



## MINUTES

### Board of County Commissioners

Thursday, September 22, 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:** Matthew Richardson, Assistant County Attorney, and Tony Cornman, Interim County Administrator

Clay Adkinson, Interim County Attorney attended via Zoom

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

#### CALL TO ORDER

Chairman Barker called the meeting to order.

#### LEGISLATIVE ITEMS

1. **Christian International LSA - Adoption Hearing. Request to approve by ordinance. Project number FLU21-000009 is being reviewed by Kristen Shell. This is a future land use amendment with a rezoning application submitted by Stone Architecture, LLC on behalf of Christian International and Wilford Hamon requesting to change the current future land use categories from Public Facilities and Institutional, Mixed Use, and Conservation Residential to Commercial and to change the current zoning categories from Institutional, Coastal Center Mixed Use, and Conservation Residential 2 units per 1 acre to General Commercial on 67.51 +/- acres. The properties are in District 5 and is located at 110 Prophets Parkway, Santa Rosa Beach, FL 32459 and is identified by parcel number(s) 01-3S-19-25000-004-0010, 01-3S-19-25000-004-0020, 01-3S-19-25000-004-0000, 01-3S-19-25000-002-0000, 01-3S-19-25000-002-0030, 01-3S-19-25000-002-0020, 01-3S-19-25000-002-0010, 36-2S-19-24000-009-0000, and 36-2S-19-24000-009-0010.**

Ms. Renee Bradley, Planning and Development briefly discussed the request and entered the Staff Report into the record.

Attorney Gary Shipman, Dunlap & Shipman representing the applicant was available for questions.

Motion by Vice-Chairman Glidewell, second by Commissioner Nick, to adopt **Ordinance 2022-14** approving Christian International LSA.

5-0 by the following votes:

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

2. **Bishop Landing Conceptual PUD - Request to approve by final order. Project number MAJ21-000030 is being reviewed by Kelly Schultz. This is an application submitted by Jenkins Engineering on behalf of BT Florida, LLC, requesting approval of the PUD Conceptual Master Plan for the Bishop Landing Planned Unit Development, a subdivision including 84 single-family homes, 103 townhomes, a community park, and a pavilion on 103.8 +/- acres with future land uses of Residential, Mixed Use, and Conservation Residential and zoning districts of Neighborhood Infill, Small Neighborhood, and Conservation Residential 2 units per 1 acre. The property is in District 5 and located on the east side of Bishop-Tolbert Road and 0.6 miles down S Church Street on the west side and identified by parcel number(s) 27-2S-20-33000-006-0000, 27-2S-20-33000-007-0000, 27-2S-20-33000-007-0060, 27-2S-20-33000-007-0061, 27-2S-20-33000-007-0062, 27-2S-20-33210-000-0390, 27-2S-20-33210-000-0400, 27-2S-20-33210-000-0401, 27-2S-20-33210-000-0402.**

Ms. Kelly Schultz, Planning Department briefly discussed the request and submitted the Staff Report into the record.

Mr. Jamie Eubanks, Jenkins Engineering representing the applicant introduced Attorney Deborah Ruiz, Jimmerson-Birr, P.A., and Mr. Adam Brock, BT Florida, LLC. Mr. Eubanks spoke about the public benefits of the project and stated the request for a PUD was to enable the three different zoning uses to be combined. Commissioner Anderson asked if there were two entrances to the project. Mr. Eubanks replied there were three entrances: one on Church Street (main entrance), and two on Bishop-Tolbert Road. Commissioner Anderson commented on the condition of Bishop-Tolbert Road and asked if the developer was planning to pave the road. Mr. Eubanks said the developer is proposing to bring the road up to county standards and pave the 3/4 mile road area. He talked about how the current materials on the road affect the mosquito control ditch and the bay. The paving would be done at the developer's expense. Commissioner Anderson asked if the exits on Bishop-Tolbert could be used as emergency exits. Mr. Eubanks said that they could. Further discussion was held regarding the traffic associated with the Bishop-Tolbert Road area and making those entrances emergency only.

Commissioner Glidewell asked if there were gates at all three entrances. Mr. Eubanks replied there were no gates proposed for the entrances, but gates or break-a-way balusters could be added to the emergency exit.

