

APRIL 5, 2005-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, April 5, 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. Mrs. 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 and turned the floor over to Mr. Gary Mattison, Human Resources Director.

Mr. Mattison requested authorization to proceed with negotiating with Mr. John J. Johnson to be appointed as Public Works Director.

Motion by Commissioner Cuchens, second by Commissioner Jones, to authorize Human Resources to proceed with negotiating with Mr. Johnson. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Mattison also requested authorization to proceed with negotiating with Ms. Pat Blackshear to be appointed as Planning and Development Director.

Motion by Commissioner Jones, second by Commissioner Cuchens, to authorize Human Resources to proceed with negotiating with Ms. Blackshear. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Kelly Finney, Planning Manager, requested that due to complications with notification, the public hearing to consider an ordinance amending the Walton County

Land Development Code to establish subcategories to the Infill future land use category be tabled until a later date.

Ms. Finney also requested that the Treetops Plat be added to tonight's agenda to be continued until the next regular BCC meeting.

Ms. Finney noted that the Planning Department had not received property owner notifications on the proposed Triad Properties, LLC Small Scale Amendment and therefore, the proposal was not ready to be heard by the Board at this time.

Mr. Allen Ficarra addressed the Board and expressed concern with delaying the public hearing for consideration of the proposed Infill Ordinance. He was concerned that the ordinance would be delayed and the proposed large scale amendments that were to be transmitted to DCA would not be subject to the ordinance.

Commissioner Meadows stated that she would like to see the Infill text amendment sent to state and the ordinance adopted before any proposed amendments were transmitted to DCA. Ms. Finney stated that the Infill text amendment could be ready to be presented at the Transmittal Hearing scheduled for April 25.

Motion by Commissioner Meadows, second by Commissioner Brannon, to continue the public hearing for consideration of the proposed Infill Ordinance until the April 25th Transmittal Hearing. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Robert Carroll, a representative for the TRIAD Properties, LLC, Small Scale Amendment, addressed the Board and claimed that the information had been submitted to the Planning Department the previous week.

Ms. Tita Sokoloff, Planner, presented an application for a proposed Richard Kelly Small Scale Amendment. Richard Kelly proposed an amendment to the Future Land Use Map on 10 acres from Conservation Residential 1:2½ to Conservation Residential 2:1. This site is located on the west side of Nellie Drive, approximately 2.25 miles north of Chat Holley Road.

Ms. Sokoloff reviewed the information contained in the planning report. Based on its inconsistency with existing comprehensive plan language pertaining to environmental suitability, staff recommended disapproval of this small scale amendment application.

Mr. Darrell Barnhill addressed the Board representing the applicant. He stated that staff's concerns regarding environmental issues would be addressed in full when the applicant submitted a development order application. He felt that the request was conservative and asked that the Board approve the request and allow them to stay within the Conservation Residential constraints.

Mr. David Kramer addressed the Board to speak in favor of the proposed amendment and request clarification regarding the application. He asked if the applicant had submitted a survey showing that the property was 10 acres; the response was no. Mr. Kramer stated that the parcel was only 10 acres on the legal description, which extends to the middle of Nellie Drive. He requested that the application be changed to 9.75 acres. He stated that agenda item #6, Gale Sheehan Small Scale Amendment, was also inaccurate and requested that it be changed as well. He felt this was necessary due to numerous small scale amendment applications and being allowed only 80 acres for the

amendments. He stated that if corrections were made to all the applications that were inaccurate there would be additional acreage for other applicants.

Further discussion was held regarding staff's recommendation for denial. It was stated that the applicant had not submitted all of the required information. Ms. Finney stated that the application should have included a detailed environmental analysis, a traffic study addressing potential impacts new trips would have on local roads, and an adequate survey of the property.

Motion by Commissioner Jones, second by Commissioner Cuchens, to continue the request until May 3, allowing the applicant the opportunity to provide the necessary information to staff. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Finney noted that the property notifications for TRIAD Properties, LLC, Small Scale Amendment had been submitted to the Planning Department.

Ms. Sokoloff presented an application for a proposed TRIAD Properties, LLC, Small Scale Amendment. Triad Properties proposed an amendment to the Future Land Use Map on 3.9 acres from Light Industrial to Neighborhood Planning Area/Infill. This site is located at the northwestern intersection of North Walton Lakeshore Drive and US 98.

Ms. Sokoloff reviewed the information contained in the staff report. Planning staff recommended approval.

