

JUNE 5, 2001 – LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, June 5, 2001 at 5:00 p.m. in the Tourist Development Council's Boardroom to consider the Planning Commission recommendations

The following Board members were present: Commissioner Tim Pauls, Commissioner Larry D. Jones, Vice-Chairman Lane Rees and Commissioner Gene Ryan. Ms. Shirl Williams, Administrative Supervisor, and Attorney George R. Miller were also present. Mr. Tom McGee, Planning Commission Chairman, was also present along with other members of the planning staff.

Commissioner Pauls led with prayer following the Pledge of Allegiance to the American Flag.

Vice-Chairman Rees called the meeting to order.

Vice-Chairman Rees stated that Chairman Walker is attending his daughter's graduation from Harvard University and would not be present.

Mr. Gary Mattison, Human Resource Director, appeared before the Commissioners to notify them that the top two candidates selected for the position of Public Information Officer has withdrawn. He requested direction from the Board if they would like to present an offer to the third applicant.

Motion by Commissioner Ryan, second by Commissioner Pauls to allow Mr. Mattison to negotiate an offer with Ms. Heather Wellman for the position of Public Information Officer. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Tom McGee presented the Planning Commission's recommendation to approve the Camacho small-scale amendment. The amendment is on a 9.5-acre parcel to be changed to Future Land Use Neighborhood Planning Area/Infill from Conservation Residential 1 unit per 2.5 acres. The site is located on Lot 20, Santa Rosa Plantation Company on Indian Woman Road.

Motion by Commissioner Ryan, second by Commissioner Jones to accept the Planning Commission's recommendation and approve the small-scale amendment as requested by Laverne and Elvin Camacho.

Commissioner Pauls voiced concern regarding the Infill category and stated that the county should look at how property is classified and how it is being utilized. Mr. McGee stated that the Planning Commission agrees that a process should be established and they would look at this matter. There was no public comment.

Vice-Chairman Rees called for a vote. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. McGee stated that Mrs. Karen McGee would present the next item relating to the establishment of the Eastern Lake Neighborhood Plan Model Kit. He stated that he would recuse himself from the conversation due to his direct involvement with the plan and Karen being his wife. He also recused himself from discussion of this issue at the Planning Commission meeting. Vice-Chairman Rees also recused himself because he is a resident of Eastern Lake. He turned the Chair over to Commissioner Jones.

Mr. Tom McGee presented the Planning Commission's recommendation on behalf of Ms. Karen McGee, Eastern Lake Neighborhood Association, who is requesting the establishment of Neighborhood Plan Model Kit. The Planning Commission

recommends that the Commissioners provide the Eastern Lake Neighborhood Association with \$42,500.00 of the proposed \$50,000.00 budget to develop a neighborhood plan for Eastern Lake and to establish a neighborhood plan model kit to be distributed to other neighborhoods as procedure for creating and establishing neighborhood plans.

Mrs. McGee, resident and member of the Eastern Lake Task Force Committee, presented the proposed neighborhood plan to the Commissioners. She stated that they have been working on this plan for 10 months. Mrs. McGee explained the process they have been through. She stated that their intent is to create a model neighborhood plan and develop a kit that would assist other neighborhoods with completing the same process. She stated that an estimated budget of \$2,500.00 would be needed for future developments. Mrs. McGee requested a current budget of \$42,500.00. Approximately \$20,000.00 of that amount has been designated for postage. She suggested allowing the county to handle the postage. Mrs. McGee stated that they are only requesting enough funds to cover the plan.

Mrs. Latilda Henninger, Planning Director, stated that staff has not had an opportunity to review the proposed plan. She also discussed the notification procedures on development projects and who should be notified. Mrs. Henninger stated that the notification process for neighborhood planning areas is not clearly defined in the code. Lengthy discussion followed regarding the notification procedure. Commissioner Ryan felt that making a decision tonight would be premature and felt that the plan should be more generic in order to benefit more neighborhoods. Commissioner Jones stated that

future development should be kept in mind. This plan should be used to establish the amount that will be paid for future developments.

Motion by Commissioner Pauls, second by Commissioner Ryan to table this issue until July 3, 2001 at 5:00 p.m. to allow additional time for staff to review the proposed plan. Attorney Miller advised the Board that Eastern Lake Neighborhood Association should be a legal entity if the county were to provide funding to them. Mrs. McGee advised that they are incorporated.

