

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
QUASI-JUDICIAL HEARING
July 10, 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 June 6, 2018 Planning Board Rezoning Meeting.
5. Acceptance of Rezoning Planning Board Meeting Packet.
6. Quasi-judicial Process Explanation.
7. Public Hearings.
 - A. Case #: Z-2018-07
Applicant: Wiley C. "Buddy" Page, Agent for Dan L. Livingston, Trustee
Address: 8300 Klondike Road & 8300 Block of Klondike Road
Property Size: 46.26 +/- acres
From: LDR, Low Density Residential district (four du/acre)
To: MDR, Medium Density Residential district (10 du/acre)
 - B. Case #: Z-2018-08

Applicant: Wiley C. "Buddy" Page, Agent for Blue Water Creek Estates,
Inc, owner
Address: 900 Highway 97 BLK behind
Property Size: 210 +/- acres
From: Agr, Agricultural district (one du/20 acres)
To: RR, Rural Residential district (one du/four acres)

8. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Rezoning
Meeting Date: 07/10/2018

4. A.

Agenda Item:

RECOMMENDATION: That the Planning Board review and approve the Meeting Resume' Minutes of the June 6, 2018 Planning Board Rezoning Meeting.

Attachments

Draft June 5, 2018 Planning Board Rezoning Meeting Minutes

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING June 5, 2018

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:37 A.M. – 9:04 A.M.)

Present: Reid Rushing
Jay Ingwell
Timothy Pyle
Alan Gray
Stephen Opalenik

Absent: Wayne Briske, Chairman
Patty Hightower
Eric Fears
William Clay

Staff Present: 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 Tim Pyle.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.

Motion by Reid Rushing, Seconded by Alan Gray

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

Vote: 4 - 0 Approved

Other: Wayne Briske (ABSENT)
Eric Fears (ABSENT)
William Clay (ABSENT)

4. Approval of Minutes.

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the May 1, 2018 Planning Board Rezoning Meeting.

Motion by Jay Ingwell, Seconded by Alan Gray

Motion was made to approve the Rezoning Planning Board meeting minutes from May 1, 2018.

Vote: 4 - 0 Approved

Other: Wayne Briske (ABSENT)
Eric Fears (ABSENT)
William Clay (ABSENT)

5. Acceptance of Rezoning Planning Board Meeting Packet.

Motion by Alan Gray, Seconded by Jay Ingwell

Motion was made to accept the Rezoning Planning Board meeting packet for June 5, 2018.

Vote: 4 - 0 Approved

Other: Wayne Briske (ABSENT)
Eric Fears (ABSENT)
William Clay (ABSENT)

6. Quasi-judicial Process Explanation.

7. Public Hearings.

- A. Case #: Z-2018-06
Applicant: Wiley C. "Buddy" Page, Agent
for Raymond & Sylvia Ward,
Owners
Address: 15 Herman Street
Property Size: 1.04 (+/-) acres
From: HDMU, High Density
Mixed-use district (25 du/acre)
To: HC/LI-NA, Heavy Commercial
and Light Industrial district,
prohibiting the subsequent
establishment of any
microbreweries,
microdistilleries,
microwineries, bars,
nightclubs, or adult
entertainment uses (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 Alan Gray, Seconded by Jay Ingwell

Motion was made to accept into evidence the ELU Map.

Vote: 4 - 0 Approved

Other: Wayne Briske (ABSENT)
Eric Fears (ABSENT)
William Clay (ABSENT)

Motion by Jay Ingwell, Seconded by Alan Gray

Motion was made to recommend approval to the BCC.

Vote: 4 - 0 Approved

Other: Wayne Briske (ABSENT)
Eric Fears (ABSENT)
William Clay (ABSENT)

8. Adjournment.

Planning Board-Rezoning

7. A.

Meeting Date: 07/10/2018
CASE : Z-2018-07
APPLICANT: Wiley C. "Buddy" Page, Agent for Dan L. Livingston, Trustee
ADDRESS: 8300 Klondike Road & 8300 Block of Klondike Road
PROPERTY REF. NO.: 14-1S-31-2301-000-000, 14-1S-31-2301-001-001
FUTURE LAND USE: MU-S, Mixed-Use Suburban
DISTRICT: 1
OVERLAY DISTRICT: N/A
BCC MEETING DATE: 08/02/2018

SUBMISSION DATA:

REQUESTED REZONING:

FROM: LDR, Low Density Residential district (four 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. 3-2.7 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 MDR zoning designation for both parcels. The existing zoning allowances for the two parcels is currently LDR, which provide limited 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 the south and across Wild Lake Boulevard to the north, are currently zoned MDR zoning.

TTO Staff has reviewed the Rezoning Case (Z)-2018-07, 800 block of Klondike Road, agenda item for the Planning Board meeting scheduled for July 10, 2018. Please see the below comments.

Currently, there are no ongoing or programmed projects on Klondike in the County's Capital Improvements Program. Likewise, there are no ongoing or programmed projects on FDOT's Work Program. Recently, however, the county began exploring an expansion (two 12-foot travel lanes with 4-foot paved shoulders) of Klondike Road and Wilde Lake Boulevard. The project would be constructed in three phases: Phase I, Klondike Road from Wilde Lake Boulevard to the Pathstone development; Phase II, Wilde Lake Boulevard from Klondike Road to Pine Forest Road; and Phase III, Klondike Road from Wilde Lake Boulevard south to Mobile Highway. In addition, FDOT indicated that signalization of the intersection of Mobile Highway and Klondike Road will be programed, in the near term.

Klondike Road is classified as a local street and assumed to be functioning within its allowable capacity for traffic volumes. Per the Florida-Alabama TPO's Congestion Management Process Plan, Mobile Highway 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 2017, this roadway segment had 12,600 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.

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 and MDR. There is 77 single-family residences, four vacant residential, three non-agricultural acreage parcels, and one RV Park. All surrounding zoning districts range from low-density residential to medium-density residential. The existing uses and intensities on the ground, are 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 from low density, to MDR will actually

make those two parcels just as equally compatible with the adjacent zoning and the existing uses and intensities as they currently are.

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.?

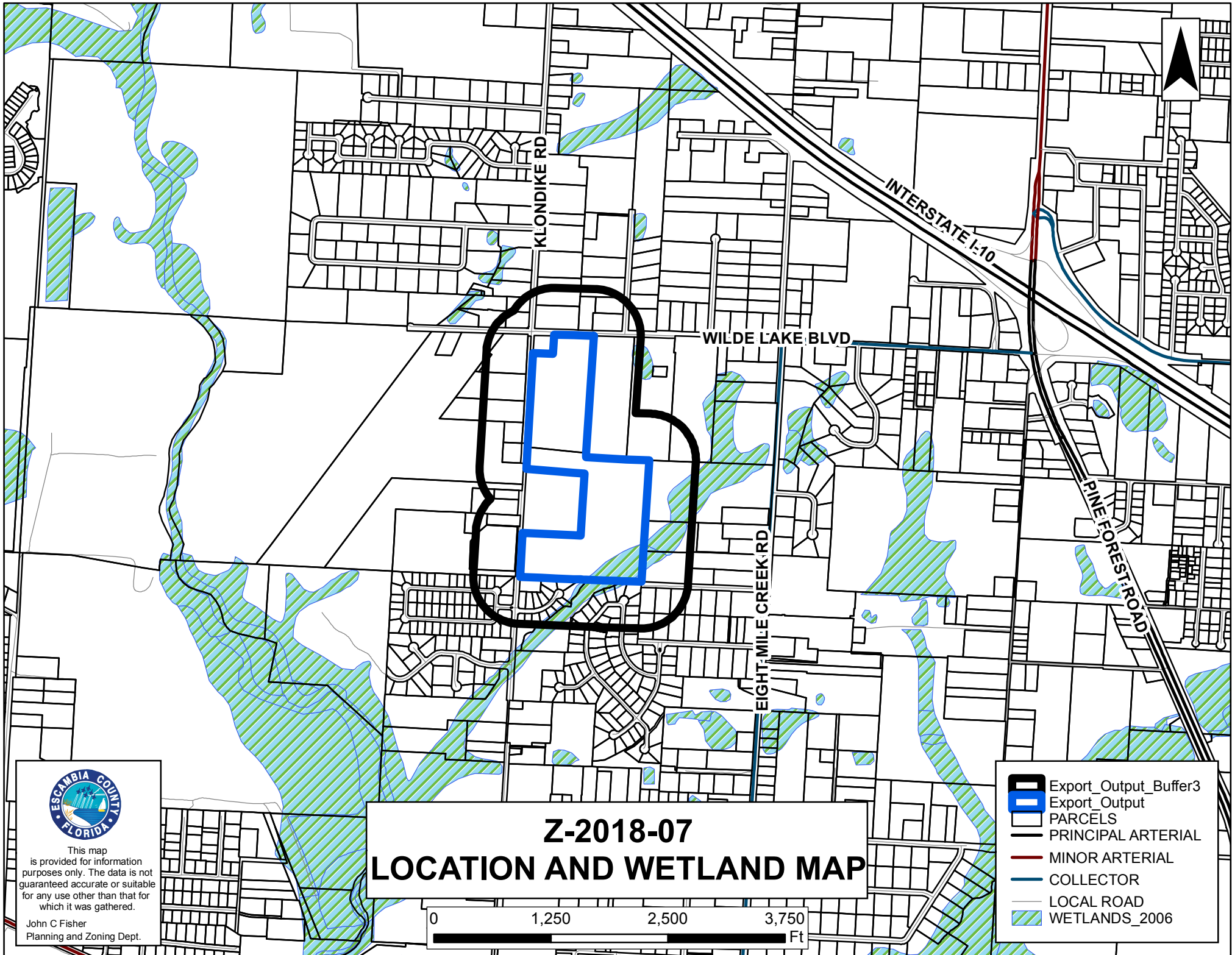
FINDINGS

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

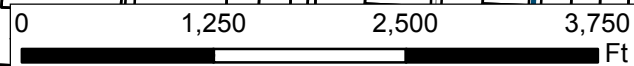
Working Case File

Z-2018-07



Z-2018-07

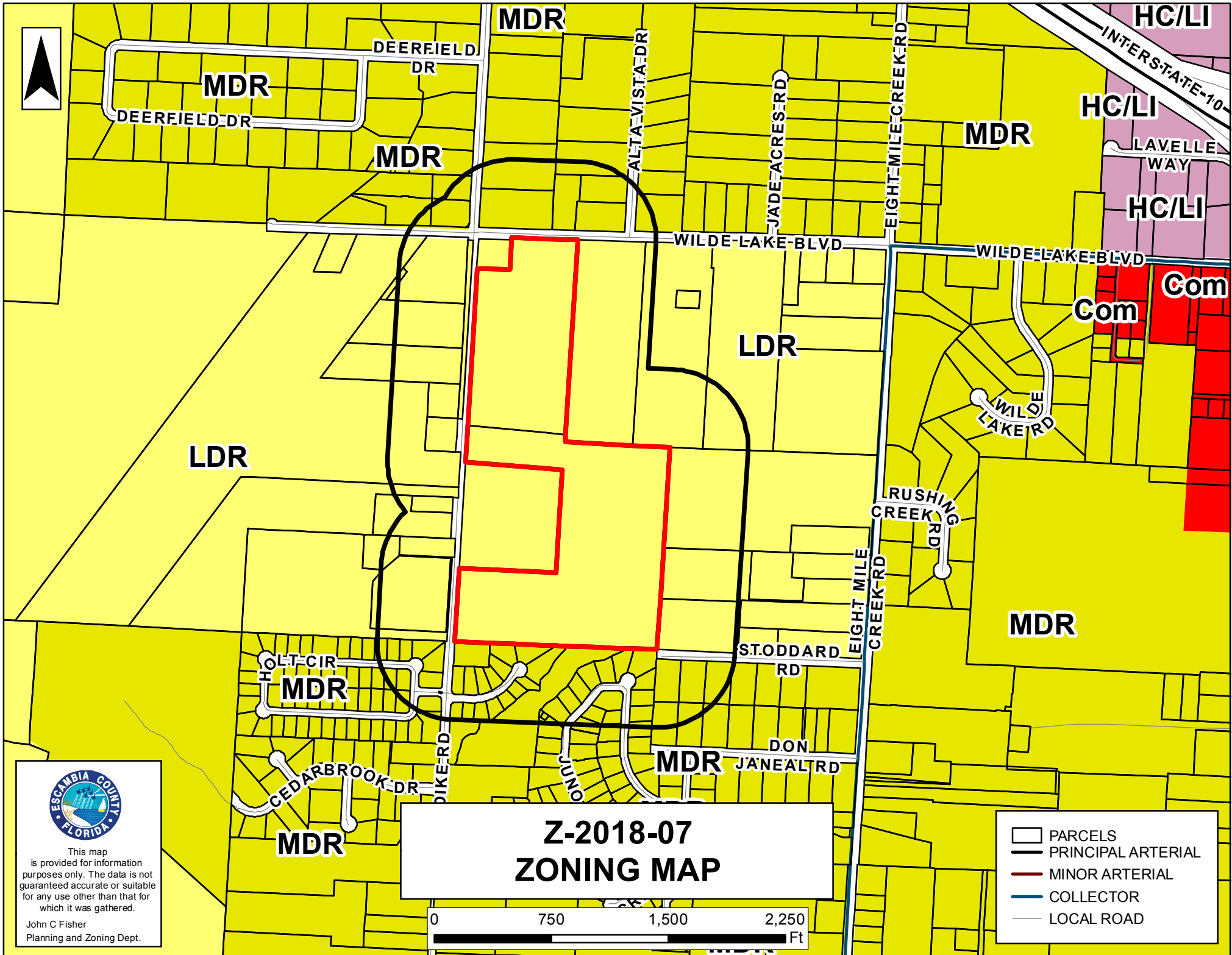
LOCATION AND WETLAND MAP



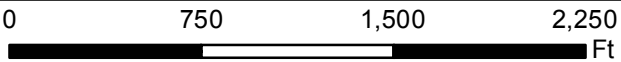
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

John C Fisher
Planning and Zoning Dept.

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



**Z-2018-07
ZONING MAP**



- 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.

John C Fisher
Planning and Zoning Dept.



DEERFIELD DR

MU-U

MU-U

ALTA VISTA DR

JADE ACRES RD

INTERSTATE-10

LAVELLE WAY

WILDE LAKE BLVD

WILDE LAKE BLVD

MU-S

MU-S

ROBIN HOOD LN

WILDE LAKE RD

RUSHING CREEK RD

EIGHT MILE CREEK RD

STODDARD RD

MU-U

HOLT CIR

DON JANEAL RD

MU-U

CEDAR BROOK DR

DIKE RD

JUNO

Z-2018-07 FUTURE LAND USE

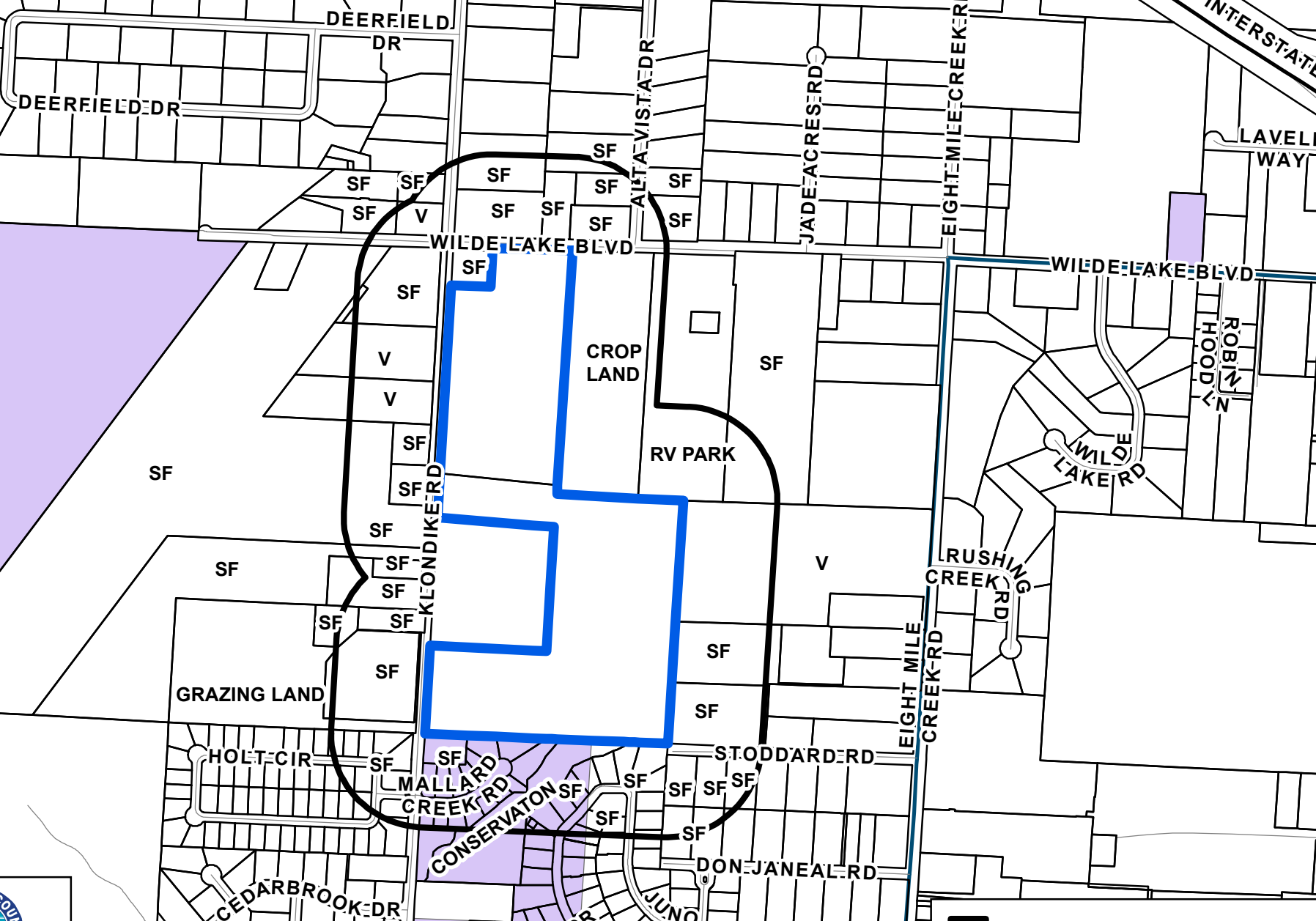
0 750 1,500 2,250 Ft

- 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.

