

JUNE 4, 2002 – LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, June 4, 2002 at 5:00 p.m. at the Coastal Branch Library.

The following Board members were present: Commissioner Tim Pauls, Vice-Chairman Larry D. Jones, Commissioner Herman L. Walker, Chairman Lane Rees and Commissioner Gene Ryan. Ms. Shirl Williams, Assistant County Administrator, and Attorney Gary Vorbeck, Director of Legal Services, were also present.

Commissioner Jones led with prayer followed by the Pledge of Allegiance to the American Flag.

Chairman Rees called the meeting to order.

Mr. Jack Arthur, Growth Management Director, appeared before the commissioners with a recommendation to continue the following issues until a later date: Crystal Lake at Sandestin abandonment request, S & S Materials, Baywalk Landings Subdivision, and Seagrove General Store.

Motion by Commissioner Walker, second by Commissioner Jones to approve Mr. Arthur's request for continuance of the projects as stated until the July 2, 2002 Land Use Hearing. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Arthur also requested to defer action on the Scenic 98/331 Buffer Ordinance until the Regular Meeting on July 9, 2002 and to set two public hearings for the CR 30A Transportation Study. The board agreed.

Mr. David Kramer stated that he does not see any need to continue this issue and stated that the change only affects seven words in the document. Mr. Arthur advised that deferring the public hearing would allow time for proper advertisement.

Motion by Commissioner Pauls, second by Commissioner Walker to set a public hearing on July 9, 2002 and one on August 12, 2002 to further consider the CR 30A Transportation Study Ordinance. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Arthur presented the Planning Commission and Planning Staff's recommendation (Exhibit 1A) to deny the Church Street Planned Unit Development. The proposed project consists of 196 single-family lots and 28 town home units.

Mr. John Lewis, Connelly Wicker, presented a drawing showing the revisions that have been made as recommended by the Planning Commission. The revisions include additional parking and reduced density from 7.9 to 7.4 per acre. He stated that the plans meet the PUD requirements and requested approval contingent upon staff's verification that their calculations are correct.

Attorney Rob Blue stated that Ms. Kathy Berryman, Sr. Scientist, advised that the revisions would also reduce the impact on wetlands.

Mr. Arthur advised that he is seeing the plan for the first time since the revisions were made and he is not prepared to recommend approval without further review by himself and his staff. Ms. Cindy Meadows, Chair of the Walton County Planning Commission, stated that she has reviewed the changes made and stated that it does reflect the concerns that were voiced by the Planning Commission. The commissioners stated that they would like the Planning Department to have an opportunity to review the revised plans. Attorney Rob Blue stated that this issue resulted in a settlement agreement in court as a result of a Code Enforcement Case and requested the board grant approval contingent upon staff review so that his client can proceed.

Mr. Bill Bard, adjacent neighbor, stated that he likes the project; however, he does feel that the density is too high for that area. Mr. Bard stated that he calculates 12 units per acre rather than the 7.9 that was stated. He requested that these plans be sent back for further review.

Reverend Robert Hendricks, Pastor of the Community Church, addressed the board regarding use of the property in question and stated that they would be pleased to see the proposed development. He explained that the surrounding neighbors have had to put up with industrial projects in the past and welcomes the change. The proposed housing project would provide better use of the property than the current use. He stated that the members of the church are seeking approval of this project.

Commissioner Pauls stated that many of his constituents have voiced concern and felt that staff needs to review the proposed changes to insure that the project is in compliance.

Ms. McGinnis, member of the Community Church, spoke in favor of the housing project due to the lack of housing in that area. She further spoke about employers who have difficulties drawing employees to this area because of the lack of housing. Housing is needed to support local industry.

Mr. Ed Lathem, an adjacent property owner, questioned the board if environmental issues have been addressed. He stated that he is eager to see industry type activities removed from this site and urged the board to expeditiously approve the project.

Mr. Tom Talty stated that he is in support of low income housing in Walton County and urged the commissioners to approve the project as soon as possible.

Motion by Commissioner Walker, second by Commissioner Ryan to approve the Church Street PUD subject to staff review and approval, based on public comment and Ms. Meadow's comments that the Planning Commission's recommendations have been addressed.

Commissioner Pauls felt that the information should be reviewed first and then be presented back at the next meeting with a final recommendation from the Planning Commission and staff. He stated that he is not comfortable approving the project before staff's review; procedures need to be followed.

Commissioner Ryan stated that he supports affordable housing and that employers cannot hire enough help because of the lack of housing in the area. He stated that industry in this area is increasing; for example, there is a new hospital, governmental facilities, and emergency services. He stated that he does not see a need to delay this project. Commissioner Jones stated that there is procedure to follow and this project needs to go through that process.