Mr. Richard Vellman, Grayton Beach property owner, questioned if there is neighborhood support for this plan and if there is a method in place to prevent groups within the neighborhood from coming forward in the future with different views. He also voiced concern that groups who previously formed neighborhood plans may come back requesting monies they personally invested. Mr. Vellman also stated that if the neighbors were to raise the money themselves it would show how much they support their plan. Mrs. McGee stated that they have received in excess of \$7,000.00 in services for this plan.

Ms. Kassy Keyes, resident of Eastern Lake, stated that she supports good neighborhood planning, but has concerns with the amount of taxpayers money being spent without a clear direction. She commended the Planning Department on the outstanding job they are doing and suggested spending the money on upgrading their services to the public. Focus should be placed on upgrading on-line information to include the comprehensive plan and their minutes.

Commissioner Jones called for a vote to table this issue. Ayes 3, Nays 0. Pauls Aye, Jones Aye, Ryan Aye.

Mr. McGee presented the Planning Commission's recommendation to approve a request by the Euchee Valley Presbyterian Church. The church is proposing a 1,962 square foot addition to the existing church. The site is located at the intersection of Highway 280 and Highway 280A.

Motion by Commissioner Jones, second by Commissioner Ryan to accept the Planning Commission's recommendation and approve the proposed development of the Euchee Valley Presbyterian Church. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. McGee presented the Planning Commission's recommendation to grant approval to Cellular South Real Estate, Inc., who is proposing a 340-foot cellular tower. The proposed site is located on .36 acres designated Estate Residential approximately 7 miles south of Highway 90 on the east side of US Highway 331 near Rock Hill Road.

Mr. Donald Eldred, property owner adjoining the proposed site, appeared before the Commissioners and stated that he is opposed to the location and stated that his property is within the fall zone. He suggested moving the tower site slightly to the northeast removing his property from the fall zone.

Mr. Joe Gordy, Representative of Cellular South Real Estate Inc., presented a letter from an engineer who designs and constructs towers. In the event the tower was to fall, it would crumble and fall within a radius of 47% of the tower height. Mr. Gordy stated that this tower site would accommodate the fire department and five additional carriers at no cost to the county. Mr. Gordy also stated that there are homes to the north and the site could not be relocated.

Attorney Miller voiced concerns regarding the county's future legal responsibility. He suggested the county develop a long-range tower plan to determine the need for towers. He also recommended that limitations be placed on the number of towers allowed in the county and that the towers be removed when they no longer provide a service. Mr. Gordy stated that the lease provides insurance provisions for the landowner and that his company would provide indemnification for the county. Mrs. Henninger advised that Cellular South met all the requirements.

Motion by Commissioner Ryan, second by Commissioner Pauls to accept the Planning Commission's recommendation and grant approval to Cellular South Real Estate, Inc. for the Rock Hill tower site subject to indemnification for the county. Ayes 3, Nays 1. Pauls Aye, Jones Naye, Rees Aye, Ryan Aye. Vice-Chairman Rees again asked Mr. Gordy to consider the best possible location.

Mr. McGee presented the Planning Commission's recommendation to grant approval of the proposed Grayton Conditioned Warehouses. The 395 LLC is proposing two 16,675 square foot mini warehouse buildings with a total of 33,350 square feet on 1.3 acres designated Village Mixed Use. The site is located approximately one half mile north of CR 30A on the west side of CR 283. Approval is subject to outstanding DEP permits, technical corrections, Planning Department review, parking/paving details and fire hydrants.

Mr. Billy Buzzett addressed the Commissioners and stated that Preble-Rish has submitted a letter stating that the project is in compliance and the storm water permit has been received.

Mr. James Lee stated that he is speaking on behalf of four property owners in addition to himself. All of the property owners are opposed to the project. He stated that they were not properly notified of the project. He also voiced concerns regarding the manner in which the property is being developed and the entrance to the project.

Mrs. Henninger explained how the project is being developed. The four lots are being developed as one parcel and is located in the Village Mixed Use Category. She stated that there is nothing in the policy that states that the entrance to the parcel has to be on the main paved road. Mini warehouses are considered general commercial use, which is allowed by the Comprehensive Plan in this category.

