

ORDINANCE 2013- 16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, ADOPTING AN NINTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE SANDESTIN DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 24, 2013, at a duly noticed public hearing, the Walton County Board of County Commissioners heard and considered the proposed development application from the Howard Group, for changes to the Grand Boulevard portion (Parcel 208/308) of the Sandestin Development of Regional Impact (the "Sandestin DRI"); and

WHEREAS, on January 11, 2013, the Florida Department of Economic Opportunity (DEO) determined that this development order amendment (the 9th amendment) was not a substantial deviation and did not require the filing of a Notice of Proposed Change (NOPC) pursuant to section 380.06(19)(e)2.k., Fla. Stat.; and

WHEREAS, on June 24, 2013, the Walton County Board of County Commissioners conducted an advertised public hearing for the purpose of receiving public comment.

NOW THEREFORE BE IT ADOPTED BY THE WALTON COUNTY BOARD OF COUNTY COMMISSIONERS:

SECTION 1. FINDINGS OF FACT.

Based on the documentation and testimony received at the public hearing, the County Commission hereby finds as fact as follows:

1. On October 19, 1976, the Board of County Commissioners (Board) approved the development order for the Sandestin DRI after the required review.
2. Subsequent to the adoption of the original development order, the Board has approved eight previous amendments to the Sandestin DRI development order on the following dates:

First Amendment – August 28, 1984 by Resolution 84-24

Second Amendment – August 28, 1989 by Ordinance 89-9

Third Amendment – August 28, 1990 by Ordinance 90-7

Fourth Amendment – May 12, 1998 by Ordinance 98-11

Fifth Amendment – February 8, 2000 by Ordinance 2000-03

Sixth Amendment – November 4, 2002 by Ordinance 2002-18

Seventh Amendment – July 6, 2004, by Ordinance 2004-28

Eighth Amendment - August 25, 2009, by Ordinance 2009-13

3. On February 1, 2013, the Applicant submitted a section 380.06(19)(e)2., Fla. Stat., amendment to the Sandestin DRI development order to request the following on Parcel 208/308:
 - a. Amend the Sandestin DRI Master Plan (see attached Exhibit B) to add a notation over Building G located in Phase 2C of Parcel 208/308 to go on the proposed Grand Boulevard Master Plan (see attached Exhibit B-2) to demonstrate the permitted uses for Grand Boulevard.
 - b. Clarify on the Grand Boulevard Master Plan (Exhibit B-2) that for Building G located in Phase 2C of Parcel 208/308, the Developer can retain the hotel use or may invoke an option to develop Building G as multi-family residential, but such use shall be located within and restricted to the previously-approved 14-story hotel building.
 - c. In Section 3 of this Amendment, amend the entitlements table for Parcel 208/308 to provide the Development the option to either retain the approved 225 hotel rooms or build 250 multi-family units. Such use shall be located within and restricted to the previously-approved 14-story hotel building.
 - d. In Section 3 of this Amendment, the entitlements table will also reflect the previously-approved 2008 like-kind transfer by reducing the commercial square footage by 71,904 square feet and adding the 225 hotel units.

SECTION 2. CONCLUSIONS OF LAW.

Based on the Findings of Fact adopted above, Walton County hereby adopts the following Conclusions of Law.

1. Walton County is the governing body having jurisdiction over the review and approval of the development order amendment, pursuant to Chapter 380, F.S., and is authorized and empowered to issue this amendment to the Sandestin DRI development order.
2. The property does not lie within an Area of Critical State Concern.
3. The previously-approved hotel project was based upon a like-kind transfer and found to be consistent with applicable local comprehensive plan and local land development regulations in effect at the time of approval. Use of the previously-approved hotel

building for multi-family residences within the same building footprint is consistent with current applicable local comprehensive plan and land development regulations.

