

JANUARY 04, 2005 – LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, at 5:00 p.m. at the South Walton Courthouse Annex.

The following Board members were present: Commissioner Kenneth Pridgen, Chairman, Commissioner Scott Brannon, Vice-Chairman, Commissioner Larry Jones, Commissioner Cindy Meadows, and Commissioner Rosier Cuchens. Ms. Shirl Williams, Assistant County Administrator, and Attorney Gary Vorbeck, Legal Services Director, were also present.

Commissioner Jones led with prayer followed by the pledge of allegiance to the American Flag. Chairman Pridgen called the meeting to order.

Mr. Mike Lane, Planning Director, announced that because of minor modifications the developer requested that the Chat Holley Subdivision project be continued until the next Land Use Hearing on February 1st.

Motion by Commissioner Brannon, second by Commissioner Jones, to continue Chat Holley Subdivision until February 1, 2005. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Cuchens Aye, and Pridgen Aye.

Mr. Lane updated the Board on the map transmittal issue. He announced that it had been delayed for several months because of transmittal requirements.

Chairman Pridgen called to order the second public hearing to consider adoption of an ordinance amending the Land Development Code to increase the square footage threshold for major commercial projects; to eliminate the requirement for major project review for residential projects consisting of less than twenty single-family lots and less

than thirty multi-family units within Neighborhood Planning Area/Infill areas; and providing for conflict, severability, and an effective date.

Mr. Lane presented the proposed ordinance and suggested that the following language be struck through, “TO ELIMINATE THE REQUIRMENT FOR MAJOR PROJECT REVIEW FOR RESIDENTIAL PROJECTS CONSISTING OF LESS THAN TWENTY SINGLE-FAMILY LOTS AND LESS THAN THIRTY MULTI-FAMILY UNITS WITHIN NEIGHBOHOOD PLANNING AREA/INFILL AREAS”. Discussion was held regarding notification requirements and the procedure that will be used if an item is pulled from the consent agenda because of opposition.

The floor was opened to public comments. There were none.

Motion by Commissioner Meadows to approve the proposed ordinance (2005-01) and to place minor Infill projects on a consent agenda to be reviewed before the Planning Commission and the Board of County Commissioners. If an item is controversial the item will be removed from the consent agenda and a public hearing will be held.

Further discussion was held.

Commissioner Meadows amended her motion to strike through the language of the ordinance as suggested by the Planning Department.

At separate times, Mr. David Kramer and Mr. Bob Mitchell addressed the board and requested clarification regarding the proposed language.

Commissioner Brannon seconded the motion on the floor.

It was the general consensus of the Board that in order for an item to be removed from the consent agenda due to public request, action from the Board must be taken.

A vote was called for the motion on the floor. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Chairman Pridgen called to order the second public hearing to consider adoption of an ordinance amending Section 5.04 of the Walton County Land Development Code providing for additional flexibility in the right of way width of private roads, providing for additional flexibility in road widths other than collectors and arterials, providing for construction standards for sidewalks and associated buyout standards, providing for additional standards for the White Sand Protection Area; and providing for an effective date.

Mr. Greg Scoville addressed the Board and submitted a memorandum dated December 2, 2004 in regards to Land Development Code Amendment, Article 5.04.00 Transportation Systems. He also submitted a memorandum dated December 7, 2004 in regards to a second amended staff report, Article 5.04, Transportation Systems, Land Development Code. He gave a brief history of the ordinance.

Commissioner Meadows submitted the following additional wording to the Board, "If work is done in a County Right-of-Way, without an executed Right-of-Way Agreement, the County will require the removal of materials at the expense of the persons doing the work in the County Right-of-Way. Materials placed in the Right-of-Way without a County executed Right-of-Way Agreement may become the property of the County". She requested that the language be inserted in the proposed ordinance. Commissioner Jones recommended that the word "will" be changed to "may". Further discussion was held.

The floor was opened for public comments. The following citizens addressed the Board to ask questions or make suggestions: Mr. Ed Goodwin, Mr. Brian Bruns, Mr. Bob Hudson, Mr. David Kramer, Mr. Richard Fowlkes, and Ms. Elizabeth Cork.

Commissioner Meadows amended the additional language to replace the word “will” with “may”.

Mr. Kramer asked for clarification of the definition of the “White Sand Protection Zone (WSPZ)”. He specifically questioned the portion of the definition which read, “The affected area shall also include any lakes and adjoining land surrounding the lake when the lake abuts County Road 30-A”.

Mr. Richard Fowlkes, speaking on behalf of the Blue Mountain Beach Community Association, discussed the language pertaining to removal of prohibited materials and white sand protection restrictions. After lengthy discussion, it was suggested to omit the portion of the ordinance regarding standards for the White Sand Protection Area and further review the issue.

