

JULY 3, 2001 – LAND USE HEARINGS

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, July 3, 2001 at 5:00 p.m. in the Tourist Development Council Boardroom to discuss planning related issues.

The following Board members were present: Commissioner Tim Pauls, Commissioner Larry D. Jones, Chairman Herman L. Walker, Vice-Chairman Lane Rees and Commissioner Gene Ryan. Ms. Shirl Williams, Administrative Supervisor, and Attorney George R. Miller were also present.

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

Chairman Walker called the meeting to order.

Mr. Tom McGee presented Windy Oaks Condominium for conceptual approval upon recommendation of the Planning Commission. Mr. David Taylor, representing Horizon Properties, LLC, appeared before the Board requesting conceptual approval for 34 single-family units. The proposed project is located in the Seacrest area and currently zoned NPA/Infill. Mr. Taylor stated that the beach access was deeded to this particular parcel. The access will remain private for adjoining landowners and this project.

Motion by Vice-Chairman Rees, second by Commissioner Pauls to accept the recommendation of the Planning Commission and grant conceptual approval of the planned unit development known as Windy Oaks/Seven Palms. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Chairman Walker called to order the second advertised public hearing regarding the proposed Height Restriction. Mr. McGee presented the Planning Commission's recommendation to place height restrictions between U.S. Highway 98 and the Bay.

Ms. Susan Paladini addressed the Commissioners and requested the Board not adopt any new ordinances for north of Highway 98 that would conflict with the New Town Center, not be in substantial conformance with New Town Settlement Agreement, or any ordinances that excludes New Town. Ms. Paladini stated that any new ordinance must be consistent with the 1996 plan, which means not allowing anything higher than four stories. Attorney Miller stated that there is nothing in the Settlement Agreement that speaks about height restrictions north of Highway 98. She stated that the height restriction implemented by the Trust Plan was for the entire South Walton area.

Mr. Ken Simms, Gulf Power Company, Pensacola, voiced concern with the proposed ordinance because of restrictions on the height of their transmission towers. Mrs. Henninger, Planning Director, stated that utilities are considered based on need, therefore she suggested striking language in the proposed ordinance exempting utility towers from this restriction.

The Commissioners reviewed the proposed height limitation language as previously prepared by Mr. Chick Grant. Ms. Henninger read the wording and also informed the Commissioners that the final development order for Sacred Heart Hospital was approved. She again reiterated the fact that the proposed ordinance applies to areas between Highway 98 and the Bay.

Mr. Simms read a letter by Mr. Allen Barton speaking to Gulf Power's concern with any limitation on transmission towers. Mr. Barton stated in his letter that this ordinance would hinder their ability to provide power.

Attorney Miller advised that "similar structures" listed under height exceptions would be difficult to define and suggested removing that phrase. He also suggested removing flagpoles.

Ms. Mary Brockett voiced concern with the possibility of a large health related facility being constructed higher than 50 feet. The Commissioners added "public or private" to Safety and Health related facilities. The wording under 5.00.06 (b) Height Exceptions was also amended to include "The height limitations stipulated may not apply to the following, subject to review on a case by case basis by the Board of County Commissioners." Ms. Paladini stated that the 50' height limit should also include the bay front area north of the Bay. Mr. Bob Capps, representing the residents along the bay front on the South side, stated that it is the general consensus of the residents that they do not want any buildings higher than 50' on the Bay.

Motion by Vice-Chairman Rees, second by Commissioner Pauls to adopt the following revised language of 5.00.06 of the Land Development Code regarding Height Limitations, Exceptions, and Measurement Methodology. Notwithstanding any other provisions of this code, no man made improvements higher than four (4) stories of habitable space or fifty feet (50'0"), whichever is less, shall be permitted north of Highway 98 and south of the Choctawatchee Bay and the Intracoastal Waterway in Walton County except as noted herein. However, architectural embellishments, including but not limited to chimneys, weathervanes, cupolas, elevator chase, and similar structures

which are non-habitable and do not exceed 200 square feet shall be allowed to exceed the maximum building height limitation by not more than fifteen feet (15'0"). Building Height means the vertical distance between (1) the average elevation of the existing natural ground beneath the footprint of the building and (2) either the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs. Height Exceptions: The height limitations stipulated may not apply to the following, subject to review on a case-by-case basis by the Board of County Commissioners: Church Steeples and spires; Chimneys; Aircraft towers and navigational aids; Solar energy collectors or Windmills; Utility transmission towers excepting that any transmission or receiving tower shall not be greater in height than seventy-five feet (75'0") in height; Civic structures relating to public welfare; and Safety and Health related facilities, public or private.

