

JUNE 21, 2016 – LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on June 21, 2016 at 5:00 p.m. at the Walton County Courthouse in Santa Rosa Beach, Florida.

The following Board members were present: Commissioner Cecilia Jones, Acting Chairman; Commissioner W. N. (Bill) Chapman; Commissioner Bill Imfeld; and Commissioner Cindy Meadows. Mr. Larry Jones, County Administrator; and Attorney Sidney Noyes, County Attorney; were also present.

Chairman Jones called the meeting to order.

Motion by Commissioner Meadows, second by Commissioner Chapman, to continue Surfsong to July 12, 2016 at 5:00 p.m. to be held at the Walton County Courthouse Annex in Santa Rosa Beach, Fl. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

The Quasi-Judicial hearing was called to order and Attorney Noyes administered the oath to those intending to speak. There were no objections to the advertisements. Attorney Noyes instructed that any Ex Parte forms are to be submitted to the clerk.

Mr. Mac Carpenter, Planning and Development, presented Martha's Lane Townhomes a Major Development Order application submitted by Emerald Coast Associates, Inc. requesting approval to develop 16 multi-family units on 2.45 acres with a future land use of Neighborhood Infill. The project is located at the south end of Martha's Lane, south of Allen Loop Drive, and 0.25 mile north of C.R. 30A. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Mr. Rick Borst briefly discussed the history of Martha's Lane Townhomes. He discussed the changes which have been made as recommended by the Board. He said the new plan allows

for 64 parking spaces and Martha's Lane will be paved from the south boundary to Allen Loop Road.

Mr. Dean Burgis, Emerald Coast Associates, Inc., discussed the changes made to the project which decreased the number of units, increased the parking, met the 100 year storm attenuation, and met the preservation requirements. Commissioner Meadows questioned why the eastern side of the 33 foot easement was being used for the roadway. Mr. Burgis replied centering the road through the easement would create an awkward geography to the road, but would center the road upon direction from the Board.

Ms. Sherry Roberts, Mr. Billy Roberts, and Mr. Michael Klein addressed the parking issue and spoke in favor of centering the road through the easement to allow equal buffering.

(Exhibit 2: Respondent photos)

Mr. Alan Ficarra expressed concern with the lack of visitor parking.

Commissioner Meadows noted there was not an updated plan in the Staff Report and asked for a copy of the new plan to be submitted for Board review. She clarified with Mr. Burgis that the road could be realigned. Mr. Burgis said yes. Discussion ensued regarding the sandy path used for a beach access, the inability to access the project from C.R. 30A, and the new parking plan.

Mr. Carpenter presented a copy of the updated site plan which included the changes in parking and said the Staff Report was reviewed based upon the revised plan. (The revised copy was submitted as a part of the Staff Report.)

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve Martha's Lane Townhomes Final Order with conditions as stated by staff, with the updated plan presented, and the realignment of the road through the center of the easements. Ayes 4, Nays 0.

Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1; Respondent Photos-2)(Ex Parte: Jones, Chapman)**

Mr. Carpenter presented Holiday Beachside Center, a Major Development Order application submitted by Emerald Coast Associates, Inc. consisting of demolishing a 10,870 square feet retail center and rebuilding a shopping center of approximately 21,210 square feet of retail on +/- 1.909 acres, with a future land use of Neighborhood Infill. The project is located on the northeast corner of Scenic Gulf Drive and Holiday Road. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1-Staff Report; Exhibit 2-Staff Emails)**

Mr. Burgis briefly discussed the changes made in compliance with the Board recommendations regarding the southern entrances to the property and the lighting. He reported a meeting had been held with Public Works to address the roadway congestion. Commissioner Meadows reported an updated plan was not included with the Staff Report.

Commissioner Imfeld expressed concern with the requirement to cross over traffic to enter the project from the south. Mr. Burgis clarified the southern entrance was a western right in only turn and would not be accessible to traffic coming from the east.

Commissioner Meadows asked how the crossing with the bike path would be handled. Mr. Burgis replied a yield to pedestrian sign would be erected. Commissioner Meadows suggested the area be striped to indicate the location of the crossing.

