

OCTOBER 4, 2010 – SPECIAL MEETING

The Board of County Commissioners, Walton County, Florida, held a Special Meeting on October 4, 2010, at 5:30 p.m., at the Walton County Courthouse in DeFuniak Springs, Florida to consider the LSA 05.02 Future Land Use amendments.

The following Board members were present: Commissioner Scott Brannon, Chair; Commissioner Larry Jones, Vice-Chair; Commissioner Kenneth Pridgen, Commissioner Cecilia Jones; and Commissioner Sara Comander. Ms. Shirl Williams, Assistant County Administrator; and Attorney Lynn Hoshihara, Interim County Attorney, were also present.

Commissioner C. Jones led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman Brannon called the meeting to order.

Ms. Jennifer Christensen, Planning and Development Consultant, requested to move items 6, 9, and 16 to the end of the agenda. The Board concurred to move said items.

Mr. Gerry Demers, Planning and Development Director, and Ms. Christensen presented the following LSA's for approval:

**LSA 05-02.10** - a request from Mr. Ray Phillips to change 14.36 +/- acres north of the Choctawhatchee Bay, in the DeFuniak Springs area on the south side of Coy Burgess Loop and west of John White Road, approximately  $\frac{3}{4}$  mile west of U.S. Highway 331 from Estate Residential to Rural Village. Ms. Christensen reported that it was recommended at the last public hearing to move forward with a density of 1:2.5 acres which is a Rural Residential land use category.

Mr. Aaron Warren, B & W Consulting Engineers and representative for Mr. Ray Phillips, briefly discussed the details of the request and presented an alternative design. He requested a change to Rural Low-density (1:1). Ms. Christensen stated that the Planning Commission

recommended denial of the Rural Low Density request. Commissioner L. Jones stated that once the land use has change, the proposed project could change also. Chairman Brannon added that the proposed buffer setback could also be changed. Mr. Warren stated that a study showed that 39% of the surrounding property owners were 1:1 density.

Ms. Willa Hertwig, Ms. Marsha Winegarner, and Mr. Chuck Winegarner spoke in opposition to the change.

Chairman Brannon asked for clarification on the lots of record density. Ms. Christensen stated that potentially the density would allow four units per parcel.

Commissioner Comander asked for the staff's recommendation. Ms. Christensen stated that staff recommended a density of 1:2.5.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve **LSA 05-02.10** upon staff's recommendation. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.11** - a request by Heritage Oak Estates, LLC to change 37.893 +/- acres north of the Choctawhatchee Bay in the Portland area approximately one mile west of Site C-6 Road and 0.25 miles north of S.R. 20 on King Road from General Agriculture to Estate Residential. Staff recommends approval.

Mr. Sean Burke, applicant, briefly discussed the request. Commissioner Pridgen asked if the plans were for a 1:5 density. Mr. Burke stated yes.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve **LSA 05-02.11**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.12-a** request by Dimas Brother, LLC to change 275 +/- acres north of the Choctawhatchee Bay in the Woodlawn area approximately 2.2 miles east of U.S. 331 on the south side of Indian Creek Ranch Road from General Agriculture to Rural Low Density. Ms. Christensen stated that there was 60 feet of right-of-way available and the road is on the paving schedule.

Attorney Dana Matthews, representing the applicant, discussed the history and details of the request, and presented exhibits supporting a land use change for that area.

Mr. Burke briefly discussed the projects being considered for the property.

Chairman Brannon asked how many acres were reserved for conservation. Mr. Burke responded 28 acres.

Ms. JoAnne Van Hall and Mr. David Johnson spoke in opposition to the land use change.

Attorney Matthews addressed the concerns of the individuals opposing the land use change. Discussion ensued regarding surrounding property owners, and the availability of utility services.

Mr. Johnson asked how many acres of wetlands were on the property. Mr. Demers stated approximately 100 acres.

Chairman Brannon asked for clarity on how the utility service affected the proposed density. Mr. Demers stated that if water lines are not available, the required density will be 1:5; if water is available the required density will be 1:1.

Chairman Brannon and Commissioner L. Jones voiced concern with the land use change citing incompatibility with surrounding areas.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to deny **LSA 05-02.12**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.13** - a request by Mr. Jasper Dennison to change 5.5 +/- acres north of the Choctawhatchee Bay in the Freeport area on Mallet Bayou on the west side of U. S. 331 approximately 300 feet south of Sweet Water Lane from Rural Village to General Commercial. Staff has found this request consistent with the Comprehensive Plan.

Attorney Gary Vorbeck, representing Mr. Dennison, stated that there was no opposition and that the visuals were available if needed.

