

MARCH 13, 2018 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida held a Regular Meeting on March 13, 2018 at 4:00 p.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; Attorney Sidney Noyes, County Attorney; and Assistant County Attorney Heather Christman; were also present.

Chairman Chapman welcomed the Seaside Neighborhood School 7th Grade Civics Class.

Chairman Chapman called the meeting to order.

Mr. Jones announced there were no changes to the agenda.

There were no public comments on agenda items.

No items were removed from the Consent Agenda

Motion by Commissioner Jones, second by Commissioner Anderson, to approve the Consent Agenda as follows. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

1. Approve Expenditure Approval (EAL) excluding Waste Management

	Total	WM
General Fund	\$ 1,521,784.58	
County Transportation	\$ 432,899.31	
Fine & Forfeiture	\$ 394,150.45	
Section 8 Housing	\$ 164,337.81	
Tourist Dev. Council	\$ 221,112.08	
N.W. Mosquito Control	\$ 3,038.83	
Recreation Plat Fee	\$ 5,000.00	
Solid Waste Enterprise	\$ 839,430.14	\$ 386,491.54
Bldg. Dept./Ent. Fund	\$ 367.33	
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Prepared by Kimberly Wilkins		

Leisure Lake MSBU	\$	1,875.00	
Mossy Head Ind. Park	\$	45,000.00	
Increment Tax Funding	\$	6,889.91	
Totals		<u>\$ 3,635,885.44</u>	<u>\$ 386,491.54</u>
Grand Total (minus WM)			<u>\$ 3,249,393.90</u>

2. Approve Minutes of the February 27, 2018 Special Meeting and the February 27, 2018 Regular Meeting
3. Request to de-obligate District Four (4) Recreational Plat Fees in the amount of \$2,586.00 from Choctaw Beach Park, \$2,549.00 from Legion Park, and \$4,891.00 from the Gaskin Park Splash Pad
4. Request approval to surplus items from various departments (see lists submitted with the Agenda Packet)
5. Request to approve and authorize the Chairman to sign the addendum to the Local Plan for Workforce Investment Area 2, Okaloosa and Walton Counties as requested by CareerSource Okaloosa Walton County
6. Request to approve and authorize the Chairman to sign a **resolution (2018-20)** to ratify approval of the Solid Waste Disposal Rate Increase for Class III, Construction and Demolition Debris and Yard Waste for Commercial Customers
7. Request approval to renew Easement MSD-90-2-003 from Eglin Air Force Base for County Road 282 known as Site C-6
8. Request to authorize the Chairman to sign an application for tax deed, as required by Section 197.502 F.S.
9. Request to approve and authorize the Chairman to sign a **resolution (2018-21)** amending the budget in the SHIP Fund and the General Fund for Fiscal Year 2018 program funding in the amount of \$350,000.00
10. Request to approve and authorize the Chairman to sign a **resolution (2018-22)** to roll forward revenue and expenditures in the SHIP Fund in the amount of \$322,052.00
11. Request to approve and authorize the Chairman to sign a **resolution (2018-23)** amending the FY 2018 Budget for unanticipated grant revenues and expenditures in the County Transportation Fund for various road projects funded by Florida Department of Transportation (FDOT)
12. Request to approve and authorize the Chairman to sign a **resolution (2018-24)** amending the FY 2018 Budget in the Solid Waste Fund for unanticipated additional grant revenue in the amount of \$20,000.00 from the Florida Fish and Wildlife Conservation Commission through the Bear Wise Program.
13. Request to approve and authorize the Chairman to sign a **resolution (2018-25)** for unanticipated revenue from the sale of land at the Mossy Head Industrial Park.
14. Request to approve and authorize the Chairman to sign Amendment No. 1 to Contract No. 017-033 with Lord & Sons Construction Company, Inc. for the design of the interior and exterior build-out of the Freeport Business Park and the renovation of the Planning Department at the South Walton Annex increasing the total square footage to 25,510 square feet and increasing the contract to an amount not to exceed \$165,581.00
15. Request to approve and authorize the Chairman to sign Contract No. 018-004 for C.R. 30A signage rehabilitation with Valle Management, LLC in the amount of \$142,270.54

