**PLANNING COMMISSION**

**MINUTES**

 **SEPTEMBER 9, 2021**

**5:01 P.M.**

The regular meeting of the Okaloosa County Planning Commission was held Thursday, September 9, 2021, 5:01 p.m., Commissioner’s Chambers, **Okaloosa County Administrative Complex 1250 Eglin Parkway N, Shalimar, FL 32579.**

Board members in attendance were Larry Patrick, Bruce Ravan, Phyllis Enzor, 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, Director, Randy Woodruff, Planning Manager, Tim Durbin, Planner III, Marissa Martinez, Planner III, Sherry Cadenhead, Planning Coordinator, and Martina Barrow, Administrative Assistant II.

Okaloosa County Public Works Department Edwin Sanguyo was in attendance.

County Attorney Kerry Parsons was in attendance.

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

Agenda Item 5: Jerry Zivan, 4540 Hwy 20. Applicant

Agenda Item 5: Rebecca Noss, 1049 Troon Dr. E. Other

Agenda Item 5: Joe Moran, 811 Turnberry Way, Niceville, FL 32578. Opponent

Agenda Item 5: Mary Ellen Mcdonald, 944 St. Andrews CVS, Niceville, FL 32578. Other

Agenda Item 5: Julie Wall, 828 Turnberry CVS, Niceville, FL 32578. Other

Agenda Item 5: Charlie Moore, 4436 Turnberry, Niceville, FL 32578. Other

Agenda Item 5: Jo Williams, 4516 E. Hwy 20, Nicevlle, FL 32578. Opponent

Agenda Item 5: Yvonne Anderson, 1011 Troon Dr. E., Niceville, FL 32578. Other

Agenda Item 5: Karen Zepp, 1190 Invirfield Way, Niceville, FL 32578. Opponent

Agenda Item 5: Pat Fralix, 302 Curacoa Way, Niceville, FL 32578. Other

Agenda Item 5: Michael Hreczkosj, 817 Turnberry Way, Niceville, FL 32578. Opponent

Agenda Item 5: Harold Tiahart, 408 Aruba Way, Niceville, FL 32578. Opponent

Agenda Item 5: Gary Luck, 706 Prestwick Dr., Niceville, FL 32578. Opponent

1. **CALL TO ORDER**

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

1. **ROLL CALL**

Sherry Cadenhead conducted roll call.

1. **APPROVAL OF MINUTES FOR AUGUST 12, 2021 MEETING.**

***Motion to approve minutes made by Bruce Ravan and second by Phyllis Enzor.---4ayes. Motion Passes*.**

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

Chairman Patrick advised that the Board will not be taking any action on Agenda Item 5, this item will be heard at the October 14 meeting and action would be taken at that meeting. Chairman Patrick, at the request of Commissioner Collins, advised there was an issue with the advertisement which caused the item to be moved to the October meeting.

Chairman Patrick opened up for speakers and asked Sherry Cadenhead to administer the oath for all speakers at this time.

Chairman Patrick called for Mr. Harold Tiahrt.

Discussion ensued.

Mr. Tiahrt addressed the Board with his concerns: 1) Flooding and Stormwater drainage, 2) company stating infrastructure is supported, yet at a previous time the same company said infrastructure was not supported, and 3) packages from him not being delivered.

Randy Woodruff addressed the Board regarding Mr. Tiahrt’s package. Mr. Woodruff advised that the Commissioner’s agenda packets were mailed out 2 weeks before the meeting and Mr. Tiahrt’s packet was brought in after this and the office was also shut down for two weeks due to COVID. Mr. Woodruff advised the Chairman that we did not get Mr. Tiahrt’s packet until we returned, and knowing that this item would be tabled, staff wanted this packet to be presented to the Board at the October meeting.

Chairman Patrick asked Mr. Woodruff to address the Stormwater process.

Mr. Woodruff advised the Planning Commission that a detailed stormwater analysis was part of the Devlopment Order application process and this would be submitted by the applicant.

Discussion ensued.

Chairman Patrick called for Michael Hreczkosj.

Mr. Hreczkosj addressed the board with his concerns: 1) flooding, and 2) prevention of drainage.

Discussion ensued.

Chairman Patrick called for Pat Fralix.

Ms. Fralix addressed the Board inquiring if the stormwater flowed into the golf course lakes.

Mr. Woodruff advised the Board that he would like to defer stormwater questions to Public Works.

Ms. Fralix advised the Board one of her concerns was water runoff to properties and the type of recourse they have as residents when the lakes are not maintained. Ms. Fralix advised the stormwater needs to be addressed by the County.

Discussion ensued.

Attorney Parsons asked the County Engineer to address how they process stormwater submittals.

Edwin Sanguyo addressed the Board advising that for this project submittal he has not received a complete drainage analysis and was not able to approve it since it is incomplete at this time. Mr. Sanguyo advised when he does get plans he would check if the met all LDC requirements regards to stormwater, offsite runoff, and runoff impacting adjacent structures downstream or upstream.

Attorney Parson asked Mr. Sanquyo when stormwater plans are submitted would it take in consideration only onsite stormwater or is offsite stormwater is considered as well or both.

