

JUNE 1, 2004- LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, June 1, 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 Pauls led with prayer followed by the pledge of allegiance to the American flag. Chairman Jones called the meeting to order.

Mr. Bell asked that the Board approve moving forward and scheduling a public hearing regarding the South Walton Municipal Services Taxing Unit. Mr. Bell requested that the public hearing be advertised for June 29th.

Motion by Commissioner Pauls, second by Commissioner Rees, to go forward with advertising for a public hearing on June 29th. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Mike Lane, Planning Director, announced that agenda item #4, Destin Palm Amendment, had been withdrawn. He also requested that the Highland Parks at Blue Mountain Beach PUD be tabled and that the CVS Pharmacy item be heard first.

Attorney Vorbeck administered the oath to those who would be speaking on the CVS Pharmacy item.

Mr. Carl Hammons, Planner, presented a request for approval of a major development identified as "CVS Pharmacy #7113". Mr. Donn Fizer and Foresite Group, Inc. proposed to develop 13,013 sq ft pharmacy and 12,104 sq ft Retail Center with a

land use designation of Coastal Center. This site is located at the southwest corner of US 98 and Holiday road. Mr. Hammons reviewed the information contained in the Planning Report and presented Planning staff's recommendation for approval (**Exhibit #1-Planning Report**).

Mr. Brant Aden, representing the applicant, addressed the Board to answer any questions. Commissioner Rees asked about the type of retail that was anticipated being sold and Commissioner Pauls questioned the parking ratio that was used.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the proposed CVS Pharmacy #7113. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Jennifer Christensen, Planning Coordinator, requested that a public hearing be set for the proposed Watson Abandonment & Martin Abandonment. She recommended that the public hearing be set for the July 6th Land Use Hearing.

Motion by Commissioner Cuchens, second by Commissioner Pauls, to schedule a public hearing for the proposed Watson Abandonment for July 6th. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Motion by Commissioner Cuchens, second by Commissioner Pauls, to schedule a public hearing for the proposed Martin Abandonment for July 6th. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tom Blackshear, Senior Planner, presented the proposed Montabana Small Scale Amendment. Frank and Mary Montabana proposed to amend the Walton County adopted Future Land Use Map on a parcel with a current land use designation of Conservation Residential 2 units per acre to Village Mixed Use. This site is located off

Sugar Drive approximately 121 feet south of US 98. Mr. Blackshear reviewed the site suitability information and the staff analysis and comments contained in the planning report. Planning staff recommended denial based upon the project exceeding the Comp Plan requirement that limits Village Mixed Use Centers to forty acres.

Ms. Lisa Minchew, representing the applicant, addressed the Board. Ms. Minchew stated that they were withdrawing one of the parcels from their proposal. She presented a handout illustrating the property they were requesting be changed to VMU and the area that they were withdrawing. She felt that by withdrawing one of the parcels from the request, an island would be created between Sugar Drive and the surrounding property.

Mr. Jack Dorman, also representing the applicant, addressed the Board to discuss wetland issues. Discussion was also held regarding the "new proposal". Mr. Blackshear stated that his original recommendation of denial still stood. He listed several reasons to support his recommendation.

The majority of the Board felt that if one of the parcels was withdrawn, the original request would be changed and it was the original request in which the Planning Department had based their recommendation upon. They felt that it would be in the best interest of the applicant to withdraw the request and resubmit the new proposal to the Planning Commission. Therefore, Ms. Minchew stated that the applicant agreed to withdraw the request and go back to the Planning Commission with the new proposal.

Mrs. Christensen presented a request from South Walton Montessori Academy for temporary use of three 24 x 60 modular units to serve as temporary classroom facilities in Rosemary Phase IV on lots 46-4, 46-5, and 46-6 until August 2006.

Mr. Jim Bagby presented a map that illustrated the location of the property.

Motion by Commissioner Rees, second by Commissioner Pauls, to approve the South Walton Montessori Academy request. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented an Alys Beach PUD request for temporary use of a trailer to be located on the site of their existing office in Seagrove located at 2993, C.R. 395, to serve as a sales and administration office. Planning staff's recommendation was for approval.

Mr. Shelton Stone, Project Manager, addressed the Board to answer any questions. There were no public comments.