Discussion was also held regarding standards for sidewalks and additional flexibility in the right of way width of private roads.

Motion by Commissioner Jones to approve the ordinance (2005-02) subject to: the removal of the white sand protection restrictions; inclusion of the amendments listed in the memo dated December 2, 2004; inclusion of the amendments listed in the memo dated December 7, 2004; and inclusion of the additional language submitted by Commissioner Meadows where the word “will” shall be changed to “may”. Commissioner Meadows seconded the motion. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Tom Blackshear, Senior Planner, presented the application for the proposed Visser Small Scale Amendment. Randy Visser proposed an amendment to the Future Land Use Map on a 0.82 acre parcel from Neighborhood Planning Area/Residential Preservation Area to Neighborhood Planning Area/Infill. This site is located on the west side of Satinwood Drive approximately 450-feet north of County Road 30-A. Mr. Blackshear reviewed the site suitability information contained in the planning report. Due to the fact that the subject parcel is a metes and bounds parcel and, therefore, is not technically consistent with the provisions of Policy L-(B)(3)2.a., which defines Residential Planning Areas, staff recommended approval. Planning Commission also recommended approval. Mr. Blackshear noted that he had recently received several letters opposing the request, which he entered into the record.

Discussion was held regarding the adjacent land uses and future land use categories.

Mr. Darrell Barnhill, representing the applicant, addressed the Board and requested that they accept the recommendation made by the Planning Commission and by Planning staff. He noted that the applicant was requesting approval of a land use change not a development.

The following citizens addressed the Board to express concerns or to speak in opposition: Ms. Lynn Stevenson, Mrs. Ann Melancon, Mr. Bob Dobes, Ms. Patricia Nance, Mr. Frank Buryanek, Mr. Brian Bruns, and Ms. Sharon Logne-Higgins. Mr. David Kramer spoke in favor of the request.

Commissioner Meadows discussed the different ways that the Comprehensive Plan could be interpreted to approve or deny the request. She stated that her own interpretation differed from staff's interpretation.

Commissioner Meadows questioned Mr. Blackshear about the determination of compatibility. Mr. Blackshear responded that a compatibility analysis would be performed when the applicant applies for a development order. He referred to the Comprehensive Plan and stated that neighborhoods have the option of creating a neighborhood plan to protect themselves against certain densities. Commissioner Meadows stated that the option was not feasible.

Commissioner Brannon stated that the Planning Commission and Planning staff had determined that the proposal complied with the Comprehensive Plan and Land Development Code and he felt that it was his job to implement the rules of the Comp Plan and Land Development Code.

Motion by Commissioner Brannon, second by Commissioner Cuchens to approve by ordinance the proposed Visser Small Scale Amendment (2005-03).

Commissioner Meadows stated her opposition to this amendment being the increase in density.

A vote was called for the motion on the floor. Ayes 4, Nays 1. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Naye.

Ms. Kelly Finney, Planning Manager, presented a request from W.G. Yates & Sons Construction for approval of a temporary construction trailer and parking lot located on the vacant lot across the street from the Grand Dunes project on Old Highway 98. Ms. Finney also presented a request from Grand Dunes for approval of temporary use of a

sales trailer and parking lot located on the vacant lot across the street from the Grand Dunes project on Old Highway 98. Staff recommended approval contingent upon the applicants are required to submit site plans that comply with the requirements for setbacks, parking, buffering, and any environmental issues.

Ms. Finney stated that there is an exception in the Land Development Code that states these types of requests can be approved on a staff level. She requested authorization from the Board to allow staff to approve future requests as long as they are consistent with all codes and requirements. It was the general consensus of the Board to authorize staff to approve future requests.

Motion by Commissioner Jones, second by Commissioner Cuchens to approve the request for a temporary construction trailer and parking lot. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Motion by Jones, second by Commissioner Cuchens to approve the request for temporary use of a sales trailer and parking lot. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Chairman Pridgen called to order the Quasi-Judicial Hearings and Attorney Vorbeck administered the oath to those individuals who would be speaking on the following projects: Emerald Coast Radiology building Expansion Development Order 300010 Extension, Miramar Court Subdivision, Starview Terrace, Grande Pointe, Cottages at Seagrove, and Rosa Dune.

Ms. Finney presented a request from Patrick P. Clements for approval of a one year extension on Development Order 30010 for Emerald Coast Radiology building expansion. Staff recommended approval. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the requested Emerald Coast Radiology Building Expansion Development Order 30010 Extension. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Ray Zobel, Plan Review Engineer, presented a request for approval of a major development identified as “Miramar Court Subdivision”. David Kramer was requesting the approval of a major development of a 10-lot single-family subdivision on 1.25 acres with a land use designation of Neighborhood Planning Area/Infill. This site is located at the southeast corner of East Hatchew and Professional Place. The Planning Commission and Planning staff recommended approval (**Exhibit #1-Planning Report**).

