



MINUTES

Board of County Commissioners

Thursday, August 27, 2020 @ 9:00 AM

DeFuniak Springs Board Room

Land Use Hearing

COMMISSIONER ATTENDANCE

PRESENT: Commissioner Bill Chapman, Commissioner Melanie Nipper, Commissioner Trey Nick, and Commissioner Tony Anderson

ABSENT: Commissioner Danny Glidewell

STAFF PRESENT: Larry Jones, County Administrator and Heather Christman, Asst. County Attorney

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND INVOCATION

CALL TO ORDER

Chairman Chapman called the meeting to order.

Request to Schedule an Executive Session

Attorney Heather Christman, Assistant County Attorney, and Attorney David Theriaque, special counsel to the board, requested to hold an Executive Session to discuss the customary use litigation (Case No. 2018-CA-000547). A brief discussion was held to determine the appropriate date and time to schedule the Executive Session.

Motion by Commissioner Nick, second by Commissioner Anderson, to set an Executive Session for September 8, 2020 at 9:00 a.m. to discuss the customary use litigation (Case No. 2018-CA-000547).

After a brief discussion the meeting time was changed to the afternoon.

Motion by Commissioner Nick, second by Commissioner Anderson, motion amended to change the meeting time from 9:00 a.m. to 4:00 p.m.

Attorney Christman noted this meeting is being held in an overabundance of caution.

Commissioner Nipper noted the Regular Meeting scheduled for September 8th would begin at 4:00 p.m. A brief discussion was held to determine a more appropriate time. Attorney Theriaque recommend 3:00 p.m. to allow time for discussion.

Motion by Commissioner Nick, second by Commissioner Anderson, motion amended to change the Executive Session meeting time from 4:00 p.m. to 3:00 p.m.

4-0 by the following votes:

Ayes: Commissioner Nick, Commissioner Anderson,
Commissioner Chapman, and Commissioner Nipper

Chairman Chapman noted that Commissioner Glidewell would not be present during the current meeting due to family medical issues.

PLANNING AND DEVELOPMENT SERVICES

Mr. Mac Carpenter, Planning and Development Director, requested to present Agenda Items 4 and 5 prior to Items 1, 2, and 3. He stated that Items 1 and 2 coincide with Item 3 which is a Quasi-Judicial Item. Chairman Chapman stated he had received emails concerning Items 1-3 and said two of the three parties involved have agreed to a continuance; one has not. Mr. Carpenter said all three items would need to be included if a continuance is considered. The board concurred with the agenda reordering.

LEGISLATIVE ITEMS

- 4. David Miller LSA - Request to transmit. Project LUM20-000003 is being reviewed by Bob Baronti. This is a large scale amendment request by W. David Miller requesting to change the Walton County Comprehensive Plan Future Land Use Map from General Agriculture to Industrial and Extractive Uses and change the Official Zoning Map District from General Agriculture to Light Industrial on 20.8+/- acres. The property is located at 3694 S. R. 20 E Freeport, FL 32439 and can be identified by parcel 19-1S-18-14000-002-0000.**

Mr. Bob Baronti, Planning and Development, said this was a request to transmit and briefly discussed the request. He submitted the Staff Report into the record. This change would satisfy a current code violation and would bring the area into compliance.

Mr. David Miller, applicant, discussed his request and confirmed it was to straighten out the code violation. Commissioner Anderson asked how many acres were owned by Mr. Miller's family in that area. Mr. Miller replied approximately 1,000 acres.

Commissioner Nipper asked if this parcel was connected to the family property. Mr. Miller said it was.

Motion by Commissioner Nick, second by Commissioner Anderson, to approve to transmit the David Miller LSA request.

4-0 by the following votes:

Ayes: Commissioner Chapman, Commissioner Nipper,
Commissioner Nick, and Commissioner Anderson

5. **Micromobility Moratorium Extension: Request to adopt by ordinance. This is the second and final reading of a proposed ordinance extending the moratorium on micromobility devices until April 30, 2021. The Walton County Board of County Commissioners proposes to adopt the following by ordinance: An ordinance of the Walton County Board of County Commissioners declaring, extending a temporary moratorium within the unincorporated areas of Walton County until April 30, 2021 on the offering for hire of micromobility devices, and on the submittal and processing of applications, and issuance of any permits or franchises pertaining to the offering for hire of micromobility devices, in order to allow an opportunity for the county to develop regulations for such uses in the county rights-of-way; providing for severability, codification, and effective date.**

Motion by Commissioner Anderson, second by Commissioner Nick, to adopt **Ordinance 2020-16** approving the Micromobility Moratorium Extension.