16. Request to approve and authorize the Chairman to sign the final renewal of the Florida Department of Corrections (FDOC) Work Squad Agreement No. WS959
17. Request to approve and authorize the Chairman to sign the Exercise of Second Option to Renew of the agreement for Consulting Services for Master Planning, Design, and Development of a sports complex with Lose and Associates of Tennessee, Inc.
18. Request to approve and authorize the Chairman to sign Change Order No. 1 for P.O. 226299/Task Order 17-003 Dune Allen Regional Beach Access (RBA) with GGI, LLC (d/b/a Genesis); allowing for design change due to disallowance of front setback variance; increasing the contract amount by \$5,910.00
19. Request to approve and authorize the Chairman to sign Change Order No. 1 to Contract No. 017-026 HMGP Big Redfish Lake Bridge Improvement with Murphree Bridge Corporation; increasing the contract price \$3,725.00 and increasing the contract time 30 days.
20. Request to approve the purchase of a new HVAC system for the Landfill Office Building at a cost not to exceed \$2,738.00
21. Request to approve the purchase of a security camera system for the District 1 Road Maintenance Department in an amount not to exceed \$4,850.40
22. Request to approve the purchase of a 10 ft. batwing mower for District 1 Road Maintenance in an amount not to exceed \$13,681.12
23. Request to approve the purchase of tack truck for the Asphalt Crew in an amount not to exceed \$169.954.00
24. Request approval to apply for the Annual Spring Grant for 911 maintenance as requested by the Sheriff's Office
25. Request approval to apply for an Artificial Reef Construction Grant from the Florida Fish and Wildlife Commission to deploy pre-fabricated modules within the Miramar/Frangista permitted reef site
26. Request approval to apply for an internship grant as requested by the Office of the County Attorney

Chairman Chapman announced his voting conflict regarding the Waste Management expenditures and submitted Form 8B: Memorandum of Voting Conflict to the clerk.

Motion by Commissioner Jones, second by Commissioner Comander, to approve the Waste Management expenditures in the amount of \$386,491.54. Ayes 4, Nays 0. Chapman Abstain, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye. **(Form 8B: Chapman)**

Motion by Commissioner Anderson, second by Commissioner Jones, to approve to allocate \$250,000.00 in Proportionate Fair Share Funds for the Pedestrian Underpass at U.S. Highway 98 in Inlet Beach contingent upon \$2 million State appropriation being granted as requested by Mr.

Larry Jones, County Administrator. There has been a \$250,000.00 private matching donation committed to the project.

Ms. Coy Bowman spoke in opposition to the underpass.

Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Scope of Services for C.R. 30A PD&E Study and to advertise a Request for Qualifications (RFQ) as presented by Mr. Jones. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Motion by Commissioner Anderson, second by Commissioner Jones, to approve C.R. 280A/U.S. Highway 331 Connector Road project for funding consideration through the State of Florida Department of Transportation (FDOT) Incentive Grant Program as presented by Mr. Jones. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye. This is a request for the remaining funds needed to complete the project.

Mr. Jay Tusa, TDC Executive Director, presented an update on 76 Driftwood Road property (Parcel No. 30-2S-21-42290-000-0930). He stated that the appraisals have been received and the owner has agreed to lower the price to just under the appraised value in the amount of \$1.962 million.

Motion by Commissioner Comander, second by Commissioner Anderson, to move forward with a contract for the property as presented. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Motion by Commissioner Jones, second by Commissioner Anderson, to advertise and conduct a public workshop on April 3, 2018 at 5:00 p.m. to receive public input for proposed right-of-way (ROW) parking, sidewalk, and landscape in C.R. 30A ROW in the Dune Allen

Community. The proposed ROW parking/sidewalk/landscape would be located between the existing Ft. Panic Regional Beach Access (RBA) to the future Dune Allen RBA as requested by Mr. Tusa. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Mr. Tusa announced the January Tourist Development Tax (TDT) numbers were up 9.5% for January for a total of \$501,332.27. The year-to-date totals are up 8.84%. The outlook for Springs Break is positive.

Mr. Tusa gave an update on recent legislation regarding TDC practices. He stated Walton County TDC already does most of what was being required in the new legislation. He stated a lot of the bills did not pass and briefly discussed the effects the one bill which passed would have on TDT funds.

Mr. Tusa presented an update on gateway signs coming into the county. He discussed a proposal to overlay the existing signs with new material. Commissioner Jones asked if the dark colors could be changed. Mr. Tusa stated he would bring back color variations.

Mr. Tusa discussed the parking site at Seaside asked to allow Seaside to use the parking area again this year. Chairman Chapman asked if Seaside had been charged to use the parking area. Mr. Tusa replied they were not due to it having to go through an RFP process. He stated it was a public parking facility.

Chairman Chapman welcomed back Attorney Sidney Noyes, County Attorney, from her recent maternity leave. Attorney Noyes thanked everyone for their support.

Motion by Commissioner Anderson, second by Commissioner Jones, to approve and authorize the Chairman to sign the Brandon Oaks Interlocal Agreement with the City of Freeport as presented by Attorney Noyes.

Attorney Clay Atkinson, City of Freeport Attorney, stated that the city had approved the agreement and that the city also authorized an RFQ to be issued for the entire project with the first 14 being completed within 90 days. The RFQ would be issued before the next city council meeting.

Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Motion by Commissioner Anderson, second by Commissioner Jones, to approve and authorize the Chairman to sign the settlement agreement between Corie Nidy/James Blaine Halderson and Walton County Board of County Commissioners (Case No. 3:17-cv-00339-MCR-CJK) as presented by Attorney Noyes. Ayes 3, Nays 2. Chapman Nay, Anderson Aye, Comander Nay, Jones Aye, Nipper Aye.

Attorney Noyes presented an update on the Customary Use Legislation (HB 631) and stated it had passed the Florida Legislature, but had not been signed by the Governor. If signed the local ordinance would be void as of July 1, 2018. She briefly discussed the process included in the bill in which a new customary use ordinance could be adopted. She asked for direction or approval to move forward with the process should the Governor sign the bill. The board concurred to allow legal staff to move forward and to continue to work with Attorney David Theriaque, Special Counsel to the Board on this issue. Commissioner Jones clarified that the historical research which has been done would still be used. Attorney Noyes stated Dr. Miller had performed further research to include all 26 miles of the beach.

Commissioner Comander questioned what would happen on July 1, 2018 if the bill is signed. Attorney Noyes said the ordinance would be voided and that some provisions of the Beach Activities Ordinance would still govern private property. She reported that the number of complaints associated with customary use are regarding the conduct of the public not conforming

to the ordinance. Those protections for the beach front property owners will also be voided on July 1, 2018.

Ms. Bowman and Attorney Noyes discussed the location of property lines and how the bill sets forth procedures which must be followed in order to determine customary use.

Ms. Jackie Marquel questioned when the county would file for customary use. Attorney Noyes replied she would present more information at a later meeting and stated the goal is to move forward as soon as possible. Ms. Marquel voiced concern that the pre-emption of the customary use ordinance would eliminate the use of the beaches by the public. Discussion continued on continuous use of the beaches and quiet title actions. Mr. Jones stated that customary use and ownership are two different components. Commissioner Anderson stated the board would continue to fight for customary use.

Mr. Bob Brooke asked if customary use could only be invoked by a court order. Attorney Noyes discussed the procedure in which a new ordinance could be adopted. A new ordinance will be reviewed by the court to determine if there is enough evidence to determine customary use.

Attorney Bruce Anderson, representing several beach front property owners, stated his interpretation of the bill indicated that customary use would have to be determined on a parcel by parcel basis and not by a class action or ordinance. Attorney Noyes disagreed that it had to be proven on a parcel by parcel bases and stated that her interpretation was that the parcel owners were to be notified of the filing of the complaint and that they could challenge it in court. Attorney Anderson stated the board needed to consider the costs in attorney and legal fees in taking the 26 miles of beaches.

Ms. Kelly Anderson questioned what the impact would be to future customary use ordinances should one property owner prevail in court and another does not. Attorney Noyes stated

that would be considered going forward. Chairman Chapman stated it would be dependent upon the judge's ruling.

Motion by Commissioner Comander, second by Commissioner Anderson, to accept the resignation of Mr. George Abert from the Local RESTORE Act Committee "Coastal Restoration/Management" position and appoint Mr. Duncan Greer to fill the vacancy as presented by Commissioner Comander. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Commissioner Comander reported that Ms. Amy Stoles can no longer serve on the Strategic Planning Committee and that she will be replacing her with someone from the RESTORE committee. Discussion was held to determine if Ms. Stoles was a Triumph Committee Member or a RESTORE Committee member. Mr. Billy Williams, RESTORE Act Coordinator, stated that Ms. Stoles is a RESTORE Committee member.

Commissioner Nipper, Commissioner Anderson, and Chairman Chapman had no items to present.

Commissioner Jones presented updates on the Strategic Planning meetings.

Ms. Monica Holley requested changes to the Walton County Land Development Code (LDC) in regards to Recreational Vehicles in Rural Village designations. She discussed issues with a particular lot in which the owner has turned the lot into an RV park that contains three electrical hook-ups, three water hook-ups, and three septic hook-ups. Ms. Holley discussed how this has effected the property values of the surrounding homes. She stated she was not against homeowners having RV's and suggested limiting it to one RV per home. Any permits given to property owners must have accompanying house plans which will be built within a year. Mr. Mac Carpenter, Planning and Development Director, addressed Ms. Holley's concerns and stated that he was not

aware of a RV Park at this location. He stated Code Enforcement is investigating the issue and that language regarding RV's is being considered. He said he would bring more information regarding the language to the next meeting. Commissioner Jones asked if the same LDC applied to both the north and south county areas. Mr. Carpenter stated it is applied by land use district and that the LDC is silent on RV's. It is not considered a permanent residence. Commissioner Comander asked if there was a health code violation due to the multiple septic tanks. Mr. Carpenter stated he was unsure whether or not there were three septic tanks.

