**PLANNING COMMISSION**

**MINUTES**

 **JANUARY 9, 2020**

**5:01 P.M.**

The regular meeting of the Okaloosa County Planning Commission was held Thursday, January 9, 2020, 5:01 p.m., 208 North Partin Dr, Niceville Board Room, Niceville, FL. Board members in attendance were Larry Patrick, Phyllis Enzor, Bruce Ravan, Jeremy Stewart; and John Collins.

Eglin Representative Tom Tolbert was not in attendance.

Okaloosa County School Board representative Bill Smith was not in attendance.

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

 County Attorney Kerry Parsons was in attendance.

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

Agenda Item 1 & 2: Jerry Zivan, 4540 E. Hwy 20, Niceville, FL 32578—Applicant Representative

Agenda Item 1 & 2: Russ Aldrich, 638 W Sunset, FWB, FL.---Applicant Representative

Agenda Item 1 & 2: Tom Hanks, 250 Cedar Beach Cove, Freeport, FL 32439—Applicant Representative

Agenda Item 1 & 2: Scott Spies, 16596 US 331 South, Freeport, FL 32439—Applicant Engineer

Agenda Item 1 & 2: Nathan Braeuninger, 1609 Oakmont Cir, Niceville, FL 32578--Opponent

Agenda Item 1 & 2: Vaughn Braeuninger, 1609 Oakmont Cir, Niceville, FL 32578--Opponent

Agenda Item 1 & 2: Brandon Braeuninger, 1609 Oakmont Cir, Niceville, FL 32578-Opponent

Agenda Item 1 & 2: Brenda Braeuninger, 1609 Oakmont Cir, Niceville, FL 32578-Opponent

Agenda Item 1 & 2: David Vardaman, 931 Lido Circle W., Niceville, FL 32578-Proponent

Agenda Item 1 & 2: Christopher Scwantz, 305 Parkwood Pl, Niceville, FL 32578- Proponent

Agenda Item 1 & 2: Kathy Dillon, 742 Prestwick Dr., Niceville, FL 32578-Proponent

Agenda Item 1 & 2: Ed Kraus, 6208 Oakmont, Niceville, FL 32578- Proponent

Agenda Item 1 & 2: Terry Wilson, 1608 Oakmont Cir, Niceville, FL, 32578-Opponent

Agenda Item 1 & 2: Josh P. Shaw, 1206 Chantilly Cir, Niceville, FL 32578-Opponent

Agenda Item 1 & 2: Farrah Porter, 22 Balmoral Dr., Niceville, FL 32578- Didn’t mark anything

Agenda Item 1 & 2: Ruth Alford, 812 Fairway Lakes Dr., Niceville, Fl 32578-Proponent

Agenda Item 1 & 2: George Hanks, 703 Putter Dr., Niceville, FL 32578- -Other

Agenda Item 1 & 2: Joel M Oxley, 17 Balmoral Dr, Niceville, FL 32578- Other

Agenda Item 1 & 2: Felix Beukenkamp, 101 Baywind Dr., Niceville, FL 32578- Proponent

Agenda Item 1 & 2: Jesse Borthwick, 100 Gleneagles Dr., Niceville, FL 32578- Didn’t mark anything

Agenda Item 1 & 2: Joe Testa, 1509 Glenlake Cir., Niceville, FL 32578- Didn’t mark anything

Agenda Item 1 & 2: Paul Buron, 220 Woodward Cir., Niceville, FL 32578-Other

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 FOR DECEMBER 12, 2019**

The Chairman called for a motion to approve the minutes.

***Motion to approve the minutes of December 12, 2019 made by Phyllis Enzor, second by John Collins --- 5ayes. Motion passes.***

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

None

1. **ANNOUNCEMENTS**

Elliot petitioned the Board to combine agenda items 1 & 2 presentations and vote separately on each item.

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

Combine agenda item 1 & 2.