John C Fisher
Planning and Zoning Dept.



INTERSTATE-10

LAVELLE WAY

DEERFIELD DR

DEERFIELD DR

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MALLARD CREEK RD

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CONSERVATION

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STODDARD RD

DON JANEAL RD

CEDAR BROOK DR

JUNO

EIGHT MILE CREEK RD

RUSHING CREEK RD

WILDE LAKE BLVD

WILDE LAKE RD

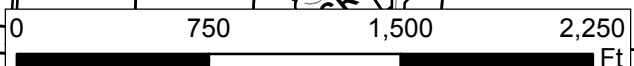
ROBIN HOOD



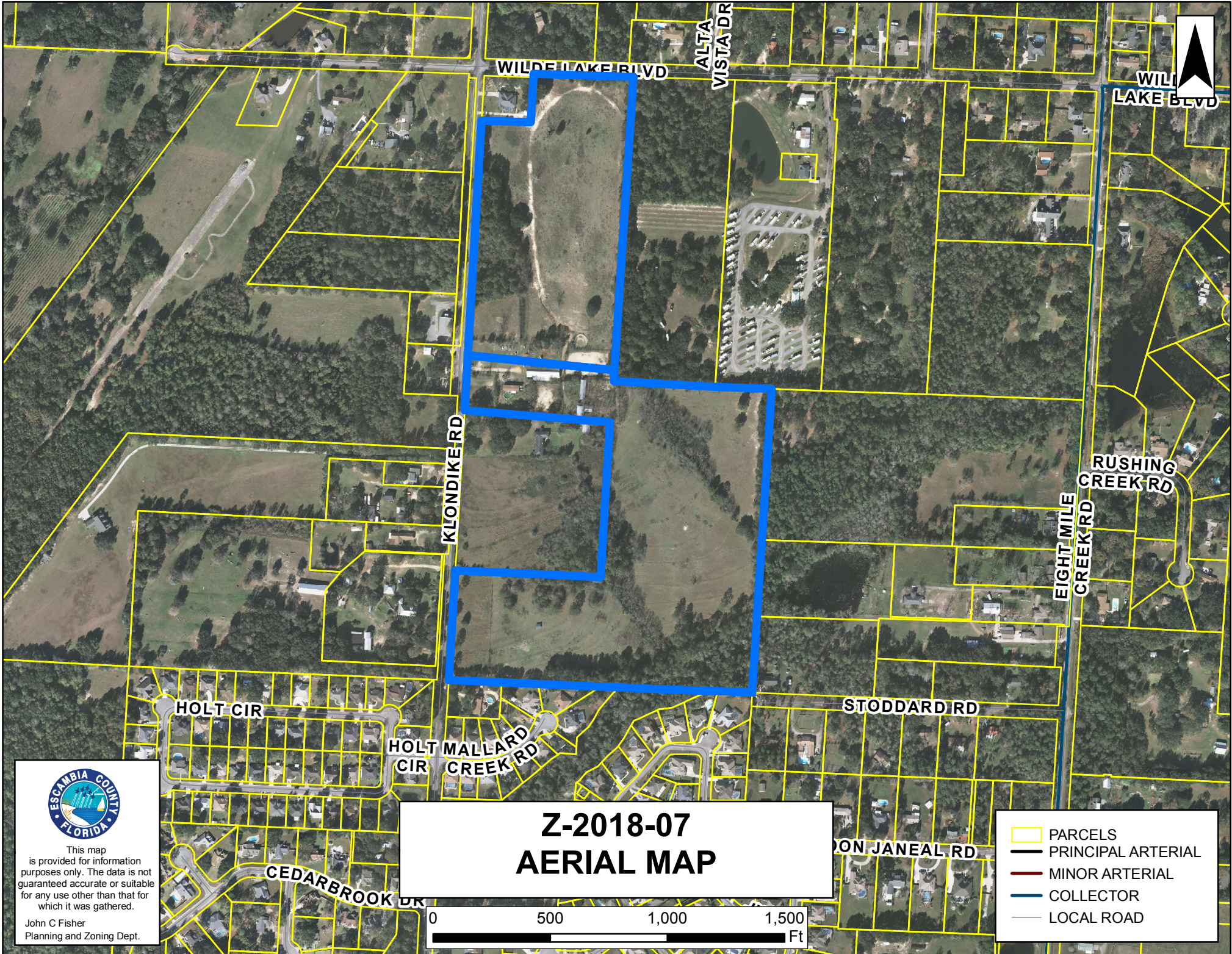
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John C Fisher
Planning and Zoning Dept.

Z-2018-07 ELU MAP



- Export_Output_Buffer3
- Export_Output
- PARCELS
- sde_vec.ESCAMBIA.REZONING_CASES_POLY
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



WILDE LAKE BLVD

ALTA VISTA DR

WILDE LAKE BLVD

KLONDIKE RD

RUSHING CREEK RD

EIGHT MILE CREEK RD

HOLT CIR

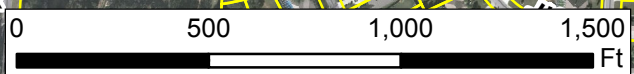
STODDARD RD






HOLT MALLARD CREEK RD

MON JANEAL RD

CEDARBROOK DR

Z-2018-07 AERIAL MAP



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



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John C Fisher
Planning and Zoning Dept.



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2018-07

CURRENT ZONING: LDR PROPOSED ZONING: MDR

PLANNING BOARD

DATE: 07/10/18 TIME: 8:30 AM

LOCATION OF HEARING

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

BOARD OF COUNTY COMMISSIONERS

DATE: 08/02/18 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

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

Public Hearing Sign On Wild Lake Blvd.



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2018-07

CURRENT ZONING: LDR PROPOSED ZONING: MDR

PLANNING BOARD

DATE: 07/10/18 TIME: 8:30 AM

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

BOARD OF COUNTY COMMISSIONERS

DATE: 08/02/18 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 686-3475 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

Looking East Along Wild Lake Blvd.



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2018-07

CURRENT ZONING: LDR PROPOSED ZONING: MDR

PLANNING BOARD

DATE: 07/10/18 TIME: 8:30 AM

LOCATION OF HEARING

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

BOARD OF COUNTY COMMISSIONERS

DATE: 08/02/18 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 595-3471
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

Looking West Along Wild Lake Blvd.



Looking Onto The Subject Property at Wild Lake Blvd.



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2018-07

CURRENT ZONING: LDR PROPOSED ZONING: MDR

PLANNING BOARD

DATE: 07/10/18 TIME: 8:30 AM

LOCATION OF HEARING

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

BOARD OF COUNTY COMMISSIONERS

DATE: 08/02/18 TIME: 5:45 PM

LOCATION OF HEARING

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

FOR MORE INFORMATION CALL:
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WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

Public Hearing Sign On Klondike Road

 **NOTICE OF PUBLIC HEARING REZONING**

CASE NO.: Z-2018-07

CURRENT ZONING: LDR PROPOSED ZONING: MDR

PLANNING BOARD

DATE: 07/10/18 TIME: 8:30 AM

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

BOARD OF COUNTY COMMISSIONERS

DATE: 08/02/18 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

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

Looking South On Klondike Road



Looking North On Klondike Road

 **NOTICE OF PUBLIC HEARING REZONING**

CASE NO.: Z-2018-07

CURRENT ZONING: LDR PROPOSED ZONING: MDR

PLANNING BOARD

DATE: 07/10/18 TIME: 8:30 AM

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

BOARD OF COUNTY COMMISSIONERS

DATE: 08/02/18 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

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY



Looking At The Subject Property on Klondike Road

Wiley C. "Buddy" Page, MPA, APA
Professional Growth Management Services, LLC
5337 Hamilton Lane Pace, Florida 32571
Cell 850.232.9853
budpagel@att.net

May 17, 2018
VIA HAND DELIVERY

Mr. Horace Jones, Director
Department of Growth Management
3363 West Park Avenue
Pensacola, Florida 32505

RE: Rezoning Request LDR to MDR
Parcels: 14-1S-31-2301-000-000 &
14-1S-31-2301-001-001
Owner: Dan L. Livingston.
Address: 8300 Block Klondike Road

Dear Mr. Jones:

The attached application requests Planning Board consideration to rezone the two adjacent properties referenced above from LD Low Density Residential to MDR Medium Density Residential. The property is located near the southeast corner of Wilde Lake Boulevard and Klondike Road. The property currently has MDR zoned property north and south and a RV park to the east. The request change is consistent with the Future Land Use classification of MU-S Mixed Use- Suburban.

Please contact me if you have any questions or require anything further. Thank you.

Very truly yours,


Wiley C. "Buddy" Page



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 Accepted by: A. Cain PB Meeting: 7/3/18

1. Contact Information:

A. Property Owner/Applicant: Dan L. Livingston

Mailing Address: PO Box 12314 Pensacola, FL 32591

Business Phone: _____ Cell: 850-232-9853

Email: _____

B. Authorized Agent (if applicable): Wiley C. "Buddy" Page

Mailing Address: 5337 Hamilton Lane Pace, Florida 32571

Business Phone: _____ Cell: 850-232-9853

Email: budpage1@att.net

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: 8300 Blk Klondike Road near Wilde Lake Blvd.

Parcel ID (s): _____

14-1S-31 2301 000-000 & 14-1S-31-2301-001-001

B. Total acreage of the subject property: 46.26

C. Existing Zoning: LDR

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

Owner's development plan requires higher density similar to that found on adjacent properties located north and south of the subject property.

FLU Category: MU-S

D. Is the subject property developed (if yes, explain): _____
Vacant land with sanitary sewer tie-in located south of site on Klondike Road.

E. Sanitary Sewer: _____ Septic: _____

3. Amendment Request

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

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

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

The property is classified as MU-S Mixed Use Suburban on the Future Land Use Map. Allowed zoning districts under this MU-S category include MDR Medium Density Residential which is the zoning category being requested by the owner. This listing, then indicates consistency with the Comprehensive Plan.

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 proposed is consistent with the purpose and intent of the Land Development Code. Sec. 3-2.7 states the primary intent of this district "is to provide for residential neighborhood development in an efficient urban pattern of well connected streets, and greater dwelling unit density that the Low Density Residential district". This request is consistent with this intent.

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

The site is surrounded by single family housing and a large RV park . The proposed use is the development of additional single family residential units at a density that is currently permitted on tracts of land located north and south of the applicants land. This similar zoning will result in a compatible development pattern.

- 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

If granted, this request for MDR will be consistent and compatible with existing development patterns found 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.

Over the past several years, three new subdivisions have been constructed adjacent and southwest of the subject property. With arrival of the Navy Federal Credit Union on 9 Mile Road, the area is experiencing a greater focal point for residential development opportunities. If adjacent growth patterns tie into to Klondike Road, even more rapid residential developemnt can be anticipated.

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): 14-1S-31-2301-000-000 & 14-1S-31-2301-001-001

Property Address: 8300 Blk Klondike Road

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 2 DAY OF March, YEAR OF 2018


Signature of Property Owner

Dan L. Livingston, Trustee
Printed Name of Property Owner

3-2-18
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 8300 Blk Klondike Road
Pensacola, FL 32514, Florida, property reference number(s) 14-1S-31-2301-000-000 & 14-1S-31-2301
-001-001 I hereby designate Wiley C. "Buddy" Page
_____ 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: Wiley C. "Buddy" Page Email: budpage1@att.net
Address: 5337 Hamilton Lane Pace, Florida 32571 Phone: 850-232-9853

[Signature]
Signature of Property Owner

Dan L. Livingston, Trustee
Printed Name of Property Owner

3-2-18
Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF Florida COUNTY OF Santa Rosa
The foregoing instrument was acknowledged before me this 2 day of March 20 18
by Dan Livingston.

Personally Known OR Produced Identification . Type of Identification Produced: PI DL

[Signature]
Signature of Notary

Kristen Redcliffe
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 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.

Dan Livingston
Signature of Owner/Agent

Dan L. Livingston, Trustee
Printed Name Owner/Agent

3-2-18
Date

Signature of Owner

Printed Name of Owner

Date

STATE OF Florida COUNTY OF Santa Rosa The foregoing instrument was acknowledged before me this 2 day of March 20 18, by Dan Livingston

Personally Known OR Produced Identification Type of Identification Produced: FIDC

Kristen Radcliffe
Signature of Notary

Kristen Radcliffe
Printed Name of Notary



Home

Search

Support

Escambia County

Clerks Website

Log On

Back to Search/Results

My List

Print My List

Document: OR 3246 / 907

Full Screen

View

Print

Page: 1 of 0

Go to Page:

(1-0)

Go

Height

Width

Zoom

In

Out

90

-90

Book/Page

What's This?

