

JULY 1, 2003-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, July 01, 2003 at 5:00 p.m. at the South Walton Courthouse Annex.

The following Board members were present: Chairman Larry Jones, Commissioner Lane Rees, Commissioner Ro Cuchens, and Commissioner Kenneth Pridgen. Mr. Mike Underwood, County Administrator, and Attorney Gary Vorbeck, Legal Services Director, were also present.

Commissioner Cuchens led with prayer followed by the pledge of allegiance to the American Flag. Chairman Jones called the meeting to order.

Chairman Jones called to order the advertised final public hearing to consider the Walton County Adult Business Moratorium Ordinance. Ms. Kirā Honse, Staff Attorney, explained that the adoption of the ordinance would establish a six-month moratorium on the development of adult businesses. The moratorium would allow the county time to conduct necessary studies in order to prepare an ordinance to determine the proper zoning for the development of adult businesses. There were no public comments regarding this matter. Chairman Jones requested that the language in the ordinance be amended to omit the word "appropriate" from the second "whereas" on page 1 of 3 of the ordinance.

Motion by Commissioner Rees, second by Commissioner Pridgen, to adopt the Walton County Adult Business Moratorium Ordinance (2003-10) with the requested amendment to the language. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

Chairman Jones called to order the advertised public hearing to consider the Notification Ordinance. Mr. Mike Lane, Planning Director, stated that the proposed

ordinance goes above and beyond what is required by Florida State Statute. Further discussion was held regarding the language of the ordinance. Planning staff recommended denial.

Ms. Cindy Meadows, Planning Commission Chair, explained that the Planning Commission requested for the proceedings to be recorded by a court reporter because of a lack of information from the Planning Commission Meetings for the BCC to review.

Mr. David Kramer stated that the Planning Commission is an advisory board to the BCC and not a quasi-judicial board. Mr. Kramer asked that the Board not take the expense of requiring a court reporter to be present at each public hearing or public meeting.

Mr. Bryan Bruns suggested that the notification information be made available on the Internet.

Ms. Tiana Lawson questioned if the ordinance contains the change to the computation of time. Ms. Lawson stated, on behalf of Mr. Gary Woodham, Publisher of the DeFuniak Herald Breeze, that the newspaper accepts legal ads from the county until the close of business on Tuesday. Ms. Lawson expressed support of the change in the language for a ten-day time frame. The public comments portion of this hearing was closed.

Commissioner Rees suggested that Administration contact the MIS department in regards to publishing the notification information on the Internet. Commissioner Cuchens requested that "a court reporter" be omitted from section D, page 6 and that it be left as it is currently written.

The Board agreed to hold a second public hearing on August 5, 2003 at 5:00 p.m. to consider adoption of the ordinance.

Mr. Jerry Solomon, Development Order Inspector, presented the R&E Ventures abandonment. Vic and Estella Ramsey propose an abandonment of the easement on a portion of Northwest Street adjacent to the southern boundary of lot 12 block 23, Parcel ID #22-2S-21-33120-023-0090. Mr. Solomon submitted a letter of opposition written by Mr. Jack Childers into the record. Mr. Solomon stated that the abandonment of easement does not block public access to the water. The Planning Staff recommended approval with the following condition: that a twenty-five foot buffer be established and recorded. The Planning Commission also recommended approval.

Mr. Jack Rhodes addressed the Board representing Vic and Estella Ramsey. He stated that the abandonment of easement does not block public access to the water. Mr. Rhodes requested a conservation easement of the 25' buffer before being recorded. Mr. Rhodes stated that Legal Services, through the Planning Department, would be provided with the recorded documents.

There were no public comments regarding this issue.

Motion by Commissioner Cuchens, second by Commissioner Rees, to accept the recommendation to approve the R&E Ventures abandonment (Resolution 2003-42) contingent upon the following conditions: 1.) a 25' buffer be established from the wetland line and recorded and 2.) the Property Appraiser is notified that the property goes from water view to waterfront. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

Mr. Rhodes submitted copies of the notifications and public advertisements to the Planning Department for the record.

