing this up, the 6 relevance of this is that I don't want that 7 situation on this vacant lot here, because 8 they've been in violation of all kind of stuff. 9 And I'm not saying these people will, but 10 I'm saying the potential of, you know, something 11 happening after this is approved to -- to them, 12 and having a multiple-family dwelling there, you 13 know, and -- and -- and it's -- nothing around 14 the surrounding area has any kind of businesses 15 or anything on there. 16 CHAIRMAN BRISKE: Hold on a second. 17 Okay. So it's your testimony that this is 18 not the subject property but the adjoining 19 property. 20 THE WITNESS: That's correct. 21 CHAIRMAN BRISKE: Do we have any issues 22 with this being brought into evidence from the 23 public? 24 MS. CRAWFORD: No, there's no problem. 25 Those do appear to be accurate, true copies of</p>	<p>1 the Code Enforcement notices of violation. 2 CHAIRMAN BRISKE: Okay, sir. 3 How did you come by those documents? 4 THE WITNESS: There's been a history of 5 violations on this property. 6 CHAIRMAN BRISKE: But how did you 7 personally get the documents? 8 THE WITNESS: Angela Parker. 9 CHAIRMAN BRISKE: Okay. So they were 10 provided to you by a member of the county staff? 11 THE WITNESS: Yes. 12 CHAIRMAN BRISKE: Okay. And -- 13 THE WITNESS: Code Enforcement, I believe. 14 CHAIRMAN BRISKE: Okay. And do you 15 certify that those are true and accurate copies 16 that were given to you by the staff? 17 THE WITNESS: Yes, sir. 18 CHAIRMAN BRISKE: Okay. 19 Chair will entertain a motion to accept 20 the gentleman, Mickey Price's, exhibit into 21 evidence. 22 MR. GRAY: Chair, I would like to make a 23 motion that we introduce this into evidence. 24 CHAIRMAN BRISKE: Thank you, sir. 25 Do we have a second?</p>
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<p>1 MR. RUSHING: Second. 2 CHAIRMAN BRISKE: Second. 3 Any discussion on the items? 4 (No response.) 5 CHAIRMAN BRISKE: All those in favor say 6 "aye." 7 (Chorus of "ayes.") 8 CHAIRMAN BRISKE: Opposed? 9 (No response.) 10 CHAIRMAN BRISKE: All right. Motion 11 carries. 12 We will notate these as "Price Exhibit A." 13 (Document marked for identification as 14 Price Exhibit A and received in evidence.) 15 CHAIRMAN BRISKE: Okay. So again, I just 16 wanted to reiterate that this is not the subject 17 property but the adjoining property. 18 These property owners don't have any 19 control over these violations. 20 THE WITNESS: No, sir. 21 CHAIRMAN BRISKE: But I understand your 22 concern. 23 THE WITNESS: Yeah. And it's just a -- 24 It's a history of it. 25 And this is just one of the violations</p>	<p>1 that have been against this -- this property. 2 And I just don't want this to happen on another 3 property, if these nice people sell this 4 property to somebody. 5 CHAIRMAN BRISKE: Understand. Yes, sir. 6 THE WITNESS: And, you know, I'm anti -- 7 against, you know, the apartment complexes being 8 right behind my house. 9 And the neighbor who lives across, she's 10 sick. She would have been here today, that 11 lives across from me. She's 78 years old, 12 and -- and, you know, I'm -- It's just not -- 13 not a good situation for our neighborhood. 14 CHAIRMAN BRISKE: Okay. 15 THE WITNESS: Thank you. 16 CHAIRMAN BRISKE: Board members, any 17 questions of this member of the public? 18 MR. PYLE: I just want to make a point 19 that this date of issuance was July 14, 2016. 20 I think it's relevant because obviously it 21 was before this ever came to the Board. I 22 thought that was relevant because I was hoping 23 it wasn't as a result of our bringing this up. 24 CHAIRMAN BRISKE: And just for 25 clarification, your comment was related to Price</p>

<p style="text-align: right;">Page 37</p> <p>1 Exhibit 1, the notice of violation. 2 MR. PYLE: Yes, absolutely. The notice of 3 violation was dated back in July 14th on the 4 properties that are above and/or adjacent to the 5 subject property. 6 CHAIRMAN BRISKE: Okay. 7 Ms. Hawkins, do you have any questions 8 that you'd like to ask Mr. Price? 9 MS. FRENCH-HAWKINS: No. 10 CHAIRMAN BRISKE: All right. Thank you. 11 Thank you, sir. 12 THE WITNESS: Thank you. 13 CHAIRMAN BRISKE: Deja McCullough. 14 MS. McCULLOUGH: Can I go last? I would 15 like to go after everybody else speaks. 16 CHAIRMAN BRISKE: Okay. That's fine. 17 Thank you. 18 Richard South. 19 MR. SOUZA: Souza. 20 CHAIRMAN BRISKE: Souza. Okay. Sorry 21 about that. 22 Good morning, sir. 23 If you'll be sworn in, please. 24 25</p>	<p style="text-align: right;">Page 38</p> <p>1 --- 2 RICHARD SOUZA, upon being duly sworn, was 3 examined and testified as follows: 4 CHAIRMAN BRISKE: Boy, that looked like a 5 "th" at the end. I didn't get the "z-a." I've 6 got you. 7 Sir, if you'll state your name and address 8 for the record, please. 9 THE WITNESS: Richard Souza, 6396 Manassas 10 Court, Pensacola, Florida, which is the next 11 court down from the gentleman that just spoke. 12 CHAIRMAN BRISKE: All right. Thank you, 13 sir. 14 Go ahead, please. 15 THE WITNESS: I'm in firm agreement with 16 Mr. Price. I don't know Mr. Price. I know he's 17 lived there many, many, many years, like I have. 18 My question is that I don't believe that 19 this change would be compatible to our area 20 because of the single-family dwellings. 21 About 90 percent of the people in that 22 local area of where Mr. Price just mentioned is 23 either retired or widowed or widows. And we 24 have been there for many, many years. 25 Our property values, I believe, will</p>
<p style="text-align: right;">Page 39</p> <p>1 diminish if you allow the planning to go through 2 for high-density area. 3 My concerns: Like Mr. Price, I am not 4 against anyone building a home. I worry about 5 the changing in the classification. And I think 6 this would completely disrupt our area. 7 Basically . . . Again, I don't want to 8 repeat myself, but my main -- my main problem is 9 with compatibility. And I think that by you or 10 by any planning board changing the area would 11 absolutely adverse our community. 12 Thank you. Thank you for your time. 13 CHAIRMAN BRISKE: All right. 14 Mr. Souza, one question before you leave. 15 You mentioned that you felt the property values 16 would be hurt. 17 Do you have any qualifications in the area 18 of real estate or appraisals to offer that 19 opinion? 20 THE WITNESS: No, I don't. 21 CHAIRMAN BRISKE: Okay. So that's just a 22 personal opinion -- 23 THE WITNESS: Yes. 24 CHAIRMAN BRISKE: -- on your behalf. 25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 40</p> <p>1 CHAIRMAN BRISKE: Okay. 2 THE WITNESS: And I think anyone that 3 would -- that lives in the Oakfield Woods area, 4 which is -- which we live in, is -- would agree 5 with me. 6 You know, we've been here for many, many 7 years. And we've paid our taxes, and we've 8 tried to keep our property up. And I just feel 9 that by changing it and have high-density area 10 where businesses, trailers, or anything could go 11 up there, would adversely affect our property 12 values. 13 Thank you. 14 CHAIRMAN BRISKE: Okay. Thank you, sir. 15 Board members, any questions for Mr. 16 Souza? 17 (No response.) 18 CHAIRMAN BRISKE: Okay. Ms. Hawkins, any 19 questions for Mr. Souza? 20 MS. FRENCH-HAWKINS: No. 21 CHAIRMAN BRISKE: All right. Thank you. 22 Thank you, sir. 23 Michael Bearden. 24 Good morning, sir. 25 We'll have you sworn in.</p>

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<p>1 ---</p> <p>2 MICHAEL BEARDEN, upon being duly sworn,</p> <p>3 was examined and testified as follows:</p> <p>4 ---</p> <p>5 CHAIRMAN BRISKE: Sir, if you'll state</p> <p>6 your name and address for the record.</p> <p>7 THE WITNESS: Michael Bearden, 12156</p> <p>8 Havburg Drive, Pensacola, Florida.</p> <p>9 CHAIRMAN BRISKE: Okay. Thank you.</p> <p>10 If you'll hold on just one moment.</p> <p>11 Can we bring the criteria back up on the</p> <p>12 screen?</p> <p>13 THE WITNESS: I'm going on Criterion c.</p> <p>14 CHAIRMAN BRISKE: Okay. Thank you, sir.</p> <p>15 Excellent.</p> <p>16 All right. Go ahead, please.</p> <p>17 THE WITNESS: Okay.</p> <p>18 My issue with regards -- Can we have the</p> <p>19 map back up, please?</p> <p>20 Criterion c. is compatibility with the</p> <p>21 surrounding area.</p> <p>22 And if we look at the surrounding area,</p> <p>23 it's single-family dwellings. And if I'm not</p> <p>24 mistaken, this family wants to have a</p> <p>25 single-family dwelling on this property, so it</p>	<p>1 meets that criteria.</p> <p>2 And we may not be able to do high-density</p> <p>3 single-family residence, but couldn't we do</p> <p>4 low-density single-family residence?</p> <p>5 My background is: I was a real estate</p> <p>6 broker in three states, a builder in two states,</p> <p>7 and a Board of Realtors president, as well as a</p> <p>8 certified appraiser.</p> <p>9 I'm looking at it with regards to value of</p> <p>10 properties, which was brought up before. If we</p> <p>11 are able to do single-family residence on this</p> <p>12 property, which meets the Criterion c., this</p> <p>13 family would be able to live on the property as</p> <p>14 they desire, and we would be treating this</p> <p>15 equally with regards to that area.</p> <p>16 One of the issues we dealt with in real</p> <p>17 estate in the past was properties going down</p> <p>18 through families, sometimes properties are sold.</p> <p>19 Another issue -- I don't know if we can do</p> <p>20 this here. Another issue is what we call "life</p> <p>21 estate."</p> <p>22 If this family was granted life estate for</p> <p>23 a single-family residence, then this gentleman</p> <p>24 would be able to live there for the rest of his</p> <p>25 life with this property, and it would revert</p>
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<p>1 back to whatever you decided it should revert</p> <p>2 back to at the end of his life. This is another</p> <p>3 issue that we could use to assist this family in</p> <p>4 using the property -- that has been in the</p> <p>5 family for generations -- as they deserve.</p> <p>6 As we know with regards to common law, one</p> <p>7 of the things we say is: The government's</p> <p>8 purpose is not to tell people how to use their</p> <p>9 land, but to grant them the right to use their</p> <p>10 land free of their choice.</p> <p>11 And if we take this away from this family,</p> <p>12 we're taking away the right of an American to</p> <p>13 use his property as he sees fit.</p> <p>14 Any questions?</p> <p>15 MR. GRAY: I may have a question</p> <p>16 because --</p> <p>17 CHAIRMAN BRISKE: Yes, sir. Go ahead.</p> <p>18 MR. GRAY: What is your name? I'm sorry,</p> <p>19 sir.</p> <p>20 THE WITNESS: Michael Bearden.</p> <p>21 MR. GRAY: Michael Allen.</p> <p>22 The question I've got for you is the</p> <p>23 notion that the government's role is to grant</p> <p>24 you the right to use your land as you see fit.</p> <p>25 THE WITNESS: Not grant, but not take</p>	<p>1 away.</p> <p>2 MR. GRAY: Okay. I'm glad you used the</p> <p>3 word "take."</p> <p>4 So it's just a kind of reminder I keep</p> <p>5 offering each time we get to these points where</p> <p>6 we're talking about what the government's role</p> <p>7 is.</p> <p>8 And there is a protection so that land and</p> <p>9 rights are not taken from any individual. And</p> <p>10 we have the takings clause. We have all kinds</p> <p>11 of statutory law. We have all kinds of</p> <p>12 constitutional law that protects us.</p> <p>13 THE WITNESS: Correct.</p> <p>14 MR. GRAY: And we get to the point now</p> <p>15 where we're at today, and we find that these</p> <p>16 prohibitions -- these regulations of land use</p> <p>17 are very constitutional, and that they are --</p> <p>18 understanding this one -- I guess this one idea.</p> <p>19 And the idea is -- and we've discussed it</p> <p>20 here a moment ago -- is that each man's land is</p> <p>21 not an island; and that what you do on your</p> <p>22 piece of land, which you do own -- and you have</p> <p>23 the right to live and abide there -- it's not an</p> <p>24 island, and you have an impact outside. That's</p> <p>25 what we talk about in the development of</p>

