



MINUTES

Board of County Commissioners

Tuesday, November 24, 2020 @ 9:00 AM

DeFuniak Springs Board Room

Land Use Hearing

COMMISSIONER ATTENDANCE

PRESENT: Chairman Trey Nick, Vice-Chairman Michael Barker, Commissioner Boots McCormick, Commissioner Danny Glidewell, and Commissioner Tony Anderson

STAFF PRESENT: Larry Jones, County Administrator and Sidney Noyes, County Attorney

Commissioner Tony Anderson attended the meeting via the Zoom program.

CALL TO ORDER

Chairman Nick called the meeting to order at 11:45 a.m.

PLANNING AND DEVELOPMENT SERVICES

Mr. Mac Carpenter, Planning and Development Services Director, requested to continue to the December 22, 2020 BCC meeting the following Legislative Items: 2-Jones Rezoning, 4-Malibu Gardens, and 5-Partial Abandonment of Easement Adjacent to Emerald Cove Lane. He also requested to continue Quasi-Judicial item 12-Bayview Estates Plat to the December 22, 2020 BCC meeting.

Motion by Commissioner Glidewell, second by Commissioner McCormick, to continue Legislative Item 2-Jones Rezoning to the December 8, 2020 Board of County Commissioners meeting to be held at 4:00 p.m. in the Walton County Courthouse in DeFuniak Springs, FL.

5-0 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick, Commissioner Glidewell, Chairman Nick, and Commissioner Anderson

Motion by Commissioner Glidewell, second by Commissioner Barker, to continue Legislative Item 4-Malibu Gardens to the December 22, 2020 Board of County Commissioners Meeting to be held at 9:00 a.m. in the Walton County Courthouse in DeFuniak Springs, FL.

5-0 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick,
Commissioner Glidewell, Chairman Nick, and Commissioner
Anderson

Motion by Commissioner Glidewell, second by Commissioner Barker, to continue Legislative Item 5-Partial Abandonment of Easement Adjacent to Emerald Cove Lane to the December 22, 2020 Board of County Commissioners Meeting to be held at 9:00 a.m. in the Walton County Courthouse in DeFuniak Springs, FL.

5-0 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick,
Commissioner Glidewell, Chairman Nick, and Commissioner
Anderson

Motion by Commissioner McCormick, second by Commissioner Glidewell, to continue Quasi-Judicial Item 12-Bayview Estates Plat to the December 22, 2020 Board of County Commissioners meeting to be held at 9:00 a.m. in the Walton County Courthouse in DeFuniak Springs, FL.

5-0 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick,
Commissioner Glidewell, Chairman Nick, and Commissioner
Anderson

(Exhibit: Staff Memo-1) (Ex Parte: none)

LEGISLATIVE ITEMS

- 1. Gillis 80 Acres LSA - Transmittal Hearing. Request to transmit Project number LUM20-000006 which is being reviewed by Bob Baronti. This is a large scale amendment application submitted by Jenkins Engineering Inc., on behalf of C & M Contracting, requesting approval to change the future land use from General Agricultural & Rural Residential to Industrial and Extractive Uses, and zoning district from General Agricultural & Rural Village to Extractive Uses or lesser intense district on 80 +/- acres. The project is approximately 5.23 miles north of the intersection of U.S. Highway 90 and U.S. Highway 331 N and is identified by parcel number 31-4N-19-20000-007-0000.**

Mr. Bob Baronti, Planning and Development, introduced the request and submitted the Staff Report into the record.

Commissioner McCormick asked what the purpose of the property would be. Mr. Baronti replied it would be a borrow pit. Commissioner McCormick asked what materials could be used to refill the pit at a future date. Mr. Baronti stated it could not be used as a landfill.

Mr. Steven Tatom, representing the applicant, briefly stated the details of the 33-acre project and announced a 100-foot buffer will be around the perimeter of the project. The properties to the north will have a larger buffer due to the lay of the land. Mr. Tatom stated the extraction will stop once the water table has been reached. He announced there would be no public access to the site.