1. **ACCEPTANCE OF THE AGENDA**

***Motion to accept the agenda as written, with the acceptance of combining agenda item 1 & 2 presentation and to make separate motions for each item, made by Bruce Ravan, second by Jeremy Stewart--- 5ayes. Motion Passes.***

1. **OATH TAKING**

Leslie Adams administered the Oath for all speakers.

1. **DISCLOSURES**

Leslie Adams read disclosures to the Board. All members advised they had not spoken with anyone and had previously visited the properties involved. All members advised they could render a fair and impartial decision for the agenda items.

1. **OLD BUSINESS**

None

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

None

1. **Public Hearings**

**AGENDA ITEM #1:** Consideration of a resolution amending Okaloosa County Development Order #77-1, as amended, pertaining to the Bluewater Bay Development of Regional Impact (DRI) Development Order (DO).  The application to change the DRI-DO is submitted by Jerome Zivan, as agent for Bluewater Bay Development Venture, LLC (“BBDV”).  The specific request is the re-designation of the southern portion of the Bluewater Bay driving range and Hole #1 from Golf (G) to Medium/Low Residential (M/L) in order to allow for a proposed 40 lot single family subdivision.  The amendment also requests an extension of the buildout date of the Bluewater Bay development order to June 27, 2024.  The subject property contains 13.71 acres more or less and is located in the Bluewater Bay Development approximately 1,641 feet southeast of the intersection of Bay Drive and Bluewater Bay Boulevard. The subject property currently has a Mixed Use 1 Future Land Use Map designation; and is zoned Mixed Use-1 (MU-1).

**AGENDA ITEM #2:** Consideration of a resolution amending Okaloosa County Development Order #77-1, as amended, pertaining to the Bluewater Bay Development of Regional Impact (DRI) Development Order (DO): The application to change the DRI-DO is submitted by Jerome Zivan, as agent for the Bluewater Bay Master Development Map land Use designation on 7.09-acres located on a portion of the golf course property. This 7.09-acre area is bisected by Bluewater Boulevard ROW into a North Parcel of 3.78 acres and a South Parcel of 3.31 acres. The use of this portion of the property will be changed from Golf Club (the map land use designation currently shown for the North Parcel and Golf (G) the Map land use designation currently shown on the South Parcel to Commercial/Office/Medium Residential “C/O/M”. The subject property includes Parcel 22-1S-22-0000-0001-0100 and Parcel 22-1S-22-0000-001-0110 and is located in the Bluewater Bay Development approximately 1,641 feet southeast of the intersection of Bay Drive and Bluewater Boulevard. The subject property currently has a Mixed Use 1 Future Land Use Map designation; and is zoned Mixed Use-1(MU-1).

Randy Woodruff addressed the Board advising there was updated information given to them prior to the meeting reference public comment, letters of support, letters of opposition, including revised attachment J, and included a correction to attachment F for the draft resolution which includes 40 single family lots not the 21 single family lots listed, all for their agenda packets. Mr. Woodruff presented agenda item 1 & 2 to the Board.

Chairman Patrick called for Mr. Zivan to speak.

Mr. Zivan addressed the Board giving brief background of the Bluewater Bay DRI and his participation in the DRI then gave his presentation concerning agenda items 1 & 2, also presenting the Board with a copy of the Conceptual Master Plan which was entered into record, exhibit 1. During his presentation Mr. Zivan used 2 visual poster Boards 1) BWB Master Development Map, and 2) the Master Plan for the 40 lot residential subdivision (also entered into record as exhibit 1.) Mr. Zivan advised the Board that the original DRI allowed an additional 284 residential lots that have not been built, and the current proposed change will be taking from that number of lots, in which the water and sewer availability is adequate to accommodate the new units. Mr. Zivan advised they have spent months trying to get input from the surrounding members of the community, including those most impacted by these changes. Mr. Zivan advised of the compromises made during community meetings they have held. Mr. Zivan advised the Board that the 40 lot subdivision is on 13 acres, much less dense and less units than allowed in the current zoning, by intent. Mr. Zivan continued by discussing the demographics of Bluewater Bay and reasons they are proposing the changes such as: 1) younger families moving in, 2) more children, 3) less people wanting to play golf, 4) community improvements, 5) need of parks for children and dogs, 6) less retirees and other community based changes. Mr. Zivan continued his presentation concerning the sites for the proposed subdivision and Town Center.

