

2016-CU-005

Project Name: "Twelve Oaks"

Applicant and/or Property Owner: Bowling Green Inn of Pensacola, Inc.,

Representative: Arrietta Schlott, Twelve Oaks

Request: Conditional Use to allow the expansion of a special residential facility, specifically a classroom and lecture hall for a drug and alcohol addiction treatment facility, located within an R3 zoning district. (LDC 6.09.02.G)

Zoning District: R3 (Medium High Density Residential)

Zoning Board Recommendation: *Recommended approval as presented with a vote of 8 – 0*

Is this criterion met? Yes

Staff Analysis: The subject site has single family uses immediately to the west.

It is not anticipated that the proposed use will unduly or adversely affect other property in the impacted area in which it is located. It is anticipated that the placements of the proposed modular building will eliminate some of the nuisances currently experienced by the adjacent residential properties since this building will be located on the area currently utilized for basketball games and open-recreation.

C. Is consistent with the Goals, Objectives, and Policies of the Santa Rosa County Comprehensive Plan;

Is this criterion met? Yes

Staff Analysis: According the Santa Rosa County Future Land Use Map (FLUM) the subject area for the proposed Conditional Use is located within a SFR (Single Family Residential) land use category. The request is consistent with the Goals, Objectives and Policies of the Santa Rosa Comprehensive Plan.

D. Satisfies criteria stipulated for similar uses as described in the following section.

6.09.02.G. Nursing Homes and Special Residential Facilities (AG, R-2, R-2M, and R-3)

1. A description of the program of service shall be submitted with application and the applicant shall demonstrate that the method of operation and delivery of such health services and daily care shall be in compliance with all relevant state and federal standards for operation of nursing homes.

Is this criterion met? Yes

Staff Analysis: The applicant has stated that the modular building will serve as classroom space and a lecture hall for the residents and be utilized as part of their treatment plan.

2. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.

Is this criterion met? Yes

Staff Analysis: The addition of the new patient rooms will not increase traffic, congestion or other potential nuisances or hazards to the contiguous residential properties.

3. When located in the R-2, R-2M, or R-3 districts, sites shall be situated within the more highly accessible portions of the residential districts near major thoroughfares. When located in the R-2 districts, a nursing home site in addition to the above shall abut a less restrictive district. The intent is to minimize potential adverse impact on the established residential neighborhoods and assure that sites are accessible to major thoroughfares.

Is this criterion met?

Yes

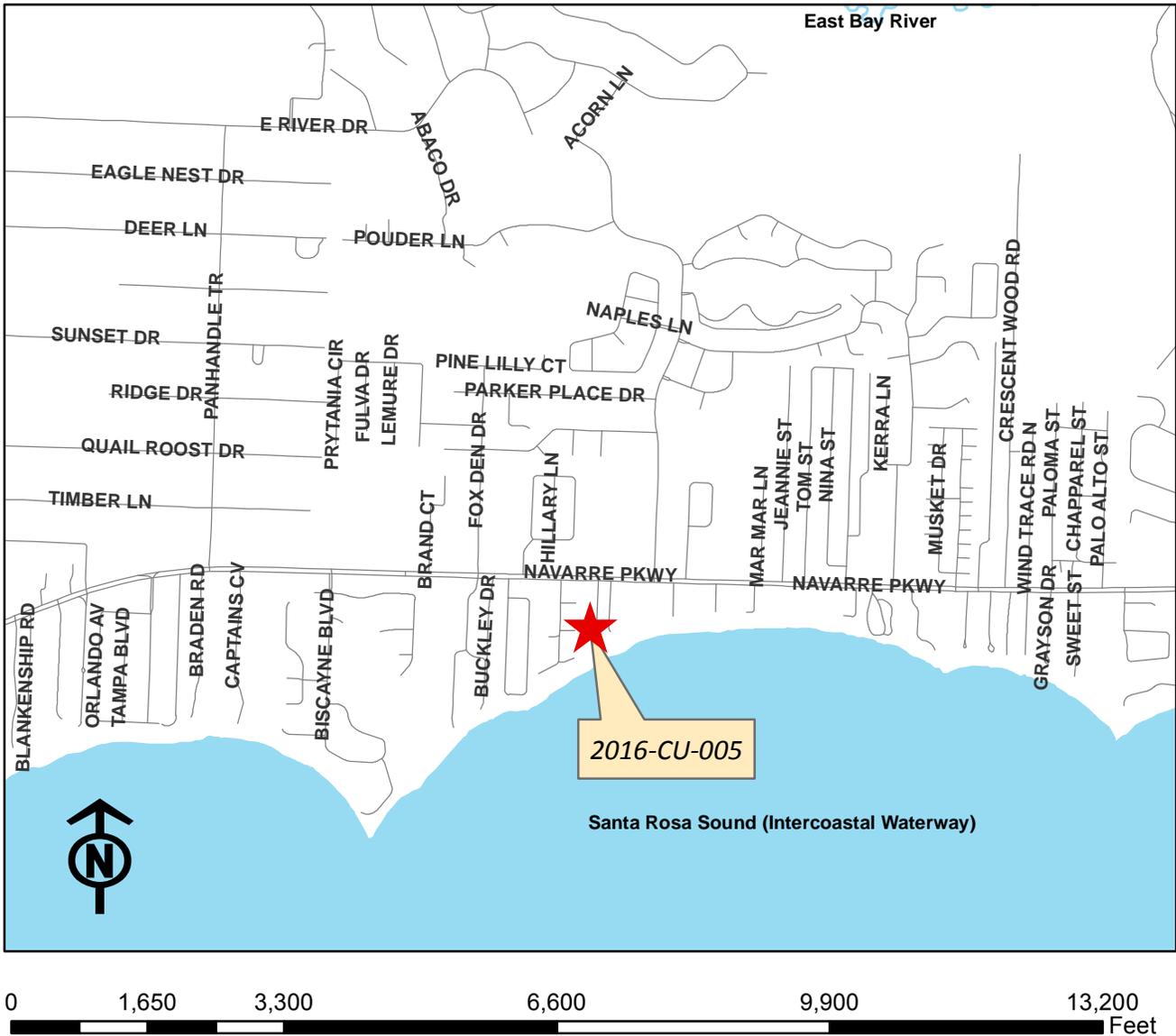
Staff Analysis: The existing special residential facility is located on a major arterial (U.S. Hwy 98).

Part III. Additional Considerations

If the Conditional Use is approved, are there any potential building code issues?

It is not anticipated that there will be any potential building code issues. The proposed expansion will go through the commercial site plan process.

2016-CU-005 Zoning



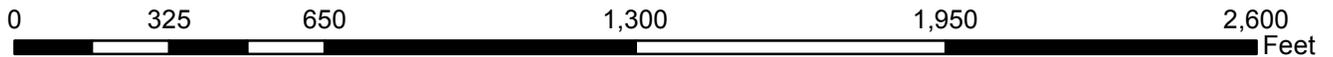
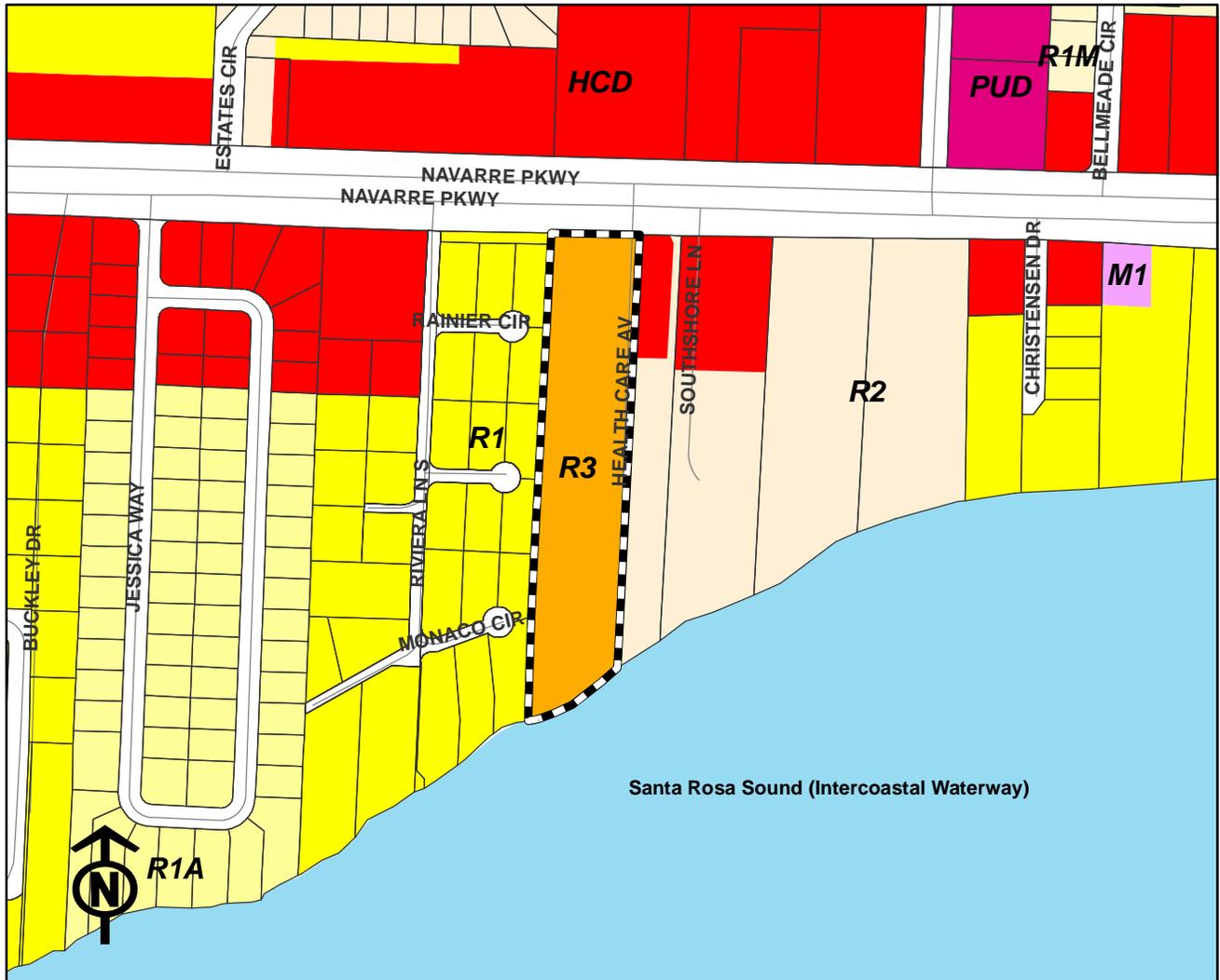
Legend

