



MINUTES

Board of County Commissioners

Thursday, July 28, 2022, @ 9:00 AM

South Walton Annex Board Room

Land Use Hearing

COMMISSIONER ATTENDANCE

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

STAFF PRESENT: Clay Adkinson, Interim County Attorney, Tony Cornman, Interim County Administrator, and Mary King, Interim Deputy County Administrator

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

CALL TO ORDER

Chairman Barker called the meeting to order.

ITEMS TO BE CONTINUED

Mr. Mac Carpenter, Planning and Development Director requested to continue the following items.

4. **Sanctuary Apartments Phase III - Request to continue to the September 22, 2022, Land Use Hearing. Project MAJ20-000014 is being reviewed by Bob Baronti. This is a major development application submitted by William Pope requesting to construct up to 96 dwelling units assigned to Phase III on approximately 14.38 +/- acres located in District 5 with a future land use of Residential and Mixed Use with a zoning district of Residential Preservation and Small Neighborhood. The property is located approximately 1.4 miles from the intersection of U.S. Highway 98 and U.S. Highway 331 North; the site is on the east side of U.S. Highway 331 and identified by parcel numbers 29-2S-19-24000-004-0000 and 29-2S-19-24000-004-0050 (Continued from the March 24, 2022, Land Use Hearing.)**

Commissioner McCormick announced his voting conflict and submitted Form 8B to the clerk.

Motion by Vice-Chairman Glidewell, second by Commissioner Anderson, to continue the Sanctuary Apartments Phase III to the September 22, 2022, Land Use Hearing to be held at 9:00 a.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

4-0-1 by the following votes:

Ayes: Chairman Barker, Vice-Chairman Glidewell, Commissioner Nick, and Commissioner Anderson

Abstain: Commissioner McCormick

(Form 8B: McCormick)

9. **Botanic Miramar Beach - Request to approve by final order. Project number MAJ21-000013 is being reviewed by Tim Brown. This is a major development order application submitted by Core Engineering & Consulting, Inc. on behalf of Davis Development, LLC and The Garden of Destin, Inc., requesting approval to develop 321 apartments with a pool amenity, a 5,000 square foot convenience store with gasoline sales, a 4,209 square foot fast food restaurant, 16,544 square feet of retail space and associated infrastructure in 2 phases on 25.35 +/- acres with a future land use of Commercial and a zoning category of General Commercial. The property is located in District 4 at 12958 U.S. Highway 98 West and is identified by parcel number(s) 30-2S-21-42000-002-0000. 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.**

Motion by Vice-Chairman Glidewell, second by Commissioner Anderson, to continue Botanic Miramar Beach to the August 25, 2022, Land Use Hearing to be held at 9:00 a.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

5-0 by the following votes:

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

(Exhibits: Staff Report-1; Staff Memo-2) (Ex Parte: Barker, Anderson, McCormick, Nick)

10. **WaterColor PUD Amendment for Beach ADA Access - Request to continue to the August 9, 2022, BCC meeting. Project number MAJ22-000004 is being reviewed by Renee Bradley. This is a major development application submitted by Dunlap and Shipman on behalf of Watercolor Community Association, Inc. requesting to amend the Watercolor Development of Regional Impact to construct an additional ADA Emergency Access walkover on 2.55 +/- acres with a future land use of Mixed Use and a zoning district of Resort. The property is in District 5 and located on Goldenrod Circle directly across from S. Watercolor Blvd and is identified by parcel number(s) 15-3S-19-25000-001-0040.**

Motion by Vice-Chairman Glidewell, second by Commissioner Nick, to continue the WaterColor PUD Amendment for Beach ADA Access to the August 9, 2022, Regular Meeting to be held at 4:00 p.m. at the Walton County Courthouse in DeFuniak Springs, Florida.

