

## AUGUST 5, 2003-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, August 5, 2003 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, Commissioner Kenneth Pridgen, and Commissioner Ro Cuchens. Mr. Michael Underwood, County Administrator, and Attorney Gary Vorbeck, Director of Legal Services, were also present.

Vice-Chairman Pauls led with prayer followed by the pledge of allegiance to the American Flag. Chairman Jones called the meeting to order.

Mr. Ken Shannon, Planning Department, requested that the Future Land Use Element begin at an earlier time on Monday, August 25, 2003. It was the general consensus of the Board to schedule the meeting to begin at 3:00 p.m.

Mr. Tom Blackshear, Planning Department, submitted to the Board the proposed language to replace LSA 03-1.A.3, an amendment pertaining to industrial uses, which was adopted March 31, 2003, by Ordinance 03-04.

Chairman Jones announced that the first two items on the Meeting Agenda, Miramar Beach Rooftop Co-Location Alltel and Miramar Beach Rooftop Co-Location Cingular Wireless, were to be continued until the September 2, 2003 BCC Meeting.

Chairman Jones called to order the advertised public hearing to consider adoption of the Notification Ordinance. Mr. Shannon presented the proposed Notification Ordinance. (**Notification Ordinance Exhibit 1-Staff Report**) Mr. Shannon requested,

on behalf of the Planning Department, that the legal description requirement be omitted from the Ordinance. There were no public comments concerning this matter.

Motion by Commissioner Pauls, second by Commissioner Rees, to adopt the Notification Ordinance (2003-12) with the suggested change to the language. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Blackshear presented the proposed Tampa Investment Group, Inc. Small Scale Amendment. **(Tampa Investment Exhibit 1-Staff Report)** The proposal is to change the land use category from Conservation Residential 2:1 to Neighborhood Planning Area/Infill. Planning Staff recommended disapproval of this small-scale amendment request based on its inconsistency with existing Comprehensive Plan language and the existing Future Land Use Map. However, if the County should approve this request, it could find reasons to do so based on environment suitability, the availability of supporting infrastructure, and an anticipated change to South Walton County's FLUM that could increase residential densities on this and adjoining property in the area.

Mr. Jack Rhodes, representing Tampa Investment Group, submitted a site map of the Small Scale Amendment request. **(Tampa Investment Exhibit 2-Site Map)** Mr. Rhodes further discussed the land classification. When questioned about the number of total amount of units that would be allowed, Mr. Rhodes stated that the maximum amount allowed would be 8 units per acre in this type of Land Use classification. He noted for the record that the number of units allowed would be determined under a separate application. Mr. Rhodes asked for approval from the Board of the requested Land Use Amendment.

Ms. Cindy Meadows stated that the Planning Commission also recommended approval of the request.

There were various comments made by the public: Mr. Steven Landry, Woodland Bayou Homeowner's Association, requested that the classification remain a Conservation Residential Area, due to the density of the neighborhood. Mr. David Kramer spoke in favor of the adoption of the requested Small-Scale Amendment. Mr. Rick Armbruster spoke about congestion in the area. Mr. Rhodes stated that the Woodland Subdivision Community would have adequate time for their concerns to be addressed if the request is approved.

Vice-Chairman Pauls expressed concern because the request is inconsistent with the existing Comprehensive Plan. He feels that the County should be consistent with the current Comprehensive Plan. Mr. Rhodes stated in response that they are consistent with the findings of the Mac Bayou Study.

Motion by Commissioner Cuchens, second by Commissioner Rees, to approve to adopt an Ordinance (03-14), for the Tampa Investment Group, Inc. Small Scale Amendment. Ayes 4, Nays 1. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Naye.

Mr. Blackshear presented and reviewed the Staff Report for the requested Tharp Small Scale Amendment. **(Tharp SSA Exhibit 1-Staff Report)** The proposal is to change the land use category from Rural Village to Industrial. Planning Staff and Planning Commission recommended approval of the Small-Scale Amendment request. Mr. Blackshear submitted into the record a letter of support signed by Ms. B. Sue

Rushing, President of Rushing Properties, LLC. (**Tharp SSA Exhibit 2-Letter of Support**)

Motion by Commissioner Rees, second by Commissioner Cuchens, to approve by ordinance (2003-13) the request for the Tharp Small Scale Amendment. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Chairman Jones called to order the Quasi-Judicial Public Hearings and Attorney Vorbeck administered the oath to those individuals who would be speaking.

