

## FEBRUARY 1, 2005-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, February 1, 2005 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 Kira Coley, Staff Attorney, were also present.

Commissioner Cuchens led with prayer followed by the pledge of allegiance to the American Flag. Chairman Pridgen called the meeting to order. He opened the meeting by addressing an issue that had arisen regarding rumors that particular members of the Board were seeking to dismiss certain county employees. Each commissioner made a statement assuring the public and the personnel that there was no merit to the rumors. Ms. Williams also read a statement written by Mr. Ronnie Bell, County Administrator, rebutting the rumor.

Mr. Mike Lane, Planning Director, requested that the Phase II of the Woods Plat be removed from the agenda and continued until February 8<sup>th</sup>. There was no opposition voiced.

Mr. Kevin Hargett, Code Enforcement Coordinator, addressed the Board to present a request for a resolution to allow Code Enforcement officers the discretion to issue Civil Citations for matters that require immediate action. Mr. Hargett stated that a Civil Citation would be issued for serious cases where the peace and quality of life is

being severely altered for citizens because of a particular violation. He said that the benefits of a Civil Citation could be measured in the fact that a fine is being issued immediately versus waiting 30-60 days. Mr. Hargett felt that the issuance of a Civil Citation has a more psychological affect on a violator. He further stated that mandatory court appearances could be done and that Civil Citations could be voided if compliance was met.

Chairman Pridgen questioned what the process would be once a citation has been issued. Mr. Hargett said that the violator would have the option to either pay the fine or to contest it in county court.

Commissioner Jones suggested that the Board allow Code Enforcement to issue Civil Citations when stop work orders and cease of desists are ignored and violations continue. He also suggested that Code Enforcement continue trying to establish criteria for the use of Civil Citations.

Further discussion was held regarding the criteria for issuing a citation. Mr. Hargett said that Florida Statute states that a citation can be issue after a warning has been given to a person.

Mr. David Kramer, member of the Code Enforcement Board, asked that the Board approve the request and allow Code Enforcement the authority to make the call on issuing Civil Citations.

Motion by Commissioner Jones to grant Code Enforcement the authority to issue Civil Citations when stop work orders or cease of desists have been issued and properly posted.

He encouraged Code Enforcement to continue developing criteria for issuing Civil Citations.

Commissioner Cuchens seconded the motion. A vote was called for the motion on the floor. Ayes 4, Nays 1. Jones Aye, Brannon Aye, Meadows Naye, Cuchens Aye, and Pridgen Aye. Commissioner Meadows stated the reason for her naye vote was because she was in favor of “taking the handcuffs off [Code Enforcement] and letting them do their job”. She said that the officers were qualified and knew what they were doing.

Commissioner Cuchens requested an update on the Motocross Track issue. Mr. Hargett stated that a cease and desist order had been issued but was ignored. He said that Code Enforcement was in the process of issuing a notice of hearing for the February Code Enforcement Board meeting.

Mr. Tom Blackshear, Senior Planner, requested that a public hearing be scheduled to review an ordinance amending the Walton County Land Development Code to establish subcategories to the Infill future land use category; and providing for conflict, severability, and an effective date.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the request and schedule a public hearing for March 1, 2005.

Commissioner Jones suggested that there be alternative language for instances where Infill 2:1, 4:1, 6:1 or 8:1 may not be an appropriate category. He suggested language that would allow for more flexibility. Mr. David Kramer concurred with the comments made by Commissioner Jones.

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 Quasi-Judicial Hearings and Attorney Coley administered the oath to those individuals who would be speaking on the following projects: Hotel Saba at Rosemary Beach; Height Exemption Request (Building Permit SW7495), Sea Pointe Plat, Stonegate Villas Plat, Chat Holley Subdivision, Thomas Professional Office Building, Shoppes of Miramar/Miramar Beach Villas Plat, and Rosa Dune.

Ms. Kelly Finney, Project Manager, presented a height exemption request from Hotel Saba at Rosemary Beach for an amendment to Building Permit SW7495 to allow them to construct a clock tower that would exceed the 50' height limitation pursuant to Section 5.00.06.B of the Walton County Land Development Code. Ms. Finney stated that Section 5.00.06.b. allows height exceptions for "civic structures relating to public welfare" contingent upon the Board's approval, therefore, staff recommended approval **(Exhibit #1-Planning Report)**.

Commissioner Cuchens asked why a clock would be considered a structure "relating to public welfare". Ms. Finney stated that Trapolin Architects, representative for Hotel Saba, felt that because the clock would be visible from the beach and surrounding communities it would serve as a public amenity.

Mr. Brian Bruns addressed the Board and provided comments opposing the exemption request. He felt that the request, because the roof peak on the existing design was already at 57'6", was an example of the way that the current language gets "interpreted and manipulated". He stated that this was an example of why the 50 ft

height limit needed to be more strictly defined and enforced. Ms. Finney explained how the height of a structure is determined based upon the Land Development Code.

Commissioner Meadows stated that this was an exemption already granted under the LDC under civic uses and the Board had to decide if they viewed this as a civic use and a public benefit.

Commissioner Jones suggested that because there was no one present to represent the applicant, the request be tabled until the next Land Use Hearing scheduled for March 1, 2005.

Motion by Commissioner Jones, second by Commissioner Brannon, to table the request until March 1, 2005. Ayes 4, Nays 1. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Naye.

Mr. Bruns asked that his comments be on the record because he would not be able to attend the next Land Use Hearing.