Commissioner Walker withdrew his motion for approval.

Motion by Commissioner Pauls, second by Commissioner Walker to continue the Church Street PUD until the June 11, 2002 commissioner's meeting to allow time for review by the Planning Staff. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Ryan commented that if the board or staff finds reason to deny this project then he feels they are making a statement that they do not support affordable housing.

Mr. Arthur presented the next project, Dunes of Seagrove, for discussion. Chairman Rees administered the oath to those participating in the quasi-judicial hearing. Mr. Arthur stated that, in his opinion, the plat agrees with the settlement agreement.

Mr. Tom McGee presented the commissioners with a copy of the question and answer sheet reflecting correspondence between himself and Mr. Arthur regarding Dunes of Seagrove. Mr. McGee presented a copy of two development orders that were issued, #0897 dated June 29, 1999 and #01097 dated October 19, 2000. He also displayed a map showing what was known as the old Crescent Condominium and a second set of plans, which shows that part of the Dunes project is encroaching into the buffer zone. He stated that the plans show the changes to the tennis courts and elevator shaft. Mr. McGee went through the document question by question and informed the commissioners that the county's files do not contain any transcript of the Planning Commission Meetings. Mr. McGee stated that the project being constructed is different than the plans on which the development order was issued. He also read from the Land Development Code regarding the requirements for a certificate of occupancy. He stated that this project has not been built according to an approved plan and the county should not have issued the certificate of occupancy; however, it has been issued. Mr. McGee stated that final plat approval cannot be granted either until the county knows that the project was built according to the development order.

In closing, Mr. McGee stated that this project does not comply with the original development order and the county cannot issue any more certificate of occupancies or sign off on the final plat.

Mr. Houston Lennard, adjacent property owner to the Dunes of Seagrove, stated that he is adversely affected by the project and requested the board bring this development into compliance according to the Comprehensive Plan.

Mr. Lennard displayed a landscape plan for the Dunes of Seagrove, which stated the types and number of trees and shrubbery to be planted. He stated that there is only one type of tree that was planted and no other trees or shrubbery exist as shown in the plans. He explained that the parking area was not landscaped according to the plans either. He spoke about the right-of-way on Chivas Lane being only 18' when the requirement is 22' of paved surface. Mr. Lennard spoke about the height limitations and the requirements of the Land Development Code. The buildings are in excess of 65 feet tall and also encroach on the 25-foot buffer and are not in compliance. He also explained that the elevator is within 12.5 feet of his property, which is not the proper setback. The north building is within 33 feet of the buffer. The original plan does not show the tennis court and asphalt was used on a portion of Chivas Lane in front of his home. He commented that they have not yet paid their portion of legal fees nor have they placed the required 100' barrier between the two properties. Mr. Lennard further explained that the original development order was approved for 81 condo units. The 82nd unit is the amenities building, is larger than originally approved and is in violation of the development order.

In closing, Mr. Lennard requested that the Dunes of Seagrove be required to remove the elevator shaft, reduce the height of the building as required by the code, that the county issue no certificate of occupancy and revoke any that have been issued, ask them to remove the tennis courts and dumpsters, and to plant the landscape as shown in

the plans. Mr. Lennard also stated that it is his understanding that the 5% public use property has not been donated either. Above all, Mr. Lennard asked that final plat approval not be granted as requested.

Mr. McGee entered the following exhibits into the record for the Dunes of Seagrove project:

1. Questions and Answers between him and Planning Staff
2. (4) Certificates of Occupancy
3. Development Orders #0897 and #01097
4. Original plan showing the long building and topo's
5. Plan upon which the development order was issued dated 3-3-99 (pre-settlement agreement)
6. Plan by Connelly & Wicker 9-2-2000
7. Consent Order
8. Notice of Commencement
9. (4) Statements by Preble-Rish showing compliance dated 1-23-01 and 10-13-01

The commissioners questioned Mr. Lennard as to when he first noticed the problems. Mr. Lennard stated that it was from day one, however, he had contacted Walton County numerous times to advise them of the situation and no one ever visited the site.

Attorney Rob Blue stated that he had helped draft the original condo plat. He stated that he was not aware of the quasi-judicial hearing tonight and understood that it was a legislative matter. He therefore asked the commissioners not to close the hearing tonight to allow for additional testimony. He stated that the stakes are too high and he was not prepared to present a case tonight. He asked that the quasi-judicial hearing be continued until a later date.

