

NOVEMBER 4, 2003 – LAND USE HEARING

The Board of County Commissioner, Walton County, Florida, held a Land Use Hearing on Tuesday, November 04, 2003 at 5:00 p.m. at the South Walton Courthouse Annex.

The following Board members were present: Larry Jones, Chair, 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 Pridgen led with prayer followed by the pledge of allegiance to the American flag. Chairman Jones called the meeting to order.

Mr. Mike Lane, Planning Director, announced that Albertson's had requested a continuance. He also noted that agenda item #3, "Gulf Power Location Request for Electrical Substation", should have been listed as a quasi-judicial item. Discussion was held regarding the request from Albertson's to continue their item.

Motion by Commissioner Cuchens, second by Commissioner Pauls, to grant Albertson's with a continuance until the next Planning Meeting. If at that time they request another continuance, they will be required to re-advertise for the public hearing. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Lane presented the Saint Rita Catholic Church request for two temporary buildings on the Saint Rita Catholic property. Thomas S. Collins requested a permit for locating two 24 X 40 feet temporary buildings on the Saint Rita Catholic Church property. The buildings would be used for classroom space for the next four years. This site is located at 20th street Rita Lane, Santa Rosa Beach.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the Saint Rita Catholic Church request for two temporary buildings. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye

Mr. Lane presented a request from Shelton Todd to locate a temporary antenna support vehicle at the proposed flagpole site on Frank's Cash & Carry property in Grayton Business Center for a period of approximately six months.

Mr. Todd addressed the Board to further explain his request.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the request from Mr. Todd to locate a temporary antenna support vehicle at the proposed flagpole site on Frank's Cash & Carry property in Grayton Business Center for a period of six months beginning May 4, 2004. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tom Blackshear, Planning Department, presented for approval the Ramsey Small Scale Amendment for approval. Lee Ramsey and Emerald Coast Associates proposed to amend the Future Land Use Map on a .45-acre parcel with a current land use designation of Neighborhood Planning Area/Residential Preservation Area to NPA/Infill. This parcel is located on the west side of Driftwood Drive approximately 500 feet north of Old Highway 98. Planning staff recommended approval.

Motion by Commissioner Pauls, second by Commissioner Rees, to approve the Ramsey Small-Scale Amendment, (Ordinance 2003-18). Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Chairman Jones called to order the Quasi-Judicial Public Hearings and Attorney Vorbeck administered the oath to those individuals who would be speaking.

Mr. Blackshear presented the request from Gulf Power to locate a new electrical substation in Walton County. The proposed site is located approximately 1000 feet north of U.S. Highway 98 and one mile from the Walton and Bay County line, adjacent to an existing Gulf Power right of way. **(Gulf Power Exhibit #1-Staff Report)**

Mr. Alan Barnes, Gulf Power, addressed the Board to answer any questions. Discussion was held concerning the appearance of the substation once it is completed.

Motion by Commissioner Rees, second by Commissioner Cuchens, to approve the request from Gulf Power to locate a new electrical substation in Walton County. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Jennifer Christensen, Planning Coordinator, presented the final plat of Driftwood Estates Phase I for recording. The plat consists of a 48-lot single-family residential subdivision adjacent to Driftwood Estates Subdivision. Planning staff recommended approval.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the final plat of Driftwood Estates Phase I for recording. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented the final plat of Preserve at Grayton for recording. The plat consists of a 130-lot single-family residential subdivision located on the north side of Country Road 30-A. Planning staff's recommendation was for approval.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve the final plat of Preserve at Grayton for recording. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Each commissioner acknowledged all ex-parte communications that had been received regarding the projects being presented.

