

NOVEMBER 8, 2004-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Monday, November 8, 2004 at 5:00 p.m. at the South Walton Courthouse Annex.

The following Board members were present: Larry Jones, Chair, Commissioner Lane Rees, Commissioner Kenneth Pridgen, and Commissioner Ro Cuchens. Mrs. Shirl Williams, Assistant County Administrator, and Attorney Kira Coley, Staff Attorney, were also present.

Commissioner Rees 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 the dates for the BCC Comp Plan Transmittal Hearings had been tentatively scheduled for Monday, November 22<sup>nd</sup> and Monday, November 29<sup>th</sup>.

Commissioner Pridgen recused himself from all discussion concerning the first item on the agenda, Russ Petition for Abandonment, because of his owning property in the subject area.

Mrs. Jennifer Christensen, Planning Coordinator, requested that a date be set for a public hearing for the proposed Russ Petition for Abandonment. She recommended that the public hearing be scheduled for the December 7<sup>th</sup> Land Use Hearing.

Motion by Commissioner Rees, second by Commissioner Cuchens, to schedule a public hearing for the proposed Russ Petition for Abandonment for December 07, 2004.

Ayes 3, Nays 0. Jones Aye, Rees Aye, and Cuchens Aye.

Chairman Jones requested that Mr. Lane review a policy that would allow staff to make decisions regarding requests for 25 foot setbacks in lieu of 50 foot setbacks in wetland areas.

Mr. Lane introduced two new Planning Department staff members to the Board, Brian Martinez and Ray Zobel.

Mr. Lane presented a request for approval from Olde World Soap Company, Inc. for temporary use of a 12' x 56' mobile sales office on their existing site at 249 Lynn Drive, Santa Rosa Beach, to serve as a working facility for additional employees for a period of 1-1.5 years. The temporary facility would allow the applicant to continue to operate without further disruption to their business.

No one was present to represent the applicant.

Chairman Jones suggested that, if approved, the request for temporary use of the building be for a one year period with the option to come back for an additional six month extension if needed.

Mr. David Kramer addressed the Board and stated that the subdivision codes do not allow use of temporary structures for more than a six month period. Mr. Kramer suggested that the Board approve the initial permit for six months with the option to come back for additional six month extensions.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the request for a temporary six month permit with the option to come back for additional six month extensions. Ayes4, Naves 0. Jones Aye, Rees Aye, Cuchens Aye, and Pridgen Aye.

Chairman Jones presented a request for a public hearing to be set for an ordinance amending the Land Development Code to increase the square footage threshold for major commercial projects and providing for conflict, severability, and an effective date.

Motion by Commissioner Pridgen, second by Commissioner Rees, to schedule a public hearing for the proposed ordinance for December 7, 2004. Ayes 4, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Chairman Jones presented a request that a public hearing be set for a proposed ordinance amending Section 5.04 of the Walton County Land Development Code providing for additional flexibility in the right of way width of private roads, providing for additional flexibility in road widths other than collectors and arterials, providing for construction standards for sidewalks and associated buyout standards, providing for additional standards for the white sand protection area; and providing for an effective date.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to set a public hearing for the proposed ordinance for December 7, 2004.

Mr. Kramer asked the Board to have staff interpret a portion of the language pertaining to the white sand protection zone.

A vote was called for the motion on the floor. Ayes 4, Nays 0. Jones Aye, Rees Aye, Cuchens Aye, and Pridgen Aye.

Chairman Jones called to order the Quasi-Judicial Hearings and Attorney Coley administered the oath to those individuals who would be speaking on the following projects: Sandal Beach Townhome Plat, Mark Robinson's Bakery & Restaurant Development Order #1698 Extension, Tresca Place, Sea Pointe, Smalley's Bike Shop,

Lakewood Development PUD, Kirby Highway 98 Development, and Bay Grove Business Park.

Mrs. Christensen presented the final plat for Sandal Beach Townhomes for approval. The proposed project consists of 9 townhome units and is located adjacent to Edgewood Terrace Subdivision. Planning staff recommended approval. There were no public comments.

