

AGENDA
ESCAMBIA COUNTY BOARD OF ADJUSTMENT
October 8, 2020–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Swearing in of Staff and acceptance of staff as expert witness
3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.
4. Proof of Publication and waive the reading of the legal advertisement.
5. **Consideration of the following cases:**
 - A. **CASE NO.:AP-2020-02**
ADDRESS:Monarch Ln.
REQUESTED APPEAL: The Applicant is appealing the issuance of Development Order 2001498PSD-PPCP for Monarch Place Subdivisor
REQUESTED BY: Michelle Tyler
6. Discussion Items.
7. Old/New Business.
8. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, October 21, 2020 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.
9. Adjournment.



DEVELOPMENT SERVICES ADMINISTRATIVE APPEAL WORKSHEET

Board of Adjustment

5. A.

Meeting Date: 10/08/2020

I. SUBMISSION DATA:

APPLICANT: Michelle Tyler

DATE OF ADMINISTRATIVE DECISION: Aug. 19, 2020

DATE OF APPEAL APPLICATION: Sep. 2, 2020

PROJECT ADDRESS: Monarch Ln.

PROPERTY REFERENCE NO.: 28-1S-30-3103-000-000 & 28-1S-30-3103-001-001

ZONING DISTRICT: MDR, Medium Density Residential

FUTURE LAND USE: MU-U, Mixed Use-Urban

III. REQUESTED APPEAL::

The Applicant is appealing the issuance of Development Order 2001498PSD-PPCP for Monarch Place Subdivision.

III. RELEVANT APPEAL AUTHORITY:

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section: 2-6.10**

Sections 2-6.10, Appeal of Administrative Decisions and 2-6.10, Procedures for the Appeal of Administrative Decisions of the Escambia County Land Development Code (Ordinance No. 96-3 as amended), provide the relevant authority for the BOA's review of administrative decisions.

A. The BOA is authorized to hear and to rule upon any appeal made by those persons aggrieved by administration of this Code. An administrative decision, or staff interpretation, shall not be reversed, altered, or modified by the BOA unless it finds that:

1. A written application for the appeal was submitted within 15 days of the administrative decision or action indicating the section of this Code under which said appeal applies together with a statement of the grounds on which the appeal is based; and

2. That the person filing said appeal has established that the decision or action of the administrative official was arbitrary and capricious; or

3. An aggrieved party who files an appeal of a decision of the DRC approving or approving with conditions a development plan application, must show, by competent substantial evidence that:

(i) The decision of the DRC is not in compliance with the Comprehensive Plan or the Land Development Code;

(ii) Their property will suffer an adverse impact as a result of the development approval decision;

(iii) The adverse impact must be to a specific interest protected or furthered by the Comprehensive Plan or the Land Development Code; and

(iv) It must be greater in degree than any adverse impact shared by the community at large.

4. In the event the owner, developer, or applicant is aggrieved or adversely affected by a denial of a development plan application or the imposition of conditions, the owner, developer or applicant filing the appeal must show, by competent substantial evidence, that the denial of the development plan or the imposition of conditions is neither required nor supported by the Comprehensive Plan or the Land Development Code or the application of technical design standards and specifications adopted by reference in the Code, or Concurrency Management Procedures and is, therefore, arbitrary and capricious.

IV. BACKGROUND INFORMATION

On August 19, 2020, the Development Review Committee (DRC) approved the Preliminary Plat and Construction Plans for Monarch Place, a 137 lot single-family residential subdivision. The subdivision will have access via Monarch Lane and a connection at the corner of Royal Lane and Count Road.

