

FEBRUARY 4, 2003 – LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, February 4, 2003 at 5:00 p.m. in the Boardroom of 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.

Chairman Jones led with prayer followed by the pledge of allegiance to the American Flag and then called the meeting to order.

Mrs. Jennifer Christensen, Planning Technician, presented staff's recommendation to deny the Ficarra small-scale amendment. Mr. Alan Ficarra is requesting a four-acre tract be redesignated from Conservation Residential - one unit per 2.5 acres to Conservation Residential - two units per acres. The Planning Commission recommended approval. (Exhibit 1 – staff report).

Ms. Cindy Meadows, Planning Commission, stated that they voted in favor of the amendment because they did not feel this was a substantial change. She also stated that they did not want to hold up this item for the Mac Bayou study to be completed. Staff recommended denial because the entire parcel is located in the AE7 Flood Zone (100 year flood plain). Ms. Christensen presented several letters of opposition to the project and stated that there is poor drainage, no utilities and unpaved roads. (Composite Exhibit 2).

Mr. Alan Ficarra addressed the commissioners regarding his request for rezoning. He stated that the adjacent property is 8 units per acre. He agreed that he would need sewer and water and suggested that Regional Utilities might be able to obtain a grant to service the area. Mr. Ficarra presented maps depicting the property location. (Exhibit 3)

Mr. Tom McGee spoke in favor of the amendment stating that the proposed use is for mid-level housing, which will serve the area well.

Ms. Shelia Huffman appeared in opposition to the proposed amendment.

Motion by Commissioner Pauls, second by Commissioner Rees to accept the Planning Commission's recommendation and approve the Ficarra Small-scale amendment (2003-05). Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Christensen presented staff's recommendation to approve the Case Small-scale amendment. Mr. Tom Case is requesting a change from Conservation Residential-one unit per 2.5 acres to Conservation Residential - two units per acre. Ms. Meadows presented the Planning Commission's recommendation for approval. (Exhibit 4 – staff report)

Mr. Don Brock appeared before the commissioners to explain the location of the property. He stated that they have not received any opposition from the neighbors and requested approval.

Motion by Commissioner Rees, second by Commissioner Pauls to accept the recommendation to approve the Case Small-scale amendment (2003-06). Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Christensen presented a request on behalf of Mr. Anthony Derck asking that .03 miles of CR 30A from CR 283 East to Wilderness Way West be changed from Rural to Town. (Exhibit 5 – proposed ordinance)

Mr. Derck explained the reason for his request is to remain consistent with other changes that have recently occurred in the same area. Commissioner Pauls stated that he supports Mr. Derck's request and asked staff to prepare an ordinance for public input.

Motion by Commissioner Pauls, second by Commissioner Rees to approve to advertise a public hearing to consider adopting an ordinance that would allow the county to proceed through the process for the requested change from Rural to Town. Ayes 5, Naves 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Christensen presented the Compatibility Ordinance for review and to seek direction from the Board.

Motion by Commissioner Pauls, second by Commissioner Rees to approve for staff to proceed with drafting the Compatibility Ordinance. Ayes 5, Naves 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye. Attorney Vorbeck recommended adopting a compatibility policy before the ordinance is adopted in its final form.

Motion by Commissioner Rees to adopt the Compatibility Ordinance as policy until the ordinance has been completed. Mrs. Christensen advised that it might be April before the ordinance is complete. After further discussion, Commissioner Rees withdrew his motion to adopt the ordinance as policy.

Mrs. Christensen presented the Beach Activities Ordinance as amended. (Exhibit 6 – public notice; Exhibit 7 – Beach Activities Ordinance)

Mr. Richard Bellman questioned the commissioners about the increase for bonfire permits. He felt that the increase is too large.

Mr. Malcolm Patterson spoke about previous efforts made by TDC to preserve the beaches. He stated that the two items most destructive to the beaches are dogs and bonfires.

Mr. Tom McGee, South Walton Community Council, commended those working on the ordinance. One of their greatest concerns is with objects being left on the beach from sundown to sunup. Another concern is with people digging holes, which is also a safety concern.

Ms. Sharon Louge-Higgins voiced concern with fires being built at the base of the dunes. She also stated that she does not want her private property rights affected. Ms. Higgins also felt that the fee for special events should remain \$25.00 for small groups.

Ms. Sharon Maxwell voiced her concerns regarding items being left on the beach overnight due to the hazard to sea turtles.

Mr. Don Crim voiced opposition to an additional permit fee for boat trailers and felt the fee should remain at \$75.00.

Mr. Lee Ier voiced concern with debris being left on the beaches from fireworks.

Ms. Julie Hilton addressed the commissioners regarding the Beach Activities Ordinance. She asked them not to adopt any ordinance that would allow the use of private property for public uses. She further requested that the definition of "beach" be more clearly defined. Ms. Hilton also requested that it be stated in the ordinance that it is not the intent of the county to rule private property.

Mr. Richard Fowlkes, Blue Mountain Beach Community Association, stated that they unanimously support placing language into the ordinance stipulating that “no obstructions” shall be left on the beach from sunset to sunrise. He stated that fires should be totally prohibited from the beach. Mr. Fowlkes also spoke about many other problems on the beach.

Ms. Patty Warren spoke in favor of protecting private property rights.

Mr. John Wallace stated that a clean beach ordinance would put him out of business. He also felt that too many restrictions would prohibit visitors from the beach.

Attorney Kira Honse stated that she needs feedback from the commissioners in order to draft a final ordinance. The commissioners agreed to hold a workshop on February 18, 2003 at 1:00 p.m. to discuss their concerns.

Chairman Jones called to order the Quasi-judicial hearing and those testifying were sworn in.

Mrs. Christensen presented staff’s recommendation to approve Sandcastle Designs Expansion. The Planning Commissioner also recommended approval. (Exhibit 8 – staff report) Mr. Jack Hanna is requesting approval to expand their existing building.

Mr. Dean Burgis appeared before the commissioners to answer questions relating to the Sandcastle Designs and also requested approval. There was no opposition voiced.

Motion by Commissioner Rees, second by Commissioner Cuchens to accept the recommendation and approve the proposed expansion of Sandcastle Designs. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

There being no further business, the meeting was adjourned at 6:45 p.m.

APPROVED: _____
Larry D. Jones, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court