

AUGUST 15, 2017 - LAND USE MEETING

The Board of County Commissioners, Walton County, Florida held a Land Use Meeting on August 15, 2017 at 10:00 a.m. at the Courthouse Annex in Santa Rosa Beach.

The following board members were present: Commissioner Cecilia Jones, Chairwoman; Commissioner W. N. (Bill) Chapman, Vice-Chairman; Commissioner Sara Comander; and Commissioner Tony Anderson. Mr. Stan Sunday, Deputy Administrator, and Attorney Sidney Noyes, County Attorney, were also present. Commissioner Melanie Nipper was not present.

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 were to be submitted to the clerk.

Mr. Mac Carpenter, Director of Planning and Development Services, presented Azzurro Condominium, a Major Development Order Application submitted by Emerald Coast Associates on behalf of Mr. Cliff Harbour, requesting approval to construct a four story 12 unit condominium. The project is located 0.5 miles south of the intersection of Lakewood Drive and C.R. 30A West on the west side of Beachside Drive on 3.11+/- acres with a future land use of Neighborhood Infill.

(Exhibit #1-Staff Report)

Mr. Carpenter presented a memo from Mr. Billy Bearden, Walton County Building Official, dated August 8, 2017 which indicates the property located at 43 San Roy Road is considered a 3-story building based on his interpretation of the building code. **(Exhibit #2)**

Mr. Carpenter stated the project meets the requirements of the Land Development Code (LDC) and the Comprehensive Plan.

Attorney Dana Mathews, representing the applicant, appeared before the board and introduced the consulting team for the project: Mr. Dean Burgis, Emerald Coast Associates; Mr.

Daryl Burgis, Surveyor; Mr. Jeremy Reiser, Environmental Consultant; Mr. Buddy Page, Planner; Mr. Steve Tatum; Mr. Randy Gardner; and Ms. Christy Yanchis, U.S. Fish & Wildlife.

Attorney Mathews stated the request before the board was a Final Order for a Major Development Order, which he believes there is substantial evidence supporting staff's determination that the project meets the requirements of the LDC and Comp Plan. The project was heard by the Planning Commission who voted unanimously that the project met the LDC and Comp Plan. The property is designated Neighborhood Infill which is 2-8 units per acre. Attorney Mathews stated he would be presenting evidence relating to the property designations surrounding the proposed parcel and proposed density. He stated the prior owner of the property sought a Development Order for a condominium with 26 units per acre which was approved by Planning Commission. The applicant later voluntarily sought and obtained an Incidental Take Permit from Fish & Wildlife, valid until 2040, due to the property being in a beach habitat zone. Mr. Mathew's client submitted a modification to the permit due to changes and now holds the modified permit.

Attorney Matthews showed several maps/pictures of the project site and stated there is no impact to the primary dune system and minimal impact to the secondary dunes. He showed the location of the county's 66 foot easement/boardwalk for public access and stated it would not be disturbed. There is no public parking at that location.

Attorney Mathews spoke about the details of project. The property consists of 3.11 acres of which only .45 acres (14.4%) is going to be impervious, which is the footprint of the building. The proposed condominium is 12 units; 7 units of 3,200 square feet, 4 units with 3,000 square feet, and one penthouse with 6,000 square feet. He stated this will be a high-end project with only 37 bedrooms total. A pool and deck is located on top of the eastern building to preserve the dunes and parking is located under the building. Attorney Mathews spoke about the elevation zone and

methodology used to determine where the primary dune system is. He advised that sheet pilings will be used in order to preserve the dunes during construction. Attorney Mathews spoke about height and commented that height is measured from the average grade below the building. He addressed parking stating the code only requires 2 parking spaces per unit. However, his client created 26 standard size spaces, 6 spaces at 9 X 35 to hold 2 vehicles; and 12 golf cart spaces. The air conditioning units have not yet been designed but it is contemplated they will be located on the roof. There is a proposed 5 foot private boardwalk as allowed by Code.

