

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
QUASI-JUDICIAL HEARING
August 7, 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 July 10, 2018, Planning Board Rezoning Meeting.
5. Acceptance of Rezoning Planning Board Meeting Packet.
6. Quasi-judicial Process Explanation.
7. Public Hearings.
 - A. Case #: Z-2018-10
Applicant: Kerry Anne Schultz, Agent for Marian E Hendrix, Trustee
Address: 9600 Block of Rebel Road
Property Size: 28.42 (+/-) 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: 08/07/2018

4. A.

Agenda Item:

RECOMMENDATION: That the Planning Board review and approve the Meeting Resume' Minutes of the July 10, 2018, Planning Board Rezoning Meeting.

Attachments

Draft July 10, 2018 Planning Board Rezoning Meeting Minutes

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING July 10, 2018

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:31 A.M. – 11:32 A.M.)
(12:05 P.M. - 12:06 P.M.)

Present: Reid Rushing
Wayne Briske, Chairman
Timothy Pyle
Alan Gray
Eric Fears

Absent: Jay Ingwell
Patty Hightower
William Clay
Stephen Opalenik

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

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

Motion by Timothy Pyle, Seconded by Alan Gray

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

Vote: 5 - 0 Approved

Other: Jay Ingwell (ABSENT)
William Clay (ABSENT)

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.

Motion by Alan Gray, Seconded by Timothy Pyle

Motion was made to approve the Rezoning Planning Board meeting minutes from June 6, 2018.

Vote: 5 - 0 Approved

Other: Jay Ingwell (ABSENT)
William Clay (ABSENT)

5. Acceptance of Rezoning Planning Board Meeting Packet.

Motion by Eric Fears, Seconded by Alan Gray

Motion was made to accept the Rezoning Planning Board meeting packet for July 10, 2018.

Vote: 5 - 0 Approved

Other: Jay Ingwell (ABSENT)
William Clay (ABSENT)

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)

No planning board member acknowledged visiting the site.

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

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

Motion by Eric Fears, Seconded by Alan Gray

Motion was made to accept Buddy Page as expert.

Vote: 5 - 0 Approved

Other: Jay Ingwell (ABSENT)
William Clay (ABSENT)

Motion by Timothy Pyle, Seconded by Eric Fears

Motion was made to accept "John Keith Exhibit A" into evidence.

Vote: 5 - 0 Approved

Other: Jay Ingwell (ABSENT)
William Clay (ABSENT)

Motion by Alan Gray, Seconded by Timothy Pyle

Motion was made to accept "Tracy Bellamy Exhibit A" into evidence.

Vote: 5 - 0 Approved

Other: Jay Ingwell (ABSENT)
William Clay (ABSENT)

Motion by Alan Gray, Seconded by Eric Fears

Motion was made to accept "Toni Dunn Exhibit A" into evidence.

Vote: 5 - 0 Approved

Other: Jay Ingwell (ABSENT)
William Clay (ABSENT)

Motion by Timothy Pyle, Seconded by Reid Rushing

Motion was made to recommend approval to the BCC.

Vote: 5 - 0 Approved

Other: Jay Ingwell (ABSENT)
William Clay (ABSENT)

- 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 | 210 +/- acres |
| Size: | |
| From: | Agr, Agricultural district (one
du/20 acres) |
| To: | RR, Rural Residential district
(one du/four acres) |

No planning board member acknowledged visiting the site.

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

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

Motion by Eric Fears, Seconded by Alan Gray

Motion was made to continue the rezoning case to the next meeting.

Vote: 4 - 0 Approved

Other: Jay Ingwell (ABSENT)
Wayne Briske (ABSENT)
William Clay (ABSENT)

8. Adjournment.

Planning Board-Rezoning

7. A.

Meeting Date: 08/07/2018

CASE : Z-2018-10

APPLICANT: Kerry Anne Schultz, Agent for Marian E Hendrix, Trustee

ADDRESS: 9600 Block of Rebel Road

PROPERTY REF. NO.: 07-1S-31-1220-000-002

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

DISTRICT: 1

OVERLAY DISTRICT: N/A

BCC MEETING DATE: 09/06/2018

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 a 28.42± acre parcel. The existing zoning allowances for the parcel 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 parcel in question, shows that the property is surrounded by LDR zoning with the Northeast corner abutting a section of Commercial Zoning district which is the new Beulah Middle School. MDR zoning would allow for an increase in 10 dwelling units per acre versus LDR's four dwellings per acre and a lot width difference of 50 feet for MDR versus 60 feet for LDR. MDR zoning will only allow for single family dwellings to be constructed no apartments or commercial uses would be allowed. MDR zoning is the most compatible up zoning change for any LDR existing property all other zoning changes would allow for commercial activity.

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 Com. The property is surrounded by single-family residences to the west, south, and partially to the east. To the north and north east a new middle school has been built and will be taking students this year. 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

Staff determines that the granting the rezoning request from LDR to MDR would be considered or reinforce sport zoning as defined in the LDC. The majority of the adjacent properties being zoned LDR; furthermore, it appears that there is no MDR zoning abutting the LDR zoned property and/or properties. Equally important, there would be an increase in the density from four to ten dwellings per acre if the proposed rezoning request is granted. So it can be concluded that granting the request for rezoning of the subject property would extend privileges not generally extended to property similarly located in the surrounding area.

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.

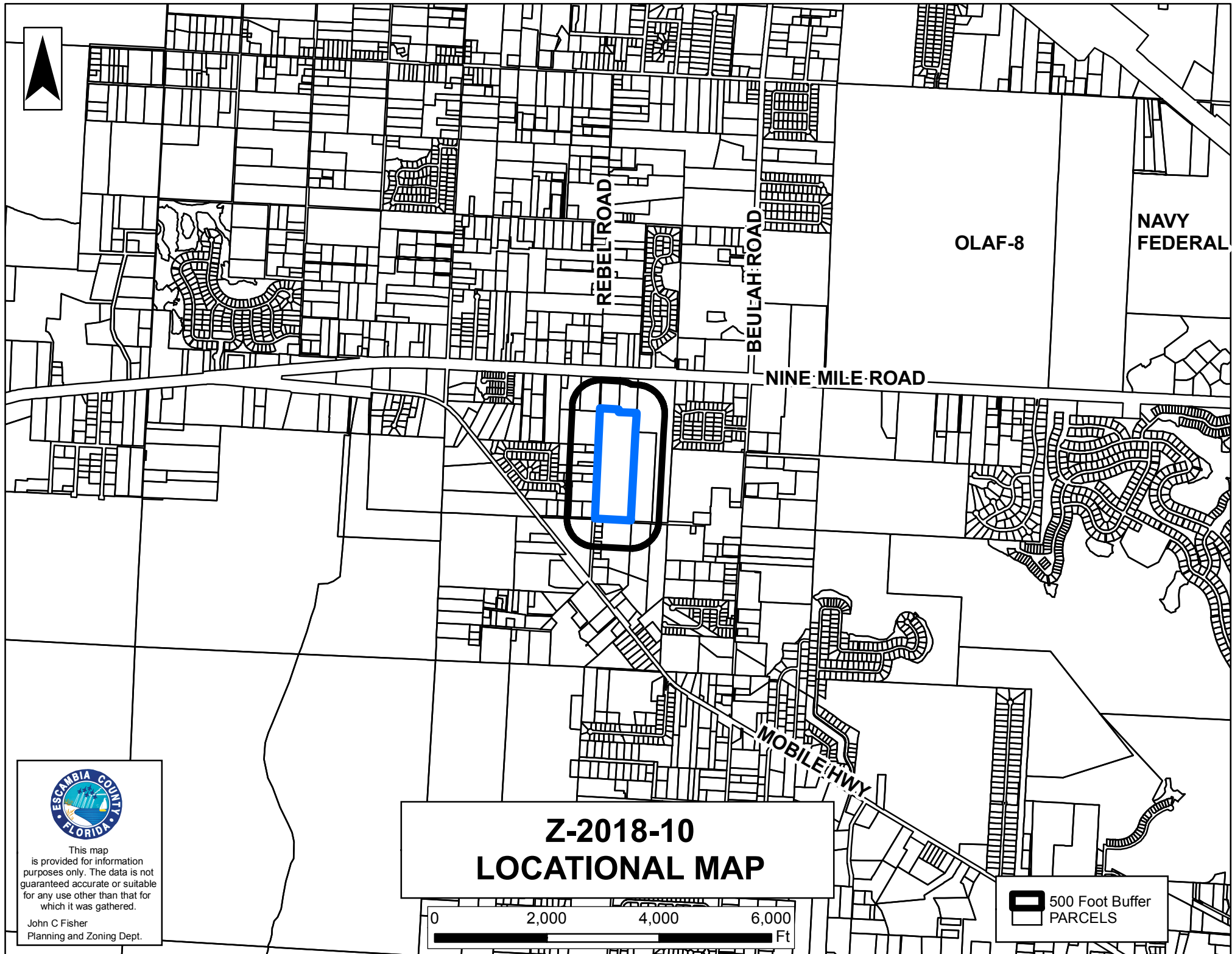
FINDINGS

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 parcel 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-2018-10