Book Type

OFFICIAL RECORDS

3246/907

Go

Document Information

+ Add To List

x Remove From List

Instrument #	1992990811
Book/Page	OR 3246 / 907
Record Date	09/30/1992 04:36:00 PM
Book Type	OR
Doc Type	DEEDS - CONTRACTS
Consideration	\$0.00
Grantor	BUFFALO ROCK CO
Grantee	LIVINGSTON JENNIE M TR LIVINGSTON DAN L TR LIVINGSTON CHARLES E DEC LIVINGSTON C JUDSON TR
Doc Link	
LOT	
BLOCK	
Subdivision	
Section	
Township	
Range	
Unit	
Comments	VARIOUS PARCELS DEED
Notes	



Chris Jones Escambia County Property Appraiser

Real Estate Search	Tangible Property Search	Sale List	Amendment 1/Portability Calculations
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← Navigate Mode Account Reference →

[Printer Friendly Version](#)

General Information		Assessments				
Reference:	141S312301001001	Year	Land	Imprv	Total	Cap Val
Account:	090718150	2017	\$59,262	\$0	\$59,262	\$59,262
Owners:	LIVINGSTON DAN L LIVINGSTON C JUDSON LIVINGSTON JENNIE M CO TRUSTEES	2016	\$59,262	\$0	\$59,262	\$59,262
Mail:	2726 ASHBURRY LANE CANTONMENT, FL 32533	2015	\$59,262	\$0	\$59,262	\$59,262
Situs:	8300 BLK KLONDIKE RD 32526	Disclaimer				
Use Code:	CROPLAND CLASS I	Amendment 1/Portability Calculations				
Taxing Authority:	COUNTY MSTU	> File for New Homestead Exemption Online				
Schools (Elem/Int/High):	BEULAH/WOODHAM/PINE FOREST					
Tax Inquiry:	Open Tax Inquiry Window					
Tax Inquiry link courtesy of Scott Linstord Escambia County Tax Collector						

Sales Data		2017 Certified Roll Exemptions				
Sale Date	Book Page	Value	Type	Official Records (New Window)	None	
09/1992	3246 907	\$349,400	WD	View Instr		
10/1984	1978 648	\$220,000	WD	View Instr		
Official Records Inquiry courtesy of Pam Childers Escambia County Clerk of the Circuit Court and Comptroller					Legal Description	
					BEG AT NW COR OF SEC S 00 DEG 26 MIN 44 SEC E ALG W LI OF SEC 1243 FT TO POB CONT S 00 DEG 26 MIN 44 SEC E ALG W LI...	
					Extra Features	
					None	

Parcel Information [Launch Interactive Map](#)

Section Map Id:
14-1S-31-1

Approx. Acreage:
30.7400

Zoned:
LDR

Evacuation & Flood Information
[Open Report](#)

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

Buildings
None

None



Chris Jones Escambia County Property Appraiser

Real Estate Search	Tangible Property Search	Sale List	Amendment 1/Portability Calculations
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[Back](#)

Navigate Mode
 Account
 Reference

[Printer Friendly Version](#)

General Information	
Reference:	141S312301000000
Account:	090718000
Owners:	LIVINGSTON DAN L TRUSTEE MURPHY JENNIE LYNN TRUSTEE LIVINGSTON C JUDSON TRUSTEE FOR CHARLES E LIVINGSTON TR
Mail:	2726 ASHBURY LANE CANTONMENT, FL 32533
Situs:	8300 KLONDIKE RD 32526
Use Code:	GRAZING LAND I
Taxing Authority:	COUNTY MSTU
Schools (Elem/Int/High):	BEULAH/WOODHAM/PINE FOREST
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	\$2,151	\$12,151	\$14,302	\$14,302
2016	\$2,151	\$12,151	\$14,302	\$14,302
2015	\$2,151	\$12,151	\$14,302	\$14,302

[Disclaimer](#)

[Amendment 1/Portability Calculations](#)

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

Sales Data					
Sale Date	Book	Page	Value	Type	Official Records (New Window)
11/1999	4497	751	\$100	QC	View Instr
Official Records Inquiry courtesy of Pam Childers Escambia County Clerk of the Circuit Court and Comptroller					

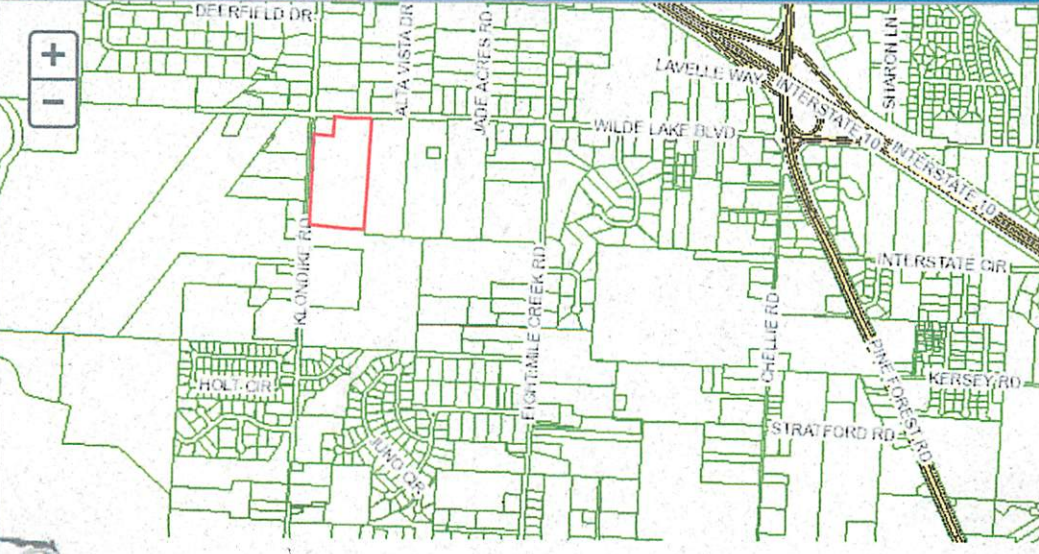
2017 Certified Roll Exemptions
None

Legal Description
BEG AT NW COR OF SEC S 0 DEG 26 MIN 44 SEC E ALG W LI 243 FT TO POB CONT S 0 DEG 26 MIN 44 SEC E 1000 FT S 88 DEG 40...

Extra Features
BARN MOBILE HOME

Parcel Information

Section Map Id:
[14-1S-31-1](#)
Approx. Acreage:
 15.5200
Zoned:
 LDR
Evacuation & Flood Information
[Open Report](#)



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

Buildings

This instrument prepared by:
CHARLES C. SHERRILL
Post Office Box 12316
435 East Government Street
Pensacola, Florida 32581

File Number 16757-A
Recording Fee \$19.50 + 1.00
St. Stps. \$.70
Total: \$11.20 12.20

DEED DOC STAMPS PD @ ESC CO \$ 0.70
11/30/99 ERNIE LEE WARDEN, CLERK
By: *[Signature]*

STATE OF FLORIDA QUITCLAIM DEED
COUNTY OF ESCAMBIA

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, EDITH HERWIG, hereinafter referred to as "GRANTOR" (whether singular or plural), whose mailing address is 3574 South Pintail Drive, Jacksonville, Florida, for and in consideration of one dollar and other good and valuable considerations, the receipt whereof is hereby acknowledged, does remise, release and quitclaim to DAN L. LIVINGSTON, JENNIE LYNN MURPHY, AND C. JUDSON LIVINGSTON, AS CO-TRUSTEES OF THE CHARLES E. LIVINGSTON TRUST hereinafter referred to as "GRANTEE" (whether singular or plural), whose mailing address is Post Office Box 12314, Pensacola, Florida 32581, the heirs, personal representatives, successors and assigns of Grantee, forever, the following described real property, situate, lying and being in the County of Escambia, State of Florida:

A parcel of land in the Northwest quarter of Section 14, T-1-S, R-31-W, Escambia County, Florida, containing 17.9029 acres, more or less (including roads) and described as follows: Commence at the Northwest corner of the said Section 14; thence go S 00°26'44" E along the West line of the said Section 14 a distance of 243.00 feet to the Point of Beginning of this description; thence continue S 00°26'44" E and along the said Section line a distance of 1000.00 feet; thence go S 88°40'44" E a distance of 666.08 feet; thence go N 00°23'23" W a distance of 1274.74 feet to the North line of the aforesaid Section 14; thence go S 88°35'32" W along the North line of the said Section 14 a distance of 424.09 feet; thence go S 00°26'44" E a distance of 243.00 feet; thence S 88°35'32" W a distance of 243.00 feet to the Point of Beginning; less all that portion of the above described real property lying within the County maintained roadway on Klondike Road and Detroit Boulevard. [Nichol Survey #1035]

PROPERTY APPRAISER'S PARCEL IDENTIFICATION
NUMBER: 14-1S-31-2301-000-000

To have and to hold, unto the said Grantee, the heirs and assigns of Grantee, forever, together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand and seal this 8th
day of November, 1999.

Signed, sealed and delivered
in the presence of the following
witnesses:

Thomas M. Donshoe
Printed name of above
witness: Thomas M. Donshoe

Edith Herwig
EDITH HERWIG

DONNA G. YODER
Printed name of above
witness: Donna G. Yoder

STATE OF FLORIDA
COUNTY OF Duval

INDIVIDUAL ACKNOWLEDGMENT

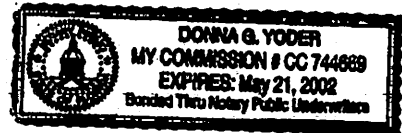
The foregoing instrument was acknowledged before me this 8th day of November, 1999, by
EDITH HERWIG, who is personally known to me or who has produced N/A
(type of identification, but where this blank is unfilled or where this blank contains "N/A", reliance has been made
on personal knowledge) as the identification and who did (did not) take an oath.

Signature of person taking acknowledgment:
Name of person taking acknowledgment:
(typed, printed, or stamped)

Donna G. Yoder

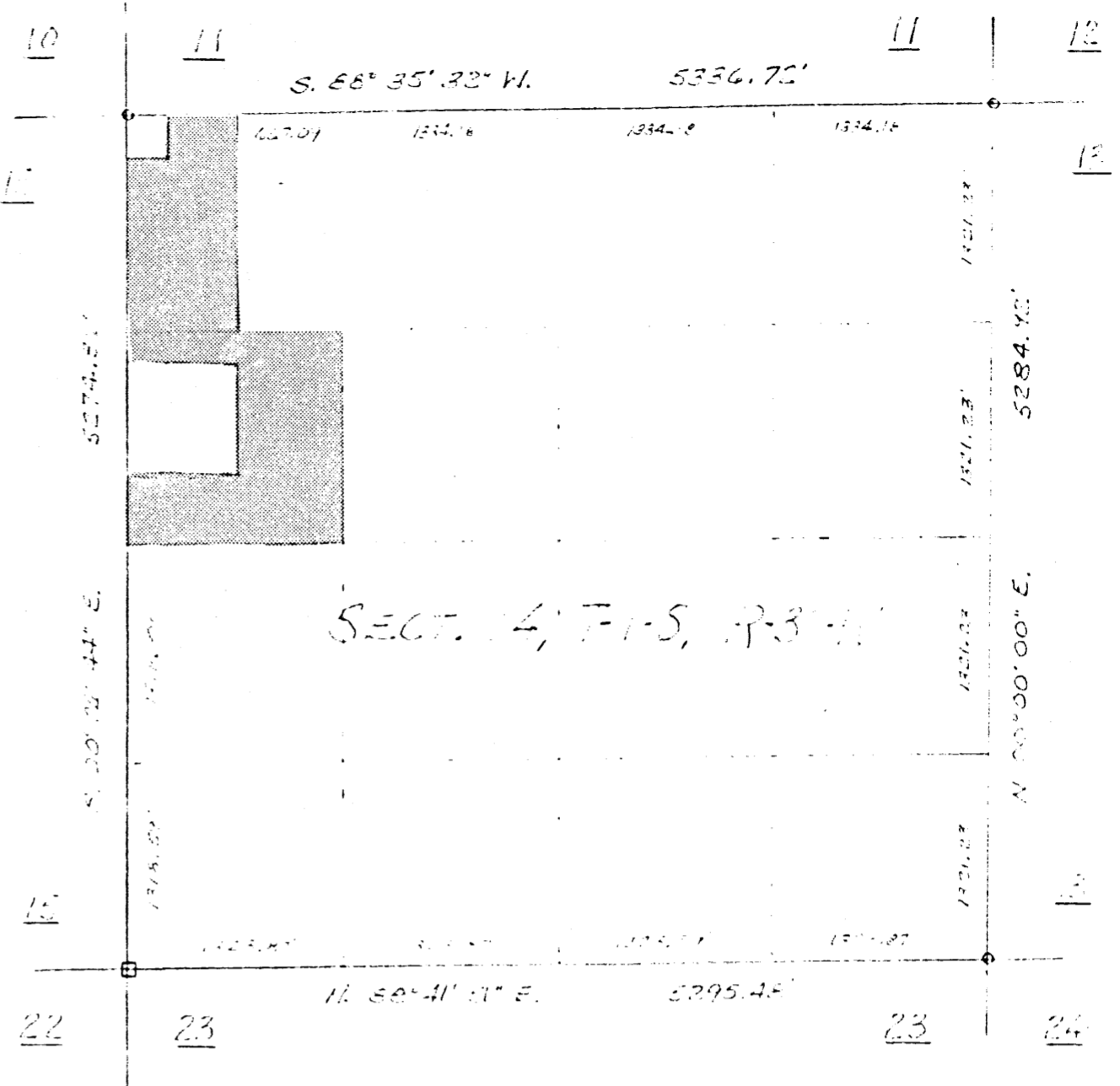
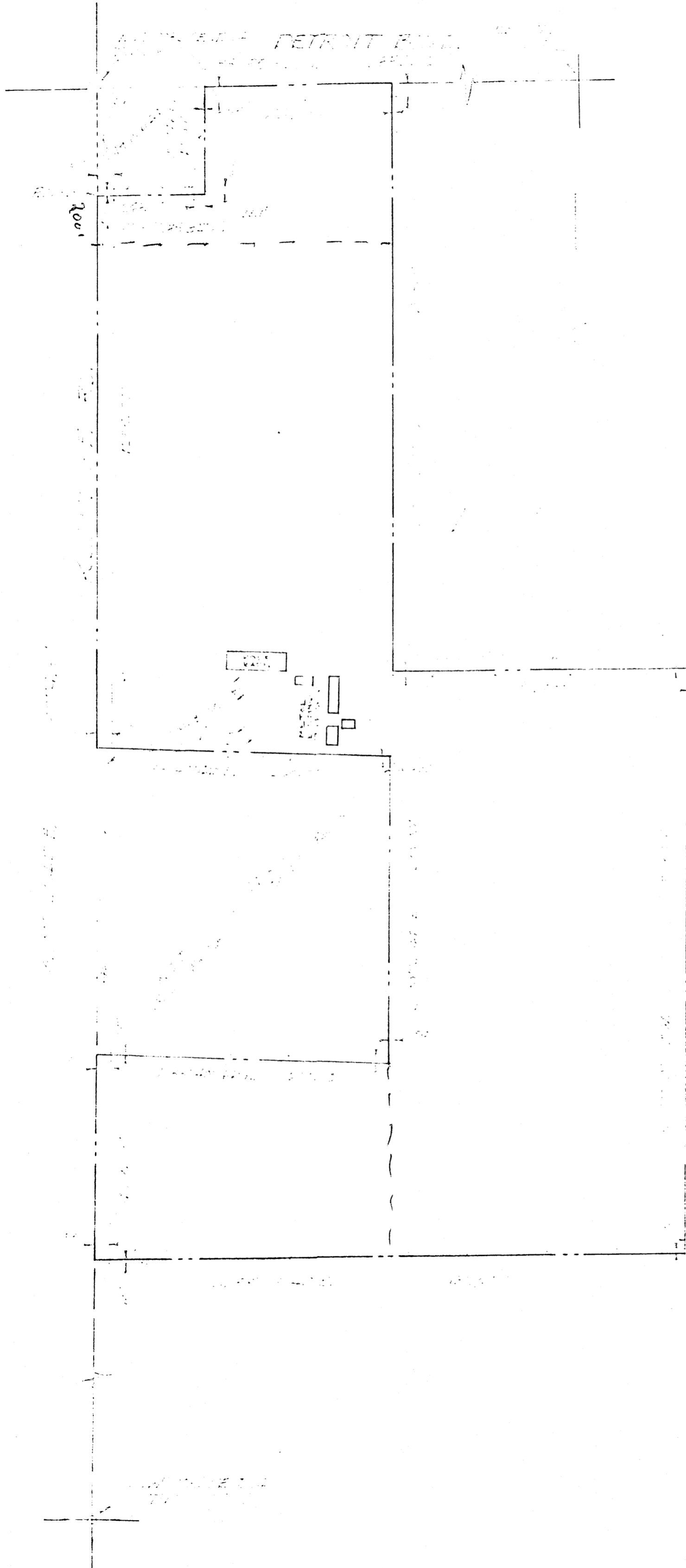
NOTARY PUBLIC
Date of Commission Expiration: _____

(wptx\livingston\jennie\quitclaim.dcd)



RCD Nov 30, 1999 12:14 pm
Escambia County, Florida

Ernie Lee Magaha
Clerk of the Circuit Court
INSTRUMENT 99-685190



A parcel of land in the Northwest 1/4 of Section 14, T-1-S, R-3-W, Escambia County, Florida, containing 38.64 acres more or less (including roads), and described as follows: Commence at the Northwest corner of the said Section; thence go S 00°26'44" E along the West line of the said Section a distance of 243.00 feet to the Point of Beginning of this description; thence continue S 00°26'44" E along the West line of the said Section a distance of 1235.00 feet; thence deflecting 88°14' left, go S 88°40'44" E a distance of 660.00 feet; thence deflecting 88°14' to the right, go S 00°26'44" E a distance of 690.00 feet; thence deflecting 91°46' to the right go S 88°40'44" W a distance of 660.00 feet to the West line of the said Section; thence go S 00°26'44" E along the West line of the said Section a distance of 469.18 feet to the Southwest corner of the Northwest 1/4 of the said Section; thence go N 88°38'41" E along the South line of the Northwest 1/4, a distance of 1329.03 feet to the Southeast corner of the Southwest 1/4 of the Northwest 1/4; thence go N 00°20'02" W along the East line of the Southwest 1/4 of the Northwest 1/4, a distance of 1319.24 feet to the Southeast corner of the Northwest 1/4 of the Northwest 1/4; thence go S 88°37'06" W along the South line of the Northwest 1/4 of the Northwest 1/4, a distance of 665.80 feet to the Southeast corner of the West 1/2 of the Northwest 1/4 of the Northwest 1/4; thence go N 00°21'23" W along the East line of the West 1/2 of the Northwest 1/4 of the Northwest 1/4, a distance of 1318.92 feet to the North line of the said Section; thence go S 88°35'12" W along the North line of the said Section a distance of 424.09 feet; thence go S 00°26'44" E a distance of 243.00 feet; thence go S 88°35'13" W a distance of 243.00 feet to the Point of Beginning; LESS all that portion of the above described real property lying within Detroit Boulevard and Klondike Road as currently maintained by Escambia County, Florida.

