**PLANNING COMMISSION**

**MINUTES**

**FEBRUARY 8, 2018**

**5:01 P.M.**

The regular meeting of the Okaloosa County Planning Commission was held Thursday, February 8, 2018, 5:01p.m., 208 North Partin Dr, Niceville Board Room, Niceville, FL. Board members in attendance were Larry Patrick, Bruce Ravan, Jeremy Stewart, and Robert Cadenhead.

Eglin Representative Jeff Fanto was not in attendance.

Growth Management Staff in attendance were Elliot Kampert, Director, and Leslie Adams, Administrative Assistant II, recording secretary.

County Attorney in attendance was Kerry Parsons.

Speaker recognition forms were submitted by persons wishing to speak as follows:

Agenda Item 1: Ashley Bell, 7552 Navarre Pkwy, Suite 2, Navarre Fl, 32566---Opponent.

Agenda Item 1: Dian L. Norris, 721 Forest Shores Dr., Mary Esther, FL---Opponent.

Agenda Item 1: Erik Gustafoson, 71 Lakeshore Dr., Shalimar, FL 32579---Opponent

Agenda Item 2: James Armstrong, 112 Truxton Ave, FWB, FL 32548---Engineer

Agenda Item 3: Tom Patton, 4471 Legendary Dr., Destin, FL 32459---Agent

Agenda Item 4: Julie Ann Winfree, 234 Beachview Dr., FWB, FL---Owner

Agenda Item 4: B.A. Winfree, 234 Beachview Dr., FWB, FL----Owner

1. **CALL TO ORDER**

Chairman Patrick called the meeting to order at 5:01 PM.

1. **ROLL CALL**

Leslie Adams conducted roll call.

1. **APPROVAL OF MINUTES OF NOVEMBER 9, 2017 (NO DECEMBER 2017, OR JANUARY 2018 MEETINGS)**

The Chairman called for a motion to approve the minutes.

***Motion to approve the minutes of November 9, 2017 made by Robert Cadenhead, second by Jeremy Stewart --- 4 ayes. Motion passes.***

1. **OPEN TO PUBLIC (FOR ANY ITEMS NOT QAUSI JUDICIAL ON THIS AGENDA)**

None

1. **ANNOUNCEMENTS**

None

1. **ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA**

None

1. **ACCEPTANCE OF THE AGENDA**

***Motion by to accept the agenda with the corrected agenda consisting of the additional agenda item 4, made by Jeremy Stewart, second by Bruce Ravan--- 4ayes. Motion Passes.***

1. **OATH TAKING**

Leslie Adams administered the oath for all speakers.

1. **DISCLOSURES**

Leslie Adams read the disclosure statements. Chairman Patrick advised he had spoken with Mr. Kampert concerning agenda item 3 for the purpose of gathering information for this meeting. All other Commissioners advised they had not spoken with anyone concerning the agenda items. All Commissioners advised they had not visited the properties involved in the agenda items. All Commissioners advised they felt they could render a fair and impartial decision on the agenda items.

1. **OLD BUSINESS**

**AGENDA ITEM 1:** Consideration of revisions undertaken at the direction of the Board of County Commissioners to Sections 2.20.10 and 1A.04.05 of the Okaloosa County Land Development Code pertaining to the keeping of chickens and certain varieties of domesticated duck in the R-1, R-2, and R-3 zoning districts, as well as changes to 2.21.05.7 of the Land Development Code pertaining to the location of sheds in residential zones. (This item was continued from the November 9, 2017 meeting)

Chairman Patrick advised everyone that agenda item 1 was a discussion item only between the Board and staff.

Mr. Kampert advised this was a continuation from the November meeting concerning chickens, ducks and sheds. Mr. Kampert advised the changes are in item 7, 9, 11, and 12, and read into record the changes listed in the report, he also pointed out to the Planning Commission that, if the Planning Official receives any objections to a request for and administrative adjustment regarding the keeping of chickens or ducks the matter must be presented to the Board of Adjustments for special exception and any fees applied to the administrative adjustment shall be applied to the special exception. Mr. Kampert also advised that sheds must be consistent with the principle structure that came on the property.

Discussion ensued.

Commissioner Cadenhead advised he thought they needed to address corner lots in the revisions.

Chairman Patrick called for Dian Norris.

Ms. Norris waived her chance to speak.

