

MARCH 4, 2003 – LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, March 4, 2003 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. Michael Underwood, County Administrator, and Attorney Gary Vorbeck, Director of Legal Services were also present.

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

Mr. Mike Lane, Planning Director, appeared before the Board and requested that a public hearing be set to consider several Large-scale amendments. The Board agreed to hold a public hearing on March 31, 2003 at 5:00 p.m. The Compatibility Ordinance will also be reviewed at this public hearing.

Chairman Jones opened the floor for discussion on the continuation of the Wetland Workgroup Committee. Mr. Underwood advised that the committee has been meeting with Mr. Tom Taylor, Facilitator, and further stated that there is enough funding left for one more meeting. Discussion was held with Mr. Taylor regarding the possibility of combining their information with the Kimley-Horn study for updating the Comprehensive Plan and Land Development Code.

Ms. Erica Teets, Planning Department, stated that the committee has met and has also formed a subcommittee. The subcommittee met to review changes in the inconsistencies between the LDC and the Comprehensive Plan. Another issue was the review process used by the Planning Department for development orders for projects with

confirmed wetlands. Ms. Teets stated that the Wetlands Workgroup is seeking direction whether or not to continue holding meetings.

Mr. Underwood explained that there are enough funds for one more meeting. After that, the Board would have to pick up the cost if they want the group to continue working on the issue.

Mr. Lloyd Blue, member of the Wetlands Workgroup Committee, stated that the group does not necessarily need Mr. Taylor in order to continue conducting their meetings. He felt that the committee could select their own chairman and continue working on the issues until a consensus can, or cannot, be reached. At that point they would turn the information over to the commissioners for direction. Mr. Blue stated that he does not want to see the efforts that have gone into this matter wasted. Chairman Jones agreed.

Mr. David Kramer, also a member of the Wetland Workgroup Committee, stated that he does not want to see their time wasted. He stated that he would like for this group to continue until they can come to a consensus. He explained that this information could be used to help Kimley-Horn.

Mr. Tom McGee, committee member, agreed and stated that the work needs to be completed. He felt that the meetings need to continue even after Mr. Taylor's contract has been completed. He felt that the committee has arrived at an agreement that there are different types of wetlands. The next step is to differentiate between the types of wetlands and what is allowed in each type.

Commissioner Pauls stated that he would like to see the group focus on one or two of the issues. He would then like to see them continue with specific topics in order to

make their recommendations. He stated that the work that the committee has performed is very valuable to the work that Kimley-Horn will perform regarding the Comprehensive Plan and LDC.

Chairman Jones stated that it is important for the committee to continue with their meetings. He felt that the committee should act on selecting a chairman in order to continue with their efforts. Commissioner Cuchens and Commissioner Pridgen agreed with selecting a chairman in order for them to continue with their progress. Suggestions were made that Erica facilitate the meetings, however, some voiced opposition because of her limited time dealing with this issue in Walton County. The commissioners agreed to allow the committee to pick their own leader.

Mr. Lane explained that the Fisher abandonment request was removed from the agenda. The applicant still has several issues that need to be worked out.

Mr. Lane introduced the new Sr. Planner, Mr. Carl Hammons. Mr. Hammons is from Monroe County and has over 18 years experience in the Planning field.

Mr. Lane presented a request for abandonment on behalf of Mariner Land, LLC. Mr. Thomas Anderson is requesting the abandonment of a 33-foot by 260.02-foot right-of-way for roadway and utilities along the northern edge of that portion of Lot 20. Mr. Lane explained that this project is in connection with the Wildwood Subdivision. Staff recommended approval because the adjacent property to the east was previously abandoned. The Public Works Department requested an opinion from the utility companies, which was not received, and from the Department of Transportation. DOT responded stating that they have no interest in the site.

Commissioner Rees voiced his opposition to any abandonment in general. He stated that the Board needs to be certain that, for the benefit of the public, this is the right action to take. He also wants to make sure that the utility companies and the Public Works Department are being contacted for each abandonment request. Commissioner Cuchens questioned if this issue could be continued. Mr. Lane stated that he is willing to follow up with the utility companies if the Board wants assurance that they do not have any concerns.

Mr. Lane stated that the applicant could not meet all of his preservation requirements on site. The Code requires the applicant to pay a fee in lieu of preservation. The abandonment would allow the property owner to fulfill his requirements for preservation in lieu of paying the preservation fee.

Mr. Tom Anderson, applicant, stated that his request is for abandonment of the roadway and not the utility easement. He stated that the water company desires to maintain a five-foot easement. Mr. Lane recommended that Mr. Anderson pay the preservation fee.

