

OCTOBER 1, 2001 – LAND USE HEARING

The Board of County Commissioner, Walton County, Florida, held a Land Use Hearing on Monday, October 1, 2001 at 5:00 p.m. at Bay Middle School.

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

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

Chairman Walker called the meeting to order and presented a request, as agreed by both parties, to continue the scheduled public hearing regarding Baywalk Landings PUD Development Order until October 22, 2001 at 5:00 p.m.

Motion by Vice-Chairman Rees, second by Commissioner Pauls to approve to continue the public hearing regarding Baywalk Landings PUD until October 22, 2001 at 5:00 p.m. at the Tourist Development Council. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. The commissioners suggested developing a policy regarding the forum and length for these types of special meetings.

Mr. Russ Aldrich appeared before the commissioners and requested to postpone approval of the O'Brien Centre Final Plat. Mrs. Jennifer Christensen, Planning Department, stated that the County Attorney has not reviewed the plat nor has the Planning Director signed it.

Motion by Commissioner Pauls, second by Commissioner Jones to defer approval of the O'Brien Centre until October 9, 2001. Ayes 3, Nays 2. Pauls Aye, Jones Aye, Walker Naye, Rees Naye, Ryan Aye.

Discussion was held regarding plats being placed on the agenda before all final steps have been completed. Attorney Vorbeck advised that Mr. Jack Arthur, Growth Management Director, should direct staff not to place any plats on the agenda until they are complete, including all necessary signatures. A process should also be developed allowing staff ample time to review the plat with an established turn-around time to get the plats back to the developers.

A list containing the names of individuals was presented for review for those people who are willing to serve on various boards. The commissioners agreed to review the names and make a decision at their next meeting.

S&S Materials scheduled on the agenda did not appear due to being notified that the board would no longer consider conceptual reviews.

Ms. Cindy Meadows, Planning Commission, presented the Planning Commission's recommendation to approve the Sea Dunes Subdivision abandonment request. The final public hearing on this matter will be heard on November 5, 2001.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to consider this abandonment request at the final public hearing on November 5, 2001. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Meadows presented information relating to the Tall Tower Ordinance and further requested the second and final public hearing be set. The Board agreed to hold the final public hearing on November 5, 2001.

Chairman Walker called to order the quasi-judicial hearing.

Ms. Meadows presented the final order as prepared by the Planning Commission for the Dart of Destin, LLC and Wilson and Taylor, Inc. small-scale amendment.

Motion by Commissioner Jones, second by Commissioner Pauls to grant an extension request on behalf of the developer, until November 5, 2001. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Commissioner Pauls spoke about the need for an additional classification that would encompass these types of uses.

Ms. Meadows presented the Planning Commission's recommendation to approve the Fulmer small-scale amendment. Milton Fulmer is requesting a small-scale amendment on .42 acres to be changed from Neighborhood Planning Area/Residential Preservation Area to Village Mixed Use. The site is located on the east side of 30-A, across from Topsail Hill State Park. Ms. Meadows submitted the Final Order of Recommendation for the record (Exhibit IVB-1).

Mrs. Linda Clark, Planning Department, was administered the oath of office and explained that the Planning staff also recommended approval. Commissioner Pauls explained that this parcel is in McKinney's unrecorded Subdivision, which is very wet. Mrs. Clark stated that the applicant is proposing a 3,000 square foot office building.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to accept the Planning Commission's recommendation and approve the Fulmer small-scale amendment (Ordinance 2001-18). Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Meadows presented the Planning Commission's recommendation to approve a request on behalf of Mr. Roy Parker who is requesting a small-scale amendment on .28

acres to be changed from Neighborhood Planning Area/Residential Preservation Area to Coastal Center. The site is located northwest of the US 98/Forest Shore Road intersection. Ms. Meadows presented the Final Order of Recommendation (Exhibit IVC-1). She advised that a discrepancy exists between the Future Land Use Map, which classified the property as Coastal Center, and the Neighborhood Planning Map, which classified it as Neighborhood Residential Preservation Area. The Planning Commission recommended approval because of its location.