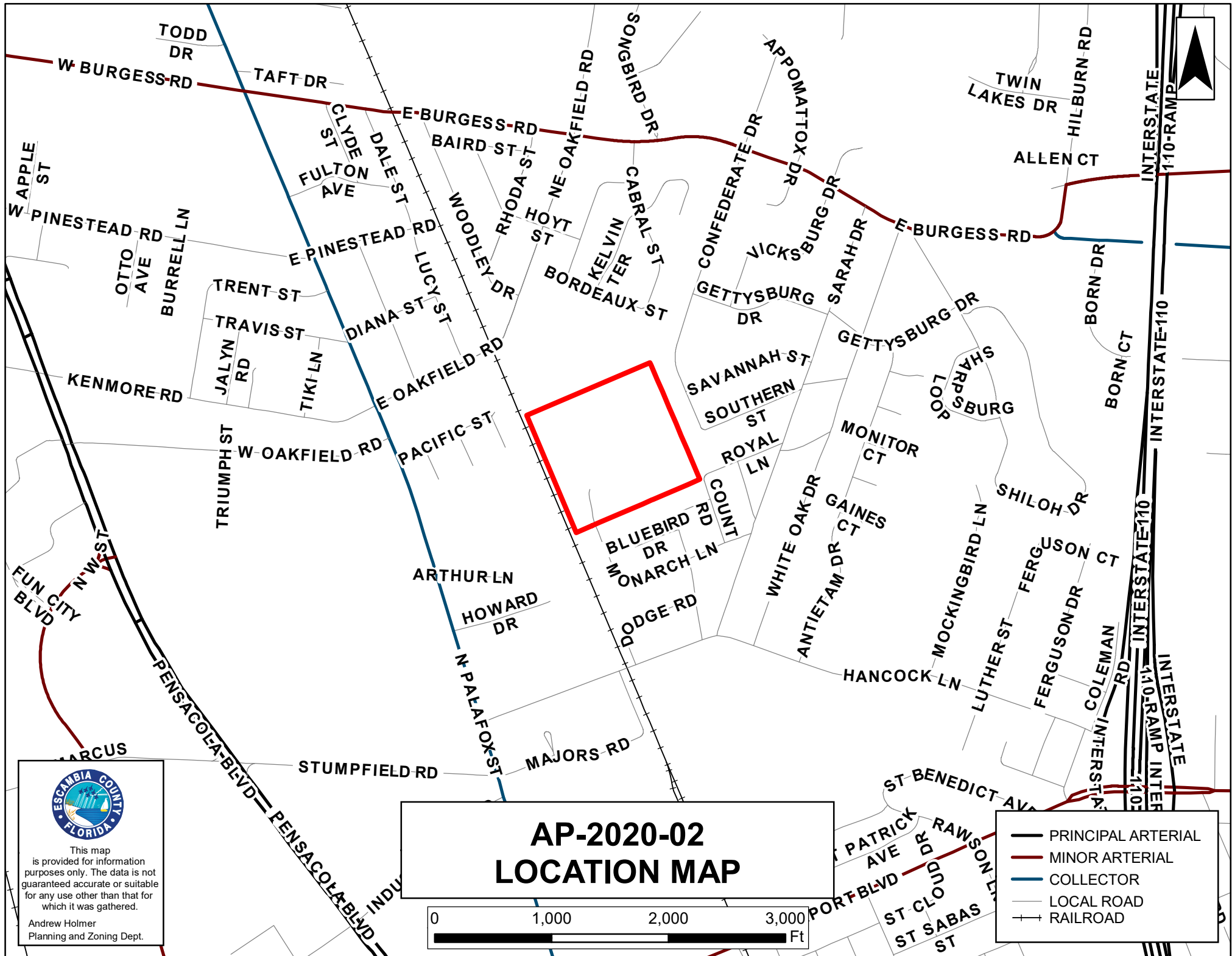
The Administrative Appeal was filed on Sep. 2, 2020, meeting the Land Development Code (LDC) 15 day submittal requirement.


A special BOA meeting was scheduled for Oct. 8, 2020 in accordance with the LDC provision that, "a quasi-judicial public hearing for the appeal shall be scheduled to occur within 30 business days after receipt of a complete application."

