

## FEBRUARY 03, 2004- LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, February 03, 2004 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. Ronnie Bell, Interim County Administrator, and Attorney Gary Vorbeck, Director of Legal Services, were also present.

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

Mr. Mike Lane, Planning Director, presented a revised meeting agenda to the Board and noted the changes that had been made to the original agenda. He stated that staff had been directed to remove items on the agenda pertaining to the fence requirements and notification ordinances for further review. Mr. Bell stated that the ordinances that were to be presented were for discussion only and no action was needed. He requested that the items be continued until a later date. It was the general consensus of the Board to schedule a public hearing to consider the ordinances at a later date, but to allow public comments from those wishing to speak.

Mr. Ken Shannon, Planning Manager, addressed the Board and gave a brief description of the ordinance modifying the fence requirements for small lots.

There were several comments made by the public regarding this matter: Mr. Robert Capps presented and read a personal statement in support of keeping the existing language of the code concerning fences on small lots. Mr. Wilson Holley spoke against

fence regulations. Mr. David Kramer suggested a change to the revised language of the ordinance. It was the Board's decision to schedule a public hearing to consider adoption of an ordinance modifying fence requirements for small lots and an ordinance modifying the Notification Ordinance on March 2, 2004.

Mr. Shannon submitted and reviewed changes to the language of an ordinance modifying the Flood Damage Prevention Policy in the LDC. He stated that the proposed ordinance was prepared and presented to comply with the community rating system, which is a system that will require adoption for application. Further discussion was held regarding adoption of the community rating system and the modified ordinance in terms of being in compliance with the Walton County Comp Plan and LDC. It was the general consensus of the Board to hold a public hearing on February 24, 2004 to consider adoption of the community rating system.

Mrs. Kira Coley, Staff Attorney, presented and reviewed a draft ordinance adopting, promulgating and establishing rules and regulations to define adult entertainment establishments; limit the distance of location of adult entertainment establishments from within 750 feet of daycare centers, parks, churches, public buildings and schools; limit the establishment of adult entertainment establishments on certain major roads with the county. Mrs. Coley reviewed the results of a study conducted to compare various areas with adult businesses to Walton County in terms of increase in crime rate and decrease in property values. Mrs. Coley stated that the study had been conducted to justify and support the proposed ordinance. The study was submitted into the record.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to schedule a second public hearing to consider the Adult Business Ordinance on March 2, 2004. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Motion by Commissioner Rees, second by Commissioner Pridgen, to set a public hearing to consider adoption of the community rating system on February 24, 2004. Ayes 5, Nays 0. Jones Aye, Rees Aye, Commissioner Pauls Aye, Commissioner Cuchens Aye, and Commissioner Pridgen Aye.

Motion by Commissioner Cuchens, second by Commissioner Rees, to set a first public hearing to consider adoption of ordinances modifying fence requirements and the Notification Ordinance on March 2, 2004. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tom Blackshear, Senior Planner, presented for its first reading an ordinance amending the Walton County LDC to establish development criteria for the Coastal Village 1, Business Park, Light, Medium and Heavy Industrial Future Land Use categories; to reduce building setbacks from rivers; to allow increased clearing within wetland buffer areas; to establish setback requirements for shallow lots of record that abut environmentally sensitive areas; to allow neighborhood-commercial uses in some Neighborhood Planning Areas; to establish development criteria for Infill projects; providing for conflict, severability and an effective date in the Land Development Code. Mr. Blackshear stated that the Planning Commission had recommended approval of the ordinance with one change to the language; prohibit gas pumps for neighborhood commercial uses. Commissioner Pauls expressed concern with the change to the

language and recommended that it be omitted. It was the general consensus of the Board to delete that portion of the language.

Further discussion was held regarding Infill land use designation. Mr. Lane requested additional time to further review and clarify the language pertaining to Infill issues. Mr. Kramer suggested a change to the language in regards to allowing residential sites for 24-hour security in light, medium and heavy industrial categories. Mr. Jack Rhodes also commented on the land use designation of Infill.

Motion by Commissioner Rees, second by Commissioner Pridgen, to schedule a second public hearing on April 6, 2004 to consider adoption of the ordinance. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Commissioner Rees addressed the issue of accessory apartments. The Board directed staff to review the current language in regards to the matter and bring back information.