Mr. Joy Odom voiced the same concerns and felt that the intended use of this property would meet the requirements if the four lots were to be replatted as one. However, as they exist, they are currently four individual lots. Discussion followed regarding work place warehouses versus mini warehouses, their intended uses, and comp plan requirements.

Attorney Lloyd Blue commented that the Comprehensive Plan does leave areas of interpretation. He quoted a portion of the Plan that says no businesses shall be placed on interior roads in a subdivision in Mixed Use. He stated that the only access for this project is on an interior, unimproved dirt road.

Commissioner Pauls questioned if Mr. Buzzette will be placing covenants and use restrictions on the property. Mr. Buzette advised that restrictions would apply. Commissioner Pauls stated that he would like to see an ordinance that cleans up the language in Village Mixed Use and allows for General Commercial uses. He stated that he also has a problem with the language regarding the interior street. He does not feel that

this property will ever be developed as a residential subdivision. Commissioner Ryan stated that he could not find any objection to this project fitting in this category.

Mr. Buzzette stated that he would limit access to the project from Highway 283 instead of the interior dirt road if necessary.

The Commissioners agreed that language needs to be drafted to clearly define the use of interior lots. Mrs. Henninger advised that the language has been drafted and ready for review. She asked if the Board would like to further clarify it as a Land Development Code amendment rather than a Comprehensive Plan amendment. Mr. Blackshear felt that a Comp Plan amendment would be needed first. Two public hearings will be held on July 3<sup>rd</sup> and July 10<sup>th</sup>.

Motion by Commissioner Ryan, second by Commissioner Jones to table approval of this item until July 10, 2001 pending a review of language change in the ordinance for Village Mixed Use and the entrance being from Highway 283. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. McGee advised the Board that Mr. Jack Rhodes has withdrawn the Griffin abandonment request.

Mr. McGee presented the Planning Commission's recommendation to approve Destin Village RV Resort. Dalton Brothers Construction is proposing 27 RV lots on 1.99 acres designated NPA/Infill. The site is located on Payne Street, south of US Highway 98. Approval is subject to the outstanding items. Mr. Russ Aldrich, representing Dalton Brothers, appeared before the Board to answer any questions. There were no public comments.



Motion by Commissioner Pauls, second by Commissioner Ryan to accept the Planning Commission's recommendation and approve Destin Village RV Resort's proposed project. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Vice-Chairman Rees called to order the advertised public hearing to consider the proposed Height Restrictions Ordinance, which was continued from April 17, 2001.

Mr. Chick Grant presented the Board with proposed language that he was asked to prepare for consideration. He spoke about the arbitrary 50-foot height limit that would soon create a flat roofline, which would be unpleasing to the aesthetics of the county. He stated that other counties in the state have addressed the same issues. They addressed it with a variety of height restrictions. They settled on a methodology that would not limiting or force flat roofs by excluding certain roof top items like chimneys, church steeples, safety items, and cell towers. In some cases they defined it by the types of structures and provided varying heights within a given neighborhood to the different types of structures. The density was never allowed to be increased by adding to the vertical structure.

Mr. Grant stated that the Planning Commission saw the need to apply the same guidelines to areas north of Highway 98, thereby bringing this issue to the Commissioners. He presented four alternatives for consideration. Each proposal contained various methods for limiting height and excluding various architectural embellishments without arbitrarily capping construction at 50 feet.

Vice-Chairman Rees opened the floor for public comments.

Ms. Sharon Logue-Higgins commented that she does not feel a problem exists and was opposed to making any changes that might create future problems.

Ms. Nancy James, South Walton Community Council, addressed the Commissioners and felt that this issue needs additional review. She requested that an ordinance be passed for areas south of Highway 98 for a specific time frame to allow for future review.

Mr. Bob Dobies stated that architectural design should be creative enough to construct a variety of buildings that would be aesthetically pleasing.

Mr. Hilton Lawson addressed the Commissioners and felt that a four-story height restriction should be implemented for future preservation. He felt that architectural embellishments should be allowed.

Ms. Mary Brockett stated that the county is vulnerable without restrictions and felt that an ordinance is necessary. She requested the Board adopt an ordinance immediately restricting the height limitation to four-story and allow for further review.