REBEL ROAD

BEULAH ROAD

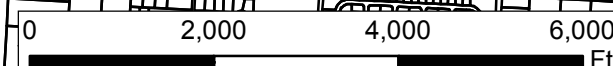
NINE MILE ROAD


MOBILE HWY

OLAF-8

NAVY
FEDERAL

Z-2018-10 LOCATIONAL MAP

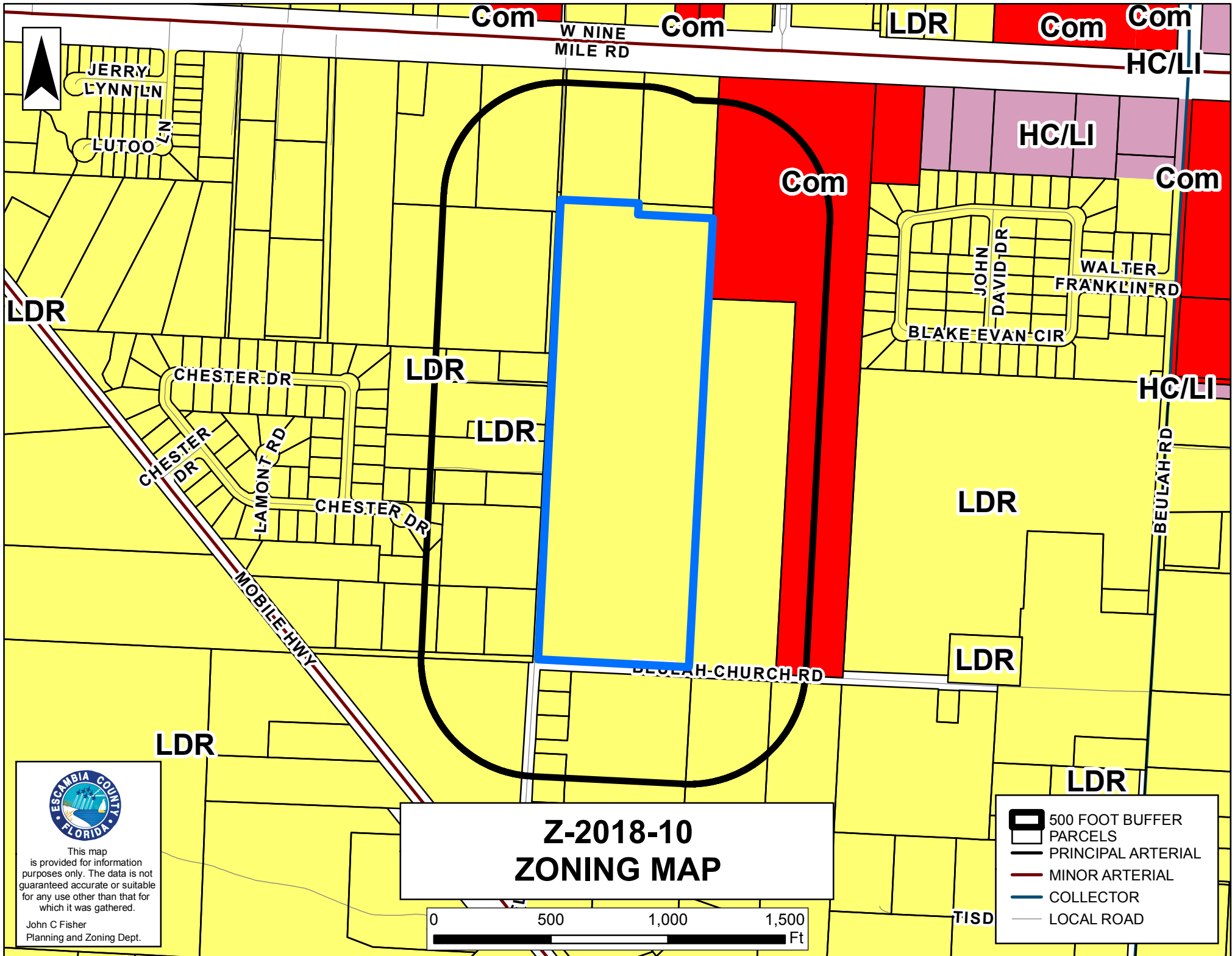


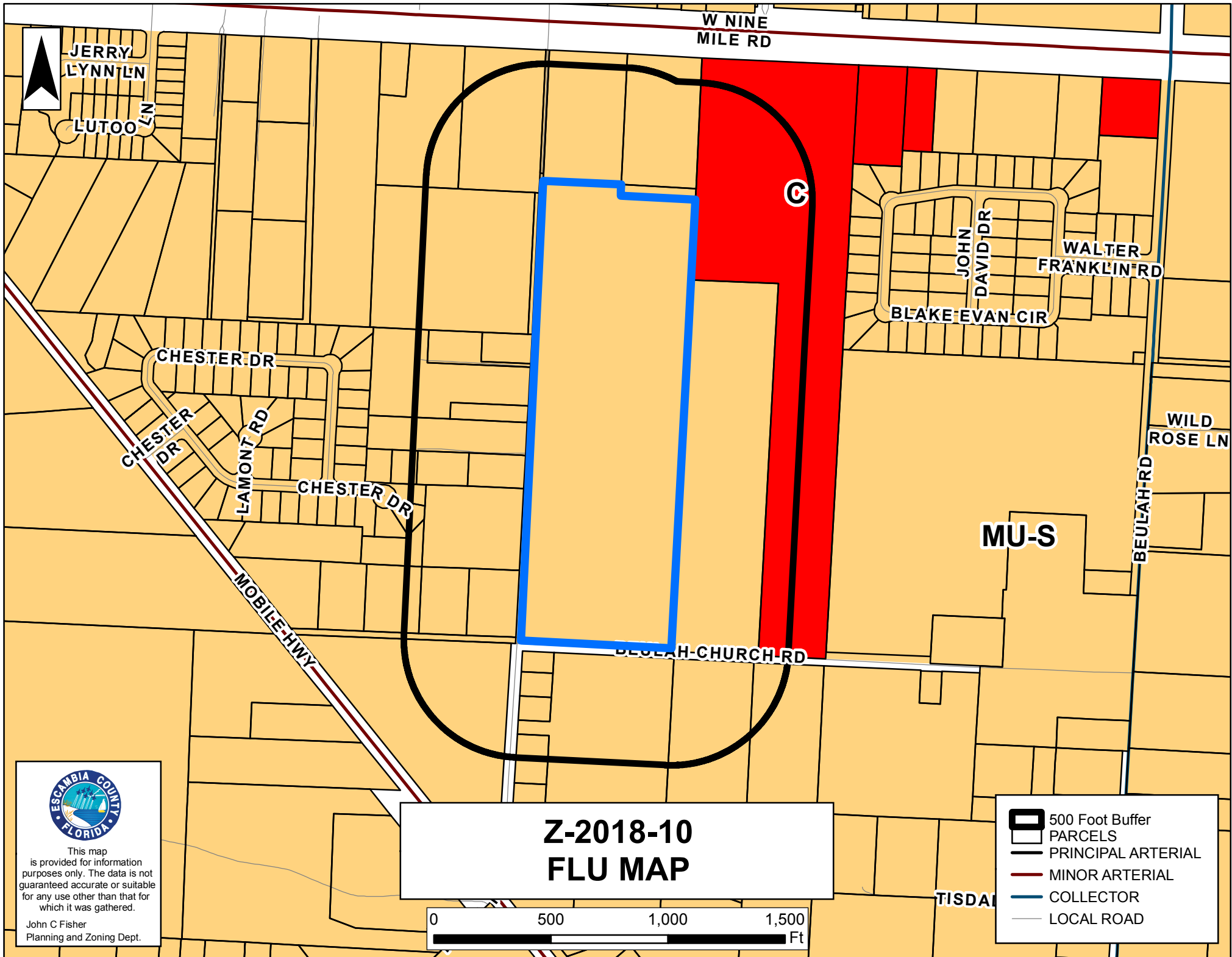
 500 Foot Buffer
 PARCELS



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.

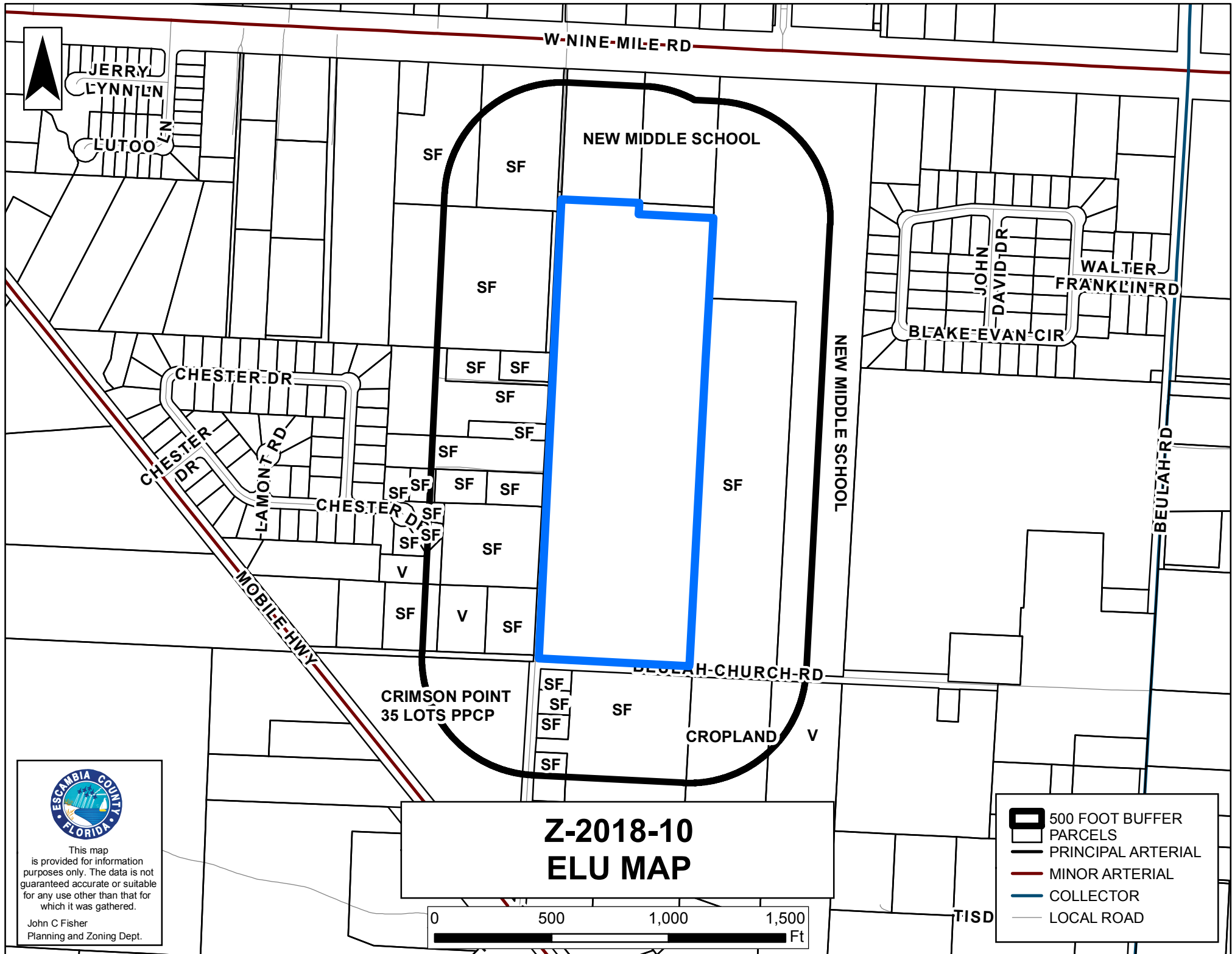
John C Fisher
Planning and Zoning Dept.





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.



W-NINE-MILE-RD

JERRY LYNN LN

LUTOO LN

NEW MIDDLE SCHOOL

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SF

SF

SF

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SF

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CRIMSON POINT
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CROPLAND

