

MAY 24, 2018-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida held a Land Use Hearing on May 24, 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; Commissioner Sara Comander; Commissioner Cecilia Jones; and Commissioner Melanie Nipper. Mr. Larry Jones, County Administrator; and Attorney Heather Christman, Assistant County Attorney; were also present.

Chairman Chapman called the meeting to order.

Motion by Commissioner Comander, second by Commissioner Jones, to open the Public Hearing. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Ms. Kristen Shell, Planning Manager, presented for transmittal to the Department of Economic Opportunity (DEO) the Comprehensive Plan Amendments Part 3 ordinance substantially amending the Walton County Comprehensive Plan to amend the Future Land Use Map consistent with the implementation of county-wide zoning standards and amending the Solid Waste Sub-Element of the Comprehensive Plan to substantively revise outdated objectives and policies. Ms. Shell stated separate motions would be needed on the Future Land Use Map and the Solid Waste Sub-Element. She reported that the Future Land Use Map has had amendments since the first transmittal and requested approval to transmit as amended.

Commissioner Nipper questioned if there had been changes to the policies regarding deep injection wells and related issues. Ms. Shell replied there were not.

There was no public comment.

Motion by Commissioner Jones, second by Commissioner Nipper, to close the Public Hearing. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Motion by Commissioner Jones, second by Commissioner Nipper, to transmit to DEO the Solid Waste Sub-Element of the Comprehensive Plan Amendments Part 3. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Motion by Commissioner Comander, second by Commissioner Nipper, to open the Public Hearing to consider the Comprehensive Plan Amendment Part 3-Future Land Use Map consistent with the implementation of county-wide zoning standards. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Ms. Shell briefly discussed the Future Land Use Map which follows the zoning implementation. She requested approval to transmit with amendments to DEO.

Mr. Bill Fletcher questioned if the amendments were the results of work performed by the Matrix Group. Mr. Carpenter stated that the amendments being presented are based on recommendations by the Matrix.

Motion by Commissioner Comander, second by Commissioner Nipper, to close the Public Hearing. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper

Motion by Commissioner Comander, second by Commissioner Nipper, to adopt for transmittal with amendments to DEO the Comprehensive Plan Amendment Part 3-Future Land Use Map consistent with the implementation of county-wide zoning standards. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Motion by Commissioner Comander, second by Commissioner Nipper, to open the Public Hearing. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Ms. Shell presented Land Development Code Amendments Part 1 for first reading. This is an ordinance substantively amending Chapter 4, Resource Protection Standards, of the Walton County Land Development Code. The proposed amendments include changes to create consistency with the proposed Comprehensive Plan; consolidate similar regulations and requirements or reformatting; create a wetland and natural community restoration density bonus for large scale Planned Unit Developments (PUD); create a maintenance permit process for preserved natural areas; and other changes. She submitted a summary sheet of the revisions for review. She stated there was one change recommended by the Planning Commission to Section 4.04.01 Wellhead Protection Areas which would remove the reference to Aquifer Recharge Areas. She recommended leaving the language referencing the areas and state it would create consistency with the Comprehensive Plan and Florida Statutes.

Ms. Shell briefly discussed Section 4.06.00 which establishes a maintenance program for the preservation/conservation areas such as natural vegetative communities and the Coastal Dune Lake Protection Zone. Chairman Chapman asked if it only affect those specifically designed areas. Ms. Shell discussed the areas this policy would affect and stated it could extend to shoreline buffers and wetland protection zones in the future.

Ms. Shell discussed a change to the language which would encourage developers to put the preservation area in a common area and not on an individual lot.

Ms. Shell discussed land clearing permits and stated that those permits are currently being issued only for the Coastal Dune Lake Protection Zone. There have been permits issued in other areas of the county at the request of the land owner to insure the code is being followed. She said the proposal is to codify the current practice and to limit permits in the south Walton County active Development Orders and/or building permits. Chairman Chapman asked how this proposal would

affect north Walton County. Ms. Shell stated it would not be required for agricultural zones; only for developments. Chairman Chapman voiced concern that the policy is too restrictive for single family residents which would be required to obtain a permit. Ms. Shell stated that those permits are currently included with the building permit and that the northern residents should see no change.

Commissioner Anderson questioned if there was a fine or punishment for developers who clear property without a permit. Ms. Shell stated there are currently no fines or punishments in place. She said currently the land clearing permit is not codified which makes it difficult for Code Enforcement to take action.