Mr. Blackshear presented a proposed Saltzgaber Small-Scale Amendment. Millie C. Saltzgaber proposed a change to the Future Land Use Map from Conservation Residential 1 per 2.5 acres to Conservation Residential 2 per 1 acre. This site is located on the east side of County Road 393 between Glory Road and Crissman Road. Mr. Blackshear reviewed the site suitability information and staff analysis contained in the staff report. He stated that it was determined that the parcel is largely wet and is in entirely in a floodplain. Therefore, staff recommended disapproval of this small-scale amendment request based on its inconsistency with existing Comp Plan language pertaining to environmental suitability. The Planning Commission also recommended denial of the request.

Mr. Russ Aldrich, representing the applicant, addressed the Board. He stated that he was in agreement with the Planning Department's recommendation of denial, but didn't understand why the applicant wasn't notified of the inconsistencies prior to the Planning Commission and BCC meetings.

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

Mr. Blackshear presented a proposed Bonezzi Small-Scale Amendment request. Mr. Robert Bonezzi proposed a change to the Future Land Use Map from Rural Residential to Commercial. This site is located on the north side of US 90, approximately 12 miles west of DeFuniak Springs. Planning staff's recommendation was for approval. The Planning Commission also recommended approval.

Mr. Brad Davis, representing Mr. Bonezzi, approached the Board to answer any questions. Commissioner Pauls commented on the traffic concurrency and the Mossy Head utility issues.

Motion by Commissioner Pauls, second by Commissioner Rees, to approve the Bonezzi Small-Scale Amendment request (Ordinance 2004-03). Ayes 5, Nayes 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Blackshear presented a request for a Louva Lane Small-Scale Amendment. Angus Andrews Jr., Martha Ingle, Terry Pilcher and Melissa Pilcher, proposed a change to the Future Land Use Map from Conservation Residential 2:1 to Neighborhood Planning Area/ Infill. This site is located on the far eastern end of Louva Lane, off County Road 393 South. Mr. Blackshear reviewed the site suitability information and the

staff analysis contained in the staff report. The Planning Department's recommendation was for approval of the small-scale amendment request. The Planning Commission also recommended approval of the request.

Mr. Rhodes, representing the applicants, addressed the Board and gave a brief description of the property.

There were some adjacent property owners present to speak in opposition of the request: Ms. Mary Nell, Mrs. Lisa Thompson, and Ms. Jerry Dragos. Mr. Bill Bard and Ms. Anita Paige also spoke in opposition.

Mr. Kramer approached the Board to speak in support of the proposed small-scale amendment.

Mr. Rhodes responded to the concerns by stating that what was being presented was an application, not a development proposal. He further discussed the land use classifications of the surrounding properties.

Mr. Bard felt that the requested small-scale amendment would allow more density than what was initially intended for the area. Ms. Paige felt that the proposed property did not meet the criteria of the Infill land use category.

Commissioner Pauls spoke about a specific property owner who had previously questioned the land use classification in the Louva Lane area. He also spoke about the language of the Land Development Code in regards to Infill development.

Motion by Commissioner Pauls, second by Rees, to deny the Louva Lane Small-Scale Amendment request. Further discussion was held. Ayes 2, Nays 3. Jones Naye, Rees Aye, Pauls Aye, Cuchens Naye, and Pridgen Naye. Motion failed.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the proposed Louva Lane Small-Scale Amendment request (Ordinance 2004-04). Ayes 3, Nays 2. Jones Aye, Rees Naye, Pauls Naye, Cuchens Aye, and Pridgen Aye.

Mr. Shannon presented a Harned Petition for Abandonment request. Mr. Joseph Harned proposed a vacation of all 50-foot wetlands buffer known as the Secondary Wetlands Zone as platted on the Mallet Bayou Reach, Phase 1 in Plat Book 11, Page 33, recorded on May 8, 1995, to a 25' buffer surrounding the wetland as per the current Walton County Land Development Code. This site is located one mile west of the intersection of Bay Grove Road and Highway 331 South. The Planning Department recommended approval of this abandonment (**Exhibit #1-Staff Report**).

Mr. Wes Barnhill, representing the applicant, addressed the Board to answer questions.

Mr. Aldrich addressed the Board and spoke about subdivision plat requirements. He felt that it was an issue that needed further discussion at some time in the future. Commissioner Pauls stated that it would be important to hear staff's comments regarding the issue.