Mr. Mike D'Autilia urged the Commissioners to consider the consequences of a 50' height limitation. He felt that it would allow for higher density.

Commissioner Ryan commented that he believes the audience wants a limit of 40' leaving the remaining 10' for all other embellishments and varying rooflines.

Ms. Nancy James stated that Walton County has plenty of variation in the 50' height limit as it currently stands.

Mr. Tom Anderson, Chairman of the South Walton Community Council Growth Management Committee, addressed the Board and stated that the Committee proposed the changes to areas North of Highway 98 and to allow the area South of Highway 98 to remain as it is.

Vice-Chairman Rees amended his motion removing the statement allowing architectural embellishments to exceed the 50' height limit by not more than 15'. Commissioner Pauls also seconded the amended motion. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The final motion read as follows: to adopt the following revised language of 5.00.06 of the Land Development Code regarding Height Limitations, Exceptions, and Measurement Methodology. Notwithstanding any other provisions of this code, no man made improvements higher than four (4) stories of habitable space or fifty feet (50'0"), whichever is less, shall be permitted north of Highway 98 and south of the Choctawatchee Bay and the Intracoastal Waterway in Walton County except as noted herein. Building Height means the vertical distance between (1) the average elevation of the existing natural ground beneath the footprint of the building and (2) either the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs. Height Exceptions: The height limitations stipulated may not apply to the following, subject to review on a case-by-case basis by the Board of County Commissioners: Church Steeples and spires; Chimneys; Aircraft towers and navigational aids; Solar energy collectors or Windmills; Utility transmission towers excepting that any transmission or receiving tower shall not be greater in height than seventy-five feet (75'0") in height; Civic structures relating to public welfare; and Safety and Health related facilities, public or private.

Mr. McGee presented the Planning Commission's recommendation to approve Grayton Corners subject to receiving outstanding FDEP permits. Mr. Jay Odom, applicant, and his attorney, David Theriaque, were both present.

Attorney Theriaque stated that they are requesting a Quasi-Judicial Hearing. Billy and Kelly Buzzette represented the opposing side. Mr. Miller explained that under the Land Development Code a Quasi-Judicial Hearing is permitted, allowing each side to call their witnesses with time for cross-examination. Mr. Miller requested a list of witnesses.

The Commissioners recessed briefly.

Chairman Walker called the meeting back to order and stated the procedure that should be followed along with the number of witnesses that would be called for each side.

Attorney Theriaque announced the following witnesses who would be speaking on behalf of the project: Jay Odom, applicant; Richard Stafford, Real Estate Broker; Mr. Ken Shannon, Planning Technician; and Mr. John Lewis. The following individuals were to be called on behalf of the opposing side: Mr. Kurt Tape; Shirley Saley; Cindy Meadows; John Lewis; and Ken Shannon. Both parties voluntarily waived the right to evoke the rule of sequestration. Each witness was sworn in as Chairman Walker administered the Oath.

Attorney Theriaque, representing Mr. Odom, addressed the Commissioners regarding the Grayton Corners proposed development. Mr. Theriaque presented his opening statements by speaking about the requirements/guidelines for a Quasi-Judicial Hearing. He stated that the Commissioners have received numerous letters for both sides of the project and advised them that they are not to be considered as part of the evidence. The only evidence to be considered will be the testimony given during this meeting. Mr. Theriaque stated that the Board must base their decision on competent substantial evidence, not opinions. He advised that there are two outstanding issues that must be

considered. One of those issues is if the project meets the 65% CR 30A Corridor requirement and the second is whether or not neighborhood commercial can be placed on the entire property.

Mr. Theriaque presented a copy of the site plan dated June 26, 2000. County Road 283 was highlighted on the site plan. He stated that page 356 of the Land Development Code defines the front lot line as follows: The lot line which abuts the street right of way. On a corner lot, this shall be the lot line having the shortest dimension adjoining a street, which he stated is CR 283, making the sides/width the north and south sides of the property. The property on CR 283 is 111' long and the widest portion of the proposed building is 70', which is 62%, demonstrating that the project meets the 65% requirement according to the LDC for CR30A. (Exhibit #1; site/utility and landscape plan dated June 26, 01.)