4-0 by the following votes:

Ayes: Commissioner Chapman, Commissioner Nipper,
Commissioner Nick, and Commissioner Anderson

1. **S. Orange Street Lots Right-of-Way Abandonment - Request to approve by resolution. Project number PA19-000003 is being reviewed by Bob Baronti. This is a petition for abandonment submitted by Earl Lynn Kidd III & David A. Theriaque on behalf of Earl Lynn Kidd, III, Lucy Melinda Anderson, Hunter C. Kidd, Meagan K. Phillips, and Toby A. W. Kidd, requesting Walton County to abandon the 33' right-of-way for roadway and public utility that extends along the southern property line of two lots. The properties have a Future Land Use of Residential and a Zoning designation of Neighborhood Infill, are located at the southeast corner of the intersection of U.S. Highway 98 and S. Orange Street, and are identified by the parcel numbers 36-3S-18-16100-000-1460 and 36-3S-18-16100-000-1470. (Continued from the July 23, 2020 BCC meeting.)**

Mr. Carpenter briefly reviewed the request and said that all the applicants for Agenda Items 1, 2, and 3 would like to address the board. He submitted the staff report into the record.

Attorney Robert Kauffman, representing Inlet Dunes Homeowners Association (Agenda Item 2), requested a motion for continuance for the first three agenda items. He reported Inlet Beach Capital Investments, LLC is seeking to open and improve the right-of-way

to be used as a driveway to a planned single family residence. He proceeded to give a brief overview and history of the right-of-way request. Attorney Kauffman said a request to improve this right-of-way was presented to the board approximately five years ago; the request was denied at that time. The Inlet Dunes HOA has circulated a proposed private easement which is a more amenable option to his clients. An agreement would allow for the width of the driveway to be less than the 66 foot right-of-way. A continuance would allow time for negotiation. Chairman Chapman asked Attorney Kauffman if his clients were a part of the clearing of the right-of-way as seen in the pictures submitted by Staff. Attorney Kauffman said that the clearing was done by the applicant for the right-of-way extension (Agenda Item 3).

Attorney Theriaque, Kidd Family representative (Agenda Item 1), requested a continuance and said his clients do not support the request for a 66' right-of-way. Chairman Chapman asked if Mr. Pearson has access to his property from U.S. Highway 98. Attorney Theriaque stated Mr. Pearson has an 80 foot access on U.S. Highway 98 but does not want to access the property from there. He said Mr. Pearson began clearing the right-of-way without permission from the county or adjacent property owners. Attorney Theriaque said there is a pending Code Enforcement complaint. Commissioner Nipper asked if the picture was dated correctly. Attorney Theriaque confirmed it was.

Mr. Dean Burgis, Emerald Coast Associates-representing Mr. Pearson and Inlet Beach Capital Investments, LLC, responded to the comments made by Attorneys Kauffman and Theriaque. He said meetings had been held with Public Works and South Walton Fire Department. His client opposes a continuance. Mr. Burgis said there have been attempts to negotiate a reduced easement in the area.

Attorney Christman stated the item being discussed by Mr. Burgis was a Quasi-Judicial item and administered the oath to him. She asked the commissioners to submit any Ex Parte to the clerk. A brief discussion was held regarding the multiple emails received by the board members regarding this issue.

Mr. Burgis continued discussing his client's objection to a continuance and briefly went over the details of the request. The meetings held with Public Works determined there was a lot of negotiations and agreements to be done. He reported that FDOT does not support access from U.S. Highway 98. Chairman Chapman asked if the FDOT communications were a part of the record. Mr. Bob Baronti, Planning and Development, said staff had not received any comments from FDOT. Mr. Burgis said he would submit copies of his communication with FDOT as exhibits at the appropriate time. He also said that Public Works objects to an access from U.S. Highway 98. He talked about all the property owners who already have access to this easement/right-of-way. Mr. Burgis reported this issue has been in discussions since 2007 and talked about the opposition by the Kidd family to a reduced easement. He said there is a full 100-year storm water design and a county road design that meets the fire code requirements.