Ms. Tracy Miller, Cultivate Community Gardens, Inc., requested the use of Padgett Park for a community garden. She stated the community has expressed excitement for the project. She stated the project would enhance the park and provide educational opportunities. She requested formal approval to move forward with the plan. Commissioner Comander asked where the \$39,000.00 funding for the project would come from. Ms. Miller discussed the different areas which include public funds and private funds. She stated a designated area was needed before fund raising could be started. Commissioner Comander spoke in favor of a community garden, but stated that this type of project had not been budgeted by the county.

Motion by Commissioner Comander, second by Commissioner Anderson, to allow the use of Padgett Park for a community garden.

Attorney Noyes stated the management plan with DEP would have to be amended and asked for board direction to allow Ms. Melinda Gates to work on the amendment.

Attorney Anderson asked if the Sheriff's office was involved with this project and if they would help with funding. Ms. Miller stated that WCSO was involved and that funding was a possibility.

Commissioner Anderson asked Ms. Gates to work with Ms. Miller and to keep him updated on the process.

Motion and second were withdrawn.

Chairman Chapman addressed the raised garden and asked how the gardeners would work with the county maintenance workers. Ms. Miller stated an agreement would be submitted.

Chairman Chapman asked Ms. Gates to address the FRDAP grant in regards to this project. Ms. Gates said the grant itself will not have to be reviewed, but there was a land management plan associated with the park which will have to be modified.

Chairman Chapman asked about the project's water source. Ms. Miller stated the project would tap into the existing irrigation system.

The board concurred to allow Ms. Gates to work on the amendment to the management plan.

Mr. Brooke discussed the funding of the project and voiced concern with both the county and WCSO as funding sources.

Mr. Stephen McBroom discussed the gateway signs issue presented by Mr. Tusa and requested that language about the heritage of the county be added to the signs. Commissioner Anderson asked Mr. McBroom to work with Mr. Tusa.

Ms. Bowman discussed multiple issues regarding trash, steel, aluminum and fracking.

Mr. Bill Fletcher discussed the gateway signs and the inclusion of additional language about the historic areas. He also recommended the creation of a North Walton TDT to promote tourism.

Ms. Donna Johns voiced concern with the visibility issues concerning the crosswalks on Old Highway 98 and asked that it be readdressed.

The meeting recessed at 5:07 p.m. and reconvened at 5:28 p.m.

Motion by Commissioner Comander, second by Commissioner Jones, to approve an amendment to the Planning fee structure by amending resolutions 2013-98, 2014-08, 2014-25, 2014-76, 2015-113, and 2016-73; and authorize the Chairman to sign **Resolution 2018-26**, a fee resolution for Farmers Market DRB Site Plan Review as presented by Mr. Mac Carpenter, Planning and Development Director. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye. The fee for Farmers Market Site Plan DRB review will be \$75.00.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve and authorize the Chairman to sign Amendment 2 to Contract 016-009 with Matrix Design Group, Inc. for professional services in regard to the U.S. Highway 331 Economic Development Corridor Plan, as presented by Mr. Carpenter. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Mr. Carpenter presented Thompson SSA (2017-0009) a Small Scale Amendment request submitted by Clark Partington, on behalf of Teramore Development, LLC; requesting approval to change the land use from General Agriculture to General Commercial on +/- 1.89 acres. The project is located at the east side of S.R. 83 (Parcel No.: 02-3N-19000-009-0000). The proposed use is a Dollar General store. The Staff Report was entered into the record.

Motion by Commissioner Jones, second by Commissioner Comander, to adopt **Ordinance 2018-08** approving Thompson SSA (2017-0009).

Ms. Bowman spoke in opposition to the rezoning of agricultural land.

Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

Mr. Carpenter presented Williams Storage Facility SSA (2017-010), a Small Scale Amendment application submitted by AVCON, Inc., on behalf of Luke Williams, requesting

approval to amend the future land use designation on +/- 4.01 acres from Coastal Center to Coastal Center Mixed Use. The project is located on the south side of Forest Shore Drive, west of New Elba Drive, and east of Shore Drive (Parcel No.: 29-2S-21-42000-006-00A0).

Mr. Calvin Palmer, AVCON, briefly discussed the project and was available for questioning. Chairman Chapman questioned how long the storage building had been on the property. Mr. Palmer was unsure of the age of the building. Mr. Carpenter stated that it predates the application of the 1996 Coastal Center Land Use in which this building is a non-conforming use. The land use change to Coastal Center Mixed Use will correct the non-conforming use and allow development on the parcel.

Mr. Brooke voiced concern with the non-conformity, perpetual land use, and compatibility with surrounding land use designations. Mr. Carpenter stated staff felt this was a logical change to the parcel and would not set a precedent. Mr. Palmer stated the change would bring the storage building into conformance.

Ms. Bowman spoke in opposition to the request.

Motion by Commissioner Jones, second by Commissioner Comander, to adopt **Ordinance 2018-07** approving Williams Storage Facility SSA (2017-010). Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye.

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.

