

SEPTEMBER 10, 2003 – LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Wednesday, September 10, 2003 at 3:00 p.m. in the South Walton Courthouse Annex.

The following Board members were present: 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.

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

Attorney Vorbeck administered the oath to those individuals who would be speaking.

Mr. Carl Hammons, Project Manager, presented the proposed South Walton Commerce Park P.U.D. for consideration. St. Joe Commercial is proposing a 29-lot business park located on the north side of U.S. 98 about 6 miles east of the U.S. Highway 331/Highway 98 intersection. Mr. Hammons explained the zoning for the site. He stated that buffers are provided as required. The Planning Commission, and staff, both recommend approval. **(South Walton Commerce Park P.U.D. Exhibit #1 – staff report)** Mr. Hammons further stated that the project does not meet the requirements of a Development of Regional Impact.

Mr. David Haight, PBS&J, appeared before the Board on behalf of the applicant along with Mr. George Booher, St. Joe Commercial. Mr. Haight spoke about the process they have gone through, stating that this is the first project under the new Business Park

category. He stated that that project is the result of good planning and is in a good setting. He spoke about the wetlands and how they will be maintained. He stated that they plan to stay away from the wetlands. The floor was opened for public comments; there were none.

Motion by Commissioner Rees, second by Commissioner Pridgen to approve the South Walton Commerce Park P.U.D. proposed development. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Aye.

Mr. Tim Durbin, Project Manager, presented the staff's recommendation of approval for Grayton North. **(Grayton North; Exhibit #1-staff report)** The Planning Commission also recommended approval with the following conditions:

1. That there will be no restaurants or office service business within the project;
2. That there will be no lighting spillover onto adjacent property; and
3. That the developer will build sidewalks or contribute to the sidewalk fund.

Commissioner Pauls questioned how the first stipulation would be enforced. Mr. Durbin explained that it would be through the covenants and restrictions of the business park, not a county issue. He stated that it would also be stipulated on the development order.

Commissioner Rees questioned how the lighting issue would be applied when the county does not have a lighting ordinance. Mr. Durbin stated that the applicant was encouraged to meet with the neighbors to address the issue.

Ms. Cindy Meadows, Planning Commission, stated that the proposed development does not have enough parking spaces available to allow for restaurants or retail. She further stated that the applicant has agreed to the restrictions.

Mr. David Smith, Choctaw Engineering, appeared on behalf of the applicant/owner, Mr. James Poteet. He presented a site map and explained the details of the project. Mr. Smith stated that they have agreed to use low-level lighting in order not to impact any neighbors.

Mr. David Kramer voiced two concerns regarding the proposed development. He stated that the property is using side setbacks in the rear of the property. He explained that the four lots are individual lots and need to be replatted as a single parcel. He feels that the applicant is in violation of the Code. Mr. Kramer stated that approval of this project will set precedence and feels that the applicant should be made to replat the property. The second concern is the lighting issue and he wants assurance that there will not be any spillover lighting onto surrounding residential areas.

Mr. Mike Lane, Planning Director, stated that if a project consists of only one owner then the Planning Staff considers the unity of multiple lots as one overall parcel. He advised that this project is in Village Mixed Use and is therefore not applicable to the requirements of replatting. Commissioner Cuchens felt that the applicant should not be required to pay any additional fees for replatting.

Mr. Poteet stated that he has been through the process, following staff's directions. He stated that the four lots are part of an unrecorded subdivision and are not recorded as individual lots. He stated that he would not be encroaching on any wetlands. Mr. Lane further explained that if the four parcels are unrecorded then they are not considered individual lots. Commissioner Pauls questioned if the applicant would be willing to go through the replat process. Mr. Poteet stated that he would prefer not to.

Motion by Commissioner Rees, second by Commissioner Pridgen to accept the recommendation and approve the proposed development of Grayton North with the stipulations as stated. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Aye.