Attorney Mathews stated a declaration of condominium would be issued. He also stated that all of the common areas would be owned by the condominium association. His client will obtain all of the required permits. The U.S. Fish & Wildlife has an approved Beach Habitat Plan that will be part of the condominium declaration they are obligated to honor. Attorney Mathews' client was offered an opportunity from U.S. Fish & Wildlife to participate in a voluntary study with the University of Florida on dune restoration and they accepted the offer.

Attorney Mathews provided additional information relating to compatibility with other units in the surrounding areas, number of units, height, how many appear to be short-term rentals, parking, and amenities on site. He stated many of them are permitted as short-term rentals. Attorney Mathews stated they do not object to any of the conditions in the staff report for conditions of the Development Order.

Attorney Mathews entered the following exhibits into the record: **(Petitioners Composite Exhibit #2a - Emerald Coast Associates application and related documents; Exhibit #3 - Incidental Take Permit by U.S. Fish and Wildlife; Exhibit #4 – Modified Incidental Take Permit letter from U.S. Fish and Wildlife; Exhibit #5a-c – Buddy Page Compatibility Study, Resume, Client Listing; Exhibit #6a-d – photos)**

Chairwoman Jones asked if they would have turtle friendly lighting. Mr. Dean Burgis stated there will be no exterior lighting due to parking located under the building. All lighting attached to the building will be required permits to meet the wildlife conservation lighting requirements.

Commissioner Comander questioned how compatibility is determined with condominiums on one side and single-family homes on the other side of the proposed project. Attorney Mathews stated there will be people speaking to that. In addition, Mr. Wayne Dyess, former Planning Director, prepared a memo to staff offering guidance. He stated they also considered usage and the number of single-family homes being rented out.

Commissioner Chapman requested information relating to storm water. Mr. Dean Burgis stated the storm water system is located under the building with an exfiltration system and is designed to meet the 100 storm event and it has a pop-off to the gulf.

Chairwoman Jones opened the floor for public comments.

Ms. Christy Yanchis, U.S. Fish and Wildlife Service, addressed beach mice and the extensive permitting process the project went through. She reviewed the existing permit and modification permit. The underground storm water is great for habitat and minimized impact. Ms. Yanchis stated she reviewed the avoidance minimization mitigation. Concerns were voiced relating to the dunes so they decided to use sheet piles. A determination will be made whether it will be permanent or temporary. Ms. Yanchis stated she is working with Walton County in an attempt to get a larger variety of coastal dune plants back in the habitat. The University of Florida and U.S. Fish and Wildlife are working together and looking for test sites; Azzurro will be a test site.

Chairwoman Jones commented on the lighting plan and no nighttime construction. She asked about cats not being allowed outside. Ms. Yanchis thinks the developer has a "No Cats Allowed" policy. The problem is with feral cats that can destroy beach mice. She said they will also review the lighting due to the beach mice. Ms. Yanchis has not tracked this parcel for beach mice.

Ms. Susan Edwards stated she is in hopes that all commissioners have seen the site. The site is one of towering ancient sand dunes. She spoke about her and her children purchasing homes on Lakeside Drive. Ms. Edwards spoke about the old Florida charm of the neighborhood. She spoke about the limited number of rental properties on their road. She felt the project is not in conformity with the neighborhood nor the other nearby condominiums. She voiced concern regarding potential safety issues during construction. Ms. Edwards stated the neighborhood plan would be addressed by another speaker.

Ms. Debbie Hearn showed pictures of the flood zone map and high risk zone and explained how water will flow into Eastern Lake once Azzurro is built. The outfall is just to the west and raises concern for potential flooding. The project is not healthy for the lake and could be a disaster in the event of a storm. Her main concern is flooding and causing a blowout in the outfall.