Attachments

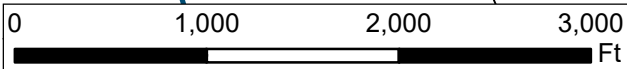
Working Case File

AP-2020-02

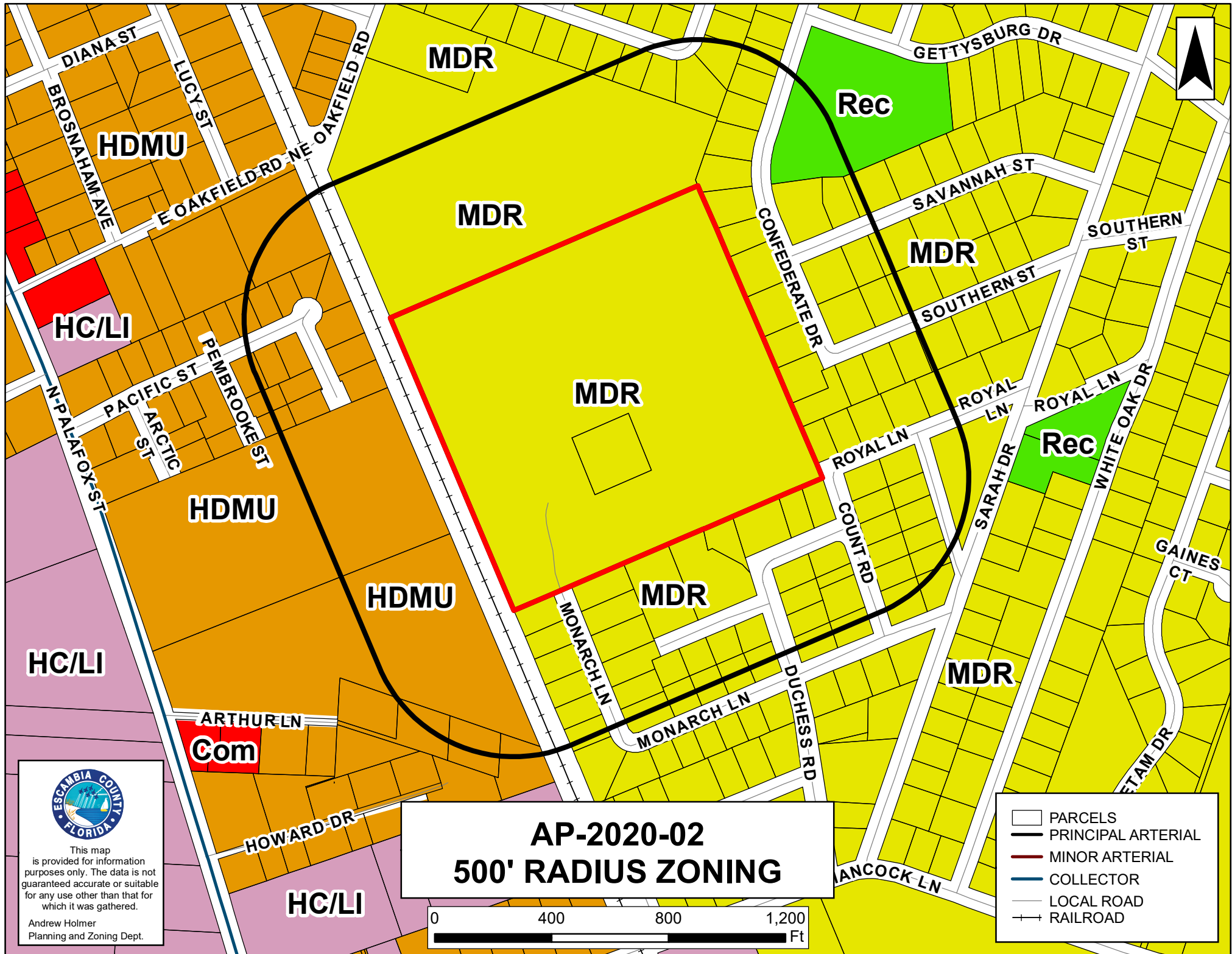


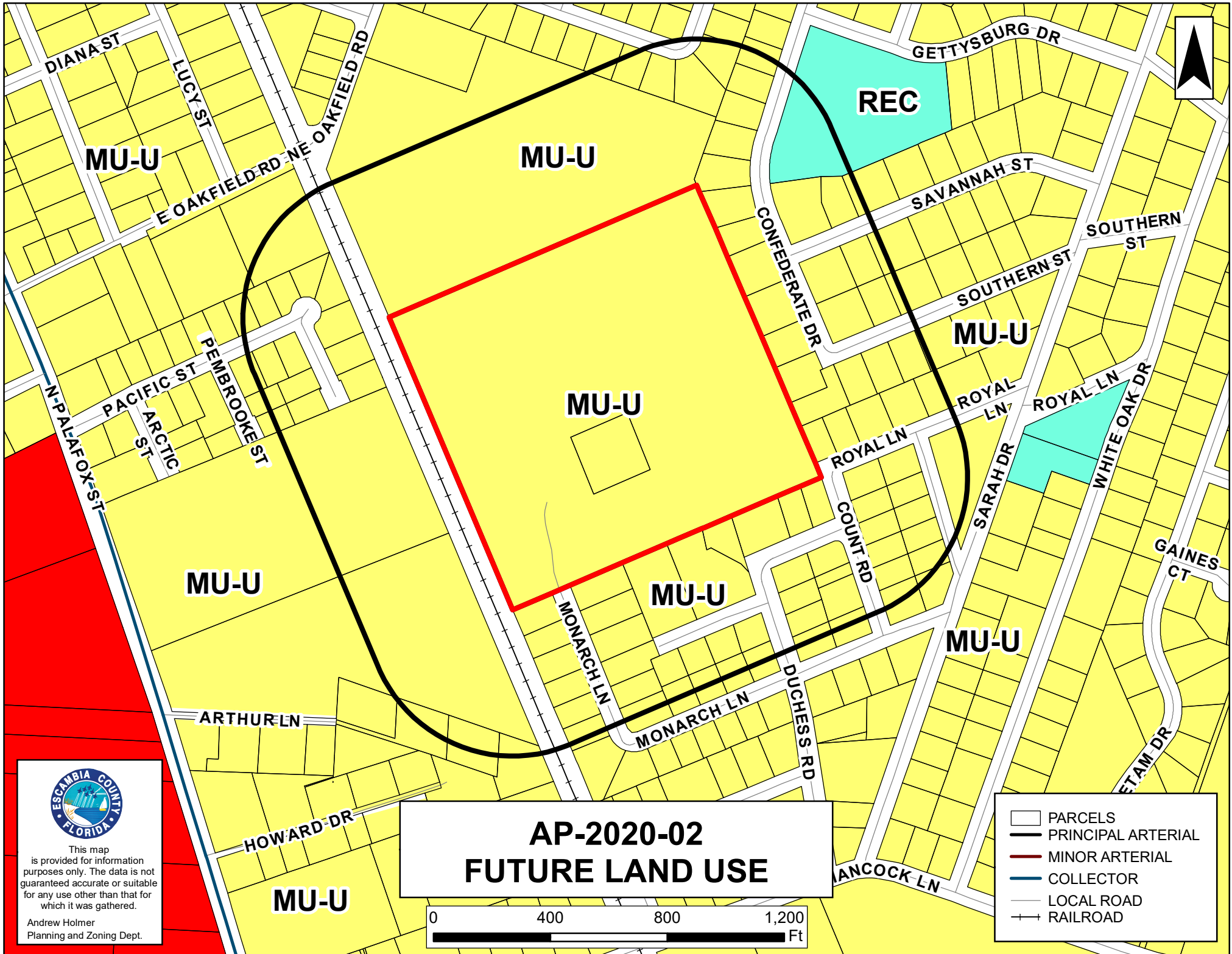

This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
Andrew Holmer
Planning and Zoning Dept.