Mrs. Jennifer Christensen, Planning Technician, presented the Watercolor Town Center Homes South final plat for approval. (**Watercolor Town Center Exhibit 1-Plat Info.**) The plat consists of 3 four-story buildings to include 11 dwelling units. Planning Staff recommended approval.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve the Watercolor Town Center Homes South final plat for recording. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Tim Durbin, Planning Technician II, presented the request for approval of a Major Development identified as "Forest Shore Drive-Retail". (**Forest Shore Drive Exhibit 1-Staff Report**) Roy Parker with Britain's Inc. proposes to construct a 7,000 square foot retail in addition to the existing 3,000 square foot retail on .71 acres with a land use designation of NPA/Coastal Center. This site is located at the intersection of Forest Shore Drive and North Geronimo Street. Planning Staff and Planning Commission recommended approval.

Mr. Mark Siner, Choctaw Engineering, requested the Board's approval of the recommendation made by the Planning Staff and Planning Commission. Mr. Siner reviewed the dumpster locations, the site lighting plan, and the stormwater run-off.

Ms. Anne Sharpe, President of Bay Bridge Landing Home Association, expressed concern with traffic congestion at the intersection of Highway 98 and Forest Shore Drive. Ms. Sharpe requested the Board's help with the dangerous intersection.

Ms. Meadows stated that the Planning Commission recommended to the Board that the intersection be looked into.

Mr. Underwood stated that a study of the particular area is currently being performed by the Department of Transportation. Staff of the Engineering Department was directed to submit a request to the DOT to review the area.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the development proposal of Forest Shore Drive-Retail. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Durbin presented the proposed development of Destin Congregation of Jehovah Witnesses. **(Destin Congregation Exhibit 1-Staff Report)** Jimmy Lung, Trustee, proposes to construct a 4,870 square foot church on 1.25 acres designated NPA/Infill. This site is located in the southwest corner of the intersection of Hatchew Road and Holiday Road. Planning Staff and Planning Commission recommended approval.

Mr. John Lewis, Connelly & Wicker Inc., reviewed the proposed stormwater run-off and site lighting plan of the development. (Commissioner Rees excused himself from the meeting)

Motion by Commissioner Pridgen, second by Commissioner Pauls, to approve the Major Development identified as “Destin Congregation of Jehovah Witnesses”. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

The Commissioners recessed briefly.

Vice-Chairman Pauls recused himself from the discussion concerning the development proposal of the South Walton Athletic Facility. Mr. Pauls reserved the right to speak as an individual on the matter. Attorney Vorbeck administered the oath to those individuals who would be speaking on the matter and weren't previously sworn in. Each commissioner acknowledged all ex-parte communications that had been received regarding the project being presented.

Mr. Durbin presented the development proposal of the South Walton Athletic Facility. **(S.W. Athletic Facility Exhibit 1-Staff Report)** The Boys and Girls Club of Emerald Coast proposes to construct a 66,920 square foot recreation facility in addition to the existing 1,600 square foot facility with two regulation size soccer fields and two regulation size baseball fields with restrooms and a storing facility on 22.4 acres with land use designation of NPA/Infill. This site is located on the west side of CR30A north of Beachview Woods Phase I. Planning Staff and Planning Commission recommended approval.

Attorney Dana Matthews appeared before the Board representing the Boys and Girls Club of Emerald Coast. Mr. Matthews reviewed the changes made to the proposed site plan.

Mr. Bill Muldowney, resident of Beachview Woods, addressed the Board in opposition to the proposed development. He requested that the project be remanded back

to the Planning Commission. Mr. Muldowney stated that the residents did not receive sufficient notification of the public hearing. He stated that the sign announcing the public hearing was not placed in the proper location. He submitted into the record composite photographs of the sign posted to notify the public of the hearing. **(S.W. Athletic Facility Exhibit 2-Compostie Pictures (A-B))**

Mr. Siner, Choctaw Engineering, addressed the Board on behalf of the Boys & Girls Club. He reviewed the process that was taken in order to make sure that the notification signs were posted. Mr. Siner stated that the sign was not posted on the subject property but was posted in the right-of-way in front of the property. Further discussion was held regarding notification of the public hearing. Mr. Shannon stated that the Planning Department was satisfied with the notification process taken by the applicant. Mr. Siner noted that the sign was relocated to the center of the property at the request of the County Staff.

Mr. Shannon explained that it was a Board policy for the notification sign to be located on the subject property, but that there was no ordinance in place until this meeting when the Notification Ordinance was adopted. The ordinance has now mandated that the sign be placed on the subject property. Mr. Shannon stated that it was acceptable notification for the sign to be placed in the right-of-way in front of the project.

Ms. Mary King questioned why the sign wasn't placed in the front of the entrance of the Boys & Girls Club. Mr. Siner explained that a company that produces signs actually placed the sign. He stated that the sign had been placed in its new location for at least two weeks as required.

