

Zoning Board
September 10, 2015
Milton, Florida

The Zoning Board met on the above date with the following members present: Chairman Bill Dubois, Don Richards, Colton Wright, Jim Waite, Alice Brupbacher, Lonnie Hawkins, Scott Kemp and Alan Isaacson. Beckie Cato (Planning and Zoning Director) and Darliene Stanhope (Planner III) represented the Planning and Zoning Department.

The first item of business was the review of the August 13, 2015 meeting minutes.

Hawkins moved approval without objection of the August 13, 2015 meeting minutes.

I. New Business:

1. **2015-V-063**

Project/Applicant: Chris Brown
Location: 4428 Chantilly Way, Milton, FL
Parcel: 18-1N-28-0000-00324-0000
Zoned: R1 (Single Family Residential)
Request 1: Variance request to reduce the south side setback from 5 feet to 4 feet to accommodate an accessory building. (LDC 2.10.05.B.2)
Request 2: Variance request to reduce the rear setback from 5 feet to 2 feet 6 inches to accommodate an accessory structure. (LDC 2.10.05.B.2)
Request 3: Variance request to allow an accessory structure that is not subordinate to the primary residence. (LDC 3.00.01)
District: Commissioner District #1

Chris Brown said he was unaware of ordinances regarding the property line. He said he has already put post and concrete in the ground. Brown said he has spoken to both adjacent neighbors and one neighbor has no objection to the request.

Waite asked why he chose this location. Brown said because of the shape of the property. He said he wanted to stay away from fuel and septic lines.

Hawkins asked if the height of the building is for storing an RV. Brown said yes.

Mike DeCarrrenzo said he has no problem with this request.

Waite asked if any of this will have to be brought up to code. Stanhope said yes. Waite said he understands Brown's reasoning for placing the structure at this location. Waite said he has no problem with this request

Christy Brown said she was never informed by anyone about any of these requirements. She said this will not be used for commercial purposes.

Waite moved approval for all three requests. Brupbacher seconded, and the motion passed unanimously.

2. **2015-V-065**

Project/Applicant: Blackrock Capital Partners (Property Owner: Bank of Pensacola)
Represented by Matt Yonke of Blackrock Capital Partners & Howard Steele of HJ Steele & Co.

Location: 5784 Chumuckla Highway, Pace, FL
Parcel: 32-2N-29-0000-01425-0000
Zoned: HCD (Highway Commercial Development)
Request: Variance request is to reduce rear setback from 25 feet to 19 feet to accommodate proposed addition to existing building. (LDC 6.05.15.I.4)
District: Commissioner District #3

Howard Steele said placing this addition to the rear of the property, is the most cost effective solution. He said this building will be administrative offices.

John Brough said he wants to know how the storm water will be affected. Dubois said the impervious area will not be increased. He said the storm water problem would have been accounted for in the previous design.

Cato said if impervious surface is added, the contractor will need to validate that the existing storm water pond will accommodate storm water. She said this issue will be addressed during the site plan process.

Ashley Masters said she wants to know what the hours of operation will be. She said the lights, on the back of the property, are currently shining directly into her bedroom. Cato said she will discuss this with the property owner. Masters asked how long and when will construction be. Masters asked if the bushes will be cut down or a privacy fence installed. Dubois said there are landscape rules in place between residential and commercial property.

Steel said construction will be about 4 months. He said noise nuisance will be the same as any type of residential construction.

Kemp moved approval without objection.

3. 2015-V-067

Project/Applicant: Ronny's Car Wash
Represented by Ron Scott
Location: 4254 Woodbine Road, Pace, FL
Parcel: 22-1N-29-0000-00402-0000
Zoned: HCD (Highway Commercial Development)
Request: Variance request to reduce the front setback requirement from 20 feet to 10 feet to accommodate a commercial canopy. (LDC 2.10.02.E)
District: Commissioner District #1

Ron Douglas said this variance will be for vacuum shades. He said these canopies will be a cloth look. Douglas said the code allows the concrete to be in place, but not the shades.

Hawkins asked how this project got to the point of completion, without coming before the board. Cato said in the pre-application meeting, the applicant was advised of the setback requirements and that if the canopies were closer, a variance was required. She said the canopies were not shown on the approved site plan and were one of the last things installed during construction. Cato said this project will need building permits.

Waite asked why permission was never requested. Douglas said he did not feel the shades were "canopies". He said he considered them "shade cloths".

Isaacson asked if there are safety concerns. Cato said no. Isaacson asked if the trees were put in place, as requested by the county. Cato said yes.