There was no public comment

Motion by Commissioner L. Jones, second by Commissioner Comander, to approve **LSA 05-02.13**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.18** - a request by Porter at Freeport, Inc. to change 207.53 +/- acres of a 217.47 +/- acre parcel north of the Choctawhatchee Bay, located between Freeport and Bruce on the north side of S. R. 20 approximately 2.75 miles west of S. R. 81 from Large Scale Agriculture to Rural Village. Staff and Planning Commission recommended approval.

Mr. Scott Jenkins, representative for the applicant, stated he was available for questions.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve **LSA 05-02.18**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.21** - a request by Mr. Ray Wilson and Ms. Patricia Wade to change 10.65 +/- acres north of the Choctawhatchee Bay, located in the Black Creek Area on the south side of Black Creek approximately 1.25 miles north of C. R. 3280 on an unnamed dirt road located

approximately ½ mile east of the intersection of C. R. 3280 and Magnolia Lodge Road from General Agriculture to Rural Village. Staff and Planning Commission recommended approval.

Ms. Christensen stated that the applicant was unable to attend.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve **LSA 05-02.21**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.22** - a request by Freeport Properties, LLC to change 103.9 +/- acres north of the Choctawhatchee Bay, in the Black Creek area on the east side of Black Creek Boulevard approximately ½ mile south of the intersection of Black Creek Boulevard and S. R. 20 from General Agriculture to Urban Residential. Staff found the request not consistent with the Comprehensive Plan and the Land Development Code. The Planning Commission recommended approval.

Mr. Dean Burgiss, Emerald Coast Associates and representative for the developers, discussed the change request, the density of the proposed project, and addressed the issues raised during the last meeting. He urged the Board to approve the change.

There was no public comment.

Chairman Brannon and Commissioner L. Jones both questioned Planning Staff regarding a more appropriate land use request and increased density for affordable housing. Ms. Christensen stated that specific land use categories allows an increase from 4:1 to 10:1 for affordable housing. She said that this particular request would allow for 10:1 and would significantly raise the density. Discussion ensued regarding affordable housing, and the comparisons of Urban Residential to Rural Village. Ms. Christensen stated that staff

recommended Rural Village. Mr. Burgiss stated that Rural Village does not allow affordable housing. Chairman Brannon asked what procedures should be followed to add affordable housing to the Rural Village category. Ms. Christensen stated that it would include a Comprehensive Plan amendment to amend the language and the category. Mr. Burgiss stated that the developer would accept Rural Village. He reported that DCA said that density less than 6:1 does not work for affordable housing. He also said that with the designation of Urban Residential that DCA would possibly require only a 6:1 or 7:1 ratio rather than the 10:1 for affordable housing. He requested the Board to reconsider Urban Residential.

Mr. Mark Miller spoke in favor of the change.

Ms. Christensen stated the 10:1 ratio for affordable housing is an existing policy in the Comprehensive Plan and would not be subject to review by DCA.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve **LSA 05-02.22** with a change to Rural Village with a density of 2:1. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.25** - a request by J & L Eagle Cove, LLC to change 27 +/- acres of a 54.54 +/- acre parcel on the south shore of Choctawhatchee Bay, north of Alderberry Road approximately ¼ mile east of the intersection of East Hewitt Road and Alderberry Road from Conservation 1:2.5 to Conservation 2:1. Staff recommended approval.

Attorney Matthews stated that he was available for questions.

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve **LSA 05-02.25**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.27** - a request by Mr. Barry Katz to change 4.84 +/- acres south of the Choctawhatchee Bay, north of U. S. 98 and more specifically 675 feet east of Veterans Road, 325 feet north of U. S. 98 from Neighborhood Infill to Village Mixed Use. Staff and Planning Commission recommended approval.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve **LSA 05-02.27**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander

**LSA 05-02.28** - a request by Coastal Land Development, LLC to change 10.1 +/- acres south of the Choctawhatchee Bay, near Helen McCall Park on the east side of Moll Drive approximately ¼ mile south of U.S. 98 from Conservation Residential 2:1 to Small Neighborhood. Staff recommended approval.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve **LSA05-02.28**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.41** - a request by Equity Resources, LLC to change 2.006 +/- acres south of the Choctawhatchee Bay, in the Inlet Beach area located on the north side of U. S. 98 between North Orange Street and North Walton Lakeshore Drive, approximately 1/3 mile east of the Walton County/Bay County boundary line from Light Industrial to Neighborhood Infill. Staff recommended approval.

Mr. David Smith, Moore Bass Consulting, stated that he was available for questions.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve **LSA 05-02.41**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.43** - a request by Seacrest Beach Project, LLC to change .97 +/- acres south of the Choctawhatchee Bay, on the south side of C. R. 30A approximately ½ mile east of the intersection of Watersound Parkway and C. R. 30A from Residential Preservation to Neighborhood Infill. Staff found the change consistent with the Comprehensive Plan.

