



**MILTON PLANNING BOARD**  
**Regular Meeting Agenda**

August 28, 2023  
5:30 PM  
6738 Dixon Street  
Milton, FL 32570

- 1. Call Meeting to Order**
- 2. Review and Approval of Agenda**
- 3. Approval of Minutes**
  - Item # 2023-1799
  - Approval of Minutes from July 31, 2023 meeting
- 4. Citizens to Appear Before the Board**
- 5. New Business**
  - Item # 2023-1800
  - Special Exception - 5360 Stewart Street
- 6. Old Business**
- 7. Planning Department Update**
- 8. Adjournment**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the City at least 48 hours before the meeting by contacting City Hall, 6738 Dixon Street, Milton, or by calling 983-5410.

*"If any person decides to appeal any decision made by the board, agency, or commission, with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." FS 286.0105*



Agenda Item # 2023-1799

## Approval of Minutes from July 31, 2023 meeting

### MEETING DATE

August 28, 2023

### PREPARED BY

Melissa Short, Admin  
Assistant/Permit Clerk/Assistant  
City Clerk

### BACKGROUND

### SUMMARY

### RECOMMENDATION

Approval of Minutes

### ATTACHMENTS

1. BOA July 31 2023 minutes

**BOARD OF ADJUSTMENT**

**July 31, 2023**

The Board of Adjustment met on Monday, July 31, 2023, at 5:30 p.m. in Conference Room “A” at City Hall.

**PRESENT:** Ricky Downs, Chairman  
Kristopher Long  
Jay Camp  
Kyle Baker  
Karra Graber  
  
Jacob Hullett, Current Planner, Zoning Officer  
Melissa Short, Administrative Assistant

**OTHERS:** Dewitt Nobles

Mr. Ricky Downs called the meeting to order at 5:36 p.m. Kristopher Long made a motion to approve the minutes from May 15, 2023, meeting, seconded by Karra Graber; approved 5-0.

**NEW BUSINESS:**

**Variance – 6632 Cedar Street**

Jacob Hullett presented the case before the board regarding 6632 Cedar Street Variance. This property is otherwise known as Parcel# 34-2N-28-2470-00800-0050. This request, if approved, will allow the owner to build a single-family residence with side property line setbacks of approximately nine and one half (9 ½) feet as opposed to the regulated twelve (12) feet. The property lies within a R-1 Zoning District, which is the Single-Family Zoning District. The City of Milton’s Unified Development Code states in Article 6.2, within table 6.2.1 Residential District Dimensional Standards For Residential Uses, “Minimum Side Setback” as “12’ “and a “Minimum Lot Width” of “70’. Such language constitutes a variance for the placement of the house within the required side setback. The lot found at 6632 Cedar St., Milton, FL 32570 is a legally existing Nonconforming Lot of Record, as found in Article 10.2 – Nonconformities, and shall not require approval beyond the side setback intrusion. Furthermore, in Section 3.4, it is stated that the Board of Adjustment shall make a finding that the requirements regarding hardship relief have been met by the applicant for a variance, that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land. The City of Milton’s Board of Adjustments will take this request under consideration, but before a variance can be granted, the property must be posted and all abutting property owners and property owners directly across the street from the subject property must be notified, and a Public Hearing held.

The City of Milton’s Unified Development Code Section 3.4 regarding Variances states that “A variance from the terms of these regulations shall not be granted by the Board of Adjustment unless and until one of the following requirements or procedures are met. A written application for a variance (hardship relief) is submitted to the Planning Dept. in theory demonstrating that a hardship exists based on one of four conditions.

Dewitt Nobles, adjacent property owner, was present to express she was in favor of the variance request. There was discussion. Kyle Baker made the motion to approve 6632 Cedar Street Variance, seconded by Kristopher Long; approved unanimously.

There being no further items to discuss, the meeting was adjourned at 5:48 p.m.



Agenda Item # 2023-1800

## Special Exception - 5360 Stewart Street

### MEETING DATE

August 28, 2023

### PREPARED BY

Melissa Short, Admin  
Assistant/Permit Clerk/Assistant  
City Clerk

### BACKGROUND

### SUMMARY

### RECOMMENDATION

Board Review of the Special Exception

### ATTACHMENTS

1. Special Exception - 5360 Stewart St.
2. 5360 stewart st boa Cato - whataburger - Application
3. Whataburger - Milton FL- final



# City of Milton

August 10, 2023

## PUBLIC NOTICE

### TO WHOM IT MAY CONCERN

This letter is to inform you that the City of Milton has received a Special Exception request application from Beckie Cato, LLC, representative of Jeffers Group, authorized applicant of the property located at 5360 Stewart St. This property is otherwise known as Parcel# 03-1N-28-2530-08400-0010. This request, if approved, will allow the owner to use the property as a principle use parking lot. The property lies within the SSC-RC Zoning District, in which a parking lot (principle use) requires a special exception.