— Streets

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2016-CU-005 Zoning

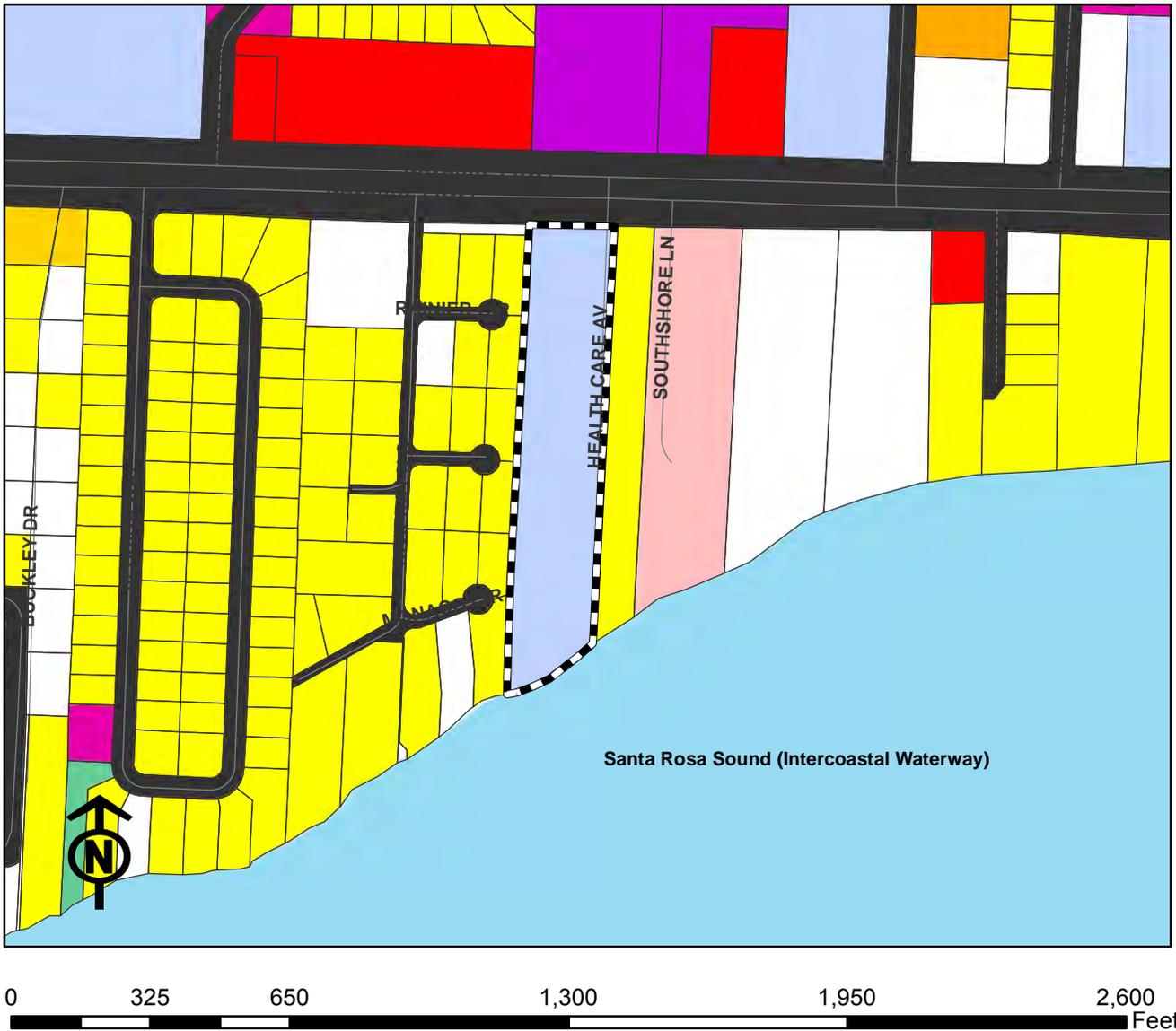


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Pending Mar ZB	HCD-APZ or CZ	NB-CON/REC	P2-APZ or CZ	R2
Parcel Lines	HCD-HON	NB-HD	P2-HON	R2-APZ or CZ
Streets	HNB	NB-MD	PBD	R2-HON
AG-RR	HR1	NB-MHD	PID	R2M
AG-RR-APZ1; AG-RR-APZ2; AG-RR-CZ	HR2	NB-PMUD	PUD	R2M-APZ or CZ
AG1	M1	NB-SF	R1	R3
AG2	M1-APZ or CZ	NB-U	R1-APZ or CZ	RAIL
AG2-APZ or CZ	M1-HON	NC	R1-HON	RR1
C1M	M2	NC-APZ or CZ	R1A	RR1-APZ or CZ
C2M	M2-APZ or CZ	NC-HON	R1A-HON	STATE
CITY	MID	P1	R1M	STATE-APZ or CZ
HC1	MIL	P1-HON	R1M-APZ or CZ	TC1-HON
HCD	NB-C	P2	R1M-HON	WATER

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2016-CU-005 Existing Land Use

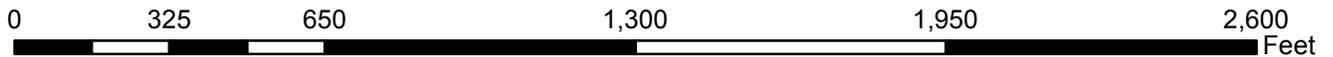
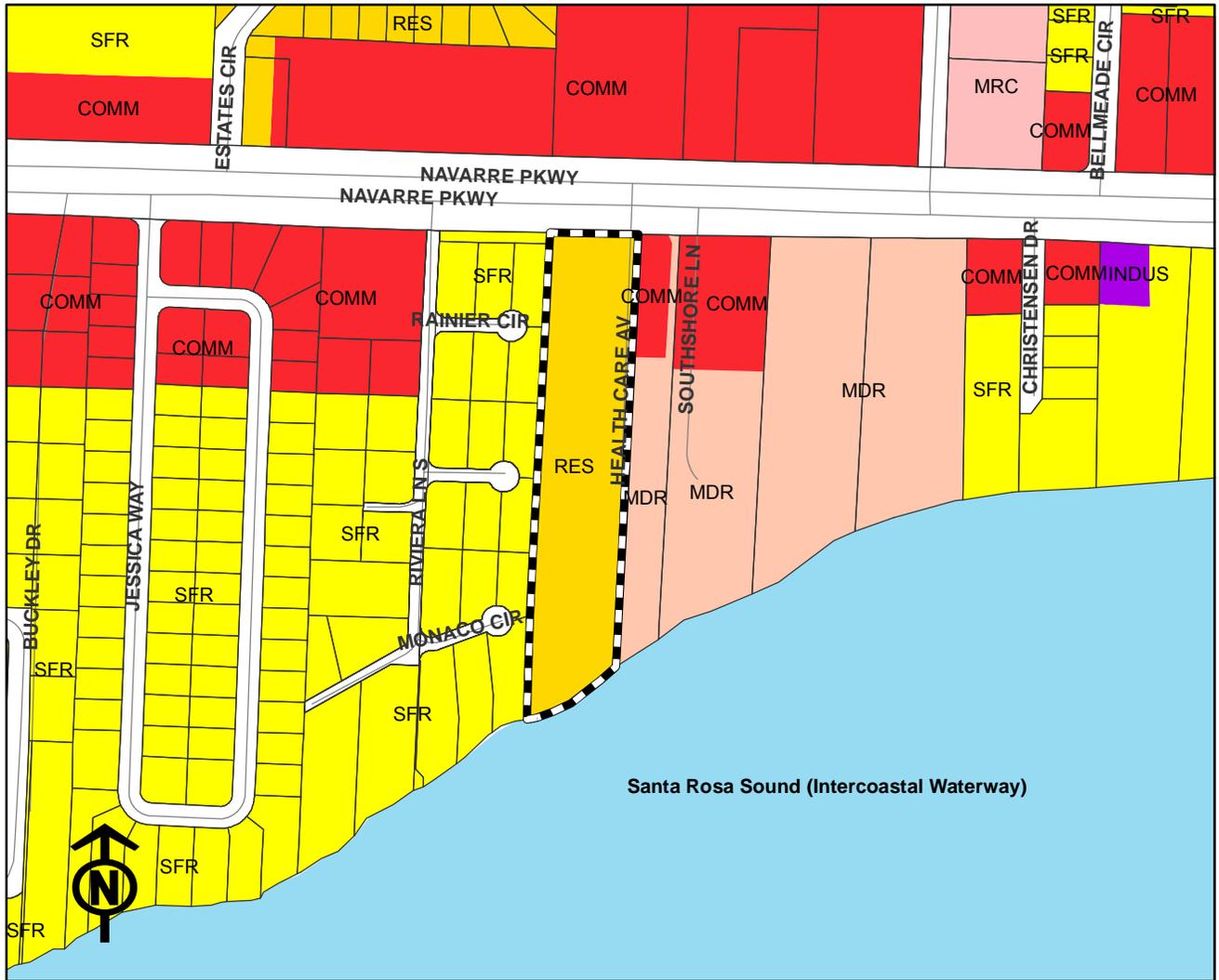


