



## **MINUTES**

### **Board of County Commissioners**

**Thursday, July 22, 2021 @ 9:00 AM**

**South Walton Annex Board Room**

**Land Use Hearing**

#### **COMMISSIONER ATTENDANCE**

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

**ABSENT:** Commissioner Tony Anderson

**STAFF PRESENT:** Clay Adkinson, Interim County Attorney, Larry Jones, County Administrator, Dede Hinote, Deputy Administrator, and Stan Sunday, Deputy Administrator

#### **OPENING COMMENTS**

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

#### **CALL TO ORDER**

Chairman Nick called the meeting to order.

#### **PLANNING AND DEVELOPMENT SERVICES**

#### **CONTINUED ITEMS**

Mr. Mac Carpenter, Planning and Development Director announced that the developer for agenda items four and five was requesting a continuance due to the inability for their expert witnesses to participate via Zoom.

Continuance was denied due to the lack of a motion.

#### **LEGISLATIVE ITEMS**

Mr. Carpenter asked to hear item two first due to the approval of item one being contingent upon the approval of item two. The board concurred.

- 2. Eden's Landing SSA – Adoption Hearing. Request to approve by ordinance. Project number FLU21-000003 is being reviewed by Bob Baronti. This is a small scale amendment application submitted by Walton County Board of County Commissioners on behalf of Eden's Landing Development Partners, LLC, requesting approval to amend the future land use of Conservation to Mixed Use and the official zoning district of Conservation to Traditional Neighborhood Development on 0.99 +/- acres (43,124.40 Sf). This project is located in District 1**

and the property is located on the west side of Eden Garden State Park Road, north of C.R. 395 North and is identified by parcel number(s) 35-2S-19-24000-013-0040.

Mr. Carpenter introduced the request and submitted the Staff Report into the record.

Motion by Commissioner Glidewell, second by Commissioner McCormick, to adopt **Ordinance 2021-24** approving Eden's Landing SSA.

4-0 by the following votes:

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

- 1. Eden's Landing PUD Amendment #3 - Adoption Hearing. Request to approve by overlay ordinance. Project number MAJ21-000002 is being reviewed by Tim Brown. This is a major development order application submitted by Innerlight Engineering Corporation, Inc. on behalf of Eden's Landing Development Partners, LLC, requesting approval to amend the previously approved Eden's Landing PUD in order to add 32 additional single-family lots on 15.35 +/- acres with a future land use of Mixed Use and Conservation and a zoning category of Traditional Neighborhood Development and Conservation. The property is located on the west side of Eden Garden State Park Road, north of C.R. 395 North and is identified by parcel number(s) 35-2S-19-24000-013-0040. (Continued from the July 13, 2021 BCC meeting.)**

Mr. Carpenter introduced the project and submitted the Staff Report into the record.

Motion by Commissioner Glidewell, second by Commissioner McCormick, to adopt **Ordinance 2021-25** approving Eden's Landing PUD Amendment #3.

4-0 by the following votes:

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

- 3. Dearing SSA with Rezoning – Adoption Hearing. Request to approve by ordinance. Project number FLU21-000001 is being reviewed by Bob Baronti. This is a small scale future land use change with rezoning application submitted by Daniel Dearing requesting to change from current future land use of Rural Residential with a zoning category of Rural Village to future land use of Industrial & Extractive Uses with a zoning category of Light Industrial on 0.14 +/- acres. The property is in District 1 and is located from the intersection of S. R. 20 and C. R. 83A, travel west approximately 1/4 of a mile on the left-hand side and is identified by parcel number(s) 08-1S-19-23000-003-0015.**

Mr. Carpenter introduced the project and submitted the Staff Report into the record.

Commissioner Glidewell asked why the request was for a change to Light Industrial. Ms. Zoe Willis, applicant stated the request is due to the lot not being suitable for residential since it adjoins a recycling center.

Commissioner McCormick asked what the future use of the property would be. Ms. Willis replied it would be used to construct a warehouse. Discussion was held on the surrounding uses and the purposed use of the 0.14 acres.

Attorney Adkinson asked if the mobile home near the site was used for residential. Mr. Carpenter replied that it was. Further discussion was held regarding the

Commissioner Barker voiced concern there was not a lot of information on the purposed use.

Commissioner Glidewell asked if the adjacent landfill was owned by the county or privately owned. Attorney Adkinson said the county property does not connect to the subject property.

Motion by Commissioner McCormick, second by Commissioner Glidewell, to adopt **Ordinance 2021-23** approving Dearing SSA with Rezoning.

4-0 by the following votes:

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

#### **QUASI JUDICIAL ITEMS**

The Quasi-Judicial hearings were called to order. Attorney Adkinson administered the oath to those intending to speak. The board was instructed to submit Ex Parte regarding any of the Quasi-Judicial items to the clerk.