Mr. Robert Carroll, McNeil Carroll Engineering, Inc., addressed the Board representing the applicant.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve by ordinance the TRIAD Properties Small Scale Amendment (2005-05). Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Sokoloff presented a request for approval of a proposed JADD Properties, LLC, Small Scale Amendment. JADD Properties, LLC, proposed an amendment to the Future Land Use Map on 0.677 acres from NPA/Residential Preservation Area to Neighborhood Planning Area/Infill. This site is located on the south side of Nuit Lane, which intersects North CR 393 on the west side.

Ms. Sokoloff reviewed the information contained in the planning report. She stated that a traffic analysis had been submitted, however, the report did not address the impact new trips would have on affected roadways. She requested that this be completed by the applicant. Due to the fact that the subject parcel was a metes and bounds parcel, and therefore, was not technically consistent with the provisions of Policy L-1(B)(3)2.a., which defines Residential Planning Areas, staff recommended approval.

Discussion was held regarding the Comp Plan language as it relates to “adjacent” land uses categories when determining compatibility for proposed future land use categories. Discussion was held regarding what area the term actually refers to, rather it refers to immediately adjoining property or property within the vicinity of the subject parcel.

The definition of Infill projects was also discussed, along with the criteria for comp plan amendment reviews. Attorney Coley stated that the term “adjacent” was not used in the Infill definition. She stated that it was a term that was interpreted and added to the language.

Mr. Darrell Barnhill addressed the Board representing the applicant.

Ms. Anita Paige addressed the Board and asked for clarification regarding how far out staff looked at “surrounding” property when determining compatibility. Commissioner Brannon stated that the proposed Infill Ordinance would set a definite distance. Ms. Paige questioned the rule that was being used at this meeting. Further discussion was held regarding the terms “surrounding”, “abutting”, and “adjacent”.

Motion by Commissioner Meadows to continue the request until a date after the Infill Ordinance was adopted. Commissioner Jones seconded the motion.

Commissioner Cuchens expressed that he felt it was unfair to the applicant to continue the item because the proposed ordinance had not yet been adopted. He stated that the applicant had done everything that had been required of them. Commissioner Jones concurred with Commissioner Cuchens and withdrew his second to the motion.

Commissioner Meadows withdrew the motion on the floor.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve by ordinance the JADD Properties, LLC., Small Scale Amendment (2005-06). Ayes 4, Nays 1. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Naye.

Ms. Sokoloff presented a request for approval of a proposed Lewis and Lucille Goad Small Scale Amendment. Lewis and Lucille Goad proposed an amendment to the Future Land Use Map on one acre from NPA/Residential Preservation Area to Neighborhood Planning Area/Infill. This site is located near the southwest intersection of Thompson Road and US 98.

Ms. Sokoloff reviewed the information contained in the planning report. Due to the subject property not being surrounded by development on three sides, it did not technically fit the comprehensive plan's definition of Infill. Therefore, staff recommended denial. Ms. Sokoloff stated that there was a discrepancy regarding the applicant's environmental assessment. She further stated that the applicant's traffic report did not address the impacts that additional trips could have on U.S. 98, Thompson Road, or CR 30-A. Ms. Sokoloff said that those were areas that needed to be addressed.

Mr. Darrell Barnhill addressed the Board and requested the opportunity to provide additional traffic information. He pointed out that there was no appropriate land use category to apply for except NPA/Infill.

Commissioner Cuchens asked Mr. Barnhill what was the number of units per acre the applicant wished to develop. Discussion was held. Attorney Coley read the language regarding NPA/Infill. She noted that conditions could not be placed on approval for legislative items.

The following individuals addressed the Board to make public comment regarding the request: Mr. Jerry North and Mr. Brian Bruns.

Motion by Commissioner Jones, second by Commissioner Cuchens, to deny the application for the proposed Lewis and Lucille Goad Small Scale Amendment. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

The Board recessed briefly.

Ms. Sokoloff presented a request for approval of a proposed Gale Sheehan Small Scale Amendment. Gale Sheehan proposed an amendment to the Future Land Use Map

on 5 acres from Town Center One to Neighborhood Planning Area/Infill. This site is located at the southwestern intersection of Chat Holley Road and JD Miller Road.

Ms. Sokoloff reviewed the information contained in the planning report. The Planning staff and Planning Commission recommended approval.

Mr. Harold Salmon, representing the applicant, addressed the Board to answer any questions.

Mr. David Kramer addressed the Board and requested that the application be amended to state 4.275 acres instead of 5 acres so that the additional acreage could be available to other applicants. Ms. Finney stated that the County Surveyor would review the applications to determine if there was acreage in the right of ways or easements that could not be developed.