Mr. Carl Hammons, Project Manager, presented the recommendation of approval for the Sacred Heart Hospital proposed development. Mr. Hammons stated that Sacred Heart of Pensacola is proposing to construct an 8,650 square-foot expansion to the Emergency Department and approximately 280 square-foot lobby extension to be located on 28.12 acres with a land use designation of Town Center II (Mixed Use Center).

(Sacred Heart Hospital; Exhibit #1-staff report)

Mr. David Smith appeared before the Board representing Sacred Heart. There were no additional comments voiced.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to accept the recommendation and approve the development proposed by Sacred Heart Hospital. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Aye.

Mr. Durbin presented the proposed development of Forest Lake P.U.D. Mr. Ricky Rookis, Gulf Hills Joint Venture proposes a 147 single-family lots and 13 live/work lots on 37.36 acres with a land use designation of Neighborhood Planning Area/Small Neighborhood. **(Forest Lake P.U.D.; Exhibit 1-Staff Report)** The Planning Staff and Planning Commission both recommended approval subject to the following conditions:

1. That the developer stabilize the road shoulders within the development for two feet on both sides;
2. That the developer work with County staff to develop a T-intersection and deceleration lanes to improve traffic flow on County Highway 30-A;
3. That deed restrictions insure that buffers adjacent to wetlands remain in their natural state;
4. That the developer devise a master signage plan; and

5. That deed restrictions limit commercial access from County Road 30-A to the development entrance and restrict commercial lots from accessing County Road 30-A directly.

Mr. Steve Hall, Hall & Reynolds, appeared before the Board representing the developer requesting conceptual approval of the P.U.D. He stated that it is the redevelopment of the old Gulf Hills Camp Ground. The conversion will revert the property to residential with some mixed use. He stated that they are in agreement with the stipulations. There was no opposition voiced regarding the proposed development of Forest Lake P.U.D.

Motion by Commissioner Cuchens, second by Commissioner Rees to accept the recommendation and approve the Forest Lake P.U.D. proposed development. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Aye.

Attorney Vorbeck administered the oath to those individuals speaking on the proposed Watersound North project who were not previously sworn in.

Mr. Ken Shannon, County Planner, presented the staff's recommendation for approval of the Watersound North P.U.D. proposed development. **(Watersound North P.U.D.; Exhibit #1-staff report; Exhibit #2-Preliminary Development Agreement; Exhibit #3-Application for the Watersound North P.U.D.)** St. Joe/Arvida proposes a Planned Unit Development on 5.06 acres, Mixed-Use Residential community which will contain 478 single-family residential, 25,000 square-foot Commercial/Retail floor area, 10,000 square-feet of office space, a six-hole golf course, community and civic spaces, open space and recreational amenities with a land use designation of Coastal Village I. The site is located on the north side of Highway 98 and southeast of Camp Creek. The

Planning Commission recommended approval with the condition that the developer be committed to resolving the Sidecamp Road access issue.

Mr. Nick Cassello, St. Joe/Arvida, gave a brief overview of the process that St. Joe has gone through for this project and explained its current status. He stated that the amendment was approved for transmittal to DCA in October 2002. In May 2003, DCA issued a notice of intent and found the Comprehensive Plan Amendment in compliance. The Preliminary Development Agreement was issued and signed off by DCA allowing for issuance of the local development order approval. Mr. Cassello stated that they expect to complete the entire project within one year.

Mr. Cassello spoke about the site and the project plans. He spoke about Sidecamp Road and presented a map of the site depicting the entrance. He stated that a solution is complex due to multiple property owners. Mr. Cassello stated that they have met with staff, which informed them of the access plan. A plan has been reached and committed to in writing by St. Joe. The proposed entrance is at the south end of St. Joe's property which will provide an easement for the neighbor's use. The road will be considered as a construction access providing neighbors access along a paved road up to the point of the EBSCO easement. EBSCO will allow an easement to cross their road. Gulf Power has also agreed to allow the use of their easement for the property owners to access their homes. Mr. Cassello also spoke about the number of people who are using Rattlesnake Road, which is a logging trail and not maintained.

