



## MINUTES

### Board of County Commissioners

Thursday, June 24, 2021 @ 9:00 AM

South Walton Annex Board Room

Land Use Hearing

#### COMMISSIONER ATTENDANCE

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

**STAFF PRESENT:** Mr. Larry Jones, County Administrator, Mr. Stan Sunday, Deputy Administrator, and Attorney Clayton Adkinson, Interim County Attorney

#### PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND INVOCATION

#### CALL TO ORDER

Chairman Nick called the meeting to order.

#### **Add Eagle Eyrie Lease**

##### **On:**

Attorney Adkinson announced The Eagle's Nest Clubhouse & Eatery, LLC had violated certain sections of their lease agreement with the county. He recommended giving the establishment 48 hours to comply with the agreement; failure to comply would result in immediate termination and vacation of the premises.

Commissioner Anderson reported his voting conflict and submitted Form 8B to the clerk.

Mr. Jones said a letter has been drafted to clarify the issues that must be addressed.

Commissioner Barker and Commissioner McCormick stated they had both received an email from the proprietor of the eatery making derogatory statements against the board and county employees. They supported the notification letter.

Motion by Commissioner Barker, second by Commissioner McCormick, to send a letter to The Eagles Nest Clubhouse and Eatery, LLC giving 48 hours to address the violations with noncompliance resulting in the immediate termination of the lease.

4-0-1 by the following votes:

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

Abstain: Commissioner Anderson

**(Form 8B: Anderson)**

## **PLANNING AND DEVELOPMENT SERVICES**

### **ITEMS TO BE CONTINUED**

**Request to continue Agenda Item 1-South Walton RV Resort SSA and Agenda Item 3-South Walton RV Resort to the July 22, 2021 Land Use Hearing to be held at the Walton County Courthouse Annex in Santa Rosa Beach, Florida at 9:00 a.m. or soon thereafter.**

Mr. Mac Carpenter, Planning and Development Director stated that the applicant is requesting the continuance to allow more time for project revisions.

Commissioner Glidewell questioned if one motion would be sufficient. Mr. Carpenter requested two motions be made since Agenda Item 3 is a Quasi-Judicial item.

Motion by Commissioner Glidewell, second by Commissioner McCormick, to continue Agenda Item 1-South Walton RV Resort SSA to the July 22, 2021 Land Use Hearing to be held at the Walton County Courthouse in Santa Rosa Beach, Florida at 9:00 a.m. or soon thereafter.

5-0 by the following votes:

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

Motion by Commissioner Barker, second by Commissioner Glidewell, to continue Agenda Item 3-South Walton RV Resort to the July 22, 2021 Land Use Hearing to be held at the Walton County Courthouse in Santa Rosa Beach, Florida at 9:00 a.m. or soon thereafter.

Ms. Barbara Morano voiced concern that this item had not gone before the Planning Commission. Mr. Carpenter said the reason for the continuance request is to allow the revised report to be presented to the Planning Commission.

5-0 by the following votes:

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

## **LEGISLATIVE ITEMS**

1. **South Walton RV Resort SSA - Request to continue to the July 22, 2021 BCC meeting. FLU20-000006 is being reviewed by Bob Baronti. This is a Land Use Amendment with Rezoning application submitted by Emerald Coast Associates on behalf of SRB Land, LLC requesting to change current Future Land Use of Residential with a Zoning District of Neighborhood Infill to Future Land Use of Mixed Use and a Zoning District of Coastal Center Mixed Use on 9.75 +/- acres. This property is located at the intersection of U. S. Highway 98 and Moll Drive on the east side of Moll Drive and can be identified by parcel number(s) 34-2S-20-33270-029-0000. (Continued from the May 27, 2021 BCC meeting.)**

This item was continued on motion as stated above.

### **QUASI JUDICIAL ITEMS**

The Quasi-Judicial Hearing was called to order and Attorney Adkinson administered the oath to those intending to speak. Ex Parte received by the commissioners regarding any of the Quai-Judicial items were submitted to the clerk.