Ms. Finney presented the final plat for Sea Pointe for approval. SCP Diversified, Inc. proposed a 9-lot single-family subdivision located on the southern side of Allen Loop Drive from CR 30-A. Ms. Finney stated that there was a letter of credit on file, water and sewer was provided, and the plat had been signed by all pertinent parties. Staff recommended approval (**Exhibit #1-Plat Summary**). There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the final plat for Sea Pointe for recording. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Finney presented the final plat for Stonegate Villas for approval. PBP proposed a 12-unit townhome development located approximately 1.5 miles north of the

intersection of U.S. 98 and Mack Bayou Road. Ms. Finny stated that water and sewer was provided and the plat had been signed by all pertinent parties. Staff recommended approval (**Exhibit #1-Plat Summary**). There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the Stonegate Villas final plat for recording. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Carl Hammons, Senior Planner, presented a request for approval of a major development identified as “Chat Holley Subdivision”. Tom Case proposed to develop a 34-lot single family subdivision on a 10-acre parcel with a Land Use Designation of Neighborhood Planning Area/Infill. This site is located at the northwest corner of Chat Holley Road and North Eden Park Drive. Planning staff and Planning Commission recommended approval with the condition that no development order be issued until a written commitment is made by a provider of both public sewer and water service to serve this development (**Exhibit #1-Planning Report**).

Mr. Dean Burgess, Emerald Coast Associates, addressed the Board on behalf of the developer to answer any questions. There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the application for “Chat Holley Subdivision” with the condition recommended by staff and the Planning Commission. 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 “Thomas Professional Office Building”. David Thomas proposed to develop a 2-story, 12,000 square foot office building on 1.06 acres with a

land use designation of Village Mixed Use. This site is located on the west side of Highway 331 south, approximately ¼ mile south of the Clyde B. Wells Bridge. Planning staff and Planning Commission recommended approval with the condition that the applicant shall install a northbound left turn lane with 100 feet of storage length at the intersection of Hwy 331 and Thomas Professional Office Building as warranted in the submitted report by Southern Traffic Services (STS), dated April 27, 2004 (**Exhibit #1-Planning Report**).

Mr. Dean Burgess addressed the Board representing the developer to answer any questions. He stated that they concurred with the condition recommended by staff.

Mr. David Thomas pointed out that within the next two years DOT had intentions to widen the highway, which would eliminate the northbound left turn lane that was required to be installed.

Mr. Burgess stated that his office attended the meeting that was held by DOT to discuss the improvements and that DOT's plans were to put a median cut by Chat Holley Road; any median cut south of that would not be allowed to remain. He said that DOT told them that the left hand turn lane would not meet the spacing requirements.

Mr. Thomas and Mr. Burgess asked the Board to consider approving the request but amending the condition where the installation of a northbound left turn lane would only be required if DOT would not change their recommendation. Mr. Burgess requested that they be allowed the time to work with DOT and come back to the Board in 30 days.

The Board requested that Greg Graham, County Engineer, review DOT's analysis and bring back information to the Board.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the request with the understanding that the applicant will address the northbound left turn lane issue with the DOT. The Board will eliminate or maintain the requirement that a left turn lane be installed based on DOT's decision. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Finney presented the final plat for Shoppes of Miramar/Miramar Beach Villas for approval. JMB of Florida, LLC proposed a 21-unit townhome subdivision located on the north side of CR 2378 (Scenic Hwy 98) between Summer Haven North and Miramar Beach. Ms. Finney stated that there was a letter of credit on file, utilities were provided, and the plat had been signed by all pertinent parties. Staff recommended approval **(Exhibit #1-Plat Summary)**. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to approve the final plat for Shoppes of Miramar/Miramar Beach Villas for recording. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Cuchens Aye, and Pridgen Aye.

Attorney Coley informed the Board that there were advertisement errors with the "Rosa Dune" requests, but letters had been sent to the property owners within 300 ft notifying them of the meeting. She advised the Board that there may be affected property owners present who wished to speak regarding the project.

Attorney Mark Davis addressed the Board representing the applicant. Mr. Davis presented a map of the subject area and reviewed the results they had found during their chain title search. He stated that the title search did not reveal any abandonment.

Ms. Finney stated that there was no action needed by the board. She presented a letter of opposition from A. L. East into the record.



There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to continue the item until February 22, 2005. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Commissioner Jones requested that the County send a letter to a prospective corporation to encourage them to establish business in the Mossy Head Commerce Park. The letter will commit to provide a 50 acre parcel at no cost, clear the site, and provide adequate utilities in exchange for a distribution center that will create more than 300 jobs.

Motion by Jones to send a letter to the corporation encouraging them to establish business in Walton County. The County will commit to clear and provide the 50 acre parcel of land along with provide adequate utilities. Commissioner Cuchens seconded the motion.

The Board expressed appreciation to Commissioner Jones for his efforts in working with the corporations to encourage them to come to Walton County. Commissioner Jones advised the Board that as the County moves forward there would be issues in the future that would have to be addressed.

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

Mr. Bob Dobes asked for a status update on a letter he had seen in the paper proposing to hire a Community Enforcement Officer to contend with matters on the bike paths in south Walton. Commissioner Meadows stated that the issue had not yet been brought before the Board.

There being no further business, the meeting adjourned at 6:19 p.m.

APPROVED: \_\_\_\_\_

Kenneth Pridgen, Chairman

ATTEST: \_\_\_\_\_

Martha Ingle, Clerk of Court