The City of Milton's Unified Development Code states in Section 3.3 that the Board of Adjustment shall make a finding that the requirements regarding special exception have been met by the applicant, that the reasons set forth in the application justify the granting of the special exception, and that the granting of the special exception will not adversely affect the public interest. The City of Milton's Board of Adjustments will take this request under consideration, but before a special exception can be granted, the property must be posted and all abutting property owners and property owners directly across the street from the subject property must be notified, and a Public Hearing held.

**YOU ARE HEREBY NOTIFIED** that the application will be considered at the Board of Adjustments meeting on **Monday, August 28th, 2023, at 5:30 p.m.** in the Council Chambers at City Hall, 6738 Dixon Street, Milton, FL 32570. Should you be unable to attend this Public Hearing, a letter expressing your views will be considered. A complete lack of response to this notice will be construed as implied consent to the granting of this request.

Sincerely,

Jacob Hullett  
Current Planner/Zoning Officer

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the City at least 48 hours before the meeting by contacting City Hall, 6738 Dixon Street, Milton, Florida or by calling (850) 983-5440.

"If any person decides to appeal any decision made by the board, agency, or commission, with request to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based." FS 286.01015

CITY OF MILTON  
APPLICATION TO BOARD OF ADJUSTMENT

REQUEST #: \_\_\_\_\_

APPLICATION DATE: 8/9/2023

The undersigned applicant requests that the Board of Adjustment consider this application for:

Administrative Review \_\_\_\_\_ Special Exception  Variance \_\_\_\_\_

Determination of Compatibility \_\_\_\_\_

1. NAME OF APPLICANT: Beckie Cato, LLC
2. NAME OF BUSINESS: Whataburger
3. ADDRESS OF PROPERTY: 5360 Stewart St., Milton, 32571
4. LEGAL DESCRIPTION OF PROPERTY: 03-IN-28-2530-08400-0010

APPLICANT'S SIGNATURE: Beckie Cato

5650 Whispering Woods Dr, Pace, FL 32571 850-393-9802  
ADDRESS CITY STATE ZIP PHONE #

OWNER'S SIGNATURE: see attached authorization

ADDRESS CITY STATE ZIP PHONE #

OFFICIAL ACTION:

DATE: \_\_\_\_\_

ACTION: \_\_\_\_\_

\_\_\_\_\_

A:\Forms\Application\BOAdisk

ADMINISTRATIVE APPEAL

1. DESCRIBE ACTION OF PLANNING AND DEVELOPMENT DEPARTMENT BEING APPEALED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. EXPLAIN WHY THE ACTION OF THE PLANNING AND DEVELOPMENT DEPARTMENT IS CONSIDERED IN ERROR: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. IDENTIFY THE PROVISION OF THE LAND USE DEVELOPMENT REGULATIONS THAT IS INVOLVED IN THIS APPEAL.  
  
ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_ PAGE \_\_\_\_\_

SPECIAL EXCEPTION

1. PRESENT LAND USE ZONE: SSC-RC
  
2. PRESENT USE OF PROPERTY: vacant
  
3. DESCRIBE SPECIAL EXCEPTION REQUESTED: Parking lot as primary use on the parcel. Specifically, Whatabusco requests permission to expand thier existing parking onto the subject property. The parcels have separate ownership and cannot be combined.
  
4. EXPLAIN WHY THE GRANTING OF THIS SPECIAL EXCEPTION WOULD NOT BE DETRIMENTAL TO THE GENERAL WELFARE NOR TO THE PROPERTY RIGHTS OF OTHERS IN THE VICINITY: By expanding thier parking lot, Whatabusco can continue to operate successfully at that location without burdening others with overflow traffic.
  
5. IDENTIFY THE PROVISIONS OF THE LAND USE DEVELOPMENT REGULATIONS WHICH AUTHORIZED THE GRANTING OF THE SPECIAL EXCEPTION.  
  
