

JUNE 7, 2005-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, June 7, 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 Cindy Meadows, and Commissioner Rosier Cuchens. Attorney David Hallman, Legal Services Director, was also present.

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

Attorney David Hallman, Legal Services Director, requested the Board's authorization of the Chairman's signature on a negotiated contract regarding the Walton County Jail Project.

Motion by Commissioner Brannon, second by Commissioner Meadows, to authorize Chairman Pridgen's signature on the contract as negotiated. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Commissioner Cuchens requested that the Board direct Legal Services to prepare a resolution of opposition to a proposed attempt to shift the boundary line for oil drilling in the Gulf of Mexico further east.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to direct Legal Services to draft a letter of opposition. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Pat Blackshear, Planning Director, presented a request for authorization to advertise for 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; and providing for conflict, severability, and an effective date.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to authorize advertising for a public hearing for consideration of an ordinance establishing subcategories to the Infill Future Land Use category for the second meeting in July.

The floor was opened to public comments.

Mr. Bill Bard asked for clarification regarding vegetative protection guidelines in the Conservation Residential future land use category. Mrs. Blackshear stated that the only language that was proposed being amended was the underlined/strikethrough language in the draft copy of the ordinance. She assured Mr. Bard that his comments would be taken into consideration. She asked him to contact her to further discuss his concerns.

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

Ms. Tita Sokoloff, Long-Range Planner, presented a request to continue the proposed Richard Kelly Small Scale Amendment until the next Land Use Hearing on July 5. Commissioner Meadows questioned the policy regarding accepting incomplete applications. Mrs. Blackshear stated that it would be at the discretion of the Board. She recommended that the applicant be granted one final continuance to submit the application for a final decision. Discussion was held regarding the two previous requests for continuances of the application.

The floor was opened to public comments.

Mr. David Kramer, representing other applicants, stated that at the time of the lottery for small scale amendments, they were told that the applications must be completed or they would not be considered. He felt that those applicants who had completed their applications upon submitting them and received lower lottery numbers should be allocated the acreage from the incomplete applications. He requested that the Board deny the request for a continuance.

Attorney David Matthews, representing KatSue, LLC, stated that his client received the subsequent lottery number in the drawing after the limit for the allocated 80 acres for small scale amendments had been reached.

Mr. Dale Westberry stated that it had been the Board's request to continue the amendment, not the applicant's. He asked that the Board grant the 30 day continuance. He stated that if the application was not complete by that time, he would personally suggest that the Board deny the amendment.

Further discussion was held in regards to why the item had been continued. Ms. Sokoloff explained that staff had found the environmental study to be insufficient. She stated that the applicant had met with the staff's Environmental Consultant and was advised of the proper procedure to complete an environmental study. Ms. Sokoloff noted that the study would have to be submitted two weeks prior to the next meeting in order to be included in the Board review material. This would give the applicant a maximum of 12 days to submit the completed application.

Discussion was held regarding the applicant's options to withdraw the application and resubmit it as a large scale amendment or as a small scale amendment next year. The

Board asked Ms. Sokoloff to call Mr. Darrell Barnhill to ask him to come to the meeting to discuss the options.

Ms. Sokoloff presented a request to transmit a Flynne Morris Small Scale Amendment for adoption. Flynn Morris requested an amendment to the Walton County Future Land Use Map on 9.96 acres currently designated Conservation Residential 1:2.5 to be amended to Conservation Residential 2:1. From US 98, turn right on East Hewett Road. Travel approximately one mile to a sand road. Travel approximately 2,650' to another sand road and turn north. Travel approximately 670', the parcel is located on the east side of the sand road. Ms. Sokoloff reviewed the information contained in the planning report. Based on its inconsistency with existing comprehensive plan language pertaining to environmental suitability, staff recommended denial.

Mrs. Blackshear noted that the Planning Commission recommended approval, pending CLOMR-F. She stated that the applicant had provided an approved CLOMR-F prior to the meeting.

Ms. Sokoloff explained that the parcel lies within one of the fourteen wetland areas recently identified as environmentally valuable by the DEP, COE, and the U.S. Fish and Wildlife Service.

Mr. Dean Burgess, Emerald Coast Associates, representing the owner, stated that in the development plan, which had already been submitted to the County, the wetland areas would not be impacted. He stated that they had also met with the Fish and Wildlife Service to address environmental concerns with eagle nests.

The floor was opened to public comments.

Mr. Allen Ficarra addressed the Board and expressed concerns with development in the 100 year floodplain. Mr. Ficarra was concerned about the impact on surrounding properties caused by the amount of fill that he felt would be used to get the property out of the floodplain. He felt that fill dirt should only be used for roads and driveways.