Mr. Carl Hammons, Senior Planner, presented a request for approval of a major development identified as “Draper Lake Planned Unit Development (PUD)”. Draper Lake LLC and Sue Murphy, Agent, proposed to create a 99-lot subdivision for single-family dwellings on 28 acres of land with a land use designation of Traditional Neighborhood Development Area, and a small parcel designated Neighborhood Planning Area-Residential Preservation Area. The site is located largely north of Draper Lake along County Road 30-A between County Road’s 83 and 283. Planning staff and Planning Commission’s recommendation was for approval. **(Draper Lake Exhibit #1-Staff Report)**

Ms. Sue Murphy addressed the Board representing Draper Lake. She submitted to the Board a list of recommended conditions that the applicant wished to see incorporated into the approval of the Draper Lake PUD. The request was a result of several meetings with the residents of Gulfview Heights and The Retreat. **(Draper Lake Exhibit #2-Recommended Conditions)** Ms. Murphy reviewed a map of the proposed project area. Discussion was held regarding various aspects of the development proposal, including the proposed parking.

Mr. James Bowman addressed the Board on behalf of the residents of Buddy and Betty Streets. Mr. Bowman submitted and reviewed a position statement from the residents of Gulfview Heights on the Draper Lake PUD. **(Draper Exhibit #3-Position Statement)** The statement addressed the neighborhood’s initial concerns, the actions taken to address the concerns, and the agreement that was reached. On behalf of the

residents of Gulfview Heights, Mr. Bowman requested that the BCC approve the Draper Lake PUD as amended by the agreement. The Board expressed concern with including the agreement as part of the approval because of lack of means to enforce the policies. Further discussion was held concerning specific conditions listed in the agreement.

Mr. Jack Abbott, Betty Street resident, stated that one item that was agreed upon that was not mentioned was the agreement on the number of common docks that would be provided at Draper Lake. The developer's initial proposal was to have eight docks constructed, but at the neighbor's request the number has been limited to only four docks. Ms. Murphy stated that they had agreed to build only four docks. She spoke about the number of docks permitted in surrounding subdivisions. She stated that she would like to see equity in the number of docks allowed at Draper Lake and at the other subdivisions. Ms. Murphy further stated that if surrounding subdivisions exceed their limit of docks, Draper Lake might request to amend the proposed development to allow for additional docks to be built. Further discussion was held regarding the private agreement between Draper Lake and the surrounding subdivisions.

Mr. Richard Stein, representing Old Florida Beach Homeowner's Association, addressed the Board. Mr. Stein spoke about the number of common docks permitted at Old Florida Beach.

Mr. Bryan Bruns spoke about the use of golf carts and low speed vehicles. Mr. Bruns also questioned about submerged lands. He asked if Draper Lake agreed that their portion of the lake was under state jurisdiction and would continue to be public accessible. Ms. Murphy stated that they did own the bottom part of the lake under their property, but that did not prohibit anyone from using the lake. Mr. Bruns said that he

understood that a state couldn't give private property rights to submerged lands under the Public Trust Doctrine Law.

Ms. Susan Lucas, representing Blue Mountain Beach Community Association, spoke in favor of the development and commended the developer and Ms. Murphy for working with the surrounding neighborhoods.

Mr. Lane reviewed the conditions that he felt comfortable with including in the development order. The numbers of the conditions listed by Mr. Lane were as follows: #1, #3, #4, #7a, #8, and #9. Further discussion was held regarding the conditions.

Mr. Ken Goldberg was sworn in. He suggested that the commissioners approve the agreement and allow for it to be brought back to the Board in two weeks. This would allow time for the developer to meet with the neighbors to prepare an agreement to satisfy the developer, the neighbors, and the county. Attorney Vorbeck suggested that staff be directed to draft a development order approving the project, which will be brought back to the Board for signatures. If the neighbors and developer do not have an agreement, the development order will not be signed.

Motion by Commissioner Rees, second by Commissioner Cuchens, to direct staff to draft a development order between the developer and the neighbors to bring back to the Board for signatures.

Mr. Bowman felt that the proposed conditions should be made an amendment to the PUD application and become part of the PUD. He stated that he would like the conditions to appear in writing for the public record. Attorney Vorbeck stated that the Board would like to see an agreement. Mr. Bowman asked whom the agreement would be between. Attorney Vorbeck stated that it would be between the developer and the

surrounding subdivisions. Further discussion was held about the enforcement of the conditions if they were approved as part of the PUD. Commissioner Rees withdrew his motion that was on the floor.