Commissioner Imfeld voiced concern with the safety of the pedestrian and cyclists crossing at the southern entrance of the project and expressed that the Holiday Road entrance was a better location for vehicular traffic. Mr. Burgis explained that the owner had expressed a

desire to maintain an access onto C.R. 2370 as a secondary entrance to eliminate possible congestion problems. Discussion continued on accessing the property.

Mr. Burgis addressed the issue concerning the effects of the building lighting on the single family homes. He reported the single family development is located north of the building and is away from the lighting area.

Mr. Lee Goodson, Architect, discussed the lighting design aspects of the project and the structure of the LED lights to be used. He said the fixtures would have cups/horse blinders to help control the light direction. Mr. Goodson said the window lighting would only illuminate the displays and building. Discussion ensued on the effects lighting would have on the building color scheme. Commissioner Meadows suggested using more subtle colors on the building exterior to lessen the lighting impact to the surrounding residential areas.

Mr. Matthew Imperial said he had not been able to review the changes which have been made to the project and asked if the perimeter tree height had been changed. Mr. Burgis said the landscaping had not changed and agreed to increase the tree height to 10-15 feet in the areas bordering the parking lot near the residential area. Mr. Imperial voiced concern regarding school safety in the area, objected to the height of the windows, and asked to review the redesign. Mr. Burgis addressed Mr. Imperial's concerns regarding child safety and said coordination efforts would be made with Public Works and the school board to insure school safety in the area. He also said the proposed lighting plan would be better and less invasive than what is currently being used.

Commissioner Imfeld questioned if the architectural drawing had been updated regarding the entry ways and asked if the sidewalk to the south would match the existing multi-use path. Mr. Burgis and Mr. Goodson both addressed the changes to the architectural rendering and the

placement of the sidewalks, connection to the multi-use path, landscaping, and crossings. Commissioner Meadows recommended working with Public Works to make the sidewalks and crossings consistent. Mr. Burgis agreed to the recommendation.

Commissioner Meadows questioned the height of the windows. Mr. Goodson said the upper windows were only 22 feet high and would be placed 29 feet off the ground.

Commissioner Meadows questioned the use of music outside. Mr. Goodson replied the music would be played inside only.

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve Holiday Beachside Center with conditions as stated by staff, an increased tree height to 10-15 feet, coordinate with Public Works on a bike path crossing/signage/stripping, and coordinate with the school board regarding the school crossing. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1; Staff Emails-2)(Ex Parte: Comander, Jones, Chapman, Meadows)**

Ms. Vivian Shamel, Planning and Development, presented Southern Pines Subdivision, a Major Development Order application submitted by Core Engineering & Consulting, Inc. requesting approval to develop 53 single family residential lots consisting of 20 acres with a future land use of Small Neighborhood. The project is located on the east side of Nellie Drive approximately 1,000 feet north of Chat Holley Road. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Commissioner Meadows asked the reason for platting the lots into environmental areas instead of common areas. Ms. Shamel said it was a recommendation not a requirement. Commissioner Meadows clarified the affected lots would be lots 21-25. Ms. Shamel confirmed it

was. Commissioner Meadows asked if there would be a sidewalk buy-out. Ms. Shamel said sidewalks would be installed.

Commissioner Imfeld noted that this area had been identified as one of the 50 areas of storm water impact and asked if this had impacted the project. Ms. Shamel said no comment had been received regarding that issue.

Mr. Ed Stanford, Core Engineering, discussed the decrease in the project and the changes which were made. He reported only 10 acres of the 20 acre parcel would be used to develop a 36 lot subdivision. He said the 100 attenuation has been met, a proposed 25 foot wetland buffer with an additional 5 foot buffer per recommendations, and the landscaping encroaching into the buffer area has been removed. Commissioner Meadows noted lots 3, 5, and 6 were adjacent to the wetland buffer and asked if there would be a problem to plat those lots to the eastern portion and leave that area as wetland. Mr. Stanford replied platting to the buffer would encroach upon the 105 feet needed for the home plan and asked to be allowed to plat to the wetland and put the wetlands in a common space with a 25 foot buffer with the additional 5 foot buffer. Commissioner Meadows asked if the road would be a private road. Mr. Stanford replied it would.