V

BEULAH-CHURCH-RD

NEW MIDDLE SCHOOL

BEULAH-RD

WALTER FRANKLIN RD

JOHN DAVID DR
BLAKE EVAN CIR

CHESTER DR

CHESTER DR

LAMONT RD

CHESTER DR

MOBILE HWY

Z-2018-10
ELU MAP

0 500 1,000 1,500
Ft

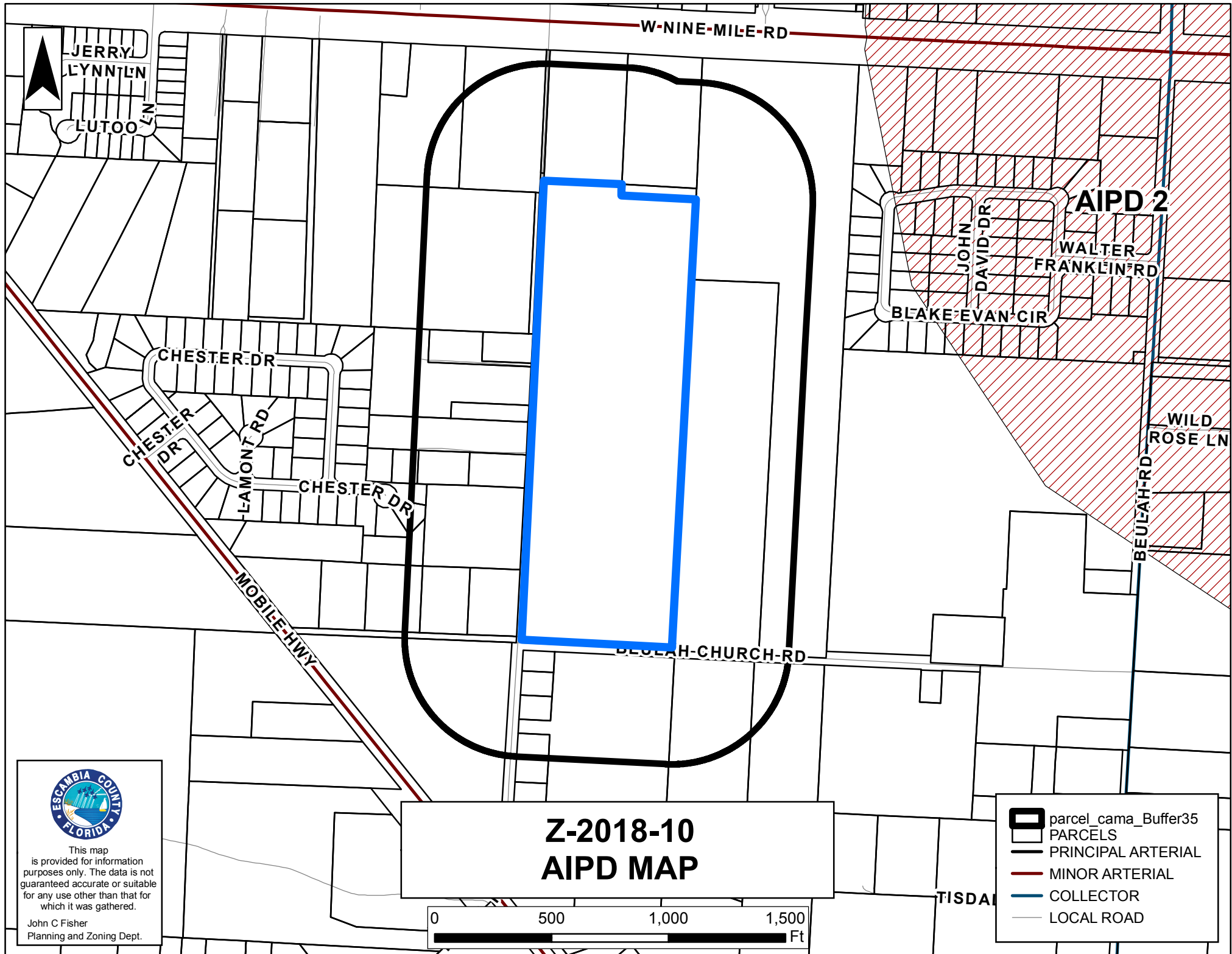


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John C Fisher
Planning and Zoning Dept.

- 500 FOOT BUFFER
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD

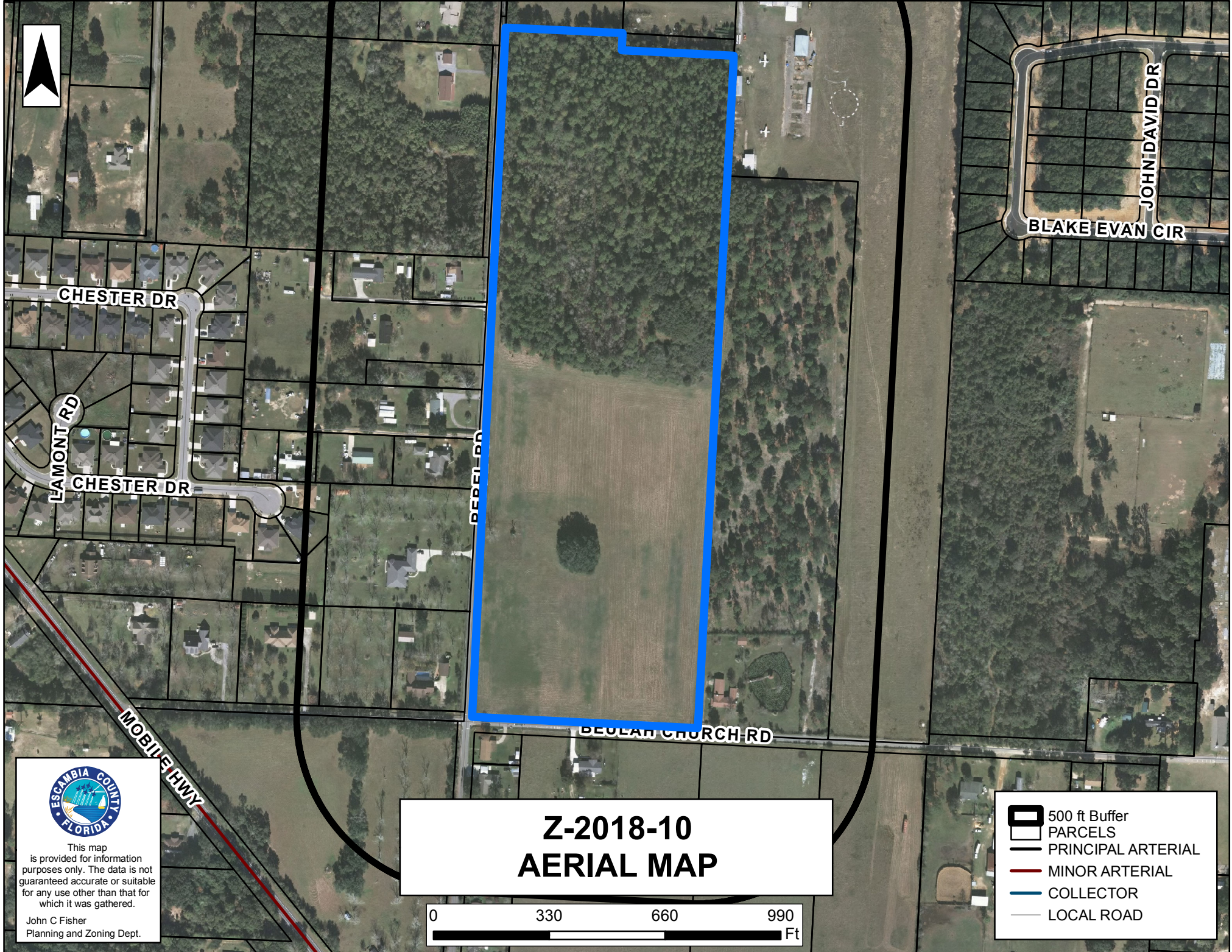
TISD




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John C Fisher
Planning and Zoning Dept.







Z-2018-10 AIPD MAP




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John C Fisher
Planning and Zoning Dept.

**Z-2018-10
AERIAL MAP**



 500 ft Buffer
 PARCELS
 PRINCIPAL ARTERIAL
 MINOR ARTERIAL
 COLLECTOR
 LOCAL ROAD



PUBLIC HEARING SIGN LOOKING SOUTH ALONG REBEL ROAD.



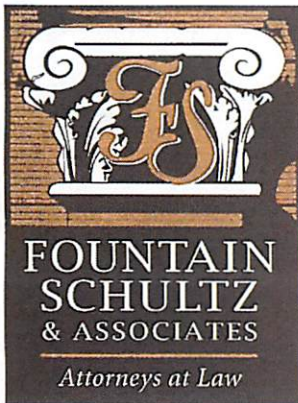
LOOKING NORTHWEST ALONG REBEL ROAD



LOOKING NORTH ALONG REBEL ROAD



LOOKING EAST AT SUBJECT PROPERT



KENNETH R. FOUNTAIN
KERRY ANNE SCHULTZ
SCOTT C. BRIDGFORD

2045 FOUNTAIN PROFESSIONAL CT.
SUITE A
NAVARRE, FLORIDA 32566
TEL: (850) 939-3535
FAX: (850) 939-3539

SANTA ROSA BEACH
TEL: (850) 622-2700
FAX: (850) 622-2722

June 20, 2018

VIA OVERNIGHT DELIVERY

Escambia County Planning and Zoning
Development Services Department
3363 West Park Place
Pensacola, FL 32505

RECEIVED

[Signature]
6/21/2018

RE: REZONING APPLICATION
Property Reference Number: 0715311220000002
9600 Block of Rebel Road
Owner: Marian E. Hendrix, Trustee of the Hendrix Family Trust

Dear Ms. Cain:

I have the pleasure of assisting the above-referenced owner with the Application for Rezoning. Enclosed is the following information and documentation:

- (1) **Completed Application**
- (2) **Concurrency Determination Acknowledgment**
- (3) **Affidavit of Owner and Limited Power of Attorney**
- (4) **Property Appraiser Information Confirming Ownership**
- (5) **Check in the amount of \$1,275.00 for the application fee**
- (6) **Boundary Survey**
- (7) **Wetlands Report**

Please be advised that the owner can satisfy the re-zoning approval conditions to re-zone the property from LDR to MDR. In support of the Rezoning Application, the owner can support the following approval conditions:

- a) **Consistent with Comprehensive Plan.** The proposed rezoning is consistent with the future land use (FLU) category as prescribed in the Land Development Code ("LDC") Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan and not in conflict with any of its provisions. The rezoning is consistent with aspects of the Comprehensive Plan. The future land use of the property (MU-S – 25 units per acre) allows for a mix of residential and commercial use. The proposed zoning request of Medium Density Residential (MDR – 10 units per acre) allows for residential and conditional commercial uses and therefore is consistent

with the goals of the comprehensive plan. The subject parcel is located in central Escambia County. The proposed development is well within the service areas of the County and Utility infrastructure and will not negatively impact or degrade the level of service. In addition, the applicant understands the development must meet County land development standards. The proposed rezoning for the subject parcel meets the goals, objectives and policies of the comprehensive plan regarding potable water, wastewater, solid waste, stormwater management, traffic, schools, and aquifer protection.

- b) **Consistent with Zoning District Provisions.** The proposed rezoning is consistent with the stated purposes and intent of the Land Development Code, including any other zoning establishment provisions prescribed by the proposed district in Chapter 3. The primary intent of the MDR district is to provide for residential neighborhood development in an efficient urban pattern of well-connected streets and at a greater dwelling unit density than the Low Density Residential district. The proposed rezoning is consistent with the LDC and surrounding uses.
- c) **Compatible with Surroundings.** All land uses, development activities, and conditions allowed by the proposed zoning are compatible with the surrounding conforming uses, activities and conditions and are able to coexist in relative proximity to them in a stable fashion over time such that no use, activity, or condition negatively impacts another. The appropriateness of the rezoning is not limited to any specific use that may be proposed but is evident for all permitted uses of the requested zoning. This condition shall not apply to any conditional uses of the proposed district or compatibility with nonconforming or unapproved uses, activities, or conditions. The requested zoning is Medium Density Residential (MDR – 10 units per acre) which allows medium density residential uses and compatible non-residential uses. The proposed zoning is compatible with the surrounding uses. On all four sides of the subject property similar uses exist. Properties bordering all sides of the subject property are zoned Low Density Residential (LDR). This proposed development is a residential subdivision and the density would remain below the maximum allowed by the neighboring districts (LDR – 4 units per acre). The proposed rezoning meets intent and goals of the surrounding area.
- d) **Appropriate if Spot Zoning.** The differences between the proposed isolated district and its adjoining districts would be minor. The primary intent of both the proposed zone (MDR) and the adjoining districts (LDR) is to provide residential neighborhood development. In

addition, the density of the proposed development would fall below the maximum allowed by the existing contiguous zones.