Motion by Commissioner Rees to approve the development, including the six items that Mr. Lane recommended be part of the development order. The other conditions could be included in an agreement between the developer and the surrounding neighborhoods. Commissioner Cuchens second the motion.

Ms. Murphy requested that the Board also approve conditions #5, #10, and #11, along with the six conditions that Mr. Lane recommended. She asked the Board if they could not approve them all, would they at least approve #11. She stated that she understood that the golf carts issue was a concern for the county in terms of enforcement, however, if the condition were approved they would also be required to incorporate the restrictions into the covenants and restrictions for all Draper Lake property owners. She also addressed the issue of rental on the carriage houses. She stated that the developer has agreed that the rental of accessory carriage houses could also be included in the covenants and restrictions for the property owners. Ms. Murphy requested that the Board approve the conditions, with the requirement that #5 and #10 be incorporated into Draper Lake covenants and restrictions.

Commissioner Rees amended his motion to include all of the requested conditions, #5, #10, and #11, in the PUD, along with the six that were recommended by Mr. Lane. Also included in the motion was the limit of four common docks at Draper Lake. Commissioner Cuchens second the motion.

Further discussion was held. Ms. Murphy reviewed all of the conditions. Commissioner Pauls suggested that condition #5 include the same language as #7, “subject to obtaining the approval of and agreement with Walton County and, if applicable, the Walton County TDC.”

Further discussion was held regarding the conditions. Ms. Murphy reviewed the changes that would be made to the language to clarify the conditions that would be subject to the approval of the county and those that would be incorporated into the covenants and restrictions of Draper Lake. She stated that she would provide an amended copy of the PUD conditions to the county.

A vote was called for the motion on the floor. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

The Board recessed briefly.

Mr. Hammons presented the request for the Board’s approval of a major development identified as “Florida Septic & Sewer Warehouse”. Florida Septic & Sewer and Darrell Barnhill, Agent, proposed to construct a 7,000 square-foot one-story industrial building, consisting of 6,375 square feet of warehouse and 625 square feet of general business use on .52 acres with a land use designation of Light Industrial. The property is located on Lot 1, Coastal Business Center, a recorded subdivision off Goldsby Road north of U.S. 98. Planning staff recommended approval. The Planning Commission also recommended approval. **(Florida Septic and Sewer Warehouse Exhibit #1-Staff Report)**

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve the proposed major development identified as “Florida Septic and Sewer Warehouse”.

Commissioner Pauls felt like the county needed to analyze the traffic generated on Goldsby Road and Highway 98 in terms of the industrial activity that is taking place in this area. A vote was called for the motion on the floor. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of a major development identified as “Keener Warehouse”. Don Keener and Darrell Barnhill, Agent, were requesting approval of a major development identified as “Keener Warehouse.” The proposed project consists of 7,000 square-foot one-story industrial building, consisting of 6,375 square feet of warehouse and 625 square feet of general business use on .52 acres with a land use designation of Light Industrial. The property is located on Lot 8, Coastal Business Center, a recorded subdivision off Goldsby Road north of U.S. 98. Planning staff and Planning Commission recommended approval. **(Keener Exhibit #1-Staff Report)**

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve the request for approval of a major development identified as “Keener Warehouse”. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tim Durbin, Planning Technician, presented the request for approval of the major development identified as “Emerald Coast Radiology Building Expansion”. Charles Allen, Emerald Coast Radiology and Connelly & Wicker proposed to construct a one-story 2,228 square-foot building expansion for a total of 4,812 square feet on .63 acres with a land use designation of Coastal Center. This site is located at 12,607 Emerald Coast Parkway, south of Highway 98 and west of Holiday Road. Planning staff recommended approval. Planning Commission also recommended approval contingent

upon the developer engineering and stabilizing the roadway between the north and south parking areas to a level that it serves the intended use of a road. (**Emerald Coast Exhibit #1-Staff Report**)

