

SEPTEMBER 10, 2001 – LAND USE HEARING

The Board of County Commissioner, Walton County, Florida, held a Land Use Hearing on Monday, September 10, 2001 at 5:00 p.m. at Butler Elementary School.

The following Board members were present: Commissioner Tim Pauls, Commissioner Larry D. Jones, Vice-Chairman Lane Rees and Commissioner Gene Ryan. Mr. Michael Underwood, County Administrator and Mr. Gary Vorbeck, Director of Legal Services, Mr. Ken Shannon, Planning Technician, were also present.

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

Vice-Chairman Rees called the meeting to order.

Mr. Ricky Rookis appeared before the Board and presented the Summer's Edge First Addition final plat for approval. Mrs. Jennifer Christensen, Planning Secretary, stated that Preble-Rish has approved the plat and is ready for Mrs. Henninger's signature.

Motion by Commissioner Jones, second by Commissioner Pauls to approve Summer's Edge First Addition final plat for recording contingent upon receiving Mrs. Henninger's signature. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Jonathan Rhodes presented Watercolor Towncenter Homes, Building 4, amended plat for approval.

Motion by Commissioner Pauls, second by Commissioner Jones to approve Watercolor Towncenter Homes, Building 4, amended plat for recording, subject to Latilda Henninger's signature. Ayes 4 Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Jack Rhodes presented Watersound Bridges, Phase I, for final plat approval. Mr. Rhodes stated that there is an issue with the letter of credit.

Attorney Vorbeck stated that the letter of credit refers to an agreement with Preble-Rish and there appears to be no letter from Preble-Rish. Mrs. Jennifer Christensen requested to table this issue pending resolution to the letter.

Motion by Commissioner Pauls, second by Commissioner Jones to table approval of Watersound Bridges, Phase I until September 25th. Ayes 4 Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mrs. Jackie Barker of Daugeette Subdivision appeared before the Board and presented an abandonment request. Mrs. Barker presented a survey and explained the portion of property she is requesting to abandon is due to problems associated with erosion. Mrs. Barker stated that the road has not been used in over ten years and did not feel the road would ever be used for county access of any kind. She further stated her desire to preserve the property, and disagrees with the homeowners association to dredge the canal. The homeowners' association wants to remove the dredge/fill material from the road that has already been determined as too narrow.

Mr. Charles Boulian, County Engineer, stated that the Daugeette Subdivision is ready to be paved. Because of this subdivision's proximity to the canal, he feels it would be in the best interest of the county to keep the road open due to the water flow and other related issues by DEP.

Mrs. Barker stated that the edge of the driveway to the top of the canal is less than 40', therefore is not enough area to create storm water retention ponds, due to the area being too small.

Commissioner Pauls questioned the possibility of trading property in order to create a storm water retention pond. Mrs. Barker did not object as long as it does not impede her access.

Mr. Boulian stated that the paving plans should be completed by December and construction should begin by May of 2002.

Mrs. Phyllis Bleiweis stated that when this issue was heard, she recused herself from the Planning Committee because of her friendship with Mrs. Barker. Mrs. Blywice stated that she would have voted in favor of the abandonment, but her recusal and non-vote resulted in a tie vote.

Mr. Mike Weimorts stated that the county refuses to maintain the road and will not allow the residents to make any change to the road. He is of the opinion that the area is too small to construct a water retention pond and, without county maintenance, it becomes the responsibility of the property owners. The area residents requested to be able to make necessary repairs to protect their own property.

Mr. Boulian recommended retaining the property with the possibility of a land swap in the future for a storm water retention pond.

Motion by Commissioner Jones, second by Commissioner Ryan to wait for the paving design to be completed and, upon completion, come back before the Board for further discussion.

Commissioner Pauls stated that the land swap is a good idea the county should do their part to maintain and support a better storm water plan. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Commissioner Ryan questioned Mr. Boulian regarding the possibility of leaving the trees. Mr. Boulian stated that they would attempt to not disturb the trees. Commissioner Jones stated that the county should work with Mrs. Barker on any attempts toward an alternate solution.

