

JULY 6, 2004-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, July 6, 2004 at 5:00 p.m. at the South Walton Courthouse Annex.

The following Board members were present: Larry Jones, Chair, Tim Pauls, Vice-Chair, Commissioner Lane Rees, and Commissioner Kenneth Pridgen. Ms. Shirl Williams, Assistant County Administrator, and Attorney Gary Vorbeck, Director of Legal Services, were also present.

Chairman Jones led with prayer followed by the pledge of allegiance to the American Flag. He then called the meeting to order.

Chairman Jones called the attention to the first item on the agenda, which was a request to set a public hearing for the proposed Turtle Lighting Ordinance. Chairman Jones noted that there had apparently been some confusion about the action that the Board was scheduled to take regarding the request. He clarified that the request was to schedule a public hearing to be held at a later date. He reviewed the options that the Board had concerning the proposed ordinance. Commissioner Cuchens suggested that the ordinance be sent back to staff to review the amended language. It was the general consensus of the Board to allow brief comments from the public.

Attorney David Pleat addressed the Board representing the South Walton Turtle Group. Mr. Pleat briefly spoke about the non profit organization and addressed the proposed ordinance.

Attorney George Ralph Miller, on behalf of Attorney Mark Davis, approached the Board and asked for a continuance of the request to set a public hearing. Mr. Emmett Hildreth also addressed to request a continuance of the matter. Chairman Jones explained

that if a continuance was granted then the only action that would be taken by the Board at that time would be to schedule a public hearing.

Because of the significance of the ordinance, Chairman Jones and Commissioner Pauls expressed the need to allow adequate time to review the changes that had been made to the ordinance since it had been presented to the Planning Commission.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to postpone the setting of a public hearing date for the proposed Turtle Lighting Ordinance until August 3, 2004.

Mr. John McGee addressed the Board to request that a public hearing to consider the ordinance be scheduled as soon as possible.

The Board directed staff to review the changes that were made to the ordinance and draft language to bring back to the Board on August 3rd.

Mr. Richard Fowlkes urged the Board to schedule a date for a public hearing soon.

A vote was called for the motion on the floor. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye. Chairman Jones clarified that the only action that will be taken by the Board on August 3rd is to set a public hearing for consideration of the ordinance as it is presented by staff.

Mrs. Jennifer Christensen, Administrative Services Coordinator, addressed the Board and requested that agenda item #10, The Highlands at Seagrove Beach, be continued until August 3rd.

Motion by Commissioner Rees, second by Commissioner Pauls, to continue The Highlands at Seagrove Beach until August 3rd. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented the Watson petition for abandonment. Linda Watson Realty, as agent and property owner, proposed to abandon the 33-foot right-of-way along the western boundary of Lot 72, Township 3 South, Range 20 West, Section 2, as recorded in Deed Book 134, pages 196 and 197 of the Public Records of Walton County, and is a patent from the US of America to Narvin E. Grams. The site is located on the west side of Spooky Lane, south of CR 30-A. Planning staff's recommendation was for denial. Public Works also recommended denial of the proposed abandonment. The Planning Commission recommended approval of the abandonment of the eastern 20 feet, with 13 feet to remain in tact for a walkover.

A letter of opposition written by Aaron and Caroline Ellis was entered into the record.

Attorney Robert McGill, representing the applicant, addressed the Board to further explain the request. He said that the application before the Board was for abandonment of 20 feet of the 33-foot easement along Lot 72. Mrs. Christensen stated that staff's recommendation still stood as denial. Further discussion was held regarding the request.

Mr. Charles Wagner stated that the access runs directly in front of his property and accesses the boardwalk through the Creek View subdivision.

Mr. McGill explained how the easement on Lot 72 and a previous easement on Lot 71 were created. He also gave a history of the property and the applicant's

ownership of the property. He felt that because of the 1996 legislation and a judge's determination that there were jurisdictional wetlands, the property is unusable to the county. He said what they were asking for was for the county to abandon 20 feet of the 33 feet easement that would never be used. Discussion was held regarding these issues.

Mr. Russ Aldrich presented a map to the Board illustrating where the DEP wetlands were located. Commissioner Pauls felt that there should be some public benefit if the easement was abandoned. He stated that there were perhaps improvements that could be made that would be acceptable for exchange of the abandonment. He suggested that they be allowed to bring back proposals to the Board for consideration.