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve the Sand Beach Townhome final plat for recording. Ayes 4, Nays 0. Jones Aye, Rees Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented a request from Mark Robinson for a one-year extension on Development Order #1698. Planning staff recommended approval (**Exhibit #1-Planning Report**). There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve the requested extension to Mark Robinson's Bakery & Restaurant Development Order #1698. Ayes 4, Nays 0. Jones Aye, Rees Aye, Cuchens Aye, and Pridgen Aye.

Mr. Ray Zobel, Plan Review Engineer, presented a request for approval of a major development identified as "Tresca Place". David Sanders proposed a 9-lot single-family subdivision on 1.26 acres with a Land Use Category of Neighborhood Planning Area/ Infill. This site is located on the south side of Lakewood Drive, generally between Dunes Estates of Seagrove on the east, and Tresca Lake and Beachside Villas on the west. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**). There were no public comments.

Motion by Pridgen, second by Commissioner Cuchens, to approve the application for the proposed major development identified as “Tresca Place”. Ayes 4, Nays 0. Jones Aye, Rees Aye, Cuchens Aye, and Pridgen Aye.

Mr. Zobel presented a request for approval of a major development identified as “Sea Pointe”. SCP Diversified proposed a 9-lot single-family subdivision on 1.23 acres with a Land Use Category of Neighborhood Planning Area/Infill. This site is located on the south side of Allen Loop Drive, generally between Calypso Pointe on the east and south, and an un-platted vacant FLU Infill on the west. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

Mr. E B Pinkston addressed the Board in opposition to the proposed project. He expressed concern with water drainage and runoff. He also expressed concern with the proposed parking. Mr. Zobel explained what is required by the LDC concerning drainage and parking and what would be provided. Mr. Greg Graham, County Engineer, also addressed the drainage issue.

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve the application for the proposed major development identified as “Sea Pointe”. Ayes 4, Nays 0. Jones Aye, Rees Aye, Cuchens Aye, and Pridgen Aye.

Ms. Mary Margaret Stallings, Planner III, presented a request for approval for a major development identified as “Smalley’s Bike Shop”. Design Build Systems, Agent, and Mr. Dallas Smalley, Owner, requested approval of a 3,948 square foot bicycle shop on a .777 acre tract with a Land Use Designation of Coastal Center. The proposed project is located approximately three miles west of the US Highway 98/US Highway 331 intersection, on the east side of Ace Hardware store located at the US Highway

98/CR 393 intersection. Planning staff and Planning Commission recommended approval with the following condition: (1) the applicant shall receive a lot split approval prior to issuance of the development order (**Exhibit #1-Planning Report**).

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve the application for “Smalley’s Bike Shop” with the recommended stipulation that the applicant shall receive a lot split approval prior to issuance of the development order. Ayes 4, Nays 0. Jones Aye, Rees Aye, Cuchens Aye, and Pridgen Aye.

Mr. Carl Hammons, Senior Planner, presented a request for approval of a major development identified as “Lakewood Development PUD.” Harris Investments, LLC and Emerald Cost Associates proposed a Planned Unit Development consisting of a nine-lot (9) single-family subdivision with a two-story 12,000 sq ft office building on 1.82 +/- acres with a land use designation of Village Mixed Use. This site is located on the southeast corner of CR30-A and Lakewood Drive. Planning Staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**). Mr. Hammons noted that he had received a phone call from Karla Taylor who said she had not received a notice until that afternoon. Ms. Taylor had expressed opposition to the project, but was unable to attend the meeting. She had requested that Mr. Hammons enter her comments of opposition into the record. (There was no document entered into the record)

Mr. Dean Burgess, representing the applicant, addressed the Board and stated that they concurred with the recommendation made by staff.

Discussion was held regarding traffic.