- e) **Appropriate with Changed or Changing Conditions.** The area to which the proposed rezoning would apply has changed, or is changing, to such a degree that it is in the public interest to encourage new uses, density, or intensity in the area through rezoning. The demand for residential use in this portion of the county has increased sharply in recent years due to the development of the nearby Navy Federal Credit Union. A nearby 117-acre property recently (2015) received a development order for a single family residential subdivision. It is zoned MDR – Medium Density Residential.

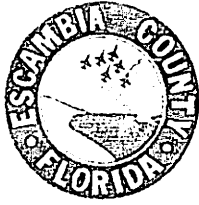
Should you have any questions or need additional information, please do not hesitate to contact my office. Thank you for your consideration.

Sincerely,
Fountain, Schultz & Associates, P.L.

Kerry Anne Schultz



KAS: arz
Enclosures as stated



Escambia County Planning and Zoning

Development Services Department

3363 West Park Place

Pensacola, FL 32505

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

Escambia County Planning and Zoning Department

Rezoning Application

FOR OFFICE USE ONLY - Case Number: _____ Accepted by: _____ PB Meeting: _____

1. Contact Information:

A. **Property Owner/Applicant:** Marian E. Hendrix, Trustee of the Hendrix Family Trust.

Mailing Address: 9703 Barranger Dr., Pensacola, FL 32514

Business Phone: _____ Cell: _____

Email: _____

B. **Authorized Agent (if applicable):** Kerry Anne Schultz, Esq.

Mailing Address: 2045 Fountain Professional Court, Suite A, Navarre, FL 32566

Business Phone: 850-939-3535 Cell: _____

Email: kaschultz@fountainlaw.com

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

2. Property Information:

A. **Existing Street Address:** 9600 Blk Rebel Rd., Pensacola, FL 32526

Parcel ID (s): 071S311220000002

B. **Total acreage of the subject property:** 28 acres

C. **Existing Zoning:** LDR

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

Zoning request needed to accommodate smaller lot widths. Current zoning allows for 60' wide minimum lots. 50' wide lots are preferred. No density increase is proposed.

FLU Category: MU-S

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

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.

See enclosed letter.

- 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

See enclosed letter.

- 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.

See enclosed letter.

- 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

See enclosed letter.

- 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 enclosed letter.

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): 071S311220000002

Property Address: 9600 BLK Rebel Rd., Pensacola, FL 32526

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

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

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

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

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 18 DAY OF JUNE, YEAR OF 2018

Marian E. Hendrix Trustee
Signature of Property Owner

Marian E Hendrix Trustee
Printed Name of Property Owner

6.18.18
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 9600 BLK Rebel Rd., Pensacola, FL 32526
_____, Florida, property reference number(s) 071S311220000002
_____ I hereby designate Kerry Anne Schultz, Esq.
_____ 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 18 day of June
the year of, 2018, and is effective until the Board of County Commissioners or the Board of
Adjustment has rendered a decision on this request and any appeal period has expired. The owner
reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice
to the Development Services Bureau.

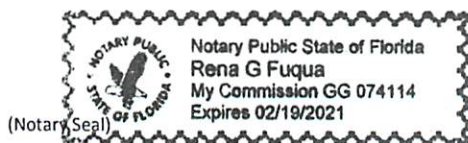
Agent Name: Kerry Anne Schultz, Esq Email: kaschultz@fountainlaw.com
Address: 2045 Fountain Professional Ct., Suite A, Navarre, FL 32566 Phone: 850-939-3535

<u>Marian E. Hendrix Trustee</u>	<u>Marian E Hendrix Trustee</u>	<u>6-18-19</u>
Signature of Property Owner	Printed Name of Property Owner	Date
 _____ Signature of Property Owner	 _____ Printed Name of Property Owner	 _____ Date

STATE OF FLORIDA COUNTY OF Escambia
The foregoing instrument was acknowledged before me this 18th day of June 20 18,
by Marian Hendrix.
Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: Drivers License

Signature of Notary Rena G. Fuqua

Printed Name of Notary Rena G. Fuqua



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.

Marian E. Hendrix, Trustee
Signature of Owner/Agent

Marian E. Hendrix Trustee
Printed Name Owner/Agent

6/18/18
Date

Signature of Owner

Printed Name of Owner

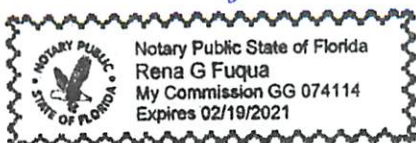
Date

STATE OF FLORIDA COUNTY OF Escambia The foregoing instrument was acknowledged before me this 18th day of June 20 18, by Marian Hendrix

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: Drivers License

Rena G. Fuqua
Signature of Notary

Rena G. Fuqua
Printed Name of Notary (notary seal)





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: 071S311220000002 Account: 090307200 Owners: HENDRIX MARIAN E TRUSTEE FOR HENDRIX FAMILY TRUST Mail: 9703 BARRANGER DR PENSACOLA, FL 32514 Situs: 9600 BLK REBEL RD 32526 Use Code: CROPLAND CLASS I Taxing Authority: COUNTY MSTU Schools (Elem/Int/High): BEULAH/RANSOM/PINE FOREST Tax Inquiry: Open Tax Inquiry Window Tax Inquiry link courtesy of Scott Lunsford Escambia County Tax Collector		Assessments <table border="1"> <thead> <tr> <th>Year</th> <th>Land</th> <th>Imprv</th> <th>Total</th> <th>Cap Val</th> </tr> </thead> <tbody> <tr> <td>2017</td> <td>\$4,898</td> <td>\$0</td> <td>\$4,898</td> <td>\$4,898</td> </tr> <tr> <td>2016</td> <td>\$4,898</td> <td>\$0</td> <td>\$4,898</td> <td>\$4,898</td> </tr> <tr> <td>2015</td> <td>\$4,898</td> <td>\$0</td> <td>\$4,898</td> <td>\$4,898</td> </tr> </tbody> </table> <p align="center">Disclaimer</p> <p align="center">Amendment 1/Portability Calculations</p> <p>➤ File for New Homestead Exemption Online</p>	Year	Land	Imprv	Total	Cap Val	2017	\$4,898	\$0	\$4,898	\$4,898	2016	\$4,898	\$0	\$4,898	\$4,898	2015	\$4,898	\$0	\$4,898	\$4,898			
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Sale Date	Book	Page	Value	Type	Official Records (New Window)																				
02/2007	6082	893	\$100	OT	View Instr																				
06/1999	4432	1439	\$100	QC	View Instr																				
01/1977	1070	141	\$71,800	WD	View Instr																				

Parcel Information

Section Map Id: 07-1S-31
Approx. Acreage: 28.7300
Zoned: LDR
Evacuation & Flood Information
[Open Report](#)

Buildings
 Images
 None

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

Last Updated: 03/09/2018 (tc.2527)

QCD-J

QUIT CLAIM DEED

OR BK 4432 PG 1439
Escambia County, Florida
INSTRUMENT 99-625024

To All People To Whom These Presents Shall Come, Greetings;
KNOW YE, THAT WE,

(Name) Samuel E. Hendrix and (Name) Marian E. Handrix

in conformity with the terms of a certain Declaration of Trust executed by us under date of 24th June 1999
do by these presents release and forever Quit-Claim to ourselves as Trustees under the terms of such Declaration of Trust, and
to our successors as Trustee under the terms of such Declaration of Trust, all right, title, interest, claim and demand whatsoever
which we as Releasors have or ought to have in or to the property located at: Escambia County Florida

SEE EXHIBIT - "A", "B" & "C"

DEED DOC STAMPS PD @ ESC CO \$ 0.70
07/01/99 ERNIE LEE MAGNUS CLERK
By: [Signature]

ATTACHED HERETO AND MADE A PART HEREOF.

The consideration for this transfer is less than One Dollar.

This Instrument was prepared
by:

✓ Samuel Hendrix
9703 Barranger Dr.
Pensacola, FL 32514

Being the same premises earlier conveyed to the Releasors by an instrument dated _____ and
recorded in Vol. _____ Page _____ of the _____ Land Records.

To Have and to Hold the premises, with all the appurtenances, as such Trustees forever; and we declare and agree that neither we as individuals nor our heirs or assigns shall have or make any claim or demand upon such property.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 24th day of June, 1999

Samuel E. Hendrix
Marian E. Hendrix

Samuel E. Hendrix L.S.
Releasor (Exor/co-owner)
Marian E. Hendrix L.S.
Releasor (Second co-owner)

I, the undersigned legal spouse of one of the above Releasors, hereby waive all community property, dower or curtesy rights which I may have in or to the hereinabove-described property.

(Spouse) _____ N/A _____ L.S.

Witness: (1) Aaron Reed
Aaron Reed

Witness: (2) Faye N. Reed
Faye N. Reed

STATE OF FLORIDA
COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 24 day of June, 1999 by: Samuel E. Hendrix and Marian E. Hendrix

Who is personally known to me, or has produced a drivers license as identification and did not take an oath.

OR BK 4432 PG 1440
Escambia County, Florida
INSTRUMENT 99-625024

☒ Personally known to me or

☐ Produced Identification: _____

Type of I. D.
Aaron Reed

MY COMMISSION EXPIRES

SEAL:



AARON REED
COMMISSION # CC 724781
EXPIRES APR 24, 2002
BONDED TRUL
ATLANTIC BONDING CO., INC.

NAME OF OFFICER TAKING ACKNOWLEDGMENT

Aaron Reed
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Quitclaim Deed

From

To

Trustees

Received for record _____, 19____

at _____ and recorded in _____
Time

Vol. _____ on Page _____
of the _____ Land Records

by _____
Authorized Official

The property affected by this instrument
is situated in the City/Town of _____

County of _____

State of _____

After recording, please return this instrument to:

DEED 503 PAGE 419

EXHIBIT "A"

State of Florida

Escambia County

CORRECTIVE
WARRANTY DEEDPRINTED AND FOR SALE
MAYES PRINTING CO.
PENSACOLA, FLA.Know All Men by These Presents: That We, Elvin L. Short and Maude Davis
Short, husband and wife,OR BK 4432 PG 1441
Escambia County, Florida
INSTRUMENT 99-625024for and in consideration of One Dollar (\$1.00) and other good and valuable con-
siderations,

DOLLARS

the receipt whereof is hereby acknowledged, do bargain, sell, convey and grant unto Samuel E. Hendrix
and Marion E. Hendrix, husband and wife,their heirs, executors, administrators and assigns, forever, the following described real property,
situate, lying and being in the County of Escambia State of Florida

to-wit: Commence at the Southwest corner of the North half of Government Lot 5, Section 5 Township 1 South, Range 30 West, Thence East on South line of North ½ of Lot 5 for 258.39 feet to a point in center line of existing dirt road at the Northeast corner of Plainfield Subdivision according to Map in Plat Book 3 at page 47 in public records of said County, for the point of beginning, hereinafter referred to as point "A", thence Northerly at angle to the left of 90°46' for 112.2 ft. to P. C. of a curve to Northeast, said curve having the following data:
A = 30°24', T = 54.0 ft., R = 198.76 ft., L = 104.32 ft., Thence along said curve 104.32 feet to the P.T. hereinafter referred to as Point "B". Thence Easterly 407.79 feet, parallel with South line of North half of Lot 5, Thence Southerly at an angle to right 94°10' for 208.71 ft., Thence Westerly along South line of North half of Lot 5 for 417.42 ft., to the Point of beginning. Together with a right of way 33 feet in width lying immediately West of the line described above between points "A" and "B".

