

APRIL 06, 2004-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, April 06, 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 Rees led with prayer followed by the pledge of allegiance to the American Flag. Chairman Jones called the meeting to order and welcomed the public. He announced that Congressman Allen Boyd had been successful in appropriating funds for various improvements in the county.

Commissioner Pridgen stated that he had spoken with Mr. Kevin Mooney, Trust of Public Lands, and the county may be eligible for 100% funding for preserving property in the Natural Bridge community.

Motion by Commissioner Pridgen, second by Commissioner Rees, to move forward with the process for purchasing the land. The deadline is May 5, 2004. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Jennifer Christensen, Planning Coordinator, presented a request from the Planning Department for the Board to schedule a public hearing for the Fulmer Abandonment and the Grand Cove Abandonment. The Planning Department recommended that the public hearings be scheduled for the next Land Use Hearing on May 4.

Motion by Cuchens, second by Commissioner Pauls, to set a public hearing for the Fulmer Abandonment and the Grand Cove Abandonment for May 4, 2004. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tim Durbin, Planner III, addressed the Board to set a second public hearing for the proposed Tower Ordinance, an ordinance modifying the Walton County Land Development Section 5.07.09 Tall Structures and 5.07.10 rooftop Wireless Communications Facilities. Mr. Durbin recommended scheduling the second public hearing for May 4. There were no public comments.

Motion by Commissioner Rees, second by Commissioner Cuchens, to set a second public hearing for the proposed Tower Ordinance for May 4, 2004. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tom Blackshear, Senior Planner, presented the LDC Update Ordinance for its second public hearing. The LDC Update Ordinance is an ordinance amending the Walton County Land Development Code to establish development criteria for the Coastal Village 1 Future Land Use Category; to establish development criteria for the Business Park District Future Land Use Category; to establish development criteria for the Light, Medium, and Heavy Industrial Future Land Use Categories; to reduce building setbacks for rivers; to allow increased clearing within Wetland Buffer Areas; to establish setback requirements for Neighborhood-Commercial Uses in Neighborhood Planning Areas; to establish development criteria for Infill projects; providing for conflict, severability, and an effective date in the Land Development Code. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Pauls, to adopt the LDC Update Ordinance (2004-15). Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented for its second public hearing, an ordinance modifying Section 6.01.04 of the Walton County Land Development Code for fence requirements. She reviewed the language of the proposed ordinance compared to the current language of the LDC. Discussion was held regarding setback requirements and height limitations.

Chairman Jones opened the floor to public comments. Mr. Wilson Holley approached the Board. He felt like the fence regulations for small lots were unfair and discriminatory. He stated that all lots should be treated equally. He asked about existing lots that were currently deemed in violation. Mr. Bell stated that the list provided by Mr. Holley of the properties that appear to be in violation would be submitted to Code Enforcement.

Motion by Commissioner Cuchens, second by Commissioner Pauls, to adopt the Fence Ordinance (2004-16). 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 ordinance modifying the Notification Ordinance. Mrs. Christensen presented the proposed ordinance and reviewed the additional language that had been added to the ordinance.

Chairman Jones opened the floor for public comments. Mr. David Kramer asked if the signage would be provided by staff. The Board directed Mr. Kramer's attention to the language of the ordinance stating "A sign provided by the Planning Department will

be posted upon or directly in front of the site within 10 days of filing a major or minor application with the Planning Department.”

Motion by Commissioner Rees, second by Commissioner Pridgen to approve the Notification Ordinance (2004-17). Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Blackshear presented a request for the Gross Small Scale Amendment. Mr. George E. Gross proposed an amendment to the Future Land Use Map of 9.28 acres with a land use designation of Rural Village to Medium Industrial. This property is located on the north side of Highway 20 at Rogers Road approximately 11 miles west of Highway 331. Mr. Blackshear reviewed the staff report and presented staff’s recommendation of approval of this small scale amendment request. Mr. Blackshear submitted two letters of opposition that had been received via fax.

Commissioner Cuchens questioned the need to change the land use designation at this time. Mr. Jerry Zivan and Mr. John McGee, representing the applicant, appeared before the Board to address Commissioner Cuchens’ question. Mr. Zivan gave a brief history of the property and the prior uses of the facility. He stated that the facility has been used for Industrial uses for over 20 years.

Commissioner Rees questioned the buffering between the project and Rogers Road. Mr. Zivan described the location of the building as it relates to Rogers Road. He stated that there is a fence on the front portion of the property but there are no trees or shrubbery.

Mr. James Mills, property owner on Roger Drive, addressed the Board. He stated that he would like the land use designation of the property to stay Rural Village. He

requested that the Board deny the small scale amendment request. Other citizens also spoke in opposition to the request: Mr. Bill Bard, Mr. Nile Wingler, and Mr. Charlie Craig.