Attorney Dana Matthews appeared before the Board representing Mr. David Kramer, property owner. Mr. Matthews questioned Mr. Cassello regarding the current access roads and the method in which the property owners access their property. He also

questioned what utilities are available and what access is available for emergency personnel. Mr. Matthews questioned when the pre-development was received. Mr. Cassello stated that it was given to staff around August 25, 2003. He also agreed that the property St. Joe is seeking P.U.D. approval for is within the DRI that St. Joe intends to file with DCA.

Mr. Matthews questioned Mr. Cassello if he has had discussion with EBSCO about jointly paving their easements or putting a hard clay surface down. Mr. Cassello stated that they have had discussion with EBSCO regarding improving the right-of-way. Mr. Matthews questioned if St. Joe would be willing to pave or significantly improve the easement in order to solve the problem. Mr. Cassello stated that he could not commit St. Joe to that.

Attorney Matthews presented a site map that shows St. Joe's plan and how the proposed roadway goes through wetlands. He commented further on the PUD and DRI Statute that requires the county to accommodate any negative impact. Mr. Matthews stated that if EBSCO would grant an easement to the county and the county accepted, then the developer could be required to make the necessary improvements. Attorney Vorbeck stated that the Board does not have the power to make the determination if someone has prescriptive rights or not. He also stated that this project is not under a DRI because of its exemption for the pre-development agreement.

Mr. Matthews presented the following **exhibits**:

#4 - LSA 03-1.A.4: Coastal Village, policy L-1.1.1

#5 – Special Warranty Deed from St. Joe Co. allowing property owner's use of EBSCO Road

#6 – Letter from Arvida/St. Joe (signed George Jones)

#7 – Aerial map/black & white

#8 – Tax map

#9 – 2.06.00 Planned Unit Development Standards (printed from the web)
#10- 380.06 Developments of Regional Impact (printed from the web)
#11-composite of color photos of Rattlesnake Road

Attorney Matthews questioned county staff about discussions they held with neighbors regarding the access. Mr. Shannon stated that they have met with the neighbors, but have not placed any conditions on approval subsequent to the Planning Commission Meeting. Mr. Matthews questioned if there were any signed resolutions to provide access to the properties. Mr. Shannon stated that there were no signed resolutions.

Mr. Shelton Stone, Project Manager for EBSCO, was sworn in and addressed the Board stating that his company has had communications with county staff and St. Joe. He commented that the entrance being used by the property owners is not an actual road, only an easement. He stated that EBSCO has never maintained it. He stated that EBSCO is willing to share the costs with the neighbors for maintenance of the road.

Attorney Dan Stengle, Hopping Green & Sams, represents the applicant. He stated that he does not want to delay this project pending the resolution of any agreement that St. Joe has been attempting to resolve for months. He stated that the PUD standards within the county's development code do not encompass this issue. He stated that they are committed to working out the issue with the property owners, but are opposed to delaying the PUD based on this fact.

The commissioners recessed briefly.

The commissioners reconvened the meeting. Attorney Stengle again stated that an attempt has been made to solve the problem, but they have not been able to reach an

agreement. There are multiple property owners that need to be able to reach a mutual agreement.

Mr. Chris Foreman, Mr. David Phelps, and Ms. Emily Ellis, residents on Rattlesnake Road, all appeared before the Board regarding the access issue. Mr. Foreman spoke about the condition of the road and stated that the residents have been maintaining the road. He commented that 911 will not be able to access their homes nor will anyone be able to get in or out without a 4-wheel drive vehicle. He voiced concern that they would not have access if the development is approved.

Mr. Phelps addressed the commissioners regarding the road. He stated that no one would be able to access his or her property due to the poor condition of the road. He stated that he is opposed to the project until the homeowners have assurance that they will be provided adequate access to their homes.

Ms. Ellis spoke about the history of the area. She also stated that there was a legal deeded access to the property, but it required crossing the lake. That was not an option according to the Army Corps of Engineers. She presented several maps and pictures of the area explaining its history.

