**PLANNING COMMISSION**

**MINUTES**

**SEPTEMBER 10, 2020**

**5:05 P.M.**

The regular meeting of the Okaloosa County Planning Commission was held Thursday, September 10, 2020, 5:05 p.m., Destin-FWB Convention Center, 1250 Miracle Strip Pkwy SE, FWB, 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, Sherry Cadenhead, Planning Coordinator, and Marissa Martinez, Planner III. .

County Attorney Kerry Parsons was in attendance.

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

Agenda Item 1, 2, & 3: Mark Siner, 112 Truxton Ave, FWB, FL—Applicant Engineer

Agenda Item 2: Watt Smith, 1635 Peter Ct. , FWB, FL---Opponent

Agenda Item 2: Gary Oquendo 1618 Ella Ruth Dr, FWB---Opponent

Agenda Item 2: Diane Wells, P.O. Box1717, FWB, FL 32549---Opponent

Agenda Item 2: Steve Lancaster, 618 Gap Creek---Opponent

Agenda Item 3: Steve Ashmore, 746 Randall Roberts Rd, FWB, FL---Applicant

Agenda Item 3: Michael Josemans, 704 Spring Lake Dr., Destin, FL---Proect Owner

Agenda Item 3: Joe Buongiorene, 1623 Jennifer, FWB, FL ---32547---Opponent

Agenda Item 3:Jerry Smith, 681 Randall Roberts Rd., FWB, FL 32547---Other

Agenda Item 3:Sharon Hurst, 215 Marshall Dr., FWB, FL-----Opponent

Agenda Item 3: Jim Malik, 1647 Florence Ave, FWB, FL---Opponent

Agenda Item 3: Brenda Simmons, 695 Randall Roberts Rd, FWB, FL----Opponent

Agenda Item 3: Taylor Kennedy, 1624 Florence Ave., FWB, FL---Opponent

Agenda Item 3: William Kirby, 738 Randall Roberts Rd, FWB, FL---Opponent

Agenda Item 3: Kevin Kruse, 744 Olivia Ct., FWB, FL---Opponent

Agenda Item 3: Jason Kibler, 1622 Florence Ave, FWB, FL---Opponent

Agenda Item 3: Linda Gore, 760 Randall Roberts Rd., FWB, FL---Opponent

Agenda Item 3: John Diyoll, 1646 Florence Ave, FWB, FL---Opponent

Agenda Item 3: Leroy Richard, 706 Randall Roberts Rd, FWB, FL---Opponent

Agenda Item 3: Chris Torres, 747 Randall Roberts Rd., FWB, FL—Opponent

1. **CALL TO ORDER**

Chairman Patrick called the meeting to order at 5:05 PM.

1. **ROLL CALL**

Sherry Cadenhead conducted roll call.

1. **APPROVAL OF MINUTES FOR AUGUST , 2020**

The Chairman called for a motion to approve the minutes.

***Motion to approve the minutes of August 12, 2020 made by Bruce Ravan, second by Jeremy Stewart --- 5ayes. Motion passes.***

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

None

1. **ANNOUNCEMENTS**

None

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

None

1. **ACCEPTANCE OF THE AGENDA**

***Motion to accept the agenda as written made by Jeremy Stewart, second by Phyllis Enzor--- 5ayes. Motion Passes.***

1. **OATH TAKING**

Sherry Cadenhead administered the Oath for all speakers.

1. **DISCLOSURES**

Attorney Kerry Parsons read disclosures to the Board. Chairman Patrick advised he only had discussion with Staff concerning how the meeting should be conducted. All other members advised they had not spoken with anyone. Commissioner Collins advised that he did do a drive by of the property. All other members advised they had not visited the properties involved on the agenda. 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:** A Small-Scale Plan Amendment to change the Future Land Use Map (FLUM) designation from **Low Density Residential (LDR)** to **Medium Density Residential (MDR)** and a rezoning request from **Residential-1 (R-1)** to **Residential-2 (R-2)** for the property as submitted by Choctaw Engineering Inc., agent on behalf of Todd Gatlin. The location of the property is 15-2S-25-0000-0011-0210, Mary Esther, FL and contains 0.26 acres more or less.