5-0 by the following votes:

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

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

LEGISLATIVE ITEMS

- 1. Northwest Florida Commerce Park at Woodlawn Conceptual PUD - Request to approve by final order. Project number MAJ21-000026 is being reviewed by Stephen Schoen. This is a major development application submitted by DRMP, Inc. on behalf of Walton County Economic Development Alliance requesting Conceptual Plan approval to develop a commerce park on 253 +/- acres with a future land use of Industrial and Extractive Uses and a zoning district of Heavy Industrial. The property is in District 3 and located approximately 3 miles south of Interstate 10 on U.S. Highway 331 S. to Progress Lane and is identified by parcel number(s) 22-2N-19-18000-009-0010, 22-2N-19-18000-009-0000, 23-2N-19-18000-015-0000, 23-2N-19-18000-015-0010, 23-2N-19-18000-016-0010, 26-2N-19-18000-007-0000, 26-2N-19-18000-007-0020, 23-2N-19-18000-021-0000.**

Mr. Stephen Schoen, Planning and Development presented the request and submitted the Staff Report into the record. He said that the staff has found the project to be consistent with the Comprehensive Plan. He said until the requested deviations are presented to and approved by the board, the staff will not state that the project meets the Land Development Code. Mr. Schoen briefly addressed the stormwater plan and how it will be conditioned by the Covenants and Restrictions, PUD regulations, and Eglin Air Force Base. He said the requested deviations include all future development in the park to be reviewed as a minor development, to use the General Industrial parking standards, and a 144-acre conservation easement on the west tract. Mr. Schoen stated that Eglin AFB has not reviewed the Covenants and Restrictions and that their approval of the restrictions is a condition for project approval. He addressed citizen concerns that were raised at the Planning Commission regarding the lack of notice for the map changes which occurred. He noted that proper notification was sent.

Mr. Ryan Colton, DRMP Engineering representing the applicant briefly spoke about the project and was available for questioning.

Commissioner Nick asked what the relationship of the project was with Eglin AFB. Mr. Colton responded that the project abuts the military zone and spoke about Eglin's requirements for abutting property owners to protect the military area.

Motion by Commissioner Nick, second by Commissioner McCormick, to approve by final order the Northwest Florida Commerce Park at Woodlawn Conceptual PUD.

5-0 by the following votes:

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

2. **Natureview PUD Conceptual - Request to approve by final order. Project number MAJ21-000027 is being reviewed by Stephen Schoen. This is a major development application submitted by Jenkins Engineering on behalf of Sterling Diversified requesting to develop a conceptual PUD for 793 single-family homes and associated infrastructure on 275 +/- acres with a future land use of Urban Residential and a zoning district of Urban Residential. The property is in District 1 and located approximately 5 miles south of the intersection of U.S. Highway 20 and C.R. 3280 on the north and south side of C.R. 3280 and is identified by parcel number(s) 03-2S-18-15000-001-0000, 03-2S-18-15000-001-0030, 04-2S-18-15000-001-0010, 10-2S-18-15000-001-0000.**

Mr. Schoen presented the project and submitted the Staff Report into the record. He discussed the project's density, stormwater, and traffic impact. He said the applicant is requesting approval of five deviations: 1. deviation from Section 5.00.03 to reduce side-yard setbacks on a portion of the proposed lots, 2. deviation from Section 2.06.02 to allow for future phases to be reviewed through the technical review process only, 3. deviation from Section 5.01.01 to relieve the applicant from street frontage planning requirements against C.R. 3280, 4. deviation from Section 5.04.06 to allow for reduced right-of-way protection zone for major collector roadways from 130 feet to 80 feet in width, and 5. deviation from Section 5.04.06 to allow setbacks to be measured from the property line and not the right-of-way protection line. He said the applicant has also requested sidewalk exemptions on a small portion of the internal sidewalk system and all of the project's portion along C.R. 3280. Mr. Schoen talked about the public benefits that have been provided to meet PUD approval requirements for deviations. He said staff had concerns regarding the right-of-way width deviations.

Mr. Jay Odom, the developer briefly reviewed the project. He stated that the neighboring properties were owned by the Water Management District and Nokuse Plantation and that those properties cannot be developed due to their conservation designation. Both the Water Management District and Nokuse Plantation support the project. Mr. Odom said that the 55 MPH speed limit on the portion of C.R. 3280 in front of the project property was the reason for the sidewalk exemption request. He spoke about the attainable housing and the public benefits the project would provide. Mr. Odom spoke about the donations that would be given to Freeport Elementary School, Nokuse Plantation, and the Homes for Heroes Program. He talked about the extension of the water and sewer system to allow connection for homes outside of the project area. He briefly discussed the deviation requests presented and approved at the Planning Commission level. Mr. Odom asked for approval of the project.