Chairman Walker administered the oath of office to Ms. Meadows and Mr. Tom Blackshear, County Planner. Mr. Blackshear stated that this property is a good candidate for a small-scale amendment and planning staff agreed that there is a discrepancy on the FLUM. They did voice concern with traffic concurrency along this portion of highway, which might warrant the need for further study. Chairman Walker questioned if the four laning of Highway 98 would affect this area. Mr. Blackshear advised that it would. Planning staff's final recommendation was denial of the small-scale amendment application due to traffic concerns.

Mr. Russ Aldrich, representing Mr. Parker, appeared before the commissioners and was sworn in. He stated that his client purchased the property and was told that it was zoned Coastal Center and an oversight in the adoption of the neighborhood maps, was excluded.

Mr. Blackshear showed the location of the property and said that all the property in the area should be consistent. He advised that there are inconsistencies between the maps; which were both adopted the same night. He further explained why the discrepancies might exist, which could be a scrivener's error.

Ms. Meadows stated that the Planning Commission considers the large map as the official map because the smaller maps were hand drawn and, in their opinion, contain errors.

Motion by Commissioner Pauls, second by Commissioner Ryan to accept the recommendation of the Planning Commission and adopt an ordinance (2001-19) approving the small-scale amendment request. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Commissioner Pauls recognized Mr. Blackshear's comments and asked that staff look at this issue and bring back a plan amendment that would encompass a larger area. Mr. Blackshear stated that they are currently considering this issue along with other problems.

Ms. Meadows presented the Windy Oaks Condominium Development Proposal. Horizon Properties LLC is proposing 34 condominium units on 4.5 acres designate NPA/Infill. The site is located on the north side of CR 30A between Walton Gulfview Drive and Pelican Glide Lane. The Planning Commission recommended approval subject to the developer building a sidewalk along the frontage on 30A and outstanding State permits. Ms. Meadows submitted the Final Order of Recommendation (Exhibit VA-1).

Mrs. Christensen presented staff's recommendation for approval, subject to outstanding State permits and she then presented staff's recommendation (Exhibit VA-2) for the record.

Commissioner Pauls questioned the requirements for the placement of the sidewalk and asked if it would be on the county's right-of-way. Mrs. Meadows explained that it would be on the right-of-way to connect with the other sidewalks.

Mr. Mark Siner, Choctaw Engineering, representing the applicant, was sworn in and stated that his client would be the only development with a sidewalk on that side of the road and feels that sidewalks should be placed on the right-of-way for continuity; however, they are willing to work with the county.

Ms. Nancy James, South Walton Community Council, appeared before the Board and was sworn in. She voiced their support for this project.

Ms. Meg Stevenson appeared before the Board and was sworn in. She stated that she is an adjacent property owner and supports this project. She commended the developer for working with the community to maximize the project while also pleasing the neighbors.

Motion by Vice-Chairman Rees, second by Commissioner Pauls to accept the Planning Commission's recommendation and approve the Windy Oaks Condominium development proposal and agree to accept escrow funds from the developer that would allow the county to construct the sidewalk. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Meadows presented the Planning Commission's recommendation to approve the Inlet Beach Village. Mr. John Freer is proposing a 5,500 square foot restaurant and 5,000 square foot retail space on 1.4 acres on property designated Village Mixed Use. The site is located on the south side of 30A. The Planning Commission requested the dumpster being relocated from the rear of the building if feasible. The Final Order of Recommendation (Exhibit VB-1) was entered into record.

Mrs. Christensen presented the Planning staff's recommendation for approval subject to minor revisions to the site plan and landscaping plan, consisting of relocation

of the storm water outside of the 30A buffer. She entered the staff's report (Exhibit VB-2) for the record.

