

MAY 01, 2001 – LANDUSE HEARING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, May 1, 2001 at 5:00 p.m. in the Tourist Development Council's Boardroom.

The following Board members were present: Commissioner Tim Pauls, Commissioner Larry D. Jones, Chairman Herman L. Walker, Vice-Chairman Lane Rees and Commissioner Gene Ryan. Ms. Shirl Williams, Administrative Supervisor, and Attorney George R. Miller were also present.

Commissioner Jones led with prayer following the Pledge of Allegiance to the American Flag.

Chairman Walker called the meeting to order and stated the purpose of the meeting was to consider the Planning Commission recommendations.

Vice-Chairman Rees gave a report from the Lobbyist and stated that the total amount of funding request is \$4.939 million.

Mr. Ken Little introduced Mr. Norman Young, Florida Fish and Game Commission, who requested approval from the Board to construct a dock at Cat Island Park on Juniper Lake. Mr. Young advised that the Fish and Game Commission would be responsible for all associated costs and any liability associated with the construction of the dock. He also stated that he would be placing a project manager on site and requested a variance to the county's ordinance prohibiting overnight camping in the park until completion of the project. Mr. Young also requested the Board consider a waiver of the building permit.

Motion by Commissioner Ryan, second by Vice-Chairman Rees to grant approval for construction of the dock, grant a variance to allow a construction manager overnight camping and grant a waiver of the building permit. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Shirl Williams presented a request on behalf of Mr. Bell who requested authorization to apply for a DOT Incentive Grant in the amount of \$1,696,694.00. Mack Bayou/Church Street bypass has been chosen as the candidate project to help alleviate traffic congestion on U.S. 98.

Motion by Commissioner Ryan, second by Commissioner Pauls to approve to submit an application for the DOT Incentive Grant. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Tom McGee, Planning Commission Chairman, presented the Planning Commission's recommendation regarding the revisions to the Inlet Beach Neighborhood Plan, which reduces the density from 8 units per acre to 4 per acre. The Planning Commission recommended approval, exempting anyone who submitted a request to be exempt. A total of 16 property owners have requested to be exempt from the change.

Attorney Clayton Adkinson stated the he feels everyone had proper notice and wants the Board to move forward with accepting the revised plan and exempt the initial three owners in addition to the other 16 who requested to be exempt.

Mr. Robert Mitchell, Inlet Beach Association, stated that they have met the letter of the law and feels that a compromise should be made to allow those individuals to apply for the exemption. He stated that he does not feel it is fair for people to be able to add their names to the list up through today.

Attorney Kathleen Reynolds, Attorney for Inlet Beach Capital Corporation, objected for not being in the exclusion. She stated that she was not noticed properly of the Planning Commission meeting due to the property being recently purchased and the tax roll reflecting the previous property owner.

Discussion followed regarding proper notification of meeting versus property owners within 300' feet being noticed. Mr. McGee advised that the neighborhood association sent notification to all the property owners within the 300' requirement.

Mr. McGee stated that the initial three property owners opposed to the reduction were present at the first Planning Commission meeting. He also stated that everyone at the first meeting was noticed of the second meeting.

Mr. Patrick Jones, Committee Chairman, explained why Ms. Townsend did not receive notification and stated that he believes the Board should only approve the three original petitioners who requested to be exempt.

Commissioner Ryan questioned Counsel how the Board's decision would be affected by the Bert Harris Act. Attorney Miller felt that it would not have any affect.

Mr. Jones explained when their neighborhood was incorporated and defined the boundaries.

Attorney Gary Hunter, representing the four initial property owners who objected to the down zoning, stated that he appeared at the Planning Commission meeting and informed them that the change would have an adverse impact on his client's property values. He stated that his clients would object to any recommendation that did not include the exclusion of his client's four lots in the down zoning.

Mr. Shelley Sketo, owner of lot 223, explained that this property has been in his family for a number of years and he was not able to attend the first Planning Commission meeting. Mr. Sketo stated that he is opposed to losing his property rights and wants the right to use his property as he determines. Mr. Sketo is opposed to any amendment.

Mrs. Betty Letcher, resident of Inlet Beach, stated that until 1999 the property has always been 4 units per acre until the comp plan was changed to 8 units per acre.

Mrs. Latilda Henninger, Planning Director, stated that from 1985 to 1993 the category was Development at 22 units per acre and was changed in 1993 reducing it to 12 with continued changes over the years to the current 8 units per acre.

