

JULY 26, 2018 LAND USE HEARING

The Board of County Commissioners, Walton County, Florida held a Regular Meeting on July 26, 2018 at 9:00 a.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The following board members were present: Commissioner W. N. (Bill) Chapman, Chairman; Commissioner Tony Anderson, Vice-Chairman; and Commissioner Sara Comander. Mr. Stan Sunday, Deputy County Administrator; and Attorney Sidney Noyes, County Attorney; were also present.

Chairman Chapman called the meeting to order and announced Commissioners Jones and Nipper would not be present.

Chairman Chapman announced that the Amendment to the Essentially Built-out Agreement for the Town of Seaside Development of Regional Impact (DRI) would be presented last.

Motion by Commissioner Comander, second by Commissioner Anderson, to continue the following projects: Blue Mountain Beach Industrial Park Phase II Re-plat, Churchhill Oaks Phase I Re-plat, and Beachside Estates Plat to the August 23, 2018 Land Use Hearing as requested by Ms. Kristen Shell, Planning and Development Services-Planning Manager. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye. **(Beachside Estates Ex Parte: Comander)**

The Quasi-Judicial Hearing was called to order and Attorney Noyes administered the oath to those intending to speak. There were no objections to the advertisements. Attorney Noyes instructed the board to submit any Ex Parte communications to the clerk.

Ms. Shell presented Stonegate Subdivision Plat, a request to approve by Final Plat a plat application submitted by Innerlight Engineering Corporation on behalf of D.R. Horton, requesting approval to plat 69 single-family lots on +/- 19.63 with a future land use of Low Density

Residential. The project is located on the west side of West Hewett Road, north of Sierra Court and south of Foxmeyer Drive (Parcel Nos.: 30-2S-20-33230-000-0400 and 30-2S-20-33230-000-0410). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Staff Report-1)**

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

There were no public comments.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Stonegate Subdivision Plat contingent upon conditions being met as stated in the Staff Report. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye. **(Exhibits: Staff Report 1) (Ex Parte: None)**

Mr. Bob Baronti, Planning and Development Services-Planner, presented The Blake at Miramar Beach f/k/a Miramar Beach Senior Living, a request to approve by Final Order a Major Development Order application submitted by Duplantis Design Group, PC, on behalf of First Citizens Bank & Trust Company requesting approval to develop a 115,000 square foot assisted living and memory care facility with associated improvements on +/- 10.61 acres with a future land use of Coastal Center Mixed Use. The Project is located at the northeast corner of Ponce De Leon Street and U.S. Highway 98 West (Parcel No.: 28-2S-21-42000-018-0050). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Staff Report-1)**

Mr. Michael Fitz, Arrive Architecture Group-project architect, briefly discussed the project and was available for questioning.

Chairman Chapman addressed the agreement in which a 50 foot right-of-way would be dedicated to the county on Ponce de Leon Street and asked when construction would occur. Mr. Vincent Orlando, Duplantis Design Group, stated that he had spoken with Mr. Tim Brown, Planning and Development Services-Senior Planner, and that the right-of-way would be dedicated before a Certificate of Occupancy was issued. The road would be constructed at a later date.

There were no public comments.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve The Blake at Miramar Beach contingent upon conditions being met as stated in the Staff Report. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye. **(Exhibits: Staff Report 1) (Ex Parte: None)**

Mr. Baronti presented Palm Court Subdivision, a request to approve by Final Order a Major Development Order application submitted by O'Connell and Associates Consulting Engineers, LLC, on behalf of Sapp Investments, requesting approval to develop a five-lot single-family subdivision on +/- 1.23 acres with a future land use of Neighborhood Infill. The project is located on Walton Magnolia Lane (Parcel No.: 36-3S-18-16100-000-2470). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Staff Report-1)**

Mr. John Nash, McConnell and Associations representing the applicant, briefly discussed the project, the stormwater issues, and discussed the two variance requests which are: 1. All stormwater to be located in the common areas and 2. Stormwater located under buildings. He said it is proposed that all the homes will be built on piers 14 feet above grade. Parking will be constructed under the buildings on pervious concrete to allow for absorption and percolation. A permit from the Northwest Florida Water Management District has been issued. He said the project

proposes to remove a specific amount of soil from the site to allow the stormwater to pond on site and not overflow to surrounding neighborhoods. Chairman Chapman questioned if any of the structures would be built below the Coastal Construction Control Line. Mr. Nash responded that portions of the three lots on the south side of the property are below the CCCL and there would be construction in those areas. He stated the Coastal Protection Zone is south of the area containing construction.