Mr. Alan Ficarra asked what the additional 10 acre parcel would be used for. Mr. Stanford replied nothing due to the wetland configuration and the cost associated with crossing the existent mosquito control ditch.

Motion by Commissioner Chapman, second by Commissioner Imfeld, to approve Southern Pines Subdivision with conditions as stated by staff. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)(Ex Parte: Chapman)**

Mr. Tim Brown, Planning and Development, presented Ridgewalk Subdivision Plat, a plat application submitted by JP Engineering, LLC requesting approval to plat 74 residential lots on 19.48 acres with a future land use of Small Neighborhood. The project is located on the east side of C.R. 393 South, east of Ridge Road. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Commissioner Meadows asked if the roads would be public or private. Mr. Brown said they would be private. Commissioner Meadows asked about the change in the flood zone. Mr. Brown replied the Conditional Letter of Map Revision with Fill (CLOMR-F) has been approved by FEMA. He explained the subdivision is an unnumbered A Zone and was brought out of the flood plain through the CLOMR-F process; the only exception is the wetland area. He said a wetland buffer is not a requirement, but has been recommended by staff. Commissioner Meadows asked if a house could be constructed on Lot 47. Mr. Brown replied a very small house would be allowed.

There were no public comments.

Motion by Commissioner Chapman, second by Commissioner Imfeld, to approve Ridgewalk Subdivision Plat with conditions as stated by staff. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)(Ex Parte: None)**

Mr. Brown presented Electric Cart Company, a Major Development Order application submitted by Bell Engineering, Inc. requesting approval to develop 13,900 square feet of sales/service space in two (2) buildings on 1.09 acres with a future land use of Village Mixed Use. The project is located at 5426 U.S. Highway 98 West. Staff found the project to be

consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Commissioner Imfeld asked what building was located to the immediate west of the project. Mr. Brown replied John John's Auto Repair.

Commissioner Meadows asked if a sidewalk would be constructed. Mr. Brown replied a sidewalk would be constructed along U.S. Highway 98. Commissioner Meadows asked if there would be outside merchandising. Mr. Brown replied there would be limited outside merchandising which would be placed under the roof overhang and would meet the conditions of Chapter 13-Outdoor Merchandising.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve Electric Cart Company with conditions as stated by staff. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)(Ex Parte: None)**

Mr. Brown presented Dr. Patton Primary Care South, a major Development Order application submitted by McNeil Carroll Engineering, Inc. requesting approval to construct a medical office building with an attached leasable office building. The proposed square footage is 4,860 on +/- 0.86 acres with a future land use of Village Mixed Use. The project is located on the south side of U.S. Highway 98 approximately 1,700 feet east of C.R. 30A. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Commissioner Imfeld asked what building was located to the immediate west of the project. Mr. Brown replied Marquee Kitchens. He reported the developer would be installing a sidewalk along U.S. Highway 98 in front of the project.

There were no public comments.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to approve Dr. Patton Primary Care South with conditions as stated by staff. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)(Ex Parte: None)**

Mr. Brown presented Tom Thumb Store #116, a Major Development Order application submitted by Southern Site & Utility Design, Inc. requesting approval to relocate the existing gas pumps and canopy to the adjacent parcel to the west consisting of 0.66 acres with a future land use of Coastal Center. The project is located at 9595 U.S. Highway 98 West. There is currently an outstanding code violation on this project for paving a parking lot without a Development Order. Unless other evidence is presented to the contrary, the requested project is consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Commissioner Chapman asked if the outstanding code violation still existed. Mr. Brown explained how the approval of the project would correct the violation.

Commissioner Imfeld expressed concern that traffic would increase with the increased number of pumps. Mr. Brown replied traffic is generated by square footage and trips are based on use.

Commissioner Meadows asked if there was an alley behind the project. Mr. Brown replied it was a platted alley belonging to the subdivision to the south. Commissioner Meadows reported she had received comments voicing concern that traffic would be routed out through the

alley to Beach Drive N. Mr. Brown said the alley is currently being used for that purpose. Discussion ensued on possible traffic patterns associated with the project and whether or not a platted alley is considered public.

