

## JANUARY 6, 2004-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, January 06, 2004 at 5:00 p.m. at the South Walton Courthouse Annex.

The following Board members were present: Larry Jones, Chairman, Tim Pauls, Vice-Chairman, Commissioner Ro Cuchens, Commissioner Lane Rees, and Commissioner Kenneth Pridgen. Mr. Mike Underwood, County Administrator, and Attorney Gary Vorbeck, Legal Services Director, were also present.

Commissioner Pridgen led with prayer followed by the pledge of allegiance to the American flag. Chairman Jones called the meeting to order. Mr. Mike Lane, Planning Director, requested that the last two items on the agenda under the quasi-judicial hearings-Cottages of Miramar and T & O Office Warehouse Building-be heard first due to the other items being controversial. The Board had no objections.

Mrs. Jennifer Christiansen, Planning Coordinator, presented a request from Chelco to place a temporary structure on a parcel of land located on Highway 98 for up to two years. Mr. Mike Richardson addressed the Board to further explain the request. Discussion was held regarding the buffering of the property. **(Exhibit #1-Staff Report)**

Motion by Commissioner Pauls, second by Commissioner Rees, to approve the request from Chelco to place a temporary structure on their property located on Highway 98. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tom Blackshear, Senior Planner, presented the proposed Reinhart Small-Scale Amendment. Mr. John R. Reinhart was requesting a change for five parcels that are currently categorized as part of a Residential Preservation Area to either Infill or

Small Neighborhood. Mr. Reinhart was basing his request upon the fact that the RPA in question is not a platted subdivision, as described by the Walton County Comprehensive Plan, but rather an accumulation of twenty-six parcels that are described by metes and bounds. Because these parcels are not platted, the applicant contends that his five parcels would better fit the Infill or the Small Neighborhood land use categories. Mr. Blackshear stated that due to the fact that the subject parcels are metes and bounds parcels and therefore are not technically consistent with the provisions of the Comp Plan, the Planning Staff did not oppose the amendment request. **(Exhibit #2-Staff Report)** However, the Planning Department was concerned that if the request was approved then many others may make similar requests. Mr. Blackshear presented and reviewed a map with the subject property highlighted. Discussion was held regarding the need for language to be developed specifically addressing this type of situation.

Mr. David Kramer addressed the Board representing the applicant. Mr. Kramer presented and read a portion of the Comp Plan concerning RPAs. Mr. Kramer also addressed several possible concerns such as density and drainage.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve adopting an ordinance (2004-01) for the Reinhart Small-Scale Amendment. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Blackshear presented the request for Eden's Landing, LLC Small-Scale Amendment. Eden's Landing, LLC was proposing a change to the Future Land Use Map (FLUM) from Conservation Residential 2 per 1 to Neighborhood Planning Area/Infill. Planning staff recommended approval of the proposed small-scale amendment. **(Exhibit #3-Staff Report)**

Mr. Ken Goldberg, representing the applicant, addressed the Board. Mr. Goldberg explained that staff had recommended that the applicant proceed with their project by requesting an amendment to change the southern portion of the property to Infill.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve adopting an ordinance (2004-02) for the Eden's Landing LLC Small Scale Amendment. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Blackshear presented and reviewed the staff report for the requested Williams Small-Scale Amendment. Mr. John and Pattie Williams were proposing a change from Conservation Residential 2 per 1 acre to Village Mixed Use. This site is located on the west side of Musset Bayou Road, approximately 1,000 feet north of US Hwy 98. Because it exceeds the Comprehensive Plan requirement for a forty-acre maximum for Village Mixed Use Centers, Planning staff recommended denial of the small-scale amendment application. **(Exhibit #4-Staff Report)**

Mr. David Carlee, Hartman & Associates, addressed the Board representing the applicant. Mr. Carlee submitted and reviewed several photographs of surrounding properties. He also listed several reasons why they think the property could be changed from Conservation Residential to VMU. Further discussion was held regarding access to the subject property.

Ms. Anita Paige addressed the Board representing the South Walton Community Council. Ms. Paige spoke about the requirements for Village Mixed Use and stated that she felt that the request for the land use change from Conservation Residential to VMU

represented a direct challenge to the Walton County Comp Plan. She asked that the Board deny the request.

Mr. Bill Pope, also representing the applicant, addressed the Board to speak in favor of the small-scale amendment.

Motion by Commissioner Rees to deny the request for the Williams Small-Scale Amendment. Commissioner Pauls second the motion. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

The Board recessed briefly.