Chairman Patrick inquired if the Braeuninger family wanted to speak at the same time or separate.

Mr. Vaughn Braeuninger advised as a family, and Mrs. Brenda Braeuninger, Brandon Braeuninger, and Nathan Braeuninger addressed the Board as a family advising their experience in Bluewater and concerns about having more open spaces, the need for more parks for children to play, and they are not happy with the new houses proposed, and they were opposed to these items. Mr. Braeuninger addressed the Board advising the Code 10.8 and 10.16 reading them into record.

Mr. Kampert advised they are within their realm and are still meeting the overall open space within the DRI.

Chairman Patrick called for Mr. Paul Burton.

Chairman Patrick inquired about late arrivals and if they needed to be sworn in. Chairman Patrick called for them to stand and be sworn in.

Leslie Adams administered the oath.

Mr. Burton addressed the Board with his concerns of 1) the golf course needing help, 2) density, 3) the style of the lot sizes and shapes to be kept consistent with the current lots, and 4) commercial issues concerning height and there are no other 3 story buildings and they are not consistent with current development. Mr. Burton advised he doesn’t have objections with the current changes just concerns.

Chairman Patrick advised that the Board was there to vote on the proposed agenda item and not the style of the buildings.

Discussion ensued.

Attorney Parsons advised that it may be helpful for clarification purposes that the decision before the Board is not about the design standards and site plan, if this were to be approved and then approved by Board of County Commissioner’s the next step would be site plan review, which would include things such as: 1) traffic review, 2) storm water review, 4) platting, and design standards that are all in the Land Development Code, as well as including public notification.

Discussion ensued.

Chairman Patrick called David Vardaman.

Mr. Vardaman addressed the Board advising he is in support of this and he is the Chairman of the Bluewater MSBU and he does not speak on behalf of the MSBU. Mr. Vardaman advised that he believes this will be good and he was working with the County, Jason Autrey, to bring in parks to the community. Mr. Vardaman advised he would make sure that people can still get around by bike, golf cart, and pedestrians as well, and he believes the new facility will be great. Mr. Vardaman again advised that he was not speaking for MSBU.

Chairman Patrick called for Christopher Scwantz.

Mr. Scwantz addressed the board advising he has been in Bluewater for approx. 22 years and he has confidence in the builder and he is supportive of the designs and concepts that he has seen. Mr. Scwantz wanted to say that he looks forward to Bluewater maturing and growing and he supports the plans as presented.

Chairman Patrick called for Cathy Dillon.

Ms. Dillon addressed the Board advising she is in support of the proposal, she feels that Randy Wise Homes will build something that will increase or maintain the value of the current homes in the area, and not matter what change is coming and this will be a good change.

Chairman Patrick called for Mr. Ed Kraus.

Mr. Kraus addressed the Board advising he is in total support of this and he has had several meetings with the builder’s representative and Mr. Zivan and they have given everything they have asked for and he is convinced this is going to be a good thing for Bluewater.

Chairman Patrick called for Terry Wilson.

Mr. Wilson addressed the Board advising he is opposed to this and he has some questions, concerns about 1) taking out the driving range, 2) 1 % of open DRI is going away, 3) building a town center after the community is already there, 4) new driving range, and 5) golf clubhouse is not there it is Slick Mick’s. Mr. Wilson advised that he opposes both items.

Chairman Patrick called for John Shaw.