Commissioner Ryan questioned if any coordination has been made with Eglin AFB. Mr. Grant stated that he has not been in contact and does not feel this is an issue that relates to Eglin.

Commissioner Pauls commented that it would be unwise to adopt an ordinance that would be contrary to the new hospital facility locating in South Walton. He stated that he desires an ordinance that would better Walton County, be more aesthetically pleasing and allow for better architecture.

The Board agreed to schedule a second public hearing regarding height restrictions on July 3, 2001 while reviewing the draft ordinances.

The Commissioners recessed briefly.

Vice-Chairman Rees called to order the advertised public hearing to consider a large-scale amendment for the Inlet Beach Neighborhood Plan Revision, which was continued from May 1, 2001.

Ms. Cindy Meadows, Vice-Chairman of the Planning Commission, updated the Commissioners on the events of the revision. She stated that the Planning Board heard and tabled this issue in April due to objections from the Inlet Beach attorney and the attorney representing three property owners at Inlet Beach. The issue was heard again in May with approval to proceed to the Commissioners contingent upon allowing anyone who objected to the decrease in density to submit a letter by May 1, 2001 to be accepted out of the amendment. Ms. Meadows stated the four alternatives for consideration. 1) Pass the amendment without any exceptions. 2) Pass the amendment with exceptions. 3) Pass it with grandfather clauses for certain properties. 4) Deny the amendment to the plan. An agreement was reached with the attorneys to exempt the requested owners from the plan.

Ms. Joan Anderson-Fraizer reviewed the history of South Inlet Beach and their attempt to prepare a large-scale amendment reducing the density to four units per acre. She stated that petitions were sent to all 263 residential property owners. A total of 80% (214) petitions were returned. She stated that they met with the developers and they agreed with all of their demands. A motion was then made to accept five owner's requests for exemptions. At that meeting the Villas at Inlet Beach requested to be exempted, however, their request was denied due to compatibility. Ms. Fraizer stated that an individual started making phone calls polling people, which resulted in an additional 16 requests for exemptions. She stated that they have followed the rules and have a good

plan for a unique neighborhood. They are asking that the density of four units per acre be reinstated as it was prior to November 1999. She stated that they are willing to accept applications for exemptions that were pending at the time of the large-scale amendment proposal or anyone who purchased property after November 23, 1999 when the density was returned to eight units per acre.

Mr. Brian Swift asked the Commissioners to say “NO” to the proposed change as it is written. He felt that the process is wrong and fails to provide fair and equitable representation to all of the property owners.

Attorney Kathleen Reynolds, representing the developer of the Villas at Inlet Beach, addressed the issue regarding lack of notification, therefore not being able to attend the proper meetings. Her client acquired his property in November of 2000 and therefore was not listed on the tax roll and did not receive notification of the proposed amendment. She stated that her client would be negatively impacted in the reduction of density thereby requesting to be exempted.

Attorney Garrett Hunter, Tallahassee, stated that he addressed the Commissioners at the last meeting and advised that he is the attorney for the owners of the four parcels who requested to be exempted. He stated that his clients received proper notification and objected in person at the Planning Commission Hearing noting their objections. They later met with the neighborhood association to resolve the problem. They reached an agreement that was presented and acceptable to the Planning Commission.

Mr. Ted Skeeto addressed the Board and voiced his opposition to the down zoning. He stated that he is not in favor of the taking of a property owners land use rights

Ms. Fraizer stated that all of the meetings were open and people were notified.

Attorney Clayton Adkinson assured the Commissioners that notice was sent to the property owners. He also felt that the county has a right to down zone. He requested the Board accept the proposal as the majority of people are asking for the amendment. Mr. Adkinson requested that the only exemptions be allowed are for the property owners represented by Attorney Hunter (four parcels) and anyone who bought property after November 23, 1999.

Ms. Jan Hallmark, owner of lot 239, commended the Commissioners on the outstanding job they are performing. She spoke about how she came to acquire her property through her family, the uses and family memories. Ms. Hallmark stated that she did not receive any notification of the meetings. She said that she would like to be able to pass her property on to her children and grandchildren. She does not feel the county should have the right to take away her choice of using her property as she chooses. She requested the Board leave her density at eight units per acre. Attorney Adkinson advised that she was sent notification, however, it remained unclaimed.