Mr. Sanguyo advised both onsite and offsite stormwater would have to be addressed by the proposed development.

Discussion ensued.

Chairman Patrick called for Kim Zepp.

Mr. Zivan addressed the Chairman advising he felt he could help clear up stormwater questions. Mr. Zivan addressed stormwater issues concerning this proposed development and surrounding areas stating that the standard they are using the 100 year Critical Flood Event, not the 25 year that Bluewater was initially developed under.

 Discussion ensued concerning stormwater issues.

 Chairman Patrick called for Kim Zepp.

Mr. Zepp addressed the Board inquiring where they are going to build a new school, as the increase in people causes the need for new schools.

Chairman Patrick advised this would be addressed by the Okaloosa County School Board.

Discussion ensued.

Chairman Patrick called for Yvonne Anderson.

Ms. Anderson addressed the Board advising her concerns: 1) decrease in property value, 2) flooding, 3) no engineering process, 4) chemicals in soil, and 5) too many houses.

Chairman Patrick advised that this Board does not make decisions on Development Orders.

Attorney Parsons made clarification that the next meeting date would be on October 14, 2021 at the same place for this item.

 Discussion ensued concerning chemicals in the soil.

Mr. Woodruff advised that during the Development Order process the submitter would have to turn in a Geo Tech Report which includes a percolation report of the soil, and the actual determination of the soil is not required, but they are required to have silk fencing to keep water runoff to surrounding properties.

Discussion ensued.

 Chairman Patrick called for Charles Moore.

 Mr. Moore advised his questions had been answered.

 Chairman Patrick called for Julie Wall.

Ms. Wall advised her concerns were: 1) change in Density, and 2) what will happen to the 7 ½ foot easement behind her home.

Mr. Woodruff advised that the DRI/NOPC application is for 51 single family homes on existing holes.

Discussion ensued concerning density and the easement.

Chairman Patrick called for Mary Ellen McDonald.

Ms. McDonald advised she had her questions answered.

Chairman Patrick called for Mr. Joe Moran.

Mr. .Moran addressed the Board advising his concerns: 1) is this development going to fill in any of the lake, 2) will this affect the road near the lake, 3) has there ever been a 3rd party environmental impact study, 4) full scope of the Floodwater Grant, and 5) congestion of roadways and traffic.

Discussion ensued.

Attorney Parsons advised that Staff would not know about the Floodwater Grant as they were not involved with this issue, but what they could do is get Mr. Moran’s information and have the appropriate staff contact him.

Discussion ensued.

Chairman Patrick called for Rebecca Noss.

Ms. Noss addressed the Board with her concern of easement rights behind their house

Attorney Parson’s advised easements rights lies with the Clerk of Courts.

Chairman Patrick advised this Board does not have the legal right to address easement rights.

Discussion ensued.

Ms. Noss advised one of her concern is the boxes for development review get checked, then development starts and there is no recourse. Ms. Noss wanted to know how they resolve these issues. Ms. Noss also stated she would like to see the Developer work within the existing DRI requirements, including setbacks, and comparable size lots, and homes. Ms. Noss continued with several other concerns in the proposed submitted request.

Discussion ensued.

Mr. Woodruff addressed some of Ms. Noss’ issues, stating on page 2, attachment F of the Staff report there was an actual Development of Regional Impact Comprehensive Plan Consistency Analysis provided by the applicant, which was done by AVCON and this is where she could find some of the information.

Chairman Patrick called for Gary Luck.

Mr. Luck did not answer.

Ms. Jo Williams advised she had concerns: 1) density, 2) traffic issues, 3) muck under the road, and 4) soil analysis.

Discussion ensued.

10 minute adjournment.

Chairman Patrick called meeting back to order and called for Mr. Zivan to speak.

Mr. Zivan addressed the Board advising he has had 3 separate meetings for each of the 3 holes and for people who are adjacent to the holes and everyone within 300 feet. Mr. Zivan advised he sent out clarification after the 3 meetings and that there should be no question on drainage issues, and there was not much more to be said on that subject. Mr. Zivan spoke of the pond and the damn and how everyone wanted to get the issues resolved, yet it was taking a bit longer then everyone hoped it would. Mr. Zivan continued to address issues concerning: 1) traffic, 2) schools, and 3) density.

Discussion ensued.

Chairman Patrick closed the public comments.

1. **ANNOUNCEMENTS**

None

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

Chairman Patrick asked for a motion to add Kerry Parsons Legal Procedures to the agenda, and move Agenda Item 5 to date certain, October 14, 2021 Planning Commission meeting.

1. **ACCEPTANCE OF THE AGENDA**

***Motion to accept the agenda with addition of Kerry Parsons Legal Procedures and moving Agenda Item 5 to time certain, October 14, 2021 meeting, made by Bruce Ravan and second by Phyllis Enzor.---4 ayes. Motion Passes.***

1. **OATH TAKING**

Done earlier in meeting.

1. **DISCLOSURES**

Attorney Parsons advised no action needed for disclosures.