Ms. Susan Paladini addressed the Board to inquire about the developer's plans for bike and walk paths. Mr. Salmon assured Ms. Paladini that they would comply with the county requirements at the time of the development process.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve by ordinance the Gale Sheehan Small Scale Amendment (2005-07). Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Sokoloff presented a request for approval of a proposed Gerald Richardson Frye and Diane Doyle Frye Small Scale Amendment. Gerald Richardson Frye and Diane Doyle Frye proposed an amendment of the Future Land Use Map on 6.21 acres from NPA/Infill to Village Mixed Use. This site is located near the southwestern intersection of Moll Drive and US 98.

Ms. Sokoloff reviewed the information contained in the planning report. Due to the request exceeding the Comprehensive Plan requirement that limits Village Mixed Use to forty acres, staff recommended denial.

Mr. Brian Kellenberger, representing the applicant, addressed the Board to speak in regards to traffic concurrency issues.

Commissioner Meadows questioned about the access to the property. Mr. Kellenberger stated that there was an entrance to the property off of Hwy 98 and off Moll Drive.

There were no public comments.

Discussion was held regarding the policy pertaining to the Village Mixed Use Center future land use category. Discussion was also held regarding consistency with the Land Development Code and Comp Plan policies.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to deny the application for the proposed small scale amendment. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Sokoloff presented a request for approval of a proposed Barney Manual Small Scale Amendment. Barney Manual proposed an amendment to the Future Land Use Map on 6.9 acres from Town Center One to Neighborhood Planning Area/Infill. This site is located approximately 300 feet from the intersection of Chat Holley Road and US 98 about 500 feet west of Sugar Drive.

Ms. Sokoloff reviewed the information contained in the planning report. Planning staff's recommendation was for approval, while acknowledging that traffic concurrency must be assured during the project review process.

Mr. Brian Kellenberger addressed the Board to answer any questions.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve by ordinance the Barney Manuel Small Scale Amendment (2005-08). Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

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: The Havens, Crawford Buildings, Mack Bayou Center Lot 2, Summer Haven, Hope Lutheran Church, Arboleda Estates (F/K/A Osprey Cove Estates), Riley's Bayview Plat, Forest Lake Phase III Plat, Dart of Destin Plat, and Highland Parks at Blue Mountain Beach Plat.

Mr. Carl Hammons, Senior Planner, presented a request for approval of a major development identified as "The Havens". The Aquarian Development II, LLC (Christopher Markham), as the applicant, and Wilson Miller, Inc. (Kim Bottomy P.E.), as the agent, requested approval of a project consisting of 28 townhouse residential lots with a 1,800 square foot swimming pool, a 360 square foot pool house, and a 8,430 square foot commercial building on 3.44 acres of land with a future land use designation of Village Mixed Use. The proposed project is located on the south side of US 98, about 500 feet west of Sugar Drive. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Brad Harrison, representing the applicant, addressed the Board to answer any questions.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the major development identified as “The Havens”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Brian Martinez, Planner, presented a request for approval of a major development identified as “Crawford Buildings”. Crawford Properties Inc. & (Agent) Mark Siner, P.E., Choctaw Engineering, requested approval of a project consisting of an 8,250 square feet 2-story office building and a 12,000 square feet 3-story office building. The development was proposed on lots 4 & 5 of the Mack Bayou Center which is approximately 1.45 acres in size and has a land use designation of Village Mixed Use (VMU). The site is located within Mack Bayou Center on the north side of Mack Bayou Loop approximately 600’ east of Mack Bayou Road. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Mark Siner, representing the applicant, addressed the Board to answer any questions. Commissioner Meadows questioned the stormwater drainage plan. Mr. Siner explained that this piece of property was developed as a minor development. As a result, in order to develop a 9 lot commercial subdivision each lot would have to go through the development process separately. Mr. Siner felt that this should have initially been submitted as a major development. Mr. Martinez stated that the project did not meet the threshold of a major development. He stated that it could have been presented as a master plan if the proposed square footage and the stormwater plan had been addressed.