This deed is given to correct and replace one made by Grantors herein to Grantees herein dated May 3, 1956 and recorded in Deed Book 443 at page 322 of the public records of Escambia County, Florida.

Grantee herein agrees that when and if County or State Road Dept. requires, he will convey a 33 foot strip of land for road right of way immediately East of the right of way described above.

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

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

IN WITNESS WHEREOF, we have hereunto set our hand and seal this 9th
day of January A. D. 1959.

Signed, sealed and delivered in the presence of

Robert F. Edmonson
T. J. Cobb

Elvin L. Short (SEAL)
Maude Davis Short (SEAL)
(SEAL)
(SEAL)
(SEAL)

State of Florida

Escambia County

Before the subscriber personally appeared Elvin L. Short

and Maude Davis Short
his wife, known to me, and known to me to be the individual described by said name, in and who executed the foregoing instrument and acknowledged that they executed the same for the uses and purposes therein set forth.

Given under my hand and official seal this 10 day of January 1959.

THE CONDITION OF THE ORIGINAL
DOCUMENT IS REFLECTED IN THE
IMAGE AND IS NOT THE FAULT OF
THE MICROFILMING PROCESS.

T. J. Cobb
Notary Public.
My commission expires 6-19-62

STATE OF FLORIDA
COUNTY OF ESCAMBIA

OFFICE
BOOK 651 PAGE 438

KNOW ALL MEN BY THESE PRESENTS, That

J. A. JACOBI, by his attorney-in-fact,
and RUTH C. JACOBI, his wife,
for and in consideration of
Ten Dollars (\$10.00) and other good and valuable considerations
the receipt whereof is acknowledged, do bargain, sell, convey and grant unto
SAMUEL E. HENDRIX and MARIAN E. HENDRIX, husband and wife,
their heirs, executors, administrators, successors and assigns, forever the
following real property in the County of Escambia, State of Florida, to-wit:

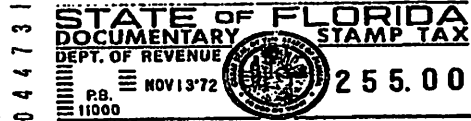
OR BK 4432 PG 1442
Escambia County, Florida
INSTRUMENT 99-625024

The West 1/2 of the West 1/2, Section 32, Township 2 North,
Range 31 West, Escambia County, Florida.

Grantor hereby reserves one-half of all oil, gas and mineral rights.

516966
NOV 9 4 00 PM '72
IN
FILED
THE
CLERK
ESC
JOE L. CLARK, CLERK
IN
COUNTY

ESCAMBIA
COUNTY



Subject to taxes for 1972 and easements and restrictions of record, if any.

To have and to hold, unto the said grantee s. their heirs, successor
and assigns, forever. Together with all and singular the tenements, hereditaments
and appurtenances thereto belonging or in anywise appertaining, free from all
exemptions and rights of homestead. And we covenant that we are well
seized of an indefeasible estate in fee simple in said property and have a good right
to convey the same; that it is free of other lien or encumbrance, and that we,
our heirs, executors, administrators or assigns warrant the said grantees,
their heirs, executors, administrators, successors or assigns, in the quiet and
peaceable possession and enjoyment thereof, against all persons lawfully claiming
the same, and shall and will forever warrant and defend, subject to the exceptions
set forth above.

IN WITNESS WHEREOF, we have hereunto set our hands and seal s
this 9th day of November, 1972.

Signed, sealed and delivered
in the presence of:

Clyde J. Cooper
Stephen L. Aguilera

Albert A. Jacobi (SEAL)
J. A. JACOBI, by ALBERT A. JACOBI,
attorney-in-fact, as per Power of (SEAL)
Attorney recorded in U.R. Book 604, Page 335,
public records of Escambia County (SEAL)
Florida.
Ruth C. Jacobi (SEAL)
RUTH C. JACOBI

STATE OF FLORIDA
COUNTY OF ESCAMBIA

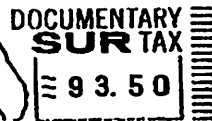
Before the subscriber personally appeared ALBERT A. JACOBI, as attorney-in-fact
and RUTH C. JACOBI, wife of J. A. JACOBI, ~~known to me~~ known to me, and known
to me to be the individuals described by said names, in and who executed the
foregoing instrument and acknowledged that they executed the same for the uses
and purposes therein set forth.

Given under my hand and official seal this 9th day of November, 1972.

ESCAMBIA
COUNTY



FLORIDA
DEPT. OF
REVENUE
NOV 13 '72
PB. 11070



Notary Public, State of Florida
My Commission expires: 8/15/73

ROA 4.000
State of Florida
COUNTY OF ESCAMBIA

WARRANTY DEED

EXHIBIT "C"

OR BK 4432 PG 1443
Escambia County, Florida
INSTRUMENT 99-625024

KNOW ALL MEN BY THESE PRESENTS: That we, J. V. McLAIN and MURIEL H. McLain, husband and wife, for and in consideration of Ten Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, do bargain, sell, convey and grant unto

SAMUEL HENDRIX and MARIAN HENDRIX, husband and wife, of their heirs, executors, administrators and assigns, forever, the following described real property, situate, lying and being in the State of Florida, and County of Escambia

RCD Jul 01, 1999 11:56 am
Escambia County, Florida

Commencing at the Southwest Corner of the Northeast 1/4 of Section 7, Township 1 South, Range 31 West, Escambia County, Florida, also being the intersection of the centerline of Beulah Church Road and centerline of Rebel Road, which is also the Point of Beginning; thence go northerly along the West line of Northeast 1/4 of said Section 7, also being the centerline of Rebel Road for 1977.62 feet; thence deflect right 89° 57' 15" and go 338.82 feet; thence deflect right 90° 01' 45" and go 48.41 feet; thence deflect left 90° 20' 45" and go 323.82 feet; thence deflect right 90° 27' 30" and go 1928.84 feet to the centerline of Beulah Church Road; thence deflect right 89° 42' 15" and go 658.80 feet along the centerline of Beulah Church Road back to the Point of Beginning; containing 29.64 acres, more or less.

LESS AND EXCEPT a strip of land 15.5 feet wide contiguous to and parallel to the entire western boundary of Parcel C and also LESS AND EXCEPT a strip of land 14.35 feet wide contiguous to and parallel to the entire southern boundary of Parcel D.

ALL the above described land being in Section 7, Township 1 South, Range 31 West, Escambia County, Florida.

SUBJECT TO THE FOLLOWING:

Grantors reserve an undivided one-half interest in and to all oil, gas and minerals in, upon and under the land, with the right to enter thereon and use the surface thereof as may be reasonable for the purpose of exploring, mining and drilling for purpose of removing oil, gas and minerals, in Deed from Herman A. Isberg and Ruby L. Isberg, husband and wife, to J. V. McLain and Muriel H. McLain, husband and wife, recorded in Deed Book 302 Page 496, Public Records of Escambia County, Florida.

Oil, Gas and Mineral Lease from Everett E. Poff and Winifred K. Isberg Poff to EXXON Corporation, of record in Official Records Book 818 Page 910, Public Records of Escambia County, Florida.

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

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

And we covenant that we are well seized of an indefeasible estate in fee simple in the said property, and have a good right to convey the same; that it is free of lien or encumbrance, and that we, our heirs, executors and administrators, the said grantees, their heirs, executors, administrators and assigns, in the quiet and peaceable possession and enjoyment thereof, against all persons lawfully claiming the same, shall and will forever fully warrant and defend.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 14th day of January, 1977.

Signed, sealed and delivered in the presence of:

J. V. McLain (SEAL)
J. V. McLAIN

Linda D. Slagter
State of Florida

Muriel H. McLain (SEAL)
MURIEL H. McLAIN

State of Florida

COUNTY OF ESCAMBIA

Before the subscriber personally appeared J. V. McLAIN and

MURIEL H. McLain

husband and wife, known to me, and known to me to be the individuals described by said names in and who executed the foregoing instrument and acknowledged that they executed the same for the uses and purposes therein set forth.

Given under my hand and official seal this 14th day of January, 1977

THIS INSTRUMENT WAS PREPARED BY
WALTER A. HARRIS, JR.
AN ATTORNEY AT LAW
LAWYER: STATE OF FLORIDA CORPORATION
BEFORE NOTARY PUBLIC
PENINSULA, FLORIDA
INSTRUMENT NO. 99-625024
FILE NUMBER: HW-101

My commission expires 3, 1977

Notary Public

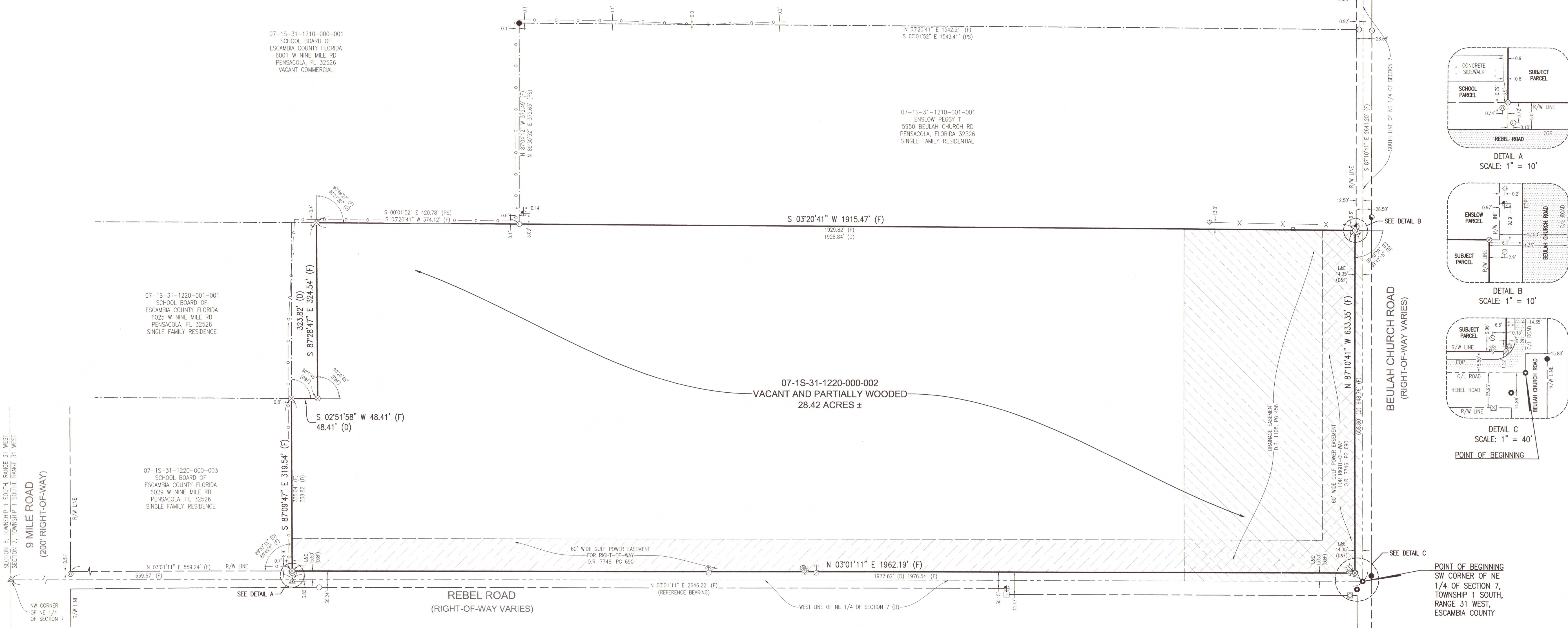
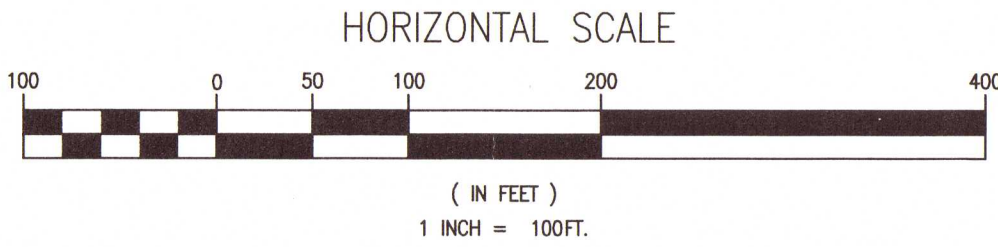
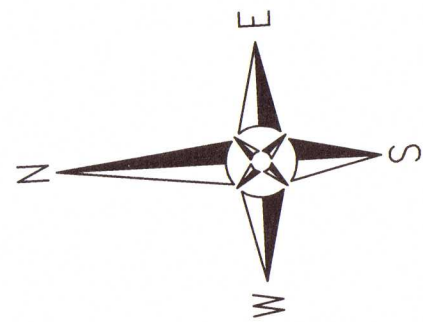
SPACE BELOW FOR RECORDERS USE