**AP-2020-02
LOCATION MAP**



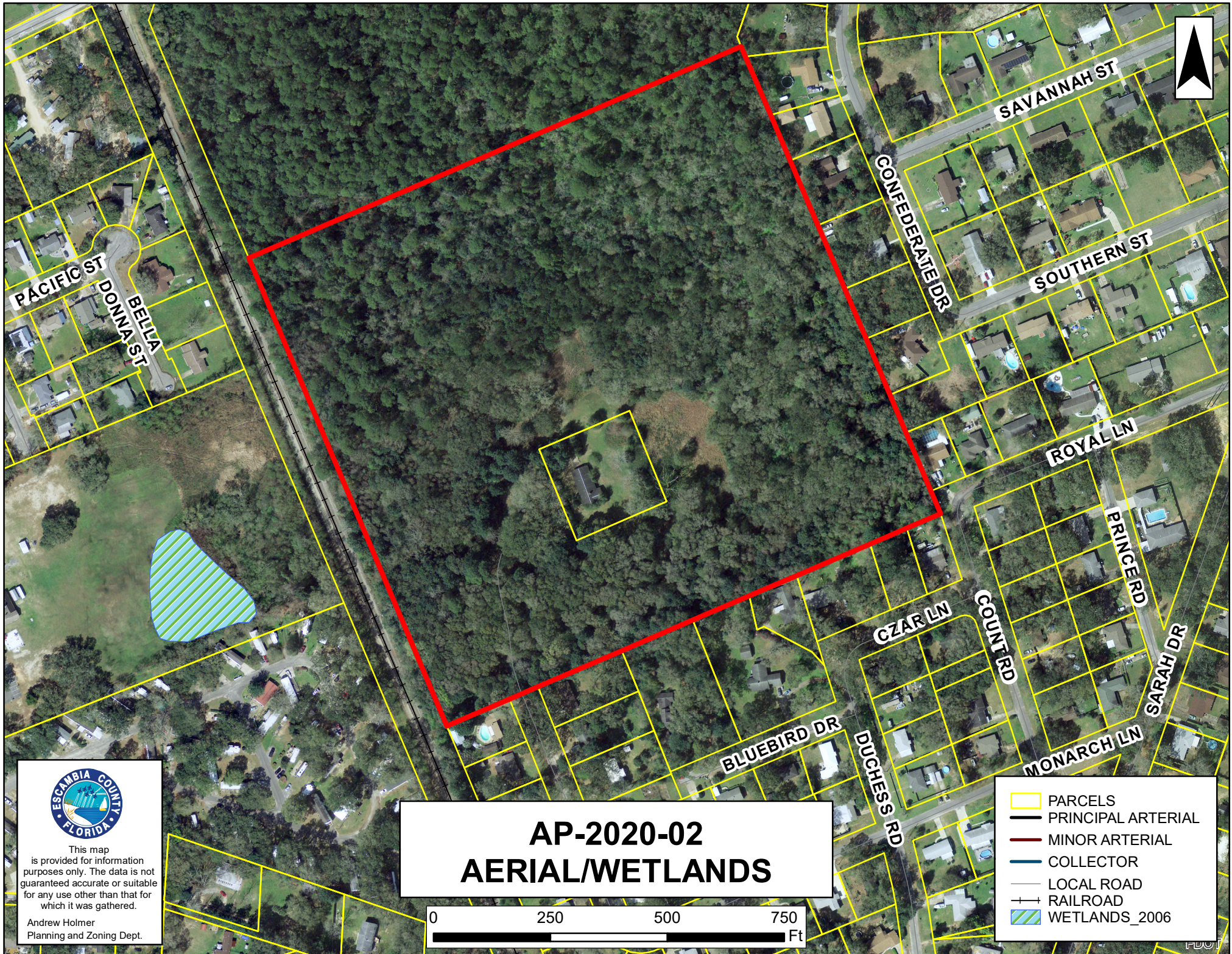
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD





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

Andrew Holmer
Planning and Zoning Dept.



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Andrew Holmer
Planning and Zoning Dept.

AP-2020-02 AERIAL/WETLANDS

0 250 500 750
Ft

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



Public Hearing Sign



Public Hearing Sign



Monarch Lane Entrance



Entrance at Count and Royal



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>

Board of Adjustment Application

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

_____ Development Order Extension

_____ Administrative Appeal

1. Contact Information:

A. Property Owner/Applicant: Michelle Tyler

Mailing Address: 79 Monarch Ln. Pensacola, FL 32503

Business Phone: _____ Cell: 903-493-3724

Email: TylerSchoolHouse@gmail.com

B. Authorized Agent (if applicable): _____

Mailing Address: _____

Business Phone: _____ Cell: _____

Email: _____

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

2. Property Information:

A. Project Name & Development Order Number (if applicable): _____

Monarch Place

B. Existing Street Address: Monarch Ln 32503

Parcel ID (s): 28-15-30-3103-001-001

28-15-30-3103-000-000

C. Total acreage of the subject property: 29.27



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>

DO NOT SUBMIT INFORMATION BELOW WITH APPLICATION

BOARD OF ADJUSTMENT APPLICATION FOR DEVELOPMENT ORDER EXTENSION/ADMINISTRATIVE APPEAL

A. Prior to Application Submittal

Please contact the Development Services Department located at 3363 West Park Place (595-3475) to make an appointment with a Planner to personally discuss your request and/or any possible alternatives.

B. Application Submittal

It is important for the application packet to be **complete** and **on time** in order to process and schedule your request for the required public hearing(s). The submittal for an extension is to be prior to the expiration of the development order. The deadline to submit for an appeal is within 15 days after the date of the decision being appealed. In order for the application request to proceed in a timely manner, all items on the application forms and checklist (attached herein) must be completed and submitted prior to the deadline. Any incomplete application will not be accepted by Staff and any application submitted after the deadline will be processed for the next available meeting.