Randy Woodruff read into record Agenda Item 1 advising that staff has received some calls concerning this item, but no opposition was received.

Chairman Patrick called for the Applicant, Mark Siner.

Mr. Siner addressed the Board advising he was representing the applicant and gave brief background of what the applicant’s intentions for the property are and why they were asking for the rezoning and FLUM change.

Chairman Patrick advised he had a letter received by Sherry Cadenhead at the meeting and asked if the person who wrote the letter was at the meeting and if she wanted to speak.

The person who wrote the letter, Debra Austin, declined to speak so Chairman Patrick read Ms. Austin’s letter into record.

Chairman Patrick called for Steve Lancaster, but he was to speak for item number 2.

Chairman Patrick called for Mark Siner.

Mr. Siner advised that every aspect of the development will meet the Land Development Code, and the owner is entitled to build the same amount of square footage on the lot when concerning storm water development.

Discussion ensued.

Chairman Patrick called for any questions or comments.

Chairman Patrick called for a motion to approve or disapprove agenda item one Amendment to change the Future Land Use Map (FLUM) designation from **Low Density Residential** to **Medium Density Residential**

***Motion to approve the FLUM amendment as written in agenda item 1 made by John Collins, second by Bruce Ravan—5ayes. Motion Passes***

Chairman Patrick called for a motion to approve or disapprove Agenda Item 1 a rezoning request from **Residential-1 (R-1)** to **Residential-2 (R-2).**

***Motion to approve the rezoning request as written in Agenda Item 1 made by Phylis Enzor and second by Jeremy Stewart. 5-- Ayes. Motion Passes.***

**AGENDA ITEM 2:** Consideration of a request changing the use of land submitted by Mark Siner, on behalf of Ruby Land Trust, relating to property located at 622 Gap Creek Road, Fort Walton Beach, Florida. The request is to rezone the property from **Residential (R-2)** district to **Mobile Home Park (MHP)** district, or a more restrictive zoning district.  The subject property contains 2.94 acres, more or less.

Randy Woodruff read into record Agenda Item 2 and advised of public comment received via e-mail, and that no further public opposition was received.

Chairman Patrick called for Mr. Siner.

Mr. Siner advised he was representing the applicant and gave brief description of intentions for the property.

Chairman Patrick called for Steve Lancasater to speak.

Mr. Lancaster addressed the Board advising his concerns: 1) existing condition of the property, 2) wants his property to increase and mobile homes decrease value, and 3) opinion that single family homes would be better on this property.

Chairman Patrick called for Ms. Diane Wells.

Ms. Wells addressed the Board advising her concerns: 1) increasing density of property for Mobile Homes, and 2) leave the zoning and FLUM alone.

Chairman Patrick called for Mr. Siner.

Commissioner Enzor inquired how long the property has had mobile homes.

Mr. Siner advised he did not know but approximately at least 10 years.

Commissioner Enzor inquired if the plan will include a buffer zone.

Mr. Siner advised they do have a plan that they will submit to the County as part of the Development Order.

Discussion ensued and Mr. Siner advised there was no designated buffer.

Mr. Siner addressed the Board and advised that Mobile homes are single family dwelling, and stating his client is cleaning up the site, with what the allowable use is for the property.

Chairman Patrick called for questions and a motion.

Ms. Diane Wells addressed the Board advising she agrees with Mr. Siner’s statement and she has concerns about the request to bring in more mobile homes.

Attorney Parsons advised there was one more person in the audience wishing to speak before public comments were closed, and for him to acknowledge if he had been swore in during the meeting.

Chairman Patrick called for this person to come to the podium and asked Attorney Parsons to administer the Oath.

Attorney Parson administered the oath.

Mr. Matt Smith addressed the Board advising his concerns that this sounds like an expansion and not an effort to clean up this property. Mr. Smith advised he objects.

Chairman Patrick called for any other speakers and for Mr. Siner.

Mr. Siner advised that the existing FLUM designations allows for Mobile Home Parks and it’s already designated by the County, and went on to address the allowable uses of this property.

Discussion ensued.

Chairman Patrick allowed Mr. Smith to speak.

Mr. Smith advised that the property is completely trashed and they need to clean it up before they get any approval.

Chairman Patrick called for Ms. Wells.