Chairman Jones called to order the Quasi-Judicial Public Hearings and Attorney Vorbeck administered the oath to those individuals who would be speaking.

Mr. Carl Hammons, Senior Planner, presented a request for approval of a Major Development identified as "Cottages of Miramar". The proposed project consists of a new three-lot single-family residential subdivision on property designated NPA-Infill (this was subject to approval of a small scale Comp Plan amendment recently completed). The site is located on the west side of Driftwood Drive about 370 feet north of the intersection of Driftwood Drive and CR 2378. Planning staff and Planning Commission recommended approval of the development. **(Exhibit #1-Staff Report)**

Mr. Dean Burgess, applicant, addressed the Board to answer any questions. There were no public comments.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the Cottages of Miramar request. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tim Durbin, Planning Technician III, presented a request for approval of a Major Development identified as "T & O Warehouse". The proposed building consists of a 1,020 square foot office and 5,210 sq ft warehouse totaling 6,230 sq ft on .50 acres with a land use designation of Light Industrial. This site is located on Lot 6 of the Coastal Business Center off Goldsby Road, north of Hwy 98. Planning staff and Planning Commission recommended approval of the development. **(Exhibit #1-Staff Report)**

Mr. Will Poon, Connelly & Wicker Engineers, addressed the Board to answer any questions. There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Pauls, to approve the request for the T & O Office Warehouse Building. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Commissioner Pauls spoke about the connection of Goldsby Way to Hwy 98.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to request that Public Works review the intersection of Goldsby Way and Hwy 98 and bring back recommendations based upon the land use classification. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Dan Arner, County Engineer, stated that the issue was that the radius is only 25 ft and needs to be increased. Commissioner Pauls stated that whether or not it should be a D cell lane was also an issue. Further discussion was held. Staff was instructed to perform an analysis and come back with a cost estimate.

Mr. Lane addressed the Board concerning the issue of Residence of Walton Way. He stated that there had been a concern raised by several of the residents in the area

regarding whether or not the sign had been posted on the property or on the county right-of-way. The Planning Department felt that the sign posting was sufficient and that the Board should allow the matter to be heard.

Mr. Jim McDowell, representing Whispering Oaks subdivision, addressed the Board. He requested that the issue be tabled because he felt that the sign was not posted properly.

Attorney Jesse Rigby, representing the developer, addressed the Board. He felt that the sign had been posted appropriately and that the intent had been met. It was the general consensus of the Board that the intent had been met.

Mr. Durbin presented the request for approval of a Major Development identified as "Residence of Walton Way". Fram Building Group, Nick DiCiaula President, was proposing to create a 20-lot single-family detached subdivision on 5.59 acres with a land use designation of NPA/Infill. This site is located on the south side at the end of Walton Way Road. The Planning staff recommended approval of the project. The Planning Commission also recommended approval with the following request: That the applicant work with Planning staff and County Engineering to discuss flooding and the stormwater plan (**Exhibit #1-Staff Report**). Mr. Arner stated that the stormwater plan for the development meets Walton County requirements.

Attorney Rigby spoke a little bit about the proposed development and introduced each of the experts that would be speaking on behalf of the developer. He stated that part of the problem was a culvert that needs to be increased in size. Mr. Rigby stated that the client was willing to work with the county to do this.

Mr. Lee Goodson, architect, addressed the Board and described his qualifications. He gave a brief history of the development of the proposed project. Mr. Goodson reviewed a map that illustrated surrounding subdivisions, which was entered into the record by Mr. Rigby as a composite exhibit (**Exhibit #2-Composite of maps**).

Mr. Don Brock, Engineer, addressed the Board and gave a brief description of his qualifications. He spoke about density and the retention system for the proposed development. Mr. Brock also described the storm water system and the drainage plan.

Mr. Rigby entered into the record a resume for his next witness, Ms. Peggy Finch Fowler, AICP (**Exhibit #3-Fowler's Resume**). Ms. Fowler appeared before the Board and was sworn in by Attorney Vorbeck. Ms. Fowler explained the steps taken to perform a compatibility report. She reviewed and entered into the record a map with photographs illustrating surrounding properties (**Exhibit #4-Map**). Ms. Fowler also submitted an aerial photograph generally simulating how Residences of Walton Way would "fit in" with the surrounding properties (**Exhibit #5-Aerial Photograph**). Ms. Fowler felt that the proposed project was compatible in terms of land use, density, and buffering.