Commissioner McCormick expressed concern with the uncertainty of whether Bishop-Tolbert Road north of the powerlines was for public use. Mr. Eubanks said that Attorney Ruiz would address that issue and said that Attorney Steve Hall, Walton County Land Use Attorney said that the county has determined that the roadway is public. Commissioner Glidewell asked for staff from Public Works to address the issue and to

clarify if there was a deeded right-of-way. A brief discussion was held on whether Bishop-Tolbert Road was for public use and had county right-of-way. Mr. Adam Brock, applicant and developer talked about the roadway and stated that he has legal access to his property via Bishop-Tolbert Road. He said there are no deed restrictions regarding the roadway and the number of units that can be accessed. He stated that he would be willing to use those entrances as emergency ingress/egress only. He did not feel that the road issue should hold up or stop the project. Commissioner McCormick asked if Mr. Brock could make improvements on the whole road or only half of it. Mr. Brock replied that if the road is determined to be private then he would only be allowed to work on half of it and said he would work with the South Walton Mosquito Control District regarding the control ditch. The discussion continued on the road improvements and what would be implemented with the emergency accesses.

Commissioner Glidewell asked what Public Works' determination was about the right-of-way or if there was a survey that showed ownership. Attorney Ruiz, speaking on behalf of the applicant, talked about the roadway dedication, and stated that it would be the responsibility of the opposition to file a claim against the county. She said the historical documents show that this has been a dedicated public right-of-way which was accepted by resolution (1959-06). She indicated that all property owners would have known this acceptance through surveys and title insurance policies. Commissioner Anderson commented that the board does not like lawsuits against the county which is why the issue needs to be straightened out now. The discussion continued on the need to clarify the proper dedication of the roadway. Attorney Ruiz continued discussing the Santa Rosa Plat lot lines and roads. She stated that there have been no documents provided by the opposition to prove the roads are not county roads.

Commissioner McCormick asked if any documents superseded the original plat. Attorney Steve Hall, Interim Land Use Attorney said that in-depth research was done. He said the 2022 County Maintained Roads List includes a portion of Bishop-Tolbert Road as a publicly maintained road. The public dedication will be defended accordingly. He said that if the county accepts a portion of a roadway on a dedicated plat, then the entire grid is accepted. There are no current documents that abandon the right-of-way. The discussion continued on the public dedication of the roadway. Attorney Hall talked about the differences between publicly maintained roadways and dedicated public right-of-way. Commissioner Glidewell noted there were many platted areas in the county with dedicated public rights-of-way that have never been maintained, nor accepted, by the county. He felt this would have to be addressed. Attorney Hall said once the county has improved a section of that dedicated plat right-of-way, then it all becomes accepted; whether it is opened or improved. It has been accepted as far as the dedication of those roads as public rights-of-way. Attorney Ruiz said the roadways were dedicated and accepted by the county with the resolution. She said there is no evidence of abandonment. She continued discussing the document supporting the public dedication of Bishop-Tolbert Road.

Commissioner Glidewell asked that a Public Works representative address the road issue. Mr. Chance Powell, Public Works Engineer said that the road has been maintained to the north of the powerline easement. He said the county surveyor indicated that the entire length of Bishop-Tolbert Road was subject to a public easement/right-of-way either by patent deed easement or by the Santa Rosa Plantation

plat. The easement would have been 66 feet to the bay. Mr. Powell said that at some point, the development (Churchill Oaks Phase 1B) at the far north end probably platted over the northern portion of that road. He said that all the streets were conveyed either by section or half-section line. Per the old plats and government patent deeds, the roads were established with 66-foot rights-of-way or 33-foot easement on each side of the half-section line. Mr. Powell confirmed that Bishop-Tolbert Road south of the platted subdivision to U.S. Highway 98 is subject to a public easement.

Commissioner Anderson asked Attorney Hall since the county has maintained a portion of a road, would the entire road be subject to a public easement. Attorney Hall replied that the county maintenance of a part of the roadway shows the county's acceptance and dedication of the entire roadway. Attorney Richardson supported Attorney Hall's comments.

Commissioner Anderson expressed his preference for the entrances into the project from Bishop-Tolbert Road to be for emergency use only. He recommended that it be made a part of the land use agreement.

Commissioner Glidewell voiced concern with all the traffic on S. Church Street and asked if it would require turn lanes. Mr. Powell replied that there were developers in that area that are performing a signalization study for U.S. Highway 98. He talked about the publicly dedicated road that would run through the project from Church Street to Bishop-Tolbert Road. He expressed a need to improve Bishop-Tolbert Road and recommended those entrances not be for emergencies only.