The owner and/or agent acting in his/her behalf, **must** sign the certification(s) where indicated on the application. If an agent is handling the request, the owner **must** submit an Affidavit of Ownership & Limited Power of Attorney (attached herein) authorizing said agent to act in his/her behalf. Signatures must be properly notarized and dated **no more than sixty (60) days** prior to application submittal.

*No guarantee is made for the approval of any petition. Fees are **non-refundable** regardless of the decision.*

C. Public Hearing(s)

It is the **Applicant's burden** to show consistency with all applicable criteria. **NOTE:** The applicant, or his/her agent, must be present at the BOA.

D. Public Notice

Per the Land Development Code Chapter 2, Article 7: Adequate public notice/advertisement will be consistent with Florida Statutes and the Comprehensive Plan prior to the hearing.

3. Reason for Request

- A. Please explain why the extension or administrative appeal is necessary.

LDC noncompliance
Administrative decision is arbitrary
Adverse Impact
Greater Impact
* See attached Letter of Appeal w/ Evidence 1

B. Development Order Extension

The LDC requires good faith efforts in adhering to its established periods, but extension of an eligible LDC time limit may be requested according to the provisions of this section whereby a landowner asserts that the limit does not anticipate legitimate delays in compliance. However, no applicant is automatically entitled to any extension. Short-term (6 month) extensions are evaluated by the Planning Official, and longer extensions (one year) shall be evaluated through a quasi-judicial public hearing review by the BOA. These extension processes allow additional time for concluding the compliance review, developing an approved use, and continuing or reestablishing some uses.

1. Limits on extensions. Extensions to LDC periods are subject to the following limitations:

- a. Availability.** Extensions are available and may be granted only for LDC periods that specifically provide that option, only if a complete application for the extension was submitted prior to the expiration of the period for which the extension is requested, and only as otherwise allowed by the provisions of the LDC.
- b. Approving authority.** Extensions to any period not required by the LDC but imposed as a condition of approval by an approving authority cannot be granted by another approving authority.
- c. Individual and multiple limits.** An extension can only be granted based on a specific review of an individual period. If an extension of more than one period is requested, the extension criteria shall be evaluated for each limit.

C. Administrative Appeal

Application for appeal of an administrative decision shall be submitted for compliance review within 15 days after the date of the decision being appealed. A quasi-judicial public hearing for the appeal shall be scheduled to occur within 30 business days after receipt of a complete application. The application shall provide information as required by the adopted appeal procedures, including the following:

- 1. Decision appealed.** A copy of the written administrative decision to be reviewed on appeal.
- 2. LDC reference.** Identification of the specific LDC provisions for which noncompliance is alleged.
- 3. Alleged error.** A description of how the decision of the administrative official

is considered arbitrary or capricious.

4. Conditions. Documentation satisfying the conditions established in the compliance review provisions of this section.

5. Remedy. A description of the proposed remedy.

6. Other information. Any other pertinent information the applicant wishes to have considered.

D. Medical Hardship

Temporary placement of a manufactured (mobile) home or park trailer may be requested according to the provisions of this section when a landowner asserts that existing medical conditions require in-home care and an accessory dwelling to reasonably provide it. The manufactured home may be placed within any mainland zoning district to remedy a medical hardship according to the temporary use provisions of Chapter 4, regardless of the density limits of the applicable zoning. The requirements to grant the temporary use of a manufactured home or park trailer as an accessory dwelling to provide in-home medical care is considered by the BOA in a quasi-judicial hearing whether conditions warrant such use.

The BOA shall conduct a quasi-judicial public hearing as noticed to consider the requested medical hardship temporary use of a manufactured home or park trailer according to the provisions of this article. The applicant has the burden of presenting competent substantial evidence to the board that establishes each of the following conditions:

1. Certified need. A Florida-licensed physician certifies in writing the medical need, specifying the extent of the need for in-home medical care and the approximate length of time for such in-home medical care.

2. Minimum necessary. Conditions and circumstances make it difficult or impossible for the recipient and provider of medical care to reside in the same dwelling and the temporary accessory dwelling is the minimum necessary to provide relief of that medical hardship.

3. Adequate public services. The manufactured home or park trailer will have adequate water, sewer, solid waste removal, and electric services available.

4. Compatibility. The temporary use will not produce adverse impacts on the uses of surrounding properties.

5. Standard conditions. The temporary use can comply with the applicable standards of Chapter 4.

4. Please complete the following form (if applicable): Affidavit of Owner/Limited Power of Attorney

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

As owner of the property located at 79 Monarch Ln. Pensacola
32503, Florida, property reference number(s) _____

_____ I hereby designate _____
_____ for the sole purpose of completing this application and making
a presentation to the Board of Adjustments 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 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 Department.

Agent Name: _____ Email: _____

Address: _____ Phone: _____

Michelle S. Tyler
Signature of Property Owner

Michelle S. Tyler
Printed Name of Property Owner

9/1/20
Date

Matthew R. Tyler
Signature of Property Owner

Matthew R. Tyler
Printed Name of Property Owner

9/1/20
Date

STATE OF _____ COUNTY OF _____

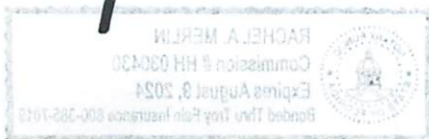
The foregoing instrument was acknowledged before me this _____ day of _____ 20____,
by means of ☐ physical presence or ☐ online notarization _____

Type of Identification Produced: _____

Signature of Notary

Printed Name of Notary

(Notary Seal)



5. Submittal Requirements

- A. _____ Completed application: All applicable areas of the application shall be filled in and submitted to the Planning and Zoning Department, 3363 West Park Place, Pensacola, FL 32505.
- B. _____ Application Fee: Application Fees: To view fees visit the website: <http://myescambia.com/business/board-adjustment> or contact us at 595-3448

Note: Fees include all notices and advertisements required for the public hearing and a \$5 technical fee. 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.