Legend

Pending Mar ZB	Commercial (COMM)	Recreation/Commercial (REC/COMM)
Parcel Lines	Industrial (INDUS)	Recreation/Open Space (REC/OS)
Streets	Institutional (INST)	Right of Way (ROW)
Existing Land Use	Multi-Family Residential (MFR <5)	Single Family Residential (SFR)
Category	Multi-Family Residential (MFR >5)	Silviculture (SILVICUL)
Agriculture (AG)	Military (MIL)	Uncategorized (UNCAT)
Agriculture, Homestead (AH)	Mixed Residential/Commercial (MRC)	Utilities
Condo's/Townhomes (C/T)	Office	Vacant
City	Public Owned Property (POP)	Water
	Rail	

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2016-CU-005 Future Lane Use Map

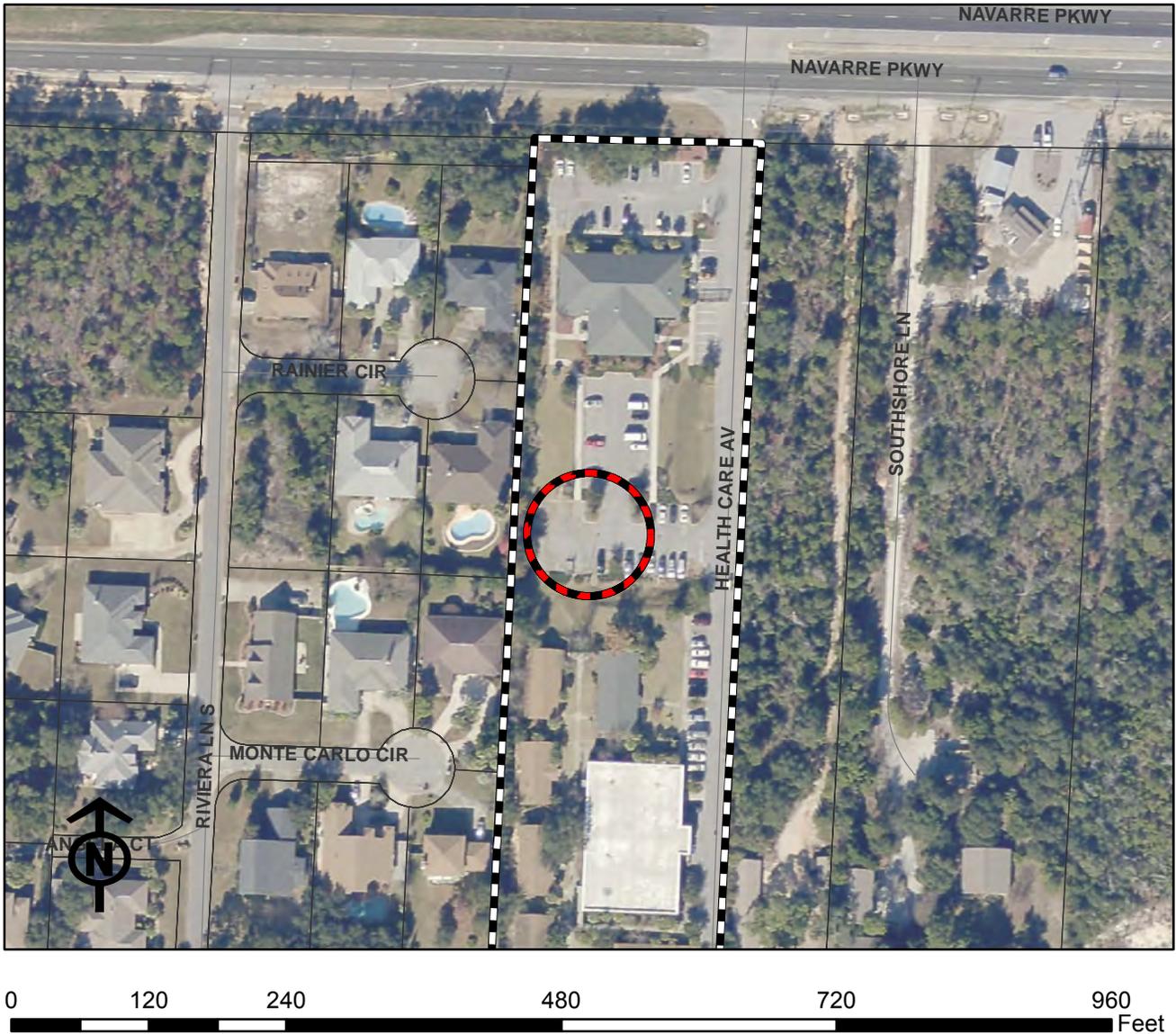


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Pending Mar ZB	GP SINGLE FAMILY RESIDENTIAL (GPSFR)	NAVARRE BEACH MEDIUM DENS
Parcel Lines	GP RURAL RESIDENTIAL (GPRR)	NAVARRE BEACH MEDIUM/HIGH
Streets	BAGDAD HISTORIC DISTRICT (HIS)	NAVARRE BEACH HIGH DENSITY
AGRICULTURE (AG)	INDUSTRIAL (INDUS)	NAVARRE BEACH MIXED RESID
SINGLE FAMILY RESIDENTIAL (SFR)	MARINA (MARINA)	NAVARRE BEACH UTILITIES (NB
MEDIUM DENSITY RESIDENTIAL	MILITARY (MIL)	CITY
RESIDENTIAL (RES)	MIXED RESIDENTIAL COMMERCIAL (MRC)	RAIL
COMMERCIAL (COMM)	NAVARRE BEACH COMMERCIAL (NBCOMM)	WATER
CONSERVATION/RECREATION (CON/REC)	NAVARRE BEACH LOW DENSITY RESIDENTIAL (NBLDR)	

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2016-CU-005
Aerial, Closer View