Ms. Brenda Rees spoke on behalf of the citizens of the Eastern Lake area. She showed a map of the area before it was built out, formally known as Point Washington. Ms. Rees presented some history beginning with the original land grant. She stated it is not too late to do the right thing to preserve the property. She too felt the water would flow directly into Eastern Lake. Ms. Rees stated Lakeview Drive is mostly single-family homes, long-term private property owners. She spoke about past flooding during storms and problems with the sewer station. Infrastructure is not sufficient and the dunes, being 3,000 to 5,000 years old cannot be replaced. She stated the Palmetto

plants are 400-600 years old and is what is holding the dunes in place. She asked the board to deny the project.

Ms. Tackett stated she represents full time residents who oppose this project. She voiced concern with continued access to the beach as well as traffic and safety issues.

Ms. Gail Turner spoke in opposition to the Azzurro Condominiums. She thanked the board for previously voting against the Hampton Inn where nice townhomes now sit and asked them to also do something nice for their neighborhood.

Mr. Garrett Horn spoke about compatibility and stated there are only two large homes on the road. He said compatibility should also relate to with how long the neighborhood has been single-family dwellings. Everyone in that neighborhood wants single-family dwellings.

Mr. William Horn stated his family came to the area in 1959 and wants to keep the beautiful beaches. Tourism is based on the beauty of the beaches. He felt the county could not continue to make these mistakes. He wants to keep the natural low density of the buildings. The project is not compatible to the area and he opposed the project. The board should be concerned with other county residents and access to the beach and felt the property would better serve the public as a beach access. He encouraged the board to vote no on the project.

Ms. Nina Horn presented photos of the neighboring area. She commented that most people prefer single-family dwellings, smaller projects, and smaller communities. She spoke about compatibility and stated this project overwhelms the policy set by the board. Future tourism and economy relies on the natural beauty not urbanized condominiums. She stated most homes in the Eastern Lake area are single homes. Ms. Horn opposed the project and asked the board to vote no.

(Exhibit #7 – Photos)

Ms. Leah McDowell stated her father owns the home at 62 San Roy Road, directly across from the Warner home which is located across from the proposed project. Ms. McDowell spoke on behalf of the neighbors. She provided a brief history of her and her family moving to the area. Ms. McDowell stated a 5-story condominium would adversely affect people's enjoyment of the lake and the community would be scarred. She opposes the project and wants to see it brought into consistency with the code. She spoke about the characteristics of surrounding properties and stated this project is out of character for the neighborhood. Ms. McDowell questioned the height of the project and also spoke on behalf of the Warners. She toured their home and spoke about the ground floor being counted as a story as should Azzurro. The Warners do not have living space in their garage area. She spoke about the finished space. Ms. McDowell also mentioned the additional 10' setback requirements.

The commissioners recessed briefly.

Mr. John R. Martin stated he moved here for the beauty and uniqueness of the area. He spoke about the vision of Walton County and the preservation of low density neighborhoods. Mr. Martin stated everything west of Beachside Drive is single-family homes. He stated nine of the homes on San Roy road are not rental properties.

Ms. Jenny Smith spoke about the neighborhood and asked the board to vote no. She voiced concerns with parking and questioned where overflow parking would be and asked where maintenance and cleaning staff would park

Judge Tom McGee reiterated what all the neighbors have said and he spoke about specific health and safety issues. He also voiced concerns relating to increased traffic at the intersection. Judge McGee asked the board to deny the project unless traffic safety and all other issues can be fixed. **(Exhibit #8 - Picture)**

Commissioner Chapman asked Judge McGee about the issue being presented to the fire department. Judge McGee stated it had not been presented. Commissioner Chapman said the staff report shows they were contacted and only shows the need for a fire hydrant. Judge McGee said they may have spoken with Chief Sanchez who may have addressed technical issues.

Chairwoman Jones asked about opening Chivas Road. Staff will look into this further.

Ms. Karen McGee spoke about expert testimony, but also about the “Aunt Sallies” who have been there and know. She stated this is not compatible with the neighborhood as they are single-family homes. There are only two big houses which are vacant most of the time. She spoke about traffic problems, speeding cars, and voiced concern regarding contractors and parking during construction. She stated that many people who rent their homes do so in order to be able to retire there later. Ms. McGee spoke about the pristine area and environmentally sensitive areas. **(Exhibit #9 – Request for real property acquisition)** Ms. McGee spoke about her efforts to create a Neighborhood Plan for Eastern Lake but stated a developer opposed it. Chairwoman Jones stated the county now has someone on staff who can assist with that.