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 place a public notice sign(s) on the property referenced herein.

Michelle S Tyler
Signature of Owner/Agent
~~Michelle S Tyler~~
Signature of Owner

Michelle S Tyler
Printed Name Owner/Agent
~~Michelle S Tyler~~
Printed Name of Owner

9/1/20
Date
~~9/1/20~~
Date

STATE OF Florida COUNTY OF Escambia
The foregoing instrument was acknowledged before me this 1st day of September 2020
by means of ☒ physical presence or ☐ online notarization _____ Type of
Identification Produced: drivers license

Rachel A Merlin
Signature of Notary

Rachel A Merlin
Printed Name of Notary (notary seal)



September 2, 2020

Escambia County Board of Adjustment
3363 West Park Place, Pensacola, FL 32505
RE: Monarch Place Development

To Whom It May Concern:

My name is Michelle Tyler and I own my home at 79 Monarch Lane. I reside here with my husband Matthew Tyler and our 4 homeschooled children. I am requesting an appeal for the Land Use Development Permit and the Preliminary Plot Permit for Monarch Place Development, owned by Thomas Henry of Thomas Homes. My grounds for appeal and suggested resolutions may be found below along with attached supporting evidence.

Escambia County Land Development Code (LDC) Outlines Special Conditions and Circumstances where certain lands must face critical review before Developmental permits may be approved. Code states that a compliance review is necessary when land meets the guidelines for Exceptional Conditions.

LDC Part III, Ch. 2, Article 6, Section 2-6.3, item (c – Substantial hardship variance provisions), (3 - Compliance Review), a. Exceptional Conditions

The property to be developed is of Exceptional Conditions unique to the land in question. It meets unique topographic conditions and has the presence of environmentally sensitive lands.

This property meets the requirement for review as Exceptional Lands as it contains wetlands that divert a significant amount of clean stormwater run-off to Carpenter Creek, which is currently protected under the Clean Water Act passed in 2015 (and for which the county received funding for in 2019). The approved Individual Environmental Resource Permit currently authorizes a surface water management system outlining plans for a stormwater run-off pond. This will be a holding reservoir and no longer a resource, thus creating a negative impact on currently protected water flow into Carpenter Creek and Bayou Texar Watershed. The water run-off from this land and the adjoining subdivisions of Oakfield Acres and Belle Mead are protected under the current Water Act as listed in LDC code guidelines for Natural Resources.

LDC Part III, Ch. 4, Sec. 4-5.2, item (a – Approval required), (9 – Surface waters identified as impaired under Section 303(d) of the Clean Water Act)

The proposed development plan conflicts with existing water protections for this area as outlined in the Attachment titled "Evidence 1". The Clean Water Act Protection Area Boundaries Map shows the Monarch Place development site within the Area of Influence. Water from this property and its wetlands directly influences water contribution in the protected Carpenter Creek.

LDC Part III, Ch. 4, Sec. 4-5.3, Wetlands

Protection required. Wetlands as defined in Florida Administrative Code (Ch. 62-340) shall be protected from draining, dredging, filling, excavating, building, pollution, and other alterations or acts that will reduce or otherwise adversely impact their ecological functions and public benefits."

Proposed remedy is to Mitigate the existing permit to divert water into the protected waterways covered by the Clean Water Act.

The Presence of Environmentally Sensitive Lands also requires assessment of the surveys required for the approval of the Land Use and Development Permit. LDC code outlines that both an Environmentally Sensitive Lands Survey and a Heritage Trees Survey needed to be submitted; currently there is only the presented Sensitive Lands Survey. In addition, The Environmentally Sensitive Lands Survey states that no protected trees were found, yet how this was determined without the presence of a Licensed Arborist's Survey and Official Findings is questionable.

LDC, Part I, Title XII, Ch. 12-6-6 Protected Trees, item (B - Retention, relocation, removal, replacement, and mitigation of protected trees), Section (1)

Because the required Heritage Tree Survey was not complete prior to the Land Development Permit approval, this is a matter of LDC noncompliance. Protected trees have been seen and reported as being present on the property in question. Proposed remedy would be a Mitigation Plan (and delay in clearing/developing the property) to allow an Arborist to complete the Heritage Tree Survey required for the approved permit.

There are also grave concerns of oversight regarding the highly reported populations of protected species being located through the proposed development lands and adjoining areas. There have been multiple reports of prolific populations of Gopher Tortoises around the property in question and throughout the named adjoining subdivisions. There have also been sightings of Blue Tailed Mole Skinks. With both of the species being Federally Protected and Endangered, there are strict guidelines regarding the preservation and handling of said creatures. It is a violation of Federal Law to disturb habitat and/or remove any endangered and protected species without proper authority.

LDC Part III, Ch. 4-5.4 - Threatened and endangered species habitat, items (a - Protection required) and (b - Mitigation)

Again, the Environmentally Sensitive Lands Survey conducted by Biome Consulting Group sites no evidence of protected species, and notes the Gopher Tortoises specifically, but presents no analysis by Florida Fish and Wildlife for species presence. Adequate resources were available for these surveys: UWF provides a Gopher Tortoise-specific Biologist who works directly with Florida Fish and Wildlife Protection Agency for preservation efforts in the area.