Discussion continued on the areas in which the permits would be required, watershed maintenance management, and who would be responsible for obtaining a permit. Mr. Carpenter reported there have been protective vegetation requirements throughout the county since 1996. The requirements are less restrictive in the north than in the south portion of the county.

Mr. Bob Brooke commended the Planning Department for their work on the Economic Development Corridor Plan. Chairman Chapman requested Mr. Brooke present his discussion when the issue was presented.

Commissioner Nipper asked if Section 4.01.03 (B)(2) would require the single family resident to perform a wetland delineation. Mr. Carpenter stated that is currently being done. Ms. Shell stated there is more flexibility in the wetland protection zone.

Motion by Commissioner Comander, second by Commissioner Jones, to close the Public Hearing. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Motion by Commissioner Comander, second by Commissioner Jones, to move forward to second reading the Land Development Code Amendments Part 1 to be held at the Walton County

Courthouse Annex in Santa Rosa Beach, Florida on June 12, 2018 at 5:00 p.m. or soon thereafter, Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Chairman Chapman called to order the workshop to discuss the U.S. 331 Economic Development Corridor Plan.

Mr. Carpenter stated this is a required workshop on the U.S. 331 Economic Development Corridor Plan which is being funded by a grant from the Florida Department of Economic Opportunity (DEO).

Ms. Shell announced this was the first of two workshops which are required to be held as part of the grant agreement with DEO. She stated this is a proactive plan which will aid in future growth, include corridor preservation, and a build-out analysis of the study within the Tax Increment Funding (TIF) district. She discussed the Comprehensive Plan and Land Development Code update project, the Activity Center Concept, land use recommendations, economic development recommendations, and corridor preservation. Ms. Shell stated a recommendation within the Activity Center Concept would change the TIF to exclude the Eglin area and include areas which would be more usable.

Mr. Larry Jones, County Administrator, briefly discussed how the TIF areas were divided.

Ms. Shell requested input on the following recommendations: the removal of barriers to the desired development pattern and to facilitate land use changes. She said there were three options to facilitate the land use changes and stated that the Planning Department staff and The Matrix recommended to designate both of the Activity Centers as Special Area Plan on the Future Land Use Map. This would eliminate all State level review for land use changes. The county could also sponsor re-zonings which would match the vision of the plan. Chairman Chapman voiced support in making it as simple as possible to allow the individuals to make the changes.

Ms. Shell reviewed the Economic Development recommendations which include fast track permitting, elimination of State level review of land changes, aesthetic consideration south of Owls Head, and the creation of greenway/trail systems, bike/pedestrian facilities, parks/recreational facilities, and community facilities through the county's Capital Improvements Program and Grant Acquisition Program.

Commissioner Comander asked if the fast tracking would give the public opportunity to voice an opinion. Ms. Shell stated that public would have the ability to voice their opinions, but not during the development order stage.

A brief discussion was held in regards to the consideration of aesthetics, the need for service roads to lessen curb cuts, and the positive effects currently being seen in the area.

Mr. Carpenter discussed the request by Okaloosa County for a \$64 million by pass road around State Road 85 coming out of Crestview. Staff is attempting to prevent this from happening in Walton County; this is the reason for this plan.

Commissioner Nipper questioned if staff had been in contact with Eglin AFB. Ms. Shell stated they had.

Ms. Shell briefly discussed the remaining economic development recommendations and the corridor preservation.

Mr. Jack Kiger, Eglin AFB Community Planner, thanked the Planning Department for including Eglin in the initiative. He discussed areas Eglin would like addressed and asked that the plan be compatible with theirs.

Mr. Bob Brooke commended the Planning Department on their efficiency with the Economic Development Corridor Plan. He suggested communicating with Eglin AFB to enlist

their assistance with the economic development of Walton County as they have with Okaloosa County.

Ms. Leigh Moore voiced support of the corridor plan.

The meeting recessed at 10:06 a.m. reconvened at 10:18 a.m.

The Quasi-Judicial Hearing was called to order and Attorney Christman 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.

Motion by Commissioner Jones, second by Commissioner Anderson, to continue Seaside Post Office Plat to June 25, 2018 as requested by Mr. Carpenter. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye. **(Exhibits: Staff Memo-1)** The continuance will allow for final completion of infrastructure and a final inspection.