Attorney Thomas G. Tomasello, representing Mr. C.T. Fitzpatrick, resident of Beach Highland Subdivision, addressed the Board. Mr. Tomasello spoke about the lack of time to prepare for the meeting due to the insufficient notification of the public hearing. He requested, on behalf of Mr. Fitzpatrick, that the public hearing be continued until a further date. Attorney Matthews stated that his applicant is not in favor of a continuance.

Mr. Tim Pauls questioned the actual wording of the Code in regards to signage. Mr. Shannon read the portion of the Notification Ordinance pertaining to sign notice. Further discussion was held concerning the policy.

Ms. Meadows stated for the record that there were no residents who attended the Planning Commission Meeting on July 10, 2003.

Mr. Roger Walk, resident of Beach Highland Subdivision, spoke in favor of a continuance of the public hearing for the South Walton Athletic Facility.

When asked if a 30-day continuance would be reasonable to allow the Community adequate time to prepare, Attorney Matthews stated for the record that he doesn't agree with the constituents, but will comply with the Board's wishes. He believes all notification requirements have been met. Mr. Matthews stated that he would like for a specific meeting to be scheduled to address all of the constituents concerns.

Other members of the audience appeared before the Board to voice their concerns. Ms. Bert Summerville, resident of Santa Rosa Beach, stated that she did not receive notice of the public hearing. Mr. Miller McMillan, Treasurer of the Board of Property Owner's Association and resident of Beachview Heights, stated that he too never saw the sign for advertisement of the public hearing. Mr. Albert Gregory, representing the



Division of Recreation Parks, stated that he would like for the public hearing to be continued.

Motion by Commissioner Rees, second by Commissioner Pridgen, to continue the public hearing for 30 days, allowing Mr. Matthews and the applicant of the Boys & Girls Club to hold a public meeting with the community to address their concerns. The date for the public hearing was set for Thursday, September 4, 2003 at 5:00 at the South Walton Courthouse Annex. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye. The Community Meeting would be scheduled prior to the September 4<sup>th</sup> Public Hearing.

Everyone interested in attending the community meeting was directed to contact Ms. Katie Watson, District 1 Executive Assistant, for information in regards to when the Community Meeting will be held with the applicant. The Board expressed appreciation to Attorney Matthews for agreeing to a continuance of the public hearing.

The Commissioners recessed briefly.

Mr. Durbin addressed the Board regarding the proposed Albertson's Master Plan. This project is a mixed-use project, contains 21.9 acres and is located at the intersection of Highway 30-A and U.S. Highway 98. The Planning Department recommended approval contingent upon the intersection access issue being resolved. The Planning Commission recommended approval with the following conditions: 1) Development must have a DEP storm water permit prior to the issuance of permit for the development order. 2) Development must have DOT curb cuts. 3) Developer shall provide for the southerly portion of the parking lot having appearance of a road to be used as a future east-west service road. 4) The portion of Phase II of the master plan is reconfigured so that the most

easterly exit is shifted so that cars exiting the development use the u-turn configuration on Highway 98. 5) That the developer cooperates fully with St. Joe to construct a T-intersection 250' north of Highway 98. 6) That the developer continues to work with the County Engineers. **(Exhibit 1 – Staff Report; Albertson's)**

Commissioner Rees presented a letter he received from St. Joe as ex-parte communications.

Attorney Rick Peterman, representing the applicant, appeared before the Commissioners and immediately objected to any hearsay that would be presented into the record.

Attorney Vorbeck administered the oath to those individuals not yet sworn in.

Mr. Dan Arner, County Engineer, presented information relating to the Albertson's Master Plan. He advised that the Engineering Department has asked for cross-access availability of the intersection, which the plans do not provide. He further stated that the intersection is a critical intersection for Walton County and feels that the proposed development would not adequately handle the amount of traffic that would flow through the intersection. Mr. Arner also stated that the operational analysis performed by the Genesis Group does not take all of the factors of this development into consideration. The Walton County Engineering Department recommends that the project be tabled subject to the following: 1) Additional traffic analysis of the intersection. 2) Additional circulation analysis to demonstrate applicable storage. 3) Cross-access agreement with St. Joe. In addition, it was recommended as a condition of Phase II that a secondary access along CR 30A be required and that CR 30A is brought up to county standards.

Attorney Peterman questioned Mr. Arner regarding his employment and educational background. Mr. Arner was further questioned regarding the traffic analysis. Mr. Arner stated that the information was incomplete. Mr. Arner spoke about the need for the green time to be minimized. He stated that he would communicate the issue with the Department of Transportation. He also said that he feels that the intersection would not function properly without it being aligned correctly.