Commissioner Anderson addressed the clearing which has been done in the easement/right-of-way. Mr. Burgis said there was a dirt road which went through this

easement and Mr. David Pearson used a mulching machine to improve the area. Commissioner Anderson expressed his concerns that this clearing had occurred without county permission and asked for input from Mr. Chance Powell, Walton County Traffic Operations Engineer, regarding this issue.

Since Mr. Powell would be addressing the Quasi-Judicial item, Chairman Chapman asked Attorney Christman to administer the oath for all Quasi-Judicial items. Attorney Christman administered the oath to those intending to speak regarding any Quasi-Judicial items. There were no objections to the advertisements. Attorney Christman instructed the board to submit any Ex Parte communications to the clerk.

Mr. Powell discussed his communications with FDOT's right-of-way, design, and maintenance departments regarding the Pompano Street right-of-way extension (Agenda Item 3). FDOT's concern was how access would be granted to the parcels if the abandonment was approved. He recommended if an agreement could not be reached the best alternative would be to build the proposed access through the right-of-way. Mr. Burgis said the improved right-of-way would allow access to multiple parcels not just his client's. Discussion was held on the lots surrounding the right-of-way/easement and the previous denial for an abandonment of that right-of-way. Commissioner Anderson asked why a partial easement could not be considered. Mr. Burgis replied there are two access ways to the Pearson property; however, the code states the lower order road shall be used. Attorney Christman clarified the two accesses were U.S. Highway 98 (higher order road) and Orange Street (lower order road). Further discussion was held regarding a possible easement agreement and the access width needed to accommodate stormwater.

Chairman Chapman expressed concern regarding the gated entrance to Inlet Dunes Condominium and questioned how the gate would be realigned to make the right-of-way accessible to everyone. Mr. Burgis discussed the relocation of the gate and dumpster.

Commissioner Nipper asked about the inclusion of presentations by surrounding property owners.

Attorney Christman clarified that Agenda Items 1, 2, and 3 were being discussed and that Item 3 was a Quasi-Judicial item.

Commissioner Nipper asked if a permit was approved for the clearing of the right-of-way. Mr. Burgis said he was not involved in the clearing, but to the best of his knowledge a permit was not obtained. Commissioner Nipper noted the permit paperwork was filed after the picture of the clearing was taken. Mr. Burgis replied documentation was submitted for a driveway access to the lot and it became a development order.

Attorney Kauffmann spoke on the request for continuance to allow time for negotiation and a survey to be done. He reported, Mr. Keith Ruth, adjacent property owner, had also voiced concerns regarding retention setback encroachments if the right-of-way is opened and developed. Attorney Kauffman objected to a full 66' easement.

Commissioner Anderson noted Attorney Kauffman's arguments against the right-of-way extension should be made during the Quasi-Judicial presentation. Attorney Kauffman concluded his comments regarding the continuance request.

Attorney Theriaque spoke on the request for continuance and discussed the patent deed which grants a right-of-way for roadway and public utilities. A private use cannot be established in a public right-of-way. He discussed the differences between an easement and a right-of-way. He requested another month to negotiate with Inlet Beach Capital.

Commissioner Anderson asked Mr. Carpenter his opinion on a continuance. Mr. Carpenter said there is an opportunity for the parties to come to an agreement. All the parties could return in a month if an agreement is not reached.

Commissioner Nipper asked if the abandonment was approved how would stormwater be connected to the other parcels and voiced concern with access from U.S. Highway 98. Mr. Carpenter said connecting from U.S. Highway 98 would be expensive and the applicant would be responsible for the costs. Attorney Theriaque said the abandonment application would be amended to provide accommodations for a utility easement.

Motion by Commissioner Anderson, second by Commissioner Nipper, to continue Agenda Items 1, 2 and 3 to September 24, 2020 at 9:00 a.m. to be held at the Walton County Courthouse in DeFuniak Springs, Florida.

A brief discussion was held regarding the continuing of all three items.

Attorney Christman noted that Agenda Item 3 had not been listed under the Quasi-Judicial items and asked if there had been any objections to the swearing-in process. There were no objections.

Attorney Christman requested separate motions be made for each of the three agenda items.

Chairman Chapman directed Planning staff to ensure that in the future the agenda items will be clearly defined and that Quasi-Judicial items will be presented separately.