4. The proposed development as described in this 9th amendment is consistent with the West Florida Strategic Regional Policy Plan.
5. The provisions of this amendment to the development order shall not be construed as a waiver of or exception to any local, state or federal law or regulation.
6. The impacts of this development, as conditioned by this Amendment to the development order, are adequately addressed pursuant to the requirements of Chapter 380, F.S., and the changes as approved by the County do not create additional adverse local impacts.
7. To the extent that the Application for Development Approval (ADA) or Development Application, or any other document is inconsistent with the terms and conditions of this Amendment to the development order, this Amendment to the development order shall prevail.

SECTION 3. GENERAL CONDITIONS.

Walton County, having made the aforementioned Findings of Fact and Conclusions of Law, hereby approves the following proposed changes contained in the development order amendment, subject to the following modifications and conditions of development set forth in this Amendment to the development order:

1. Amend the Sandestin Master Plan as identified on Exhibit B.
2. Adopt the Grand Boulevard Master Plan as identified on Exhibit B-2.
3. Amend the development entitlements table for Parcel 208/308 as follows:

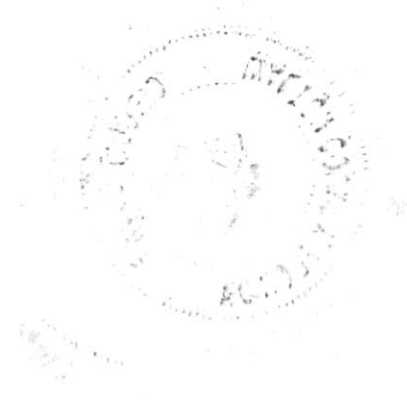
Parcel 208/308 Entitlements pursuant to 2013 Sandestin DRI Development Order

Approved Uses in Parcels 208/308	2002 DRI Development Order	2008 Development Permit through Like Kind Transfer	Adopted 2013 (e)2 Change	2013 Development Order
Commercial-Retail	502,636 SF	- 71,904 SF		430,732 SF
Commercial-Office	88,400 SF			88,400 SF
Commercial-Bank	13,659 SF			13,659 SF
C-Commercial	In above			
Commercial-Hotel	300 units	+ 225 units		525 units [^]
<p>The Above Commercial entitlements include existing Tom Thumb Convenience Store (2,346 SF), 30,969 SF of Nursing Home and 4,780 SF of High Turnover Restaurant</p> <p>[^] Building G on Parcel 208/308, previously approved as a 14-story hotel building with 225 hotel rooms pursuant to Walton County Development Order #08-001-00011, may be used instead for 250 multi-family units at the option of the Developer. The Developer shall notify the County in writing if it elects to exercise this option. The option shall expire after two years after adoption of this development order amendment. Failure to exercise the option within two years shall not affect the Developer's right to proceed with the hotel building as previously approved. Invoking this option does not require the filing of an amendment to the development order pursuant to s.380.06(19), F.S. If the option is invoked, then in the next amendment to the development order the entitlements table will be amended to reduce the Hotel units by 225 units and 250 Multi-Family units will be added to the table. This amendment will be for record keeping purposes only. The Developer may use the first floor for retail regardless of which option is selected.</p>				

BE IT FURTHER RESOLVED BY THE WALTON COUNTY COMMISSION THAT THE FOLLOWING SHALL APPLY:

1. Final Order. That this amendment to the development order shall constitute the final order of Walton County in response to the DRI development order amendment filed by the Developer.
2. Definitions. That the definitions found in Chapter 380, F.S. shall apply to this amendment to the development order.
3. Assignability: Persons Bound. That this amendment to the development order shall be binding upon the Developer and its heirs, assignees, or successors in interest including community development districts created pursuant to Chapter 190, Fla. Stat.