Ms. Jackie Markel does not feel the project is compatible and read from Mr. McGee’s exhibit to Mr. Gary Demers from Mr. Billy McKee, Environmental Manager. The document states the parcel represents one of the last pristine examples of a beach dune and coastal strand ecosystem outside of the state park system. She spoke about preservation of the 31’ high dune, vegetation, and habitat. She asked to deny the project and further seek to obtain the property for Walton County’s use.

Attorney Will Dunnaway addressed the commissioners representing many homeowners and stated many people who were present at the last meeting were unable to make it today. He submitted **(Exhibit #10 – Letters of opposition; #11 - Warner and Neil and Tonya)** and gave a

brief explanation of each document. Several drawings show the footprint of the project overlaid on the previously proposed project and large dune system. The drawings provide perspective of the project's impact to the neighborhood.

Mr. Dunnaway called Mr. Craig Martin and questioned his educational experience relating to beach mouse permitting and dune permitting. Mr. Martin stated he has worked with U.S. Fish and Wildlife Services since 2004 and gave an overview of his expertise in handling beach mouse issues. He has worked with Ms. Yanchis on many permits and habitat plans. He also explained his experience in working with coastal engineers with coastal construction control process. Attorney Dunnaway submitted Mr. Martin as an expert in endangered species permitting, habitat conservation and beach permitting. Mr. Martin was accepted as an expert witness.

Mr. Martin answered questions from Attorney Dunnaway stating he has reviewed the U.S. Fish and Wildlife permit issued for the Angelos project as well as the modification submitted July 2007. He stated from the Angelos permit to the Azzurro permit the owners and U.S. Fish and Wildlife have done a good job by moving the pool onto the top of the structure. He voiced concern with the amendment to the permit that will impact 3,000 square feet of property. Mr. Martin explained the current footprint for Azzurro extends further south into the coastal construction line (CCL). He spoke about the impacts to the dunes stating Attorney Mathews and the engineer proposed, per Ms. Yanchis' consideration, to protect the dunes with sheet piles. If installed correctly, the dunes will remain generally in its condition. Vertical pilings south of the CCL are contentious. He clarified that sheet pilings is an actual vertical structure/bulkhead that will be constructed to hold the dunes back from construction of the condominium. He spoke about inconsistencies between two different plans. Mr. Martin stated in some of the plans a portion of the building appears to have moved north and some moved south. He also said the document

submitted with the modification amendment from Mr. Reiser has a site data table showing .39 acres of the building footprint which is contrary to the .45 acres shown on the current site plan. Mr. Martin explained the coastal protection zone (CPZ) as defined by the LDC stating the county has an overlay providing different ways to determine the CPZ. During review of the project Mr. Martin found three different coastal protection lines depicted on the record. He said the county determines which line is used, but he has not seen any permit application for the Coastal Construction Control Line. Mr. Martin further spoke about the permitting process through FDEP for the bulkhead being placed seaward of the CCCL. He stated FDEP does not like them in their CCCL areas. Mr. Martin said anything landward of the sheet piling will be gone. If there is any plant structure in the dune area those cannot be replaced once they are disturbed and it could further destabilize the dunes. There were no further questions for Mr. Martin.

Attorney Dunnaway called Ms. Allara Mills-Gutther and asked for her educational experience in land planning and compatibility analysis. Ms. Mills-Gutther stated she has been in the land use profession for approximately 20 years. She has a Master's Degree and was previously the Planning Manager for Panama City for five years. She was also a Planning and Community Development Director for a number of years. She is also certified by the American Institute of Certified Planners. Ms. Mills-Gutther spoke about her experience with compatibility analyses. Ms. Mills-Gutther was accepted by the board as an expert in the area of land planning and compatibility analysis.

