

Zoning Board
June 9, 2011
Milton, FL.

The Zoning Board met on the above date with the following members present: Chairman Bill Dubois, members David Powell, Robin Edwards, Bill Seelman, Jim Waite, Britton Stamps, and Rob Williamson. Beckie Cato (Planning and Zoning Director), Shawn Ward (Planner II), and Leslie Statler (Planner I) represented the Planning and Zoning Department. Also in attendance was Angie Jones (County Attorney).

The first item of business was to elect a Chairman and Vice-Chairman.

Waite nominated Bill Dubois as Chairman. Stamps seconded, and the board voted unanimously in favor by a show of hands.

Dubois nominated Hawkins as Vice-chairman. Seelman seconded, and the board voted unanimously in favor by a show of hands.

Next on the agenda was the review of the minutes from the Board of Adjustments meeting on May 5, 2011 and the Local Planning Board meeting on May 12, 2011.

Dubois moved approval without objection of the May 5, 2011 and May 12, 2011 meetings.

New Business:

1. 2011-SX-008

Request: Special Exception to allow the extension and continuation of a non-conforming land use as specified within the Heart of Navarre overlay district (LDC 9.05.00.B, 6.05.24.B)

Zoned: M1-HON (Restricted Industrial – Heart of Navarre)

Proj/Applicant William Goulet

Proj Location 1942 Highway 87 South, Navarre

Parcel # 20-2S-26-0000-00519-0000

District: Commissioner District #4

Goulet said he has cleaned up the subject property since he purchased it. He read a letter out loud which he submitted to the board that stated he was informed by Code Compliance that his business on the subject property was non-compliant. Goulet said he has two prospective businesses ready to move into the two vacant units on the property. Dubois said he is generally in favor of this type project. Edwards said she is familiar with the building. She said she does not see a problem with this request as long as Goulet complies with paint and landscaping codes. Powell said he would be glad to see a business in this building. Williamson said his only concern is the fencing on this property. He asked if there are any plans to replace the fence with something that complies with HON guidelines. Goulet said he plans to plant shrubbery along the fence line.

Bobby Killingsworth said he is the president of the corporation that owns the multi-family property to the east of the subject property. He said he has no objection to this request.

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

2. 2011-V-014

Request: Variance to reduce the rear building setback from 25 feet to 14.5 feet to accommodate an addition (LDC 6.05.05.I.4)

Zoned: PBD (Planned Business District)

Proj/Applicant Jeffery & Wendy Newkirk

Proj Location 1563 Kitty Hawk Drive, Gulf Breeze

Parcel # 26-2S-28-2318-00A00-0070

District: Commissioner District #5

Newkirk said the property located behind the subject property is not developable because of wetlands. He said the north side of the lot is used as drainage for a subdivision so it cannot be built on. Newkirk said the septic tank covers one side of his front yard. He said in his personal opinion this is a reasonable request.

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

3. 2011-CU-005

Request: Conditional Use to allow a dog boarding/kennel facility to be located within a Highway Commercial Development (HCD) zoning district (LDC 6.09.02.X)

Zoned: HCD-HON (Highway Commercial Development – Heart of Navarre)

Proj/Applicant "The Feed Bucket" James Dabney

Proj Location 2107 Highway 87 South, Navarre

Parcel # 17-2S-26-0000-00104-0000

District: Commissioner District #4

2011-V-015

Request: Variances for the following to accommodate the placement of a dog boarding/kennel building:

1. To reduce the south side building setback from 5 feet to 3 feet to accommodate a dog boarding facility

2. To reduce the two-way drive aisle width from 24 feet to 15 feet

(LDC 6.05.15.I.3, 4.04.03.C)

Zoned: HCD-HON (Highway Commercial Development – Heart of Navarre)

Proj/Applicant "The Feed Bucket" James Dabney

Proj Location 2107 Highway 87 South, Navarre

Parcel # 17-2S-26-0000-00104-0000

District: Commissioner District #4

Statler said construction of this building started prior to receiving any permitting or zoning approval from the County. Dabney read a statement out loud explaining that this building will be used for boarding, grooming, and daily dog daycare. He said he will follow the guidelines set forth by the County.

