

MAY 3, 2005-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, May 03, 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 David Hallman, Legal Services Director, were also present.

Chairman Pridgen led with prayer followed by the pledge of allegiance to the American Flag. He then called the meeting to order.

Mr. Rick Milliard, Construction Manager, addressed the Board and advised that the constitutional officers had requested minor changes to the design of the new Courthouse Construction Project. Mr. Milliard requested authorization to allow Hatch Mott MacDonald to incorporate the requested changes in the design of the new courthouse. He stated that he would update the commissioners each week of the costs incurred.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to authorize Hatch Mott MacDonald to incorporate the design changes requested by the constitutional officers. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Milliard requested the Board's authorization to allow the self pod storages for the Jail Construction Project to be stored with the manufacturer.

Motion by Commissioner Jones, second by Commissioner Meadows, to authorize the storage of the self pod storages with the manufacturer. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Pat Blackshear, Planning and Development Director, requested that the first item on the agenda, request to set a public hearing for consideration of an ordinance amending the Walton County Land Development Code to establish subcategories to the Infill Future Land Use Category, be removed for additional time to further clarify the language.

Motion by Commissioner Jones, second by Commissioner Brannon, to continue the request to set a public hearing until the Land Use Hearing on June 7, 2005. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear requested that the proposed Richard Kelly Small Scale Amendment be continued until June 7, 2005.

Motion by Commissioner Jones, second by Commissioner Cuchens, to continue the proposed Richard Kelly Small Scale Amendment until June 7, 2005. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear requested that agenda item #3, Comprehensive Plan text amendment as requested by Federal Emergency Management Agency (FEMA) to protect county participation in the National Floodplain Insurance Program (NFIP), be removed from the agenda.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve removing item #3 from the agenda. 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 Hallman administered the oath to those individuals who would be speaking on the following projects: Peach Creek Subdivision, Harstvedt Plantations, Commerce Park PUD, Village at Blue Mountain Beach Phase III, Inlet Heights, Cypress Breeze Phase IV., Tranquility by the Bay, Baygrove Storage, The Landings Shopping Center, West Shore Place, The Heron at Inlet Beach, Forest View Village PUD, Mosiac Oaks Subdivision.

Mr. Carl Hammons, Senior Planner, presented a request for approval of a major development identified as “Peach Creek Subdivision”. The proposed project consists of a 263 lot single family residential subdivision on approximately 165 acres designated as Conservation Residential 2:1. The proposed site is located in the Point Washington Area, between US 98 and Intercostals Waterway, along both sides of Old Ferry Road, north of the junction of US 98 and Old Ferry Road. Planning staff’s and Planning Commission’s recommendation was for approval. (There was no planning report entered into the record for this project)

Mr. Mark Siner, representative for the applicant, addressed the Board to answer any questions. Discussion was held regarding the proposed stormwater management plan.

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

Mr. Hammons presented a request from the applicant for Harstvedt Plantations to continue the item until the next Land Use Hearing on June 7.

Attorney Ken Goldberg addressed the Board representing the applicant.

The floor was opened to public comments. Ms. Carol Neilson spoke in opposition to the proposed project due to road issues. Ms. Neilson stated that Cox Road, a private road into her subdivision, was included in the Peach Creek Subdivision plans to be paved.

Attorney Goldberg explained that there was an easement in which twenty feet was owned by the property owner of the proposed project and twenty feet was owned by Ms. Neilson's subdivision. Mr. Goldberg stated that the developer planned to pave the entire easement, along with install water and sewer lines, at his own expense.

Mr. David Kramer, adjacent property owner, stated that he had been told by representatives of the applicant that they would pave North Eden Park Road to Chat Holley Road. He requested that that representation be included into the record.

Mr. Don Foyer, Cox Road property owner, stated that he would like the roadway issues to be resolved before the proposed project was approved.

Mr. Siner stated that the developer was willing to take responsibility for constructing the road and accepting maintenance of the road for the life of the road.

Motion by Commissioner Jones second by Commissioner Meadows, to continue Harstvedt Plantations until June 7, 2005. 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 "Commerce Park PUD" (Conceptual). Ricky Rookis, Three Oaks, LLC, applicant, and Hall and Runnels, P.A., agent, requested approval of a major development consisting of 136 multi-family dwelling units and 102,700 gross square feet of

office/commercial space on 14.46 acres with a future land use designation of Village Mixed Use. The project site is located at the northwest corner of US 98 and Veterans Road. Mr. Hammons stated that all of the comments within the staff recommendation had been met with the exception of one (**Exhibit #1-Planning Report**).

Mr. Greg Graham, Staff Engineer, recommended that the applicant pay a pro rata share of the paving of Veterans Road. He stated that it had been brought to his attention that a previous development had been approved contingent upon the Veterans Road being paved. He felt that all developments on that road should participate in a pro rata share of all roadway improvements. Chairman Pridgen asked if there was a current policy that would allow them to condition the development to paying a pro rata share of road improvements. Mrs. Blackshear stated that it would have to be on a voluntarily basis.