Ms. Mills-Gutther stated she has reviewed the compatibility report (as part of exhibit 1) submitted by Ms. LaSeur. She stated one of the reports completed by Ms. LaSeur was pertinent to the compatibility and like uses in the area. The report was an analysis on the number of units within a certain acreage of the perimeter rather than looking at the uses of the property. She felt the report

was skewed in favor of the applicant. There were 2 properties that are multi-family use and the remainder are single-family. Other issues from the report also attributed a difference in the height of the single-family homes immediately to the north of the proposed development. She explained how the report viewed the 2-story home with the 3 and 4- story multi-family structure. Mr. Dunnaway showed a picture of the 2-story home compared to the new development and questioned the additional setback requirements in the LDC and Comprehensive Plan. Ms. Mills-Gutther stated that policy defines the additional setback when there is a differential in height and stories between adjacent properties. She stated the additional setback is to protect adjacent properties from incompatible developments, as stated in the Comprehensive Plan, so one development would not overshadow another. Ms. Mills-Gutther spoke about the letter submitted by Mr. Page stating the letter speaks to the difference in what Ms. LaSeur may or may not have reviewed to what is currently on the books. It appears there was a greater density and higher story and other buffer regulations, but feels the project is still not compatible. Ms. Mills-Gutther commented on uses of rentals and the impacts. She stated they used property appraiser data as one source. In review of this area, properties were primarily single-family. There is no way to determine if they are being used as short-term rentals so they consider the use as classified by the property appraiser. There were no further questions.

Mr. Dunnaway addressed the commissioners stating they can make a choice to choose the future for responsible planning for preservation for the overwhelming number of single-family homes or allow the applicant to use two older condominiums that could not be constructed today, to justify the building of a new condominium. From evidence provided, the compatibility area contains two zoning districts; Neighborhood Infill, everything west of San Roy Road, and Residential Preservation, those homes as you come off of C.R. 30A which only allow single-family

homes. Under requirements of the LDC the condominiums could not be built. He stated that development of Azzurro should not be based solely on the old condominiums, but focus where the vast majority of homes are, which is single-family residents. The Comprehensive Plan requires the applicant demonstrate the density appropriate for the neighborhood. The proposed project is out of place in the neighborhood and parcel. He spoke about the unique environmental dunes and ecosystem on the parcel and regulations that govern it. Attorney Dunnaway reiterated testimony relating to the bulk head that will be constructed clearly bisecting the massive sand dunes that are as tall as the second story of the condominium. He stated the Code allows the board to protect the dunes. Evidence shows the dunes topography and how the project impacts it. The condominium also fails to meet set back requirements of the LDC and Comprehensive Plan. A special consideration policy requires a setback of 10 feet from the Warner's house. He addressed the document submitted into record from Mr. Billy Bearden and his determination of Floor versus story. Mr. Dunnaway agreed and stated the proposed project is a 5-story project. The project overshadows the Warner's home and policy is designed to prevent that from happening. He urged the board to apply the policy. He said Ms. Warner submitted documentation stating she did not waive the setback and you must include the garage area. She said the condominium is too tall. In addition there is a 42" guardrail on the roof for security around the pool. The project is not compatible in this neighborhood, there will be an adverse impact to the dunes and there is no setback.

The commissioners recessed from 1:00 p.m. to 1:35 p.m.

Attorney Mathews entered **Exhibit #12 – Azzurro Condominiums & Neighborhood** into the record. He gave an overview of the map and photos depicting the ¼ mile radius surrounding Azzurro showing a third nearby condominium and 32 homes with no homestead exemption. A

total of all of the single-family homes and condominiums in that ¼ mile total 311 units with only 19 reflecting homestead.

Attorney Mathews called Mr. Jeremy Reiser, E-Tech Consulting, gave an overview of his educational background as a Biologist/Ecologist. The board accepted Mr. Reiser as an environmental expert.