1. **OLD BUSINESS**

None

1. **NEW BUSINESS**

None

1. **Applications for Development Review**

None

1. **Public Hearings**

**AGENDA ITEM 1:** Comprehensive Plan Amendment \*Text Amendment\* (21-04ESR) **-** This is a request to consider the adoption of an ordinance creating Chapter 2.14 of the Okaloosa County Comprehensive Plan, establishing a new element titled “Property Rights Element.”  This is also a request to consider the adoption of an ordinance amending the text of the Okaloosa County Comprehensive Plan relative to the following elements: Future Land Use, Housing, Solid Waste, and Stormwater.  In accordance with Section 163.3184, Florida Statutes, comprehensive plan or plan amendments adopted by local governments shall follow the Expedited State Review process.

 Mr. Woodruff read into record Agenda Item 1.

 Discussion ensued.

***Motion to approve Agenda Item 1 as written made by John Collins, and second by Bruce Ravan.---4 ayes. Motion Passes.***

**AGENDA ITEM 2**: An ordinance amending the Okaloosa County Land Development Code, Ordinance 91-01, as amended, amending Section 2.21.05(9): Limitations and Restrictions for Home Occupations; and providing for the repeal of all ordinances or portions thereof, in conflict herewith; providing for severability; providing for the inclusion in the code of ordinances of Okaloosa County, Florida; and providing for an effective date.

Mr. Woodruff read into record Agenda Item 2.

***Motion to approve Agenda Item 2 as written made by John Collins, and second by Phyllis Enzor.---4 ayes. Motion Passes.***

**AGENDA ITEM 3**: An ordinance amending the Okaloosa County Land Development Code, Ordinance 91-01, as amended, creating Section 6.11.00 Lighting Standards; providing for a short title; providing for applicability; providing for a definitions; providing for plan requirements; providing for lighting standards; and providing for the repeal of all ordinances or portions thereof, in conflict herewith; providing for severability; providing for the inclusion in the code of ordinances of Okaloosa County, Florida; and providing for an effective date.

Mr. Woodruff read into record Agenda Item 3.

Commissioner Enzor inquired if this was generalized or specific to Eglin AFB.

Mr. Woodruff advised both.

Discussion ensued.

***Motion to approve Agenda Item 3 as written made by Phyllis Enzor, and second by John Collins.---4 ayes. Motion Passes.***

**AGENDA ITEM 4**: An ordinance amending the Okaloosa County Land development Code, Ordinance 91-01, as amended, amending Appendix A: Definition, Table 2.6 Bulk Regulations for Mixed Use (MU) zoning district and Section 6.04.02: Parking Requirements for specific uses; repealing all ordinances, or portion thereof, in conflict herewith; providing for severability; providing for inclusion in the code of ordinances of Okaloosa County, Florida, and providing an effective date.

Mr. Woodruff read into record Agenda Item 4, and requested that section 2.07.00 Mixed Use be amended so as to eliminate C-2 and C-3 Bulk Regulations noted within the Mixed Use designation.

***Motion to approve Agenda Item 4 as written with the suggested changes striking out section 2: Non-Residential stating all C-2 and C-3 bulk regulations shall apply and made by John Collins, and second by Bruce Ravan.---4 ayes. Motion Passes.***

**AGENDA ITEM 5**: 492417-BCC-2021 Bluewater Bay Development of Regional Impact (DRI) Amendment – Holes 4, 5, 6, 7 & 8 former Lake Golf Course @ Bluewater Bay - Consideration of a resolution approving an eighteenth “Notification of Proposed Change” to a previously approved Bluewater Bay Development of Regional Impact (DRI) Development Order (DO) to change the DRI Master Development Map with regard to property as described in the application.  The application to change the DRI-DO is submitted by Jerome Zivan, as agent for Bluewater Bay Development Venture, LLC (“BBDV”).  The requested amendment will change the Bluewater Bay Master Development Map land use designation on holes 4, 5, 6, 7, & 8 located on a portion of the former Lake Golf course property.  In total, the map changes in this NOPC would convert 26.34 acres of Golf (G) to Residential Use (L) and Medium Low (M/L) (proposed 51 single family detached residential units) and convert approximately 4.52 acres of Golf (G) to Recreation Use (R) for a total of 30.86 acres more or less.  The subject property, legally described as Parcel 23-1S-22-0000-0001-0130; is located in the Bluewater Bay Development of Regional Impact; the former golf course holes are approximately east of St. Andrews Cove north, north of Turnberry Place, and east of Turnberry Way. The subject property currently has a Mixed Use 1 Future Land Use Map designation; and is zoned Mixed Use-1 (MU-1)

 This item was moved to the October 14, 2021 meeting.

1. **OTHER BUSINESS**

The **October 14, 2021** Planning Commission Meeting will be held at the Commissioner’s Chambers, **Okaloosa County Administrative Complex 1250 Eglin Parkway N, Shalimar, FL 32579.**

Chairman Patrick adjourned the meeting at approximately 7:33 p.m.

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

 Leslie Adams, Recording Secretary

Date 09/14/21