2. **Bayview Estates Plat - Request to approve by final plat. Project number PLA19-000026 is being reviewed by Bob Baronti. This is a plat application submitted by Core Engineering and Consulting, on behalf of GE/Bayview Estates, LLC, requesting approval to plat 14 single family homes on 2.57 +/- acres. The property has a future land use of Residential and a zoning of Neighborhood Infill. The project is located in District 4 and is found from U.S. Highway 98 at N. Holiday Road, 0.4 miles to Forest Shore Drive, west on Forest Shore Drive 0.6 miles to Walton Way and project site is on the left, and the property is identified by parcel number 19-2S-21-42000-005-0000. Staff found the request to be consistent with the Land Development Code and Comprehensive Plan contingent upon conditions being met as stated in the Staff Report. (Continued from the May 27, 2021 BCC meeting.)**

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

Mr. Ed Stanford, Core Engineering and Consulting-representing the applicant discussed the history of the project since its approval in 2005. He said the infrastructure has been installed and that the applicant is aware of the neighborhood concerns. He reported all the infrastructure had been certified and DEP permits have been received.

Mr. James McDowell, representing Whispering Oaks Subdivision spoke in opposition to the project. **(Exhibit 2: Power Point)** He voiced concern that sidewalks and preservation areas have been removed from the project. He talked about safety concerns regarding a storm water ditch along the back of the property. He spoke on behalf of an adjacent property owner who had concerns regarding berms which would cause drainage from this project onto his property. A brief discussion was held regarding third hand testimony without certified documentation from the adjacent property owner. Mr. McDowell continued his presentation and stated he opposed the setbacks which would allow the buildings to look down onto neighboring properties. He asked the project to be downsized.

Mr. Patrick Davis, GE/Bayview Estates Manager responded to Mr. McDowell's comments and concerns. **(Exhibit 3: Power Point)** He talked about the measures that have been taken to address the issues. He stated the storm water ditch was a FDOT ditch and did not think the Land Development Code required the developer to fence another entities property. Mr. Davis said he felt the homes could not be sold without privacy fences. He continued discussing the concerns raised by the neighboring community. He reported there had been hurricane damage which affected the preservation area and that he was required by Code Enforcement to remove the downed trees. He reviewed the placement of the utility infrastructure.

Mr. Steve Young, resident of Whispering Oaks spoke on the negative affects the project would have on preservation areas and the bay. He requested the plat not be approved.

Mr. Stanford addressed the concerns raised during public comment and stated these issues were addressed during the development process. He said the applicant is requesting a final plat approval.

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

Commissioner Glidewell voiced concern that buy-outs needed to be limited and suggested the LDC be changed to support the limitations. Mr. Carpenter agreed with limiting the buy-outs and said they are not as easily obtained today as they were when this project was originally approved. He talked about the steps staff has taken to limit preservation and sidewalk buy-outs. He said this is a legacy project which was approved in 2005. Further discussion was held on limiting sidewalk buy-outs and time limits on development orders. Commissioners Glidewell, McCormick, and Barker understood that the project had been approved, but voiced concern with preservation and sidewalk issues.

Commissioner Barker voiced concern that FDOT had not installed fencing around their drainage ditch. He talked about the need for fencing to protect the citizens of the community. He noted there was no written requirement for a fence to be installed by the developer or future homeowners. He asked if the developer would be willing to consider installing a fence along the area bordering the ditch. Mr. Davis stated he would be amenable to installing a fence.

Commissioner Glidewell discussed the berm issue and the lack of sworn documented testimony. He said it would be a good faith effort on the part of the developer to remove the berm. Mr. Carpenter said that would be a code enforcement consideration if the neighbor feels compelled to address the issue. Mr. Davis responded that he was unsure which lot Mr. McDowell was referring to and thought the berm was a part of the retention pond which is a part of the storm water facility. Mr. Stanford said the drainage has been changed to a 100 year storm event instead of a 25 year as originally approved. Mr. Carpenter asked Mr. McDowell to indicate which lot was affected by the berm. Mr. McDowell indicated on the applicant's plat map where the area was located and discussed with the applicant the issues concerning the property owner. Mr. Stanford stated there are changes in the grade, but his client was not treating the other

subdivision's storm water. He said his client's plat was according to newer storm water standards than the adjacent plat. Attorney Adkinson said this is an issue to be resolved between the property owners and that the county could not address it at this time.

Commissioner McCormick expressed his concern with making decisions regarding the berm based on third hand information and no sworn testimony from experts saying there were potential problems. He agreed that if it occurs later then it should be a civil situation.