Resolution would involve delaying development/clearing to meet the requirement of adequate analysis and identification, along with proper Land Use Permit mitigation for qualifying species removal or relocation and/or onsite conservation of habitat plans. These species could remain if the BOA would be willing to consider Mitigation of the Preliminary Plot Permit to allow the 0.71 acres of wetlands to remain. These wetlands serve not only to enforce the repopulation of necessary and beneficial wildlife (many of which are protected and endangered), but also to aid in Environmental Water Quality and the Conservation of Critical Waterways protected under the Clean Water Act. Worthy of consideration is the reduction of the number of homes permitted to be built, especially those proposed to be built upon the very environmentally influential wetlands. Preserving this area and surrounding it with a nature path, or natural transition between wetlands and uplands would serve for the much-desired natural aesthetics of the area and would complement that which is outlined as needed improvements in the Oakfield Redevelopment Plan.

Lastly, the matter of Insufficient and Adequate Traffic studies presents Compliance questions within the guidelines of required proper and sufficient surveys prior to permit approval of the Preliminary Plot Permit.

LDC Part III, Ch. 5-5.5 - Traffic control, items (a - Controls Required) and (e - Turn Lanes)

Grave oversight was executed in development approval regarding adequately assessing current traffic and future traffic impacts from the proposed development. The current Traffic Analysis submitted states "Due to the ongoing COVID pandemic, it was not feasible to collect current traffic counts at this intersection. The only historical turning movement count available was conducted by HSA for Escambia County in February 2007". "The 2007 turn count data was compared to other more recent traffic data in the immediate area in order to assess its applicability. There are two relevant FDOT count stations, 485092 on Hancock Lane just east of CR 95A, and 485072 on CR 95A 0.25 mi. north of Airport Boulevard".

"Peak hour volumes from the 2019 FDOT count at Hancock Lane were also compared to peak hour volumes from the 2007 turn count. The FDOT count is a non-directional volume count so it cannot be compared directly to approach volumes, but the total two-way volume on the Hancock leg of the 2007 turn count was 336 in the AM peak (730-830) and 322 in the PM peak (1615-1715). The total volumes during these same timeframes for the 2019 FDOT Hancock count were 349 (from 730-830) and 302 (from 1615-1715), which are very comparable to 2007 volumes. Based on the comparisons described above, and also on the fact that land uses in the surrounding area are largely built out, it is conservative to assume that the 2007 intersection volumes are consistent with current volumes".

Using the data provided in the above report, Land Use Category 210, Single Family Homes, the Trip Generation manual (10th edition, ITE) has a weekday daily trip rate of 9.44 trips per unit. The current 24 houses on Monarch Lane generate 227 daily trips. Per the report, the new 137 dwelling units would generate 1293 daily trips, which is an 18% increase during both AM and PM peak hours. In addition, the data recorded in 2007 does not reflect the road modifications made to Palafox and Burgess in recent years, or the added traffic generated from the I-110 access at Airport Rd and Hancock. Nor does this reflect current traffic conditions during the active school year: Brown Barge Middle School is only 2 blocks from the proposed development. In addition, there are traffic flow impacts imposed by the railroad tracks on Hancock, causing frequent traffic backups and delays.

Resolution proposal is to mitigate existing Preliminary Plot Permits after adequate studies can be conducted. During this time of unprecedented National Crisis, amid the COVID Pandemic, existing studies submitted and accepted for permit approval are inadequate.

The heavy presence of pedestrian traffic in the adjoining Oakfield Acres and Belle Mead Subdivisions also require fair assessment of the following articles of LDC.

LDC Part III, Ch. 5-5.3 - Street design, items (a - General Layout) and (b) (2 - Large-scale development)

LDC Part III, Ch. 5-5.6 - Sidewalks and bikeways, item (1) (a - Sidewalks, site frontage)

The Development has no plan outlined to include walkways, sidewalks, or bike paths. The adjoining subdivisions also do not have adequate pathways for pedestrian traffic. The area has a very heavy and constant presence of pedestrian traffic. The streets of Monarch and Royal are currently inundated during all hours (including peak hours) with heavy pedestrian presence, being impacted by a large retirement community and heavy family presence. As well, per data recently released by the Escambia County School Superintendent, over 44% of enrolled students are now distance learning from home which adds double the prior average of youth presence on neighborhood streets than at any other time. Safety should be of the utmost concern for the county and should be valid reason for the developer to meet strict safety standards and the above-mentioned articles of LDC compliance.

Thank you for considering my request for appeal.

Sincerely,

Michelle Tyler
Spokesperson/Investigator, Our Neighborhood Matters

Cc: Mike Papantonio, Esq., Levin Papantonio
Deborah Burr, Program Administrator, Florida Dept. of Environmental Protection
Jerry Kimbrough, Environmental Specialist, Florida Dept. of Environmental Protection
John Clark, Sr. Chief Specialist Officer, Florida Fish & Wildlife Conservation Commission
Eric Seckinger, Wildlife Biologist, Florida Fish & Wildlife Conservation Commission
Laurie Murphy, Executive Director, Emerald Coastkeeper
Barbara Albrecht, Director, Panhandle Watershed Alliance
Peuschel Schneier, Candidate, ECUA, District 3
Lumon May, Escambia County Commissioner, District 3
Glen Monks, First Chair, Our Neighborhood Matters
Eileen Ersham, Treasurer, Our Neighborhood Matters
Sharon Posner, Treasurer, Our Neighborhood Matters
Celeste Brill, Communication Director, Our Neighborhood Matters
Studio 850
WEAR TV ABC 3

"Evidence 1"



Chapter 2 Article 6 in the Escambia County Land Development Code Outlines Special Conditions and Circumstance where certain lands must face critical review before Developmental permits may be approved. Code states that a compliance review is necessary when land meets the guidelines for Exceptional Conditions.