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

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 matters: Andante, Geronimo Street Office Storage Facility, Huy villa Development Order #1599 Extension, 66 Unit Motel @ Miramar Beach Development Order #1679 Extension, Blackstone PUD Amendment, Design Center of the Emerald Coast, Greenway Park PUD, Hidden Grove, Grayton Bayou, Santa Rosa Beach Plaza PUD, Mussett Bayou Estates, Martha's Lane Subdivision, Beach Bums, Village Shoppes at Sandestin, Cottages at Blue Mountain Beach, Tagganale, Geronimo Street Warehouse, and Beach Zone. Each commissioner acknowledged all ex-parte communications that had been received

regarding the projects being presented. The commissioners stated that the communications would not affect their ability to make fair and impartial decisions.

Mr. Hammons presented a request for approval from Andante Development, LLC for a 17-unit condominium development on 2.13 acres of land with a future land use designation of Neighborhood Planning Area-Infill. This site is located on the south side of CR 30-A between (on the north) Seabreeze Drive and Patina Boulevard in Seacrest Beach. Planning staff recommended approval (**Exhibit #1-Planning Report**). Mr. Hammons submitted into the record a letter written by Gerald Butts (**Exhibit #2-Letter**).

Mr. Patrick McCarthy, Project Manager, addressed the Board to answer any questions. Commissioner Pauls questioned the height of the building and the underground parking.

Commissioner Cuchens said that there had been concerns expressed that some of the sand dunes were going to be destroyed due to the underground parking. Mr. McCarthy and Mr. Robert Carroll, Engineer, assured the Board that there would not be any destruction to the dunes.

Mr. Mike Pickles, representing the Arcadia Place Home Owners Association, addressed the Board to speak in opposition to the proposed project. His major concern was the underground parking. He was also worried about the vegetation being destroyed. There was also a discrepancy with the survey of an easement on the eastern side of the property.

Attorney Colleen Coffield, representing the Arcadia Place Home Owners Association, addressed the Board to inform them that there are recorded restrictions that may affect the subject property. Further discussion was held regarding the concerns

voiced by the citizens. Mr. Hammons stated that the project had met the requirements of the Code.

Motion by Commissioner Cuchens, second by Commissioner Pauls, to approve the request from Andante Development, LLC. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented the proposed Geronimo Street Office Storage Facility Project. Seaspray Development LLC proposed 24,960 sq ft of office and storage facility on 2.0 acres with a land use designation of Light Industrial. This site is located approximately 200 feet south of US 98 on the west side of Geronimo Street. The Planning Commission and Planning staff recommended approval based upon the applicant paying a pro rata share for the westbound U.S. 98 left-turn lane at Geronimo Street **(Exhibit #1-Planning Report)**.

Mr. Will Poon, Engineer, addressed the Board to answer any questions. Mr. Poon stated that the applicant had no objection to paying his pro rata share of the left-turn lane, however, the applicant did want to be assured that he would be reimbursed by future developments for their pro rata share. Mrs. Christensen stated that the Planning Department would discuss the issue with the Engineering Department and bring back recommendations to the Board.

There were no public comments.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the proposed Geronimo Street Office Storage Facility Project with the conditions recommended by the Planning Department. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented a request from Ashwood Development Company to extend their Huy Villa Development Order #1599 for a period of one year. Planning staff recommended approval (**Exhibit #1-Planning Report**).

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve the requested Huy Villa Development Order #1599 Extension. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented a request from Emerald Dreams Development to extend their Development Order #1679 for 66 Unit Motel @ Miramar Beach for a period of one year. Planning staff's recommendation was for approval (**Exhibit #1-Planning Report**).

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve the 66 Unit Motel @ Miramar Beach Development Order #1679 Extension. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented a proposal from Blackstone PUD to amend the development order for the Planned Unit Development to allow deviations from the Land Development Code from the requirement of sidewalks on all residential roadways and the requirement for all utilities to be located underground. This site is located on Ammons Drive, which is north of Highway 90, one mile west of Hi-Note Road. Planning staff recommended approval (**Exhibit #1-Planning Report**).

Mr. Brad Davis addressed the Board to answer any questions. Mr. Davis stated that all utilities, except for water and sewer, will be above ground.