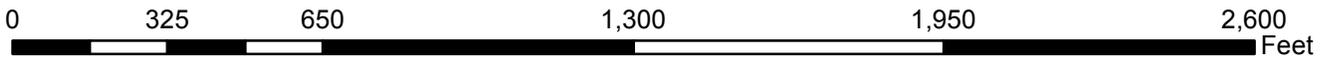
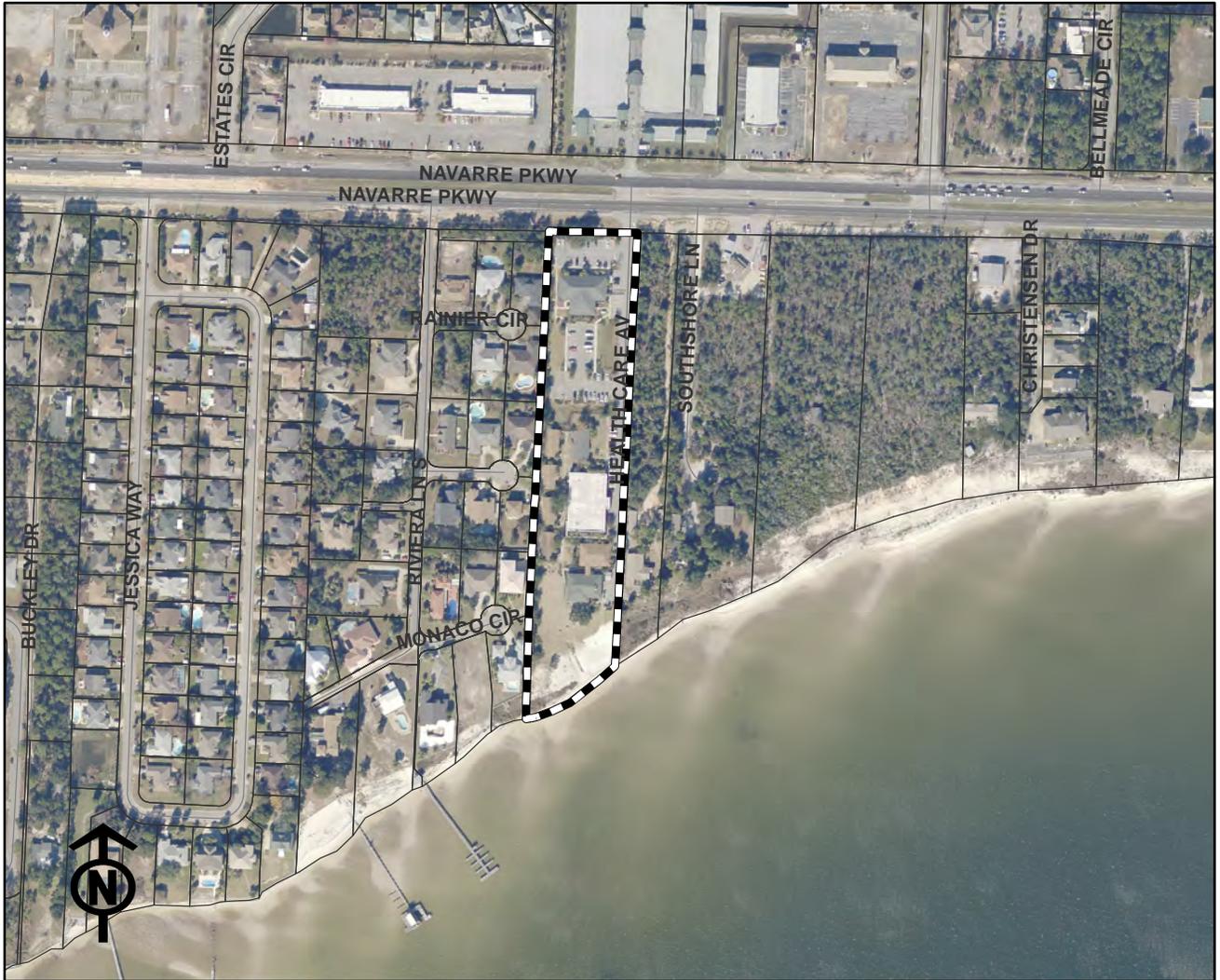
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-  Pending Mar ZB
-  Parcel Lines
-  Streets

