

APRIL 23, 2019 – LAND USE HEARING

The Board of County Commissioners, Walton County, Florida held a Land Use Hearing on April 23, 2019 at 10:50 a.m. at the Walton County Courthouse in DeFuniak Springs, Florida.

The following Board members were present: Commissioner Tony Anderson, Chairman; Commissioner W.N. "Bill" Chapman, Vice-Chairman; Commissioner Danny Glidewell; Commissioner Trey Nick and Attorney Sidney Noyes, County Attorney. Commissioner Melanie Nipper was not present.

Motion by Commissioner Chapman, second by Commissioner Glidewell, to open the Land Use Hearing at 10:52 a.m. following the Regular Meeting. Ayes 4, Nays 0. Chapman Aye, Glidewell Aye, Nipper Absent, Nick Aye, Anderson Aye.

Mr. Mac Carpenter requested to adopt a resolution approving the Forman Developer Agreement submitted by Jenkins Engineering, Inc., on behalf of Charles Forman, to set development controls on the proposed future land use and official zoning district change from Conservation, Conservation Residential 2:1 to Low Density Residential and Neighborhood Infill (26-2S-20-33200-000-0320 on 282.05+/- acres. The project is 282.05 acres and is located on Veterans Road between Chat Holley Road and U.S. Highway 98 north of Publix and west of Veteran's Road.

Ms. Melissa Ward, Dunlap Shipman, appeared before the board on behalf of the applicant, Forman Family Trust. She reminded the board the action requested today is to consider a Developer's Agreement as part of a Large Scale Amendment that has conditions to move homes outside of the floodplain and to meet requirements of LDC and Comprehensive Plan. The Forman family desires to continue to build on the property and the plan includes interconnectivity of

roadways. It also includes greenway and trailways as part of transportation aspect in this project. This agreement has been reviewed by the Planning Commissioner and they have worked with the County Attorney and Public Works. The request was for the Developer's Agreement to be approved in order that they may get the LSA adopted. Ms. Ward clarified, of the 282 acres, 30 acres is Conservation and has no density or intensity. The rest of the property is Conservation Residential 2:1 which is not being changed. The Developer's Agreement caps the Residential to 640 units. The density is not being increased except for the 30 acres with zero density and intensity. Ms. Ward asked for approval of the Developer's Agreement with any necessary modifications by the Legal Department.

Attorney Noyes advised there were discussions with the applicant about the term of agreement and it was suggested the term of 10 years be changed to 15 years, which will need to be clarified in the motion. The applicant attempted to keep the term at a minimum, but the development term for 300 acres will take longer. Ms. Ward advised there is a statutory provision that allows a suit to be brought against the party who does not hold up to the agreement. The Development Order is recorded in public records and follows with the deed.

Ms. Coy Bowman spoke about the Forman LSA and presented a handout.

Mr. Fred Tricker, South Walton Community Council, spoke about the term of the agreement and stated 10 years is not enough and felt 20 years would be best. The Council questioned if the project was workforce housing and stated the developer's cap of \$250,000 does not qualify for workforce housing, but workforce family housing, which is different. There are provisions in the Code for workforce housing. There are no regulations for workforce family housing.

Ms. Ward stated the Developer's Agreement states working family housing. She clarified the qualifying income for affordable housing and workforce housing and stated the average medium income is about \$70-\$75,000. Commissioner Chapman commented on how much that number is skewed in comparison between the north end and south end of the county. Further discussion was held regarding wages and who can afford a home south of the bay. Commissioner Chapman felt there needs to be a mechanism to find affordable housing for those lower income earners.

Mr. Charles Forman, applicant, spoke about the number relating to working family housing after working with Commissioner Nipper and Mr. Tom Baker. He stated when he previously met with each commissioner they asked for housing south of the bay that working people can afford and to get some of the traffic off of U.S. Highway 331. Mr. Forman stated he is not talking about affordable housing, rather workforce housing. If both spouses work they make an average of \$70-80,000 annual income and would qualify for low financing rates. He felt it would work contingent upon finding a builder who can build townhouses for about \$200,000.

Ms. Bowman was escorted out due to inappropriate conduct and verbal outbursts.

Mr. Forman spoke about the clear-cutting process and water pollution. He also spoke with Choctaw Bay Alliance and Mosquito Control regarding drainage. They have proposed linear lakes to capture water for storm control. He thanked the planning staff and public works staff for their assistance. Mr. Forman stated there are still many permits to obtain in the process.

Commissioner Chapman spoke about the process and further voiced concern with the 10 year agreement. Mr. Forman agreed to change the agreement to 20 years upon the board wishes.

