

## MARCH 1, 2005-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, March 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 Jones led with prayer followed by the pledge of allegiance to the American Flag. Chairman Pridgen called the meeting to order.

Ms. Kelley Finney, Project Manger, presented for its first public hearing a proposed 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.

Commissioner Jones made a suggestion that the word “can” as used for criteria in Section 1 of the ordinance be changed to “shall”. He felt that by changing the word “can” to “shall”, the ordinance would be more definitive.

The floor was opened to public comments and questions. Mr. David Kramer voiced strong objection to changing the word “can” to “shall”. He felt that changing the word would reduce the flexibility of the ordinance. Mr. Kramer also objected to the use of the word “abutting” in the criteria listed to determine maximum allowable density. He felt that the language should be changed to ¼ mile or ½ mile to make the ordinance

consistent with the LDC and Comp Plan. He also questioned the term “nearby” used in the criteria for “Intensity of nearby non-residential development”.

Further discussion was held regarding the language referring to the distance used to determine average density of residential development and intensity of non-residential development. Commissioner Meadows spoke in favor of changing the language to 300 ft. Commissioner Brannon expressed that he was more in favor of using the distance of ¼ mile. Commissioner Cuchens concurred with Commissioner Brannon.

Mr. Bob Dobes also commented on the language. He was in favor of using a shorter distance.

It was the general consensus of the Board to schedule a second public hearing for the ordinance on April 5, 2005.

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), Coastal Village Subdivision, Serenity PUD, Mack Bayou Homes, Waterside Phase II, Antigua Bay PUD (conceptual), Sugar Sands Estates f/k/a Lehigh Pines, and 393 North Business Park.

Ms. Kelley Finney, Project Manager, presented a height exemption request from Hotel Saba at Rosemary Beach for building permit SW7495. Mr. Billy Snell requested the amendment of his building permit to allow him to construct the clock tower above the 50’ height limitation pursuant to Section 5.00.06.B of the Walton County Land Development Code. Planning staff recommended approval (**Exhibit #1-Planning Report**).

Mr. Billy Snell addressed the Board representing the owner. He introduced Ms. Paula McNamara, Architect, to further explain the request. Ms. McNamara submitted a letter written by Mr. James Bagby, Rosa Beach Town Manager, encouraging the commissioners to approve the request (**Exhibit #2-Letter**).

Further discussion was held by the Board. Commissioner Meadows felt that the clock would serve as a civic use. Commissioner Cuchens felt that it would not.

Mr. Jim Bagby addressed the Board to speak in favor of the request.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve the height exemption request as presented. Ayes 4, Nays 1. Jones Aye, Meadows Aye, Brannon Aye, Cuchens Naye, and Pridgen Aye.

Mr. Ray Zobel, Plans Review Engineer, presented a request for approval of a major development identified as "Coastal Village Subdivision". Coastal Village Subdivision Arcadia Enterprises, LLC and Emerald Coast Associates, Inc, proposed a 38-lot single-family subdivision on 5.03 acres with a land use designation of Neighborhood Area/Infill. This site is located on the east side of Thompson Road, between US Highway 98 and County Road 30A, west of County Road 393. The Planning Commission recommended approval with the condition that the applicant shall submit new, detailed drawings from the utility company specifically showing utilities in easement. Mr. Zobel stated that the drawings had been submitted and could be found in the planning report. Planning staff recommended approval (**Exhibit #1-Planning Report**).

Attorney Jesse Rigby addressed the Board representing the applicant. He turned the floor over to Mr. Dean Burgess, Emerald Coast Associates, to answer any questions.

Discussion was held regarding stormwater and drainage issues. Commissioner Meadows expressed concern with the retention areas being on platted lots and also with the under structure stormwater retention.

The floor was opened to public comments. There were none.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to approve the application for “Coastal Village Subdivision”. Ayes 4, Nays 1. Jones Aye, Brannon Aye, Meadows Naye, Cuchens Aye, and Pridgen Aye.