- 4. South Walton RV Resort SSA – Adoption Hearing. Request to approve by ordinance. 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 June 24, 2021 BCC meeting.)**

Mr. Carpenter introduced the project and submitted the staff report into the record. **(Exhibit 1-Staff Report, Exhibit 2-Continuance Request Memo, Exhibit 3-Additional Public Comments)**

Attorney Adkinson stated this agenda item is a companion to next agenda item which is Quasi-Judicial. He said that if the board wished to hear public comment on both items then the oath would need to be administered to those intending to speak regarding the Quasi-Judicial item. The board concurred to hear comment on both items.

Motion by Commissioner Glidewell, second by Commissioner McCormick, to open the Public Hearing.

4-0 by the following votes:

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

Attorney Adkinson administered the oath to those intending to speak on Quasi-Judicial items five and six. The board submitted Ex Parte regarding any of the Quasi-Judicial items to the clerk.

Mr. Dean Burgis, Emerald Coast Associates-representing the applicant requested to re-evaluate the continuance of the two items based on the lack of experts and the absence of Commissioner Anderson in whose district the project is situated. He felt Commissioner Anderson's input is important to the conversation. Attorney Adkinson noted that testimony regarding Quasi-Judicial items could not be accepted via Zoom. Commissioner Glidewell felt the request for continuance was received late. Commissioner Barker noted a quorum was present. Attorney Adkinson reported a request to continue the item had not been received from Commissioner Anderson. He said historically that commissioners are able to request an item to be continued when they were to be absent from the meeting. The board concurred to move forward with hearing the two items.

Mr. Burgis continued with his presentation of the project and the land use change request. He submitted into the record Composite Exhibits A-E (**Exhibit 4**), July 8, 2021 Planning Commission Transcript (**Exhibit 5**), and buffer landscape plan (**Exhibit 6**). Mr. Burgis briefly reviewed the surrounding area's mixed use, the consideration of townhomes for the subject site, the need for additional RV parks, and the benefits of this project to Helen McCall Park when travel ball tournaments are scheduled. He talked about the amenities that will be included. He reported that each site would have its own water and sewer connection which would eliminate the need for a pump house. Mr. Burgis said that due to the pandemic the use of RV's has increased. The developer has said there will be no RV's provided for rental. Mr. Burgis said the sidewalk on C.R. 393 would serve as a connection to the beach. He noted a nearby U-Haul facility which sells propane would be benefited by the RV park. He said the development intensity for this project is lower than the allowable limit. A grounds maintenance facility will be located on the site. The storm water system was designed for a 100-year flood event. Mr. Burgis discussed the wetland system in the middle of the site and said a crossing would be constructed at the narrowest point to lessen the impact. He announced the park would have quiet hours between 10 p.m. and 8 a.m. He talked about the buffers and landscaping. He said only two units would abut Edgewood Terrace. He stated this project would have a lower traffic impact than townhomes. Each RV site would have two vehicle parking spaces which does not include the tow vehicle.

Commissioner Glidewell noted that Helen McCall Park could not accommodate travel ball tournaments. He voiced concern with the safety issues which would occur due to the width of Moll Drive, the left-hand turn into the resort, and the safety issues turning onto Moll Drive from U.S. Highway 98. Mr. Burgis responded that Saltaire PUD is

planning for a light at the intersection and that the applicant would contribute to the cost of a light and a turn lane. He said there is a left hand turn lane from U.S. Highway 98 onto Moll Drive and the project is approximately 1000 feet from the intersection. More than two RV's were expected at one time due to appointment scheduling. He talked about the 19 trips which would occur during the peak hour while the campers are in the park. Commissioner Glidewell stated that the turn lane on U.S. Highway 98 was not long enough to accommodate multiple RVs and would need improvements if the project is approved. Mr. Burgis said that discussions have been held with FDOT regarding a light at this intersection.

Commissioner Barker said that golf carts are not allowed on U.S. Highway 98. Mr. Burgis said the beach would not be accessed from the resort from U.S. Highway 98 and talked about the path that would be used. Discussion continued on the use of golf carts on the roadways and bike paths.

Commissioner Glidewell felt that townhomes would be a better fit for the community. Mr. Burgis stated the project abuts the ball parks; the noise and lighting would negatively affect permanent residents living in the homes. He noted that Saltaire PUD is not affected by the lights and noise of the ball parks due to the westerly placement of the residential units. He said the project meets the Walton County Comprehensive Plan and Land Development Code. It was approved by the Planning Commission.

Attorney Adkinson announced that after public comment is taken, Mr. Burgis will have an opportunity to respond to the comments presented. At the close of the Public Hearing, the board would have the opportunity to make motions on both items: land use change and the project.