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2016-CU-005
Aerial

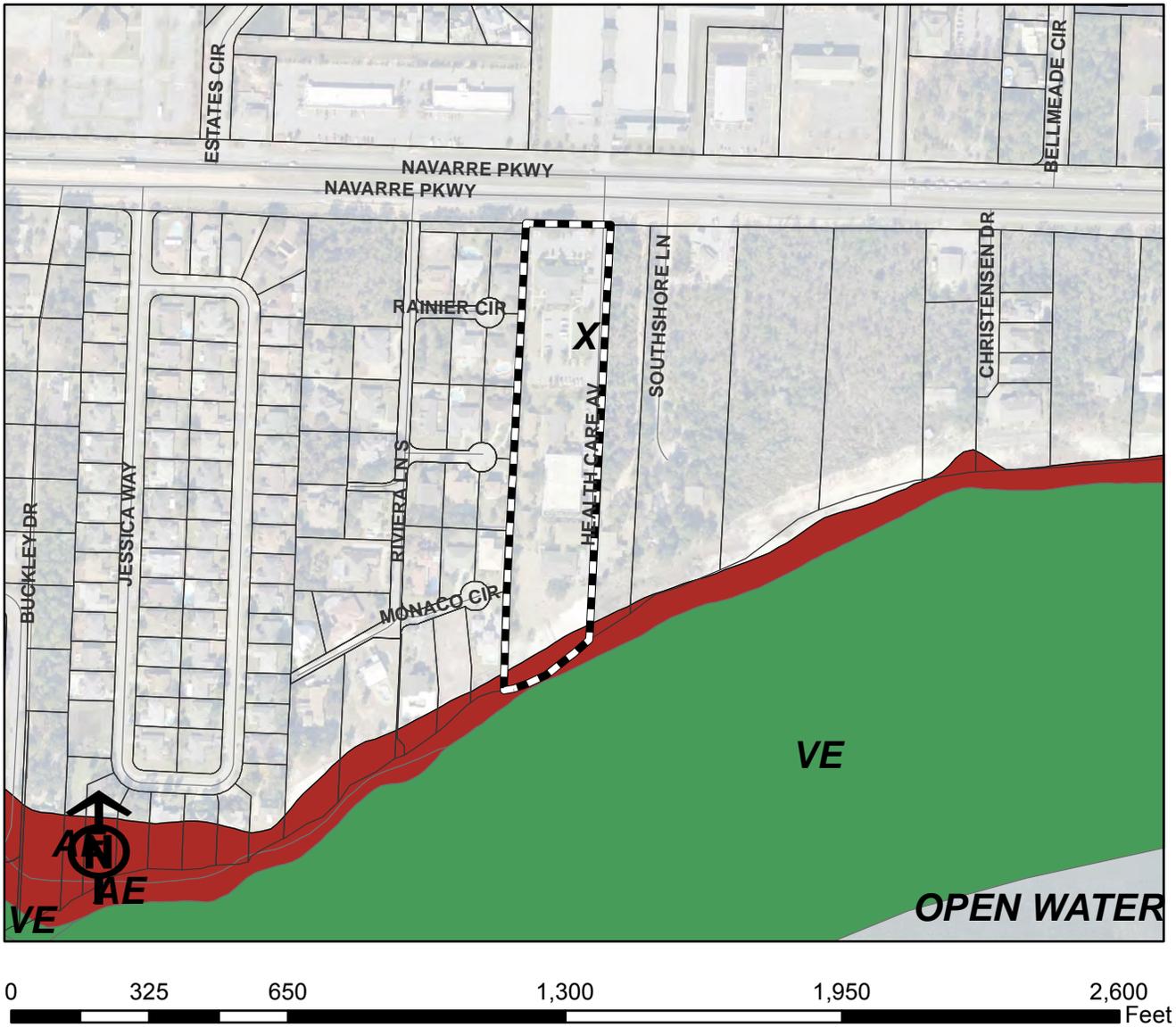


Legend

-  Pending Mar ZB
-  Parcel Lines
-  Streets

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**2016-CU-005
Flood Zone**

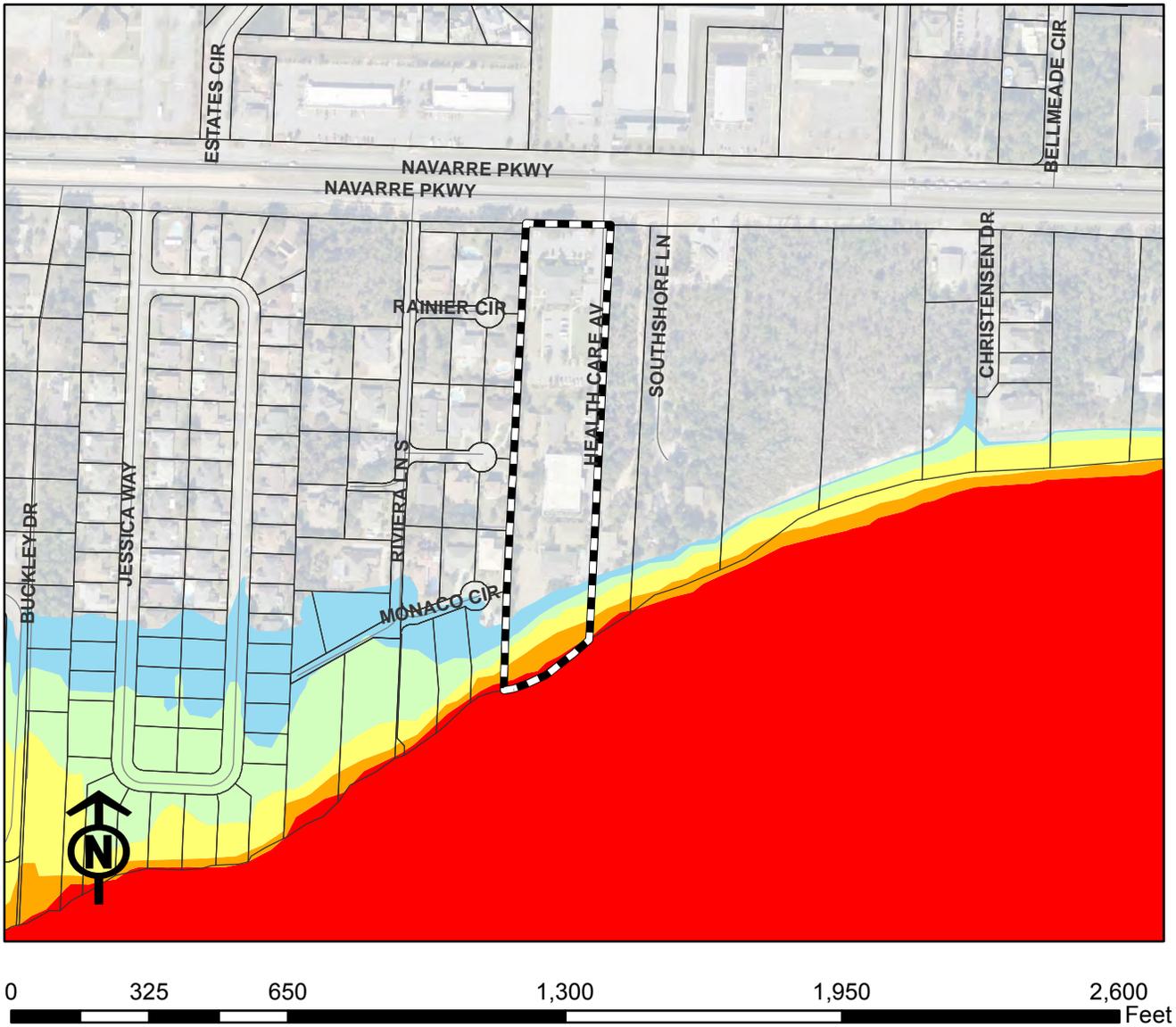


Legend

-  Pending Mar ZB
-  Parcel Lines
-  Streets

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2016-CU-005
Surge Zone



Legend

-  Pending Mar ZB
-  Parcel Lines
-  Streets

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Santa Rosa County Development Services



Beckie Cato, AICP
Planning and Zoning Director

Tony Gomillion
Public Service Director

Rhonda C. Royals
Building Official

January 12, 2016

Ms Arriette Schlott
Via email: dschlott@crchealth.com

RE: Pre-Application Meeting on December 22, 2015
Project Name: **Twelve Oaks Modular**
Parcel(s): **212S26078000K070000**

Dear Ms. Schlott:

Thank you for attending the above referenced pre-application meeting with the Santa Rosa County Development Services staff. Below you will find a recap of the information discussed at the meeting and the requirements for you to proceed with the project.

The purpose of a pre-application meeting is to provide you with a thorough understanding of the regulations and requirements applicable to your proposed project and to address any questions that you may have. However, pre-application meetings are informal and do not replace the need for a formal review. Therefore, please understand that the requirements presented below are based solely on the information presented by you at the meeting and is subject to change. Also, additional requirements may be applicable to your project based on information received at a later date or at the time of formal review.

Proposed Use - The proposed project is the expansion of the existing drug & alcohol treatment facility with the addition of a 2,160 sf classroom/lecture building. The proposed modular building will be located atop the existing parking area in the center section of the site; this area is currently being utilized for recreational purposes, specifically a basketball court.

Site/Land Use – Leslie Statler, (850)981-7086, leslies@santarosa.fl.gov

1. Zoning Map designation: R3, Medium High Density Residential
2. Future Land Use Map designation: RES, Residential
3. The proposed use of the site is a conditional use in this district upon approval by the Zoning Board and Board of County Commissioners. Conditional Use 2016-CU-005 has been filed and will be considered during the February 2016 meeting cycle. The Zoning

Santa Rosa County Public Service Complex
6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583
www.santarosa.fl.gov
Office: (850) 981-7000

Board Meeting will be February 11, 2016; the Board of County Commissioners meeting will be February 25, 2016.

4. A site plan (or sketch) drawn to scale is required to demonstrate consistency with the Land Development Code. Staff is available to assist you through our Owner-Developer program. An Owner-Developer site plan application can be found online at <http://www.santarosa.fl.gov/developmentservices/documents/Site%20Plan%20Editable.pdf>.
5. Buffers: Landscape buffers are required per LDC 7.01.05. Per the approved site plan 2001-SP-046, there is an existing buffer in place within this area which satisfies the LDC requirements.
6. Setbacks: The building setbacks for this site are: Front = 50 feet, rear = 50 feet from the Mean High Water Line, and sides = 15 feet.
7. Off-Street Parking and Loading: Parking and loading areas must meet the requirements of LDC Section 7.01.08. For parking calculations, the proposed additional use will not generate additional parking requirement. However, since the proposed building will be located within the existing parking area, staff will need to determine if the remaining parking will be sufficient. To assist staff with this calculation, we will need to know the number of beds within the facility.
8. Water and Sewer: Letters of water and sewer service availability are required. Your project is located in the following service areas.
 - A. Water = Holley Navarre Water System, Buck Paulchek; 939-2427.
 - B. Sewer = Holley Navarre Water System, Buck Paulchek; 939-2427.

Building – Bruce Teston, (850)981-7017, brucet@santarosa.fl.gov

1. A general contractor will be required to obtain permits for the modular building.

Review Process:

1. Site plans and construction plans are reviewed and comments are issued within 10 days.
2. A Development Order is (DO) issued upon approval of a site plan. Building permits are issued upon approval of construction plans.
3. Concurrent review of site and construction plans is allowed; however, building permits may not be issued before issuance of the DO.
4. Site work may not commence prior to the issuance of the DO; construction may not commence prior to issuance of building permits.

In closing, our hope is that you found the pre-application meeting to be a helpful tool so that you can make informed decisions about your project. As the County's project manager for your project, please feel free to contact me with any questions that you may have. In addition, you may contact the staff listed above if you have questions specific to their area of expertise. Also, I will be in contact with you periodically to assess the status of your project and provide assistance.

Respectfully,

Santa Rosa County Development Services
Public Service Complex
6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583
www.santarosa.fl.gov
Office: (850) 981-7000

Tambre L. Lee

Tambre L. Lee
Development Review Supervisor
(850)981-7042
TambreL@santarosa.fl.gov

TL/lf

Santa Rosa County Development Services
Public Service Complex
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Office: (850) 981-7000

Inspections/Compliance Division Fax: (850) 623-1208 • Planning/Zoning Division Fax: (850) 983-9874 • Commercial Review Fax: (850) 623-1381

2016-CU-005

Presentation Pictures – Zoning Board Meeting, March 10, 2016



The front of the facility as seen from Navarre Parkway



The proposed location of the modular classroom as seen from the walkway from the main building



The existing buffer area with the adjacent residences to the west

2016-CU-005

Presentation Pictures – Zoning Board Meeting, March 10, 2016



A closer view of the adjacent residence to the west; the building will be located to the side of the rear yard



The proposed location of the classroom facility; the top picture is the full area; the pictures on the bottom are the right and left sides of the area. The adjacent property to the west is located behind the fence and trees which will remain



The interior of the site near the subject area

2016-CU-005

Presentation Pictures – Zoning Board Meeting, March 10, 2016



The residence located behind the proposed building



Another view of the same property – showing the common property line



Santa Rosa County Development Services

DEC 22 15 AM '15



Beckie Cato, AICP
Planning and Zoning Director

Santa Rosa County Public Service Complex
6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583
www.santarosa.fl.gov
Office: (850) 981-7000

Rhonda C. Royals
Building Official

Conditional Use Application

*Application Instructions begin on Page 4

** For Official Use Only **			
Application No.	<u>2016-CU-005</u>	Date Received:	<u>12/22/15</u>
Review Fee:	<u>\$235 + \$90.87</u>	Receipt No.:	<u>45</u>
Zoning District:	<u>R3</u>	Conditional Use	
FLUM Designation:	<u>RES</u>	Request:	<u>6.09.02</u>

Property Owner

± 4.475 VD #4
Property Owner Name: BOWLING GREEN INN OF PENSACOLA INC
Address: 2068 HEALTH CARE AVE, NAVARRE, FL 32566

Phone: _____ Fax: _____

Email: _____

Applicant

Check here and skip this section if the applicant is the Property Owner. Otherwise, complete this section and provide authorization from the Property Owner giving the Applicant the authority to pursue conditional use approvals.

