

MARCH 02, 2004- LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, March 02, 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 Cuchens led with prayer followed by the pledge of allegiance to the American Flag. Chairman Jones called the meeting to order. Mr. Tim Durbin, Planning Technician II, addressed the Board to set a first public hearing for consideration of adoption of an ordinance modifying the Walton County Land Development Section 5.07.09 Tall Structures and 5.07.10 Rooftop Wireless Communications Facilities.

Motion by Commissioner Rees, second by Commissioner Cuchens, to set a first public hearing for Tuesday, April 6, 2004 to consider adoption of a Tower Ordinance. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Dan Arner, County Engineer, presented a request to move forward to the Planning Commission for a Public Hearing for Chapter 5 Land Development Code Amendments. At Commissioner Pauls request, the Board decided to take additional time to further review the language and allow the public to submit their comments and recommendations. The Board directed staff to try to inform the public about the issue.

Mr. Russ Aldrich inquired about the process of submitting his recommendations to the Board. The Board felt that it would be appropriate for Mr. Aldrich to write a letter

to Mr. Arner and then appear before the Board when a public hearing is held. Staff was instructed to forward all comments they receive on the matter to each commissioner.

Chairman Jones called to order the advertised first public hearing to consider adoption of a Fence Ordinance. Mrs. Jennifer Christensen, Planning Coordinator, presented the ordinance modifying section 6.01.04 of the Walton County Land Development Code for Fence Requirements. Discussion was held regarding the language of the proposed ordinance.

Chairman Jones opened the floor for public comments. Mr. Robert Capps stated that he felt comfortable with the current language regarding exemptions for fence regulations for small lots.

Motion by Commissioner Pauls, second by Commissioner Rees, to strike item C from the proposed language. Further discussion was held. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Chairman Jones called to order the advertised second public hearing to consider adoption of an Adult Business Ordinance. Mrs. Kira Coley, Staff Attorney, presented the proposed 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.

Mr. Don Brown addressed the Board to speak in opposition of the proposed ordinance. He felt that Walton County should restrict all adult businesses. The Board

explained that prohibiting all adult businesses from Walton County would be illegal and against first amendment rights.

Motion by Commissioner Pridgen, second by Commissioner Pauls, to approve the Adult Business Ordinance (2004-08), incorporating all the documents and reports used to prepare the ordinance. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Chairman Jones called to order the advertised first public hearing to consider adoption of the proposed Notification Ordinance. Mrs. Christensen presented the proposed ordinance and reviewed the changes that had been made. After a lengthy discussion regarding signage, it was the Board's decision to schedule a second public hearing for April 6, 2004.

Mr. Tom Blackshear, Senior Planner, presented an application for a Floyd Small Scale Amendment. Inabel Floyd, 705 Linn Avenue, Westin, Virginia, was requesting a Future Land Use Map amendment of a ten-acre parcel from Conservation Residential 2:1 to Village Mixed Use Center. This parcel is located on the south side of U.S. 98 about 1.7 miles east of U.S. 331. Mr. Blackshear reviewed the site suitability information and the staff analysis and comments contained in the staff report. The Planning Department staff recommended approval of this small scale amendment application. Discussion was held regarding the traffic study that was submitted by the applicant.

Mr. Jack Author, representing applicant, addressed the Board to further explain the request and answer any questions. There were no public comments.

Motion by Commissioner Pauls, second by Commissioner Rees, to approve the Floyd Small Scale Amendment request (Ord. 2004-09). Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Blackshear presented a request from Seaspray Development LLC, Rick Olson, Managing Partner, for a FLUM amendment of a one-acre parcel from Coastal Center to Light Industrial. This parcel is located on South Geronimo Street approximately 200 feet south of U.S. 98 in the Miramar Beach Community. Mr. Blackshear gave a brief description of the site suitability information and staff analysis and comments. The Planning staff recommended approval of this small scale amendment request. There were no public comments.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the Seaspray Small Scale Amendment request (Ord. 2004-10). Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Blackshear presented an application for a Summitt Small Scale Amendment. Summitt Development, Ryan Lorenzen, was proposing a FLUM amendment of a one-acre parcel from Coastal Center to Light Industrial. This parcel is located on South Geronimo Street about 600 feet south of U.S. 98 in the Miramar Beach Community. Planning staff recommended approval.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve the Summitt Small Scale Amendment request (Ord. 2004-11). Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Blackshear presented a request from the Diocese of Pensacola for a FLUM amendment of a 9.2-acre parcel from Institutional to Village Mixed Use Center. This

