**PLANNING COMMISSION**

**MINUTES**

**MAY 11, 2017**

**5:01 P.M.**

The regular meeting of the Okaloosa County Planning Commission was held Thursday, May 11, 2017, 5:01p.m., 208 North Partin Dr, Niceville Board Room, Niceville, FL. Board members in attendance were Larry Patrick, Jeremy Stewart, John Collins, Robert Cadenhead, and Bruce Ravan.

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: Mark Siner, 112 Tructon Ave., FWB, FL 32547---Project Engineer

Agenda Item 1: Wayne Hostillo, 219 Beach Dr., FWB, FL 32547---Other

Agenda Item 1: Heath Rominger, 2015 Bayshore Dr, Niceville, FL 32578---Other

1. **CALL TO ORDER**

Chairman Patrick called the meeting to order at 5:12 PM.

1. **ROLL CALL**

Leslie Adams conducted roll call.

1. **APPROVAL OF MINUTES OF MARCH 9, 2016**

The Chairman called for a motion to approve the minutes.

***Motion to approve the minutes of March 9, 2017 made by Bruce Ravan, second by Robert Cadenhead --- 5 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 made by Bruce Ravan, second by John Collins--- 5ayes. Motion Passes.***

1. **OATH TAKING**

Leslie Adams administered the oath for all speakers.

1. **DISCLOSURES**

Leslie Adams read the disclosure statements and Chairman Patrick advised he had spoken with Mr. and Mrs. Naylor, and Mr. Naylor on a separate occasion and that he had visited the property. Commissioner Ravan advised he visited the property when the item first came up, all other Commissioners advised no to all questions. Chairman Patrick and Bruce Ravan advised he felt he could render a fair and impartial decision on the agenda item.

1. **OLD BUSINESS**

**AGENDA ITEM 1**: Consideration of a request changing the use of land submitted by Choctaw Engineering, Inc. as agent for Lessie and Wayne Hostilo relating to property located at 1815 Hurlburt Road, Fort Walton Beach. The request is to change the Comprehensive Plan Future Land Use Map (FLUM) designation for the property from **Suburban Residential (SR)** to **Mixed Use (MU)**. If the FLUM amendment is approved, request to rezone the property from **Suburban** **Residential (SR)** district to **Mixed Use (MU)** district. Property contains 1.41 acres, more or less. ***This item was tabled from the March 9, 2017 meeting.*** (This item is quasi-judicial)

Mr. Kampert read into record agenda item one and advised that this was a continuation from March Planning Commission meeting and due to that the item had been re-advertised.

Chairman Patrick called for Mark Siner.

Mr. Siner addressed the Board and advised that they were there a few months ago and there was an issue regarding Mixed Use and the ability to apply that to the proposed property and it seems to be cleared up now and that is why they are back at this meeting and explained the Mr. Kampert and he had discussed the zoning on the proposed property and the compatibility of the property, and the fact there are provisions in the code to address the compatibility during the D.O. process.

Chairman Patrick called for Mr. Wayne Hostillo.

Mr. Hostillo address the board advising the property had been in the family since approximately 1950, and they would like to request the right to be able to develop the property in a low impact evolution, a small RV park, with an opportunity to generate revenue for the property again, since it has been in the family since approximately 1950.

Chairman Patrick called for any discussion or questions.

Some discussion ensued.

***Motion to approve agenda item 1 FLUM change request from Suburban residential (SR) to Mixed Use (MU) made by Robert Cadenhead, second by John Collins. 4 ayes- 1 nay. Motion passes.***

Chairman Patrick advised that he still had same reservations concerning the designation of Mixed Use, and allowing the C-3 zoning and buffering requirements adjacent to single family.

Discussion ensued.