A discussion was held regarding the improvements to Bishop-Tolbert Road and the effects opening the entrances would have. Attorney Hall reminded the board that this was a consideration of a conceptual PUD and that approval is not an approval of all the project details. The detailed PUD plan will have to go through a quasi-judicial process. Further discussion was held regarding the public benefits that would be included with this project and that the details comply with the conceptual plan. Commissioner Glidewell questioned if it could be made a condition of the conceptual approval that Public Works would have input on the public rights-of-way and facilities. Attorney Hall said that Public Works plays a huge part in the review of a major development application.

Mr. Eubanks said that a full design has been done on the project and will be presented to the board within the next couple of months. He discussed the additional public benefits and the plan to improve the quality of the bay through stormwater processing. He addressed density and compatibility. Mr. Eubanks talked about what the developer is planning to do to lessen the density of the project. The applicant is not asking for any variances and the project is compatible with the surrounding areas.

Commissioner Glidewell asked if the stormwater system will lessen the sediment build-up in the bayou. Mr. Eubanks replied that it would and briefly reviewed the system that would be used. Commissioner Glidewell asked if the system would help improve the oxygen levels of the bay. Mr. Eubanks said that it would. Commissioner Glidewell asked about the commercial element of the PUD. Mr. Eubanks said that it would be a low-intensity use and talked about the proposed wedding chapel and its limitations.

Commissioner Anderson recommended referencing the limitations for the wedding chapel size in the final order. Commissioner Glidewell asked about the parking for the wedding chapel. Mr. Eubanks said the parking would be at the trailhead leading to the chapel. Attorney Hall noted that the wedding chapel would have limited use due to the limited amount of available parking. This will be addressed in the detailed PUD approval. Mr. Eubanks said the limitations would be included in the final order.

Motion by Commissioner McCormick, second by Commissioner Anderson, to approve by final order the Bishop Landing Conceptual PUD.

Attorney Terrill Arline, representing Ms. Teresa Tolbert and Mr. Joe Strause spoke in opposition to the request being presented as legislative.

Chairman Barker asked if the board would allow Attorney Arline five minutes to present his comments. The board concurred.

Attorney Arline continued presenting his clients' opposition to the project and the use of Bishop-Tolbert Road as a public roadway. He requested denial of the conceptual PUD. He noted that his clients and Mr. Dan Garlick, an environmental consultant would be speaking on the issue. He urged the board not to approve the conceptual PUD until the road issue is resolved. Commissioner Glidewell noted that Bishop-Tolbert Road has been county-maintained and asked Attorney Arline what his position was on the maintenance. Attorney Arline said that the road has not been dedicated nor accepted. He disagreed that the county had a right to all of the road due to the maintenance of a part of it. He said the maintenance claim was 20 feet and ends at the powerline easement. The roadway is not wide enough to support a connector from Church Street.

Ms. Teresa Tolbert, Mr. Joe Strouse, Mr. Dan Garlick, Ms. Kyla Jacobsen, Mr. Steve Young, Mr. Brant Marshall, Mr. Ron Townsend, Mr. Tim Asaro, Mr. Ruben Perdomo, and Ms. Deborah Townsend spoke in opposition to the conceptual PUD. Concerns were raised regarding traffic safety, stormwater runoff into the bay, clear-cutting, incompatibility, and ownership of Bishop-Tolbert Road.

Attorney Trey Goodwin, Goodwin Law Group-representing Jilene and Shannon Parmeley, Ashley Cappleman and Jared Barley, and Megan and Eric Anderson submitted a document supporting his clients' opposition to aspects of the project. The board concurred to allow Attorney Goodwin five minutes to present his comments. Attorney Goodwin stated that the plan was not a bad concept, but his clients are requesting additional limitations be placed on the project. He talked about his clients' concerns about the effects the project would have on the bayou. Attorney Goodwin asked that the waterfront lots be limited to single-family detached, the shoreline protection zone is increased to 100 feet, and reduce the number of dwellings in the project. Commissioner Anderson asked if Attorney Goodwin's clients had 100 feet of waterfront property. Attorney Goodwin stated that none of their properties had less than 100 feet of water frontage and talked about their concern for the number of docks that may be constructed.