There was no public comment.

Commissioner Glidewell asked about the buffer on the west side of the property. Mr. Tatom said there is a 100-foot vegetative buffer. Discussion was held regarding the effects on the water table and the need to install a fence for safety purposes. Mr. Chad Gillis, applicant, discussed the perimeter fencing and said the end purpose would be to use the area as a pond. Commissioner Glidewell asked if the neighbors were concerned about the project. Mr. Gillis said there were none. Mr. Tatom said that a development order would be brought to the board for consideration and discussion. He said concerns raised at the Planning Commission level have been satisfied.

Motion by Commissioner Anderson, second by Commissioner McCormick, to approve to transmit Gillis 80 Acres LSA.

3-2 by the following votes:

Ayes: Commissioner McCormick, Chairman Nick, and
Commissioner Anderson

Nays: Commissioner Barker and Commissioner Glidewell

2. **Jones Rezoning - Request to approve by ordinance. This item was continued to December 8, 2020 on motion as stated above.**
3. **Lot 10 Seclusion Dunes Abandonment - Request to approve by resolution. PA20-000005 is being reviewed by Bob Baronti. This is an abandonment application submitted by Gustin, Cothorn & Tucker, Inc., on behalf of Donald and Victoria Gaetz requesting to abandon a 33' public access utility easement and leave a 5' utility easement on the eastern property line on 0.17+/- acres. This property has a Future Land Use of Residential and Zoning District of Residential Preservation. The subject property is located south of East C.R. 30A, at the end of Beach Front Trail and can be identified by parcel number(s) 19-3S-18-16200-000-0100.**

Mr. Carpenter briefly discussed the request. The Staff Report was submitted into the record.

Mr. Alan Tucker, representing the applicant, discussed the request and said the applicant was wanting to expand the first floor to accommodate the applicant's wife's wheelchair.

Commissioner McCormick noted this type of abandonment has been presented in the past and was not approved. Mr. Tucker noted that this is not a typical easement

abandonment. He said it is the last lot of the subdivision, abuts a park, and is surrounded by public lands to the east and south.

Commissioner Glidewell voiced his opposition to abandonments.

Commissioner Barker said the property was purchased knowing the restrictions.

Commissioner Anderson voiced concern with sufficiency of a five-foot utility easement. Mr. Chance Powell, Public Works, said he had not reviewed the request and did not know why a utility easement would be needed in that area. Public Works is unable to access the area due to it being private property and State lands. Commissioner Glidewell expressed concern that the State may need the easement in the future. Mr. Tucker asked if a 10-foot easement would be sufficient. Commissioner Barker noted if other abandonments had been rejected then it would be unfair to approve this one.

Chairman Nick asked if Public Works staff could review the request and bring back more information to the board for consideration.

Motion by Commissioner Anderson, second by Commissioner McCormick, to continue to the December 8, 2020 meeting to allow Public Works staff to review the request and bring back more information.

5-0 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick,
Commissioner Glidewell, Chairman Nick, and Commissioner
Anderson

4. **Malibu Gardens - Mariner Way Common Area Abandonment - was continued to December 22, 2020 on motion as stated above.**
5. **Partial Abandonment of Easement Adjacent to Emerald Cove Lane - was continued to December 22, 2020 on motion as stated above.**
6. **U.S. Highway 331 Economic Development Corridor Amendments – First reading of the proposed technical and substantive amendments to the Walton County Land Development Code partially implementing the U.S. 331 Economic Development Corridor Study and Goal L-2 of the adopted Walton County Comprehensive Plan. The proposed amendment creates scenic corridor requirements for unincorporated areas along U.S. Highway 331 south from S.R. 20 to the northern terminus of the Choctawhatchee Bay bridge and unincorporated areas along the S.R. 20 corridor from U.S. Highway 331 east to Antioch Cemetery Road as well as establish development incentives for certain mixed use and industrial developments within the Black Creek Activity Center and the Woodlawn Activity Center. (Continued from the October 22, 2020 BCC Meeting.)**