ARTICLE 7 SECTION 7.3 PAGE \_\_\_\_\_

**Beckie Cato, LLC**

I hereby authorize Beckie Cato, LLC to submit a Special Use application on my behalf for Parcel Number 03-1N-28-2530-08400-0010 located at the intersection of Stewart Street and Hunt Road in the City of Milton, FL.

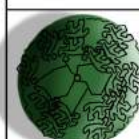
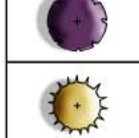
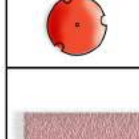



Name (type or print) \_\_\_\_\_

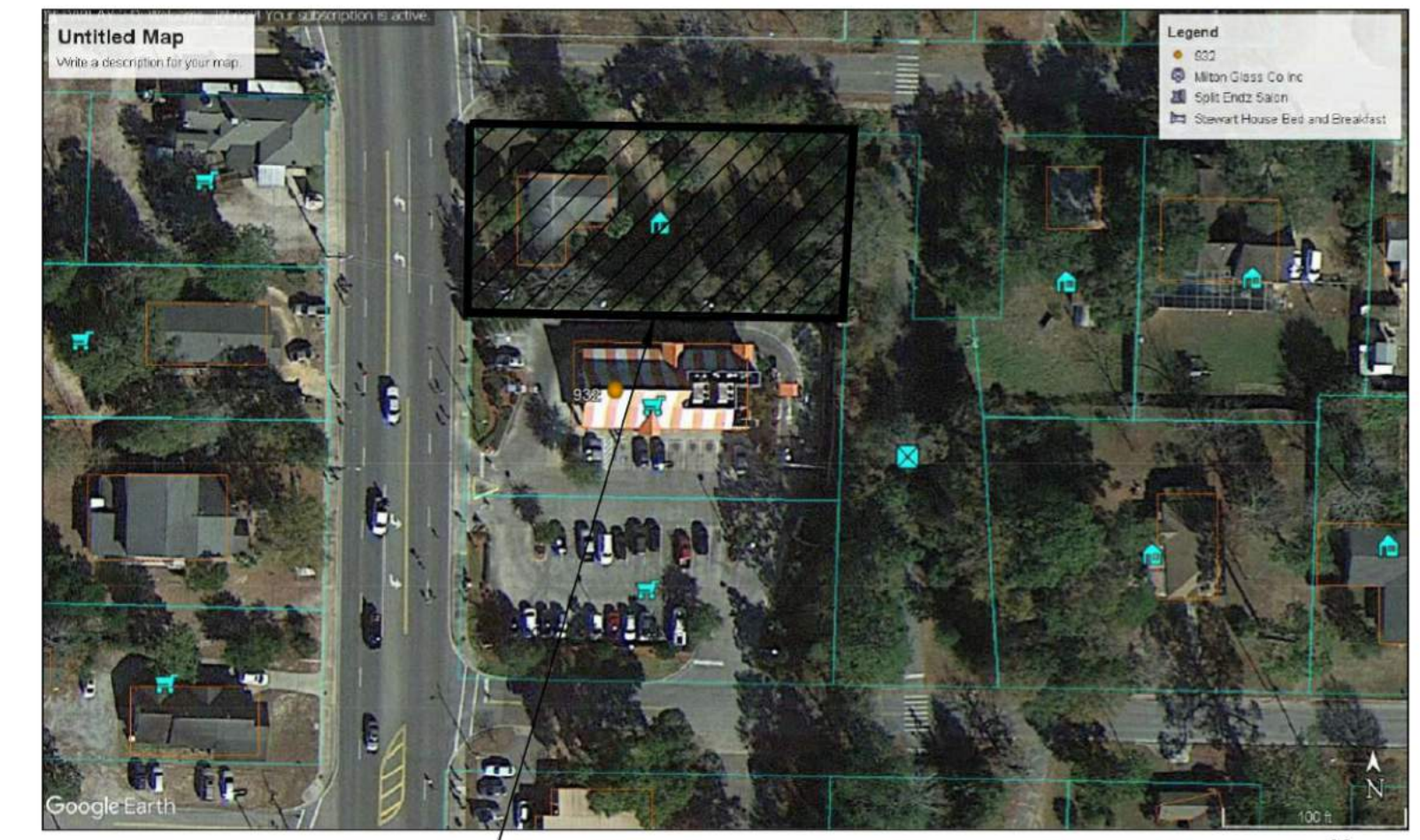
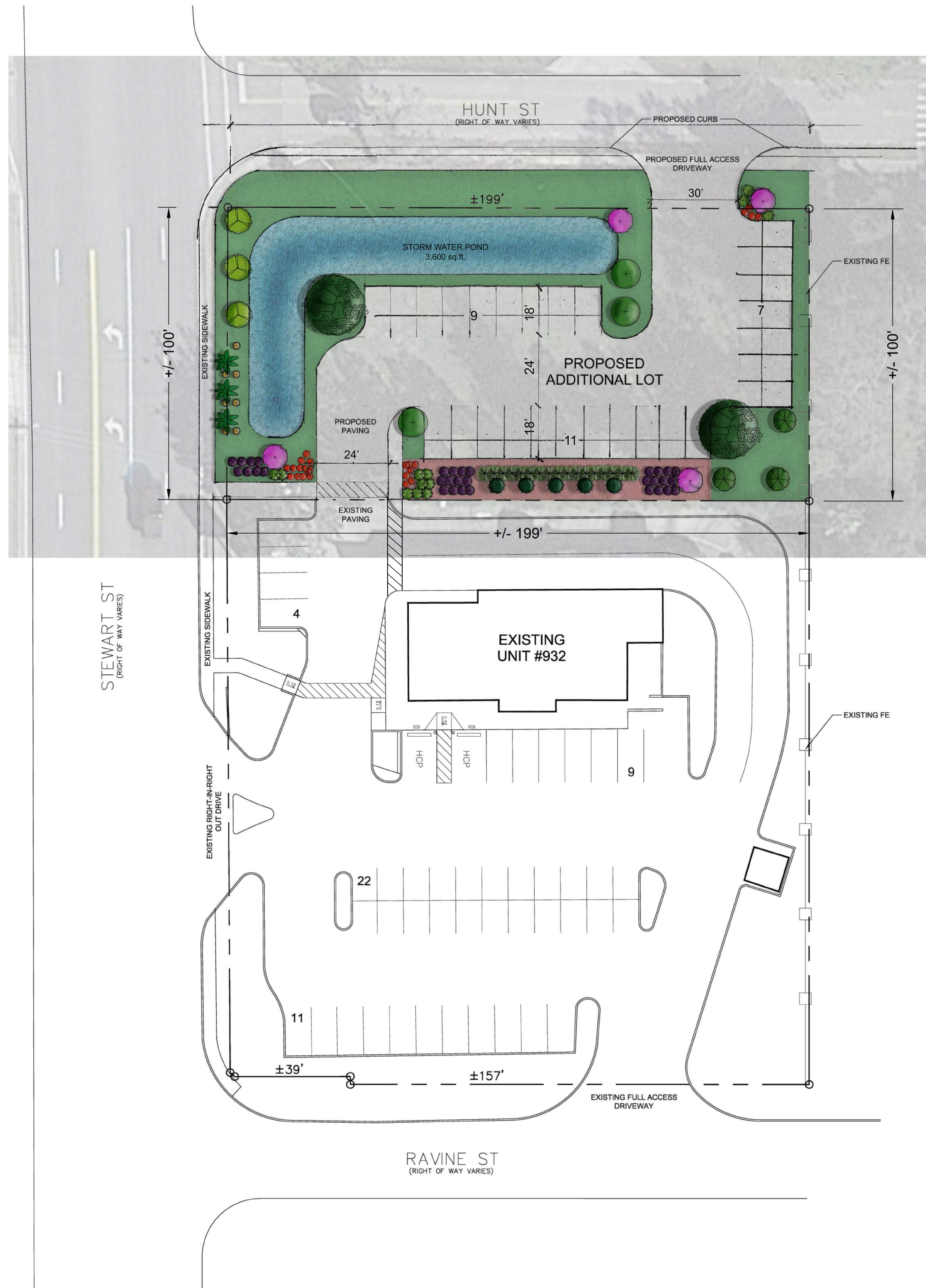
John Jeffers (Jeffers Group)

Signature \_\_\_\_\_

Date \_\_\_\_\_

7/27/2023

Plant Legend		
Qty.	Qty.	Common Name
	2	Southern Live Oak
	3	Dahoon Holly
	3	Southern Magnolia
	4	Crape Myrtle
	3	Pond Cypress
	3	Windmill Palm
	5	Brodie Juniper
	17	Fakahatchee Grass
	12	Dwarf Yaupon Holly
	32	Loropetalum
	7	Adagio Grass
	24	Daylily
		Red Wood Mulch 200 +/- SF 8" Dia. Tree Rings

