Zoning Board
May 10, 2012
Milton, Florida

The Zoning Board met on the above date with the following members present: Chairman Jim Waite, and members William Merrill, Rob Williamson, Lonnie Hawkins, Paul Carney, Alan Isaacson, Carol Boston, and ex-officio member Randy Roy (NAS Whiting Field). Leslie Statler, Planner III, and Kelly Hobbs, Planner II, represented the Planning and Zoning Department.

The first item of business was the review of the minutes from the April 12, 2012 meeting.

Waite moved approval without objection of the April 12, 2012 minutes.

Postponed Business:

1. 2012-R-008
Applicant: Stanley Wilburn
Agent: n/a
Parcel(s): 09-1N-27-0000-00806-0000
Location: 8895 S. Lynn Road, Milton
Existing Zone: AG (Agriculture)
Requested Zone: HCD (Highway Commercial Development)
Current FLU: Agriculture
Proposed FLU: Commercial
Area size: 2.0 (+/-)
District: Commissioner District # 2

2012-CU-006
Applicant: Stanley Wilburn
Agent: n/a
Parcel(s): 09-1N-27-0000-00806-0000
Location: 8895 S. Lynn Road, Milton
Proposed Zone: HCD (Highway Commercial Development)
Request: Conditional Use to allow a sign manufacturing business(limited manufacturing & assembly) to be located within an HCD (Highway Commercial Development) zoning district (LDC 6.09.02.Y)
District: Commissioner District # 2

2012-V-018 Stanley Wilburn
Applicant: n/a
Agent: 09-1N-27-0000-00806-0000
Parcel(s): 8895 S. Lynn Road, Milton
Location: HCD (Highway Commercial Development)
Proposed Zone: Variance to allow the outside storage of materials (LDC 6.09.02.Y.1.g & 7.01.12.A)
Request:
Waite said at the April Zoning Board meeting, a neighbor adjacent to this property spoke in favor of this request. Stanley Wilburn said he is relocating his shop due to the economy.

Hawkins moved approval without objection of all three requests.

I. New Business:
1. 2012-SX-008
Project/Applicant: Richard Perdue Jr.
Location: 4565 Ginnie Trail, Milton
Parcel(s): 13-1N-27-0000-00103-0000
Zoned: AG (Agriculture)
Request: Special Exception to allow the temporary (seasonal) use of a recreational vehicle (RV) located in an Agricultural zoning district (LDC 2.04.00.C.10)
District: Commissioner District #2

2012-V-020
Project/Applicant: Richard Perdue Jr.
Location: 4565 Ginnie Trail, Milton
Parcel(s): 13-1N-27-0000-00103-0000
Zoned: AG (Agriculture)
Request: Variance to allow the construction of an accessory building prior to the construction of a residence within an Agricultural zoning district (LDC 2.10.05.A)
District: Commissioner District #2

2012-CU-011
Project/Applicant: Richard Perdue Jr.
Location: 4565 Ginnie Trail, Milton
Parcel(s): 13-1N-27-0000-00103-0000
Zoned: AG (Agriculture)
Request: Conditional Use to allow a recreation vehicle to be temporarily used as living quarters during a construction project in an Agricultural zoning district (LDC 6.04.04.C)
District: Commissioner District #2

Richard Perdue said he intends to leave his RV (Recreational Vehicle) on the property to stay in while he is in town. He said he would like to build a shed on the property to store his tools. Perdue said he plans to build a house on the property within one or two years.

Susan DeLero said her concern is property value and noise from construction. She said she would like more information and a

definitive time frame.

Isaacson said if there is no house plan, he cannot support this request. Williamson said he agrees. Statler said the board can impose conditions on the special exception.

Jack Bonney said he requested to have an ordinance put in place to regulate the use of RV's during construction. He said this is the first conditional use application under the new ordinance and the board should be careful when setting precedent. Waite discussed how the board determined the time frame, for an RV to be allowed on site during construction, for this ordinance.