Mr. Nick Cascello, St. Joe, adjacent property owner, addressed the Board and asked for clarification regarding the proposed landscape buffer. He requested that the natural landscape buffer along the eastern portion of the property be retained. He stated that similar accommodations had been made for a previous project that had come before the Board. Mr. Burgess stated that he would have to look back at the other project and see what had been agreed to. He said that he would also need to check with the developer. Mr. Cascello stated that they would agree to a 15 foot building setback and 10 foot buffer. Mr. Burgess stated that they would agree to a 15 foot rear setback and to maintain the 10 foot buffer on the eastern property boundary.

Mrs. Beverly Kraska addressed the project to read a letter of opposition that she had received from Dennis Karla Taylor via email. She submitted the email into the record as an exhibit (**Exhibit #2-Email**).

Ms. Anita Paige, on behalf of the South Walton Community Council, read the following statement into the record, “As you aware, previously the SWCC objected to the Board’s directive to staff not to follow Land Development Code Section 13.02(D)2. That is the section that applies to vegetative standards to all parcels along the Scenic Corridor of 30-A, regardless of parcel size. The effect of that directive was to resend a section of the LDC that had been in effect for 2 years without going through the public notice process required to amend or resend an ordinance. For the purpose of establishing a record at this final hearing on Lakewood Development, it was and is our intention that Section 13.02(D)2 is valid and enforceable that the Board’s directive to staff not to enforce that section of the LDC is a violation of due process and specific State Statute Title 11, Section 125.66 and Section 10, .0302 of our LDC.”

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the application for Lakewood Development PUD with the concession by the applicant that the setback on the eastern boundary (Lots C1-C4) shall be 15 foot. Ayes 3, Nays 1. Jones Aye, Rees Naye, Cuchens Aye, and Pridgen Aye.

Ms. Stallings presented a request for approval of a major development identified as “Kirby Highway 98 Development”. Jimmy Stuart of Emerald Coast Associates, Agent, and Tim Kirby, Owner, requested approval of a one-story 3,008 square foot general business building and a one-story 1,800 square foot 2 unit mini-warehouse building. The proposed project is located along the north side of US Highway approximately 600 feet east of the intersection of US Highway 98 and CR 393. Planning staff and Planning Commission recommended approval (**Exhibit #1-Planning Report**).

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Rees, to approve the application for “Kirby Highway 98 Development”. Ayes 4, Nays 0. Jones Aye, Rees Aye, Cuchens Aye, and Pridgen Aye.

Mr. Hammons presented a request for approval of a major development identified as “Bay Grove Business Park”. Centurion Co, The Michael Jenkins and Emerald Coast Associates proposed a Master Plan for a mixed use subdivision to include 31-lots with Phase I and II approval consisting of 18 commercial lots and 9 single-family lots on 10.51 +/- acres with a Land Use Designation of Rural Village. This site is located approximately 6 miles north of US 98, located at the intersection of CR 331 and Bay Grove Road. Planning staff and Planning Commission recommended approval conditional upon: (1) no development order being issued until a written commitment is



made by a provider of public water service to serve this development, and (2) a northbound left turn lane and a southbound deceleration lane along US 331 are required as warranted in the traffic analysis (**Exhibit #1-Planning Report**).

Attorney Coley noted that the Planning Commission had also recommended that four additional conditions be made part of the approval. Mr. Hammons read the following recommended conditions: (1) applicant will commit to connect to sewer when it becomes available; (2) applicant will install dry lines for sewer; (3) lot 3 will be included in phase 3; and (4) permanent cul-de-sacs shall be installed if phase 3 does not get developed. Mr. Hammons stated that the applicant had agreed with the conditions at the Planning Commission Meeting.

Mr. Dean Burgess, representing the developer, addressed the Board and stated that they concur with all conditions recommended by staff and by the Planning Commission.

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve the application for “Bay Grove Business Park” with all six recommended conditions. Ayes 4, Nays 0. Jones Aye, Rees Aye, Cuchens Aye, and Pridgen Aye.

There being no further business, the meeting adjourned at 5:37 p.m.

APPROVED: \_\_\_\_\_  
Larry D. Jones, Chairman

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