There were no public comments.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Palm Court Subdivision contingent upon conditions being met as stated in the Staff Report. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye. **(Exhibits: Staff Report 1) (Ex Parte: None)**

Mr. Baronti presented Forest View Village Apartments, a request to approve by Final Order a Major Development Order application submitted by Innerlight Engineering Corporation on behalf of Cypressbrook Company, requesting approval to develop a 283 unit apartment complex on +/- 13.10 acres with a future land use of General Commercial. The project is located on the east side of M. C. Davis Boulevard, north of U.S. Highway 98 East (Parcel No.: 05-3S-18-16000-001-0021). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Staff Report-1)**

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

Chairman Chapman asked what the year event was for stormwater. Mr. Smith stated 25 years and that a pop-off conveyance is included to alleviate larger storm events.

There were no public comments.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve the Forest View Village Apartments contingent upon conditions being met as stated in the Staff Report. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye. **(Exhibits: Staff Report 1) (Ex Parte: None)**

Mr. Baronti presented Santa Rosa Retreat Plat, a request to approve by Final Plat a plat application submitted by Gustin, Cothorn & Tucker, Inc. on behalf of Laird Point Investors, LLC, requesting approval to plat a 10 unit single-family subdivision on +/- 2.50 acres. The project is located off C.R. 393, east onto Seacroft Drive, approximately 0.3 miles, the project is on the south side of the road (Parcel No.: 02-3S-20-34160-000-0130). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Staff Report-1)**

Chairman Chapman asked how the project would be accessed. Mr. Joshua Wood, Gustin, Cothorn & Tucker-representing the applicant, replied through Michaela Lane to Maxwell Avenue.

There were no public comments.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Santa Rosa Retreat Plat contingent upon conditions being met as stated in the Staff Report. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye. **(Exhibits: Staff Report 1) (Ex Parte: None)**

Ms. Rene Bradley, Planning and Development Services-Senior Planner, presented Seaside School Expansion, a request to approve by Final Order a Major Development Order applicant submitted by Emerald Coast Associates, Inc. on behalf of Seaside School Foundation, Inc. requesting approval to construct 14,255 square feet of school buildings on +/- 2.09 acres with a

future land use of Residential Preservation (Civic per the Town of Seaside Master Plan). The project is located at the intersection of West Ruskin Street and Smolian Circle in Seaside (Parcel Nos.: 15-3S-19-25000-002-0000, 15-3S-19-25000-002-0180, 15-3S-19-25000-002-0240, and 15-3S-19-25000-002-0260). She stated that the Seaside Town Council has voiced concern with the height and potential noise of the air conditioning tower. The Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Staff Report: 1; Staff-Smolker Letter: 2)**

Mr. Dean Burgis, Emerald Coast Associates representing the applicant, said the project will round out the development of the Seaside School and the applicant agrees to all the conditions as stated in the staff report. Commissioner Anderson asked if the school will work out the air conditioning issues with the surrounding residents. Mr. Burgis discussed the concerns raised and said the school has agreed to install a more conventional air conditioning system rather than a cooling tower.

There were no public comments.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve the Seaside School Expansion contingent upon conditions being met as stated in the Staff Report. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye. **(Exhibits: Staff Report 1)(Ex Parte: Anderson, Comander)**

The meeting briefly recessed at 9:29 a.m. and reconvened at 9:35 a.m.

Attorney Noyes briefly explained the process which will be followed for the presentation of the Amendment to the Essentially Built-out Agreement for the Town of Seaside Development of Regional Impact (DRI).

Ms. Bradley presented the Second Amendment to the Essentially Built-out Agreement for the Town of Seaside Development of Regional Impact (DRI). This is a Major Development Order application submitted by Hopping, Green & Sams, P.A. on behalf of Seaside Community Development Corporation (SCDC) and associated entities. If approved the amendment would incorporate a land use equivalency matrix on +/- 21.86 acres with a future land use of Residential Preservation. The Town of Seaside is located approximately one-half mile from the intersection of C.R. 30A and C.R. 395 (Parcel Nos.: Stated in the Staff Report.) She clarified for the record that part of the agreement is not the ownership map as addressed by public comment; the staff maps are not totally correct in that the right-of-way is not completely owned by SCDC; and each development proposal related to this request will go through engineering review. Staff found the request meets the requirements of F.S. 380.06(4)(d) contingent upon conditions being met as stated in the Staff Report. **(Staff Report: 1; Staff-Additional Documentation: 2)**

Attorney Gary Hunter, Hopping, Green & Sams-representing the applicant, briefly discussed the history of the Town of Seaside DRI, the 2001 DRI amendment, the 2001 Essentially Built-out Agreement, and the 2018 State Legislative changes to DRIs. He discussed the Master Plan and stated the amendment does not change the Master Plan. He spoke about the Equivalency Matrix and addressed how it allows the entitlement uses to be exchanged for another use that is allowable in the DRI by-laws. He detailed how the developer addressed the community's concerns regarding traffic and parking. He said there is no current plan for development and that the request is only to put the Equivalency Matrix in place.