Mr. Shaw addressed the Board advising he has a number of concerns 1) drainage, 2) traffic, bringing up the death of a 12 year old child in the roundabout in Bluewater Bay, 3) he is opposed to any further development in Bluewater Bay, 4) flooding of homes in the area, 5) property value decreasing, 6) safety for walkers, and lastly 7) new houses in Bluewater being an eye sore and does not want the new development to look like these.

Discussion ensued on how to get copies of the agenda item packets.

Attorney Parson advised they could also go into the Growth Management Department to view the items.

Chairman Patrick called for Farrah Porter.

Ms. Porter addressed the Board with her concerns 1) she supports open space, 2) overcrowding, 3) new homes that are being built in Bluewater that are not consistent with current homes in Bluewater, 4) addition of the Town Center does not line up with a quiet living concept, and 5) modernization.

Discussion ensued concerning the Town Center concept in Mixed Use areas.

Ms. Porter advised that putting a shopping center in the area is going to cause congestion, that this is where the heart of Bluewater is and modernization is not always beneficial and there are better areas, and if the people wanted a Town Center it would have already been put there.

Chairman Patrick called for Joel Oxley.

Mr. Oxley addressed the Board advising he was his concerns were mostly for item # 2 being: 1) decreased value of home, 2) two and three story buildings that will be residential and mostly be rentals, 3) increased traffic, and 4) he did not buy into multi residential housing. . Mr. Oxley addressed the Board advising they did not have to address the approval as a whole and the entirety of what was submitted and directed his request to the multiple residential requesting the Board to say no to this item.

Chairman Patrick advised that mixed use does permit light commercial, neighborhood type commercial, and much more significant commercial, as well as multi-family residential.

Discussion ensued.

Elliot Kampert advised the applicant is there to amend the development order and if the Board recommends approval to the Board of County Commissioners and the Board of County Commissioner’s approve it, then they are able to build but without the approval they can’t build.

Mr. Oxley questioned if the Board could approve a portion of the request or not approve it at all.

Mr. Kampert advised they could and went on to give an example.

Discussion ensued.

Attorney Parson’s advised from a legal stand point that although they have the authority to approve, deny, or approve with conditions the Board still had to follow the Land Development Code and Comprehensive Plan and whether or not this meets the codes in consideration when determining approval staying in the parameters given by law.

Discussion ensued.

Attorney Parsons again advised the Chairman that the vote will have to be based on whether or not the request is within the LDC and Comprehensive Plan codes and will be two separate motions for item 1 and item 2. Attorney Parsons advised she could not give Mr. Oxley a yes or no answer due to her not hearing all public comments, the Board asking any questions, Mr. Zivan’s rebuttal, and the Board having discussion and if it is within compliance with the law.

Discussion continued.

Mr. Oxley again requested item #2 be denied.

Chairman Patrick called for George Hanks.

Mr. Hanks addressed the Board advising his objection is that it has been said there is no difference between plat and architect and he believes if you look at the plat plan versus the architect drawing and that there is a significant difference between the traffic study and the safety of the public.

Discussion ensued.

Chairman Patrick called for Felix Beukenkamp.

Mr. Beukenkamp addressed the Board advising his background in Bluewater Bay. Mr. Beukenkamp advised he is for the development and just wanted to ask that the builder to put in walkways, playgrounds, disc golf, and things of the sort and open areas. Mr. Beukenkamp asked the Board to approve both items on the agenda.

Chairman Patrick called for Ruth Alford.

Ms. Alford addressed the Board inquiring about 12 parking spots that are on the left side of the clubhouse and if they are still in the plans and expressed her concerns of people baking in and out of the area.

Chairman Patrick called for Jesse Borthwick and advised he needed to be sworn in.

Leslie Adams administered the oath.

Mr. Borthwick addressed the Board expressing his concerns: 1) not being notified in a timely manner, 2) does not know if he is for or against these items, 3) piece meal approach taking place, 4) things should happen in a comprehensive manner not the way things are happening, and 5) that the Board was considering proposed changes when they had not seen the original DRI.