Mr. Carl Hammons, Senior Planner, presented a request for approval of a major development identified as “Serenity PUD” (conceptual). The 30A Development, LLC and Seaside Engineering & Surveying, Inc. (Ross Binkley) proposed a project consisting of 87 single-family residential lots and swimming pool/recreation common area on 12.12+/- acres of property with a future land use designation of Neighborhood Planning Area-Infill. The proposal is located in the north end of Woodward Drive in Dune Allen Beach approximately 1.5 miles west of the intersection of CR 393 and CR 30A. Planning staff recommended approval and the Planning Commission recommended approval contingent upon the following conditions (**Exhibit #1-Planning Report**):

- 1) The county will commit to take over the 33 foot easement according to county procedure if the road improvements are made.
- 2) Developer shall provide bond for the maintenance of the road until such time as the road is added to the County’s maintained road list.
- 3) Developer shall submit new, detailed drawings specifically showing utility placement in the easement.
- 4) County legal staff shall determine the implication of subdivisions with internal streets being both public and private.

Attorney Coley submitted into the record a memo from Russ Barry, Public Works Director, addressing the fourth condition (**Exhibit #2-Memo**). Public Works recommended that this condition not be allowed to be built into other roads in the county. They felt that it was both cumbersome and costly for both the crews and the taxpayers.

Attorney Dana Matthews, representing the applicant, addressed the Board to further explain the request. He turned the floor over to Mr. Ross Binkley, Seaside Engineering & Surveying, Inc., to address the issue regarding the 33 ft easement. Mr. Binkley explained that Woodward Drive is currently a narrow dirt/gravel road within a 33' wide public roadway and utility right-of-way/easement which runs from CR 30A to the subject property. He stated that the developer would be required to upgrade Woodward Drive to a 20' wide paved road and to meet Walton County pavement specifications. He stated that he was informed by Russ Barry, Public Works Director, that the County would accept maintenance of the road four years after construction.

Attorney Matthews noted that in order to meet the third condition, the utility companies had been shown the Woodward Drive section and had indicated that utilities could be provided through the 33' wide right-of-way. Letters from the utility companies were provided in the planning report.

Commissioner Meadows asked for clarification regarding Public Works' recommendation to not accept the last condition due it being "both cumbersome and costly for both [the] crews and the taxpaying public" and also due to Woodward Drive being a 33' foot public easement, "by the rules of the LDC it can never become a county-maintained road as it is too narrow." Attorney Coley explained that a roadway across the top of lot 15 utilizes a 66' right-of-way which could not be a public road. She explained

that Public Works was concerned because in order to access the property, the crews would have to cross a private road.

Commissioner Brannon asked if the road accessing Woodward Drive was turned over to the county would it still be an issue. Attorney Coley stated that it wouldn't be an issue, but at this time the road did not meet the county minimum width requirements. She noted that the Board could consider waiving the width requirement. She stated that the county should either abandon the property or make sure the street met the county width requirement.

Attorney Matthews pointed out that according to a recently adopted ordinance, 2005-02, "existing county streets as of July 1, 2004 with lesser right-of-way or lane widths may be paved if it is determined by the County Engineer or his designee that there is adequate areas for storm water treatment, utilities, and...".

Further discussion was held regarding stormwater retention.

The floor was opened to public comments. Ms. Marge Crawford addressed the Board to make comments. She expressed concern with the option for the county to abandon public accesses.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to approve the application for "Serenity PUD" (conceptual) with the recommended conditions.

Discussion was held regarding further clarification of the recommended conditions. Attorney Coley suggested the following language for the second condition, "developer shall provide bond for all the roads within the maintenance of the roads within

the subdivision until such time as the road is closed or added to the county's maintenance or the home owners association takes over".

A vote was called for the motion on the floor. Ayes 4, Nayes 1. Jones Aye, Brannon Aye, Meadows Naye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of major development identified as "Mack Bayou Homes". Mack Bayou Homes LLC, Applicant, and Regional Engineering, Inc. (Don Brock), Agent, requested approval of a project consisting of a 108 lot single-family residential subdivision on 16.65 acres of property with a land use designation of Neighborhood Planning Area/Infill. The parcel is located north and east of Mack Bayou Road about 1.65 miles north of US 98. Planning staff recommended approval and Planning Commission recommended approval contingent upon the applicant removing lot 13 building area from the buffer (**Exhibit #1-Planning Report**).