Mr. Carpenter presented Eden's Landing Re-plat 2, a plat application submitted by Innerlight Engineering Corporation on behalf of Eden's Landing Development Partners, LLC; requesting approval to re-plat the entire subdivision to modify building setbacks and to add nine

additional commercial lots on +/- 11.74 acres with a future land use of Neighborhood Infill. The project is located on the west side of North C.R. 395, north of East point Washington Road and south of Eden Garden State Park Road (Parcel Nos.: 35-2S-16-24100-00A-(0010-0050), 35-2S-19-24100-00B-(0010-0090), 35-2S-19-24100-00C-(0010-0080), 35-2S-19-24100-00D-(0010-0120), 35-2S-19-24100-00E-(0010-0060), 35-2S-19-24100-00F-0000, 35-2S-1924100-000-00A0). 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, discussed the request and was available for questioning.

Motion by Commissioner Comander, second by Commissioner Jones, to approve the Eden's Landing Re-plat 2 contingent 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)**

Mr. Carpenter presented Grand Point Estates Plat, a plat application submitted by David E. Smith, on behalf of D.R. Horton, requesting approval to plat 8 residential lots on +/- 1.35 acres, with a future land use of Neighborhood Infill. The project is located on the south side of the intersection of Grand Point Drive North and Dulce Lane (Parcel No.: 36-3S-18-16100-000-0351). 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. Smith, representing the applicant, briefly discussed the request and was available for questioning.

There was no public comment

Motion by Commissioner Jones, second by Commissioner Nipper, to approve Grand Point Estates Plat contingent 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)**

Mr. Carpenter presented Forest View Village Office Complex, a request to approve, by Final Order, a Major Development Order application submitted by Innerlight Engineering Corporation, on behalf of Doug Shumate, to construct an 18,000 sq. ft. general commercial office building on +/- 1.20 acres within the Forest View Village PUD with a future land use of General Commercial. The project is located on the north side of U.S. Highway 98 East, west of Serenoa Road and east of Hamon Avenue (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. Smith, representing the applicant, briefly discussed the project and was available for questioning.

Chairman Chapman asked how close the south entrance was to U.S. Highway 98. Mr. Smith replied the project was several hundred feet from the intersection and stated another project is being proposed for the area between the applicant's project and U.S. Highway 98.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve Forest View Village Office Complex contingent 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)**

Mr. Carpenter presented a request to approve, by Final Order, San Roy Sands, a Major Development Order application submitted by Binkley Engineering, P.A., on behalf of All 30A, LLC, requesting approval to develop 3 single family lots on +/- 0.63 acres with a future land use of Neighborhood Infill. The project is located at 86 Beachside Drive (Parcel No.: 19-3S-18-16080-000-0160). 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. Ross Binkley, representing the applicant, stated the three lots have been rotated but still access San Roy Road. The project meets all code requirements.

Commissioner Jones asked what the vote at the Planning Commission was. Chairman Chapman stated 7 to 0.

Commissioner Comander asked about the stormwater retention. Mr. Binkley stated it was located at the southeast corner of the property. Chairman Chapman asked what the storm event was. Mr. Binkley replied 100 year.

Ms. Bowman spoke in opposition to the project.

Motion by Commissioner Jones, second by Commissioner Anderson, to approve San Roy Sands contingent 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)**

Mr. Carpenter presented a request to approve, by Final Order, Rolling Dunes, a Major Development Order application submitted by JP Engineering, LLC, on behalf of Joseph Cohen, requesting to develop and construct a mixed-use development consisting of retail, residential, and a restaurant on two parcels totaling 1.0 acres with a future land use of Village Mixed-Use. The

project is located on the northwest corner of South C.R. 93 and West C.R. 30A (Parcel Nos.: 12-3S-20-34050-000-0120, 12-3S-20-34050-000-0130). 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)(Staff Memos and Letters-2)**

Mr. Tracey Jernigan, JP Engineering, LLC-representing the applicant, briefly discussed the project and was available for questioning. He reported all stormwater requirements have been met along with the requirements of the Land Development and Comprehensive Plan. He said a sidewalk connection has been discussed for the south property line (located on C.R. 30A) and the owner has agreed to include the sidewalk as a part of the development order.

Commissioner Nipper asked if there was a variance for parking. Mr. Jernigan stated there was not and discussed the redesigning of the parking for the project. Commissioner Nipper voiced concern about the need for a sidewalk along C.R. 83. Discussion continued on the inclusion of a sidewalk on C.R. 83. Mr. Carpenter stated it is anticipated that sidewalks would be installed on both sides of C.R. 83 in the future. Commissioner Nipper recommended that the developer be responsible for the installation. Further discussion was held on the distance the developer would be responsible for sidewalk installation and the benefits the sidewalk would have at the busy intersection. Chairman Chapman asked if the developer would entertain the installation of a sidewalk. Mr. Jernigan stated if it was a part of the Final Order then the developer would comply.