Mr. Lloyd Blue addressed the Board and spoke about his experience with similar issues.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the major development identified as “Crawford Buildings”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Martinez presented a request for approval of a major development identified as “Mack Bayou Center Lot 2”. Thomas A. and Pamela A. McMurry (owners) & (Agent) Sarah Opeka, Choctaw Engineering, requested approval of a project consisting of an 11,700 square feet 3-story office building. The parcel is approximately 0.675 acres in size and has a land use designation of Village Mixed Use (VMU). The site is located within Mack Bayou Center, on the north side of Mack Bayou Loop, approximately 250’ east of Mack Bayou Road. The Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Cuchens, to approve the major development identified as “Mack Bayou Center Lot 2”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Hammons presented a request for approval of a major development identified as “Summer Haven”. Preble-Rish, Inc., Agent, on behalf of H&S Partners, LLC, Owner, requested approval of a project consisting of a 9 lot single family subdivision. The property contains 1.236 +/- acres and is located in the Neighborhood Planning–Infill Future Land Use District. The proposed project is located on the northwest side of Satinwood Drive in the Gulfview Heights area off of CR 30-A. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Change Powell, Preble-Rish, addressed the Board to answer any questions.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the major development identified as “Summer Haven”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Ray Zobel, Plans Review Engineer, presented a request for approval of a major development identified as “Hope Lutheran Church”. South Walton Hope Lutheran Church, as the applicant, and Connelly & Wicker, Inc., as the Engineer, were requesting approval of a project consisting of a 2-story, 8,000 square foot church on 5.36 acres with a land use designation of NPA/Small Neighborhood. This site is located on the west side of CR 393, between US 98 and CR 30-A, just north of Ridge Road. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Ryan Christensen, Connelly & Wicker, Inc., addressed the Board to answer any questions.

Mr. Tony Barbosa and Pastor Ray Angerman addressed the Board to speak in favor of the project. Several members of the audience also stood in support of the project.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the major development identified as “Hope Lutheran Church”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Finney advised that a letter from Mr. Robert E. Lee, withdrawing his concerns regarding the next project, Arboleda Estates, had been submitted to the Planning Department.

Mr. Zobel presented a request for approval of a major development identified as “Arboleda Estates” (F/K/A Osprey Cove Estates). Arcadia Enterprises, LLC, as the applicant, and Emerald Coast Associates, as the Engineer, requested approval of a project consisting of an 11-lot single-family subdivision on 3.8 acres with 1.38 acres to be developed with a land use designation of NPA/Infill. This site is located at the intersection of East Mack Bayou Drive and Shelter Cove Drive, where Mack Bayou joins the Choctawhatchee Bay, just east of Mack Bayou Road. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Attorney Jesse Rigby addressed the Board representing Arcadia Enterprises. Mr. Dean Burgess, Emerald Coast Associates, was also present to answer questions. Discussion was held regarding access to the property.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the major development identified as “Arboleda Estates” (F/K/A Osprey Cove Estates). Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Finney presented the following plats for approval: Riley’s Bayview Plat, Forest Lake Phase III Plat, Dart of Destin Plat, and Highlands Parks at Blue Mountain Beach Plat.

Riley’s Bayview Plat—Tropical Square Developments, LLC, proposed a 12-lot single family residential located on the South side of Bayshore Drive, approximately 400 feet east of the intersection of Bayshore Drive and Darrow Lane. Ms. Kelly Finny,

Planning Manger, stated that water and sewer was available and there was a letter of credit on file. Staff recommended approval. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the final plat for Riley's Bayview for recording. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Forest Lake Phase III Plat—Forest Lake Developers, LLC, proposed a 21-lot single family residential subdivision located on the north side of CR 30-A, adjacent to Phase I and Phase II. Ms. Finny stated that water and sewer was available and there was a letter of credit on file. Staff recommended approval. There were no public comments.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the Forest Lake Phase III for recording. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Dart of Destin Plat—Dart of Destin, LLC, proposed a 7-unit Commercial Townhome located at the northwest intersection of Hatchew Road and South Holiday Road. Ms. Finny stated that water and sewer was available and there was no security for the project because the infrastructure was completed. Staff recommended approval. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the final plat for Dart of Destin for recording. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Highland Parks at Blue Mountain Beach Plat—Walton 3G, LLC, proposed a 66-lot single family residential subdivision located in Section 1, Township 3 South,

Range 20 West. Ms. Finny stated that water and sewer was available and there was a letter of credit on file. Staff recommended approval. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the final plat for Highland Parks at Blue Mountain Beach for recording. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve continuing Treetops Plat until April 12. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Leonard Anderson addressed the Board to make public comments.

There being no further business, the meeting adjourned at 8:22 p.m.

APPROVED: _____

Kenneth Pridgen, Chairman

ATTEST: _____

Martha Ingle, Clerk of Court