Vice-Chairman Rees called to order the advertised public hearing to consider GBT Destin Conceptual Review. Commissioner Pauls questioned if this would be held as a quasi-judicial hearing. Attorney Vorbeck stated that the Board needs to adhere to the quasi-judicial rules, but those speaking do not have to be sworn in because no action is to be taken on this issue. Mr. Jack Arthur stated that these conceptual reviews do not serve any purpose and therefore, in his opinion, hearings for this purpose no longer need to be held.

Mr. Cliff Cohen and Mr. Ken Akin appeared before the Board as directed by county staff. He explained that they met with staff, went before the Scenic 98 Corridor Review Committee and held community meetings. He also received a letter of determination from Mr. Arthur.

Mr. Cohen stated that the property is known as Gulf Gardens located at the Okaloosa/Walton County line on the north side of the Emerald Coast Parkway. He explained that he received a letter from Mr. Arthur stating that it was the staff's opinion that a big box retailer was an allowable use for the subject property, however, preliminary and subject to the Board's decision. He stated that the outcome of the Treasure Island Marina case could have an affect on the zoning of this property.

Mr. Akin stated that this process has allowed input from neighbors, task force and asked the commissioners for direction on what type of uses are allowable. Commissioner

Pauls stated that the Coastal Center category has recently been redefined as well as Coastal Center Mixed Use. He stated the big box has a number of uses within it that fits better in Coastal Center Mixed Use than in Coastal Center, because Coastal Center is primarily residential. Mr. Pauls stated that one must ask if it is regional serving or neighborhood serving. Commissioner Ryan stated that if the Board and the Planning Commission has difficulties defining these land use categories, changes need to be made.

Mr. Vorbeck stated that the county has a FLU Map, but not a zoning map, which creates problems. He explained that zoning is more specific on what is allowed.

Mr. Mike Judkins addressed the commissioners and read the allowable uses, and stated that primarily residential is allowed. He gave an overview of the administrative hearing that was held regarding Treasure Island Marina. Mr. Judkins requested the county to review the procedures of the Planning Department and further stated that this issue should have been stopped at the Planning level because it is not an allowable use.

Mr. Jim McRae stated that this project is next to a residential area, also out of character and incompatible. He stated the additional traffic that would be created by this project is not needed.

Mr. Bill Bard, Holiday Shores Subdivision commented that Treasure Island Marina was denied approval to operate in this location and this project does not fit either. Mr. Bard continued by stating that this development needed to comply with the Code already in place and by approving this project would only strengthen Wex Tex Holdings' appeal process regarding Treasure Island Marina.

Ms. Jane Snow, Holiday Shores Homeowners Association, stated that the members were polled with 92% of the returned votes in favor of the project with the

stipulation that a road be constructed on the east side of the property connecting to Walton Way, a light at the intersection of Highway 98, and entrance signs for their subdivision.

Vice-Chairman Rees called to order the quasi-judicial hearing to consider the remaining issues on the agenda. Attorney Vorbeck read the rules of the hearing and administered the oath of office to those members of the audience who were present to participate in the hearing.

Mr. Bill Wyrrough, Planning Commission, presented the Planning Commission's recommendation to approve the proposed project by American Tower. American Tower is proposing a 300 foot communication tower on leased property designated Estate Residential. The site is located 1 mile south of Rock Hill road on the east side of US 331.

Mr. Tim Durbin, American Tower, stated that the project was previously tabled at the Planning Commission Meeting due to the revisions not being presented on time. Mr. Durbin requested approval of the proposed project.

Mr. David Kramer stated that he has property located in that area and requested the specific site location of the proposed tower. Mr. Kramer further requested the Board consider the 300' notification be increased to 600', or double the height of the tower.

Mr. Wyrrough presented for record the Final Order of Recommendation from the Planning Commission (exhibit IVA-1). Mr. Shannon presented for record a letter from the Department of Air Force along with a report from the Planning Staff (exhibit IVA-2).

Commissioner Pauls recommended the Planning Department look at increasing the surrounding notification requirements to at least double. Vice-Chairman Rees agreed to the recommendation.

