

JANUARY 15, 2004-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a continued Land Use Hearing regarding the proposed South Walton Athletic Facility on Thursday, January 15, 2004 at 4:00 p.m. at the South Walton Courthouse Annex.

The following Board members were present: Larry Jones, Chair, Commissioner Rosier Cuchens, Commissioner Lane Rees, and Commissioner Kenneth Pridgen. Ms. Shirl Williams, Assistant County Administrator, and Attorney Gary Vorbeck, Legal Services Director, 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.

The commissioners acknowledged additional ex parte communications regarding the proposed project that had been received since the previous meeting. Attorney Vorbeck administered the oath to those individuals that would be speaking on the matter.

Attorney Scott Shirley called Mr. Luis Serna, Certified Planner, as his first witness of the night. Mr. Serna addressed the Board and gave a brief description of his professional experience. Mr. Shirley entered into the record two documents as exhibits **(Exhibit #18-South Walton Athletic Facility Land Planning Analysis & Exhibit #19-The Strategic Plan (power-point presentation))**. Attorney Dana Matthews stated that the documents were new and he hadn't had the chance to review the material. Attorney Shirley had Mr. Serna verify for the record his curriculum vitae contained in exhibit #18. Mr. Shirley then turned the testimony over to Mr. Serna. Mr. Serna presented a power point program explaining reasons he felt that the South Walton Athletic Facility application is inconsistent. There were five major inconsistencies listed in the report: 1.

The facility is not compatible with the existing neighborhood; 2. The facility exceeds the 10-acre maximum for Infill Developments; 3. The proposed facility is not consistent with the stated intent of the NPA district; 4. Civic uses in the Infill district must demonstrate need; and 5. In Infill districts, Civic Uses that are Commercial in nature must serve the needs of the immediate neighborhood and be limited in scale. Mr. Shirley questioned Mr. Serna regarding his Land Planning Analysis and also about the definition of “Civic Uses” as defined in the Walton County Comprehensive Plan. Attorney Matthews addressed the Board to cross-examine Mr. Serna regarding his knowledge about a similar case that previously went before Judge Stone. Mr. Matthews asked Mr. Serna to read a portion of the order granting petition for writ of certiorari contained in tab 6 of exhibit #4. Attorney Shirley objected for the record. Attorney Matthews further questioned Mr. Serna concerning Development Design and Improvements Standards set forth in Chapter 5 of the Walton County LDC. Ms. Christine Guard questioned Mr. Serna regarding this issue. She also asked Mr. Serna about the factors he had taken into consideration when preparing his analysis. Attorney Shirley questioned Mr. Serna regarding the language in his analysis compared to the language used in the Inlet Beach Capital Corporation case.

The Board recessed briefly.

Ms. Guard called Mr. Brady Harrison, Department of Environmental Protection (DEP), as her first witness. Mr. Harrison approached the Board and gave a brief description of his educational background and professional experience. Ms. Guard asked Mr. Harrison to identify and review several documents that were entered into the record as exhibits **(Exhibit #20-“Proximity of Proposed Facilities to State Park**

Campground,” Exhibit #21-“Topsail Hill Preserve State Park Turtle Nest Locations 2000-2003,” Composite Exhibit #22-Photographs, View of the Buffer, Exhibit #23-“Topography and Elevations,” Exhibit #24-“Height Relationship between Light Poles and Buffer”). Attorney Matthews cross-examined Mr. Harrison regarding the exhibits that were entered into the record.

Ms. Guard called Ms. Robin Trindell as her next witness. Ms. Trindell, Biological Administrator for the marine turtle protection program for the state of Florida, addressed the Board and gave a brief description of her professional experience and educational background. Ms. Guard had Ms. Trindell verify a document as her own curriculum vitae, which was entered into the record as the next exhibit (**Exhibit #25-Curriculum Vitae (Robin Trindell)**). Ms. Guard questioned Ms. Trindell regarding the proposed lighting for the project and the negative impact that particular types of lighting has on marine turtles. After Ms. Guard’s questioning, Mr. Matthews cross-examined the witness.

The Board recessed briefly.

When the Board reconvened, Chairman Jones announced that the meeting would be adjourned due to the leaving of Commissioner Cuchens, who had been called away for a family emergency situation. Chairman Jones noted that the meeting would reconvene at its’ scheduled time on Tuesday, January 20, 2004 at 4:00 p.m. when they expect to make a decision on whether to approve the proposed project. The Board apologized to the public and the council for the inconvenience.

There being no further business, the meeting was adjourned at 7: 15 p.m.

APPROVED: _____
Larry D. Jones, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court