Commissioner McCormick noted that brick pavers would be used in certain areas and expressed concern for future requests for those roads to be county maintained. Mr. Odom noted that the brick pavers would be used in traffic common areas and said that provisions would be included in a maintenance agreement that the HOA would be required to maintain the brick pavers. Commissioner McCormick asked if the City of Freeport's water and sewer timeline coincides with that of the project. Mr. Odom replied that the project would be on public water and sewer.

Commissioner Glidewell asked if a buy-out was being proposed for the sidewalk exemption. Mr. Odom said he was not proposing a buy-out and that the LDC allows for the Planning Director to make the decision; if there is no reason for the sidewalk, then a buy-out is not required. Mr. Carpenter stated that in cases of major developments, any authority the Planning Director has to make on a minor development is deferred to the board. The board makes the final decisions on sidewalk buy-outs or exemptions. Commissioner Glidewell expressed concern that there would be no sidewalks and felt it would not be fair to other developers who are required to install or buy-out sidewalks. Mr. Odom stated that the project would include 11.4 miles of internal sidewalks. He stated sidewalks in that area of C.R. 3280 would be dangerous and that the exemption was covered in the LDC. Commissioner Glidewell addressed the right-of-way protection request and asked who stated that C.R. 3280 was not a major arterial roadway. Mr. Odom replied that it was the Public Works Department. Chairman Barker also expressed that the right-of-way may be needed in the future. Mr. Odom stated that he felt that the current right-of-way protection is illegal and a taking of property. He would be amenable to selling the needed property to the county at the appropriate time. Mr. Greg Graham, Public Works said that the 130-foot right-of-way protection is an outstanding comment in his review of the project. He talked about the functional classification maps which identify C.R. 3280 as a major collector road and an alternate hurricane evacuation route. He said in the future the road may need to be widened for hurricane evacuation. He noted the comments referred to by Mr. Odom were made by an engineer that is no longer employed by the county. Mr. Graham said that a 100-foot right-of-way protection would be acceptable instead of 130 feet. He submitted into the record documentation supporting his comments on the 130-foot right-of-way protection.

Mr. Scott Jenkins, Jenkins Engineering-project engineer addressed the right-of-way protection and reported there are currently 60 feet of right-of-way and that there is limited development potential for the entire length of the corridor because of Nokuse and State lands. He said the requested 80-foot right-of-way protection was based on the definitions of collector roads established in the county code (LDC Section 5.04.02). He said there had been lengthy discussions held regarding the classification which ultimately led to the decision to present it to the board as a requested deviation. Discussion ensued on compromising on a 100-foot right-of-way protection and the discrepancy in the street classification system.

Attorney Adkinson asked what the speed limit was on C.R. 3280. Mr. Graham replied that he did not have that information for the entirety of the roadway, but that it was 55 MPH at the project location. Commissioner Anderson confirmed that there were varying speed zones throughout C.R. 3280. Attorney Adkinson noted that the LDC includes a reference to arterial roads which are designed for posted speeds up to 55 MPH. Collector roads do not have a speed definition. He said this issue was addressed at the Planning Commission level. He reported that without a right-of-way agreement the county cannot engage in contract zoning at this meeting. The only options listed in the LDC are the 80 feet for collector roads or the 130 feet for minor arterial or major collector; there is no definition for major arterial in the LDC. Attorney Adkinson stated that this is the first PUD for this part of the county in approximately 10 years. Further discussion was held regarding the discrepancies within the LDC, the inability to widen the road due to the Conservation zoning, right-of-way protection, a future multi-use path for the roadway, and the lack of potential growth along C.R. 3280. Mr. Odom said he

would agree to a sidewalk buy-out and the original deviation request for the 80-foot right-of-way.

Motion by Vice-Chairman Glidewell, second by Commissioner Anderson, to approve by final order the Natureview PUD Conceptual Plan as presented with the sidewalk buy-out and an 80-foot right-of-way protection zone.

Commissioner Anderson thanked Mr. Odom for including pickleball courts in the project.