Ms. Carmen Flinn, resident of Chat Holley, spoke about the water problems on Chat Holley. She also spoke about affordable housing and felt these are not affordable prices.

Motion by Commissioner Chapman, second by Commissioner Glidewell, to approve the Forman Developer's Agreement with a modification to the agreement of a 20 year duration. Ayes 4, Nays 0. Chapman Aye, Glidewell Aye, Nipper Absent, Nick Aye, Anderson Aye.

Mr. Carpenter requested adoption of an ordinance for the Forman Large Scale Amendment application submitted by Jenkins Engineering, Inc., on behalf of Mr. Charles Forman. Mr. Forman is requesting approval to amend the comprehensive Plan Future Land Use Map from Conservation, Conservation Residential 2:1 to Low Density Residential and Neighborhood Infill (26-2S-20-33200-000-0320) on 282.05+/- acres and change the zoning district to Low Density Residential 2:1 and Neighborhood Infill (26-2S-20-33200-000-0320). The project is located on the north end of Veteran's Road.

Ms. Ward stated this is the companion ordinance to the previous Developer's Agreement.

Ms. Carolyn Zonia spoke against changing the zoning. Ms. Zonia voiced concern with qualifying for this project, concerns with the flood plain and drainage issues, and the need for a bike lane on Chat Holley. She also spoke in opposition to clear cutting the property and asked the board to not change the land use.

Mr. Fred Tricker voiced concerns over water quality and density. He also voiced concerns regarding the change from Conservation Residential to Low Density Residential. He is unaware of what the project will look like and felt there does not need to be any changes to the entire property. Mr. Tricker spoke about retaining 60% of the vegetation and requiring a restoration plan.

Ms. Carmen Flinn voiced concerns over proper signage advertising the hearing. She spoke about the wildlife on that parcel and opposed clearcutting due to displacing wildlife. She voiced opposition to additional traffic created by the project.

Mr. Scott Jenkins, Jenkins Engineering, clarified the signage issue and stated the meeting was appropriately advertised.

Mr. Forman confirmed the advertising and letters were done appropriately. He stated only one person raised any issues after the letters were mailed. Mr. Forman stated he is in favor of the animals, trees, and water drainage. He advised the water will be taken care of appropriately in that area.

Mr. Carpenter stated the board previously approved to transmit this to the Department of Economic Opportunity and appropriate State agencies. Each agency returned a letter of No Comment/No Objection meaning the proposed amendment is not considered by the State to affect any state resource or regional resource.

Motion by Commissioner Nick, second by Commissioner Chapman, to adopt an Ordinance (2019-13) approving the Forman Large Scale Amendment. Commissioner Chapman commented on the water retention and wanted assurance storm water retention and discharge will be addressed appropriately. Commissioner Glidewell agreed. Ayes 4, Nays 0. Chapman Aye, Glidewell Aye, Nipper Absent, Nick Aye, Anderson Aye.

Mr. Carpenter presented the DeFrancesch Abandonment for approval. The petition for abandonment was submitted by Walton County, requesting an abandonment of a patent easement. The project is located at Beachfront Trail and Deer Lake Beach Drive, and is identified by parcel number 19-3S-18-1600880-000-0261.

Attorney Noyes gave an overview of the history of the project and stated that Public Works took no position on the abandonment. She spoke about the utilities that were placed there in the 1990's and the turnaround, which is part of Deer Lake Dunes Drive. Dr. DeFrancesch filed a quiet title action in 2016 naming the county, all of the utility companies, Deer Lake Dunes HOA and other individuals in Seclusion Dunes. All parties to the lawsuit have either settled or a judgement has been entered against them including the utility companies. All of their utility lines have been removed as part of the settlement. A default judgement entered against the Deer Lake Dunes HOA resulting in the turnaround, located on Dr. DeFrancesch's property, has to be removed. Attorney Noyes stated Dr. DeFrancesch's property is completely surrounded by private property. It is a remnant of old patent deed located on the western side of Seclusion Dunes. The small lot (Lot 26) got left out of the Seclusion Dunes Plat. Lot 26 does not provide any access to the beach. The property has no value to the county now or in the future.

Motion by Commissioner Chapman, second by Commissioner Glidewell, to adopt a resolution (**2019-27**) abandoning the easement encumbering Dr. DeFrancesch's property.

Mr. Tom Adelson requested a continuance and requested his objection be noted. Attorney Noyes stated the case has been pending for three years and advised a decision needs to be made due to the case being set for trial in June.

Mr. John Roberts, Attorney representing Seclusion Dunes Home Owners, stated the lot is small and should not be a lot of record at any point going forward. The lot would provide 18'. He stated the records show this was a patent easement meant only for utilities. After proper set-backs, the lot would only allow 18' of buildable space which is not suitable and does not meet

requirements of the LDC nor County Code. He felt this lot should never be allowed to be built upon.