Ms. Kristen Shell, Planning and Development Manager, said this is a first reading and stated the request, if approved, would establish a fast track permitting processes for projects that meet the EDA job creation criteria. All the land use designations within the activity centers would change. She reported the two centers were selected because they were outside of the designated Eglin area. If a project met the criteria and goals it would only need staff approval for development. The land use change would come before the board. Ms. Shell spoke about the establishment of more aesthetic/scenic corridor criteria for U.S. Highway 331 south of S.R. 20 and S.R. 20 east. This is different than the requirements for U.S. Highway 98. A brief discussion was held on the requirements for car dealerships.

Commissioner McCormick asked if these amendments would work in conjunction with the City of Freeport's efforts. Ms. Shell replied it would and that it would not bind the city to the county standards; it would only apply to the unincorporated areas. Discussion continued on the more stringent requirements of the county standards for the unincorporated area.

Commissioner Anderson asked if businesses would be accommodated in the event of a future widening of U.S. Highway 331. Ms. Shell stated that would be included in the amendments and temporary signage could be added in the case of road construction.

Motion by Commissioner Glidewell, second by Commissioner Barker, to approve the first reading of the U.S. Highway 331 Economic Development Corridor Amendments.

Mr. Bob Brooke voiced concern with attaching scenic requirements to an economic development area. Commissioner Glidewell said he didn't agree with all the scenic requirements but did approve of the fast track for businesses.

Commissioner Anderson agreed that the fast track for businesses was crucial but voiced concerns with how the aesthetics restrictions would affect new businesses. He asked Commissioner Glidewell to gather input from the EDA regarding the concerns raised by the commission.

Ms. Leigh Moore, Scenic Walton, spoke in support of the amendment's guidelines and restrictions. She cautioned against weakening the restrictions and did not think the restrictions would hinder economic development.

5-0 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick,
Commissioner Glidewell, Chairman Nick, and Commissioner
Anderson

Mr. Carpenter said staff will meet with each of the commissioners to address their concerns prior to presenting the ordinance for adoption.

QUASI JUDICIAL ITEMS

The Quasi-judicial Hearing was called to order. Attorney Noyes briefly reviewed the Quasi-Judicial process for the public and the new commissioners. She administered the oath to those intending to speak and asked that any Ex Parte communications be submitted to the clerk.

7. **Nellie Landing Townhomes - Request to approve by final order. MAJ20-000028 is being reviewed by Stephen Schoen. This is a major development order application submitted by Jenkins Engineering, Inc., on behalf of Defoor Ventures LLC, requesting the approval of a technical Planned Unit Development to develop a new neighborhood featuring 55 townhome units, 4,500 sf commercial/office space, and five live/work residential units on 9.8 +/- acres with a future land use of Mixed Use and zoning of Small Neighborhood. The project is located on the east side of Nellie Drive and is identified by parcel number(s) 24-2S-20-33180-000-0520. Staff found the project to be consistent with the Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report.**

Mr. Steven Schoen, Planning and Development briefly discussed the project and submitted the Staff Report into the record. **(Exhibit 1: Staff Report)**

Commissioner Glidewell asked what the density was on the project. Mr. Schoen replied 6.12 units per acre. Commissioner Glidewell asked if it was currently zoned four units to one acre. Mr. Schoen replied it was currently zoned as Small Neighborhood and anything over four units an acre requires a Planned Unit Development and compatibility. The applicant is seeking the 6.10 units and have satisfied the other requirements. Commissioner Glidewell asked the location of the storm water. Mr. Schoen replied there were proposed retention ponds and deferred additional storm water questions to the applicant.

Mr. Jamie Eubanks, Jenkins Engineering-representing the applicant, discussed the project's storm water plan and said it is a 100-year storm event system. Commissioner Glidewell asked where the storm water pop-off would be. Mr. Eubanks said the pop-off would drain into a mosquito control ditch north of the site. Commissioner Glidewell asked if the ditch drained into the bay. Mr. Eubanks said that it would and continued discussing the project and its required commercial component. He stated the project is smaller and less intense than other surrounding projects.