NICHOL ENGINEERING ASSOCIATES INC. 408 W. GADSDEN STREET, PENSACOLA, FLA.		
DRAWN: E.E.N.	LIVINGSTON'S PROPERTY IN	DATE: JULY 1932
FOR: 103 115	NORTHWEST 1/2 OF SECTION 14, T-1-S, R-3-W, ESCAMBIA CO.	ORDER NO. 82-216
SCALE 1/8" = 20'	REG. FLOR. LA. SURVEYOR # 1035	SHEET: 1 OF 1

True Copy of Original 5/23/38 ac

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



INTEROFFICE MEMORANDUM

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

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

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

DATE: June 26, 2018

RE: Transportation & Traffic Operations (TTO) Comments – Z-2018-07

TTO Staff has reviewed the Rezoning Case (Z)-2018-07, 800 block of Klondike Road, agenda item for the Planning Board meeting scheduled for July 10, 2018. Please see the below comments.

Currently, there are no ongoing or programmed projects on Klondike in the County's Capital Improvements Program. Likewise, there are no ongoing or programmed projects on FDOT's Work Program. Recently, however, the county began exploring an expansion (two 12-foot travel lanes with 4-foot paved shoulders) of Klondike Road and Wilde Lake Boulevard. The project would be constructed in three phases: Phase I, Klondike Road from Wilde Lake Boulevard to the Pathstone development; Phase II, Wilde Lake Boulevard from Klondike Road to Pine Forest Road; and Phase III, Klondike Road from Wilde Lake Boulevard south to Mobile Highway. In addition, FDOT indicated that signalization of the intersection of Mobile Highway and Klondike Road will be programmed, in the near term.

Klondike Road is classified as a local street and assumed to be functioning within its allowable capacity for traffic volumes. Per the Florida-Alabama TPO's Congestion Management Process Plan, Mobile Highway 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 2017, this roadway segment had 12,600 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 Jones, P.E., Public Works Department Director
Colby Brown, P.E., Public Works Department Deputy Director

Planning Board-Rezoning

7. B.

Meeting Date: 07/10/2018

CASE : Z-2018-08

APPLICANT: Wiley C. "Buddy" Page, Agent for Blue Water Creek Estates, Inc, owner

ADDRESS: 900 Highway 97 BLK behind,

PROPERTY REF. NO.: portions of 20-3N-31-1000-000-000 and 19-3N-31-1101-000-000

FUTURE LAND USE: AG, Agriculture (proposed RC, pending approval of LSA-2018-01)

DISTRICT: 5

OVERLAY DISTRICT: None

BCC MEETING DATE:

SUBMISSION DATA:

REQUESTED REZONING:

FROM: Agr, Agricultural district (one du/20 acres)

TO: RR, Rural Residential district (one du/four acres)

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.

POLICIES FLU 3.1.1 Infrastructure Expenditures. Escambia County will limit the expenditure of public funds for infrastructure improvements or extensions that would increase the capacity of those facilities beyond that necessary to support the densities and intensities of use established by this plan unless such expenditures are necessary to implement other policies of this plan.

FLU 3.1.2 Water Facility Extensions. Escambia County will coordinate with potable water providers on any extensions of potable water facilities in the rural area.

FLU 3.1.3 FLUM Amendments. During consideration of FLUM amendments, Escambia County will consider the impacts of increased residential densities to the agriculture and silviculture industries as well as public facility maintenance and operation expenditures (i.e., roads, water, sewer, schools,) needed to serve the proposed development.

FLU 3.1.4 Rezoning. Escambia County will protect agriculture and the rural lifestyle of northern Escambia County by permitting rezonings to districts, allowing for higher residential densities in the Rural Community (RC) future land use category.

FLU 3.1.5 New Rural Communities. To protect silviculture, agriculture, and agriculture-related activities Escambia County will not support the establishment of new rural communities.

FINDINGS

The proposed amendment to Rural Residential District is **not consistent** with the intent and purpose of Future Land Use Map (FLUM) category, as stated in **CPP FLU 1.3.1**. Based on the application language, the owner is proposing to develop the 210 +/- acres parcel, as identified in the signed and sealed survey produced by KJM Land Planning, LLC, dated 5/24/18, submitted as part of the applications, into lots ranging from four to twelve acres to accommodate a 38 lot single-family residential subdivision. Under the AG FLU the maximum residential density is one dwelling unit per twenty acres; however, the applicant is concurrently applying for a FLUM amendment from AG to RC. If the concurrent FLUM change is approved, then the proposed amendment would be compatible with **CPP FLU 1.3.1**, as the RC FLU has a residential maximum density of two dwelling units per acre.

Highway 97 is designated as a County minor arterial road and access to the site will be provided from this existing roadway; based on the general application language from the owner and the remote location of the proposed development major infrastructure improvements will have to occur within the parcel to support the type of development proposed as is not available at this time, using the allowance for increased residential units under the proposed RC FLU; however, staff is not able to analyze or determine the level of impact or the necessary infrastructure improvements that will be required as identified in **FLU 3.1.1**. The applicant described the future need for septic tanks, as the area lacks public sewer service and also identified ECUA as the potential solid waste provider. Ultimately, any proposed development allowed under the permitted uses for the requested zoning will require review and approval thru the established Development Review process. The applicant did provide a letter from a representative of Molino Utilities, Inc, Randy Weaver, Operation Manager, that states that adequate pressure and volume exist to provide potable water and fire protection for the new housing development, addressing the requirements under **FLU 3.1.2**.

Based on the application language, this area was originally owned by the St. Regis Paper Company; research reflects that the Company's primary objective is to manage and sell timberland. If the property is identified as containing prime farmland, using the current County's definitions, at the time of review for any proposed development, the Comprehensive Plan and Land Development Code regulatory language that supports the protection of such farmland will be implemented, in order to address the requirements under **FLU 3.1.3**. Spatial analysis of the surrounding area, does show the transitional development pattern in the area; a considerable amount of the parcels located South of Highway 97 appear to be smaller in size, trending into a more dense development character; conversely, parcels North of Highway 97 are larger in size, creating a less dense development pattern.

If the FLU amendment to RC is approved and adopted, then the request for the RR rezoning would be compatible, as specified in **FLU 3.1.4**, by protecting agriculture and the rural lifestyle of northern Escambia County and permitting a rezoning to districts, allowing for higher residential densities in the RC FLU category.

An analysis of the overall long-range development trends and needs for the County suggest that future areas of development have already been identified and addressed by the adoption of the Escambia County Mid-West Sector Plan. The Sector Plan layout results from analysis of demographics, market data, environmental resources, zoning and land uses, as well the identification of available infrastructure and public services. Based on those analysis, the existing adopted Sector Plan and the location of the proposed development, it is staff's opinion that supporting this amendment would be in contravention with the guidance of **FLU 3.1.5**.

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. 3-2.2 Agricultural district (Agr).

(a) Purpose. The Agricultural (Agr) district establishes appropriate areas and land use regulations for the routine agricultural production of plants and animals, and such related uses as silviculture and aquaculture. The primary intent of the district is to avoid the loss of prime farmland to other uses, its division into smaller parcels of multiple owners, and other obstacles to maintaining or assembling sufficient agricultural acreage for efficient large-scale farming. Other than agricultural production, non-residential uses within the Agricultural district are generally limited to rural community uses that directly support agriculture, and to public facilities and services necessary for the basic health, safety, and welfare of a rural population. The absence of urban or suburban infrastructure is intentional. Residential uses within the district are largely self-sustaining, consistent with rural land use and limited infrastructure. Single-family dwellings are allowed at a very low density sufficient for the needs of the district's farm-based population.

Sec. 3-2.3 Rural Residential district (RR).

(a) Purpose. The Rural Residential (RR) district establishes appropriate areas and land use regulations for low density residential uses and compatible non-residential uses characteristic of rural land development. The primary intent of the district is to provide for residential development at greater density than the Agricultural district on soils least valuable for agricultural production, but continue to support small-scale farming on more productive district lands. The absence of urban and suburban infrastructure is intentional. Residential uses within the RR district are largely self-sustaining and generally limited to detached single-family dwellings on large lots, consistent with rural land use and limited infrastructure. Clustering of smaller residential lots may occur where needed to protect prime farmland from non-agricultural use. The district allows public facilities and services necessary for the basic health, safety, and welfare of a rural population, and other non-residential uses that are compatible with agricultural community character.

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

(1) Residential.

a. Manufactured (mobile) homes, excluding new or expanded manufactured home parks or subdivisions.

b. Single-family dwellings (other than manufactured homes), detached only, on lots four acres or larger, or on lots a minimum of one acre if clustered to avoid prime farmland.

See also conditional uses in this district.

(2) Retail sales. No retail sales except as permitted agricultural and related uses in this district.

(3) Retail services. Bed and breakfast inns. No other retail services except as permitted agricultural and related uses or as conditional uses in this district.

(4) Public and civic.

a. Cemeteries, including family cemeteries.

b. Clubs, civic or fraternal.

c. Educational facilities, K-12, on lots one acre or larger.

d. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.

e. Funeral establishments.

f. Places of worship on lots one acre or larger.

g. Public utility structures 150 feet or less in height, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

a. Campgrounds and recreational vehicle parks on lots five acres or larger.

b. Golf courses, tennis centers, swimming pools and similar active outdoor recreational facilities, including associated country clubs.

c. Marinas, private.

d. Parks without permanent restrooms or outdoor event lighting.

e. Passive recreational uses.

See also conditional uses in this district.

(6) Industrial and related. [Reserved]

(7) Agricultural and related.

a. Agriculture, including raising livestock, storing harvested crops, and cultivation of nursery plants. A minimum of two acres for keeping any farm animal on site and a maximum of one horse or other domesticated equine per acre.

- b. Aquaculture, marine or freshwater.
- c. Farm equipment and supply stores.
- d. Kennels and animal shelters on lots two acres or larger.
- e. Produce display and sales of fruit, vegetables and similar agricultural products. All structures for such use limited to non-residential farm buildings.
- f. Silviculture.
- g. Stables, public or private, on lots two acres or larger.
- h. Veterinary clinics. A minimum of two acres for boarding animals.

(8) Other uses. [Reserved]

(c) Conditional uses. Through the conditional use process prescribed in Chapter 2, the BOA may conditionally allow the following uses within the RR district:

(1) Residential.

- a. Group living, limited to nursing homes, assisted living facilities, hospice facilities, and other uses providing similar services, assistance, or supervision.
- b. Manufactured (mobile) home parks on land zoned VR-1 prior to adoption of RR zoning.
- c. Two-family dwellings (duplex) and multi-family dwellings up to four units per dwelling (triplex and quadruplex) on land zoned VR-1 prior to adoption of RR zoning.

(2) Retail services. Medical clinics, including those providing out-patient surgery, rehabilitation, and emergency treatment.

(3) Public and civic.

- a. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.
- b. Educational facilities not among the permitted uses of the district.
- c. Hospitals.
- d. Offices for government agencies or public utilities.
- e. Public utility structures greater than 150 feet in height, and telecommunications towers of any height, excluding any industrial uses.
- f. Warehousing or maintenance facilities for government agencies or public utilities.

(4) Recreation and entertainment.

- a. Hunting clubs and preserves.
- b. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
- c. Parks with permanent restrooms or outdoor event lighting.
- d. Shooting ranges.

(5) Industrial and related.

- a. Borrow pit and reclamation activities 20 acres minimum and subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part III, the Land Development Code, chapter 4.
- b. Mineral extraction, including oil and gas wells.
- c. Power plants.
- d. Salvage yards, not including any solid waste facilities.
- e. Solid waste collection points and transfer facilities.
- f. Wastewater treatment plans.

(6) Other uses. Airports, private only, including crop dusting facilities.

(d) Site and building requirements. The following site and building requirements apply to uses within the RR district:

- (1) Density. A maximum density of one dwelling unit per four acres.
- (2) Floor area ratio. A maximum floor area ratio of 0.25 for all uses.
- (3) Structure height. No maximum structure height unless prescribed by use.
- (4) Lot area. No minimum lot area unless prescribed by use.
- (5) Lot width. A minimum lot width of 40 feet at the street right-of-way for cul-de-sac lots and 100 feet at the street right-of-way for all other lots.
- (6) Lot coverage. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all uses.
- (7) Structure setbacks. For all principal structures, minimum setbacks are:
 - a. Front and rear. Forty feet in the front and rear.
 - b. Sides. On each side, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.
 - c. Corner lots. Will have one front setback and one side setback.

(8) Other requirements.

- a. Farm animal shelters. Stables or other structures for sheltering farm animals shall be at least 50 feet from any property line and at least 130 feet from any dwelling on adjacent property.
- b. Chapters 4 and 5. Refer to chapters 4 and 5 for additional development regulations and standards.

(e) Location criteria. The following location criteria apply to uses within the RR district:

- (1) Prime farmland. All new or expanded uses shall be located to avoid the loss of prime farmland. Where such loss cannot be avoided, it shall be limited to five acres or 10 percent of the development parcel area, whichever is greater.
- (2) Non-residential uses. All non-residential uses shall be located to avoid nuisance, hazard and other adverse impacts to surrounding residential uses. Retail sales and services shall be located along collector or arterial streets. Industrial uses shall be on parcels that comply with the location criteria of the Industrial (Ind) zoning district.

(f) Rezoning to RR. Rural Residential zoning may be established only within the Rural Community (RC) future land use category. The district is suitable for rural areas not used to support large farming operations due to economic viability, soil productivity, surrounding development, or similar constraints. The district is appropriate to provide transitions between areas zoned or used for agriculture, conservation, or outdoor recreation and areas zoned or used for rural mixed-use or low density residential.

FINDINGS

The proposed amendment is **not consistent** with the intent and purpose of the Land Development Code. The current request to amend the zoning and assign RR is not compatible with the existing AG FLU, as stated in Sec. 3-2.3 Rural Residential district (RR), (f) Rezoning to RR Rural Residential zoning may be established only within the Rural Community (RC) future land use category. If the request to change the FLU to RC is approved, then the proposed rezoning to RR could be consistent. Based on staff's analysis of the surrounding areas, it appears that the proposed rezoning would allow for

this area to become transitional in nature, between the existing agricultural uses and the proposed low density residential development.

Based on public records the primary use for this parcels is timber production; furthermore, the proposed RR district intent is to provide for residential development at greater density than the Agricultural district, on soils least valuable for agricultural production, but continue to support small-scale farming on more productive district lands. The absence of urban and suburban infrastructure is intentional. Residential uses within the RR district are largely self-sustaining and generally limited to detached single-family dwellings on large lots, consistent with rural land use and limited infrastructure. The predominant surrounding zoning districts are Agr and RR.

Sec. 3-2.3(a) does contain language that requires the clustering of smaller residential lots where needed to protect prime farmland. The district also also provides language in Sec. 3-2.3(b) allowing for lots a minimum of one acre if clustered, to avoid prime farmland.

Under Sec. 3-2.3(e)(1) Prime farmland, all new or expanded uses shall be located to avoid the loss of prime farmland. Where such loss cannot be avoided, it shall be limited to five acres or 10 percent of the development parcel area, whichever is greater. The guidance for prime farmland in the LDC specifically identify several classes of land defined in the Soil Survey of Escambia County, Florida, U. S. Department of Agriculture, as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and available as cultivated land, pastureland, forestland or other lands not built upon or urbanized. As shown in the provided soils map the entire area to include the parcel contain farmland, as defined. The application **did not address** prime farmland development, as required in the LDC, or any of the current zoning district requirements to protect such areas.

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 search area, all parcels are zoned Agr. The following land uses were identified; three improved agricultural, four timberland, two single family, three vacant single family and one miscellaneous residential. Analysis of the surrounding area shows that North of Highway 97 there are large tracks of land and South of Highway 97 the predominant trend is for smaller tracks of land with single family uses intermixed.

