AGENDA ITEM 1

PLANNING COMMISSION

AGENDA REQUEST

TO: HONORABLE CHAIRMAN & MEMBERS OF THE PLANNING COMMISSION

THROUGH: Elliot Kampert, Director

FROM: Planning & Development Review Staff

SUBJECT: 405340-BCC-2016 and 405341-BCC-2016, Request for plan amendment and rezoning, JRW Investments, LLC

DATE: November 10, 2016

BCC DISTRICT: (3) Commissioner Boyles

PLANNING COMMISSION DISTRICT: (3) Jeremy Stewart

PUBLIC HEARING: Consideration of a request changing the use of land submitted by JP Engineering as agent for JRW Investments, LLC relating to property located at 106 Pamela Ann Drive, Fort Walton Beach. The request is to change the Comprehensive Plan Future Land Use Map (FLUM) designation for the property from Low Density Residential (LDR) to Mixed Use (MU). If the FLUM amendment is approved, request to rezone the property from Residential – 1 (R-1) district to Mixed Use (MU) district. Property contains 1.78 acres, more or less.

STAFF FINDINGS:

- The property involved is Lots 3, 4, 5 and 6, Block 6, Alexander Heights Subdivision recorded in July, 1959 and the north 33 feet of a portion of Anders Street between Block 5 and 6 east of Pamela Ann Drive that was vacated June, 1982 (BCC Res. No. 6F-108). The application shows size of the property at .58 acres, however, the Property Appraiser’s website shows it at 1.78 acres (Exhibit 1).
- The applicant is requesting the change “To provide additional office space along the State Road 189 corridor, centrally located between Eglin AFB and Hurlburt Field and nearby courthouse location.” However, this is not binding upon the applicant or assigns.
- The applicant owns the office building immediately north of the subject property. Across Pamela Ann Drive fronting SR 189 is a vacant commercial property already zoned MU owned by Watts Investments, Ltd., and adjacent to that is another office building owned by Watts Management, Inc. (Exhibit 2).
- The purpose of the MU FLUM category is to provide areas for a functional and compatible mix of land uses which may include a mix of residential housing types as well as a mix of residential and nonresidential uses including Planned Unit Developments, commercial mixed use, residential mixed use, or other types of mixed use.
- The MU FLUM category allows “Residential, commercial, institutional, recreation, agriculture, conservation, or any combination thereof, including individual buildings that may contain a mixture of uses. For development enabled by this category compatibility screening and buffering shall be required as specified in the Land Development Code.
between allowable MU uses and adjacent residential uses, however, such screening is not required between uses within the boundaries of an MU development project.”

- **Location/Designation criteria for the Mixed Use category expressed in the Comprehensive Plan, Future Land Use Element, Policy 10.1 is as follows.**

  The MU category may be allowed either inside or outside the urban development boundary. The MU category may be applied to areas of existing mixed use development or as a means of encouraging compact, sustainable development patterns on an area-wide or parcel-specific basis for purposes of creating new mixed use areas, redevelopment, land assembly or related purposes. The percentage distribution among the mix of uses shall be no less than 50% any type of a predominate allowable use as specified herein in combination with one or more allowable uses which may be applied on a parcel-specific or area-wide basis, or the percentage distribution of uses may be applied based upon the following objective measurements: size of the property involved; use and character of the surrounding area; the extent of changed conditions and circumstances in the area; availability of utilities and services to support the uses allowed, and; the extent to which the mixed use designation would encourage a compact, sustainable pattern of development.

- The MU designation in the vicinity of the amendment was done to accommodate the existing mix of land uses in the area at the time the FLUM was created. These uses were primarily commercial interspersed with some residential (see Attachments B and C).

- Any new MU designation should be in keeping with the location/designation criteria specified above which calls for no less than 50% of allowable uses to include both residential and commercial uses.

- The purpose of the MU zoning district is to provide areas for a variety of housing types as well as a functional mix of residential and non-residential land uses. The MU district is intended to implement and put into regulatory effect the provisions of the “Mixed Use” future land use categories established in the Comprehensive Plan.