Commissioner Glidewell asked what the Land Development Code requirements were for water setbacks on bayous. Ms. Bradley replied 50 feet.

Ms. Joyce Lanning, Ms. Ashley Cappleman, Mr. Eric Anderson, and Ms. Jilene Parmeley spoke in opposition to the conceptual PUD. Concerns were raised regarding the environmental effects on the bayou, waterfront setbacks, clear-cutting, noise, and light pollution.

Ms. Kristen Shell, Planning and Development Manager recommended that the applicant apply for a deviation to remove the commercial requirement so that the wedding venue could be eliminated.

The public comment portion was closed, and the applicant was offered the opportunity to rebut.

Mr. Eubanks addressed the concerns that were raised during public comment. He said non-native fill will not be used, all waterfront homes are single-family detached, the waterfront lots vary in size, and less than half of the allowable density for the project is being used.

Mr. Brock addressed the wedding venue concerns and felt that it was less intrusive than a restaurant. He would support requesting a deviation to remove the commercial. He talked about what will be done to preserve wetland areas. Mr. Brock said if the conceptual PUD is not approved, he would have to develop the properties according to the three zoning requirements which would increase the density. He said dock construction would be decided by the individual lot owners. He is only asking for one dock permit which will be for a viewing dock for the community's use. There will be no launching points in the subdivision. The clubhouse would be 100-150 feet from the water. He encouraged the board to move forward. Mr. Brock talked about his and his partner's involvement in the community. He talked about the accesses from Bishop-Tolbert Road and said that he would develop it according to the board's direction.

Commissioner Glidewell asked what the maximum density would be allowed on the project site. Ms. Bradley replied 370 units.

Commissioner McCormick asked if the board had the authority to remove the commercial element. Ms. Bradley said the applicant can request a deviation as a part of the PUD and the board could allow it. Ms. Shell stated that this is not an area of transition and that the commercial requirement is a development condition. Therefore, the use will not be a deviated use of the density and intensity.

Commissioner Nick asked how many community meetings had been held and asked if an additional community meeting could be held. Mr. Brock said he had met with the South Walton Community Council, sent out mailings, the required community meeting, and spent two days on the site to speak to anyone regarding the community's concerns. He said he had been in constant communication with Ms. Lanning and Ms. Parmeley. Mr. Brock said that he would hold another meeting at the direction of the board but did not feel that it would affect the community's desire to see the property stay as it is. He talked about the fiscal effects lessening the density of the project would have due to the unstable market.

Commissioner McCormick questioned how to properly amend his motion to include the deviation. Attorney Adkinson said the appropriate step would be to confirm that the applicant is requesting the deviation on the record. Mr. Brock formally requested a deviation to eliminate the commercial requirement from the PUD. Attorney Adkinson advised that the motion includes accepting the conceptual PUD with the deviation as requested. A brief discussion was held regarding the formality of the deviation request.

Motion by Commissioner McCormick, second by Commissioner Anderson, to restate the motion to approve by final order the Bishop Landing Conceptual PUD with the deviation of the commercial element as requested by the applicant.

5-0 by the following votes:

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

The meeting briefly recessed at 11:45 a.m. and reconvened at 11:53 p.m.

3. **Bishop Landing PUD Overlay Ordinance - Request to approve by ordinance. Project number MAJ21-000030 is being reviewed by Kelly Schultz. This is an application submitted by Jenkins Engineering on behalf of BT Florida, LLC, requesting approval of the PUD Overlay Ordinance for the Conceptual Master Plan for the Bishop Landing Planned Unit Development, a subdivision including 84 single-family homes, 103 townhomes, a community park, and pavilion on 103.8 +/- acres with future land uses of Residential, Mixed Use, and Conservation Residential and zoning districts of Neighborhood Infill, Small Neighborhood, and Conservation Residential 2 units per 1 acre. The property is in District 5 and located on the east side of Bishop Tolbert Road and 0.6 miles down S Church Street on the west side and identified by parcel number(s) 27-2S-20-33000-006-0000, 27-2S-20-33000-007-0000, 27-2S-20-33000-007-0060, 27-2S-20-33000-007-0061, 27-2S-20-33000-007-0062, 27-2S-20-33210-000-0390, 27-2S-20-33210-000-0400, 27-2S-20-33210-000-0401, 27-2S-20-33210-000-0402.**

Ms. Bradley briefly discussed the ordinance request and submitted the Staff Report into the record.