4. Severability. That in the event any portion or section of this amendment to the development order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this amendment to the development order, which shall remain in full force and effect. Likewise, any such decision shall in no manner affect the validity of Walton County Development Order #08-001-00011, which shall remain in full force and effect.
5. Recordation of Notice of Adoption. That within 30 days after its effective date, the Developer shall cause a Notice of Adoption of this amendment to be recorded among the Public Records of Walton County in accordance with section 380.06 (15), Fla. Stat., and shall provide a copy of the recorded Notice to Walton County, the West Florida Regional Planning Commission (WFRPC), and the DEO.
6. Restriction on Downzoning, Density Reduction or Intensity Reduction. That Walton County agrees that the approved Sandestin DRI shall not be subject to down zoning, density reduction, or intensity reduction after the effective date of this amendment to the development order, unless the County can demonstrate that substantial changes in the conditions underlying the approval of the amendment to the development order have occurred, or that the amendment to the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the County to be essential to the public health, safety or welfare.
7. That approval of this Amendment to the development order shall not exempt any portion or unit of the Sandestin DRI development from any future impact fees imposed by Walton County. Developer credit for applicable improvements paid for by it pursuant to the requirements of this amendment to the development order shall be given as provided for by section 380.06(16), Fla. Stat.
8. Effective Date. That upon the adoption of this amendment to the development order, it shall be transmitted to the WFRPC, the DEO and the Developer and shall become effective upon rendering of this development order by the County.
9. Transmittal of Amendment. Copies of this Amendment to the development order shall be transmitted immediately by certified mail to the WFRPC, DEO and the Developer, by Walton County.



ADOPTED, in Regular Session this 24th day of June, 2013, by The Walton County

Board of County Commissioners.

ATTEST:

**BOARD OF COUNTY
COMMISSIONERS OF WALTON
COUNTY, FLORIDA**


CLERK


CHAIRMAN





EXHIBITS

- EXHIBIT A** Legal Description of Parcel 208/308 in the Sandestin DRI
- EXHIBIT B** Amended Sandestin DRI Master Plan
- EXHIBIT B-2** Grand Boulevard Master Plan

EXHIBIT A

Legal Description of Parcel 208/308

In the Sandestin DRI

EXHIBIT B

Amended Sandestin DRI Master Plan

EXHIBIT B-2

Grand Boulevard Master Plan

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- EXHIBIT A** Legal Description of Parcel 208/308 in the Sandestin DRI
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EXHIBIT A

Legal Description of Parcel 208/308

In the Sandestin DRI

EXHIBIT A

**Legal Description of Phase IIC, Building G
Within Parcel 208/308**

In the Sandestin DRI

DESCRIPTION: (AS PER FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT NO. H514-21481, SCHEDULE A, EXHIBIT A)

PHASE II-C

PARCEL OF LAND IN SECTIONS 25 & 26, TOWNSHIP 2 SOUTH, RANGE 21 WEST, WALTON COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 21 WEST, WALTON COUNTY, FLORIDA, AND THE FORMER NORTHERLY RIGHT OF WAY OF STATE ROAD 30 (U.S. HIGHWAY 98 100' RIGHT OF WAY), THENCE ON SAID WEST LINE NORTH 00 DEGREES 00 MINUTES 45 SECONDS EAST, A DISTANCE OF 482.58 FEET TO THE *POINT OF BEGINNING*; THENCE NORTH 76 DEGREES 14 MINUTES 25 SECONDS WEST, A DISTANCE OF 340.43 FEET; THENCE NORTH 13 DEGREES 46 MINUTES 03 SECONDS EAST, A DISTANCE OF 63.45 FEET TO A POINT ON A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 207.08 FEET; THENCE ON THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 11 DEGREES 39 MINUTES 40 SECONDS, AN ARC DISTANCE OF 42.15 FEET, (CHORD BEARING AND DISTANCE = NORTH 08 DEGREES 01 MINUTES 20 SECONDS EAST, A DISTANCE OF 42.07 FEET); THENCE NORTH 01 DEGREES 54 MINUTES 10 SECONDS EAST, A DISTANCE OF 143.49 FEET TO A POINT ON THE NORTH LINE OF A 100 FOOT GULF POWER EASEMENT; THENCE ON SAID NORTH LINE SOUTH 87 DEGREES 37 MINUTES 10 SECONDS EAST, A DISTANCE OF 559.53 FEET; THENCE DEPARTING SAID NORTH LINE SOUTH 02 DEGREES 01 MINUTES 45 SECONDS WEST, A DISTANCE OF 362.85 FEET; THENCE NORTH 76 DEGREES 20 MINUTES 15 SECONDS WEST, A DISTANCE OF 248.19 FEET TO THE *POINT OF BEGINNING* OF THE PARCEL HEREIN DESCRIBED.