Ms. Bell addressed the Board advising she was an attorney representing Ms. Norris and family. Ms. Bell advised that they object to having backyard chickens stating they are unsanitary and exposes the public to greater risk of diseases. Ms. Bell quoted information from the CDC site concerning backyard chickens and ducks. Ms. Bell advised that there was nothing in the proposed amendment stating the CDC guidelines be followed and in addition the smell, and noises create a nuisance, along with it being cruel to the chickens. Ms. Bell advised they do not agree with amending the Land Development Code for one family at the expense of the entire county. Ms. Bell advised that none of this will even matter if the County refuses to enforce it, for example the coupe must be impermeable from predators. Ms. Bell gave 2 black and white photos to each Board member advising that it depicts a fox with a chicken in its mouth and the location was the neighbors of the Norris’, stating that the Norris’ have other photos with feathers on their property and of a fox and bear prowling around the coupe. Ms. Bell advised that luring wild animals into properties poses a risk to the public and the proposed amendment does not address a penalty for noncompliance.

Chairman Patrick inquired to some of the CDC information Ms. Bell proposed.

Discussion ensued.

Ms. Norris addressed the Chairman and stated she had a hardcopy of the CDC information they were referring to.

Chairman Patrick inquired if they wanted to enter it into record.

Mr. Kampert inquired if the information was readily available on the CDC website and advised he would just get the information there since Ms. Norris only had one copy.

Ms. Norris gave the copy to Chairman Patrick advising he could have the paperwork.

This copy was not given to the recording secretary.

Discussion ensued.

Chairman Patrick called for Erik Gustafson.

Mr. Gustafson addressed the Board advising he was opposed to sheds and chickens in the front yard due to effects on property values and increase nuisance this will cause. Mr. Gustafson advised he did some research and he objects and thinks the change is going to benefit the family that is requesting this at the expense of Okaloosa County. Mr. Gustafson inquired how many coop will be allowed and what defines a playhouse or cottage because it’s not in the Land Development Code.

Chairman Patrick advised that they have not gotten to where there is a drafted ordinance that they could recommend or not recommend to the County Commissioners and this is just a discussion item. Chairman Patrick advised that currently you could have up to 4 coops without a special exception.

Mr. Kampert advised yes. Mr. Kampert advised that it currently reads the house must be impermeable to rodents, wild birds and predators including dogs and cats.

Discussion ensued.

In response to a question regarding the size of coops, Mr. Kampert advised that the code currently reads that the house/coop must be 4 square feet per bird.

Discussion ensued.

Mr. Gustafson inquired how many coops were currently at the address in question.

Attorney Parsons advised the Chairman that the Board was there to discuss the changes to the overall regulations and that the case Mr. Gustafson is inquiring about is a code enforcement issue, and must be dealt with by the Code Enforcement Board. Attorney Parsons cautioned the Board about not discussing details concerning said case in question for the reason of due process and they would have to been notified and given the opportunity to speak.

Discussion ensued.

Chairman Patrick inquired about the status of the property in question.

Attorney Parson advised of the status.

Discussion ensued and Attorney Parsons advised the Board that if they wanted to leave the current regulations concerning chickens, ducks, and sheds as they are they had the right to recommend that it stay the same. More discussion ensued.

The Board recommended that this item be referred back to staff.

Mr. Kampert advised it would be looked at again and brought back before the Board at the next meeting for them to give a thumbs up or thumbs down recommendation to the Board of County Commissioners.

Chairman Patrick inquired if there was any other verbiage or information to add.

Chairman Patrick advised moving on to item number 2.

1. **NEW BUSINESS**
2. **Applications for development review**

None

b. **Public Hearings**

**AGENDA ITEM 2**: Consideration of a request submitted by Choctaw Engineering as agent for Parc Place Homes, LLC, to utilize the Planned Unit Development process as provided in Section 1A.03.11 of the Land Development Code to develop a 72 unit townhome project in two phases. The applicant is seeking the following development specific standards for the project: Phase 1 – side setbacks of 5 feet and rear setbacks of 2 feet (the front setback will remain at 20 feet as required by the underlying R-2 zoning district); Phase 2 – side setbacks of 2 feet (the front and rear setbacks will remain at 20 feet and 10 feet, respectively, as required by the underlying MU district). In addition, the applicant is seeking to reduce the right-of-way diameter for a proposed cul-de-sac from 110 feet to 90 feet, and the cul-de-sac paving diameter from 100 feet to 80 feet. The subject 5.87 acre property is located at the intersection of Westgate Way and US 98 in unincorporated western Okaloosa County.

Mr. Kampert read into record agenda item number 2.

Discussion ensued.