Sandra Cantu asked if it makes a difference if Perdue is living full time in the RV. Statler explained the LDC (Land Development Code) requirements related to this request.

Waite asked if Perdue can accommodate a firmer time frame. Perdue said he does not know. He said he will start construction within three years. Carney asked what is causing the adjustment in the time frame. Perdue said financial issues. He said he will not stay in the RV longer than 2 weeks at a time. Hawkins asked Perdue when he intends to build the storage building. Perdue said when the lot is cleared.

Hawkins moved approval of all three requests. Merrill seconded, and the motion failed by majority vote. Boston, Isaacson, Carney and Williamson opposed. Hawkins, Merrill, and Waite in favor.

2. 2012-V-019
Project/Applicant: Robert J. Gambera
Location: 2613 Barefoot Creek Circle, Navarre
Parcel(s): 10-2S-27-0185-00D00-0020
Zoned: R1 (Single Family Residential)
Request: Variance to reduce the east side setback from 10' to 2.9' to accommodate an accessory structure (LDC 2.10.05.B.1)
District: Commissioner District #1

Gambera said he hired a contractor to build this accessory building. He said the existing slab was poured approximately five years ago. Carney asked if the slab is in violation of setback requirements. Statler said no.

Williamson moved approval of this request. Boston seconded, and the motion passed unanimously.

3. 2012-CU-007
Project/Applicant: John and Esmeralda Steele
Location: 4631 Chumuckla Highway, Pace
Parcel(s): 09-1N-29-0000-01701-0000
Zoned: AG (Agriculture)
Request: Conditional Use to allow for a retirement planning/financial services business (professional office) to be located with Agricultural zoning district (LDC 6.09.02.A)
District: Commissioner District #1

Daniel Saba said he represents the applicants. He said this area is highly developed. Saba said one or two clients per day and one or two employees will be on the property. He said the proposed business will be located in the existing structure.

Waite asked if the applicant currently lives in the home. John Steele said no. Statler said there will be site plan requirements.

Hawkins asked what the plans are for the swimming pool in the back yard. John Steele said the pool will be maintained and used. He said the pool meets all zoning requirements.

Williamson moved approval of this request. Carney seconded, and the motion passed unanimously.

4. 2012-CU-008
Project/Applicant: "Faith Chapel Assembly of God Church" represented by Eugene Nelson
Location: 8080 S. Airport Road, Milton
Parcel(s): 01-1N-28-0000-00404-0000
Zoned: R1M (Mixed Residential Subdivision)
Request: Conditional Use to allow for the expansion to a place of worship within an R-1M zoning district to accommodate a new chapel (LDC 6.09.02.H)
District: Commissioner District #2

Eugene Nelson said the church is running out of room and needs to expand their facility.

Hawkins moved approval without objection of this request.

5. 2012-CU-009
Project/Applicant: "Green Acres" Cheryl & Willie Hobbs
Location: 5399 Short Trail, Milton
Parcel(s): 36-2N-27-0000-00300-0000
Zoned: AG (Agriculture)
Request: Conditional Use request to allow a private moto-cross park (recreational activities to be located within an Agricultural zoning district (LDC 6.09.02.V)
District: Commissioner District #2

Kenneth Witt said he is speaking on behalf of Cheryl and Willie Hobbs. He said when Joe Brown purchased this property, he had a vision to create a living for him and his family. Witt said Brown creates income by hauling clay from this pit. He said the collapse in the housing market has caused Brown to look for other avenues of income. Witt said the Hobbs' have created this motor cross facility on Brown's property. He said it will not increase traffic or noise. Witt said the track is 1,900 feet from any adjacent property. He said there are plenty of buffers in place. Witt said the motor cross track will be less obtrusive than dirt hauling. He said this will be a safe family environment and there is no other place to ride motor-cross bikes in this area.