Ms. Barbara Morano, representing South Walton Community Council requested additional time to speak due to her representation of a group of people. Attorney Adkinson discussed the policy regarding requests for additional speaking time for standard agenda items and stated that public participation rules are different for scheduled Public Hearings. Ms. Morano complied and briefly spoke in support of the project and encouraged board approval.

5-0 by the following votes:

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

- 3. Land Development Code Text Amendments - First Reading of Draft Ordinance. Walton County Planning and Development Services Staff is proposing substantive text amendments to Chapters One, Two, Five, Six, Seven, and Nine of the Walton County Land Development Code. The proposed amendments relate to Code Compliance issues, recent statutory changes, and continuing staff efforts to maintain and improve the interpretation and implementation of the Land Development Code. These changes will impact many current standards and components of the Code, including but not limited to home-based businesses, recreation vehicle use, signage, buffering, setbacks, landscaping, and enforcement.**

Mr. Schoen briefly reviewed the proposed text amendments changes and submitted the Staff Report into the record. He requested direction on how the board wished to have the changes presented. The board concurred to hear each of the changes. Attorney Adkinson reminded everyone that this was a first reading of the draft ordinance and it would not be adopted at this meeting. Ms. Kristen Shell, Planning and Development Manager talked about the process that is currently underway to secure a consultant to review and update the transportation element and Chapter 5 of the Land Development Code (LDC). A brief discussion followed regarding the need to update the LDC.

Mr. Schoen stated the changes being considered do not contain any proposed transportation or traffic issues. He discussed the highlighted sections of the ordinance which indicate the changes that are being proposed.

Commissioner Anderson questioned if the changes to the temporary RV living permit would affect visiting families. Mr. Schoen replied that the changes remove the temporary RV living conditions which have been historically allowed through the

conditional use process throughout the county on properties on less than five acres. He talked about the standards of use that are included in the ordinance.

Motion by Vice-Chairman Glidewell, second by Commissioner Nick, to approve the first reading of the Land Development Code Text Amendments and move to a second hearing for adoption.

5-0 by the following votes:

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

The meeting briefly recessed at 10:50 a.m. and reconvened at 10:57 a.m.

QUASI-JUDICIAL ITEMS

The Quasi-Judicial Hearing was called to order and Attorney Adkinson administered the oath to all those intending to speak.

5. **Forest View Village PUD Amendment #4 - Request to approve by final order. Project number MAJ21-000031 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 approval to reallocate the commercial square footage among the approved PUD uses on 37.24 +/- acres with a future land use of Commercial and a zoning category of General Commercial. The project is located in District 5 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-18-16000-001-0026, 05-3S-18-16000-001-0040, 05-3S-18-16000-001-0042 and 08-3S-18-16000-001-0050. (Continued from the May 26, 2022, Land Use Hearing.) 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. Tim Brown, Planning and Development presented the amendments to the project and submitted the Staff Report as evidence. **(Staff Report-1)**

Mr. David Smith, Innerlight Engineering representing the applicant briefly discussed the fourth amendment to the PUD.

Motion by Vice-Chairman Glidewell, second by Commissioner Nick, to approve by Final Order the Forest View Village PUD Amendment #4 contingent upon conditions being met as stated in the Staff Report.

There was no public comment.

5-0 by the following votes:

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

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

6. **Kaiya PUD Amendment - Request to approve by final order. Project number MAJ22-000008 is being reviewed by Bob Baronti. This is a major development application submitted by Jenkins Engineering on behalf of SBG-PR LLC requesting to amend the Kaiya Masterplan to add 0.63 +/- acres for habitat preservation and buffering for a total of 29.27 +/- acres with a future land use of Mixed Use and a zoning district of Traditional Neighborhood Development. The property is in District 5 and located on the north side of C.R. 30A and the east side of S. Watersound Parkway and is identified by parcel number(s) 27-3S-18-16000-002-0000, 27-3S-18-16000-002-0030, 27-3S-18-16000-027-0020, 27-3S-18-16000-002-0040. Staff found the project to be consistent with the Land Development Code and Comprehensive Plan contingent upon conditions being met as stated in Staff Report.**

Mr. Bob Baronti, Planning and Development briefly presented the project and submitted the Staff Report as evidence. **(Exhibit 1)**

Motion by Commissioner McCormick, second by Vice-Chairman Glidewell, to approve by final order the Kaiya PUD Amendment contingent upon conditions being met as stated in Staff Report.