Company: TWELVE OAKS

Contact Name: ARRIETTA SCHLOTT

Address: 2068 HEALTH CARE AVE, NAVARRE, FL 32566

Phone: 850-939-1200 Fax: _____

Email: DSCHLOTT@CRCHEALTH.COM

Property Information

Parcel ID Number(s): 212S26078000K070000

-OR-

Street Address of property for which the Conditional Use is requested:

2068 HEALTH CARE AVE, Navarre, FL 32566

Parcel Size (acres): 4.69 ACRES

Conditional Use Request Please describe the requested conditional use. Attach a site plan showing the proposed development in as much detail as necessary to demonstrate that your request meets the criteria found in Section 6.09.02 (attached).

Expansion of an existing special residential facility, specifically to add a classroom and lecture hall to a drug and alcohol addiction treatment facility.

Conditional Use Criteria

I understand that all decisions made by the Zoning Board of Adjustments are subject to appeal and that their decision does not become effective until the appeal time has successfully passed.

Yes No

I understand that approval by the Zoning Board of Adjustments does not authorize construction and/or land clearing to occur on this site and that additional approvals and Building Permits may be required.

Yes No

I understand that determinations by the Zoning Board of Adjustments are valid for 36 months.

Yes No

Please read the attached conditional use information pertaining to your request and describe how your request meets the pertinent criteria. Attach additional sheets if necessary. _____

Certification and Authorization

By my signature hereto, I do hereby certify that the information contained in this application and the required supplemental materials is true and correct, and 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. I do hereby authorize County staff to enter upon my property at any reasonable time for purposes of site inspection.

Arrietta Schloth
Applicant Name (Type or Print)

Arrietta Schloth
Applicant Signature

Director of Maintenance & Safety
Title (if applicable)

12/22/15
Date

6.09.00 CONDITIONAL USES

6.09.01 General Provisions Regulating Conditional Uses: A conditional use shall be permitted by the Board of Adjustment (Zoning Review and Appeals Board) provided the Board finds that the use:

- A. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected;

We believe that this criteria has been satisfied. There is an existing treeline adjacent to this expansion area. The purpose of this expansion is to provide classrooms and lecture facilities to enhance the educational benefit of our program.

- B. Will not unduly adversely affect other property in the impacted area which it is located;

We believe that this expansion will be positive in that it will impede access from social activities in that area. The proposed location is currently the basketball court.

- C. Conforms to all applicable provisions of the district in which the use is to be located;

It does.

- D. Satisfies criteria stipulated for similar uses as described in the following section.

G. Nursing Homes and Special Residential Facilities (AG, R-2, R-2M, and R-3)

1. A description of the program of service shall be submitted with application and the applicant shall demonstrate that the method of operation and delivery of such health services and daily care shall be in compliance with all relevant state and federal standards for operation of nursing homes.

We are a treatment facility and have provided a copy of our State license.

2. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.

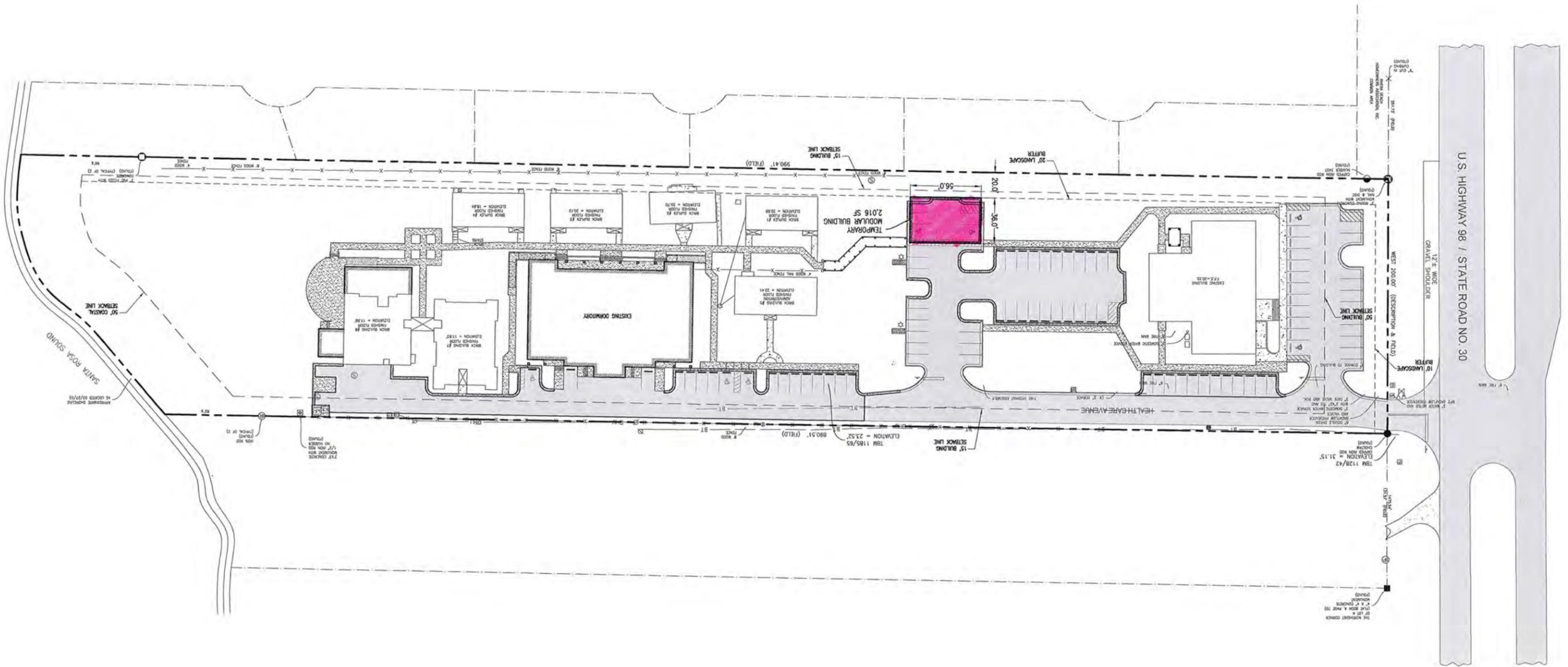
This proposed expansion should reduce these concerns.

3. When located in the R-2, R-2M, or R-3 districts, sites shall be situated within the more highly accessible portions of the residential districts near major thoroughfares. When located in the R-2 districts, a nursing home site in addition to the above shall abut a less restrictive district. The intent is to minimize potential adverse impact on the established residential neighborhoods and assure that sites are accessible to major thoroughfares.

We are located directly on Navarre Parkway.



12/22/15



Citizen
Comments
2016-CU-005

Received DURING the
Zoning Board meeting

Rec'd @ Mtg
FR. R. GARY

3/10/16

Robert A. Gary
9538 Monaco Cir
Navarre, Fl 32566
850-699-5744

Homeowner
Riviera Park HOA Acting President 2016

Santa Rosa County Development Services
Board of Adjustments

Members of the Board:

I am submitting the following memo with respects to the application for Conditional Use, number 2016-CU-005 for the expansion at Twelve Oaks facility. The concerns expressed are from homeowners in our associations. Respectfully, there was not sufficient time to gather signatures from many, as they are unavailable, but have expressed their concerns.

I am fully aware at the daunting task of reviewing and interpreting the Comprehensive Code, Land Development Code (LDC), and the Future Land Use Map (FLUM). With all the changes and proposed future concerns, it is almost impossible to keeps tabs with what the current requirements are, as well as those of the past. You would had have to have been there in the beginning and continue forward to follow it all. I would like to express our concerns in an order to hopefully keep it more clear.

Established Guidelines

A. They (12 Oaks) are requesting a conditional use for an R-3 zoned lot. By description it is to exclude all commercial intents, and bldgs; except those given conditional use allocations, that are in compliance with the LDC section 6.09.00.

- 1) Under general provisions, 6.09.01A, is to be such that public health, safety, and welfare be protected.
- 2) Will not unduly adversely affect other property in the impacted area.
- 3) Under section 6.09.02, for each classification, statement 5 states that the scale, intensity and operation of use shall not generate unreasonable noise, traffic, congestion, or other potential nuisances or hazards to *continuous residential properties*.
- 4) *The intent is to minimize potential adverse impact on the established residential neighborhoods and assures that sites are accessible to major thoroughfares.*
- 5) They are allowed a maximum density of 10 units/acre, of which at 4.475 acres, that equates to 44.75 units.

B. The community and homeowner concerns regarding the above in section A are as follows:

- 1) Police records will show the deluge of calls to this facility, and the inabilities to correct the issues due to constraints in the system regarding this type of treatment facility.
- 2) They utilize "commercial" practices to manage and operate the facility, that is the use of alarms, sirens, audible systems and lighting. These components activate 24 hrs per day, and at times stay on for hours until cleared by staff. One particular alarm initiates when "someone" has gone missing from the

facility, and continues for long periods. If they employed an actual security service, or made provisions to mitigate patients leaving the facility, that would be a benefit.

3) The patients routinely leave the facility via the waterfront, trespass on our properties, go to WalMart, Dollar Store etc.