FILED AND RECORDED IN
THE PUBLIC RECORDS OF
ESCAMBIA COUNTY, FLORIDA
JAN 14 2 29 PM '77
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY

783209

Ernie Lee Magaha
Clerk of the Circuit Court
INSTRUMENT 99-625024





GENERAL NOTES:

- NORTH AND THE SURVEY DATUM SHOWN HEREON IS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM (FLORIDA NORTH ZONE), NORTH AMERICAN DATUM OF 1983 (NAD83)-(2011)-(EPOCH 2010.0000) HAVING A BEARING OF NORTH 03°01'11" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, AND WERE DERIVED UTILIZING A GLOBAL POSITIONING SYSTEM (GPS) TOPCON HIPER II GEODETIC DUAL FREQUENCY RECEIVER. THE RECEIVER WAS UTILIZED IN A REAL-TIME KINEMATIC (RTK) MODE UTILIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION FLORIDA PERMANENT REFERENCE NETWORK (FPRN), FLORIDA'S GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) REFERENCE STATION NETWORK; PREVIOUS SURVEY PREPARED BY PITTMAN, GLAZE AND ASSOCIATES, INC. (FILE NO. C-7285; JOB NO. 36415-15; DATED 07-17-2015); CERTIFIED CORNER RECORD DOCUMENTS (No. 068125, 062701, 068127, 068130, 064132, 068135, 072954, 068126, 068124 & 062705); DEEDS OF RECORD AND EXISTING FIELD MONUMENTATION.
- MEASUREMENTS AS SHOWN HEREON WERE MADE TO UNITED STATES STANDARDS AND ARE EXPRESSED IN DECIMAL OF FEET.
- VISIBLE UTILITIES WITHIN THE SURVEY LIMITS ARE AS SHOWN HEREON.
- THE STRUCTURE DIMENSIONS DO NOT INCLUDE THE EAVE OVERHANG OR FOUNDATION FOOTINGS.
- VISIBLE IMPROVEMENTS ARE AS SHOWN HEREON.
- IT IS THE OPINION OF THE UNDERSIGNED SURVEYOR & MAPPER THAT THE PARCEL OF LAND SHOWN HEREON IS IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR ESCAMBIA COUNTY, FLORIDA, COMMUNITY PANEL NUMBER 12033C0270G, EFFECTIVE DATE OF SEPTEMBER 29, 2006.
- GRAPHIC SYMBOLISM FOR FEATURES SUCH AS MONUMENTATION, FENCES, TREES, TREE LINES, UTILITIES ETCETERA MAY BE EXAGGERATED IN SIZE FOR CLARITY PURPOSES. DIMENSIONS TO EXAGGERATED FEATURES WILL SUPERSEDE SCALED MEASUREMENTS.
- NO TITLE SEARCH WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
- THIS SURVEY DOES NOT REPRESENT NOR GUARANTEE OWNERSHIP.

LEGEND:

⊗	SET 1/2" DIA CAPPED IRON ROD (No. 7916)	○	DENOTES CHAIN LINK FENCE
⊙	FOUND 1/2" DIA CAPPED IRON ROD (No. 7073)	×	DENOTES WIRE FENCE
⊕	FOUND 1/2" DIA CAPPED IRON ROD (No. 2892)	⊕	DENOTES WATER VALVE
⊖	FOUND 1/2" DIA CAPPED IRON ROD (No. 5913)	⊖	DENOTES FIRE HYDRANT
⊗	FOUND 1/2" DIA CAPPED IRON ROD (No. 7919)	←	DENOTES GUY WIRE
⊙	FOUND 1/2" DIA CAPPED IRON ROD (No. 6998)	C/L	DENOTES CENTERLINE
⊕	FOUND 1/2" DIA CAPPED IRON ROD (No. 3578)	(D)	DENOTES DEED INFORMATION
●	FOUND 1/2" DIA IRON ROD (UNNUMBERED)	D.B.	DENOTES DEED BOOK
○	FOUND 1/2" DIA IRON PIPE (UNNUMBERED)	DIA	DENOTES DIAMETER
⊙	FOUND 1" DIA IRON PIPE (UNNUMBERED)	EOP	DENOTES EDGE OF PAVEMENT
⊕	FOUND 1-1/2" DIA IRON PIPE (UNNUMBERED)	(F)	DENOTES FIELD INFORMATION
⊗	FOUND NAIL AND DISK (No. 7073)	L&E	DENOTES LESS AND EXCEPT PER DEED
⊕	FOUND NAIL (UNNUMBERED)	No.	DENOTES NUMBER
⊖	FOUND 4"x4" CONCRETE MONUMENT	O.R.	DENOTES OFFICIAL RECORD BOOK
⊗	FOUND 4"x4" CONCRETE MONUMENT WITH HOLE	(P)	DENOTES PLAT INFORMATION
⊕	DENOTES LINE SHOWN NOT TO SCALE	PG	DENOTES PAGE
⊖	DENOTES WOOD UTILITY POLE	R/W	DENOTES RIGHT-OF-WAY
⊗	DENOTES WOOD LIGHT POLE		

DESCRIPTION: (OFFICIAL RECORDS BOOK 1070, PAGE 141)

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA, ALSO BEING THE INTERSECTION OF THE CENTERLINE OF BEULAH CHURCH ROAD AND CENTERLINE OF REBEL ROAD, WHICH IS ALSO THE POINT OF BEGINNING; THENCE GO NORTHERLY ALONG THE WEST LINE OF NORTHEAST 1/4 OF SAID SECTION 7, ALSO BEING THE CENTERLINE OF REBEL ROAD FOR 1977.62 FEET; THENCE DEFLECT RIGHT 89° 57' 15" AND GO 338.82 FEET; THENCE DEFLECT RIGHT 90° 01' 45" AND GO 48.41 FEET; THENCE DEFLECT LEFT 90° 20' 45" AND GO 323.82 FEET; THENCE DEFLECT RIGHT 90° 27' 30" AND GO 1928.84 FEET TO THE CENTERLINE OF BEULAH CHURCH ROAD; THENCE DEFLECT RIGHT 89° 42' 15" AND GO 658.80 FEET ALONG THE CENTERLINE OF BEULAH CHURCH ROAD BACK TO THE POINT OF BEGINNING, CONTAINING 29.64 ACRES, MORE OR LESS. LESS AND EXCEPT A STRIP OF LAND 15.5 FEET WIDE CONTIGUOUS TO AND PARALLEL TO THE ENTIRE WESTERN BOUNDARY OF PARCEL C AND ALSO LESS AND EXCEPT A STRIP OF LAND 14.35 FEET WIDE CONTIGUOUS TO AND PARALLEL TO THE ENTIRE SOUTHERN BOUNDARY OF PARCEL D. ALL THE ABOVE DESCRIBED LAND BEING IN SECTION 7, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 6J-17.050, 6J-17.051 AND 6J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: MARK A. NORRIS
FLORIDA REGISTRATION No. 6211

DATE: 6/21/16

BOUNDARY SURVEY

PREPARED FOR: D.R. HORTON, INC.

REQUESTED BY: MR. JOEL COLEMAN

DATE: 6/16/2018

REVISION/ACTION TAKEN

NO.	DATE	APPR.	REVISION/ACTION TAKEN

PROJECT NO:

2018.075

DRAWN BY:

DFS

CHECKED BY:

MAN

SCALE:

1" = 100'

F.B.I. NO.

15-06

PG.

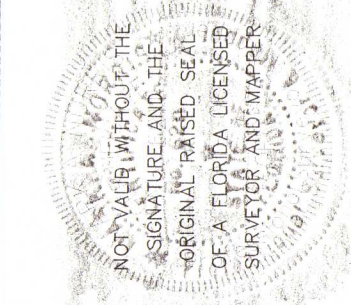
30-35

DATE:

6/16/2018

9600 BLOCK OF REBEL ROAD
PENSACOLA, FLORIDA 32526
PARCEL ID: 07-1S-31-1220-000-002

A PORTION OF
SECTION 7 TOWNSHIP 1 SOUTH
COUNTY: ESCAMBIA
RANGE: 31 WEST
STATE: FLORIDA



RBA
REBOL-BATTLE & ASSOCIATES
Civil Engineers and Surveyors
2301 N. Ninth Avenue, Suite 300
Pensacola, Florida 32503
Telephone 850.438.0400 Fax 850.438.0448
E8 0009857 L8 7916