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

Mr. Hammons presented a request for approval of a major development identified as “Design Center of the Emerald Coast”. Gregory Griffith (G&G Development, LLC) proposed 160,000 sq ft mixed business use of showrooms (retail) on 14.57 acres with a land use designation of Village Mixed Use. This site is located at approximately 1.7 miles west of US 331 South on US 98 on the south side of US 98. Planning staff recommended approval (**Exhibit #1-Planning Report**). The Design Review Board and Planning Commission also recommended approval.

Mr. Jack Author addressed the Board to answer any questions. There were no public comments.

Motion by Commissioner Pauls, second by Commissioner Rees, to approve the proposed Design Center of Emerald Coast. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

As requested by Commissioner Rees, Mr. Greg Griffith addressed the Board to speak briefly about the environmental services that will be provided by G&G Development.

Mrs. Christensen presented a request for approval of a major development identified as “Greenway Park PUD”. Ben Hammet, Jr. proposed a 49-lot single-family subdivision on 8.28 acres with a land use designation of Neighborhood Planning/Infill. This project is located on the north side of CR 30-A, approximately 2.1 miles east of the

intersection of CR 395 and CR 30-A. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Ben Hammet addressed the Board to answer any questions. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the request for Greenway Park PUD. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented a request for approval of a major development identified as "Hidden Grove". David McCalman, II was proposing an 86-lot single-family subdivision on 12.35 acres with a land use designation of Neighborhood Planning Area/Infill. This site is located along the east side of West Hewett Road approximately 1.25 miles north of US 98. Planning staff's recommendation was for approval. Planning Commission also recommended approval (**Exhibit #1-Planning Report**).

Commissioner Pauls asked for clarification of the Planning Commission's recommendation for approval based upon the condition that the applicant includes a deed restriction to provide for stormwater management under houses to garages. Mr. David Smith, County Engineer, stated that the applicant had agreed to include the condition in the covenants and restrictions.

Mr. Russ Aldrich, Emerald Coast Associates, addressed the Board representing the applicant. Mr. Aldrich stated that each person who buys property will be asked to put \$500.00 into an escrow account to ensure the construction of a retention area underneath the buildings.

Mr. David Kramer questioned who would enforce the covenants and restrictions if the development is sold. He suggested that all of the retention and detention areas be constructed at the same time as part of the project. Further discussion was held regarding Mr. Kramer's concern. Mr. Lane said that before a certificate of occupancy is issued per individual lot, the Building Department, Planning Department, and Engineering Department, will work together to make sure the homes are fulfilling the development order.

Mr. Dana Matthews, adjacent property owner, addressed the Board. He expressed concern with the proposed retention and detention areas being underneath the homes. Mr. Matthews suggested that notations be placed on the plat that would require a civil engineer to sign off on any on-site retention and detention that is required for the homes. Mr. Aldrich stated that he, nor the developer, would have a problem with placing a note on the plat. Further discussion was held regarding the enforcement of notes that have been placed on plats.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve Hidden Grove with the condition that the note will be on the plat as related to the stormwater plan. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented a proposal from RPM Development, LLC, to develop a 37-lot single-family subdivision on 11.95 acres with a land use designation of Small Neighborhood and Residential Preservation. This site is located north of Hwy 98 on E. Point Washington Road, off Bay Drive. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Craig Graham, PBS&J, addressed the Board representing the applicant. There were no public comments.

Motion by Commissioner Rees, second by Commissioner Cuchens, to approve the proposal for Grayton Bayou. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented the proposed Santa Rosa Beach Plaza Planned Unit Development. Crews Investment Properties was proposing to develop 109 apartments with approximately 76,758 sq ft of Commercial/General Business on 17.44 acres with a land use designation of Conservation Residential (2/1) and Village Mixed Use. Planning staff's recommendation was for approval subject to the Conservation Reservation portion maintaining 90% open space, and conditional upon Hunters Road being upgraded to the northern boundary of entrance (**Exhibit #1-Planning Report**).

Mr. Dean Burgess, Emerald Coast Associates, addressed the Board on behalf of the applicant. Mr. Burgess stated that there were no objections to the recommendations made by the Planning Department. Brief discussion was held regarding traffic concurrency.

Motion by Commissioner Pauls, second by Commissioner Rees, to approve Santa Rosa Beach Plaza PUD with the condition presented from the Planning Department. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of a major development identified as "Mussett Bayou Estates". Centurion Companies proposed a 24-lot single-family subdivision on 10.7 acres with a future land use designation of Neighborhood Planning Area-Infill. This site is located .7 miles north of US 98 on Mussett Bayou Road.

Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. Dean Burgess addressed the Board representing the developer. There were no public comments.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve the request for Mussett Bayou Estates. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of a major development identified as “Martha’s Lane Subdivision”. James E. Smith proposed a five-lot single-family subdivision on .97 acres of land with a future land use designation of Neighborhood Planning Area-Infill. This site is located on the east side of Martha’s Lane between Allan Loop Drive and Cr 30-A on the north and south and between CR 393 and Thompson Road on the east and west. Planning staff’s and Planning Commission’s recommendation was for approval (**Exhibit #1-Planning Report**).

(Commissioner Pauls noted that there was a typo in the Planning Report under Discussion/Findings)

Mr. Dean Burgess addressed the Board to answer any questions. There were no public comments.

Motion by Commissioner Rees, second by Commissioner Cuchens, to approve the proposed Martha’s Lane Subdivision. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of a major development identified as “Beach Bums”. Sherri Javi proposed to develop a 9,756 sq ft retail store on 1.48 acres

with a land use designation of Coastal Center. This site is located at the southwest corner of US 98 and Miramar Beach Drive. The Planning Commission and Design Review Board recommended approval. Planning staff also recommended approval (**Exhibit #1-Planning Report**).

Mrs. Christensen stated that Tipton has recommended that the developer pay a pro rata share of the turn lane at Miramar Drive.

Mr. Tim Douglas, representing the developer, addressed the Board to answer any questions. Commissioner Rees asked if the developer would have any objection to the recommendation made by Tipton. Mr. Douglas stated that this was the first he had heard of the recommendation, but was pretty certain that the developer would have no objection. Mr. Chuck Geohagan stated that the property owner has already been paid the pro rata share for the turn lane as part of the closing of the property.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve the proposed Beach Bums with the condition that the developer pays the pro rata share of the turn lane. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of a major development identified as "Village Shoppes at Sandestin". William B. Manning proposed to develop a 28,755 sq ft Shopping Center on 2.37 acres with a land use designation of Coastal Center. This site is located on the north side of US 98 just west of North Geronimo Street. The Planning Commission and Design Review Board recommended approval. Planning staff recommended denial based upon the applicant's unwillingness to provide parking at the

level of 1 space per 250 square feet of shopping center building area, as required in the Scenic Corridor in LDC 13.02.02.6 (**Exhibit #1-Planning Report**).

Mr. David Smith, County Engineer, stated that the Engineering Department requested that a joint driveway be utilized between this development and the adjacent development to the west. If a joint access agreement cannot be reached with the adjacent development, a DOT connection permit for a separate driveway would have to be submitted. The DOT would then evaluate the permit through review.

Mr. Burgess stated that the owner of Baymont Inn & Suites, adjacent development, has contacted the owner of this project and has negotiated a joint driveway use connection, which is currently under review with DOT. Mr. Smith stated for the record that he was aware that this was under discussion but he hasn't seen the agreement.

Further discussion was held regarding the proposed number of parking spaces. Mr. Hammons stated that the issue at the Planning Commission Meeting was that there is no rigid definition of "shopping center".

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve the proposed project of Village Shoppes at Sandestin subject to a joint driveway agreement being approved by DOT. Ayes 3, Nays 1. Jones Naye, Rees Aye, Pauls Aye, and Pridgen Aye.

The Board recessed briefly.

Mr. Lane presented a request for approval of a major development identified as "Cottages at Blue Mountain Beach". Carpet Mill Store of Pensacola, Inc./Gary Heapy proposed a 17-lot single-family subdivision on 2.5 acres with a land use designation of NPA/Infill. This site is located off County Road 393, approximately 1.4 miles south of

US 98 on the left. The Planning Commission and Planning staff recommended approval **(Exhibit #1-Planning Report)**.

Ms. Kate Nixon with Choctaw Engineering addressed the Board to answer any questions. Commissioner Pauls questioned additional parking for accessory units. Ms. Nixon stated that at this time, the applicant was planning for single-family homes only.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve Cottages at Blue Mountain Beach. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of a major development identified as "Tagganale". Bill Tagg and Steve Spice, CDA, proposed to construct a 3-unit condominium on 0.63 acres with a land use designation of NPA/Infill. This site is located on the south side of County Road 30-A, between Pelican Glide Land and Walton Gulf View Drive. The Planning Commission recommended denial of this project because it was submitted as 4 bedroom condominium units. Since the Planning Commission Meeting, the project has been redesigned as 3 bedroom units; therefore, Planning staff recommended approval **(Exhibit #1-Planning Report)**. The fourth room has now been designed for a study/library.