Waite asked if two businesses will be operated at one time. Witt said yes, but dirt hauling has decreased. Carney asked if the size of engines allowed on the track will be regulated. Witt said no. He said modified bikes will be allowed.

Isaacson asked if this facility is already in operation. Witt said yes. Isaacson asked the operational hours of this business. Witt said the applicant will keep within the guidelines of the County's noise ordinance. He said there are no lights on the track so there will be no riding after sunset.

Williamson asked if this is one parcel. Statler said yes. He asked if the whole parcel can be used for this operation. Statler said no. She said conditional uses are based on the conceptual drawing.

Sandra Cantu said her concern is safety. She asked if there is an age limit for who can ride on this track. Cantu said there should be no signs advertising this establishment posted on the highway.

Robert McClendon said there has been a motor cross track in Milton since the 1970's. He said currently there is no other dirt track for families to ride motor cross bikes in the local area.

Ryan Arvay said he appreciates the business venture of the Brown's and Hobbs'. He said he felt there needs to be more consideration for the people who live in this area. Arvay said this track was opened without a permit or approval from the County. He said the signage was inappropriate. He asked the board to deny this request.

Sid Samaha read a prepared statement out-loud (attachment in file). He spoke in opposition of this request.

Merrill said he does not know how to determine how loud the track is without hearing for him self. Carney said sustained noise is the bigger issue. Statler read out-loud from the County's noise ordinance. She said the noise ordinance does not apply to this property because of the Zoning District.

Mike Cook said he lives directly adjacent to this property. He said there are other noises in this area from Southern Raceway and Eglin Air Force Base. He spoke in favor of this request.

Roy explained decibel levels created by aircraft and other military operations.

Joyce Todd discussed the Santa Rosa Comprehensive Plan. She spoke in opposition to this request.

Waite asked Roy the status of the proposed ATV park close to NAS Whiting Field. Roy said the budget has hindered this project. He said he understands a primitive set up will be open by the end of the year. Phil Phillips said the Division of Forestry is in the process of awarding the contract for the first phase of this project. He said the first phase will be a parking lot, four trail heads, and utilities.

Dave O'mazin spoke in favor of this request. He said the motor-cross bikes on this track will have EPA (Environmental Protection Agency) approved mufflers.

Mary Jones said she lives next door to this property. She spoke in opposition to this request. Jones said she is concerned about continual noise and increased traffic.

Glenn Smith spoke in opposition to this request. He said his concerns are the continual noise and dust created by this track.

Ron Taylor spoke in opposition this request. He said the noise created by this track is unbearable.

Witt said the hours of operation can be regulated in accordance to the noise ordinance. He said the noise is not constant. Witt said most people have to work during the week. He said there may be 20-25 bikes on the track at one time. Witt said there is a sprinkler system on this track to combat dust. Isaacson said his concerns are there is not a true business site plan and what type of control is in place to keep people from riding at night. He asked if the facility is continually staffed. Witt said yes.

Willie Hobbs said no one gets on the track without proper protective gear. Merrill asked if there is an age limit for who can ride on this track. W. Hobbs said no.

Isaacson asked the liability insurance limit for the track. Blake Russell said there is no liability insurance on the track. Boston asked if the track is operating uninsured. Russell said yes.

Williamson said this request meets all criteria of a conditional use. He said this will be a recommendation to the Board of Commissioners. Williamson said the noise ordinance does not apply to this property.

Merrill said most of the people who moved to this area were aware of the noise they were going to expect. He said he feels this is infringing on the adjacent homeowner's property rights. Isaacson said his concern is there is not a defined plan for this property. He said this business was operated without going through the correct process. Boston said it is not a good precedent to set to ask forgiveness instead of permission. Hawkins said he does not feel this is the proper location for this track.

Isaacson moved denial of the request. The motion died for lack of second.