parcel is located at the southeast intersection of CR 30-A and Lakewood Drive. Mr. Blackshear gave a brief overview of the staff report. Planning staff recommended approval of this small scale amendment request, while acknowledging that traffic concurrency must be assured during the project review process.

Mr. Russ Aldrich, representing the applicant, appeared before the Board to answer any questions. He briefly discussed the traffic concurrency issue.

Ms. Cheryl Gary and Ms. Beverly Kraska addressed the Board to comment on the traffic issue.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the proposed Diocese Small Scale Amendment (Ord. 2004-12). Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

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: Village of Blue Mountain Beach Plat Amendment, Ace Hardware, Tharp Mini-Warehouses, The Pines PUD, Basin Bayou Tower, Cingular-Bruce Creek Tower, Lonesome Pine Light Industrial Park, South Walton Business Center PUD, and El Vecino.

Mrs. Christensen presented the request for a Village of Blue Mountain Beach Plat Amendment and gave a brief history of the proposed project. Planning staff's recommendation was for approval (**Exhibit #1-Staff Report**).

Motion by Commissioner Pauls, second by Commissioner Rees, to approve the proposed Village of Blue Mountain Beach Plat Amendment. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Carl Hammons, Planner, presented a proposal from Mike Richardson to construct a 5,019 square foot addition to the rear of the existing 12,556 square foot Ace Hardware store and (2) one-story 7,500 sq. ft. warehouse/office buildings to the east of the existing hardware store on 2.9 acres with a land use designation of Coastal Center. This site is located on the north side of Highway 98 between Ponce de Leon and Geronimo Streets. Mr. Hammons reviewed the staff report. Planning staff recommended approval contingent upon resolution of issues with the Department of Environmental Protection (**Exhibit #1-Staff Report**), along with the Planning Commission's following conditions:

- A. The developer is to pay its pro-rata share for a westbound to southbound left turn lane in U.S. 98 at Geronimo Street.
- B. DEP Wetlands Permits are obtained; and
- C. Terms listed in letter dated January 12, 2004:
 - 1. Normal operation hours will be 7:00 a.m. to 7:00 p.m. This is not a gated facility so access cannot be completely controlled.
 - 2. No manufacturing will be allowed.
 - 3. Each unit will have an assigned number of parking spaces.
 - 4. All work done inside unit will be in compliance with Walton County noise ordinance.
 - 5. No overnight parking of tenants' vehicles or trailers will be permitted.
 - 6. No outside storage will be permitted.

Mr. Dean Burgess, Emerald Coast Associates, approached the Board representing the developer. He stated that the applicant has agreed to incorporate the conditions into the lease, which each tenant will be required to sign. Commissioner Pauls asked Mr. Burgess to explain the storm water plan because of the numerous calls he has received from concerned individuals. Mr. Burgess explained the proposed storm water plan as he

referred to a drawing of the area. He felt that the proposed storm water system would operate more efficiently than the one currently being used.

Mr. Dan Arner stated that the storm water plan that has been submitted by the applicant meets all Walton County requirements. He spoke about the drainage issues on Geronimo and Ponce de Leon Streets. He stated that he agreed that the proposed storm water plan would work more efficiently than the current storm water plan.

Mr. Carl Barnes, adjacent property owner, addressed the Board to speak in opposition to the proposed project. He expressed concern with the drainage issue and the proposed storm water plan. He submitted into the record a photograph taken of the area that run-off water from the new project will be traveling (**Exhibit #2-Photograph**).