<p style="text-align: right;">Page 45</p> <p>1 properties. We have impact to the roadways. 2 THE WITNESS: Understand. 3 MR. GRAY: And at the intersection well 4 outside of the land -- It's an impact outside. 5 And accordingly, you might have an impact 6 right here next door to your home or five or six 7 homes down because of the nature of what you do 8 on your land. 9 So each -- each piece of land, each piece 10 of our stake in this -- in this country are not 11 just -- not just -- you know, everything you 12 want to do is yours. It's -- it's not a island. 13 It's -- it's a cohesive group of parcels. 14 THE WITNESS: Understand. 15 MR. GRAY: Yeah. 16 THE WITNESS: Zoning laws have a purpose. 17 It's, in effect, use without abuse. We don't 18 want a pig farm starting next door to a grammar 19 school. 20 One of the things I've seen throughout 21 different areas is, use of land can drastically 22 affect others' use, such as the gentleman had 23 stated he's worried about creating an apartment 24 complex behind his residential complex. 25 MR. GRAY: Yes, sir.</p>	<p style="text-align: right;">Page 46</p> <p>1 THE WITNESS: Some of the things that we 2 create as we advance as a society and we build 3 up our community, we sometimes interfere with 4 other property uses, as we plan. 5 Zoning laws have purpose, but part of that 6 purpose is not to take away a person's right to 7 use his land for what it has been used for, 8 i.e., living within his complex for his life. 9 And if we follow Criterion c., which is 10 surrounding areas, one of the things we see is 11 everything surrounding it is single-family 12 residence. 13 So isn't it possible to grant this person 14 single-family residence, which meets the 15 criteria of the surrounding thing, and still 16 prevents him from putting in an apartment 17 complex? 18 MR. GRAY: I think it would be outstanding 19 to do that -- 20 THE WITNESS: Yeah. 21 MR. GRAY: -- to allow him to build a 22 home, to create a home. 23 THE WITNESS: Yes. 24 MR. GRAY: The fact is, the land-use 25 category he's in has three qualifiers. Two of</p>
<p style="text-align: right;">Page 47</p> <p>1 them describe what you can't do with it, and one 2 of them is mobile home and the other one is 3 mobile home -- manufactured home. 4 So it's basically -- The entire identity 5 of this land-use category is no mobile homes. 6 It's two-thirds of the identity of this land-use 7 category to get to -- this person's property is 8 in. 9 Everyone has their homes around it counts 10 on that qualifier, that this is a no-mobile-home 11 area. So as long as the guy's building a 12 home -- folks are building a home, it's 13 outstanding. 14 THE WITNESS: Yes. 15 MR. GRAY: Yes, they can live there. 16 THE WITNESS: But, again -- 17 MR. GRAY: And generations live there. 18 THE WITNESS: But, again, following with 19 surrounding use, we have two mobile home 20 properties adjoining that property, so it 21 matches. It's a single-family residence plus 22 the mobile-home criteria. 23 MR. GRAY: And it would appear that those 24 are at issue and at odds with our rules. That's 25 why --</p>	<p style="text-align: right;">Page 48</p> <p>1 CHAIRMAN BRISKE: If I could maybe address 2 Mr. Bearden just a second, I think that -- I 3 agree with your point. 4 It seems illogical that somebody wants to 5 put a single-family residential -- is having 6 trouble with this Board. 7 But what you have to remember -- this is a 8 key point to this whole thing -- is if we grant 9 an upzoning, we are not granting them a 10 single-family residential house. We are 11 granting them everything that can potentially go 12 in HDMU. That's the problem. 13 If it was just, say, let them put a mobile 14 home on there, I doubt you'd have much argument 15 from this Board, honestly. I don't hear any 16 opposition to that. 17 But going up to that higher category 18 presents problems because then there are things 19 that can be done in there that are not going to 20 be friendly to the neighborhood. And that's 21 where the rub is. 22 So what I'd ask: Horace, maybe you can 23 describe a little bit about -- You all may have 24 heard the term before called "grandfathered in." 25 In our world, we call it a legal nonconforming</p>

<p style="text-align: right;">Page 49</p> <p>1 use. In other words, it's legal, but it doesn't</p> <p>2 really conform --</p> <p>3 THE WITNESS: Nonconforming property --</p> <p>4 CHAIRMAN BRISKE: -- with the property.</p> <p>5 THE WITNESS: I understand.</p> <p>6 CHAIRMAN BRISKE: So it's grandfathered</p> <p>7 in, so to speak.</p> <p>8 But, Horace, if you'll explain, you know,</p> <p>9 maybe -- You did give a brief history of the</p> <p>10 property, but how we got to this point where</p> <p>11 we're at now. So if you would, please.</p> <p>12 MR. JONES: Yes, sir. And maybe I can ask</p> <p>13 Ms. Angelique Parker from Code Enforcement to</p> <p>14 come back in and address those mobile homes and</p> <p>15 the violation.</p> <p>16 But very briefly, on this property, the</p> <p>17 original zoning for this property was R-2 when</p> <p>18 it was -- when zoning first came into place in</p> <p>19 Escambia County. It had R-2 zoning.</p> <p>20 Now, R-2 zoning did not allow for mobile</p> <p>21 homes either. When we made the zoning changes,</p> <p>22 it just converted over to a different name. So</p> <p>23 that specific lot did not allow for mobile</p> <p>24 homes.</p> <p>25 Now, the zoning category -- the current</p>	<p style="text-align: right;">Page 50</p> <p>1 zoning category that is in is medium-density</p> <p>2 residential. It does allow for a single-family</p> <p>3 home, so a single-family home can go there, as</p> <p>4 long as it meets the rest of the performance</p> <p>5 standards.</p> <p>6 Now, the Zoning Code says specifically in</p> <p>7 MDR that mobile homes, manufactured homes are</p> <p>8 not a permitted use.</p> <p>9 A single-family manufactured home or</p> <p>10 mobile home, as Mr. Gray said, is not a</p> <p>11 permitted use. So, therefore, that's why we're</p> <p>12 here today for the -- for the rezoning, to go to</p> <p>13 HDMU --</p> <p>14 CHAIRMAN BRISKE: Let me just interrupt</p> <p>15 you for a second because you just made a very</p> <p>16 important point, that mobile homes are not</p> <p>17 allowed in MDR.</p> <p>18 MR. JONES: No, they're not.</p> <p>19 CHAIRMAN BRISKE: Is there a conditional</p> <p>20 use available to these owners for relief?</p> <p>21 MR. JONES: No, sir. That is what -- that</p> <p>22 is what -- And you will not hear about that</p> <p>23 today. That is what we discussed on November</p> <p>24 the 5th, the Planning Board. It was November.</p> <p>25 The first rezoning case was in November.</p>
<p style="text-align: right;">Page 51</p> <p>1 The Planning Board did direct staff to</p> <p>2 draft some type of orders to consider that.</p> <p>3 We came back on in December. We came back</p> <p>4 in December with the Planning Board, discussed a</p> <p>5 possibility of adopting an ordinance that would</p> <p>6 allow for mobile homes and medium-density</p> <p>7 residential.</p> <p>8 With that being said, that would affect</p> <p>9 the entire county, not just his property, but</p> <p>10 the entire county, with the rest of the</p> <p>11 properties of MDR.</p> <p>12 That would allow for mobile homes, if it</p> <p>13 was adopted and approved, to have a</p> <p>14 conditional-use approval with the Board of</p> <p>15 Adjustment.</p> <p>16 At that time during that discussion, the</p> <p>17 Planning Board decided that that would not be</p> <p>18 the best option. This is where we are here</p> <p>19 today.</p> <p>20 Now, on the issue of the mobile homes that</p> <p>21 the gentleman brought up about the mobile homes,</p> <p>22 it is my understanding -- Angelique, please, if</p> <p>23 you can come and address those two mobile homes.</p> <p>24 It is my understanding -- she can make it clear</p> <p>25 for the record -- that the violations that were</p>	<p style="text-align: right;">Page 52</p> <p>1 submitted as evidence, they were concerning the</p> <p>2 other type of commercial activities that were on</p> <p>3 the site, not the mobile homes. Ms. Angelique,</p> <p>4 could you please come and clarify that for the</p> <p>5 record?</p> <p>6 CHAIRMAN BRISKE: Hold on just one second,</p> <p>7 Horace. I just wanted to clarify.</p> <p>8 So can we please bring up the MDR</p> <p>9 district? I'd like to see what is allowed at</p> <p>10 this point on the property. And then we'll hear</p> <p>11 from Code Enforcement.</p> <p>12 Horace, do you -- While we're waiting for</p> <p>13 that to come up, do you remember when the R-2</p> <p>14 zoning was introduced on this property?</p> <p>15 MR. JONES: It was when we first initiated</p> <p>16 zoning.</p> <p>17 CHAIRMAN BRISKE: '93?</p> <p>18 MR. JONES: About the late '80s and the</p> <p>19 early '90s, yes, sir.</p> <p>20 CHAIRMAN BRISKE: Okay.</p> <p>21 MR. JONES: So that was the original</p> <p>22 zoning, which was G-2 from our maps. So R-2.</p> <p>23 MR. PYLE: So we'd assume that the two</p> <p>24 mobile homes -- that the mobile homes that are</p> <p>25 there currently were there prior to that?</p>