Commissioner Glidewell asked about parking for the project. Mr. Eubanks replied there were a total of 145 parking spaces provided with bicycle parking included. The parking plan was based on the most restrictive requirements.

Commissioner Anderson asked if the storm water would be treated/filtered by the land before it goes to the mosquito ditch. Mr. Eubanks confirmed it would and discussed the two large ponds on site.

Chairman Nick stepped down as Chair to second the following motion and Vice-Chairman Barker stepped in as Chair.

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

Commissioner Anderson asked if the project met the requirements of the Land Development Code and Comprehensive Plan. Mr. Carpenter stated it did meet the requirements.

2-3 by the following votes:

Ayes: Chairman Nick and Commissioner Anderson

Nays: Commissioner Barker, Commissioner McCormick, and
Commissioner Glidewell

Motion failed

Chairman Nick resumed his position as Chair.

Attorney Noyes requested the board entertain a motion to deny the final order to ensure the record was clear.

Motion by Commissioner Glidewell, second by Commissioner Barker, motion to deny the final order for Nellie Landing Townhomes.

Commissioner Anderson questioned if the board was required to vote even if there was no evidence that it did not meet the Land Development Code and Comprehensive Plan. Attorney Noyes. Mr. Jones replied it was at the discretion of the board to determine if the project meets the requirements. Commissioner Anderson noted he had not heard any evidence stating that it did not meet the requirements.

Commissioner Glidewell voiced his disapproval of the density of the project.

Commissioner Anderson asked if the project's density meets the requirements. Mr. Carpenter replied that it did meet the requirements and that Small Neighborhood density has a sliding scale allowing up to 10 units per acre if the applicant meets certain requirements which allow for density bonuses. Staff has found that the applicant has met the requirements to allow for a six to one density.

3-2 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick, and
Commissioner Glidewell

Nays: Chairman Nick and Commissioner Anderson

Motion passed

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

8. **Cat Island Estates - Request to approve by final order. Project MAJ20-000024 is being reviewed by Renee Bradley. This is a major development application submitted by Henderson Engineering & Consulting, LLC on behalf of Cat Island Estates Development, LLC requesting to subdivide 57 single family lots on 28.59 +/- acres. The project property has a Future Land Use of Residential and a Zoning District of Urban Residential and is located off of S.R. 83 N on Cat Island Rd approximately 1 mile and can be identified by parcel number(s)10-3N-19-19750-000-0000. Staff found the project to be consistent with the Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report.**

Mr. Carpenter briefly discussed the project. The staff report was entered into the record.
(Exhibit 1: Staff Report)

Mr. John Henderson, Henderson Engineering-representing the applicant, briefly discussed the project. A survey was done to locate any gopher tortoises, none were found, and the permit is not required. Commissioner Glidewell asked about storm water. Mr. Henderson discussed the storm water system and said there is a storm water pond on site. He spoke about the difficulties to connect with the waste treatment plant near the prison. He said housing is needed in the area due to the number of deputies, corrections officers, etc.

Ms. Deborah Fitt voiced concerns regarding the effects the 57 septic tanks would have on the water table and the lake. She also voiced a need for a traffic light at the intersection of Cat Island Road and S. R. 83. Mr. Henderson spoke about the tests that were performed on the soil and that FDOT would not be amenable to installing a traffic light at that intersection.

Chairman Nick asked if the septic systems would be above ground. Mr. Henderson replied they would not.

Motion by Commissioner Glidewell, second by Commissioner Barker, to approve by final order the Cat Island Estates contingent upon conditions being met as stated in the Staff Report.

