

JANUARY 7, 2003 – LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, January 07, 2003 at 5:00 p.m. at the South Walton Courthouse Annex.

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

Commissioner Rees 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, presented Club Estates II plat, which consists of a 10 lot single-family residential subdivision in the Sandestin DRI. Mr. Lane presented the Planning Commission and Planning Staff's report recommending approval (EXHIBIT 1).

Motion by Commissioner Pauls, second by Commissioner Cuchens to accept the recommendation and approve Club Estates II plat. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Lane presented Bay Villa Court replat for approval. Bay Villa is a 5 lot single-family residential subdivision also part of the Sandestin DRI. The Planning Staff and Planning Commission recommended approval. (EXHIBIT 2)

Motion by Commissioner Rees, second by Commissioner Pauls, to accept the recommendation and approve Bay Villa Court replat. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Pauls recused himself from any discussion regarding the Carasso small-scale amendment because his real estate office is the listing agency for the property.

Mr. Lane presented a copy of the stipulated agreement (EXHIBIT 3) between Nicholas Carasso, property owner, and Army Aviation Center Federal Credit Union, Developer, Charles Reed and H.H. Harris III, adjacent property owners. The agreement places certain restrictions on the property that those individuals have agreed upon.

Mr. Russ Aldrich stated that concerns were previously voiced by surrounding property owners. They therefore met and came to an agreement on what actions could occur on the property. Mr. Aldrich requested the commissioner's proceed with approving the small-scale amendment.

Commissioner Cuchens questioned Mr. Aldrich regarding the specifics of what changes would occur in the shaded area. Mr. Aldrich stated that they might add additional vegetation, but there would not be any other disturbances to that portion of property. Commissioner Rees questioned who would be responsible for enforcing the agreement. Attorney Vorbeck stated that it would be up to those individuals who signed the agreement to enforce it.

Mr. Bill Bard addressed the Board regarding the land use change on the Carasso property. Mr. Bard spoke about the importance of the decision since it will determine the future use of Conservation Residential land use classification. He stated that a land use

change must be based on the Comprehensive Plan, not the agreement. He quoted one requirement from the Comp Plan stating that within six months of the plan adoption the county shall amend the Land Development Code to include a set of performance standards that allows development based on low zero impacts using GIS suitability methodologies. Mr. Bard stated that the amendment has not yet been accomplished. He stated that the county has an incomplete set of performance standards and feels the county cannot change the land use classification because it would be inconsistent. Mr. Bard asked the commissioners to vote against the Carasso small-scale amendment.

Mrs. Linda Clark, Planning Department, presented a color map (EXHIBIT 4) of the Carasso property.

Mr. Lane read an excerpt from FLU 005 regarding the requirement for an amendment to the Land Development Code within six months of the Plan adoption. Mr. Lane stated that the Planning Department could require the applicant to include that area in question as a conservation easement when the applicant applies for a development order. It could also be incorporated into a greenway corridor as well as a conservation easement. Mr. Lane also spoke about the classification of surrounding properties. The Planning Commission recommended this property be rezoned to prevent spot zoning. They felt that the most suitable zoning is Village Mixed Use because it is adjacent to that classification.

Mr. Bill Bard stated that if the property were rezoned then the county would lose control of being able to protect the environmental issues. He felt that the inconsistencies in the Comp Plan need to be reviewed and a set of guidelines need to be followed.

Mr. Tom McGee, South Walton Community Council, felt that VMU is a good use for the property, but felt that it may be setting a bad precedence to change it in this manner. The SWCC felt that consideration should have been given to a zoning change when plans were made to construct the nearby hospital. He suggested waiting to rezone the property until completion of the Comp Plan Study.

Mr. Charles Rigdon, adjacent property owner, stated that he spoke with Mr. Harris and feels that the arrangements that have been made will work well. He felt that the property does need to be rezoned. Mr. Rigdon requested that the small-scale amendment be approved.

Mr. David Kramer stated that although corrections need to be made to the Comp Plan, he feels the land use classification needs to be changed.

Mr. Tim Pauls spoke on behalf of Topsail Realty and gave a brief history on the property. He stated that it is single-family residents on approximately 3.86 acres and has been cleared. He stated that the property has been completely altered and felt that the property was incorrectly classified. The property owner has gone through the process and is asking that the property be reclassified. Mr. Pauls asked that the Board consider the positive aspects of rezoning. He also felt that the decision made on this parcel would not affect other Conservation Residential properties and felt that each decision should be based on individual properties.