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<p>1 MR. JONES: That's an assumption that we 2 could draw a conclusion, based upon that. 3 MR. GRAY: So they would, in essence, be 4 grand- -- They would, in essence, be 5 grandfathered because they were there present 6 before the rules became applicable to this area. 7 And once they lived out their useful life, 8 they may not be reestablished on that site. 9 MR. JONES: Yes. 10 MR. GRAY: They were no longer 11 grandfathered. It's almost like the thing we 12 talked about outside this area. 13 MR. JONES: Yes. They've got to come back 14 to try -- 15 MR. GRAY: Grandfather -- 16 MR. JONES: -- under the new regulations. 17 MR. GRAY: Yeah. Once they've lost the 18 use, there cannot be replacement on that site. 19 THE WITNESS: Yeah, which you're 20 indicating is common with nonconforming 21 properties. 22 MR. GRAY: That's right. And that's what 23 I'm saying. We were talking about earlier the 24 long game. The long game of planning should 25 make these rule changes now.</p>	<p>1 And they don't really take effect on the 2 entire county maybe until 2125. That's when the 3 whole place then recycles itself, so it's a very 4 long game. The goal is resiliency and 5 consistency and predictability. 6 And, again, we talked about resiliency. 7 We think -- We came up with this plan where we 8 could have a -- maybe a conditional use. 9 THE WITNESS: Yeah. 10 MR. GRAY: Perhaps a conditional use might 11 be appropriate for the MDU. 12 THE WITNESS: Yeah. 13 MR. GRAY: Could I ask a question of the 14 gentleman? 15 CHAIRMAN BRISKE: Yes, sir. 16 MR. GRAY: Sir, with regards to some 17 communities, when a mobile home is put on a 18 solid foundation, is it then described as a 19 single-family residence, with a solid 20 foundation? 21 MR. JONES: Whether or not -- whether or 22 not the tax collector, whatever -- the tax 23 collector makes that decision on, I am not able 24 to address that, but I can say this: Modular 25 homes, which is a site-built home, that plans</p>
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<p>1 are brought in to the county. That can go any 2 zoning category. 3 This would be a mobile home or 4 manufactured home. So whether they skirt it, 5 blanket it down, tax collector classify it for 6 tax-collecting purposes, I am not able to 7 address that. That's not my purview. 8 But we can only address the current 9 situation, information that we have, based upon 10 what the Land Development Code says. 11 THE WITNESS: My reason for asking that 12 is, one way to deal with this is if the mobile 13 home wheels are taken off and it's put on a 14 solid foundation, it becomes, in essence -- in 15 effect, a modular home. 16 MR. JONES: We would still classify that 17 as a mobile home. It got to be brought in. It 18 got to be plans, plans from a modular home 19 company that sells these modular homes. 20 It got to be reviewed by the Building 21 Inspection Department. All those things got to 22 be plans. And, therefore, just because someone 23 may blanket it and skirt it around, we would 24 still classify that as a mobile home. 25 CHAIRMAN BRISKE: I think we had a similar</p>	<p>1 discussion. If you remember, I brought up the 2 fact that, you know, a mobile home typically 3 comes with a title when you first buy it. 4 THE WITNESS: Yes. 5 CHAIRMAN BRISKE: And then the title can 6 be surrendered, and it can be secured to the 7 property -- 8 THE WITNESS: Yes. 9 CHAIRMAN BRISKE: -- and become real 10 property at that point, part of the -- However, 11 it starts out as a mobile home or a manufactured 12 home. 13 THE WITNESS: Yeah. 14 MR. JONES: Yes. 15 CHAIRMAN BRISKE: The houses that you're 16 talking about, we have always referred to them 17 as kind of a DCA house, a modular -- 18 MR. JONES: Modular. 19 CHAIRMAN BRISKE: -- home. 20 THE WITNESS: Yeah. 21 CHAIRMAN BRISKE: Basically, they build 22 the walls in a factory somewhere, bring it all 23 there -- 24 THE WITNESS: Yes, sir. 25 CHAIRMAN BRISKE: -- and assemble it all</p>

<p style="text-align: right;">Page 57</p> <p>1 there.</p> <p>2 THE WITNESS: Yeah.</p> <p>3 CHAIRMAN BRISKE: Is the difference.</p> <p>4 So it still comes in on wheels, but it's</p> <p>5 sections that are basically put together, so I</p> <p>6 think that's an important distinction between</p> <p>7 the two.</p> <p>8 The mobile home -- If you go up on Highway</p> <p>9 29 and you buy one, and they hook a truck up to</p> <p>10 it and pull it in, that's going to be considered</p> <p>11 a mobile home or a manufactured home. And it's</p> <p>12 different than what you're talking about.</p> <p>13 Horace, you're saying on the record a</p> <p>14 modular home would meet the criteria.</p> <p>15 MR. JONES: Yes. A modular home can go in</p> <p>16 any zoning category.</p> <p>17 CHAIRMAN BRISKE: Okay. So they have the</p> <p>18 opportunity to build a single-family</p> <p>19 brick-and-mortar or a modular home, just not</p> <p>20 what we would call a trailer home, a</p> <p>21 manufactured or mobile home that would come in.</p> <p>22 MR. JONES: You are correct.</p> <p>23 CHAIRMAN BRISKE: Okay. I just want to</p> <p>24 make sure that that's clear on the record.</p> <p>25 But I understand your point.</p>	<p style="text-align: right;">Page 58</p> <p>1 MR. PYLE: Mr. Chair, just real quick, I</p> <p>2 just wanted to interject that all of this ground</p> <p>3 was also covered at the last meeting, where we</p> <p>4 he tried -- we tried to manipulate this because</p> <p>5 we don't want to be the bad guys taking away the</p> <p>6 perceived rights of somebody.</p> <p>7 That's not what we're doing. We tried --</p> <p>8 We went through everything you've just said. We</p> <p>9 talked about every one of these particular ways.</p> <p>10 "How can we manipulate this? How can we make it</p> <p>11 work?"</p> <p>12 We came up empty. It was -- It didn't</p> <p>13 work. And we were doing it with the mind-set of</p> <p>14 not only one particular case that we knew was</p> <p>15 fresh on my mind because I had to chair it, but</p> <p>16 also what happens when we make this change for</p> <p>17 the rest of the county.</p> <p>18 And we were against a wall. We had --</p> <p>19 Quite frankly . . . You know, I don't know how</p> <p>20 this -- on this violation, where it says there</p> <p>21 will be a hearing scheduled -- Maybe the Code</p> <p>22 Enforcement people can speak to it.</p> <p>23 But, quite frankly, in my mind I've</p> <p>24 already decided that I think you and other good</p> <p>25 developers who purchase those that may be for</p>
<p style="text-align: right;">Page 59</p> <p>1 sale and buy it, and actually either come up</p> <p>2 with some very affordable home -- housing there,</p> <p>3 that -- that -- The only reason we're trying to</p> <p>4 change this is to make it suitable for the</p> <p>5 mobile home.</p> <p>6 THE WITNESS: Understand.</p> <p>7 MR. PYLE: And -- and when we do that,</p> <p>8 though, unfortunately, we can't do it in a</p> <p>9 vacuum for those people for that time, to this</p> <p>10 point. That's the challenge.</p> <p>11 And I'm sorry. The frustration is that we</p> <p>12 went through all this last time banging our</p> <p>13 heads against the wall. Now it's like fresh on</p> <p>14 people's minds who were not at that meeting.</p> <p>15 In fact, I don't believe any of the</p> <p>16 people -- I mean, some of the people were here,</p> <p>17 but very few. I don't think any of the parties</p> <p>18 were involved were in this meeting, which was</p> <p>19 unfortunate.</p> <p>20 I was a little frustrated by that because</p> <p>21 I would like their help, if they had a better</p> <p>22 idea. I'm not -- I'm certain they could have</p> <p>23 come up with a better idea, but collectively as</p> <p>24 a whole, we ran into a dead end.</p> <p>25 And that's where we are again. So I</p>	<p style="text-align: right;">Page 60</p> <p>1 just -- So it's a little -- it's -- it's -- it's</p> <p>2 frustrating, you know, especially somebody I</p> <p>3 feel very strongly about, you know, protecting</p> <p>4 property rights.</p> <p>5 But it isn't property rights. It's this</p> <p>6 specific item we're trying to make fit, and it's</p> <p>7 a challenge, to say the least.</p> <p>8 THE WITNESS: Understand.</p> <p>9 One of the issues we face also with regard</p> <p>10 to this is that not allowing mobile homes is</p> <p>11 basically causing penalties to low-income</p> <p>12 families because they can't afford a single or a</p> <p>13 site-built house or manufactured house.</p> <p>14 And the mobile home is the only thing they</p> <p>15 can afford.</p> <p>16 And by restricting that from them, we're</p> <p>17 restricting low-income families from having</p> <p>18 their own place on their own property.</p> <p>19 I saw this same situation in Oregon. And</p> <p>20 Oregon literally passed a residence, that any</p> <p>21 lot capable of handling this -- And it's for the</p> <p>22 exact same reason, to prevent low-income</p> <p>23 families from being basically priced out of the</p> <p>24 market of having their own home.</p> <p>25 MR. GRAY: Mr. Chairman, may I?</p>

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<p>1 I think the a point that we made -- And a 2 lot of us weren't here for this meeting, 3 unfortunately, that we were talking about. 4 THE WITNESS: Yeah. 5 MR. GRAY: The point that I think that I 6 found to be the center axis of rotation on all 7 this thing is -- is Oregon doesn't get 8 hurricanes regularly that I'm aware of, and we 9 do. 10 THE WITNESS: Mm-hmm. 11 MR. GRAY: And we have a coastal community 12 that's regularly impacted by hurricanes, and the 13 hurricanes are to a severity by which these 14 homes are not going to survive. 15 And the fact is, Escambia County can't 16 afford to put up the shelters that we do have. 17 We have already a shelter-capacity issue. We 18 have to evacuate personnel from our area to 19 outside area shelters because Escambia County, 20 Santa Rosa and Baldwin doesn't have -- don't 21 have enough shelter capacity. 22 Each time we add a regulation or a rule 23 that allows for more mobile homes in the 24 community, we ramp down our -- our resiliency 25 numbers. We turn down our ability to -- what do</p>	<p>1 you call it -- come back and bounce back the 2 next -- the next week, the next month. 3 You notice there wasn't a huge call for 4 supplies in South Florida, Central Florida after 5 these big hurricanes. It's because Florida has 6 consistently moved towards increased resiliency 7 towards these storms. 8 And as we deal with it, we become no 9 longer the horror stories that are in the 10 Caribbean. We don't become the New Orleans who 11 didn't pass these regulations. 12 We are a state that likes to support 13 resiliency towards these storms. And that's 14 what's unique about our coastal community. 15 And to allow new rules that hamper that 16 ability to be resilient after a storm and to 17 bounce back and become Pensacola again quickly, 18 I just think that's irresponsible on our part. 19 And that was one of the big things that I -- I 20 brought to was that need for us to become 21 resilient and stay resilient. 22 And we work so hard at increasing our 23 evacuation-route capacity, increasing our 24 sheltering capacity. And to add more mobile 25 homes in the area, you think it's going to hurt</p>
Page 63	Page 64
<p>1 the low income? No. It's going to hurt 2 everybody. 3 THE WITNESS: Understand. 4 MR. GRAY: It will hurt all of us equally. 5 THE WITNESS: My last house was destroyed 6 by Ivan. Stick-built. Only six months old. 7 Met all codes. Wiped it out. Mobile homes 8 actually one block in from where I was at were 9 still there. 10 The issue of hurricanes destroying mobile 11 homes. How far in from the waterfront is, to 12 me, a moot subject because if we're going to go 13 by that route, we have to take all the mobile 14 homes totally out of the county, and that's 15 impossible. 16 CHAIRMAN BRISKE: We're kind of getting 17 off topic here. And that's what I said -- 18 THE WITNESS: I didn't bring it up. 19 CHAIRMAN BRISKE: I know. I know. 20 And I'm just trying to, for brevity of 21 the meeting, just trying to bring us back here. 22 MR. CLAY: Mr. Chairman. 23 CHAIRMAN BRISKE: As I see -- I'm sorry. 24 Yes, sir. 25 Okay. I just wanted to bring us back to</p>	<p>1 the key point here. Like I said before, I don't 2 think a lot of us have an issue necessarily, you 3 know, with the exception of talking about the 4 trailer homes. 5 But the zoning change is the key here. We 6 have to try to figure out -- 7 THE WITNESS: I understand. 8 CHAIRMAN BRISKE: -- a way to do it 9 without upzoning the property so that it allows 10 things that shouldn't be there, because there 11 are things. If you pull up -- Let's just do 12 that for a moment. 13 Pull up the HDMU, and let's just show -- 14 If we grant this -- Now, I understand that they 15 were testifying what they want to do with it. 16 But the problem is, once they've gone down 17 the road, they have it. They have HDMU. We 18 can't do anything about it. They can do 19 whatever is legal at that point. 20 And here's the problem: If you look at 21 what could go there, retail sales, bed and 22 breakfast, boarding room, child care facilities, 23 including beauty shops, health clubs, dry 24 cleaners, professional services. All of these. 25 Repair services. So you see our problem.</p>