Commissioner Pauls questioned the statement in the recommendation made by the Planning Commission, “that it serves the intended use of a road”. He asked if it was to become a road. Mr. Scott Jenkins, County Engineer, stated that the county has never accepted the roadway and since it had not been accepted as a county road, it would not be paved. Mr. Jenkins recommended that the road be added to the list of county maintained roads. The Board concurred with his recommendation. Mr. Will Poon, Connelly & Wicker, requested that a meeting be scheduled with the Engineering Department to discuss having the road added to the list.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the request for approval of a major development identified as “Emerald Coast Radiology Building Expansion”. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Durbin presented a request for approval of a major development identified as “Miller’s Inlet”. Greg Miller, owner, and Don Brock, Agent, proposed to create a 2-lot subdivision for single-family dwellings with land use designation of NPA/Infill. This site is located on West Park Place approximately 125 feet east of South Orange Street. Planning staff’s recommendation was for approval. Planning Commission also recommended approval. (**Miller’s Inlet Exhibit #1-Staff Report**)

Motion by Commissioner Cuchens, second by Commissioner Rees, to approve the request for a major development identified as “Miller’s Inlet”. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Durbin presented a request for approval of a major development identified as “Villas at Inlet Beach Planning Unit Development”. T. Henry & Associates and John Henderson proposed to construct a 12-lot single-family residential subdivision with a common area, pool and bathhouse on 1.89 acres with a land use designation of NPA/Infill. Planning staff recommended approval. The Planning Commission also recommended approval contingent upon the following conditions: 1.) That the developer pay into the sidewalk fund; 2.) That the developer will ensure that there will be adequate space for vehicles to back out; and 3.) That the placement of Lot 6 on the plat will be adjusted. **(Villas at Inlet Beach Exhibit #1)**

Attorney Rick Peterman addressed the Board to answer any questions.

Mr. John Naftel, adjacent property owner, was sworn in. Mr. Naftel spoke in opposition to the proposed project. He stated that he possesses a deed and receives property taxes on the easement in the northeast corner of the property, Lot 133. Mr. Naftel stated that he had recently put a driveway down on the north side of his property and was opposed to the Board allowing the driveway to be used for the proposed development. He didn’t understand why Mr. Henry did not have any use of the property when he had proposed a development before, but now needed the property for this development. He also questioned if Lot 6 was going to be moved back to be parallel or north of his property. He stated that it was his understanding that this would be done.

Attorney Peterman addressed Mr. Naftel's concerns. He stated that the initial intended use of the property was for a condominium and the site plan was completely different. Therefore, the use of this portion of the roadway was not needed. He further stated that this development was completely different; it consists of a single-family subdivision in which the corner is needed for access to the single-family houses. Mr. Peterman stated that if the Board permitted them to proceed with the project, they were only going to improve the driveway that Mr. Naftel built. Mr. Peterman also addressed Mr. Naftel's second concern about Lot 6 and stated that they have already agreed to move the lot. Further discussion was held concerning the process of abandonment of a piece of property.

Motion by Commissioner Cuchens to approve the request for approval of a major development identified as "Villas at Inlet Beach Planning Unit Development".

Discussion was held regarding Mr. Naftel's deed. The Board also discussed the importance of maintaining the county right-of-ways in this particular area so that if in the event there were a need for roadway expansion, the county would have the ability to do so. Commissioner Pridgen second the motion. Commissioner Pauls spoke in support of the project. A vote was called for the motion on the floor. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Lane stated that there were two items that he would like to address at the next BCC Meeting in order to seek guidance from the Board. One of the issues was concerning the language and the staff interpretation of the LDC in regards to the 25 ft. setback requirement from wildlife habitat area. The second issue was in regards to preservation requirements on County Road 30-A.

There being no further business, the meeting was adjourned at 7:20 p.m.

APPROVED: _____
Larry D. Jones, Chair

ATTEST: _____
Martha Ingle, Clerk of Courts