The following citizens addressed the Board to speak in opposition to the proposed abandonment: Mr. Fred Betz, Mr. Denny Terry, and Mr. Charles Wagner. Mr. Steve Carney, Mr. Jim Sheriff, and Mr. John Woodward.

Motion by Commissioner Rees to deny the request. The motion died for the lack of a second.

Commissioner Pauls stated that he is not in favor of abandoning easements to the beach and it was not his intentions to limit public access to the beach in any way. He said that part of the challenge has to do with parking. He requested clarification from staff as to whether or not this is a lot of record that can be built on.

Motion by Commissioner Pauls to continue the proposed Watson Petition for Abandonment until the August 3, 2004 Land Use Hearing. Commissioner Pridgen second the motion. Ayes 4, Nays 1. Jones Aye, Rees Naye, Pauls Aye, Cuchens Aye,

and Pridgen Aye. This will allow the applicant time to work with the Planning Department to further clarify the request.

The Board recessed briefly.

Mrs. Christensen presented a proposal from Mr. Gary Martin to abandon the easement between lots 33 and 34 with 10-feet on each lot for a total of 20 feet. The site is located in Lake Holly Estates, approximately 0.1 miles from Highway 331 North on Lake Holley Circle. The Planning staff and Planning Commission recommended approval.

Mr. Gary Martin addressed the Board to further explain his request.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve the proposed Martin Abandonment (Resolution 2004-45). Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tom Blackshear, Senior Planner, presented a proposed R.C. Page Small Scale Amendment. This proposed amendment to the South Walton Future Land Use Map involves changing four parcels totaling 5.94 acres from Neighborhood Planning Area/Infill. These parcels are located on the west side of Dick Saltzman Road, approximately ¼ mile north of East Point Washington Road. Mr. Blackshear reviewed the information contained in the staff report and presented the Planning Departments' recommendation for approval.

Mr. Dean Burgess, Emerald Coast Associates, Inc., addressed the Board representing the applicant. He reviewed an affidavit that had been agreed to and signed by R.C. Page.

Mr. R.C. Page, property owner, approached the Board to speak about his request.

Mr. Chris Kent addressed the Board representing the group that had created the affidavit. He submitted the affidavit into the record.

Another gentleman addressed the Board to speak in favor of the request.

Motion by Commissioner Rees, second by Commissioner Pauls, to approve by ordinance the proposed R.C. Page Small Scale Amendment (2004-25). Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Erica Teats, Planning Technician I, presented a request for approval from MRD Associates, Inc., for a dune restoration project and issuance of a letter of comprehensive plan consistency for ALYS Beach (FKA Somerset Beach). The project is located along the gulf front of the proposed development. The project consists of three elements: 1.) the removal of approximately 1,000 cubic yards of dark brown material (peat); 2.) placement of approximately 12,800 cubic yards of clean white compatible beach sand to reconstruct the seaward face of the dune; and, 3.) installation of approximately 30,000 sea oat with the other native dune vegetation within the limits of the reconstructed dune.

The applicant requires a letter from Walton County to the Florida Department of Environmental Protection stating that these activities are consistent with the local government building codes, land development codes and state approved comprehensive plan before a FDEP permit is issued. The Planning Department finds, based on the impact Assessment Report, that the project is consistent with the LDC and Comp Plan requirements and therefore recommended approval. A permit for the proposed activity is required to be issued from the beaches and Shores Division of the Florida Department of Environmental Protection before a final development order is to be issued.

Mr. Jason Comer, Vice President of EBSCO Gulf Coast Development, Inc., addressed the Board to speak briefly about the project. He then turned the floor over to Mr. Tom Drombrowski to present a power point presentation addressing major issues such as dune nourishment and removal of the peat. The floor was then turned over to Mr. Jim Stevens to discuss the proposed project.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve the proposed Somerset Beach Dune Enhancement Plan. Ayes 4, Nayas 1. Jones Aye, Rees Aye, Pauls Aye, Cuchens Naye, and Pridgen Aye.

Chairman Jones called to order the Quasi-Judicial Hearings and Attorney Vorbeck administered the oath to those individuals who would be speaking on the following projects: Captiva at TOPS'L Plat, Forest Lake Phase I Plat, Hale Development, Sandestin NOPC, The Highlands at Seagrove Beach, Prominence, Lakeside @ Blue Mountain Beach PUD, Sanctuary @ Redfish Lake, Brandon Oaks 2nd Addition, The Village @ Grayton Beach PUD, Preserve @ Seagrove, Shoppes of Miramar Beach/Miramar Beach Villas. Each commissioner acknowledged all ex-parte communications that had been received regarding the projects being presented.

