

**FREEPORT PLANNING &
DEVELOPMENT REVIEW BOARD**
August 20, 2019 Special Meeting Minutes

6:00 pm /Freeport City Hall Council Chambers

I. Meeting Called to Order

The Special Meeting was called to order by Chair John Konopacki at 6:02 pm.

Board Members present: Michael Gilley, Steve Thomas, John Konopacki and Kasey Cuchens.

Staff present: Latilda Neel/Planning Director, Brooke Jackson/Planning Technician and Clay Adkinson/Board Attorney.

II. Invocation / Pledge of Allegiance

The Invocation was given by Neel, followed by the Pledge of Allegiance to the American Flag.

III. Variance Request – Fishermans Cove Marina Redevelopment

Planning Director Neel presented the variance request with the following findings from Staff:

Access Points: per LDC Section 5.01.07, for a non-residential development where less than 300 parking spaces are provided and adjacent to a collector road, 1 access point is allowed. The project engineer has requested a variance of LDC Section 5.01.07; to provide two accesses in order to provide easier traffic circulation for large trucks/large boat trailers.

2.04.02 Limitations on Granting Variances

D. Initial Determination

Due to the unique configuration of the property in relationship to the county right-of-way, staff believes that the project meets the criteria of Section 2.04.02 LDC.

E. Required Findings

1. There are significant practical difficulties in carrying out the strict letter of the regulation due to the circulation requirements

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associated with truck/trailer/large boat clearance needs associated with the marina.

2. The variance request is not based on reducing the costs of developing the site.
3. The variance will reduce congestion on adjacent public streets and improve fire safety and reduce other possible hazards to the public.
4. The proposed variance will not reduce property values or alter the essential character of the area as this has been a marina site for over 10 years.
5. The effect of the proposed variance is in harmony with the general intent of the Land Development Code and the specific intent of relevant subject area(s)

Conclusion: Staff supports the variance request.

Cliff Knauer PE/ agent for property owner Jim Massey addressed the Council on the details of the request.

Board Attorney Adkinson instructed the Board that a motion needed to be made to find that the request met the Initial Determination Requirements of Section 2.04.02 (D).

Board Action: Thomas motioned to find the variance request meets the criteria of Section 2.04.02(D). Cuchens seconded the motion. All ayes; motion carried.

Board Attorney Adkinson instructed the Board to make a second motion regarding the required findings in Section 2/04.02 (E) 1-5.

Board Action: Cuchens motioned to grant the variance based on the request meeting the required finding in Section 2.04.02(E) 1-5. Thomas seconded the motion. All ayes; motion carried.

IV. Development Approval – Fisherman’s Cove Marina Redevelopment

Development Summary:

Parcel Number: 22-1S-19-23010-000-0113

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Owner: James Massey

Location: East end of Marina Villager Boulevard (being renamed Freeport Marina Boulevard with approval from Walton County GIS/IR)

Current development: Marina with Ship Store

Proposed Redevelopment:

- 324 sf existing ship store
- 1527 sf proposed restaurant (1046sf indoor seating, 263 sf outdoor seating & 218 sf outdoor kitchen) on First Floor Only of existing 2-story structure on property
- Open boat storage racks

Staff Comments: there are several conditions which affect this project:

Code Enforcement Actions

- In 2010 a code enforcement letter was issued by the City Attorney to property owner Jim Massey regarding permitting requirements for future improvements/changes to the development site.
- On January 2, 2019, an onsite inspection occurred, and a verbal warning was issued onsite to owners' representative Zac Bryant, dayworker Robert Davenport and to property owner Jim Massey to cease work on structures on the site as no development order or building permits have been issued for changes to the development.
- Code Violations noted:
 - Construction of restaurant area on ground floor without any building permits or development order for expansion of building (original 2010 elevation certificate verifies that the restaurant area on the first floor did not exist.)
 - Construction of wheelchair ramps on west side of building and outdoor porch/kitchen area and shed added to the north side of property. A portion of back porch and shed are located on the adjoining parcel to the north. (original 2010 elevation certificate verifies that the wheelchair ramp/outdoor porch area to the back did not exist.)
 - Construction activities inside building without building permits obtained by licensed contractors (verified by staff during site inspection January 2, 2019, confirmed by 2010 Elevation Certificate photographs)
 - Illegal signage on building (has not been removed)

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- Off-site sign placed at corner of SR 20/CR 83A East (has been removed)
- RV Camper hooked up to power pole and city water via water hose. (RVs are not allowed to be used as residences outside of RV parks)

Staff Comments: In order for this project to move forward and achieve a development order, the following would need to be accomplished:

Code Violation Corrections as conditions of Development Order:

- North-side porch and storage shed attached to the two-story building removed.
- Any/all RVs on-site removed from power/use of any city water/sewer
- Illegal signage removed from building; the owner must apply for a building sign which meets city requirements.
- Elevation certificate for expanded building(s) submitted to the City prior to issuance of development order for approval/building permit process (elevation certificate submitted; will be included in after-the-fact building permit application)
- After-the-fact building permits obtained by licensed commercial contractor for the first-floor expansion for the restaurant area west /adjacent to marina store.

Staff Comment: These requirements have been incorporated into the proposed development order for the project.

Staff Recommendation: approval subject to correction of outstanding code violations prior to issuance of development order for the development proposal.

Board Discussion: The Board discussed the outstanding code violations.

Cliff Knauer PE/Agent for Owner Jim Massey addressed the Council pertaining to the development proposal.

Public Discussion:

- Gary Mason addressed the Council as the contractor hired to obtain the required after-the-fact building permit.

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Board Action: Gilley motioned to recommend approval of the development proposal subject to correction of all code violations prior to issuance of the development order. Thomas seconded the motion. All ayes; motion carried.

V. Public Comment

Neel reminded the Board that they will be holding a community workshop regarding signage, metal buildings and definitions on Wednesday, August 28, 2019 at 6:00 pm., at City Hall.

VI. Adjournment

Chair Konopacki called for a motion to adjourn.

Board Action: Cuchens motioned to adjourn.

The meeting adjourned at 6:30pm.