- The MU zoning district allows all R-1, R-2, and R-3 permitted uses as well as all C-2 permitted uses. All C-3 uses may be allowed when the property involved fronts upon an arterial or collector roadway and there is no access to the commercial part of the property through a residential area or residential-zoned area (all C-2 and C-3 bulk regulations shall apply).

- The purpose of the C-2 zoning district is to provide areas for relatively low intensity, neighborhood-serving business enterprise intended to serve the sales and service needs of adjacent or nearby residential areas. The C-2 district is intended to implement and put into regulatory effect the provisions of the “Commercial” future land use map category by designating suitable locations for small-scale commercial facilities within or adjacent to areas or neighborhoods which are essentially residential in nature, and to facilitate the development of small retail and service establishments in close proximity to residential land uses in order to encourage pedestrian activity and otherwise reduce the number and length of automobile trips, as well as providing increased convenience to all users.

- Allowable C-2 uses are attached as Exhibit 3.

- The Comprehensive Plan, Future Land Use Element sets forth policies regarding FLUM changes and rezonings as follow.

  **Policy 4.4** Compatibility of adjacent zoning districts shall be considered during rezoning and land use plan amendments, considering potential maximum densities, intensities, and consistency of the potential land uses with surrounding districts, and the manner in which the land uses on the FLUM and zoning districts result in an appropriate transition.
of uses, densities, and intensities (also see Policy 10.13).

**Policy 10.13** It is the intent of the County that the application of zoning districts for the implementation of the land use categories in this comprehensive plan provide for transition from more intense development to less intense development. Transition means that there is a gradual decrease in the allowable densities and intensities from one district to the next, with the most intense districts near municipal boundaries or areas of intense urban development. The consideration of the degree to which zoning districts accomplish transition between land uses shall be a part of the review process for land use plan amendments and changes to zoning.

- The “Mixed Use” FLUM category and zoning district was intended to accommodate areas of existing mixed land uses, and future development of mixed use as part of an overall planned scheme of development. It was not intended to allow de facto commercial uses into an otherwise residential area.
- It is the staff opinion that: 1) the proposed FLUM amendment and rezoning does not promote an orderly and logical pattern of land uses appropriate to the area; 2) the requested action has the effect of introducing potential incompatible commercial intrusion into a predominately single-family dwelling residential area, and; 3) the MU FLUM designation and MU zoning would allow commercial activities that could have the potential to upset the integrity and residential character of the surrounding neighborhood which could diminish residents quiet use and enjoyment of their property.
- It is staff opinion that maintaining the current LDR FLUM category and R-1 zoning is in furtherance of the compatibility and transition statements expressed in Future Land Use Element, Policies 4.4 and 10.13. The requested MU zoning does not provide an adequate transition as stated in Policy 4.4 thereby increasing the potential for incompatibility nor does it provide for a transition from more intense development to less intense development as stated in Policy 10.13.
- Planning staff has consistently and routinely objected to FLUM amendments and rezonings that allow commercial encroachment along residential streets away from major highways and into established residential areas.

**PUBLIC COMMENT/OPPOSITION:**

**STAFF POSITION:** Staff objects to the proposed FLUM change and rezoning for the reasons stated above.

**RECOMMENDATION:** It is recommended that the Board consider the facts presented herein, as well as any facts that may be presented at the public hearing, and then make a recommendation to the Board of County Commissioners.

**BOARD OF COUNTY COMMISSIONERS:** Scheduled for December 20, 2016 at 6:30 PM in the Okaloosa County Administration Building, Shalimar.

**ATTACHMENTS:**

A – Location Map
B – Aerial Photo
C – Existing Land Use Map
D – FLUM/Zoning Map
E – Proposed FLUM/Zoning Map
F – 1 Mile FLUM/Zoning Map

**EXHIBITS:**

1 – Property Appraiser Map
2 – Property Appraiser Map
3 – Neighborhood Commercial (C-2) Permitted Uses

TJ/tj
GIS ANALYSIS RESULTS

Date: 9/28/2016

Project: 25-1S-24-0020-0006-0030/0040

Permit: 405340-BCC-2016 & 405341-BCC-2016

Property Address: LOCATED AT 106 PAMELA ANN DR, FORT WALTON BEACH 32547

Zoning: R-1

FLU: LDR

1990 FLU: MDR

Fire District: OCEAN CITY-WRIGHT

Commissioner District: 3

Census Tract: 21700

Soil Type: 12 –Lakeland sand – 0 to 5% slope, excessively drained, permeability is rapid, the available water capacity is very slow, and runoff is slow.