Motion by Commissioner Anderson, second by Commissioner Nipper, to amend the motion to continue S. Orange Street Lots Right of Way Abandonment (Agenda Item 1) to September 24, 2020 at 9:00 a.m. to be held at the Walton County Courthouse in DeFuniak Springs, Florida.

The following individuals utilized the Zoom audio program to speak in support of the continuance: Ms. Claudia Hommel, Mr. Kidd, and Mr. John Rice.

The following individuals utilized the Zoom audio program to speak in opposition to the abandonment: Mr. Joey Steffen and Ms. Mala Steffen.

4-0 by the following votes:

Ayes: Commissioner Nipper, Commissioner Anderson,
Commissioner Chapman, and Commissioner Nick

2. **Inlet Dunes Petition for Abandonment - Request to approve by resolution. Project number PA20-000001 is being reviewed by Bob Baronti. This is a petition for abandonment application submitted by Dunlap & Shipman, P.A. on behalf of the Inlet Dunes Homeowners Association, requesting an abandonment of 33 feet of Pompano St. in favor of the Inlet Dunes Homeowners Association. The property has a future land use of Residential and a zoning of Residential Preservation. The project is located approximately 0.60 miles south of the intersection of Highway 98 and S. Orange Street. (Continued from the July 23, 2020 BCC meeting.)**

Motion by Commissioner Anderson, second by Commissioner Nipper, to continue Inlet Dunes Petition for Abandonment to September 24, 2020 at 9:00 a.m. to be held at the Walton County Courthouse in DeFuniak Springs, Florida.

There were no public comments.

4-0 by the following votes:

Ayes: Commissioner Chapman, Commissioner Nipper,
Commissioner Nick, and Commissioner Anderson

3. **Pompano Street Right of Way Extension - Request to approve by development order. Project MAJ20-000021 is being reviewed by Stephen Schoen. This is a major development application submitted by Emerald Coast Associates on behalf of Inlet Beach Capital Investments, LLC requesting to install a proposed driveway for access to properties adjoining the Right of Way. The property has a Future Land Use of Residential and a Zoning designation of Neighborhood Infill. The project site is located on the east side of the Pompano Street and South Orange Street intersection and is identified by parcel number 36-3S-18-16100-000-1733. (Exhibit 1: Staff Report)**

Motion by Commissioner Anderson, second by Commissioner Nipper, to continue the Pompano Street Right of Way Extension to September 24, 2020 to be held at 9:00 a.m. in the Walton County Courthouse in DeFuniak Springs, Florida.

Mr. Burgis spoke in opposition of the continuance. Chairman Chapman said this issue could not be heard without having settled the abandonment issue first.

Utilizing the Zoom audio, Mr. Rice voiced concern with the applicant clear cutting another person's property and spoke in favor of the continuance.

4-0 by the following votes:

Ayes: Commissioner Chapman, Commissioner Nipper,
Commissioner Nick, and Commissioner Anderson

(Exhibits: Staff Report-1)(Ex Parte: Chapman, Anderson)

The meeting briefly recessed at 10:10 a.m. and reconvened at 10:20 a.m.

QUASI JUDICIAL ITEMS

The oath was administered earlier during the Quasi-Judicial discussions regarding Agenda Item 3: Pompano Street Right-of-Way Extension.

6. **Walton County TDC Visitor Center and Administration Offices - Request to approve by final order. Project number MAJ20-000011 is being reviewed by Bob Baronti. This is a major development order application submitted by Dewberry on behalf of Walton County BCC, requesting approval to develop a 21,735 sq. ft. commercial building to be used as the TDC Administrative Offices and Visitor's Center on 2.0 +/- acres with a Future Land Use of Mixed Use and Zoning District of Village Mixed Use. The project is located at 24604 U.S. Highway 331 South and is identified by parcel number(s) 29-2S-19-24000-008-0070 and 29-2S-19-24000-008-0040. (Continued from the July 23, 2020 BCC meeting)**

Mr. Carpenter briefly reviewed the project and submitted the Staff Report into evidence.
(Exhibit 1: Staff Report)

The oath was administered to those attending the Quasi-Judicial hearings that may have not been sworn in prior to the recess. After a brief discussion, it was determined that communications with staff is not considered Ex Parte.

Mr. Cliff Knauer, Dewberry Engineers representing the applicant, briefly discussed the project and stated more parking is being offered than what is required. He noted the square footage listed on the agenda is slightly less than the actual square footage, but the footprint has not been changed.