5-0 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick,
Commissioner Glidewell, Chairman Nick, and Commissioner
Anderson

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

9. **Camp Creek Residential Plat Phase 1A - Request to approve by final plat. PLA20-000023 is being reviewed by Renee Bradley. This is a major plat application submitted by Innerlight Engineering Corporation on behalf of The St Joe Company requesting to plat 23 single family lots with associated infrastructure as Phase 1A of Camp Creek Residential Development approved under MAJ18-**

000042 to include lots 1-6 and 246-262 on 13.62 +/- acres. The property has a Future Land Use and Zoning District of the Bay Walton Sector Plan Village Center and is located on the right side of Watersound Parkway South and can be identified by parcel number(s) 23-3S-18-16000-001-0000, 26-3S-18-16000-001-0050, 22-3S-16000-001-0030. Staff found the project to be consistent with the Comprehensive Plan, Land Development Code, and F.S. Chapter 177 contingent upon conditions being met as stated in the Staff Report.

Mr. Carpenter presented the project and submitted the Staff Report into the record.
(Exhibit 1: Staff Report)

Mr. David Smith, Innerlight Engineering-representing the applicant, briefly reviewed the project and was available for questioning.

There was no public comment.

Motion by Commissioner Anderson, second by Commissioner Glidewell, to approve by final plat the Camp Creek Residential Plat Phase 1A contingent upon conditions being met as stated in the Staff Report.

5-0 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick,
Commissioner Glidewell, Chairman Nick, and Commissioner
Anderson

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

- 10. Moore Dune Allen 2nd Addition Re-plat - Request to approve by final plat. Project PLA20-000016 is being reviewed by Bob Baronti. This is a Replat application submitted by Emerald Coast Associates on behalf of Wendell and Deborah Moore requesting to replat two lots in Dune Allen Subdivision with the intent to build a single-family residence for primary housing. The subject parcels have a Future Land Use of Residential and a Zoning District of Residential Preservation and can be located at the end of Thompson Rd to Seahorse Circle, proceed to Oyster Lake Drive on the left and the subject parcel is the south corner of Seahorse Circle and Oyster Lake Drive and can be identified by parcel number(s) 04-3S-20-34070-00D-0010, 04-3S-20-34070-00F-0000. Staff found the project to be consistent with the Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report.**

Mr. Carpenter presented the project and entered the Staff Report into the record.
(Exhibit 1: Staff Report)

Mr. Darrell Burgis, Emerald Coast Associates-representing the applicant, briefly discussed the request and was available for questioning.

There was no public comment.

Motion by Commissioner Glidewell, second by Commissioner McCormick, to approve the Moore Dune Allen 2nd Addition Re-plat contingent upon conditions being met as stated in the Staff Report.

5-0 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick,
Commissioner Glidewell, Chairman Nick, and Commissioner
Anderson

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

11. **Botany Bayou Replat - Request to approve by final plat. Project PLA20-000008 is being reviewed by Bob Baronti. This is a minor replat application submitted by Emerald Coast Associates on behalf of Robert and Danielle Weir requesting to replat 2 subdivision lots with a Future Land Use of Mixed Use and Zoning of Small neighborhood. The project property is located from the intersection of U.S. Highway 98 and Goldsby Rd, travel approximately 1.1 miles on Goldsby Rd, turn right on Botany Bayou, travel approximately 0.5 miles and project site is on the East side of Botany Bayou and can be identified by parcel 19-2S-20-33160-00A-0300. Staff found the project to be consistent with the Land Development Code and Comprehensive Plan contingent upon conditions being met as stated in the Staff Report.**

Mr. Carpenter presented the project and submitted the Staff Report into the record.
(Exhibit 1: Staff Report)

Mr. Burgis-representing the applicant, briefly stated this action was to correct an illegal lot split.

Commissioner McCormick asked if there was any current litigation regarding this property. Mr. Burgis said there was not.

Motion by Commissioner Barker, second by Commissioner Glidewell, to approve by final plat the Botany Bayou Replat contingent upon conditions being met as stated in the Staff Report.