Kemp said this business will soon be coming to the south end of the county. He said the applicant now clearly understand the rules.

Cato said because these were not safety issues and the business was close to opening, when this issue was discovered, she felt comfortable allowing the business to get a temporary certificate of occupancy.

Waite moved approval of the request. Hawkins seconded, and the motion passed unanimously.

4. 2015-V-068

Project/Applicant: Lowcost Container & Solid Storage
Represented by Karl Burger and Steve Hancy
Location: 5036 Bent Tree Road, Milton, FL
Parcel: 05-1N-27-0000-00110-0000
Zoned: HCD (Highway Commercial Development)
Request 1: Variance request to allow outside storage of items intended for sale on 2 acres of the parcel zoned HCD. (LDC 7.01.12.A)
Request 2: Variance request to reduce the front setback from 50 feet to 30 feet to allow for structures to be placed for advertisement purposes. (LDC 6.05.15.I.1.b)
District: Commissioner District #2

Dubois asked the nature of the storage items. Burger said steel storage containers.

Hawkins asked if the property, adjacent to the interstate, considered the road frontage. Stanhope said there are two frontages for this property. Waite asked the available square footage for the sign. Stanhope said 100 square feet. Wright asked if the center of the property will be cleared, leaving a vegetative buffer. Burger said yes.

Wright moved approval of both requests. Kemp seconded, and the motion passed unanimously.

5. 2015-V-074

Project/Applicant: Nathan Mansfield
Location: 6019 Emerald Sound Drive, Gulf Breeze, FL
Parcel: 29-2S-27-3332-00H00-0040
Zoned: PBD (Planned Business District)
Request 1: Variance request to reduce the front setback from 25 feet to 15 feet to accommodate single family residence. (LDC 6.05.13.F.8.a)
Request 2: Variance request to reduce the shoreline protection zone setback from 50 feet to 28.95 feet to accommodate a single family residence. (LDC 12.01.02.A)
District: Commissioner District #5

Dubois said last month the board asked Mansfield to alter his request. Dubois said the properties get deeper as you look to the west. He said he is concerned about setting a precedent. Hawkins said he has no problem with this request. Kemp said Mansfield has done what he was asked.

Bob Steele said he has the same lot dimensions as Mansfield and was granted a 10 foot variance for a deck. Dubois said the proposed new location will be almost identical to Steele's house.

Jack Bonney said Mansfield has owned this property for 10 years and is familiar with the size of the lot. He said the house Mansfield wants to build, has the biggest footprint of any house on the street. Bonney said this is a poor precedent to set. He said there is not a shore line issue with this request. Bonney said there is nothing unusual about this lot, to create an exception.

Isaacson asked if this board can over-rule covenants. Andrews said the zoning requirements cannot supersede restrictive covenants.

Hawkins said the uniqueness of this request is that when Mansfield purchased the land, the plat or survey did not show a mean high water line.

Alice Pounds said she feels this request was pre-approved.

Mansfield said the plans drawn were according to the property he purchased.

Isaacson said if this moves forward, the board does not supersede the restrictive covenants.

Richards said he hopes this will not set a precedent, of allowing setbacks on inter-coastal waterways and putting bigger houses on smaller lots.

Kemp moved approval of both requests. Wright seconded, and the motion passed with Isaacson, Wright, Waite, Hawkins, and Kemp in favor. Brupbacher, Dubois, and Richards opposed.

6. 2015-CU-030

Project/Applicant: O'Brien's Custom Paint and Body, LLC
Represented by Scott O'Brien
Location: 2515 Highway 87 S, Navarre, FL
Parcel: 08-2S-26-0000-00420-0000
Zoned: HCD (Highway Commercial Development)-HON (Heart of Navarre)
Request: Conditional Use request to allow a vehicle paint and body shop within HCD-HON. (LDC 6.09.02.N)
District: Commissioner District #4

O'Brien said he is planning to improve the property. Waite asked where vehicles will be stored while they are waiting to be repaired. O'Brien said behind the fence. Waite asked how many vehicles will be on the property at a time. O'Brien said no more than 5.

Wright asked what type of fence will be installed. O'Brien said a privacy fence.

O'Brien said he will have a paint booth and all chemicals will be contained. Wright said the Environmental Protection Agency highly regulates this type of business due to the chemicals.

Wright moved approval. Hawkins seconded, and the motion passed unanimously.