Mr. Bill Bard also addressed the Board to speak in opposition to the proposed development. He felt that the proposed warehouse that was being applied for was not a permitted workplace within the Coastal Center classification of the Walton County Comprehensive Plan. Mr. Bard read and entered several document into the record (**Exhibit #3-FLUE-18, Exhibit #4-FLUE 20, Exhibit #5-Letter from the DEP addressed to Abby Wettergren and Exhibit # 6-Letter from the DCA addressed to Mike and Shari Judkins**). He also expressed concern with the term “artisanal” and how it relates to the Coastal Center classification. He questioned Mr. Hammons regarding the current definition of the word “artisanal.” Mr. Bard requested that the Board deny the project.

Mr. Burgess responded to Mr. Bard’s comments regarding drainage and environmental issues and the term “artisanal.” He stated that the project has met all of the land development requirements, as well as the DEP requirements, and currently holds

a storm water permit issued by the DEP. He explained that the term “warehouse” on the site plan was used to justify parking and that the space would not be used for warehousing.

Mrs. Shari Judkins appeared before the Board to speak in opposition to the request. She felt that the proposed development should be classified as Light Industrial, not Coastal Center. She entered into the record several documents to support her viewpoint (**Exhibit #7-FLUE-26 (Light Industrial Classification), Exhibit #8-Copy of the Applicant’s Application, Exhibit #9-Copy of Advertisement in the DeFuniak Herald, Exhibit #10-Copy of Final Order**). She felt that if the development was approved it would only create more problems for the Code Enforcement Department. Mrs. Judkins stated that allowing the project to be classified as Coastal Center would clearly be a violation to the Comprehensive Plan and Land Development Code. She requested that the Board deny the project as it was being presented.

Mr. Mike Judkins stated that he agreed with the comments made by Mrs. Judkins. He stated that the additional warehousing that attaches to Ace Hardware was going to be used as a warehouse. He felt that the development was office/warehouse and clearly not an allowable use under Coastal Center. He asked that the Board deny the project.

Mr. Burgess stated that the project was not being represented as office/warehouse. He further stated that the applicant is not going to have the type of operations that would fall under Light Industrial classification. He said that there would be provisions in the lease that would prevent those types of operations.

The Board questioned the types of operations that would be performed and the status of the DEP permit. Further discussion was held regarding granting a continuance to take additional time to address the concerns.

Mr. Bard questioned if the applicant was requesting a development order and also about the permits required for a development order. He felt that the permits should be obtained before the development order is approved. The Board explained that the project could be approved, but the Planning Department does not issue development orders prior to acquiring the permits.

Mrs. Judkins requested a copy of a list of the proposed uses from Mr. Burgess. Mr. Burgess stated that he could provide a list of anticipated types of uses.

Mr. David Kramer recommended that the Board make it a caveat to incorporate the conditions that the applicant has agreed as a deed restriction rather than incorporating them into the lease, which he felt could be changed if the property was sold.

Motion by Commissioner Rees, second by Commissioner Pridgen, to continue the request for Ace Hardware until Tuesday, April 6, 2004 to allow the developer additional time to address the concerns. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye. The Board encouraged the Engineering Department to work on the storm water issues.

(Chairman Jones stepped away)

Mr. Hammons presented a request from Willie Tharp and Pearce Basset, Public Engineer, for approval of a Major Development identified as "Tharp Mini-Warehouses". The proposed project consists of an eventual total of 11 new buildings totaling 26,400 square feet with additional gravel parking area on 3.4 acres of property with a land

designation of Industrial. The property is located east of DeFuniak Springs at the southwestern corner of Charlie Brown and South Northwood Roads. Mr. Hammons reviewed the staff report and stated Planning staff's recommendation was for approval of the project (**Exhibit #1**).

Mr. Willie Tharp addressed the Board to answer any questions. He gave a brief history of the project. There were no public comments.

Motion by Commissioner Rees, second by Commissioner Cuchens, to approve the Tharp Mini Warehouses request. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Aye.