There were no public comments.

Motion by Commissioner Nick, second by Commissioner Anderson, to approve by final order the Walton County TDC Visitor Center and Administration Offices contingent upon conditions being met as stated in the Staff Report.

4-0 by the following votes:

Ayes: Commissioner Chapman, Commissioner Nipper,
Commissioner Nick, and Commissioner Anderson

(Exhibits: Staff Report-1) (Ex Parte: None)

7. **Ryan Driftwood Estates Re-plat - Request to approve by final plat. Project PLA20-000009 is being reviewed by Bob Baronti. This is a minor plat application submitted by Emerald Coast Associates, Inc. on behalf of Richard and Kim Ryan and Michael and Magda Senior requesting to re-plat roughly 3,270 sq. ft. +/- of Lot 5 & 6, Block F in Driftwood Estates. The parcels have a Future Land Use of Mixed Use and a Zoning District of Coastal Center. The property is located at 389 Driftwood Point Road and is identified by parcel number(s) 11-2S-21-42010-00F-0050 and 11-2S-21-42010-00F-0060. (Continued from the July 23, 2020 BCC meeting.)**

Mr. Carpenter briefly discussed the project and stated it was a lot line adjustment to address an encroachment issue. He submitted the Staff Report into evidence. **(Exhibit 1: Staff Report)**

Mr. Darryl Burgis, Emerald Coast Associates-representing the applicant, briefly discussed the request.

Motion by Commissioner Anderson, second by Commissioner Nick, to approve by final plat the Ryan Driftwood Estates Re-plat contingent upon conditions being met as stated in the Staff Report.

There were no public comments.

4-0 by the following votes:

Ayes: Commissioner Chapman, Commissioner Nipper,
Commissioner Nick, and Commissioner Anderson

(Exhibits: Staff Report-1) (Ex Parte: None)

8. **Wildwood Village - Request to approve by final order. Project number MAJ20-000009 is being reviewed by Bob Baronti. This is a major development order application submitted by Jenkins Engineering on behalf of Mariner Land, LLC requesting to construct a 45 single family residential subdivision The properties is 8.95 +/- with a future land use of Residential and a zoning district of Neighborhood Infill, located at U.S. Highway 98 East, turn north onto N. Orange St and then turn east onto Wildwood Trail, property is on the north side approximately 800 feet down Wildwood Trail and can be identified by parcel number(s) 36-3S-18-16100-000-0200, 36-3S-18-161-000-0201, 36-3S-161-000-0202, 36-3S-18-16100-000-0204, and 36-3S-18-16100-000-0205.**

Mr. Carpenter briefly discussed the request and submitted the Staff Report into evidence. **(Exhibit 1: Staff Report)**

Mr. Scott Jenkins, Jenkins Engineering-representing the applicant, briefly discussed the project, the decrease in project size, and reported a 100 year storm event water system would be maintained. Chairman Chapman asked if sewer would be included. Mr. Jenkins replied it would be.

Commissioner Nipper expressed concern with the 38' height. Mr. Jenkins said most of the houses would be 2 - 2.5 story homes but wanted to allow for possible three story homes. Commissioner Nipper asked if vegetation would be left around the perimeter. Mr. Jenkins stated all buffer requirements have been met along with additional preservation areas.

There were no public comments.

Motion by Commissioner Anderson, second by Commissioner Nick, to approve by final order the Wildwood Village contingent upon conditions being met as stated in the Staff Report.

4-0 by the following votes:

Ayes: Commissioner Chapman, Commissioner Nipper,
Commissioner Nick, and Commissioner Anderson

(Exhibits: Staff Report-1) (Ex Parte: None)

9. **Summit Building Parking Addition - Request to approve by final order. Project number MAJ20-000008 is being reviewed by Bob Baronti. This is a minor development order application submitted by Jenkins Engineering, Inc. on behalf of Tony Asher, requesting approval to develop 17 additional parking spaces on 0.229 +/- acres with a future land use of Mixed Use and zoning category of Coastal Center. The project is located at 42 Business Center Drive and is identified by parcel number(s) 29-2S-21-42000-011-0030.**

Mr. Carpenter briefly discussed the project and submitted the Staff Report into evidence. **(Exhibit 1: Staff Report)**

Mr. Scott Jenkins, Jenkins Engineering - representing the applicant, briefly discussed the project.