Mr. Theriaque stated that the covenants and restrictions on the parcel in question designate this property as unrestricted, which allows commercial. He stated that the Comprehensive Plan allows neighborhood commercial on property designated for commercial prior to December 28, 1992. He advised that the covenants and restrictions were in place prior to that date. The area in dispute is 55' wide and will have 13' of parking on this portion leaving the remaining portion for a buffer area. Mr. Theriaque explained that the covenants and restrictions were changed before Mr. Odom purchased the property. The 55' was originally designated for residential. Prior to Mr. Odom purchasing the property, there was a provision in the covenants and restrictions that was recorded prior to the December 28, 1992 date that allowed the developer to change the designation. The property changed from residential to commercial, thereby requiring the

appropriate designation according to the Comp Plan, allowing for neighborhood commercial.

Attorney Theriaque stated that the County acknowledges that historically, the 55' strip has been used and approved as commercial. He believes that the action taken by the county creates an estoppel argument that precludes the county from not allowing Mr. Odom to use 13 of the 55 feet for parking.

The third argument he voiced is that the Comp Plan allows for neighborhood commercial regardless of what the covenants and restrictions state. (Exhibit #2; pages 12 and 13 of the Walton County Comprehensive Plan). Mr. Theriaque stated that the LDC was adopted in 1997, which stated that Commercial was not allowed in RP. The plan was then changed on November 23, 1999 allowing for neighborhood commercial.

Mr. Theriaque stated that he feels the project meets all requirements of the Comp Plan and the Land Development Code. He also gave three reasons for which the Board can support Mr. Odom's attempt to use the 55' for neighborhood commercial.

Mr. and Mrs. Billy Buzzett appeared before the Commissioners to present their opposition to Grayton Corners. Mr. Buzzett stated that they will present evidence showing that this development violates the Land Development Code and Comprehensive Plan. Mr. Buzzett pointed out the property location known as Grayton Trail, which fronts CR30-A on the north and DeFuniak Street (CR283) on the west. In 1994 the property was platted as a residential subdivision. The covenants and restrictions were recorded for the frontal property, which allowed the property to be used as commercial. In 1996 the comp plan was adopted and states that in RP, regarding commercial, that if a recorded plat authorizes commercial, then commercial would be allowed. However, this plat was

residential. Mr. Buzzett stated that the Comprehensive Plan only recognizes what is on the recorded plat. He stated that the Board of County Commissioners adopted an amendment in 1999 to the Comp Plan allowing the recorded covenants and restrictions to be considered. Mr. Buzzett stated that the amendment also included a cut-off date of December 28, 1992 stating that if the property was protected by covenants and restrictions, designating it commercial, then it was granted commercial status, if not, it was granted residential as designated. Mr. Buzzett presented record showing that the property was changed in the year 2000, eight years after the cut off date. He stated that is a violation of the comp plan. (Defendant exhibit #A; copy of the 1984 recorded plat, Grayton Trail Restrictive Covenants, and the amendment to Grayton Trail Restrictive Covenants for lots 6, 7 and a portion of lots 9 and 10, Block A.)

Mr. Buzzett stated that there are three areas of concern; land use category, lack of parking, and scenic corridor related issues regarding buffers, parking and the 65% rule.

Discussion was held regarding the numerous calls and letters of correspondence received by the Commissioners regarding this issue. Each Commissioner voiced that they had been contacted, however, their decision would not be affected by the calls or correspondence that they received.

Mr. Theriaque called Mr. Jay Odom as his first witness. Mr. Odom stated that he is the owner of the property in question and applicant for the project. He further presented an overview of the project and site location. Mr. Odom stated that the project has been through extensive review by the Planning staff and Planning Commission and found in compliance for the LDC and Comp Plan. He stated that adjacent neighbors are not objecting to the project and that only 38 parking spaces are required for general

business; however they have plans for 50 spaces to meet the requirements for general business and the restaurant. Mr. Odom stated that the project meets the Scenic Corridor Guidelines.

Mrs. Kelly Buzzett questioned Mr. Odom regarding the possibility of a restaurant being located in this project. Mr. Odom explained that the project meets the requirements for a restaurant, but he has not yet determined if he will locate one there. He explained that he used the guidance of the Planning Department to meet the parking requirements. The building will house retail tenants. Mr. Odom stated that he needs the additional residential property to meet the parking requirements; otherwise he would have to construct a smaller building to allow for parking. Mrs. Buzzett questioned Mr. Odom where he placed his buffer to comply with the Scenic Corridor Guidelines. He stated that there is a 20' buffer on CR30-A. Discussion was held regarding parking and the 20% discount if it is placed behind the building off of 30A. Mrs. Buzzett questioned the date of the amendment to the covenants and restrictions that changed the residential property to commercial. Mr. Odom stated that it was during the year 2000.