LDC Code Ch. 2 Sec. 6.3 C-3

- a) The property to be developed is of Exceptional Conditions unique to the land in question. It meets unique topographic conditions and also has the presence of environmentally sensitive lands.

This property meets the requirement for review as Exceptional Lands as it contains wetlands that divert a significant amount of clean stormwater run-off to Carpenters Creek which is currently protected under the Clean Water Act passed in 2015

LDC Ch 4 Sec. 4-5.2

(9) It directly conflicts with existing water protections for this area as outlined in included in Evidence 1. Clean Water Act Protection Area Boundaries Map. The property as it is now is within the Area of Influence. Water from this property and its wetlands directly influences water contribution in the protected Carpenters Creek.

LDC Ch. 4-5.3 - Wetlands.

Protection required. Wetlands as defined in Florida Administrative Code (Ch. 62-340) shall be protected from draining, dredging, filling, excavating, building, pollution, and other alterations or acts that will reduce or otherwise adversely impact their ecological functions and public benefits.

LDC Ch. 4-5.4 - Threatened and endangered species habitat.

- a) *Protection required.* To maintain and enhance the valuable diversity and distribution of plant and animal species within the county, preserve the ecological values and functions of their habitats, provide for habitat corridors and minimize habitat fragmentation, threatened and endangered species habitat shall be protected from adverse impacts. For the purposes of this article, threatened or endangered species are those listed as "threatened", "endangered", or "species of special concern" by the U.S. Fish and Wildlife Service (FWS) or Florida Fish and Wildlife Conservation Commission (FWC); and threatened or endangered species habitat is any area that contains or shows factual evidence of such listed species.
- b) *Mitigation.* No development approval may be granted without an approved mitigation plan if the permitted activities would threaten the life or habitat of any threatened or endangered species.

Sec. 12-6-6. - Protected trees.

B) Retention, relocation, removal, replacement, and mitigation of protected trees.

(1) *Retention of protected trees.* Every effort must be made to protect and retain existing protected trees on proposed development sites. A minimum of ten (10) percent of the total combined trunk diameter of protected trees on a proposed development site not located within jurisdictional wetlands shall be retained in place or relocated on site.

(a)

Credit for retention of protected trees above minimum requirements. For each inch of trunk diameter above the minimum ten (10) percent requirement that is protected in place or relocated on site, an equivalent trunk diameter inch credit shall be given against replacement and mitigation requirements as provided in subparagraphs (4) and (5) below.

(b)

Barrier zones. All protected trees not designated for removal shall be protected by barrier zones erected prior to construction of any structures, road, utility service or other improvements. Barriers shall be placed at the outside of the dripline for all heritage trees and at a minimum two-thirds (2/3) of the area of the dripline for all other protected trees. Barricades must be at least three (3) feet tall and must be constructed of either wooden corner posts at least two by four (2 × 4) inches with at least two (2) courses

of wooden side slats at least one by four (1 × 4) inches with colored flagging or colored mesh attached, or constructed of one-inch angle iron corner posts with brightly colored mesh construction fencing attached.

LDC Ch. 5-5.5 - Traffic control.

a) *Controls required.* Site plans, subdivision construction plans, and other development approvals shall require the reasonable placement of traffic control signs, pavement markings, traffic signals, and other traffic control devices along any street, at any driveway, or within any development, as detailed by the DSM.

e) *Turn lanes.* The developer shall perform a turn lane analysis on a county roadway to serve a development that generates 50 vehicle trips or greater during any peak hour. Turn lanes and required supporting right-of-way shall be provided by the developer at no cost to the county and meet all county standards.

LDC Ch. 5-5.3 - Street design.

(a) *General layout.* The layout of streets, including private streets, shall be in general conformance with a plan that is most advantageous for the development of adjoining lands.

(2) *Large-scale development.* Developments with a proposed density of three or more dwelling units per developable acre shall provide a highly interconnected system of complete streets/pathways (for pedestrians/sidewalks), bicycles, and motor vehicles) to promote the reduction of automobile use, trips, and trip lengths.

LDC Ch. 5-5.6 - Sidewalks and bikeways.

Sidewalks and bikeways will be installed in conformance with current ADA standards and all applicable guidelines (to include, but not be limited to, the latest editions of the FDOT transit facilities guidelines and FDOT roadway standard specifications). This is to support adopted bicycle and pedestrian plan routes and/or applicable grant programs to provide connectivity with existing sidewalks or as required by Florida Department of Transportation (FDOT).

(1) Sidewalks.

a) *Site frontage.* Sidewalks along the site frontage of a development site parcel are required as indicated in the DSM for all applicable commercial and residential developments. Sidewalks will be installed in conformance with current ADA standards and all applicable guidelines (to include, but not be limited to, the latest editions of the FDOT transit facilities guidelines and FDOT roadway standard specifications) and shall be constructed according to conditions specified in the DSM chapter 1, access management, pedestrian access section.