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

Approval of the amendment as requested **would create** spot zoning, as defined in Chapter 6 of the LDC, by creating an isolated zoning designation different from all adjacent land. Analysis of the surrounding uses within the contiguous lands identify that the agricultural zoning is prevalent. The primary intent of the district is to provide for residential development at greater density than the Agr zoning district on soils least valuable for agricultural production. As discussed early, the definition of prime farmland and the protection of agricultural activities to include silviculture, are clearly identified in the Comprehensive Plan and the LDC. The applicant did not address the protection of agricultural activities or prime farmland. The applicant did state that the proposed use of the property would not have an adverse impact on adjoining zoning categories as it will be single-family residential homes.

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. Historical records show three approved rezonings between 2006-2007, on parcels located South of Hwy 97. All approved rezonings granted a higher development density than what is allowed under the original zoning:

Rezoning case Z-2006-52, 9100 Sunshine Hill Road, changing the zoning of a parcel from VAG-1, Villages Agriculture Districts (5du/100 acres on 1-acre parcels) to VAG-2, Villages Agriculture Districts (1du/5 acres). Resulted in the platted subdivision of Sunshine Hill Estates.

Rezoning case Z-2006-78, 9601 Sunshine Hill Road, changing the zoning of a parcel from VAG-1, Villages Agriculture Districts (5du/100 acres on 1-acre parcels) to VAG-2, Villages Agriculture Districts (1du/5 acres).

Rezoning case Z-2007-12, 9651 Sunshine Hill Road, changing the zoning of a parcel

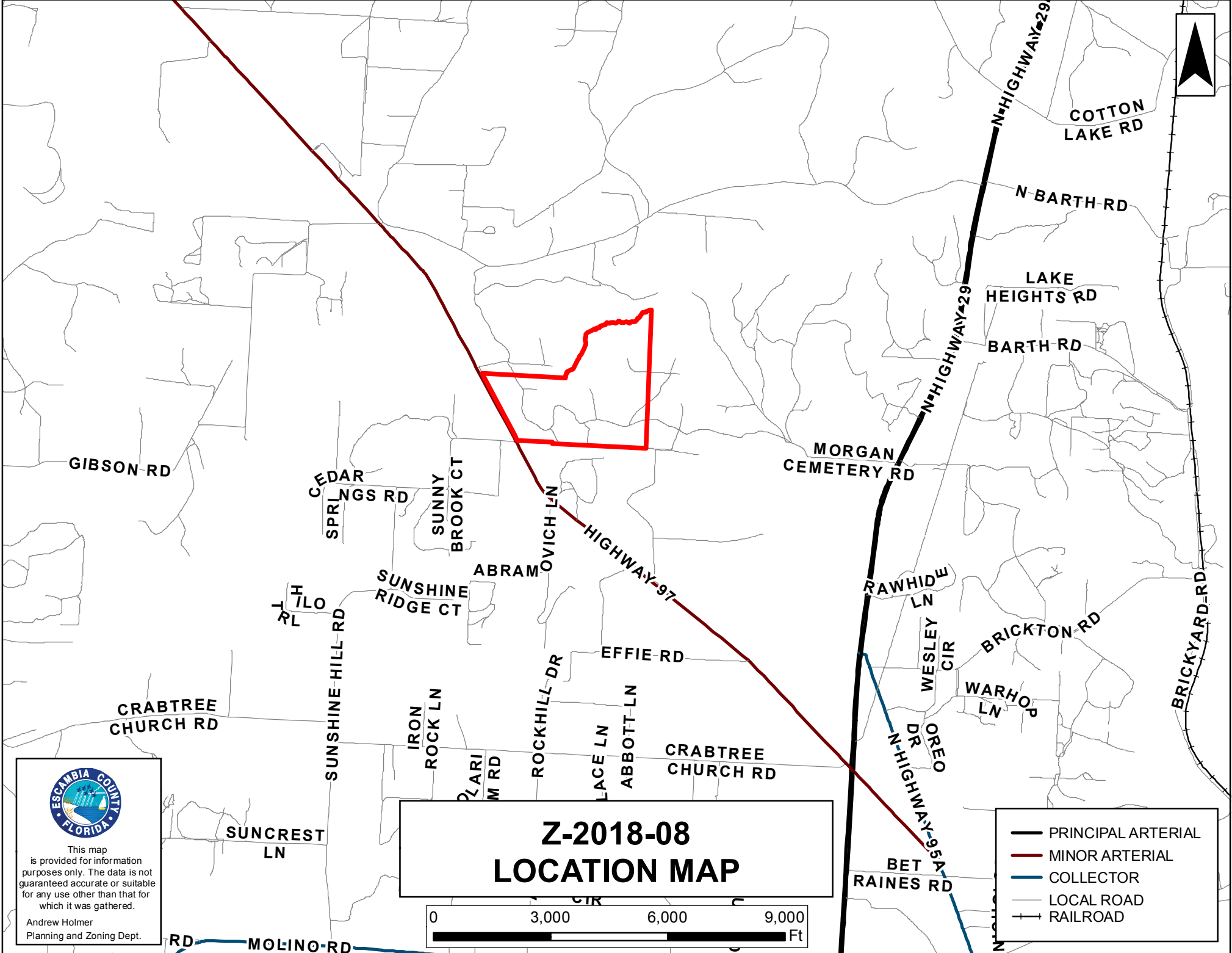
from VAG-1, Villages Agriculture Districts (5du/100 acres on 1-acre parcels) to VAG-2, Villages Agriculture Districts (1du/5 acres).

Although the rezonings were approved at that time, it is staff's opinion that the semi-rural character of the area still trends towards the large agricultural use parcels North of Hwy 97.

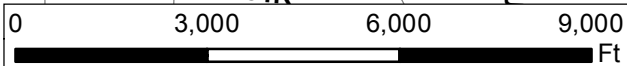
Attachments

Working Case File


Z-2018-08



Z-2018-08 LOCATION MAP

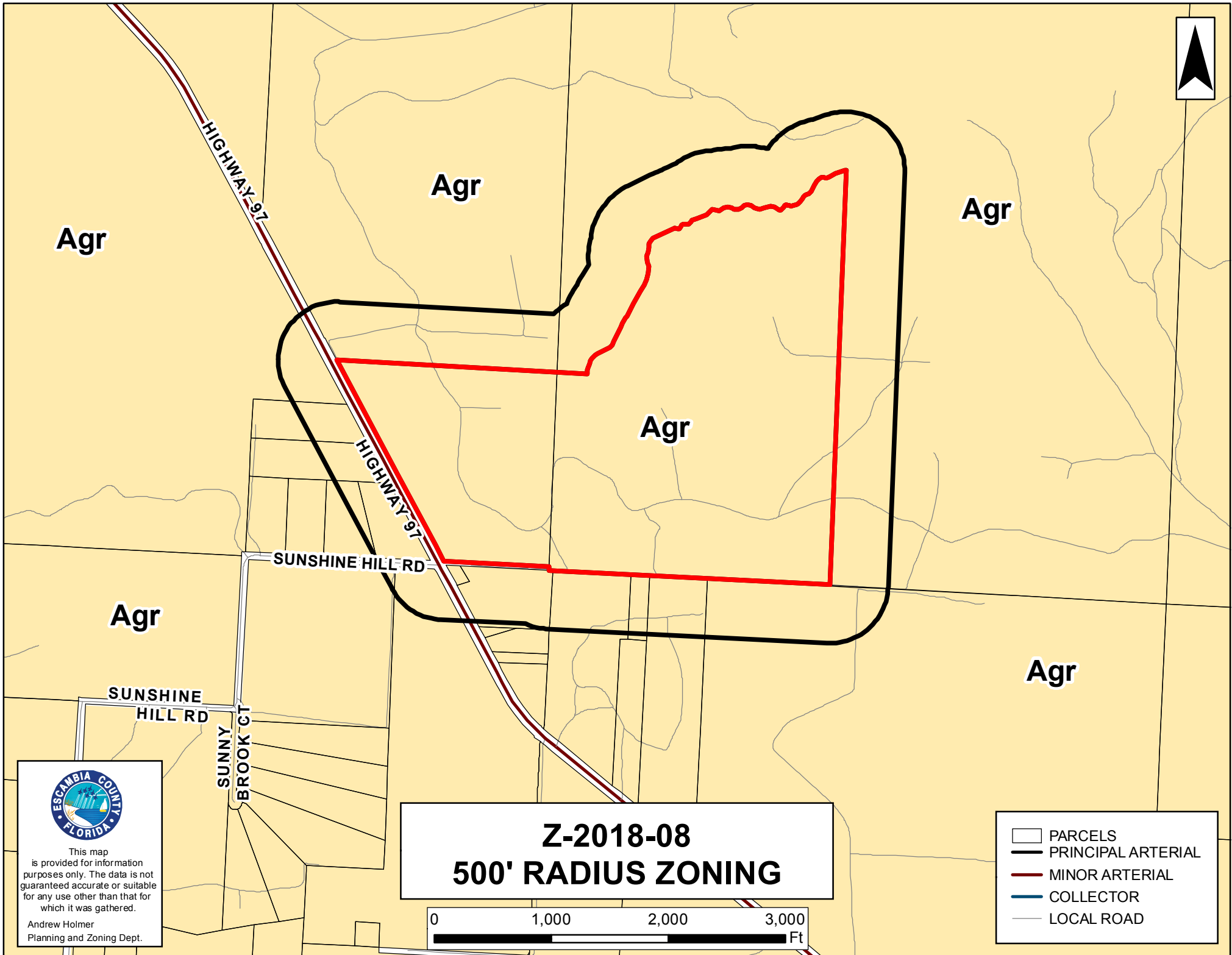


- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- +— RAILROAD



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.



Agr


Agr

Agr

Agr

Agr

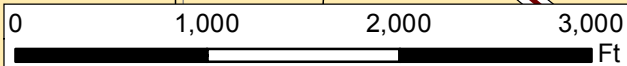
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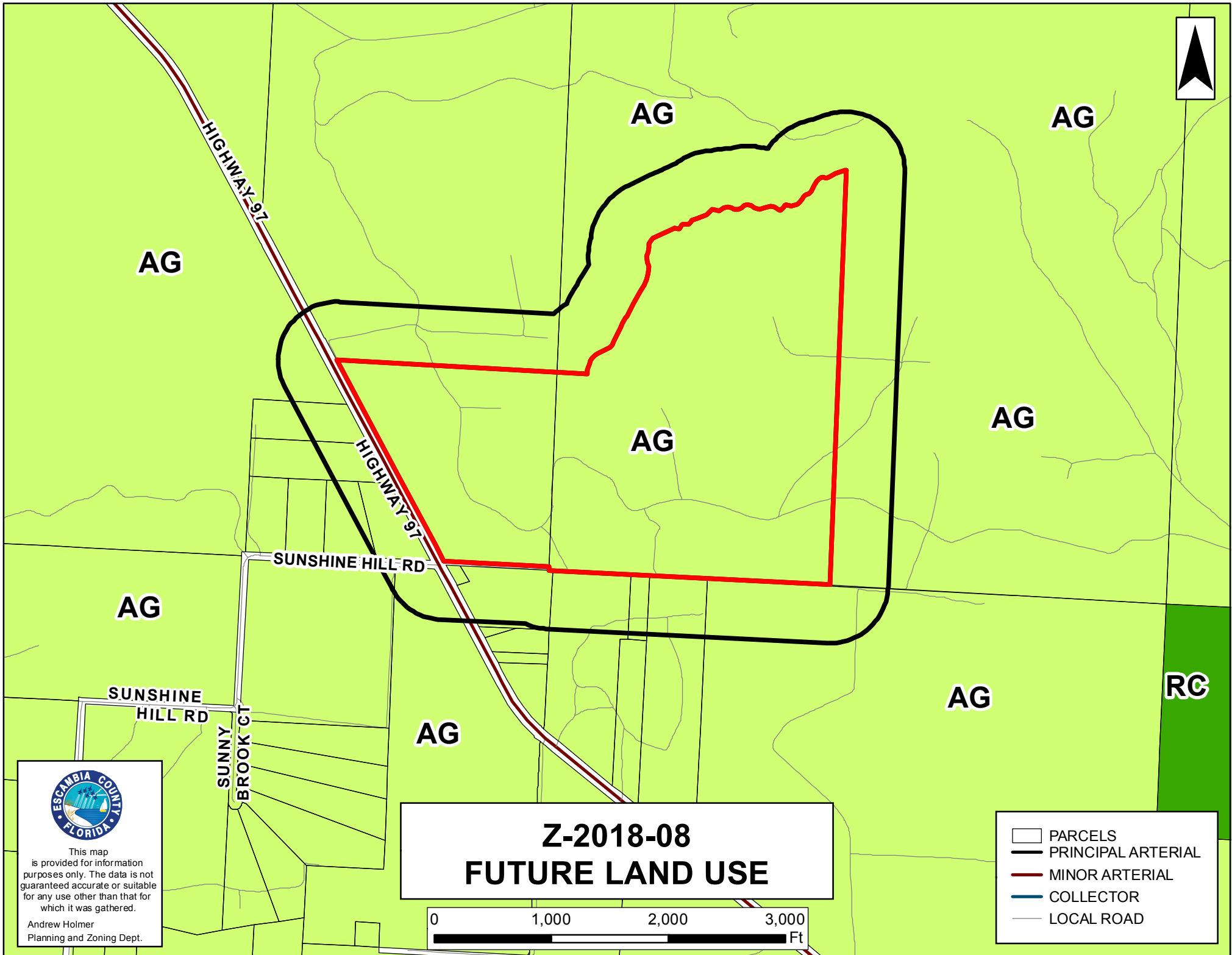
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2018-08
500' RADIUS ZONING



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



AG

AG

AG

AG

AG


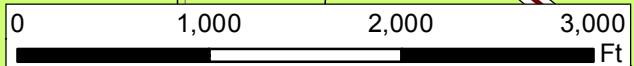
AG

AG

RC

AG

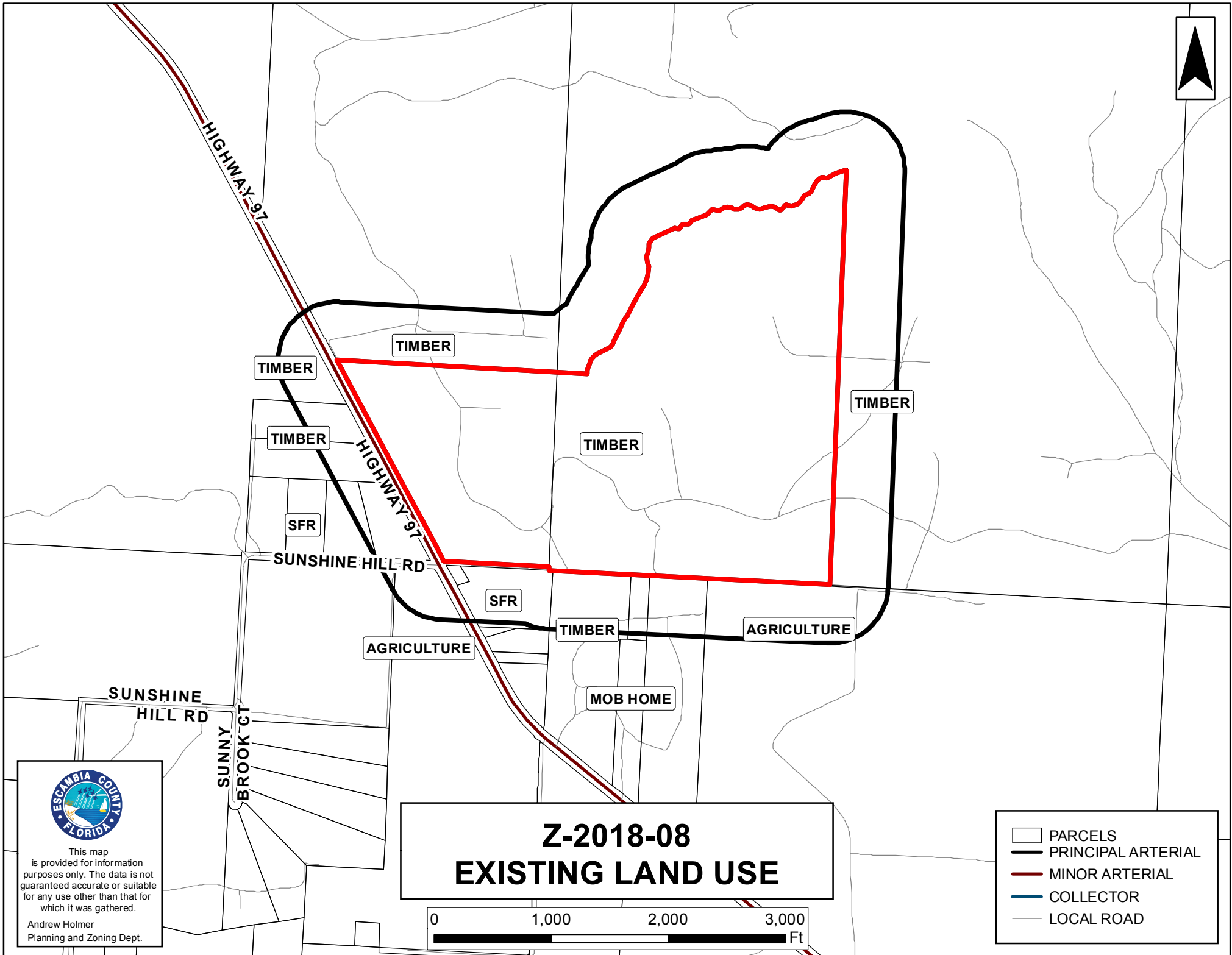
**Z-2018-08
FUTURE LAND USE**



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Andrew Holmer
Planning and Zoning Dept.