There was no public comment.

5-0 by the following votes:

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

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

7. **Serenity at Dune Allen Lot 19 Replat - Request to approve by final plat. Project number PLA22-000002 is being reviewed by Bob Baronti. This is a plat application consistent with previously approved DO #MIN22-000002 submitted by Emerald Coast Associates on behalf of Destin Properties GP requesting to replat Lots 19 and 20 on 0.13 +/- acres with a future land use of Residential and a zoning district of Neighborhood Infill. The property is in District 4 and located at 14 Magical PI Santa Rosa Beach FL 32459 and 22 Magical PI Santa Rosa Beach FL 32459 and is identified by parcel number(s) 04-3S-20-34400-000-0190, 04-3S-20-34400-000-0200. Staff found the project meets the Land Development Code and Comprehensive Plan contingent upon conditions being met as stated in the Staff Report.**

Mr. Baronti presented the final plat request and submitted the Staff Report as evidence. **(Exhibit 1)**

Motion by Vice-Chairman Glidewell, second by Commissioner Nick, to approve by final plat the Serenity at Dune Allen Lot 19 Replat contingent upon conditions being met as stated in the Staff Report.

There was no public comment.

5-0 by the following votes:

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

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

8. **The Bowline Apartments - Goldsby Road - Request to approve by final order. Project number MAJ22-000005 is being reviewed by Stephen Schoen. This is a major development application submitted by Nautilus Civil Engineers on behalf of Goldsby Florida LLC requesting to develop 162 apartments and a clubhouse on 9.80 +/- acres with a future land use of Commercial and a zoning district of General Commercial. The property is in District 4 and located from the intersection of U.S. Highway 98 and Goldsby Road, drive north on Goldsby Road for 0.6 miles, the project site is on the west side and is identified by parcel number(s) 25-2S-21-42000-007-0000. Staff found the project to be consistent with Land Development Code and Comprehensive Plan contingent upon conditions being met as stated in the Staff Report.**

Mr. Schoen briefly discussed the project and submitted the Staff Report as evidence. **(Exhibit 1)** He talked about the 2020 Developer Agreement which was executed as part of the Land Use Map Amendments process to General Commercial. The agreement limited the density of the project to 166 units and the current request is for 162. The applicant agreed to install additional improvements off-site such as a transit stop and intersection improvements. Mr. Schoen spoke about the stormwater plan for the project which exceeds the 100-year storm event. He reported there were 302 parking spaces provided with six ADA spaces. Ms. Shell said that the Staff Report states no recreation fee is due, when in fact that it is. She asked that it be included in the motion that the developer is responsible for paying the recreation fee.

Commissioner Glidewell questioned if the transit stop and bike path were included in the developer agreement. Mr. Schoen replied that they were and have also been made conditions of approval in the final order.

Mr. Curtis Smith, Nautilus Civil Engineers representing the applicant gave a brief history of the changes to the project. He discussed the workforce housing opportunity, stormwater system, parking lot rain garden, regional flood study, landscaping and amenities, parking and transportation, the Goldsby Road multi-use path, and regional connectivity.

Motion by Commissioner McCormick, second by Vice-Chairman Glidewell, to approve by final order The Bowline Apartments - Goldsby Road contingent upon conditions being met as stated in the Staff Report and the payment of the recreational fee by the developer.

Ms. Margaret Landry, Ms. Lori Echols, Mr. Bob Nichols, Ms. Morano, and Mr. Mike Pronko voiced concerns with the project citing issues with the density, units not being built on pilings, traffic, lack of attainable housing, and flooding.

Mr. John King spoke in support of the project and felt it would be beneficial to the area.

4-1 by the following votes:

Ayes: Vice-Chairman Glidewell, Commissioner McCormick,
Commissioner Nick, and Commissioner Anderson

Nays: Chairman Barker

(Exhibits: Staff Report-1) (Ex Parte: Barker, McCormick, Nick, Glidewell)

ADJOURN

There being no further discussion, the meeting was adjourned at 11:42 a.m.



Michael Barker, Chairman



Attest: Alex Alford, Clerk of Court and County Comptroller