Williamson moved approval of the request. Hawkins seconded, and the motion failed by majority vote. Williamson in favor. Hawkins, Waite Merrill, Carney, Isaacson, and Boston opposed.

6. 2012-CU-010
Project/Applicant: "Boo Weekley Charity Golf Event" Toggy Pace
Location: 7061 Pro-Am Court, Navarre
3070 PGA Boulevard, Navarre
Parcel(s): 11-2S-27-1925-01000-0020 & APO 02-2S-27-1922-TRACT-00A0
Zoned: R1 (Single Family Residential)
Request: Conditional Use to allow an outdoor event (recreational activities) in conjunction with a golf tournament to be located with in an R-1 zoning district (LDC 6.09.02.V)
Note: This event may include a concert and an auction as well as other fund-raising activities
District: Commissioner District #4

Toggy Pace said residents on Pro Am Court Road have no opposition to this event. He said there have been questions about parking issues but no negative feedback. Waite asked if there will be street side parking. Pace said no.

Williamson moved approval without objection of this request.

7. 2012-CU-012
Project/Applicant: "Coliseum Paint Ball" Rodrigo Moreno

Location: 4890 Highway 90, Pace
Parcel(s): 11-1N-29-3100-00900-0160, 11-1N-29-3100-00900-0110, & 11-1N-29-3100-00900-0030
Zoned: HCD (Highway Commercial Development)
Request: Conditional use to allow an outdoor paintball facility (outdoor commercial amusement activities) located within a Highway Commercial Zoning District (LDC 6.09.02.EE)
District: Commissioner District #1

2012-V-021
Project/Applicant: "Coliseum Paint Ball" Rodrigo Moreno
Location: 4890 Highway 90, Pace
Parcel(s): 11-1N-29-3100-00900-0160, 11-1N-29-3100-00900-0110, & 11-1N-29-3100-00900-0030
Zoned: HCD (Highway Commercial Development)
Request: Variances to the following to accommodate the development of an outdoor paintball facility: (1) to reduce the setback for a commercial outdoor activity adjacent to residential from 200' to 17'; (2) to reduce the vegetative buffer adjacent to residential uses from 25' to 17'; (3) to reduce the required parking spaces from 17 to 13; and (4) to allow a screening fence 8' in height to be located within a front setback (along Orleans Street) [NOTE: this fence will be placed on the inside of the buffer and not directly along the property line] (LDC 6.09.02.EE.4 & 6, 7.01.08.C.3, 7.01.10.D)
District: Commissioner District #1

Rodrigo Moreno said the neighbors who are opposed to this request are not familiar with the type of paintball facility he is proposing. He said this is not a big business. Moreno said Pace is growing and the youth need something to do.

Courtney Jean said her concerns are safety and noise. She said she does not feel this is a proper location for a paintball facility. Jean asked the board to deny this request.

Linda Fowlkes spoke against this request. She said this property was developed without proper permitting. Fowlkes said she felt this will adversely affect her property value. She said she has pictures to show where a paintball hit her vehicle.

Isaacson asked how close her car was parked to the property line when it was hit by a paintball. Fowlkes said the vehicle was parked on the property line. Boston asked if she addressed the paint hitting her car with Moreno. Fowlkes said no.

Josh Donahue spoke in favor of this request. He said the 13 foot nets are high enough to block any paintballs from escaping the facility.

Christian Moreno spoke in favor of this request. He said these guns cannot shoot more than 300 feet. Moreno said the paintball field is generally only open on the weekends.

Waite asked why the paintball field was not put closer to the middle of the field. Moreno said he originally thought he would be able to open a woods ball field along with the paintball field.

J.V. Weeks said Moreno has tried to cooperate with the County. He said he would like Moreno to have the opportunity to adjust the location of the field. Weeks spoke in favor of this request.

Williamson moved denial of the Conditional Use request. Isaacson seconded, and the motion passed by majority vote. Merrill opposed. Williamson, Isaacson, Waite, Hawkins, Boston and Carney in favor.