Chairman Patrick called for Mr. James Armstrong.

Mr. Armstrong advised the Board he was there for representing Choctaw Engineering and to answer any questions the Board had.

***Motion to approve agenda item 2 as written made by Bruce Ravan, second by Jeremy Stewart. 4 ayes--- Motion passes.***

**AGENDA ITEM 3:** Consideration of a request submitted by Tom Patton and Scott Jenkins on behalf of 213-B Developers, LLC to revise the Regatta Bay Planned Unit Development.

Mr. Kampert read into record agenda item 3.

Mr. Kampert called for Mr. Patton.

Mr. Patton addressed the Board advising that he thought there was a mix-up on the graphic they distributed in the mail referencing the buffer for several lots on the PUD line and it did not end up in the request. Mr. Patton addressed the Board and showed them on the map they had, Attachment F.

Chairman Patrick inquired if this was included in the advertisement.

Mr. Patton advised it was but not in the list of specific exceptions.

Mr. Kampert cleared up for the record and the straight line provided in attachment F, is actually a little further down from the back of the home sites, and will show as a straight line and not a zig zag line.

Attorney Parsons clarified for the record that Mr. Patton was saying that this change was not actually expressly put in this request for the changes to the PUD.

Chairman Patrick inquired if this mattered legally for advertisement.

Attorney Parsons advised that it does matter for notice requirements.

Mr. Kampert cleared up the matter and advised that this did end up in the request and it is on page 2 of the PUD document under buffer.

Mr. Patton added that a phase line has changed.

Mr. Kampert inquired if this is changed total to what they are currently requesting, are there more lots or less lots?

Mr. Patton advised that there are not more lots, just that it will go North and South working out better for a drainage standpoint.

Discussion ensued.

Attorney Parson inquired if this was a requirement.

Mr. Patton advised no.

Attorney Parsons advised she will continue to research and did not feel it was an issue.

Mr. Patton advised they asked for five changes and basically this was to treat the retention pond as an amenity and not fence them in.

Discussion ensued concerning the retention ponds.

Mr. Kampert advised that when you look at the aerial photograph Attachment B, the development is due south of the property and the development on the other side that has a retention pond with a fountain, and if that pond and if that had variable sides as well.

Mr. Patton advised that was not his project but to his recollection he didn’t think so, and this was not part of the PUD but it would be similar to the best of his recollection. Mr. Patton continued by describing what they were trying to do.

Discussion ensued.

Mr. Patton advised that they will be placing a shelf on the sides of the slope approximately 2 feet wide for someone to be able to stand on if they were to fall in.

Attorney Parsons advised that it was not an issue of the PUD that exists.

***Motion to approve agenda item 3 made by Robert Cadenhead, second by Jeremy Stewart. 4 ayes---Motion passes.***

**AGENDA ITEM 4:** Consideration of a request submitted by B.A. and Julie Winfree to amend the Comprehensive Plan Future Land Use Map designation of a 0.63+ acre parcel located at 318 Lewis Street in the unincorporated Ft Walton Beach Area from Mixed Use (MU) to Medium Density Residential (MDR) and, if the FLUM amendment is approved, a companion rezoning for the same property from the Mixed Use (MU) zoning district to the Residential-2 (R-2) zoning district.

Mr. Kampert read into record agenda item 4.

Chairman Patrick called for Mr. or Ms. Winfree.

Ms. Winfree addressed the Board advising she was there to answer any questions.

***Motion made to approve agenda item 4 as written FLUM request made by Robert Cadenhead, second by Bruce Ravan. 4 ayes---Motion passes.***

***Motion made to approve agenda item 4 as written rezoning request made by Mr. Ravan, second by Jeremy Stewart. 4 ayes---Motion passes.***

1. **OTHER BUSINESS**

Election of officers for 2018.

Commissioner Cadenhead advised that this was his last meeting and he was resigning.

Discussion ensued.

Chairman Patrick advised of his desire to stay as Chairman.

Chairman Patrick called for a motion.

***Motion to leave everything the same, Chairman as Larry Patrick, and Vice Chairman Bruce Ravan, made by Jeremy Stewart, second by Robert Cadenhead***

The **MARCH 8, 2018** Planning Commission Meeting will be held at 208 North Partin Dr., City of Niceville Board Room, Niceville, FL.

1. **ADJOURNMENT**

Chairman Patrick adjourned the meeting at 6:02 pm.

Prepared by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Leslie Adams, Recording Secretary

Date 02/12/18