Mr. Steve Hall, representing the applicant, addressed the Board. He encouraged the Board to approve the project as it was presented at a conceptual level. He stated that there was no objection to Mr. Graham's recommendation. Mr. Hall recommended that the County provide a design and the construction of the roadway and they would provide the funding.

Mr. David Kramer, representing Reinhart, LLC, suggested that given the number of generated daily trips, acceleration and deceleration lanes be provided at the intersection of US 98. Mr. Graham stated that the County requires a permit from DOT and they could request that DOT require a warrant analysis.

The following citizens addressed the Board to speak in favor of the proposed development: Mr. Brian Bruns and Mr. Wade Fleshman. Mr. Fleshman asked if the

developer would participate in the paving of Veteran's Road. Mr. Hall responded that they would.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to approve the major development identified as "Commerce Park PUD" (Conceptual). 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 "Village at Blue Mountain Beach Phase III". Ronnie Willis, Willis, Krenkel & Maclin Properties, LLC, applicant, and Seaside Engineering and Surveying, Inc., agent, requested approval of a major development consisting of a two parcel, two building commercial development. Parcel One is a .71 acre site, on which was proposed to be a 10,000 square foot two-story restaurant. Parcel Two is a .75 acre site on which was proposed to be 7,000 square foot, two-story commercial building (welcome center) with a land use designation of Neighborhood Planning Area-Small Neighborhood. The proposed project is located on the north and east sides of CR 30-A, between CR 30-A and CR 83. Planning staff and Planning Commission recommended approval, subject to a left hand turn analysis being done before final development order being issued (**Exhibit #1-Planning Report**).

Mr. Greg Graham addressed Board to speak in regards to the condition recommended by Planning staff and Planning Commission. Mr. Graham recommended approval of the project with the condition that if an operational analysis determines that left hand turns are warranted, then they will be constructed.

Mr. Jim Barton, representing the applicant, stated that the developers concurred with the condition recommended by Mr. Graham.

Commissioner Meadows expressed concern with the location of the dumpster pads and loading zones. She recommended that a fence be provided adjacent to the single-family property and the dumpster pad relocated. She requested that there be zero lighting spillover onto adjacent residential properties. Mr. Barton stated that they would be willing to relocate the dumpster and make adjustments to the proposed lighting.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the major development identified as “The Village at Blue Mountain Beach Phase III”. Ayes 4, Nays 1. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Naye.

(Commissioner Jones stepped out)

Mr. Hammons presented a request for approval of a major development identified as “Inlet Heights”. James L. Barton, Inlet Heights, LLC, and Ross S. Binkley, P.E, Seaside Engineering & Surveying, Inc., requested approval of a major development consisting of a 18 lot single-family residential subdivision with a 1,276 square foot common pool on 2.34 +/- acre with a land use designation of Neighborhood Planning Area/Infill. The proposed site is located in the Inlet Beach area, north of US 98 on the south side of Holly Leaf Lane, approximately 500 feet east of Lakeshore Drive. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Ross Binkley, representing the applicant, addressed the Board to answer any questions.

Mr. Richard Bryan addressed Board and expressed concern regarding the increasing density of Inlet Beach and the ingress and egress off of Hwy 98. Mrs. Blackshear stated that staff would review the issue.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the major development identified as "Inlet Heights". Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

(Commissioner Jones returned)

Mr. Hammons presented a request for approval of a major development as "Cypress Breeze Phase IV". Henry Devarona and Dean Burgis, P.E., Emerald Coast Associates, requested approval of a major development consisting of an 83-lot single family subdivision on 40.2 +/- acres with a land use designation of Conservation Residential (2 units per acre). This site is located off CR 393, approximately 0.75 miles north of CR 30-A, the entrance is Cypress Breeze Drive. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Attorney Mark McMillan addressed the Board representing the applicant. Commissioner Meadows questioned the stormwater management plan for this particular phase. Mr. Dean Burgess stated that the roadways and building pads were designed to be elevated. Mr. Burgess further stated that Phase IV had independent stormwater retention areas and would not further increase the drainage problems.

Mr. Hammons noted the proposed density of 83 single-family lots on 40.2 +/- acres. He stated that three units were from a previous phase and this phase was in total compliance with the overall plan.

Mr. Graham stated that the Phase IV stormwater plan had been reviewed and was in accordance with the county land development regulations.

Mrs. Blackshear stated that in the future, she would like a workshop with Public Works scheduled to discuss stormwater issues.

Mr. Leonard Anderson asked why the Board was approving projects in phases instead of totality. Commissioner Jones explained that the projects are reviewed as they are presented to the Board.

(Commissioner Meadows left)

Motion by Commissioner Jones, second by Commissioner Brannon, to approve the major development identified as “Cypress Breeze Phase IV”. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Mr. Brian Martinez, Planner, presented a request for approval of a major development identified as “Tranquility by the Bay”. William Welch and Scott Jenkins, Jenkins, Jenkins, Stanford and Associates Inc., requested approval of a major development consisting of a 15 lot single family subdivision with a pool amenity on 9.75 +/- acres with a future land used designation of Neighborhood Planning Area/Infill. The project site is located on the south side of Nursery Road, approximately a ¼ mile east of the intersection of Harstvedt Road. Mr. Martinez stated that the conditions recommended by staff had been met. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**). Mr. Martinez entered a letter of opposition written by Mr. and Mrs. Mueller into the record (**Exhibit #2-Letter**).