Mrs. Christensen submitted a new site plan showing 3 bedroom units to insert into the planning report **(Exhibit #1A-New Site Plan)**

Attorney Mark McMillan, on behalf of the applicant, addressed the Board. He pointed out that direct access to the bathroom has also been removed from the fourth bedroom. Commissioner Pauls questioned the parking and how they planned to prevent guests from parking on CR 30-A. Mr. McMillian stated that the condominium

documents have not yet been finalized, but parking specifications could be incorporated into the documents.

Ms. Sharon Higgins addressed the Board to speak in opposition to the proposed project. She felt like the study/library would be used as a fourth bedroom. She also expressed concern with the parking and water runoff.

Mrs. Christensen presented a fax that was received in regards to the proposed project (**Exhibit #3-Faxsimile**).

Motion by Commissioner Pauls, to approve the proposed project with the condition that the condominium documents, as well as the covenants and restrictions, contain the statutory language with regard to parking. Commissioner Rees second the motion. Ayes 4, Nays 0. Jones Aye, Rees Aye, Pauls Aye, and Pridgen Aye.

Mrs. Christensen presented a request for approval from Summitt Construction, LLC to develop a 16,182 sq ft of warehouse/storage facility on 0.9 acres with a land use designation of Light Industrial. This site is located south of US 98, at the third lot on the west side of South Geronimo Street. Planning staff recommended approval contingent upon the applicant paying the pro rata share of a westbound to southbound left turn lane on US 98 at Geronimo Street (**Exhibit #1-Planning Report**).

Mr. Wes Barnhill addressed the Board and stated that the applicant has agreed to pay the pro rata share of the turn lane. There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Pauls, to approve Geronimo Street Warehouse with the condition that the applicant pays the pro rata share of a westbound to southbound left turn lane. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Mike Lane presented a request for approval of a major development identified as “Beach Zone”. Lu-Val Properties, Inc., proposed to construct a 10,800 sq ft retail facility on 1.03 acres with a land use designation of Coastal Center. This site is located on 0.5 mile west of Sandestin on the north side of US 98, just west of the Sand Dollar Diner. The Planning Commission recommended approval and the Design Review Board recommended denial. Planning staff’s recommendation was for denial based upon the aesthetics issues presented by the Design Review Board (**Exhibit #1-Planning Report**).

Attorney Dana Matthews addressed the Board representing the applicant. He stated that Mr. Lane had previously testified to the Planning Commission that the applicant had complied with all the land development code provisions of the Scenic Corridor guidelines. Mr. Lane stated that what he said was that the project meets all other elements that involve the Planning Commission. Mr. Matthews referred to a three page check list and asked Mr. Lane to review the document. He stated that the document was prepared by county staff to be used by the Design Review Board (DRB). Mr. Lane stated that the checklist showed that some items remained unmet. Mr. Matthews gave a brief history of the project. Mr. Matthews submitted a notebook into the record as evidence (**Exhibit #2-Notebook**).

Mr. Matthews referred to a design drawing of the project and explained to the Board what the DRB did not like. He stated that glass is not mentioned in Chapter 13 and that there are no set standards. Mr. Matthews showed design plans of similar projects that have been approved by the Board.

Commissioner Pauls asked what part of the design was approved by the DRB. Mr. Matthews spoke about the difference of opinions at the DRB Meetings. Mr. Matthews stated that the only disagreement was the amount of glass on the front of the building. He further stated that each member had picked out certain items they did not like. He felt that they were designing the project themselves.

Mr. Dan O'Rork, Matthews & Hawkins, also addressed the Board and reviewed the documents contained in the notebook. He stated that the DRB members were not basing their recommended changes on any provisions in Chapter 13. He said that the applicant had made several changes in an attempt to please the DRB. He stated that they were present to ask for a decision between the two recommendations.

Commissioner Rees asked if Mr. O'Rork had a schematic on what it would look like. Mr. O'Rork reviewed the architectural drawings explaining what the change would consist of.