Mr. Mike Williams, adjacent property owner, addressed the Board to speak in favor of the abandonment.

Motion by Commissioner Rees, second by Commissioner Cuchens, to approve the request for the Harned Petition for Abandonment (Resolution 2004-15). Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Aldrich, Emerald Coast Associates, addressed the Board to speak about a specific large-scale amendment that was previously approved by the BCC. Mr. Aldrich

felt that the Walton County Engineering Department had misinterpreted the requirements of the large-scale amendment regarding improvements to Blue Mountain Beach Road. He felt that the property owner was being requested to make road improvements that other developers were not. He asked the commissioners to decide whether or not the property owner was required to fulfill the requests made by the Engineering Department. The Board stated that they were not aware of the situation and requested additional information before making a decision. Mr. Bell stated that a plan for connector road improvements was scheduled to be presented at the next BCC meeting. He felt that this would address Mr. Aldrich's concerns.

Mr. Steve Bradley, on behalf of Ms. Sue Murphy, addressed the Board to present a request for review of an amendment to the Alcohol Ordinance. He gave a brief history of property he had purchased in Rose Mary Beach with intentions of opening a school. Mr. Bradley spoke in favor of the text amendment presented by Ms. Murphy on November 11, 2003. Further discussion was held regarding drafting an amendment to the Alcohol Ordinance. Attorney Vorbeck stated that staff would provide information and to the Board regarding the amendment to the ordinance.

The Board recessed briefly.

Chairman Jones called to order the Quasi-Judicial Hearings and Attorney Vorbeck administered the oath to those individuals who would be speaking on the following matters: South Walton Utility Company Field Maintenance Facility; Cottages of Walton Rose; The Bungalows at Seagrove PUD; Cross Creek Realty; The Bungalows at Mack Bayou; Antiques on Holiday; Baymont Inn & Suites; and Eden's Landing PUD.



Mr. Tim Durbin, Planning Technician II, presented a request for approval of a major development identified as “South Walton Utilities Field Maintenance Facility Master Plan”. The proposed project consists of a two-phased project. Phase I consists of 7,514 square feet of office space and 8,854 square feet of warehouse space. Phase II consists of 6,146 square feet of office space and 6,732 square feet of warehouse space. The entire project has a total square footage of 29,246, being: office space-13,660 sq ft and warehouse-15,586 sq ft on 2.54 acres with a land use designation of Coastal Center. This project site is located 0.5 miles south of Highway U.S. 98 on Miramar Beach Drive on the west side. The Planning Department staff and Planning Commission recommended approval (**Exhibit #1-Staff Report**).

Mr. Mark Siner, representing the applicant, approached the Board to answer any questions. There were no public comments.

Motion by Commissioner Pauls, second by Commissioner Rees, to approve the request from South Walton Utility Company to construct a two-phased project. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Durbin presented a request for approval of a major development identified as “Cottages of Walton Rose”. Mr. George Cowgill proposed to create a 5-lot single-family detached residential subdivision on 1.26 acres with a land use designation of NPA/Infill. This project site is located approximately 0.1 miles on the south side of Walton Rose Lane, south of Highway U.S. 98 near the intersection of South Wall Street and U.S. 98. The Planning Department and Planning Commission recommended approval (**Exhibit #1-Staff Report**).

Mr. Siner addressed the Board to answer any questions regarding the matter. There were no public comments.

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

Mr. Durbin presented a request for approval of a major development identified as “Bungalows at Seagrove PUD (proposed unit development)”. Coastal Development Planning Company proposed a project consisting of 20 existing single-family lots with a maximum of 320 residential dwelling units on 31.88 +/- acres (Phase I proposes 57 units on 6.57 +/- acres) with a land use designation of NPA/Small Neighborhood. This site is located north of County Road 30-A along Somerset Bridge Road, north of the Village of Sugar Beach. Planning staff and Planning Commission recommended approval (**Exhibit #1-Staff Report**).

Mr. Curtis Gwin, developer, addressed the Board to answer any questions.

Ms. Tiana Larsen stated that she owns property within 300 ft. of the western boundary of Phase II. She felt unsure of what was actually being presented for approval. Mr. Durbin explained the difference between a master plan and a phase development plan and stated that the developer was asking for Phase I approval only. Mr. Lane assured the Board that Phase II would go through the entire review process and that the surrounding property owners would be notified.