Planning Board-Rezoning

7. B.

Meeting Date: 08/07/2018

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

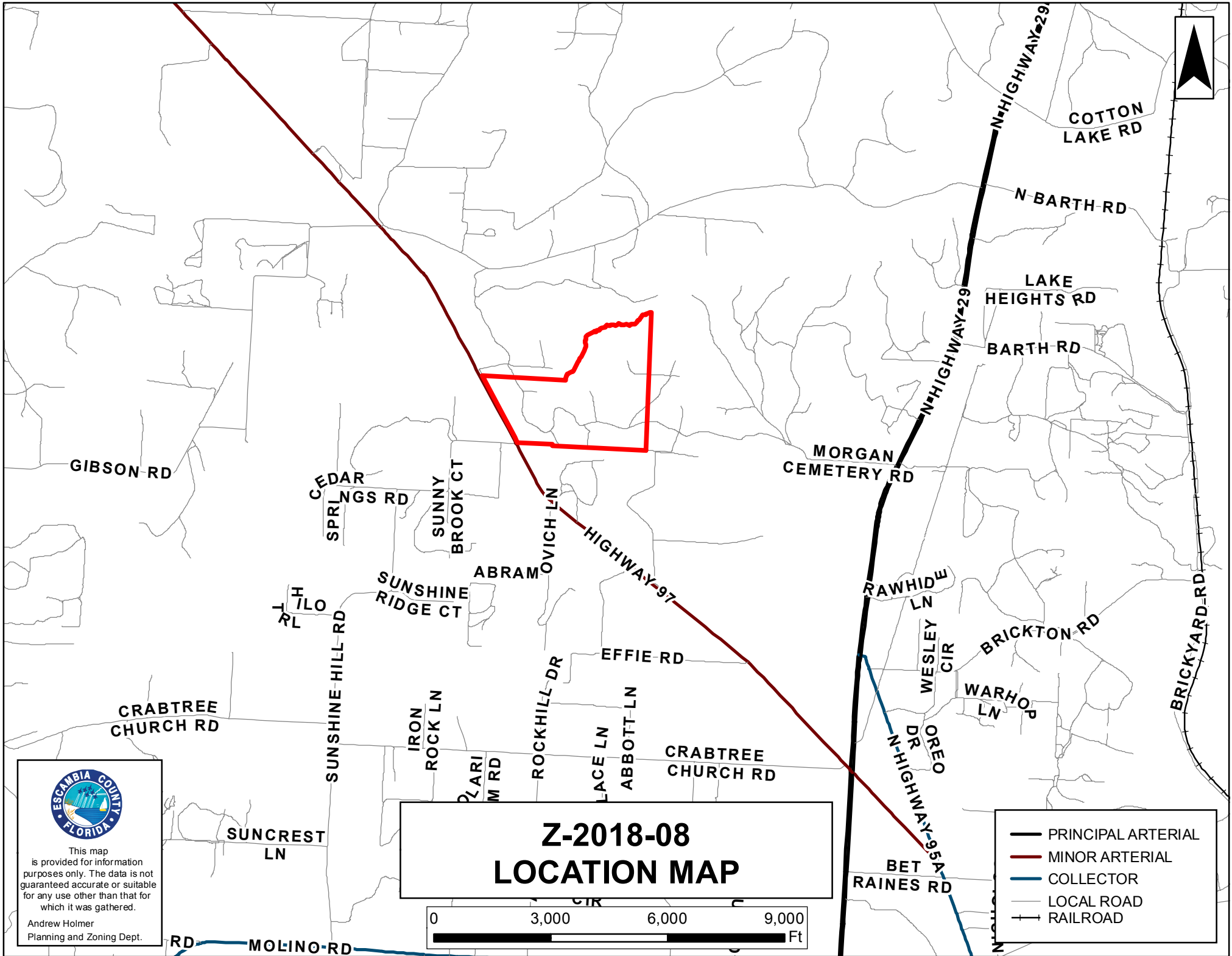
from VAG-1, Villages Agriculture Districts (5du/100 acres on 1-acre parcels) to VAG-2, Villages Agriculture Districts (1du/5 acres).


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

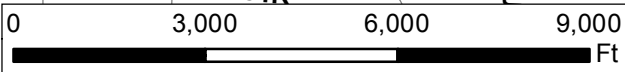




This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2018-08
LOCATION MAP



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



Agr

Agr

Agr

Agr

Agr

Agr

HIGHWAY 97

HIGHWAY 97

SUNSHINE HILL RD

SUNSHINE HILL RD

SUNNY BROOK CT



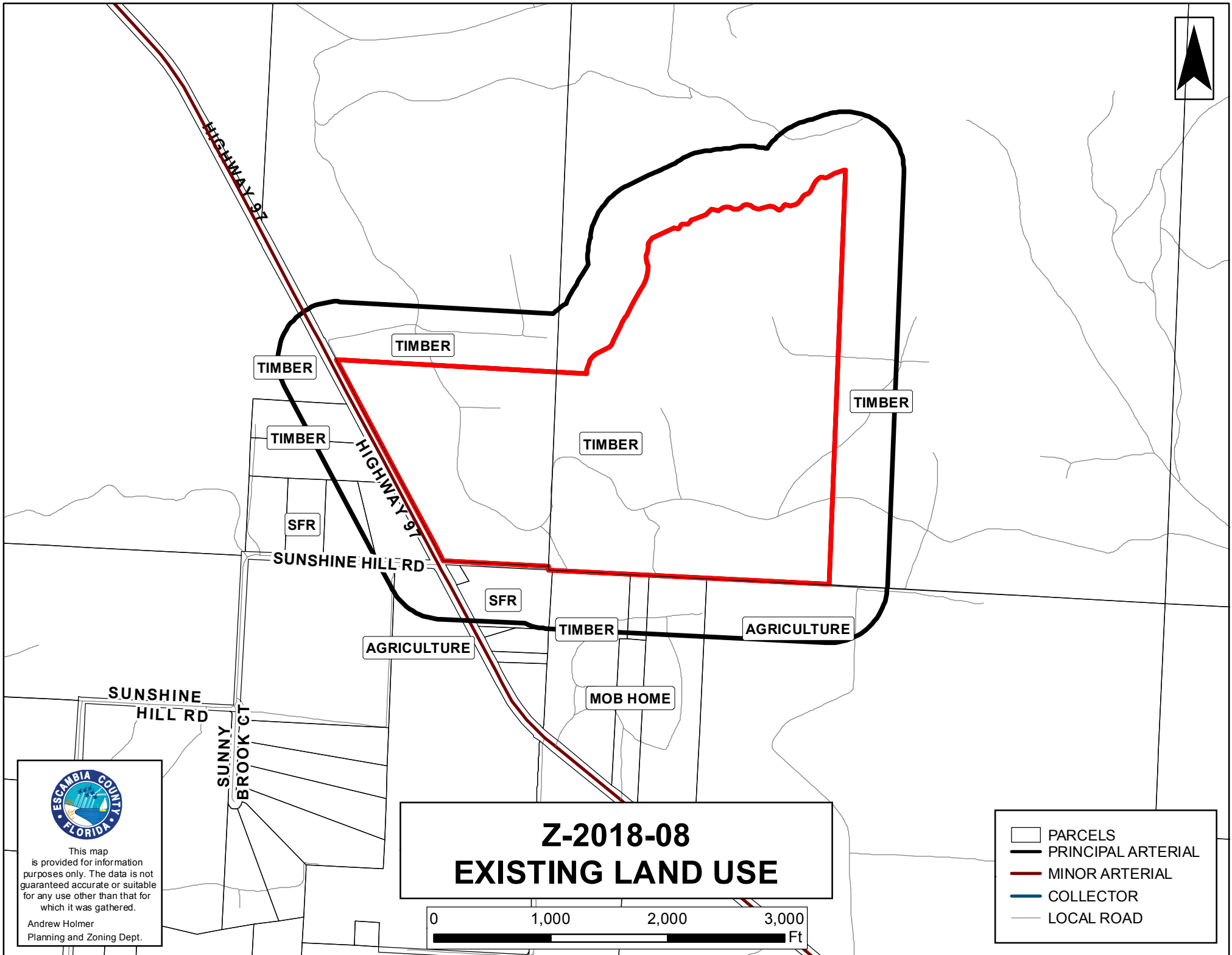
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2018-08 500' RADIUS ZONING

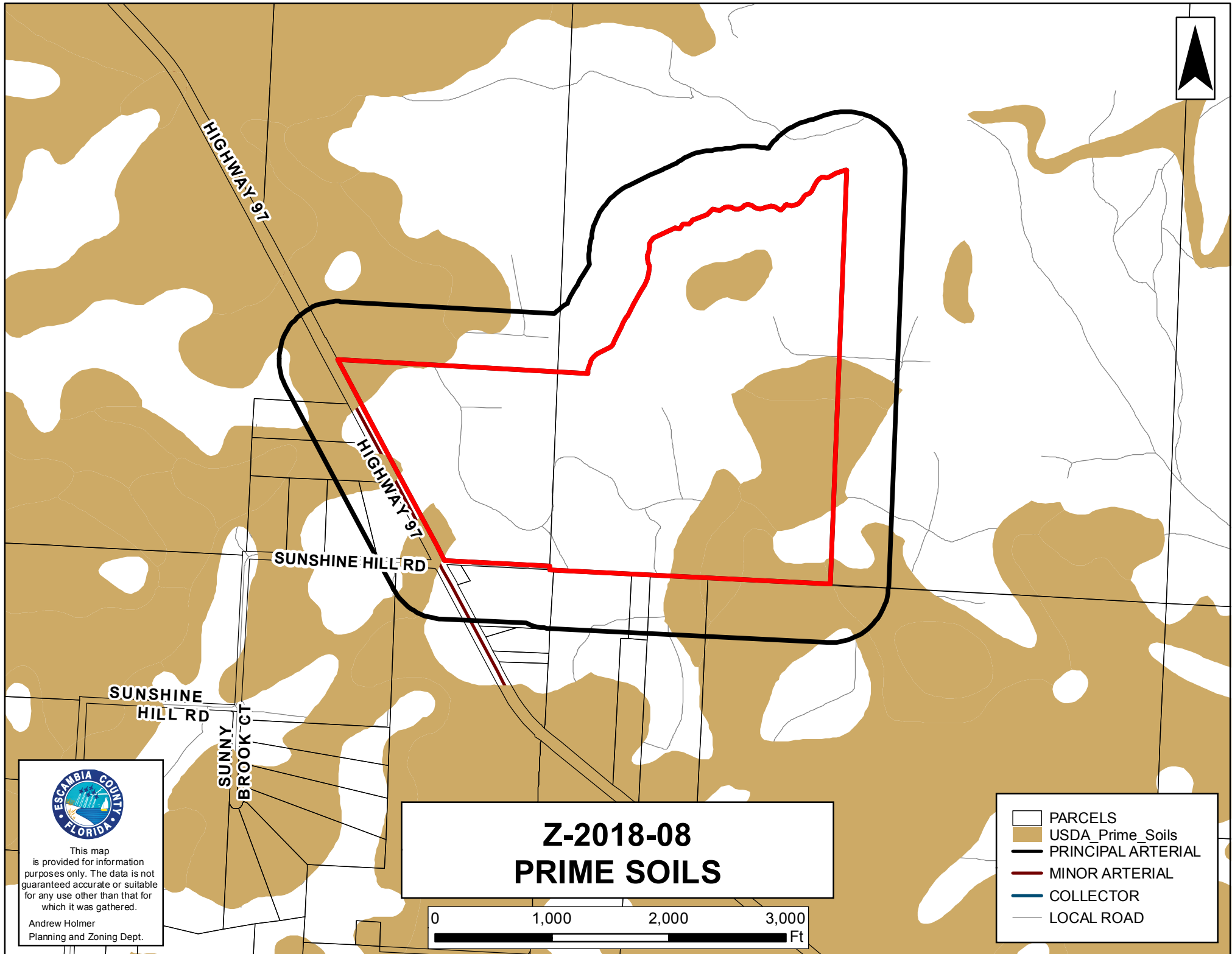
0 1,000 2,000 3,000
Ft

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



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

Andrew Holmer
Planning and Zoning Dept.