<p style="text-align: right;">Page 65</p> <p>1 THE WITNESS: Oh, I totally understand 2 that. 3 CHAIRMAN BRISKE: We don't want to grant a 4 zoning that's going to allow all this stuff. 5 It's not necessarily that we're opposed to these 6 folks having a residence. I get that. I'm a 7 property rights advocate, too. 8 This is the problem. So we have to come 9 up with a way of making this work differently. 10 And so far, we haven't been able to figure that 11 out. 12 So I'm going to ask you to kind of finish 13 your statement. And I know Horace wanted to 14 bring the Code Enforcement officer in for some 15 testimony as well. 16 THE WITNESS: Yeah. I'll just finish my 17 statement and sit down because I know you're 18 time constrained as well. 19 And mine is going back to item c. with 20 regards to use of property, which is similar 21 properties. 22 And the similar properties around this 23 property are two things: single-family residence 24 and mobile homes. And that's all they're asking 25 for is their mobile home, which abuts two other</p>	<p style="text-align: right;">Page 66</p> <p>1 mobile homes. 2 And if we don't do high density, is it 3 feasible to do low density? You know. 4 Obviously, some people disagree. 5 MR. PYLE: No. We've been down that 6 system -- 7 THE WITNESS: Yeah. 8 MR. PYLE: -- the time we've been here, so 9 we -- I get it. 10 THE WITNESS: And I'll let you carry on. 11 MR. CLAY: I have a question for -- 12 THE WITNESS: Yes, sir. 13 MR. CLAY: -- for Mr. Jones. 14 Horace, you were saying that originally 15 that that property was zoned R-2. 16 MR. JONES: Mm-hmm. 17 MR. CLAY: Okay. 18 When were those trailers put on that 19 property? 20 MR. JONES: I cannot answer that question. 21 I don't know the answer to that question. 22 MR. PYLE: The assumption was, before. 23 MR. JONES: Yes, on the -- the assumption 24 appears to be maybe before zoning. That's only 25 an assumption.</p>
<p style="text-align: right;">Page 67</p> <p>1 MR. CLAY: Okay. My next question is 2 that -- Okay. You're saying that -- that the 3 property was R-2, but someone allowed two 4 trailers to be put on the property. 5 MR. PYLE: Most likely it happened before. 6 MR. CLAY: Someone allowed two trailers to 7 be put on the property. 8 And really, what we're dealing with now is 9 similar-situation circumstances. 10 Similar-situation circumstances. 11 You have two circumstances that -- where 12 you have allowed two families to do something. 13 But then again, here come the third 14 circumstance, and then you say "No." Where is 15 the consistency? Where is the consistency? 16 Similar-situated circumstances. 17 And secondly, we are looking at what the 18 gentleman said here. If we want to, say, change 19 it to where we're not going to allow any 20 trailers or whatever, but you have to look back 21 at your first two circumstances. I would agree. 22 And I'm looking to what the gentleman 23 proposed in regards to a life estate, because -- 24 Let me say this -- And we have an attorney right 25 there. If you take it out of the county -- take</p>	<p style="text-align: right;">Page 68</p> <p>1 it out of the county hands, and when you're 2 looking at the state or federal, you're going to 3 look at similar-situated circumstances. 4 You have two pieces of property were 5 treated one way, and then you have this property 6 you say you're going to treat it differently. 7 And that's similar-situated circumstances. 8 You have something -- same thing right 9 there in the same area, but you're treating two 10 different than you're treating the third. 11 MS. CRAWFORD: And if I may, Mr. Clay -- 12 Again, Meredith Crawford with the county 13 attorney's office -- as far as the life estate 14 goes, that refers to property ownership. 15 For example, if I give Mr. Jones a life 16 estate and a piece of property, he would own 17 that property until he passed. Then it could 18 perhaps go on to someone else. It could revert 19 to me. 20 That doesn't necessarily impact the use 21 that he had. His use or zoning on that property 22 would have nothing to do with his life estate 23 right in the property. 24 The other thing I would just note is that 25 on the parcel in question, it's my understanding</p>

<p style="text-align: right;">Page 69</p> <p>1 that there's never been the trailer, or if there</p> <p>2 had been a trailer, it's been gone for such a</p> <p>3 period of time that it's no longer a lawful</p> <p>4 nonconforming use.</p> <p>5 It's an adjacent parcel with those lawful</p> <p>6 nonconforming uses. And what that basically</p> <p>7 means is, if you're already doing something</p> <p>8 before we regulate it and say that you can't,</p> <p>9 well, we're not going to go back, and we can't</p> <p>10 go back and necessarily say you have to remove</p> <p>11 that, unless -- I mean, under certain</p> <p>12 circumstances, with greater reasons than what</p> <p>13 we're here today about, just for clarification</p> <p>14 on your question.</p> <p>15 MR. CLAY: Okay. And I understand what</p> <p>16 you're saying.</p> <p>17 But is that a county -- is that a county</p> <p>18 ordinance or a state ordinance or a federal</p> <p>19 ordinance?</p> <p>20 MS. CRAWFORD: As far as --</p> <p>21 MR. CLAY: Under federal law.</p> <p>22 MS. CRAWFORD: As far as the life --</p> <p>23 MR. CLAY: Because, for an example, as the</p> <p>24 gentleman was saying earlier about government</p> <p>25 taking things away, you know, you can look at</p>	<p style="text-align: right;">Page 70</p> <p>1 this as a 14th Amendment issue right here,</p> <p>2 because what you're saying, that these people</p> <p>3 don't have equal access to the law.</p> <p>4 MS. CRAWFORD: I would disagree only in</p> <p>5 that it's not a taking.</p> <p>6 You know, the law provides that you're not</p> <p>7 entitled to the perhaps best and highest use of</p> <p>8 their property.</p> <p>9 However, even in this case, no one is</p> <p>10 trying to necessarily take away the rights they</p> <p>11 currently have.</p> <p>12 Under medium-density residential, they</p> <p>13 already have the right to build single-family</p> <p>14 residences. The problem would be our local code</p> <p>15 which prohibits the mobile home portion in that</p> <p>16 zoning district.</p> <p>17 There are other zoning districts, such as</p> <p>18 HDMU, where those are allowed, which is what the</p> <p>19 applicant is seeking.</p> <p>20 If your question about whether or not it's</p> <p>21 a state, federal or local law as it relates to</p> <p>22 the life estate --</p> <p>23 MR. CLAY: We know this is local. We know</p> <p>24 this is local.</p> <p>25 MS. CRAWFORD: Yes, sir. The zoning is</p>
<p style="text-align: right;">Page 71</p> <p>1 local. As far as the life estate provision,</p> <p>2 that would be, you know, a beginning common law</p> <p>3 and well established legal principle not only in</p> <p>4 the State of Florida, federally, et cetera, so</p> <p>5 I'm not sure if that fully answers your</p> <p>6 question.</p> <p>7 MR. CLAY: I'll accept it.</p> <p>8 MS. CRAWFORD: Okay.</p> <p>9 THE WITNESS: Can I ask a question of the</p> <p>10 attorney?</p> <p>11 Is it legal to grant nonconforming status</p> <p>12 before the fact, rather than after the fact, or</p> <p>13 is that just standard policy?</p> <p>14 MS. CRAWFORD: Nonconforming status would</p> <p>15 only be granted after the fact, that someone is</p> <p>16 already there, in that there is a use there that</p> <p>17 does not conform with a new regulation.</p> <p>18 THE WITNESS: Well, the use at one time</p> <p>19 was there. As you stated, it originally had a</p> <p>20 trailer on the site.</p> <p>21 THE WITNESS: Could it be granted -- could</p> <p>22 it be granted because of that status, or is that</p> <p>23 something we just don't want to do?</p> <p>24 MS. CRAWFORD: No -- Well, yes and no.</p> <p>25 The law allows a period of time. For</p>	<p style="text-align: right;">Page 72</p> <p>1 example, if you have a business that's</p> <p>2 nonconforming use, for some reason your business</p> <p>3 gets destroyed in some fashion. You have a</p> <p>4 period of time to reestablish that use.</p> <p>5 However, you very well may have to come up to</p> <p>6 current codes in other areas.</p> <p>7 However, after a period of time, which I</p> <p>8 believe is 18 months -- I'd have to check the</p> <p>9 provision -- you're no longer entitled to that</p> <p>10 use. You no longer have that nonconforming use.</p> <p>11 It's my understanding in this case that</p> <p>12 period of time has lapsed. I have not heard --</p> <p>13 and I may have just missed it -- presentation of</p> <p>14 evidence that there was a prior mobile home on</p> <p>15 this particular property.</p> <p>16 Even if there had been, though, given the</p> <p>17 code change and the period of time that's</p> <p>18 lapsed, as Mr. Gray was stating, even know it is</p> <p>19 a forward-looking plan, so as these uses that do</p> <p>20 not conform go away just through the passage of</p> <p>21 time, that's the reason we don't continue to</p> <p>22 allow them, even if historically there may have</p> <p>23 been one there, if that makes sense.</p> <p>24 CHAIRMAN BRISKE: Chair recognizes Mr.</p> <p>25 Rushing.</p>