Chairman Jones called to order the Quasi-judicial public hearings and Attorney Vorbeck administered the oath to those individuals who would be speaking. Each commissioner acknowledged that no ex-parte communications had been received regarding the projects being presented.

Ms. Renee Bradley, Planning Technician presented the Planning staff's recommendation for approval of a major development identified as "Coastal Business Center, Lot 10". Emerald Coast Development Group, LC, Mike Buckingham, managing partner, proposes to construct a 400 square foot office with a 4,258 sq. ft. warehouse on .518 acres with a land use designation of Light Industrial. Planning Commission also recommended approval. **(Coastal Business Center Exhibit #1-P.C./Staff Report)**

Mr. Will Coone, Connelly & Wicker Inc. Consulting Engineers, submitted into the record copies of all of the letters that were sent out notifying each person of the public hearing. **(Coastal Business Center Exhibit #2-Copies of Notification Letters)**

Motion by Commissioner Rees, second by Commissioner Cuchens, to approve the proposed development of Coastal Business Center, Lot 10. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

Mr. Carl Hammons, Senior Planner, presented the development proposal of The Preserve at Grayton Beach. Mr. Michael McCormick, President of The Preserve at Grayton Beach, proposes a 130-lot single-family residential subdivision, 10 condominium units and a 6,472 square-foot retail on 28 acres with a land use designation of Neighborhood Planning Area/Traditional Neighborhood Development Area. Mr.

Hammons reviewed the staff report. Planning Staff and Planning Commission recommended approval. **(The Preserve at Grayton Beach Exhibit #1-P.C./Staff Report)**

Mr. Mark Siner, Choctaw Engineering, Inc., appeared before the Board representing Mr. Michael McCormick. Mr. Siner submitted a package containing copies of notification of the public hearing into the record. **(The Preserve at Grayton Beach Exhibit #2-Copies of Notification)** Planning Staff and Planning Commission recommended approval.

Mr. Richard Fowlkes, on the behalf Blue Mountain Beach Community Association, spoke in favor of the proposed project.

Motion by Commissioner Rees, second by Commissioner Cuchens, to approve the proposed development of The Preserve at Grayton Beach. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

Mr. Hammons presented the Planning staff's, along with the Planning Commission's, recommendation of approval for the proposed development of "Tindle Office." Mr. Tim Tindle, President of Tindle Enterprises proposes a 4,050 sq. ft. office building on 19.865 acres with a land use designation of Industrial. Mr. Hammons reviewed the staff report **(Tindle Office Exhibit #1-P.C./Staff Report)**

Mr. John Snell, Design/Build Systems, Inc., addressed the Board representing Mr. Tindle. Mr. Snell submitted photographs and copies of the letters of notification of the public hearing, along with the proposed site plan. **(Tindle Office Exhibit #2-Copies of Notification/Site Plan)** Mr. Snell stated that Ben King Road had been paved at the Board's request as a stipulation to an approval of a shop-building project.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the proposed development of Tindle Office. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

Mr. Lane presented the development proposal of Sweetbay Subdivision. Mr. Ronnie Johnson and Mr. Bill Dozier are proposing a 16-lot single-family residential subdivision on 5.55 acres designated Neighborhood Planning Area/Infill. Planning Staff and Planning Commission recommended approval. **(Sweetbay Subdivision Exhibit #1-P.C./Staff Report)**

Mr. Ezzeldin Benghuzzi, Engineer, addressed the Board representing Mr. Johnson and Mr. Dozier. Mr. Benghuzzi entered proof of notification of the public hearing into the record. **(Sweetbay Subdivision Exhibit #2-Copies of Notification)**

Commissioner Rees expressed appreciation to Mr. Benghuzzi for his consideration of the Coastal Dune Lake.