4) The patients have infested our community with drug and alcohol traffic by "conducting business" at our beach area as well as the vacant lots. They have friends pick them up and drop them off in our subdivision at all hours of the night, buying and selling drugs, as well as leaving vehicles sitting on the side of the road for their use.

5) The patients have broken into several of the houses along the waterfront, even when the owners are at home. By the time the SRC Sheriffs show up, they run back across the beachfront to their facility.

6) Their use of profanity while outdoors, makes it impossible for small children to be outside their own homes. It is even offensive to the adults.

7) The patients have threatened to rape and murder my wife and daughter while they were on our porch. Contacted SRC SO, but no action taken by them.

8) The issue concerning density should be addressed on the basis of population density per unit area. This calculation value has not been readily available, but would make more sense in ascertaining some sort of compliance to a density limit.

As you can see, it definitely impacts the adjoining residential communities, and lessens our property values as based on potential sales that did not occur due to the "neighboring" facility. It is not conducive to the safety and well being of our families and neighborhood.

Site Management

A) The LDC and FLUM address specific requirements regarding stormwater retention and attenuation.

1) Previous stormwater underground filtration systems have been incorporated in the previous CU and Variance requests.

2) There is an existing conflict with the LDC and the FLUM denoting the percentage of allowable area that must remain permeable surface. The LDC states that the limit of impermeable area be not greater than 85%, BUT, section 7.1.C.3 states that the shores of Santa Rosa Sound be protected to a maximum impervious area of 75%

B) Homeowners concerns:

1) The current stormwater program employed on previous efforts has been negated. The designated area has been filled, and now used for outdoor activities. It does not have any cleanouts for the maintenance of the underground piping.

2) *Significantly, the above system has been modified to discharge to the sound, by staffing. It is an environmental impact to the sound as it no longer provides filtration for pesticides, etc before discharging.* Pictures are available if needed.

3) Are stormwater management requirements, that are required to be on the plans (4.03.06 C&F), available for review before permission is granted, as well as the percentage of impervious area allowed once the conflict is resolved?

4) In the last several years, we are now experiencing underground erosion issues next to their property. Not sure as to the cause so far. It worries those of use adjacent to them, that more impervious area may potentially exacerbate this problem.

FUTURE LAND USE MAP

A) Respective sections and comments:

Policy 3.1.B.4 – County shall foster the "compatibility" of adjacent land uses by requiring buffers to protect the lower intensity uses from the more intense uses.

Policy 3.1.D.2 – County shall continue the enforcement of the limitations placed on “non-conforming” uses of Bldgs, non- conforming land uses, changes in classifications and districts as a means to eliminate the expansion of non-conforming land uses inconsistent with the Plan.

Policy 5.1.C.6 – County is to enforce the LDC to assure compatibilities within planned residential areas.

Policy 7.1.C.3 – As stated above regarding buffers and impervious area limits (75%)

OVERALL COMMENTS AND CONERNS

A) The LDC, section D, 2.04.01, Considerations by the Zoning Board gives specifics guidelines regarding requests that materially diminish or impair established property values within the surrounding areas, or in any respect impair the public health, safety, morals and general welfare of SRC

B) What specifically is the request for? Are they asking for allocations in impermeable area requirements, density provisions, or population density concerns??

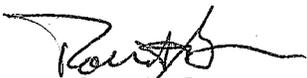
C) The concern regarding the granting of conditional uses and variances, would appear to imply that these are not indefinite provisions, but that at some point in time, it would seem proper that they request for a zoning change, which would make them responsible for commercial compliance and necessitate the need to protect those surrounding neighborhoods.

D) Estimates made from county maps shows that the remaining permeable area is approximately 30,823 sf out of the 194,931 available. This equates to 16%, which if limited to the 85% impervious area, they are there.

We are asking for your assistance, not in limiting 12 Oaks, but assuring compliance AND future efforts that the Board would recommend, that would allow us in the neighboring communities to not live in fear and concern for our families well -being. To be able to raise our children in a conducive environment.

Thank You for your time.

Respectfully,



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BULK PLANT (LIQUIFIED PETROLEUM): The term bulk plant shall mean a facility, the primary purpose of which is the storage of liquified petroleum gas, and which facility has a bulk storage capacity of 2,000 gallons water capacity or more.

BULK REGULATIONS: Provisions of the zoning code which govern the size of buildings and other structures and their relationships to each other and lot lines. Bulk regulations include: regulations relative to height limitations, required yards, limitations on floor area, building coverage, location of exterior walls with respect to lot lines, streets or other buildings, or other structural components and other similar development characteristics.

CAMPGROUND: A place where buildings or sites for recreational vehicles or tents are rented for use as temporary living quarters for recreational purposes.

CHILD CARE CENTER: An establishment where children, other than members of the family occupying the premises, are cared for away from their own home by day or night. The term includes day nurseries, but does not include foster homes.

CHURCH: A building designed and/or used for public worship.

CLINICS (Medical): The provision of the therapeutic, preventive or corrective personal treatment services by physicians, dentists, and other licensed medical practitioners, as well as the provision of medical testing and analysis services. These services are provided to patients who are admitted for examination and treatment by a physician and with no overnight lodging.

CLUB: Activities typically performed by a group of persons for social or recreational purposes not operated for profit or to primarily render services which are customarily carried on as a business for profit.

COASTAL HIGH HAZARD AREA: The area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1 - 30, VE or V.

COMMERCIAL CANOPY: A roof like cover that is intended for the shielding of parking areas, gas pumps, above ground storage tanks and areas from the elements.

COMMERCIAL USE: Activity carried out for monetary gain.

CONDITIONAL USE: A conditional use is a permitted use but is permitted only if certain conditions are satisfied. The County Board of Adjustment (Zoning Review and Appeals Board) reviews and acts on petitions for conditional uses with appeal to the County Commission (see Section 6.09.00 et. seq.).

CONSTRUCTION: The act of any building, clearing, filling, excavation or substantial improvement in the size of use of any structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

TEMPORARY BUILDING: A building or structure erected on a lot and not erected on a permanent foundation.

TRAFFIC CALMING ELEMENT: A device or design element that is intended to reduce traffic speeds and volumes on residential streets and residential collector streets where access to residential lots is provided. The purpose of traffic calming is to create a safe environment for motorized and non-motorized users alike.

TRANSIENT RESIDENT: (See Seasonal Resident).

TRIPS FROM APPROVED DEVELOPMENT: The sum of all new daily traffic volumes assigned to a roadway segment, since the adoption of the County's Comprehensive Plan, for approved development which no certificate of occupancy has been issued at the time of the most recent traffic count. Annual developments which were completed and certificates of occupancy issued as of the date of the most recent traffic counts for the roadway segments.

USE: The purpose for which land or building is arranged, designed, occupied or maintained.

VARIANCE: A variance is the deviation from the requirements and provisions of this ordinance or, and authorization from the Board of Adjustment to deviate (in special situation) from the provisions of this ordinance when such deviation will not be contrary to the public interest and when owing to conditions peculiar to the property and not of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance can only be authorized for height, area, bulk, and size of structure or yard size and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor on non-conformities in the district or classification or in adjoining districts or classifications.

WIND TURBINE: The generator, rotor blades, and other mechanical and electrical components mounted on a structure for the purpose of converting wind energy to electrical energy.

WINE: The term wine, as used herein, shall extend to and include all beverages made from fresh fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added in the manner required by the laws and regulations of the United States. The term "wine" shall further include all sparkling wines, champagnes, combinations of the aforesaid beverages, vermouths and like products. Sugar, flavors and coloring materials may be added to wine to make it conform to the consumer's taste, provided the ultimate flavor or the color of the product is not altered to imitate a beverage other than wine or to change the character of the wine.

YARD: An open space on the same lot with a building between the building and the adjoining lot lines, unoccupied and unobstructed from the ground upward, except by trees or shrubbery, or as otherwise provided herein.

YARD (Front): A yard with full width and length of the lot extending from the nearest point of

6.09.00 CONDITIONAL USES

6.09.01 General Provisions Regulating Conditional Uses: A conditional use shall be reviewed by the Zoning Board of Adjustment and a recommendation for approval made to the Board of County Commissioners provided the Board finds that the use:

- A. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected;
- B. Will not unduly adversely affect other property in the impacted area which it is located;
- C. Is consistent with the Goals, Objectives, and Policies of the Santa Rosa County Comprehensive Plan;
- D. Satisfies criteria stipulated for similar uses as described in the following section.