(Commissioner Pauls stepped out)

Mrs. Christensen presented Captiva at Tops'l final plat for approval. The plat consists of 6 town home units. Staff recommended approval. There were no public comments.

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve Captiva at Tops'l final plat for recording. Ayes 4, Nayas 0. Jones Aye, Rees Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented Forest Lake Phase I final plat for approval. The plat consist of a 78 lot single family subdivision with amenities. Staff recommended approval. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Pauls, to approve the Forest Lake Phase I final plat for recording. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Carl Hammons, Planning Technician II, presented a request for approval of a major development identified as "Hale Development". Charles Buddy Hale proposed to construct a 5,300 square foot two story inventory storage, commercial, and office building on .46 acres with a land use designation of Coastal Center. This site is located on the northwest corner of Irene Drive and US 98. The Design Review Board's recommendation was for approval and the Planning Commission's was for denial. The original recommendation from staff was for denial, based on the primary use of the proposed structure (storage) being a use not allowed within the Coastal Center future land use district. After meeting with the prospective owner, also the owner of other mattress/bedding stores in the region, staff changed the recommendation to approval, based upon the following findings:

- 1) This business is required to have 28 to 32 bedding sets on display
- 2) The market for this business is for immediate or nearly immediate sale.
- 3) For each set on display, they are required to have 16 sets in storage for immediate sale.
- 4) Therefore, for this type of business (mattress/bedding) is normal to need a ration of 75% on site- storage to 25 % sale area.

Mr. Hammons entered into the record the original planning report and a revised supplement with staff's new recommendation (**Exhibit #1-Planning Report & Exhibit #2-Suppliment to Planning Report**).

Mr. Hammons stated that the Board could consider a stipulation that would require the applicant to come back before the Board for approval if the facility ceases operation as a mattress/bedding retail.

Mr. Dean Burgess addressed the Board on behalf of the applicant to answer any questions. There were no public comments.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve Hale Development with the suggested stipulation. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Blackshear presented a request for approval from Intrawest Sandestin Company, LLC, and Huff Developments, LLC for a change to the previously approved Sandestin Development of Regional Impact. This proposed change involves adding Lot 48 in Section 24, Township 2 South, Range 21 West, of Santa Rosa Plantation, to the Sandestin DRI. This parcel is approximately ten acres and has an approved development order for a sixty-nine unit residential project called the Bungalos. It is located on the west side of Mack Bayou Road, approximately one mile north of US 98.

This applicant's Notice of Proposed Change has been reviewed by state and regional agencies and by Walton County planning staff. All of the reviewers agree that this addition will not create additional regional impacts. Based upon these findings, and based upon the County's previous approval of the Bungalos project, County planning staff recommended that the Planning Commission and the Board find this proposed change to be a non-substantial deviation to the Sandestin DRI in accordance with 380.06(19), F.S. Planning staff's recommendation was for approval (**Exhibit #1-Planning Report**).

Discussion was held regarding a letter that had been submitted by a Sandestin resident, Ray Kostick, who had concerns regarding traffic. Mr. Dean Burgess approached the Board on behalf of the developer and applicant and addressed the concern.

The floor was opened for public comments and questions.

Mr. Ray Kostick addressed the Board to speak in opposition to the request. He expressed concerns regarding traffic issues. He felt that the concerns could be eliminated by placing a manual gate onto Mack Bayou Road from the Bungalows development.

Mr. Chandler Huff with Huff Development approached the Board and gave a brief history of the project. He explained the reasons that they were opposed to placing a gate onto Mack Bayou Road. Mr. Huff also addressed the traffic concern. Further discussion was held. Commissioner Pauls stated that the issue before the Board was whether or not the project constituted a substantial deviation in the DRI process.

Mr. Joe Abruzzo addressed the Board to speak in opposition to the request.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the recommendation to find the proposed change as a non-substantial deviation to the Sandestin DRI. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

The Board recessed briefly.