Ms. Wells advised that this property is not zoned as a Mobile Home Park.

Discussion ensued.

Mr. Siner advised he did not mean to misrepresent the property, he was advising that the Future Land Use category is MDR which allows mobile home park zoning, that is why they do not have to do a FLUM change.

Chairman Patrick asked for a motion to approve or deny Agenda Item 2.

Commissioner Collins advised he did not that going with the FLUM to Mobile Home Park was consistent with the surrounding uses, especially with it up against the Low Density Residential and for this reason he made a motion to deny the request.

***Motion to disapprove the request as written in Agenda item 2 made by John Collins****.* ***No second. Motion failed.***

Chairman Patrick called for a motion to approve Agenda Item 2 as written.

***Motion to approve Agenda Item 2 as written made by Bruce Ravan, and second by Jeremy Stewart*.**

Discussion ensued concerning what will happen if this item is approved.

Chairman Patrick called for any further question or discussion.

***Motion to approve agenda item 2 as written made by Bruce Ravan, second by Jeremy Stewart. 4—Ayes, 1- Deny ( John Collins). Motion Passes.***

Randy Woodruff notified the Chairman for record that Agenda Item 2 was planned to go before the Board of County Commissioners on October 6, 2020.

**AGENDA ITEM 3:** A Development Order (DO) Hearing request as specified in Section 1.11.08 Development Order Hearing of the Okaloosa County Land Development Code, Ordinance 91-1, as amended. The development is for Beal Paint and Body, a proposed 12,000 SF, 6 bays, 1 story automotive repair service shop. The property is currently zoned **General Commercial (C 3)** with the Future Land Use Map (FLUM) designation of **Commercial (C)**. The property is located on the east side of Martin Luther King, Jr. Blvd., Fort Walton Beach and contains 1.51 acres more or less (within limits of construction).

Deputy County Attorney Kerry Parsons addressed the Board advising procedures for this agenda item consisting of a Development Order Hearing.

Chairman Patrick asked Attorney Parsons to clarify that if the Board approves this item and agree with staff the petitioner’s only recourse after tonight’s meeting is court action.

Attorney Parson’s agreed with the Chairman.

Randy Woodruff read into record Agenda Item 3. Mr. Woodruff advised there was a mediation meeting held July 21, 2020 at 3:00 P.M. Mr. Woodruff advised that both the Petitioners, Beal Paint & Body and their agent, along with County staff were present. The parties were not able to meet a mutual agreement and that is the reason for this hearing. Mr. Woodruff continued with the agenda item.

Chairman Patrick called for the petitioners to speak.

Mr. Ashmore addressed the Board advising his concerns using a power point presentation. Mr. Ashmore began by advising: 1) this was not compatible with the neighborhood, 2) convenience stores were more appropriate for a subdivision not a body shop, 3) environmental concerns, 4) Land Development Code inconsistent definitions, 5) belief that the county Comprehensive Plan is being ignored, 6) land in question was cleared without a development order, and 7) litter concerns.

Chairman Patrick interjected and advised Mr. Ashmore that he needed to keep his presentation to strictly the current issue and not code enforcement concerns and issues.

Discussion ensued.

Mr. Ashmore continued his presentation addressing further concerns: 1) erosion concerns, 2) littering of vehicles on property, 3) storm water retention, 4) noise issues, 5) and parking on undeveloped parcel of land. Mr. Ashmore went on to address his concerns with the County Comprehensive Plan being ignored and asked the Board to deny this development.

Attorney Parsons asked Mr. Ashmore if he would like the Power Point presentation as part of the record.

Mr. Ashmore advised yes. (paper copy of power point presentation on file)

Chairman Patrick called for any further questions. Chairman Patrick then called for the next speaker.

Jennifer Ferman addressed the Board advising she had been sworn to oath. (Ms. Ferman did not fill out a speaker recognition form for records) Ms. Ferman advised her concerns: 1) wanting to keep their neighborhood a great place to live, 2) fact that she knew Commercial land was in front of the neighborhood, but she was not aware that included auto body shops, 3) expectation of County Offices to protect their property values, 4) siting the County Comprehensive Plan concerning compatibility issues, 5) noise concerns, and 6) negative impacts of specific uses for body shop and surrounding area. Ms. Ferman asked the Board not to approve this development without an impartial compatibility analysis, and if an impartial compatibility analysis shows the homes surrounding the proposed development were negatively impacted that the Board deny the development. Ms. Ferman addressed the board asking them to use the Comprehensive Plan as a guideline to achieve the goals set forth for everyone in the County.