Mr. Zivan stated that the property has been used as Industrial for approximately 20 years. He also stated that the applicant has agreed to provide a conservation easement over the wetlands on the adjacent property and a 20 foot landscape buffer between the property and Rogers Road.

Mr. McGee, current occupant of the facility, addressed the Board to speak about prior improvements that have been made. He stated that he was willing to provide a buffer zone on the undeveloped portion of the property.

Commissioner Cuchens inquired about the different uses allowed in Medium and Light Industrial land designations. Mr. Blackshear reviewed the uses permitted in Medium and Light Industrial areas. Further discussion was held regarding non conforming uses.

Discussion was also held regarding the land use classification of the surrounding properties. Commissioner Pauls felt that the main issue concerned buffering and being able to maintain property value of the surrounding areas. Mr. McGee stated that the buffering was not a problem, except for a concrete pad surrounding the building.

Commissioner Rees suggested approving the request contingent upon establishment of a 25 foot buffer and that the facility would not be utilized as a salvage yard. Attorney Vorbeck responded that conditions can not be incorporated into an approval for any legislative item, they must be included in the development order. Mr.

Zivan stated that he was willing to commit to the conditions when a development order was applied for.

Mr. Bard and Mr. Mills again addressed the Board to speak in opposition. Mr. Mill stated that he would like for the property to remain designated as Rural Village.

Commissioner Cuchens stated that he did not feel that Medium Industrial was a proper classification for the property. Mr. McGee explained why he felt that the land use designation should be changed to Medium Industrial.

Motion by Cuchens, second by Commissioner Pridgen, to deny the Gross Small Scale Amendment request. Ayes 2, Naves 3. Jones Naye, Rees Naye, Pauls Naye, Cuchens Aye, and Pridgen Aye.

Motion by Commissioner Pauls to approve the Gross Small Scale Amendment request (2004-18). Commissioner Rees second the motion.

Commissioner Rees noted for the record that Mr. McGee had agreed, when applying for a development order, to include the suggested conditions regarding buffering and land use as part of the development order. Mr. McGee, respective owner, affirmed that he had agreed to include the conditions when applying for a development order.

Chairman Jones stated that he supported the approval of the request because he felt that the property could be used for more improper uses under a non conforming use that under the land use classification of Medium Industrial.

A vote was called for the motion on the floor. Ayes 3, Naves 2. Jones Aye, Rees Aye, Pauls Aye, Cuchens Naye, and Pridgen Naye.

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 items:

Eagle Bay PUD, Ace Hardware, Seagrove Beach Climate Control Storage Facility, Park Place at Inlet Beach, and Somerset Beach PUD. The commissioners acknowledged all ex-parte communications that had been received regarding the projects being presented.

Mr. Durbin presented a request for approval of a Major Development identified as “Eagle Bay Planned Unit Development (PUD)”. Bonezzi Development, Bob Bonezzi President, was proposing a four phased project totaling 183 residential units and 11,000 square feet of commercial (with Phase I consisting of a 35-lot single family replat) on 30.51 acres with a land use designation of Neighborhood Planning Area/Traditional Neighborhood Development Area and Residential Preservation Area. This site is located on the west side of the intersection of East and West Hewitt Road. Based upon the applicant meeting the standards set forth in Section 2.06.02, Procedure for Planned Unit Development Approval, Walton County Land Development Code, the Planning staff recommended approval (**Exhibit #1-Staff Report**). Commissioner Pauls asked if the recommendations made by the Fish and Wildlife Service had been met by the applicant. Mr. Durbin stated the applicant had met the conditions that were stated in the monitoring plan and the conditions will be included as part of the development order.

The floor was opened for public comments. Mr. Ernie Hornsby, adjacent property owner, questioned the changes that had been made to the project since the last time it had been presented. He expressed concern with the traffic that he feels will be generated by the project and requested that the acceleration and deceleration lanes on Highway 98 be addressed. Mr. Hornsby also discussed changes that had been made to the restrictive covenants.

Mr. Russ Aldridge, Emerald Coast Associates, addressed the Board representing the developer. He presented a master site plan for the proposed project and explained the changes that had been made (**Exhibit #2-Master Site Plan**). Mr. Aldridge also entered into the record a letter from the Federal Emergency Management Agency (**Exhibit #3**) and a letter from the Florida Department of Agriculture & Consumer Services (**Exhibit #4**). Further discussion was held regarding traffic issues.

Motion by Commissioner Cuchens, second by Commissioner Rees, to approve the Eagle Bay PUD. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

The Board recessed briefly.

Mr. Mike Lane, Planning Director, presented a request from the Planning Department to continue the Ace Hardware item until a later date for further review.