Motion by Commissioner Anderson, second by Commissioner Nipper, to continue Stonegate Subdivision Plat to June 25, 2018 as requested by Mr. Carpenter. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye. **(Exhibits: Staff Memo-1)** The continuance request is due to outstanding issues with Regional Utilities.

Ms. Rene Bradly, Planning and Development-Senior Planner, presented the Dollar General, a request to approve by Final Order a Major Development Order application submitted by Bell Engineering Services, LLC, on behalf of Teramore Development, LLC requesting approval to develop a 9,182 square foot commercial building on +/- 1.88 acres with a future land use of General Agriculture. The project is located on the southeast corner of S.R. 83 and C.R. 1883 (Parcel No.: 02-3N-19-19000-009-0000). 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)**

There were no comments from the applicant nor the public.

Motion by Commissioner Jones, second by Commissioner Anderson, to approve the Dollar General upon conditions being met as stated in the Staff Report. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye. **(Exhibits: Staff Report 1) (Ex Parte: None)**

Ms. Bradley presented Verizon Wireless Santa Rosa Relo, a request to approve by Final Order a Major Development Order application submitted by Bob Chopra, Inc., on behalf of Verizon Wireless and Florida Community Utilities, requesting approval for construction of a new 150' cell tower on a 7,827 square foot leased area within a +/- 2.50 acre parcel with a future land use of public Facilities. The project is located at 20 Sea Croft Drive (Parcel No.: 02-3S-20-34000-02-0021). 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. **(Exhibit 1: Staff Report)**

Mr. Bob Chopra, representing Verizon Wireless, briefly discussed the benefit of the project. Commissioner Nipper asked if the tower would only serve Verizon. Mr. Chopra stated no.

Mr. Rob Jordan reported he had been concerned with the distance of the tower from his recently purchased property; however, he has spoken with Mr. Chopra and his concerns have been satisfied.

Motion by Commissioner Comander, second by Commissioner Nipper, to approve the Verizon Wireless Santa Rosa Relo upon conditions being met as stated in the Staff Report. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye. **(Exhibits: Staff Report-1) (Ex Parte: None)**

Mr. Tim Brown, Planning and Development-Senior Planner, presented Alys Beach Lot PP2 and PP3 Re-plat, a request to approve by Final Plat, a Minor Plat supplication submitted by Innerlight Engineering Corporation on behalf of Charles Michael Adams, requesting approval to re-plat Lots 2 and 3 in Block PP of the Alys Beach PUD on +/- 0.114 acres with a future land use of Traditional Neighborhood Development. The project is located on the west side of Kings Castle Court and south of C.R. 30A (Parcel No.: 27-3S-18-16420-0PP-0020 and 27-3S-18-16420-0PP-0030). 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)**

There were no comments from the applicant nor the public.

Motion by Commissioner Anderson, second by Commissioner Jones, to approve the Alys Beach Lot PP2 and PP3 Re-plat upon conditions being met as stated in the Staff Report. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye. **(Exhibits: Staff Report-1) (Ex Parte: None)**

Mr. Brown presented Peach Creek Phase 5 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 develop 53 single family lots on +/- 18.42 acres with a future land use of Conservation Residential 2:1. The project is located east of Old Ferry Road and south of Coochee Road (Parcel No.: 36-2S-19-24000-008-0000). 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 reported he was informed at a recent community meeting that the Peach Creek Subdivision home owners had been advised a secondary access road would be located

off McKenney Road. However, the plat does not include the second access. He asked if the secondary access had been discussed with planning staff. Mr. Brown stated it had not been mentioned and stated that based on current fire code it exceeds the number of lots for one access point. Chairman Chapman noted that when the project was approved with one access in 2005 the current fire code was not applicable. He asked if the board had the ability to require the second access. Mr. Carpenter stated that the PUD and the Development Order was approved prior to the fire code requirement and there is no opportunity to provide the requirement of an additional access at this stage.

Discussion continued on the need for a second access and whether or not it was allowable as a condition of the approval.

Mr. Jim Martelli, Innerlight Engineering-representing the applicant, stated the plan was approved without the requirement and requested approval.

Commissioner Nipper noted the Development Order had expired in February 2018 and asked if the project was continuing in good faith. Mr. Carpenter stated as long as there is continuous development, the LDC states the Development Order will not expire.

Chairman Chapman asked if there was any way that current standards could be applied to older PUD's which have not been built out. Mr. Carpenter stated that it is a requirement on new development; however, there is no mechanism which would allow the current requirements be placed on the legacy projects which are still being built-out. Further discussion was held regarding older projects which are not functioning and effects the foreclosure process over the last 10 years has had on those projects.