Ms. Laurie Reichenbach spoke in favor of the sidewalk being installed on C.R. 83.

Ms. Bowman spoke in opposition to the project.

Motion by Commissioner Nipper, second by Commissioner Anderson, to approve Rolling Dunes contingent upon conditions being met as stated in the Staff Report and the installation of a sidewalk along the length of the property on C.R. 83. Ayes 5, Nays 0. Chapman Aye, Anderson

Aye, Comander Aye, Jones Aye, Nipper Aye. **(Exhibits: Staff Report-1; Staff-Memos and Letters-2)**

Mr. Carpenter presented a request to approve, by Final Order, South Walton Commerce Park Lot 13, a Major Development Order application submitted by Gortemoller Engineering, Inc., on behalf of Peddlers 30A, LLC, for construction of three buildings for business park usage, a gazebo, asphalt parking, and stormwater facility with a future land us of Business Park on 1.55 +/- acres. The project is located approximately 0.7 miles on Serenoa Road from the intersection of Serenoa Road and U.S. Highway 98 (Parcel No.: 05-3S-18-16010-000-0130). 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)**

Mr. Blake Furbee, Gortemoller Engineering, Inc.-representing the applicant, briefly discussed the project and was available for questioning.

Commissioner Comander asked why a gazebo was included with the development. Mr. Furbee stated it would be built near the bike shop.

Chairman Chapman asked what the stormwater event was. Mr. Furbee stated 25 years.

Ms. Bowman discussed the sales of the property and spoke in opposition of the project.

Motion by Commissioner Jones, second by Commissioner Anderson, to approve South Walton Commerce Park Lot 13 contingent 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)**

Mr. Carpenter presented a request to approve, by Final Order and Developer Agreement, Ocean Estates, a Major Development Order application submitted by Gary Shipman, on behalf of Joe Bruner, requesting approval to develop a 25-lot, single-family subdivision on 8.29 +/- acres

with a future land use of Low Density Residential. The proposal includes a re-alignment of Nicklaus Court removing the entrance from Anchors Lake Drive and opening an entrance of Thompson Road. The project is located on the east side of Thompson Road, between Palmer Lane and Golf Club Drive, abutting the west side of Anchors Lake Drive (Parcel No.: 34-2S-20-33270-051-0000). 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)

Attorney Gary Shipman, representing the applicant, submitted a draft of the Developer Agreement (**Exhibit 2: Petitioner's Exhibit 1 Developer Agreement-Draft**). He reported the developer had met with the community as previously directed by the board and 21 out of 25 owners agreed with the development as it is being presented. He discussed the concerns the community had with the cul-de-sac. The developer has agreed to record a Declaration of Covenant, Conditions and Restrictions (DCCR) which would limit each lot to a single-family home, prohibit mobile homes, require each house to be a minimum of 2,500 square feet that would not exceed two stories, and various restrictions pertaining to parking. The developer also agreed that those particular sections of the DCCR could not be amended and briefly discussed the enforcement of the DCCR.

Chairman Chapman asked if the developer only met with those on Anchors Lake Drive. Ms. Melissa Ware, Dunlap and Shipman, discussed the locations of the community homes which were a part of the community discussion with the developer. Attorney Shipman discussed some of the community requests the developer had agreed to do.

Mr. Anthony Monteiro spoke in opposition to the project citing traffic and safety issues, inadequate preservation area, and incompatibility. He discussed the negative effects the project would have on the neighborhood and his home. Mr. Monteiro presented the following options for

consideration: 1. Move one home to Palmer Lane; 2. Relocate two of the driveways on Golf Club Drive by turning the homes to allow access from a different area; 3. Reduce the number of homes by 1; 4. Extend Golf Club Drive to access Thompson Road; and 5. Driveway access from Thompson Road. Commissioner Jones asked if he had had conversations with the developer and Attorney Shipman. Mr. Monteiro stated he attended three of the five meetings and stated the current layout was presented at the fifth meeting.

Mr. Steven Holmes requested that the community's conditional letter of support which included nine conditions be approved. He stated the developer had agreed to the conditions. Mr. Holmes discussed condition 9 which would prevent future changes to Ocean Estates by current or subsequent owners.

Chairman Chapman asked if the developer agreement submitted by Attorney Shipman included the conditions. Attorney Shipman stated they were listed out in items 1 – 9.

Ms. Catherine Fitzsimmons discussed conditions 1-5 and asked that the board approve all the conditions.

Mr. Bob Bratkowski addressed the issues with the corner lot as presented by Mr. Monteiro and stated that these issues had not been brought up earlier. He discussed conditions 6-8 and asked the board approve all the conditions. He stated the neighborhood gave conditional support with great emphasis on the acceptance of condition 9.

Ms. Bowman stated the land belongs to her and spoke in opposition of the project and any future development.