Discussion was held regarding the option to place the proposed structures on pilings. Mrs. Blackshear stated that the Planning Department encouraged developers to build on pilings in lieu of applying for a CLOMA-F. She stated that they were working on amending the policies in the Comp Plan and LDC. Commissioner Meadows requested that the Planning staff be directed to draft a proposal to increase the density in the floodplain and discourage using fill dirt and encourage building on pilings.

Mr. Burgess stated that they had pursued the CLOMA-F because it was the only option in the existing Code. He stated for the record that they would only be conducting fill activities for road crossings and necessary reasons to get to upland areas of the property. He said that there wouldn't be any lot areas that would require the wetlands to be filled. He further stated they were willing to agree to not fill the property unnecessarily, provided that staff was able to implement language that would not penalize them for density for not taking the property out of the flood zone through filling activities. Mr. Burgess said that he had no objection to this being a stipulation of approval.

Motion by Commissioner Cuchens, second by Brannon, to approve the application for the Flynne Morris Small Scale Amendment (2005-22) with the agreed upon conditions. Ayes 4, Nays 0. 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: Cottage of Seagrove Plat, Robola Bluffs Plat, Windswept Estates Phase 5 Plat, Capri Court Plat, Notice of Proposed Change (NOPC) to the Edgewater Beach Condominium Development of Regional Impact (DRI), Walton Palm Subdivision, Pine Trace Subdivision, Tranquility by the Bay, Watersound North DRI, Hidden Palms PUD, and Harstvedt Plantations.

**Cottages of Seagrove Plat**—Point of View Investments/Barbara Stokes proposed a 19-lot single family residential subdivision located approximately 660' north of CR 30-A on the west side of Robert Ellis Street in Section 24, Township 3 South, 19 West.

Ms. Lois La-Seur, Planner, presented staff's findings that the plat meets all technical requirements of the Land Development Code and is consistent with the Walton County Comp Plan.

There were no public comments.

(Commissioner Brannon stepped out)

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the final plat for Cottages of Seagrove for recording. Ayes 3, Nays 0. Cuchens Aye, Pridgen Aye, and Meadows Aye.

**Robola Bluffs Plat**—Flora Taunton proposed a 6-lot single family subdivision located on Red Barn Road in Section 31, Township 1 South, Range 19 West.

Ms. La-Seur presented staff's findings that the plat did not meet the minimum requirements of the Land Development Code and Comp Plan. The Planning Department recommended that this item be tabled or continued until the next BCC meeting.

There were no public comments.

(Commissioner Brannon returned)

Motion by Commissioner Cuchens, second by Commissioner Meadows, to continue the Robola Bluffs final plat until the next BCC Meeting on June 14. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

**Windswept Estates Phase 5 Plat**—Northwest Florida Properties Trust, LLC, proposed a 103-lot single-family subdivision located 5.5 miles east of the US 331 and Highway 20 intersection in Section 15 and 20, Township 1 South, Range 18 West.

Ms. La-Seur presented staff's findings that the plat meets all technical requirements of the Land Development Code and is consistent with the Walton County Comp Plan.

There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the final plat for Windswept Estates Phase 5 for recording. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. La-Seur requested that the Capri Court Plat be removed from agenda.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to remove the request for approval of the Capri Court final plat from the agenda. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Renee Bradley, Planning Technician, presented a request for a Notice of Proposed Change (NOPC) to the Edgewater Beach Condominium Development of Regional Impact (DRI). The NOPC proposed two minor changes to Map H, the DRI Plan of Development: (1) realign the interior roadway, and (2) relocate the swimming

pool in Phase III so that it is partially seaward of the Coastal Construction Control Line. Ms. Bradley stated that staff and the DCA had reviewed the changes and determined that they comply with section 380.06(19)(e)(2) and, therefore, did not require a public hearing **(Exhibit #1-Planning Report)**.

Correspondences pertaining to the NOPC were entered into the record prior to the meeting by Ms. Bradley **(Exhibit #2)**.

Mr. Doug Hall, representing the applicant, addressed the Board to answer any questions.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the Edgewater Beach Condominium NOPC. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Mark Jordan, Planner, presented a request for approval of a major development identified as "Walton Palm Subdivision". Mike Boggs requested the approval of a 7-lot single-family subdivision on +/- 1.046 acres with a land use designation of Neighborhood Planning Area/Infill (Inlet Beach Neighborhood Plan/Residential). This site is located along the south side of Walton Palm Road, 300 feet west of the Walton Palm Road and North Walton Lakeshore Drive intersection. Mr. Jordan stated that staff's findings were that the project meets the minimum technical requirements of the LDC and is in compliance with the State approved Comp Plan. The Planning Commission's recommendation was for approval **(Exhibit #1-Planning Report)**.