Commissioner Cuchens expressed concerns with the location and access of East Nursery Road. He felt that the road should be moved further south and the curve

straightened due to the encroachment on adjacent private property. Mr. Martinez stated that East Nursery Road was on private property in which there was a perpetual easement. He stated that the applicant had relocated the access as far down in the right of way as possible.

Mr. Scott Jenkins stated that the County had adopted Resolution 2004-07 last year to address the access issue.

The floor was opened to public comments.

Ms. Doris Mueller, adjacent property owner, stated that the road had been moved, but was moved back in almost the same location. She stated that the road encroached on her property, the property next to hers, and the following property owned by Mr. Fisher. Ms. Mueller said that the County had addressed the issue with Mr. Fisher, but not with her or her neighbor.

Mr. Fisher stated that the road was in the correct location, but the right of way was wider than what was agreed upon.

Further discussion was held regarding possible alternative accesses to the property.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to continue "Tranquility by the Bay" to the June 7th Land Use Hearing to allow staff time to review the right of way issue.

Mr. Jim Wallace, representing the developer, Mr. William Welsh, addressed the Board to speak in regards to the proposed project.

A vote was called for motion on floor. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

The Board recessed briefly.

Mr. Martinez presented a request for approval of a major development identified as “Baygrove Storage”. Andrew J. and Virginia Lundstrom, owners, and Darrell Barnhill, Barnhill, Barnhill & Barnhill, LLC, agent, requested approval of a major development consisting of a 600 square foot office building and two 5,000 square foot storage buildings on 6.85 +/- acres with a land use designation of Commercial. The site is located on the northwest corner of Hwy 331 and Bay Grove Road intersection. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Darrell Barnhill, representing the applicant, addressed the Board to answer any questions.

The floor was opened to public comments.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve the major development identified as “Baygrove Storage”. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Mr. Martinez presented a request for approval of a major development identified as “The Landing Shopping Center”. R & G Partners, George Copeland and Connelly & Wickers, Inc., requested approval of a major development consisting of a 32,000 square foot shopping center on 4.42 acres with a land use designation of Village Mixed Use. This site is located at the northeast corner of US 98 and Mussett Bayou. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

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

There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Jones, to approve the major development identified as “The Landing Shopping Center”. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Mr. Martinez presented a request for approval for a major development identified as “West Shore Place”. Russ Neal, RDT Investments, LLC, and Seaside Engineering requested approval of a major development consisting of 48 residential lots on 6.05 +/- acres with a land use designation of NPA/Infill. This site is located at the northeast corner of US 98 and West Shore Drive. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Ross Binkley, Seaside Engineering, addressed Board to answer any questions.

The floor was opened to public comments.

Mr. Richard Bryan expressed concern with density and traffic issues and stormwater runoff. Mr. Graham stated that the project had been reviewed and met stormwater regulations.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the major development identified as “West Shore Place”. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Mr. Martinez presented a request for a major development identified as “The Heron at Inlet Beach”. Mik Way, LLC, and Tim Spears, Seaside Engineering & Surveying, Inc., requested approval of a major development consisting of a 9 lot single family subdivision with a pool amenity on 1.259 +/- acres with a land use designation of Infill. This site is located at the northwest corner of South Wall Street and Walton Rose

Lane, approximately 150 feet south of SR 30 (US Hwy 98) in Inlet Beach. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Tim Spears 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 “The Heron at Inlet Beach”. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Mr. Martinez presented a request for approval of a major development identified as “Forest View Village PUD”. Alexa Pleas, APB Development, Inc., requested approval of a major development consisting of a conceptual mixed use plan for 468 single family lots, 64 multi-family units, and 160,000 square foot of non-residential development. The parcel is approximately 91.72 acres in size and has a future land use designation of Large Scale Agricultural (LSA). The project site is located on the north side of US 98, approximately 3.3 miles east of CR 395. The parcel identification number is 05-3S-18-16000-001-0020. This request is subject to a final approval for a change in the Future Land Use designated to the Coastal Center category. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mrs. Jennifer Christensen, representing the applicant, addressed the Board to answer any questions.

There were no public comments.

Motion by Commissioner Brannon, second by Cuchens, to approve the major development identified as “Forest View Village PUD”. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of a major development identified as "Mosaic Oaks Subdivision". 2 South Properties, LLC, and Dean Burgis, Emerald Coast Associates, requested approval of a major development consisting of a 37 lot subdivision on 5.24 acres with a land use designation of NPA/Infill. The project is located on the northwest corner of the intersection Chat Holley and 331 South. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Dean Burgess, representing the applicant, was present to answer any questions.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve the major development identified as "Mosaic Oaks". Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

There being no further business, the meeting was adjourned at 7:10 p.m.

APPROVED: _____

Kenneth Pridgen, Chairman

ATTEST: _____

Martha Ingle, Clerk of Court