Williamson moved denial of four Variance requests. Boston seconded. The motion passed unanimously.

8. 2012-R-011
Applicant: "Gulf Power Company" represented by Allan Barton
Agent: n/a
Parcel(s): 32-2N-27-0000-00101-0000
Location: 8486 Bobby Brown Road, Milton
Existing Zone: AG (Agriculture)
Requested Zone: M2 (General Industrial)
Current FLU: Industrial
Proposed FLU: No change
Area size: 106.9 (+/-)
District: Commissioner District #2

Hawkins moved approval without objection of this request.

9.
Proposed text & map amendments to the Santa Rosa County Land Development Code presented by Beckie Cato and Paul Miller:

Amending the Land Development Code Section 6.05.25, Fairpoint Regional Utility System Wellfield Protection area, including the expansion of the district boundaries, modifications to the allowed land uses.

Roy Andrews said he represents numerous clients with industrial zoned property within the affected area. He said his clients are concerned this regulation will adversely affect the use of their property. Andrews discussed the disposal of the City of Milton's affluent. He said disposal of the affluent has not contaminated the Well Head.

Ryan Arvay said there has been a lot of scientific data submitted on this issue. He said the proposed ordinance is a good thing.

Holly Kimberl gave a power point presentation to the board. She spoke in favor of this proposed ordinance.

Henrietta Lawlor discussed information she sent to the board via e-mail. She made suggestions for changes she would like to see in the proposed ordinance.

Phil Phillips (Fabre Engineering) said the ordinance should protect specific Wellheads. Merrill asked if this type of aquifer is throughout the entire County. Phillips said this aquifer is a great source of water. He said the thickness of aquifer varies throughout the County.

Williamson said the water source should be protected without infringing on property owners rights.

Sandra Cantu said everyone should learn from mistakes that have been made in the past in order keep the water source protected.

Isaacson said he would like to see better criteria outlined in the proposed ordinance.

Waite said so far the board has not seen what type of contamination the aquifer is being protected against. He said appropriate scientific data has not been provided in order to make this decision.

Wallis Mahute said the citizens and businesses that depend on local water have rights. Isaacson asked what guidelines are being used to determine the criteria developers must abide by according to this ordinance. He said he felt this is overstepping the County's ability to deal with this issue.

Bonney said he felt the board should simplify this ordinance. He gave suggestions of changes he would like to see in the proposed ordinance.

Williamson discussed changes he would like to see to the proposed ordinance. Waite said he is not comfortable with the proposed district boundaries. Williamson said he felt the board has all the information they need to make a recommendation the Board of Commissioners. Hawkins said he is concerned about the borders of the Wellfield Protection Area. He said he feels the borders go too far. Isaacson said he would like the board to discuss the ordinance, section by section. The Board discussed options of when to discuss this issue further. Merrill suggested the County look into alternative grants to fund an in depth scientific study of this issue.

Carolyn Kolb asked the Board to remember their actions will affect the water in Santa Rosa County forever.

Isaacson moved approval to table this item until the next Zoning Board meeting and the meeting to begin one hour earlier. Boston seconded and the motion passed by majority vote. Williamson and Carney in opposition. Isaacson, Boston, Hawkins, Waite, and Merrill in favor.

Chairperson Matters:
Waite said the Board of Commissioners held a public hearing regarding the definition of this board. He asked Statler the results of the hearing. Statler said the hearing has been postponed.

Planning Department Matters:
Review of BOCC April 26, 2012 meeting results:
1. Special Exception 2012-SX-004:
appeal of Zoning Board decision (postponed until May 24, 2012)
2. Rezonings 2012-R-005 & 2012-R-009:
Statler said the Board of County Commissioners upheld this board's decisions on these items.

Next meeting:
The next Zoning Board meeting will be held on Thursday, June 14, 2012 at 5:00 p.m.

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