Motion by Commissioner Rees, second by Commissioner Pridgen, to continue the Ace Hardware item until May 4, 2004. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Christensen presented the Seagrove Beach Climate Control Storage Facility for consideration (**Exhibit #1-Staff Report**). Sandpipers Ventures LLC proposed to develop an 86,940 sq ft, three-story storage facility (mini-warehouses) on 1.95 acres with a land use designation of Village Mixed Use. This property is located on the north side CR 30-A approximately 0.22 miles west of Eastern Lake. The Planning staff and Planning Commission recommended approval.

Mr. Jack Rhodes, representing the applicant, addressed the Board to answer any questions.



Mr. Bayllye and Mrs. Lynne May addressed the Board to speak in opposition to the proposed request. They recommended that the Board deny the request.

Ms. Anita Paige also addressed the Board to speak in opposition to the project. She felt that the proposed mini storage unit was not a suitable use in the Village Mixed Use category. She felt that the project would fit more appropriately in the Light Industrial land designation. Mr. Bryan Bruns agreed with the comments made by Ms. Paige. He expressed concern with the applicant meeting the preservation requirements.

Mr. Durbin stated that mini warehouses fall under the General Commercial category and therefore are an allowable use in the VMU land classification. He also stated that the applicant has met all preservation requirements. Further discussion was held.

Motion by Commissioner Cuchens, second by Commissioner Pauls, to approve the request for a Seagrove Beach Climate Control Storage Facility. Ayes 4 Nays 1. Jones Aye, Rees Naye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Durbin presented a request for approval of a Major Development identified as "Park Place at Inlet Beach". WLC Park Place LLC was proposing to develop a 10-lot, single-family subdivision on 1.26 acres with a land use designation of NPA/Infill. This property is located at the corner of Orange Street and Pompano Street at Inlet Beach. Planning staff's recommendation was for approval contingent upon the applicant receiving all applicable state permits (**Exhibit #1-Staff Report**). The Planning Commission also recommended approval.

Mr. David Huff, Hartman & Associates, addressed the Board representing the applicant.

Mr. Brian Swift, adjacent property owner, addressed the Board representing the Swift family. Mr. Swift submitted into the record several documents supporting his regarding the proposed project (**Composite Exhibit #2-Site Plan, LSA 01-1, and Various Letters**). He stated that they did not oppose the project, but did have several requests for improvements, which were listed throughout Composite Exhibit #2. Mr. Huff addressed Mr. Swift's concerns regarding fencing and parking.

Commissioner Pauls questioned the space available for bedrooms in the three-story structures. He felt that the building could have no more than three bedrooms. Mr. John Bennett addressed the issue. He stated that the project was limited to not only two and three bedrooms, but also two and three-story structures because of covenants and restrictions.

Commissioner Rees inquired about the landscaping surrounding the project. Mr. Bennett stated that it was the full intent to completely buffer the area between the project and the Swift family property.

Motion by Commissioner Rees, second by Commissioner Cuchens, to approve Park Place at Inlet Beach. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented a request for a Somerset Beach PUD. Ebsco Industries proposed to develop 599 residential units, 177,000 square feet of non-residential and a 60-room inn on 158 acres +/- with a land use designation of Neighborhood Planning Area/ Traditional Neighborhood Development. This site is located on County Road 30-A approximately 1 mile west of US 98, and ¼ mile east of Camp Creek Road. Mrs. Christensen stated that this item had previously been approved

by the Board contingent upon the developer providing access through the Seacrest and Treetops development to U.S. Highway 98 to meet traffic concurrency. Mrs. Christensen stated that the department had been notified that the access has not been made, but the applicant has provided an updated traffic analysis showing that they do meet concurrency requirements on CR 30-A. The study has been reviewed by the Engineering Department, which recommends approval of the study. Planning staff recommended approval of the project (**Exhibit #1-Staff Report**).

Discussion was held regarding the analysis that had been performed. Mr. David Smith, County Engineer, stated that he agreed that the project met traffic concurrency.

Ms. Linda Shelley, attorney for the applicant, addressed the Board. She noted that the project name had been changed from Somerset Beach to "Alice Beach". Discussion was held regarding the condition that the developer provide a connection to Hwy 98 or present to the Board an alternative method of meeting concurrency standards. Ms. Shelley stated that the applicant had provided an alternative method and therefore met the condition.

Ms. Debbie Dantin, registered engineer, addressed the Board to answer any questions. Commissioner Pauls asked if the community had considered allowing golf carts and low speed vehicles. Mr. Shelton Stone, project manager, stated that the issue had been discussed, but no determination has been made in terms of what will be allowed.

Ms. Linda Hoskin, Seacrest homeowner, addressed the Board to speak in opposition of a connection to Hwy 98 through the Seacrest development.

Motion by Commissioner Rees, second by Commissioner Pauls, to approve the Somerset Beach PUD. Ayes 4, Nays 1. Jones Aye, Rees Aye, Pauls Aye, Cuchens Naye, and Pridgen Aye.

There being no further business, the meeting was adjourned at 7:55 p.m.

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

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