HIGHWAY 97

HIGHWAY 97

SUNSHINE HILL RD

SUNSHINE HILL RD

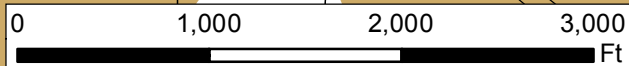
SUNNY BROOK CT



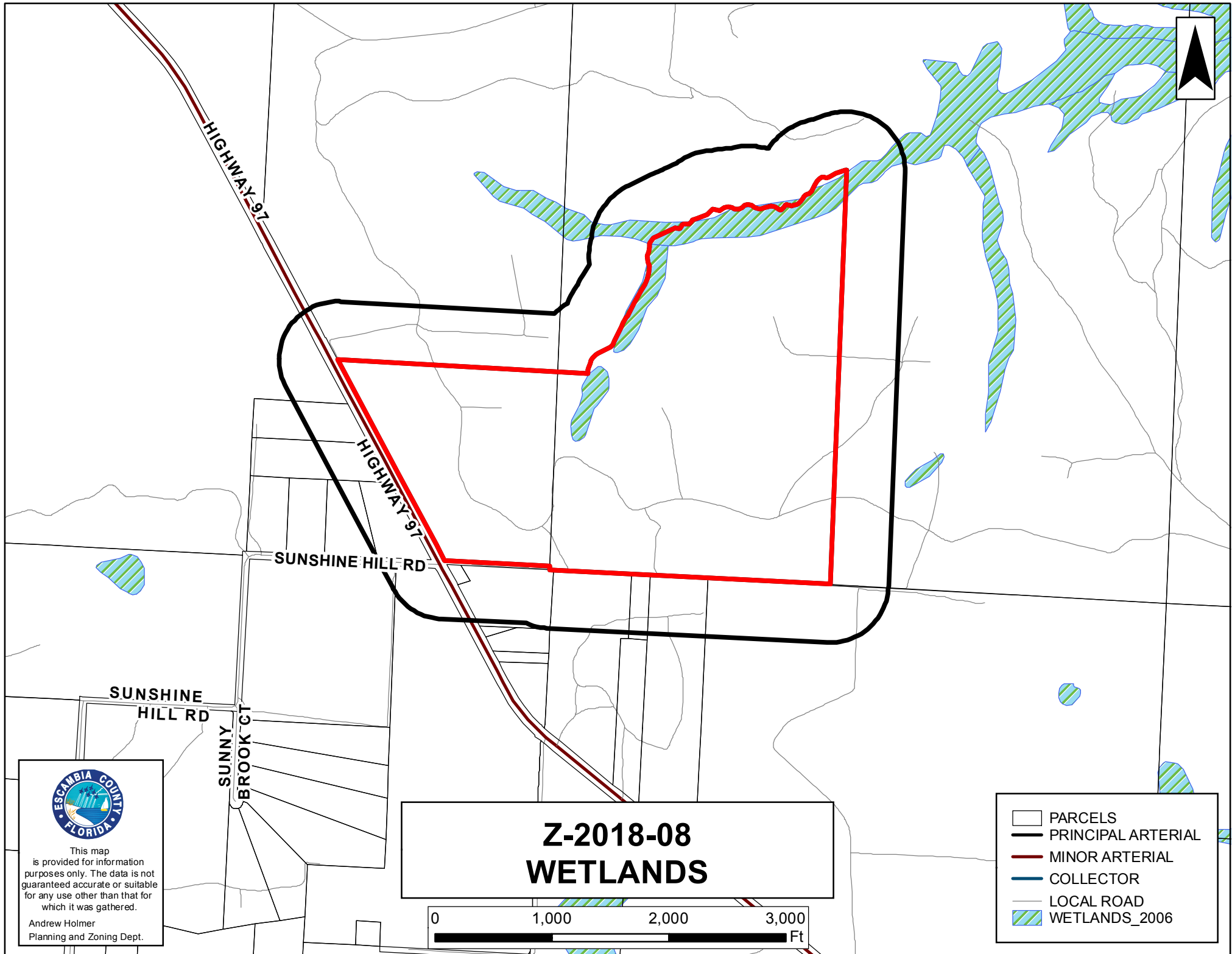
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2018-08 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

0 1,000 2,000 3,000
Ft

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



SUNSHINE
HILL RD



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 AERIAL MAP

0 750 1,500 2,250
Ft

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



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.

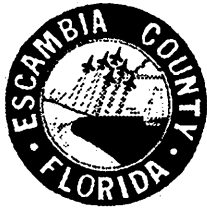
The application contains the check payable to Escambia County in the amount of \$1,084.00 for the filing fee, proof of ownership, and corporate officer information.

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>

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-Agriculturaly 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

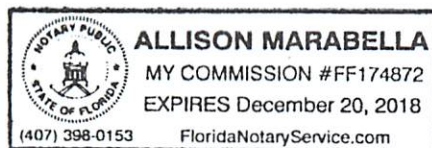
STATE OF Florida COUNTY OF Escambia
The foregoing instrument was acknowledged before me this 21st day of May 2018,
by Eli H. Miller.

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.


Signature of Owner/Agent

Bluewater Creek Estates, Inc.
Printed Name Owner/Agent

5/21/18
Date


Signature of Owner

Printed Name of Owner

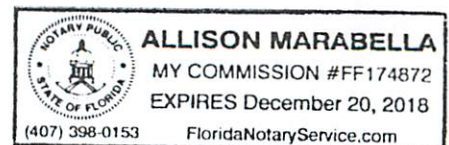
Date

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: _____


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
Citizens Title Group
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4042.50 Recording Fee
 Stamps
 TOTAL

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COUNTY OF ESCAMBIA

SPECIAL WARRANTY DEED

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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 whosoever 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 Hield
Paula Hield

2. Harry Dodsunth
Harry Dodsunth

(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)

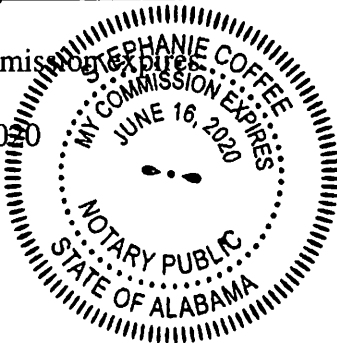
ACKNOWLEDGEMENT

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

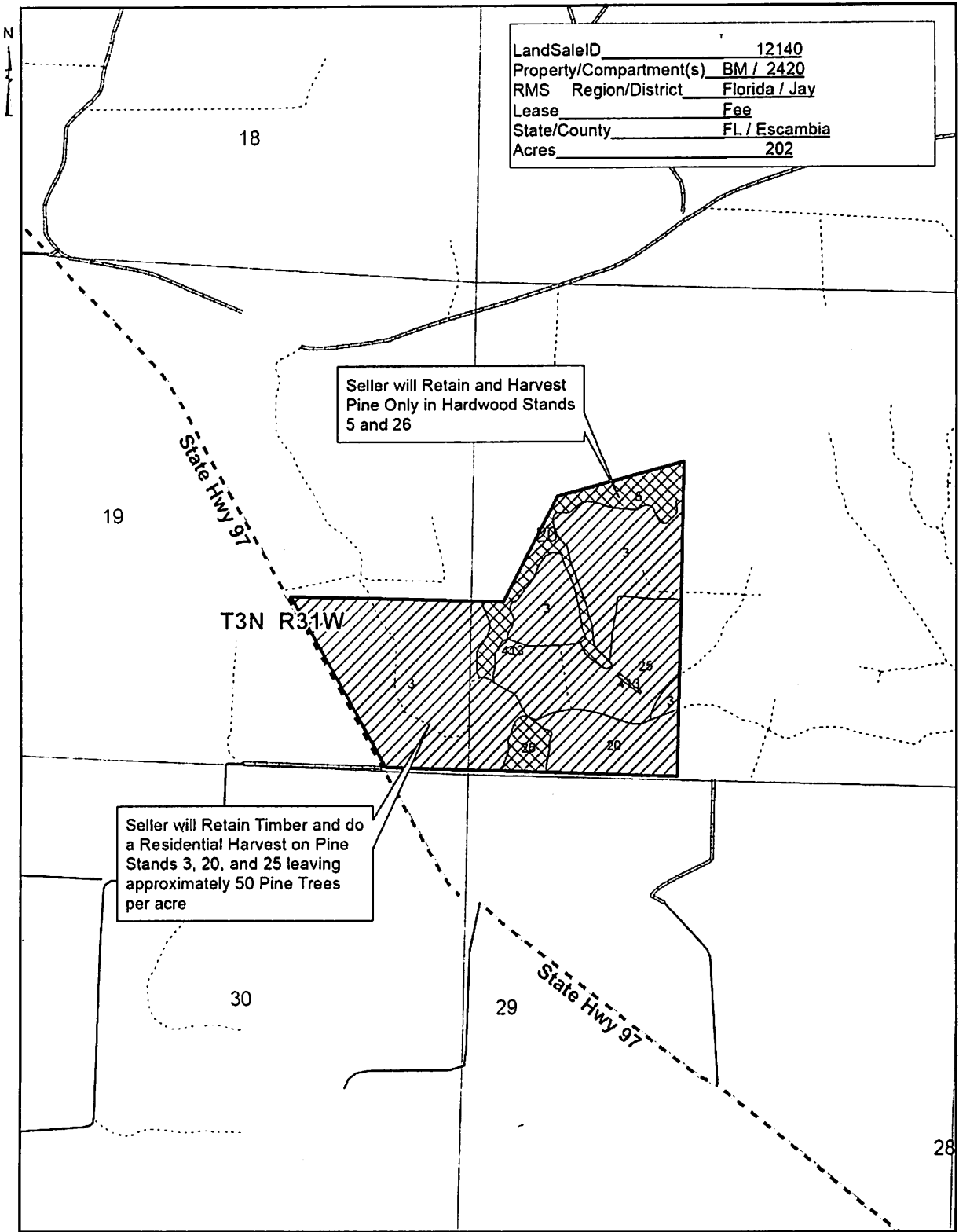
EXHIBIT B

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.

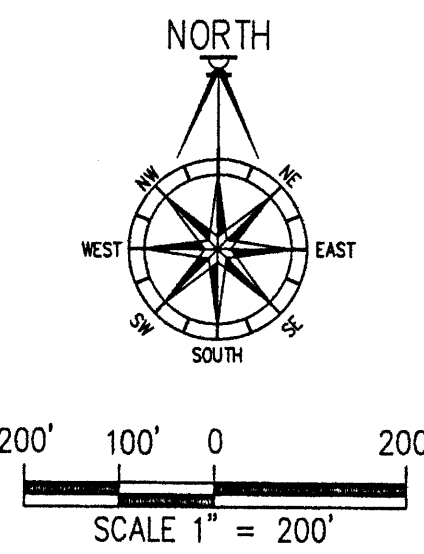
IN WITNESS WHEREOF, the undersigned has executed this Written Consent as of the day written below.

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 RECORD 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 BASED 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" SL REGIS 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 SOUTHEAST 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 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 FOREMENTIONED 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" SL REGIS 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
 - ± -FIELD
 - ± -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
DATE: 03/13/18	FIELD DATE: 03/09/18
DRAWN BY: JSP	
CHECKED BY:	
APPROVED BY:	
NO. DATE REVISIONS	
1	06/24/18 REVISIONS
REVISED LEGAL DESCRIPTION - JSP	
1818 W. HWY 20 PENSACOLA, FL 32501 850-438-0202 Fax 850-438-1307	
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	
18-17531	

**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**