Mr. Underwood questioned if the county is basically paying the preservation fee for Mr. Anderson if they agree to the abandonment. The preservation fee would amount to approximately \$5,000.00. Discussion followed regarding preservation of the easement.

Motion by Commissioner Rees, second by Commissioner Cuchens to deny the request for abandonment and direct staff to work with Mr. Anderson to determine if changes can be made to his property to meet the preservation requirements. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Pauls stated that he would like the Board to consider, in some cases, where the applicant could use some of the easement area. He felt that it does meet the intent of preservation.

Mr. Lane presented an abandonment request on behalf of James and Kathleen Shepherd. The request is to abandon the utility and drainage easement located on lots 9 and 10 in the Crescent Caye Subdivision. Both the Planning Commission and Planning Staff recommended approval.

Mr. Jack Rhodes explained that this abandonment was previously approved. This action is necessary in order to process the necessary paperwork.

Motion by Commissioner Cuchens, second by Commissioner Pauls to accept staff's recommendation and approve the Shepherd abandonment. (Resolution 2003-11) Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Chairman Jones reminded the audience that a public hearing was set for March 31, 2003 to consider the Compatibility Ordinance.

Chairman Jones called the Quasi-judicial Hearing to order and Attorney Vorbeck administered the oath to those individuals who would be speaking. Commissioner Pauls presented the ex-parte communications that he had received regarding the projects being presented. He stated that the communications would not affect his ability to make a fair and impartial decision.

Mr. Lane presented Old Florida Village final plat for approval. Mr. Lane stated that this project consists of a 75-lot single-family residential subdivision. The plat has been reviewed and is in order.

Motion by Commissioner Pauls, second Commissioner Rees to approve Old Florida Village final plat for recording. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Lane presented Wild Dunes Subdivision proposed project. Mr. Ross Turentine, President, Wild Dunes LLC is requesting approval for an eight (8) lot single-family detached subdivision and associated common area located in the Inlet Beach community. The applicant is proposing three story residences. The surrounding properties include: 4-three story, 2-two story and 1-one story residences. The Planning staff and Planning Commission recommended that lots 1 and 2 be restricted to two-story residences. Mr. Lane presented the Planning Staff's recommendation. **(Exhibit 1-Wild Dunes S.D.)**

Mr. Ross Binkley, Engineer for Wild Dunes Subdivision, appeared before the Board to discuss the building height limitations. Mr. Binkley entered the site plan into the record. **(Exhibit 2-Wild Dunes S.D.)** He stated that the common area was relocated to limit impact. He also stated that the one-story residence is set back 28 feet from the property line. Mr. Binkley presented a letter from Mr. Jerry L. Keel, Jr., adjacent property owner. **(Exhibit 3-Wild Dunes S.D.)** Mr. Keel's letter stated that he does not object to a three-story residence on lots 1 and 2. Mr. Binkley also presented a map of U.S. Highway 98. **(Exhibit 4-Wild Dunes S.D.)** He stated that upon the relocation of CR 30A their property would no longer be located south of 30A. He read the rule from FLUE 8, which applies to all property south of 30A. The commissioners stated that the rule must be applied to the current situation.

Ms. Betty Lecther appeared before the commissioners and was sworn in to testify. Ms. Lecther, Inlet Beach resident, voiced her opposition to the proposed project.

Mr. Lane presented the Planning Commission's recommendation. (**Exhibit 5-Wild Dunes S.D**)

Motion by Commissioner Pauls, second by Commissioner Rees to accept the recommendation and approve Wild Dunes Subdivision with the restriction of two-story dwellings on lots 1 and 2. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Chairman Jones recused himself from the proposed project Blackstone PUD because of his relationship with individuals who have interest in acquiring this property if it is developed. Mr. Jones stepped down and turned the Chair over to Commissioner Pauls.

Mr. Lane stated that the proposed project, Blackstone PUD, is a 337-acre site located in the Mossy Head area, north of Highway 90 and west of Hinote Road. Phase I of the project consists of 131 single-family units limited to three stories in height, 18-hole golf course with a clubhouse, with a density of 0.43 units per acre. Phase II consists a 5,000 square foot commercial building on 16.75 acres. Phase III is 12.3 acres consisting of a 120 unit RV Park and one parking space per lot. The Planning Commission and Planning Staff both recommended approval.

Mr. Brad Davis appeared before the Board on behalf of Bonezzi Development Company, developer of the proposed Blackstone project. Mr. Davis presented the return receipt cards that were mailed to the surrounding property owners. (**Exhibit 1-Blackstone PUD**) Mr. Davis was sworn in. Mr. Davis spoke about Mr. Bonezzi and his

experience as a developer. He stated that the development will provide affordable housing. He also explained what the development consists of and stated that it will have access from Highway 90 and Hinote Road. Mr. Davis stated that large buffers are being added between this parcel and existing property owners. Mr. Davis also presented a title opinion from Attorney's Smith, Grimsley, Bauman, Pinkerton, and Petermann regarding ownership over the lake. **(Exhibit 2-Blackstone PUD)** The attorney agreed that the lake belongs to Mr. Bonezzi.