Motion by Commissioner Ryan, second by Commissioner Jones to approve the Rock Hill Communications Facility proposed development as requested by American Tower. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Wyrough presented the proposed development of Uptown Grayton. Mr. Tony Derk is proposing 4,463 square foot retail/commercial with two apartments above retail on .24 acres designated Residential Preservation. The site is located on the west side of Wilderness Way. The Planning Commissioner recommended approval subject to receipt of the FDEP storm water permit.

Mr. Wyrough entered the Final Order of Recommendation from the Planning Commission into record (exhibit #IVB-1).

Mr. Shannon presented the Planning Staff's report for Uptown Grayton (exhibit IVB-2) with a recommendation to approve subject to submittal of the FDEP storm water permits.

Mr. Russ Aldrich, Emerald Coast Associates, appeared before the Board representing Tony Derk, property owner. Mr. Aldrich entered into record an aerial photo with an overlay (exhibit IVB-3) and stated that the DEP permits are in hand. Mr. Aldrich stated that after discussion, the project was found in compliance after concern from both sides. They were also in compliance with the overall project of Lake Place Development, which preserved these tracks for commercial. He stated that they are building the last commercial area left in Lakeside Development.

Attorney Mike Crew, representing the neighbors of the project stated that proper notice was not given as required by the Land Development Code. Mr. Crew submitted into record an affidavit of Mr. Russ Gilbert (exhibit IVB-4) voicing his objection to the

project and lack of notice. However, Mr. Gilbert was able to attend the Planning Commission Meeting. Mr. Shannon advised that Mr. Gilbert did attend the meeting.

Mr. Crew questioned Mr. Steve Monk who owns property that abuts the property in question. Mr. Monk stated he did not receive notice of the meeting and his name is on the tax roll that is used for the mailing of notices. Mr. Crew entered into record Mr. Monk's Notice of Ad Valorem Tax Assessment showing his address (exhibit IVB-5).

Mr. Aldrich advised the Commissioners that the property was posted. Mr. Vorbeck advised that each individual must be noticed.

Mr. Shannon stated that Mr. Monk's name does not appear on the property owner's list that was provided to the Planning Commission. Mr. Gilbert was noticed by certified mail; however, it was returned.

Attorney Vorbeck questioned Mr. Crew if he feels that his clients, having now been made aware of the project, are prejudiced in this matter. Attorney Crew stated that they are because they would have raised their concerns at the Planning Commission's stage, and that his clients have many several issues.

Attorney Vorbeck spoke about the procedures being used to send notice. He stated that the procedure being used may take more staff, but if this is the procedure that is going to be used, it must be followed. The other option would be to have staff mail the notice rather than the developer, to assure the notice is sent. Mr. Vorbeck further stated that the Ordinance requires the notices be sent by regular mail and would prefer it be sent by regular mail instead of registered mail.

Mr. Aldrich explained the process they used to notice the surrounding property owners and stated that a second mailing was done and the property was posted. He stated that they made a good faith effort and no one was omitted on purpose.

Mr. Crew requested this project be sent back to the Planning Commission. Mr. Vorbeck recommended to the commissioners that it be sent back to the Planning Commission because of lack of notice.

Motion by Commissioner Ryan, second by Commissioner Pauls to approve for the proposed project of Uptown Grayton to be sent back to the Planning Commission and a double check on mailings be provided by the Planning Department. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Wyrrough presented the proposed project for Beachy Clean Carwash. Mike Matz is proposing a carwash/detail center on .635 acres designated Village Mixed Use. The site is located on the south side of U.S. Highway 98 and east of the west 98/30A intersection. The Planning Commission's recommended approval subject to the outstanding South Walton Fire District review and Planning Department review (building elevation) and the FDEP storm water permit, FDEP drinking water permit and the FDEP wastewater permit. Mr. Wyrrough entered into record the Final Order of Recommendation (exhibit IVC-1) on behalf of the Planning Commission.

Mr. Shannon corrected the Planning Staff's report to read 19,000 AADT instead of 2,200. The Planning Staff recommended approval subject to receipt of the outstanding permits as stated. Mr. Shannon entered into record the Planning Staff's Report (exhibit IVC-2).

There were no comments voiced in opposition to this project.

Commissioner Pauls commended the applicant on the site plan and cross access drive plans.

