

SEPTEMBER 3, 2002 – LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, September 3, 2002 at 5:00 p.m. at the Coastal Branch Library.

The following Board members were present: Lane Rees, Chair, Larry D. Jones, Vice-Chair, Commissioner Tim Pauls, and Commissioner Gene Ryan. Mr. Michael Underwood, County Administrator, and Attorney Gary Vorbeck, Director of Legal Services were also present. Commissioner Walker was not present due to illness.

Commissioner Jones led with prayer followed by the Pledge of Allegiance to the American Flag.

Commissioner Rees called the meeting to order and advised that he received a letter from David Theriaque, Attorney for the applicant of the Seagrove General Store project, asking to withdraw this project due to the lack of proper notice.

Attorney Theriaque addressed the commissioners stating that the application for this project has been withdrawn and would be filed again at a later date. He advised that proper notice was not provided to the surrounding property owners. This issue will be sent back to the Planning Commission for further review.

Attorney Ken Goldberg, representing the adjacent property owners, stated that the lack of adequate notice was an issue at the first Planning Commissioner Meeting. The hearing was rescheduled and heard before the Planning Commission with a recommendation of denial. Mr. Goldberg disagrees with this same plan going back to the Planning Commission unless a new plan is drafted.

Commissioner Pauls requested clarification from staff regarding the withdrawal of an application. Attorney Goldberg stated that they are opposed to the same application

being resubmitted and will argue the issue. Attorney Vorbeck stated that the issue can be argued at the time it is resubmitted, however, the plans have been withdrawn at this time and the Board no longer has rule over the issue.

Ms. Maureen Paine addressed the Board and stated that many people are present in the audience to hear this issue and would like the commissioners to vote on this issue. Attorney Vorbeck advised that the application has been withdrawn due to lack of notice and the Board will not hear the issue. Ms. Paine requested the Board recommend that the applicant withdraw this application with prejudice so they cannot reapply for this type of use within a given amount of time. No action was taken.

The commissioners recessed briefly.

Commissioner Rees called to order the Quasi-judicial Hearing and the oath was administered to those who were present to speak on these issues.

Mr. Jack Arthur, Growth Management Director, presented staff's recommendation to approve the Inlet Beach Water Tank Wireless Communication Facility. American Tower is proposing the placement of a wireless communication facility on the Inlet Beach Water Tank, consisting of 12 sector antennas and related equipment shelter. The water tank is located at 9971 East Co. Highway 30A. Mr. Arthur presented the Planning Commission's and Staff's recommendation as **Exhibit 1**. Mr. Jason Perry, representing Alltel, appeared before the Board to answer questions. There was no opposition voiced.

Motion by Commissioner Pauls, second by Commissioner Ryan to accept staff's recommendation for approval of the Inlet Beach Water Tank Wireless Communication

Facility as presented by American Tower. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Arthur presented staff's recommendation to approve the Santa Rosa Beach Water Tank Wireless Communication Facility located at 29 Seacroft Drive. Mr. Arthur presented the Planning Commission's and Planning Staff's recommendation as **Exhibit 2**. There was no opposition voiced.

Motion by Commissioner Ryan, second by Commissioner Pauls to approve the Santa Rosa Beach Water Tank Wireless Communication Facility. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Arthur presented the revised ordinance for the Scenic 30-A Transportation Study. Commissioner Pauls thanked Mr. Arthur and the committee for their work on preparing the ordinance.

Ms. Sharon Logue-Higgins questioned if it would be the responsibility of the individual owner to repair the grassy areas if damages occur from the installation of utilities. The commissioners agreed. Ms. Higgins disagreed because many utility vehicles drive across the grassy areas causing damage and she felt that it places an undue burden on the individuals. Commissioner Pauls stated that there is a right of way policy that is being drafted that would address this issue. He stated that prior notice would be provided to the individual to allow them to remove and protect the landscaping. Mr. Pauls also stated that the individual property owner is not required to maintain that portion beyond their own property line.

Ms. Nancy James requested clarification of "Town Center" on page 8 versus "Town" as referred to in Table 1. Mr. Arthur advised that it is the same. Ms. James asked

that it be written consistently in both places. Ms. James also asked about the section relating to Sign Control. Commissioner Pauls stated that they attempted to stay within the recommendations of the task force. The issue of real estate signs needs to be addressed with the Corridor Advocacy Group. He also stated that this is not a comprehensive ordinance dealing with signage along CR 30A. Mr. Pauls recommended omitting “Center” from E5 to make the language consistent.

Motion by Commissioner Pauls, second by Commissioner Jones to adopt the Scenic 30-A Transportation Study Ordinance (2002-16) with the deletion of the word “Center”. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Arthur presented the Dunes of Seagrove final plat for approval. Commissioner Rees recused himself from this issue due to prior involvement before becoming a commissioner. Commissioner Pauls also recused himself because of his previous involvement with the South Walton Community Council and their opposition to the project at that time.

Attorney Vorbeck stated that because both of these commissioners have had prior involvement and due to the fact that Commissioner Walker is not present; there is not a quorum present. Again, Commissioner Rees announced that Mr. Walker is not present due to being ill.

Commissioner Jones, acting Chair, requested this issue be continued until the Land Use Hearing on October 1, 2002. The attorney’s agreed on this date.

Mr. Tom McGee presented a public records request for a copy of the tape and transcript from the Planning Commission’s Meeting when the Dunes of Seagrove was

approved. He stated that he was previously told there was no transcript made. Attorney Theriaque and Mr. Houston Leonard also requested a copy of the tape.

Mr. Leonard stated that the Certificate of Occupancy was issued illegally and requested if the owner's of the Dunes of Seagrove could be notified that the C.O. would be revoked. Attorney Vorbeck advised that the C.O. is not the issue being heard tonight and must be addressed by Code Enforcement if there is a violation of the law.

There being no further business, the meeting was adjourned at 5:35 p.m.

APPROVED: _____
Lane Rees, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court