Attorney Adkinson addressed the fence issue, who would be responsible for the maintenance of the fence, and recommended it be a condition of the plat. Mr. Stanford said that the fence would abut FDOT right-of-way and could be made retroactive to the development order rather than the plat. Mr. Carpenter confirmed the development order could be amended to include the fence. Commissioner McCormick, referring to an earlier comment, asked about privacy fences being installed during the building process. Mr. Davis said that the small backyards would border the ditch and felt the homeowners would want a privacy fence. He said he did not have a problem with building the fence prior to the homes being constructed. Attorney Adkinson stated if there was no requirement for the property owners to install a privacy fence, then there is no assurance the fence would be built. Mr. Davis said he would build a privacy fence.

A brief discussion was held to determine if a second motion would be needed to amend the development order to include the installation of a fence.

5-0 by the following votes:

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

Motion by Commissioner Anderson, second by Commissioner Glidewell, to amend the development order to include a privacy fence to be built by the developer along the Bayview Estates property bordering the FDOT storm water ditch.

5-0 by the following votes:

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

**(Exhibits: 1-Staff Report, Exhibit 2: Respondent Power Point, Exhibit 3:  
Petitioner Power Point) (Ex Parte: Glidewell, McCormick, Barker, Anderson)**

- 3. South Walton RV Resort - Request to continue to the July 22, 2021 BCC meeting. MAJ20-000038 is being reviewed by Bob Baronti. This is a major development application submitted by Emerald Coast Associates on behalf of SRB Land, LLC requesting to develop an RV park with 64 pads, clubhouse, and pool within a gated facility on 9.93 +/- acres with a Future Land Use of Residential and a Zoning District of Neighborhood Infill. The property is located from the intersection of U.**

**S. Highway 98 and Moll Drive on the east side of Moll drive and is identified by parcel number(s) 34-2S-20-33270-029-0000.**

This item was continued on motion as stated above.

- 4. Cat Island Estates Phase I Plat - Request to approve by final plat. Project number PLA21-000005 is being reviewed by Renee Bradley. This is a minor plat application submitted by Rare Earth, Inc. on behalf of John Henderson requesting to plat 18 lots with private right of ways and common area on 7.26 +/- acres as Phase I of Cat Island Estates with a future land use of Residential and a zoning district of Urban Residential. The property is in District 3 and located off of S.R. 83 on Cat Island Road approximately 1 mile on the left on Cat Island Road and can be identified by parcel number 10-3N-19-19750-000-0000. Staff found the request to be consistent with the Land Development Code and Comprehensive Plan contingent upon conditions being met as stated in the Staff Report.**

Mr. Carpenter introduced the request and submitted the Staff Report into the record. **(Exhibit 1: Staff Report)**

Mr. Henderson, applicant-developer was available for questions.

Commissioner McCormick asked about the density and sewer connections. Mr. Henderson said the project has a 2:1 density. He stated that septic systems would be used. Mr. Carpenter reported sewer connections were not available in that area. A brief discussion was held on the City of DeFuniak Springs sewer extension to facilities (i.e. prison and jail) on the east side of S.R. 83 and the inability to connect to the sewer system from the area on the west side.

There was no public comment.

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

5-0 by the following votes:

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

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

- 5. Alys Beach Phase IIIA Block UU and VV Plat - Request to approve by final plat. Project number PLA21-000012 is being reviewed by Tim Brown. This is a minor plat application submitted by Innerlight Engineering Corporation on behalf of EBSCO Gulf Coast Development, Inc., requesting approval to plat 9 residential lots in Block UU and 8 residential lots in Block VV of the Alys Beach PUD on 3.41 +/- acres with a future land use of Mixed Use and a zoning category of Traditional Neighborhood Development. The project is located between Seabright Lane and**

**Lizards Leap Ally, south of C.R. 30A and identified by parcel number(s) 26-3S-18-16000-003-0000. Staff found the request to be consistent with the Land Development Code and Comprehensive Plan contingent upon conditions being met as stated in the Staff Report.**

Mr. Carpenter introduced the request and submitted the Staff Report into the record.  
**(Exhibit 1: Staff Report)**

There was no public comment.

Motion by Commissioner Glidewell, second by Commissioner McCormick, to approve by final plat Alys Beach Phase IIIA Block UU and VV Plat contingent upon conditions being met as stated in the Staff Report.


5-0 by the following votes:

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

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

**ADJOURN**

There being no further items to discuss, the meeting was adjourned at 10:17 a.m.

  
Trey Nick, Chairman

  
Attest: Alex Alford, Clerk of Court and County Comptroller