Mr. Scott Jenkins, representative of the applicant, addressed the Board to answer any questions. Commissioner Meadows asked him to explain the proposed drainage plan.

There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the request for a major development identified as “Walton Palm Subdivision”. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Carl Hammons, Senior Planner, presented a request for approval of a major development identified as “Pine Trace Subdivision”. Grayton Development Group LLC (Joel Rainer), applicant, and Preble-Rish, Inc. (Chance Powell P.E.), agent, requested approval of a major development consisting of a 22-lot single-family residential subdivision on 4.74 +/- acres of land with a future land use designation of Neighborhood Planning Area/Infill. The proposed site is located between Chat Holly Road and the Choctawhatchee Bay, on the west side of Indian Woman Road, about 1.5 miles north of the junction of Chat Holley and Indian Woman Road. The Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**). Mr. Hammons noted that the original condition recommended by staff had been met.

Mr. Chance Powell addressed Board to answer any questions. Commissioner Meadows questioned the proposed drainage.

Attorney Hallman read for the record a letter written by Mr. Kenneth W. Revell stating that it had been represented that the legal position of the county was that the county acknowledged that it had no existing legal interest in any easement encroaching upon Lot 39. Mr. Hallman stated that he had responded to Mr. Revell to advise him that

the County's legal position was contrary to this understanding. The letter composed by Mr. Revell was entered into the record. Letters addressed to Mr. Gary Vorbeck and Mr. Carl Hammons were also entered into the record (**Exhibit #2-Letters**).

Mr. Ken Revell stated that he never received a response to his letter from Mr. Hallman.

Mr. Graham stated that research indicated that there was an improper abandonment of right of way. He stated that he would work with the Legal Department to go through the proper procedure. Mr. Graham further stated that the abandonment issue was a separate issue from the proposed project, but would be coming back before the Board.

Further discussion was held regarding the issue.

Motion by Commissioner Meadows, second by Commissioner Cuchens, to approve the request for a major development identified as "Pine Trace Subdivision", striking the original condition recommended by staff and per comments made by Mr. Hallman. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Brian Martinez, Planner, presented a request for approval of a major development identified as "Tranquility by the Bay". William Welch, agent, and Scott 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 use designation of Neighborhood Planning Area/Infill. The project site is located on the south side of Nursery Road, approximately ¼ mile east of the intersection of Harstvedt Road. The Planning Commission's recommendation was

for approval. Planning staff's findings of fact were that the project meets the minimum technical requirements of the LDC and is in compliance with the State approved Comp Plan (**Exhibit #1-Planning Report**). Mr. Martinez submitted into the record a revised site plan that had been provided by the applicant (**Exhibit #2-Revised Site Plan**). He requested that approval be contingent upon confirmation that Mr. and Mrs. Fisher were in agreement with the realignment of the right-of-way on the revised site plan. Mr. Martinez stated that the revised site plan had not been reviewed by the Engineering Department and Public Works.

Attorney David Matthews, representing the applicant, addressed the Board and reviewed the adjacent property owner's request for an exchange of right-of-ways with the County. He also reviewed the applicant's request for a variance for a 13 ft setback for the pool amenity in exchange for the relocation of the road.

Commissioner Meadows questioned the proposed drainage.

Mr. Matthew Fisher addressed the Board and requested the following agreements in writing: (1) Nursery Road will be relocated for safety purposes; (2) the County will adjust the centerline of the road following the relocation; and (3) the land will be deeded to the appropriate property owners prior to construction of the project.

Mrs. Kira Coley, Staff Attorney, requested that the Board approve the development and direct Legal Services to prepare a final development order incorporating the various agreements and conditions, with the exception of the 13 ft setback for the pool area. She felt that this was an issue that would be addressed by the Board of Adjustments. Mrs. Blackshear stated that she would be comfortable with putting this in the form of a developer's agreement. Mrs. Coley stated that a developer's

agreement could be included as part of the final development order. She said that Legal Staff could work with Planning Staff and Mr. Matthews to discuss the issues in detail.

Attorney Matthews requested that his applicant not be made to take the setback issue before the Board of Adjustments. He felt that this was issue that could be addressed by the Board of Commissioners.

Motion by Commissioner Cuchens, to approve the request for a major development identified as “Tranquility by the Bay”. Commissioner Brannon seconded the motion. A vote was called for the motion on the floor. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Martinez presented a request for approval of a major development identified as “WaterSound North DRI”. St. Joe and Arvida requested approval of a proposed project consisting of a large conceptual mixed use development incorporating Water Sound North PUD and Camp Creep PUD, with additional property. The project site is located in the south eastern region of the county. Planning staff’s findings were that the project is in compliance with the State approved Comprehensive Plan and had been processed in accordance with Florida Statues Chapter 380.06(**Exhibit #1-Planning Report**). The Planning Commission’s recommendation was for approval. Mr. Martinez stated that staff had concerns regarding traffic and affordable housing and both issues had been addressed.