Wind Zone: GREATER THAN 140 IN THE WIND BORNE DEBRIS AREA

Flood Zone: NO

Map Number: 12091CO 455H

Storm Surge Area: NO

Urban Development Area: YES

Water Efficient Area: YES

Wells: None

Environmental Data: NO

Historical Data: None

Wetlands: Uplands

Water and Sewer: OCWS

Within 3 mile of an Airport: NO
Legend

Roads

Location Map
Existing Land Use Map
ATTACHMENT - F

25-1S-24-0020-0006-0030/0040

FLUM Legend
- LDR
- MU

ZONE Legend
- R-1
- MU

1 Mile FLUM & Zoning Map
Okaloosa County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.
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2.09.00 NEIGHBORHOOD COMMERCIAL DISTRICT (C-2)

2.09.01 Purpose: The purpose of the Neighborhood Commercial (C-2) district is to provide areas for relatively low intensity, neighborhood-serving business enterprise intended to serve the sales and service needs of adjacent or nearby residential areas.

2.09.02 Intent: The C-2 district is intended to implement and put into regulatory effect the provisions of the "Commercial" future land use map category by designating suitable locations for small-scale commercial facilities within or adjacent to areas or neighborhoods which are essentially residential in nature, and to facilitate the development of small retail and service establishments in close proximity to residential land uses in order to encourage pedestrian activity and otherwise reduce the number and length of automobile trips, as well as providing increased convenience to all users.

2.09.03 Location/Designation Criteria: Lands to be designated as, or rezoned to, Neighborhood Commercial districts should be located outside residential subdivisions unless planned as part of the residential subdivision and should be located primarily on arterial or collector roadways. This district may be located either inside or outside the Urban Development Area Boundary.

2.09.04 Permitted Uses: The following uses are allowed as of right in the C-2 district. All other uses are permitted by special exception or prohibited.

1. Retail sales/service shopping centers not to exceed 30,000 square feet in gross floor area.
2. Food service establishments.
3. Convenience stores.
4. Gasoline service stations.
5. Drug stores/pharmacies.
7. Dry cleaners (pick-up and delivery only).
10. Novelty/variety store.
11. Auto parts stores.
12. Package stores without consumption on premises.
13. Indoor and outdoor recreation.
14. Professional and medical offices.
15. Bed and breakfast inns.
16. Off-site signs (billboards)

17. Communications towers.

18. Residential uses with a residential density of 10 dwelling units or less, and provided that adjacent commercial uses shall not be required to install compatibility buffers or mitigation against the residential use.

19. Utilities such as power lines and electric power substations, water mains, sewer mains, pump stations, water supply wells, and other similar facilities necessary for the collection, transmission, or distribution of utility services.

20. Car wash.

2.09.05 Special Exceptions: The following uses may be allowed by the granting of a special exception by the Board of Adjustment.

1. Electric power substations which can demonstrate compatibility with the surrounding area through site-specific setbacks, buffering, and other conditions appropriate to the area within which the substation is proposed.

2. Other uses similar to the permitted uses appropriate for the comfort and convenience of adjacent or nearby residential areas. These shall be determined on a case-by-case basis in consideration of the following criteria: hours of operation; traffic; noise; lighting; odor, and; the potential for creating public nuisance.

2.09.06 Bulk Regulations: Maximum impervious surface coverage shall be no greater than 75% and a floor area ratio (FAR) of 0.75. Maximum building height shall be no greater than 45 feet. Minimum 10 foot front setback. Residential building setbacks shall be applied based on the type of building i.e. single-family: R-1 setbacks; duplex: R-2 setbacks, etc. See Section 2.19.00 for possible additional requirements.