Attorney Matthews said the applicant had agreed not to use the second story windows for the use of displays. He also pointed out that they placed the building back as far as they could and put in additional landscaping. He stated that the project has met the landscaping requirements. Mr. Matthews showed pictures of other similar projects that were approved that also contained large amounts of glass.

Chairman Jones read from page 3 of tab 9, exhibit #2, regarding what was agreed upon at the DRB Meeting. Mr. Bill Deemer, Architect, said the agreement was made predicated on the owner's approval. He stated that he, as the architect, did not have authority to make the revisions. He stated that this building would have no more glass than any of the other approved developments being shown. He requested approval of the

Beach Zone project. Mr. O'Rork questioned Mr. Deemer if he had measured the amount of glass that had been approved for the face of Casual Creations. Mr. Deemer said that Beach Zone had less glass on a percentage basis than Casual Creations. Chairman Jones asked him what his position was when he made the statement to the DRB. Mr. Deemer said he was trying to get a response from the DRB. Commissioner Pauls asked which design was approved by the Planning Commission. Mr. Matthews stated that the applicant will stipulate that there will be no displays of merchandise on the second floor.

Commissioner Rees asked if there were any other changes the applicant had agreed to. Mr. Matthews said they would agree to make the top layer of windows stucco. He also explained the other changes that the applicant agreed to.

Mr. Matthews asked Dean Burgess, Emerald Coast Associates, if the project met the requirements of Chapter 13 of the Scenic Corridor Guidelines. Mr. Burgess said that it did.

Commissioner Pauls asked for procedural clarifications. He stated that the applicant must have a recommendation from the DRB. Alternately, they have the option to appeal the decision before the Board of Adjustments. Mr. Hammons said he felt like the project should appear before the Board of Adjustment, not the BCC. Mr. Matthews stated that another provision of the Code allows staff to certify that the project meets all of the technical requirements of the LDC. The project could then be submitted to the BCC for a decision.

Commissioner Pauls stated that according to the code, the appeal process is to go before the Board of Adjustments. Mr. Matthews felt that they also have the option of coming before the Commissioners. Commissioner Pauls read the portion relating to

“aesthetics” and commented on the attempt by the DRB to solve the issues. Mr. O’Rork read 10.01.02, appeal to the Board of Adjustments, and interpreted it as one of their options was to come directly to the Board of County Commissioners for a final decision.

Ms. Anita Paige addressed the Board regarding Chapter 13 of the LDC. She felt that this section is not an exhaustive list of items to be considered.

Mr. Matthews submitted several photographs into the record. **(Exhibit #3-Photographs)**

Chairman Jones asked Mr. Hammons if the minutes in Exhibit #2 reflected what was stated at the meeting. Mr. Hammons stated that the minutes were correct as far as he could remember, but was unsure about Mr. Deemer’s comment on contacting the applicant for further instruction.

Mr. Chuck Geohagan said that he had attended all of the board meetings. He stated that he heard Mr. Deemer’s comment that he would have to go back to his client for approval for further changes. He felt the Board was very negative.

Mr. Deemer said that he did not want the Board to think that he would come before them and misrepresent anybody. He stated that at the last meeting, several discussions were taking place at one time by different board members. He stated that they were not asking for any more glass than any other project that had been approved. He said they were only asking for fairness.

Mr. Vorbeck reviewed the commissioner’s options. Commissioner Pauls stated that the applicant had made some very valid points. He stated that individuals who serve on the board serve as volunteers. He felt that the commissioner’s should support their decision and ask the applicant to take the project to the Board of Adjustments for a

decision. Mr. Vorbeck commented that the applicant could come back to the Board after that or make an appeal in Circuit Court.

Commissioner Pridgen asked why the DRB did not make all the changes at one time. He expressed concern of what the project would look like if the windows are covered with stucco. Commissioner Rees said he would like to see a redesign of the building before making a decision. Discussion followed regarding the project being presented to the Board of Adjustments. They could then bring their recommendation back to the Board for consideration. Mr. Vorbeck asked about continuing the item until July 6th.

Motion by Commissioner Rees, second by Commissioner Pauls, to continue the Beach Zone project until July 6th providing an opportunity for appeal before the Board of Adjustments. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Lane introduced Mary Margaret Stallings, Planner, and welcomed her to the county.

There being no further business, the meeting was adjourned.

APPROVED: _____
Larry D. Jones, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court