Attorney Sally Fox, representative for Seacrest Beach Project LLC, briefly discussed the history of the property, the compatibility supporting the change, and presented documents supporting the land use change. Chairman Brannon said that the Covenants and Restrictions allowed only two family units. Attorney Fox stated that the requirement applied only to Blocks A and B which is located north of 30A.

Ms. Stephanie Pettis spoke in opposition to the land use change.

Attorney Clay Adkinson, representative for Mr. Rusty Bickerstaff, spoke in opposition of the land use change. He requested that the Board deny the request.

Mr. Bickerstaff spoke against the proposed land use change. He felt that the 1965 deed was invalid due to the conveyance of the property in 1964. Commissioner L. Jones asked that an attorney address the discrepancy. Attorney Adkinson felt that Ms. Sallie Williams had no authority to give the second deed. He also stated that a settlement agreement voided all covenants and restrictions for this property. Attorney Fox addressed the discrepancy and felt that the changes show the intent of the subdivision.

Mr. Michael Gibbons spoke against the proposed land use change.

Motion by Commissioner L. Jones, second by Commissioner Comander, to deny **LSA 05-02.43**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.44** - a request by Mr. Benjamin Brown, Jr., Ms. Susan Burgess, and Ms. Marsha Anderson to change 1.548 acres south of the Choctawhatchee Bay, four adjacent parcels totaling 1.548 +/- acres, located on the south side of C. R. 30A directly east of Hinton Drive, north of Hinton-Bishop Drive, approximately 1.25 miles east of C. R. 395 from Residential Preservation to Neighborhood Commercial (one parcel) and from Residential Preservation to Neighborhood Infill (three parcels). Staff recommended approval.

Attorney Adkinson, representing the applicants, spoke in favor of the proposed change and briefly discussed the compatibility with the surrounding areas. He also addressed the storm water drainage issues.

Ms. Shawna Craig spoke in opposition to the proposed land use change stating that there was a safety concern with the storm water drainage. Chairman Brannon stated that a storm water analysis is being done for that area. Ms. Craig requested that development on this property not be approved until all drainage issues have been corrected.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve **LSA 05-02.44**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.46** - a request by Timberland Estates, LLC to change 250 +/- acres north of the Choctawhatchee Bay, in the Red Bay area east of S. R. 81 approximately 1.25 miles south of the intersection of Interstate 10 and S. R. 81 from General Agriculture to Rural Residential. Staff and Planning Commission recommended approval.

Mr. Smith was available for questions.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve **LSA 05-02.46**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

**LSA 05-02.45** - a request by HSH Properties, LLP to change 58.032 +/- acres north of the Choctawhatchee Bay, between Freeport and Bruce on the north side of S. R. 20 adjacent to the intersection of Black Creek Blvd. and S. R. 20 from Large Scale Agriculture to Rural Village. Staff recommended approval.

Attorney Lloyd Blue, representing the applicant, gave a brief history of the request and the proposed change.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve **LSA 05-02.44**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Demers stated that the next two items should be considered together and as county sponsored amendments rather than large scale amendments. A separate motion is requested for each.

**LSA 05-02.19** - a request by AMC Delancey Stonington Properties, LP to change 1,681.26 +/- acres north of the Choctawhatchee Bay, between Freeport and Bruce located on the north side of S. R. 20 approximately ½ mile east of Windswept Boulevard from Large Scale Agriculture to Rural Village and **LSA 05-02.23** - a request by North American Investments, LLC, BCV Parcel 4 LLC, Marianne Grant and Black Creek Village Developers, LLC to change

1139.32 +/- acres north of the Choctawhatchee Bay, in the Black Creek area located on the south side of C. R. 3280, approximately 7 miles east of U. S. 331 from North Bay NPA-Rural Town Center to Black Creek NPA-Low Density Residential. Staff recommended approval.

Attorney Blue discussed the proposed changes and projects for the properties.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve **LSA 05-02.19** as a county sponsored amendment. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve **LSA 05-02.23** as a county sponsored amendment. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner Comander, second by Commissioner L. Jones, to transmit to DCA the entire EAR Document. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

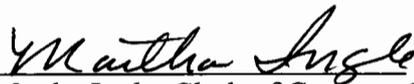
Attorney Blue expressed his gratitude to the staff for the tremendous work done to complete the EAR document.

There being no further items to present, the meeting adjourned at 7:45 p.m.

APPROVED

  
Scott Brannon, Chair

ATTEST

  
Martha Ingle, Clerk of Courts