Motion by Commissioner Pauls, second by Commissioner Ryan to approve the Beachy Clean Carwash proposed project, subject to outstanding permits. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Wyrough presented the Mack Bayou Pines (revised) project. Mr. Roland Brown is proposing 19 single-family lots on 8.93 acres designated NPA/Infill. The site is located on the south side of Lamb Drive, east of Mack Bayou Road, north of US Highway 98. The Planning Commissioner recommended approval subject to the FDEP storm water Permit, FDEP drinking water permit and the FDEP wastewater permit.

Mr. Wyrough entered the Planning Commission's Final Order of Recommendation (exhibit IVD-1) into record.

Mr. Ken Shannon presented the Planning Staff's recommendation for approval of Mack Bayou Pines. He entered into record the Staff report (exhibit IVD-2).

Motion by Commissioner Pauls, second by Commissioner Ryan to approve the Mack Bayou Pines proposed project subject to outstanding permits. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Wyrough presented the Affordable Storage II proposed project. Walton County Cache, Inc. is proposing 679 storage units with an office and manager's apartment. The site is located on the west side of Mussett Bayou Road approximately 330 feet north of U.S. Highway 98. The Planning Commissioner recommended approval subject to outstanding Planning Department review (handicapped parking and

justification for additional drives) and FDEP storm water permit. Mr. Wyrrough entered the Final Order of Recommendation (exhibit IVE-1) into record.

Mr. Shannon stated that they have met the handi-cap parking requirements and the gated access will be for large trucks only. He stated that they have met their requirements and entered into record the Planning Staff's report (exhibit IVE-2).

Ms. Robin Gaston, Choctaw Engineering, appeared on behalf of the developer. She stated that there is proposed sod and landscaping by the developer and plan shown was to show compliance to the Code. She stated the enhancement will provide for an attractive landscaping to the project.

No one spoke in opposition to the proposed project.

Motion by Commissioner Ryan, second by Commissioner Jones to accept the recommendation of the Planning Commission and approve the proposed project for Affordable Storage II. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Kevin Chilcutt, spokesperson for Victory Lighthouse, appeared before the commissioners to request that the minor development application fee be waived. The development is being proposed to serve the Mossy Head/Oakwood Hills area and they are attempting to place a small building on the property. The organization is proposing to serve the community in a variety of ways, including working with YMCA for a possible backyard recreation and providing space to work with food and clothing during emergency situations. They would also like to make the building available in the event of an emergency.

Commissioner Ryan stated that Mossy Head is a growing area with limited income and area family support is needed.

Motion by Commissioner Ryan, second by Commissioner Jones to approve Mr. Chilcutt's request on behalf of Victory Lighthouse and waive the development fee. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Commissioner Jones stated that he agrees with the need for service in that area. Commissioner Rees also agreed.

Mr. Mike Judkins appeared before the Board regarding a stop work order that was issued on Holiday Road by an individual. He stated that the issue has gone to court and requested the Board to hire a different attorney than George R. Miller to handle the case. Mr. Judkins feels that because of Mr. Miller's feelings toward him and his family that he would not receive fair representation.

Mr. Judkins also asked the commissioners to look into issues that relate back to Mr. Dan Bodiford and Mr. Art McLellan that involved county monies being spent on investigations. He stated that \$25,000.00 of county funds was spent and feels that Mr. McLellan was not qualified to perform the investigation. Vice-Chairman Rees stated that the comments are noted.

Mr. David Kramer advised the commissioners of a problem in the county. He asked the Board to task Mr. Jack Arthur and staff with looking at the Town Center I Category. He stated that all the property currently zoned Town Center I cannot be developed, involving approximately 50 property owners. He feels that adopting a master plan for Town Center I can solve the problem.

Commissioner Pauls stated that an attempt was previously made by the Planning Commission to develop a neighborhood plan or town center plan. He is aware of the

concern and stated that if it can't be planned then it needs to be removed from that category and give the property owners their rights back to develop their property.

There being no further business, Commissioner Ryan motioned to adjourn, seconded by Commissioner Jones.

APPROVED: _____
Herman L. Walker, Chairman

ATTEST: _____
Martha Ingle, Clerk of Courts