Commissioner McCormick noted that the uses surrounding the property is mixed uses and that the only residential areas other than the project being presented were Edgewood Terrace and Saltaire PUD.

Ms. Kelly Frymire, Landscaping Engineer representing the applicant discussed the compatibility of the landscape and buffering. She discussed what is required and what will be used. In certain areas of the property the applicant has included a buffer area where none is required. She discussed the current landscape and no additional buffer vegetation will be placed in the wetland areas since it will remain undisturbed. She said there is no architectural unity along the corridor.

Mr. Pike Hall IV, applicant and resort manager gave a brief history of his past projects and an overview of the proposed project. He talked about the efforts made to speak to the surrounding neighbors about the project. Mr. Hall discussed a meeting he had with Mr. Stewart Danos, St. Rita's Parish Administrator to discuss the project concerns and to find resolutions. He said he declined Mr. Danos' offer from the church to purchase the front acreage of the subject parcel. He talked about the amenities which would be included in the park and the criteria that must be met in order to rent a site. He said the site would be developed according to the Good Sam 10-10-10 rating which is the equivalent to a five-star hotel. He said check-in/check-out times would be arranged to not interfere with school and ball field traffic. Commissioner Glidewell voiced concern

with RV stacking with the project being gated. Mr. Hall talked about the check-in process which would prevent RV stacking.

Commissioner Glidewell asked if there was a 100 foot entrance requirement for gated communities to prevent vehicle stacking. Mr. Carpenter replied gated residential developments with more than 10 lots requires a 100 foot vehicle stacking area; less than 10 lots require 75 feet. He said the gate for this particular site has not been reviewed. Mr. Burgis addressed the entrance concerns and said there is over 100 feet on the property which will be used as a stacking area.

Mr. Hall listed the individuals who were unable to participate via Zoom.

Commissioner Barker discussed the ways golf carts can be transported into the resort.

Attorney Adkinson questioned Mr. Burgis if he had completed his Legislative and Quasi-Judicial presentation. Mr. Burgis replied he had. Attorney Adkinson asked staff if they had cross-examination to present. Mr. Carpenter replied there was none. Attorney Adkinson asked if the county had further items to present and if they wished to proceed to public comment. Mr. Carpenter said they had no further items to present. The board concurred to move forward with public comment.

The meeting briefly recessed at 10:49 a.m. and reconvened at 11:02 a.m.

Mr. Tom Stone, representing Edgewood Terrace homeowners spoke in opposition to the project. He encouraged the board to deny the zoning change. He submitted wetland maps into evidence (**Exhibit 7**). Mr. Burgis discussed the three different wetland lines identified on the respondent's maps. He said he did not object to the submission and stated wetland lines change over time.

Mr. Tom Wilkins spoke in opposition to the zoning change and project. He voiced concern with possible short-term rentals and transients.

Ms. Barbara Morano, representing South Walton Community Council spoke in opposition to the land use change and the project. She submitted into evidence wetland surveys. After a brief discussion it was determined that Ms. Morano's submission was the same as Mr. Stone's exhibit only in a smaller format and would be used as a demonstrative exhibit. (**Exhibit 8**) Ms. Morano continued with her objections to the requests and indicated that an approval of the zoning change would automatically approve the project. Commissioner McCormick reported that the project is not automatically approved if the zoning is changed.

Ms. Lisa Cline spoke in opposition to the change and the project. She expressed concern with the increased traffic and the development of an RV park on C.R. 393. Mr. Carpenter commented there was no development order for an RV park on C.R. 393.

Ms. Catherine Holden, Mr. John Sauer, Mr. Bryan Farmer, Mr. Bob Brooke, Ms. Shelly Myers, and Ms. Karithlyn Pastrana all spoke in opposition to the land use change and the project.

Mr. Stewart Danos, St. Rita's Parish Administrator spoke in opposition to the rezoning and the project. He addressed the comments made by Mr. Hall concerning their meeting. He stated he did not make an offer on behalf of the church to purchase the front acreage of the project property. He talked about the church's plan to eventually build a school. He spoke in favor of townhomes being developed on the property.

Mr. Carpenter addressed the concerns raised regarding possible short-term rentals and stated that Neighborhood Infill does not prevent short-term rental. The county has no way to prevent townhomes from being short-term rentals.

Mr. Burgis responded to the public comments and said that the RV park would have a controlled atmosphere and quiet hours which townhomes would not have. He talked about the type of people who vacation using RVs. He also addressed the yearly changes in wetlands, the traffic impacts by townhomes, and the proposed shuttle service for the RV resort. He requested to allow an expert witness to speak on the wetland changes.