***Motion to approve agenda item 1 rezoning request from Suburban Residential (SR) to Mixed Use (MU) made by Robert Cadenhead, second by Bruce Ravan. 4 ayes-1nay. Motion passes.***

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

None

1. **Public Hearings**

**AGENDA ITEM 2**: Ordinance Regulating Medical Marijuana Dispensing

Facilities and Treatment Centers

During the 2014 Legislative Session, the Florida Legislature created Section 381.986 of the Florida Statutes authorizing the use of low-THC cannabis for patients with specified illnesses. This became known as the Compassionate Medical Cannabis Act of 2014. On the November 8, 2016 General Election Ballot, Amendment 2, which was a voter-initiated constitutional amendment, was approved which legalized medical marijuana possession and use. Statewide, Amendment 2 received over 71% support, which was well above the required 60% approval rate for adoption. In Okaloosa County, 71.65% of the voters approved Amendment 2.

On January 17, 2017 the Board imposed a 180 day moratorium from the acceptance of applications for, the processing of, and the issuance of development permits, development orders or any other official action or permitting or having the effect of permitting new medical marijuana dispensing or treatment center facilities. The purpose of the moratorium was to allow time to determine what action the Legislature was going to take in response to the constitutional amendment and for staff to prepare an ordinance to address some of the impacts.

Elliot Kampert began to read into record agenda item two.

Chairman Patrick advised he would use the term “unit” instead of “stall”.

Discussion ensued concerning units.

Commissioner Cadenhead inquired if they wanted this to be dispensed in the Mall.

Mr. Kampert advised no that what would happen is a separation requirement and that would could from having several boutiques in a row, and would probably keep that from happening.

Discussion concerning the medical marijuana being sold in a strip type mall continued.

Discussion continued concerning prescriptions.

Mr. Kampert continued to read agenda item into record.

Chairman Patrick inquired about adding to the application to require the applicant to list any of the facility that are shown within the 1000ft radius on page 5.

Discussion ensued.

Commissioner Cadenhead mentioned putting that the application fee is non-refundable.

Discussion continued.

Chairman Patrick inquired about the sale and delivery but wondered about the growers.

Attorney Parsons advised that they could not touch the growers that they were regulated by the State and there were specific criteria they had to meet.

Chairman Patrick inquired if about page 3 the definition of medical marijuana treatment center which includes cultivation.

Attorney Parsons advised that the only ones allowed to have a treatment center are the cultivators.

Mr. Kampert advised that they wanted to use the terms dispensing facility and treatment center to cover both bases because the terms were used differently in the statute.

Chairman Patrick inquired if with this they were technically authorizing the cultivation and growing of marijuana in one of these little stores.

Both Attorney Parsons and Mr. Kampert advised no and the State License controls where and how you can grow it.

Discussion ensued concerning the term cultivate.

Mr. Kampert advised he would discuss this with council.

Mr. Kampert continued to read into record the rest of agenda item 2.

Commissioner Cadenhead inquired if they should put into the language that if the applicant breaks the law at any time their license will be revoked.

Mr. Kampert advised that this was a good point and they will work on some language for this point.

Discussion ensued.

Chairman Patrick called for any speakers.

Heath Rominger addressed the Board and advised he was with the Niceville City Council and they were going through the same process on the moratorium and just wanted to say it was good learning for him at this meeting, and he had a question concerning the governing of bringing in of new products and control the distribution.

Attorney Parsons advised they are regulated by the State and one of the requirements will be that the plants are tagged and as the process continues the tag for that plant continues and they are scanned in by the facilities.

Chairman Patrick called for a motion for the ordinance to be approved with the amendments they discussed.

***Motion to approve with amendments made by Bruce Ravan, second by Jeremy Stewart. 5ayes- Motion passes.***

Some discussion concerning Sunshine Law continued by Commissioners and County Attorney.

1. **OTHER BUSINESS**

The **JUNE 8, 2017 Planning Commission meeting will be held at 208 N. Partin Dr. City of Niceville Board Room, Niceville, FL.**

1. **ADJOURNMENT**

Chairman Patrick adjourned the meeting at 6:06 pm.

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

Leslie Adams, Recording Secretary

Date 05/26/17