Mrs. Christensen presented a request for approval of a major development identified as "Prominence PUD". Deer Lake Development Co., Craig Thurmond and Moore-Bass Consulting proposed to develop a 49-lot single family subdivision on 11.34

acres with a land use designation of Neighborhood Planning Area. This site is located on the south side of County Road 30-A, past Camp Creek Road, north before Bridge Lane. Planning staff and Planning Commission recommended approval with the exception of the following requested deviations (**Exhibit #1-Planning Report**):

1. Request to allow accessory units to exceed 800 square feet,
2. Request to allow accessory apartment to be rented through the Prominence rental program,
3. Request no sidewalks on ST 36 (the LDC states sidewalks shall be on both sides of all new residential streets and the Comp Plan states a minimum 6' wide sidewalk on at least one side of the road and the PUD may deviate the LDC at the approval of the BCC but the Comp Plan must be met);

and also with the following acknowledgements:

- 1) Row houses may utilize the 1.5 parking spaces per row house provided they do not exceed one bedroom per unit,
- 2) If any primary access road is less than 20' in width it must still obtain South Walton Fire District and Emergency Management approval during the TRC stage although the PUD may allow for less, and
- 3) The 65% lot coverage south of 30-A will be verified during the TRC stage.

The Prominence PUD application was entered into the record as an exhibit (**Exhibit #2-Application for PUD**).

Attorney George Ralph Miller addressed the Board representing Deer Lake Development. He said that the applicant agreed with all of the conditions. Attorney Miller asked Mrs. Christensen if the development as proposed with the conditions complies with the LDC and Walton County Comprehensive Plan. Mrs. Christensen responded that it does for a PUD application. She stated that because it is a PUD, they are not complying with every aspect of the LDC; there are several areas that they are requesting deviation. She stated that the development complied with the PUD requirement of the LDC.

There were no public comments.

Motion by Commissioner Rees, second by Commissioner Cuchens, to approve the Prominence PUD with the recommended conditions. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of a major development identified as “Lakeside at Blue Mountain Beach PUD.” The proposed project consists of 227 dwelling units, including 147 single-family residences and 80 condominium units, and 42,000 square feet of nonresidential development, including 11,000 square feet of office and 31,000 square feet of retail space. The subject property contains 43.2 acres with a land use designation of Village Mixed Use and Neighborhood Planning Area. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report & Revised Supplement to Planning Report**).

Mr. Mark Siner, Choctaw Engineering, addressed the Board representing the applicant. Discussion was held regarding the environmental assessment. Mr. Ken Goldberg also addressed storm water concerns.

Mr. Richard Fowlkes, appeared before the Board on behalf of the Blue Mountain Beach Homeowner’s Association. He commended Mr. Mike McCormick, President of Blue Mountain Preserve, for working with the association and addressing their concerns. He requested that the Board approve the project.

Ms. Anita Paige, on behalf of the South Walton Community Council, addressed the Board to express appreciation to Mr. McCormick for his openness and willingness to meet with the organization and address their concerns. She stated that they support the development with the caveat that any procedure that is needed be implemented to

ensure that the stormwater runoff does not degrade the quality of Big Red Fish Lake. She asked that the Board support the project.

Motion by Commissioner Pauls, second by Commissioner Rees, to approve Lakeside @ Blue Mountain Beach. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of a major development identified as "Sanctuary @ Redfish Lake". Sanctuary Development Group, LLC proposed 68 multi-family condominium units on 13.7 acres with a land use designation of NPA/Traditional Neighborhood Development Area. This site is located on C.R. 30-A, east of C.R. 83 and Blue Lake Road. Planning staff and the Planning Commission recommended approval conditional upon satisfactory completion of the Walton County Engineering Department's requirements as listed in the planning report (**Exhibit #1-Planning Report**).

Mr. Mark Siner addressed the Board to further explain the request. There were no public comments.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve Sanctuary @ Redfish Lake the conditions recommended by staff. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented a request for approval of a major development identified as "The Village at Grayton Beach PUD". Grayton Beach Development and John Beckel proposed to develop 48-lot single-family and 5 building, 4 unit town homes on 9.74 acres with a land used designation of Village Mixed Use. This site is located on County Road 283, 1.25 miles south of US 98 on the west side of the road.

Planning staff's and the Planning Commission's recommendation was for approval **(Exhibit #1-Planning Report)**. A revised conceptual plan for The Village at Grayton Beach was entered into the record **(Exhibit #2)**.