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



**Z-2018-08
EXISTING LAND USE**

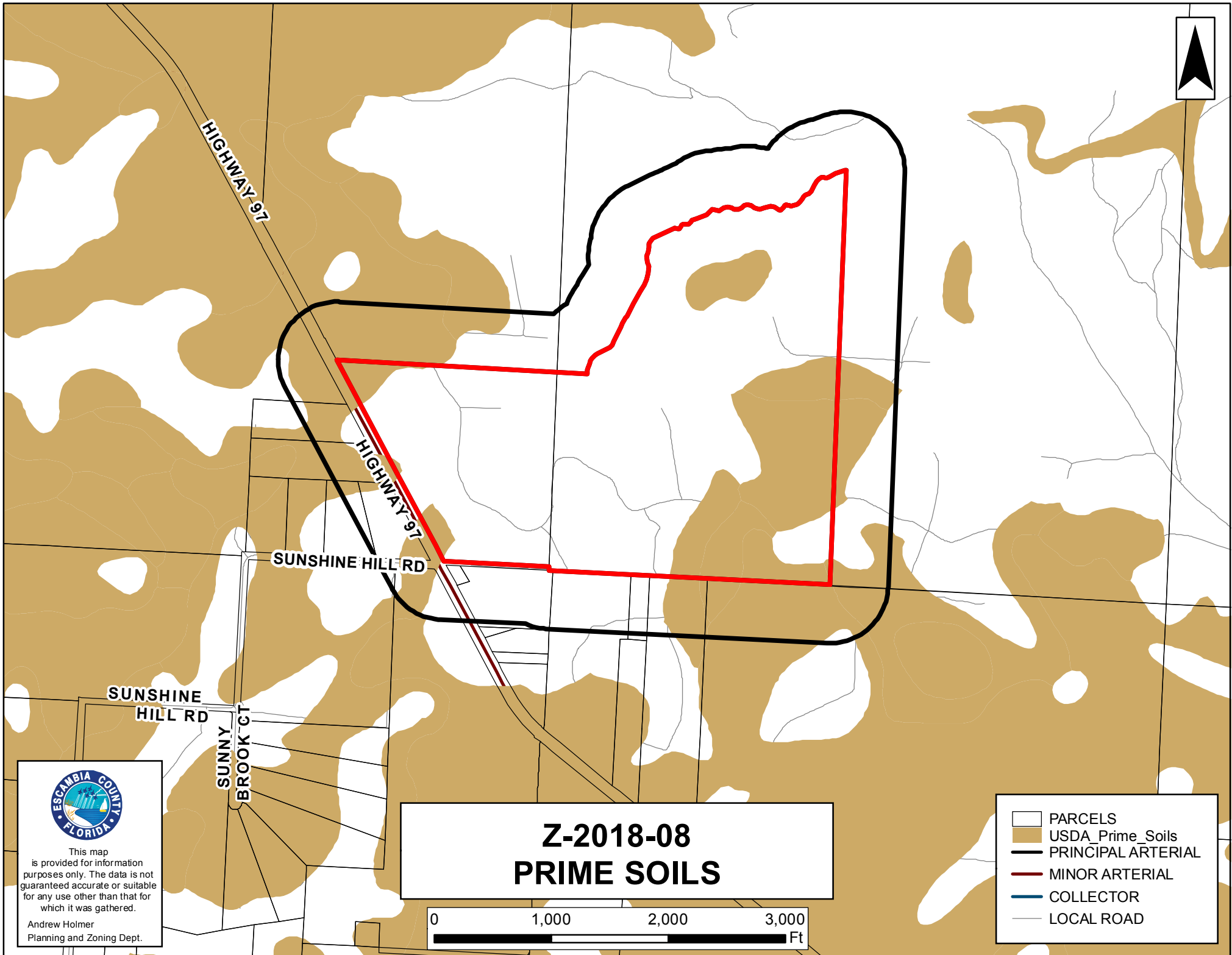
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- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD

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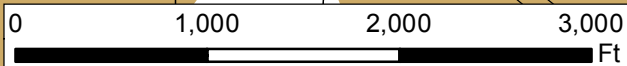


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Andrew Holmer
Planning and Zoning Dept.



**Z-2018-08
PRIME SOILS**

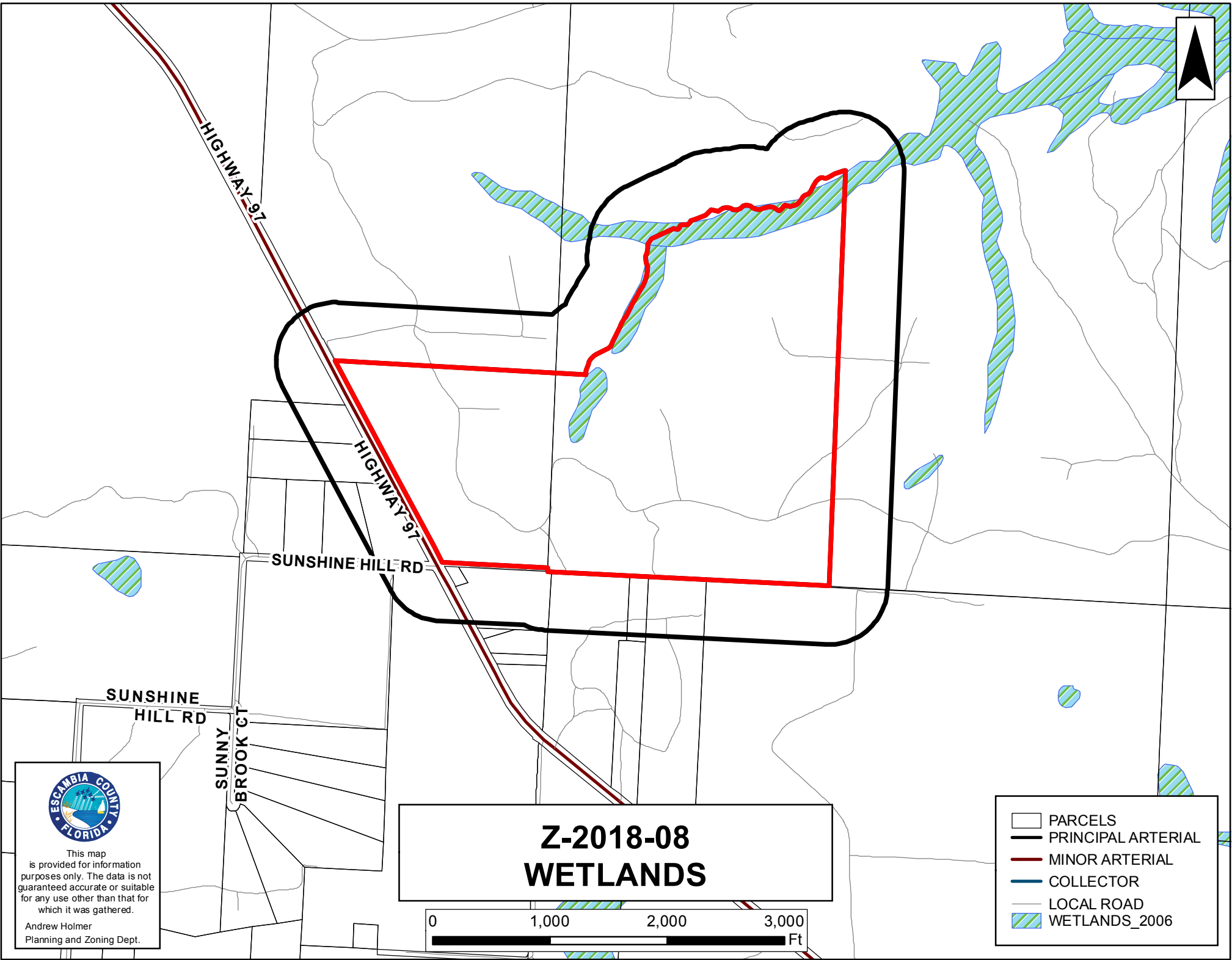


- PARCELS
- USDA_Prime_Soils
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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-2018-08 WETLANDS

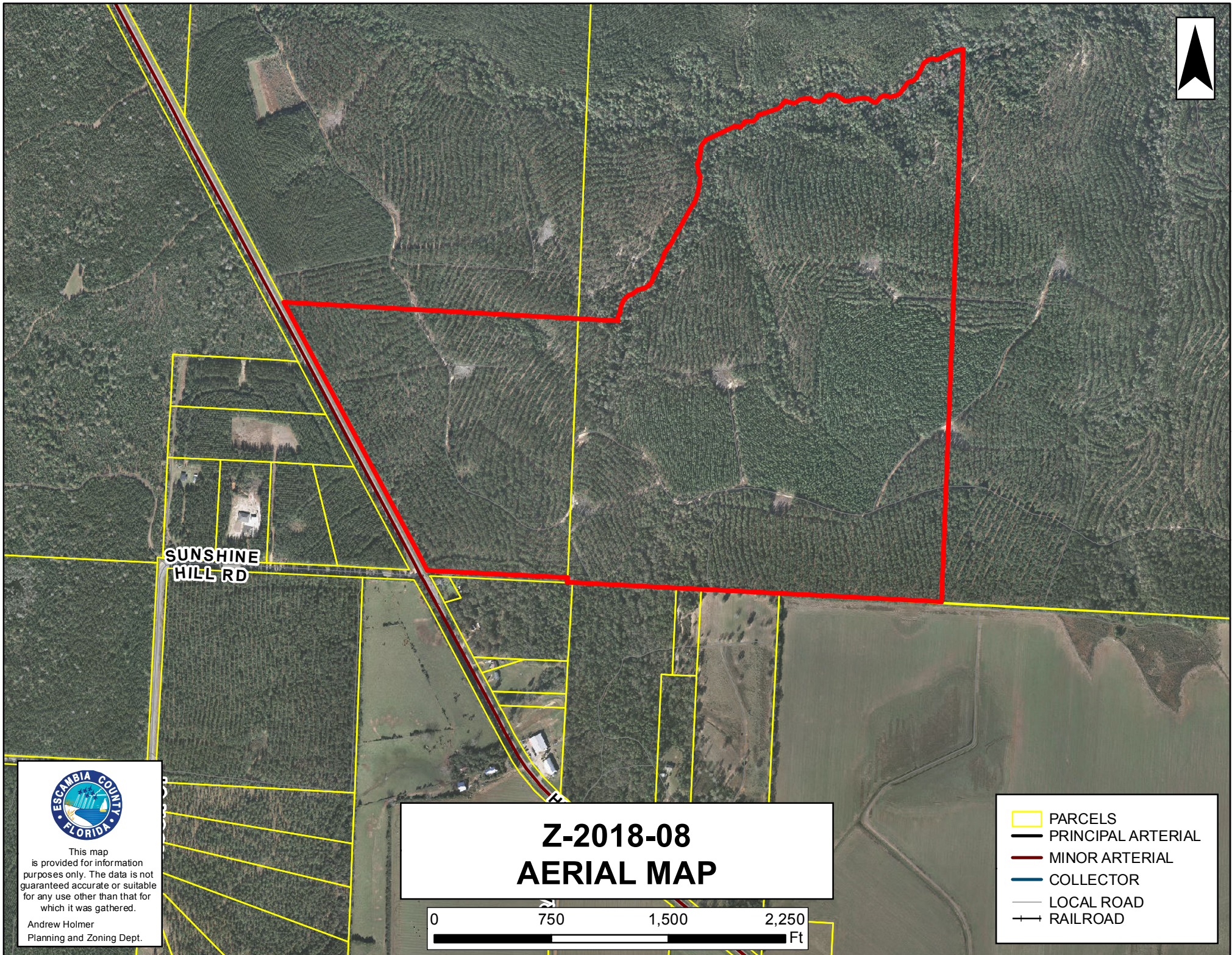


- PARCELS
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- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- ▨ WETLANDS_2006



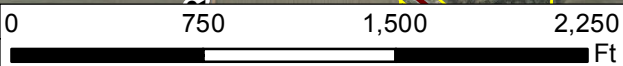
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Andrew Holmer
Planning and Zoning Dept.




SUNSHINE
HILL RD

Z-2018-08 AERIAL MAP



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



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Andrew Holmer
Planning and Zoning Dept.



Public hearing signs



Looking East across from property along Hwy 97



Looking Northeast towards property across Hwy 97



Looking Northwest from property along Hwy 97



Looking Southeast from property along Hwy 97



Looking Southwest from property across Hwy 97



Looking Northeast East across Hwy 97 onto property

Wiley C."Buddy" Page, MPA, APA
Professional Growth Management Services, LLC
5337 Hamilton Lane Pace, Florida 32571
Cell 850.232.9853
budpagel@att.net

May 17, 2018
VIA HAND DELIVERY

Mr. Horace Jones, Director
Department of Growth Management
3363 West Park Avenue
Pensacola, Florida 32505

RE: Rezoning request Ag to RR
Parcel: Portion of 19-3N-31-1100-000-000
& 20-3N-31-1000-000-000
Owner: Bluewater Creek Estates, Inc.
Address: 900 Block Hwy 97 32577

Dear Mr. Jones:

The attached application requests Planning Board consideration to rezone the referenced property from the existing Ag Agriculture to RR Rural Residential. A companion application is being submitted to change the Future Land Use classification from Ag Agriculture to RC Rural Community.

The property is located within the Molino rural community of the county about one mile west of the Hwy 97 and Hwy 29 intersection and just north of the recently built Molino Elementary School and Molino Park.

The application contains the check payable to Escambia County in the amount of \$1,084.00 for the filing fee, proof of ownership, and corporate officer information.

Please contact me if you have any questions or require anything further.
Thank you.

Very truly yours,



Wiley C."Buddy" Page



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>

[Handwritten mark]

Rezoning Application

FOR OFFICE USE ONLY - Case Number: Z-2018-08 Accepted by: Alan PB Meeting: 7/3/18

1. Contact Information:

A. Property Owner/Applicant: Bluewater Creek Estates, Inc.

Mailing Address: 8900 Waring Road Pensacola, Florida 32534

Business Phone: _____ Cell: 850-232-9853

Email: _____

B. Authorized Agent (if applicable): Wiley C. "Buddy" Page

Mailing Address: 5337 Hamilton Lane Pace, Florida 32571

Business Phone: 850-232-9853 Cell: _____

Email: budpage1@att.net

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: 1400 blk Hwy 97 32577

Parcel ID (s): _____
Portion of 19-3N-31-1000-000-000 (see survey and recorded deed)

B. Total acreage of the subject property: 210+

C. Existing Zoning: Ag

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

Current Ag zoning classification limits homesites to 1du per 20ac. Owner wants affordable homesites measuring from 4ac each and larger.

FLU Category: Ag

D. Is the subject property developed (if yes, explain): _____
Land is Vacant

E. Sanitary Sewer: _____ Septic: X

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.

Proposed zoning is consistent with the proposed FLU.

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

If granted, this rezoning request will be consistent with those six provisions found at Sec.3-1.1, specifically (1) Will provide for the orderly distribution of...residential uses; (2) Promote sustainable development that minimizes sprawl; (3) Promote economic stability...ensuring that new development is compatible in character and size; (4) Preserve character and quality of residential neighborhoods; (5) Promoting mixed-use buildings and neighborhoods and (6) Balance individual property rights with the interests of the community creating a safe and orderly living environment.

- 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.

Proposed single family residential use will be compatible with surrounding undeveloped timberlands.

- 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

If approved this new zoning category allowing 4du/ac will not have adverse impacts on adjoining zoning categories in that it allows new single family residential homes. If approved, the 210 acre site will be totally surrounded by Aq-Agriculturally zoned property which is very compatible with the new RR-Rural Residential request. These new homes will result and continue a logical and orderly development pattern in the area. Home sites in the area range from 2.2 acres south of the site to a number of 5 acre sites and larger located west across Hwy 97 from the site. Size lots within the proposed development range from 4.0 to 12+ acres in size as depicted in the proposed site plan. This range of proposed lot sizes will not be inconsistent or incompatible with the existing surrounding lot sizes.