Attorney Dana Matthews addressed the Board on behalf of the applicant. He turned the floor over to Mr. Don Brock, Civil Engineer, to give an overview of the project. Mr. Brock began by noting that there was a correction regarding the number of the lots. He stated that the 108 lots had been reduced to 87. He then addressed stormwater drainage, buffer, and traffic concurrency issues. Mr. Brock also discussed the landscaping/preservation plan.

Attorney Matthews submitted an aerial photograph of the subject property into the record as an exhibit (**Exhibit #2-Aerial Photograph**)

The floor was opened to public comments. Mr. Bob Dobes, President of South Walton Community Council, addressed the Board and expressed concerns regarding the elevation level, wetland buffers, and traffic concurrency. Mr. Dobes stated that several

people had expressed concern at the Planning Commission Meeting regarding the traffic concurrency of adjacent development. He submitted a master plan of Driftwood Estates Phase II into the record (**Exhibit #3-Master Plan**).

Mr. Greg Graham, County Engineer, explained that there had been an initial question whether an area of the property was considered wetlands or bay. Mr. Hammons stated that the issue had been resolved to his satisfaction. Mr. Keith Johnson, Wetland Sciences Inc., further explained the buffer requirements, noting there is a 50 ft buffer requirement along the bay and a 25 foot buffer requirement along wetland areas.

Mr. Graham addressed the elevation issue as well as the traffic concurrency. He stated that the Driftwood traffic was not included in the county system but was counted as background trips. He stated that there were 1,000 available trips left.

Commissioner Meadows questioned the level of service on Mack Bayou Road. Mr. Graham stated that it was a service level D. Further discussion was held.

Ms. Cathy Potter addressed the Board and expressed concerns regarding compatibility and density.

Mr. Dobes questioned the landscaping/preservation plan. Mr. Johnson explained that being largely a mesic flatwoods ecological community no preservation was required.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the petition for "Mack Bayou Homes" as presented.

Ms. Finney clarified for the record that when the houses are elevated on pilings, they would still be considered in flood zone and would be required to purchase flood insurance and would be subject to all FEMA requirements.



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

The Board recessed briefly.

Ms. Mary Margaret Stalling, Planner III, presented a request for approval of a Major Development identified as “Waterside Phase II.” Seaside Engineering and Surveying Inc., Agent, on the behalf of Waterside Ventures, LLC, Owners, were requesting approval of a proposed project consisting of a 14 lot single-family subdivision. The proposed project is located on the southeast corner of the intersection of US Highway 98 and South Walton Lakeshore Drive in Inlet Beach. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Ross Binkley, Seaside Engineering and Surveying, addressed the Board representing the applicant.

There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the application for “Waterside Phase II”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of a major development identified as “Antigua Bay PUD” (conceptual), f.k.a. Summit Subdivision 393, PUD. Summit Companies and Quantum Engineering Group, LLC proposed a Planned Unit Development project consisting of a 59-lot single family residential subdivision. The parcel is approximately 19.453 acres in size and has a land use designation of Neighborhood Planning Area/Infill. This site is located on the east side of County Road

393, three miles north of the intersection US 98 and County Road 393. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Darrell Barnhill addressed the Board representing the applicant. He clarified that there would not be any retention.

There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the petition for “Antiqua Bay PUD (conceptual)”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons requested that item agenda #8, Sugar Sands Estates, f/k/a Lehigh Pines, be continued until the March 22<sup>nd</sup> BCC meeting. There was no objection.

Mr. Brian Martinez, Plan Review Engineer, presented a request for approval of a major development identified as “393 North Business Park”. York BTS LLC (Paige York-Losee) requested approval of project consisting of one 2-story office building & two 1-story office/warehouse buildings totaling 46,692 square feet. The parcel is approximately 9 acres in size and has a land use designation of Light Industrial. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Terri Anderson, Public Engineer with Paige York-Losee, addressed the Board representing the applicant.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the petition as “393 North Business Park”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Cuchens Aye, and Pridgen Aye.

There being no further business, the meeting adjourned.

APPROVED: \_\_\_\_\_  
Kenneth Pridgen, Chairman

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