5-0 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick,
Commissioner Glidewell, Chairman Nick, and Commissioner
Anderson

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

12. **Bayview Estates Plat - was continued on motion as stated above. (Exhibit 1: Memo)**

13. **Basin Bayou Estates Plat - Request to approve by final plat. Project number PLA20-000005 is being reviewed by Bob Baronti. This is a plat application submitted by David Forstrom on behalf of Matteo Battaglia requesting a plat with 6 single family subdivision lots, This project site has a current Future Land use of Rural Residential and Zoning of Rural Village on 3.156 +/- acres and located approximately 9.1 miles from the Okaloosa/Walton line on S. R. 20 East over the Basin Bayou Inlet bridge, immediately on the right and can be identified by parcel 21-1S-20-32000-016-0010.**

Mr. Carpenter presented the project and submitted the Staff Report into the record. **(Exhibit 1: Staff Report)** He discussed the fees which have been collected.

Commissioner Glidewell asked if the project would use septic tanks. Mr. Carpenter said that it would. Discussion ensued on the inability to connect to Freeport sewer at this time, however public water was available. All the lots are located on the bay.

Chairman Nick asked if the project was in a flood zone. Mr. Carpenter answered that it was and that it would have to meet the FEMA requirements for building within a flood zone.

Commissioner McCormick asked about the project's development order. Mr. Carpenter stated the project's development order was already approved and this action is the final step in the process.

Discussion was held regarding the county's project to remove septic tanks from around the bay area, the flooding conditions that could cause infiltration of the septic tanks, and possible roadway flooding. Concerns regarding the number of curb cuts in that area was also discussed. Attorney Noyes reminded the board that the action is to consider the plat. Mr. Carpenter said the development order for this minor development project was approved by the Technical Review Committee and meets the requirements of the Land Development Code, Comprehensive Plan, and Chapter 177.

Commissioner McCormick voiced concern with the approval of the project based on the flooding and septic issues.

Commissioner Barker said that work needs to be done on the Land Development Code and Comprehensive Plan to prevent approval of projects with these types of issues.

Commissioner Glidewell agreed that changes were needed to ensure that septic tanks could not be placed on Basin Bayou.

Motion by Commissioner McCormick, second by Commissioner Anderson, to approve by final plat the Basin Bayou Estates Plat contingent upon conditions being met as stated in the Staff Report.

5-0 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick,
Commissioner Glidewell, Chairman Nick, and Commissioner
Anderson

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

14. **South Walton Commerce Park PUD Amendment - Request to approve by final order. Project MAJ20-000027 is being reviewed by Bob Baronti. This is a major development application submitted by Innerlight Engineering Corporation on behalf of The St. Joe Company requesting to create 21 commercial lots with associated infrastructure and roads as Phase II of the South Walton Commerce Park PUD on 79.14 +/- acres. The project sites have a Future Land Use of Bay Walton Sector Plan Village Center, Recreation/Open Space, and Long-Term Conservation and a Zoning District of Bay Walton Sector Plan Conservation, Long Term Conservation, and Recreation/Open Space. The project is located approximately 7.2 miles east from U.S. Highway 98 and U.S. Highway 331 on Serenoa Rd, travel to the end of Serenoa and the project site starts at the Round-A-Bout and can be identified by parcel number(s) 04-3S-18-16000-001-0000, 05-3S-18-16000-001-0000. Staff found the project to be consistent with the Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report.**

Mr. Carpenter presented the project and submitted the Staff Report into the record.
(Exhibit 1: Staff Report)

Mr. David Smith-representing the applicant, briefly discussed the project. Commissioner Glidewell asked if the project's road would be connected to the road for the commerce park. Mr. Smith said that it would not.

Motion by Commissioner Glidewell, second by Commissioner Barker, to approve by final order the South Walton Commerce Park PUD Amendment contingent upon conditions being met as stated in the Staff Report.

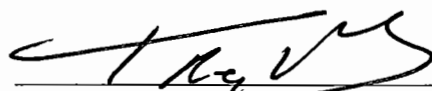
5-0 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick,
Commissioner Glidewell, Chairman Nick, and Commissioner
Anderson


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

ADJOURN

There being no further discussion, the meeting was adjourned at 1:00 p.m.



Trey Nick, Chairman



Attest: Alex Alford, Clerk of Court and County Comptroller