There were no public comments

Motion by Commissioner Anderson to approve the Peach Creek Phase 5 Plat upon conditions being met as stated in the Staff Report.

Commissioner Comander questioned what would happen if the project was not approved. Mr. Carpenter stated the board is to consider whether or not the proposed plat complies with the Development Order and Chapter 177 F.S. He said the site plan was previously approved along with the density and the technical details with the exception of those related to plat compliance.

Second by Commissioner Comander.

Chairman Chapman firmly stressed to Mr. Martelli that D.R. Horton needs to be more communicative and more aware of the needs of the community.

A brief discussion was held determining whether or not the project follows the Land Development Code and the Comprehensive Plan. The board agreed the project met all the criteria for approval, but voiced great concern with the project having only one access.

Ayes 3, Nays 2. Chapman Aye, Anderson Aye, Comander Aye, Jones Nay, Nipper Nay.

(Exhibits: Staff Report-1) (Ex Parte: Chapman, Anderson, Comander, Jones, Nipper)

Commissioner Comander told Mr. Martelli that it would be beneficial for the developer to heavily consider what the board and public have to say about projects. Mr. Martelli responded that his company was not a part of the project at the time of approval and that the project had been through technical review. There had been no public comments received regarding a secondary access. He said that it is important to his company that projects being presented are well planned.

Mr. Brown presented Surfsong Estates ROW Abandonment a request to approve by resolution **(2018-47)** a petition for abandonment application submitted by Core Engineering & Consulting on behalf of Prime Investments of FWB, LLC, requesting an abandonment of the western 9 feet of a 16.5 foot right-of-way on +/- 0.01 acres with a future land use of Neighborhood

Infill. The project is located at the end of Surfsong Lane. 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 why an abandonment was being requested. Mr. Brown differed the question to the applicant.

Commissioner Nipper asked for Public Works' position on the request. Mr. Brown stated they objected. Commissioner Jones asked if Public Works could see further use of the property. Mr. Brown said it could be used for stormwater, but that portions had been abandoned on the north and the east.

Mr. Ed Stanford, Core Engineering and Consulting-representing the applicant, briefly discussed the request, the location of the property, and stated there was no material use to the ROW. Commissioner Anderson asked if a part of the right-of-way had previously been abandoned. Mr. Stanford replied that it had and that it does not interfere with the utilities.

Mr. Fletcher asked why Public Works opposed the abandonment. Chairman Chapman stated that Public Works wished to retain the property for possible future utility purposes.

Commissioner Anderson asked what the Planning Department Staff recommended. Mr. Carpenter stated that this parcel is the least used by the public and would be suitable for abandonment.

Motion by Commissioner Comander, second by Commissioner Anderson, to adopt **Resolution 2018-47** approving the Surfsong Estates ROW Abandonment upon conditions being met as stated in the Staff Report. Ayes 4, Nays 1. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Nay. **(Exhibits: Staff Report-1) (Ex Parte: None)**

Mr. Brown presented Sherwin Williams a request to approve by Final Order a Major Development Order application submitted by Avcon, Inc. on behalf of 30A Country Mart, LLC, approving to construct a 6,902 square foot building with associated infrastructure on +/- 0.722 acres with a future land use of Light Industrial. The project is located at the southwest corner of the intersection of U.S. Highway 98 West and Lynn Drive (Parcel No.: 35-2S-20-33280-000-0300). 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)**

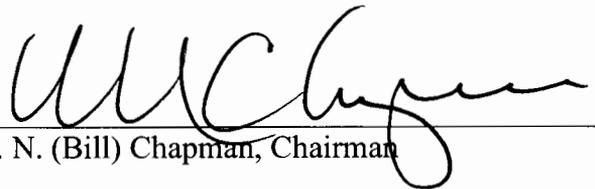
Ms. Tonia Nation, Avcon, Inc.-applicant representative, was present for questioning.

There were no public comments.

Motion by Commissioner Comander, second by Commissioner Jones, to approve the Sherwin Williams project upon conditions being met as stated in the Staff Report. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye. **(Exhibits: Staff Report-1) (Ex Parte: None)**

There being no further items to present, the meeting was adjourned at 10:52 a.m.

Approved:


W. N. (Bill) Chapman, Chairman

Attest:


Alex Alford, Clerk of Courts and County Comptroller