Ms. Cindy Meadows, Planning Commission, stated that their recommendation is for approval.

Mr. Lane presented the Planning Commission and staff report into the record.
(EXHIBIT 5)

Motion by Commissioner Rees, second by Commissioner Cuchens to accept the Planning Commission's recommendation and approve the Carasso Small-scale amendment. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

Chairman Jones called to order the Quasi-judicial Hearing and administered the oath to those individuals who would be speaking.

Mr. Lane presented the Planning Commission's recommendation of approval for the expansion of Resort Interiors. (EXHIBIT 6)

Mr. Frank Kovach, applicant for Resort Interiors, Inc., and Choctaw Engineering is requesting an expansion of an existing business. The proposed project consists of a 28,075 square feet expansion for inventory storage and retail display area. The Planning Commission recommended approval contingent upon the applicant adhering to the following stipulations:

- A. Pay pro rata share of current improvements to the intersection of Highway 98 and Geronimo Street and a left turn lane from eastbound Highway 98 onto Geronimo Street
- B. Pay pro rata share of a right turn deceleration lane from westbound Highway 98 onto Geronimo Street; and
- C. Provide a revised landscape plan meeting LDC requirements for review by staff prior to the Board of County Commissioner's public hearing.

Mr. Lane stated that the landscape plan has been submitted and that the Planning Staff also recommended approval.

The commissioners questioned how the pro rata share would be set and who would pay the remaining portion. Mr. Lane explained that it was previously stipulated that The Island Shop would have to pay a portion. The funds would be collected through provisions of the Development Orders. A certificate of occupancy would not be issued until they each pay their portion. Further discussion occurred regarding the widening of

Geronimo Street to 36 feet and the acceleration/deceleration lanes. The estimated cost is \$160,000 and Mr. Kovach assured the commissioners that they would pay their portion in order to receive their certificate of occupancy. Mr. Aldrich stated that he has received a letter from the four individual owners who agreed to participate by paying for their portion of the improvements. Mr. Lane read the minutes from a prior meeting, which stated the stipulations, previously agreed upon.

Mr. Kovach gave a brief history of how the business evolved and stated that he is now asking for an expansion. He stated that he made a monetary donation to the hospital and intends on continuing to give back to the community. Mr. Kovach stated that the Design Review Board and the Planning Commission approved this project expansion. He also advised that the expansion would create an additional 60-70 positions.

Ms. Robin Gaston, Choctaw Engineering, explained the site plan and stated that space was created especially for truck unloading. She further explained that a 30-foot buffer was also created on the east side of the building. Ms. Gaston explained that the site plan was recreated due to delays in obtaining a permit for the parking area east of the Gulf Power easement. Commissioner Pauls questioned the possibility of connecting the two parking areas. Ms. Gaston stated that they would continue working to accomplish that. Mr. Kovach has submitted the necessary applications for the parking connection; however, it will take a couple of years to obtain the necessary permit.

Mr. Jeff Prescott, Architect for Resort Interiors, also appeared before the commissioners to answer questions.

Mrs. Charlotte Flint, resident of Bayshore Drive Subdivision, voiced concerns regarding traffic issues on Geronimo Street. She presented several pictures (EXHIBITS

7-9) showing the development and the need for a decel lane. She stated that the residents would also like to see a fence constructed to block the view of the trash bins. Mrs. Flint also commented that the landscaping around the transformer is blocking the view of pulling onto the road.

Several neighbors spoke about traffic problems and unsightly trash. One resident also requested that the lighting be deflected from shining out onto the highway.

Mr. Kovach stated that his development meets the proper zoning requirements and he plans on the building being attractive to the neighborhood. He stated that the landscaping was installed according to code and he will be paying for his portion of the turn lanes. He also assured the neighbors that the building was designed with them in mind and that it does meet the requirements of the code.

Mr. Prescott explained that the lights on the building are “down lighting” and should not have any affect on the neighbors. The lights are designed to only light the pathways surrounding the building.

Commissioner Pauls requested that Mr. Kovach encourage his truck drivers to utilize the turn-a-round area and not the road leading into the residential neighborhood.