Attorney Will Dunaway, applicant attorney, discussed the reduction in trips and agreed to create a buffer using fencing and landscaping. He reported the site plan was designed to put the traffic back on U.S. Highway 98. Commissioner Meadows asked if the U.S. Highway 98 expansion would affect the project. Mr. Brown reported FDOT already had the needed right-of-way.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to approve Tom Thumb Store #116 with conditions as stated by staff. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)(Ex Parte: Jones, Imfeld)**

The meeting recessed at 6:33 p.m. and reconvened at 6:43 p.m.

Ms. Kristen Shell, Planning and Development, presented Peach Creek Phase 3 f/k/a Phase 2B Plat a plat application submitted by Innerlight Engineering Corporation requesting approval to plat 28 residential lots with the intent to sell to a third party. This project consists of +/- 10.43 acres with a future land use of Conservation Residential, two units per acre. The project is located at the northeast corner of the intersection of Old Ferry Road and Coochee Road in Santa Rosa Beach. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Commissioner Meadows asked if heavy truck haulers came through that area. Mr. David Smith, Innerlight Engineering, stated that trucks come through this way to go to the plant on

Coochee Road. Commissioner Meadows said people have expressed concern with the speed of the trucks through that area, but noted that was the only ingress/egress for trucks.

Commissioner Chapman noted the project was 10.43 acres with a density of 2 units per acre and asked how a plat of 28 units could be approved. Mr. Smith replied the overall Master Plan meets the platted density.

There were no public comments.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to approve Peach Creek Phase 3 f/k/a Phase 2B Plat with conditions as stated by staff. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)(Ex Parte: None)**

Mr. Carpenter presented Emerald Bay Phase IIA Plat a Final Plat application submitted by Preble-Rish, Inc. requesting approval to plat 23 residential lots. The project is located north of U.S. Highway 98 on Cobalt Land on 4.54 +/- acres within a Coastal Center future land use. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Staff Report-1)**

Commissioner Imfeld asked if the subdivision was situated in both Walton and Okaloosa counties. Mr. Carpenter said it was a DRI which straddled the county line and this plat is located within Walton County. He said it was essentially built-out with the exception of one commercial area near U.S. Highway 98.

Commissioner Meadows asked how the drainage would be addressed. Mr. Cliff Knauer, Preble-Rish, responded there were storm water ponds which were a part of the project. The water and sewer have been recertified and the lift station is functional.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to Emerald Bay Phase IIA Plat with conditions as stated by staff. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)(Ex Parte: None)**

Mr. Carpenter presented Summer House Bed & Breakfast a Major Development Order application submitted by Jenkins Engineering, Inc. requesting the approval to develop a bed & breakfast (B&B) facility containing 25 guest rooms in a three-story house with 13,130 square feet consisting of 0.65 acres with a future land use of Neighborhood Infill in the Comprehensive Plan and Neighborhood Commercial within the Inlet Beach Neighborhood Plan (NP). He said correspondence has been received which suggested different interpretations of the Comprehensive Plan and Land Development Code (LDC) definition of B&B. The Comprehensive Plan's Future Land Use Category of Neighborhood Commercial has a 10 unit limit on a B&B use and does not apply to this parcel due to the categorization of Neighborhood Commercial within the Inlet Beach NP. He said under the Inlet Beach NP limited lodging and B&B is allowed for this parcel. Mr. Carpenter reported the existing use at the time the Inlet Beach NP was adopted most closely resembled the allowable use proposed for the property and specifically identified in the Inlet Beach Plan as the Inlet Inn. The Inlet Inn had approximately 25 units. He said the definition of B&B within the Comprehensive Plan and LDC did not have a limitation on the number of units. He reported the State Department of Business and Professional Regulations requires a license to operate a B&B. The State's definition of B&B is one building, residential in character, which can have up to 15 rooms. More than 15 rooms will require a hotel license. The project is located at 13161 Emerald Coast Parkway East. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Commissioner Meadows questioned which definition prevailed, the Comprehensive Plan/LDC or the Inlet Beach NP. Mr. Carpenter said the Inlet Beach NP is a component of the Comprehensive Plan and that both the Inlet Beach NP and the Future Land Use Map must be reviewed. Commissioner Meadows asked if Neighborhood Infill required 8 units per acre with 5% commercial. Mr. Carpenter replied that in the Inlet Beach NP there were two suggestions of density and density is not applied to a B&B only intensity; intensity is based upon square footage and floor area ratio. Discussion continued on the allowance of limited lodging within Neighborhood Infill and the designation of Neighborhood Commercial within the Inlet Beach NP.