Mr. Reiser stated the Incidental Take Permit is good until 2040? He stated he has worked closely with U.S. Fish and Wildlife and has met with Ms. Yanchis. Mr. Reiser spoke about his meeting with Ms. Yanchis and the walk through of the site with an impact to .39 acres and how it evolved to .45 acres. He pointed out signature approvals of the site plan. Mr. Reiser stated the site adheres to county regulations regarding setbacks and habitat. He addressed the concerns relating to Ferrell cats and stated they would be trapped. They will be working with the contractors to keep control during the construction phase as well as working with U.S. Fish and Wildlife to regulate use of the sheet piling to contain the sand. The site has been designated as a research site and will be more closely regulated regarding sand, plants, and dunes. Mr. Reiser stated they have worked with the developer and U.S. Fish and Wildlife to minimize the footprint and negative impacts to the habitat.

Chairwoman Jones questioned if there would be any parking overflow. She also questioned the permit for coastal dune construction and if it was required prior to construction. Mr. Reiser stated it is required prior to construction, but after issuance of the Development Order.

Commissioner Chapman questioned where the contractors would park during the construction phase without parking on county right-of-ways or impacting the dunes.

Mr. Dean Burgis explained they may rent a site from Gulf Place for construction traffic and deliveries will be made to the site as needed for construction materials. He also explained that all of the parking would be under the building.

Commissioner Comander questioned where parking would be for service employees once the building is occupied. Mr. Burgis stated he doesn't foresee a cleaning crew since these are high-end condominiums and will be privately owned.

Mr. Burgis addressed storm water concerns and said they have taken measures to design to a 100 year storm event. They have taken measures to avoid water discharge off their property into the outfall or coastal dune lake.

Commissioner Anderson questioned the additional setback. Mr. Burgis explained the code requirement for additional setback and said, using the property appraiser's records, they consider the adjacent home on San Roy Road a 3-story house. He said the proposed condominium is also 3 stories and therefore does not require an additional setback. Commissioner Chapman disagreed stating no one lives in the garage area of the home. Height is measured from the average elevation on the property and construction can go as high as 50 feet. Commissioner Chapman said if the San Roy home is 3-story then he would consider Azzurro 4 and 5 stories.

Discussion continued over the legal definition of a "story" as defined in the LDC, parking area, and elevator shaft on top of the building. Mr. Carpenter also stated that the additional setback would not apply because of the determination of height.

The commissioners recessed briefly.

Discussion was held regarding the sheet piling and Mr. Burgis stated they have used it before in other projects and it worked nicely, holding the dunes in place. It will be removed at the end of construction. He explained it would be located one foot from the building

Commissioner Anderson questioned the health, safety and fire concerns. Mr. Burgis stated the Fire Marshall has approved the project and also spoke about the extension to Chivis Lane.

Commissioner Chapman asked about the elevation of the opening into the garage. Mr. Burgis stated it has an 8 foot clearance and neither an ambulance nor fire truck can get in there.

There were no further questions for Mr. Dean Burgis.

Attorney Mathews called Mr. Daryl Burgis who stated he performed the updated survey for the site and defined the coastal protection zone in compliance accordance with the LDC.

Attorney Mathews called Mr. Buddy Page. Mr. Page gave an overview of his background. He stated he has reviewed the original Azzurro Condominium compatibility study performed by Louis LaSeur as well as the analysis of actual uses of properties within ¼ mile area of the project and lastly, the objector's memorandum. Mr. Page spoke about the original compatibility study from 2006 performed by Ms. Wendy Grey. The report was accepted by staff as a compatible project. Another study was conducted for the same type of project in 2017. Directives were spelled out in a memo from the former Planning Director, Wayne Dyess, explaining how compatibility was to be considered. He stated that strongest consideration be given to abutting properties including those directly across the right-of-way. Mr. Page spoke about the compatibility differences, focusing on units and the other on properties. Mr. Page submitted a section from Black's Law dictionary (**Exhibit #13**) providing the definition of unit and property. He feels the analysis that was done the definition is the same thing. Many of the homes are income producing and the definition is not supported. To determine compatibility one should go out and look at area which paints a different picture than solely using data from the property appraiser's website. Mr. Page stated the area is overwhelmingly single-family. He felt that competent and substantial

evidence would show the area is compatible with what is in the surrounding area. In addition, staff also made the same determination. There were no further questions.