Mr. Durbin presented a request for approval of a major development identified as "The Pines PUD (Planned Unit Development)." St. Joe Company/Arvida was proposing a PUD consisting of 300 residential units and a commercial are totaling 40,000 square-feet on 62.2 acres with a land use designation of Coastal Center and Court Ordered Overlay. This site is located on CR 30-A east of Eastern Lake, at 5672 East CR 30-A. Planning staff recommended approval of Phase I, which contains 197 units contingent upon the applicant meeting the standards set forth in Section 2.06.02, Procedure for PUD Approval, LDC, and traffic concurrency being resolved. All other phases will have to go through a major review due to the concurrency situation. The Planning Commission also recommended approval. Mr. Durbin submitted into the record the Planning Department staff report (**Exhibit #1**) and a copy of the applicant's application (**Exhibit #2**).

Mr. Nick Cassello, St. Joe/Arvida, appeared before the Board and gave a brief history of the project and traffic concurrency issue. He introduced the members of his project team and turned the presentation over to Mr. Roger Anderson, PBS&J. Using

various maps of the project area, Mr. Henderson described the location and the characteristics of the site.

Mr. Wiley Page, PBS&J, addressed the Board. Mr. Page reviewed and submitted into the record a traffic concurrency report for the proposed project (**Exhibit #3-Traffic Concurrency Report**).

Attorney David Powell, Hopping Green & Sams, addressed the Board representing the applicant. Mr. Powell presented two proposed conditions for phasing of the Pines PUD. He reviewed each condition and entered them into the record as exhibits (**Exhibit #4A-B**). Mr. Powell asked Mr. Page to discuss in detail the process of the proposed re-classification of CR 30-A from “Rural” to “Urban”. Mr. Page explained the process. Further discussion was held regarding this matter. Attorney Powell requested that the Board approve the master plan in its entirety.

Mr. Ben Hammett addressed the Board to speak about the travel concurrency and impact area. Attorney Powell asked Mr. Hammett who he was representing. Mr. Hammett responded that he was representing himself.

Ms. Beverly Kraska urged the Board to consider the immediate area when looking at the internal capture. She requested that the Board inform the public in regards to the improvements that would be made to 30-A if the proposed condition was approved.

Commissioner Pridgen questioned Mr. Durbin in regards to the Planning Department’s recommendation for approval contingent upon a traffic concurrency being resolved. Mr. Durbin stated that a traffic concurrency report had not been submitted at the time that the recommendation was made. Further discussion was held regarding the recommendation made by the Planning Department.

Motion by Commissioner Cuchens, second by Commissioner Rees, to approve Phase I, with 197 units only, and all other phases will have to go through a major review due to the concurrency situation.

The Board agreed to hold Special Meetings with Arvida to discuss issues and concerns. A vote was called for the motion on the floor. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye. Mr. Powell asked for clarification.

The Board recessed briefly.

Mr. Durbin presented a request for approval of a Major Development identified as "Basin Bayou Tower". Forsite Towers, LLC and Excell Communications, Inc. were proposing to construct a 250-foot self support communication tower and associated equipment on a 10,000 square foot area within a parent parcel of 23 acres with a land designation of Rural Village. This site is located on the north side of Highway 20 at the Hydrocat Facility approximately 10 miles west of Freeport. Planning Staff and Planning Commission recommended approval (**Exhibit #1-Staff Report**).

Mr. Sean Caskie, Excell Communications, Inc., Agent, addressed the Board to answer any questions. There were no public comments.

Motion by Commissioner Rees, second by Commissioner Pauls, to approve the Basin Bayou Tower request. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Durbin presented a proposal from Cingular Wireless to construct a 300 foot self support communication tower and associated equipment on a 640 square foot area within a parent parcel of 42 acres with a land use designation of General Agriculture.

This site is located at 2493 Highway 280A. Planning staff and Planning Commission recommended approval (**Exhibit #1-Staff Report**).