Dubois asked what the buildings on the rear of the property are used for. Dabney said personal storage. He said the building was built according to engineered plans. Dabney said he is in the process of purchasing the subject property. He said he has an approval letter from Gulf Power. Williamson asked what specific requirements have been put in place in order for this request to comply with a conditional use for a dog boarding operation. Dabney said the exercise run area will be enclosed by chain link fence and privacy slats. Williamson asked how he will remedy noise and odor from the dog park. Dabney said most of the time the animals will be kept inside the sound proof building. He said all feces will be picked up and removed from the dog kennel. Williamson said he does not feel this project meets all requirements for a conditional use. He said his main concern for the variance request is access to the rear buildings for emergency vehicles. Dabney said the fence has a 15 ft. gate. Edwards asked the proposed maximum capacity of animals for this facility. Dabney said 8 dogs. Edwards asked Dabney why he would build on the property without owning it. Dabney said he has made some payments and signed documents between him and the owner.

Louis LaSeur said she is an attorney and certified land planner representing Tammy Hodge; Hodge owns the vacant property to the north of the subject property. She said her client is opposed to this conditional use request. LaSeur said her client feels her property value will be negatively affected by the noise and odor associated with this proposed dog kennel. She said this building is not positioned to minimize impact to other properties. Dubois asked LaSeur if there are any development plans for her client's property. LaSeur said she thinks her client plans to develop an office building. Powell asked LaSeur where she suggests putting the subject building. LaSeur said it depends on where the dogs will exercise. She said Dabney's plans are incomplete at this point.

Bobby Killingsworth said he owns Navarre Lumber which is south of and adjacent to this building. He said his company makes lots of noise. Killingsworth said he has no objection to the location of the building. He said he does not feel the property to the north will be adversely affected.

Dabney said he is willing to put up an 8ft. privacy fence if that is a requirement of the board. Dubois asked if this item can be tabled to give the applicant time to submit a more complete site plan. Cato said yes. She said any new fencing will have to be something other than chain link because chain link is not allowed in the HON. Dubois said he felt it will be helpful for the board to have an accurate site plan. He said the neighbors were aware of the noise from Navarre Lumber when they moved to the area. Dubois said this will create a new noise problem the neighbors were not aware of.

Williamson said this will service a need in the south end of the County and he has no problem with the business at this location. He said he wants to make sure conditional use specifications are adhered to.

Williamson made a motion to table this item. The motion died due to a lack of second.

Dabney said he would like to get this resolved and move forward one way or another. He said any requirements the board sets will be met.

Stamps asked if the requirements the board has discussed tonight satisfy the Building Department requirements. Tolbert said the plans still need to be reviewed. Dabney said he has spoken with Killingsworth about purchasing some of his property to allow more room for setback requirements. Dubois said Dabney will have a better chance for approval if this item is tabled while he works with the building department. Stamps asked if this business can be opened without permitting. Tolbert said no.

Stamps moved approval of the Conditional Use concurrent with when the Building Department issues a Certificate of Occupancy. Powell seconded, and motion passed by majority vote. Stamps, Powell, Seelman, Williamson, and Edwards in favor. Dubois and Waite opposed. (5-2-0)

Powell moved approval of both Variances. Seelman seconded, and the motion passed by majority vote. Powell, Seelman, Stamps, and Edwards in favor. Duboise, Waite, and Williamson opposed. (4-3-0)

4. 2011-CU-006

Request: Conditional Use request is to allow a Commercial Outdoor Amusement Activity (heliport for charter/sight-seeing tours) to be located within a Highway Commercial Development (HCD) zoning district (LDC6.09.02.EE)
Zoned: HCD/HON (Highway Commercial Development / Heart of Navarre)
Proj/Applicant "Navarre Water Sports" Charles Duplantis
Proj Location 8671 & 8673 Navarre Parkway, Navarre
Parcel # 21-2S-26-0000-00120-0000 & 21-2S-26-0000-00126-0000
District:

Duplantis said the helicopter will be stored on the fenced in property across the street from the subject property. He said the business will be open 5 or 6 hours per day. Duplantis said this will be a quiet and reliable helicopter. He said the pilots will be certified flight instructors. Edwards asked if there will be only one helicopter. Duplantis said yes. He said it is a possibility this business will expand into other water sports. Cato said Eglin and Whiting Field have evaluated this request, and they have no concerns. Waite asked if the heliport will be 50 ft. away from all property lines. Duplantis said yes.