Commissioner Pauls questioned Mr. Arner regarding the requirements of the Code for cross-access agreements between properties. Mr. Arner stated that it is a requirement of the Comprehensive Plan.

Attorney Doug Boohar, Council for St. Joe, questioned Mr. Arner regarding the ownership of that portion of property where the “S” curve is proposed.

Mr. Peterman stated that St. Joe, or a related company, is the owner of the property where the “S” curve is proposed. He also advised the Commissioners of a written easement agreement that gives his client the right to use that portion of property for access. Mr. Boohar stated that the agreement does give the right to utilize the property, however, it is subject to St. Joe’s approval of the development plan. Mr. Boohar stated that St. Joe has requested that a “T” intersection be designed rather than the “S” curve; St. Joe is opposed to the “S” curve.

Mr. Craig Buchanan, Vice-President, St. Joe Commercial, stated that St. Joe is willing to work with the applicant on a “T” intersection because they feel it would benefit everyone.

Mr. Vorbeck questioned the attorney’s if they would be willing to work out the traffic issues between themselves. They agreed to discuss the issue.

Mr. Bill Bond, representing Cruise Investments, current property owner, advised that the closing on the property is set for August 10<sup>th</sup>. He explained that previous extensions have been granted, but has received the last extension. Mr. Bond stated that the issue was taken to court in order to receive an easement into their property. He felt that St. Joe is not working toward resolving the issue.

Mr. Peterman requested to proceed with the proposed project conditional to working with St. Joe regarding the “T” intersection. Mr. Buchanan stated that he would like the project to be tabled until the issue can be resolved.

Motion by Commissioner Rees, to continue the public hearing regarding the Albertson’s Master Plan until September 2<sup>nd</sup> to allow the applicant time to work with St. Joe to prepare a design for the “T” intersection. Commissioner Pauls seconded the motion with the caveat that the recommendations from the Planning Department and County Engineer be addressed. Ayes 4, Nays 1. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Naye, Pauls Aye.

Mr. Durbin presented the Lake In The Woods Master Plan with Phase I for approval. Phase I consists of a 56-lot single-family residential subdivision and is located on North Veteran’s Road. Staff recommended approval contingent upon all applicable permits being received. The Planning Commission recommended approval with the stipulation that the development must have a DEP storm water permit prior to the issuance of the development order. **(Exhibit 1 – Staff Report; Lake In The Woods)**

Commissioner Pauls questioned Mr. Durbin regarding the requirements for improvements to North Veteran’s Road. Mr. Durbin stated that he is not aware of any requirements.

Mr. Dean Burgis, Emerald Coast Associates, representing the developer, stated that he concurs with Staff's comments and the recommendation made by the Planning Commission.

Commissioner Pauls felt that the road needs to be paved. Mr. Burgis stated that the developer has agreed to pave the road up to his development if required. Mr. Burgis stated that he would like assistance from the County if it becomes a requirement of the development order.

Mr. Brett Ritter stated that he is not opposed to the development. However, he did voiced concern with water run-off caused by the development. He stated that he has not been able to access his own property in two months due to standing water. Mrs. Ritter also addressed the Board regarding concerns about improper drainage.

Motion by Commissioner Pauls, second by Commissioner Pridgen to approve the proposed development of Lake In The Woods Master Plan with Phase I contingent upon the road being paved from Highway 98 to the applicants furthest most property line prior to the building permits being issued. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Burgis stated that his client would most likely agree to that, but would like the opportunity to obtain any possible help from the County.

Ms. Linda Clark, Planning Technician, presented the Grease Pro Automotive Service Center/Car Wash proposed development. Shumaker, Incorporated is proposing to construct an 18,700 square foot vehicle service, maintenance and car wash facility on 1.9 acres. **(Exhibit 1 – Staff Report; Grease Pro Automotive Service)** Planning Staff recommended approval.

Mr. Robert Shumaker addressed the Board regarding the proposed project and presented an affidavit, (**Exhibit 2**) and site pictures (**Exhibit 3**) of the proposed development.

Commissioner Pauls questioned the availability of sewer for this project. Mr. Shumaker stated that it is cost prohibitive to run the necessary lines to hook into the sewer lines. He stated that they would run dry lines until sewer becomes available.

Mr. W.C. Echols, adjacent property owner, stated that sewer is not available at this time, but would like to see this project approved. No one voiced any opposition to the project.

Motion by Commissioner Rees, second by Commissioner Cuchens to approve the proposed development of Grease Pro Automotive Service Center/Car Wash. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Pauls stated that he feels that the Board should direct Regional Utilities to proceed with installing sewer lines through Inlet Beach.

There being no further business, the meeting was adjourned at 8:30 p.m.

APPROVED: \_\_\_\_\_  
Larry D. Jones, Chairman

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