Attorney Theriaque called Mr. Richard Stafford, Real Estate Broker, for questioning. Mr. Theriaque asked Mr. Stafford to share his knowledge of the creation of Grayton Trails and the covenants and restrictions originally created. Mr. Stafford explained that it was created in 1984 along with the covenants and restrictions. The Covenants and restrictions designated the parameter lots as unrestricted, which allowed for commercial at that time. All of the interior lots were designated as single-family residential. (Shown on Map 1; marked as plaintiff's exhibit #5) Mr. Stafford explained that the Durke family, who developed Boragos, approached them regarding the

development of their property. He further explained how lot 8 was reconfigured to include the 55' of the southern portion of the property. (Shown on Map 3; marked as plaintiff's exhibit #6) He stated that the change was approved through the county. Mr. Stafford stated that the additional 55' was also designated residential in the covenants and restrictions. He spoke about the replat that occurred in 1996 and stated that it was his intent that the property would be used as commercial.

Mr. Buzzett questioned Mr. Stafford about the boundary line changes and if the public had been notified. Mr. Stafford stated that he does not believe that was a requirement at that time. Mr. Buzzett questioned if there was a recorded change of covenants and restrictions to allow the property change from residential to commercial. Mr. Stafford responded that in the covenants the developer reserved the right to amend the restrictions. He explained that discussion took place with the county that a portion would be added to the corner lots along with making it commercial.

Mr. Theriaque called Mr. Ken Shannon, Walton County Planning Technician. Mr. Shannon stated that he is the primary planner for the county and gave an overview of his educational background. He read the recommendation of the Planning staff, which was based upon his review of the Comp Plan and the LDC compared with the project. Mr. Shannon stated that in his review, the project met all of the requirements. He further stated that the LDC needs a definition of shopping center.

Mr. Buzzett questioned Mr. Shannon about the buffer area on Mr. Odom's property. Further questioning took place regarding the width requirements of the LDC and Comp Plan for the placement of the parking area.

Attorney Theriaque followed up with questions about lot width and the number of parking spaces. Mr. Theriaque stated on behalf of his client that he has agreed to withdraw the restaurant from the plans, therefore not requiring any additional parking spaces. Mr. Odom agreed and stated that he would delete the restaurant all together.

Mr. Buzzett presented the following items into record:

Exhibit A- copy of the 1984 recorded plat, Grayton Trail Restrictive Covenants, and the amendment to Grayton Trail Restrictive Covenants for lots 6, 7 and a portion of lots 9 and 10, Block A.

Exhibit B-survey by W.W. Curle with attached letter from the Walton County Planning Department.

Exhibit C-large scale map of Block A, Grayton Trail

Attorney Theriaque presented the following items into record:

Exhibit 1- site/utility and landscape plan dated June 26, 01

Exhibit 2- pages 12 and 13 of the Walton County Comprehensive Plan

Exhibit 3- large scale site/utility and landscape plan dated June 21, 01

Exhibit 4-large scale color aerial map of Grayton Corner

Exhibit 5-Map 1, Grayton Trail

Exhibit 6-Map 3, survey of lots 9, 10, and 11

(County file, which was withdrawn from evidence later in the meeting)

In closing, Attorney Theriaque stated that there are three areas of concern, which is the 65% issue, whether or not the neighborhood commercial can be applied to 13' of parking, and what parking standard should be used. He asked that this project be treated the same as others have historically been in the same situations. He stated that the LDC specifies which side of the lot is the front, which is CR283. The third issue is to consider if Mr. Odom is allowed to use 13' of the 55' for parking. He feels that should be allowed

because of historical usage from others. Mr. Theriaque stated that the developer changed the designation to commercial prior to Mr. Odom's purchasing the property.

Mr. Buzzett stated in closing that the Comp Plan speaks for itself regarding the date specific for covenants and restrictions. He read from the LDC stating that non-residential uses are not allowed in this district unless part of a previously approved plat or development order. The record indicates that the developer changed the covenants and restrictions. He indicated that lots 6 and 7, since it was platted in 1994, should be commercial. He suggests that the LDC and Comp Plan do not allow for commercial usage. Mr. Buzzett stated that the scenic corridor is to provide protection and should be followed in strict adherence. Mr. Buzzett stated that the Comp Plan requires off street parking, that this project is a shopping center and should be treated as one, and that this project is too large for the site.