Ms. Cindy Meadows, Chair of the Walton County Planning Commission, stated that the concern at the Planning Meeting was over ownership of the lake. They requested the title opinion.

Mr. Harold Jenkins voiced concern regarding the amount of buffer that will be left on the southwest corner of the project. He stated that his home is located there and he will be affected. Mr. Davis stated that they would provide a 25-foot buffer in that location. He also answered questions relating to runoff from the golf course. Mr. Davis stated that there would not be any runoff that would affect the other property owner's lake.

Mrs. Tammy Runge, resident on Lake Shadow, appeared before the commissioners questioning the legitimacy of a business, the golf course, and the residential classification. She felt that the business would be improperly taxed. Mr. Lane stated that the golf course has been approved as open space. According to the Code, golf courses are not designated as commercial.

Mrs. Runge stated that she is opposed to the homes being constructed in the proposed location. She felt that moving them away from the golf course would make



them more affordable. Mrs. Runge questioned why he is asking for a 10-foot easement instead of a 20-foot easement. Mr. Davis explained that it is because they are building an access road where that easement is located. He explained that the 10-foot easement will only exist where the road is. She wants to see a buffer around the lake to help preserve the wildlife. She also voiced problems with septic tanks being located too close to the lake and asked for the buffer to be increased. Mr. Davis stated that they are providing a 25-foot buffer from the lake. Mr. Davis also stated that water will be provided and septic tanks would be used.

Mr. Steve Mullins requested clarification on the property designation. Mr. Lane stated that the property is Rural Residential. Mr. Mullins voiced concern with the developer proceeding with clearing of the property. Mr. Lane stated that there is nothing that prohibits a landowner from clearing his land.

Mr. Mark Runge questioned if the 25-feet surrounding the pond would remain in its natural state without being cleared. The commissioners stated that the developer has agreed to leave it in its natural state. He also questioned if there would be a buffer between his property and the road. Mr. Runge was advised that it would be his responsibility to provide the buffer on his property if he wants a buffer from the road. Mr. David Campbell, Civil Engineer representing Mr. Bonezzi, stated that the road already exists and they would just be developing it further.

Mr. Howard Parker, landowner in Mossy Head, stated that he is in favor of the project and would like to see the project approved. He felt that the project would be good for the area.

Mr. Brian Buss requested clarification from the developer regarding water and if Shadow Lake would be used as irrigation for the golf course. Mr. Davis stated that Mossy Head Water Works would provide water and they have not yet determined how irrigation would be provided for the golf course, but stated that they have not ruled out the use of Shadow Lake. He also voiced questions about the road leading into the development and who would maintain it. Mr. Davis stated that it would be a paved road built according to county standards and would be dedicated to the county. It would be up to the county if they decide to accept it for maintenance.

Motion by Commissioner Rees, second by Commissioner Cuchens to close the public hearing portion for this development. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Aye.

Motion by Commissioner Cuchens, second by Commissioner Rees to approve the proposed development for Blackstone PUD with the following conditions: (1) The perimeter of the entire project will have a fifteen (15) foot buffer with the following conditions; (a) The lots adjacent to the lake will have a twenty-five (25) foot buffer to remain in the current natural state; (b) The far eastern property line south of Lake Shadow and adjacent to Parcel No. 22-3N-21-37000-004-0000 will contain a twenty-five (25) foot buffer; and (c) The setback along the frontage road (parallel to Highway 90) will be ten (10) feet. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Aye. Mr. Lane entered the Planning recommendations into to the record. **(Exhibit 3 - Blackstone PUD)**

The commissioners recessed briefly.

Mr. Lane presented the recommendation for approval from both the Planning Staff and Planning Commission for Bea's Interiors. Bea Reynold is proposing a major development consisting of a one-story 6,245 square foot commercial building to be used as an interior design/furniture store. Mr. Lane entered into the record the staff report (**Exhibit 1-Beas's Interiors**) and the Planning Commission's recommendations (**Exhibit 2-Bea's Interiors**).

Attorney Dan Matthews, representing Bea Reynold, stated that he has the presumption that there is substantial competent evidence and he has prepared to present evidence if necessary.

There was no opposition voiced to the proposed development of Bea's Interiors.

Motion by Commissioner Rees, second by Commissioner Pauls to accept the recommendation and approve Bea's Interiors proposed development. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

There being no further business, the meeting was adjourned.

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

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