Mr. John Woodward, adjacent property owner, expressed concern with traffic that will be generated by the development. He suggested that a three way stop sign, a turning

lane, or perhaps a traffic light be installed. Mr. Woodward felt that the traffic issue is a safety hazard and should be addressed.

Mr. David Smith, County Engineer, stated that a traffic analysis for Phase I of the project had been performed and was included in the staff report. He further stated that when Phase II was presented for approval a traffic concurrency report would be conducted.

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve Phase I of a major development identified as “The Bungalows at Seagrove PUD”. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Durbin presented a request for approval of a major development identified as “Cross Creek Realty”. Mr. David Jasin proposed to construct a 1,000 square foot real estate office on +/- 0.25 acres with a land use designation of Neighborhood Planning Area/Residential Preservation. This site is located on the northeastern corner of Acacia Street and County Road 30-A, approximately one mile east of County Road 393. Planning staff and Planning Commission’s recommendation was for approval (**Exhibit #1-Staff Report**). Discussion was held regarding the traffic analysis.

Mr. Don Caldwell, on behalf of the applicant, appeared before the Board to answer questions. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the request for Cross Creek Realty. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Ms. Renee Bradley, Planning Technician I, presented a request for approval of a major development identified as “Bungalo’s at Mack Bayou”. Huff Development,

L.L.C., was proposing to create a 69-unit town home community on 10 acres with a land use designation of NPA/Infill. This project site is located approximately 1,100 feet north of East Mack Bayou Road, on the west side of Mack Bayou Road. The Planning Department and Planning Commission recommended approval of the request (**Exhibit #1-Staff Report**).

Mr. Dean Burgess, representing developer, addressed the Board and gave a brief history of the project. There were no public comments.

Motion by Commissioner Pauls, second by Commissioner Rees, to approve the request of The Bungalo's at Mack Bayou. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Shannon presented a request from Ms. Beverly Grisham to construct a retail facility consisting of an 11,040 square foot, two-story antique store on +/- 0.5 acres with a land use designation of Coastal Center. This site is located north of the intersection of Holiday Road and US 98, behind Smith's Antiques. Mr. Shannon stated that Tipton and Associates had determined that the development meets concurrency requirements. The Planning staff and Planning Commission recommended approval (**Exhibit #1-Staff Report**).

Mr. Elliot Ellen, representing the applicant, addressed the Board to answer any questions. There were no public comments.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the request for Antiques on Holiday. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Carl Hammons, Senior Planner, presented a request for approval of a major development identified as “Baymont Inn and Suites”. Mr. Rodney Meyers proposed to construct a 75-unit hotel development on 1.78 acres with a land use designation of Coastal Center. This site is located on the north side of Geronimo Street, next to the First American Bank and Trust. Mr. Hammons stated that Tipton and Associates had determined that the development meets concurrency requirements. The Planning staff’s recommendation was for approval (**Exhibit #1-Staff Report**). The Planning Commission also recommended approval contingent upon the developer paying a pro-rate share for an eastbound to northbound left turn lane on U.S. Highway 98 at the median opening across the site driveway.

Mr. Dean Burgess, representing the developer, addressed the Board to answer questions. Discussion was held regarding the Planning Commission’s condition for approval. There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Pauls, to approve the request for Baymont Inn & Suites. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a proposal from Eden’s Landing Development, L.L.C., to construct 28 single-family detached homes, 10 duplex units, 11 town homes and 13,000 square feet of commercial area with nine loft units above with a land use designation of Infill/Residential. This site is located on the north side of U.S. Hwy 98 and the west side of County Road 395. Planning staff and Planning Commission recommended approval (**Exhibit #1-Staff Report**).

Mr. Ken Goldberg, representing the applicant, addressed the Board to answer questions. There were no public comments.

Motion by Commissioner Rees, second by Commissioner Cuchens, to approve the request for Eden's Landing PUD. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Chairman Jones presented for approval a proclamation designating February 8-14 as "Career Technical Educational Week".

Motion by Commissioner Rees, second by Commissioner Cuchens, to adopt a proclamation designating February 8-14 as "Career Technical Educational Week". 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 8:30 p.m.

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

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