Chairman Rees advised Mr. Blue that this issue was also discussed in May as a quasi-judicial issue, not Legislative.

Brief discussion followed regarding the original plans for a subdivision and Mr. Blue advised that the subdivision was a separate plat.

Attorney Vorbeck recommended allowing Mr. Blue to have an opportunity to present his information and allow time for staff to research their records. The developer needs an opportunity to defend their position. Mr. Vorbeck also recommended that Mr. Arthur appoint staff to review the information on this project regarding compliance due to Mr. Arthur's previous involvement with Preble-Rish. Mr. Arthur clarified that he was employed by the county at that time.

Motion by Commissioner Pauls, second by Commissioner Walker to continue the Dunes of Seagrove quasi-judicial hearing until the July 2, 2002 Land Use Hearing pending further review. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The commissioners recessed briefly.

Ms. Linda Clark presented the Lanna Williams small-scale amendment request. Ms. Williams is requesting the property be rezoned to Village Mixed Use Center. The site is located approximately 320 feet off of Highway 98 behind and north of Jon Jon's Auto Repair Shop, east of Hunter Road. She entered staff's recommendation of approval into the record. (Exhibit 2A)

Mr. Russ Aldrich, representing Ms. Lanna Williams, appeared before the board regarding Ms. Williams' zoning request. He stated that the property is currently Conservation Residential and being used as farmland for horses. Mr. Aldrich stated that a small portion of wetlands that exist on the parcel are under jurisdiction by the Army Corps of Engineer. He also commented that Ms. Williams has no intentions of filling any

of the wetlands. He stated that he has not designed any particular project for this site, but stated that Sandestin is considering it for employee housing. Mr. Aldrich stated that a traffic analysis has been performed using the highest number of allowable units for the project. He further explained that Hunter Road, not Highway 98, would be the access point to the property. Discussion followed whether or not Hunter Road is a county maintained road. Hunter Road is a 66 foot paved road, but the commissioners were unclear if it belongs to the county.

Ms. Ann Dowdy, owner of property to the east, voiced concern regarding future development possibly changing the access point to access Highway 98 directly from the site. She felt that would create further traffic problems if that were to occur. Ms. Dowdy also voiced concern with Sandestin being allowed to bring foreign transient workers in from Jamaica. She recommended Sandestin house them on their own property and stated that she is opposed to this project.

Mr. Robert Randal, Willow Downs Subdivision, voiced his opposition and also opposed foreign workers being brought in. He also commented on property being devalued by a housing project. Attorney Vorbeck advised the commissioners that the issue being heard is a land use change and does not relate to people or their origin.

Mrs. Lori Ward stated that her husband is the owner of Jon Jon's. They are opposed to the land use category change because they feel the land should be designated for a use similar to surrounding properties. She voiced concern with neighborhood activities that could occur after business hours. She stated that this is a density issue for them as they are opposed to the number of units that could be built if the land use changes.

Mr. Aldrich addressed concerns that were voiced regarding property being devalued. He stated that in all the years he has been in Walton County that he has never seen property values decrease. He also advised the board that there is 300' between this property and the Willow Downs and stated that any type of project would have to meet buffer requirements.

Commissioner Pauls commented that a density of 12, or even 10, units per acre would be wrong because of the properties access for a Village Mixed Use category. Discussion followed regarding the need for a new zoning classification.

Motion by Commissioner Ryan, second by Commissioner Jones to adopt an ordinance (2002-11) approving the Lanna Williams small-scale amendment request to Village Mixed Use Center. Ayes 3, Nays 2. Pauls Naye, Jones Aye, Walker Naye, Rees Aye, Ryan Aye. Commissioner Walker voiced concern with allowing residential being placed in a commercial area. Mr. Aldrich reminded the board that the current zoning would also allow residential, just a different density.

Ms. Clark presented the Villages at Seagrove, a Development of Regional Impact known as Watercolors, DRI/Notice of Proposed Change (NOPC). The Planning Commission found the recommended approval of the small-scale amendment not to be a substantial deviation to the original approved development order and recommended approval. Ms. Clark entered into record the Planning Commission and Planning Staff's recommendation. (Exhibit 3A)

Mr. Rod Wilson, Arvida, addressed the commissioners regarding Watercolor DRI/Notice of Proposed Change and the resolution, which outlines the changes. He stated that they now wish to single-phase the project and requested approval to eliminate the

phasing of the project. Mr. Wilson explained that Phase I build out was late 2003 and Phase II had a build out date of 2010. He further explained that the reason for phasing the project was due to Highway 98, however, it is now being 4-laned alleviating the problem. By eliminating the phasing, it would allow them to proceed with their projects, beginning with the fire station.