Ms. Crystal Monteiro, after being sworn, spoke in opposition to project. She briefly discussed a community meeting in which she was told her options would be considered. She voiced her disappointment when she learned her options had not been considered in the final plan.

Commissioner Nipper asked if the Monteiro's were asking for one driveway to be placed on Thompson Road. Ms. Monteiro stated any option presented by Mr. Monteiro would be welcomed.

Attorney Shipman discussed the different meetings held between the community and the developer. He reported he had not met with the Monteiro's prior to the Planning Commission meeting. He said it would not be practical to have driveway access onto Thompson Road due to the number of existing driveways. Attorney Shipman addressed the preservation buy-out which has been agreed to. Commissioner Comander asked if any of the community members stated they did not want the project. Attorney Shipman stated that the Monteiro's presented their opposition and proposed options at the Planning Committee and were told there was no way to implement their recommendations. The developer has spent hours working with the community to create the plan being presented. He requested approval.

Commissioner Nipper asked if the driveway for the first house could have a southern access instead of an eastern access. Ms. Ward replied that the change would greatly reduce the use of the lot and would decrease the amount of preservation on the site. She also discussed how the changes would affect the setbacks. Mr. Carpenter responded that changing the orientation of the lot would change the setbacks. Attorney Noyes asked if the driveway was moved to the south if the setbacks would be changed. Mr. Carpenter said it would not. Chairman Chapman voiced concern regarding the impact the changes would have on the stormwater drainage. Ms. Ward said the house could be oriented to the south with a side loading garage and could be included in the DCCR. Attorney Shipman voiced concern with the changes due to the proximity to a major intersection and discussed the safety issues which could occur.

Attorney Shipman said the board's approval or denial should be based on whether the findings of the Planning Commission violated the land use code. Commissioner Nipper stated she

had watched the Planning Commission meeting and said the Monteiro's had spoken to the commission, but their options were not addressed. Attorney Shipman discussed the laws as it applies to planning items and stated that this project was found to meet the requirements of the Land Development Code and the Comprehensive Plan by the Planning Commission. He said meetings had held been held for months and all the information had been sent to the entire community. The first alternative options were presented at the planning meeting.

Commissioner Comander said the request to move the driveway was a small change and that the board had a right to question projects. Discussion ensued on the laws applied to the planning approval process and the option to move the driveway.

Mr. Jamie O'Rourke, development partner, after being sworn, stated he had met with the community on a number of occasions. He discussed his interactions with Mr. Monteiro and said Mr. Monteiro did not object to the three houses across from him until the Planning Commission meeting.

Commissioner Comander called point of order and stated the question was if a driveway can be moved. Mr. O'Rourke stated he would be willing to change the driveway as long as it is approved with that condition and additional hearings are not required. He said he had a better solution. Commissioner Nipper asked him to present his solution. Mr. O'Rourke stated the solution would be to move one house/lot to Nicklaus Court and demonstrated on the map the location of the change. He stated the number of lots and the preservation would stay the same. Ms. Ward discussed the changes presented by Mr. O'Rourke and stated the reason the changes were not presented earlier was because of the requirement to restart the approval process when new plans are submitted.

Attorney Noyes asked if these changes could be addressed if made a condition by the board. Mr. Carpenter stated that the changes would result in changing the stormwater and the preservation maps, but could be accommodated at the wishes of the board.

Mr. Robert Carroll, Engineer, discussed the changes and stated it would not affect the stormwater pond.

Commissioner Anderson asked if the board agreed to move this forward would the development need to start over at the beginning of the process. Mr. Carpenter said it would not have to start over, but a resubmittal of those changes would have to be presented. Commissioner Anderson asked if the project could be approved at this meeting. Mr. Carpenter stated yes, with the conditions that the Planning Staff reviews the changes to insure there is no significant issues.

Motion by Commissioner Anderson, second by Commissioner Jones, to approve Ocean Estates and the developer agreement contingent upon the following conditions: the changes as stated by the applicant, the nine conditions submitted by the community would be perpetual and included in the developer agreement, the Development Order would not be issued until a revised plan is submitted, the payment of the 50% preservation buy-out is to be paid prior to the issuing of the Development Order, and the 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; Petitioner-Development Agreement-2)(Ex Parte: Chapman, Anderson, Comander, Jones, Nipper)**

The meeting recessed at 7:19 p.m. and reconvened at 7:30 p.m.

Mr. Carpenter presented a request to approve, by Final Order, Hilton Garden Inn, a Major Development Order application submitted by Emerald Coast Associates, Inc., on behalf of Miramar Beach Lodging, LLC; requesting approval to develop 111 hotel units on 2.54 +/- acres

with a future land use of Coastal Center Mixed Use. The project is located on Scenic Gulf Drive (Parcel Nos.: 33-2S-21-42000-011-0000, 33-2S-21-42000-009-0000, 33-2S-21-42000-019-0000, 28-2S-21-42000-010-0000). The only dispute of the project is the location of the main entrance of the development. 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. Dean Burgis, Emerald Coast Associates, Inc.-representing the applicant, briefly discussed the project. He announced the developer has agreed to the Planning Commission and staff conditions and discussed the conditions. He reported the stormwater has been designed to a 100 year storm event.