Commissioner Rees questioned if their access road would be closed if the project were to be approved. Mr. Nick Cassello stated that he has submitted a letter to the property owners that Sidecamp Road would not be closed until they are provided with some other type of access. He further explained that Sidecamp Road will not be part of the development and would be closed after other access is provided.

Mr. Fred Meredith, property owner, stated that his access is Sidecamp Road. He stated that he does not want his access blocked to his property.

Mr. Kramer felt that some remarks made by St. Joe's attorney were not accurate. He stated that this is a St. Joe problem and feels they should fix it. He said that he is willing to contribute if someone will pull the permits. He questioned if the county would consider accepting the property if donated by EBSCO in order to go through the permitting process. He felt that St. Joe has the largest mitigation bank available and should be able to assist the residents. Mr. Kramer spoke about the importance of interconnectivity.

Mr. Casello addressed comments made regarding the access easement and needed improvements. He stated that St. Joe has offered property for mitigation. Mr. Casello requested additional guidance and stated that they alone cannot solve the problem.

Mr. Matthews presented the following additional exhibits:

Exhibit #12 – Wetlands map

Exhibit #13 – Color-coded map showing secondary access (oversized)

Exhibit #14 - Arial property ownership map

Mr. Dan Stengle presented his closing comments asking for approval of the Watersound North P.U.D. He stated that St. Joe would commit to allowing access to the neighbors. He also asked that the Board direct the neighbors to work with St. Joe in an attempt to solve the problem. He requested that the P.U.D. and the road issue be considered as two separate issues.

Mr. Cassello stated that the access would not be closed and that they would not block the property owners from entering their property.

Mr. Brian Bruns questioned if Watersound would be a gated community. He also requested clarification regarding access to Lake Powell and if interconnectivity would be provided. Mr. Cassello responded by stating that the project was still under consideration

for being a gated community. He also said that there were no intentions to provide access to Lake Powell for residents other than for those living in the community. He also explained the issue regarding interconnectivity stating that neighborhoods are meant to interconnect, not developments.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to continue this issue until October 7, 2003 and to ask the affected property owners to resolve the access issue and bring back an agreement between St. Joe/Arvida, EBSCO, Gulf Power, and the neighbors. Ayes 3, Nays 1. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Naye. Neighborhood access will be the only issue discussed at the October 7th meeting regarding this project.

Mr. Tim Durbin, Project Manager, presented the recommendation to approve Sandal Beach Townhomes proposed project. Agerton & Associates Development, LLC is proposing a 9-unit town home development on approximately 1.5 acres with a land use designation of Neighborhood Planning Area/Infill. The property is located about ¼ mile south on County Road 393 adjacent to Edgewood Terrace Subdivision. **(Sandal Beach Townhomes; Exhibit #1 – Staff Report)**

Motion by Commissioner Rees, second by Commissioner Cuchens to accept the recommendation and approve Sandal Beach Townhomes. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Aye.

Mr. Tim Durbin, Project Manager, presented the recommendation for approval for the proposed Abbott Office Building Master Plan project. **(Abbott Office Building; Exhibit #1-Staff Report)** Both staff and the Planning Commission recommended approval. The Planning Commission requested that the following stipulation be added:

1. That the developer pay a pro-rata share for the provision of a westbound and southbound left turn lane in U.S. Highway 98 at Miramar Beach Drive.

Mr. David Smith presented a site map and briefly explained the project.

Discussion occurred regarding the number of property owners and how to best determine the pro-rata share, not knowing a total number of future businesses. The applicant agreed to work with the Public Works Department to make a determination and agreed to pay their share.

Motion by Commissioner Rees, second by Commissioner Cuchens to approve Abbott Office Building Master Plan with the stipulation that they will pay their pro-rata share for a turn lane. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Aye.

There being no further business, the meeting was adjourned at 6:20 p.m.

APPROVED: _____
Larry D. Jones, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court