Commissioner Chapman questioned if there was an active code violation. Mr. Carpenter said he was unsure of the violation; the planner who noted the violation is no longer employed with the Planning Department. Commissioner Chapman suggested future violations be detailed in the staff reports.

Mr. Scott Jenkins, Jenkins Engineering, briefly discussed the site information and said the Inlet Beach NP is the prominent policy for the site. He said the plan meets the maximum floor area ratio and maximum impervious surface area ratio. He reported 50% of the site is open space. Mr. Jenkins said the project has been designed to attenuate a 100 year event, provide 28 parking spaces on site, provide landscape buffers, and will be accessed from U.S. Highway 98 at an existing curb cut.

Commissioner Meadows asked if the drainage would be underground. Mr. Jenkins said not all of it will be; there is a combination of surface retention and underground drainage. Commissioner Meadows asked if the rooms were a bed/bath combination. Mr. Jenkins said they

were. Commissioner Meadows asked if there would be a kitchen/dining area. Mr. Jenkins explained that approximately 20% of the building is common space.

Mr. Steve Piazza, Piazza Design Architects, reported after meetings with the community, concessions were made to the landscape buffers and to leave the existing 8 foot fence. Commissioner Meadows questioned if a variance would be required to leave the fence. Attorney Noyes stated a variance request would have to be presented to the Design Review Board. Mr. Piazza continued discussing the concessions requested by the community which included: reducing the building to three stories, redesign of the north side walk, and the replacement of the kitchen with a food prep area in which the food would be cooked off-site and brought in to serve the guests. Commissioner Meadows asked if there would be a swimming pool. Mr. Piazza said there was no room for a swimming pool. He reported the Scenic Corridor Review process recommended not using metal roofing and the developer has complied to use all tile and to raise the pitch. Commissioner Meadows asked what was planned for the top floor before it was removed. Mr. Piazza stated there would have been guest rooms.

Discussion ensued regarding the differentiation between the CO-3 (Jenkins Engineering) and AO-2 (Piazza Design) First Floor Plans.

Mr. Charles Schatti spoke in opposition to the project.

Mr. Shane Odom, Historic Inlet Beach Association President, read a prepared statement in opposition to the project stating the project exceeds the LDC/Comprehensive Plan which only allows for 10 lodging rooms in Neighborhood Commercial. Commissioner Meadows asked where he had obtained his information regarding the 10 rooms. Mr. Odom stated the research was done by Attorney Gary Vorbeck and Mr. Bob Murfin. Mr. Carpenter replied to Mr. Odom's comments and said the stand alone Neighborhood Commercial Land Use Category referred to by

Mr. Odom is not a part of the Inlet Beach NP. The Inlet Beach NP Neighborhood Commercial is completely different than what is found in the Comprehensive Plan. He said the stand alone category does have a numeric limitation, but in this case the project plan is Neighborhood Infill. State Law requires approval if a specific regulation cannot be found that would prohibit it.

Commissioner Imfeld asked if the State will regulate this as a B&B or as a hotel. Mr. Carpenter said his interpretation was that it could not be licensed as a B&B under the current State regulations; that permitting decision is not in the area of purview for Walton County.

Mr. Frank Green, Ms. Betty Letcher, and Mr. Adam Voyer spoke in opposition to the project. Some concerns expressed were incompatibility, parking, noise, and traffic.

Mr. Carpenter announced staff had found the violation noted in the Staff Report. A stop work order had been issued on a number of Katrina Cottages on the site which were using unpermitted utilities; approval of the project would correct the violation.