Ms. Sharon Louge-Higgins voiced concern regarding the traffic impact to Highway 98 that this project would create before the Highway can be completed. She also voiced concern regarding the impact of this project on CR 395.

Mr. Bob Dobies also voiced concerns regarding traffic and stated that he does not see justification to speed up this development. He also voiced concern regarding emergency evacuation.

Mr. Wilson explained that the DRI process is lengthy and very costly. Discussion followed regarding the positive impact that the project could also have because of the types of commercial that would be in the development, therefore keeping traffic off of the other highways.

Motion by Commissioner Ryan, second by Commissioner Pauls to approve this project as a non-substantial deviation to the originally approved development order. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Pauls, second by Commissioner Ryan to adopt a resolution amending the original development order to the DRI as proposed by ARVIDA for Watercolors. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Arthur presented the Planning Commission and Planning Staff's recommendation for approval and entered their final order into the record for the Dune Allen Tower Communication Tower proposal. (Exhibit 4A)

Mr. Lannie Greene, Agent for Rebecca Christopher, Owner, appeared before the Board stating that the project meets all of the requirements and asked for approval.

Motion by Commissioner Walker, second by Commissioner Jones to approve the Dune Allen Communication Tower proposal, a major development. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Arthur presented the Planning Staff's report for the Bayou Creek Office Complex, a major development, along with the Planning Commission's final recommendation for approval. (Exhibit 5A) Both reports were entered into the record. Approval is contingent upon neighborhood friendly lighting and the dumpster location being away from residential property.

John Dalton is proposing an office complex and total building area of 5,800 square feet on property located on the corner of Mack Bayou and East Mack Bayou Roads. No opposition was voiced to this project.

Motion by Commissioner Walker, second by Commissioner Pauls to accept the recommendation for approval for the Bayou Creek Office Complex contingent upon the conditions of lighting and dumpster location being met. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Arthur presented the Planning Staff's report for Cassine Place, a development proposal. The Planning staff recommended approval along with the Planning

Commission. Mr. Arthur entered the Planning Staff's report and the Planning Commission's final recommendation for approval into the record. (Exhibit 6A)

Mr. Dean Burgis appeared on behalf of the owner, Michel Brassuer, who is requesting approval of a major development. The project consists of 13 single-family residential lots located on the north side of CR30A in the Seagrove community. Commissioner Pauls questioned if the streets are private. Mr. Burgis stated that they are private and will remain so. Ms. Nancy James questioned if the requirement for a 10' buffer would still be enforced. Mr. Burgis advised that they will still comply with the buffer.

Motion by Commissioner Pauls, second by Commissioner Walker to accept the Planning Commission's recommendation for approval with a 10' buffer. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Arthur presented the Planning Staff's recommendation for approval along with the Planning Commission's final recommendation of approval for Distinctive Cycles, Inc. Mr. Arthur entered the reports into the record. (Exhibit 7A) Distinctive Cycles is a major development proposed by Jerry L. Byrd, President, located on the east side of US 331, 2.2 miles south of SR 20 in the Freeport area. The proposed project consists of the development of a 12,825 square foot motorcycle/ATV sales and service center. Mr. Arthur advised that the permits are in order.

Motion by Commissioner Ryan, second by Commissioner Jones to accept the final recommendation of approval for Distinctive Cycles, Inc. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Arthur presented the Planning Commission's final recommendation of approval for Florida Transformer. The Planning staff also recommended approval and each of the reports were entered into the record. (Exhibit 8A)

Florida Transformer, Inc. is proposing a major development consisting of a 5000 square foot building that will serve as their office headquarters. The proposed project site is on the southwest corner of Highway 83 and Sunrise Road.

Motion by Commissioner Jones, second by Commissioner Ward to accept the Planning Commission's recommendation of approval for Florida Transformer. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Chairman Rees and Attorney Vorbeck made the commissioners aware of a problem with holding these Land Use Hearings too soon after the Planning Commission Meetings. Mr. Vorbeck explained that scheduling conflicts for attorneys representing developers or other applicants are occurring. There have been occasions when an attorney has not been able to be present due to conflicts and the Board of County Commissioners are the only one who can vote to defer an issue until a following meeting. He therefore questioned if they would like to empower the Chairman to be able to authorize a continuance at his discretion.

Motion by Commissioner Walker, second by Commissioner Ryan to authorize the Chairman of the Board to make the decision, while working with staff, on when to postpone an issue until a later date. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

There being no further business, the meeting was adjourned at 8:55 p.m.

APPROVED: _____
Lane Rees, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court