6.09.02 Criteria Regulating Conditional Uses: All approved conditional uses shall be developed and maintained as approved by the Board of County Commissioners as applicable. Failure to do so shall constitute a violation of this ordinance. In addition to the general provisions cited above, a conditional use shall be permitted by the Board of County Commissioners provided the Board finds that the proposed conditional use complies with the following requirements:

A. Administrative Services, Business and Professional Offices and Medical Services (R-3, AG-RR)

- 1. Sites shall be located within the more highly accessible portions of the respective residential district and near commercial district boundaries, thereby serving as a logical transitional use between residentially and commercially developed areas in the impacted area; and generally should be located on a major thoroughfare as opposed to a local residential street; and where not located on a major thoroughfare, the site should not be adjacent to a single family residential district.
- 2. The proposed use shall not unreasonably increase traffic on local residential streets in the impacted area.
- 3. Interior displays generally should not be visible from the exterior of the building, but where visible, they shall be in harmony with the residential character of the impacted area.
- 4. In an R-3 district, the use shall not include retail sales as a principal activity.
- 5. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion, or other potential nuisances or hazards to continuous residential properties.
- 6. In an R-3 district, medical office buildings may include as an accessory use an apothecary limited primarily to the preparation and sale of medicine and medical related

F. Guest Houses, (or Boarding Houses) and Transient Quarters (AG-RR, NC, HCD)

1. Sites shall be located near major thoroughfares so as to discourage traffic along local residential streets. The minimum size lot required shall be fifteen thousand (15,000) square feet.
2. Interior displays visible from the exterior of the building shall be harmonious with the character of the impacted area.
3. The proposed facility shall comply with applicable regulations in the State Division of Hotels and Restaurants cited in the Florida Administrative Code.
4. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion, or other potential nuisances or hazards to contiguous residential properties.

G. Nursing Homes and Special Residential Facilities (AG-RR, R-2, R-2M, and R-3)

1. A description of the program of service shall be submitted with application and the applicant shall demonstrate that the method of operation and delivery of such health services and daily care shall be in compliance with all relevant state and federal standards for operation of nursing homes.
2. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.
3. When located in the R-2, R-2M, or R-3 districts, sites shall be situated within the more highly accessible portions of the residential districts near major thoroughfares. When located in the R-2 districts, a nursing home site in addition to the above shall be in a less restrictive district. The intent is to minimize potential adverse impact on the established residential neighborhoods and assure that sites are accessible to major thoroughfares.

H. Places of Worship (AG-RR, AG-1, AG-2, RR-1, R-1, R-1A, R-1M, R-2, R-2M, R-3)

1. Sites shall be located within more highly accessible portions of residential districts near major thoroughfares so as to discourage traffic along local residential streets of the impacted area.
2. The minimum site for places of worship in residential districts shall be fifteen thousand (15,000) square feet, except within R-1, R-1A, and R-1M zones the minimum size lot shall be one-half acre.
3. No main or accessory building shall be located within fifty (50) feet of any side or rear lot line.
4. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.

For purposes of appealing the decision of the Board of County Commissioners, the record shall consist of all documents and exhibits presented at the hearing, all testimony presented at the hearing, the package transmitted to the Board by the Planning Department for the hearing, and the relevant minutes of the Zoning Board.

2.04.00 SPECIAL EXCEPTIONS, VARIANCES AND CONDITIONAL USES: The ZB shall have the following duties and powers:

A. Variances - To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to public interest. Where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done. Such special conditions shall be limited to exceptional physical characteristics inherent in the specific piece of property such as exceptional narrowness, shallowness, shape, adverse topographic conditions as would result in peculiar and practical difficulties. Any variance shall not be contrary to the public interest and when owing to conditions peculiar to the property and not of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardships. A variance can be authorized for any provision within the Land Development Code which does not impair the intent of the zoning ordinance, zoning district map, and/or amend the Comprehensive Plan. Variances shall not be authorized for such provisions as minimum lot size, maximum density, permitted and/or conditional uses, distance of vendors selling liquor, beer or wine for on premise consumption from a church or school, road frontage (except where permitted by Special Exception or as specifically provided below), and other similar provisions.

Variances for road frontage may be authorized only under the following conditions:

1. The parcel was established by contract for deed prior to the date that road frontage requirements were effective for the subject property. Such contract for deed must be in writing and properly witnessed to be considered valid for the purposes of this provision.
2. The applicant agrees to and coordinates joint access with such adjoining parcel as specified by the Planning Department. Any access for the parcel shall be designed and constructed to allow for and facilitate joint access by the adjacent parcel.

B. No variances shall be authorized under this provision unless the Board finds that all of the following conditions exist:

1. The special circumstances or conditions applying to the building or land in question are peculiar to such property and do not apply generally to other land or buildings in the vicinity.
2. The variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.
3. The authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety,

- c. Commercial use of recreational vehicles in Agriculture or Agriculture-2 districts is prohibited. RVs or RV space may not be leased.
- d. The recreational vehicle must adhere to the setback requirements for accessory building and structures found in Section 2.10.05.
- e. The placement of the RV shall not have any adverse impact upon adjoining or nearby properties.
- f. The Zoning Board may impose additional criteria or restrictions, including but not limited to time limits and number of units, based on site-specific circumstances and characteristics to assure compatibility with adjacent uses.

D. Conditional Uses – To hear and make a recommendation to the Board of County Commissioners regarding land uses which are conditional within each zoning district. The Board shall be charged with considering the criteria, general and specific (as specified in Section 6.09.00), with respect to the proposed use and assessing the impact said use may have on the surrounding area.

2.04.01 2.04.01 Consideration By The Zoning Board: In considering all proposed variations to this ordinance, the Board shall, before making any finding in a specific case, first determine that the proposed variance or special exception will not constitute any change in the districts shown on the zoning map and will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase public danger of fire safety, or materially diminish or impair established property values within the surrounding area, or in any respect impair the public health, safety, morals and general welfare of Santa Rosa County. All approved variances and special exceptions shall be developed and maintained as approved by the Zoning Board or Board of County Commissioners as applicable. Failure to do so shall constitute a violation of this ordinance.

2.04.02 Additional Considerations and Requirements in Review of Coastal Setback Variance Request (Protective Shoreline Structures):

A. Explanation of Need - Protective shoreline structures water-ward of the setback line shall not receive a variance unless the applicant demonstrates to the Board's satisfaction that the subject property is critically imperiled due to the imminent probability of the projected wave up-rush predicted in the study by the University of Florida Coastal and Oceanographic Engineering Department, endorsed by the Florida Department of Environmental Protection (DEP) pursuant to Florida Statutes 161.053, or as amended.

The applicant shall present a description of the exceptional physical conditions of the property and other special conditions which render compliance with the construction setback line a demonstratable hardship. The applicant shall submit scaled drawings showing the location of upland and adjacent structures, mean high water line, and the construction setback line referenced to DEP monuments if applicable.

B. Impact on Shoreline Preservation and Stability of Adjacent Property - Before applications for a Department of Environmental Protection (DEP) permit, the applicant shall prove to the

6.05.10 R-3 - Medium High Density Residential District

A. Purpose: This district is designated to provide suitable areas for medium to high density residential development where sufficient urban services and facilities are available or will be prior to development, or where the extension of such services and facilities will be physically and economically facilitated. It is the intent of these regulations to permit single and two family structures and multiple family structures within the density range as defined in the district regulations subject to the density range as defined in the district regulations subject to the required provision for open space within the project parcel.

The purpose of this Section is to exclude from this district all buildings and other structures and uses having commercial characteristics, whether operated for profit or otherwise, except those home occupations and conditional uses specifically provided for in these regulations. Commercial activities shall be classified as conditional uses since such activities may be compatibly integrated into some highly accessible areas within the district where specified performance criteria may be satisfied. However, commercial activities may not be compatible in other areas where the prevailing densities and scale of development in the immediate vicinity are less intensive, the subject site is less accessible to major streets and intersections, or where development of such site for commercial activities would generate undue congestion, adversely impact natural systems or otherwise burden existing public service systems or adjacent and surrounding properties.

B. Permitted Uses: In this district a building or premises may be used only for the following purposes: detached single family, zero lot line, patio homes, cluster homes, duplexes, group homes, attached and detached multiple family residential structures and accessory structures and facilities. Mobile homes are prohibited.

C. Conditional Uses: In this district as a conditional use, a building or premises may be used only for the following purposes upon determination by the County Board of Adjustment (Zoning Review and Appeals Board) that the respective uses comply with standards regulating conditional uses in Section 6.09.00 et. seq. and comply with the site plan review requirements listed in Section 4.04.00: public and private not for profit administrative services; child care services; civic or cultural activities and clubs; public facilities; educational institutions; golf courses; places of worship; recreation and park areas; accessory parking lots; recreational activities; public and private utilities and public facilities; business and professional offices; medical services; nursing homes; special residential facilities; and placement of an accessory building on a lot directly across the right-of-way from where the principle dwelling is located and is under the same ownership.

D. Site Plan Approval: Site plan approval as provided in Section 4.04.00, is required for all development proposals.

E. Subdivision Conformance: Any lot within a plat of record as of the effective date of this ordinance shall not be divided into two (2) or more lots unless the provisions of the Subdivision Ordinance are satisfied.

F. Density: For residential development, property in this district may be developed, at the