Attorney Miller advised the Board that they have 15 days to submit a written order with findings and fact with conclusion of law. He suggested having both sides submit a recommendation for review or wait for the court reporters transcript.

Commissioner Jones voiced his concern regarding the extended corner lot and the issue of a shopping center.

Vice-Chairman Rees pointed out the fact that it is a commercial site, but voiced concern with the parking issues. He also voiced concern with property platted as residential and making it commercial.

Commissioner Pauls stated that the code should be applied in the same manner to everyone. He does not feel that the project is defined as a shopping center according to code. A definition of shopping center is needed. He feels that the project is an appropriate

use of the property for commercial use, but stated that it should be granted by variance or a small-scale amendment. This would provide for clarity and consistency to determine how other properties with covenants designated commercial, desiring to be developed as neighborhood commercial, will be handled.

Commissioner Ryan stated that the Code needs to be better written. He felt that the project is practical for the existing conditions.

Chairman Walker stated that in his opinion, lot 7 is not a corner lot. He also stated that others have previously allowed the 13' for parking in the area. He also stated that in not using lot 7 as a corner lot that the project does not comply with the 65% criteria.

Mr. Miller, again, reminded the board that they must take a vote within 15 days on the actual order that makes conclusion of law and findings of fact according to the LDC.

Motion by Commissioner Jones, second by Vice-Chairman Rees to deny the recommendation of the Planning Commission due to inadequate parking for a shopping center and the fact that lot 7 cannot clearly be considered as a corner lot.

Commissioner Jones agreed that the proposed project is good, however, parking issues need to be addressed. Commissioner Pauls agreed, however, there is not a definition and felt that a decision must be based on the current code.

Vice-Chairman Rees withdrew the second to the motion to allow the parties to discuss the issues in an attempt to resolve the matter. Attorney Theriaque suggested the Board postpone a decision allowing the parties time to meet and review the proposed written orders for review. This would allow time for the parties to discuss a resolution to the situation.

Motion by Vice-Chairman Rees, second by Commissioner Jones stating that the action taken by the Board at this meeting serves as notice to hold a public hearing on August 7, 2001 at 5:00 p.m. to consider a proposed settlement or a proposed final order. The proposed written consent orders will be submitted to the Board members within 24 days to allow time for review before the hearing; the parties agreed. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The Commissioners recessed briefly.

Chairman Walker called to order the public hearing to consider the Turner small-scale amendment as requested by Hilda Turner. Mr. McGee presented the Planning Commission's recommendation of denial.

Attorney Paul Lydolph III appeared before the Board on behalf of Mrs. Turner who feels that the property is zoned incorrectly. He stated that she is asking for a use that is more restrictive than the current zoning. She is requesting it be rezoned to Rural Village. Discussion was held regarding flooding. Mrs. Turner stated that she does not have any problems with flooding on the parcel in question.

Mr. David Clemmons advised the Commissioners that Mrs. Turner has placed three trailers on the property even after being denied her request for rezoning. He stated that the trailers are in poor condition and is opposed to the rezoning and the trailers being located on the property. Mr. Clemmons presented a petition of residents who are opposed.

Mr. David Dennis stated that he does not feel it is right to devalue the surrounding property by moving in trailers.

Mrs. Herm Hernandez voiced her objections to the small-scale amendment. Mrs. Hernandez stated that they have been residents of Whitfield Road for 20 years and fear that their property value will decrease. They also felt that any change would set precedence.

Mr. Warner Posten also objected due to a decrease in property value. He stated that there is insufficient infrastructure to support additional traffic and flooding is also a concern. Mr. Hershel Crutchfield voiced the same concerns.

Ms. Katie Simpson stated that she is in favor of allowing the change to give Mrs. Turner an opportunity to better herself.

Mr. Lydolph read what uses are allowed on the property and what changes would cause a decrease to the property values. He stated that the proposed amendment is more restrictive and feels that the change would increase surrounding property values.

Mr. Dewey Overturf also voiced concern with flooding. Mrs. Turner addressed the Commissioners and stated that the property in question is on the opposite side of the water and further explained why she bought the property.

Mrs. Latilda Henninger, Planning Director, explained that Mrs. Turner has been notified of a zoning violation and stated that Code Enforcement would be investigating the project further due to the number of non permitted trailers on the property.

Motion by Commissioner Ryan, second by Commissioner Jones to table this issue until the next meeting on August 7, 2001 for further review. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Chairman Walker called to order the public hearing to consider the Coastal Center Mixed Use land use and the Village Mixed Use Center land use ordinances. Mrs.