Chairman Patrick called for Michael Josemans and was advised that he was the owner of Beal Paint and Body.

Chairman Patrick called for anyone else to speak.

Discussion ensued as to procedure.

Chairman Patrick called for Mr. Siner to speak.

Mr. Siner addressed the Board advising he was representing Beal Paint and Body. Mr. Siner continued by advising the Board that they were there to discuss whether or not the Development Order application submitted to the County had an error in the Land Development Code or Comprehensive Plan. Mr. Siner advised that staff has advised there was no error in the Development Order application submitted concerning the Land Development Code or Comprehensive Plan. Mr. Siner also advised this was entered into the staff report. Mr. Siner continued by address the comments concerning compatibility of the project 1) the parcel was intended to be a commercial property as part of a master plan, 2) the residential component was put there by the same exact developer at the time the master plan was approved, 3) Land Development Code with specific criteria concerning a Level 3 Buffer with the fact they upgraded the buffer for this development on their own, 4) they agreed to a request made by the County for additional fencing along the side, creating a visual buffer, 5) parking lot will be 45 feet from the neighbors back yard, and 6) this site was designed to meet the compatibility for an auto body shop on this site. Mr. Siner addressed the Board advising they have gone above and beyond to make an attempt to design the site compatible for this site and he is asking for a determination from the Board that they have followed the guidelines of the Comprehensive Plan and the Future Land Use Development, Staff has reviewed and approved the project and have prepared an issuance of property, and in his opinion this project meets the Comprehensive Plan and Land Development Code of Okaloosa County.

Chairman Patrick called for questions.

Chairman Patrick inquired if Mr. Siner had any comments about the sound level on the property.

Mr. Siner advised that Okaloosa County had a noise ordinance and this would become a Code Enforcement issue if it were to be violated.

Commissioner Enzor asked Mr. Siner to repeat what he addressed concerning the buffer and what might be on the east side of the property.

Mr. Siner addressed the board advising the east side had the single family dwellings, and the fact that there will be 100 feet from the backside of the proposed building and the back of the rear side of the housing, and to the south is a Commercial piece of property that is undeveloped, and to the north is Florence Ave.

Chairman Patrick asked for more discussion concerning the noise issue.

Mr. Joseman addressed the Board advising he was sworn to oath and with regards to sound levels and he believed that the loudest noise decibel will come from the exhaust fan of the paint booth. Mr. Joseman went to advise: 1) most tools are now batter operated, 2) towing will be at a minimum, and 3) they recycle and meet all EPA requirements.

Discussion ensued concerning paint booths and chemicals.

Mr. Siner addressed the Board advising they were there to address errors that were committed against the Land Development Code and Comprehensive Plan.

Chairman Patrick called for Chris Torres.

Mr. Torres address the Board advising he had been sworn by oath, and his concerns were: 1) Comprehensive Plan and noise levels, 2) property value of neighborhood, and 3) his main concern that the Comprehensive Plan is not being upheld.

Chairman Patrick called for Leroy Richard.

Mr. Richard addressed the Board advising he was opposed to the development for the following reasons 1) heavy traffic on Martin Luther King, 2) difficulty getting out of the neighborhood, and 3) not needing another 24 hour service in their neighborhood. Mr. Richards continued by addressing the Board begging them to say no to the proposed Beal Paint and Body development.

Chairman Patrick called for John Dixon.

Mr. Dixon Addressed the Board asking that they listen to all the great arguments and give them a fair chance.

Chairman Patrick called for Linda Gore.

Ms. Gore declined to speak.

Chairman Patrick called for Jason Kibbler.

Mr. Kibbler declined to speak.

Chairman Patrick called for Gary Oquendo.

Mr. Oquendo declined to speak advising his comments have been addressed.

Chairman Patrick called for Kevin Cruise.