Discussion ensued.

Chairman Patrick called for Joe Testa.

Mr. Testa addressed the Board advising his concerns about being notified within a week or so of the meeting for a redevelopment of the Community Center, and asked the Board to postpone voting to give everyone time to go over the material. Mr. Testa went on to say that he had never heard of a Community Center being built without the input from the Community. Mr. Testa also had concerns about the value of the property if they could or could not build on the golf course and the motivation surrounding the agenda items and again asked the Board to postpone voting until the next meeting so everyone would have a chance to go over the material.

Chairman Patrick called for Mr. Zivan.

Mr. Zivan addressed the Board advising the timing of the mail-out was unfortunate it hit the holidays, but they have complied with all the requirements for the timeline of submission and would like the process to move forward, advising that people who didn’t get to speak at this meeting will be able to speak at the Board of County Commission meeting. Mr. Zivan continued by addressing 1) publication of the meeting, 2) density of multi-family homes in the area, 3) zoning of the entrance way of Bluewater Bay starting out as Hotel and then changed to Golf Villas, 4) the issue of the new homes being built and the style of the homes, 5) open space for parks and playgrounds, and 6) parking, and traffic issues.

Commissioner Enzor questioned Mr. Zivan about meetings with the community.

Mr. Zivan advised they invited various groups in Bluewater Bay to meeting with them and had approximately 10 meetings and limited them to no more than 10 people at a time to keep the meetings informal.

Discussion ensued.

Chairman Patrick addressed the public stating time for public comment has commenced.

Discussion ensued.

Attorney Parson advised the Chairman that he has already given rebuttal to the applicant and the evidentiary hearing portion of the meeting is closed, and it is now open for Board discussion only.

Discussion ensued. Public became unruly.

Commissioner Collins inquired about item #2 and the requested changes and what about the proposed development was not compatible with the current zoning.

Discussion ensued about why they needed to request the change.

Chairman Patrick inquired if there was anything in the proposal that would not comply with the Land Development Code and Comprehensive Plan.

Mr. Kampert advised because of how the Mixed Use-1 is set up in the DRI and because it is Mixed Use development it is consistent with the Comprehensive Plan and to the best of his knowledge based on what he has been presented it is consistent with the Land Development Code. Mr. Kampert went on to explain that the applicant will still have to get separate development orders for the projects in which they will have a second look concerning the Land Development Code requirements.

Chairman Patrick called for a motion for item number one.

***Motion made to postpone until more information can be submitted to the Board for them to make an honest and solid vote, made by Bruce Ravan.***

Discussion ensued.

Commissioner Enzor inquired if it was information from Staff or the community.

Commissioner Ravan advised both.

Commissioner Stewart advised he would second, if Commissioner Ravan would amend his motion to include the requirement that they hold 2 community meetings.

Chairman Patrick and Attorney Parsons advised that the Board could not require the applicant to hold meetings.

Attorney Parsons advised they could only approve, deny, approve with conditions, or continue the meeting.

Discussion ensued.

Chairman Patrick called for a second.

Commissioner Stewart inquired if the maker of the first motion would amend it to include imploring the applicant to have 2 meetings.

Commission Ravan advised yes, he would amend his motion.

Attorney Parsons inquired what other information the Board was requesting before making a decision to send to the Board of County Commission, so staff and the developer have direction.

Chairman Patrick called for a second.

Commissioner Collins inquired what additional information would they need to make a decision.

Discussion ensued.

Chairman Patrick inquired if the applicant met the legal requirements for public notification.

Mr. Woodruff advised yes, the applicant did meet the requirements, the letters were mailed out and the signs were posted.

Discussion ensued.

Chairman Patrick called for a second to Commissioner Ravan’s motion. No second. Motion failed.

***Motion to disapprove made by Bruce Ravan. No second. Motion failed.***

Commissioner Collins inquired if their motion will be based on if it is consistent with the Okaloosa County Land Development and the Comprehensive Plan.