- 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.

See "d" above

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): Portion of 19 & 20-3N-31 See survey

Property Address: 900 Block Highway 97 Molino, Escambia County, Florida

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 21st DAY OF May, YEAR OF 2018

✓ *Eli F. Miles*
Signature of Property Owner

Bluewater Creek Estates, Inc.
Printed Name of Property Owner

5/21/18
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 900 Block Highway 97 Molino, Escambia County, Florida
Pensacola, Florida, property reference number(s) 19 & 20-3N-31-1000-000-000
(portion of each-see survey) I hereby designate Wiley C."Buddy" Page
_____ 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: Wiley C."Buddy" Page Email: budpage1@att.net
Address: 5337 Hamilton Lane Pace, Florida 32571 Phone: 850-232-9853

✓ Eli H. Miller
Signature of Property Owner

Bluewater Creek Estates, Inc.
Printed Name of Property Owner

5/21/18
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 21st day of May, 2018,
by Eli H. Miller.

Personally Known OR Produced Identification . Type of Identification Produced: _____

Allison Marabella
Signature of Notary

Allison Marabella
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 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.

 Eli H. Miller
Signature of Owner/Agent

Bluewater Creek Estates, Inc.
Printed Name Owner/Agent

5/21/18
Date

Signature of Owner

Printed Name of Owner

Date

STATE OF FLORIDA COUNTY OF Escambia The foregoing instrument was acknowledged before me this 21st day of May, 2018, by Eli H Miller.

Personally Known OR Produced Identification . Type of Identification Produced: _____

Allison Marabella
Signature of Notary

Allison Marabella
Printed Name of Notary

(notary seal)



Detail by Entity Name

Florida Profit Corporation
BLUEWATER CREEK ESTATES, INC.

Filing Information

Document Number P18000013756
FEI/EIN Number NONE
Date Filed 02/08/2018
Effective Date 02/06/2018
State FL
Status ACTIVE

Principal Address

8900 WARING ROAD
PENSACOLA, FL 32534

Mailing Address

8900 WARING ROAD
PENSACOLA, FL 32534

Registered Agent Name & Address

MILLER, ELI H
8900 WARING ROAD
PENSACOLA, FL 32534

Officer/Director Detail

Name & Address

Title DIR

MILLER, JAMES E
8900 WARING ROAD
PENSACOLA, FL 32534

Title DIR

MILLER, ELI H
8900 WARING ROAD
PENSACOLA, FL 32534

Annual Reports

No Annual Reports Filed

Document Images

[02/08/2018 -- Domestic Profit](#)

[View image in PDF format](#)

Recorded in Public Records 4/10/2018 3:44 PM OR Book 7882 Page 380,
Instrument #2018027360, Pam Childers Clerk of the Circuit Court Escambia
County, FL Recording \$86.50 Deed Stamps \$4,042.50

PP 577 500:

Q

This Instrument Prepared By:

Victor Haley
Eversheds Sutherland
999 Peachtree Street, NE
Atlanta, GA 30309-3996
Telephone: (404) 853-8000

When recorded return to:

Karen McClammy
Citizens Title Group
7139-B North 9th Avenue
Pensacola, FL 32504
Telephone: (850) 474-1833

_____	Recording Fee
4042.50	Stamps
_____	TOTAL

STATE OF FLORIDA

COUNTY OF ESCAMBIA

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made effective as of the 10 day of April, 2018, between RMS TIMBERLANDS LLC, a Delaware limited liability company duly authorized to transact business in the State of Florida, whose address is c/o Resource Management Service, LLC, 31 Inverness Center Parkway, Suite 360, Birmingham, Alabama 35242 ("Grantor"), and BLUEWATER CREEK ESTATES, INC., a Florida corporation, whose address is 8900 Waring Road, Pensacola, Florida 32534 ("Grantee").

OP 577 500:

①

Electronically Recorded

Date 4-10-18 County Escambia

Time 3:44 PM OR/Pg 2882/380

This Instrument Prepared By:

Victor Haley
Eversheds Sutherland
999 Peachtree Street, NE
Atlanta, GA 30309-3996
Telephone: (404) 853-8000

When recorded return to:

Karen McClammy
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WITNESSETH, that Grantor, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt of which is acknowledged, grants and conveys to Grantee, Grantee's successors and assigns forever, the real property (the "Property") situated, lying and being in the County of Escambia and State of Florida, as described on **EXHIBIT A** attached hereto and made a part hereof for all purposes, and (i) any improvements thereon, and (ii) all timber growing thereon, subject to the terms of **EXHIBIT C** attached hereto and made a part hereof for all purposes, and (iii) all roads, bridges and other infrastructure improvements thereon (to the extent owned by Grantor), and (iv) all minerals that may be owned by Grantor, including sand, clay or gravel of any kind or nature, and (v) any other privileges, easements, covenants and other rights appertaining thereto (collectively, the "Premises").

Without expanding by implication the limited warranty set forth herein, this conveyance and the warranty of title set forth herein are made subject to the matters set forth on **EXHIBIT B** attached hereto, to the extent, and only to the extent, that the same may still be in force and effect and applicable to the Property, said exhibit being incorporated herein by reference for all purposes (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Premises, together with the privileges and appurtenances thereunto properly belonging unto the said Grantee, its successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular the Premises unto Grantee, its successors and assigns, against every person whatsoever lawfully claiming, or to claim the same, or any part thereof, by, through and under Grantor, but not otherwise, and subject to the matters set forth herein.

The conveyance of any minerals conveyed to Grantee herein is hereby made by Grantor purely by quitclaim and accepted by Grantee without any warranty by Grantor, either express or implied, without recourse against Grantor.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has signed and sealed this deed on this the 27 day of March, 2018, but so as to be effective on the date first above written.

Witnesses:

1. Paula Hedd
Paula Sledd

2. Harry Dodsworth
Harry Dodsworth

(Names of witnesses should be typed or printed below signatures)

RMS Timberlands LLC, a Delaware limited liability company

By: Ed Sweeten

Name: Ed Sweeten

Title: Executive Vice President

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public in and for said County and State, hereby certify that Ed Sweeten, whose name ~~Executive Vice President~~ of RMS Timberlands LLC, a Delaware limited liability company, is signed to the foregoing instrument and who is personally known to me, acknowledged before me on this day, that being informed of the contents of said instrument, he, with full authority as such officer, executed the same voluntarily for and as the act of said company.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 27 day of March, 2018.

My commission expires
06-16-2020
(SEAL)



Stephanie Coffee
Notary Public of Alabama

Printed Name: Stephanie Coffee

EXHIBIT A

LEGAL DESCRIPTION

COMMENCE AT A 4"x4" St. REGIS CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA;

THENCE GO NORTH 86 DEGREES 46 MINUTES 58 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 19 A DISTANCE OF 2877.42 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 86 DEGREES 46 MINUTES 58 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 19 A DISTANCE OF 2427.00 FEET TO A PLAIN 3" DIAMETER CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF SAID SECTION 19, BEING ALSO THE SOUTHEAST CORNER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 31 WEST OF ESCAMBIA COUNTY, FLORIDA;

THENCE DEPARTING SAID SOUTH LINE GO NORTH 02 DEGREES 42 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 20 A DISTANCE OF 33.00 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE NORTH RIGHT-OF-WAY LINE OF SUNSHINE HILL ROAD (33' R/W);

THENCE DEPARTING SAID EAST LINE GO NORTH 86 DEGREES 56 MINUTES 11 SECONDS WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 933.18 FEET TO THE INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE AND THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 97 (100' R/W);

THENCE GO NORTH 28 DEGREES 05 MINUTES 15 SECONDS WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 97 A DISTANCE OF 1930.00 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE GO SOUTH 86 DEGREES 56 MINUTES 11 SECONDS EAST A DISTANCE OF 1921.15 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 20;

THENCE CONTINUE SOUTH 86 DEGREES 56 MINUTES 11 SECONDS EAST 180.00 FEET TO A POINT KNOWN AS POINT "A";

THENCE CONTINUE SOUTH 86 DEGREES 56 MINUTES 11 SECONDS EAST 100 FEET, MORE OR LESS, TO THE APPROXIMATE CENTERLINE OF A STREAM;

THENCE MEANDER NORTHEASTERLY ALONG SAID CENTERLINE A DISTANCE OF 1278 FEET, MORE OR LESS;

THENCE MEANDER NORTHEASTERLY ALONG SAID CENTERLINE A DISTANCE OF 1744 FEET, MORE OR LESS TO A POINT LYING NORTH 02 DEGREES 42 MINUTES 09 SECONDS EAST A DISTANCE OF 3551 FEET, MORE OR LESS OF THE POINT OF BEGINNING;

THENCE GO SOUTH 02 DEGREES 42 MINUTES 09 SECONDS WEST APPROXIMATELY 101 FEET TO A POINT KNOWN AS POINT "B", SAID POINT LYING NORTH 54 DEGREES 52 MINUTES 31 SECONDS EAST A DISTANCE OF 2844.68 FEET FROM THE AFOREMENTIONED POINT "A";

THENCE CONTINUE SOUTH 02 DEGREES 42 MINUTES 09 SECONDS WEST A DISTANCE OF 3450.00 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND LYING AND BEING IN SECTIONS 19 AND 20, TOWNSHIP 3 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 210.00 ACRES, MORE OR LESS.

Being a portion of the property conveyed in that certain Statutory Warranty Deed dated November 3, 2006, between International Paper Company and RMS Timberlands LLC, recorded as Book 6077, Page 752, Escambia County, Florida records

EXHIBIT B

PERMITTED EXCEPTIONS

1. Ad valorem taxes not yet due and payable.
2. All existing zoning restrictions.
3. All matters that would be revealed by an accurate survey of the Property.
4. Riparian rights of others in and to any creeks, rivers, lakes or streams located on the Property.
5. All prior conveyances, transfers and reservations of oils, gas, coal, lignite, clay, sand, coal bed methane and other minerals of any kind or character or any interest therein, if any.
6. All matters appearing in the public records of Escambia County, properly indexed, and in the chain of title to the Property, or any portion of the Property, if any.
7. Rights of parties in possession pursuant to the leases, licenses and agreements separately assigned by Grantor and assumed by Grantee, if any.
8. Rights of third persons and/or public authorities and utilities in and to that portion of the Property located within the boundaries of roads, highways, easements, and rights-of-way, whether of record, on the ground or acquired through prescription.
9. Reservations, if any, contained in that certain deed dated November 3, 2006, between International Paper Company and RMS Timberlands LLC, recorded as File #200704204, in Book 6055, Page 752, Escambia County, Florida records.
10. The terms of Exhibit C attached hereto.

EXHIBIT C
TIMBER RESERVATION

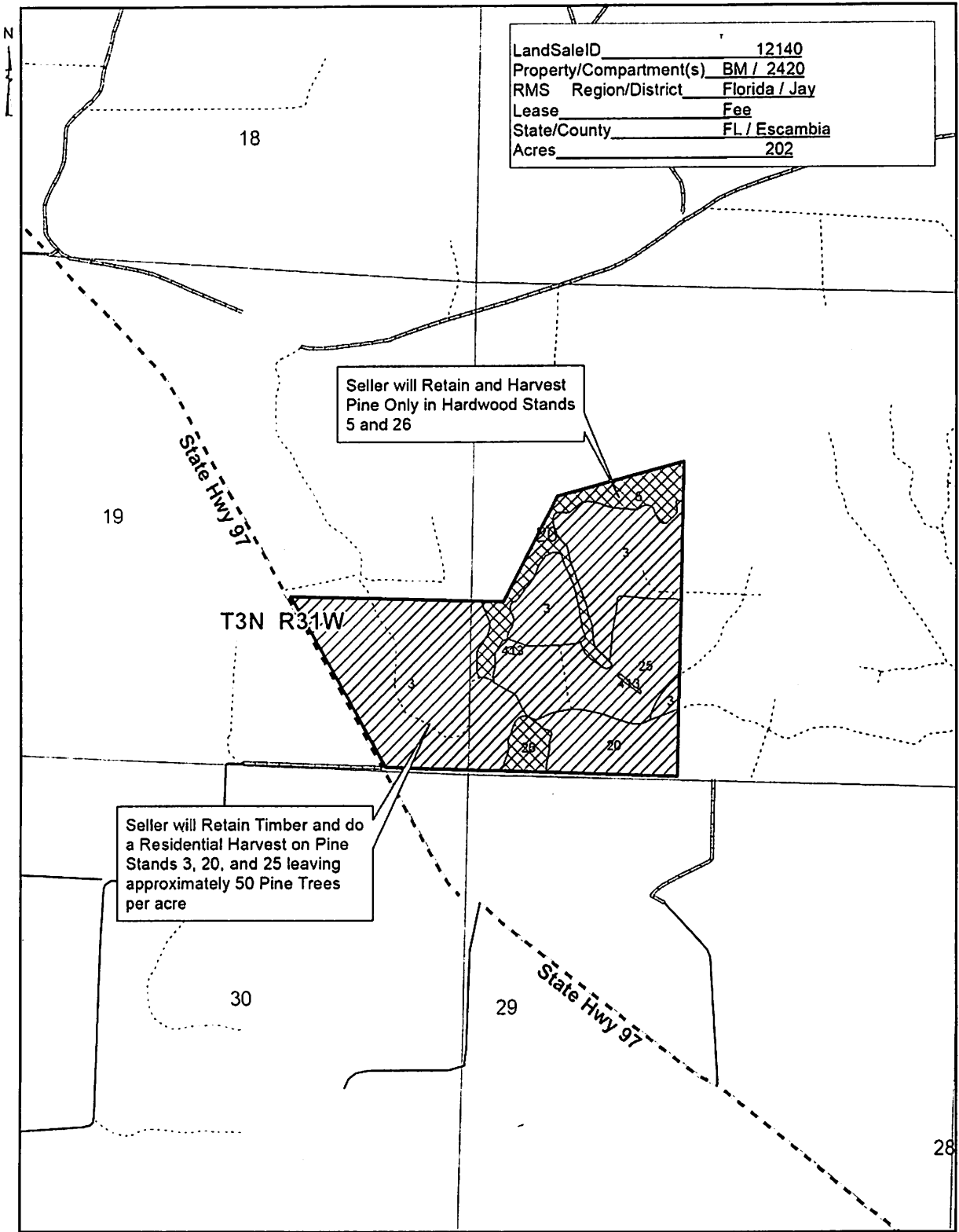
1. **Reservation.** Grantor will reserve certain timber rights on portions of the Property, as more particularly depicted on the map attached hereto and described as follows: (a) as to Stands 5 and 26, depicted in crosshatch on the map attached hereto and containing a total of approximately 27 acres, Grantor will retain and harvest pine only, leaving all hardwood trees; (b) as to Stands 3, 20, and 25, depicted in diagonal lines on the map attached hereto and containing a total of approximately 174 acres, Grantor will do a "residential harvest," leaving approximately 50 trees per acre. Grantor's reserved timber rights include the right of access to the Property for purposes of thinning, harvesting, cutting, piling, and removing said timber in the usual and customary manner and in accordance with this Exhibit. Grantor's reserved timber and access rights will continue until the date that is nine (9) months after the Closing Date (as the same may be extended or earlier terminated as provided herein, the "Reservation Period").

2. **Operations.** In conducting its operations on the Property, Grantor will comply with the Best Management Practices promulgated or customary in the State where the Property is located, and Grantor will repair any damage to roads on the Property caused by Grantor's operations during the Reservation Period. Except as may be limited or directed by said State Best Management Practices, Grantor will be solely responsible for determining and directing the manner in which it conducts business on the Property, including without limitation time and manner of access and operations, and Grantee will have no rights whatsoever to limit, restrict, dictate, supervise, or otherwise direct Grantor's operations on the Property, except as may be otherwise expressly provided herein.

3. **Force Majeure.** If Grantor is unable to perform its operations on the Property at any time during the Reservation Period on account of severe weather, storms, fire, other acts of God, labor strikes, governmental restrictions, or any similar matters outside of Grantor's control, the Reservation Period will be extended for such additional time as may be reasonably necessary for Grantor to complete its operations. Grantor will notify Grantee of any delays caused by said events of force majeure.