<p style="text-align: right;">Page 73</p> <p>1 MR. RUSHING: Yeah. I just want to see if 2 we can move this forward, because it seems like 3 we're talking a lot about what MDU and HDMU 4 entails, which is not part of this conversation. 5 This is -- You know, those rules and those 6 laws are already established. And I would like 7 to move this one -- move this discussion forward 8 and keep going. 9 CHAIRMAN BRISKE: Thank you, sir. 10 Mr. Bearden. 11 THE WITNESS: You've given me plenty of 12 time. 13 CHAIRMAN BRISKE: Thank you, sir. 14 THE WITNESS: I appreciate it. 15 CHAIRMAN BRISKE: Appreciate it. 16 We understand. And we're trying hard to 17 figure this all out. 18 At this time, Horace, I believe you wanted 19 to introduce the Code Enforcement officer. 20 MR. JONES: Yes. I think -- For the 21 record, I think she needs to -- 22 CHAIRMAN BRISKE: Okay. 23 MR. JONES: -- discuss the . . . 24 Angelique. Here she comes. 25 CHAIRMAN BRISKE: Good morning, ma'am.</p>	<p style="text-align: right;">Page 74</p> <p>1 If you'll please be sworn in. I don't 2 know if you were here when we gave the oaths 3 before. 4 --- 5 ANGELIQUE PARKER, upon being duly sworn, 6 was examined and testified as follows: 7 --- 8 CHAIRMAN BRISKE: Would you please state 9 your name and address and position for the 10 record, please. 11 THE WITNESS: My name is Angelique Parker. 12 My address -- Do you mean my personal 13 address? 14 CHAIRMAN BRISKE: No, just -- 15 THE WITNESS: Work address? 3363 West 16 Park Place. I'm a sergeant for the 17 Environmental Enforcement Department. 18 CHAIRMAN BRISKE: Okay. More commonly 19 called Code Enforcement? 20 THE WITNESS: Correct. 21 CHAIRMAN BRISKE: Okay. All right. 22 Thank you. 23 Horace, did you have some questions for 24 this witness? 25 MR. JONES: Yes.</p>
<p style="text-align: right;">Page 75</p> <p>1 Ms. Angelique, if you can clarify. The 2 gentleman presented some violations. If you can 3 clarify for the record and explain those 4 violations, what they were that was stated and 5 presented before the Planning Board. 6 THE WITNESS: The particular case that he 7 is referencing was a case that I handled. I 8 believe that it was initiated in 2016. 9 The violator property owner was noticed 10 for numerous nuisance conditions, as well as MDR 11 zoning violations. 12 They were not in reference to the mobile 13 homes. They were in reference to the property 14 owner's son, Richard Arnold, operating a towing 15 business from that location. 16 CHAIRMAN BRISKE: Okay. Just for the 17 record, we do have the notice of violation as 18 part of evidence. It's under Price Exhibit A. 19 All of the Board members have been given a copy 20 of that violation. 21 So they were running a business illegally 22 in the zoning district. 23 THE WITNESS: Yes, sir. 24 CHAIRMAN BRISKE: Okay. 25 THE WITNESS: I believe that was the</p>	<p style="text-align: right;">Page 76</p> <p>1 second time I took them to hearing for the same 2 violation. 3 CHAIRMAN BRISKE: Okay. All right. 4 Board members, any other questions? 5 Ms. Hawkins, do you have any questions of 6 the Code Enforcement officer? 7 MS. FRENCH-HAWKINS: I don't. 8 CHAIRMAN BRISKE: Okay. 9 Horace, any other questions you want to 10 get on the record? 11 MR. JONES: No. 12 Thank you, Ms. Parker. 13 CHAIRMAN BRISKE: Thank you, ma'am. 14 Okay. We still have a couple speakers. 15 Our next speaker is Larry Downs, Jr. 16 Good morning, sir. 17 Be sworn in and then state your name for 18 the record. 19 --- 20 LARRY DOWNS, JR., upon being duly sworn, 21 was examined and testified as follows: 22 --- 23 CHAIRMAN BRISKE: Good morning, sir. If 24 you'll state your name and address for the 25 record.</p>

<p style="text-align: right;">Page 77</p> <p>1 THE WITNESS: Good morning, ladies and 2 gentlemen. 3 My name is Larry Downs, Jr. 4 My address is 12156 Havburg Drive, 5 Pensacola, Florida. It's one of the few places 6 we still have a little freedom away from these 7 zoning restrictions. 8 (Unintelligible.) 9 However, they did build a sports complex 10 behind us, which I'm good with, because, you 11 know, it's not my property. 12 I would like to just read real briefly -- 13 And I know you have already went over the rules. 14 You want me to stick to these three -- three 15 items. And I believe this supreme case 16 addresses that. And this is in my common-law 17 handbook. And I really enjoy reading this. 18 "It will be an evil day" -- And this is 19 just a summary from a Supreme Court case, so 20 please let me do it. 21 "It will be an evil day for American 22 liberty if the theory of government outside 23 supreme law finds lodgement in our 24 constitutional jurisprudence. 25 "No higher duty rests upon this court than</p>	<p style="text-align: right;">Page 78</p> <p>1 to exert its full authority to prevent all 2 violations of the principles of the 3 constitution." Downs vs. Bidwell, 1901. 4 It's probably a relative of mine, I'm 5 sure. 6 Anyways, what that's saying is, y'all are 7 the court here in this -- in this family's, you 8 know, future endeavors. Y'all are the court 9 here. 10 And they want a -- They want to put a 11 dwelling, residential dwelling. 12 Now, y'all have took the criteria of 13 residential dwellings and separated it into many 14 different issues, mainly economic, although Mr. 15 Gray says it's a safety issue, which evidently 16 it's not because it's in every other zoning area 17 that's outside of the MDR, including trailer 18 parks are just fine. So let's leave out the 19 hurricanes, as though hurricane is the reason. 20 It's not. 21 Anyways, what I would like to do is ask 22 y'all to go with what staff recommended. Staff 23 brought to you a way to do this. Mr. Jones has 24 said it twice today. 25 At the last meeting, they brought to you a</p>
<p style="text-align: right;">Page 79</p> <p>1 way to grant a conditional use, but it would 2 apply to every property in this county. 3 Y'all don't want that. It's not for y'all 4 to want. It's not for y'all to be dictators of. 5 It's a conditional use that should apply to 6 every property in this county because we're 7 talking about a dwelling. It's a dwelling. 8 It's not for y'all to decide how much my 9 property should retain its value or not. I 10 don't care if my property plummets as long as we 11 have freedom, as long as we have property rights 12 to quietly use our property. 13 So, again, I'm asking y'all to take the 14 staff's recommendation or at least what they 15 brought to you as an option, and don't rule on 16 this today. 17 Change this ordinance. Change it to where 18 y'all can grant conditional uses for dwellings, 19 because otherwise you have us wasting days and 20 days and hours and hours of all of our time, 21 when you can just get to your no vote. 22 Any questions? 23 CHAIRMAN BRISKE: Just a minute. I want 24 to ask you a question, Mr. Downs. 25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 80</p> <p>1 CHAIRMAN BRISKE: The issue before us 2 today, the only issue that we're allowed to vote 3 on right now, is whether this property should be 4 upzoned to HDMU. That's the only issue that we 5 can solve right now. 6 Now, point is well made. There may be 7 other ways of trying to fix this. Okay? I'm 8 open to listen to all of them because I've tried 9 to figure out how we can do it and give these 10 people what they need. 11 But today's issue is, go from MDR to HDMU. 12 And I don't think you're going to have much 13 support for that because of what potentially 14 could go on the property. Okay. That's the 15 only issue we can vote on today. 16 And I agree with you. There are many 17 other things that need to be looked at. 18 THE WITNESS: I'm -- I'm -- 19 CHAIRMAN BRISKE: But with that issue in 20 mind, what do you propose we do with that issue? 21 Are you proposing the upzoning? 22 THE WITNESS: I propose right now that 23 the -- No, I'm not proposing that. That 24 upzoning is going to affect everybody. But for 25 them to use -- They should be able to use their</p>

<p style="text-align: right;">Page 81</p> <p>1 property.</p> <p>2 And what I would suggest to the Hawkins</p> <p>3 family right now is to withdraw this, withdraw</p> <p>4 this and apply for a conditional use, apply for</p> <p>5 this Board to create exactly what Mr. Jones said</p> <p>6 a while ago.</p> <p>7 And I propose a need for conditional use</p> <p>8 to be granted for dwellings on people's property</p> <p>9 that's been in their family. It doesn't matter.</p> <p>10 I mean, they were there before these zoning laws</p> <p>11 existed.</p> <p>12 And we go back to our Constitutional</p> <p>13 rights, our Bill of Rights; life, liberty and</p> <p>14 the pursuit of happiness. That doesn't give you</p> <p>15 the right to tell other people, "You're going to</p> <p>16 lower my property value with your dwelling, so</p> <p>17 we're not going to grant it. That's wrong.</p> <p>18 MR. GRAY: I never said that.</p> <p>19 THE WITNESS: You did.</p> <p>20 MR. PYLE: It's irrelevant.</p> <p>21 CHAIRMAN BRISKE: It's not what you're</p> <p>22 talking about.</p> <p>23 THE WITNESS: It's not what you're talking</p> <p>24 about.</p> <p>25 MR. PYLE: You know, one of the things</p>	<p style="text-align: right;">Page 82</p> <p>1 that's frustrating is that, you know, I'm not</p> <p>2 sure who interjected the financial and economic</p> <p>3 input.</p> <p>4 THE WITNESS: And safety.</p> <p>5 MR. PYLE: Quite frankly -- And, again,</p> <p>6 back to the Chair's point. We have one thing up</p> <p>7 here. We're not arguing. We're not going to</p> <p>8 get up here and wrestle about the constitution</p> <p>9 and revolution.</p> <p>10 Quite frankly, it's annoying, when where</p> <p>11 were those great ideas last week when we were</p> <p>12 talking about this? Nobody had a great</p> <p>13 revelatory idea last month.</p> <p>14 THE WITNESS: They did.</p> <p>15 MR. PYLE: And we debated it at length,</p> <p>16 actually, and it didn't come to anything.</p> <p>17 And the problem -- One of the problems is</p> <p>18 that this home was purchased prior and then they</p> <p>19 came and asked for permission. And we had to</p> <p>20 do -- It was purchased prior. It was already</p> <p>21 done. Is that not -- If I'm not mistaken.</p> <p>22 MR. JONES: Yes.</p> <p>23 MR. PYLE: That they had already purchased</p> <p>24 this mobile home. And that's why -- that's why</p> <p>25 we've -- This is now the third meeting we have</p>
<p style="text-align: right;">Page 83</p> <p>1 discussed this -- this has been a topic, three</p> <p>2 months in a row that we have talked about this.</p> <p>3 We have tried to make it work, and it's --</p> <p>4 unfortunately, it's not. It's just not working.</p> <p>5 THE WITNESS: Isn't it sad that they have</p> <p>6 to come here to beg y'all's permission? I think</p> <p>7 it's sad.</p> <p>8 Anyways, y'all do what y'all going to do.</p> <p>9 I made a recommendation. I hope that they</p> <p>10 withdraw and then go with what Mr. Jones says so</p> <p>11 this can be brought up at a different time in a</p> <p>12 different way, because I agree that -- that</p> <p>13 moving it up to a different zoning.</p> <p>14 But the zoning issues are y'all's problem</p> <p>15 to begin with. It's a conundrum, the conundrum</p> <p>16 y'all created. A dwelling is a dwelling. You</p> <p>17 can't -- And it's not about any of the other</p> <p>18 issues. Y'all know it.</p> <p>19 It's about affordability. You're taking</p> <p>20 affordability -- Not saying y'all did it, but</p> <p>21 somebody did it. They said, "You know what? We</p> <p>22 don't want mobile homes in there because it's</p> <p>23 going to lower the property value around the</p> <p>24 500-foot area." That's a fact. Somebody said</p> <p>25 that. Guarantee it.</p>	<p style="text-align: right;">Page 84</p> <p>1 Thank you.</p> <p>2 MR. GRAY: Mr. Chairman, I might need to</p> <p>3 clarify.</p> <p>4 CHAIRMAN BRISKE: Yes, sir. Go ahead, Mr.</p> <p>5 Gray.</p> <p>6 MR. GRAY: That statement was made by a</p> <p>7 member of the public, in concern for what would</p> <p>8 happen on that property. It was not from a</p> <p>9 member of your Board that your elected officials</p> <p>10 have appointed here.</p> <p>11 THE WITNESS: I'm not talking about y'all.</p> <p>12 MR. GRAY: Well, I'm just --</p> <p>13 THE WITNESS: I'm talking about previous</p> <p>14 boards.</p> <p>15 MR. GRAY: Well, I'm just saying that the</p> <p>16 discussion about value was presented by a member</p> <p>17 of the public, who was, as a layperson, making a</p> <p>18 concern about a perception that they have as a</p> <p>19 layperson.</p> <p>20 And it wasn't made by anyone on this</p> <p>21 Board. And it wasn't made by any of your county</p> <p>22 staff, the discussion of valuation.</p> <p>23 THE WITNESS: No, not the staff for sure,</p> <p>24 but I guarantee you, through this whole process,</p> <p>25 one of y'all had mentioned it at least one time.</p>