James Dabney spoke in favor of this request. He said he lived in this area in 2003-2004, and there was a heliport business with tours to and from Navarre Beach during that time. Edwards said she sees no problem with this business being in this area.

Edwards moved approval of the request. Powell seconded, and the motion passed unanimously.

5. 2011-R-008 Rezoning

Applicant: Figure 8 (Florida) LLC
Agent: Carla Hinote
Parcel(s): 01-2N-29-0000-00100-0000, 02-2N-29-0000-00100-0000,
03-2N-29-0000-00100-0000, 04-2N-29-0000-00100-0000,
11-2N-29-0000-00100-0000, APO 12-2N-29-0000-00100-0000,
APO 12-2N-29-0000-00200-0000, 33-3N-29-0000-00100-0000
Location: North of Kolb and Martin Road, Chumuckla
Existing Zone: Ag-2 (Agriculture District)
Requested Zone: Ag (Agriculture District)
Current FLU: Agriculture
Proposed FLU: No Change
Area size: 3003.63 (+/-) acre

Hinote said there is a conceptual layout of this property in the board's packet. She said out of 85 lots 32 lots are less than 10 acres. Hinote said this layout utilizes current paved road frontage with the remainder of the interior lots being 20 acres or larger in size. She said she felt this is the best fit for today's market. Hinote said this request will allow potential buyers to subdivide the property at a later date according to Santa Rosa County standards if they choose to do so. She said she has discussed the possibility of retaining future right of ways for interconnectivity which will possibly alleviate traffic on major highways. Hinote said Figure 8 owns more property than what has been submitted for this request. She said Figure 8 submitted a property tax layout of the subject property and adjacent property. Stamps asked what type of infrastructure will need to be implemented before lots can be sold. Hinote said none. She said the County will not be asked to pave any roads. Stamps asked how much County maintained road frontage is included with this property. Hinote said approximately 1.5 miles. Waite asked if the lots along County maintained roads are metes and bounds lots. Hinote said yes. She said Figure 8 is willing to deed 30 ft. of right of way to the County on Figure 8's side of the road.

Seelman said he will abstain from voting on this request.

Anthony Washnock said this is the first time he has reviewed anything regarding this parcel. He said he is concerned because it is not clear who the owner of the property is. Washnock said he is concerned there is potential for farmers to be misled. He said the board should consider the farmers in the area.

Tammy Brock said she is concerned about the domino affect. She said she does not want the houses built around her property to bring down her property value.

Washnock said this is a circumstance that could potentially hurt Brock. He said Brock is trying to make sure she is not deceived by what the code allows. Dubois said Figure 8 is being upfront about their intentions.

Wallis Mahute said she felt it is interesting this request is made by an LLC with no assets. She asked if this property can be sold to a larger developer after zoning is changed. Dubois said yes. Cato said if the rezoning is approved the property can be subdivided into one acre lots, regardless of who the owner is. Dubois said if approved this request will be within guidelines of the Comprehensive Plan. There was continued discussion regarding the Comprehensive Plan.

Cato said the rural development plan contemplated a large number of rezoning requests to increase density. She said the plan also identified a transition zone which allows for transition between urban and rural areas. Dubois said this request appears to be consistent with the rural development plan. Stamps asked if there will be covenants and restrictions on these lots if they are sold. Hinote said yes, the covenants and restrictions will be based on County guidelines. She said she is trying to develop the property the same as other property in the area. Hinote said the starting price for homes is \$142,000.00 to \$340,000.00. Stamps asked if someone can buy 40 acres and install a landfill. Cato said currently a landfill will be allowed with a conditional use, but the County is in the process of amending the code so the property will have to be changed to PIT zoning. Hinote said it is not her intent to have landfills in this area. She said the restrictions will not allow mobile homes. Williamson asked if the minimum size parcel will be 20 acres. Hinote said there are currently 32 acres located along the County maintained road that are 2-15 acre parcels. She said any parcel that is not on a County maintained road is 20 acres or larger due to the large parcel exemption. Ward said under the current zone this will allow for 200 units. Hinote said she is trying to make the property marketable at today's current standard which is 2-5 acre lots. Williamson said his concern is that if the entire parcel is taken from AG2 to AG conceptually there could be up to 2,200 lots on this property.