7. 2015-CU-031

Project/Applicant: Superior Construction Company
Represented by Wilford Ellis and Chris Perritt
Location: 8951 Fortune Road Camper 1, Milton, FL
Parcel: 16-1N-27-0000-00331-0000
Zoned: AG (Agriculture/Rural Residential)
Request 1: Conditional Use request to allow public and private utilities and public facilities, specifically a temporary modular construction office and a laydown area for a capital improvements project. (LDC 6.09.02.J)
Request 2: Conditional Use request to allow a transient quarters, specifically 4 units for workers. (LDC 6.09.02.F)
District: Commissioner District #2

AND

2015-V-075

Project/Applicant: Superior Construction Company
Represented by Wilford Ellis and Chris Perritt
Location: 8951 Fortune Road Camper 1, Milton, FL
Parcel: 16-1N-27-0000-00331-0000
Zoned: AG (Agriculture/Rural Residential)

- Request 1:** Variance request to allow outside storage of items in an AG zone, specifically a laydown yard for a capital improvements project. (LDC 7.01.12.A)
- Request 2:** Variance request to eliminate the screening requirement for outside storage. (LCD 7.01.12.A)
- Request 3:** Variance request to eliminate the landscape buffer requirements for outside storage. (LCD 7.01.05.F)

Chris Perritt said he has leased this property for 2 years. He said he is asking for the Conditional Use while he searches for permanent office space. Perritt said the variance applied for is because of the fencing.

Dubois said Superior Construction Company is one of the largest general contractors in the world. He said they should know to consult local ordinances. Perritt said he did not take into consideration, commercial materials or use. He said the transient quarters are four travel trailers, used to travel the state, while projects are being bid.

Hawkins asked if these are single person RV's. Perritt said yes. Kemp asked if this property is leased. Perritt said yes. He said he is in the process of purchasing this property.

Cato said this use is temporary. Andrews said this is a temporary lay down facility, and a temporary transient use facility

Perritt said he is in the process of purchasing this property for personal use.

Isaacson asked if this can be limited to a one year approval.

Perritt said Superior Construction Company is currently in the process of bidding the Highway 87/Yellow River expansion project. He said this property being in close proximity to the project, is a great asset to that bid. He said he would like to have the lay down area for at least three years.

Brupbacher asked if Perritt has a problem putting up the required screening. Perritt said he would ask that the screening be limited.

Waite asked if there can be a contingency of whether the Highway 87/Yellow River expansion project contract is awarded. He said he would like to see a mechanism of registering individuals that are staying on site. Perritt said there are always background checks done on employees.

Mark Way said he would rather look at the yard, than a huge screen outside his window.

Laverne Fry said she does not have a problem with this project. She said she believes there is a septic tank on this property.

Isaacson asked if the RV's are currently on the property. Stanhope said yes.

Hawkins moved approval of Conditional Use 1, with the condition it be for one year, to run concurrent with the contract for the Highway 87, if granted. Waite seconded, and the motion passed unanimously.

Wright moved approval of Conditional Use 2, with the condition it be for one year, to run concurrent with the contract for the Highway 87, if granted. Isaacson seconded, the motion failed with Wright and Kemp in favor. Isaacson, Brupbacher, Dubois, Waite, Hawkins and Richards opposed.

Waite moved approval of Variance 1, with the condition it be for one year, to run concurrent with the contract for the Highway 87, if granted. Hawkins seconded, and the motion passed unanimous.

Hawkins moved approval of Variance 2. Waite seconded, and the motion failed due to a tie vote. Wright, Waite, Hawkins and Kemp in favor. Isaacson, Brupbacher, Dubois and Richards opposed.

Brupbacher moved denial of Variance 2. Isaacson seconded, and the motion failed due to a tie vote. Isaacson, Brupbacher, Dubois, and Richards in favor. Wright, Waite, Hawkins, and Kemp opposed.

Hawkins moved approval of Variance 3. Wright seconded, and the motion passed with Hawkins, Wright, Waite, Kemp, Dubois in favor. Isaacson Brupbacher, and Richards opposed.

8. **2015-CU-032**

Project/Applicant: William Redmond Jr.
Location: 5494 West Spencerfield Road, Pace, FL
Parcel: 34-2N-29-0000-00623-0000
Zoned: AG (Agriculture/Rural Residential), HCD (Highway Commercial Development),
Request: Conditional Use request to allow the construction of a single family residence within in the Accident Potential Zone 1 for Navy Outlying Field - Spencer Field. (LDC 6.09.02.GG & 11.04.02.D.1)
District: Commissioner District #1

Randy Roy (NAS Whiting Field) said the Navy recommends not having development or houses in APZ 1. He said this request meets joint land use study recommendations, due to the size of the lot. Roy said this property will experience aircraft noise.