Motion by Commissioner Anderson, second by Commissioner Nick, to adopt **Ordinance 2022-15** approving the Bishop Landing PUD Overlay.

Attorney Goodwin requested to add a limitation to restrict the waterfront parcels to single-family detached residents. His clients were concerned about the clubhouse and dock at the end of the bayou. Mr. Eubanks said that the waterfront parcels are all single-family detached except for the clubhouse. Commissioner Glidewell asked what would be developed in the six unknown areas. Mr. Brock said the concept plan listed eight community amenities such as a clubhouse, pickleball courts, neighborhood gardens, a dog park, a pavilion, nature trails, and a nature pavilion. The deviation would eliminate the pavilion. Attorney Hall said that the ordinance incorporates the conceptual plan into

the LDC and to make any changes to it at this point would require an amendment to the approved conceptual plan.

Mr. Jared Barley addressed the comments by Mr. Brock regarding the waterfront lots.

5-0 by the following votes:

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

#### **QUASI-JUDICIAL ITEMS**

The Quasi-Judicial hearing was called to order and Attorney Richardson administered the oath to those intending to speak.

4. **Sanctuary Apartments Phase III – Request to continue to the November 22, 2022, BCC meeting. 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 July 28, 2022, BCC meeting.) (Exhibit 1: Staff Memo)**

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

Ms. Bradley stated that the applicant has requested to table the project and is present to explain his request to the board.

Motion by Commissioner Nick, second by Commissioner Anderson, to table Sanctuary Apartments Phase III.

There were no public comments.

4-0-1 by the following votes:

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

Abstain: Commissioner McCormick

**(Exhibit: Staff Memo-1) (Ex Parte: None) (Form 8B: McCormick)**

5. **Coastal Grove Phase II Replat - Request to approve by final plat. Project number PLA22-000010 is being reviewed by Bob Baronti. This is a plat application consistent with previously approved DO # LTM21-000053 and is submitted by**



**Baker Engineers on behalf of Virginia Wentworth LLC requesting to plat 4 single family lots on 0.14 +/- acres with a future land use of Mixed Use and a zoning district of Village Mixed Use. The property is in District 5 and located at the corner of Penny Lane and Abbey Road and is identified by parcel number(s) 02-3S-20-34160-000-0260, and 02-3S-20-34610-000-0100. The 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. Bob Baronti, Planning and Development briefly discussed the request and asked to submit the Staff Report into the record. **(Exhibit 1: Staff Report)**

Motion by Vice-Chairman Glidewell, second by Commissioner Nick, to approve by final plat the Coastal Grove Phase II Replat contingent upon conditions being met as stated in the Staff Report.

Commissioner McCormick asked if there would be any issues with the setbacks being met on the 0.14 +/- acre lot. Mr. Baronti said the setbacks would be met.

There were no public comments.

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. **Club Drive Lot 3326 Replat - Request to approve by final plat. Project number PLA21-000039 is being reviewed by Bob Baronti. This is a plat application consistent with previously approved DO# MIN22-000021 and is submitted by Emerald Coast Associates on behalf of Lewis and Jennifer Renfro requesting to replat Lot 3326 of Club Drive Phase IV on 0.84 +/- acres with a future land use of Mixed Use and a zoning district of Coastal Center. The property is in District 4 and located at 3326 Club Drive, Miramar Beach, FL 32550, and identified by parcel number(s) 23-2S-21-42440-000-3326. The 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. Baronti briefly discussed the request and asked that the Staff Report be submitted into the record. **(Exhibit 1: Staff Report)**

Motion by Commissioner Nick, second by Vice-Chairman Glidewell, to approve by final plat the Club Drive Lot 3326 Replat contingent upon conditions being met as stated in the Staff Report.

There were no public comments.

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)**

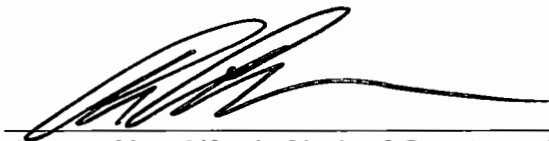
**ADJOURN**

There being no further discussion, the meeting was adjourned at 12:05 p.m.



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Michael Barker, Chairman



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Attest: Alex Alford, Clerk of Courts and County Comptroller