Mr. Cruise addressed the Board advising he had been sworn to oath. Mr. Cruise advised the Board of his concern regarding section 2.10.7 of Land Development Code and the fact they are being asked to address the issues after the facility is built.

Chairman Patrick called for Mr. William Kirby.

Mr. Kirby left the meeting.

Chairman Patrick called for Ms. Taylor Kennedy.

Ms. Kennedy addressed the Board advising here following concerns: 1) safety hazards, 2) noise, 3) changing zoning, 4) sight nuisances, and 5) traffic issues. Ms. Kennedy asked the Board to let this go to the Board of County Commissioners and to let them make the decision.

Chairman Patrick called for Brenda Simmons.

Ms. Simmons addressed the Board advising she had been sworn to oath and her concern that this business will grow and there will be noise issues which have an impact on their homes.

Chairman Patrick called for Jim Malik.

Mr. Malik declined to speak.

Chairman Patrick called for Sharon Hurst.

Attorney Parson administered the oath to Ms. Hurst.

Ms. Hurst advised she was not opposed to garages but wanted the Board to know she grew up in a garage and gave her experience. Ms. Hurst advised her concerns were: 1) chemicals and 2) time limit for anything to get done if they do have complaints.

Chairman Patrick called for Jerry Smith.

Mr. Smith declined to speak.

Chairman Patrick called for any other speakers.

Mr. Joe Buongiorene addressed the Board.

Attorney Parsons administered the oath to Mr. Buongiorene.

Mr. Buongiorene addressed the Board advising his concerns were for: 1) chemical pollution, 2) noise pollution, 3) light pollution and 4) Martin Luther King traffic issues.

Discussion ensued concerning lighting ordinances.

Mr. Siner addressed traffic concerns on Martin Luther King Blvd and the limited accress on the roadway. Mr. Siner went on to address the fact that there are six body shops on Green Acres, and to his knowledge this will be the first one on Martin Luther King Blvd. Mr. Siner advised his client bought this piece of property with the understanding that he would be able to build an auto body shop and advising to his knowledge there has been no error in the procedure of the Development Order process for this project.

Chairman Patrick called for the Petitioners.

Ms. Fernan addressed the Board advising yes it may be allowed but the compatibility and impact on the surrounding area needs to be looked at and if it will have a negative impact on the surrounding area. Ms. Fernan advised they were asking for a better compatibility analysis to look at the impact on the neighborhood.

Chairman Patrick called for Mr. Ashmore.

Mr. Ashmore advised the Board that the Traffic study had to be resubmitted due to insufficiency when first submitted to Growth Management. Mr. Ashmore continued by readdressing traffic concerns.

Ms. Fernan again addressed the Board advising traffic concerns.

Attorney Parsons inquired if the traffic concerns were in the memorandum of error for either applicant. Attorney Parsons inquired where the traffic concerns were listed in the memorandum of error for the record.

Ms. Fernan advised she does not believe it was directly in the memorandum but she believes it referred to compatibility and it should be included.

Chairman Patrick called for any further discussion and closed the meeting to Public comment asking for a motion.

Discussion ensued.

***Motion to deny the Development Order made by John Collins based on his opinion that it is not compatible with single family residential. No second. Motion does not pass.***

***Motion made to approve the Development Order made by Phyllis Enzor.***

Chairman Patrick clarified the reasoning behind said motion by inquiring if there is a statement defining the fact that development order is in compliance with the Land Development Code and Comprehensive Plan.

Commissioner Enzor advised clarified her motion.

Chairman Patrick called for a second to Commissioner Enzor’s motion.

***Jeremy Stewart made a second to Commissioner Enzor’s motion***.

***Motion made to approve the Development Order made by Phyllis Enzor, to include the statement defining the fact that the development order is in compliance with the Land Development Code and Comprehensive Plan, second by Jeremy Stewart. 3 Ayes (Enzor, Stewart, Patrick). 2 –No (Collins, Ravan). Motion passes.***

1. **OTHER BUSINESS**

The **OCTOBER 8, 2020** Planning Commission Meeting will be held at the Destin-FWB

Convention Center, 1250 Miracle Strip Pkwy SE, FWB FL 32548

Chairman Patrick adjourned the meeting at 7:30 pm.

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

Leslie Adams, Recording Secretary

Date 10/07/20