Commissioner McCormick asked if the item being considered at this time is the land use change. Attorney Adkinson said that both items were presented together, and multiple motions would be needed to take action. He said that the board could decide whether to hear the expert witness. The board concurred to allow the witness to speak.

Mr. Jeremy Rieser, E-Tech Consultants representing the applicant gave a brief background and discussed the wetland issues. He submitted aerial photos depicting the changes in the wetlands on the property between the years 1994 and 2015. **(Exhibit 9)** He said that DEP and the Northwest Florida Water Management District would have the final say on the wetlands.

Mr. Hall had no further comments.

Chairman Nick closed public comment.

Attorney Adkinson said there are two legislative actions to be considered: the land use change and the zoning.

Commissioner Glidewell stated that property rights need to be consider for all involved and said he had not heard one person from the community speak in favor of the project. He voiced concern regarding traffic safety on Moll Drive and U.S. Highway 98.

Motion by Commissioner Glidewell, second by Commissioner Barker, to deny South Walton RV Resort SSA request.

3-1 by the following votes:

Ayes: Commissioner Barker, Commissioner McCormick, and  
Commissioner Glidewell

Nays: Chairman Nick

Attorney Adkinson asked Mr. Carpenter if he wished the zoning change to be considered or would staff and the applicant stipulate that it is automatically denied based on the board's current action. Mr. Burgis stated the land use would be a mismatch to the zoning and agreed that it was all denied. Attorney Adkinson stated that agenda item five was contingent upon the approval of item four and therefore item five will not be presented.

5. **South Walton RV Resort - Request to approve by final order. 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. (Continued from the June 24, 2021 BCC meeting). 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.**

(This item was presented along with agenda item four and action for this item is recorded within the motions above.)

The meeting recessed at 12:45 p.m. and reconvened at 1:00 p.m.

6. **Alys Beach Block AC, Lots 9-10 Plat - Request to approve by final plat. Project number PLA21-000022 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 Lots 9-10 in Block AC of the Alys Beach PUD on 1.79 +/- 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. 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 introduced the project and submitted the Staff Report into evidence. **(Exhibit 1: Staff Report)**

Mr. David Smith, Innerlight Engineering-representing the applicant was available to answer questions.

Motion by Commissioner McCormick, second by Commissioner Glidewell, to approve by final plat the Alys Beach Block AC, Lots 9-10 Plat contingent upon conditions being met as stated in the Staff Report.

4-0 by the following votes:

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



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

7. **Holley Grove Subdivision Phase II - Request to approve by final order. Project number MAJ21-000008 is being reviewed by Tim Brown. This is a major development order application submitted by Jenkins Engineering Inc. on behalf of Ted Foret, requesting approval to develop 38 single family lots on 11.96 +/- acres with a future land use of Residential and a zoning category of Neighborhood Infill. This property is in District 1 and is located on the east side of Old Ferry Road, north of Lamon Drive and is identified by parcel number(s) 36-2S-19-24000-014-0000.**

Mr. Carpenter introduced 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 and said the requests from the surrounding community for smaller lots was implemented. He reported that the storm water was development for a 100 year storm event. He stated that water and sewer services will be provided to neighbors across from the development.

Commissioner Glidewell questioned if Old Ferry Road would be paved and sidewalks provided. Mr. Eubanks said the road would be paved and that sidewalks would be provided throughout the development and on both sides of Old Ferry Road.

Commissioner McCormick voiced his appreciation to the developer for the willingness to be a good neighbor.

Motion by Commissioner McCormick, second by Commissioner Glidewell, to approve by final order Holley Grove Subdivision Phase II contingent upon conditions being met as stated in the Staff Report.

Ms. Lynn Smith spoke in opposition to the project citing safety concerns, the need for additional ingress/egress, and the need for larger lots.

Commissioner Glidewell asked what the density of Peach Creek was. Mr. Eubanks replied that it is 2:1 Conservation Residential and is just under 2 acres. Commissioner Glidewell encouraged Ms. Smith to meet with Ms. Jennifer Hudson, Walton County Engineer regarding the ingress and egress to surrounding areas.

Mr. Carpenter addressed the concerns regarding a secondary access and explained that the current fire code requires two accesses to developments larger than 100 units. The Peach Creek neighborhood south of this project was developed in 2006 prior the current code requirement. He reported that Fire Marshall Sammy Sanchez and Mr. Chance Powell, Walton County Engineer are working on temporary accesses along the powerlines south of the developments in Peach Creek and parallel to U.S. Highway 98. This project being presented is doing more than its share of sidewalks and paving outside of the development site.

4-0 by the following votes:

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

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

**ADJOURN**

There being no further discussion, the meeting was adjourned at 1:15 p.m.



Trey Nick, Chairman



Attest: Alex Alford, Clerk of Court and County Comptroller