<p style="text-align: right;">Page 85</p> <p>1 MR. GRAY: Well, the thing is, because I</p> <p>2 was here for each of these meetings, and I had</p> <p>3 made the motions.</p> <p>4 I offered the motion to allow for a</p> <p>5 conditional-use type of language to be</p> <p>6 introduced into the Code. I'm the one that</p> <p>7 offered that motion and also offered the motion</p> <p>8 that we deny it because it doesn't meet the</p> <p>9 criteria, and it didn't work.</p> <p>10 The only motion that this Board saw fit to</p> <p>11 go forward with -- this was three months ago --</p> <p>12 what happened two months ago was an idea that</p> <p>13 there might be a conditional use within this in</p> <p>14 MDU.</p> <p>15 And we've just -- We looked at it, and you</p> <p>16 looked at it as a whole. We're talking about</p> <p>17 thousands of acres.</p> <p>18 THE WITNESS: The whole county.</p> <p>19 MR. GRAY: Yeah.</p> <p>20 THE WITNESS: Yes.</p> <p>21 MR. GRAY: We're talking about thousands</p> <p>22 of acres.</p> <p>23 THE WITNESS: The whole county.</p> <p>24 MR. GRAY: And this appointed Board -- I'm</p> <p>25 sorry. This part of the voting Board just</p>	<p style="text-align: right;">Page 86</p> <p>1 couldn't see it working. It didn't make sense.</p> <p>2 THE WITNESS: It will work.</p> <p>3 MR. GRAY: It didn't make sense.</p> <p>4 So if these people want to come back and</p> <p>5 reintroduce it again, I recommend they go back</p> <p>6 and look at minutes, because it's already been</p> <p>7 discussed. It's already been -- We've run that</p> <p>8 thing, and it just -- it didn't go up the pole.</p> <p>9 It didn't work.</p> <p>10 THE WITNESS: The chair said he would like</p> <p>11 to have heard more, so I think we have an</p> <p>12 opportunity here to maybe get something like Mr.</p> <p>13 Jones brought to y'all at the last meeting.</p> <p>14 CHAIRMAN BRISKE: Yeah.</p> <p>15 MR. GRAY: I'm just informing you what</p> <p>16 happened in the past. And, again, no one up</p> <p>17 here talked about protection of value of</p> <p>18 properties. No one here up here did it. No one</p> <p>19 there on staff.</p> <p>20 THE WITNESS: We know that's a quiet</p> <p>21 issue, but it's part of it.</p> <p>22 MR. GRAY: It wasn't brought up, sir.</p> <p>23 That's all I'm going to say.</p> <p>24 THE WITNESS: It's all under the guise of</p> <p>25 safety, hurricanes, all that.</p>
<p style="text-align: right;">Page 87</p> <p>1 But Mr. Jones did bring it up. That's the</p> <p>2 reason why I brought it up. He brought it up</p> <p>3 twice. There is another option. Y'all may not</p> <p>4 want to do it because it's for the whole county.</p> <p>5 But what -- The whole county is entitled</p> <p>6 to the same dwelling rights. Quiet use of their</p> <p>7 property doesn't mean that mobile homes, modular</p> <p>8 homes, trailer homes should be ruled out of any</p> <p>9 situation. Ever. It just shouldn't be ruled</p> <p>10 out because there's no criteria in the Bill of</p> <p>11 Rights --</p> <p>12 MR. GRAY: Mr. Chairman --</p> <p>13 THE WITNESS: -- that says y'all should do</p> <p>14 that.</p> <p>15 MR. GRAY: -- I just asked a certain</p> <p>16 question because he's not -- I asked a</p> <p>17 question -- or I just made a statement.</p> <p>18 CHAIRMAN BRISKE: Thank you, sir.</p> <p>19 THE WITNESS: Thank y'all.</p> <p>20 CHAIRMAN BRISKE: We appreciate your</p> <p>21 comments. We're going to try sorting this thing</p> <p>22 out.</p> <p>23 All right. Deja McCullough.</p> <p>24 Good morning, Miss. If you'll please be</p> <p>25 sworn in and then state your name and address</p>	<p style="text-align: right;">Page 88</p> <p>1 for the record.</p> <p>2 ---</p> <p>3 DEJA MCCULLOUGH, upon being duly sworn,</p> <p>4 was examined and testified as follows:</p> <p>5 ---</p> <p>6 THE WITNESS: Do you need my name and</p> <p>7 address, too?</p> <p>8 CHAIRMAN BRISKE: Yes, please.</p> <p>9 THE WITNESS: Deja McCullough, 4064</p> <p>10 Glenway Drive, Pensacola, Florida 32526.</p> <p>11 CHAIRMAN BRISKE: All right. Go ahead,</p> <p>12 Miss.</p> <p>13 THE WITNESS: All right. So I'm really</p> <p>14 just thinking a few things my mom mentioned,</p> <p>15 what was said to her.</p> <p>16 The first thing is that you guys put up</p> <p>17 the criteria, so to speak. If I'm not saying it</p> <p>18 correctly, you saw that her -- speak as to why</p> <p>19 it is compatible; right? That was what you</p> <p>20 said.</p> <p>21 CHAIRMAN BRISKE: Right. In order for us</p> <p>22 to recommend approval, we have to have competent</p> <p>23 and substantial evidence in each one of those</p> <p>24 categories to support it. So --</p> <p>25 THE WITNESS: Okay. So my mother would</p>

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<p>1 have to have a substantial amount of knowledge 2 in order to even bring up an argument like that. 3 And apparently you guys can tell that they 4 are not financially in a place to be able to 5 have that information or to be able to obtain a 6 lawyer, things offer that nature. That was the 7 first thing. 8 So that's -- If you'll notice the reason 9 how my mother responds, she said, "I don't 10 know," because she's really looking for you guys 11 to put up -- to do this part for her, and make 12 it right for them and their family. That was my 13 first part. 14 I'm going on to my second part now. As to 15 Mikey [sic] Price, his comment as far as the 16 violations, Mr. Hawkins is definitely paying the 17 price for the violations, but he is not the one 18 making the violations, so I hope that you guys 19 can also take that into consideration, being 20 that y'all took that paper that he had into 21 consideration as well. 22 As far as the mobile homes, the mobile 23 homes that are already there technically are 24 already in violation. It sounds like there's 25 circumstances. Them already living on the</p>	<p>1 property is what allowed them to remain on the 2 property. 3 So if they're being taken into 4 consideration, why can't this family not be 5 taken into consideration as well? 6 Also, my last part is, is it impossible 7 for us to come outside of the box and create 8 something that is specifically geared and 9 tailored to their particular needs? So that way 10 in the future -- Because what it ultimately 11 sounds like is you guys are not concerned with 12 the current situation or even the Hawkins. 13 It's really the fact of what's coming once 14 they leave. What is the future problems? 15 That's the main bulk of the problems that I'm 16 hearing, is what are we going to face in the 17 future? 18 So, okay. Create a plan. Come outside of 19 the box that will squash that, so therefore if 20 they do leave their property, that the other 21 things that are -- you're concerned about cannot 22 be done or placed on that property. 23 Like, honestly, I hear more pushbacks than 24 anything. Even if somebody does come up and 25 say, "Hey, what about this? What about this?"</p>
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<p>1 I hear more pushbacks coming from you guys 2 versus there -- you guys coming up finding ways 3 to come up with a plan for the family, honestly. 4 In all due respect, that's your job. But at 5 least make it to where it fits for them. 6 So -- But that was my only comment. 7 Oh, and there was another comment that you 8 guys keep making. My mother did her due 9 diligence. She did not buy property and decide 10 to say, "Hey, we're going to put it here." 11 No. She spoke with Mr. Horace several 12 times. She was given misinformation. 13 Thank you. 14 CHAIRMAN BRISKE: Thank you, ma'am. 15 Board members, did you have any questions 16 of Ms. McCullough? 17 (No response.) 18 CHAIRMAN BRISKE: Ms. Hawkins, did you 19 wish to ask Ms. McCullough any questions? 20 MS. FRENCH-HAWKINS: I did. 21 I also wanted to tell -- know you're 22 taking away from Carter -- 23 MR. JONES: Speak in the microphone. 24 CHAIRMAN BRISKE: If you'll come to the 25 microphone. We're recording the proceedings.</p>	<p>1 MS. FRENCH-HAWKINS: Okay. This is the 2 great-grandson. This is the last generation 3 right now. 4 To me, it's been taken away from him that 5 right to grow up on that land, to play on that 6 land, to visit that land. He will never get 7 that, if -- if every time I come up here to 8 speak or take a day off to come here to do this, 9 to me, that's wrong. 10 You spoke of the trailers being torn away 11 because of storms. Toni Arnold trailers, both 12 are still there. They have survived every storm 13 that was down there. I have never seen anything 14 happen to her trailers. 15 And as far as the violations, we never 16 violated with a business. We had nothing to do 17 with that. That's Arnold's. 18 I also wanted to know: Why can't it be an 19 approval for a single-family dwelling, with a 20 life estate for life with condition? 21 I don't know what else to sell to y'all to 22 get you to approve this for Jason Hawkins, Sr. 23 I don't know what else to do. 24 CHAIRMAN BRISKE: Okay. Let me ask Horace 25 and the attorney a couple of questions while</p>