Hinote said she wants to provide the prospective buyer the opportunity to develop this property in the future if they desire. She said she is trying to make it affordable for people to purchase a large lot now and in the future come before the board and meet all County zoning requirements to develop their lot. Williamson said under the current zoning this will not be an issue. There was continued discussion regarding easements. Waite asked Hinote if Figure 8 will be willing to provide drainage easements. She said she has retained Allen Miller with Southern Site & Utility to work with the County regarding any easements that may be necessary. Hinote said Figure 8 purchased 40,000 acres from International Paper Company. She said this is not a fly by night company. Edwards said this is a large amount of land that could possibly be parceled out in the future. She said this is an open ticket to do many different things with this property. Edwards said there is no guarantee what will be done with the property.

Waite moved approval of the request with the condition the applicant dedicate half of the right of way along existing County maintained roads and the applicant work with the County regarding drainage easements. Powell seconded, and the motion passed by majority vote. Waite, Powell, Dubois, and Stamps in favor. Williamson and Edwards in opposition. Seelman abstained.

6. 2011-R-009 Rezoning

Applicant: Figure 8 (Florida) LLC

Agent: Carla Hinote

Parcel(s): 02-2N-30-0000-00400-0000, 10-2N-30-0000-00101-0000

11-2N-30-0000-00101-0000, APO 12-2N-30-0000-00100-0000

Location: East of Ten Mile Road and Northeast of Wallace Lake Road, Chumuckla

Existing Zone: Ag-2 (Agriculture District)

Requested Zone: Ag (Agriculture District)

Current FLU: Agriculture

Proposed FLU: No Change

Area size: 1027.06 (+/-) acre

Hinote said out of the 51 lots there are approximately 29 lots less than 10 acres in size. She said this is basically the same layout as the prior request. Hinote said Figure 8 is working with the County on paving the road from Dewey Jernigan Road to Wallace Lake Road. She said Figure 8 is working with the County to deed 30 ft. from the center line of the road on the side of the road Figure 8 owns. Hinote said she met with Steve Furman in Engineering this afternoon. She said Furman has provided three options which are in each board member's packet. Hinote said Furman is working toward option three. She said she would like to start with the hold harmless agreement. Hinote said the same restrictions that are placed on the prior request will be placed on this property. Stamps asked the length of roadway the County will be paving. Hinote said approximately 8,700 ft.

Waite asked if a storm water permit will be needed for this project. Allen Miller said he believes there is an exemption for rural residential properties such as this. Waite asked if Southern Site & Utility will acquire the permit if a permit is required. Brian Brown said in prior discussions with the road department the necessity of a storm water permit has not been addressed. Waite said this is a question that should be addressed. Brown said he will research this issue. Stamps asked how often the County gets involved with infrastructure. He asked if this is putting the cart before the horse because the Zoning Board does not know if the Board of Commissioners has approved to pay for labor and machinery to pave this road. Cato said she does not know how

often the County gets involved with infrastructure. She said this is only a recommendation based on the information the board has been provided. Stamps said he has a problem with the County paying for a portion of the infrastructure. Ward said there was 80 acres in the same area approved last year. He said the Commissioners put a condition on the applicant that said they could not divide property adjacent to the roadway until the road was paved regardless of who paved the road. He said this is a similar situation. Hinote said they considered doing an MSBU, but the owners of the company are willing to pay the cost involved for paving upfront. She said the Commissioners must approve whether they are willing to cost share in this project.

Washnock said he owns a parcel in this area. He discussed drainage concerns. Washnock said his concern with the LLC is that the only owner and person of authority is Ashton Hudson. He said he would like this board to open their meeting with prayer as the Board of County Commission does.

Seelman said he will abstain from voting on this request.

Stamps said he has a problem with the paving portion of this project not being approved by the Board of Commissioners. He said he is also concerned about mobile homes being placed on this property. Hinote said the current restrictions do not allow mobile homes in the area. She said they are working diligently to pave the road with the cost to the owner being \$130,000.00. Hinote said they are working with the County on the drainage and hold harmless agreement.