Mr. Ryan Wetherell, Kimley Horn and Associates-representing the applicant, discussed the remaining entitlements, the transportation components, and the Equivalency Matrix. The matrix

will allow the entitlements to be moved around within the map. He reported there will be no increases in entitlements and the land use will not be changed.

Discussion was held regarding parking related issues which may occur with the change in entitlement locations and the current congestion occurring in the area. Also discussed was the use of shuttles to alleviate traffic issues and the requirement of development order review prior to construction on the entitlement lots. Attorney Hunter clarified that there was no proposed construction at this time and discussed ways parking could be addressed at the time of Development Order review.

Attorney David Smolker, representing the Seaside Town Council, spoke in opposition to the request and stated the impact study is flawed. He objected to the accuracy of the maps submitted and stated Seaside Avenue and W. Ruskin Street should not be included with the application and as well as the inclusion of the parcels in the northeast corner of the Town of Seaside. Ms. Bradley responded that the properties in the northeast corner have been addressed and are not included. She reported portions of Ruskin Street and Seaside Avenue are owned by SCDC. Attorney Smolker asked that the application be clarified that only the road portions owned by SCDC would be affected.

Attorney Smolker voiced concern whether or not the board had the authority to act upon the application based upon the repealing of F.S. 380.06 (15)(g) on April 6, 2018. He said if it is considered, it should be done so based on the Developers Agreement Statute F.S. 163. He stated it is his opinion that there is no legal authority to approve the applicant's request. Attorney Smolker addressed comments made by Attorney Hunter regarding the vestment of the entitlements, the amendment of the Development Order by the 2001 NOPC, and discussed the traffic count within Seaside since the 2001 NOPC. **(Exhibit 3: Master and Development Plans)**

Mr. Bill Oliver, professional Traffic Engineer-representing the Seaside Town Council, discussed the negative effects the request would have on the traffic and parking in the area.

The meeting briefly recessed at 10:58 a.m. and reconvened at 11:08 a.m.

Chairman Chapman announced if the remaining presentations have not been completed by 12:00 p.m., the meeting would recess for lunch. Discussion ensued on the remaining items to be presented.

Attorney Smolker briefly summed up his clients' opposition to the amendment. He encouraged the board to deny the request and requested that traffic and parking solutions be found.

Ms. Helen Gordon and Ms. Cissy Cannaly, Seaside Town Council Member; spoke in opposition to the amendment citing increased parking issues and safety concerns due to increased traffic.

Ms. Kelly Anderson, representing Mr. Dave Rauschkolb; and Mr. Rick Helfand, Chairman of Seaside School Foundation; spoke in support of the amendment.

Attorney Hunter questioned Mr. Oliver about his prior work on other DRIs as a Transportation Planner.

Mr. Wetherell readdressed the parking and traffic elements of the Equivalency Matrix and the future of traffic.

Attorney Hunter briefly summed up his opinion that the amendment is consistent with the Comprehensive Plan and LDC. He stated the request will not change any maps, the parcel external to the DRI was being identified because it was owned by Mr. Davis, but is not included. He addressed Attorney Smolker's comments and stated the board does have the authority to approve the amendment. He stated the matrix is needed for future demands and used the school expansion as an example. He said the county engineer has reviewed the matrix and has approved.

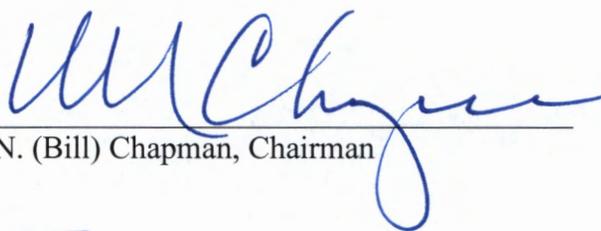
Each of the commissioners briefly discussed how their decision would be based on whether or not the matrix meets the requirements of the Comprehensive Plan, Land Development Code, and Florida Statute. They concurred that traffic is an increasing issue and clarified that any project to be developed in the area would be required to come before the board for approval.

Commissioner Anderson questioned Attorney Noyes whether the board had the authority to amend the agreement. Attorney Noyes stated yes.

Chairman Chapman requested more information regarding parking, solid waste, stormwater, and trip generation be included in the matrix.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Second Amendment to the Essentially Built-out agreement for the Town of Seaside DRI contingent upon conditions being met as stated in the Staff Report. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye. **(Exhibits: Staff Report-1; Staff: Additional Documentation-2; Respondent: Master and Development Plans-3) (Ex Parte: Chapman, Anderson, Comander)**

There being no further items to present, the meeting was adjourned at 11:55 a.m.

Approved: 
W. N. (Bill) Chapman, Chairman

Attest: 
Alex Alford, Clerk of Courts and County Comptroller