Attorney Mathews called Mr. Randy Gardner who presented his background as a certified/licensed general contractor. Mr. Gardner stated he has visited the area on many occasions to obtain the information he needed to make his conclusion. He spoke about the homes in the neighborhood and how they have evolved into larger homes over the years. He felt there is no way to stop the progression because it is a destination location. Only 14 homes are designated as homestead showing the others are not permanent residents. On the property appraiser's office recap sheet base area is defined as habitable area. Habitable does not mean you will live in it, it could be storage space. The area is transitioning into commercial or short term rentals. Mr. Gardner stated that Azzurro would not create much more traffic. There were no further questions.

Attorney Mathews asked Mr. Carpenter if Azzurro met the LDC and Comprehensive Plan and if it still meets the Comp plan and LDC of Walton County as now shown through testimony. Mr. Carpenter stated he feels that it does.

Attorney Mathews presented answers relating to concerns that had been voiced. He reiterated that a permit was required as part of the permitting process to address beach mice. However, no beach mice has been seen at this site. He clarified that the overall study area consisted of 4.84 units per acre and Azzurro consists of 3.86 units. Attorney Mathews also advised that the developer will be living in the condominium and not building it just for the money. One comment spoke about the Coastal Dune Lake Protection Zone and they are not in the protection zone but is giving it consideration. He spoke about the lack of a neighborhood plan for Eastern Lake and traffic issues. He addressed the need for a staging area for construction materials and commented on daily hours for construction, maid service and parking being addressed in the declaration of

condominium. His client addressed the relocation of the pool, removing the elevator shaft and providing an additional 10 foot setback.

Attorney Mathews requested approval of the Development Order Application subject to conditions in the staff report, moving the pool to the western building and removing the elevator shaft from the eastern building, and providing an additional 10 foot setback by moving the western building back 10 feet.

Commissioner Anderson questioned Mr. Carpenter if the project complies with the Comprehensive Plan. Mr. Carpenter stated it does. The Planning Commission voted 7 to 0 in favor of the project subject to conditions within the staff report.

Mr. Carpenter stated he supported the two conditions offered by Attorney Mathews. He further suggested including as part of the condition to direct Walton County Public Works to identify the condition of the road pre-construction and stipulate the developer would be responsible for any construction related damage to the roadway. Attorney Mathews agreed to a pre-condition road survey contingent upon a site review of other developments occurring.

Motion by Commissioner Anderson, second by Commissioner Chapman, to accept the recommendations of the Planning Commission and approve Azzurro Condominium Major Development Order by Final Order with conditions as stated in the staff report and with the following conditions: moving the pool to the western building and removing the elevator shaft from the eastern building, providing an additional 10 foot setback by moving the western building back 10 feet and abide to the conditions of a pre-condition road survey. Ayes 3, Nays 1. Chapman Aye, Jones Aye, Comander Nay, Anderson Aye.

Mr. Carpenter presented the amended Final Order for Downtown Seagrove on behalf of the applicant, Innerlight Engineering Corporation/Viridian Ventures. The project was originally

approved in 2006 and contained a Memorandum of Understanding (MOU) between the developer and adjacent property owners Elton Stephens, Dixon Brooke and Dell Brooke. As part of the MOU it was stipulated that palm trees would not be part of the allowable vegetation. However, palm trees have been placed throughout the site over the years without any objections of adjacent property owners. A private MOU was created to allow the existing palm trees to remain. Therefore, Innerlight Engineering Corporation is requesting to amend the Final Order to bring it into compliance with the revised private MOU. **(Exhibits: Exhibit A – Applicant’s Cover Letter; Exhibit B – Site Plan; Exhibit C – Original Signed Final Order; Exhibit D – Original Memorandum of Understanding; Exhibit E – Amended Final Order; Exhibit F – Revised Memorandum of Understanding; Exhibit G – Underground Power Line Receipts)**