Commissioner Rees questioned Mr. Kovach of the possibility of placing a barrier around the trash bin area. Mr. Kovach agreed and stated that he would construct some type of barrier.

Mr. Scott Jenkins, County Engineer, recommended increasing the turn radius of the entrance into the parking area from Geronimo Street. Ms. Gaston stated that they would comply with increasing the turn radius.

Motion by Commissioner Pauls, second by Commissioner Rees to approve the applicants proposed development of Resort Interior with the Planning Commission's recommendation and that issuance of the certificate of occupancy is conditional upon completion of the improvements to Geronimo Street. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Lane presented the Planning Commission's recommendation of approval for the Dart of Destin, which is a major development located on South Holiday Road. The applicant is requesting approval of a seven two-story unit complex each consisting of approximately 1,776 square feet totaling 12,432 square feet. The project is located within the Tipton traffic study area. Staff also recommended approval. Mr. Lane presented the Planning Commission report. (EXHIBIT 10)

Mr. Dean Burgis, Emerald Coast Associates, stated that they concur with the Planning Commission's recommendation. Commissioner Rees questioned if the applicant would consider a name change that would reflect the project being physically located in Walton County since Destin is actually in Okaloosa County. Mr. Burgis stated that he would discuss it with his client.

Motion by Commissioner Rees, second by Commissioner Cuchens to accept the Planning Commission's recommendation for approval of the Dart of Destin. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Lane requested direction from the commissioners whether or not they want the Planning Staff to prepare a tree ordinance for review. He stated that several residents in south Walton, along with some members of the Planning Commission, have requested that an ordinance be drafted. Commissioner Pauls stated that he has also been contacted

in an effort to draft an ordinance. He further stated that the code does not apply to residential property and can be cleared if there are no covenants and restrictions in the subdivision. Larger properties can be clear-cut if done under the Forestry Silviculture process. There are those individuals who are concerned, but many people do not want an ordinance to control what can be done on their own property. Commissioner Pauls felt that it would be beneficial to research what the current code allows and what would be reasonable that the people might agree with.

Commissioner Rees felt that preserving natural vegetation is good. He agreed with researching the issue for further discussion.

Chairman Jones stated that he does not mind staff researching the issue further, but felt that there are more important issues that are of higher priority.

Mr. Lloyd Blue, Chairman of the Walton County Property Owners Association, appeared before the Board and voiced opposition against any tree ordinance. He stated that there is not any pressing need for a tree ordinance and that the commissioners need to stop adding directives to the citizens. He stated that current issues need to be dealt with first and asked that staff not be directed to work on a tree ordinance.

Mr. Bill Schultz, Santa Rosa Beach resident, stated that he began working on this issue about a year ago because he felt there was a need for a tree ordinance. He encouraged to the commissioners to allow staff to review the issue in order to protect the county from looking like surrounding counties.

Mr. Aldrich felt that staff is too busy with more important projects to have to review this issue. Ms. Cindy Meadows suggested appointing a committee of citizens to

research this issue. Mr. Tom McGee offered the services of the South Walton Community Council to undertake the task.

Mr. David Kramer suggested a compromise by eliminating all Silviculture in south Walton from all the land use categories. This would eliminate clear cutting and allow the county time to focus on current problems while developing a tree ordinance that would fit the county's needs. Commissioner Pauls stated that clarity is needed. He felt that the tree issue should fit into the conservation requirements and may not have to be a separate ordinance.

Commissioner Cuchens stated that he is in favor of protecting, enhancing, and preserving Walton County. However, he feels that the people do not want more regulations and he is not in favor of a tree ordinance. He also stated that he is not in favor of clear cutting.

Chairman Jones agreed that a tree ordinance might be needed in the future, but not at the present time.

Commissioner Rees commented that it could be taken into consideration while making the revision between the Land Development Code and the Comprehensive Plan.

Ms. Cindy Meadows spoke about the new county logo that states, "Pride – Preservation – Conservation" and felt that the time is now to implement preservation.

Mr. Lane stated that staff would review this issue while the revisions are being made to the LDC and the Comp Plan.

There being no further business, the meeting was adjourned at 7:20 p.m.

APPROVED: _____
Larry D. Jones, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court