Waite said he recalls the parcel the board reviewed in 2010 which Ward used as example. He asked if Figure 8 will be agreeable to the same conditions. Hinote said yes.

Stamps moved approval of the request with the conditions the road be paved prior to subdividing the lots and there be no mobile homes. Powell seconded, and the motion passed unanimously.

7. 2011-R-010 Rezoning

Applicant: Allen and Leslie McDonald

Parcel(s): 30-2S-27-0000-00117-0000, 30-2S-27-0000-00168-0000,
30-2S-27-5930-00200-0010,

Location: North of Soundside Drive, between Oak Dr and Woodlawn Beach

Existing Zone: R1, Single Family Residential

Requested Zone: Ag, Agriculture

Current FLU: Single Family Residential

Proposed FLU: Agriculture

Area size: 7.59 (+/-) acres

McDonald said he has lived on Soundside Drive for 63 years. He said he has been buying property in this area for years. He said if the area is going to be developed he would rather do it himself. McDonald said before Hurricane Ivan he was contacted by a developer wanting to make this property a high end development. He said he liked this idea. McDonald said the 6 acre section is not platted. He said the smaller portion is platted and zoned to have horses and other animals. McDonald said many of the neighbors have gardens. He said he decided to allow the proposed high end development on the property and requested a R2 zoning change. McDonald said some of his neighbors were concerned about what could happen if the property was sold, so he dropped the request. He said due to the economy he sold some of the property. McDonald said all of the property is paid for except for one small parcel. He said he put a blue berry field on the highest part of the property. McDonald said his son in law wants to use his greenhouse on the property for newly rooted plants; this blueberry farm will be a joint business venture for the two of them. He said he wants AG zoning in order to lower the taxes on the property so they will be able to hold onto the land.

Dubois said it seems to him this request is classic spot zoning. Seelman asked if this operation will be organically certified. McDonald said yes. Williamson said this is an admirable pursuit, but he felt this is classic spot zoning. McDonald said he could potentially have 25 lots on this property under the current zoning. He said there will be no mobile homes or farm animals on this property. Stamps asked if there is any other AG zoned property in this area of the County. Ward said no. Dubois said the board has received a lot of written opposition.

Mickey Merchant said he and all of his neighbors are opposed to spot zoning. He said he is not opposed to developing this property with residential homes but said he does not want a farm at this location. Dubois said the way this property is currently zoned McDonald can put livestock on this property. Don Sadler said he lives across the street from this property. He said he is opposed to spot zoning. Sadler said AG property should not be in this area.

Roth Fryer said there is a park and boat ramp down the street from the subject property. He said he wants to grow a non traditional farm. Fryer said there is a buffer so you cannot see what is happening on the property from the street. He said his primary customers will be families. Fryer said this operation will only be open 6-8 weeks per year. He said he does not feel there will be a drastic change in traffic patterns if this request is approved. Fryer said he will practice integrated pest management. Edwards asked if the only thing being sold is blueberries and blackberries. Fryer said yes. Edwards asked what will be visible from the road. Fryer said the blueberries will be on high ground. He said he plans to have a landscape buffer along the front of the property. Edwards said the applicant has good intentions but circumstances regarding the property can change. Statler said parking will be on site and the applicant will need a commercial development order; the applicant will comply with all commercial standards. Stamps said he admires what the applicant is trying to do but felt this is the wrong spot for this project. Seelman said he is a staunch advocate for this type of family farm but said this is in the wrong place.

Seelman moved denial of this project. Williamson seconded, and the motion passed by majority vote. Seelman, Williamson, Dubois, Waite, Stamps in favor. Powell and Edwards opposed.

Planning Department Matters:

Ward said for the next few months he and Statler will be working on cases together. He said staff will keep the board updated on the Board of County Commissioner's decisions regarding this board's recommendations. He said the proposed "PIT" zoning district came before the Board of Adjustments last month, and it was recommended for approval. He said the Commissioners tabled this item due to need of further explanation. He said there was a situation with an existing pit. Ward explained travel vouchers that are available to the board.

Next meeting:

The next Zoning Board meeting will be held on Thursday, July 14, 2011 at 6:00 p.m.

Adjournment:

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

