

OCTOBER 1, 2002 – LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, October 1, 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, Commissioner Herman L. Walker, and Commissioner Gene Ryan. Mr. Michael Underwood, County Administrator, and Attorney Gary Vorbeck, Director of Legal Services were also present.

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

Commissioner Rees called the meeting to order and requested direction from the Board regarding the November 5th meeting date due to it being Election Day. The commissioners agreed to reschedule the meeting to Monday, November 4th at the new South Walton Courthouse Annex.

Mr. Russ Barry, Public Works Director, appeared before the commissioners proposing a resolution to declare a local state of emergency involving the flooding of the Coastal Dune Lakes. He also requested that he be allowed to take necessary action to limit or eliminate the flooding by obtaining any and all necessary permits from the Florida Department of Environmental Protection and the Army Corps of Engineers.

Motion by Commissioner Pauls, second by Commissioner Jones to adopt a resolution (2002-50) approving to take necessary action to limit or eliminate flooding of the Coastal Dune Lakes. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Commissioner Pauls stated that the objective should be to remove as many

septic tanks as possible. He commented that the water levels of the lakes need to be lowered to prevent flooding of septic tanks.

Mr. Underwood introduced Mr. Mike Lane as the new Planning/Zoning Director. The commissioners welcomed Mr. Lane to his new position.

Mr. Lane presented the Dunes of Seagrove project. Commissioner Rees recused himself from discussion on this project due to his prior opposition to the Dunes of Seagrove. He then passed the Chair to Commissioner Jones. Commissioner Pauls likewise recused himself upon advice from legal counsel due to his opposition to the Dunes of Seagrove prior to his being elected. Commissioner Walker objected to them recusing themselves. Attorney Vorbeck explained that because they are sitting as Quasi-judicial Officers at this hearing and they were previously involved with the opposition on the project, they could be considered biased and due process requires them recuse themselves.

Mr. Lane requested the Dunes of Seagrove be continued. Attorney David Theriaque also requested to continue the hearing due to the absence of Mr. Jack Arthur who he needed to be present for questioning regarding the staff report. Mr. Houston Leonard stated that he is opposed to the Dunes of Seagrove and therefore requested to continue the hearing until Mr. Arthur can be present. Mr. Tom McGee also stated that he is opposed to the signing of the final plat. He reminded the commissioners that at the previous hearing he had made a public records request, which he has not received. Mr. McGee again requested that any and all records from the Planning Commission Meetings be provided, thereby not presenting any surprise information during the quasi-judicial hearing. Mr. Lane stated that staff has looked for the records, but were unable to locate

any tapes that may have been recorded during the meeting. Mr. McGee requested if any other records exist so that no additional evidence can be produced during the hearing. Mrs. Jennifer Christensen, Planning Staff, also stated that staff was unable to locate any tapes in the files. Mr. Lane assured that he would make all records available to the public. Mr. McGee also requested a copy of any and all documents relating from the June 10, 1999 Board of Adjustments Meeting.

Attorney Theriaque requested that a member from the Planning Staff review the report written by Mr. Jack Arthur so they can testify to the report and be prepared to perform necessary calculations or insure that Mr. Jack Arthur can be present to testify. All parties stipulated that Mr. Lane can testify in place of Mr. Arthur as long as he familiarizes himself with the necessary documents.

Commissioner Walker stated that he would not be present at the November meeting and recommended changing the date. All parties agreed to continue the date until the December 3rd Land Use Hearing.

Mr. Lane presented a request on behalf of South Walton Utilities for an odor control system expansion and approval to declare their project as a minor development. The project is located at Miramar Beach. Ms. Bee Burkett, Baskerville-Donovan, stated that her firm engineered the project and explained that the proposed project is to remove odors from the air. Staff recommended approval. Commissioner Pauls asked that the Scenic Corridor Guidelines be reviewed to insure proper compliance with landscaping issues.

Motion by Commissioner Walker, second by Commissioner Pauls to approve the location of the South Walton Utilities expansion. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Pauls, second by Commissioner Jones to approve the project as a minor development subject to compliance with the Scenic Corridor requirements regarding landscaping. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Lane requested to set a public hearing for the Shepherd petition for abandonment.

Motion by Commissioner Pauls, second by Commissioner Jones to approve to advertise a public hearing for the Shepherd petition for abandonment on November 4th. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Lane presented Wildwood Village for approval. Mr. Thomas Anderson is requesting approval of a major development project consisting of an eleven unit single-family subdivision located between Pinewood Lane and Wildwood Trail in the North Inlet Beach Community.

The Planning Commission recommended Wildwood Village for approval subject to the applicant placing in an Escrow Account, benefiting the county, the funds in lieu of the required preservation area until the abandonment of the easement is reviewed. In the event the easement is abandoned, the funds would be refunded to the applicant; however, if the abandonment is denied, the funds will be deposited prior to the issuance of the development order.

Attorney Vorbeck administered the oath to those who would be testifying.