Ms. Beverly Ottzen, representing Seclusion Dunes HOA, stated that portion of Lot 26 was left out of Seclusion Dunes. When Deer Lake Dunes was developed in 1997 it was approved by the county with stipulation the turnaround be constructed. The public has interest in the easement and uses it regularly. The county sold the property in a Tax Sale in 2001 for \$1,000. She asked the board to consider Customary Use when making their decision on this abandonment. The Commissioners stated the Judge has already made a determination the turnaround must be removed.

Commissioner Chapman called the question.

Ayes 4, Nays 0. Chapman Aye, Glidewell Aye, Nipper Absent, Nick Aye, Anderson Aye.

The commissioners recessed at 12:13 p.m. and reconvened at 12:20 PM

Commissioner Chapman advised that some of the constitutional officers contacted the commissioners regarding Ms. Bowman's outbursts and advised how disruptive Ms. Bowman was by screaming obscenities while being escorted out of the building. Customers and children were present and Ms. Bowman caused customers concern. He asked Mr. Sunday contact the Sheriff for permission to have her arrested for disorderly contact next time.

The Quasi-judicial Hearing was called to order and Attorney Noyes administered the oath to those intending to speak. There were no objections to the advertisements. Attorney Noyes instructed the commissioners to submit any Ex-parte to the clerk. There was no Ex-parte.

Mr. Carpenter requested to approve Stillwater at Watersound Phase 2 Plat by final plat. Innerlight Engineering Corp submitted the plat application on behalf of St. Joseph Land &

Development Company, requesting approval to plat 53 single family lots within Watersound Origins on 15.75 acres with a future land use and zoning of Bay Walton Sector Plan-Village Center. The project is located at 530 Pathways Drive, and is identified by parcel number(s) 24-3S-18-16000-001-0010; 25-3S-18-16000-001-0000. A Development Order was previously approved on this project. **(Exhibits: 1- Staff Report)**

There were no public comments.

Motion by Commissioner Chapman, second by Commissioner Nick, to approve Stillwater at Watersound Phase 2 Plat. Ayes 4, Nays 0. Chapman Aye, Glidewell Aye, Nipper Absent, Nick Aye, Anderson Aye.

Mr. Carpenter presented Indian Cove Plat requesting approval by final plat. The plat application was submitted by Rare Earth, Inc., on behalf of Treehouse Indian Woman LLC, requesting approval to plat and create 31 single-family lots on 10 acres with a future land use of Neighborhood Infill. The project is located at 1297 Indian Woman Road, 1.25 miles north of Chat Holley Road and is identified by parcel number 14-2S-20-33150-000-0440. **(Exhibits: 1- Staff Report)**

Mr. Shannon Clatchey, applicant, appeared before the board and stated he had been sworn in. Commissioner Glidewell questioned the storm water on the project. Mr. Clatchey explained the storm water retention on the project and stated it based on 100 year flood event.

There were no public comments.

Motion by Commissioner Glidewell, second by Commissioner Nick, to approve Indian Cove Plat. Ayes 4, Nays 0. Chapman Aye, Glidewell Aye, Nipper Absent, Nick Aye, Anderson Aye.



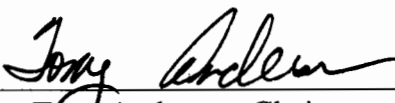
Mr. Carpenter requested approval of the Camp Creek Residential Final Order. A major development order application was submitted by Kimely-Horn on behalf of St. Joe Land and Development Company requesting approval to develop 262 single-family lots on approximately 330-81 acres with a future land use of Village Center, per Walton Bay Sector Plan. The project is located west of U.S. Highway 98, south on WaterSound Parkway and identified by parcel numbers 23-3S-18-16000-001-0000, 26-3S-18-16-000-001-0050, 22-3S-18-16000-001-0020. **(Exhibits: 1- Staff Report)**

Commissioner Glidewell asked about the turn lane agreement. Mr. Carpenter stated it was received by the Planning Department and there was also a revised final order with a language change relating to approval of the plans and specs by Public Works and a schedule prior to platting of this development.

There were no public comments.

Motion by Commissioner Glidewell, second by Commissioner Nick, to approve Camp Creek Residential Final Order. Ayes 4, Nays 0. Chapman Aye, Glidewell Aye, Nipper Absent, Nick Aye, Anderson Aye.

Motion by Commissioner Chapman to adjourn at 12:27 p.m.

Approved:   
Tony Anderson, Chairman

Attest:   
Alex Alford, Clerk of Courts and County Comptroller