<p style="text-align: right;">Page 93</p> <p>1 you're holding your beautiful grandson. 2 MS. FRENCH-HAWKINS: Thank you. 3 CHAIRMAN BRISKE: Now, keep in mind -- I 4 can't remember the exact situation, but this 5 goes back many years. 6 As you know, I've been on the board here 7 probably 17, 18 years. 8 MR. JONES: Yes, sir. 9 CHAIRMAN BRISKE: At one time we had the 10 ability to put limitations on properties. And 11 it was kind of like an agreement with deed 12 restrictions, maybe. Is that something that -- 13 what she's asking for? Saying? Allow them to 14 do this but for a one-time exception? Is there 15 any avenue for that? 16 MS. CRAWFORD: Meredith Crawford again. 17 I believe what she may be referring to 18 when she uses the term "life estate," and 19 perhaps what Mr. Clay earlier was referring to 20 is the idea of conditional rezoning, in which 21 you allow one individual -- or conditional use 22 rezoning or something -- that's probably not the 23 appropriate term -- where you do allow a 24 rezoning specific to a use, specific to an 25 owner.</p>	<p style="text-align: right;">Page 94</p> <p>1 There are other jurisdictions that have 2 something similar. I've not researched that. 3 It's my understanding from prior Board 4 conversation -- this perhaps came from the Board 5 of County Commissioners -- that that was not 6 something that they would want. It's absolutely 7 something we could look into. It would require 8 a change to the Code. And so that -- 9 MR. JONES: Yes -- 10 MS. CRAWFORD: -- that process would have 11 to take place. 12 But as of this time, there is nothing in 13 our Code that would allow an agreement between 14 us and the applicant to use the property for use 15 outside of the zoning or in violation of the 16 zoning. 17 There are other things, such as 18 development agreements, where, you know, we will 19 agree with the developer, related to certain 20 other restrictions, but it wouldn't be something 21 like a use restriction. 22 CHAIRMAN BRISKE: So at this point, 23 there's nothing that even at the County 24 Commission level that they can authorize on this 25 property.</p>
<p style="text-align: right;">Page 95</p> <p>1 MS. CRAWFORD: There's nothing within the 2 Code. The Board of County Commissioners could 3 authorize or direct either staff or the Planning 4 Board to look into other avenues. 5 I know there have been discussions related 6 to mobile homes probably for the past six months 7 or so. At this time, we have not been directed 8 to make any changes. 9 But, yes. I mean, there may be other 10 alternatives, but it's my understanding that 11 that's not been something that we've been asked 12 to look into, outside of simply adding the 13 mobile homes as a conditional use in the MDR 14 district. 15 CHAIRMAN BRISKE: Ms. Hawkins, have you 16 had any discussions with your County 17 Commissioner on this topic? 18 MS. FRENCH-HAWKINS: Because we went to 19 him. And he told us to start a case, which is 20 what we're doing here. 21 CHAIRMAN BRISKE: Okay. 22 MS. FRENCH-HAWKINS: Thanks to him, we 23 found out that we could start a case because it 24 was never nothing that was offered when I came 25 to this office. I was never told that you could</p>	<p style="text-align: right;">Page 96</p> <p>1 do this or you can do that. I was never given 2 any alternatives anywhere. I was just told, 3 "No, it cannot be put there." 4 I did call the office. I didn't speak 5 with Horace, but I did call his office several 6 times March of '17. 7 He stated in the last meeting that I never 8 called. And that's because he only checked for 9 my cell phone number. He never checked for my 10 work number, which is 595-6500. If he wanted to 11 check records, he can go back and look at it now 12 starting in March. 13 I would have never went through the 14 process of having this home purchased for my dad 15 if I thought that it couldn't go down there. I 16 did do my homework. I thought I did, anyway. 17 CHAIRMAN BRISKE: Let me ask you a 18 question about that. Did you get any kind of 19 documentation or anything like that from the 20 county that you based your decision on, or was 21 it just a verbal discussion? 22 MS. FRENCH-HAWKINS: It was a verbal. I 23 never knew I needed anything. 24 CHAIRMAN BRISKE: Okay. 25 MS. FRENCH-HAWKINS: When I called, and I</p>

<p style="text-align: right;">Page 97</p> <p>1 asked --</p> <p>2 CHAIRMAN BRISKE: All right. I'm just</p> <p>3 trying to see if there's any written</p> <p>4 documentation out there.</p> <p>5 MR. GRAY: Mr. Chair, that's a very</p> <p>6 common -- that's a very common occurrence for --</p> <p>7 asking to get a verbal on the phone that you</p> <p>8 don't receive a document.</p> <p>9 But also, it would be atypical, I think,</p> <p>10 of anyone answering that phone to be not trained</p> <p>11 in the ability to read -- the Land Development</p> <p>12 Code, to read the first two main qualities of</p> <p>13 that property are, "No mobile home" and "No</p> <p>14 mobile home." That would be -- And that's all I</p> <p>15 had to say.</p> <p>16 Thank you.</p> <p>17 CHAIRMAN BRISKE: The follow-up question</p> <p>18 to that is: Do you remember exactly what you</p> <p>19 were told during that conversation?</p> <p>20 MS. FRENCH-HAWKINS: I called and asked,</p> <p>21 "Could modular or manufactured homes be put on</p> <p>22 property?" I gave the address.</p> <p>23 I was told, "Yes, not trailers but</p> <p>24 manufactured homes."</p> <p>25 And I wanted to know the difference, but</p>	<p style="text-align: right;">Page 98</p> <p>1 that didn't work out. But I called several</p> <p>2 times in March about that.</p> <p>3 I don't know who I was getting on the</p> <p>4 phone. I didn't write the name down. I never</p> <p>5 knew the procedure for coming in, putting a</p> <p>6 paper in, and finding all of this out.</p> <p>7 When you call me at the Health Department,</p> <p>8 and you ask me how do you come in there and give</p> <p>9 a shot record, I tell you, "You come in. You</p> <p>10 fill out an application, a request of</p> <p>11 information form, sign it."</p> <p>12 I do my part, and I give it back to you,</p> <p>13 but I at least tell you the steps. I was never</p> <p>14 given the steps over the phone.</p> <p>15 Had I been given information, I would have</p> <p>16 followed the information. I was never.</p> <p>17 CHAIRMAN BRISKE: All right. Go ahead.</p> <p>18 MR. PYLE: Mr. Chairman, I have a question</p> <p>19 now for Chair and Ms. Meredith.</p> <p>20 I mean, I think -- I think it's painfully</p> <p>21 obvious we cannot -- or I'm not going to assume</p> <p>22 that, but it's going -- I think it's</p> <p>23 overwhelmingly difficult to change the zoning,</p> <p>24 period.</p> <p>25 Can we -- How can we go back -- And I</p>
<p style="text-align: right;">Page 99</p> <p>1 think we need to involve the Board of County</p> <p>2 Commissioners in this and ask them for a vehicle</p> <p>3 in order to use with restricted uses for a</p> <p>4 property, not opening Pandora's Box for the</p> <p>5 remainder of the county, but being able to use</p> <p>6 restricted use only for -- whatever mix of</p> <p>7 verbiage we've got here.</p> <p>8 I think we've come to loggerheads. And I</p> <p>9 don't -- You know, the way people are painting</p> <p>10 this Board, I think they're wrong. And it's</p> <p>11 very frustrating. And I don't think the family</p> <p>12 should pay for that.</p> <p>13 And I think that apparently there's enough</p> <p>14 confusion, at least in the process, of them</p> <p>15 finding ahead of time what they could and could</p> <p>16 not do, when they may have pretty -- a big</p> <p>17 financial investment, and now they're, you know,</p> <p>18 facing us as the people saying, "No, you can't."</p> <p>19 I know why we're not. And I think we're</p> <p>20 correct. But is there a way to go to the County</p> <p>21 Commissioners, bring them in on a very strict</p> <p>22 use, to the current zoning?</p> <p>23 MS. CRAWFORD: Sure, Mr. Pyle.</p> <p>24 Probably the easiest route that I think of</p> <p>25 the two, off the top of my head, would be that</p>	<p style="text-align: right;">Page 100</p> <p>1 this Board simply ask or direct staff to take</p> <p>2 this to the Committee of the Whole and present</p> <p>3 the issue to the Board of County Commissioners</p> <p>4 and ask for direction back to this Board.</p> <p>5 Another option is always for members of</p> <p>6 the public to go to public forum or bring it up</p> <p>7 with their Commissioners.</p> <p>8 However, given the nature of the</p> <p>9 discussion today and the desire not to put the</p> <p>10 burden back on an applicant who has been here</p> <p>11 several times, I think asking for Board</p> <p>12 direction from the Board of County</p> <p>13 Commissioners -- and it seems to be that you're</p> <p>14 asking the procedure to do that -- would be</p> <p>15 simply to ask staff to take this to the</p> <p>16 Committee of the Whole and ask for the Board to</p> <p>17 direct.</p> <p>18 CHAIRMAN BRISKE: Would you recommend that</p> <p>19 the Board take action on this as to recommend</p> <p>20 approval or denial before that, or to continue</p> <p>21 the case until we get direction back from them?</p> <p>22 MS. CRAWFORD: That would really be the</p> <p>23 pleasure of the applicant and the Board.</p> <p>24 While I understand if you have a desire to</p> <p>25 put a hold on this and have Board direction, the</p>

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<p>1 Board direction, though, if they do direct a 2 change, is going to require some time for a code 3 change. 4 You know, it will have to go back through 5 you guys, back to the Board of County 6 Commissioners, which is fine, at which point the 7 applicant, rather than going under the old code 8 provision, which he still could do, could 9 request to come under the new provision. 10 Obviously, I believe, that would be what she 11 would want, especially if the Code were to be 12 changed in her favor, if that makes sense. 13 CHAIRMAN BRISKE: So just keeping with the 14 theme here that we're dealing with laypeople 15 that don't necessarily know quite as much as 16 some of our staff members do, if the Board -- 17 I'm just saying "if." If the Board denies the 18 request for the upzoning, then they have rights 19 to appeal. Okay. 20 So before it would go to a right to 21 appeal, we would submit it to the Committee of 22 the Whole for input before the Commissioners 23 vote? Is that what you're saying? 24 MS. CRAWFORD: No. What I would say would 25 be: You're correct if you make a final. You</p>	<p>1 make a recommendation to the Board of County 2 Commissioners. The Board of County 3 Commissioners could then either accept your 4 recommendation, for example, for denial, at 5 which point the applicant would have an avenue 6 of appeal. There's not necessarily an avenue of 7 appeal between this Board and the Board of 8 County Commissioners, simply because it's not a 9 final decision here. 10 I would not recommend that you send this 11 case -- and I don't believe it would be 12 appropriate to send this case -- to the Board of 13 County Commissioners to review, since once your 14 decision is made, that's going to go to them. 15 They'll be receiving evidence or information 16 outside of their particular quasi-judicial 17 hearing on the subject. 18 My recommendation, and what it sounds like 19 you're asking for, would simply be to hold this 20 case in abeyance, if there's no objection from 21 the applicant; for you to ask the staff or get 22 with your Board of County Commissioners 23 yourself, to have a discussion at the Committee 24 of the Whole specifically on mobile homes, where 25 they're allowed, how they can be addressed,</p>
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<p>1 whether as a conditional use in MDR, or whether 2 there's any appetite for some sort of 3 conditional zoning in which it's rezoned or 4 perhaps zoning is more lenient specific to a 5 use. However, once that use ceases, the old 6 zoning or old restrictions would go back into 7 place. Again, there are jurisdictions that do 8 that. 9 We would need time to look into it, but if 10 that's the will of the Board, then staff -- or 11 what typically would happen is, they come up 12 with options. They go to the Committee of the 13 Whole. There's a presentation. 14 The Board can then give direction back. 15 Again, for the Hawkins, that may take quite some 16 time. It would be a few months before anything 17 could be changed, at a minimum. 18 MR. JONES: And I would like to add -- 19 CHAIRMAN BRISKE: Turn your microphone on. 20 MR. JONES: Thank you, Meredith. 21 Yes. 22 With the direction of the Committee of the 23 Whole, it would -- it definitely would take some 24 time because that is -- that is an agenda that's 25 definitely a form set by the County</p>	<p>1 Administrator and the Board of County 2 Commissioners when they have those discussions. 3 There have been occasions where we have 4 brought topics before them, but because of the 5 lengthy agenda, they've pushed those off, so 6 that could take some time before this gets 7 scheduled, if that's the direction for the 8 Committee of the Whole discussion. 9 As Meredith said, you can make a decision 10 to approve or deny, and then -- and the Board 11 can again direct staff at that meeting to look 12 at some other alternatives, and that could 13 expedite. They could even give a date certain 14 when they want to come back at that time. 15 But just the Committee of the Whole 16 discussion is really -- That really could take 17 some months, especially being -- I know the 18 agenda that -- the issues they're working on, 19 that could take some time for the Hawkins. And 20 I know that they are working on a time crunch as 21 well. 22 MS. CRAWFORD: Well -- and if I may 23 interject again -- that's not the only route. 24 Another possibility would be similar to last 25 month. Staff brought a draft ordinance, adding</p>