Isaacson said this is a good reason for adding a zoning segment to the roadway disclosure form, so future homeowners understand this is a risk. Brupbacher said there is already a disclosure. Cato said there is a disclosure requirement for locations near an airfield.

Stacy Perkins said he is speaking on behalf of Redmond. He said Redmond currently lives on East Spencerfield Road and he is very familiar with living near the airfield. Perkins said the area Redmond lives in now, is considered a measurable accident residential area.

Sarah Brackett said she is in favor of this request.

Richards moved approval. Wright seconded, and the motion passed unanimously.

9. **2015-CU-033**

Project/Applicant: City of Gulf Breeze
Represented by Edwin Eddy
Location: 5839 Gulf Breeze Parkway, Gulf Breeze, FL
Parcel: 20-2S-27-0000-00303-0000
Zoned: R1 (Single Family Residential)
Request: Conditional Use Request is for public utilities and facilities within a R1 (Single Family Residential) zoning district. (LDC 6.09.02.J)
District: Commissioner District #5

Eddy said this request is to install an elevated tank. He said the success of the effluent re-use system causes this request to come forward. Eddy said the Northwest Florida Water Management District is advocating

expansion of re-use effluent to residential homes and other applications. He said an elevated tank is the most efficient way to provide adequate pressure.

Kemp asked if this is a multi-phase project. Eddy said no. Richards asked the maximum height of the tower. Eddy said 180 feet.

Hawkins asked if there are any plans for cell phone antennas. Eddy said he is not opposed to a cell phone tower.

Hawkins moved approval without objection.

10. 2015-CU-034

Project/Applicant: Jayer and Linsey Williamson
Location: 5800 block of McCall Road, Pace, FL
Parcel: 30-2N-29-0000-00902-0000
Zoned: AG (Agriculture/Rural Residential)
Request: Conditional Use request to allow a trade service and repair within AG (Agriculture/Rural Residential), specifically an electrical contracting business.
(LDC 6.09.02.AA)
District: Commissioner District #1

Jayer Williamson said this request allows him to build his home, and a metal building to run his business out of. He said this is a 7 acre parcel. Williamson said this request meets all the requirements. He said one email expressed opposition regarding traffic. Williamson said the only traffic being added will be 10 vehicles coming and going to the shop, one time a day. He said there will be 5 delivery trucks during the week, but there are no 18 wheeler deliveries. Williamson said there can be 6 homes built on the property as it is currently zoned. He said there is a school bus that comes down the road. He said there are currently three businesses using addresses on McCall Road. Williamson said he wants to keep this area quiet and safe.

Dubois asked if Williamson will be willing to use Tunnel Road as an access. Williamson said yes.

Williamson said there will be no repair work happening in this building. Waite said there is no retail taking place at this facility. Wright asked if there are plans to grow the business. Williamson said no. He said he is trying to consolidate to allow him and his wife to run the daily functions of the business.

Pat Peterson said she owns the property north of the subject property. She said this street is residential. Peterson said she feels a commercial business on the street will de-value her property.

Ken McCall said there are no other businesses on this road.

Williamson said there will be a 50 foot vegetative buffer between McCall Road and the proposed building.

Brubacher said putting a business in this area impacts the value of other homes. Williamson said there will also be a nice house on this property and he does not feel it will negatively impact property values.

Richards moved approval. Waite seconded, and the motion passed unanimously.

11. 2015-CU-035

Project/Applicant: Ryan Sanborn
Location: 4800 Block of Henry Street, Milton, FL
Parcel: 10-1N-28-0000-002800-0000
Zoned: R1A (Single Family Residential)

Request: Conditional Use is to allow a recreational and park area, specifically a haunted woods and an obstacle course within a R1A (Single Family Residential) zoning district. (LDC 6.09.02.I)

District: Commissioner District #2

AND

2015-V-072

Project/Applicant: Ryan Sanborn
Location: 4800 Block of Henry Street, Milton, FL
Parcel: 10-1N-28-0000-002800-0000
Zoned: R1A (Single Family Residential)
Request: Variance request is to allow 32 square feet of signage with a max height of 6 feet within a R1A (Single Family Residential) zoning district. (LDC 8.06.05.A)

Sanborn said he plans on hosting a haunted woods event and an obstacle training course.

Richards asked about protection of wetlands. Sanborn said he will not disturb wetlands.

Kemp moved approval of both requests. Waite seconded, and the motion passed unanimously.