4. **Early Termination and Partial Release.** If Grantor completes its operations on the Property prior to the natural expiration of the Reservation Period, Grantor may provide written notice of said completion to Grantee, whereupon the Reservation Period will terminate automatically as of the date of Grantor's notice, Grantor's rights of access to the Property for harvesting, cutting and other operations will terminate, and title to the remaining timber on the Property, if any, will automatically revert to Grantee. In addition, Grantor may, at its sole election, provide such notice of completion of operations as to a portion or portions of the Property, whereupon the Reservation Period will terminate as to such portion or portions of the Property (collectively, the "Released Tract") but remain in effect for the remainder of the Property until expiration or earlier termination as provided herein.

5. **Release of Liability.** Upon the expiration or earlier termination of the Reservation Period, Grantor will be automatically released from all liability to Grantee and any other party with respect to the Property (or the Released Tract, as applicable) and Grantor's operations thereon, including without limitation damage to persons or to any portion of the Property or Released Tract, as applicable. Notwithstanding such automatic release and termination, upon request by either party, the parties will execute written releases of the timber reservation described herein, which shall be in recordable form. One or more releases may be requested from time to time as to a Released Tract prior to expiration or termination of the Reservation Period as to the entire Property. The requesting party may, at its sole cost, cause such release to be recorded in the records of the County or Parish where the Property is located.



LandSaleID	12140
Property/Compartment(s)	BM / 2420
RMS Region/District	Florida / Jay
Lease	Fee
State/County	FL / Escambia
Acres	202

Seller will Retain and Harvest Pine Only in Hardwood Stands 5 and 26

Seller will Retain Timber and do a Residential Harvest on Pine Stands 3, 20, and 25 leaving approximately 50 Pine Trees per acre

0.25 Miles

1:15,840

This map is not warranted for completeness or accuracy



**WRITTEN CONSENT OF
THE MANAGER OF
RMS TIMBERLANDS LLC**

The undersigned, being the Manager (the "Manager") of RMS Timberlands LLC, a Delaware limited liability company (the "Company"), hereby consents in writing, in accordance with the Company's Operating Agreement (the "Agreement"), to the adoption of the following resolutions:

APPROVAL OF SALE OF PROPERTY

WHEREAS, the Manager has determined that it is advisable and in the best interest of the Company to convey that certain tract or parcel of land in Escambia County, State of Florida, described as Compartment No. BM-2420 (ID 12140) (the "Property") as more fully described in that certain Purchase Agreement with an effective date of February 20, 2018 by and between Company, as Seller, and Bluewater Creek Estates, Inc., as Buyer (the "Purchase and Sale Agreement").

NOW, THEREFORE, BE IT RESOLVED, the Manager hereby approves, confirms and ratifies the sale of the Property on the terms and conditions set forth in the Purchase and Sale Agreement, the execution, delivery and performance of the Purchase and Sale Agreement and the execution, delivery and performance of all other documents relating to the same, in all respects.

OTHER ACTS

RESOLVED, that the officers of the Manager and the Company, each as authorized under the Agreement, be, and hereby are authorized, empowered and directed to do all other things and acts, to execute and deliver all other instruments, documents and certificates (collectively, "Documents"), and to pay all costs, fees and taxes as may be, in their sole judgment, necessary, proper or advisable in order to carry out and comply with the purposes and intent of the foregoing resolutions (collectively, the "Acts"), and that all of the acts and deeds of the officers of the Manager and of the Company that are consistent with the purposes and intent of such resolutions be, and hereby are, in all respects, approved, ratified, confirmed and adopted as the acts and deeds of the Manager and Company.

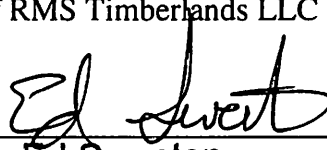
AUTHORITY

RESOLVED, that any or each of W.A. Hinson, III, as President of the Company, Craig Blair, as Executive Vice President of the Company, Ed Sweeten, as Executive Vice President of the Company, Dennis DuBose, as Executive Vice President of the Company, and/or Charlie Cornish, as Executive Vice President of the Company, has authority to execute and deliver any and all Documents in connection with the foregoing and to take any Acts as he deems proper in consummating the transaction contemplated by the Purchase and Sale Agreement.

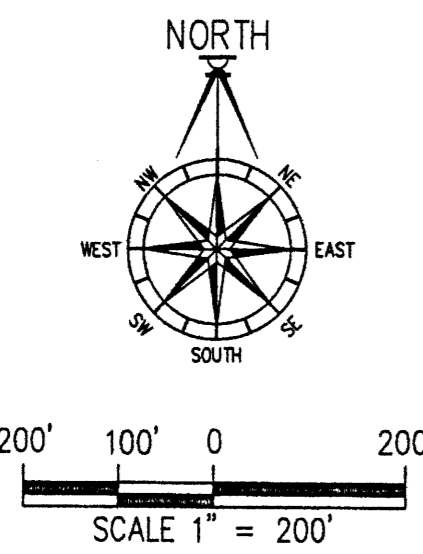
IN WITNESS WHEREOF, the undersigned has executed this Written Consent as of the day written below.

MANAGER

Resource Management Service LLC,
Manager of RMS Timberlands LLC

By: 
Name: Ed Sweeten
Title: Executive Vice President

Date: March 27, 2018



SURVEYORS NOTES:

- THIS SURVEY WAS PREPARED FOR THE CLIENT SHOWN AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT PRIOR CONSENT FROM THIS SURVEYOR.
- ALL MEASUREMENTS WERE MADE ACCORDING TO UNITED STATES STANDARD FOOT.
- NO TITLE RESEARCH WAS PERFORMED BY THIS SURVEYOR, NOR WERE WE FURNISHED WITH SUCH.
- NO INSTRUMENT OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
- NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
- ALL BEARINGS AND DISTANCES ARE RECORDED UNLESS OTHERWISE NOTED.
- ERROR OF CLOSURE MEETS STANDARDS OF PRACTICE.
- THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY THAT MAY BE FOUND RECORDED IN THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA THAT DO NOT APPEAR ON THE FACE OF THIS PLAN.
- BASIS OF BEARINGS: IS BASED ON THE STATE PLANE BEARING OF N86°46'58"W ALONG THE SOUTH LINE OF SECTION 19, NORTH AND THE SURVEY DATUM SHOWN HEREON IS BASE ON THE FLORIDA STATE PLANE COORDINATE SYSTEM (FLORIDA NORTH ZONE) - (NAD83) - (2011) - (EPOCH 2010.0000).
- REFERENCE SOURCE: FIELD WORK AND EXISTING FIELD MONUMENTATION; COPY OF ESCAMBIA COUNTY PROPERTY APPRAISERS MAP OF SECTIONS 19 & 20.
- ENCROACHMENTS ARE AS SHOWN.
- THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP NOR AN ENCROACHMENT OF FENCES, WALLS, ETC.
- THE CERTIFICATE OF AUTHORIZATION NUMBER FOR KJM LAND PLANNING, LLC, IS L.B. 7919.
- THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS & MAPPERS IN CHAPTER 5J-17.050, 5J-17.051 AND 5J-17.052, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DESCRIPTION: (AS PREPARED BY UNDERSIGNED AT CLIENTS REQUEST)

COMMENCE AT A 4"x4" ST. REGS CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA;

THENCE GO NORTH 86 DEGREES 46 MINUTES 58 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 20 A DISTANCE OF 2877.42 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 86 DEGREES 46 MINUTES 58 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 20 A DISTANCE OF 2427.00 FEET TO A PLAIN 3" DIAMETER CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF SAID SECTION 20, BEING ALSO THE SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 31 WEST OF ESCAMBIA COUNTY, FLORIDA;

THENCE DEPARTING SAID SOUTH LINE GO NORTH 02 DEGREES 42 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 19 A DISTANCE OF 33.00 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE NORTH RIGHT-OF-WAY LINE OF SUNSHINE HILL ROAD (33' R/W);

THENCE DEPARTING SAID EAST LINE GO NORTH 86 DEGREES 56 MINUTES 11 SECONDS WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 933.18 FEET TO THE INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE AND THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 97 (100' R/W);

THENCE GO NORTH 28 DEGREES 05 MINUTES 15 SECONDS WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 97 A DISTANCE OF 1930.00 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE GO SOUTH 86 DEGREES 56 MINUTES 11 SECONDS EAST A DISTANCE OF 1921.15 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 20;

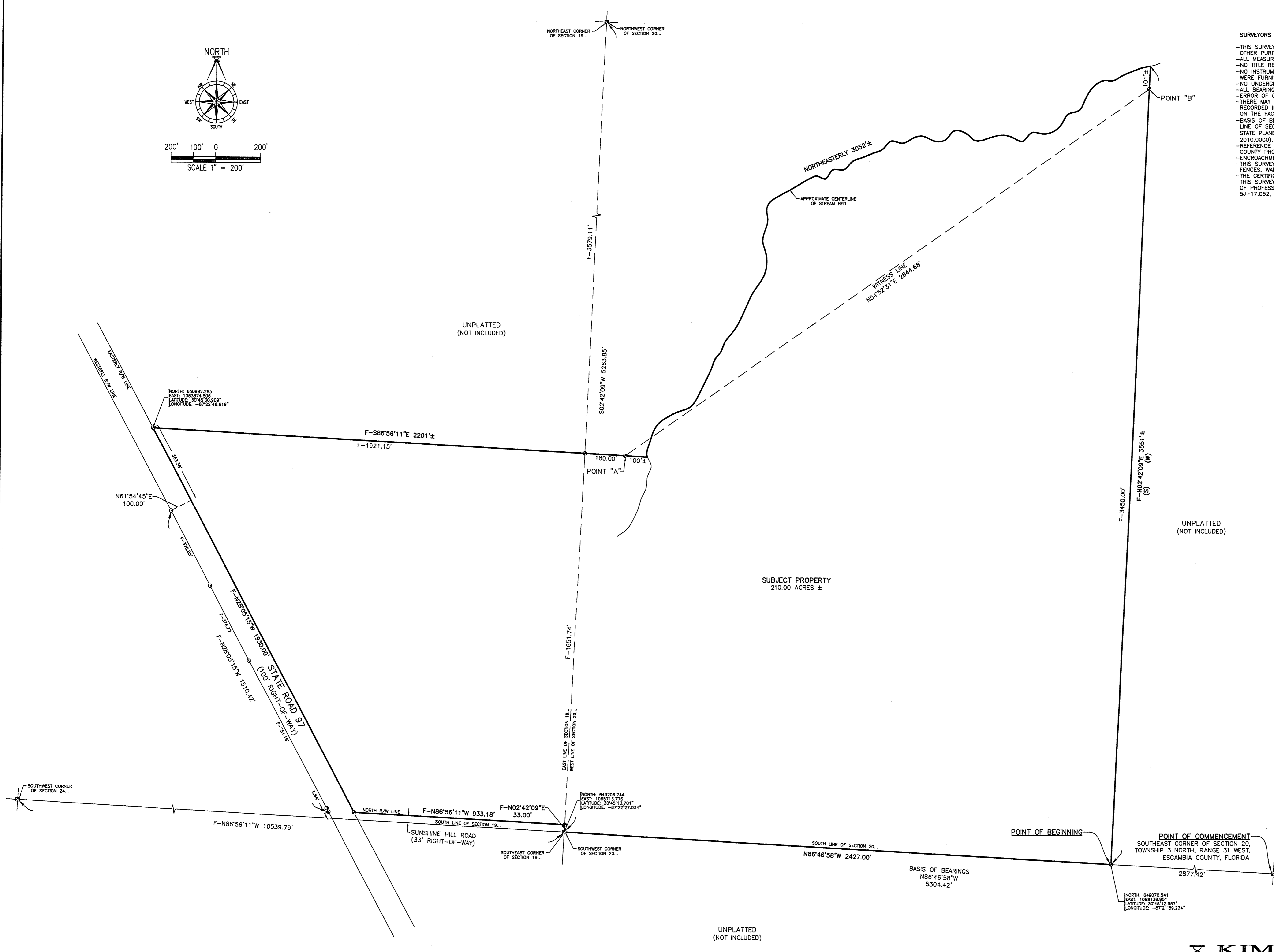
THENCE CONTINUE SOUTH 86 DEGREES 56 MINUTES 11 SECONDS EAST 180.00 FEET TO A POINT KNOWN AS POINT "A";

THENCE CONTINUE SOUTH 86 DEGREES 56 MINUTES 11 SECONDS EAST 100 FEET, MORE OR LESS, TO THE APPROXIMATE CENTERLINE OF A STREAM;

THENCE MEANDER NORTHEASTERLY ALONG SAID CENTERLINE A DISTANCE OF 3052 FEET, MORE OR LESS TO A POINT LYING NORTH 02 DEGREES 42 MINUTES 09 SECONDS EAST A DISTANCE OF 2844.68 FEET, MORE OR LESS OF THE POINT OF BEGINNING;

THENCE GO SOUTH 02 DEGREES 42 MINUTES 09 SECONDS WEST APPROXIMATELY 101 FEET TO A POINT KNOWN AS POINT "B", SAID POINT LYING NORTH 54 DEGREES 52 MINUTES 31 SECONDS EAST A DISTANCE OF 2844.68 FEET FROM THE AFOREMENTIONED POINT "A";

THENCE CONTINUE SOUTH 02 DEGREES 42 MINUTES 09 SECONDS WEST A DISTANCE OF 3450.00 FEET TO THE POINT OF BEGINNING, THE ABOVE DESCRIBED PARCEL OF LAND LYING AND BEING IN SECTIONS 19 AND 20, TOWNSHIP 3 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 210.00 ACRES, MORE OR LESS.



- LEGEND:**
- ☐ - FOUND 4"x4" CONCRETE MONUMENT L.B. #7277
 - ⊠ - FOUND 4"x4" ST. REGS CONCRETE MONUMENT
 - ⊙ - FOUND PLAIN 3" DIAMETER CONCRETE MONUMENT
 - ⊙ - FOUND 5/8" F.D.O.T. CAPPED IRON ROD
 - ⊙ - FOUND 1/2" CAPPED IRON ROD L.B. #7174
 - ⊙ - FOUND PLAIN 1/2" IRON ROD
 - ⊙ - FOUND PLAIN 1/2" IRON PIPE
 - ⊙ - SET 1/2" CAPPED IRON ROD L.B. #7919
 - PSM - PROFESSIONAL SURVEYOR AND MAPPER
 - L.B. - LICENSED BUSINESS
 - R/W - RIGHT-OF-WAY
 - ± - MORE OR LESS

ADDRESS: HIGHWAY 97 / SUNSHINE HILL ROAD			
REQUESTED BY:			
TYPE: BOUNDARY SURVEY			
SECTIONS 19 & 20, TOWNSHIP- 3 - NORTH, RANGE- 31 - WEST, ESCAMBIA COUNTY			
SCALE: 1"=200'	FIELD BOOK PAGE		
N/A	N/A		
DATE: 03/13/18	FIELD DATE: 03/09/18		
DRAWN BY: JSP			
CHECKED BY:			
NO.	DATE	REVISIONS	APPROVED BY:
1	05/24/18	REVISED LEGAL DESCRIPTION - SP	

KJM
Land Planning, LLC.
1818 W. Hwy 20
Pensacola, FL 32501
850-438-0202 Fax 850-438-1307

Michael Watts Austin, PSM #5458
CORPORATE NO. LB 0007919
STATE OF FLORIDA

UNPLATTED (NOT INCLUDED)

UNPLATTED (NOT INCLUDED)

UNPLATTED (NOT INCLUDED)

SUBJECT PROPERTY
210.00 ACRES ±

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



INTEROFFICE MEMORANDUM

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

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

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

DATE: June 6, 2018

RE: Transportation & Traffic Operations (TTO) Comments – Z-2018-08

TTO Staff has reviewed the Rezoning Case (Z)-2018-08, 900 Block of Highway 97, agenda item for the Planning Board meeting scheduled for July 3, 2018. Please see the below comments.

Currently, there are no ongoing or programmed transportation projects on Highway 97 within the County's Capital Improvements Program. Likewise, there are no ongoing or programmed transportation projects on the adjacent segment of US 29 on FDOT's Work Program.

Highway 97 is classified as a minor arterial and has a year 2017 daily volume of 6,400 vehicles and a posted speed of 55 miles per hour (mph). There is an elementary school located near the project on Highway 97. During drop-off and pick-up times, speed is limited to 20mph through the school zone. The other roadway, in the vicinity, of the proposed rezoning is US 29. US 29, in this area, is classified as a principal arterial with a year 2017 daily volume of 7,800 vehicles and a posted speed of 55 mph. South of Highway 97 on US 29, there is an FDOT roadway resurfacing and intersection improvement project scheduled to begin in the summer of 2019.

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 Jones, P.E., Public Works Department Director
Colby Brown, P.E., Public Works Department Deputy Director
Juan Lemos, CFM, Development Services Department