Mr. Thomas Anderson addressed the commissioners and stated that the easement is for a roadway and utility use; however it has never been a road. If he is successful in obtaining the abandonment then he would take ownership of the easement and it would become part of the preservation area. Commissioner Walker stated that anytime the county gives up something of value then they should get something in return. He stated that he objects to giving up the easement. Mr. Anderson estimated the value at \$4,000 to \$5,000. Commissioner Ryan stated that the county would not be losing anything.

Ms. Nancy James, South Walton Community Council, stated that the project is very attractive and the housing would be more affordable than most in south Walton. She stated that the developer has worked hard to meet the neighbor's objections and they are strongly in favor of the project.

Commissioner Jones requested that a time limit be placed on the abandonment request. Commissioner Pauls questioned the type of materials that would be used to construct the roads. Mr. Anderson stated that it is a type of sand/clay, being an impervious surface. He stated that he is presently researching the costs of upgrading to asphalt.

Motion by Commissioner Jones, second by Commissioner Pauls to accept the Planning Commission recommendation to approve Wildwood Village as recommended, providing an Escrow Account and a time limit of six-months to request the abandonment. Ayes 4, Nays 1. Pauls Aye, Jones Aye, Walker Naye, Rees Aye, Ryan Aye.

Mr. Lane presented Tindle's New Shop proposed development for approval. The proposed project consists of a 4,050 square foot building to serve as the new vehicle

maintenance fleet shop. Both the Planning Commission and Planning Staff recommended approval.

Ms. Cindy Meadows spoke about the land use classifications and appropriate buffers. (Tape 1/side 2)

Mr. Jack Rhodes stated that his client owns the subject parcel and was previously part of a general partnership. He explained that when the Comprehensive Plan was adopted in November of 1996 that only the two 40-acre parcels to the east of Ben King Road were changed. In 1997 a resolution was adopted to correct the other two parcels on the west of Ben King changing them from Rural Village to Industrial.

Ms. Meadows stated that the applicant has agreed to maintain Ben King Road from Highway 20 to his project entry. Commissioner Walker questioned what criteria were established for maintenance. The commissioners voiced concern with Mr. Tindle grading a county road. Attorney Vorbeck stated that the commissioners need to consider if the road is adequate to handle the development.

Commissioner Ryan stated that Public Works recommended denial of the project because of the lack of vegetation, which is causing storm water runoff. Mr. Lane stated that the Planning Commission is considering that Mr. Tindle be required to pave the road and questioned if policy should be drafted. Commissioner Walker recommended waiting for additional information before approving the project.

Mr. John Snell, representing the applicant for Tindle's New Shop, advised that a landscape plan was presented as part of the planning process, which was approved. Mr. Snell stated that Mr. Tindle is maintaining the road. Commissioner Ryan again voiced concern with a private entity grading a county road. Commissioner Ryan reiterated again

that the concern is with the storm water run off. Mr. Snell stated that they would provide necessary swells.

Mrs. Jean King appeared before the Board and stated that she owns 80 acres and resides on Ben King Road. She further questioned the commissioners about the upkeep of the road. Mrs. King also informed the Board that her property classification has been changed to Industrial without her knowledge. Mr. Lane stated that it was probably changed in 1996 when the Future Land Use Map was changed.

Commissioner Walker stated that the county needs to be aware of future uses, the amount of traffic that will be created, and what possible problems could be created.

Commissioner Jones stated that he feels it is important that the storm water issue be addressed and felt that Public Works should address the road conditions and usage. He also questioned what would it require to bring the road up to the standard that would handle the amount of usage.

Mr. Lane stated for clarification that this project was sent to Public Works for review; however, he did not receive any written comments. Mr. Lane read an email written by Mr. Barry. The letter spoke about road usage and the possibility of damages that could be caused by heavy equipment. Mr. Barry stated that he does not believe that Mr. Tindle has the right to increase costs to the county from road destruction, which is a valid reason for denying a development order. Mr. Lane stated that Preble-Rish looked at the project and found it in compliance with the code upon receipt of all permits.

The commissioners agreed to continue this issue until October 8, 2002 until Mr. Barry can provide a recommendation.

Mr. Lloyd Cook, resident of Bay Loop Road, stated that the trucks coming out onto the highway from this project are causing a safety issue that should also be addressed.

Mr. Lane presented Hidden Highlands Subdivision proposed development for consideration. The project consists of 34 single-family residential lots on approximately 9.9 acres and is located on Dolphin Road. Mr. Lane also explained that the following two items were a result of discussion by the Planning Commission on the Hidden Highland Subdivision, but are separate from their recommendation. One is the Planning Commission's recommendation regarding Recreation Impact Fees for Hidden Highlands and the second is a recommendation regarding road paving adjacent to Hidden Highlands.

Ms. Cindy Meadows presented the following recommendation on behalf of the Planning Commission for the Hidden Highland project: that the development be approved subject to 15 feet of the existing 33 foot easement in the project site be dedicated for Greenway Trails. Ms. Meadows also stated that the Planning Commission requested policy or guidance regarding what thresholds require a road to be paved.