Motion by Commissioner Anderson, second by Commissioner Nick, to approve by final order the Summit Building Parking Addition contingent upon conditions being met as stated in the Staff Report.

There were no public comments.

4-0 by the following votes:

Ayes: Commissioner Chapman, Commissioner Nipper,
Commissioner Nick, and Commissioner Anderson

(Exhibits: Staff Report-1) (Ex Parte: None)

10. **Santa Rosa Beach Townhomes - Request to approve by final order. Project MAJ20-000020 is being reviewed by Bob Baronti. This is a major development order application submitted by Jenkins Engineering, Inc. on behalf of Longbranch Development requesting to construct approximately 164 multi-family town home units and associated infrastructure on 20 +/- acres. The property has a current Future Land Use of Mixed Use with a Zoning District of Town Center One and located from the intersection of U.S. Highway 98 and U.S. Highway 331, travel west approximately .5 miles, turn North onto J. D. Miller Road and the subject properties are located 1.76 +/- miles north on the east side of J. D. Miller Road and can be identified by parcel number(s) 30-2S-19-24000-007-0000 and 30-2S-19-24000-003-0000.**

Mr. Carpenter briefly discussed the project and submitted the Staff Report into evidence. **(Exhibit 1: Staff Report)**

Mr. Scott Jenkins, Jenkins Engineering - representing the applicant, briefly discussed the project.

Chairman Chapman asked if the town homes had garages. Mr. Jenkins replied they did have garages and two parking spaces were also provided in front of the home.

Commissioner Nipper asked if the maximum height was 28'. Mr. Jenkins replied it was.

Motion by Commissioner Anderson, second by Commissioner Nipper, to approve by final order the Santa Rosa Beach Townhomes contingent upon conditions being met as stated in the Staff Report.

There were no public comments.

4-0 by the following votes:

Ayes: Commissioner Chapman, Commissioner Nipper,
Commissioner Nick, and Commissioner Anderson

(Exhibits: Staff Report-1) (Ex Parte: None)

11. **The Southern Phase II - Request to approve by final order. Project number MAJ20-000015 is being reviewed by Bob Baronti. This application has been submitted by Jenkins Engineering on behalf of Walton County Holdings, LLC requesting to construct a 108-apartment complex and other associated infrastructure improvements on 10.01 +/- acres. The project property has a Future**

Land Use of Mixed Use with a Zoning district of Town Center One and is located from the intersection of Chat Holly Road and J. D. Miller Road, south on J. D. Miller Road, subject parcel is approximately 0.12 miles on the west side of J. D. Miller Road and can be identified by parcel number(s) 30-2S-19-24000-034-000 and 30-2S-19-24000-035-0000.

Mr. Carpenter briefly discussed the project and submitted the Staff Report into evidence. **(Exhibit 1: Staff Report)**

Mr. Jamie Eubanks, Jenkins Engineering-representing the applicant, briefly discussed the project. He addressed concerns raised by Mr. Ivan Harstvedt regarding the property line. He said Mr. Harstvedt's survey from the 1980's differs slightly from a survey performed by Emerald Coast Associates in 2020. The difference does not impact the project. Mr. Eubanks stated there is no construction planned for the area near the property line in question. He said according to the 2020 survey, Mr. Harstvedt's barbed wire fence is slightly on the developer's property. The developer is willing to quit claim deed that sliver of land to Mr. Harstvedt as a part of the development order process. Mr. Eubanks stated that Mr. Harstvedt had also requested a fence be constructed to protect his property. He said the developer would build a fence upon board direction but does not feel it is needed due to the 400' natural buffer area.

Commissioner Nipper noted the allowable density of 98.24 units and questioned why the request was for 108 units. Mr. Eubanks stated there was left over density from Phase 1. Commissioner Nipper asked if the 400' buffer area would remain. Mr. Eubanks gave a brief background of Phase 1 and 2. He said the 400' buffer area is being left as a community park area and wildlife habitat.