Attorney Jennifer Sullivan, representing Edgewater Beach Owners Association, spoke in opposition to the alternative access proposal by Grand Dunes and sited safety concerns. She voiced concern with the driveway placement and stated concerns were discussed with the Planning Commission. She spoke in support of staff's recommendation to place the driveway directly across from Grand Dunes.

Mr. Ryan Wetherell, Kimley Horn-representing Edgewater Beach Owners Association, voiced concern with the safety and operational efficiency of the project and spoke in favor of aligning the driveway with Grand Dunes as recommended by Public Works. Chairman Chapman asked if he had read the traffic study done by Grand Dunes and how he addressed the 38 conflict points with the straight alignment compared with an off-set with less conflicts. Mr. Wetherell replied the number of conflicts would imply there was a lot of cross access; however, he stated he was unsure if there would be a lot of cross access from Grand Dunes to the Hilton.

Ms. Suzanne Harris, submitted photos of the area and spoke in support of the project, but voiced concern with the traffic safety due to the access and drainage. She discussed the issues that would be caused by the access and the drainage and presented possible solutions. She stated Edgewater would help pay for a stop light at Poinciana to help alleviate the traffic issues. Ms. Harris expressed appreciation to the developer for meeting with Edgewater, the assistance she had received from Mr. Chance Powell, County Engineer, and other individuals she has met with to discuss the accesses and drainage. **(Exhibit 2: Respondent Photos)**

Attorney Bruce Anderson, representing Grand Dunes I Homeowners Association, Inc. and Grand Dunes II Homeowners Association, addressed the increase in traffic with the project, spoke in support of the access being off-set from the Grand Dunes entrance. He discussed the lack of documentation determining that the safest area for the access was directly across from Grand Dunes. He discussed a proposal to move the access 110 feet to the west of the Grand Dunes access.

Ms. Debbie Dantin, Registered Civil Traffic Engineer-representing Grand Dunes Condominiums, after being sworn, discussed the safety issues and possible access locations which would provide safer traffic flow. She proposed the access be moved 110-150 feet to the west. Commissioner Anderson asked how far the access would be from the Destiny Worship Center property if it were moved 150 to the west. Ms. Dantin responded 120 feet and continued discussing the effects of increased traffic. She requested the board approve the offset of the access 110 feet to the west.

Mr. Chance Powell, County Traffic Engineer, was sworn. Commissioner Comander clarified that Mr. Powell works for the county and is not paid by any outside parties. Mr. Powell confirmed he was a county employee. He stated that the driveway should be directly aligned for

best case scenario. Discussion continued on the placement of the access, left turn lanes accessing the Hilton, and the distance of the access from adjacent developments.

Ms. Bowman spoke in opposition to the project.

Mr. Steve Abbott, Grand Dunes II resident, spoke in favor of the project and encouraged the board to address the safety issues and approve the off-set access. He recommended a light at Poinciana be considered to alleviate traffic issues.

Mr. Samuel Gerth, Grand Dunes I resident, spoke in support of Attorney Anderson's and Ms. Dantin's comments. He stated every resident he has spoken with has favored the off-set drive.

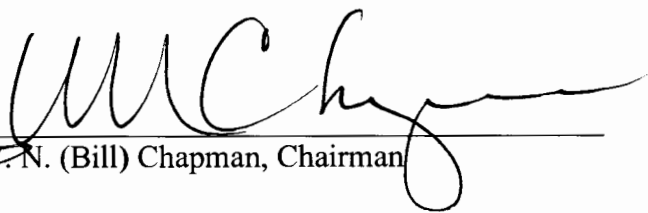
Mr. Carpenter discussed the Planning Commissions finding stated in the Staff Report which would require the access to be aligned with the Grand Dunes driveway

Mr. Burgis addressed the concerns raised and stated the Hilton Garden Inn developers want the access to be in the safest location. The plan aligned the access according to the LDC. Mr. Burgis stated the access to the east was moved to the center.

Motion by Commissioner Comander, second by Commissioner Jones, to approve Hilton Garden Inn contingent upon conditions being met as stated in the Staff Report and upon the condition that the access is aligned as recommended by staff. Ayes 5, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye, Nipper Aye. **(Exhibits: Staff Report-1; Respondent Photos-2) (Ex Parte: Chapman, Anderson, Comander, Jones)**

There being no further items to present, the meeting was adjourned at 8:39 p.m.

Approved:


W. N. (Bill) Chapman, Chairman

Attest:


Alex Alford, Clerk of Courts and County Comptroller