Mr. Russ Aldrich representing the property owner of Government Lot 238 has requested that this lot be excluded from the down zoning.

Mr. Tom Blackshear advised that a transmittal hearing will still have to be held then the amendment will be submitted to the State for review and sent back for two additional adoption hearings.

Commissioner Pauls questioned if Mr. Blackshear had an opportunity to look at the requests for exemption from a planning perspective rather than a person and parcel perspective. Mr. Blackshear stated that he has not. Commissioner Pauls stated that there could be certain parcels that would make more sense to leave at 8 units per acre.

Ms. Cindy Meadows stated that this is a neighborhood plan amendment, which is a comprehensive plan amendment that allows the neighborhood residents to make the decision. She suggested to grandfather in certain parcels that were purchased before a certain date. Ms. Meadows stated that it is not a neighborhood plan if individuals are allowed to be excluded.

Mr. Blackshear recommended proceeding with amending the plan to 4 units per acre with the exception of those individuals who have requested to be excluded.

Chairman Walker questioned Attorney Miller about moving forward with the submittal and which of the property owner's requests should be accepted.

Commissioner Pauls stated that this is an amendment of only South Inlet Beach and he felt that they should proceed, but should also look at density.

Motion by Vice-Chairman Rees, second by Commissioner Jones to advertise to hold a transmittal hearing on June 5, 2001 at 6:30 p.m. and direct staff to respond to the concerns in regards to approving the amendment as it is, approve it accepting the original three property owners (4 lots), adding Ms. Reynolds or adding the 16 owners. Any property owners who purchased property from 1999 to present could be considered. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Ryan questioned justification for the grandfathering of certain individuals. Attorney Miller will look at this issue and advise the Board later.

The Commissioners recessed briefly.

In other matters, Mr. McGee presented the Planning Commission's recommendation regarding the Town of Seaside, Development of Regional Impact (DRI) notice of proposed changes. The Seaside Community Development Corporation is requesting a determination of whether a proposed change in the build out date for the Town of Seaside would constitute a substantial deviation from the original development order. The request is to extend the build out date from December 31, 2001 to December 31, 2003. The Planning Commission agreed that the change would not constitute a substantial deviation. Attorney Miller agreed.

Motion by Commissioner Ryan, second by Commissioner Pauls to accept the Planning Commission's recommendation to extend the build out date from December 31, 2001 to December 31, 2003 for the Town of Seaside. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. McGee presented the conceptual review plans for the Beachy Clean Car Wash. Mr. Mike Matz is requesting a conceptual review for the proposed car wash located on the south side of US 98, approximately 300 yards east of the 30A/98 intersection. The property is currently designated as Village Mixed Use.

Mr. Cliff Cohen and Mr. Mike Matz appeared before the Board and gave a brief overview of the proposed project.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to grant conceptual approval for the Beach Clean Car Wash. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The Board directed staff to see that Neighborhood Commercial is changed to General Commercial in Mixed Use Land categories.

Mr. McGee presented the Planning Commission's recommendation for approval of The Vineyards Conceptual Review on behalf of Mr. Jack Wellborn. The site is located on Bishop Tolbert Road and consists of moderately priced housing.

Mr. Wellborn was not present and no action was taken.

Mr. McGee presented the Planning Commission's recommendation to approve the Breaux Office Building II subject to technical review. Mr. Mark Breaux is proposing a 6,277 square foot professional office building. The site is currently designated Village Mixed Use and located on Logan Lane at the Grayton Business Center. The project is

pending approval by the South Walton Fire Department for the fire hydrant and storm water permit.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to accept the Planning Commission's recommendation and approve the proposed construction of Breaux Office Building II subject to all outstanding items.

Mr. David Kramer addressed the Commissioners stating that a problem exists with the Code. He presented a handout regarding the Comp Plan language that conflict with this project and a diagram of the adjacent subdivision. He stated that the project is not located in an approved neighborhood plan or an approved development plan. He suggested holding a public hearing to amend the comp plan and delete policy L1.9.5. He closed by saying that the use of this property is appropriate, the rules are what needs changing.

Chairman Walker called for the vote to approve the Breaux Office Building II. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. McGee presented the proposed project for Christ the King Episcopal Church addition. The proposed addition of 4,800 square foot is located on CR 393. Planning Commission recommends approval subject to all outstanding items.