Attorney Parson advised yes, that Florida Statue 38. 06 S 7A, deals with developments regional impact specific states in part that any proposed change to a previously approved DRI shall be reviewed by the local government based on standards and procedures and the adopted local Comprehensive Plan and adopted local Land Development regulations. Attorney Parsons advised they have to also take into consideration that it must abide by any prior agreements or actions vested and laws governing the development.

Discussion ensued.

***Motion made to approve agenda item one as proposed made by Commissioner John Collins, second by Commissoner Phyllis Enzor.***

Commissioner Stewart requested that the maker of the motion amend to include requesting the developer to pursue a couple town hall meetings before going to the Board of County Commission.

Discussion Ensued. Public became unruly and Chairman Patrick asked 2 people to leave.

***Motion made to approve agenda item one as proposed made by Commissioner John Collins, second by Commissioner Phyllis Enzor. 4 ayes—1 nay (Bruce Ravan) Motion Passes.***

***Motion to approve item number two as proposed made by Commissioner John Collins, second by Commissioner Jeremy Stewart. 4 ayes- 1 nay (Bruce Ravan) Motion Passes.***

Attorney Parsons advised the final hearing with the Board of County Commissioners is scheduled for February 18, 2020 at 9:00 am, in Shalimar.

Chairman Patrick advised they were taking a 5 minute recess.

Back from recess.

Mr. Zivan addressed the Board advising he wanted to correct and earlier possible misconception about his statement concerning Fairway Lakes and the new intersection and he wanted it clarified that he was not addressing what Mr. George Hines said as the Board, and that he was addressing a comment that the Fairway Lakes Board had included in a letter of opposition sent to Planning and Zoning by e-mail. Mr. Zivan also wanted it on record that he will voluntarily call for a town hall meeting as early as they can and he will coordinate getting the notification out for people to attend.

Discussion ensued about a comprehensive plan.

**AGENDA ITEM #3:** Public Hearing for Transmittal to the Florida Department of Economic Opportunity and other Reviewing Agencies an Amendment to the Goals, Objectives, and Policies of the Future Land Use and Conservation Elements of the Okaloosa County Comprehensive Plan pertaining to borrow pits and mining.

Elliot Kampert advised the Board about item 3. Mr. Kampert read into record Policy 6.5 of the Future Land Use Element. Mr. Kampert advised the comprehensive plan says you have to have a special exception for a Burrow Pit and the Land Development Code states you can’t even apply, if you are within 1 mile of a residential area, advising they have to amend the Comp Plan to further amend the LDC.

Discussion ensued concerning burrow pits.

Mr. Kampert advised the Board they would have to make two separate motions for item 3 and 4 but he could continue to discuss item 4 and then they could make the motions.

Chairman Patrick advised he could continue and they would make the two separate motions.

**AGENDA ITEM #4:** Public Hearing to Consider Creation of Section 6.10.00, Mines and Borrow Pits, of the Okaloosa County Land Development Code as well as ordinances revising sections 2.01.04, 2.12.04, 2.13.05 of the Okaloosa County Land Development Code as they pertain to borrow pits and mining.

Mr. Kampert advised that when they send this to the State it will include the changes to the Land Development code and they would see that the County is putting in reasonable protections and advising where burrow pits are allowed, and taking them out of Airport Industrial Park. Mr. Kampert went on to read and discuss agenda item 4.

Discussion ensued.

***Motion to approve agenda item 3 as written made by John Collins, and second by Phyllis Enzor. 5 ayes—Motion Passes.***

***Motion to approve recommend the adoption of the ordinance proposed agenda item 4 as written made by Bruce Ravan, and second by Jeremy Stewart. 5 ayes—Motion Passes.***

Discussion ensued.

1. **OTHER BUSINESS**

The **FEBRUARY 13, 2020** 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 8:05 pm.

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

 Leslie Adams, Recording Secretary

Date 01/27/2020