Motion by Commissioner Comander, second by Commissioner Anderson, to approve amending 1b and approve the Downtown Seagrove Amended Final Order with conditions as listed on the Final Order. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

Mr. Carpenter presented Beachwood Estates, a Major Development Order Application, submitted by Dewberry/Preble-Rish on behalf of their client William Menadier. The development consists of 22 residential lots on 3.37 acres with a future land use of Neighborhood Infill and is located at the west end of Rachel Road, west of Sugar Drive and south of U.S. Highway 98. The project is consistent with the Walton County Comprehensive Plan and Land Development Code. However, it does not meet the Transportation Concurrency requirements. **(Exhibit #1: Staff Report)**

Mr. Cliff Knauer was present to answer questions. Brief discussion occurred regarding a traffic signal at Sugar Drive and U.S. Highway 98 and a turn lane at Mussett Bayou. Mr. Knauer stated he would look into those concerns further.

Commissioner Chapman asked about storm water. Mr. Knauer stated there is a natural slope, but they will be adding curves and gutters and will pipe run off into a nearby pond in the southwest corner. He stated that storm water would be completely contained during a 100 year event.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Beachwood Estates Final Order with conditions as stated in the Staff Report. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

Mr. Carpenter presented Old Florida Village Phase II PUD Amendment, a Major Development Order Application submitted by Emerald Coast Associates on behalf of Max Mathews requesting approval to construct 45 multi-family units in Phase II of the Old Florida Village PUD. The project is located from the intersection of Hidden Lake Circle and C.R. 30A. The proposed parcel is on the north side of CR 30A on 3.40+/- acres with a future land use of Small Neighborhood. The proposed amendment will remove the previously approved 54,000 square feet of neighborhood-serving commercial and retail and replace it with 17 multi-family units and a community pool. A decrease in trip generation will result from the changes and storm water is sufficient in size. The development meets the requirements of the Comprehensive Plan and Land Development Code. **(Exhibit #1: Staff Report)**

Mr. Dean Burgis, Developer and Engineer of record stated this is the last phase of Old Florida Village PUD. The project will remove the commercial element and replace it with residential. Ms. Bruner submitted a letter requesting to eliminate the paving for Brentwood Lane. Mr. Burgis stated removing the commercial development he did not feel there is a need for the paved connector road, but would leave that decision up to the board. Mr. Burgis stated the road is a 66 foot public right of way, but not currently maintained.

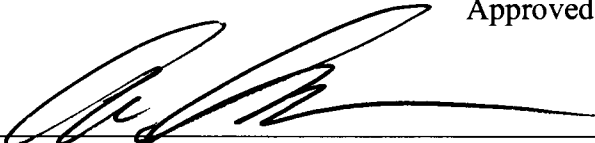

Commissioner Chapman questioned traffic concurrency on the project. Mr. Burgis explained there was an exchange of 18 thousand square feet of commercial for 21 units, thereby reducing the impact.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Old Florida Village Phase II PUD Amended Final Order as presented. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye. The road will remain gravel.

Mr. Carpenter presented Lot 16 South Walton Commerce Park a Major Development Order Application submitted by ECM; on behalf of Holditch Holdings, LLC requesting approval to develop a 7,900 sf. of office/wholesale storage. The project is located approximately 4 miles east of the intersection of U.S. Highway 98 and C.R. 395 and north on Serenoa Road. The project is on 0.78+/- acres with a Future Land Use of Business Park. The development meets the requirements of the Comprehensive Plan and Land Development Code. **(Exhibit #1: Staff Report)**

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve Lot 16 South Walton Commerce Park with conditions in the staff report. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

There being no further business, the meeting adjourned at 3:50 p.m.

Attest:  Approved: 
Alex Alford, Clerk of Court and County Comptroller
Cecilia Jones, Chairwoman