Commissioner Rees questioned if the individuals in the Emerald Bay area had been notified of the proposed development. Mr. Nick DiCiaula, Regional Manager for Fram Building Group, stated that individuals within 400 ft of the proposed project had been notified.

Mr. McDowell addressed the Board to speak in opposition. He stated that he had hired a professional engineer and a private attorney, but both were unable to attend the meeting. Mr. McDowell spoke about drainage issues and the water table for the proposed ponds. He stated that he had requested permission to go onto the site to

perform a percolation test, but was denied access. He also expressed concern regarding whether the property owners would be able to safely evacuate during an emergency hurricane evacuation. Mr. McDowell further stated that there were several errors on the drawings that were presented to the county for approval. He presented several exhibits into the record (**Exhibit #6-Map Explaining Error, Exhibit #7-Information Concerning Floodplains, Exhibit #8-Letter From Mr. Arner to Mrs. Christensen, Exhibit #9-Letter From Mr. Arner to Mrs. Christensen, Exhibit #10-Letter from R.E.I.**). Mr. McDowell requested that the issue be tabled until a later date to allow him to gather additional information on a drainage study and the water table. Mr. Rigby questioned Mr. Dowell about his qualifications. Mr. Hank Daniels, property owner, asked Mr. Dowell who denied him access to the property. Mr. McDowell stated that Mr. DiCiaula had denied him access because of liability reasons. Mr. Daniels also questioned Mr. McDowell regarding the water table samples Mr. McDowell said he had taken.

Commissioner Pauls asked Mr. Arner whether or not the items that he has requested has been adequately responded to and if the project meets all Walton County and Florida Department of Environmental Protection storm water requirements. Mr. Arner stated that the project has met all storm water requirements. Commissioner Pauls also asked about the issues brought up with regards to percolation. Mr. Arner responded that the county felt that the information submitted by Mr. Brock was acceptable. He further stated that there are no specific requirements for percolation tests in the LDC.

Another member of the audience addressed the Board to speak in opposition to the proposed development. He asked Mr. Arner if his decision was solely based on information provided by the developer. Mr. Arner stated that yes it was. Further



discussion was held regarding steps that would be taken if the storm water plan was unsuccessful.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the proposed development identified as “Residence of Walton Way”. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye. Commissioner Pauls spoke about implementing a storm water plan to address general problems in all areas of the county.

The Board recessed briefly.

Mr. Ken Shannon, Planning Manager, presented the request for approval of a project identified as “Somerset Beach P.U.D. (proposed unit development)”. EBSCO Industries was proposing to develop 599 residential units, 177,000 sq ft of non-residential and a 60-room inn on 158 acres with a land use designation of NPA/Traditional Neighborhood Development. This site is located on County Road 30-A approximately 1 mile west of US 98, and ¼ mile east of Camp Creek Road. Mr. Shannon provided to the commissioners and entered into the record two updated documents that had been prepared since the Planning Commission Meeting (**Exhibit #1-Traffic Concurrency Review, Exhibit #2-Engineering Technical Review**). Mr. Shannon also entered into the record a binding letter of interpretation of development of regional impact status from the Department of Community Affairs (**Exhibit #3-Letter from Department of Community Affairs**). Mr. Shannon reviewed the Planning Commission’s recommendation of approval with the following conditions: A. Site Plan revised to reflect stipulations made with neighboring property owners; B. Bicycle path safety issues addressed; C. Traffic concurrency verified; and D. Placement of wall in the right-of-way

reviewed by Walton County Engineering and Public Works. Planning Department recommended approval of the project (**Exhibit #4-Staff Report**).

Mr. Jason Comer, EBSCO Industries, addressed the Board and was sworn in. Mr. Comer commended the Board and the county staff for all of their hard work. He gave a brief description of what his team would be discussing and turned the presentation over to Linda Shelley.

Ms. Shelley briefly described three documents that were submitted into the record as exhibits (**Exhibits #5-Neighborhood Plan, Exhibit #6A-PUD Application and 6B-Updates to the PUD Submittal Package and the Detailed Neighborhood Plan Submittal Package**). Ms. Shelley also entered into the record an agreement between EBSCO Industries and the Paradise by the Sea Property Owners Association (**Exhibit #7-Agreement**), a resume for Carey Hayo, Certified Planner, (**Exhibit #8A-Resume for Carey Hayo**) and a copy of a power point presentation that would be presented by Ms. Hayo (**Exhibit #8B-Power-Point Presentation**). Ms. Shelley clarified for the record that the Town Architect would implement the detailed neighborhood plan. She also clarified that any signs within the scenic corridor that are visible from 30-A will meet the provision of the LDC. She requested that one item from the list of deviations requested be eliminated. Ms. Shelley also addressed issues such as sidewalks and bike paths and density. Further discussion was held regarding the proposed neighborhood plan.