Mr. Russ Aldrich again stated that the two recommendations made by the Planning Commission are completely separate from Hidden Highlands Subdivision. He stated that the impact fees will be generated from the platting of their project that could be allocated for a particular type of use. The other issue would be to encourage the county to consider placing the roads higher on the paving list. Mr. Aldrich stated that questions arose as to whether the 5% Recreational Impact Fee could be allocated to the paving of the road. (Tape 2) Mr. Aldrich stated that they agreed to delineate on the plat, 15' of the 33' easement as a Greenway Corridor connection. Commissioner Walker

stated that the Greenway trial easement should not be part of this project because the 33' easement is county property.

Ms. Celeste Cobena addressed the commissioners stating that she would like to see more of this type of Greenway connectivity. She also stated that she is unclear as to why North Bishop Road should be given any precedence.

Commissioner Walker stated that he wants the 33' easement left as a county easement.

Motion by Commissioner Walker, second by Commissioner Ryan to approve Hidden Highlands Subdivision proposed development.

Commissioner Pauls questioned the impact fee on this project. Ms. Meadows questioned if the impact fees could be applied to the greenway system on this project. Mr. Pauls stated that the fees cannot be applied to the project. Commissioner Pauls questioned if Public Works submitted comments regarding the adequacy of traffic access for the proposed project. The commissioners agreed that this is not something normally requested, but felt that it should be part of the information presented. Commissioner Walker called for the question. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Pauls recommended that staff develop a policy as to how the Recreational Impact Fees will be prioritized. Commissioner Walker felt that Public Works and the County Engineer should give their recommendation on projects as well.

Mr. Lane presented the Planning Commission's recommendation of approval for Bryant Mobile Home Park. Gary and Carrie Bryant are requesting approval of a Major Development consisting of a thirteen-unit mobile home park. The proposed project is

located near the southwest corner of SR 20 and Bay Loop Road near Freeport. Mr. Lane stated that there is a conflict that comes from one section of the code using a density (two units per acre) and the other specifying a minimum lot size (2,400/3,500 SF). It is the opinion of the staff that the minimum lot size is more specific and is more appropriate. Planning Staff also recommended approval. Ms. Meadows explained that as part of the approval, the Planning Commission recommended that the applicant work with the City of Freeport to place a fire hydrant at the entrance of the site for safety reasons. The applicant agreed.

Mr. Jack Rhodes, representing the Bryant's, stated that typically these projects are not considered major, however, due to the property reclassification to commercial, it was previously stipulated that any future expansion relating to a mobile home park would be brought back for a recommendation.

Mr. John VanDoren addressed the commissioners in opposition to the project. He stated that four mobile homes currently exist on site. He voiced other concerns with the trailers as well and stated that he is not in favor of this project. Mr. VanDoren stated that the lots are unkempt and presented a set of pictures (**Exhibit 1**) showing the mobile home lots. Mr. VanDoren also voiced his objection to the engineering drawings because there is no engineering stamp on the drawing.

Mr. Loran Cook also voiced opposition to the project stating that the lots are only big enough for singlewide mobile homes. He also opposed the mobile home park because a landfill, a clay pit and an asphalt plant surround the property, which could be dangerous in the event of a fire.

Mr. Rhodes explained that he is a Land Planning Consultant in addition to previous experience working in the Walton County Planning Department. Mr. Rhodes explained that there are two parcels involved and that they have exceeded the requirement. Planning staff produced the original drawings showing the engineer stamp was present. (Tape 2/side 2)

Mr. Rhodes presented a copy of a letter (**Exhibit 2**) from Mayor Mickey Morse, City of Freeport, who spoke in favor of the Bryant Mobile Home Park.

Commissioner Pauls asked if the roads within the park would be private and how they would be maintained. Mr. Rhodes stated that the owner would maintain them. He then showed Mrs. Bryant one of the pictures entered as Exhibit 1 to determine if the same road design would be used for the new portion. She stated that it would be the same material used.

Motion by Commissioner Walker, second by Commissioner Pauls to accept the Planning Staff's recommendation and approve Bryant Mobile Home Park. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Commissioner Ryan commented that if there are other concerns, then they need to be addressed by Code Enforcement.

Mr. Ken Shannon, Planning Staff, presented a request to hold a public hearing to consider adoption of the Notification Procedure Ordinance. Commissioner Walker left the meeting. Ms. Nancy James, South Walton Community Council, requested the next public hearing be set as the first of two public hearings due to the lack of proper advertising for this one. The commissioners agreed to hold the first public hearing on November 4th to consider the Notification Procedure Ordinance.

Mr. Ed Lathem addressed the commissioners stating that projects need to be given proper review and not rushed through the system. He spoke about previous projects that have created problems from them being approved or disapproved in too big of a hurry.

There being no further business, the meeting was adjourned at 7:40 p.m.

APPROVED: _____
Lane Rees, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court