Motion by Commissioner Pridgen, second by Commissioner Rees, to approve the proposed development of Sweetbay Subdivision. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

Mr. Hammons presented the proposed development identified as "66-Unit Motel at Miramar Beach". Emerald Dreams Development, Inc. proposes a 66-unit to include 66 rooms in 33,066 square feet on 2.7 acres with a land use designation of Coastal Center. Mr. Hammons reviewed the staff report. The Planning Staff and Planning Commission recommended approval upon two conditions: 1.) resubmission of a site plan showing the building constructed upon pilings and 2.) the receipt of a letter of non-jurisdictional determination from the Florida Department of Environmental Protection. Mr. Hammons

stated that the letter has been received from the FDEP, but the site plan was not complete for presentation. **(66-Unit Motel Exhibit #1-P.C./Staff Report)**

Mr. Albert Wright, owner of 66-Unit Motel at Miramar Beach, addressed the Board. Mr. Wright stated that he had met with several of the homeowner's to discuss the lighting, the trees, and the sound. Mr. Wright entered into the record a letter confirming that ECM, a consulting structural engineering firm, has been retained by him to perform structural engineering analysis and design and to prepare new foundation plans and details for the proposed 66-unit motel. Mr. Wright also entered into the record photographs of notice of the public hearing. **(66-Unit Motel Exhibit #2 (A-B)-Letter and Photographs)**

Mr. Dominic Damiano, resident of Bay Shore, addressed the Board and was sworn in. He stated that he had met with Mr. Wright and has some issues he would like to see added into the development order. Mr. Damiano read and entered into the record a list of items that were agreed upon by Mr. Wright and himself. **(66-Unit Motel Exhibit #3-List of Agreements)** Mr. Damiano and Mr. Wright shook hands agreeing that the list of stipulations, with the exception of #3 and #6, would be added into the development order. Chairman Jones commended both men for their cooperation and consideration of each other.

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve 66-Unit Motel at Miramar Beach with the following stipulations: 1.) the building will be constructed upon pilings and 2.) the list of agreements, excluding #4 and #6, between Mr. Dominic Damiano, Mr. Chris Damiano, and Mr. Albert Wright will be added into the development order. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

7

Mr. Tim Durbin, Planning Technician II, presented the request for approval of a Major Development identified as "The Estuary Conceptual Planned Unit Development". Seacrest Beach, Inc. proposes to construct 47-single detached units on 43.5 acres with a land use designation of Neighborhood Planning Area/Small Neighborhood. The conceptual plan submitted consists of two Phases: Phase I-39 units, Phase II-5 units. The project was originally submitted as a conventional subdivision, however the applicant has re-submitted the project as a PUD. The only change to the original submittal is the applicant is requesting to reduce the required roadway width from 22 feet to 18 feet. Planning Staff recommended approval based on the applicant meeting the criteria per Section 2.06.02, Procedure for Planned Unit Development Approval. However, Planning Staff's interpretations that the project submitted does not reflect the purpose and intent of a PUD (diversification and integration), as in Section 2.06.02(A) Planned Unit Development Standards. **(The Estuary Conceptual PUD Exhibit #1-P.C./Staff Report)**

Mr. Bill Hammons appeared before the Board representing the developer of The Estuary Conceptual PUD. He gave a brief overview of the development proposal.

Mr. Bryan Bruns spoke in favor of the proposed project.

Mr. Scott Jenkins, County Engineer, expressed appreciation to Mr. Hammons for his cooperation with the Engineering Department. He stated that the Engineering Department is comfortable with the development proposal.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve The Estuary Conceptual Planned Unit Development. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

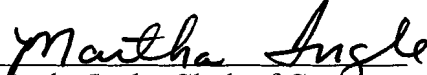
Mr. Hammons presented the proposed project identified as Heritage Dunes (formerly know as The Village at Seagrove Beach). B&N Developers, Inc. proposes a 30-lot residential subdivision on 8.22 acres with a land use designation of Neighborhood Planning Area/Infill. Mr. Hammons reviewed the staff report. Planning Staff and Planning Commission recommended approval. **(Heritage Dunes Exhibit #1-P.C./Staff Report)**

Mr. Russ Aldrich appeared before the Board representing the developer. Mr. Aldrich recommended approval of the proposed project as it was submitted.

Motion by Commissioner Pridgen, second by Commissioner Rees, to approve the development proposal of Heritage Dunes. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

There being no further business, the meeting was adjourned at 6:15 p.m.

APPROVED: 
Larry D. Jones, Chairman

ATTEST: 
Martha Ingle, Clerk of Court