Ms. Carey Hayo, Certified Planner, appeared before the Board and gave a brief description of her qualifications. She stated that they were in agreement with staff's recommendation of approval subject to a separate right-of-way development agreement.

Ms. Hayo presented the power-point presentation to the Board and then turned the testimony back over to Mr. Comer.

Commissioner Rees questioned about the current level of currency and what it would be under the proposed neighborhood plan. Ms. Debbie Dantin, Public Engineer, appeared before the Board to address the question. Further discussion was held regarding consideration of a connector road from the property to Hwy 98. Ms. Shelley entered Ms. Dantin's curriculum vitae into the record as an exhibit (**Exhibit #9- Curriculum Vitae**).

Commissioner Pauls questioned the applicant's plans for beach restoration. Mr. Mike Dombrowski, Professional Engineer, appeared before the Board to address the question.

Mr. Charles Hilton appeared before the Board and was sworn in. Mr. Hilton spoke in favor of the project. He stated that he supported the project and hoped that the Board approved it.

Ms. Anita Paige, representing South Walton Community Council, addressed the Board to speak in favor of the proposed project. She did, however, express concern regarding the removal of peat from the beach.

Mr. David Kramer spoke in opposition to the location of the proposed butteries in the right-of-way. He spoke in favor of the other aspects of the development. Ms. Dantin responded to Mr. Kramer's comments about the butteries. She stated that the safety requirements were being met. Commissioner Cuchens asked how close are the butteries would be to the edge of the pavement. Mr. Shelton Stone, Project Manager, appeared before the Board and was sworn in before responding to the commissioner's question. He explained that the butteries were being proposed generally to conceal utility

equipment. Mr. Kramer spoke in disagreement with the comments made by Mr. Stone. He considered the butteries were a safety issue and were not a necessity for the project. Mr. Kramer felt that the butteries were being proposed only for aesthetic purposes.

Commissioner Rees questioned about the level of currency before and after the proposed project was complete. Mr. David Smith, County Engineer, appeared before the Board to address the issue. Further discussion was held regarding traffic concurrency.

Commissioner Pauls questioned the use of stop signs at pedestrian crossings. Ms. Shelley spoke to this issue. Commissioner Pauls also questioned the proposed storm water plan. Mr. Jim Martelli, Professional Engineer, addressed the Board to respond to Mr. Pauls' question. He stated that the project was meeting all county requirements.

Mr. Comer addressed the Board to make a closing statement. He expressed appreciation to Paradise by the Sea and the South Walton Community Council for attending the meeting to speak in support of the project.

Mr. Underwood expressed concern with the traffic flow on Hwy 30-A because of it being only a two-lane highway. Ms. Dantin addressed Mr. Underwood's concerns. Further discussion was held regarding traffic concurrency.

Motion by Commissioner Rees, second by Commissioner Pauls, to approve the request for approval of the proposed major development identified as "Somerset Beach P.U.D". The requirement for a connection to Highway 98 was made part of the approval. Commissioner Rees encouraged the developer to work with the Engineering Department regarding traffic. Discussion was also held regarding the developer's plan for beach nourishment. It was agreed upon that the developer would come before the Board for

approval when a plan was prepared. A vote was called for the motion on the floor. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Shannon presented the request for approval of a project identified as “The Village of Blue Mountain Beach Master Plan revision”. Willis, Krenkel and Maclin Properties, LLC, were proposing to amend development order numbers 01115 and 01057 to convert 52 multi-family units to 52 single family units in Phases I and II. This site is located between County Road 30-A and County Road 83, between Ventana Dunes Subdivision and Rolling Dunes Subdivision. Planning Staff recommended approval of the project (**Exhibit #1**).

Mr. Goldberg addressed the Board to give a brief history of the project. There were no public comments.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve the request for approval of a project identified as “The Village of Blue Mountain Beach Master Plan revision”. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

There being no further business, the meeting was adjourned at 9:30 p.m.

APPROVED: \_\_\_\_\_  
Larry D. Jones, Chair

ATTEST: \_\_\_\_\_  
Martha Ingle, Clerk of Court