12. 2015-R-016

Project/Applicant: White Development Company
Represented by William Gross
Location: 5603 Chumuckla Highway, Pace, FL
Parcel: 32-2N-29-0000-00900-0000
Existing Zone: AG (Agriculture/Rural Residential)
Proposed Zone: HCD (Highway Commercial Development)
Existing FLUM: AG (Agriculture/Rural Residential)
Proposed FLUM: COMM (Commercial)
Area size: (+/-) 2.07 acres
District: Commissioner District #1

AND

2015-V-069

Project/Applicant: White Development Company
Represented by William Gross
Location: 5603 Chumuckla Highway, Pace, FL
Parcel: 32-2N-29-0000-00900-0000, 32-2N-29-0000-02302-0000, 32-2N-29-0000-02303-0000
Zoned: AG (Agriculture/Rural Residential), HCD (Highway Commercial Development)
Request 1: Variance request to reduce the side setback adjacent to a residential zone from 30 feet to 5 feet. (LDC 6.05.15.I.3.a)
Request 2: Variance request to reduce the driveway spacing on a major arterial road from 440 feet to 240 feet. (4.04.03.D.1.b)
Request 3: Variance request to eliminate the required landscape buffer between the commercial and residential properties. (7.01.05.B)
Request 4: Variance request to reduce the required throat length of the principle access point from 75 feet to 65 feet. (4.04.03.C.6.j)

District: Commissioner District #1

Gross said a key part of this development was an access to Chumuckla Highway and Woodbine Road. He said the variance requests originated out of the pre-application meeting. Gross said lining up the driveways creates the need for variance. He said aligning the driveways achieves a better flow of traffic. Gross said he feels this development will add value to the immediate area. He said the most important variance is for driveway spacing.

Dubois said his concern is throat length. Gross said there will be two accesses. Waite asked if the traffic signals are theoretical. Gross said yes. Waite asked if a right out exit has been considered. Don Jehle said it was considered but it interfered with internal development.

Joe Meyers said what was presented to Stonebrook and what was presented tonight, are two different proposals. He said if this development is not done correctly it will cause major traffic problems.

Ashley Barth said people in the community are excited about a Publix coming to this development.

Stephen Reyes said his concern is the throat language that Dubois mentioned. He said he is also concerned about the variance for the right in/right out.

Nancy Brown said the Crossroads Homeowners Association is in favor of the development but has concerns regarding traffic. She said the exit will be across from her neighborhood. Dubois said safety aspects will be addressed during site plan review. Cato asked if Brown's neighborhood is interested in the installation of speed bumps on the primary road. Brown said yes.

Rosemary Meyers said her concern is traffic.

Gross said traffic signals are an important element to this development. He said the signals will improve the traffic situation at this intersection. Waite said currently these signals are proposed. Cato said the staff is fully onboard with the traffic signals. She said the traffic study is to determine how the lights should be configured and to make sure there are no unintended consequences.

Isaacson asked Waite his thoughts regarding the throat length. Waite said that is a preliminary estimate and can change as the project progresses. Jehle said the code allows a 65 foot throat length.

Hawkins moved approval of the rezoning request. Wright seconded, and the motion passed unanimously.

Wright moved approval of Variance 1. Waite seconded, and the motion passed unanimously.

Hawkins moved approval of Variances 2, 3, and 4 without objection.

13. Proposed text amendment to the Land Development Code, Article 2, Article 4, and Article 6 related to a new Agriculture Zoning classification.
Presented by Beckie Cato

Cato said this was a recommendation in the rural development plan. She said it is a zoning district that falls in between AG1 and AG2. She said the board asked her to move forward with drafting this zoning district.

Waite said 5 acres is a good compromise. Cato said this change does not obligate the board to approve every request for re-zoning to this district.

Bonney said placing conditions may not always be upheld. He said urban sprawl does not need to be created. Bonney said his concern is this does not stop parent parcels being created.

Hawkins moved approval of the amendment. Waite seconded, and the motion passed unanimously.

Planning Department Matters:

Review of BOCC August 27, 2015, meeting results:

1. Rezoning requests: 2015-R-012, 2015-R-014, and 2015-R-015
2. South Santa Rosa Bicycle Pedestrian Plan

Stanhope said cases 2015-R-012 and 2015-R-014 were tabled until the September 24th rezoning meeting. She said 2015-R-015 was approved as recommended by this board. Stanhope said the proposed South Santa Rosa Bicycle Pedestrian Plan was approved with the condition that staff looks into other funding options.

Next Meeting:

The next Zoning Board meeting will be Thursday, October 8, 2015.

Adjournment:

There being no further business to come before the Board at this time, the meeting adjourned.

Chairman