Motion by Vice-Chairman Rees, second by Commissioner Jones to accept the Planning Commission's recommendation and approve the proposed addition to the Christ the King Episcopal Church. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Jones, second by Commissioner Ryan to accept the Planning Commission's recommendation to approve the proposed project for South

Walton Baptist Church. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Chairman Walker called to order the advertised public hearing to reconsider the Coastal Center Uses Ordinance.

Mrs. Henninger stated that several revisions have been made to the ordinance. Section 4 has been changed providing for an effective date. In exhibit A (uses allowed) local Laundromat was added because it defines something minor. Discussion followed regarding the correct language to reflect the proper use.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to adopt an ordinance (2001-05) Coastal Center Uses Ordinance. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Michael Ferrell, representing Eliska Wireless Ventures, appeared before the Board requesting conceptual approval for the location of telecommunication equipment to a water tank located in Seacrest Beach. Mr. Ferrell stated that they have entered into an agreement with Florida Community Services Corporation to locate antennas on their water tower.

Motion by Commissioner Pauls, second by Commissioner Ryan to grant conceptual approval to Eliska Wireless Ventures to locate six (6) antennas on the water tower at Seacrest Beach. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Williams stated that Mr. Jack Rhodes has requested to table the Griffin abandonment petition until the June agenda. After discussion, the Board agreed that upon

tabling an issue a second time that it would be tabled permanently until the issue is resolved.

Motion by Commissioner Jones, second by Commissioner Ryan to table the Griffin abandonment request until June with the stipulation that if this issue is not brought before the Board at that time then it will be tabled permanently until all issues are resolved. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Attorney Miller will prepare a recommendation for the Board to consider regarding a policy on tabling issues.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to adopt an ordinance (2001-04) for the Notice of Proposed Change for the Town of Seaside DRI because it is not a substantial deviation; and authorize Chairman Walker's signature on the ordinance. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

There was no one present to represent Bayside Apartments therefore no action was taken.

Mr. Russ Aldrich presented Waterview Cove Subdivision for final plat approval. Attorney Miller advised that the plat is in order and ready for recording.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to approve Waterview Cove Subdivision final plat for recording. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Russ Aldrich presented Crescent Beach Cottages for final plat approval. Attorney Miller advised that the plat is in order and ready for recording.

Motion by Commissioner Pauls, second by Commissioner Jones to approve Crescent Beach Cottages final plat for recording. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Russ Aldrich presented Waterside Business Center for final plat approval. Attorney Miller advised that the plat is in order and ready for recording.

Motion by Commissioner Pauls, second by Commissioner Jones to approve Waterside Business Center final plat for recording. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Russ Aldrich presented Wall Street Beach Subdivision for final plat approval. Attorney Miller advised that the plat is in order and ready for recording.

Motion by Vice-Chairman Rees, second by Commissioner Pauls to approve Wall Street Beach Subdivision final plat for recording. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Russ Aldrich presented Driftwood Estates Fourth Addition for final plat approval. Attorney Miller advised that the plat is in order and ready for recording.

Motion by Commissioner Pauls, second by Commissioner Jones to approve Driftwood Estates Fourth Addition final plat for recording. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Aldrich presented Seaside 14, a community development, for final plat approval. Attorney Miller advised that the plat is in order and ready for recording.

Motion by Vice-Chairman Rees, second by Commissioner Pauls to approve Seaside 14 for final plat approval. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Henry Deverona presented Magnolia Landing for final plat approval. Attorney Miller advised that the plat is in order with the exception of two required signatures.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to approve Magnolia Landing final plat for recording subject to appropriate signatures. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Henninger stated that Mr. Ken Shannon is the representative on the Metropolitan Planning Organization (MPO) Technical Coordinating Committee. He has submitted the ranking to the Commissioners for the current proposed improvements for Okaloosa and Walton County. Walton County has been ranked lower than 26; therefore Ken requested the Commissioners submit a letter in support of ranking Walton County projects higher for funding purposes.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to draft a resolution (2001-28) to be sent to the MPO requesting Walton County roads be ranked higher, approve the Chairman's signature and begin the process to request to add a third Walton County representative to the MPO. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. The Commissioners agreed to submit individual letters also.

Mr. Don Crim commented on the legislative report regarding the amount of funding designated for the courthouse expansion project versus the large amount of funds previously received for the bike path.

There being no further business, Commissioner Jones motioned to adjourn at 8:15 p.m., second by Vice-Chairman Rees. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

APPROVED: _____
Herman L. Walker, Chairman

ATTEST: _____
Martha Ingle, Clerk of Courts