(SAID PARCEL CONTAINING 3.96 ACRES, [172460 SQUARE FEET])

EXHIBIT B

Amended Sandestin DRI Master Plan

SANDESTIN RESORT



- LEGEND**
NORTH OF HWY 20
- I. RESIDENTIAL
 - LOW DENSITY = 224.811 ACRES
 - MEDIUM DENSITY = 198.727 ACRES
 - MEDIUM/HIGH DENSITY = 111.088 ACRES
 - HIGH DENSITY = 24.795 ACRES
 - DRIFTWOOD SUBDIVISION = 150.714 ACRES
 - UNDEVELOPED DRIFTWOOD SUBDIVISION = 147.197 ACRES
 - II. NON-RESIDENTIAL
 - COMMUNITY SERVICES = 45.629 ACRES
 - MULTI-FAMILY/COMMERCIAL = 74.888 ACRES
 - CLUBS = 9.091 ACRES
 - III. OPEN SPACE
 - MAJOR COLLECTOR ROADS = 50.125 ACRES
 - DRIVE OPEN SPACE, SAN FAYMENT = 36.846 ACRES
 - ARTERIAL ROADS = 54.050 ACRES
 - DRIVE OPEN SPACE, SAN FAYMENT = 17.294 ACRES
 - GOLF POWER EASEMENT = 15.500 ACRES
 - NATIVE PRESERVE = 185.407 ACRES
 - ARCHAEOLOGICAL = 15.134 ACRES
 - LAKES = 124.118 ACRES
 - GOLF COURSES = 418.104 ACRES
- TOTAL AREA = 1867.16 ACRES

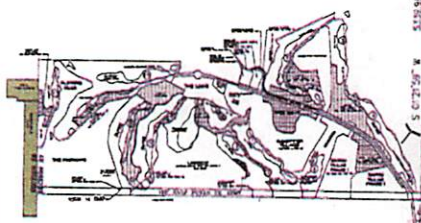
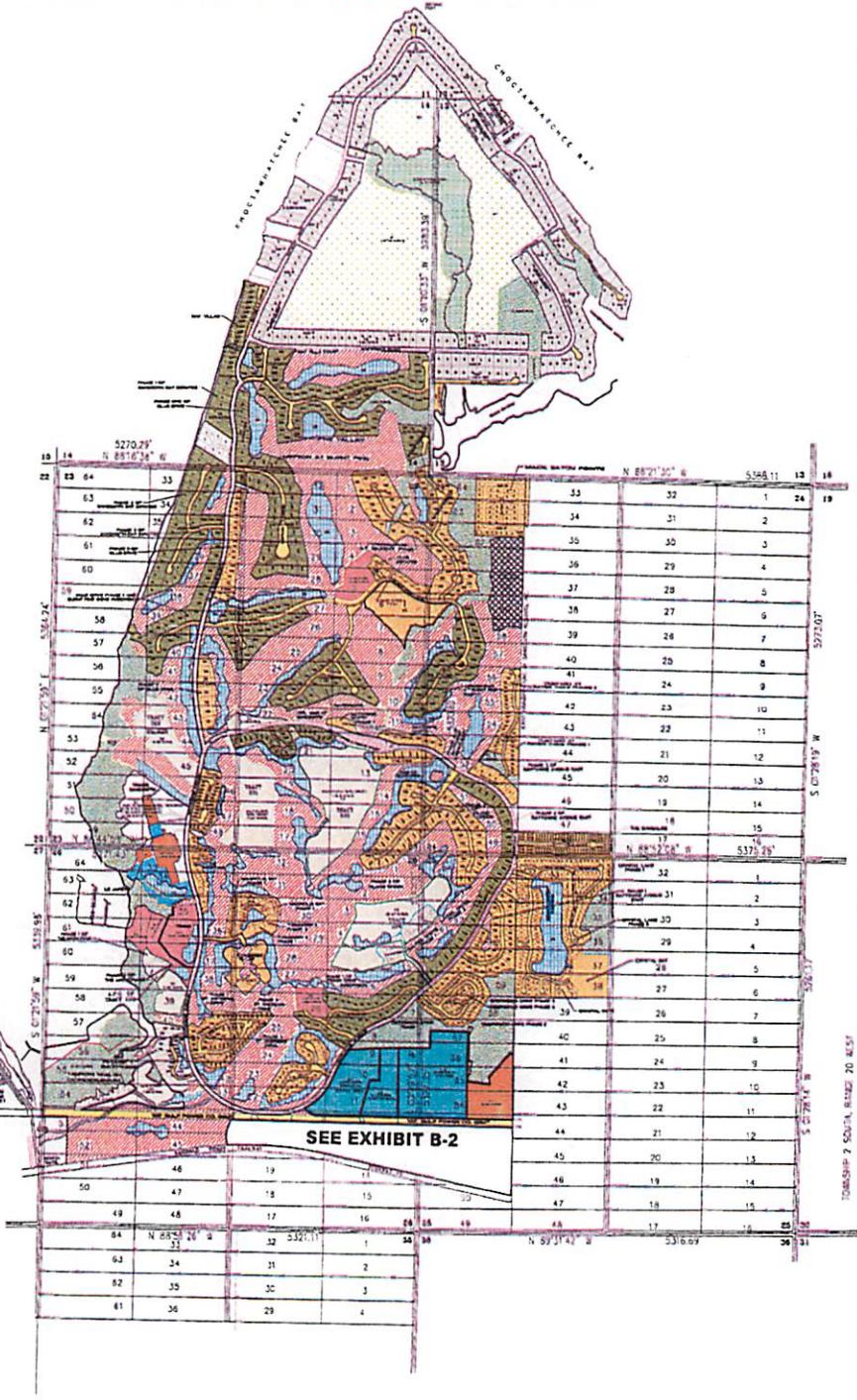