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the Cingular-Bruce Tower request. Ayes 5, Nayes 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Christensen presented for a request for approval of a Major Development identified as “Lonesome Pine Light Industrial Park”. Forman Family Trust was proposing to construct a 15 lot Light Industrial Complex on 29.14 acres with a land use designation of Light Industrial. The property is located on CR 83 approximately 0.3 miles south of the U.S. 98 and CR 83 intersection on the west side of CR 83 in the general area of Blue Mountain Beach. Planning staff’s recommendation was for approval contingent upon the developer installing turn lanes on U.S. 98 (**Exhibit #1-Staff Report**). The Planning Commission recommended approval with the condition that the developer and County define their responsibilities for highway improvements off-site.

Mr. Dean Burgess, representing the developer, addressed the Board. He stated that they concurred with the conditions.

Motion by Commissioner Pridgen, second by Commissioner Rees, to approve the request for Lonesome Pine Light Industrial Park. Ayes 5, Nayes 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Christensen presented a proposal from Mr. Robert Grantham for a South Walton Business Center Planned Unit Development of 35 lots on an existing 18-lot Commercial/Light Industrial Business Park Master Plan. The parcel is 9.68 acres and located north of Hwy 98 off CR 393 just north of Pine Garden Subdivision. Mrs.

Christensen stated that due to concerns regarding the landscaping buffers, the Planning Department recommended approval contingent upon the developer constructing a six foot wooden privacy foot on the northern and southern boundaries of the project as each lot is developed (**Exhibit #1-Staff Report**). Mrs. Christensen presented a letter of opposition written by William D. Peel and Linda J. Martin.

Mr. Wes Barnhill, representing the applicant, addressed the Board. He stated that Mr. Grantham has agreed to go above and beyond the Code and require, as the lots are building purchased and developed, a six foot privacy fence being constructed on the boundaries.

Ms. Tonya Ringquist, adjacent property owner, expressed concern with the landscaping buffer. She requested that the fence be constructed now instead of as the lots are being developed. Ms. Ringquist submitted photographs taken of the proposed property.

Mrs. Mandy Cooper, adjacent property owner, stated that she doesn't oppose the project but is concerned with the size of the trees and shrubbery. Mrs. Christensen stated that there is there is no minimum size requirement for the trees or shrubbery that is planted. She further stated that the developer has met all of the requirements. Further discussion was held.

Mr. Mike Klein addressed the Board to speak in opposition to the project. He expressed concern with the proposed density and landscaping buffers. Mr. Klein requested that if the Board approved the project they require that the landscaping buffers be increased.

Mr. Robert Grantham, applicant, addressed the Board and gave an overview of the project.

Mr. Mark Dowden, property owner, stated that the project's retaining areas were within the property boundaries.

Mr. Klein stated that his issue was with the quality of the landscape buffer.

Mr. Kramer felt that the small proposed buildings and lots made the area more compatible with the area surrounding area.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve the requested South Walton Business Center PUD. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Hammons presented a request for approval of a Major Development identified as "El Vecino". Mr. Darrell Russell proposed to create a 3-lot subdivision on +/- 1 acre with a land use designation of NPA/Infill. This project site is located on the north side of Walton Rose Lane at the intersection of Walton Rose Lane and Hwy 98. The Planning Department recommended approval if the Board considers this parcel an Inlet Beach Traditional Neighborhood Plan Residential land use district (comparable to the Neighborhood Planning Area-Infill) and disapproval if the Board considers this an Inlet Beach Traditional Neighborhood Plan Neighborhood Commercial land use district **(Exhibit #1-Staff Report)**. There were no public comments.

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve the request for El Vecino. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Chairman Jones asked if the Board considered Mr. Albert Paris', Chairman of the Planning Commission, attendance necessary at the Land Use Hearings. It was the general consensus of the Board that Mr. Paris' attendance is not necessary unless there is a conflict between the Planning Commission's and the Planning Department's recommendation.

There being no further business, the meeting was adjourned at 9:30 p.m.

APPROVED: _____
Larry D. Jones, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court