Mr. Blackshear stated that he surveyed the conditions of the neighborhood and pointed out several issues that may be of concern to the county. He reminded the Board that the Comp Plan requires each neighborhood, existing or proposed, to have a plan based on distribution of uses appropriate to its location, the natural environment, existing neighborhoods, the combination of uses, maximum density and compatibility of uses. Availability of central sewer should be considered, which is not present at the time. The road system is comprised of single lane paved roads and single lane unpaved roads, which seem to be inadequate to support higher density. There are issues with the right of way due to some of them being abandoned. Future planning is needed for water and

sewer. He also questioned who would pay for the road improvements and upgrades. No drainage system exists and storm surge is a concern. He also suggested they consider the legal issues that might arise.

Commissioner Pauls stressed the importance of complying with state and federal law regarding development and redevelopment. He felt that compatibility is more of an issue than density. He discussed the probability of building to the maximum density, which he feels is a misconception, and still meeting code requirements.

Ms. Barbara Rich-Jackson requested the Board keep the density at four units per acre.

Motion by Commissioner Pauls, second by Commissioner Jones to approve the Inlet Beach Neighborhood Plan reducing the density from eight to four units per acre subject to revisions of code 4.5.3 to three units per acre without sewage. The 17 individuals included on the list, the individuals who originally submitted a petition (four lots), and the three individuals added at this meeting (lots 90, 97, and 99) will be allowed to retain the eight units per acre maximum density with the remaining individuals in Inlet Beach changing to four units per acre.

Ms. Hallmark read a letter she wrote and requested that the recipients of the letters be given time to respond.

Discussion followed regarding a cut-off time for allowing people to request an exemption. Mr. Blackshear stated that two adoption hearings must be held, during which time the amendments can be fine-tuned.

Vice-Chairman Rees called for a vote on the motion. Ayes 3, Nays 1. Pauls Aye, Jones Aye, Rees Aye, Ryan Naye.

Ms. Carolyn Moore, Zoning Manager for Richland Towers, appeared before the Board requesting site approval for two telecommunication towers. The proposed sites are located in Red Bay off of Highway 81 South and 8436 State Highway 83 in Glendale. She explained the requirements they must meet and also stated that they have requested a dual lighting system for safety.

Motion by Commissioner Jones, second by Commissioner Ryan to grant site approval to Richland Towers for the requested locations at Red Bay and Glendale. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye. Ms. Moore stated that the county is covered under their liability insurance.

Mr. Russ Aldrich presented Legacy Townhomes, Phase II for final plat approval. Attorney Miller advised that the plat is in order.

Motion by Commissioner Pauls, second by Commissioner Jones to approve Legacy Townhomes, Phase II final plat for recording. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Russ Aldrich appeared before the Board requesting final plat approval of Cypress Breeze, Phase I. Attorney Miller advised that the plat is in order.

Motion by Commissioner Pauls, second by Commissioner Jones to approve Cypress Breeze, Phase I final plat for recording. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Aldrich requested clarification regarding a development order that was approved in April. Originally the project was approved as commercial retail use for the Tropical Zone. The owner was then notified that the name Tropical Zone could not be used. A large amount of opposition was raised due to concerns that Wings would be the

store located at that site. Mr. Aldrich requested authorization to change tenants and the name to Wings. He explained the proposed new design of the building and felt that it would receive a better welcome by the community. They held a public meeting to allow public input and stated that the building was accepted. Mrs. Henninger stated that she met with Attorney Peterman and Mr. Aldrich regarding this issue. She stated that the development order for this project had additional restrictions, which were agreed upon by neighbors because of their opposition to Wings. Discussion followed regarding the name Wings and the architecture of the building. The Commissioners agreed to study this issue further and address it again at the June 12, 2001 meeting.

Mrs. Henninger presented the proposed noise ordinance for review.

No one addressed the Commissioners during the public comment portion of the meeting.

There being no further business Commissioner Ryan motioned to adjourn at 10:50 p.m., seconded by Commissioner Pauls. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

APPROVED: \_\_\_\_\_  
Lane Rees, Vice-Chairman

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