Mr. Martinez submitted the following additional documents into the record: (1) a final report and recommendation from West Florida Regional Planning Council dated March 2005; (2) the latest draft resolution development order (**Exhibit #2**). The draft included revision addressing affordable housing and traffic concurrency that satisfied

county staff concerns. Mr. Martinez noted that there was a minor change to the language in the draft regarding impact fees. Mr. Martinez also submitted a supplement to the including a letter from David Kramer regarding a 2003 agreement and a copy of the recorded easement referenced by Mr. Kramer (**Exhibit #3**).

Mr. Nick Cassello, St. Joe, addressed the Board representing the project.

Commissioner Meadows asked Mr. Cassello several questions regarding the project and requested that he submit a request to DOT for a traffic analysis to determine if the proposed traffic signal was warranted. Mr. Cassello agreed that he would submit the request.

Commissioner Brannon expressed appreciation to Mr. Cassello for St. Joe's efforts to provide affordable housing. He also expressed appreciation to Mr. Graham and Mr. Martinez for working closely with the project. He encouraged Mr. Cassello to have open communication with the School Board members regarding the future need for school facilities.

The floor was opened to public comments.

Mr. David Kramer addressed the Board to speak in support of the proposed project.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve the request for a major development identified as "Watersound North DRI" along with the proposed resolution (2005-40) and the amendments recommended by staff. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Martinez requested that the next agenda item, "Hidden Palms PUD", be continued until the next meeting on June 14. Mr. Martinez entered into the record the

planning report and a letter of opposition to the southern access of the proposed project written by Floyd Norris (**Exhibit #1 & #2**). He also entered a petition for objection to Hidden Palms PUD into the record (**Exhibit #3**).

Motion by Commissioner Cuchens, second by Commissioner Meadows, to continue the request for “Hidden Palms PUD” until June 14. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Hammons presented a request for approval of a major development identified as “Harstvedt Plantations”. Harstvedt Place, LLC, and Choctaw Engineering requested approval of a major development consisting of a 61-lot single-family subdivision on 29.78 acres with a land use designation of NPA/Infill. This site is located just north of Chat Holley Road, on the eastern side of North Eden Park Drive. The Planning staff’s findings were that the project meets the Land Development Code and Comprehensive Plan. Planning Commission recommended approval with the following conditions: (a) Developer has the burden of providing an additional 20 foot use north of property (**Exhibit #1-Planning Report**). The Planning staff recommended approval contingent upon a signed and recorded agreement between Harstvedt Place, LLC, and the property owners of Eden Acres subdivision that (a) Harstvedt Place, LLC, will be responsible for paying for the paving of Cox Road within the 40 foot easement and (b) Harstvedt Place, LLC, will be responsible for the perpetual maintenance of Cox Road (**Exhibit #2-Staff Recommendation**). Mr. Hammons stated that such agreement would be provided to the County as a condition of the development order permit.

Mr. Mark Siner, Choctaw Engineering, addressed the Board representing the applicant. He stated that he concurred with the condition recommended by staff.

Discussion was held regarding platting wetland buffers separate from parcels to ensure that wetlands are not filled for additional buildable area

The floor was opened to public comments.

Mr. David Kramer, adjacent property owner, addressed the Board and requested affirmation that the developer would pave Eden State Road from the intersection of Cox Road to Chat Holley Road. He requested that this be a condition of the development order. Mr. Ken Goldberg, representative of the applicant, stated for the record that Eden Park Road would be paved.

Mr. Goldberg noted that the Harstvedt Place Homeowner's Association would assume responsibility of the maintenance of Cox Road after the LLC was dissolved.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the request for the request for a major development identified as "Harstvedt Plantations" with the condition recommended by staff. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Sokoloff appeared before the Board and requested, on behalf of Mr. Darrell Barnhill, to continue the request for a proposed Richard Kelly Small Scale Amendment until the BCC meeting on June 28. She stated that Mr. Barnhill had advised her that a completed environmental report would be provided to staff within the next few days.

Mr. Barnhill, representative of the applicant, stated that the applications for a land use change and development order had been submitted to the Planning staff.

Motion by Commissioner Meadows, second by Commissioner Brannon, to continue the request for a proposed Richard Kelly SSA until June 28. Ayes 4, Nays 0. Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

There being no further business, the meeting was adjourned at 7:19 p.m.

APPROVED: \_\_\_\_\_  
Kenneth Pridgen, Chairman

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