Mr. David Kramer addressed the Board. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Brannon to approve the application for “Miramar Court Subdivision”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Carl Hammons, Senior Planner, presented a request from George M. Frankfurter for approval of a major development identified as “Starview Terrace”. The proposed project consists of an eight unit residential (condominium) development on 1.04 acres of property with a future land use designation of Neighborhood Planning Area/Infill. This site is located about ½ mile west of CR 393, north of CR 30-A, on the west side of Satinwood Drive. Mr. Hammons noted that the condition listed in the planning report had been removed at the Planning Commission level. Planning staff recommended approval without conditions (**Exhibit #1-Planning Report**).

Mr. Darrell Barnhill addressed the Board to answer any questions. He clarified that they were not building a high rise condominium.

Commissioner Meadows asked where the retention would be going. Mr. Barnhill responded that all of the retention would be underground.

Motion by Commissioner Brannon, second by Commissioner Cuchens to approve the application for “Starview Terrace”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

The Board recessed briefly.

The Board reconvened and Attorney Coley administered the oath to those individuals who were not present for the swearing in and would be speaking on the following projects: Grande Pointe, Cottages at Seagrove, and Rosa Dune.

Mr. Hammons presented a request from Knowjack, Inc. (Randy Gardner) for approval of a major development identified as “Grande Pointe”. The proposed project consists of a 146 lot single-family residential development on a 22.106 acre tract with a future land use designation of Neighborhood Planning Area/Infill (Inlet Beach Traditional Neighborhood Plan categories of Residential/Neighborhood Commercial). This site is located in Inlet Beach north of US 98, south of Lake Powell, and west of the Walton/Bay County line. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Scott Jenkins addressed the Board representing the applicant.

The following citizens addressed the Board to speak in favor of the project: Mr. Bob Mitchell and Mr. David Kramer.

Motion by Commissioner Brannon, second by Commissioner Cuchens to approve the application for “Grande Pointe”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Hammons presented a request from Point of View Investments, LLC (Barbara Stokes) for approval of a major development identified as “Cottages at Seagrove”. The proposed project consists of a 19 lot single-family residential subdivision on a 2.43+/- acre property with a future land use designation of Neighborhood Planning Area/Infill. This site is located in the Seagrove Beach area on the west side of Robert Ellis Street approximately 660 feet north of CR 30-A. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Ross Binkley addressed the Board representing the applicant.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Brannon to approve the application for “Cottages at Seagrove”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Hammons presented a request for approval of a major development identified as “Rosa Dune”. Bill Wallace proposed to construct a four (4) unit multi-family project on .56+/- of an acre with a land use designation of Neighborhood Planning Area/Infill. This site is located east of Rue de Soliel, north of 30-A about .8 of a mile west of CR 393. Mr. Hammons noted that staff’s initial recommendation for approval contingent upon approval of the vacating of the 33 foot easement at the rear of the property had been revised to denial until the 33 foot easement at the rear of they property is abandoned and

resolution recorded or until a revised site plan is submitted and approved removing buildings from the easement (**Exhibit #1-Planning Report**).

Attorney Coley gave a brief history of the project.

Mr. Darrell Barnhill, representing the applicant, addressed the Board to further speak about the project. He turned the floor over to Attorney Mark Davis to review information he had found on the easement. Attorney Davis stated that the 33 foot easement was contained in an original government patent. He submitted a deed and patent into the record (**Exhibit #2**). A copy of the plat was also submitted into the record (**Exhibit #3**). Attorney Davis said what they were asking for was approval of the development as is and to allow the developer to address the abandonment issue during the planning stage.

Discussion was held as to whether or not the easement had been abandoned on the west side of the property. Mr. Greg Graham said that if the easement had not previously been abandoned, the only issue he saw was if the adjacent lots to the east wanted to utilize the public easement to access their property from the north.

Mr. Barnhill stated that this was a title issue and not a board issue. He asked that the Board approve the project as it was submitted.

Ms. Finney advised that platting over the easement was not in the best interest of the public. Mr. Hammons and Ms. Finney stated that the Planning Department was still awaiting necessary information from the applicant, which had not been received. Ms. Finney said that the Planning Department requested that the easement be officially abandoned before the project was approved.

Mr. Barnhill responded to the comments made by staff by stating that he had submitted everything that was requested of him in a timely fashion. He stated that if any information that had not been submitted he was not aware of it.

It was the general consensus of the Board to continue the item until the Regular BCC meeting scheduled for January 25th and advertise for abandonment of the easement. Mr. Barnhill requested that Ms. Finney provide him with a detailed list of missing items.

There being no further business, the meeting adjourned at 8:14 p.m.

APPROVED: _____
Kenneth Pridgen , Chairman

ATTEST: _____
Martha Ingle, Clerk of Court