Attorney Lloyd Blue addressed the Board to answer questions.

Ms. Anita Paige, on behalf of the South Walton Community Council, approached the Board to speak in favor of the proposed project. She requested that the Board approve the development.

Motion by Commissioner Pridgen, second by Commissioner Rees, to approve The Village at Grayton Beach PUD. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Renee Bradley, Planning Technician I, presented a request for approval of a major development identified as "Brandon Oaks 2nd Addition". R & B Construction was proposing 94 single-family residential lots on +/- 75.0 acres with a land use designation of Rural Village. The site is located on Bay Grove Road, approximately 0.1 miles from Hwy 331 S. Planning Commission and Planning staff recommended approval with the following conditions **(Exhibit #1-Planning Report)**:

- (a) Roadways within this development must remain private.
- (b) The applicant shall install a northbound left turn lane at the intersection of US 331 and Bay Grove Road.
- (c) The developer shall require the lot purchases to install an aerobic septic system and the developer shall install a "dry system" sewer.
- (d) Homeowners will be connected to public sewer within one year of availability.
- (e) Applicant must submit to the Department of Planning a Master Plan, which shall include utility, traffic, and drainage for the entire 300 acres under contract or option.
- (f) The developer must provide right and left exit lane off of Bay Grove road onto US 331.

Mr. Russ Aldrich, Emerald Coast Associates, addressed the Board to answer any questions. He stated that they were agreeable to the conditions recommended by staff.

The floor was opened to public comments and questions. The following members of the audience addressed the Board and expressed various concerns regarding the proposed project: Ms. Jackie Latang, Mr. Tom Waldrop, Mrs. Lisa Waldrop, Mrs. Grace Spencer, and Ms. Donna Prijatelj. The citizens' concerns were addressed by Mr. Aldrich and Mr. Burgess.

The majority of the Board felt that the project should be continued to allow additional time to schedule meetings to better inform the public about the project and discuss concerns that have been expressed.

Motion by Commissioner Rees to continue the proposed project until August 3rd and request that the developer schedule a meeting with the community. Commissioner Pridgen second the motion. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of a major development identified as "Preserve @ Seagrove". Ed Janas proposed to develop a 40 lot subdivision on 8 +/- acres with a land use designation of NPA/Infill. This site is located on the north side of C.R. 30-A, approximately 1.2 miles east of C.R. 395, west of Robert Ellis Street. Planning staff and Planning Commission recommended approval contingent upon satisfactory completion of the Walton County Engineering Department's requirements as they are listed in the planning report (**Exhibit #1-Planning Report**).

Mr. Dean Burgess addressed the Board representing the applicant. He said that they accepted the conditions that were recommended by the Engineering Department.

Ms. Donna Vann, adjacent property owner, addressed the Board to speak in opposition to the proposed project. She expressed concern with Robert Ellis Road and submitted various documents into the record as a composite exhibit (**Composite Exhibit#2A-D**). Mr. Burgess addressed Ms. Vann's concern and further discussion was held regarding the issue. Discussion was also held regarding stormwater issues.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve Preserve @ Seagrove with the conditions recommended by staff. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented a request for approval of a major development identified as "Shoppes of Miramar Beach/Miramar Beach Villas". Jim Pritchard proposed to develop 32 town homes and twelve 1,000 square foot commercial units on 4.0 acres with a land use designation of Coastal Center. This site is located on Scenic Gulf Drive Between Alamo and Summer Haven Trail. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. David Haight, representing the applicant, addressed the Board to answer any questions.

Ms. Barbara Grimaldi appeared before the Board and presented various documents into the record as a composite exhibit (**Exhibit #2**). Ms. Grimaldi expressed concern about the condition of Scenic Gulf Drive, which she felt was a major safety issue. She also expressed concern regarding the size of the proposed project. Her concerns were addressed by Mr. Haight.

Motion by Commissioner Pridgen, second by Commissioner Pauls, to approve Shoppes of Miramar Beach/Miramar Beach Villas. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Ms. Bradley addressed the Board and for informational purposes presented a request to amend the current Grand Dunes development order (**Exhibit #1-Planning Report**).

Attorney Doc Hall, representing the developer, addressed the Board and further explained the request. There was no action needed.

There being no further business, the meeting adjourned at 10:05 p.m.

APPROVED: _____
Larry D. Jones, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court