Commissioner Chapman questioned the distance of the project from the intersection of C.R. 30A and U.S. Highway 98 and whether or not a multi-story hotel existed at that intersection. Mr. Carpenter replied the distance was approximately 0.25 miles and that a hotel did exist at that location.

Ms. Anna Hammer, Mr. David Smith, and Mr. Odom spoke in opposition of the project.

Attorney Nicholas Beninate spoke on behalf of the applicant and said research has found the county has authority over land use planning and the State's public lodging licensing program is not relevant to the county's decision. The 10 lodging units limit does not apply to the location of the proposed project. Attorney Beninate reported the State application does not ask for zoning information. He requested approval of the project.

Mr. Jenkins addressed the parking concerns stating code required 27.5 spaces for the proposed 25 units; the plan provides for 28 parking spaces. He noted the impervious surface ratio is approximately 50% and approximately 50% green space. Mr. Jenkins said the Inlet Beach NP is a part of the Comprehensive Plan and was adopted by the county to be the guiding regulations for this area. He said all code regulations have been met.

Motion by Commissioner Chapman to approve Summer House Bed & Breakfast with conditions as stated by staff. Motion failed for lack of second.

Motion by Commissioner Meadows to deny Summer House Bed & Breakfast.

Commissioner Imfeld questioned what would happen if neither vote goes forward. Attorney Mark Davis, County Attorney, said if both motions died for a lack of a second then the project would be continued.

Second by Commissioner Imfeld to deny Summer House Bed & Breakfast. Ayes 2, Nays 2. Jones Nay, Chapman Nay, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)(Ex Parte: Jones, Imfeld, Chapman, Meadows)**

Attorney Davis announced under county policy a split vote means the project is denied.

Mr. Carpenter presented Arnett Farmer's Market a Major Development Order application submitted by ECM requesting approval to construct a 20,000 foot commercial farmer's market on +/- 9.77 acres with a future land use of Light Industrial. The project is located on the west side of CR 393, approximately 1,500 feet south of the U.S. Highway 98 and C.R. 393 intersection. Mr. Brown said additional landscaping has been added to the northern property line per the request of public input during the Planning Commission meeting. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Commissioner Meadows noted one site plan shows a driveway entrance onto the new easement road and the other plan does not. Mr. Brown said the plan was to have an access from the south onto the new easement road. He said the current entrance from C.R. 393 is temporary until the new road is built. There is a requirement to remove the C.R. 393 entrance within 180 days after the completion of the new road. Commissioner Meadows asked that the dumpster be relocated to a location away from the housing development.

Mr. Darryl Barnhill, EMC Engineers, agreed to relocate the dumpster further south and the conditions regarding the temporary driveway. He said the additional landscaping application has been submitted and approved. He briefly discussed the changes made to the storm water drainage which would meet 100 year attenuation.

Mr. Brown announced Public Works will be performing drainage improvements in the area and that the changes will alleviate a lot of the problems.

Mr. Rick Everitt voiced concern with the storm water and drainage. **(Exhibit 2: Respondent photos)**

Mr. Barnhill said efforts have been made to meet all the recommendations.

Motion by Commissioner Chapman, second by Commissioner Meadows, to approve Arnett Farmers' Market with conditions as stated by staff. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1, Respondent Photos-2)(Ex Parte: None)**

Mr. Brown presented Emerald Sands Subdivision (previously submitted as Steffen Subdivision) a Major Development Order application submitted by Emerald Coast Associates, Inc. requesting the approval of a 7 lot residential subdivision consisting of 1.23 acres with a future land use of Neighborhood Infill and Inlet Beach Neighborhood Plan (NP) designation of

Residential (8:1).The project is located on the north side of West Park Place Avenue approximately 160 feet east of the intersection of south Orange Street and West Park Place Avenue. He reported the project was initially an 8 unit subdivision, but was reduced to meet the 100 year attenuation and remove the storm water drainage within the 33 foot government patent easement. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report.