EXHIBIT B

EXHIBIT B-2

Grand Boulevard Master Plan



COMMERCIAL



MULTI-FAMILY/COMMERCIAL

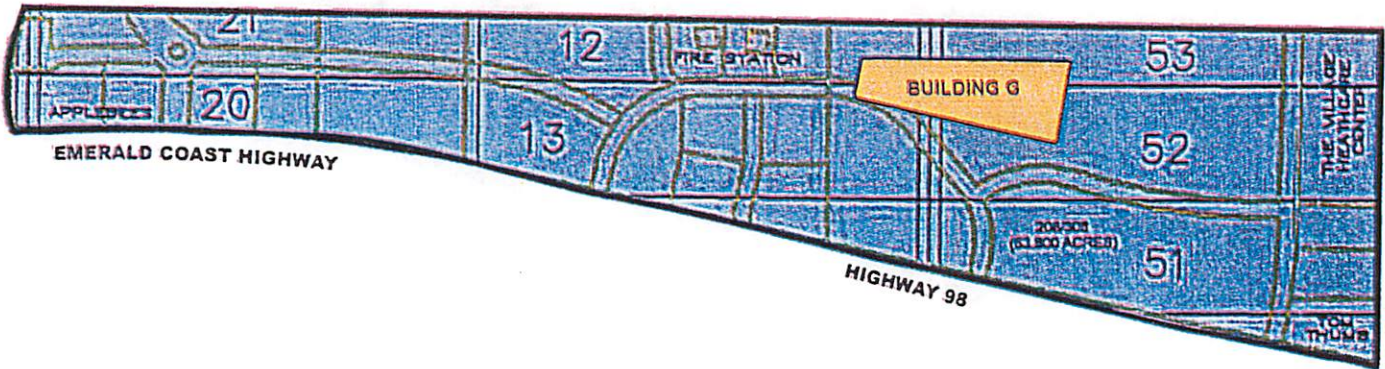


EXHIBIT B-2

P208/308