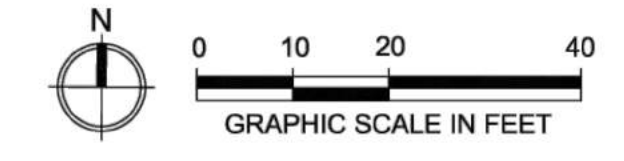


PROPOSED SITE

- COMMENTS:**
- PROPOSED SITE DESIGN IS TO PURCHASE PROPERTY TO THE NORTH OF EXISTING UNIT AND CREATE ADDITIONAL SITE ACCESS DRIVE AND PARKING.
  - PROPERTY IS RESIDENTIAL WITH A HOUSE AND THICK TREES AND FENCES, WHICH WILL REQUIRE DEMOLITION PRIOR TO ANY NEW CONSTRUCTION.
  - ADDITIONAL PARKING MAY REQUIRE ADDITIONAL ADA PARKING ACCOMMODATIONS AT THIS UNIT.
  - THE EXISTING DRIVEWAY INTO THE PROPERTY FROM HWY 87 WILL REQUIRE A PERMIT AND COORDINATION FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION TO REMOVE.
  - THE PROPOSED DRIVEWAY LOCATION INTO THE PROPERTY FROM HUNT STREET WILL REQUIRE APPROVAL FROM THE CITY OF MILTON, FLORIDA, AS THE EXISTING ACCESS POINT INTO THE PROPERTY FROM HUNT STREET MAY NOT BE A CURRENTLY APPROVED ACCESS POINT.
  - WB WILL LIKELY BE REQUIRED TO CONSTRUCT A NEW FENCE ALONG THE BACK PORTION OF THE NEW PROPERTY IN ORDER TO SEPARATE THE COMMERCIAL LOT FROM THE RESIDENTIAL SUBDIVISION AND THE PUBLIC WALKING TRAIL.

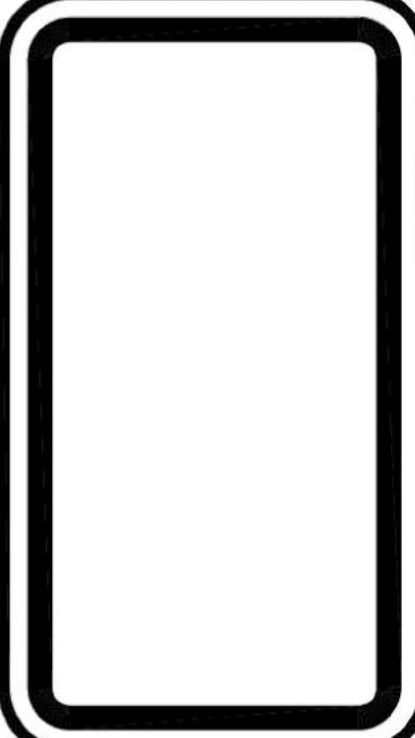
**SITE DATA**

EXISTING UNIT LOT AREA	=	39,627 SF	0.91 AC.
ADDITIONAL LOT AREA	=	20,002 SF	0.46 AC.
EXISTING LOT PARKS	=	46	
PROPOSED PARKS	=	29	
CAR STACK	=	N/A	
PAVING	=	XX,XXX (SF)	
LANDSCAPE	=	X,XXX (SF)	
CURBING	=	X,XXX (LF)	
SIDEWALK	=	X,XXX (SF)	



REVISIONS:	BY:	DESCRIPTION:
1	MRB	09/05/18 WORKFLOW COMMENTS

PROJECT:  
**ADDITIONAL PARKING  
 STEWART ST AND  
 HUNT ST  
 MILTON, FL**



**WHATABURGER**  
 300 CONCORD PLAZA DR.  
 SAN ANTONIO, TEXAS  
 210-476-6000 ZIP 78216

THIS DRAWING IS THE PROPERTY OF WHATABURGER, SAN ANTONIO, TEXAS AND MAY NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF WHATABURGER.

SHEET TITLE:  
**CONCEPTUAL  
 SITE PLAN**

UNIT NO. N/A  
 DATE: 08/08/18  
 SCALE: 1" = 20'  
 DRAWN BY: MRB

SHEET NO:  
**CSP**