<p style="text-align: right;">Page 105</p> <p>1 in the mobile homes as a conditional use through 2 the BOA approval. That was not something that 3 this Board decided to move forward on. 4 If this Board directed staff to come back 5 to you next month with a draft of some sort of 6 conditional zoning -- and, again, I apologize. 7 I don't know the term used by other 8 jurisdictions, or use specific zoning, then that 9 could be something that you could then pass on 10 to the Board of County Commissioners short of 11 the Committee of the Whole. 12 Again, if you want the input of the Board 13 before moving forward on something like that, I 14 think the Committee of the Whole would be the 15 appropriate route. 16 CHAIRMAN BRISKE: I think it's definitely 17 important that we have the input of the 18 Commissioners because they're going to have the 19 final say in it. And, you know, I do think that 20 we have to consider the precedent that it may 21 set for each individual case, so we have to look 22 at that. 23 But either way, whether the Board 24 recommends approval or denial on this, it's 25 going to go in front of the County</p>	<p style="text-align: right;">Page 106</p> <p>1 Commissioners, so we really have two options, 2 one, to make a motion on it, or for the 3 applicant to ask for it to be held over, and 4 then we request an audience with the Committee 5 of the Whole, which may be -- 6 MR. JONES: Based upon their timetable, 7 yeah. 8 CHAIRMAN BRISKE: I mean, I don't know how 9 the other Board members feel, but I'm almost 10 thinking it's better to take a vote on this and 11 make them come to a decision at the Board of 12 County Commissioners, so the applicant has due 13 process, to be in front of all the Commissioners 14 and state their case, and at the same time 15 subsequently this Board saying to them, "We need 16 to know do you want us to look at a conditional 17 use for MDR" at the same time. 18 Go ahead. 19 MR. GRAY: Mr. Chair, let me just bring up 20 two thoughts. 21 One thought was, I thought that we had 22 waived the fees for this applicant at the very 23 beginning of this process. 24 MR. JONES: It is. Yes. 25 CHAIRMAN BRISKE: That's good.</p>
<p style="text-align: right;">Page 107</p> <p>1 MR. GRAY: We are now -- So that 2 financial, that one column, has been taken care 3 of. We have now repeatedly asked -- And they 4 didn't come the second time. We've now 5 repeatedly asked this family to take time and 6 come here before us to hear this -- you know, 7 this Board decide whether we're going to upzone 8 or not upzone this property. 9 We've now done that twice. And 10 technically we talked about it three times now. 11 So we've now used their time, which is their 12 commodity. 13 My thought is, is could we not let this 14 Board take a vote on whether we're going to 15 upzone or not on this? And rather than keep 16 this slow pull on this Band-Aid going, you know, 17 we're going to not do this, ought we not do it 18 quickly? If we're going to do something, you 19 know, let's deliver bad news quickly. And 20 that's what it was, a policy to always deliver 21 the bad news quickly. 22 I think we ought to go ahead and take this 23 vote. And I'd like to see if we could entertain 24 a motion to deny this request. 25 And if I can get a second, I think we can</p>	<p style="text-align: right;">Page 108</p> <p>1 get a vote out of this, and these guys would 2 know the answer now, at which point it 3 translates up into a BOCC issue, I think. 4 MR. INGWELL: Could I ask something? 5 CHAIRMAN BRISKE: Mr. Ingwell, go ahead. 6 MR. INGWELL: We're all trying to avoid 7 the fact that Ms. Hawkins is being penalized for 8 trying to do the right thing. That's the bottom 9 line. 10 And I think what we're looking at here is, 11 it's almost like a variance request. It's site 12 specific, but it's, you know, a large-scale 13 variance for this particular property. 14 It's based on need, not necessarily -- not 15 want. They made decisions ahead of time with 16 expectations that they would be able to put this 17 structure on that property. 18 So I think it's very similar to a builder 19 asking for a variance based on a certain 20 property that they're trying to put a structure 21 on, so that may be an avenue, a large-scale 22 variance, for the lack of a better term. 23 MR. GRAY: Mr. Chair, we have to also be 24 conscientious of the idea of setting precedent, 25 so -- And this happens in several jurisdictions.</p>

<p style="text-align: right;">Page 109</p> <p>1 I'm just saying, if we set precedent on 2 something, and it's good for the gander. Every 3 time somebody wants to come up and bring this 4 same similar condition to us, we can't say no 5 because we set apart a certain degree of 6 circumstances, that it was a -- we'll consider 7 it now a very tight, tight, narrow allowance 8 with these specific things. 9 But all someone has to do is come together 10 with that same -- the minutes from that meeting 11 and come to us. And then before we know it, we 12 cascade into we have changed the category 13 entirely. 14 UNIDENTIFIED MALE SPEAKER: Freedom. 15 Freedom. 16 MR. GRAY: We have changed the character 17 of the category entirely to set precedent as a 18 Board. We have to be conscientious of that. So 19 as carefully as you want to word it, as 20 carefully as one of us wants to word this 21 proposed, you know, conditional motion, it can 22 be used again and again and again because we 23 have now set precedent. 24 CHAIRMAN BRISKE: Yeah. And I don't think 25 we're recommending making conditional</p>	<p style="text-align: right;">Page 110</p> <p>1 recommendation here. I don't think that would 2 be legal in this point. 3 But to go back to your point, Mr. Ingwell, 4 I think maybe the terminology, when it goes to 5 the Board of Adjustment, I think this would be 6 considered a conditional use and not a variance. 7 A variance is typically -- are for height -- 8 MR. JONES: Yes. 9 CHAIRMAN BRISKE: -- lot width, you know, 10 technical -- how many feet something are. So I 11 think we would still have to do the conditional 12 use. 13 And that's why I was saying, if we take a 14 vote on this, and then at the same time appeal 15 to the Commissioners and say, "We need direction 16 on do you want us to look at the entire MDR 17 category for conditional use?" And have them 18 come back and say, "Yes, we want to put 19 conditional use in there." 20 And then we'll have to establish what 21 those criteria are because there are very 22 specific criteria for conditional uses. 23 So, go ahead, sir. 24 MR. INGWELL: Well, I'd like to make a 25 motion, then, in order to maintain consistency</p>
<p style="text-align: right;">Page 111</p> <p>1 in application of the Land Development Code, and 2 due to not compatibility with Criteria b., c. 3 and e., that we deny this application. 4 CHAIRMAN BRISKE: All right. Thank you, 5 sir. 6 MR. GRAY: Mr. Chair, I'm going to put a 7 second to that motion. 8 I think it falls right in line with what I 9 think we need to do as the right condition. I'm 10 going to second and see what this Board will 11 vote, how we'll vote. 12 Thank you. 13 CHAIRMAN BRISKE: Okay. We have a motion 14 and a second. 15 Discussion? 16 (No response.) 17 CHAIRMAN BRISKE: Okay. We'll take the 18 vote now. 19 All those in favor of supporting the 20 motion for denial, say "aye." 21 (Chorus of "ayes.") 22 CHAIRMAN BRISKE: Opposed? 23 MR. CLAY: No. 24 CHAIRMAN BRISKE: Okay. So the motion 25 carries, so the recommendation will be to deny</p>	<p style="text-align: right;">Page 112</p> <p>1 the upzoning request. 2 I would pass the Chair to my counterpart 3 here for just a moment. 4 I'd like to make a motion that the Board 5 write a letter or ask the staff to go to the 6 County Commissioners to be discussed as soon as 7 possible. 8 And please emphasize that this is 9 affecting some folks' lives here. We don't need 10 to kick the can down the road for months and 11 months, but to have them come back and offer 12 their suggestions whether that be a conditional 13 use in MDR or some other type of administrative 14 way that they may help this family. We'd like 15 to hear that back. That would be my motion. 16 MR. PYLE: Second, Mr. Chair. 17 CHAIRMAN BRISKE: Thank you. 18 You want to call the question, since I 19 made the motion? 20 MR. PYLE: So we have a -- I am allowed to 21 second, right, the motion as a Chair; correct? 22 All right. We have a motion. You may 23 want to repeat that. 24 CHAIRMAN BRISKE: Just to go to the County 25 Commissioners, ask them -- They're obviously</p>

<p style="text-align: right;">Page 113</p> <p>1 going to get the case, so, Ms. Hawkins, you'll</p> <p>2 have the ability to discuss with them directly</p> <p>3 your concerns, as well as all the folks that</p> <p>4 have spoken here today.</p> <p>5 And I would highly encourage you -- I know</p> <p>6 it's time out of your schedule, but I would</p> <p>7 highly encourage you to speak because they'll</p> <p>8 get a record of what was said here today, but</p> <p>9 you'll have an opportunity to speak again.</p> <p>10 And basically just get guidance back from</p> <p>11 them. Two options: Push it back to us for a</p> <p>12 conditional use in MDR or come up with some kind</p> <p>13 of administrative way that they can help this</p> <p>14 family.</p> <p>15 MR. PYLE: So we have the motion as stated</p> <p>16 and seconded.</p> <p>17 All those in favor?</p> <p>18 (Chorus of "ayes.")</p> <p>19 MR. PYLE: Any opposed?</p> <p>20 (No response.)</p> <p>21 CHAIRMAN BRISKE: Okay. All right.</p> <p>22 Thank you, folks. Sorry it's not exactly</p> <p>23 what you had hoped for in this forum, but</p> <p>24 obviously we have a lot to work out.</p> <p>25 I would recommend highly that all of you</p>	<p style="text-align: right;">Page 114</p> <p>1 that spoke today please attend the Board of</p> <p>2 County Commission meeting so that you can show</p> <p>3 your support for this.</p> <p>4 With that, we'll conclude the case.</p> <p>5 (Hearing concluded at 10:30 a.m.)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 115</p> <p>1</p> <p>2</p> <p>3 CERTIFICATE OF REPORTER</p> <p>4</p> <p>5</p> <p>6 STATE OF FLORIDA)</p> <p>7)</p> <p>8 COUNTY OF ESCAMBIA)</p> <p>9</p> <p>10 I, DAVID A. DEIK, CP, CPE, Professional Court</p> <p>11 Reporter, certify that I was authorized to and did</p> <p>12 stenographically report the foregoing Planning Board</p> <p>13 proceedings; and that the transcript is a true record of</p> <p>14 the proceedings contained herein.</p> <p>15 I further certify that I am not a relative,</p> <p>16 employee, attorney, or counsel to any of the parties,</p> <p>17 nor am I a relative or employee of any of the parties'</p> <p>18 attorney or counsel connected with the action, nor am I</p> <p>19 financially interested in the action.</p> <p>20</p> <p>21</p> <p>22</p> <p>23 </p> <p>24 DAVID A. DEIK, CP, CPE</p> <p>25 Professional Court Reporter</p>	

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Horace Jones, Director, Development Services Department

I. PUBLIC HEARINGS

1. Rezoning Cases

Motion made by Commissioner May, seconded by Commissioner Barry, and carried unanimously, approving to remand Rezoning Case Z-2017-17 to the Planning Board for the following reasons:

A. This application was filed prior to the adoption of the new zoning criteria and should go back to the Planning Board for review under the new criteria:

- (1) Unlike the old criteria, the new criteria address the allowance of spot zoning if it will result in orderly development; and
- (2) This would create a spot-zoned parcel; however, there are existing mobile homes in the area; and

B. The Planning Board should address the use mobile homes within the Land Development Code, as follows:

- (1) Planning Board may add mobile homes to zoning districts that currently allow for single-family residences (this is currently MDR);
- (2) Planning Board may create a process for conditional rezoning based on use; the zoning would revert if the approved use is discontinued; and
- (3) Planning Board may add the use of a mobile home as a conditional use in residential districts for the BOA [Board of Adjustment] to determine.

Speaker(s):

Larry Downs, Jr.

(Continued on Page 30)