(Exhibit 1: Staff Report)

Attorney David Theriaque, representing the applicant, submitted a notebook of applicant exhibits and briefly discussed each of the exhibits. He announced he had one witness to question and reserved the right for rebuttal. **(Exhibit 2: Petitioner Exhibits 1-7)**

Mr. Dean Burgis, Emerald Coast Engineers, upon questioning by Attorney Theriaque discussed his engineering background and was accepted as an expert witness by the Board. Mr. Burgis briefly discussed the history of the project and the changes which have occurred in access and drainage. All code requirements have been met.

Commissioner Imfeld questioned if there was a retention area between Lots 2, 3 and 4. Mr. Burgis replied there was.

Ms. Anna Hammer presented questions regarding storm water drainage, voiced concern with the amount of water on the property, the five foot encroachment on the landscape barrier at the back of the property, the need for a storm water permit, the maintenance of the road by the county, the width of the road, and the lack of a turn-around. Attorney Theriaque questioned Ms. Hammer if her house was currently for sale. Ms. Hammer said it has been for sale off and on for a few years.

Ms. Betty Letcher and Mr. Danny Hornsby voiced concern with the height of homes and asked the height be limited to 20 feet.

Mr. Terry Deveau, Mr. Greg Tawes, and Mr. Tab Jackson spoke in favor of the project.

Ms. Hammer wanted to insure the project would be limited to 7 units. Mr. Burgis addressed Ms. Hammer's questions and said he had seen the storm water issue first hand. He reported the environmental consultant and the geotechnical engineer have both studied the low area and determined it was not a wetland area. Mr. Burgis said he has spoken with Ms. Dana Palermo, Northwest Florida Water Management District, and she too agreed it was not a wetland area and that it is exempt through the 10-2 Exemption for storm water permit. He stated a self-certification application will be submitted to the Water Management District prior to construction. Mr. Burgis said the landscape encroachment is allowed under the code. He reported the storm water system would not discharge during a 100 year storm event. He said the road would be privately maintained and that the project would only be 7 lots. Attorney Theriaque asked how wide the roads were and if a turnaround was available. Mr. Burgis replied the roads were 18 feet wide and that a T-turnaround was provided.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to approve Emerald Sands Subdivision with conditions as stated by staff. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1; Petitioner Exhibits-2)(Ex Parte: Jones, Imfeld, Meadows)**

Mr. Brown presented Henshaw Subdivision a Major Development Order application submitted by Emerald Coast Associates, Inc. requesting approval to develop and plat 4 residential lots with one unit per lot consisting of 1.51 acres with a future land use of Infill. The project is located on the south side of C.R. 30A immediately south of Woodward Drive. Staff

found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Commissioner Chapman questioned if there would be structures south of the CCCL. Mr. Brown replied FDEP allows structures south of the CCCL as long as they are in line with adjacent properties, but no structures are allowed below the Coastal Protection Zone.

Mr. Burgis replied the individual lot owners will be required to get a permit for any structures below the CCCL. He said the density for the project is 2.65 units per acre.

Commissioner Chapman asked how storm water would be handled. Mr. Burgis stated there would be open retention ponds.

Commissioner Meadows asked if the project was located within the Coastal Dune Lake Protection Zone. Mr. Burgis replied no.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve Henshaw Subdivision with conditions as stated by Staff. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)(Ex Parte: None)**

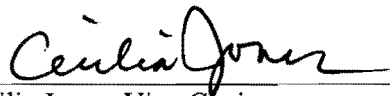
Mr. Brown presented Emerald Coast Business Center – Lot 10 a Major Development Order application submitted by Innerlight Engineering Corporation, requesting approval to construct 3,784 square feet of office use and 608 square feet of storage for a total 4,392 square feet on 0.34 acres with a future land use of Neighborhood Infill. The project is located on the east side of Business Center Drive approximately 0.25 miles south of U.S. Highway 98. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land


Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

There was no public comment.

Motion by Commissioner Chapman, second by Commissioner Meadows, to approve Emerald Coast Business Center with conditions as stated by staff. Ayes 4, Nays 0. Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)(Ex Parte: None)**

There being no further items to present, the meeting was adjourned.

Approved: 
Cecilia Jones, Vice-Chairman

Attest: 
Alex Alford, Clerk of Court and County Comptroller