Mr. Dean Burgess, Emerald Coast Associates representing the developer for Inlet Beach Village, was administered the oath of office. Mr. Burgess stated that the revision for the storm water has been submitted and they have also addressed the dumpster issues. He stated that the dumpster is located in the rear of the building because they feel it is the best location and most unsightly to Highway 30A. Commissioner Pauls commented that he would rather see more shallow and larger retention areas than a ditch next to the sidewalk. Mr. Burgess advised that water is available through Inlet Beach Water System and a lift station has been installed to address the sewer, which will join with Pinecrest. He presented a letter from Inlet Beach Water System stating that water and sewer is available.

Motion by Vice-Chairman Rees, second by Commissioner Ryan to accept the Planning Commission's recommendation and approve the proposed development for Inlet Beach Village. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The proposed development for Baywalk Landings PUD was postponed.

The quasi-judicial hearing was then closed.

Mr. R.W. White, President and CEO of TV24, Majesty Communications, appeared before the Board and advised that they would like to raise their existing tower from 190 feet to 350 feet and asked that this request be considered an administrative review rather than major review. Mrs. Christensen stated that currently, all

communication towers are considered as major. There was no opposition to Mr. White's request.

Motion by Vice-Chairman Rees, second by Commissioner Jones to consider Majesty Communications tower expansion as an administrative review rather than a major review. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Chairman Walker presented information from the Department of Transportation regarding the realignment of east CR30A with US Highway 98. He explained that DOT has plans to realign the road for safety reasons and the county would assume responsibility of the road upon completion.

Motion by Commissioner Jones, second by Vice-Chairman Rees to authorize Chairman Walker's signature on the agreement with DOT. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. The commissioners requested assurance that a cul-de-sac would be constructed where 30A is removed.

Ms. Kassy Keyes, resident of Eastern Lake, voiced her concerns to the commissioners regarding the Coastal Dune Lake Task Force, which she feels should be discontinued. She stated that they are appointed by the commissioners and hold their meetings without proper notification and furthermore, they have expanded their role into areas that they have no authority over. She felt the Task Force should be dissolved until further determination could be made by the commissioners as to their validity.

Mr. Harley Henderson made six points regarding the Task Force and asked the commissioners to consider the validity of the Board and further questioned if the Task Force is actually necessary at this time.



Ms. Lyn Stafford stated that a study has been done as to the danger that these lakes are in. She advised that the Northwest Florida Regional Management District suggested they attempt to work with the Choctawhatchee Basin Alliance (CBA); however, the CBA began working on their own. She felt that people who seemed to be complaining may be doing so because they were not serving on the board.

Chairman Walker stated that the Task Force was an advisory board and that no recommendations have been acted on. Vice-Chairman Rees reminded the Board that Mr. Arthur was asked to read the recommendations of the Task Force and come back before the commissioners. Commissioner Ryan stated that when the volunteers came before the Board, they received no direction or goals.

Chairman Walker advised that several cease and desist orders have been issued by the Army Corp of Engineers and he asked Attorney Vorbeck to look into this matter. He stated that the county needs to determine the county's position in this matter. Mr. Barry and Mr. Underwood will also research this matter along with Mr. Vorbeck. Commissioner Pauls commented on the importance of this issue and stated that the county, at this time of year, needs to be pushing forward with paving projects. It is his goal to work with the DEP and the Army Corp of Engineer. Commissioner Ryan felt that the county needs to begin working with the District Engineer or the Division Head. Mr. Underwood stated that he spoke with DEP and the Army Corp of Engineer who are coming to conduct a meeting with the Road Foreman and County Engineer regarding procedures that must be followed prior to any road improvements. Chairman Walker advised that staff would communicate with them.

There being no further business, Commissioner Pauls motioned to adjourn at 7:10 p.m., second by Commissioner Ryan.

APPROVED: \_\_\_\_\_  
Herman L. Walker, Chairman

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