Mr. Ivan Harstvedt voiced his concerns regarding the property line and the need for a fence. He noted the construction of a fence was stipulated by the Planning Commission. He requested the item be continued to allow time for negotiations regarding the property line and fence. Chairman Chapman stated the deed for the property would be a condition of the development order. Mr. Eubanks agreed that the deed was being presented as a condition of the development order and concurred the Planning Commission did stipulate a fence to be built along the rear portion; the developer does not object. Chairman Chapman asked if a type of fence was discussed. Mr. Eubanks said it was not. Commissioner Nipper recommended a fence be constructed due to the density of the project. Further discussion was held regarding the buffer area, fence construction, and the Phase I utility maintenance road constructed in that area. Commissioner Nipper asked Mr. Harstvedt what type of fence he wanted constructed. Mr. Harstvedt said either a chain-link or wooden privacy as long as maintenance is kept up in the future.

Motion by Commissioner Anderson, second by Commissioner Nick, to approve by final order The Southern Phase II contingent upon conditions being met as stated in the Staff Report, with the stipulation of fencing being placed along the rear property line, and a quit claim deed.

4-0 by the following votes:

Ayes: Commissioner Chapman, Commissioner Nipper,
Commissioner Nick, and Commissioner Anderson

(Exhibits: Staff Report-1) (Ex Parte: None)

12. **Alys Beach Block AC Lots 7 & 8 Plat - Request to approve by final plat. Project number PLA20-000013 is being reviewed by Tim Brown. This is a plat application submitted by Innerlight Engineering Corporation on behalf of EBSCO Gulf Coast Development, Inc., requesting approval to plat lots 7 & 8 of Block AC, Alys Beach PUD on +/-0.24 acres with a future land use of Mixed Use and a zoning category of Traditional Neighborhood Development. The project is located on the west side of Sea Garden Street, south of C.R. 30A, and is identified by parcel number(s) 27-3S-18-16000-027-0010.**

Mr. Carpenter briefly discussed the project and submitted the Staff Report into evidence. **(Exhibit 1: Staff Report)**

Mr. David Smith, Innerlight Engineering-representing the applicant, was available for questioning.

Motion by Commissioner Anderson, second by Commissioner Nipper, to approve by final plat the Alys Beach Block AC Lots 7 & 8 Plat contingent upon conditions being met as stated in the Staff Report.

There were no public comments.

4-0 by the following votes:

Ayes: Commissioner Chapman, Commissioner Nipper,
Commissioner Nick, and Commissioner Anderson

(Exhibits: Staff Report-1) (Ex Parte: None)

13. **Forest View Village PUD Amendment #3 - Request to approve by final order. Project number MAJ20-000016 is being reviewed by Tim Brown. This is a major development order application submitted by Innerlight Engineering Corporation on behalf of MH Forest View, LLC, requesting to remove approximately 6 +/- acres from the southeast corner of the PUD on 43.24 +/- acres with a future land use of Commercial and a zoning category of General Commercial. The project is located on the north side of U.S. Highway 98 East, west of Serenoa Road and east of M.C. Davis Boulevard, and is identified by parcel number(s) 05-3S-18-16000-001-0021, 05-3S-18-16000-001-0024, 05-3S-18-16000-001-0025, 05-3S-18-16000-001-0040, 05-3S-18-16000-001-0042 and 08-3S-18-16000-001-0050.**

Mr. Carpenter briefly discussed the project and submitted the Staff Report into evidence. **(Exhibit 1: Staff Report)**

Commissioner Nipper voiced concern regarding the possible removal of property from the conservation easement. Mr. Carpenter stated the conservation easement was required. Mr. David Smith, Innerlight Engineering-representing the applicant, said the conservation easement was in place before the PUD was approved and cannot be changed.

Chairman Chapman questioned what was being developed on the corner of M.C. Davis Boulevard and U.S. Highway 98. Mr. Smith reported a Tom Thumb is being constructed at that site. Further discussion was held regarding the development outside the wetland area.

Commissioner Nipper questioned if the parking was being changed. Mr. Smith replied the requested parking changes were a part of the previous amendment. No deviations were being requested.

There were no public comments.

Motion by Commissioner Anderson, second by Commissioner Nick, to approve by final order the Forest View Village PUD Amendment #3 contingent upon conditions being met as stated in the Staff Report.

4-0 by the following votes:

Ayes: Commissioner Chapman, Commissioner Nipper,
Commissioner Nick, and Commissioner Anderson


(Exhibits: Staff Report-1) (Ex Parte: None)

ADJOURN

There being no further items to discuss, the meeting was adjourned at 11:03 a.m.



W. N. (Bill) Chapman, Chairman



Attest: Alex Alford, Clerk of Court and County Comptroller