Henninger stated that these ordinances were drafted to amend language that conflicted between the LDC and the Comprehensive Plan. She presented information regarding the amended language. A second public hearing is required before adoption; no action is necessary at this time.

Chairman Walker stepped out and turned the chair over to Vice-Chairman Rees.

Motion by Commissioner Pauls, second by Commissioner Jones to table Rusty Humberson's request for two tower sites until August 7, 2001. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. McGee presented the Planning Commission's recommendation to approve the proposed development of the Faith Assembly Thrift Store subject to outstanding FDEP permits. Faith Assembly Christian Church is proposing a 15,504 square foot retail store on property designated Village Mixed Use. Commissioner Pauls questioned Mr. Charles Plouche if there are any plans for a cross access agreement with the adjoining property owner. Mr. Plouche explained that they considered that, however, they felt it would be best not to create a cross access.

Motion by Commissioner Pauls, second by Commissioner Jones to accept the Planning Commission's recommendation and grant approval of the Faith Assembly Thrift Store. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Commissioner Walker returned.

Motion by Commissioner Pauls, second by Commissioner Jones to table the Mack Bayou Pines request until the September 4, 2001 meeting. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. McGee presented the Planning Commission's recommendation to approve the Russell Subdivision proposed project subject to outstanding items and that one of the lots is not built on until sewer is available. Mr. Darrell Russell is proposing a 4 single-family lot subdivision on 1.26 acres designated NPA/Infill located on Walton Rose Lane. Mr. Dean Burgess, Emerald Coast Associates, appeared before the Board to answer questions.

Motion by Commissioner Ryan, second by Commissioner Pauls to accept the Planning Commission's recommendation and grant approval of the Russell Subdivision proposed project. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. McGee presented the Planning Commission's recommendation to approve Bear Creek Subdivision First Addition subject to all outstanding items. The Planning Commission also recommended the Board consider the traffic generated by this project, needed road improvements, and to further seek voluntary compensation from the developers for road improvements. Concerns were also voiced regarding damage to the road by White Construction. Attorney Miller advised that White Construction currently has a contract to widen the edges of the roadway. Mr. McGee questioned if any assistance could be given to provide for a better septic system. Mr. Lee Perry previously advised that this would be cost prohibitive.

Mrs. Henninger stated that staff has been working on revisions to the way traffic is identified and the impact on certain areas. This proposal is the first of three phases. Mrs. Henninger explained that the Planning Commission did not adopt their master plan because of lack of detail.

Motion by Commissioner Pauls, second by Commissioner Ryan to accept the Planning Commission's recommendation and approve Bear Creek Subdivision First Addition. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Walker, second by Commissioner Pauls to grant Mr. Michael Lee Henderson's request for a one-time one-year extension on a development order (#01037) for Bayou Properties, a minor development. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Daryl Burgess, Emerald Coast Associates, presented Seacrest Beach, Phase 7 final plat for approval. Mr. Burgess also presented Crystal lake @ Sandestin, Phase 4 for approval. Attorney Miller reviewed the plats and found them to be in order.

Motion by Commissioner Jones, second by Commissioner Ryan to approve Seacrest Beach, Phase 7 final plat for recording. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Ryan, second by Commissioner Jones to approve Crystal Lake @ Sandestin, Phase 4 final plat for recording. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Henninger advised the Commissioners that Bayou Bend Subdivision final plat scheduled on the agenda would be presented at the next meeting, pending final signatures.

Mr. Jonathan Rhodes presented the final plats for Watercolor Towncenter Homes, Building 6, Building 7, Building 8, and Building 10 for recording. Attorney Miller reviewed the plats and found them in order.

Motion by Commissioner Pauls, second by Commissioner Ryan to approve Watercolor Towncenter Homes, Building 6 for recording subject to Mr. Dewey Wilson's signature. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Ryan, second by Commissioner Jones to approve Watercolor Towncenter Homes, Building 7 for recording. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Walker, second by Commissioner Pauls to approve Watercolor Towncenter Homes, Building 8 for recording. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Walker, second by Commissioner Ryan to approve Watercolor Towncenter Homes, Building 10 for recording. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

There being no public comment, Commissioner Walker motioned to adjourn at 11:40 p.m., second by Commissioner Ryan. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

APPROVED: _____
Herman L. Walker, Chairman

ATTEST: _____
Martha Ingle, Clerk of Courts